Are we our brother’s keeper? . . . You bet we are!

Some sources, including the mentally ill and children, don’t understand the possible consequences of talking to reporters. Journalists should protect vulnerable sources from themselves.

By Deni Elliott

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“Wow! I can’t believe he’s really telling me this!”

All reporters have had sources say surprising things. But what happens when the source doesn’t understand that he’s putting himself at risk? What do journalists owe vulnerable sources?

Children, persons charged with crimes, some psychiatric patients, and unsophisticated individuals who simply don’t understand the consequences of being on the record are vulnerable sources. Self-damaging information provided by them should not be published without compelling justification.
Robert Hitt argued [in his article “Vulnerable sources and journalistic responsibility”] that the source, James Wilson, was competent to consent to an interview because he was “lucid.” That’s not sufficient reason: Lucidity doesn’t necessarily change a source’s vulnerability.

A 7-year-old girl, for example, could be a “lucid” source for a custody or child abuse story. But she is still vulnerable because she does not understand the implications of being quoted in a news story.

Hitt uses Wilson’s release from psychiatric programs as a indication of his competency. Wilson’s psychiatric history should raise questions for lay persons, not allay fears, about his current mental health. No psychiatrist would attempt to judge competency based on a telephone call, nor should a lay person.

Journalists can identify the vulnerable source by asking themselves if it is rational for the person to accept the risk that will come through publication.

The combined criteria of risk and rationality give a reason for including as vulnerable sources persons charged with crimes and people who just don’t understand journalistic process.

A person charged with a crime may think that talking to a reporter gives him a chance to explain that he has been wronged. But he does not understand that the published story may interfere with his ability to defend himself.

Other people are vulnerable simply because they don’t understand the interview process. They feel befriended and think that the reporter will decide what to write based on “friendship.”

An example would be an impoverished mother who shows the reporter how she continues to get electricity into her home despite the utility’s turn-off order. She doesn’t know that she is informing the electric company through her conversation with the reporter.

Should reporters avoid interviews with vulnerable sources? No. The reporter’s duty is to develop every story angle.

Decisions about what to publish come later. Editors need to justify publishing information that is likely to harm the unwitting vulnerable source.

A look at other professions gives the key to when it’s okay to publish such information. Society allows doctors or researchers to put vulnerable individuals at risk if the possible benefit to the individual outweighs the risk.

The story of the impoverished mother who outwitted the system could actually protect her from further harm by exposing her dire need. A whistle-blowing prisoner or institutionalized individual is more likely to be helped when reporters are willing to tell their stories.
Would we be willing to allow medical experimentation on incompetent individuals because the experimentation might be good for society? Not likely.

Some journalists argue, as does Hitt, that it is justifiable to use potentially harmful information from a vulnerable source because some agency other than the newsroom is responsible for the individual’s protection.

Would we accept the same argument from a judicial system that knowingly sent an innocent person to jail because his lawyer failed to prepare a minimally adequate defense? A double failure of those in power doesn’t justify hurting someone.

The onus is on journalists to explain why they should be allowed to act toward individuals in a way that they would condemn in other professions.

The First Amendment is not a shield for abuse of power.