Undercover Reporting
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Beyond slavery and its near relations, beyond sexual predators, tramping, homelessness, factories, food, migrants, prisons, hospitals, asylums, fanatics, extremists; beyond the startling practices featured in the chapters just ahead, plenty of other subject areas and issues have lent themselves to undercover treatment. Some highlights:

The social change-oriented 1960s yielded a number of award-winning undercover exposés, especially those for which reporters took on the role of public watchdog. The decade’s one Pulitzer winner for the genre was Edgar May’s fourteen-part series in 1960, described by his newspaper, the *Buffalo Evening News*, as a full examination of “one of the most pressing and costly problems of 1960—public welfare.” It took six months of research to complete and involved the effort of the newspaper’s staff in Buffalo, Albany, and Washington as they interviewed authorities and reviewed the “detailed private surveys of New York State welfare agencies.”¹ And yet the Pulitzer went to May by name, singling out his three-month pose as an Erie County welfare caseworker.²

To get the job, May took a leave from the newspaper³ and identified himself as “E. Pratt May,”⁴ concealing his actual employment
status by referring to his work for the Buffalo paper as “previous.” This very finesse of the truth was one that editors would shun by the time Tony Horwitz was filling out his employment applications in 1994, insisting on particular care to avoid that kind of misstep. The shift signified a tightening of ethical standards as public criticism of journalistic practices heightened generally. Undercover practice, in particular, also evolved in the aftermath of those costly courtroom reviews, such as the Food Lion case. This was also a period during which journalism professionalized as a field. For example, David H. Weaver and colleagues report progressively in their three studies of the American journalist that in the thirty-one years between 1971 and 2002, the proportion of full-time U.S. journalists at mainstream news outlets who had at least a college bachelor’s degree rose by about a third, from 58 percent to 89 percent.

For May, the very experience of doing casework as a regular county employee was not only essential to the detailed reporting he was able to produce, but the experience transformed him personally. Within just a few weeks of being “simply a newspaper reporter masquerading as a welfare worker,” he lost the need to pretend. “I fully became a caseworker,” he wrote. “I found myself thinking like a caseworker. I became annoyed and angry like a caseworker.” He did not inform the Erie County Department of Social Welfare of his real intent, nor did anyone at the welfare department find out that he was a reporter until the first article appeared. Several years later, May built on the passion for the subject that his undercover reporting had piqued and did an even more thorough examination of welfare policy in a book called *The Wasted Americans*.

Based on reporting from the late 1950s into the early 1960s, at least three books in addition to May’s grew out of award-winning
undercover newspaper investigations, all the work of journalists for the *New York World-Telegram & Sun*. George N. Allen’s *Undercover Teacher* appeared in 1960, the year after his award-winning newspaper investigation, but the others took longer to reach publication as books. Dale Wright’s *They Harvest Despair* was published in 1964, three years after his 1961 newspaper series, and Woody Klein’s *Let in the Sun* came out four years after his newspaper series in 1959. A fourth undercover investigation by the *World-Telegram & Sun* in this period was Michael Mok’s exposé of the mistreatment of mental patients at King’s County Hospital in Brooklyn. Although it won the most prestigious national award of the four, the Albert Lasker Prize, it did not evolve into a book. In fact, not since Nellie Bly’s *Ten Days in a Madhouse* did a blockbuster newspaper or magazine asylum exposé develop into a book—not the *Chicago Daily Times*’ in the 1930s, *Life*’s in the 1940s, Mok’s in 1961, or the *Tennessean*’s in the 1970s.

Klein’s book, “the tragic story of a New York tenement—the landlords and tenants, the politicians and social reformers who made it a national disgrace,”9 grew out of three months10 of reporting in summer 1959 as an undercover tenant of 311 East One Hundredth Street, where he endured the “overpowering stench”11 of what at the time was considered the worst slum tenement on the worst slum block in New York City, a place of “animal-like overcrowding, prostitution, gambling, drunkenness, fire and building violations, petty thievery, lack of water, air, heat and light,” not to mention “filthy buildings, unscrupulous rent-gouging and exploitation.”12 By centering his narrative on one East Harlem building, Klein hoped to symbolize the conditions under which a fifth of the U.S. population was living at the time, some 38 million people, and to attempt to understand the how and why of an American blight.13 His series won a Page One Award from the
Newspaper Guild of New York and a Sigma Delta Chi Award for outstanding journalistic achievement in the New York metropolitan area. Telling is a detailed academic critique of the strengths and weaknesses of Klein’s work. Published almost a decade later by a housing policy expert, it questioned Klein’s implications and presumptions about, for example, the impact of constant turnover on property conditions, and if gross rental receipts, which appeared to be sizeable, actually translated into large profits for slum owners. The writer’s wider assessment of Klein’s work pinpointed a paradox inherent in many undercover assignments of this kind: “Written from the gut; it provides an emotional catharsis, non-statistical and nonacademic.” But that same “emotionalism and crusading zeal” becomes both the work’s greatest strength and its greatest limitation.

In 1966, Jay McMullen, on assignment for CBS, undertook a similar project for which his team lived for more than a year in a low-income tenement in Chicago. McMullen’s strategy was more onion peel than undercover. The team members waited three months to start disclosing their actual purpose to local residents and did not even think about starting to film until they sensed they had a reasonable level of acceptance. McMullen later recalled how much he wanted to avoid the errors of other television and radio reporters who stuck microphones in the faces of people they did not know, or who confined their interviewing to the most accessible and media savvy members of a given community, usually the activists, who, it soon became clear, did not necessarily represent the local majority. As McMullen explained to Irv Broughton, the team’s black cameraman and soundman moved into the ghetto first, both to get to know people and to assimilate into the local scene, so as to attract less attention. They told people they were interested in making a film around the neighborhood. Gradually,
McMullen joined them and introduced the idea of the involvement of CBS. “We found that as we got to know them, the easier it was to talk to them and the more frank they would be in what they had to say,” McMullen recalled. “But it took a long period of time.” His central purpose, he said, was to make white people more familiar with the predicament of poor black people who were living in tenements “at a time when the two races were at a point of extreme frustration.” The documentary, called *The Tenement*, won the Sidney Hillman Award in 1967, one of the many honors McMullen received over the years.

The cover blurb on the book jacket of *Undercover Teacher*, published in 1960, described what Allen had done as an effort “to report on a crime-ridden school from the inside.” In fall 1957, the year before Allen went undercover, New York’s public schools had been “engulfed by a wave of violence the like of which had never before been experienced by any school system in the nation,” involving a range of crimes from vandalism, arson, robbery, and extortion to assaults on children and teachers, stabbings, rapes, and death threats.

His sixteen-part series ran in the *New York World-Telegram & Sun* from November 12 to December 1 of 1958 and earned him a Newspaper Guild’s Heywood Broun Award for that year and an alumni award from Columbia University. Allen’s is the earliest known of a number of undercover looks at educational institutions for which reporters have posed as teachers, administrators, or students. The duration of these excursions has varied from a few days to a semester to as long as a full school year. Allen spent about two and a half months as an English teacher at John Marshall Junior High School in Brooklyn, credentialed a few months earlier as part of the assignment. He prepared by taking three education
courses at Columbia Teachers’ College and obtaining a substitute teacher’s license with a falsified employment history.23

Apropos the blithe willingness of journalists in the pre–Food Lion days to concoct lies on applications, Allen was no exception. Without a hint of apology, he explained that under instructions from his editor, he invented a background that contained no reference to his employment as a newspaper reporter, present or past. He convinced Levering Tyson, his future wife’s employer, of the project’s merit and got him to serve as a faux employment reference for a job Allen never held at Columbia University, his college alma mater. At the time, Tyson, a former college president and university chancellor, was special assistant for alumni relations to the university’s president.24 As for Allen’s expenses during the assignment, his editor instructed him to submit them under the heading of “air pollution feature” to keep the accounting department and others in the dark.25

The impact of the newspaper series was huge. Allen devoted the whole of the book’s last twenty pages to the “swift and outspoken” public reaction the series generated.26 Time magazine covered the project twice, admiring Allen’s findings about a school that had become notorious the preceding winter “after a month of hoodlum invasions, assaults and an alleged knife-point rape in a school basement ended in the suicide of Principal George Goldfarb.”27 The judge presiding over a Kings County grand jury investigating the school offered lavish praise.28

Public response to the series, which Allen reprised and documented in his book, was overwhelmingly positive, but it also included some scathing attacks on Allen’s method. Classroom teachers, although prohibited by public school policy from allowing their names to be published, were nearly unanimously favorable, as evidenced by the calls and letters Allen said he received. Two
national newsmagazines in addition to *Time* reported on Allen’s ruse, prompting an influx of mail from teachers, parents, educators, and school board members elsewhere that indicated similar conditions in their home districts. He heard the same from teachers in Canada and England. Allen testified for three days before the Brooklyn grand jury—it had been investigating the school for more than a year—effectively allowing him to put the articles into the judicial record. As a consequence of the series, he said, the jury asked to have its term extended.  

Allen’s detractors included the New York City school board, the superintendent of schools, and the administrators at John Marshall Junior High. All roundly rebuked the newspaper for having “invaded the sanctity of the classroom.” After the first piece in the series appeared, Allen said School Superintendent John J. Theobald charged that the story was unfair and would damage the school system. He demanded that no further articles run. Editors at the *World-Telegram & Sun* offered to print alongside the series any comments he or the school’s principal cared to make, even volunteering to make the next day’s installment available twenty-four hours in advance, but Theobald declined and then threatened Allen with indictment for perjury because of the fictionalized job history on his application to teach. Investigators looked into Allen’s brief teaching career, the circumstances surrounding his assignment, and the school conditions he described. It led to a revocation of Allen’s teaching license and a resolution to condemn his actions for seriously violating the moral and ethical standards of the teaching profession and for effectively invading the privacy of students by “using the special privilege of the position of teacher as a vehicle for sensationalism.” The resolution was never implemented and there was never any indictment.
In 1988, Emily Sachar, after two years of award-winning coverage of the Board of Education for *New York Newsday*, used her own name to apply for a teaching license in May of that year. She expressed a desire to get beyond “the splashy front-page stories and nods of praise from senior editors” and into the schools themselves. She hoped to penetrate, in ways her reporting had not, the “ongoing human and civic disaster” that was the New York City public school system of the late 1980s. Deciding to teach, she later said, was an opportunity to trade “a vicarious existence for a desperately consequential one,” and if it didn’t work out, she could always write a series of articles about the experience. As it happened, she returned to the newspaper at the end of the 1988–1989 school year, which she spent as an eighth grade math teacher at Walt Whitman Intermediate School in the Flatbush section of Brooklyn. The newspaper held her place for that year of unpaid leave, with no obligation for her to write about the experience, a courtesy for which she thanked her bosses in her acknowledgments. Her newspaper series, *My Year as a Teacher*, ran from November 27 to December 6, 1989, and became the basis for her book, *Shut Up and Let the Lady Teach.*

A number of journalists have looked or been young enough to bring off convincing poses as students. As a twenty-eight-year-old, *New Yorker* writer David Owen joined the class of 1980 for the fall semester “at a large public high school forty-five minutes outside New York City” (in another rendering, the distance was given as two hours). Owen presented himself as a seventeen-year-old senior, a transfer student, who was then admitted to the school on the strength of a fabricated transcript. His purpose? To find out “if I could rediscover something of the old hormonal intensity of adolescence,” if he could come to understand the connections
between being a teenager and being an adult—from the vantage point of the adult he now was—and could find out what the teenagers of 1980 were all about in the process. Only his wife was in on the secret.33

The same year, Cameron Crowe’s *Fast Times at Ridgemont High* chronicled the year he spent with the permission of the principal at a public high school, one that he had attended for summer school seven years earlier. Crowe’s efforts also became a film.34 In 1986, as a very young reporter for the *Milwaukee Journal*, Vivian S. Toy, just a year out of college, posed as a high school student for three weeks for a series the newspaper ran in the newspaper’s Sunday magazine in October 1986.35 Toy, who moved on to report for the *New York Times*, recalled that her articles attracted both praise and criticism—criticism from the newspaper’s ombudsman, too—because of their undercover dimension. In the end, she said, the reader representative approved of the project because it wasn’t intended to be a “gotcha” exposé, but rather an inside look at the Milwaukee high school student experience of 1986, and because the newspaper had taken careful pains to obtain prior authorization. Toy said the newspaper had gotten advanced permission from the school district and that the superintendent was very supportive. All the teachers had been told in advance, and their names were used when quoted. Students, however, were given pseudonyms to protect their privacy. “There was one first-person piece,” she said, “but the rest was a fly-on-the-wall perspective. We didn’t use [the first person] as a device, which was the point. We wanted to show people what high school in the 1980s was like. We got tons of feedback from readers.”36

Toy said the *Journal* was especially careful in preparing for the assignment in light of a story making the journalistic rounds at the time. Leslie Linthicum, a twenty-four-year-old reporter for the
Albuquerque Tribune, presented herself with falsified documents as a seventeen-year-old transfer student named “Leslie Taylor”—“my graying brown hair freshly dyed, fingernails youthfully nibbled, clutching a new, red, three-subject binder”—to spend eleven days as a student at Eldorado, the city’s “best” and “biggest” high school. Registering was no problem; her cover story was that she needed a few credits to graduate. A gas bill verified her residency in the district and although she was asked to provide a transcript from her Pennsylvania high school, the administrator allowed her to start classes without it by having her jot down the credits she had earned.

Public reaction to the articles Linthicum based on her experiences was “swift and vehement,” she later recalled for an ethics report. The newspaper published letters to the editor for days. “Students, teachers, parents and school administrators reacted with shock and anger, not to the meat of the articles but to the ethics of the method. They felt violated, intruded upon, and tricked into trusting an individual who lied for no good purpose.” Major complaints beyond the false identity included the judgments she made after so brief a period of observation and the conclusions she drew from isolated incidents, such as her report of a teacher asking her to read To Kill a Mockingbird in class rather than assigning it as homework and devoting class time to discussion. The principal, in a later interview with the newspaper, explained that the teacher in question, an exceptionally fine one, had resorted to the technique that day because she was suffering from a case of severe laryngitis. “You can almost anytime catch someone picking their nose if you look at them long enough,” he quipped. Linthicum stood by her approach and her results, but with little affirmation from the public or her peers. The major issues appear to have been two: a questionable purpose for the project and harm done to people who were identifiable and unfairly subjected to ridicule.
The pitfalls have not stopped production. In 1992, the *San Francisco Chronicle* created strict guidelines for Shann Nix, a reporter who went undercover at a local high school during a “growing crisis in the public schools and the crippling effect of the budget cuts on education,” as did the *Minneapolis Star Tribune* for its reporter’s sojourn as a student in women’s studies at a local college. Later iterations of the scheme have largely been focused on the novelty of the experience. These include Jeremy Iverson’s 2007 book, *High School Confidential: Secrets of an Undercover Student*, and at the college level, Rebekah Nathan’s 2005 *My Freshman Year: What a Professor Learned by Becoming a Student*.

Television, although still in its early years, already had pioneered the undercover documentary by 1961 when McMullen produced *Biography of a Bookie* for CBS, giving him the reputation of being television’s first investigative reporter. By focusing on a bookie joint run out of a key shop in Boston, McMullen was said to have captured not only “the look and feel and smell” of the illegal gambling industry, but its magnitude. CBS not only traced the various complaints against the shop that had been squelched by the Boston Police but triggered a crackdown by giving the information it gathered to the U.S. Justice Department. McMullen later told his interviewer that the show took eight months to produce and then more than a year after that to defend the documentary’s every frame, including charges that the men in police uniforms caught going in and out of the shop actually were actors, or that the footage was stock. (To film, McMullen used a lunch box to conceal the hidden cameras and microphones that documented police entering and leaving the shop and ignoring a small curbside stove that the gamblers used to destroy evidence of their bets.) Asked if he considered himself a “subtle or sneaky” person,
someone who “approaches things obliquely,” McMullen said he didn’t think so, and that his preference was always to sit down and talk things over with someone. “But,” he said, “there is no way you could do that with this kind of story.” He said Bookie was the first time he had ever attempted this sort of thing on television.  

William Jones won a Pulitzer in 1971 for the Chicago Tribune for an investigation of private and public ambulance services that involved his pose as a driver. In 1973, the newspaper’s expansive voter fraud investigation also won a Pulitzer, largely on the strength of evidence collected with elaborately surreptitious tactics during the 1972 election season. Twenty-five years later, Clarence Page, the Tribune columnist, was moved to recall his role in that project in a piece he wrote in reaction to the initial $5.5 million judgment against ABC in the Food Lion case, which was later so dramatically reduced. Page recalled working undercover as a poll watcher as part of the investigative team, actually one of twenty-five people the newspaper assigned to become poll watchers for the project, seventeen of whom were Tribune reporters along with eight independent investigators. Over four weeks, they had access to forged signatures on applications for ballots and other documents that verified fraud. Another journalist was reported to have concealed his identity to get a job at the Chicago Board of Election Commissioners, and yet another holed up in an apartment across from a polling place to monitor activity, exposing the systemic nature of the fraud. The series prompted a change in state election law.  

Page, much earlier in his career, as an intern at the Dayton Journal Herald in Ohio, posed as an apartment buyer to uncover any racial bias in the local housing market, a test since performed by various newspapers dozens of times. Of Food Lion, Page pointed out that the jurors, when interviewed after the trial, reacted negatively to the notion of journalist misrepresentation in general and
seemed to imply that they wanted undercover reporting to stop. To this, Page’s reply was, “Never say never.” He elaborated by musing on whether the first juror, who happened to be African American, would have reacted as negatively to misrepresentation had the case been about fair housing. For black and white teams of “testers” to pose as homebuyers in efforts to expose racial bias in real estate practices had all the marks of “lying, fraud, misrepresentation and trespassing,” Page wrote. And yet the practice is one that federal regulators routinely employ.53

In between the Pulitzer Prizes won by the Tribune for voter fraud in 1971 and for von Solbrig four years later, the 1974 prize went to William Sherman of the New York Daily News for his series on abuses in the administration of Medicaid. That project pivoted on Sherman’s pose as a Medicaid recipient, aided by a photographer who presented himself as Sherman’s cousin. Support for the project came from both the city’s Health Department and its Human Resources Administration, two agencies with a vested interest in “fighting hard to stem abuse of the Medicaid system.”54 Officials involved with the project helped arrange a temporary Medicaid card for Sherman for the duration of the probe.

On publication, the Daily News told its readers that the project had involved “not only a lengthy field inquiry, but an exhaustive examination of city records and candidate interviews with public officials.”55 For the first of fourteen installments that appeared in late January and early February 1973, Sherman disguised himself as a welfare client complaining of nothing more serious than a common cold for visits to three different medical offices in the Ozone Park neighborhood of Queens. (Nellie Bly did something similar in 1889. With the complaint of a migraine, she visited seven doctors and got seven different diagnoses.)56 Similarly, physicians
at the offices Sherman visited referred him to a foot doctor, an internist, and a psychiatrist, from whom he cumulatively received six different prescriptions with instructions in some cases to have them filled at a specific pharmacy. He also underwent an electrocardiogram, three blood tests, two urine tests, and a chest x-ray. A cold? a first-day headline in the series asked, TAKE 3 DOCTORS EVERY HOUR.

In August 1983, Philip Shenon of the New York Times randomly picked out a welfare hotel and moved in for three days and nights to get a sense of what life was like for New York City’s thousands of displaced families. It was a far shorter duration of assignment than McMullen’s Chicago tenement sojourn of 1966, but Shenon used an accelerated version of the same strategy of entry. He didn’t introduce himself to anyone right away. In an internal publication of the Times, Shenon explained the freedom it gave him not to have to reveal himself too soon. For one thing, the manager didn’t kick him out and for another, it gave him time over the first day and a half just to wander around the hotel, watching the tenants and observing the conditions in which they were living as they lived them. Interviewing started in the afternoon of the second day and at that point he identified himself as a Times reporter. “I wore a Walkman, which often sparked conversation,” he said. “The young kids kept pulling the earphones from my neck to listen to the music. As they listened, I talked to their parents.” Although he did not use the first person, and plenty of people were quoted by name, Shenon’s piece included what only could have been his personal observation: the stifling heat and smell of overcrowded rooms without air conditioning or fans, the bugs crawling on the bed sheets, the thin walls, the wakeful children,
and the men in flipflops that “bat against the stairs, making a noise like gunfire.”

And, he later pointed out that a huge advantage of not disclosing his affiliation—and by extension a big advantage of reporting undercover in similar circumstances—is that he knew for certain that nothing had been staged expressly for the benefit of a reporter for the *New York Times*.61

Abortion, too, has resurfaced periodically since August 23, 1871, when *New York Times* editor Louis Jennings assigned a reporter, Augustus St. Clair, to pose with a “lady friend” as a couple seeking someone to perform the procedure. The would-be couple spent several weeks visiting all of the relevant offices in the city. *Evil of the age* was the headline over St. Clair’s story, which described how human flesh, supposed to have been the remains of infants, was found decomposing in barrels of lime and acids62 and how extravagantly the practitioners were living.63 In one instance, St. Clair reported that he drew a revolver (!) to escape from one doctor who suspected the couple’s real motive. Four days after St. Clair’s story ran, a woman’s nude body, bruised around the pelvic region, was found inside a trunk at a railway baggage station, leading to the arrest two days later of one of the doctors St. Clair mentioned in his first article. St. Clair followed up with a report in which he said he had seen the young woman at the doctor’s Fifth Avenue clinic. She was later identified as an orphan named Alice Mowlsby,64 whose “seducer,” Walter Conklin, committed suicide. The doctor, Jacob Rosenzweig,65 was sentenced to seven years in prison. Soon after, the state passed stricter abortion laws.66

The huge success of the Nell Nelson factory life articles in the *Chicago Times* in 1888 gave the publisher, James J. West, another
idea, as the circulation spike prompted by her stories began to flatten. He wanted Charles Chapin to assign a man and a woman to pretend to be sweethearts and to find out from various doctors in the city, à la St. Clair, where they could get abortion services. Chapin flatly refused, declaring it was the “yellowest suggestion ever made in a newspaper office” and that he would quit before assigning it. Chapin thought his refusal ended the discussion and paid no mind when West a few weeks later asked him to send a male and female reporter to see him for some special instructions. It wasn’t until Chapin walked into the composing room on December 11 to find the abortion series being set into type that he understood what the publisher had done. Chapin confronted West and demanded that the series be pulled. West refused, the series ran, and Chapin quit in protest as threatened.

Later undercover abortion projects included a 1976 sting published by the New York Post. Two researchers for a New York–based advocacy group submitted male urine specimens for testing at two different abortion clinics and were told they were pregnant. Once confronted, the operators of the facilities blamed human error. Two years later, in 1978, the Chicago Sun-Times produced a major series by Pamela Zekman and Pamela Warrick with the Better Government Association, headlined The abortion profiteers. The catalog of findings included dozens of procedures performed on women who were not pregnant or were over the legal twelve-week limit; women who became sterile because of haphazard care and an unsterile clinic; women who suffered from internal damage, debilitating cramps, infections, and damage to their reproductive organs that required removal; incompetent or unqualified practitioners; and the performing of the procedure in an excruciating two minutes instead of the proper ten to fifteen minutes. The stories also focused on the profiteers themselves,
naming names, and in counterweight, profiled two safe, compassionate clinics. The series prompted the newspaper to announce that it would stop publishing ads for abortion clinics, as it was not in a position to “determine safe and sanitary conditions at all the abortion counseling services and clinics which advertised in our classified pages.” As for results, the *Sun-Times* later reported that one doctor had his license revoked, various members of Congress on both sides of the aisle called for an investigation, and a permanent injunction was issued against one of the clinics, prohibiting it from performing abortions. Later, *Sun-Times* reports mentioned “business as usual” at clinics that had been investigated as part of the series.

In 1987, Sallie Tisdale, writing in *Harper’s*, explored the subject by describing graphically her personal experience as a nurse in an abortion clinic. “We do abortions here; that is all we do,” she wrote. “There are weary, grim moments when I think I cannot bear another basin of bloody remains, utter another kind phrase of reassurance.” And in 2008, a student named Lila Rose, writing for an antiabortion magazine she started on the campus of the University of California, Los Angeles, secretly taped an employee of the on-campus health center “encouraging a student to get an abortion.” She also posted a YouTube video of herself pretending to be a fifteen-year-old girl seeking counsel from a Planned Parenthood employee, who encouraged her to lie about her age to avoid statutory rape charges against the twenty-three-year-old boyfriend she claimed had impregnated her. The school newspaper, the *Daily Bruin*, questioned Rose’s journalistic ethics for the sting she had planned with the help of James O’Keefe, who was a UCLA law student at the time. O’Keefe posted audio recordings of Planned Parenthood staffers agreeing to earmark his proffered donations to finance abortions for African American women.
This was the first of a number of stings O’Keefe has orchestrated in support of a clearly conservative political agenda—waging “culture war,” as the media critic Jay Rosen has called it, with a “gotcha!” dimension to the work that aims to ferret out any morsel of damning evidence against his investigative targets. Rosen sees him as a “performance artist who profits from the public wreckage and institutional panic his media stunts seek to create.” In summer 2009, O’Keefe and Hannah Giles posed as pimp and prostitute for visits to various offices of ACORN, the Association of Community Organizations for Reform Now, ostensibly interested in arranging a loan for their brothel. A hidden camera captured the advice ACORN employees offered them at one office, from how to launder their money to where to lie on their loan application. By August 2010, ACORN had lost all of its federal funding and within three months had been forced into bankruptcy.

In March 2011, a day after Vivian Schiller, the president of NPR, made her case for continued federal funding for public radio, O’Keefe released a surreptitiously recorded video in which NPR’s chief fundraiser, Ron Schiller, was featured courting two men who had identified themselves falsely both as prospective major donors and as representatives of a U.S.-based group with ties to the Muslim Brotherhood. Under O’Keefe’s direction, ruses with a similar aim also were tried on employees of the Public Broadcasting Corporation and of its various local affiliates. Ron Schiller was recorded making disparaging remarks that he prefaced as personal against the Tea Party movement, evangelical Christians, and the Republican Party. Before the video was released, NPR declined interest in this purported $5 million gift. Nonetheless, the Ron Schiller remarks were inappropriate enough to bring the wrath of the NPR leadership down on both Schillers, forcing their imme-
diate departures. The two are not related, but Vivian Schiller had recruited Ron Schiller to the organization.\textsuperscript{84}

O’Keefe’s work puts in stark light the question of whether undercover stings produced by advocacy groups, especially those with unswervingly ideological intent, can or should ever qualify or be regarded as journalism. Mary Sanchez, a columnist for the McClatchy newspaper chain, thinks not. “These gotcha recordings are the stock-in-trade of ideological operatives,” she wrote about the NPR sting and an incident just two weeks earlier in which a reporter for \textit{Buffalo Beast}, a website at the other end of the political spectrum from O’Keefe’s \textit{Project Veritas}, placed a prank call to the Republican governor of Wisconsin, Scott Walker. The caller posed as David Koch, a wealthy and influential funder of conservative causes. The transcript quoted Walker making disparaging comments directed at the state public employees union, whose collective bargaining rights the governor was in the process of trying to strip.\textsuperscript{85}

Sanchez wrote, “The point is not to uncover actual corruption, but to move public opinion on an issue by creating bad ‘optics’—which puts the opposition on the defensive. Gotcha artists don’t help the public to think, only to feel.”\textsuperscript{86} Edward Wasserman, in the \textit{Miami Herald}, objected to the lack of any tests of fundamental accuracy on the part of mainstream media before they willingly and indiscriminately disseminate such reports. He questioned if editors even bothered to ask themselves “if the information is important enough and unobtainable enough to warrant waiving the usual strictures on honest questioning.” He said he could discern no standard being applied before accepting the material other than crass “reader appeal.”\textsuperscript{87} In the \textit{Los Angeles Times}, James Rainey condemned “the new fakery” that has arrived “on the backs of
something real and winning—the influx of an untold number of new voices into journalism as computers and the Internet have lowered the cost of entry to zero.” Yet some of those in the new crowd, he said, operate like “lone wolves—without oversight, rules or even a solid definition of what game they are playing.”

First of all, for advocacy and better government-type groups to partner with mainstream news organizations for investigative purposes or to provide the results of independently conducted investigations is nothing new, as the preceding pages make clear. Key is if—and it is a big if—it is possible to verify the truth of the material through supporting documentation, including notes and raw footage, and expert or independent analysis, and the forthrightness of the editing of the report, tape, or transcript. In the end, these considerations, I think, matter more than the impetus for its creation. In the Ron Schiller instance, these standards were not met before the video got wide mainstream play. Although Project Veritas described the footage as “largely the raw video” redacted only in one brief section to ensure the safety of an NPR correspondent overseas, analysis by others (interestingly, the most impressive was done by fellow conservatives at Glenn Beck’s The Blaze) pinpointed instances of highly selective editing of the two-hour hidden camera taping—discrediting it, even though the slanted finesses did not concern the key comments that forced the two Schillers out.

Leaving the theatrics of O’Keefe aside, if it can be determined conclusively that the work meets exacting journalistic standards and that the report as presented is sound and unskewed—again, this is an all-important if—what would be the difference between these two types of operations: stings produced by those with blatant political alignments who aim to wage culture war on matters on which public opinion remains divided, and stings produced
by advocacy groups whose aim is to stop intolerable practice in instances where a broader national consensus already has formed? Consider an example from roughly the same time period: the widely favorable reaction to the inhumane treatment of pigs by the world’s largest pork producer as shown in the pig gestation video obtained undercover by the Humane Society of the United States and posted in December 2010. The undercover footage was reported on, discussed, and linked to via local and national media, as described in chapter 10.

The public relations blowback on Governor Walker, on NPR, and on Smithfield Foods, Inc., were comparably disastrous and, many would say—have said—equally deserved, given what transpired and what was recorded and shared. In the NPR and Walker cases, the instigators stepped right into another equally contentious area in journalism debates over the practice—the more ethically verboten tarpit of blatant, outright lies told to perpetrate an undercover journalistic ruse. In the NPR sting, there is also the matter of discreditable editing, as noted above.

In the case of the Humane Society, a legend on one screen of the highly produced—clearly edited—video reads, “Undercover at Smithfield Foods,” but no further explanation was publicly provided of how the investigator obtained the footage. Paul Shapiro, senior director of the organization’s factory farming campaign, said later in a telephone interview that the Humane Society sends investigators to work undercover at the factory farms for up to a month. They use their real names but without disclosing their Humane Society affiliation. They are able to film both with hidden and handheld cameras. The facilities are mostly automated, so it is possible to shoot openly without being detected. In Smithfield’s case, the society released the report on its own site, backed by companion reports from scientists and other experts. The society
even offered the company advance access to extended segments of the video, without the narration or music, and offered to hold a joint press conference. “Our goal is not ‘gotcha,’ but to prevent animal cruelty,” Shapiro said. Smithfield declined to participate.94

For previous investigations, the society has partnered with major media outlets, such as the Washington Post, giving them exclusive first rights to the information. In those cases, the organization also has provided elaborate backup material for verification.95 Shapiro said the Humane Society resorts to these techniques because factory farming is very secretive because of the cruelty involved. “There isn’t another way to find out what’s happening,” he said. “Whistleblowing is really the only way to get the information.”96

Apropos, within months there were committee moves in four state legislatures—Iowa, Minnesota, Florida, and New York—to ban undercover access to factory farms. Dubbed the “ag-gag” bills, none passed in 2011 but could potentially be reintroduced in subsequent sessions or in other states.97

In the realm of boundary-shaking journalistic exposés against unacceptable practices, stings that provide information the public might need to inform its decision making, it seems only fair to conclude that what is good for the goose is good for the gander. Compare O’Keefe’s lies to Ken Silverstein’s 2007 lies for his similarly deceptive sting on Washington’s powerful lobbyists for Harper’s, as detailed in the final chapter, which appeared to have wide public support if not a consensus among prominent journalistic arbiters. It leads me to venture that what is most important in these cases is the exercise of sound journalistic judgment: to establish first if the deception was important enough to perpetrate, and after that, if accepted journalism standards have been fully adhered to and met, and if that can be reliably verified. In the end, method matters more than the provenance of who performed the act.98
Some fresh arenas for undercover treatment have emerged in the twenty-first century: The 2008 Democratic primary provided an opportunity for reporters from the Philadelphia City Paper to infiltrate the local political campaign operations of Barack Obama and Hillary Clinton for an insider’s view of the candidate’s disparate approaches to managing their volunteers. And airport security, especially in the aftermath of the attacks on New York and Washington, DC, of September 11, 2001, has become an important and attention-getting area of inquiry, for both newspapers and television stations.

In short, the best of all these undercover reporting efforts exemplify how the method can effectively serve the public interest, providing a hard-to-refute “show” to the “tell” of C. Thomas Dienes, a law professor, media lawyer, and legal consultant who succinctly explained why this is so in both the public and private sector. His remarks at a symposium came in 1999, well after the major controversies of the late twentieth century had put a pall on the practice. He wrote:

In the public sector, it allows the media to perform its role as the eyes and ears of the people, to perform a checking function on government. Especially at a time when citizens are often unable or unwilling to supervise government, this media role is critical to self-government. In the private sector, when the government fails in its responsibility to protect the public against fraudulent and unethical business and professional practices, whether because of lack of resources or unwillingness, media exposure of such practices can and often does provide the spur forcing government action.

In 1998, in response to the legal implications for journalists in the Food Lion case, John P. Borger, an attorney and legal expert,
offered the view that undercover reporting persists because of “elementary facets of human nature,” the propensity of wrongdoers to avoid comment or lie until confronted with specific evidence to the contrary. He went on:

Even well-intentioned people may be less candid when they believe that their remarks will be widely disseminated than when they are speaking to a small group of trusted confidants. Yet these same persons usually make little or no effort to protect their comments from being overheard or repeated by nonjournalists. Many journalists who pose as “ordinary people” see no reason to place themselves at a special disadvantage by assuming an affirmative obligation to disclose their journalistic role.\(^{102}\)