

On the line
A reporter's job vs. human decency

When a cop is killed, it's automatically a top-of-the-newscast story. Only it wasn't murder, and covering the true story would mean that innocent people would pay the consequences.

by Mike Taibbi

The assignment desk called at 7 a.m. A veteran cop from Norwood, a bedroom town south of Boston, had been found shot dead in his cruiser in the parking lot of a shopping mall. Line of duty, said the early reports. Press conference at police headquarters TBA.

I had sources in Norwood. There was time for a few calls and I made them. A young detective who knew me hesitated for just a second, and then he spilled it. Two shots fired, the first wound superficial — an abdomen shot. The second was the killer, straight to the heart. The gun, the dead cop's own snub-nosed .38, was on the floor of the car. Powder burns on his hands, windows rolled up tight, doors locked. No note but not murder, suicide. Call again when you hit town, the detective offered.

It didn't occur to me on the ride that within the next few hours, and again two months later, I'd be faced with a number of tough decisions.

The first, to call the suicide a suicide, was a no-brainer. The deceased was a cop, not an anonymous, private citizen whose death by any means was of no consequence to anyone. Besides, the wrong story — that the cop was murdered — was already getting big radio play throughout the Boston area. A source at the medical examiner's office had confirmed the details of the suicide for me, and my then-employer, WCVB-TV, would certainly run the true story at 6 o'clock.

I only spent a few minutes at the press conference by Police Chief James Curran. Frank Walsh, the chief said, was one of the town's "best known and best liked officers," and while there were no suspects yet in the shooting, Walsh "had been involved in a number of dangerous investigations" at the time of his death.

A follow-up call to my detective friend led me to another source and the next phase of the story. The dead officer was also a member of the town's housing authority and had just learned he was under investigation for alleged embezzlement of authority funds. In fact, the source said, auditors from the attorney general's office were due in town that very day to begin going over the books at the board's offices.

Cameraman Len Spaulding joined me. We aimed a camera through a ground floor window, and there they were.

I didn't wear a beeper in those days (April 1977) but when I got into Len's car the desk was calling me frantically on the radio. The detective, my initial source, needed to talk to me before I reported anything. What he had to say stopped me in my tracks.

Frank Walsh was no career criminal. Clean sheet, terrific departmental record for nearly 30 years. What he was instead was a father of four whose family had been devastated by death, illness and mountainous financial problems in the months prior to his suicide.

If the story gets out it's a suicide, the nervous detective told me, Walsh's family would be deprived of the \$125,000 death benefit awarded when a cop dies on the line.

Len and I sat in the car for an hour, talking through a half-dozen versions of a script before settling on one that seemed adequately sensitive and subdued. Len was the right cameraman to be working with that day: He hated the trumpets, oversimplification and sometimes brutal invasiveness of television news.

I called the producer, told her the whole story, and told her it was solid. She said it would be the lead and agreed with us on how it should be played.

None of us anticipated the violent response the story got. Even though the Boston Phoenix and later the mainstream press all eventually reported the correct story, we were first and we were TV, and TV is where the action is — and also the reaction. When our crew cars passed through the town, they were vandalized. A colleague covering the funeral was assaulted. I received believable death threats.

And the letters. There were scores of them, most of them spilling rage, but several recognizing that while I had a job to do I had also added pain and suffering to an already reeling family. Some included newspaper pictures of Walsh's children. Whether the campaign was organized or spontaneous, it was relentless.

And two months later came decision number three. A source in state government told me that the state pension board had quietly awarded the death benefit despite the official finding that the beleaguered officer had died by his own hand.

I didn't report it, or tell my superiors there was anything to report. I wasn't sure what management would have said about it but I knew how I felt. To do this last story would only hurt innocent people, Walsh's family, people who had already been hurt by the death and its aftermath. A reporter constantly faces decisions about how to use the information he gets. Sometimes the decision, the fair decision, is not to use the information at all.

Maybe another news outlet would pick it up, I thought. And maybe, in that moment, I chose to behave not as a reporter but as a human being. Anyway, that's what I told myself, and how I've chosen to remember the story. Nobody else, as it turned out, ever did report that the death benefit had been paid.

Mike Taibbi is a reporter for WCBS in New York.

Source: FineLine: The Newsletter On Journalism Ethics, vol. 2, no. 4 (July 1990), p. 6.

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Grand jury probe TV journalists indicted for illegal dogfight

A grand jury's investigation into allegations that KCNC-TV staged an illegal pit-bull fight has resulted in indictments against three station employees.

by Joanne Ostrow

"Blood Sport," Denver TV station KCNC's special four-part report on illegal pit-bull fighting, seemed tailor-made for the spring ratings sweeps.

A grand jury has determined that it was.

On September 21, former KCNC reporter Wendy Bergen was indicted for allegedly paying to stage an illegal pit-bull fight which was videotaped for her series, and then lying about it to a grand jury. Bergen faces up to 32 years in prison if convicted of all charges, which include two counts of first-degree perjury.

The jury also indicted Channel 4 photographers Jim Stair and Scott Wright for their involvement in the dogfight and attempted cover-up. All three staffers have resigned at the request of the station.

KCNC news director Marv Rockford was issued a reprimand for not adequately supervising his staff. No station managers were indicted; NBC, which owns and operates the station has reopened an internal investigation.

Rockford said he had given the OK for Bergen to begin work on the series after she told him she had a source who could get her in to see a dogfight. According to the indictments, Bergen paid that story source what amounted to \$250 to get information and make arrangements for a fight. Later, in exchange for immunity, this same source wore a wireless microphone and secretly recorded a conversation with Bergen for the prosecution.

There are other bizarre twists to the story: When Bergen discovered the tape shot at the dogfight had audio problems, she allegedly had her source repeat comments about fictitious betting that were staged for her story — after coaching him on what words to use and even voice inflection. Bergen and Stair also supposedly used a Channel 4 vehicle to transport a pit-bull to Stair's home to get video of the animal training on a treadmill.

While Bergen was working on the series which was originally planned for the November sweeps, she apparently learned that even attending a dogfight is a felony in Colorado, punishable by a \$100,000 fine and four years in prison.

Bergen had gone to the district attorney and told him she had pictures of a pit-bull fight. He advised her not to air the tape. Because of the legal problems, station management then shelved the series.

In a memo to Rockford, Bergen wrote, "I have every intention of getting 'fighting pits' back on track for May . . . One day I am going to get an anonymous 1/2-inch tape in the mail of a fight. As we say in the biz, I believe it will be a ratings success!!"

Sure enough, a tape appeared. Apparently, no red flags were seen by management and the series ran in May.

Immediately, rumors started circulating; an anonymous caller tipped the Rocky Mountain News that the series had been staged by Channel 4.

Rockford, at this time, dismissed the allegations as "absolutely not true." He said the footage was shot by amateurs and mailed anonymously to the station. According to the indictments, this is the story Bergen and the photographers agreed to tell. They also allegedly copied the tape several times to reduce the quality of the original and doctored it to make it look more amateurish.

The case was turned over to the Jefferson County grand jury at the end of May and Bergen was placed on paid leave of absence. NBC launched an investigation, flying in corporate lawyers from Chicago.

Weeks later, Channel 4 admitted that Bergen and a KCNC camera crew had been present at a pit-bull fight last September. The station did not make clear whether the videotape shot by its staff was the tape aired in the Bergen series.

Throughout the summer, KCNC staffers were called to testify before the grand jury. Bergen, Stair and Wright stuck to their story until September 13, a week before the indictments were returned, when they learned they might be charged with perjury. The court records show that the photographers then changed their testimony and said they had fabricated the story about the tape being mailed anonymously. Bergen, the same day, repeated the original version of how they got the tape. She was indicted for perjury for lying to the grand jury on three different occasions. Stair and Wright were charged with a lesser crime, conspiracy to commit perjury.

After the indictments, Rockford said, "A great deal of trust is inherent in the editorial process. I accepted at face value Wendy's explanation. Clearly, I shouldn't have." He said what happened to KCNC could happen to any news organization if the reporter is determined to deceive.

"These are all basically good people," Rockford said. "It's a tragedy for everybody . . . So many people have lost so much. Why (this happened) is a question I don't think I'll ever know."

Joanne Ostrow is TV/Radio critic for The Denver Post.

Source: FineLine: The Newsletter On Journalism Ethics, vol. 2, no. 7 (October 1990), p. 3.

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