



FASPE

Fellowships at
Auschwitz
for the Study of
Professional Ethics

2017 JOURNAL

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With special thanks to

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FASPE 2017 Medical and Seminary Fellows on the grounds of the House of the Wannsee Conference in Berlin. **KATIE ZONI / FASPE**

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2017

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INTRODUCTION

Introduction

What does Germany from 1933 to 1945 have to do with today? Wasn't the Holocaust a singular act of malevolence perpetrated by a group of evil and deranged madmen?

What do professionals and the professions have to do with mass murder and genocide?

What do contemporary ethics have to do with Adolf Hitler?

These are the questions that underlie the FASPE mission.

In fact, it *was* the professionals in Germany and portions of occupied Europe who designed and enabled the actions that led to genocide. It *was* the professionals who executed the laws and policies that they designed. Lawyers wrote and enforced the Nuremberg Laws. Doctors designed and carried out the first murders of the handicapped and the opposition. Journalists became propagandists. Business executives used slave labor and entered into contracts with the Nazi regime to produce the weapons of genocide. Pastors and priests too often collaborated and condoned, even promoted, Nazi policies. And, to be sure, their actions were *voluntary*, not carried out at gunpoint.

FASPE begins by studying the *perpetrators*, the professionals who looked like, were educated in the same fashion as, and played the same leadership roles in their society as, today's professionals. How and why did *they* make the transition from ordinary professionals to becoming accessories to or enablers of mass murder? The answer is that it happened day by day, decision by decision, often in the service of ambition and prestige and not ideology.

In FASPE's focus on contemporary ethics in the professions, we do not seek analogies or equivalencies to Nazi Germany. Instead, we seek to display the importance of ethical behavior — even on the “little issues” — and to highlight the leadership role that professionals must play in their communities. We want our professionals to identify ethical issues and to develop tactics to address them.

We hope that the essays in this year's journal display the seriousness with which FASPE Fellows accept their responsibilities. Our Fellows give us reason for optimism as they become ethical leaders in their professions.

On behalf of FASPE, I congratulate the 2017 class of FASPE Fellows and welcome them to our community of over 430 alumni Fellows. We look forward to your leadership.

David Goldman
Chairman

FASPE

FASPE operates fellowship programs for graduate students in professional schools — business, journalism, law, medical and seminary — and early stage practitioners in those professions, which challenge its Fellows to become acutely aware of their responsibilities as respected professionals in their communities and to act in an ethical fashion.

FASPE fellowships are comprised of intense two-week study trips to Germany and Poland where Fellows study the actions and choices of their professional counterparts between 1933 and 1945. Through this examination of the ethical failures of the professions in what was a progressive, modern society, Fellows learn about the critical role that professionals play in society and the consequences of their actions — positive or negative — on the world around them.

FASPE offers a contemporary approach to the study of the Holocaust by focusing on the actions of the perpetrators rather than on the victims. Drawing on the powers of place, the study of history and a rich contextual education, FASPE creates a uniquely effective means for studying professional ethics — well beyond what is achieved by the rules-based approach often seen in the traditional university classroom.

Originally piloted in 2009 and launched in 2010, FASPE marked its eighth year of operation in 2017. A highly competitive program, FASPE accepts only 65 Fellows (12 - 15 in each of the five professions) from nearly 1,000 applications per year. Its faculty is drawn from international Holocaust historians, practicing professionals and leading academics.

FASPE seminars engage Fellows in thinking across several themes, including: defining professionalism; considering a professional's responsibility to the larger society; and the tactics of enacting an ethical decision. Seminars also focus on topics that are discipline specific, such as:

- **Business:** Are there products that simply should not be sold to particular consumers? What are the responsibilities of the C-Suite, or of the corporation, beyond formalistic legal compliance? What are appropriate penalties for corporate wrongdoing?
- **Journalism:** How do journalists balance the costs and benefits of access? What ethical issues arise in political reporting? What challenges arise in fact-checking a victim's story? Does advocacy fit into journalism?

- **Law:** How do attorneys manage duties of candor and confidentiality? What control do lawyers have over decisions that impact a client? Does the duty to a client supersede all other responsibilities?
- **Medical:** What are the ethical issues involved in medical research on human subjects? Should physicians participate in assisted suicide? How should doctors deal with resource limitations in making healthcare decisions?
- **Seminary:** What is the role of religious leaders as ethical, and not just religious, educators? When and how should they address political issues with a congregation? What are the challenges of pastoral care during times of crisis?

FASPE has far-reaching goals. On an individual basis, it seeks to instill participants with a sense of personal responsibility for the ethical and moral choices they make. By extension, it also seeks to have an impact on the professions at large, improving the practices of all business executives, clergy, doctors, journalists and lawyers.

JOURNALISM
PAPERS

Introduction to Selected Journalism Papers

The 2017 Journalism program was led by Ilene Prusher, a professor at the Florida Atlantic University School of Communication and Multimedia Studies, and Gabriel Kahn, a professor at the USC Annenberg School for Communication and Journalism. Under their guidance, this year's 11 thoughtful and committed Journalism Fellows discussed and debated the many ethical challenges facing journalists today, and in the process, developed tight-knit bonds and lasting friendships.

The Journalism Fellows participate in seminar discussions and explore historic sites, much like the Fellows in all FASPE programs. However, unlike those in other fields, the Journalism Fellows also practice their craft while traveling, meeting in the "FASPE Newsroom" to write, edit and publish pieces about the trip, which they then publish on the FASPE Journalism blog. A final piece of writing is completed after the trip ends, when Fellows submit longer feature stories that explore a contemporary ethical issue in journalism. The three pieces included in this journal are examples of these feature stories.

The first story is by Daina Beth Solomon, who describes a growing effort by media outlets to combat accusations of "fake news" by increasing transparency about how they gather information and report the news. Daina points out, however, that this sharing of information both breaks with the approach news organizations have taken in the past and raises the potential of new ethical breaches by exposing sources or revealing sensitive information.

The second story, by Laura Howells, zeroes in on the relationship between journalists and sources, highlighting the ways in which sources may not fully understand the implications of being named in a story. Laura asks to what degree journalists should adopt the informed consent standards used in medicine and the social sciences and how much a journalist should explain to a source about the process of reporting. At a time when the credibility of the press is being challenged, Laura points out the particular importance of thinking about how sources will perceive the way they were interviewed and used in a story.

The third piece, by Sonner Kehrt, also looks at the expectations sources have when being interviewed, exploring additional steps journalists need to take to protect sources from their own words, particularly given new cybersecurity concerns. Sonner concludes that

while journalists should not assume liability for a source's decision to come forward, they should recognize the risks a source is taking and be clear with that source about what protections the journalist can and cannot provide.

I offer my thanks to these three authors, the FASPE Journalism faculty and all the Fellows for their dedication, thoughtfulness and desire to make a difference in the world.

Thorin Tritter
Executive Director

Peeling Back Reporting, Building Up Trust

BY DAINA BETH SOLOMON

Just before losing his job as White House communications director, Anthony Scaramucci vented his distrust of journalists on Twitter, writing: “I made a mistake in trusting a reporter. It won’t happen again.”

The New Yorker had just published Scaramucci’s profanity-laden attacks against his White House colleagues, which he had shared with a reporter. The magazine recounted much of the details of the interview, undercutting Scaramucci’s outrage by emphasizing that its editorial staff had acted fairly.

As the Trump administration’s war against the press remains a central theme of his presidency, media outlets are turning to transparency as an effective way to maintain trust with their readers and viewers. By being clear and open about how they report, journalists can help their audiences shrug off Trump’s mockery of the press as “fake news” and “the enemy of the people.” This trust is essential not only to boost circulation and digital subscriptions, but also to help journalists effectively deliver the news — particularly about topics that are divisive, sensitive, challenging and painful.

Historical Stop-Signs

News organizations have traditionally shied away from total transparency, preferring to dole out the news as if it had arrived through divine intervention rather than phone calls, public records and on-the-street interviews and observations. Journalists also counted on impartiality and objectivity to win reader loyalty. For many decades, while print newspapers commanded mass circulations, this strategy worked. As internet scholar David Weinberger wrote on his blog, “Joho,” in 2009, “During the Age of Paper, we got used to the idea that authority comes in the form of a stop sign: You’ve reached a source whose reliability requires no further inquiry.”

The World Wide Web’s arrival in the mid-1990s changed everything, showering consumers with an overwhelming supply of information. Faced with competition, media

organizations struggled to prove their worth and began to recognize the value of shining a light on their inner workings.

“Transparency is the new objectivity,” Weinberger declared in the same 2013 blog post, summing up a growing consensus among journalists and media scholars that openness may be journalism’s best bet to keep reader trust and attention.

What are journalists up against today? The latest Reuters Institute Digital News Report found that 38 percent of Americans it surveyed trust the news. While that’s an increase from 33 percent the year before, the United States still ranks 28th out of 36 countries on this measure. (Finland scored the highest at 62 percent; Greece and South Korea hit rock bottom at 23 percent each.)

Learning to Open Up

The New Yorker may have taken a crack at boosting those numbers in the US with reporter Ryan Lizza’s blow-by-blow account of the Scaramucci call. “Scaramucci, who initiated the call, did not ask for the conversation to be off the record or on background,” Lizza wrote. A few days later, Lizza recorded a 13-minute podcast that provided further details and actual tape from the call.

“When you have the White House communications director, a conversation like that, you set some ground rules,” Lizza explained. “But there were no ground rules set. Off-the-record and on-background are bargains set between a source and a journalist.”

It’s a basic rule, drilled into the heads of cub reporters in Journalism 101. Sources in communications roles or top public offices hardly merit any leeway. And yet, Scaramucci got it wrong.

The episode underscored a bigger problem — that news consumers have a vague understanding of basic reporting practices and standards. *The New Yorker* did a tremendous service by explaining these standards to the public in simple language, without apology, defensiveness or condescension. In doing so, it cleared up any confusion that could lead to distrust.

Other organizations are also embracing transparency as a way to educate readers and build credibility, often using creative websites, social media and videos.

The New York Times Insider website, launched in 2015, urges readers to: “Go beyond the headlines, side-by-side with the people who report them ... See their decisions. Hear the debates.” In recent weeks, *Insider* explained how freelance “stringers” contribute to the *Times*, offered a reporter’s take on meeting White House press secretary Sarah Huckabee

Sanders and presented a reporter's rationale for doing a ride-along with Immigration and Customs Enforcement. It even offered copy-editing quizzes that reveal the minute decisions behind every word and punctuation mark.

Last December, *Los Angeles Times* reporters took to Reddit to discuss their OxyContin investigations. "We're back with new reports on how the drug that set off America's opioid epidemic is now going global. Ask Us Anything," they wrote. The thread generated 530 comments, and the *Times* reporters wrote 20 responses.

The Wall Street Journal's "Face of Real News" video campaign, launched in March 2017, gave reporters an opportunity to explain how they tackled tough, controversial stories. A China correspondent interviewed dozens of business people and politicians to understand the yuan exchange rate, for example, and an economics editor probed the discontent in small-town America that ended up contributing to Trump's presidential victory. The videos close with the tagline, "Real journalists and real news from America's most trusted newspaper," clearly taking aim at accusations of "fake news."

Treading Carefully

Even as some new organizations take stabs at weaving transparency into the culture of daily reporting, others appear wary of getting in too deep, and, perhaps, exposing themselves to criticism. The weekly public radio program "This American Life" published its seven-chapter investigative podcast "S-Town" on a beautifully illustrated website, but without much extra information, ignoring obvious ethical questions about how the piece was reported.

And CNN observed a code of silence around its retraction of a thinly sourced piece about Scaramucci and a Russian investment fund. Its explanation was one sentence long: "That story did not meet CNN's editorial standards and has been retracted." The public was left guessing at what transpired, and Trump saw the incident as a personal triumph. Shortly after, he tweeted, "Wow. CNN had to retract big story on 'Russia,' with three employees forced to resign. What about all the other phony stories they do? FAKE NEWS!" He also tweeted a video in which he tackled someone whose face was superimposed with a CNN logo. The caption read: "#FraudNewsCNN #FNN."

An analysis by *The Washington Post* — which presumably took weeks of reporting — did little to clarify what happened. It's possible that CNN did not want to become a political punching bag by revealing its inner workings. But that kind of attitude does not encourage credibility with the public. And if CNN — a newsroom with 4,000 employees worldwide — can't stand up to scrutiny and criticism, then who can? The outlet should have grasped the bigger picture and used the mistake as a way to foster understanding and trust with consumers. Instead, the episode bred confusion and uncertainty.

Transparency can come with pitfalls, of course. Journalists need to protect their sources, explaining their reporting processes without revealing sensitive information. The good news is that journalists are masters of communication. Every day, we gather stories of pain and conflict from around the world and deliver them to the public. Surely, we can learn to reveal a bit of ourselves too.

Daina Beth Solomon is a reporter for Reuters news agency in Mexico City. She received her master of journalism degree from the USC Annenberg School of Communication and Journalism in 2015.

‘Can I Quote You on That?’

Examining the Relationship Between Reporters and Sources

BY LAURA HOWELLS

At 5:03 p.m., while putting the finishing edits on my story, I got a frantic text from a man I’d interviewed that morning.

“Can you call me right away?” it said. “I don’t want my name used.”

My heart sank. My deadline was three minutes ago.

“I didn’t realize you were going to use my name,” he said on the phone. “I thought I was just giving quotes.”

I roll my eyes and fight the urge to bid him tough luck. He’d expressed no hesitations or wariness just a few hours ago. We’d talked for a solid 30 minutes and he eagerly spelled his name when I had asked. Had he texted me an hour later, it would have been too late. But then again, I never *explicitly* told him I’d be printing his name.

“Hi there. My name is Laura Howells, I’m a reporter with Newspaper X. I’m working on a story about Y. Do you have a few minutes to talk?”

Journalists often only identify themselves and their employer in order to gain consent for an interview. But this relies on the assumption that the general public understands exactly *what* they’re consenting to.

If the person on the other end of the line says yes, we’re off to the races. They’re saying quotes; I’m typing; news is happening. Such is the process — right?

“You can talk to a person for a half hour, and only when you say, ‘And you spell your name...?’ will their features cloud as the terrible realization dawns upon them that you have been jotting down their words for an ulterior motive,” writes *Chicago Sun-Times* columnist Neil Steinberg in his 2012 book, *You Were Never in Chicago*.

Maybe the source thinks he's just having a chat, not realizing that every word he says could be splashed across the front page of a national newspaper. Or maybe he does understand this, but doesn't realize how that publicity will affect his life. Journalists know how the media sausage is made; we live and breathe it daily. But there is often a knowledge gap between us and the people we cover — and with the media's credibility increasingly under attack, we need to better bridge that gap in our daily work. Abiding by professional norms may no longer be enough, and reporters today could do more to explain the reporting process to our sources — even if that means scaring some of them off.

Daina Goldfinger thought she'd found the perfect main character. She was working on a feature story about a drug used in addiction treatment and had found a clinic worker with a compelling personal story. Goldfinger reached out, explained her project, and the woman agreed to talk.

Goldfinger, a graduate journalism student in Toronto, flew across the country for her story. She spent hours following her source around the clinic, taking notes. But after Goldfinger got home, the woman called and off-handedly mentioned that she'd need a fake name.

Goldfinger was stunned. She and her source had never discussed anonymity. She had been upfront about her intentions, and the woman knew she was talking to a journalist.

"She just didn't seem so clear on how that information would be used," Goldfinger reflects months later.

But should we really be so surprised? This woman wasn't a communications professional; she had no journalistic training. If Anthony Scaramucci is confused about when he's "on the record," the average Joe might be too.

"People don't understand that once you talk to a reporter, it's the reporter's story," says Kathy English, public editor at *The Toronto Star*. "Now, a good reporter will be fair to the story, to the subject, to the source. But it's still the reporter's story. It's still the news organization who decides how to play the story."

English says we must take particular care to explain the process to vulnerable sources — individuals who are not media savvy or those thrust into the news through no will of their own. Of course, defining a vulnerable source is subjective. Children and people with developmental disabilities seem like obvious examples. But where does one draw the line? When does treating a source as "vulnerable" simply become paternalistic?

English was part of the Canadian Association of Journalists' (CAJ) 2014 panel, "On the Record: Is It Really Consent Without Discussion of Consequences," which examined informed consent in journalistic practice.

The report that emerged from the panel cites columnist Neil Steinberg's "speech"— a short disclaimer he'd give at the beginning of every interview to ensure his subjects knew exactly what they were getting themselves into.

"You understand I write for a newspaper," Steinberg would say. "That I'm talking to you because I'm going to put what you say into an article, which will appear in the newspaper, which people will then read."

There are cues that journalists can employ to remind their sources that they're speaking on the record. It could be as simple as taking out a recorder, very obviously hitting record and keeping the recorder in plain view throughout the interview. Or it could involve asking somebody to say and spell their name at the start of the interview. But perhaps we should all be delivering versions of Steinberg's "speech," even in situations in which it might seem like we are stating the obvious or even appear patronizing.

But a person who understands exactly what talking to a reporter entails may nevertheless not understand how being thrust into the public eye could affect his or her life.

"Publicizing private information is not a neutral act," writes University of Western Ontario journalism professor Meredith Levine in her 2010 Master of Journalism thesis titled *Consent and Consequences: Journalists' Duty to Inform Subjects of Potential Harms*. "Those who do," she adds, "frequently experience a shift in their lives, sometimes only fleeting, other times more lasting; sometimes the change is for the better, and other times things get worse."

In her thesis, Levine describes an experience she had as a producer for a national current affairs radio program. A woman who Levine tracked down willingly agreed to tell her story of childhood sexual abuse in front of a microphone. But several months later, the woman contacted Levine saying that she had been hospitalized with severe depression and that she blamed her depression on the negative fallout from having done that interview. After publicizing her private history, she said, her intimate relationships were in shambles and awkward stares followed her at work.

"Did I have an obligation to inform this woman that publicizing intimate information could have an impact on her life and her relationships? Back then, this question never occurred to me," Levine writes.

Levine, who was also part of the CAJ panel, argues that journalists have a duty to talk to their subjects about potential harms. She suggests we can learn from informed consent

protocols used in healthcare and in health and social science research (although she acknowledges there are problems with such protocols, and says consent requirements in journalism should avoid rigid and bureaucratic processes).

Journalists can't anticipate every possible consequence of publicizing private information, but we *do* often know more than our subjects, she says, "yet rarely share this information."

Of course, discussing the negative consequences of talking to the media may stop some people from speaking out or from agreeing to be interviewed. Public distrust of "unnamed sources," and the ethical issues involved in using them, puts added pressure on journalists to get sources on the record; yet, showing more compassion and sensitivity to our sources could also improve public trust long-term.

So where do we draw the line? Should we tell a transgender woman that if she talks to us, she's likely to get inundated with hateful comments online? Should we tell a 19-year-old that criticizing the government might limit his future job prospects? And if they still agree to talk, should we ever override their own judgement?

Last year, I was reporting on the French election from Saint Pierre and Miquelon, a tiny French colony off the coast of Newfoundland, Canada. One evening, I interviewed a 16-year-old girl who told me she was a big supporter of Marine Le Pen. The girl knew we were on the record — she was speaking into a radio microphone — and she had no qualms about her convictions. I was initially glad to talk to her; she was one of the few open Le Pen supporters I could find. But when it came time to write the story, I couldn't bring myself to incorporate her quotes. She was 16, sure, but she was still a minor, and I worried that publicizing her political beliefs could have unforeseen consequences down the road. Youthful opinions are malleable, but an online story lives forever. I wanted to protect her, but to this day, I still question my decision to withhold. It felt paternalistic; if she had been 18, I probably would not have hesitated to put her in the story. Then again, what is the difference between a 16-year-old and an 18-year-old? Or a 65-year-old who doesn't understand the internet?

Jim Rankin, a reporter at *The Toronto Star*, believes it's imperative that journalists minimize harm — even if that means losing a quote or two.

Rankin has reported extensively on police carding and racial profiling in Toronto. When he's working with vulnerable sources, such as young people or those without media experience, Rankin is careful to explain what talking to a journalist means and to ensure that they understand that what they say will be out there "for good." He talks to people about potential consequences and the possibilities of online backlash, while also discussing the benefits of speaking out.

If someone is particularly nervous and unfamiliar with the media, Rankin doesn't mind reading back that person's parts of the story to them prior to publication — and giving them the opportunity to “take something back.”

It's a controversial standpoint, but Rankin says it's “the right thing to do.” He would never give politicians or spokespeople that option, he says, but he has no problem doing it with vulnerable sources. Plus, he adds, going over what someone said can be a form of fact-checking.

Ann Rauhala, a professor of journalism at Ryerson University in Toronto (for whom I am currently working as a research assistant), finds that being clear with one's sources has the opposite effect of what one might anticipate. The more explicit she is with sources about what she's doing, Rauhala finds, the more they open up to her.

Rauhala says that when first starting out as a journalist, she felt like she was trying to “trick” or “seduce” her sources into speaking frankly and quickly. The older she got, the more she found herself thinking about her sources and considering how aware they were of the journalistic process.

“When you're an inexperienced reporter, you don't take time to turn the interview into a real conversation,” says Rauhala. “Once you start getting to the point where you're comfortable enough to have conversations with people, then you are sort of innately recognizing their humanity.”

Journalists are often encouraged to be aggressive, Rankin says, but that can be harmful for the industry's overall reputation. If someone has a bad experience with one reporter, that can taint their overall perception of journalism.

“Especially in this day and age, with the media's reputation being called into question ... we should all be looking at ways to make what we do way more transparent,” he notes.

Rauhala now teaches her first-year reporting students to treat a source as if they were “the mother or father of someone you're madly in love with, who you're meeting for the first time.” Be more polite, respectful and clear than you would ever normally be — and try to give them the benefit of the doubt, she counsels.

Ultimately, *Toronto Star* public editor English says journalists need to be constantly asking themselves, “Is this fair?” And sometimes this means “saving people from themselves”: calling back, double checking and asking them if that's *really* what they mean ... even if they've given you an excellent quote.

Journalists ascribe tremendous importance to spoken words. Quotes and “real human voices” are often the lynchpins of good stories. But people speak carelessly constantly.

What many of us say in conversation is rarely well-articulated or thoroughly-considered. And yet journalists will use these words as the basis for a headline or a key voice in a story.

Many journalists may disagree with Levine's suggestions about informed consent, or the idea that we could ever allow a source to renege on a quote. But perhaps we should start having these arguments — both in our newsrooms and in the public sphere — if only to help build trust in an industry that badly needs it.

“We can't forget that it comes down to us ... Anyone who you deal with, how they perceive journalism may well come down to only how they perceive their interaction with you,” says English.

“We all carry our own internal code of what we will do, what we believe is fair. And that doesn't mean you stop being a human being.”

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The Unspoken Obligation

BY SONNER KEHRT

In March 2018, the trial of Reality Leigh Winner will begin. Winner was an intelligence specialist who leaked classified information to *The Intercept*, a national security media outlet. The story ran and mere moments later, Winner was arrested, in part due to *The Intercept's* carelessness. Winner is being held in prison, having been twice denied bail. *The Intercept* received some bad press, but that was about it. This is the way journalism works: We rely on sources to do what we do, but when things go south for them, as journalists, we're largely unaffected. It's a relationship which is often unbalanced, and, as with any imbalance, it raises ethical questions. Yet within the modern norms of journalism, these questions remain under-examined.

As journalists, we believe our craft is in pursuit of a greater good — and when we practice it responsibly, it is. But just because our reporting serves a higher purpose doesn't mean that the stories we work on can't inflict collateral damage on the sources on whom we rely. The question of what, if anything, we owe our sources is not well explored, and, as a result, there aren't strong guidelines for journalists in this area.

Rather, journalism ethics tend to focus on other things, like truthfulness and objectivity. And if we follow these ethical rules — if we are accurate and fair and if our story appears to be for the public good — there is little that compels us to take stock of how our journalism may affect those we write about or depend on for information.

In her 1990 book on journalism ethics, *The Journalist and the Murderer*, Janet Malcolm writes, "Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people's vanity, ignorance or loneliness, gaining their trust and betraying them without remorse." It's not entirely a fair accusation: The best traditions of journalism are not only morally defensible; they are morally necessary. But the idea of betrayal highlights an issue that is conspicuously absent from current discussions of media ethics. As journalists, we have a responsibility to inform the public — and we also have a responsibility to protect our sources. These sometimes come into conflict with each other and when they do, the default position tends to be that our responsibility to inform trumps our responsibility to protect. But is this a fair assumption? What do we, as journalists and as decent human beings, owe the sources and subjects on whom we depend?

In a discussion during the FASPE program this summer, Kate Harloe, a 2017 FASPE Journalism Fellow, summed up a critical fact at the root of this issue: “The raw material of our profession is other people’s lives.” The practice of journalism demands that we mine others for pieces of information, anecdotes, ideas and details that we can then use to build a story. Edward Wasserman, a media ethicist and dean of the Graduate School of Journalism at the University of California, Berkeley, where I attend J-School, says he thinks that journalists often view sources as a resource rather than as independent actors who have much to gain or lose from engaging with the media.

As Wasserman puts it, “You don’t ask the ore how it feels being processed into gold.”

In the United States, we laud the broad protections provided by the First Amendment, and we largely feel secure in its ability to defend us as journalists. But our sources — our raw material, our ore, as it were — are not considered part of the press and, as such, they remain vulnerable. A reporter may be celebrated for breaking a critical story, but the story’s impact on its sources is simply accepted as the cost of doing business, if it is examined at all. In the case of “small fish,” that is, sources generally not in the public eye, we rarely pause to consider the potential fallout they may face from speaking with the press. Bigger sources, those who provide us access to privileged information, may be prosecuted or jailed for stories that win reporters accolades.

But the machinery of a story starts long before the presses roll, and if we are interested in acting ethically, we need to consider the reality that our craft inherently depends on human beings who will be affected by the stories we write. The balance between our responsibility to inform the public and our responsibility to protect our sources can shift depending on the information at hand, and to assess this moral calculus, we need, at least, to be willing to question some of the general practices of journalism.

We tend to assume that sources know the rules we play by. Often, they do. Public relations professionals, government officials, media moguls and others who regularly interact with the press, or whose job it is to interact with the press, are as happy to manipulate us as we are them. But less media-savvy sources — private individuals who usually have no occasion to interact with the press — have little familiarity with the standards that guide reporting. A journalist approaches a man on the street, identifies herself as a reporter, notebook in hand, and asks for a reaction. If the man starts speaking, journalistic standards allow for the reporter to quote him. But the man may not actually be aware of this, as is demonstrated by the fact that it’s not uncommon for such a source to end an interview by saying, “You can quote me on that,” as if he assumes that whether or not he will be quoted were up for debate until that point.

Similarly, we may expect that people know the risks they face when choosing to speak with us. But again, this is not always the case. Particularly when it comes to vulnerable

populations, we should consider whether we have a moral burden to better inform them ahead of time of the rules and risks of speaking with us.

Levi Bridges, an independent journalist based in Mexico, has been working on a story about deported immigrants trying to cross back into the US. The individuals he interviews can be put in danger if they go on the record with him and their names are published. Because of this, he tries to be cautious when finding sources. He informs them that talking to a journalist about their immigration status could have negative repercussions and that they are free not to answer questions that make them uncomfortable. To some extent, this approach flies in the face of the traditional journalistic mandate to get the story, no matter what.

“Oftentimes I feel like I’m trying to convince people not to talk to me, and like this isn’t the best way to start an interview,” he says. “Yet nothing else feels ethically right.”

No one knows what the repercussions of a particular story will be. A journalist can offer warnings, but he or she cannot offer guarantees, and sources often have their own motivations for speaking to journalists. But particularly in cases in which a source is not accustomed to interacting with the media, there exists a power differential between the journalist and the source. In her essay, “Truth and Consequences” — which appeared in the book *Telling True Stories*, put out by the Nieman Foundation for Journalism at Harvard University — Pulitzer Prize winning journalist Katherine Boo writes, “As a journalist I have more power than the people in my stories. There’s no way around that.” By being more upfront about the rules of the game and the potential outcomes and risks, we can at least minimize that power differential.

In citing another example of how to rethink interactions with sources, Berkeley J-School professor Wasserman points to a case study that the school’s students discussed during a media ethics class. In the 1980s, a small-town paper in New England ran a story about the first baby born in the new year. The article was intended to be a simple filler piece, but it turned out that the mother of this particular baby was a single mother on welfare, who was more than happy to talk about how her reliance on government assistance made the decision to have a second child easy. The wires picked up the story, and at a time when talk of Reagan’s “welfare queens” was dominating the political and cultural discourse, the woman suddenly found herself a poster child for indolence. The public’s reaction was so severe that she ended up too scared to leave her apartment.

The question Wasserman asks is whether the reporter in this instance had any responsibility to inform the woman of the repercussions her statements might have. The knee-jerk journalistic response is, “Of course not.” As reporters, it sometimes seems as if we live for juicy statements like the ones this woman provided. Moreover, the topic of what went into her decision to have a second child is not necessarily trivial. Information about how tax dollars are spent serves the public interest. But does our mission to inform the

public override our responsibility to protect a source — even if we're protecting her from herself?

Wasserman argues that this dilemma tends to arise particularly when journalists are “driven by genre.” The story about the first birth of the new year was supposed to be a short, light piece, and that's what it ran as. But the reporter and the editor must have known that it contained information worthy of deeper journalistic probing: Was this mother actually abusing the system? Was this a widespread problem? The story did not dive into these issues; rather, it simply included several explosive quotes which, devoid of context, suggested a particular narrative, which was then picked up by political and cultural commentators to use for their own ends.

It's not a journalistic priority to protect sources from themselves if they don't deserve protection. If the mother had been abusing the welfare system, it would have been worth reporting on, and the story would have been made richer by her colorful quotes. But this wasn't the focus of the story that was reported and merely including her quotes in that story, suggests a larger narrative that was not fully reported out, thereby shortchanging the source as well as the public.

Of course, there are times when we do report out the full story, and these instances come with their own calculus, which brings us back to Reality Winner and the story broken by *The Intercept*. In this case, the story was inherently worthwhile. The information Winner leaked pertained to Russian interference in the 2016 US presidential election, and *The Intercept* had a clear responsibility to report it in order to inform the public.

Yet, this doesn't mean the site's responsibility to its source was necessarily less, and the particulars of how Winner and *The Intercept* interacted do raise important questions about how we prioritize these competing responsibilities. Winner approached *The Intercept* with information. *The Intercept* did not solicit her for it. Moreover, Winner was an intelligence specialist, vetted for a security clearance and not a random person on the street. We assume — although we cannot be sure — that, given her position, Winner knew what she was risking. And she did little to protect herself. Winner was one of only six people who had access to the document she leaked, which made her particularly vulnerable, and she used her work computer to communicate with *The Intercept*.

Nevertheless, these particulars do not necessarily absolve journalists of responsibility. While it is not our role as journalists to assume liability for a source's decisions, we do need to recognize that sources and reporters enter into agreements with each other with very different things at stake, and it's not always clear to a source what a promise to protect them actually means. *The Intercept* did not intentionally reveal Winner as its source. She was identified when *The Intercept* sent copies of the documents she leaked to the NSA, and in looking at the copies, the FBI realized that the originals had been created and thus likely printed and hand-carried, which ultimately led the NSA to Winner. But in a world of

increasingly sophisticated surveillance, these reveals are becoming more likely. In 2011, the executive director of the Reporters Committee for Freedom of the Press wrote that a national security representative told her that they wouldn't subpoena reporters in the future. "We don't need to. We know who you're talking to."

Given increasingly sophisticated powers of surveillance, we should ask ourselves whether we owe our sources more. Certainly, we should be careful, even obsessive, about our digital security, and *The Intercept* has been rightfully pilloried for its carelessness in this case. But if sources' identities can be readily found out, what are we doing by promising not to reveal names, other than advertising our supposed virtue? Should we promise more? Should our relationship with our sources end when we can no longer protect them? Do we owe them a public defense and the public recognition that we could not do our work without them? In the absence of a broader ethical discussion about source relations, the answers are unclear. That should trouble us.

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