

## Case 12: Gonzo Journalism

The Society of Professional Journalists was started in 1909 by DePauw University students who were interested in careers in journalism, and wanted to "uphold high standards in the profession."<sup>115</sup> The group spread to other college campuses and evolved into a professional organization. In 1926 the group adopted its first code of ethics, borrowed from the American Society of Newspaper Editors. This code of ethics was revised five times, with the most recent revision in 2014. In the 1973 version of the code of ethics, the guidelines require being objective, free from bias, and avoiding morbid curiosity or excessive coverage of vice and crime.<sup>116</sup> The 2014 code of ethics recommends avoiding pandering to lurid curiosity, and providing context but does not call for objectivity or avoidance of bias, except insofar as to require labeling of advocacy or commentary.<sup>117</sup> One wonders why these rules have evolved over the past forty years.

One famed journalist comes to mind: Hunter S. Thompson. He broke a lot of rules, including the general proposition in journalistic ethics that the reporter was not a part of the story, which is embodied in the prior code's calls for objectivity and bias-avoidance. Instead of attempting to be the fly on the wall, he became part of the stories he reported, which upended journalistic history and tradition, and led to the notion of Gonzo journalism.

Today's most famed journalists tend to be less flamboyant, but nonetheless involved in the story. Amy Goodman attended the protests in Standing Rock to cover them. She and members of Unicorn Riot, an indie news outlet, were arrested, and their arrests became part of the story, insofar as those arrests may have represented government oppression and/or intrusion on First Amendment rights.<sup>118</sup> Many lauded the judge in

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<sup>115</sup> Society of Professional Journalists, "Historic Moments: A Timeline of SPJ's Development," *Society of Professional Journalists*, June 15, 2017, <https://www.spj.org/spjhistory.asp>.

<sup>116</sup> Society of Professional Journalists, "Code of Ethics (1973)," *Illinois Institute of Technology*, August 8, 2017, <http://ethics.iit.edu/ecodes/node/3702>.

<sup>117</sup> Society of Professional Journalists, "Code of Ethics," *Society of Professional Journalists*, August 6, 2017, <http://ethics.iit.edu/ecodes/node/3703>.

<sup>118</sup> Lizzy Ratner, "Amy Goodman Is Facing Jail Time for Reporting on the Dakota Access Pipeline. That Should Scare Us All," *The Nation*, October 15, 2016, <https://www.thenation.com/article/amy-goodman-is-facing-prison-for-reporting-on-the-dakota-access-pipeline-that-should-scare-us-all/>.

Ms. Goodman's case for throwing out the riot charges against her,<sup>119</sup> but some note that the proliferation of digital and social media and the advent of the "citizen journalist" have made it much harder to distinguish between those involved in the story and those merely seeking to cover it (and even those who may hope to make a story out of the police interactions with large groups).<sup>120</sup>

Similarly, during the inauguration in Washington, D.C. in 2017, a number of journalists were rounded up with "antifa" (i.e., anti-fascist) protesters, and some such journalists were charged with crimes for allegedly participating in the chaos that they were reporting.<sup>121</sup> Some of these journalists claim that their footage would show that they were not participating in the riots, but merely covering the story.<sup>122</sup> Even worse, however, are the more recent claims that some of these journalists were subjected to rape as punishment while under arrest.<sup>123</sup>

Clearly there are some instances when the journalist's involvement in the story is beyond their control, such as in the claimed rape during arrest. In other instances, however, upon running with "antifa" protesters using Facebook Live, occasionally cursing and otherwise using an informal voice, the journalist may become harder to recognize as he or she goes gonzo. We charge the police with a difficult task of deciding what "counts" as journalism when deciding who should be charged during a protest. The question remains whether the journalist has a duty not to become a part

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<sup>119</sup> Sam Levin, "Judge Rejects Riot Charges for Journalist Amy Goodman after Oil Pipeline Protest," *The Guardian*, October 17, 2016, <https://www.theguardian.com/us-news/2016/oct/17/amy-goodman-north-dakota-oil-access-pipeline-protest-arrest-riot>.

<sup>120</sup> Alleen Brown, "Arrests of Journalists at Standing Rock Test the Boundaries of the First Amendment," *The Intercept*, November 27, 2016, <https://theintercept.com/2016/11/27/arrests-of-journalists-at-standing-rock-test-the-boundaries-of-the-first-amendment/>.

<sup>121</sup> Jon Swaine, "Riot Charges Dropped against Three more Journalists at Inauguration Protests," *The Guardian*, January 30, 2017, <https://www.theguardian.com/us-news/2017/jan/30/riot-charges-dropped-three-journalists-inauguration-protests>.

<sup>122</sup> Steven Nelson, "Independent Journalist Now Faces 70 Years in Prison after Inauguration Mass Arrest," *U.S. News & World Report*, May 1, 2017, <https://www.usnews.com/news/articles/2017-05-01/independent-journalist-now-faces-70-years-in-prison-after-inauguration-mass-arrest>.

<sup>123</sup> "D.C. Police Accused of Using 'Rape as Punishment' Targeting Some Arrested during Trump Inauguration," *Democracy Now*, June 28, 2017, [https://www.democracynow.org/2017/6/28/dc\\_police\\_accused\\_of\\_using\\_rape](https://www.democracynow.org/2017/6/28/dc_police_accused_of_using_rape).

of the story, and/or whether there are contexts when proximity to the story is inappropriate.

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