

Case 3-E

Getting the Story, Getting Arrested: Photojournalism and Activism

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British photojournalist Steve Morgan had worked as a freelancer for more than 20 years. Among his repeat clients was Greenpeace, an environmental organization that some characterize as radical, in part for tactics designed to stop various activities the group feels will degrade the environment. Supporters note that Greenpeace uses peaceful means to promote environmental change. However, the organization and its members have not shied away from direct confrontation when the environmental group and its members believe such action is warranted. For example, members have attempted to physically thwart hunters in the process of killing whales. All would agree that Greenpeace has a point of view.

On July 14, 2001, Morgan, along with Spanish videographer Jorge Torres, accompanied a group of 15 Greenpeace members as they protested a missile test off the coast of California, near Vandenberg Air Force Base. The protest involved boarding boats and sailing into the test path, an action that potentially could have stopped such a test. There had been previous protests at Vandenberg, but of the 50 people arrested for participating, all had been charged with misdemeanors, usually leading to a fine and probation.

Morgan's assignment from Greenpeace was to take pictures of the protest and to make certain those photos were circulated internationally by news services such as Reuters and Agence France-Presse (AFP). Greenpeace often employed the news media in this way to publicize its views. Morgan took a boat to the site of the protest, shot his photos and returned to shore. There he was arrested by the FBI, which charged him with trespassing, disobeying the orders of a federal officer, and conspiracy—a felony.

Morgan's press credentials were examined and discarded by the FBI, Morgan said. He spent six days in the county jail, and then was allowed to fly home to Great Britain upon posting \$20,000 bond, over protests of the prosecutor. About six months later Morgan returned to California with his wife and two children, where he was given probation by a U.S. court. The charges the journalists faced, and their sentences, were the same as those given to the protestors. "It was never my intention to go to the U.S. to break any laws," Morgan said. "I was attempting to document a protest, rather as I would if I were working for AP, Reuters, *The Guardian* or the *Independent*, and, as far as it's possible to be, I was there to be objective. As far as I was concerned, I was doing my job."

At the time of his sentencing, Morgan told the British newspaper *The Guardian* (which is considered the most left-of-center of the elite British print media), "As a photojournalist, my interpretation of events is shaped by my personal views and not by the persons or organizations who commission the assignments." A few months earlier, soon after his arrest, Morgan said that he would agree to work for Greenpeace again. "I would have no qualms about working for Greenpeace again—it would be determined by the kind of assignment offered. Greenpeace is an organization that in general I believe has done a lot of good. I may not agree with everything that they do, but agree in general as do most people that we all want to live on a clean and peaceful planet. But if I was asked to cover a demo involving the U.S., inflatables and the military, I think the answer would be pretty clearly: 'no, thanks.'"

Greenpeace saw the arrest as politically motivated and capable of setting a precedent for other photojournalists. “There is no question that there’s some political motivation behind these charges,” said Aaron Dyer, the group’s lead attorney. “It doesn’t appear to be related to Sept. 11, because it predates the attacks, but it does appear to be based on the desire of the Air Force to make a statement about these protests; and the government, the U.S. attorney general’s office, seems to be assisting their efforts. It’s inappropriate and it’s unprecedented in U.S. jurisprudence.”

Micro Issues

1. Should Morgan and the other journalist have been in the same boat as the protestors?
2. Does getting close enough to get a good picture—a professional necessity—lend some notion of support to the group?
3. Does the fact that Greenpeace hired Morgan constitute a real or potential conflict of interest for Morgan?
4. Should Morgan tell international news agencies that he is being paid by Greenpeace when he offers his work for sale?

Mid-range Issues

1. How are freelance journalists like or unlike their salaried counterparts in terms of loyalty to their employers?
2. If you were a public relations professional, would you suggest that your organization hire its own photographer to cover events and provide the local media with the images? Does the kind of event matter?
3. Is Greenpeace’s action in hiring a photographer ethically distinctive from political candidates who provide “photo ops”?

Macro Issues

1. In Europe, and in much of the rest of the world, news organizations are expected to have a point of view. How might that expectation change how editors would evaluate the newsworthiness of Morgan’s pictures?
2. Was Morgan, a British citizen, ethically justified in relying on the U.S. First Amendment in his work? Should American journalists working in other nations rely on U.S. understandings of ethics and law, or should they adopt the local standards?