

Checkbook Journalism

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Public relations practitioners talk to journalists because it's their job. Whistleblowers talk because they see it as the right thing to do, or they've got an ax to grind. Politicians talk when it's in their best interest. Movie stars talk when they have a new film to hype. Victims of crime or other disasters talk because it's cathartic or because they want the world to know their story. Others talk simply because a journalist asks.

And then there's another reason why sources provide information to journalists: Because news organizations pay.

"Checkbook journalism" is the practice of compensating sources who provide information. Sources who possess a marketable commodity of information, access, images or insight are willing to sell what news organizations want, and some news organizations are willing buyers. In exchange for payment — cash, travel expenses or other consideration — journalists receive a competitive advantage through access to the information they need for stories. News organizations usually demand exclusivity to the information, which they hope brings larger audiences and the ability to charge higher rates to advertisers. For those reasons, some news organizations let money talk in the quest to win what they call "the get" — the interview and images they want to tell the day's hot story.

The term "checkbook journalism" has neither a clear-cut definition nor an exhaustive list of what it constitutes. Any list begins with direct payment to sources in exchange for interviews or information. A distinction that some say has little difference is a "licensing fee," the term some news organizations use when they buy rights to photos or videos while noting that the interview with the images' owner is free. Some ethicists say any remuneration constitutes checkbook journalism, regardless of the journalist's motive, because it hinders objectivity and blurs the traditional source-reporter relationship. Nicholas Von Hoffman (famous for losing his commentary job on CBS's *60 Minutes* after calling Watergate-plagued President Richard Nixon a "dead mouse on America's kitchen

floor”) argued that it occurs when news organizations buy public opinion polling, because the poll results are manufactured news. Some purists argue that having “experts” on retainer, ready to offer their insight when news breaks, is a form of checkbook journalism. The business of buying book and broadcast rights from people caught up in newsworthy events may constitute checkbook journalism, too, especially when news organizations that are part of media conglomerates make deals that include access to the conglomerates’ non-news divisions.

With checkbook journalism, there is a fine line between legitimacy and criminality. In some instances, prosecutors have filed bribery charges against public officials and other sources. The Society of Professional Journalists’ 2011 *Journalism Ethics* book flatly states that checkbook journalism is “something serious journalists say is wrong.” The Radio Television Digital News Association’s code of ethics is similar, stating that “electronic journalists should not pay news sources who have a vested interest in the story.”

In some nations, paying for information is merely a cost of doing business, and politicians and athletes routinely expect money before helping journalists. Most American mainstream news organizations forbid the practice. Local broadcasters and newspapers rarely pay, usually for reasons of ethics, economics and a lesser need for exclusivity. But some television networks, national news organizations and book publishers leap in and out of bidding wars in the chase for celebrity, crime, court and political stories. And it is common among tabloid and entertainment-focused media.

Some see the practice as a non-moral issue, others as a hold-your-nose-but-do-it necessity in a competitive media environment, and others as a journalistic sin.

Checkbook journalism is legal in the United States, despite attempts to ban it. As a response to checkbook-wielding news organizations scoring scoops (occasionally at the expense of truth) in the O.J. Simpson murder trial, the California Legislature forbade witnesses to criminal acts from receiving any “benefit” for their information. A court quickly tossed that law on First Amendment grounds in 1995, but courts have ruled it legal for governments to forbid criminals from cashing in on their crimes. Regardless of the law, remember that it’s a mistake to conflate what is legal with what is ethical.

Origins of the Issue

It’s unclear who wrote the first check to a source. An early instance came with the *Titanic’s* 1912 sinking, when the *New York World* promised to pay the wireless operator of the nearby *Olympic* for news, with journalistic reminders to be quick and “mention prominent persons.” It is unclear whether a deal was made,

but the *New York Times* paid \$1,000 (or \$20,000 in current dollars) to a *Titanic* wireless operator.

An early practitioner of checkbook journalism was William Bradford Huie, a Southern journalist who paid three racist killers for their stories. His 1956 *Look* story included interviews with the two killers of Emmett Till, a black teenager they claim flirted with a white woman. Each killer received \$2,000 (about \$16,000 today), safe from double jeopardy after an all-white jury found them innocent. In 1968, Huie paid James Earl Ray \$40,000 (nearly \$250,000 today) to tell about assassinating Martin Luther King. In an afterward to Huie's *Three Lives for Mississippi*, author Juan Williams said Huie "seems to have inadvertently invented 'checkbook journalism.' "

Time magazine first noticed checkbook journalism in March 1962, when it showed how British tabloids paid for access to killers and jurors. As a tabloid editor lamented, "It's getting to the point that when you ask anyone the color of his hat, he says, 'Six quid and I'll start talking.'" A year later, *Time's* parent began buying news. Time-Life Inc. paid Henry Zapruder \$150,000 (more than \$1 million today) to give *Life* stills from the home movie showing bullets striking President John F. Kennedy. Zapruder's family later sold rights to CBS before the U.S. government bought all film rights in 1999 for \$16 million. In the 1960s, Time-Life paid \$500,000 to the seven Mercury astronauts for access.

Payments continued throughout the next decades. In a 1972 *Columbia Journalism Review* article, *McCall's* editor Robert Stein spat at those who would pay for information: "[W]e are anxious to enrich any witness to a great media event as long as he promises to tell us 'the real truth' behind the outpouring of news that we have been consuming so avidly: James Earl Ray, Charles Manson, Lt. Calley, Sirhan Sirhan, Jacqueline Kennedy's dressmaker ... Judy Garland's last husband — we want to hear them all."

Stein could have added politicians to that list. In early 1975, CBS News paid \$100,000 (or \$400,000 today) to H.R. Halderman, the Nixon aide who later that year began an 18-month prison sentence for Watergate crimes. Nixon struck it richer in 1977, when British talk-show host David Frost paid Nixon roughly \$600,000 (or \$2 million in today's dollars) for his first post-Watergate interview. NBC was among the losing bidders for the interviews, which 45 million people watched during five syndicated broadcasts. In both instances, buyers said they were buying "memoirs," not news. Critics demurred, noting that the sellers' comments were newsworthy regardless of the newsmaker's current job title.

Checkbook journalism drew its first admonition in journalism textbooks during the 1970s. The Society of Professional Journalists' code of ethics first mentioned it in 1996's fifth revision, when, in the wake of multiple news organizations bidding for news in the O.J. Simpson trial, the SPJ advised members to be

“wary of sources offering information for favors or money; avoid bidding for news.” Still, the practice continues.

Arguments for Checkbook Journalism

John Cook said he once was like most American journalists, believing that buying information is “in the same moral category as paying for sex.” The former *Brill's Content* reporter, writing in 2011 in *Columbia Journalism Review*, said he's changed his mind now that he works for the Gawker media group, a 2003 web startup with nearly a dozen sites that have made money and lured millions of viewers after buying news content.

Money and audience views are about the economics, which is the least-common denominator in most arguments that see checkbook journalism as ethically appropriate or at least ethically neutral. Supporters of checkbook journalism offer both practical and ethical arguments.

Cook argued that legitimate news organizations that won't pay for information miss out on important stories, such as the British parliament scandal or the *National Enquirer's* October 2007 scoop that former presidential candidate John Edwards lied about fathering a child out of wedlock. He pleaded innocent in 2011 to six criminal charges that he used campaign contributions related to the affair.

Cook's sister sites have opened their checkbook in at least three notable occasions. Jezebel.com paid \$10,000 for original photos from a 2007 *Redbook* cover that Cook said showed “just how radically and creepily women's magazines use Photoshop to digitally hack away at their subjects.” Sister site Gizmodo.com paid \$5,000 in 2010 for an iPhone 4 prototype, revealing its details months before the notoriously private Apple planned to debut it. (The site's former editor apologized to Apple co-founder Steve Jobs weeks before Jobs' death.) And the head of a third sister site, Deadspin.com chief Nick Denton, called it “a great investment” after buying indecent pictures and explicit voicemail messages that former Jets quarterback Brett Favre apparently sent to a woman who worked for the NFL team. “All of the above stories were true and important,” Cook wrote. “None of them are less correct, or less pure, because filthy lucre was involved. And it's not certain that any of them would have come to light absent a monetary inducement. Ethical squeamishness aside, if paying for evidence of massive and systemic abuses of the public trust is wrong, then I don't want to be right.”

New York University professor Robert S. Boynton says payments sometimes may be appropriate, since “we owe our sources everything.” Deadspin's Denton was more succinct about the changes that the Internet has brought to journalism. Paying for information, he said at a December 2010 media conference, “gets the

traditional media contorted. They're envious, but they're disapproving, and it's a beautiful thing to watch."

The unstated question is what Denton meant by "traditional media." In reality, practitioners of checkbook journalism include many "traditional" media organizations, or at least newsgatherers owned by traditional media organizations. Although tabloid publications such as the *National Enquirer* are known for buying news, some of the nation's most prestigious news organizations (or subsidiaries of conglomerates with prestigious news organizations) have engaged in the practice. Take, for example, the 2008 example from the gossip news organization TMZ, which paid \$165,000 to Thomas Riccio for audio of the confrontation between two memorabilia dealers and a group of men that included Simpson. Riccio, who apparently arranged the confrontation, also scored payments from ABC and the syndicated *Entertainment Tonight* tabloid show, which is distributed by CBS Television. The website thesmokinggun.com, a Time-Warner subsidiary that reported on the deal, noted that TMZ was "apparently the only Time-Warner entity that is allowed to pay for stories or tips." (Time-Warner divested itself of TMZ when it spun off its AOL subsidiary into a separate company.)

Although major television networks are now trying to steer clear of the practice, they have long been in the business of paying for information to beat competitors. ABC News has presented multiple examples during the past few years. Three months before Casey Anthony was charged with killing her daughter in 2008, ABC paid her \$200,000 for rights to video of 2-year-old Caylee. The payment became public in March 2010, two years after the deal was struck, when a judge ordered that information be revealed in open court. Anthony was found not guilty in July 2011. Less than month after the verdict, *Forbes* magazine questioned whether she was paid for photos of her posted on several tabloid websites. "She has to capitalize now," *Forbes* quoted an anonymous "insider" as saying. "In a couple of months, people won't give a sh*t."

Anthony was among several involved in her trial who received compensation from ABC. Her parents received three nights in a Ritz-Carlton hotel. The utility worker who found Caylee's body testified that ABC paid him \$15,000 as a licensing fee for photos of a snake that may or may not have been near where the body was found. Roy Kronk told the court that while ABC paid him only for the photo, "I knew there would probably be an interview involved."

ABC also paid a woman who was caught up in sex and politics. It paid \$15,000 for photos sent to Megan Broussard, who was among several women receiving lewd photos by U.S. Rep. Anthony Weiner, D-N.Y. He originally denied sending such images, but in 2011 he quit Congress and confessed to lying. The network's Chris Cuomo said ABC had little choice but to open its wallet. "I wish money was not in the game, but you know ... someone else is going to pay for the

same things,” he said on CNN’s *Reliable Sources*. “I wish it were not. You do, too. But it is the state of play, and to say otherwise I think is false.”

The Weiner and Anthony examples each had some degree of serious news value. But stories involving celebrities, which rarely have news values that would vault them to the front page or the top of an evening newscast, are more likely to include a checkbook than traditional news stories. This chapter could list hundreds of examples of celebrities who are paid for interviews or pictures. As this chapter was being written, it was reported that *People* magazine (a Time-Warner publication) paid \$1.5 million in 2011 for the wedding photos of the 72-day marriage of NBA player Kris Humphries and Kim Kardashian, who is famous for being famous. *People* paid another \$300,000 for photos of their engagement party. And if the celebrities aren’t the ones paid, then someone “close” to them might be. Much of the fodder for gossip-focused publications comes from anonymous insiders — usually family, friends, workers or hangers-on — who will dish for dirt. Celebrities often require their employees to sign non-disclosure agreements to limit what is leaked (or sold) to tabloid papers, TV shows and websites — and enforce it, unless the celebrity seeks to stay in the public spotlight.

Another reason for paying is to save time and effort while scooping the competition. The *Daily Telegraph*, a British newspaper, in 2009 paid an undisclosed amount to someone (likely a government worker) for documents revealing how members of Parliament misspent hundreds of thousands of pounds on personal expenses. The stories led to resignations, investigations, criminal charges and changes to parliamentary procedures. Writing in the *Guardian* newspaper, journalist Heather Brooke expressed her disappointment that she spent five years battling government for access to the records, only to see the *Daily Telegraph* scoop her at the last minute by buying the data before its official release. “I asked myself — what is the point of doing all that work, going to court, setting a legal precedent, dealing in facts, when every part of the government conspires to reward the hacks who do none of these things?” she wrote.

Another reason news organizations pay for stories is to generate news that they otherwise would not be able to create on their own. In the past decade, NBC’s *Dateline* paid a group to find trouble when it wrote checks to Perverted Justice, an advocacy group whose members pose as teenagers online to catch adults who solicit sexual conversations. The network paid the group for its help in at least 10 episodes of *To Catch a Predator*, which ran from 2004 to 2007. Some praised the show for bringing attention to the crime, and it drew solid ratings. But an ex-producer sued the network, claiming she was fired after telling her bosses that the show violated journalistic principles and NBC’s own rules. Two courts agreed that Marsha Bartel lost her job as part of a round of job cuts across the news division, not because she raised ethical objections about the ar-

rangement. *Predator* host Chris Hansen said payments to Perverted Justice were ethical, calling them similar to contracts the network has with retired generals who offer commentary. NewsLab President Deborah Potter, writing in the 2009 book *Media Ethics*, dismissed his analogy as a stretch of logic: “The generals aren’t setting up the wars for NBC to cover.”

Not every deal is so controversial. Some organizations will pay for newsworthy information they were not in a position to collect on their own. For example, CNN paid a licensing fee in 2011 to a Florida man who used his cell phone to record a police shooting in Miami. CNN’s broadcast and print versions of the story acknowledged payment but not the price for the video, which the man later turned over to prosecutors. This was a rare instance when news organizations mentioned payment as part of the news story; some ethicists say transparency plays a role in determining the morality of making payments.

Other reasons for buying access are about practicality. Worldwide, journalists tell of the need to bribe people to cross borders or to navigate bureaucracies in nations where corruption runs rampant. Journalists who work in those countries say they simply won’t get the story if they don’t pay.

Media conglomeration may be another reason in favor of the practice, or at least a reason for its proliferation. News organizations often are just one division of a story-telling organization, and some media companies make deals with newsmakers in both news and non-news settings. The synergy comes by deals that pay the newsmaker in exchange for getting the news story and offering other money-making possibilities with non-news divisions.

Viacom sought such synergy in 2003, when it sought exclusive rights to the stories of a pair of previously unknown people, Army Pvt. Jessica Lynch and rock climber Aron Ralston. The *New York Times* said Viacom offered “stardom” to Lynch, who was rescued while a prisoner of war in Iraq, through partnerships with subsidiaries CBS News, CBS Entertainment, MTV and publisher Simon & Schuster. She made deals with other organizations instead, including a book contract with Random House, a division of the Bertelsmann media corporation. In the case of Ralston, who cut off his arm to free himself after falling during a hike in Utah, Viacom’s CBS News division offered a deal that would let it film Ralston’s rehabilitation as part of its news coverage and to help him contact Viacom’s entertainment divisions. Eventually, he appeared on CBS’ *Late Show with David Letterman* and published his 2004 autobiography, *Between a Rock and a Hard Place*, with Viacom’s Simon & Schuster. A News Corp. subsidiary, not Viacom’s Paramount Pictures, financed *127 Hours*, the 2010 movie that was nominated for six Academy Awards. A Viacom official told the *New York Times* that the offers were ethical, because its letters to Lynch and Ralston plainly stated that CBS News is independent and that “there’s no quid pro quo stated or implied.”

Once a deal is made, the relationship changes between a news organization and its source. That may not be a bad thing, especially for journalists struggling with difficult stories. In instances including written contracts that spell out what is expected for the payment, the deal may require that sources provide the “full truth” as they know it. Liars wouldn’t be paid. That would help journalists dig more deeply into stories and perhaps require a little less effort in comparing the information they bought against information from other sources.

Media ethicist A. David Gordon, writing in the 2011 edition of *Controversies in Media Ethics*, said that regardless of whether a deal is made, the battles “between news and infotainment outlets will ensure that at least one version of the material reaches the public.” He noted that other news organizations eventually can use the information for their own reporting. Moreover, the exclusivity required in such deals gives the journalist more time to report the story — and to “sell it” with promotions.

The sellers have reasons for making deals that go beyond a fatter bank account. People who find themselves in the spotlight quickly learn that it’s not “the media” calling for an interview — it’s individual calls from each of the dozens of individual newspapers, wire services, magazines, local TV stations and international broadcast news organizations, TV networks, websites and other news organizations. Taking media calls quickly becomes bothersome, as does repeating the story. By making a deal with a single news organization, the source can be spared talking to all the others.

Moreover, since media are essentially making money by reporting the story, why should the source be the only one who doesn’t cash in? This argument assumes that information is a commodity, an argument that can be disconcerting to some journalists but nonetheless rings increasingly true in today’s society.

Ethicist Gordon offered both utility- and duty-based ethical arguments for paying some sources. A payment “provides benefits to most people in the society (i.e., information for the public, and both control and cash for the people selling the information,)” which might produce more good than harm. Moreover, paying sources is a tangible way to treat them “as ends in themselves rather than merely as means to be exploited toward the end of providing information or titillation for the public.” Gordon draws a line, though, when it comes to public officials: They have no right to sell public information for their own gain.

The title of a 1994 *Columbia Journalism Review* article about the topic — “When Checkbook Journalism Does God’s Work” — offers another justification for payments. Writer Louise Mengelkoch said payments can bring a better life to “the powerless in our culture,” using the example of how *Hard Copy*’s \$3,000 payment for an exclusive interview helped a poor family that had made national news because of a rape trial. Such payments touch upon the ethical imperative of

altruism, a notion that journalists in some circumstances should drop the façade of detachment and help people from whom they receive information. The late comedian Sam Kinison explained the hard-hearted nature of mass communication this way: “I’m very moved by world hunger. I see the same commercials, with those little kids, starving and very depressed. I watch those kids and I go ... ‘I know the film crew could give this kid a sandwich.’”

Many journalists see more good than harm in providing food, clothing or shelter to story subjects who simply need help to live. While a journalist covering a famine or disaster cannot help everyone, being able to make an immediate, tangible difference in someone’s life can boost the recipients’ spirits and ease the guilt that journalists sometimes feel when covering such difficult stories. Many journalists would say that is acceptable, especially if the aid is not linked to the source’s decision to provide information. Rachel Smolkin, writing in 2009’s *Media Ethics*, said journalists should first do their jobs of bearing witness before following their conscience about whether to help.

Dart Center for Journalism and Trauma executive director Bruce Shapiro, whose organization focuses on the ethical reporting of violence and tragedy, said he knows of cases where reporters have helped by adopting refugees or providing other aid. “After the Haiti earthquake, some foreign reporters quietly volunteered at food stations on their off-hours,” he said in an email interview for this chapter. “I don’t think of this as checkbook journalism so much as an expression of social solidarity.”

Arguments Against Checkbook Journalism

Most journalism textbooks, ethics codes and mainstream journalists oppose checkbook journalism. Their concerns fall into categories of ethics, the law and practical journalistic considerations.

The main ethical concern is that paying for information lessens access and quality of the discourse that is fundamental in the marketplace of ideas. Democracy and self-determination thrive when individuals have access to useful information, and the fear is that some necessary information may not become public if knowledge-holders will not contribute without payment. “As a noble ideal, the relationship between community and media is bonded not by financial gain, but by the sharing of knowledge and experience,” wrote the Poynter Institute’s Kenneth Irby in response to a 9/11 survivor who wanted \$911 for interviews on the first anniversary of the attack on the World Trade Center. Checkbook journalism, Irby wrote, cheapens the First Amendment’s call for a free press.

A second concern is credibility. The public, already leery of news organizations and other institutions, may be less likely to believe the message and mes-

senger in cases of checkbook journalism. John Michael Kittross, in the 2011 version of *Controversies in Media Ethics*, said it leads important news available only to the highest bidder, while free information comes from public relations practitioners, advertisers and others with ulterior motives. The result: "Bias will be more likely and we all will lose," Kittross wrote, because the balancing information was sold to a higher bidder. Gordon was less worried, saying that no direct correlation between checkbook journalism and credibility has been established, and beside the point "in view of all the more likely problems that also might diminish the media's credibility."

The credibility of the seller also comes into question when deals are made. Plenty of people are willing to invent stories, or to sweeten a true story with fiction, in hopes of making money. Shelley Ross, a former *Good Morning America* producer, wrote on her blog that offering payments for interviews or licensing fees for images is "little more than an invitation to lie.... If your story, ahem, 'photo or video' is worth only a couple hundred dollars, what might you do or say to make it worth thousands more?"

Sheena Upton might know the answer. The California woman claimed in newspapers and on television (including a planned payment from ABC's *Good Morning America*) that she injected her 8-year-old daughter with Botox. She later said a British reporter paid her to invent the story, a claim the reporter denied while acknowledging she paid \$6,000 to Upton. A May 2011 Associated Press story noted that accounts from both Upton and the reporter "appear murky and are filled with dubious details."

Concerns about truth and payments run in multiple directions. In some cases, a source may feel external pressure or an internal obligation to give the journalist a "better" story, regardless of the facts. In other instances, the journalist may feel an added burden to develop a terrific story to justify payment, leading news organizations to not actively pursue information that may cast doubt on the story. Or they may overhype a story, through promotion or by giving the story more prominence than its news value would otherwise dictate, because the story came with an investment that must be recovered.

A related but more insidious concern is that news organizations might strike deals that intentionally hamstring their reporting efforts. The late Don Hewitt, who created CBS' *60 Minutes*, is quoted in 2003's edition of *Groping for Ethics in Journalism* as saying that newsmakers sometimes seek to "negotiate what will and will not be asked during an interview," or that news organizations will "promise that they will only ask soft questions" to land the interview. Or some publicists will make "bundling" deals with news organizations — you can have access to the celebrity you want only if you publicize lesser-known celebrities also in the publicist's stable. When this happens, journalists have traded their inde-

pendence for exclusivity. Journalists on the outside, meanwhile, face another roadblock in their search for a harder truth. They will have to rely on second- or third-hand information, leading to biased or incomplete stories.

The Associated Press story about the “Botox mom” also hinted at another problem with checkbook journalism. The story said that a potential source approached for the story asked to be paid, a practice forbidden by AP rules. The problem is the slippery slope where more sources demand money before talking, which can slow the reporting process while the deal is struck and also force journalists to “shell out a constant stream of cash,” as *Groping for Ethics in Journalism* author Ron F. Smith wrote in its 2003 edition. *Australian Journalism Review* authors Nicola Goc and Jason Bainbridge said the shift to information-as-commodity reached Australia’s public eye in 2006, after a reporter asked Todd Russell on live TV for an exclusive interview about the fourteen days that Russell and another man were trapped in a Tasmanian mine. Russell’s reply: “Tell me how big your chequebook is and we’ll talk.” Australian media giant Publishing and Broadcasting Limited paid \$3 million to the men. It is telling that Russell first appeared not on a news broadcast but on the *Footy Show*, a sports show, an act that further blurs the line between news and entertainment.

Critics of checkbook journalism say that when a source asks “how big your chequebook is,” that source becomes a commodity. Journalism becomes a business in which the information, the buyer and the seller become products to be bought or sold. One goal of journalism ethics training is to help newsgatherers develop empathy toward sources, and checkbook journalism leads news organizations to treat people as a means to an end, not as ends unto themselves. Goc and Bainbridge said the question is “what is actually being commodified — the ‘suffering’ (the story)” or the people who sell their stories. Sources who seek money become commodities to use and to be used. In a society where many members of the public believe journalists don’t respect them, audiences may think that paying sources turns what should be an interpersonal bond into an impersonal business transaction. The journalist may still treat the source with respect, but the money taints the relationship.

Critics also argue that checkbook journalism can turn news organizations and individual journalists into items that can be bought and sold, too. If the quality of the news organization matters less than its willingness to write the largest check, journalists may feel less need to use their knowledge, skills and ethics to persuade a potential source to grant the interview. It can cheapen the journalist and hurt the quality of the story. As Kittross wrote, if journalists believe that information is a mere commodity, then “how long will it be before we, ourselves, also are on the block? What will be *our* price? Who will pimp for *us*?”

Another ethical concern is precisely whom to pay. As mentioned previously,

Gordon noted that it is wrong to pay public officials for information, because they have access to information as a result of their jobs and because public information should be just that.

Critics also point out legal concerns. At what point does checkbook journalism become a bribe? Great Britain confronted that question after several Metropolitan Police officials were arrested on charges of taking money to provide information to *News of the World*, the News Corp. tabloid shut down in 2011 after it improperly tapped into voicemails of hundreds of people. A former director of public prosecutions said it was “blindingly obvious” that News Corp. officials made corrupt payments to police officers. While public officials have many legitimate justifications for deciding which news organizations deserve their assistance, personal gain is not one of them.

Critics are concerned that, while laws forbid criminals from making money off their crimes, journalists sometimes pay people who may have committed crimes. Sixteen months after Gizmodo paid for access to an iPhone prototype, a California prosecutor filed theft charges against two men who found and sold the device. Authorities executed a search warrant in the home of a Gizmodo editor, but no charges were filed. The *New York Times* noted a 2010 effort by the U.S. Justice Department to find and prosecute people who have sold celebrity health records and other documents to tabloid journalists. Some health workers have been prosecuted, but not news organizations. The question for journalists is one of ethics, not law, as they struggle with deciding whether to use information gleaned by real or apparent illegal means.

A lack of transparency is another concern of critics. News organizations, they argue, usually don't tell news consumers that a story included payment to sources. Critics say the public deserves complete information when evaluating the credibility of a news source. News organizations occasionally reveal that they paid for information, but most news about payments is revealed by competing news organizations. Jill Geisler said in a June 2011 Poynter Institute post that news organizations that hide payments are wrong. In the “rare event” that a news organization buys information, she wrote, then it should reveal to the public “what you paid, for what items and why, including indirect costs such as travel, hotel and meals. If use of the material is exclusive, say that.” Poynter's Al Tomkins said news groups that won't reveal the price for competitive reasons, or because they are worried it might lead the public to expect payment if they ever become news sources, are wrong because they are “paying too much.” His bottom line: “Disclosure mitigates harm but doesn't erase it.”

A final concern of critics is that checkbook journalism doesn't do what it's supposed to do. A key reason for buying news is to gain exclusivity that leads to larger audiences and advertising. A former ABC News president, however, said

that economic justification often falls short. “If you could prove that by spending \$20,000 you would make \$70,000, OK, I can justify that,” David Westin told the *New York Times* in June 2011. “But I’ll be doggone if you could go through any of those payments, trace them through and see if it made any sense.” The direct payoff may further be limited by competitors who work other sources to find similar information and will quickly repurpose exclusive content as soon as they can. Exclusives have a short shelf life. Also, the money spent on sources is money not spent to support the thin budgets for newsgathering and staff. In short, \$75,000 spent on a single piece of video is \$75,000 not spent to pay a year’s salary for a journalist who would report many more stories.

Assessment

Few mainstream journalists are comfortable entering the marketplace of ideas with a checkbook in hand — even when they do. It is telling that ABC News recently decided to stop paying news subjects for exclusive interviews. The *Daily Beast’s* Howard Kurtz noted in July 2011 that the network did not vow an absolute ban and made its decision with “no public announcement or fanfare.” ABC spokesman Jeffrey Schneider said licensing deals had “become a crutch, and an unnecessary one.” Critics noted that ABC’s decision came only after outsiders reported that it paid \$200,000 to Casey Anthony and \$10,000 in the apparent “Botox mom” hoax, which tarnished the network’s credibility and reputation.

An outright ban on paying news sources is both contrary to the First Amendment freedoms and not likely in today’s fierce competition for hot stories. The best journalists can do is to clarify when checkbook journalism might be appropriate, which would require drawing distinctions between news and entertainment; pursue a de-escalation in the practice by media organizations that report “hard” news; and to be transparent when it occurs.

Clarifying when checkbook journalism might be appropriate is the first step, which would aid news organizations, journalists and the public. Some conglomerates have malleable ethics, in which “hard” news property cannot use a checkbook but a sister property focused on entertainment news can. Except for the number of zeroes on a check, or the relative “hotness” of the news, is there an ethical difference between paying \$50 and \$50,000? Duty-based ethicists would say no, but most conglomerates take a more teleological approach to their business and draw distinctions among properties.

Conglomerates with both hard news and entertainment news properties may well work against themselves and the public by reinforcing the notion that some newsmakers can become dealmakers and others cannot. This distinction is difficult in a world where the *National Enquirer* breaks news of political scandals,

serious newspapers publish celebrity news, and *Time* and *People* are part of the same corporation. The result is a public that is unclear where the boundaries lie, and a single brush that tars the entire operation.

Even individual journalists are confused. The *New York Times* noted that while NBC occasionally pays for news, the network once “rebuked” a staffer who bought clothes for a kidnapping victim who was interviewed on *Today* in 2002. Other journalists are confused by conflicts between ethics codes and their consciences, especially in instances where helping a source seems morally right regardless of what a corporate policy says.

The second step would be a unilateral decision by competitors to holster their checkbooks. Economics is at work here: If there are no buyers, then people with information cannot sell. The Poynter Institute says news organizations should pay licensing fees “only to information providers who are not involved in the story documented by their material,” such as free-lancers or other third-party witnesses. The unintended consequence is that sources might go to lesser news organizations that are willing to buy, driving more consumers to tabloid-style papers, TV shows and websites. It would mean journalists in higher-quality news organizations, which would be more likely to check information and provide context, would chase more stories instead of break them.

A final step would be revealing details in the rare instances when payments occur, so consumers can use that information in gauging credibility. The public deserves to know when news organizations made deals that could give the public less access to information — including having less information available from other news organizations because of exclusivity deals. Also, news organizations can work harder to keep each other honest, by reporting when competitors make deals. The SPJ Code of Ethics says journalists should “[e]xpose unethical practices of journalists and the news media,” and the SPJ counts checkbook journalism among those unethical practices.

Can this happen? Probably not, given the fuzzy lines between news and entertainment, the widening ethical standards among news organizations fighting for the same story and the First Amendment freedoms that give individual journalists the right and responsibility to be independent in pursuing news. The only solution may be for individual journalists to police themselves and to call out competitors who don’t play fair.

Points of View

Articles and Book Chapters

Boynton, Robert S. “Checkbook Journalism Revisited.” *Columbia Journalism Review* (Jan-

uary/February 2006): 12-14. While reporters should not “go around handing out twenty-dollar bills to everyone they interview,” there are times when journalists ought to be willing to pay for information.

Cook, John. “Pay Up: Sources Have Their Agendas. Why Can’t Money be One?” *Columbia Journalism Review* (May/June 2011): 55. News organizations that refuse to pay for information are not necessarily morally superior to those that do.

France, David. “Saving Justin Berry.” New York (October 28, 2007). <http://nymag.com/guides/money/2007/39957>. *New York Times* reporter Kurt Eichenwald, who sought to rescue a teenager from the Internet sex business and later wrote about it, gave money to the teen before deciding to turn it into a news story. The reaction to the story, and the pushback, made for difficult times for the reporter.

Goc, Nicola, & Bainbridge, Jason. “The Beaconsfield Mine Disaster and the Evolution of Checkbook Journalism.” *Australian Journalism Review* 30:1 (2008): 99-112. The authors use the example of two men who survived two weeks trapped in a Tasmanian mine to show what happens when a battle over checkbook journalism plays out in the open. The result, they say, shows the shift toward news (and people) as commodities and the shift from news to entertainment.

Gordon, A. David, John Michael Kittross, John C. Merrill, William Babcock, and Michael Dorsher. *Controversies in Media Ethics*, 3rd ed. New York: Routledge, 2011. In point-counterpoint style on pages 493-496, Kittross offers reasons why treating news as a commodity will destroy journalism’s public benefit, and Gordon reminds readers that news already is a commodity and “journalism is surviving quite well, thank you.”

Mengelkoch, Louise. “When Checkbook Journalism does God’s Work.” *Columbia Journalism Review* 33:4 (1994): 35-38. A small payment from *Hard Copy* helped a Minnesota family besieged by media organizations after a horrible crime.

Moos, Julie. “5 Reasons Broadcasters Pay Licensing Fees for Stories and Why it Corrupts Journalism.” The Poynter Institute (June 9, 2011). www.poynter.org/latest-news/top-stories/135226. Experts from the Florida-based journalism think tank describe the problems with “licensing fees” that are really examples of checkbook journalism, and they provide broadcasters with ethical and practical reasons for exiting the morass.

Rutenberg, Jim. “The Gossip Machine, Churning Out Cash.” *New York Times* (May 21, 2011), A1. The tabloid print, broadcast and web industry acquires news with cash, including payments to sources later charged with stealing private information.

Society of Professional Journalists. *Journalism Ethics: A Casebook of Professional Conduct for News Media*. Portland, Ore.: Marion Street Press, 2011. The national organization’s explication of its journalistic ethical standards includes a checkbook journalism case study under its “conflicts of interest” section.

Stein, Robert. "The Excesses of Checkbook Journalism." *Columbia Journalism Review* (September 1, 1972), 42-48. The editor of *McCall's* magazine looks at how news organizations and book publishers began paying criminals and other villains for the rights to interviews and memoirs. He reminds readers that "exclusive" does not mean "worthwhile," a distinction still missing nearly four decades later.

Stelter, Brian, and Bill Carter. "For Instant Ratings, Interviews With a Checkbook." *New York Times* (June 12, 2011), B1. Checkbook journalism wound its way into major broadcast networks in the days before ABC said it would stop the practice.

Thornton, Brian. "The Murder of Emmett Till." *Journalism History* 36:2 (2010): 96-104. While investigating the Mississippi murder, William Bradford Huie paid the killers for their stories.

Van Hoffman, Nicholas. "Public Opinion Polls: Newspapers Making Their Own News?" *The Public Opinion Quarterly* 44:4 (1980): 572-73. Paying for public opinion polling is an exercise in checkbook journalism.