

Why Surreptitiousness Works

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This is an argument for a restoration of honor and legitimacy to the discomfiting techniques of undercover reporting. Why? Because of the value of undercover reporting to so much of the journalism that has mattered in the past century and a half, and because so much of the journalism that matters relies on these methods anyway, at least in part. To make this case, I've drawn heavily on the long, continuous, rich, and proud historical record of undercover projects, dating back to the early 1800s, seeking to offer a cumulative sense of how many great journalistic exposés of myriad types have benefitted from the use of subterfuge and deception in their efforts to expose wrongdoing, to extract significant information that is otherwise difficult or even impossible to obtain, or to create indelible, real-time descriptions of closed or hard-to-penetrate institutions or social situations that deserve the public's attention.

To explain why surreptitiousness works, consider this brief revisit to the major journalistic achievement of 2007, *The Washington Post's* series exposing unacceptable conditions at Walter Reed Army Medical Center, by reporters Anne Hull and Dana Priest.ⁱ Within a day after the series began, work crews were on-site upgrading the mold- and rodent-infested outpatient facilities.ⁱⁱ Within weeks, the hospital's commander, the secretary of the Army, and the Army's surgeon general had lost their jobs.ⁱⁱⁱ Congress scheduled special field subcommittee hearings on-site at the hospital, inviting testimony from some of the reporters' named sources. Three blue-ribbon panels began investigating how wounded U.S. soldiers who had served their country so valiantly could be treated so badly under the Army's own watch.

Praise was nearly universal^{iv} for the work of two reporters and photographer Michel duCille, and it was no surprise to anyone the following year when they won the 2008 Pulitzer Prize for Public Service. Leonard Downie, Jr., the newspaper's executive editor at the time, captured best the underlying meaning of their triumph at a time when economic and technological convulsions in the traditional delivery of news had put at risk the very survival of serious, intensively reported journalism, the kind that requires unique skill and training undergirded by large commitments of time and money. To the Pulitzer judges, Downie wrote, "At its core, truly great journalism is about righting wrongs and changing systems that

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are unfair or do not work.”^v His reporters had done exactly that. The newspaper, indeed the whole profession, proudly—deservedly—celebrated the achievement. Priest and Hull had spent more than four months doing journalism in the public interest at its shining, steam-blasted best.

In the rush to extol the series and its impact, no one gave more than glancing notice to how the two reporters had managed to gain and maintain such unfettered access to a U.S. military institution, let alone a military hospital, over so many months. Only the sparest details of how-they-got-that-story trickled out in those early weeks, the period when interest in the project was keenest. To readers, Hull and Priest reported on method in a single sentence, as Downie, who opposes misrepresentation and undercover reporting, later similarly explained to the Pulitzer judges in his letter of nomination.^{vi} He said their more than four months at Walter Reed was spent without official knowledge or permission.^{vii} They declined to discuss method with the *Post*'s own media columnist^{viii} or with a reporter for the *American Journalism Review*.^{ix} At the gentle urging of a public radio interviewer, they gave up just a bit more. “I mean we didn’t go through the Army for permission, nor did we go through Walter Reed,” Hull said. “We went to the soldiers, removing that middle filter, because we wanted to hear what their lives were like, and we wanted to witness these problems firsthand, and that required lots of time with these people as they went through their days.”^x

At about the same time, the *Post*'s ombudsman reported that “The two set out, mostly separately and never undercover, and did the kind of plain old gumshoe on-the-record reporting that often goes unrecognized in this high-tech age.” She quoted Priest, saying of Army officials: “No one was really paying attention,” which allowed the two reporters to stay “below the radar for as long as we did.”^{xi}

The ombudsman’s framing of the enterprise as “never undercover” provoked no known counter at the time or thereafter. But was that really the case? Only a few bloggers, apparently indifferent to the U-word’s burdensome implications, praised the *Post* with compound off-handed references to its “undercover reporting,” “undercover investigation,” or “undercover reporters,”^{xii} but that was about it.

Thirteen months after the series was published, at Harvard’s Nieman Conference on Narrative Journalism and in interviews closer to the time of the Pulitzer announcement, Hull and Priest provided a fuller explanation^{xiii} of how they had so deliberately and effectively avoided detection until they were ready to reveal themselves to Walter Reed officials six days before the first story ran.^{xiv} It meant identifying themselves at the guard gates with their driver’s licenses, as every ordinary visitor to the hospital does. It meant not announcing their *Post* affiliations or declaring their real intentions to anyone who might then be obliged to thwart their actual purpose. It meant avoiding unwelcome questions by playing on the common assumptions and expectations of officials who encountered them in the hospital environment. It meant constant vigilance and a series of stealth moves designed to help them

blend in unremarkably with the surroundings, making themselves scarce whenever those who might question their presence or, worse, kick them out, appeared on the scene. It meant separating, so one could continue reporting in case the other got caught. It meant taking pains not to reveal their actual purpose to anyone who would be obliged to report them. It meant intentionally shedding such tools of the trade as cameras and reporters' notebooks so they would not raise unwelcome questions during routine bag searches. It meant imploring the trusted sources they developed during those four-plus months not to reveal what they had learned of the reporters' purpose or even to acknowledge the reporters personally should they meet up by chance on the hospital grounds. It meant helping their sources understand how to avoid inadvertently giving the reporters away, including careful coaching in "phraseology"—Hull's term—for themselves and for the soldiers, families, and hospital personnel whom they took into their confidence.

Key for Hull and Priest and for their sources was to steer authorities away from asking the awkward questions to which truthful answers would be required under ethical and policy guidelines common to journalists, the military, and hospital personnel alike.^{xv} Key also was to be free to "roam around the 110-acre facility at various hours of the day or night and talk to soldiers and Marines without the interference of Army public affairs."^{xvi} Undercover assignments often require this approach. Also key was the end goal: to be in a position to create the kind of impact in print that would force Walter Reed to respond to the urgent, repeated complaints from patients and their families that it had ignored for far too long.

The extraordinary potency of the series eliminated the need to further justify why the clandestine behavior had been necessary, but it came nonetheless a month after their first stories appeared—in the form of a Philadelphia parable. A local television crew, attempting to replicate the *Post's* successful work at a Veterans Administration hospital in Philadelphia, fell into the trap of exposure-too-soon that Hull and Priest had so carefully finessed. That crew was detained and fined, and had its cameras and film confiscated. On top of that, no story resulted, except an embarrassing one about the crew's arrest for staging what local media reports described as "an unknown undercover investigation."^{xvii} More to the point, there were no meaningful results to show for the botched effort.

It is a fact that Priest and Hull met the minimum requirement and common understanding of most reporters, as contained implicitly or explicitly in every journalistic code of ethics.^{xviii} That is, the obligation to be upfront when confronted and never to tell an outright lie. And clearly, Priest and Hull at all times were prepared to identify themselves as reporters should the direct question ever be put to them. To their great relief, it was not. They entered a public place they had every right to enter. They identified themselves with a driver's license, like everyone else. Open to debate, however, and one of the issues explored in my forthcoming *Undercover Reporting: The Truth About Deception*, is whether there is really a difference for a journalist between not ever telling a lie—emphasis on the word *telling*, because lies, to qualify as lies, are verbalized or written—and the deliberate projection

of a false impression with the clear intention to mislead, to deceive.^{xix} It is at least fair to say that in attempts to finesse their identities to authorities at Walter Reed,^{xx} the human targets of their inquiry, those with the most to lose, Hull and Priest went as far from wearing a press badge as it is possible to get, short of posing as a patient or hospital staffer. Those points at the far end of the ethical continuum generally bear the label “undercover.” Was their approach perfectly legitimate, even unavoidable, given the circumstances and the stakes? Especially in light of the results, most, I think, would argue yes. I certainly would. Did the use of these tactics undermine the value of the enterprise or call it into question? They did not.

So why avoid the obvious term of art? Why distance the enterprise from the label, as if bringing attention to the undercover aspects of their efforts would sully the achievement? Sadly and unfairly, I believe, it is because the label “undercover” *would* have sullied the achievement, at least in the eyes of some important players. This is largely because of a movement against undercover reporting in some quarters since the late 1970s, a movement the *Post*—once a daring, open, and exemplary proponent of the practice^{xxi}—helped to instigate.^{xxii}

What also emerges from the record is that over and over again, going undercover has proved to be an indispensable tool in the high-value, high-impact journalism of changing systems and righting wrongs. It has provided an enduring, magnetic, if sometimes tricky, narrative form that never ceases to fascinate, even when the execution fails to scale the high journalistic or literary walls. Colossal lapses and misfires aside—the book addresses these, too, and they happen relatively rarely—undercover reporting has also been at the forefront of important published and broadcast efforts to create awareness, to correct widespread misconceptions, to provoke outrage, and to give a human face—whether that face inspires horror or compassion or a little of both—to any number of institutions and social worlds that otherwise would be ignored, misunderstood, or misrepresented for lack of open access.

Even the most cursory review of the reporting that has proudly worn the undercover banner bears witness to this fact. In addition to its public service, the very best work in this genre also has aggrandized journalistic legends at the institutional level, lionized great editors, who are so essential to the guiding and crafting of these projects, and catapulted individual reporters to enviable careers. Prizes for projects that involved undercover tactics are plentiful and not just in the distant past. Like almost no other reportorial approach, setting out deliberately to fool some of the people at least some of the time has repeatedly produced important, compelling, and—this might be the key to the method’s enduring popularity—often riveting results.

Most important, surreptitiousness in reporting is also, often, on the side of the angels. At its best, it speaks directly to eight if not all ten essential journalistic tenets pinpointed by Bill Kovach and Tom Rosenstiel in their book *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect*: the pursuit of truth, loyalty to

citizens, the obligation to verify, the independent monitoring of power, providing a forum for public outcry, maintaining independence from those journalists report about, the opportunity to exercise personal conscience, and—perhaps most pertinently—the ability to make the significant interesting and relevant.^{xxiii}

Several observations quickly emerge from even the most cursory browsing of the online database at undercoverreporting.org, which complements this project. Taken in the aggregate, one sees that there are many significant undercover projects dating back much further than Nellie Bly's asylum exposé in 1887. Going undercover is meant to be the journalism of last resort, and it has remained so even in the aftermath of waves of collegial opposition since the late 1970s, despite the many and repeated assertions to the contrary. None of the moves to banish or degrade the practice has had even the slightest effect on the slow, always selective but steady rate of production or publication since then.

Undercover enterprises have started as books that also became newspaper or magazine serials. They have started as newspaper or magazine series that later developed into books of a very different sort, sometimes books of policy or advocacy that barely refer to the more sensationalized original project. Some have been collaborations between newspapers and television programs, and some represent collaborations between publications or television programs and law enforcement agencies, better government groups, or other advocacy groups on all points along the political spectrum. Some start in one format and stay in that format. Since at least the early 1960s, as technology began to allow, scores of television series and segments have relied on the hidden camera, which, combined with reporter-producer moxie, has created its own undercover subspecies. Print reporters also have used miniature cameras as far back as the late 1940s.^{xxiv} More recently, publications that originate online have begun to add a new shelf to this bulging closet.^{xxv} As a medium, the Web is an especially promising format for undercover journalism, especially in its ability to meld audio and video documentation to word stories and add still photographs and a written-word account to those recorded video and audio segments. As important, the Web also brings the ability to add backup citations and more in-depth documentation via links and hypertext, digital repositories, and even topics pages.

What unites the projects that have been reviewed is the need they created for the reporters or their surrogates to engage in a deceptive ruse or some sort of identity acrobatics great or small to do the work. They have posed as; lived as or among; worked as; interned as; volunteered as; signed on or trained as; become paying customers or patients or clients of; blended in as if; functioned as; fellow-traveled as; become; endured; petitioned; cold-called; avoided correcting the mistaken impression of; projected the false impression of or given off the impression of being; gained access with incomplete or misleading information to; presented as; gathered information unannounced; finessed an application form to; took advantage of employer ignorance; contrived to; got confidential permission to; cross-dressed as; turned personal experience into; shadowed without telling everyone involved; infiltrated;

snuck into; slipped in or encountered by chance; used privileged access to; entered for the purpose of testing; staked out or stalked unseen; secretly filmed or recorded; exercised—or caused someone else to exercise—his or her rights as ordinary citizens, visitors, or customers without revealing the actual intent; or encountered something firsthand by chance or through unconnected personal experience and then revealed it in publication as if that had been the intention all along.

Though a few of the most astounding subjects and themes are one-offs, others recur with surprising regularity and often without diminishing return. Sorting the known projects by date and by category also reveals how often over the centuries the subjects and reportorial strategies repeat and repeat—perhaps a decade or two apart or for a different geographical group—and yet the potential for impact remains surprisingly fresh. Some represent the rebirths of good ideas—or subjects in need of re-investigation or revisiting—across the centuries.

Some stories highlight the importance of the reporters involved, who must have the skill, physicality, daring, and relish for undercover work, but also, often, a distinct literary flair. Also evident is the importance of the reporter-persona in many—but by no means all—of these projects, especially in the “I-am-you” experiential narratives—Orwell’s *Down and Out* comes to mind—anointed by time. This ability has contributed heavily over the years to what has set the work apart. Some, of course, are far more interestingly reported than they are written, and to date, not one of the best of them has ever made a good movie. Novelists slumming as journalists are among the strong contenders for greatness in the genre. Other equally superb entries gained their place in workmanlike prose, simply on the quality of the idea, the concept, or the investigative success. Some emanate from crack newspaper and television “I-teams” expressly in the role of public watchdog, assigned to investigate wrongs and expose wrongdoing in the performance of high public service, driving readership and viewership in the process. Sometimes just having been able to obtain the pictures, the film, or the documentary evidence mattered more than the words or the voice-overs. There is no single pattern to the impetus to undertake the projects except, perhaps, the prospect of serving the reader and the recognition that can result for the reporters and their organizations, as well as the hope of achieving the satisfaction of having made some measure of difference.

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It says a lot about a story with an expected shelf life of a day, a week, or a month when it ascends into legend, when almost anyone can summon it routinely to make a point in casual conversation, even more than a hundred years after the tom-toms first beat news of it across the time zones. Nellie Bly’s incarceration in a madhouse for *The New York World* was such a story and the best known in what would become a very long line of exposés of public and private health care institutions. John Howard Griffin’s skin-dyed transformation from white journalist into black man in segregated 1959 for a long-defunct magazine called

Sepia was another.^{xxvi} As a book, still in print, *Black Like Me* has sold more than 10 million copies. It also has spawned a not-always-flattering body of literary criticism, a classic Eddie Murphy parody, and any number of imitators, one as recently as 1994 for *The Washington Post*, dyed black skin and all. Pamela Zekman's Mirage Tavern ruse of 1978 for the *Chicago Sun-Times* may well turn out to have Bly-like staying power. Even non-journalists will mention it when asked to recall examples of great undercover exposés.

The research confirms that well before and long after Bly, Griffin, or Zekman shot into the journalistic firmament, and for the periods before, after, and in between, significant stories that required elaborate or simple ruses have been a journalistic staple. Contrary to one often-summoned thought stream, the practice has never gone out of vogue. Recognition for even the most stunning of these investigations has usually been fleeting. That is the nature of news after all. And yet the best are fully deserving of a place in the collective portrait of great journalism and of what undercover reporting can do and mean.

Repeatedly in the past century and a half, these enterprising efforts, with their built-in ability to expose wrong and wrongdoers or perform other meaningful public service, have proved their worth as producers of high-impact public awareness or as hasteners of change. They illuminate the unknown; they capture and sustain attention; they shock and amaze.^{xxvii}

The criticism that has bedeviled the practice in more recent years comes from the ethical compromises it inevitably requires, its reliance on some of journalism's most questionable means, and the unacceptable excesses of the very few. It is journalism without the virtuous fig leaf. Deception not only happens in the course of reporting undercover; it is also intrinsic to the form. For would-be truth-tellers, this is shaky ground.

Yet at its best, undercover reporting achieves most of the things great journalism means to achieve. At its worst, but no worse than bad journalism in any form, it is not only an embarrassment but can also be downright destructive. I submit that its capacity to bring important social issues to public attention and thus to motivate reformers to act far outweighs the objections against it, legitimate though they may be. Its benefits, when used selectively, far outweigh the lapses, which, it turns out, are more of a preoccupation in only some quarters of the profession than they are with the public.^{xxviii} These conclusions emerge from assembling and analyzing the patterns of these hundreds of projects and their backstories and then plotting them on a virtual timeline against relevant contemporaneous currents in the field.

The work considered crisscrosses three American centuries to relive some familiar favorites from the annals of undercover reporting and to revive some remarkably executed projects that were new at least to me. They have been culled over a number of years from an idiosyncratic collection of sources,^{xxix} and many will be available in 2012 as digital scans at <http://undercoverreporting.org>. All of these efforts have attracted significant attention of one kind or another—locally, nationally, publicly, or professionally, and all of them provide the

opportunity for a wonder-filled ride along the highways and byways of significant, carefully planned and monitored, high-risk, high-reward journalism that has sought to make a difference.

ⁱ Dana Priest and Anne Hull, "Soldiers Face Neglect, Frustration at Army's Top Medical Facility," *The Washington Post*, 18 February 2007, A01; Hull and Priest, "The Hotel Aftermath," *The Washington Post*, 19 February 2007, A01; Priest and Hull, "Hospital Investigates Former Aid Chief," *The Washington Post*, 20 February 2007, A01; Hull and Priest, "It Is Just Not Walter Reed," *The Washington Post*, 5 March 2007, A01; Priest and Hull, "The War Inside," *The Washington Post*, 17 June 2007, A01; Priest and Hull, "Soldier Finds Comfort at Dark Journey's End," *The Washington Post*, 17 June 2007, A13; Hull and Priest, "Little Relief on Ward 53," *The Washington Post*, 18 June 2007, A01; Priest and Hull, "Almost Home, But Facing More Delays at Walter Reed," *The Washington Post*, 15 September 2007, A01; Hull and Priest, "A Wife's Battle," *The Washington Post*, 14 October 2007, A01; Priest and Hull, "A Patient Prosecuted," *The Washington Post*, 2 December 2007, A01; Michel duCille, "The Invisibly Wounded," *The Washington Post*, 14 October 2007, also duCille photographs, 2 December 2007.

ⁱⁱ Hull and Priest, "Army Fixing Patients' Housing," *The Washington Post*, 20 February 2007, A01.

ⁱⁱⁱ Steve Vogel, "Army Fires Commander at Walter Reed," *The Washington Post*, 2 March 2007, A01; Michael Abramowitz and Steve Vogel, "Army Secretary Ousted," *The Washington Post*, 3 March 2007, A01; Josh White, "Surgeon General of the Army Steps Down," *The Washington Post*, 13 March 2007, A01.

^{iv} Priest and Hull, "Recovering at Walter Reed," *The Washington Post*, 20 February 2007, <http://www.washingtonpost.com/wp-dyn/content/discussion/2007/02/23/DI2007022302220.html>. In this online Q&A with the reporters, there was minor criticism of the newspaper's decision not to acknowledge the earlier published work on the same subject by Mark Benjamin for Salon.com. To this, Priest said, "We weren't the first to bring these issues to the attention of the WR command. The last in a long line, in fact. That's why we were contacted. Apparently no or little action was taken when others stepped forward." See also Mark Benjamin, "Insult to Injury," 27 January 2005, http://www.salon.com/2005/01/27/walter_reed/; Mark Benjamin, "Behind the Walls of Ward 54," 18 February 2005, http://www.salon.com/2005/02/18/walter_reed_2/.

^v Len Downie, Jr., Executive Editor, *The Washington Post*, to Pulitzer Prize Committee, New York, 25 January 2008, Category 1, Public Service. Letter of Introduction, dated 25 January 2008. Courtesy of the Pulitzer Prize Committee, New York.

^{vi} Downie, letter, 25 January 2008. "They proceeded carefully, without identifying themselves to military authorities as they learned about the wounded soldiers' experience and gathered the detail that gave their stories such poignancy."

^{vii} Priest and Hull, "Soldiers Face Neglect, Frustration at Army's Top Medical Facility," *The Washington Post*, 18 February 2007, A01.

^{viii} Howard Kurtz, "The Army's Preemptive News Briefing," *The Washington Post*, 24 February 2007. Kurtz, the *Post's* media columnist, said Priest "declined to explain how she and Hull had repeatedly signed into Walter Reed without the knowledge of the Army brass. Every patient or family member quoted by name, she said, had agreed to be on the record. 'We never lied to anyone about who we were,' Priest said. 'We just tried not to be in a position to identify ourselves to anyone who would report us to public affairs and have us kicked off the base.'" To criticism from Maj. Gen. George Weightman, Walter Reed's soon-to-be-ousted commander, that the reporters should have alerted the Army earlier in the process, Priest found that "ridiculous" and told Kurtz, "You find wrongdoing and you don't report it to the public first? You report it to them first? That's not our role."

^{ix} Lori Robertson, "Uncovering Misery at Walter Reed," *American Journalism Review* 29, no. 2 (April/May 2007): 10. An italicized entry in this Q&A reports: "They say they didn't ask permission before they began reporting but never lied about who they were. They won't elaborate."

^x "Reporters Who Broke Story on Conditions at Walter Reed," narrated by Neal Conan, Talk of the Nation, National Public Radio, 6 March 2007. Hull refers to the successful, hospital-sanctioned two weeks she spent on Walter Reed's amputee ward in 2003 for a two-part series, a 2003 Pulitzer Prize finalist in feature writing, saying that as the war dragged on and both casualties and pressure on the hospital increased, Walter Reed had become "stingy with what they let you see. So we decided to remove the filter, as it were, and just sort of freelance." Conan asked her to clarify. "Sure," she went on. "I mean we didn't go through the Army for permission, nor did we go through Walter Reed. We went to the soldiers, removing that middle filter, because we wanted to hear what their lives were like, and we wanted to witness these problems firsthand, and that required lots of time with these people as they went through their days."

^{xi} Deborah Howell, "A Powerful Story at Walter Reed," *The Washington Post*, 4 March 2007, B6.

^{xii} John Irvine, "Hospitals: Army pledges fixes at Walter Reed," The Health Care Blog, 21 February 2007, <http://thehealthcareblog.com/blog/2007/02/21/hospitals-army-pledges-fixes-at-walter-reed-by-john-irvine/>; Douglas Watts, "The Thing Which Is Not," Talking Points Memo Reader Blog, 26 February 2007, http://www.talkingpointsmemo.com/talk/blogs/douglas_watts/2007/02/the-thing-which-is-not.php; Andrew Stephen, "Iraq: The Hidden Cost of War," *New Statesman*, 12 March 2007, <http://www.newstatesman.com/world-affairs/2007/03/iraq-war-wounded-bilmes-cost>.

^{xiii} Anne Hull and Dana Priest, "Anne Hull and Dana Priest on their Walter Reed Stories," *Nieman Reports*, 4 July 2008, <http://niemanwatchdog.org/index.cfm?fuseaction=showcase.view&showcaseid=85>. The presentation was 14-16 March 2008 at the 2008

Nieman Conference on Narrative Journalism. The Pulitzer Prize announcement was 8 April 2008. See also Al Tompkins, "Anatomy of a Pulitzer: Q&A with Hull and Priest," PoynterOnline, 8 April 2008, <http://www.poynter.org/latest-news/top-stories/88125/anatomy-of-a-pulitzer-qa-with-hull-and-priest/>.

^{xiv} Six days before publication of the first *Washington Post* article, Hull and Priest presented officials at Walter Reed with a list of thirty questions in writing.

^{xv} Hull and Priest, "Anne Hull and Dana Priest," *Nieman Reports*, and Tompkins, "Anatomy of a Pulitzer," PoynterOnline.

^{xvi} Tompkins, "Anatomy of a Pulitzer," PoynterOnline.

^{xvii} Dan Gross, "VA Pokes CBS 3 in the eye," *Philadelphia Daily News*, 2 April 2007, 41. The story also quoted Rich Manieri, spokesman for the U.S. Attorney's office, saying a CBS 3 crew had been "caught in an area of the nursing facility where they were not allowed to be," resulting in fines to a photographer of \$150 for disorderly conduct, \$50 for trespassing, and \$50 for unauthorized photography, plus two lesser fines to a producer. VA officers confiscated a videotape, a copy of which was returned to the station.

^{xviii} Two relevant points in *The Washington Post's* Code of Ethics: (B1): The Reporter's Role: "Although it has become increasingly difficult for this newspaper and for the press generally to do so since Watergate, reporters should make every effort to remain in the audience, to stay off the stage, to report the news, not to make the news. In gathering news, reporters will not misrepresent their identity. They will not identify themselves as police officers, physicians or anything other than journalists." (J2): The *Post's* Principles: "As a disseminator of the news, the paper shall observe the decencies that are obligatory upon a private gentleman." See <http://judicial-discipline-reform.org/6TextAuthorities%20Cited%20toeC71/J%20Prof%20respon%20lawyrs%20journalis/19WashPost%20Ethics17feb99.pdf>.

^{xix} Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Random House, 1999), especially 8-9, 18, 31, 32-46, 49, 71, 75-106, 112, 117-19, 121, 130-31, 132-45, 138, 177, 179, 181, 213-19. Commonly listed synonyms for "mislead" are "give the wrong impression about," "misinform," "deceive," "lie to," "hoodwink," "delude," and "take in."

^{xx} Steve Vogel and William Branigin, "Army Fires Commander of Walter Reed," *The Washington Post*, 2 March 2007, A01.

^{xxi} See, as examples, the explanations and acknowledgments provided in Neil Henry, *American Carnival: Journalism Under Siege in an Age of New Media* (Berkeley: University of California Press, 2007), 222-26, and in Ben Bagdikian and Leon Dash, *The Shame of the Prisons* (New York: Pocket Books, 1972).

^{xxii} See, for example, Myra MacPherson, “Donnybrook: The Rite of Spring and the Cries of Foul,” *The Washington Post*, 20 April 1979, B1, B8.

^{xxiii} Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect* (New York: Crown, 2001, 2007), 5-6.

^{xxiv} Stetson Kennedy, *I Rode With the Klan* (London: Arco Publishers, 1954), 81. Kennedy writes that he worked with an automatic camera no bigger than a cigarette lighter that produced negatives the size of a fingernail, which he used to photograph reams of secret documents.^{xxiv}

^{xxv} Advocacy groups have made effective use of the Web in this way. See, for example, “HSUS Exposes Inhumane Treatment of Pigs at Smithfield,” 15 December 2010, http://www.humanesociety.org/news/press_releases/2010/12/smithfield_pigs_121510.html.

^{xxvi} John Howard Griffin, “Life as a Negro: Journey Into Shame, Part I,” *Sepia*, April 1960, 12-18; Griffin, “Journey Into Shame, Part II,” *Sepia*, May 1960, 44-52; Griffin, “Journey Into Shame, Part III” *Sepia*, June 1960, 32+; Griffin, “In Spite of Being Hanged in Effigy, John Griffin Continues His Journey Into Shame, Part IV,” *Sepia*, July 1960, 30-35; Griffin, “What Happens to John Griffin, White Man Turned Negro, When He Stops to Rest in Dismal Alabama Ditch? Journey Into Shame, Part V,” *Sepia*, August 1960, 28-34; Griffin, “Journey Into Shame, Part VI,” *Sepia*, September 1960, 28-34; Griffin, “White Man Turned Negro Is Praised and Damned,” *Sepia*, October 1960, 11-18.

^{xxvii} In the aftermath of *Mirage* and *Food Lion*, just to name a few: *The Atlanta Constitution* won the 1980 Robert F. Kennedy Journalism Award for a series that involved reporters going undercover to expose workers being paid under minimum wage; Merle Linda Wolin’s Pulitzer runner-up for her sweatshop series for the *Los Angeles Herald Examiner*; Tony Horwitz for *The Wall Street Journal* won the 1995 Pulitzer for his undercover work at some of the country’s worst factory jobs; *The New York Times*’ “How Race Is Lived” series, a 2000 Pulitzer Prize winner, included Charlie LeDuff’s factory worker stint; and, of course, the 2007 Pulitzer for Public Service to *The Washington Post* for its Walter Reed investigation.

Television’s highest honors have continued to go to dozens of projects that involved the use of hidden cameras and/or other undercover techniques, including these award-winning examples of broadcast pieces that used hidden cameras: “Missing the Beat,” Caroline Lowe (host), WCCO-TV, Minneapolis, 1 May 1994 (won duPont Silver Baton award in 1995); “Rush to Read,” *Prime Time Live*, Diane Sawyer (host), ABC News, New York, 19 May 1994 (won Peabody Award in 1995); “The Unwanted Children of Russia,” *20/20*, Diane Sawyer (host), ABC News, New York, 13 January 1999 (won duPont Silver Baton award in 2000); “Caught Off Guard,” Jim Hoffer (host), WABC-TV, New York, 24 October 2001 (won Silver Baton duPont award in 2002); “Trafficked for the Military,” Tom Merriman and Greg Easterly (hosts), WJW-TV, Cleveland, 25 September 2002 (IRE Award finalist in 2002); “The Sport of Sheikhs,” *Real Sports with Bryant Gumbel*, Bryant Gumbel (host), HBO, 19 October 2004 (won duPont Silver Baton award in 2006); “Seoul Train,”

Independent Lens, Lisa Seeth and Jim Butterworth (hosts), PBS (ITVS), 13 December 2005 (won duPont Silver Baton award in 2007); "Pill Mills," *Carmel on the Case*, Carmel Cafiero (host) and Anthony Pineda (producer), WSVN-TV, Miami, 18 June 2009 (won Silver Baton duPont award in 2010). Three local television stations won the prestigious duPont Silver Baton award in 1988 alone for projects that featured the prominent use of hidden camera techniques, all on themes of local corruption and wrongdoing, including WBRZ in Baton Rouge for exposing corruption to Louisiana government with the use of hidden cameras. State agents in a drinking club were filmed getting drunk in bars when they were supposed to be working ("I'll Drink to That," 23 October 1987); KMOV in St. Louis won for staking out bars in vans and witnessing police who were not enforcing drunk driving laws and were profiting from doing so ("Sauget: City of Shame," 1 January 1987); and WPLG in Miami won for exposing the abuses of children and elderly using hidden cameras ("Florida: State of Neglect," 1 May 1987).

The same has been true of magazines. At a number of high-prestige publications, the techniques have been a mainstay in more recent years. Among them, *Harper's* repeatedly, as well as *The New Yorker*, *Esquire*, *Vanity Fair*, *City Limits*, *New York*, *Rolling Stone*, and *Wired*. For example, Debra Seagal, "Tales from the cutting-room floor: The reality of 'reality-based' television," *Harper's*, November 1993, 50-57; Barbara Ehrenreich, "Nickel-and-Dimed: On (not) getting by in America" *Harper's*, January 1999, 37-52; Barbara Ehrenreich, "Welcome to Cancerland: A mammogram leads to a cult of pink kitsch," *Harper's*, November 2001, 43-53; Jake Silverstein, "What is poetry? And does it pay?" *Harper's*, August 2002, 55-64; Jeff Sharlet, "Jesus plus nothing: Undercover among America's secret theocrats" *Harper's*, March 2003, 53-64; Morgan Meis, "Devil's work: Secret doings at the Queens Museum of Art," *Harper's*, April 2004, 65-71; Wells Tower, "Bird-Dogging the Bush Vote: Undercover with Florida's Republican shock troops," *Harper's*, March 2005, 45-57; Bill Wasik, "My Crowd: Or, phase 5," *Harper's*, March 2006, 56-66; Kristoffer A. Garin, "A foreign affair: On the great Ukrainian bride hunt," *Harper's*, June 2006, 69-77; Willem Marx, "Misinformation intern: My summer as a military propagandist in Iraq," *Harper's*, September 2006, 51-59; and Jeremy Miller, "Tyranny of the test: One year as a Kaplan coach in the public schools," *Harper's*, September 2008, 35-46.

Also, in chronological order: Lawrence Otis Graham, "Invisible Man," *New York*, 17 August 1992, <http://nymag.com/news/features/47949/>; Helen Zia, "Made in the U.S.A.," *Ms.*, January 1996, 66-73; Kevin Heldman, "7 1/2 Days," *City Limits*, 1 June 1998, <http://www.citylimits.org/news/articles/2454/7-1-2-days>; Ted Conover, "A Reporter at Large: Guarding Sing Sing," *The New Yorker*, 3 April 2000, 54-62, http://www.newyorker.com/archive/2000/04/03/2000_04_03_054_TNY_LIBRY_000020550, <http://www.tedconover.com/2010/01/guarding-sing-sing/>; C.J. Chivers, "September," *Esquire*, September 2002, 144; Craig Unger, "American Rapture," *Vanity Fair*, December 2005, <http://www.vanityfair.com/politics/features/2005/12/rapture200512>; Evan Ratliff, "Vanish," *Wired*, 25 November 2009, http://www.wired.com/vanish/2009/11/ff_vanish2/.

In long-form, for books, the authorial conceit of going undercover retains its narrative appeal. Ted Conover's book *Newjack* received a National Book Critics Circle award in 2001, and a substantial excerpt also was published in *The New Yorker* shortly before the book's release. See Ted Conover, "A Reporter at Large: Guarding Sing Sing," *The New Yorker*, 3 April 2000, 54-62. Jeff Sharlet's *The Family*, which grew out of his *Harper's* piece, "Jesus Plus Nothing," is another more recent example. The list of such projects that have received national attention since the mid-1800s numbers into the dozens.

^{xxviii} See, for example, Carroll Doherty, "The Public Isn't Buying Press Credibility: The seeds of public distrust were sown long before the recent round of scandals," *Nieman Reports*, Summer 2005, 46-47, and "Undercover reporting backed by readers," *Editor & Publisher*, 23 August 1980, 13. A survey conducted by the *Chicago Sun-Times* showed that the Mirage Tavern's undercover nature did not discount its validity, as 85 percent of respondents believed the investigation to be true, from "Tales of Payoffs and Shakedowns Stir Up Chicago," *The Christian Science Monitor*, 1 February 1978, 9. The release of the Pentagon Papers was supported by 58 percent of respondents, from "Airing of Pentagon Data Backed in Poll," *The New York Times*, 5 July 1971, 2. An online poll by Bill Moyers about Ken Silverstein's Turkmenistan investigation showed that 85 percent of respondents did not object to his methods; see http://www.pbs.org/moyers/journal/blog/2007/06/poll_undercover_journalism.html.

^{xxix} The articles, segments, and books were amassed from prize and award lists; oblique and direct references found with keyword searches in databases and references, often incomplete, in books that refer to recent and archival newspaper, magazine, and journal articles and essays; citations in lawsuits and in law reviews and academic journals; and some old-style reeling of the microfilm. Others emerged from cursory mentions in works of media criticism, commentary, history, ethics, or other, often out-of-print journalism texts. Special thanks to those who took the time to speak and message with me at length, including Barney Calame, Ted Conover, John Davidson, Tim Findley, Chester Goolrick, William Hart, Tony Horwitz, Woody Klein, Paul Lieberman, Jean Marie Lutes, Lee May, Dick Reavis, William Recktenwald, Ray Ring, John Seigenthaler, Jeff Sharlet, Ken Silverstein, Patsy Sims, Paul Steiger, Vivian Toy, Craig Unger, Bill Wasik, Steve Weinberg, Michael Winerip, and Merle Linda Wolin. Thanks also to Rob Boynton, Pete Hamill, Richard R. John, Richard G. Jones, Doug Munro, Patricia O'Toole, Jay Rosen, William Serrin, Clay Smith, Stephen Solomon, and Steve Wasserman. The long memory of veteran journalists and news librarians figured prominently in the unearthing and amassing of the material, as did the published recollections of individual editors and reporters and many fleeting references to articles that appeared in a variety of texts new and old. Other stories found their way into the book and database by virtue of the investigation's inventiveness, enterprise, or uniqueness, or the outsized peer or public impact it had in its day. Still others became important because I stumbled on them by chance and could not resist the impulse to share them. Others made the cut because they helped to illustrate larger points.