

Running head: Sting Journalism

*“To Catch a Predator:”* An Ethical Analysis of Sting Journalism

Michael T. Martínez

University of Missouri School of Journalism

Paper presented in the Philosophy Division at the

International Communication Association Conference, Chicago, May 2009.

### Abstract

This paper uses John Rawls' Veil of Ignorance philosophy of distributive justice and the Potter Box of Moral Reasoning to evaluate the ethical justification of the use of deception and a sting operation by "Dateline" NBC's "To Catch a Predator."

While there was benefit to society in bringing the issue of sexual predators to the public's agenda and facilitating the arrest and conviction of some sexual predators, the detriment that "Dateline" NBC's "To Catch a Predator" did was far greater through the deception they employed and the methods they used. It humiliated suspects, potentially threatening their civil rights, invaded the privacy of families, hurt the credibility of the profession and perpetuated the stereotype of sensationalistic journalists.

## INTRODUCTION

Starting in 2004, “Dateline” NBC’s “To Catch a Predator” set up sting operations in houses across the country in an attempt to illustrate the problem of sexual predators on the Internet. Over the next three years, NBC’s Chris Hansen conducted 11 investigations and currently has a video gallery of 20 men who showed up at these houses on his MSNBC website (Hansen, 2008). “Dateline” hired the activist group Perverted-Justice, as paid consultants, to visit online chat rooms, pose as minors and invite anyone that approached them for sex to a house NBC set up. Men showed up at these houses expecting to find minors, but instead were greeted by Hansen, a “Dateline” correspondent, who confronted the men and asked them what they were expecting to find. “Dateline” senior producer Allan Maraynes (2006) said that what he was “looking for was person-to-person conversation. Some sustained communication that might shed some light on how online predators think. How would they explain what they do and why they do it?” Some will respond to Hansen but many just turn and run as members of the local police wait outside. “In the three years since the first “To Catch a Predator” aired, more than 250 suspected online predators have been exposed, leading to the convictions of more than 120 individuals (MSNBC.com, 2007).”

There is no doubt that the goal of removing sexual predators as a threat to our society is a valuable one, but how it is accomplished and by whom raises several ethical questions. To that end this paper will answer the following questions:

RQ1: Is this a proper role for a member of the media and can it be justified?

RQ2: Does partnering with an activist group challenge the media’s role as an independent watchdog?

RQ3: Even though there is a free press right to broadcast, does that right outweigh an individual's right to a fair trial?

This paper will use this program as a vehicle to explore the ethical implications of using deception by the media to expose the ills of society. This concept is not new. In the 1880's, *New York World* reporter Elizabeth Cochran, under the byline Nellie Bly, feigned insanity to gain access and write about a New York asylum. In 1977, a Chicago *Sun-Times* reporting team operated the Mirage bar to expose citywide graft and corruption (Regus, 1982). The question is how do you get at something that is typically private? Are there alternative ways to get at the issues without utilizing deception as a means to an end? After exploring the ethical implications of using deceptive practices as a means to an end in gathering news more generally, I will follow John Rawls' Veil of Ignorance philosophy and use a Potter Box model to specifically evaluate "To Catch a Predator (Christians, Rotzoll, Fackler, McKee, & Woods, 2005; Patterson & Wilkins, 2007; Rawls, 1971)."

### Deception and the Media

The media is in the business of truth telling. One of the primary values the role of journalism plays in a democratic society is to provide people with the information they need to be free and self-governing. The basic elements of journalism include 10 principles that most journalists agree on and citizens have a right to expect. Number one is: Journalism's first obligation is to the truth (Kovach & Rosenstiel, 2001, p. 12). However "[i]f journalists are truth seekers, it must follow that they be honest and truthful with their audiences too – that they be truth presenters." This is accomplished through transparency, explaining to the audience as much as possible about who the sources are and the methods used in gathering the information. This concept of transparency carries over to sources as well. There are instances when

Sting Journalism

“masquerading” as someone else can be used, but “journalists should use a test similar to the concepts of justifying civil disobedience in deciding whether to engage in the technique.

Citizen’s should also apply this test in evaluating what they think of it.” There are three steps to the test:

1. The information must be sufficiently vital to the public interest to justify the deception.
2. Journalists should not engage in masquerade unless there is no other way to get the story.
3. Journalists should reveal to their audience whenever they mislead sources to get information, and explain their reasons for doing so, including why the story justifies the deception and why this was the only way to get the facts (Kovach & Rosenstiel, 2001, pp. 82-83).

While this justification provides a basic foundation to consider deception, it does not provide for philosophical reasoning and ethical evaluation. If a decision to move forward is based on these three steps a more advanced model should be used to ethically justify the action. So how can the media balance the responsibility of truth telling on the one hand and then condone deceptive practices to gather information on the other?

Sisella Bok (1999, pp. 12-13) says deception is the intention to mislead. A lie is stated but deception is much broader and can include lying. Before accepting that deceptive practices may be used and seeking a justification for the practice, it is important to define what is meant by deception. Elliott and Culver say that (1992) “[t]o deceive is, in a prima facie sense, to do something morally wrong. When saying that a person has deceived another, there is an implication that the deceiver is worthy of blame, unless he or she can provide adequate moral justification for the deception (p. 71). If an act of deception lacks adequate justification then it is “unethical (p. 83).”

Frank Deaver (1990, p. 169) established a continuum of truth, starting with absolute truth at one end and blatant lies at the opposite end. Out of this, he established four broad categories,

Sting Journalism

arguing that each deserves to be treated differently in terms of ethical justification. The first group attempts to present information correctly, accurately and fully. The second group adds the concept of persuasion, which shapes the selectivity of information and how it is presented. The third group begins to deal with untruths but without the intent to deceive. This would include information that is erroneous but thought to be true. The final group represents a conscientious effort to communicate false information. Deaver states that two out of three categories may be rationalized for a defined purpose, but argues this final group is by definition without any redeeming value. This stance gets to the heart of the question. Is there a situation in which deception can be justified? Where is the threshold we should not cross? How does one evaluate the situation and make an ethical decision? The rule against deception is not absolute.

Circumstances arise in which other moral rules or goals should override it (Hodges, 1988, p. 28).

Deni Elliott suggests that deception is more common among the media than we might expect and outlined four different degrees of intensity. From the low to the high end of the continuum, they are primary lack of identification, passive misrepresentation, active misrepresentation and masquerading. She argues that they are not all equally wrong and they require different degrees of justification as well. Masquerading is the most serious form of deception and the harm that would be generated by the lack of trust can only be balanced by an equally great benefit (Elliott, 1989, pp. 144-146). Lou Hodges (1988, pp. 30-31) accepts that there are varying degrees of deception, but argues that there should not be varying degrees of justification. He says, "First, at all levels of deception the intent is the same, i.e., to gain some advantage by deception, by not letting the other party know exactly what is going on. Second, the source/subject is equally deceived, equally "taken in," at all levels." He argues that all levels should be justified by the same rules.

Sting Journalism

Journalists make a distinction between deception of the audience and deception to a newsmaker. Deception to the audience is inviolate, however deception to a newsmaker can be justified as a means to an end “when the story is of overriding public interest, when it cannot be obtained any other way and when the benefits outweigh the harm done to a few individuals (Lee, 2004, pp. 111-112). As providers of information, journalists hold sacred their relationship with their news audiences. But as gatherers of information, they are not above deceiving sources to gain information, particularly when the deception is viewed to be just treatment of newsmakers who are engaged in illegal activities or unethical behavior. Deception is viewed as an appropriate strategy for handling difficult sources, especially in dealing with “crooks” and “rats.” As one interviewee stated, “I wouldn’t lose too much sleep over lying to somebody or deceiving someone who’s intentionally hurting other people (Lee, 2004, pp. 107-109).”

Tolerance for journalistic deception varies among types of media. Television has a high dependency on visuals that may push TV journalists to using hidden cameras more so than their print counterparts. But that must be accompanied by other practices such as non-identification, impersonation and lying (Lee, 2005, pp. 35-36). A survey found that about 84% of the news directors thought it was okay for electronic journalists to go “undercover” to gather news (Wulfemeyer, 1989, p. 11). Yet while they condoned that behavior, they were more evenly split on the acceptability of using hidden cameras or microphones (40%) to gather news or conducting ambush interviews (47%) (Wulfemeyer, 1989, p. 16). Proponents of surreptitious taping argue that recording is neutral, that it simply extends note taking and greatly improves the interviewing process but has no inherent negative qualities. Opponents argue that surreptitious taping upsets the balance of power in a relationship in favor of the interviewer due to any potential future use such as in a broadcast or in court testimony (Cooper, 1987, p. 12). This raises the question of the Sting Journalism

media's responsibility to the subject. As stated earlier, truth telling involved not only the audience, but sources as well.

One of the arguments often cited for the use of deception is one of necessity. That some issues are kept so secret and are so serious that the only means of getting the information is through deception. But this argument may only be an excuse for journalists. In its investigation of the Catholic Church's massive cover up protecting pedophile priests, *The Boston Globe* filed suit to open sealed court records outlining settlement agreements with the Archdiocese of Boston. The judge stated the public's right to know overshadowed the Church's right to keep the records secret (Carroll et al., 2002, p. 126). Are there public authorities that have the means to conduct the investigation using subpoenas or search warrants? Bok (1982) argues that "[s]o long as the police or other authorities are coping with the problem, it is not enough for journalists merely to show that they do not have methods of entry as satisfactory as infiltration (Bok, 1982, pp. 262-263)."

A decision to deceive should be made only after examining philosophical guidelines and utilizing a justification model to make sure the reasoning is sound. Even with justification the practice of deception is not without consequences. Not all agree on what is justifiable. Thus the decision to proceed with deception must not come lightly. "The most sound conclusion involves both firm conviction against the use of deception and the ability to recognize when the consequences of someone else's corrupt deceptions justify the reporter's own use of deception to uncover corruption (Braun, 1988, p. 77)."

#### *Examples to Illustrate the Issues*

Journalist's ethical standards have developed over the years. Our roots were not always honorable. While there were exceptions, a study from the period of 1850 to 1950 found that Sting Journalism

journalists were often willing to do anything to get a story. The use of deception was among the top six issues most often cited (Fedler, 1997).

Bill Gaines, an investigative reporter for the *Chicago Tribune* who garnered recognition for his document retrieval work in a Pulitzer Prize winning series in the late 1980s on unethical practices of the city council, started out as a specialist in undercover work some 15 years earlier. He tells of one investigation into several small for-profit hospitals that specialized in poor health care. One such hospital was using janitors to help in surgery. Gains went in undercover and was hired as a janitor. A nurse asked him to watch over a 6-year-old girl who was still anesthetized on the operating table after undergoing a tonsillectomy and surgical repair for a hernia. The surgeon, the nurses, the nurses' aides and the anesthesiologist had all gone. For several minutes he was left in charge of the health and welfare of this young girl. In a first person sidebar, he wrote, "The little girl and I were alone in the room, both of us helpless. I swore under my breath. It was a responsibility I didn't want. But I couldn't walk out." He thinks undercover work is not used as much anymore saying, "I think it was overdone, maybe abused, over the years (Ettema & Glasser, 1998, pp. 38-39)."

Fortunately as the industry has improved, so has the media's ethical compass. Following are two examples that will illustrate some of the issues involved.

In 1977, the *Chicago Sun-Times* opened the Mirage bar in an effort to expose corruption in Chicago. Pamela Zekman kept hearing about corrupt city officials, but every attempt to get at this story through traditional investigative means was unsuccessful. Official corruption was so prevalent that shopkeepers were fearful of coming forward for fear of reprisal. She told of one garage owner who cooperated briefly with a television station in trying to expose a fire-inspector only to be deluged by many other inspectors and was forced out of business within a month

Sting Journalism

(Smith & Zekman, 1979, p. 7). Zekman argued there was no way to get the story through traditional means. The *Sun-Times* justified their actions by arguing “that the police could not cope with the pervasive corruption in the city, that the public was injured by not knowing enough to stop it, and that the persons who were profiting unfairly from the corrupt practices should be brought to trial (Bok, 1982, p. 259).”

Once the decision was made that the only way to uncover this story was through deception, their challenge became keeping this project within ethical and legal boundaries. Heading the list of concerns was entrapment. The *Sun-Times* did not want to be susceptible to such allegations. They would *not* encourage any illegal activity; they would only make opportunities available. “This was a matter of news judgment as well as ethics. They wanted to catch Chicago in the act of being itself.” Next on the list of concerns was invasion of privacy. The reporters would exercise discretion about certain acts, if a patron told a story that was interesting, but quite personal they would honor the privacy, but if a criminal act occurred – names, dates, places and amounts would be revealed. There were legal concerns about eavesdropping. It was illegal in Illinois to use sound-recording equipment without a court order so they relied on hidden photographers, multiple witnesses and detailed memoranda for their documentation. Finally, since the *Sun-Times* owned the bar, they assumed general liability, in other words they took final responsibility for anything that happened in the bar (Smith & Zekman, 1979, pp. 12-13).

The *Sun-Times* investigation and subsequent stories were effective in promoting change in Chicago. More than a dozen city and state inspectors were fired; two state liquor inspectors were indicted for bribery and official misconduct; bribery indictments were handed down against thirty-one electrical inspectors and the list goes on. More importantly, the mayor created a Sting Journalism

permanent Office of Professional Review to investigate wrongdoing by city employees and both the Chicago Fire Prevention Bureau and the Chicago Building Department set up internal investigations units. The *Sun-Times* investigation not only addressed the immediate problems of corrupt officials but also helped address the long-term systemic problem.

The *Sun-Times* series was recommended by the Pulitzer nominating committee in local reporting to the advisory board who makes the final decision, but was denied the award because several editors felt it was unethical for reporters to use deception to get a story. Ben Bradlee of the *Washington Post* said,

“In a day in which we are spending thousands of manhours uncovering deception, we simply cannot deceive. How can newspapers fight for honesty and integrity when they themselves are less than honest in getting a story? When cops pose as newspapermen, we get goddamned sore. Quite properly so. So how can we pose as something we are not (Regus, 1982)?”

In 1992, ABC’s “Primetime Live” aired an investigative report that claimed the Food Lion grocery store chain forced employees to work overtime without pay and engage in unsafe food handling practices to save money. “Former Food Lion workers spoke of marinating rotten fish in baking soda, repackaging old chicken in barbecue sauce and removing “sell-by” dates on eggs and yogurt with fingernail polish.” Because most of the suspected conduct occurred in non-public areas of the stores, the two ABC producers felt the need to pose as Food Lion employees to document whether the allegations were true (Levin & Roline, 2002, p. 580). They lied on job applications to gain employment and went undercover to record suspected violations (Raphael, Tokunaga, & Wai, 2004, p. 169). To insure that the producers were hired, they created false identities and backgrounds, complete with supporting documentation including fake résumés and false references that indicated previous experience (Schein, 1998, p. 190).

Sting Journalism

Nine months after the story ran “Food Lion reached an agreement with the Department of Labor to pay \$13.2 million in back pay to tens of thousands of workers and approximately \$3 million in fines, comprising the largest settlement in the department’s history.” However, ABC felt repercussions from their deceptive reporting practices. Food Lion sued ABC and the four journalists involved in the story. A trial jury found ABC and all four journalists guilty of fraud for falsifying employment documents. It found the two producers who went undercover guilty of trespass for gaining access to Food Lion property under false pretenses and breach of loyalty for collecting camera footage for ABC while on the clock for Food Lion. Although later reduced on appeal, the jury awarded punitive damages of \$5.5 million to Food Lion for the deceptive practices ABC used in reporting the story. Post trial interviews with the jurors indicated that the award was not so much in favor of Food Lion as it was intended to deter what the jurors saw as intrusive and deceptive journalistic practices (Raphael et al., 2004, p. 170).

Media reaction to the punitive damages was mixed. Supporters argued that undercover reporting of wrongdoing has been beneficial and even essential for social welfare and that sometimes that is the only way to get a story because corruption and wrongdoing by its very nature is secretive. Critics of ABC’s practice argued that undercover reporting is not a necessary part of newsgathering. A.M. Rosenthal, former executive editor of *The New York Times*, argued, “the most important investigative stories were not achieved by reporters “masquerading” as someone else. Rather these stories were achieved by reporters who had the courage to keep digging until they had enough information to print the story.” A second argument was that undercover reporting “demeans journalism by insisting on the right of reporters to do in professional life something they would never willingly allow done to themselves or to their news organizations.” And as stated earlier, “lying is inconsistent with an enterprise that professes to be Sting Journalism

seeking and telling the truth.” Finally, that the undercover reporting was “motivated by sensationalistic goals designed merely or mainly to entertain and that this damages press credibility (Levin & Roline, 2002, pp. 588-589).” Credibility is one of the most valuable commodities that media organizations have. Journalists spend a great deal of time protecting it, making corrections to demonstrate to the public that they are responsive and responsible to errors made and espousing the ideals of the journalistic practice. The public, on the other hand, is skeptical of the media and has a lack of confidence with some of the journalistic methods the media employs (Gans, 2003, p. 33). Given a lack of shared values about journalistic deception, it is not surprising that journalists and the public don’t see eye-to-eye. When there are no shared values between the deceiver and the deceived, guilt is minimized and deception occurs more easily. When the action is subject to public scrutiny, these internal rules fall short and the act quickly become a basis for public outrage (Lee, 2004, p. 117).

#### *Evaluation of “To Catch a Predator”*

The ethical decision-making will be based on Rawls’ Veil of Ignorance philosophy. Rawls believes that fairness is the vial to the concept of justice. This philosophy is egalitarian in nature and is reminiscent of the social contract theory of Hobbes, Locke and Rousseau (Christians et al., 2005, p. 18). In order to achieve fairness, Rawls’ suggests an exercise in which all participants in a discussion start from what he calls “original position.” In this position, all participants are equal and the issues are discussed without the pressure of gender or socioeconomic status. Two values emerge using this process. Individual liberty is maximized meaning that the liberty of all will be valued equally. From that equal standpoint the debate becomes one of how to balance the needs of each from all points of view without the bias of status. Second, weaker parties are usually protected because from the standpoint of “original

Sting Journalism

position” the issues are discussed regardless of the relative strength of participants. This provides journalists with an important tool when looking at issues from the point of view of the various stakeholders in any debate (Patterson & Wilkins, 2007, p. 158).

The Potter Box of Moral Reasoning will be used as a justification model. Developed by Harvard theologian Ralph Potter, this model has four steps that should be taken in order: 1) understanding the facts, 2) outlining the values inherent in the decision, 3) applying relevant philosophical principles and 4) articulating a loyalty (Patterson & Wilkins, 2007, p. 100).

The facts: “Dateline” has contracted with the activist group Perverted-Justice who has adults pretending to be minors on the Internet in an effort to attract sexual predators and ultimately expose them. Perverted-Justice states as its mission to “create a "chilling effect" in regional chat rooms and other easy targets of opportunity online such as social networking websites ("Perverted-Justice," 2008).” They encourage predators to come to a house NBC has rented with the expectation of having sex with a minor. “Dateline” correspondent Chris Hansen, instead of the minor they were expecting to meet, confronts people who come to the house. He wants to ask them what they were expecting and why they do what they do. This confrontation is taped and eventually broadcast on television. Some of the suspects will speak with Hansen and some will turn and run. Either way, upon leaving the house, these suspects are met by local police and arrested.

The values: “Dateline” seeks to provide truth to the public, promote safety for society’s children and insure justice be served by exposing sexual predators. We as a society want to protect our children. Perverted-Justice and the police want to catch criminals and, in this specific instance, want to incarcerate pedophiles. “Dateline” wants to perform its journalistic watchdog

Sting Journalism

duty and benefit society. NBC wants to increase its ratings and make money. The suspects don't want to get caught and their families want to protect their privacy.

The principles: Rawlsian philosophy would require that distributive justice be balanced among all parties involved so that the weak would not needlessly suffer at the expense of the powerful.

The loyalties: "Dateline" has a loyalty to its viewers to provide information that is valuable for members of society to make intelligent decisions. "Dateline" has a loyalty to its parent company NBC to increase viewership and make money. "Dateline" has a loyalty to the children it is trying to protect from sexual predators. "Dateline" has a loyalty to uphold justice. "Dateline" has a loyalty to do no harm without justification.

Utilizing Rawls' Veil of Ignorance philosophy and the Potter Box, the ethical evaluation of the "Dateline" program answered the following three research questions:

RQ1: Is this a proper role for the media and can it be justified?

The second of 10 principles of journalism that Kovach and Rosenstiel describe is "... [journalism's] first loyalty is to its citizens (2001, p. 5)." There is a value in the media conducting investigations whose outcome may benefit society. Protecting our children without question is one of the highest values we as a society have. The media can justify putting the danger of sexual predators on the public's agenda, demonstrating how widespread the problem is and showing how aggressive these people are. Lee found that there are unusual pressures in television to provide visuals. The facts and the reporting are not enough to make "Great TV (Lee, 2004)." That may explain why "Dateline" videotaped these men in a sting house, but it does not provide an ethical justification for doing so.

Sting Journalism

What “Dateline” did seems to go beyond placing the issue on the public’s agenda, in conjunction with Perverted-Justice, they were conducting investigations with the hope convicting sexual predators. “Dateline” states that they have exposed more than 250 individuals and more than 120 people have been convicted (MSNBC.com, 2007).

Police departments across the country have units that investigate sexual predators and Internet crime. In 2006, the Immigration and Customs Enforcement Agency was part of an international effort that charged 27 people in a child-porn sting (Frieden, 2006). Some of the stings set up by “Dateline” were in cooperation with local police authorities, but it seems the police were along for the ride and “Dateline” was in charge of the sting operation itself. It would make more sense if “Dateline” found sting operations that police were conducting and used that as a vehicle to tell the story. The media’s primary role should not be to replace the proper authorities.

RQ2: Does partnering with an activist groups challenge the media’s role as an independent watchdog?

The fifth of 10 principles of journalism that Kovach and Rosenstiel describe is “[journalism] must serve as an independent monitor of power (2001, p. 5).” When a news organization partners with an activist group, the news organization’s loyalties become shared. No longer is the first loyalty solely to the public.

Perverted-Justice is an activist organization whose goal is the exposure and conviction of sexual predators on the Internet. They will partner with any police department or organization that helps accomplish that goal. Perverted-Justice worked for free for the first three episodes of “To Catch a Predator” and then negotiated a consultant fee after that. They work with all of the

Sting Journalism

other organizations for free ("Perverted-Justice," 2008). The organization lists, with name, location and photo, the 300 people they have helped convict on their website.

Hiring an expert to assist a news organization conduct an investigation is reasonable such as when the *The (Spokane) Spokesman-Review* hired a forensic computer expert, with a background in federal child pornography stings, to go online and create a fictitious identity in its investigation of Mayor Jim West (Morlin, 2005). Steven A. Smith, the editor in Spokane, was transparent in the methods used in newsgathering and posted the transcripts online so readers could judge for themselves (Plaisance, 2007, pp. 194-195). Smith's transparency went a long way in bolstering the credibility of the newspaper.

"Dateline's" partnering with Perverted-Justice went beyond news investigation to participation in overt advocacy. NBC was minimally transparent in describing the relationship between the two organizations and being the only organization to pay a consultancy fee raises the question of "checkbook journalism."

RQ3: Even though there is a free press right to broadcast, does that right outweigh an individual's right to a fair trial?

The suspected predators who came to the NBC house thrust themselves in what they knew was an illegal situation, however, to be confronted on camera by a newsperson puts these people at a disadvantage of power. Allan Maraynes, the producer, says he was interested in finding out what motivates these predators, but the fact is that by confronting them in a compromising situation, they may be humiliated on national television (2006).

Some may argue that these suspects deserve to have their faces shown because they came to the house to molest minors. However, there is another value that must be taken into account. In our democracy, there is a presumption of innocence and the right of a fair trial. Information Sting Journalism

disseminated by television has been shown to have the a great biasing impact on potential jurors, more so than when conveyed in print, and the combined effects of both has been shown to have the greatest biasing effect (Ogloff & Vidmar, 1994, p. 520). There have been some jurisdictions that refuse to prosecute the predators that have been exposed on “To Catch a Predator” because of the involvement of “Dateline” and Perverted-Justice. Insert citation “Dateline” brags about a conviction rate of 140 out of 250 but that statistic raises questions about how successful the prosecution may be. There is some question as to whether these men could receive a fair trial after appearing on televisions and having their identities posted on a website pending trial.

*Discussion and conclusion.* While the goal of “Dateline” was to protect children from harm, there are others that faced harm from this investigation. In one instance a suspected predator, who it turns out was an assistant prosecuting attorney, committed suicide rather than surrender to police (Hansen, 2006). While it is safe to assume that there were many factors in his life that could contribute to that instability, one could also suggest that this investigation may have been the trigger. NBC ultimately settled a \$105-million lawsuit by the sister of the suicide victim (Gold, 2008).

The families of these suspects may suffer too. Certainly it can be embarrassing to the spouses and children to have their privacy invaded unnecessarily by the broadcast. Balancing individual privacy versus public welfare must be taken into account.

What “Dateline” has done is put a face to online predators and shown that they are everyday people. Their investigation has been successful at getting suspects arrested and many of those convicted. But I am not sure that it has really addressed the issue. There have not been any proposals for change or reforms in policy. “Dateline” set up stings in eight locations in six states,

but each show is the same as the previous ones, just in a different location. One program that illustrates the problem may be justified, but more than that seems redundant and excessive.

While there was benefit to society in bringing the issue of sexual predators to the public's agenda and facilitating the arrest and conviction of some sexual predators, from Rawls' perspective, the detriment that "Dateline" NBC's "To Catch a Predator" did was far greater through the deception they employed and the methods they used. It humiliated suspects, potentially threatening their civil rights, invaded the privacy of families, hurt the credibility of the profession and perpetuated the stereotype of sensationalistic journalists.

## References

- Bok, S. (1982). *Secrets: On the Ethics of Concealment and Revelation*. New York: Pantheon Books.
- Bok, S. (1999). *Lying: Moral Choice in Public and Private Life* (Second edition ed.). New York: Vintage Books.
- Braun, P. (1988). Deception in journalism. *Journal of Mass Media Ethics*, 3(1), 77-83.
- Carroll, M., Cullen, K., Farragher, T., Kurkjian, S., Paulson, M., Pfeiffer, S., et al. (2002). *Betrayal: The Crisis in the Catholic Church*. Boston: Little, Brown and Company.
- Christians, C. G., Rotzoll, K. B., Fackler, M., McKee, K. B., & Woods, R. H., Jr. (2005). *Media Ethics: Cases and Moral Reasoning* (Seventh ed.). Boston: Pearson.
- Cooper, T. W. (1987). *Surreptitious Taping: The Arguments for and the Ethics Against*. Paper presented at the Annual Meeting of the Eastern Communication Association.
- Deaver, F. (1990). On Defining Truth. *Journal of Mass Media Ethics*, 5(3), 168.
- Elliott, D. (1989). Journalistic Deception. In P. Y. Windt, P. C. Appleby, M. P. Battin, L. P. Francis & B. M. Landesman (Eds.), *Ethic Issues in the Preofession*. Englewood Cliffs, N.J.: Prentiss Hall.
- Elliott, D., & Culver, C. (1992). Defining and Analyzing Journalistic Deception. *Journal of Mass Media Ethics*, 7(2), 69-84.
- Ettema, J. S., & Glasser, T. L. (1998). *Custodians of Conscience: Investigative Journalism and Public Virtue*. New York: Columbia University Press.
- Fedler, F. (1997). Actions of Early Journalists Often Unethical, Even Illegal. *Journal of Mass Media Ethics*, 12(3), 160-170.
- Frieden, T. (2006). 27 Charged in Child Porn Sting. 2008, from <http://www.cnn.com/2006/LAW/03/15/childporn.arrests/index.html>
- Gans, H. J. (2003). *Democracy and the News*. New York: Oxford University Press.

- Gold, M. (2008). NBC Resolves Lawsuit Over "To Catch a Predator' Suicide". 2008, from <http://latimesblogs.latimes.com/showtracker/2008/06/nbc-resolves-la.html>
- Hansen, C. (2006). Events around the Texas investigation took a startling and deadly turn. from [www.msnbc.msn.com/id/15673192/](http://www.msnbc.msn.com/id/15673192/)
- Hansen, C. (2008). The Hansen Files: "To Catch a Predator". 2008, from <http://www.msnbc.msn.com/id/24128499/>
- Hodges, L. W. (1988). Undercover, Masquerading, Surreptitious Taping. *Journal of Mass Media Ethics*, 3(2), 26-36.
- Kovach, B., & Rosenstiel, T. (2001). *The Elements of Journalism*. New York: Three Rivers Press.
- Lee, S. T. (2004). Lying to Tell the Truth: Journalists and the Social Context of Deception. *Mass Communication & Society*, 7(1), 97-120.
- Lee, S. T. (2005). Predicting Tolerance of Journalistic Deception. *Journal of Mass Media Ethics*, 20(1), 22-42.
- Levin, D. A., & Roline, A. C. (2002). Undercover Reporters, Tort Law, and the First Amendment: Food Lion v. ABC and the Future of Surreptitious Newsgathering. *Kansas Journal of Law and Public Policy*, 11, 575-628.
- Maraynes, A. (2006, Sept. 20). Is predator an Internet or social problem? , from <http://www.msnbc.msn.com/id/14927950/>
- Morlin, B. (2005). Online Relationships. Retrieved Nov. 3, 2008, from [http://www.spokesmanreview.com/jimwest/story.asp?ID=050505\\_online\\_relationships](http://www.spokesmanreview.com/jimwest/story.asp?ID=050505_online_relationships)
- MSNBC.com. (2007). Re: ABC 20/20 broadcast concerning our 'To Catch a Predator' series. from <http://www.msnbc.msn.com/id/20724657/>
- Ogloff, J. R. P., & Vidmar, N. (1994). The Impact of Pretrial Publicity on Jurors: A Study to Compare the Relative Effects of Television and Print Media in a Child Sex Abuse Case. *Law and Human Behavior*, 18(5), 507-525.
- Patterson, P., & Wilkins, L. (2007). *Media Ethics: Issues and Cases* (6th ed.). Boston: McGraw-Hill.

- Perverted-Justice. (2008). from <http://www.perverted-justice.com/index.php?pg=faq#cat7>
- Plaisance, P. L. (2007). Transparency: An Assessment of the Kantian Roots of a Key Element in Media Ethics Practice. *Journal of Mass Media Ethics*, 22(2), 187 - 207.
- Raphael, C., Tokunaga, L., & Wai, C. (2004). Who is the Real Target? Media response to controversial investigative reporting on corporations. *Journalism Studies*, 5(2), 165-178.
- Rawls, J. (1971). *A Theory of Justice* (Rev. ed. ed.). Cambridge, MA: Belknap Press of Harvard University Press.
- Regus, M. E. (1982). *Deception in News Gathering by Investigative Reporters*. Unpublished Master of Arts, California State University, Fullerton, Fullerton.
- Schein, C. C. (1998). Trash Tort or Trash TV?: Food Lion, Inc. v. ABC Inc., and Tort Liability of the Media for Newsgathering. *St. John's Law Review*, 72(1), 185-217.
- Smith, Z. N., & Zekman, P. (1979). *The Mirage*. New York: Random House.
- Wulfemeyer, K. T. (1989). *What's Ethical and What's Not in Electronic Journalism: Perceptions of News Directors*. *Radio-Television Journalism*. Paper presented at the Association for Education in Journalism and Mass Communication.