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We're talking about the right to be left alone, and we're talking about two areas of concern for journalists. There's the law, and that is obviously very important because invasion of privacy along with libel/defamation would be the two main areas where lawsuits are filed since this is ethics we're talking about. Generally, we look at ethics as a higher standard than the law. So that means when we are talking about the issues of privacy -- ethically, we're not just worried about whether or not we're going to get sued. We're worried about the ethics codes and we frequently, when we're talking about journalism ethics for purposes of explanation, use the Society of Professional Journalists' ethics code to explicate what we're talking about. So they're really important principles we're talking about. There are four: 1) seek the truth and report it, 2) minimize harm, 3) act independently, and 4) be accountable and transparent.

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And so when we talk about privacy, for the most part, we're talking about three of those codes. We're talking about seek the truth and report it, minimize harm, and then the accountability and transparency part. So when we look at privacy, we are for the most part, juggling the first two. Our job as journalists and reporters would be to seek the truth to report what's out there, but at the same time, we have to consider whether or not we are harming somebody or something. What's the downside of what we're doing? (Who are the) stakeholders, we call them, who might be affected by our reporting. Finally, the accountability and transparency may come into play when we make a decision that we think is not self-evident that we need to go a step or two further and explain to our readers, our viewers, why we made the decision.

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So there are three basic areas that we consider when it comes to the ethical dimensions. We go into it with the understanding that we don't just write about people willy nilly. We have to have a reason; we have to have a journalistic purpose. And so there are three areas that we say trump privacy concerns and that would be 1) the public performance of public officials, 2) when we are writing about crimes, and 3) when we're writing about accidents. And so the public performance of public officials is the one area that has evolved through the years, and when I give exams, students usually get the public officials part. But they don't get the public performance part, and that really is the major area of debate. It has changed through the years.

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One of the examples that is frequently given is the way that President Kennedy was covered. After his assassination, there are many stories about two areas actually with him. One had to do with extramarital affairs, alleged, and the other probably more serious was his health. He was a very sick man. He suffered from Addison's disease, but the public didn't know about it. Journalists knew about aspects of it and didn't report it. Since then we've kind of had an evolution of thinking about what public performance means and the first, probably the seminal case in this area had to do with the presidential candidate Gary Hart, who was a Democrat. He was kind of leading in the polls and he was rumored to be having an extramarital affair, and he kind of dared journalists to write about it. So they did and it became a big scandal.

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He was pictured on a boat with a young woman and, unfortunately for him, the name of the boat was Monkey Business. That kind of changed things. And then we had the evolution involving Bill Clinton and certainly Donald Trump and the Access Hollywood videos that came out during the campaign. So our definition of public performance has really expanded when it comes to public officials. The bar now is such that you really have to make a strong argument that something doesn't have an effect. The other thing is sometimes we don't know that it's going to have an effect. Say for example, the allegations, they began with allegations that Donald Trump had paid off a porn star with whom he had an affair. And now you could start out saying, "Well, this is kind of a tawdry ... bit of business that happened before he became president. What's the significance?"

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Actually, the significance now is whether or not that was seen as a campaign finance violation. So sometimes you don't know the relevance of it. The two other areas would be crimes and accidents, and they're pretty self-evident. If (someone is) accused of a crime, pretty much all hands are off, in the sense that there are no limitations. You're going to write about it. And that doesn't mean you try not to contact an attorney, get the other side of the story to the best of your ability. But we're going to be writing about crimes and accidents. We write about it. And accidents can be a broad, broad category. It can be acts of nature, it can be shootings, it can be car accidents, what have you. One reason why we're so concerned with this area is because a lot of times it involves private people who got up in the morning and never attempted to be in the news. We understand that they had private lives and yet they are kind of thrust into the public arena by no fault of their own sometimes. But, we still believe we are going to write about them, and we may make judgment calls about how much we read about them. These are three areas that are of concern.