



Reporters or cops? CONTACTO and the search for Paul Schaefer Teaching Note

Case Summary

Investigative journalism and detective work share many similarities, including the need to follow leads, dig up clues, and gather evidence. But unlike police—who are allowed to and often do work “undercover”—journalists are wary about disguising their identity during investigations. Moreover, when a journalist pursues a story about a crime, it is frequently unclear where the line lies between the reporter’s work and law enforcement.

This case focuses on a team of Chilean journalists who faced such issues in 2004 as they set out to find Paul Schaefer, a notorious cult leader and child molester. The 83-year-old had disappeared from Chile seven years earlier, and was now, according to a tip, living in Argentina. Reporters Carola Fuentes, Gustavo Villarrubia, and their colleagues at Chile’s investigative television program CONTACTO knew that locating Schaefer would be a major scoop. But it soon became clear that it would also be extremely difficult, and potentially dangerous. The CONTACTO team was also unsure whether, or when, to involve law enforcement officials, many of whom had apparently colluded with Schaefer over the years.

Students learn about Paul Schaefer and his secretive community in Chile—where for more than 30 years slave labor, sexual abuse, and torture were the norm—and Schaefer’s mysterious 1997 disappearance on the eve of arrest. They then follow the story of CONTACTO’s investigation from the vague tip about Schaefer’s whereabouts through a months-long international investigation that absorbs the newsroom. The case focuses on Villarrubia, the reporter assigned to the story, as he confronts increasing danger at the same time that he moves closer to finding Schaefer. It also highlights the concerns and decisions of his colleagues and editors back in Santiago.

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Teaching Objectives

Use this case to discuss investigative journalism and its appropriate techniques and strategies, including whether to use deception or hidden cameras to get information. Also use it as a platform to talk about the boundaries for reporting stories that involve criminal activity: what is appropriately police work vs. the subject of a news investigation? Finally, talk about security measures that journalists should take during dangerous reporting assignments.

Journalists do not conform to a single set of standards or practices. While many consider it unethical for reporters or editors to misrepresent themselves in the field, or to secure material under false pretenses, others have no such qualms. Villarrubia, for instance, goes to Chivilcoy disguised as an Italian sociologist. Other members of the CONTACTO team, however, have doubts about this pretense. Discuss their dilemma as part of a broader discussion about best practices in investigative journalism, and the appropriate boundaries of undercover reporting. When, if ever, should journalists disguise their identities? What are the risks of doing so? Do certain ends—like locating criminals such as Paul Schaefer—justify such means?

As the months pass, it grows increasingly likely that Villarrubia's identity will be discovered. What security measures should he take? Discuss as part of a broader inquiry into how journalists should handle risky assignments, including under what circumstances, if any, they should carry weapons or hire security, and the pros and cons of doing so.

When Villarrubia stumbles across feasible proof in July 2004 that Schaefer is living in Chivilcoy, the CONTACTO team is unsure whether to contact police and, if so, in which country. At what point, if at all, should investigative journalists cooperate with law enforcement? What should they do if the police force is inefficient, corrupt, or cannot be relied upon to act? Consider as part of a broader discussion about the role and responsibilities of the press, both in democracies and in countries where the government and police may be less answerable to the public.

CONTACTO Executive Editor Patricia Bazán Cardemil believes that reporters who agree to dangerous assignments bear some of the risk. But she considers herself ultimately accountable for Villarrubia's safety. Do you agree? To what extent is Villarrubia responsible for his own safety, and to what extent does he remain CONTACTO's charge? Consider as part of a larger debate about the obligation of media outlets to their correspondents, and the extent of a journalist's personal responsibility in the field.

When Villarrubia returns to Chivilcoy in May 2004, Fuentes is concerned that he is getting too close to auto shop owner Juan Carlos Calandrino, and that he may be "going native." How close should journalists get to sources? Discuss in the context of both traditional and undercover reporting.

Class Plan

Use this case in a course about investigative journalism; editorial decisionmaking; or ethics. It also provides material for discussing journalistic practices and norms in different countries, as well as reporting techniques and strategies.

Study question. Help students prepare for discussion by assigning the following question in advance:

- 1) Should reporters ever lie to get a story?

Instructors may find it useful to engage students ahead of class by asking them to post brief responses (no more than 250 words) to the question in an online forum. Writing short comments challenges students to distill their thoughts and express them succinctly. The instructor can use the students' work both to craft talking points ahead of class, and to identify particular students to call upon during the discussion.

In-class questions. The homework assignment is a useful starting point for preliminary discussion, after which the instructor could pose any of the following questions in order to promote an 80-90 minute discussion. The choice of questions will be determined by what the instructor would like the students to learn from the class discussion. In general, choosing to discuss three or four questions in some depth is preferable to trying to cover them all.

- a) Bazán Cardemil agrees to send Villarrubia undercover on condition that if the story is successful, he comes clean to his informants, and asks consent from those who appeared on film. Are her conditions reasonable?
- b) Fuentes has disguised her identity many times during her journalism career. What strategies are acceptable when going undercover? What limits, if any, should there be on what reporters do? Discuss the pros of undercover reporting, as well as its pitfalls.
- c) Bazán Cardemil and Editor Pilar Rodríguez are cautious about CONTACTO journalists going undercover, while Fuentes believes that doing so is "absolutely indispensable." Do you agree? What alternatives, if any, were there to Villarrubia going undercover?
- d) CONTACTO reporters know that Schaefer may well disappear again if he or one of his entourage believes someone is on their trail. Given the risk, is CONTACTO brave or reckless to pursue its investigation? Is it their call to make, especially since there is a warrant out for Schaefer's arrest?

e) Villarrubia exploits the generosity and trust of Calandrino, Placente, and others in Chivilcoy. How honest should Villarrubia be with people who are unwittingly drawn into his investigation, and at what point should he fill them in?

f) Bazán Cardemil believes that reporters who agree to dangerous assignments bear some of the risk, but considers herself ultimately accountable for Villarrubia's safety. To what extent is Villarrubia responsible for his own safety, and to what extent is CONTACTO? To what degree are news organizations obligated to protect journalists working on dangerous assignments?

g) Bazán Cardemil's instructions for dangerous assignments are, "Don't expose yourself more than necessary...don't run any unnecessary risks." Did Fuentes—and particularly Villarrubia who Rodríguez says "thinks practically everything is allowed"—follow these guidelines, or did they take unnecessary chances?

h) Calandrino's revelation to Villarrubia that his young grandson often visits La Solita presents the journalist with a dilemma: whether to tell Calandrino what he knows about his neighbors and Schaefer's pedophilia. Does Villarrubia do the right thing in warning Calandrino of the potential danger? What takes precedence: the immediate issue of the child's safety, or the larger goal of finding Schaefer and securing justice for his victims?

i) Although hidden cameras are technically forbidden under Chilean law, they are widely used by journalists, and generally accepted by courts if the resulting report is considered beneficial to the public. What types of stories do you think meet this definition, and was this one of them? Discuss as part of a broader inquiry into the pros and cons of using this technology.

j) Villarrubia and his cameraman use a variety of innovative methods to track the activities of Peter Schmidt and his accomplice, Friedhelm Zeitner (alias Felipe), including speaking in code over the phone, and faking an automotive breakdown near their house. What other techniques, if any, could they have used?

k) CONTACTO invests considerable time and resources in the Paul Schaefer story, including sending Villarrubia to Chivilcoy several times within six months. Many media outlets do not have the means to facilitate such an extended and in-depth project. Could the story have been done another way, with fewer resources?

l) Villarrubia's methods increasingly resemble those of a detective, raising the question of "where the journalistic investigation ends and...the police work begins." Where is the line between the two professions, and is it crossed in this case?

m) Bazán Cardemil believes it is “much easier to look and to write” than do investigative pieces for television. Do you agree? Discuss the different methods and issues faced by print and broadcast investigative reporters, and consider how the Schaefer investigation might have played out differently had it been undertaken by a magazine or newspaper.

n) After months of costly but inconclusive work, Villarrubia asks his editors to give the investigation more time and money because his journalistic “instinct” tells him that Schaefer is close. Is this a convincing argument? If you were Villarrubia’s boss, how much longer would you give him before pulling the plug on the investigation?

o) Should CONTACTO share what it knows about Schaefer—a wanted criminal—if it decides to abandon its investigation? Or is it entitled to keep private whatever information it has gleaned as a result of its own hard work and financial outlay?

p) By mid-November, Bazán Cardemil knows that CONTACTO cannot proceed on its own. Team members, however, are wary of approaching authorities, who have helped Schaefer in the past. To whom should they turn? The Chilean police? The Argentine authorities? Neither? Consider these and other options available to CONTACTO, including approaching human rights organizations and Interpol, and weigh their pros and cons.

Suggested Readings

Kelly Heyboer, “Guns Under Fire,” *American Journalism Review*, April/May 2004.

SYNOPSIS: Heyboer notes that journalistic tradition discourages reporters from carrying weapons, lest they be mistaken for soldiers, spies, or anything other than “neutral observers outside the fray.” But at a time when “journalists are targets and enemies look like civilians,” Heyboer wonders whether it is time to change the rules. Use the article to facilitate debate about appropriate precautions for journalists such as Villarrubia who work under dangerous conditions.

<http://www.ajr.org/article.asp?id=3651>

“Cover Ups,” On the Media, *National Public Radio*, October 17, 2008.

SYNOPSIS: Undercover reporting has long been “an effective, exciting and, some would argue, necessary journalistic tool.” But can journalists afford to lie at a time of waning public trust in media? Undercover reporters and their critics discuss the issue in this radio segment.

<http://www.onthemedial.org/transcripts/2008/10/17/04>

See Also:

“Creep Beat,” *On the Media*, National Public Radio, August 5, 2006.

SYNOPSIS: In 2006, when the *New York Times* ran a series by reporter Kurt Eichenwald about online child pornography, it made clear to readers that it had notified authorities about the illegal websites uncovered during the reporting process. Eichenwald’s investigation, during which he convinced his main source to turn federal witness, raised questions about the traditional source-reporter relationship, and shone a spotlight on “the journalistic mantras of not involving law enforcement.” In this segment, Eichenwald responds to critics who say his relationship with both his source and with law enforcement was inappropriate, arguing that, “I do not believe that if a congressional reporter walks into an office and sees a congressman raping his secretary on the desk that the only thing he can do is take out his notepad and write down the details.” Use the discussion to fuel discussion about when journalists should involve police in a story.

<http://www.onthemedial.org/transcripts/2006/08/25/03>

Joe Saltzman, “A Chill Settles Over Investigative Journalism—Food Lion Markets’ Victory Over ABC News,” *USA Today* (Society for the Advancement of Education), July 1997.

SYNOPSIS: This article focuses on fallout from a 1992 undercover ABC program about food-handling practices at the Food Lion supermarket. A jury awarded Food Lion \$5.5 million (later reduced by a federal appeals court to \$315,000) after two “Prime Time Live” news producers faked their resumes to get jobs at the chain, where they secretly videotaped a number of health and other violations. Saltzman highlights a number of instances when journalists used deception to “get the goods on the bad guys” and were “treated like heroes.” By focusing on the means of getting information rather than its accuracy, says Saltzman, the jury’s verdict in the Food Lion case “will have a chilling effect on investigative reporting throughout the nation,” with the public ultimately being the main loser. Use the article and the Food Lion case to prompt discussion about the value and drawbacks of undercover reporting.

http://findarticles.com/p/articles/mi_m1272/is_n2626_v125/ai_19622630/

See also:

Walter Goodman, “Beyond ABC v. Food Lion,” *New York Times*, March 9, 1997.

SYNOPSIS: “Are deceptive practices by a news organization justified if they reveal deceptive practices by others? How serious do suspected abuses have to be to warrant reporters’

going undercover to expose them? Should certain kinds of journalistic deception be prohibited by law?" Goodman addresses these and other issues raised by the Food Lion case and concludes that while the hidden camera technique is often used for "tabloidization," undercover stories can "deliver close-ups of wrongdoing that interviews and documents cannot match."

<http://www.nytimes.com/1997/03/09/arts/beyond-abc-v-food-lion.html?pagewanted=1>

Haia Shpayer-Makov, "Journalists and Police Detectives in Victorian and Edwardian England: An Uneasy Reciprocal Relationship," *Journal of Social History*, Summer 2009, Vol. 42, Issue 4, 963-987.

SYNOPSIS: This article provides historical context for the relationship between journalists and the police. It points out that journalism and detective work share many similarities, even though they are "supposedly distinct vocations." It shows how the two fields developed parallel to one another during the 19th and early 20th centuries, helping one another even while clashing on certain issues.

Ken Silverstein, "Undercover, Under Fire," *Los Angeles Times*, June 30, 2007.

SYNOPSIS: Silverstein, a former *LA Times* reporter and editor for *Harper's Magazine*, defends using deception to report a story about Washington, DC lobbyists selling their services to dubious clients, and criticizes journalists—including the Washington press corps—who reject subterfuge as a viable reporting tool. He mourns the decline of undercover reporting, which he notes has a rich tradition in American journalism, and declares that while undercover reporting "should be used sparingly," it would have been "impossible" for him to have obtained the same information with more conventional journalistic methods. Use the article to expand discussion about undercover reporting and using deception in journalism.

<http://www.latimes.com/news/printedition/opinion/la-oe-silverstein30jun30,1,6436754.story?coll=la-news-comment>