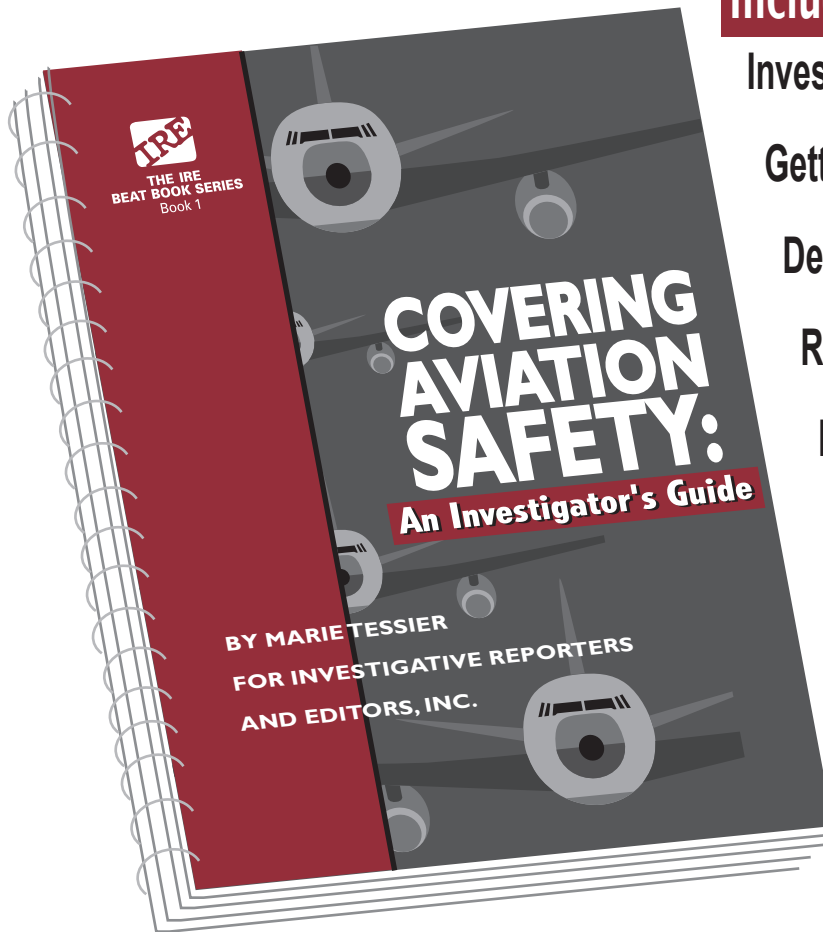


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INVESTIGATIVE REPORTERS AND EDITORS, INC.

THE IRE JOURNAL

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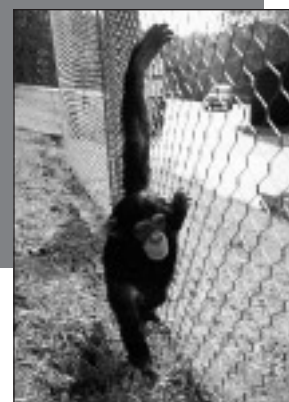
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Cover photo illustration by
Wendy Gray, *The IRE Journal*

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THE IRE JOURNAL

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FROM THE IRE OFFICES

Cutting-edge newsroom faces marketplace woes



BRANT HOUSTON

Investigative reporting took a hit last month when lack of funds forced APBnews.com to close.

A Web venture focused on news and in-depth reporting about crime and justice, APBnews was just finding its mark when it all ended in a Monday morning announcement.

While it engaged in some aggressive and sometimes off-putting self-promotion – which most dotcoms feel compelled to do – APBnews had a lot to offer. It offered news. It offered quality investigative reporting. It offered a possible model for how journalism can be done in a world of merging media.

All companies are made of people. We sometimes forget that. At APBnews, they were a feisty group, dedicated and excited about what they were doing. These were journalists trying to find the new way to do meaningful reporting.

They even had an afterlife as dozens of employees stayed on without pay, putting out stories and Web pages and hoping for a financial savior to arrive. It had the feel of the old-time newspapers and a Frank Capra-esque quality.

I walked into APBnews two months ago on an early evening in New York City and the place looked like any newsroom. There were desks stacked with hard copy, boxes left over from recently delivered computers, and journalists staying late to finish stories. Just another night in the office.

Their Web site stories showed their dedication and skills: Their work on campus crime not only delivered stories, but also gave the public the chance to look up crime by where they lived. While not unique (*The Philadelphia Inquirer* did it locally), APBnews demonstrated what was possible nationally.

APBnews also supported IRE and the profession and recently gave us \$10,500 for our national conference – \$5,000 for our computer demo room and \$5,500 for fellowships for a journalist, professor and student involved in online media.

They were a hybrid group as we sense many news organizations will become. There was Karl Idsvoog, a longtime IRE broadcast member, who dealt with investigative stories and video streaming all at once. There was Bob Port, print journalist and computer-assisted reporting expert, late of Associated Press, where he had battled to get the No Gun Ri story out. And there was Sydney Schanberg, whose investigative stories from Cambodia three decades ago inspired the movie “The Killing Fields.”

Already, around the country, news organizations are bringing together journalists from print and broadcast to work on stories like APBnews did. We hope the APBnews Web pages can be archived to show how those reporters, editors, directors and producers might work together.

APBnews also fought the crucial fight for public information. It probably set a record in the number of Freedom of Information requests filed in its brief life. It also led the efforts for disclosure by judicial officials. In fact, it received an IRE award for its battle to put federal judges’ disclosure forms on the Web (www.APBnews.com – search for “financial forms”).

The journalists from APBnews will find good jobs and they will continue to do good stories.

But it was a premature death of a venture unfortunately put to rest because it was too far ahead of its time.

Brant Houston is executive director of IRE and the National Institute for Computer-Assisted Reporting. He can be reached through e-mail at brant@ire.org or by calling 573-882-2042.

IRE members among latest Peabody winners

IRE members Laure Quinlivan (reporter/producer), Ken Fulk and Jeff Keene (photographers), Mark Shafer (executive producer) and Stuart Zanger (former news director) were part of the team at WCPO-TV in Cincinnati that won a Peabody award for an investigation into the Hamilton County Commission's failure to award contracts to minority vendors in the construction of two sports stadiums.

WAGA-TV's Dale Russell (reporter), Mindy Larcom (producer), Travis Shields (photographer) and Michael Carlin (executive producer) won a Peabody award for their series on racial profiling by U.S. Customs inspectors at Hartsfield International Airport in Atlanta.

U.S. bridge safety data updated in data library

The IRE and NICAR database library has updated the National Bridge Inventory System database to include all of the 1998 inspections as well as some 1999 inspections through December 1999.

This dataset includes maintenance records collected by the Federal Highway Administration for assessing the nation's bridges. It includes information about the bridge's structure, repair and last inspection.

There are several print and broadcast stories using this dataset in the IRE Resource Library (573-882-3364).

The cost for one year of the dataset is as follows:

Entire U.S., \$100 (under 50,000 circ. or 50-200 market), \$125 (50-100,000 circ. or 25-50 market) and \$150 (above 100,000 or top 25). Per state costs are \$50, \$75 and \$100.

The library staff can send data or answer questions at 573-884-7332.

IRE members show well in SPJ's 1999 awards

Six IRE members were among the latest winners of the Society of Professional Journalists' 1999 Sigma Delta Chi awards.

Washington Post's Katherine Boo, a recent Pulitzer Prize and IRE award winner, won the Investigative Reporting award (circulation 100,000 or greater) for her coverage of the inadequate care of the mentally retarded in Washington, D.C., group homes.

Willy Stern, a writer for the *Nashville Scene* and recent IRE award winner, won the

Investigative Reporting award (circulation less than 100,000) for his series "Above the Law." In it, Stern reveals how a security company hired to patrol a largely Hispanic apartment complex in Nashville was actually brutalizing and harassing the tenants. Stern also discovered that 40 Nashville police officers were on the security firm's payroll.

Paul Nyden of the *Charleston Gazette* won the Non-Deadline Reporting award (circulation less than 100,000) for his four-part series on the massive deficit (\$2.2 billion) in West Virginia's Workers' Compensation Fund. Nyden found that large companies were allowed to default on hundreds of millions in debt while the state targeted small businesses.

The Arizona Republic's Bill Muller won the Washington Correspondence award for "McCain - A Life Story of Arizona's Maverick Senator."

Ken Armstrong and Steve Mills of the *Chicago Tribune*, recent Pulitzer finalists, won the Public Service award (circulation 100,000 or greater) for their examination of all 285 death-penalty cases in Illinois. Following the series, Governor George Ryan declared a moratorium on the death penalty in Illinois.

The *Waterbury Republic-American's* Sean Patrick Lyons won the Public Service Award (circulation less than 100,000) for "A System Padded with Patronage." Lyons uncovered a closed-door system where Waterbury's mayor and Board of Education were giving out high-paying teaching jobs to friends, relatives and campaign donors.

IRE mapping boot camp planned on MU campus

One of the most powerful tools of computer-assisted reporting is the ability to analyze data on a map by plotting incidents, showing trends and overlaying data to find geographic patterns.

At an advanced boot camp on mapping to be held Oct. 20-22 at the University of Missouri, instructors Andy Lehren of Dateline NBC and Jennifer LaFleur of the *St. Louis Post-Dispatch* will teach reporters already versed in database management how to ascend to this higher level of analysis.

Reporters have used mapping, or GIS, to show disaster damage, demographics, crime, accidents, redlining and many geographically based stories. The boot camp will teach the basics of mapping, geocoding and spatial analysis using ArcView GIS.

Check the IRE Web site at www.ire.org/training/oct20 or by calling 573-882-2042.

MEMBER NEWS

Four IRE members were among this year's winners of The Institute for Southern Studies' Southern Journalism Awards. *The Charlotte Observer's* **Debbie Cenziper** won in the "General Investigative" category for large dailies. **Gina Edwards** from the *Naples Daily News* also won in the "General Investigative" category for midsize dailies. **Adam Smith** at the *St. Petersburg Times* won in the "Prisons and New Approaches to Justice" category for large dailies, and **Leonora LaPéter** from the *Savannah Morning News* won the "Prison and New Approaches to Justice" category for mid-size dailies. ■ **Bill Barnhart** of the *Chicago Tribune* was elected vice president of the Society of American Business Editors and Writers. ■ **Katherine Boo** of the *Washington Post* won the 1999 Heywood Broun Award for distinguished journalism for her two-part series "Invisible Lives" and "Invisible Deaths." The annual award includes a \$5,000 prize.

■ **Mark Binker** has moved from *The Philadelphia Inquirer* to *Greensboro News & Record* as a business reporter. ■ **Mike Chalmers** has moved to *The News Journal* in Wilmington, Delaware, where he will cover social services.

■ **Jeff Coyle** has moved from WWSB-TV in Sarasota, Fla., to KMOL-TV in San Antonio, Texas. ■ **Deirdre Davidson** has moved from TomPaine.com to *Legal Times* in Washington, D.C., where she will cover federal agencies.

■ **Peter Delevett** moved from *The San Jose Business Journal* to *The San Jose Mercury News* where he is a technology gossip columnist.

■ **Jennifer Dlouhy** has left *The Beaumont Enterprise* for *The San Antonio Express-News*.

■ **John Dowling** is the new deputy director of editorial training at AP in Chicago. He was the news editor. ■ **Ed Fitzpatrick** has moved from the *Albany Times Union* where he was an investigative reporter to *The Hartford Courant* where he is covering the state prison system.

■ **Jason Gertzen** has moved from the *Omaha*

CONTINUED ON PAGE 35 ➤

Send Member News items to Len Bruzzese at len@ire.org and include a phone number for verification.

IRE kicks off drive toward endowment

Gift, reception mark beginning

BY BRANT HOUSTON
OF THE IRE JOURNAL

With a gift of \$500,000 from one of its founders, IRE kicked off its endowment drive at the National Conference in New York City.

The goal of the endowment drive is to raise \$5 million in five years. By wisely investing this amount, the plan is to finance IRE's core staff and activities with the investment income.

Currently, IRE raises money for its \$1.3 million annual budget through donations and grants, membership fees, training and conference fees, sales from the database library and the resource center, and contributions in office space and salaries from the Missouri School of Journalism.

A larger endowment will help to keep fees

low, free up staff to concentrate on improving programs, ensure that IRE flourishes in the future, and preserve IRE's independence.

The gift of \$500,000 announced June 2 came from the family of Myrta Pulliam, who helped found IRE 25 years ago. The donation will create income to support the Eugene S. Pulliam Research Directorship. The director will oversee the resource center, which houses more than 16,000 investigative stories, tipsheets and handbooks. Until recently, the center was staffed solely by students and volunteers from the journalism school. We hope other gifts will generate revenue to cover salaries and expenses of programs including the IRE Web site, the NICAR database library,

ENDOWMENT SUPPORT

These organizations were represented at the showcase reception as contributors to the endowment fund:

Gold (\$10,000)

ABC News

Silver (\$5,000)

USA Today

TheStreet.com

The Miami Herald

The CBS Foundation

Bronze (\$2,500)

The Seattle Times

Los Angeles Times

The Wall Street Journal

The Hartford Courant

The Cleveland Plain Dealer

AH Belo Corp.

conferences and other training seminars, and The IRE Journal.

An endowment reception, held in conjunction with a showcase panel, raised nearly \$40,000 from media companies. In addition, another \$17,000 in dozens of smaller contribu-

IRE Endowment Advisory Board

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The Dallas Morning News

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The Miami Herald

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James Risser
Stanford University

Eugene Roberts
University of Maryland

Neal Shapiro
NBC

Karen Wada
Los Angeles Times

James Willse
The Star-Ledger

IRE's
Endowment
DRIVE

tions has come in from IRE members during the past few months. These contributions from members are especially meaningful and show larger potential donors the devotion that journalists feel for IRE.

At the reception, we also announced the formation of an endowment advisory board composed of some of the top journalists in the country. These journalists will not fundraise, but will guide us in our effort to raise endowment money.

We are currently approaching media corporations, foundations and individuals and asking them to make significant contributions to the endowment fund. We plan to hold another fundraising event at our next national conference in Chicago, June 14-17, 2001, and hope we can increase the amount raised. We also will continue our annual giving program from the membership and look forward to working with members on fund-raising. Already, one member has set up a matching program in which he and his wife will give \$10,000 once that amount is given by other journalists.

We also have set up an estate-planning program. Often, a carefully prepared estate plan provides the best means to ensure support for your loved ones and your preferred charities. An estate plan allows you to retain the use of your assets during your lifetime and still make an important gift to IRE, which is tax deductible. An estate plan involves various technical documents that should be drafted by an attorney.

The most common method of charitable giving is through a will or personal trust. A will or trust can provide that IRE receive a specific cash amount or property, or a percentage of your estate. Alternatively, a residuary bequest can give IRE a portion of the estate after all other bequests, debts, taxes and expenses have been satisfied.

In a case when you are not survived by your intended beneficiaries, you can also make a contingent bequest to ensure that IRE will be provided for rather than unintended beneficiaries. Gifts made through your will or trust will enable your estate to take a tax deduction up to the value of the property transferred.

We have more information available at the IRE office and, if you are interested in this form of giving, please contact, Brant Houston, IRE executive director at 573-882-2042, brant@ire.org or Brant Houston, IRE, 138 Neff Annex, Columbia, Mo. 65211.

Meeting of membership

Votes held on board members, changes to bylaws

BY THE IRE JOURNAL STAFF

An effort to allow for absentee ballots in future board of directors elections was voted down by those present at IRE's annual membership meeting in June.

The motion – to provide for mail-in voting in advance of annual board elections – was backed by the current board of directors. The current bylaws allow only those members attending the annual membership meeting the right to vote.

After heated debate by those present – and a failed attempt to temporarily table the issue – the motion was voted upon and fell just short of the two-thirds majority required for passage.

Other votes taken by the membership:

- Defeated a motion to eliminate the limit on academic members allowed to serve on the board. The limit remains at one.
- Passed a motion creating a voting class of membership for retired journalism professionals.
- Passed a motion making the associate member class (former journalists and former journalism educators) non-voting. The motion reaffirmed that students are a non-voting membership class.
- Passed a motion by Bob Greene creating a committee of three board members and six non-board IRE members to discuss IRE's future and to specifically address board term limits and former IRE staff members running for the board.

During the New York meeting, elections were held for seven of 13 board seats. Four incumbents were returned to office and three new members were named for two-year terms.

Winners included Jim Neff, author; incumbent David Dietz, TheStreet.com; incumbent

Shawn McIntosh, *The Clarion-Ledger*; Stuart Watson, WNC-Charlotte; incumbent Joel Kaplan, Syracuse University; Paul Adrian, The News of Texas-TXN; and incumbent Stephen Miller, *The New York Times*.

The board then voted on officers, naming Neff to succeed Judy Miller as president. Miller now becomes chairman. Dietz retained his position as vice president and McIntosh retained her treasurer role.

Following the board election, the membership elected James Grimaldi of *The Washington Post* and Steve Doig of Arizona State University as judges for the next IRE Awards competition.

Special Honorees

As IRE celebrated its 25th anniversary with the New York conference, several people were remembered as making key contributions and sacrifices for the well-being of the organization. These people were honored at the conference with special plaques.

Myrta Pulliam

Bob Greene

Ed Delaney

Jim Polk

John Ullmann

Steve Weinberg

Jan Colbert

Panelists focus on hurdles, promise of investigations

BY MICHAEL PATRICK CARNEY
FOR THE IRE JOURNAL

Photos: Frances Roberts | The New York Times



Mike Wallace and Stone Phillips.



Diane Sawyer and Bill Keller.

NEW YORK – It is the “golden age of the pamphleteer” and a time of realignment within the realm of journalism, said members of a Showcase Panel at IRE’s National Conference.

Litigation, corporate pressure and increased competition, however, will remain significant obstacles for the investigative reporter, said the panel, made up of Diane Sawyer, Bill Keller, Mike Wallace, Stone Phillips and Adam Clayton Powell III. Ted Koppel served as moderator.

As technology lowers entrance barriers, small, independent news organizations will be empowered to undertake enterprise projects once the province of television networks and prestige newspapers, panelists said.

They cautioned, however, that these organizations might lack the resources to defend themselves or the First Amendment when challenged by the subjects of their reporting.

“An individual can now do for a thousand dollars or less what only a multi-million dollar corporation could do 30 years ago,” said Koppel, host of the ABC News program *Nightline*.

There’s a flip side, however.

“Where we’re going to see the real danger come out, both financially and for the First Amendment, is for all those people who are basically one-person shops or very small operations,” said Powell of the Freedom Forum. “There they can’t even afford a lawyer.” The former news director at National Public Radio has written about the intersection of technology and journalism.

One good quality, Powell said, is that the dotcom era has shown companies that

CONTINUED ON PAGE 29 ➤



Don Hewitt, creator and long-time executive producer of 60 Minutes.

Hewitt responds to movie portrayal

War of words ensues with ex-CBS producer

BY MICHAEL PATRICK CARNEY
FOR THE IRE JOURNAL

NEW YORK – It started when Jeffrey Wigand told 60 Minutes producer Lowell Bergman about efforts by Brown & Williamson Tobacco to make cigarettes more addictive. Wigand turned against his former employer and violated a confidentiality agreement.

That's generally undisputed.

It's now five years later, and a recent film about the Wigand incident and how 60 Minutes handled it has stoked the embers of betrayal. Things came to a head during the keynote address at IRE's National Conference.

Don Hewitt, creator and long-time executive producer of 60 Minutes, was invited to speak about the state of investigative reporting, the record of 60 Minutes and to offer his reactions

to the film "The Insider" and the issues it raised. Hewitt launched into a lengthy counter-attack on Bergman.

Bergman had "conspired" with a screenwriter to create a "second-rate adaptation of a first-rate Marie Brenner piece in Vanity Fair," Hewitt told over 1,000 attendees gathered in the grand ballroom of the Hilton Waldorf-Astoria to celebrate the best of investigative reporting.

The film was rife with errors, distortions and falsehoods, he said, pointing out that Bergman kept drawing a paycheck from the "Tiffany" network, unlike the character played by Al Pacino, who quit in protest.

"That is not a journalist I would allow within a hundred miles of a newsroom or a

thousand miles of a journalism school," Hewitt said. Bergman spent 16 years at CBS News and has since worked for the PBS program Frontline and *The New York Times*. He also teaches journalism at the University of California at Berkeley.

Hewitt also took issue with his portrayal as a willing participant in the decision to excise the Wigand interview from the 1995 piece about tobacco.

"There was nothing about tobacco and nicotine addiction that Mike did not report long before he did the story with Jeffrey Wigand," Hewitt said, adding that "Mike Wallace said on CBS air with CBS concurrence that CBS management had seen fit to give in to perceived threats of legal action."

Debate then erupted offstage when a Bergman supporter and friend confronted Hewitt and Mike Wallace.

"We didn't pull the story, the corporation pulled the story," said Hewitt, visibly angry when confronted by David Fanning of Frontline.

"That son of a bitch turned on me, lied and betrayed," said Wallace, who had unsuccessfully sought access to the film before its theatrical release.

In it, Hewitt and Wallace are shown bowing to pressure from higher-ups in the corporation.

Bergman stood by that portrayal, claiming in a letter to IRE that Hewitt "buckled without a whimper" when CBS lawyers, fearful of losing billions to the tobacco company, hit the panic button. He also claimed that he is aware of other instances of censorship, although he declined to be more specific.

Wallace, speaking a day earlier during a panel discussion about challenges faced by investigative reporters, told attendees that this was a once-in-a-career incident.

Bergman said in an interview that he is "very disturbed" that organizers allowed Hewitt to get so personal. Hewitt was not asked for an advance copy of his speech, say program organizers.

"I had people calling me during the speech on cell phones," Bergman said. "They were freaked out by what he was saying, but didn't feel they could challenge him because they have to work in this business."

Bergman, who was in California during the conference, acknowledged in a letter to IRE that the film was more of a "historical

CONTINUED ON PAGE 29 ➤

Statistical portrait of rampage killers

Open-ended search leads to definitive story

BY FORD FESSENDEN
OF THE NEW YORK TIMES

An April *New York Times* project on rampage killers began as an attempt to slake a national thirst for answers to questions that events had tantalizingly raised – questions that drove heavy press coverage, but had gone largely unanswered by that coverage. When national editor Dean Baquet shopped the idea to reporters and editors, one thing became quickly clear: No one was sure what the questions would be, much less the answers.

Columbine was fresh on American minds, and events before and after nagged us with a vague notion that some new kind of explosive, deadly crime had appeared. Were these crimes in fact new? Was there some kind of epidemic? Were they random, as so many stories called them? What did they say about our society and culture? And what, if anything, could be done about them?

The project that followed was notable in a couple of ways. It used precision journalism techniques to analyze a database of these crimes, created from a huge research and reporting effort. And, at Baquet's constant insistence, it was harrowingly open-ended, a story that we shaped slowly, during the process of gathering information. For reporters yanked off competitive national beats, it was a difficult experience. But in the end, the reporters agreed that the open-ended search was largely responsible for the strength of the story.

The group that Baquet put together for the project could be counted on for spirited

disagreement. William Glaberson, the *Times*' national correspondent covering legal affairs; Laurie Goodstein, national religion correspondent; and Fox Butterfield, national criminal justice correspondent, are terrific reporters in their fields, articulate and used to setting their own reporting agendas. I had recently been hired at *The Times* to ply my quantifying approach to reporting, and Baquet asked me to get involved.

In the early weeks, we joked that we spent more time meeting than reporting.

Baquet insisted: We know what we're after, we just can't name it yet. It was something that people feared deeply, possibly because they couldn't say that it wouldn't happen to them. We thought what we were trying to understand transcended some of the labels – school shooting, workplace murder. Criminology had produced some attempts at taxonomy: We learned about spree killers, family annihilators, and pseudocommandos. Psychiatry suggested other labels –

“isolated explosive disorder,” for instance, and “amok.” None of these entirely satisfied.

We abandoned deduction for induction. Is Timothy McVeigh one of our guys? (No. A political aspect that was too, dare we say, rational?) What about Richard Speck? (No, but harder to say why. Because it didn't happen in a public place?) Colin Ferguson, the Long Island Rail Road killer? (Yes, clearly.) George Banks? (No, he killed mostly his very large family – a domestic mass murderer). We debated and

debated, but always refining what it was that we were trying to measure. We called it mass murder at first, then I began thinking of it as multiple public murder, then explosive public murder.

Our dialectic kept the research department spinning. As they set out to find out how often the American press had reported such explosive murders, we kept refining the target. And their quest for search terms provided linguistic evidence of society's confusion about these events – what text-search query terms would manifest them? Berserk? Random? Rage? Rampage?

I dug into the FBI's Supplementary Homicide Reports, a database with dozens of fields tracking U.S. murders back to 1976. I got OSHA to run queries on their workplace homicide database (they won't give you the underlying data), and downloaded a list of school shootings from the Web site of a group that purports to track them. Goodstein, Glaberson and Butterfield began collecting boxes of court documents, and set out on week-long trips to Michigan and Tennessee and Utah.

Goodstein and Glaberson had compiled a list of murders that had passed 50, and looked like it might pass 100. We had a pretty good definition now: Explosive public violence with multiple victims, at least one of whom died, and the crime was not connected to an armed robbery, nor primarily domestic. Baquet decided we should stop at 100. We would each take 25, dig into the research and fill out a database.

I designed a Lotus Notes database with 90 separate fields on each event, everything from the name and number of victims, to the mental health background of the shooters, and their behavior before the crime. We read the clips, and if they were spotty, we reported them out, calling prosecutors and family, ordering court records. In some, we dug deeply.

The warning signs

The ideas finally crystallized in December, four months into the project, when I produced the first simple analysis of our database of 100 rampage killers. Histories of mental illness were common. Pop-culture explanations, like violent video games fascination, were not. The number who precursed their crimes with warning signs was, we thought, amazing. Goodstein dispelled the confusion over labels: Rampage killers, she called them, and it fit.

In the September edition of Uplink, Ford Fessenden will detail the software that made this story possible and explains how it was used.

Uplink, the newsletter of the National Institute for Computer-Assisted Reporting, can be ordered through the IRE Web site at www.ire.org/store/periodicals.html or by calling 573-882-2042.

One reporter on the staff who heard about the analysis chided us for the revelation that rampage killers were crazy. "Hold the presses," he said.

But we knew we were on to something. Just having the facts was powerful. It may be the central truism of the computer-assisted, social-science-aping journalism that I have been doing for many years now: Authority makes a good story. It's one thing to quote someone guessing that these crimes can be prevented (and then, of course, going to another expert, and quoting them saying they couldn't). It's another to call upon systematic evidence showing that most made specific threats of violence before the incident.

It's one thing to quote a so-called expert saying that rampage violence is the result of the thwarted entitlement fantasies of white males in our culture. It's another to say that 93 of our group of 100 were male, 19 were black, 47 were set off by a job loss, 22 by a family breakup.

I supplemented our database by analyzing a subset of the FBI data. Using fields that described the number of victims, the relationship of victim to offender and the general circumstances of all murders since 1976, I isolated a group that approximated rampage killers: People who killed three or more non-family members, not in the course of another robbery or gang competition. That kind of crime comprised only a tenth of 1 percent of all murder, but it had significantly increased in the 1990s, in sharp contrast to the overall murder trend.

And, as Baquet had predicted, by the time we had the spine of our project in place, we also had the grist for some gripping journalism. We told the stories of nine shocking murders in the course of four articles that ran on consecutive days, and we probably could have written magazine-length pieces on all nine and a half-dozen more.

Ultimately, the uncertainty of our early days of groping and gathering information paid off. We wrote a story that no one else could write, a piece of authoritative journalism that was surprising, interesting and important because it was thorough, systematic, and careful.

Ford Fessenden is a database reporter on the enterprise team at The New York Times. Before that he did computer-assisted reporting at Newsday, and has also worked at the Dallas Times Herald and The Greenville (S.C.) News.

LEGAL CORNER

Right-to-privacy legal actions: Implications for reporters



BRUCE E. H. JOHNSON

New Web-based technologies that enable electronic information about individuals to be easily tracked and compiled by private companies has led to increased public concerns about privacy. A recent poll found that 87 percent of likely voters said it was important to investigate Internet businesses that sell private information about consumers.

Responding to these concerns, and attracted by the politics of attacking Internet abuses, governments at all levels are now considering laws to address the personal privacy of citizens, both in the real and the virtual world.

Some of the privacy measures have originated here in the United States. Several months ago, for example, Michigan Attorney General Jennifer Granholm announced that she intends to do a "Smith & Wesson-like thing" against Doubleclick, a Web firm facing charges of privacy violations. And, on the federal level, the FTC – not content with merely regulating all "unfair or deceptive" acts or practices in commerce – recently has announced that it wants to regulate virtually all Internet privacy practices. According to agency reports, it will shortly present proposed legislation to Capitol Hill asking for increased authority to control domestic Internet Web site activities.

Other legal initiatives are coming from neighboring countries and from abroad. Canada recently has enacted its own comprehensive Personal Information Protection Act, which applies to every organization that collects, uses, or discloses "personal information" in the course of its commercial activities. Meanwhile, United States officials have been in discussions with European Union officials, hoping to negotiate an agreed "safe harbor" that would allow Americans to do business with Europeans notwithstanding the EU's detailed privacy regulations.

Newsgathering impact

Where does this leave investigative reporters – who, after all, are in the business of collecting, using, and disclosing personal information about

their story subjects? For one thing, research and investigation will be hampered if telephone directories and public records are removed from the Internet. But there are also other risks to newsgathering – and privacy remains a potent political issue, both domestically and internationally.

The trends are ominous – and reporters should monitor these developments very carefully. Why? Because rather than looking simply at solutions to narrowly targeted problems such as identity theft on the Internet, governments are now contemplating comprehensive laws that would create a broad new "right to privacy" for every consumer, whether a public or private figure, and impose it across all channels of commerce, including the news media. European Union countries have incorporated numerous privacy measures into the fabric of their laws. Similarly, in the United States, more than a dozen state legislatures now have bills of this kind before them.

Washington state is on the leading edge of the privacy movement. During its most recent legislative session, the Washington State Senate passed a bill that would have created a broad right to privacy, including the right to halt the dissemination of any "personal information" about oneself, even if the facts are available in public records. The bill (ESSB 6513) outlawed news dissemination and mandated jail terms for news sources. This same bill also effectively proscribed all transfers of "personal information" (which was broadly defined to include virtually all information provided in a commercial context) without consent.

As industry groups became aware of the potential impact, the number of exceptions grew from a half-dozen or so to nearly 20. Among them was one that allowed dissemination of newsworthy information "to the public" without criminal or civil liability. Still, the bill that eventually passed the state Senate was deeply flawed from the standpoint of traditional First

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Bruce E. H. Johnson is a lawyer with Davis Wright Tremaine LLP in Seattle and was directly involved in some of the legislative battles described in this column. He is currently the chair of the ABA TIPS Media Law and Defamation Torts Committee.

Examining gang life

Weekly writer looks at root causes of violence

BY STEVE JACKSON
OF WESTWORD

On the night of May 30, 1997, 14-year-old Brandaline Rose DuVall was picked up at a Denver-area bus stop by members of a street gang known as the Deuce-Seven Bloods. She was taken to a home where for the next several hours she was raped and tortured by the gang and then, in the early morning hours of May 31, driven into the mountains west of Denver and stabbed to death.

Beginning in February 1999, and ending June 1999, I wrote a six-part series called "Dealing with the Devil" for *Westword* newspaper, a large Denver weekly. The series covered four murder trials and two death penalty hearings for the men accused of the murder, as well as the related murder of another young woman that set the wheels of this tragedy in motion. However, I felt from the beginning that this series should be

more than a crime/court story – that it was a story about the roots of gangs and gang violence, and the impact of such violence on those involved.

“... she did not try to make excuses for her son or his gang, but tried to paint a picture that while they had committed a monstrous act, they had not been born or raised to be monsters.”

I began looking into the murder of Brandy DuVall in June 1997, while investigating the June 1996 murder of another young woman, Venus Montoya. I learned through sources within area police departments and gang counselors that a small Hispanic gang, the Deuce-Seven, was suspected of both murders. My initial story that summer generated a telephone call from Theresa Swinton, the mother of Danny Martinez, one of the young men charged with DuVall's murder. Wracked with guilt for what she perceived as her own role in what occurred, Swinton invited me into her home to give a mother's view on the genesis of a gang, and her sons' involvement in the sequence of events that led to such a tragic conclusion for all involved.

Over time, I won her trust to the extent that Swinton's youngest son, Antonio, otherwise known as "Boom," agreed to let me into his life as he dealt with his own choice to walk away from the gang, and his guilt that he did not get his brother to do the same.

In nearly two years of reporting, I also won the confidence and trust of the victims' families. I was able to present the torment of two mothers – both blaming themselves for their own choices and that of their children, and Antonio, torn between self-preservation and doing what is right, and loyalty to his brother, his friends, his gang.

I spent a great deal of time just listening to Swinton – no notebook, no tape recorder. I was truly interested in not just writing the story, but in trying to understand how something like this occurred. I wanted to get beyond the superficial and go back into her family's history. To her credit, she did not try to make excuses for her son or his gang, but tried to paint a picture that while they had committed a monstrous act, they had not been born or raised to be monsters.

At the same time, I needed to get close to the families of Brandy DuVall and Venus Montoya, without forcing myself on them during the grieving process. With my editor's support, I knew this was a long-range project, and began simply by appearing at dozens of hearings and every day of the trials. I let the victim/witness advocate at the courthouse play intermediary, giving her my business card to pass on to the families with the message that when they were ready to talk, I would listen.

I think the time I spent listening and learning also helped my credibility with police investigators, prosecutors and defense attorneys when it came to securing investigative reports and background information that wouldn't have otherwise come out.

The investigative task was formidable. The evidence in the Montoya and DuVall murder cases was represented in nearly two dozen, four-inch thick binders. My longtime sources within the police and district attorney's offices allowed me access to these materials. Also, sources within the Denver area police gang units allowed me to view records that gave a sense of history and chronology. I developed a working relationship with several court reporters that resulted in being able to receive testimony electronically without having to wait for printed transcripts.



Those within the criminal justice system have started using the series as part of the educational material for reaching out to youths – male and female – involved in gang activity. The principal lecturer for the Denver Police Gang Unit uses the series for talks he gives around the country to educate others in the criminal justice area about the genesis of gangs.

My advice to anyone working on a story like this is to take the time to really get to know the people involved – don't be a friend, but be friendly. Watch for:

- **Connections.** You will find the truth if you're open and don't go into the story with a preconceived notion of what you're going to find or how people will react to your questions. Many gang stories shed little light on the environment that spawns gangs, and the mindset that most people can't understand. These stories do little to demonstrate the impact beyond the victim or the perpetrator, and even less to get people thinking about how things might be changed. There are usually many victims involved, and the accused's family cannot be shunned as though they are guilty by association.
- **Exposure.** The only way to accomplish a story like this is on a personal level, realizing that it will take a toll both physically and emotionally. Getting other people to talk about themselves and expose their vulnerabilities is critical, such as getting a hard-core gang member to look inside himself and expose how he feels and how he thinks.
- **Fairness.** You also have to work hard to listen to both sides while making it understood that you will be presenting both sides. The system is adversarial. It can be a real struggle to remain sensitive and yet fair with both the mother of a murdered girl and the mother of one of the young men who killed her.

I attended gang meetings and parties, where I was threatened. On one occasion, I was asked by the host to leave – for my own protection. There were phone threats. These are not easy stories to tell because emotions run high. But generally, if you show respect toward others, you will be shown the same.

Steve Jackson is a staff writer at Westword, a Denver-based alternative weekly newspaper. He has twice won the C.B. Blethen Award for Distinguished Journalism, and is author of "Monster."

Legal Corner

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Amendment principles. As noted constitutional scholar Professor Eugene Volokh has observed, the newly minted "right to information privacy – the right to control other people's communication of personally identifiable information about you" – also enhances the government's power to stop people from speaking about you.

The national trend

The Washington bill – and others that soon will surface in state capitals across the nation – represented a radical change from existing privacy regulations. The United States has never had a comprehensive privacy law. Traditionally, American legislation addressing privacy issues has always been limited in its application, such as laws that apply to video rentals, children's online activities, educational records, one-party tape recording, cable television users and certain financial transactions.

Where comprehensive regulation has been involved, however, such as the common law actions for invasion of privacy, the common law tradition also has cushioned the impact of the law's broad sweep. It does this by recognizing significant privileges to disclose facts, both absolute and conditional, in order to avoid chilling the transfer of useful information. The proposed privacy bill in Washington contained no significant mitigating principles.

Given these basic principles, the bill passed by the Washington State Senate (even with the exception for news dissemination), presented major First Amendment problems. A careful look at the bill's provisions illustrates the defects. One section of the bill gave a "consumer" (broadly defined to include anybody) the right to prohibit others from "sharing, selling, or otherwise transferring the consumer's personal information." This "personal information" was then defined broadly to include a whole host of truthful, innocuous, non-misleading information about the consumer – including almost any information provided by the consumer in any commercial context. Even with the news exemption, the potential havoc that such a prohibition could wreak on traditional reporting is obvious.

Because government typically is recognized as the principal danger to individual rights, opponents of the legislation also attacked the proposed bill for permitting a government fox into the privacy henhouse – even while

purporting to champion the privacy rights of the chickens. And it is noteworthy that the proposed legislation in Washington state completely exempted the government and its agencies from the law's reach.

More than a dozen other states have begun considering similar, if not identical, legislation. Reporters whose instincts may sometimes be in favor of consumer advocates should pay close attention to the language of these bills, which may raise the same First Amendment problems posed by the aborted Washington bill.

Privacy overseas

The European nations, including EU members, also have begun imposing significant privacy roadblocks to newsgathering activities by the worldwide journalism community. In early March 2000, the Spanish Ministry of Justice sent inspectors to Nodo50, a Spanish internet service provider, for the purpose of seizing documents related to the Association Against Torture (known by its Spanish acronym "ACT"), a nonprofit organization whose Web site Nodo50 hosts. After seizing the documents, the Ministry of Justice then ordered ACT to shut its Web site down and is now threatening to fine ACT between 10 million and 100 million pesetas (approximately \$60,000 to \$600,000). ACT's crime? It compiled and published on its Web site a list of the names of government agents – such as prison officials or police officers – who have been accused of torture or brutality.

In 1999, Spain enacted an EU-style privacy law, which generally prohibits the disclosure of information about someone without that person's consent. By publishing torturers' names without getting their permission, ACT had apparently violated the new Spanish privacy law.

In Sweden, a 1998 privacy law implementing the EU privacy directive also makes it illegal to mention information about any identifiable individual on the Internet, without the prior permission from that person. This law has led to some startling results. For example, Swedish authorities have prosecuted and fined – with judicial approval – a protester who had posted a Web site critical of the nation's banks. His crime? His Web site had identified the banks' directors.

In mid-April, an EU parliamentary committee issued a report demanding that anonymity be outlawed on the Internet, because it hampers enforcement of the EU's privacy protections.



Philadelphian Melody Madison, 40, was raped in 1995. Her case was shelved by the police sex-crimes unit because she had no telephone and the investigator said he couldn't reach her for follow-up interviews. When *Inquirer* reporters located her, she willingly told her story to the paper and agreed to be named and photographed at the crime scene. The police reopened her investigation after her account was published in the newspaper last fall. In March, police arrested a suspect in the rape.

Philadelphia police: The artful dodgers

Articles find attacks downplayed by rape squad

BY CRAIG R. MCCOY
OF THE PHILADELPHIA INQUIRER

In 1998, the top commander of the Philadelphia Police Department gave us an assurance: City cops, he said, would never dismiss a rape complaint.

Sure, he told us, the police in Philadelphia had a long culture of solving crime with an eraser. Sure, he said, the “downgrading” of crimes, minimizing them or removing them from the books altogether, was an “epidemic.”

Shootings became mere “hospital cases.” Beatings became “threats.” Purse snatches became “lost property.”

As reporters for *The Philadelphia Inquirer*, we had detailed these dodges and many others in a series of articles throughout 1998. As honesty began to take hold – and as victims’ complaints began to be counted and investigated – reported crime in Philadelphia surged 11 percent that year, even as it was

falling elsewhere.

But rape was different, we were told. It was too heinous a crime to mess with.

“Really, that’s off the way – they’d never screw around with rape,” said Charles J. Brennan, a deputy commissioner.

It took 11 months of digging, but a string of articles published in *The Inquirer* late last year showed how wrong that was.

The newspaper reported that the Philadelphia rape squad unit had dismissed cases in high numbers for years. Initially, the squad “unfounded” – police jargon for calling a victim a liar – as many as half of the complaints it received. Later, it parked cases in obscure bookkeeping classifications that kept them out of the crime count altogether.

Such cases – and there were thousands – received minimal or no investigation, we learned. And the victims and rape crisis advocacy groups never caught onto the scam.

How did we document it?

We knocked on doors. We used the Freedom of Information Act and the tools of computer-assisted reporting.

Despite the reassurances of police brass, our reporting in 1998 had turned up a handful of rape cases that cops had blown off. Our task was to find out if these were isolated injustices or part of a larger pattern.

Working from clips and interviews with a few friendly police, we began tracking down lots of retired police officers who had served in the rape squad. Some spoke openly from the start. Others only opened up in follow-up interviews, when confronted with additional reporting. Even uncooperative police could at times be coaxed into providing names of other contacts.

We also spoke with serving officers. Quite a few turned us away, but others hastened to defend the Special Victims Unit or, troubled themselves by police practices, criticized it.

From these interviews, a picture emerged of a harried rape squad – overworked, understaffed and under pressure to make performance appear better than it was. The solution: the systematic deep-sixing of cases.

“They wanted the rapes down,” George Pennington, a former supervisor in the unit, told us. “Basically, it was public relations.”

With astonishing candor, he and others pulled the curtain back on the deception. “You’d try to take the slightest discrepancy (in

a victim’s account) to try to knock it down,” Pennington said. “If it was a shady part of the city, who’s going to complain? These people are from the inner-city.”

We also mined university research and dusty law journal articles, little noticed beyond academe, that included damning information about police practices toward rape victims, in Philadelphia and elsewhere.

We cranked all sorts of numbers through spreadsheets, measuring workload per officer, age and racial patterns in the treatment of victims, the outcome of rape cases in court, offense trends over time, and more. One of our most powerful findings was simple: a chart showing how Philadelphia in 1998 had “unfounded” a greater share of rape complaints than any other big city.

Victims speak out

As the big picture took shape, we began to focus on specific cases. Sources alerted us to some. Court records were tapped for others. Over time, we accumulated several hundred confidential investigative reports.

Our teams consisted of three men – Mark Fazlollah, Michael Matza and myself – and one woman, Clea Benson. Sometimes, we approached victims in male/female teams.

A Rape — Not a ‘Lost Child’

In January 1998, Police Officer Shelia Presley left this message at Mary Wilkins’ home in North Philadelphia, advising Wilkins that her 7-year-old daughter had gotten lost and was with a neighbor. In fact, the girl had been abducted and raped. Presley served a 30-day suspension for “neglect of duty.”

Other times, reporters, male or female, knocked on doors alone. In the end, the sex of the reporter didn't seem to matter much.

The victims had a gut feeling that they had not been taken seriously by the cops. And they wanted to talk about that. Virtually all agreed to sign consent forms that permitted us to examine their hospital emergency-room records – invaluable, contemporaneous accounts by neutral witnesses.

As is *Inquirer* policy with all victims of sex crimes, the women were assured from the start that we would not publish their names without their permission. Several women insisted upon being identified – and even agreed to be photographed revisiting the scene of their attacks.

A crucial aid was a massive crime-by-crime database that the police had reluctantly made public some years before. Trouble was, they stripped it of victims' names and precise addresses before doing so.

But by Talmudic study – and by cranking up the Access database program – we began to find downgraded cases in the police data. Our task was to match what we had learned from reporting with facts left intact in the database – a process that ultimately showed us precisely how detectives had classified (or misclassified) a crime.

As part of our project, we put this entire database on the Web, using the Microsoft SQL Server program to speedily return results on specific cases from the more than 1 million crime-reports in the dataset. The Web site had an e-mail feature that put us in touch with victims for print interviews.

Early on, we filed an FOIA request seeking correspondence between the FBI's Uniform Crime Reporting Program (UCR) and the rape squad. Our request sat in limbo for months, which turned out to be a good thing. Speaking on background, a UCR official advised us to refile our request, but to ask for all "letters of inquiry" – pointed questions from the agency to an errant police department.

We followed his advice and hit paydirt. When our FOIA finally came through, after prodding from *Inquirer* lawyers, it showed that the FBI had grilled city cops about their high rate of rejecting rape complaints as lies. In response, the rape squad had written a letter to the FBI, going on and on with scenarios of lying victims.

The lesson: Report your FOIA first, before

you file it. People who cannot directly give you the goods may be a lot more comfortable telling you how to ask for the right stuff.

Police bury attacks

Our initial plan called for us to publish a three-part series.

The opener would lay out the buried history of the unit and detail specific cases involving underclass women of color – the typical victim dismissed by the cops.

The final part would focus on a new code put into play only recently for what the cops called "difficult cases." This involved classifying sex assaults under the rubric "investigation, protection, medical examination." It was a tag once placed on cases of teen runaways, but the sex crimes unit had

resurrected it as their latest repository for tough investigations.

The middle installment was to focus on buried attacks by an uncaught predator in Philadelphia whose crimes had become the subject of a lot of front-page attention. This attacker, still at large today, had raped a series of young college students in a posh section of downtown Philadelphia, killing one.

We got into this in a time-honored way.

An anonymous caller, almost certainly a cop, telephoned to alert us that the sex-crimes unit had dismissed the first two attacks of the assailant, who became known as the Rittenhouse Square rapist.

In the brief call, the tipster provided a few sketchy facts about the buried cases.

Through months of work, we ended up finding both in our database and identifying the victims. Combining the database, interviewing neighbors and police sources and accessing commercial real estate databases that list residents from past years all helped us find people and then flesh out the attacks.

We also spoke with some of the police who had handled one of the complaints. One snorted when we asked about the case and said she

recalled the woman. The victim, this cop told us, "looked like a woman who thought every man should want her."

Our publishing plans went awry, however, when the police, alerted by our questioning, conducted DNA testing that linked the victims to the Rittenhouse Square assailant. Once those links were established, we had news.

Plundering our project, we dropped plans for our second installment and published our

Database experts Matthew Ericson and Tom Torok, who is now with *The New York Times*, also were part of the project. They developed an interactive crime-by-crime database saluted by the Pulitzer board for its "innovative presentation" – the first time a Web feature has been so cited. It can be accessed at <http://www.philly.com/packages/crimes>

Photo: Eric Mencher | The Philadelphia Inquirer



Philadelphia Police Commissioner John F. Timoney testifying at a City Council hearing called in response to *The Inquirer's* investigation of the sex-crimes unit. After the paper published its findings, Timoney ordered a reopening of more than 2,000 sex crimes.



The rape of Tikesha Farmer was initially classified by the Philadelphia police as an “investigation of person” case, a bureaucratic code used to place cases in limbo. Here, she stands in the vacant house in which she was attacked. Police only upgraded the attack to a rape after a man raped a second victim in the same abandoned building – and then boasted of having attacked Farmer there.

information immediately.

While a reformer, Philadelphia’s new police commissioner, John F. Timoney, was none too keen about our reporting on rape. Among other things, he lectured us for supposedly invading the privacy of rape victims, refused to let us tour the rundown rape squad headquarters, declared some questions off-limits by fiat, and complained when we visited cops at their homes and then barred us from talking to them on the job.

He also refused to review any cases that predated his taking command as top cop, in 1998.

When our two-part series appeared last fall, the news sparked an outcry from women’s groups and a round of hearings by Philadelphia’s City Council. And Timoney took notice. Even as he went before the council and downplayed our findings, the commissioner ordered a massive reinvestigation of the buried sex crimes.

His auditors first pulled the investigative reports on more than 2,500 complaints dating back to 1995, a time frame selected because rape has a five-year statute of limitations. They found that only 140 had been properly investigated. The rest were turned over to a special detail of detectives to be reopened.

Already, there have been several dozen arrests; among them was a man charged with raping a woman whose mistreatment by police had been the first case spotlighted in our series. By reviewing court records made public along with the new arrests, we’ve been able to further document how cases had been dumped in the past.

Then, the police chief went a big step further. Garnering national attention, he agreed to permit women’s groups to meet with the sex crimes unit regularly to go over investigations.

The story is still unfolding. Timoney is

expected to report back shortly to the council on his reforms. But a reader, in a letter to the editor, summed it up this way: “No wonder women feel scared. It’s bad enough having rapists stalking women,” she wrote. “But when the law-enforcement establishment becomes part of the problem through denial and deception, women truly have something to be scared about.”

Philadelphia Inquirer reporter Craig R. McCoy joined reporters Clea Benson, Mark Fazlollah and Michael Matza in investigating the Philadelphia Police Department’s handling of rape cases. Their work was a 1999 co-winner of the Selden Ring Award for investigative reporting and a finalist in public service for the Pulitzer Prize. Fazlollah, Matza and McCoy examined the overall issue of Philadelphia police “downgrading” of crime reports in 1998. Their work won the Roy Howard Award for public service and also was a finalist for a Pulitzer in public service.

After Columbine

Tracking private gun sales

On the day after the worst school shooting in U.S. history, we began thinking about the arsenal two teenagers carried in trench coats to Columbine High.

As police investigators extricated guns, ammunition clips, homemade pipe bombs and the bodies of children

from the school library, *The Denver Post* launched what would become a year-long examination of the firearms trade.

We knew little on April 21 about the guns used to kill and wound more than 30 students and a teacher, only that Dylan Klebold, 17, and Eric Harris, who had just turned 18, somehow possessed two sawed-off shotguns, a semiautomatic rifle, a handgun and hundreds of rounds of ammunition.

One reporter called a leading Colorado firearms dealer that day to ask how two boys could have acquired all those guns. They must have been stolen, he was told.

"The easiest way to get a gun is to steal it," the store manager said. "Ninety-nine percent of criminals steal the guns they use in crimes."

Some myths die hard.

In the United States, the primary source of guns used in crimes is not thievery, but a largely unregulated market of private gun sales and of "straw purchasers" fronting for the real buyers. The Columbine tragedy proved a classic example.

We used a database of Colorado people and addresses, sources in the Bureau of Alcohol, Tobacco and Firearms, federal firearms records, a lawsuit against a Miami gun manufacturer and shoe-leather reporting to identify the Columbine guns and retrace their trail. The killers had bought three guns at a Colorado gun show with the help of Robyn Anderson, an 18-year-old friend. They supplied the cash. She supplied a driver's license to private vendors who sold them two shotguns and a rifle – no questions asked, no background checks, no sales records. Since a federal law prohibiting "straw purchases" pertains only to sales by licensed firearms dealers, her purchases were legal.

The fourth gun was a TEC-DC9 pistol, banned from manufacture as an assault weapon in 1994, but produced in such last-minute

abundance that new, "pre-ban" guns were available for years. This one was sold as new in 1998, in another private gun show sale. The buyer, Mark Manes, resold it months later to Klebold and Harris. He got six years in prison for selling one handgun to minors.

Using ATF databases

In Congress and in Colorado, legislative battles have raged over bills requiring background checks on all gun show sales. Defeated in Colorado, the gun show bill is expected to reappear on the 2000 ballot. When other shooting rampages followed the Columbine massacre, *The Post* used two ATF databases to help broaden its coverage of the gun trade. One database listed guns traced by police agencies from 1994 through 1998. The other contained multiple handgun purchases reported from 1995 through 1997. Each served as the starting point for a three-day series, one on police gun sales, the other concerning crimes traceable to multiple handgun sales.

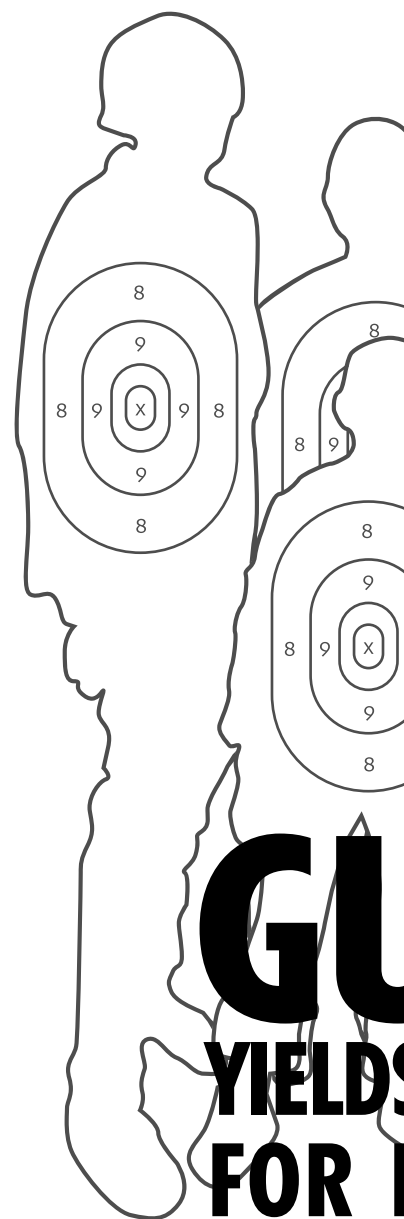
Paying for these databases was the easy part. They cost a total of \$75. Using them was another matter. Jeff Roberts, *The Post's* editor for computer-assisted projects, soon learned that ATF's database of traced guns came with various categories of information deleted. Moreover, there were codes ATF would not translate and, in most cases, some fields of information had simply been left blank.

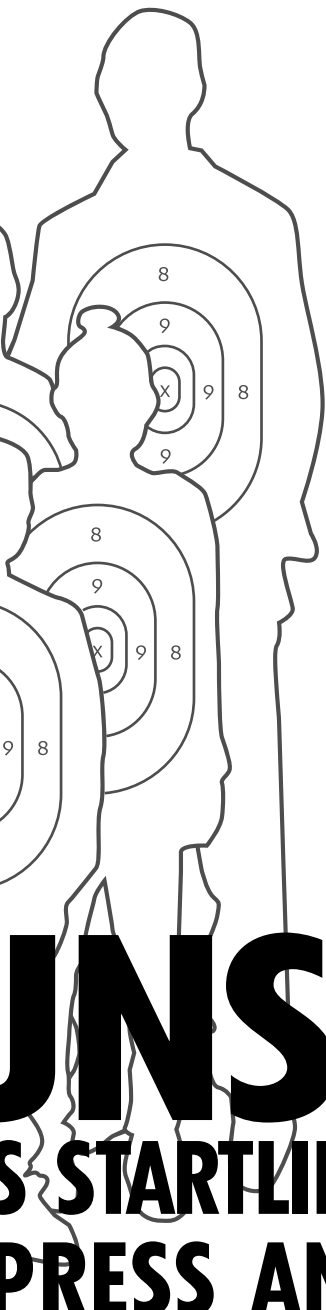
The handgun Buford Furrow used to shoot children at a Jewish day care center once belonged to a small police department. Using the database of traced guns, we set out to explore how often guns sold by police departments were later seized by other police departments.

Matching criminals to guns

ATF's database held a code indicating

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Sheriff resells criminals' guns

A look at how murder weapons end up back on the street

"Nothing escapes our attention so much as the obvious!"

This phrase and others delivered by my mentor and professor Emil Dansker still resonate after 15 years.

Dr. Dansker's words echoed as loudly as the relentless Seattle rain when I got a call from freelance investigative producer Eric Longabardi.

Longabardi was pitching a story. He had discovered Washington's largest law enforcement agency, the King County Sheriff's Department, was selling weapons it had seized from criminals. "A lot of police do it," Longabardi explained, "but this is the first time I've found a department selling so many assault weapons."

BY DUANE POHLMAN
OF KING-TV, SEATTLE

Longabardi had a list that included AK-47s, Uzis, and SKSs. It didn't take long for KING-TV management to commit to the investigation.

I typed out a public information request to the sheriff's department that asked for copies of all weapons sales and/or trades conducted over the last five years.

"What's this all about?" asked John Urquhart, the sheriff's department public information officer. I told him I wanted to see what they've been doing with the weapons they've been seizing. "We don't do anything differently than other departments," he said.

Still, it later became clear that he didn't know where the weapons went.

Within two weeks, I sat down with Urquhart and a list of more than 3,000 seized weapons sold by King County. I would spend the majority of the next few weeks pouring over the documents and learning the laws governing such sales.

Murder weapons sold

In Washington State, police agencies have to sell long guns such as rifles and shotguns. Many Washington law enforcement agencies face a fine for destroying such weapons.

Seattle police destroyed their seized weapons several years ago, but had to pay tens of thousands of dollars to do it. Since then, Seattle has been stockpiling their seized weapons, something we showed in our story.

Upon closer examination, the King County list of seized weapons that were sold contained hundreds of .22-caliber weapons and .25-caliber guns, like the Raven, often called a "gang banger." These weapons are

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GUNS TRACING WEAPONS STARTLING RESULTS PRESS AND PUBLIC

The national debate about the use of guns has prompted journalists to take a closer look at the issue. There have been some startling revelations from these investigations, such as police trading or selling murder weapons, to the unregulated market of private gun sales. Using database reporting and other records, reporters have painstakingly pieced together the stories that sometimes have very tragic endings.

cheap and concealable, and the county had an ordinance forbidding the sale of these weapons. That meant the sheriff's department was in violation of the law, but it was just the tip of the iceberg. I further compared the list of all weapons confiscated during murders with the list of seized weapons sold, and found some matches. The sheriff's department conceded it was likely that it had sold those weapons along with the others. In other words, the department had sold murder weapons that could end up back on the street in the hands of criminals.

With Longabardi's help I also discovered that most of the King County weapons had been traded to Glock, a gun company that supplies police with weapons and to OMB Police Supply, a Glock wholesaler in Kansas City. In addition, the sheriff's department received 700 new guns and other equipment in exchange for selling the seized weapons in their inventory.

It seemed ironic: The King County Sheriff's Department had dumped thousands of weapons to get better guns for its deputies to defend against the same kind of weapons it had just dumped.

The gun trail

I knew where the seized weapons went. But where did the seized weapons from King County end up? At the time that I was

investigating, the ATF database on guns used in crimes was not available. So, short of calling every law enforcement agency in America, I had no way to track the weapons to see if they had been used in other crimes.

I picked up the phone and called Glock and OMB Police Supply.

Both agreed to talk with me.

"Yes. We traded with King County," said Jim Pledger, Glock vice president. "We do it with many departments across the country. We send them to wholesalers. There's no way to say where King County's guns went for sure."

Representatives of OMB Police Supply told me off-camera they would not release the information, but did admit the guns are sold to other wholesalers and distributed to gun dealers across the country.

That meant guns seized from criminals in King County were ending up in gun shops across the country. Based on records supplied by Longabardi, I found Spokane city and county were selling guns at auction. One of the buyers was the owner of a Tacoma store known as "Cheap Shot," which got all kinds of weapons.

The list contained serial numbers. I programmed the numbers in my pager and went shopping.

Glancing down at my pager, I matched several of the guns I was looking at with guns seized in Spokane and even bought a .22-caliber Ruger that had had been confiscated during a domestic violence dispute.

As a result of the investigation, King County Sheriff Dave Reichart apologized on camera, saying he had no idea his department was involved in such a practice. He immediately stopped the sale of all weapons and asked that King County adopt an ordinance to end the sale of weapons.

But under pressure from gun lobbyists, the King County Council refused such restrictions, so the sale of rifles and shotguns continues. At the same time, the sheriff continues to refuse all other sales.

In Spokane, where my investigation was shown on a sister station, the city council voted to stop selling handguns. Many other cities in western Washington voted to ban all seized weapons sales.

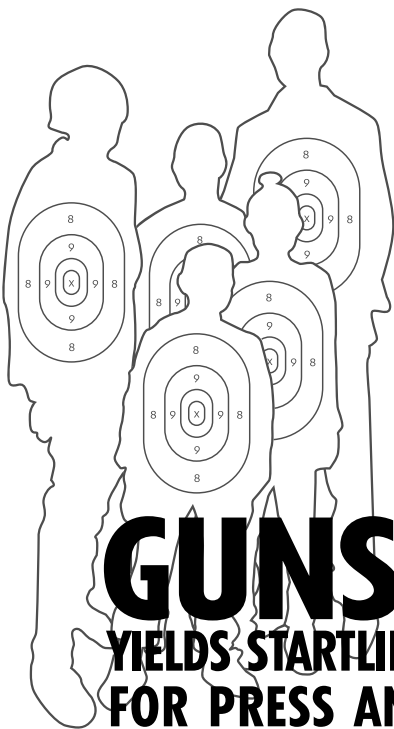
Duane Pohlman is chief investigative reporter for KING-TV in Seattle, Wash.

SOURCES

By David Olinger

When working on this story, we found many helpful sources for obtaining and using ATF records. Among them:

1. Peter Chisholm, a disclosure specialist, was the ATF official used to order the gun-tracing and multiple handgun sales databases. Call him at (202) 927-7948.
2. Joseph Vince and Jerry Nunziato, two top officials at ATF's national tracing center, resigned to start a consulting company, Crime Gun Solutions, in Maryland, (301) 631-2950.
3. Jeff Roth, at the Urban Institute, has studied the 1994 assault weapons law and its effects. Call (202) 833-7200.
4. Douglas Weil, research director of the Center to Prevent Handgun Violence in Washington, D.C., is at (202) 289-7319 and has published research in the Journal of the American Medical Association on the Virginia state law limiting handgun sales to one a month. He has studied ATF databases extensively.
5. Garen Wintemute, a public health researcher in California, is an expert on the California companies that produced most of the nation's cheap handguns, (916) 734-3083.
6. Gun Digest and websites for gun manufacturers have photos and other information on different gun models.
7. The Violence Policy Center, a gun control group in Washington, D.C., has collected a variety of graphic information about gun manufacturers, including ads showing bikini-clad women cradling assault weapons and boasting that the TEC-9 has "excellent resistance to fingerprints." Call (202) 822-8200.
8. The ATF's Web site has a new "commerce in firearms report" that contains a wealth of information from a concise history of gun laws to firearms production numbers to the agency's annual inspection rates.
9. Other ATF publications such as: the "Youth Crime Interdiction Initiative," which shows the types of guns seized most often from people of different age groups in different cities; "Gun Shows," "Brady Checks and Crime Traces"; and the "Federal Firearms Regulations Reference Guide," which has a handy question and answer section in the back. In addition, check whether your state keeps a database of guns seized in criminal arrests, and whether it maintains a database of background checks by firearms dealer. These databases are useful in identifying the largest firearms dealers in your area and in evaluating which dealers sell the most guns later traced from criminal arrests. According to ATF, one percent of the nation's firearms dealers sell more than half of all traced guns.



**GUNS TRACING
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when a gun was traced to a law enforcement agency. It also listed a federal crime code on each seizure. ATF would disclose neither code. But researchers and former ATF officials confirmed that S5 was the code for a gun traced back to police, and the Colorado Bureau of Investigation supplied a translated list of crime codes.

The problems with this database didn't end there. It listed the manufacturer, model and caliber of each seized gun, and the date ATF was asked to trace its history, but not its serial number, the dealer who sold it or the police agency that seized it. Sometimes we saw a city and state where the gun was recovered, sometimes not.

We ended up calling police departments with the barest of details. Did they have records of a homicide on such-and-such a date with a Glock pistol? They, of course, wanted better information. Did we have a serial number? The suspect's name? No. Could we be sure they made the arrest? Not really.

Among the 1994-98 traces, we found 2,800 seizures with the S5 code. Ultimately, helpful ATF and local police officials enabled us to match some traces to criminal cases. In Colorado, we found a gang of drug dealers had sold a California deputy's handgun to an undercover ATF agent. Another police gun was seized from a Denver gang leader who had previously killed two people, another from an Aspen store where

a man who threatened to shoot his girlfriend, then killed himself. We also reported that used police guns had become the main source of high-capacity ammunition magazines in the civilian market, and that an indicted undersheriff in Colorado had traded guns with an indicted firearms dealer.

The response was dramatic. Denver Mayor Wellington Webb, president of the U.S. Conference of Mayors, urged police agencies nationwide to stop selling used guns. Colorado Gov. Bill Owens, a conservative Republican, halted gun sales by the state's law enforcement agencies. Some local governments also put an end to police gun sales.

The owners of the pawnshop, ABC Loan, and an employee were indicted on 37 counts by a federal grand jury May 10. Many of the charges concerned multiple sales of handguns to straw purchasers and undercover agents, including 66 guns acquired for an underaged purchaser now facing a triple murder charge in Colorado.

David Olinger has worked for 24 years as a journalist at the Concord Monitor in New Hampshire, the St. Petersburg Times and The Denver Post, taking a one-year sabbatical for a Mike Wallace fellowship at the University of Michigan. In Florida, he co-authored a week-long series on the lax regulation of firearms dealers and gun sales, "No Questions Asked," in 1993.

Other stories on guns that are available from The IRE Resource Center include:

- *The Washington Post's* story, "Recycled D.C. Police Guns Tied to Crimes," (#15938), describes more than 100 crimes tied to weapons once owned by the D.C. police.
- "The Life of a Gun," by *The Seattle Times* (#15060) focuses on just one gun to explore how and why illegal guns find their way onto the streets.
- "Cops Selling Guns," by ABC News 20/20 (#16289) reports on law enforcement agencies reselling guns they seize from criminals.
- "Gun Show Not Only Place Felons Can Shop," by *The (Tampa, Fla.) Tribune*, finds guns are being bought and sold on the Internet by unlicensed dealers (#15941).

Call (573) 882-3364 to order. For more details on tracing guns, check out the April issue of *Uplink*, the newsletter of NICAR.

A WORD OF CAUTION

By David Olinger

Because ATF tracing policies have varied over time, the S5 code gives only a rough indication of the number of used police weapons traced from arrests. Secondly, ATF data on any trace should be checked. In some cases, guns police officers used in shootings appeared in the database as "crime" guns with an S5 code.

After a long fight, ATF gave a less-censored version of this database to *The Washington Post*, which used it to link eight former District of Columbia police guns to homicides. That release was structured, however, to block comparisons of traced guns to multiple handgun sales, presumably because some multiple sales led to ongoing criminal investigations.

We turned to ATF's multiple handgun sales database after Benjamin Smith went on a racist shooting rampage in Illinois and Indiana last July, killing two people and wounding nine with a pair of handguns.

This database also is incomplete. Many multiple handgun sales – including one California dealer's delivery of 253 handguns to a group supplying violent Los Angeles gang members – cannot be found in ATF's central records system. Happily, the handgun database is easier to use. It provides serial numbers, buyer ID numbers (not names) and gun

dealers' names. We quickly determined which states, and which dealers, reported the most multiple sales, along with the types of handguns they sold to people buying two – or two dozen – at once. We then compared multiple handgun sales in Colorado to a state database of guns impounded by police agencies. Finally, we used California ordinances banning "Saturday night specials" to develop a list of cheap handguns and examine multiple sales of those brands.

This produced a startling result: One tiny pawnshop specializing in cheap pistols accounted for 40 percent of the multiple handgun sales linked to crimes in the Denver metro area.

The Benjamin Smith case held another surprise. Smith bought two handguns from Donald Fiessinger, an unlicensed dealer who had acquired 65 cheap handguns from a single store, the Old Prairie Trading Post in Pekin, Ill. Yet the store reported no multiple sales, a legal requirement whenever a customer buys two or more handguns in a week. This led us to the discovery that federal prosecutors were investigating the Old Prairie Trading Post. Its owner had let Fiessinger buy one handgun a week, again and again, to evade identification as a multiple purchaser.

Photo: Animal Underworld, 1999



Four-year-old Ike, a chimp formerly kept at a New York University laboratory, is now free to roam at the Primate Rescue Center in Kentucky along with other monkeys and apes.

Animal Underworld: Tracking the trades

Seldom-reviewed records provide gold mine

BY ALAN GREEN

OF THE CENTER FOR PUBLIC INTEGRITY

It all started as a two-week newspaper assignment – and turned into a four-year book project that involved following a pair of bear cubs 500 miles, poring through hundreds of animal records and tracking exotic animals with the help of everyone from federal officials to family and friends.

The result was *Animal Underworld: Inside America's Black Market for Rare and Exotic Species*. It looks at the exotic-animal industry and the laundering of unwanted zoo and research castoffs as they are sold and resold until the paper trail goes cold.

It began through my volunteering at the National Zoo in Washington, D.C. Keepers there told me about questionable animal-handling practices at Reston Animal Park, a roadside menagerie in nearby Fairfax County, Va. While checking boxes of court records, I found receipts showing that the National Zoo had supplied animals to this petting zoo. Other records showed that some other zoos, such as the Lincoln Park Zoo in Chicago, also had sent “surplus” animals to Reston Animal Park. I set out to discover if this was an anomaly or standard operating practice among reputable zoos.

As I followed the paper trails to and from these zoos, I maintained a focus on the Reston Animal Park – in particular, a pair of bear cubs displayed there. Although officials of the animal park were close-mouthed about the bears' origins, I unearthed documents at the Virginia Department of Agriculture and Consumer Services showing that the bears were owned by a Wisconsin animal dealer who, a decade earlier, had pleaded guilty to such federal offenses as illegally supplying bears to an exotic-meat broker. I hoped to learn the fate of these two bears when the petting zoo closed for the winter. I got my chance in a telephone conversation with a zoo cashier: She offhandedly mentioned that the bears would be leaving the zoo the following morning, heading back to the Wisconsin “zoo” from which they had come. So I showed up at 5 a.m., hid nearby, then followed a truck some 500 miles to its destination in northwest Ohio.

This journey, five months into the reporting project, was a major turning point in the story. When I later set out to find records detailing the bears' relocation, I realized state and federal officials knew nothing of the animals' whereabouts. That experience left me wondering how many exotic animals were similarly disappearing in this country.

Interstate moves

At the heart of Animal Underworld are certificates of veterinary inspection, commonly known as "health certificates." These records often have been overlooked as sources of information, but I believed they could show subsequent transactions and expose the activities of dealers, breeders, auction houses, hunting ranches, and others engaged in the sale and resale of exotic creatures.

But because animals are typically moved many times, only records from virtually every state capital could provide the true means of exposing the trafficking in these species. I visited 27 state capitals and searched through more than 2 million health certificates. I gathered records from four states via FOIA and hired researchers (or enlisted the help of friends and family members) in 11 states. Interviews with agriculture officials helped determine that some of the remaining states had virtually no exotic-animal traffic, and so were bypassed.

As I visited more states and added more transactions to the databases created from these records, answers finally began to emerge. For example, I found a document in Des Moines showing that in September 1996, an Iowa woman sent six reindeer to a Missouri auction. In Jefferson City, Mo., I found another document showing one of these reindeer was sold at the auction to a Wisconsin man. Working backward, I traced this 5-year-old reindeer to its birth in the Yukon and its sale, years earlier, to the Iowa woman at another auction. Working forward, I was able to identify the Wisconsin buyer as the owner of a canned hunt. Via FOIA, I collected records showing that in October 1996, a patron of the

hunting preserve shot the reindeer.

Law enforcement records from the Wis-

consin Department of Natural Resources identified the hunter as William Backman, of Aurora, Ind. Taxidermy records obtained by FOIA showed that Backman was a regular patron of this canned hunt, and a year earlier had killed another reindeer. A search of the Internet revealed more about Backman, including his business and an appointment by the governor of Indiana to the state's Natural Resources Foundation – an organization dedicated to conservation, and seemingly opposed to the sort of for-pay hunting with which its secretary was involved.

Further digging revealed that Backman was also an official scorer for Safari Club International, a pro-hunting organization whose code of ethics opposes canned hunts. After repeated requests for comment, Backman finally confirmed that he had in fact shot the reindeer in question.

Some of the other documents I used included court records, taxidermy records, and Internal Revenue Service 990 forms, which detail the fiscal activities of not-for-profit organizations. I used computerized records made available by state departments of fish and game.

Wide-ranging sources

More than 350 people were interviewed for Animal Underworld. Many of the interviews involved ongoing law enforcement proceedings, and were off the record, as were many with state and federal wildlife and animal care authorities. I also relied on a network of bureaucratic tipsters, who became my eyes and ears in state and federal offices. In



Animal Underworld: Inside America's Black Market for Rare and Exotic Species

from four states via FOIA and hired researchers (or enlisted the help of friends and family members) in 11 states. Interviews with agriculture officials helped

UPDATE

Cargo hold story leads to action

A WWOR-TV investigation into the safety of animals flying on commercial airlines led to the creation of the Safe Air Travel for Animals Act. President Clinton signed the bill into law in April.

"Dying to Fly," which the Secaucus, N.J. station aired on Nov. 3, 1998, exposed loopholes in federal laws that may have been responsible for killing, injuring or losing some 5,000 pets a year when they traveled in the cargo hold of planes. Every major airline had been accused of violating the Animal Welfare Act.

After seeing the report, U.S. Sen. Frank Lautenberg of New Jersey introduced legislation to protect the animals. The new law requires airlines to publicly report any incident involving the loss, injury or death of any animal. It also requires the airlines to provide proof its employees are receiving better training with respect to animal transport.

The station began its investigation after receiving several complaints from owners of pets that had been harmed.

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IT'S A JUNGLE OUT THERE

By Linda Goldston

Of the more than 2,500 zoos and animal attractions licensed by the U.S. Department of Agriculture, only 184 of them are "accredited" by the American Zoo and Aquarium Association.

The AZA is similar to the American Medical Association and the American Bar Association. It is a voluntary membership organization that claims to ensure the best zoos in the world, but things are not always what they seem. In its investigative series called "Zoo Animals to Go," that ran Feb. 7-10, 1999, the San Jose Mercury News found in a two-year probe that AZA zoos dump roughly 1,000 surplus animals each year, many of which end up in all the wrong places.

Be warned: it really is "a jungle out there," and things about the zoo/exotic animal business will not always make sense. No single agency is responsible for the animals or their care. Players include the AZA, the U.S. Department of Agriculture, the U.S. Fish & Wildlife Service (responsible for threatened and endangered animals), and to a lesser extent, U.S. Customs.

Some good sources to start with include:

- The AZA's director of public affairs is Jane Ballentine at 301-562-0777, ext. 252. Request a copy of the Development, Marketing and Public Relations Directory, which has all of the contacts and numbers of the 184 accredited zoos. Also try the website at www.aza.org.
- The U.S. Department of Agriculture's contact to get copies of the directories of dealers and exhibitors is Jim Rogers, 301-734-8563. He can explain the responsibilities of the USDA for dealers, exhibitors and zoos.
- Any zoo that receives full or partial public funding is subject to state public records acts and copies of their animal transaction/disposition papers can be obtained by journalists. Also request copies of invoices to find out how much animals are sold for.

Linda Goldston, a staff writer for the San Jose Mercury News, included this information in a tipsheet prepared for the 1999 IRE National Conference in Kansas City where she was a panelist on animal issues.



Some zoos get rid of unwanted animals through ads in Animal Finders' Guide.

some cases, these agency workers monitored the daily flow of paperwork for those records that they knew would be useful.

In addition to the wildlife officials, sources included experts in everything from disease transmission to the daily care of animals rescued from laboratories to private citizens ill-equipped to provide care to these animals. I also did fly-on-the-wall reporting at venues such as exotic-animal auctions.

Further, I set up the fact-checking procedure and supervised a full-time Center for Public Integrity employee to ensure the accuracy of each statement. Every person or organization mentioned in the book was contacted for a follow-up interview. Every transaction culled from documents was verified with those filing the paperwork. In this way, zoo directors, animal dealers, safari-park operators, university spokespersons, and others got an opportunity to explain the revelations I unearthed from documents or learned in other interviews. Some took the opportunity to speak, while others asked for more time. Some were never heard from again.

Alan Green has been a senior associate at the Center for Public Integrity since 1997. His book won an IRE Award this year.



Photo: Animal Underworld, 1999

Mountain lions have become increasingly popular as pets. A now-grown Buffy, once owned as a cub by baseball star Jose Canseco, was brought to a veterinary clinic after being seized by wildlife officers.

CREATE DATABASE TO TAME PAPER TIGER

By Alan Green

Because investigating the domestic trade in exotic animals was such a paper-intensive exercise, databases had to be created at the project's inception. Every document was labeled, recorded and filed, or retrieval of information would have been unwieldy and time-consuming, if not futile.

In addition, I:

- Pushed for speed. A blueprint was developed that identified sources of documents. Because some agencies such as the USDA's Animal and Plant Health Inspection Service have FOIA backlogs of a year or more, requests for information had to be filed quickly. In some instances, agencies involved with exotic animals such as municipal zoos were unfamiliar with the requirements of FOIA and their compliance responsibilities. Others doing such a story should be prepared for this and seek guidance from a city attorney or other official. Otherwise, responses may be slow and information may not be forthcoming.
- Questioned accuracy of records. State veterinarians estimate that perhaps only 10 percent to 15 percent of animals moving across state lines do so legally with the required paperwork. We didn't assume that available documents offered a complete portrayal of the exotic animal universe. We knew that documents obtained via FOIA or by other means may not have included accurate information. Records of one state or federal agency didn't often jibe with the records of another agency. When an individual was listed as the recipient of animals, we checked the phone number on the paperwork against the listed addresses – in some cases the phone number belonged to someone in a faraway location. We were suspicious of the information on this paperwork, but also were aware that sometimes the inaccuracies were entirely legitimate. For example, after paperwork is filed testifying that an animal is being moved from one state to another, the transfer may be canceled for a host of reasons, such as disease.
- Used the Internet. Among the sites used most were those of the U.S. Department of

Agriculture's Animal and Plant Health Inspection Service (<http://www.aphis.usda.gov>), which includes an E-FOIA section that shows inspection histories for dealers, exhibitors, and other licensees, and the InfoSpace.com reverse look-up page (<http://www.infospace.com/info/reverse.htm>).

In addition, information from the health certificates gathered on cross-country trips was computerized: data from each record, including names (of both humans and animals), addresses, tattoo numbers, health-test results, and other unique identifiers were entered into a database built for this project.

These records were augmented with a wide variety of other documents. I examined abstracts of every case involving an alleged violation of the Animal Welfare Act and recorded details of more than 400 of them in a separate database. Another database was created to record the animals listed in the American Zoo and Aquarium Association's Animal Exchange newsletter. I computerized information from more than 6,800 notices to track the number of animals offered by individual zoos, the asking price, and other pertinent facts.

Yet another database included information from more than two years' worth of advertisements in *Animal Finders' Guide* magazine, a trade organ for the private exotic trade. The identities of advertisers were determined using CD-ROM versions of reverse phone directories and such Web sites as www.InfoSpace.com. Information from some 1,000 of these ads was computerized.

In addition, I computerized more than 1,000 records gathered from promotional brochures, Web sites, and such secondary sources as newspapers and magazines. Still another database cataloged hundreds of transactions taken from the annual reports of a few dozen individuals and organizations granted federal permits to trade in endangered species. Finally, these databases were supplemented with thousands of records from species studbooks maintained by personnel at AZA-accredited zoos, along with hundreds more transactions culled from three reports published by the AZA Contraception Advisory Group. These thousands of transactions also were computerized.

Technology at work

Online techniques helpful to novices, pros

BY STEVE WEINBERG
OF *THE IRE JOURNAL*

Alan Schlein was practicing investigative journalism before the Internet and computer-assisted reporting became easily accessible, but like many journalists, he has reinvented himself to become an expert at online research.

Schlein serves as a good guide for journalists – even the older ones who may not be especially comfortable with computer research – by addressing the ignorance and the fears, while still communicating comfortably with those who are more advanced online.

Schlein's book explains a great deal about how computer-assisted research operates so that readers can make the technology work for them, directs readers to lots of specific sites where the actual information resides and provides detailed treatment of how to find government and private-sector documents online.

Happily, I learned from Schlein's book that documents from certain lawsuits in certain jurisdictions can be retrieved from my keyboard at home. Not just a one-line case heading, not just a docket sheet summarizing the chronological progress of the case, but multi-page, full-text documents. I tested this new knowledge by keying in an address provided by Schlein for the federal bankruptcy court in North Carolina. It worked. Through some patient downloading, I retrieved the bankrupt's original petition, the notice to creditors and later filings.

Imagine my pleasure when I found out professional license files are available online from some state agencies. Using addresses provided by

Schlein, I looked up information about specific physicians, accountants, dietitians and other professionals licensed by New York State.

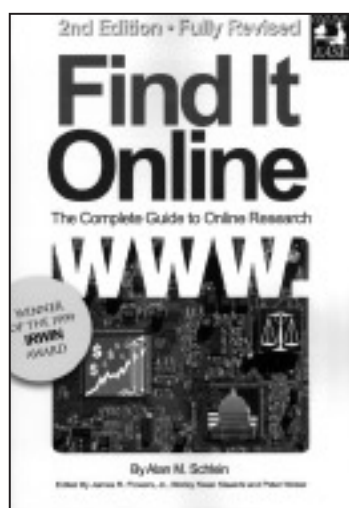
On a roll, I cybersurfed to Texas, where based on Schlein's guidance I learned I could look up convicted sex offenders by name, city or other criteria. Using my parents' zip code in a small Texas city, I was surprised to find 50 registered sex offenders within a few miles radius of their home.

Gaining confidence, I started rooting around online within government Web sites mentioned by Schlein. There, within the Missouri secretary of state's office, I found a type of document I had never seen before. I learned about mandatory registration of athletes' agents, defined as "any person [who], for compensation, directly or indirectly recruits or solicits a student athlete to enter into an agent contract, financial services contract or professional sports services contract," according to Missouri Senate Bill 526. It turns out that such agents must register biennially with the secretary of state and pay a \$500 registration fee.

Government information

Lots of the useful references are in Schlein's chapter "Government Sources Online." He starts by explaining gateways to multiple government sites, such as the White House collection of sites it hopes the electorate will consult (www.whitehouse.gov/WH/services), one emphasizing numbers (www.fedstats.gov), one

CONTINUED ON PAGE 34 ➤



Find It Online: The Complete Guide to Online Research (second edition, update through March 2000)
by Alan M. Schlein
(alan@deadlineonline.com)
Facts on Demand Press, 523 pages

MORE SOURCES AROUND FOR ONLINE RESEARCH

By Steve Weinberg

In several previous articles, I have explained the usefulness of "Computer-Assisted Reporting: A Practical Guide" (second edition) by Brant Houston. Unlike Houston's book, many of the guides available in years past have contained little of relevance for investigative journalists. In the previous issue of *The IRE Journal* (May/June), I evaluated two excellent books – the fourth edition of Nora Paul's "Computer-Assisted Research," which is written primarily for investigative journalists; and "Great Scouts!: CyberGuides for Subject Searching on the Web," by Nora Paul and Margot Williams, which is aimed primarily at a mass audience.

Other books about online research aimed partly or primarily at an audience of journalists include:

- A Journalist's Guide to the Internet: The Net as a Reporting Tool, Christopher Callahan, Allyn and Bacon.
- Computer-Assisted Reporting, Bruce Garrison, Lawrence Erlbaum Associates.
- The Internet Research Guide, Timothy K. Maloy, Allworth Press.
- The Online Journalist: Using the Internet and Other Electronic Resources, Randy Reddick and Elliot King, Harcourt College Publishers.
- Power Journalism: Computer-Assisted Reporting, Lisa C. Miller, Harcourt Brace.
- Search Strategies in Mass Communication, Jean Ward and Kathleen A. Hansen, Addison-Wesley.
- Wired Journalist: Newsroom Guide to the Internet, Mike Wendland, Radio-Television News Directors Association.

Racial health divide

Series focuses on deadly difference

BY BETH MARCHAK
AND DAVE DAVIS
OF *THE (CLEVELAND) PLAIN DEALER*

Last summer, John Holly, 47, was turned away at a doctor's office. Three weeks later he had a massive heart attack. Holly didn't have medical insurance. But there's something else about him you need to know.

John Holly is African American.

From 1988 to 1997 millions of African Americans died of preventable and curable

diseases like heart disease, diabetes, high blood pressure and homicide. An analysis of death records from the Centers for Disease Control and Prevention shows that African Americans die at a higher rate than whites from preventable and curable diseases in virtually every city and county in this country where there is a sizable black population.

We published our findings as "A Deadly

Difference: America's Racial Health Divide," March 12-16. And while Davis spent 10 months on the story and Marchak spent almost as long, the roots of the project go back several years.

Davis had long been interested in cities where African Americans are at risk for certain health problems like heart disease. He had published a series of stories in 1998 that showed cities where blacks had specific health problems. From there he decided to calculate the gap in death rates between blacks and whites for all causes of death.

At the same time, Marchak had been become interested in homicides of African American women after helping investigate violence against women in 1994. One police officer told her many black women were hookers and their lives were hardly worth a police investigation. Dumbfounded that the officer was so callous, Marchak spent

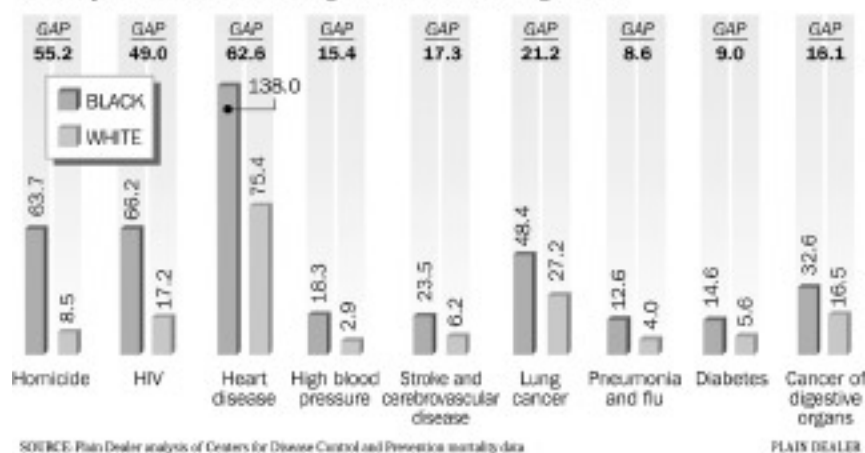
Photo: Dale Omori | The Plain Dealer



Beatitude House resident Michelle Vidale hugs her daughter Kymberly. "So much was working against me," she said. With the help of the Ursuline Sisters, Vidale has completed school and knows she has a future.

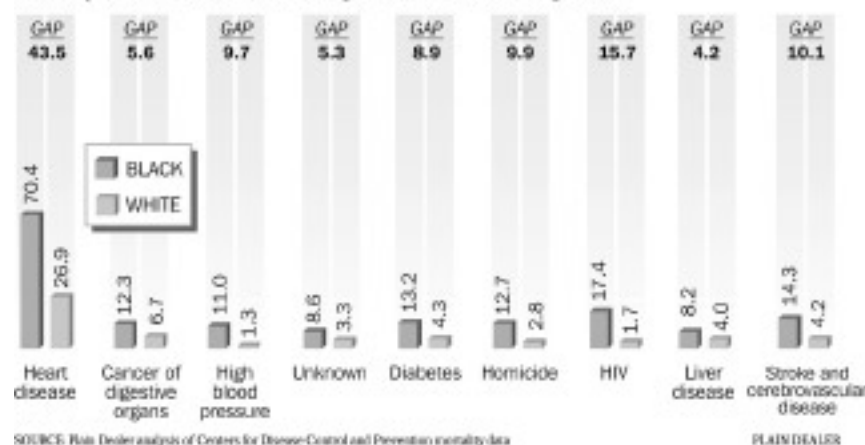
Major causes of the racial health gap for men

Deaths per 100,000 men under age 65, from 1988 through 1997.



Major causes of the racial health gap for women

Deaths per 100,000 women under age 65, from 1988 through 1997.



the next five years haunted by one question: Where is the highest rate of homicides of black women?

We found out through our searching that it was Mahoning County – just down the road from Cleveland.

Up to this point we thought we were pursuing two entirely different projects. One day our boss, John Griffith, asked which county had the biggest gap in homicide rates between black and white women.

According to Wonder data and some of Excel's ranking magic, the answer again was Mahoning County.

Armed with powerful data, we started talking to health officials and experts around the country. Nobody knew what we were talking about. Nobody anywhere had ever

seen anything like what we had just tallied. Many health and public sector officials said we were wrong, but could not offer us different numbers. Others simply denied there was any problem in their county or state. Some, like Youngstown Police Chief Richard Lewis, just refused to talk to us.

Only sociologists with an interest in mortality were interested. In fact, several cheered us on.

Creative thinking

The problems of minority health are not unknown to public health officials. Indeed, we both found all kinds of bureaucracies and federal grants devoted to – but not necessarily solving – a myriad of minority health problems.

COLLECTING DEATH DATA

To start answering questions about the gap in death rates, we:

- Got the data. We began downloading data from The Centers for Disease Control and Prevention's Web site, Wonder (<http://www.wonder.cdc.gov>). The CDC, ground zero for mortality data, has already calculated the population, so its printouts included the rates of a given cause of death.

We downloaded data for each state, looking at deaths county by county – a time-consuming process. For each state we had to do two downloads, one for black women and one for white women.

- Looked at each death. Davis made several trips to Columbus to get copies of death certificates, which he asked for by the computerized death codes. While he was comparing the paper forms to Ohio's computerized death data, Marchak used the FBI's Supplemental Homicide Report to learn more about the circumstances of each death, including the fact that every single black woman killed in Mahoning County during those 10 years died in Youngstown.

- Personalized it. To put a face on the homicides, Marchak created a small but very useful database merging information from paper death records, computerized death records, clips and the Supplemental Homicide Report. She included the name of cemeteries, and one cold and rainy afternoon last fall she even went to visit them.

- Used a spreadsheet. To calculate the gap in death rates, slightly different methods were used. In Davis' broader search for all causes of death, he found so many counties with statistically valid numbers – 20 or more deaths – that he downloaded or copied every state to Excel.

Less familiar with the data, Marchak printed it out and studied it. It turned out to be a good move, because fewer than 150 counties across the country had statistically valid homicide or AIDS rates, which were calculated later. It was easier to type them in on a spreadsheet from paper files organized alphabetically by state. A color-coded highlighting system was used to make sure a county wasn't missed.

- Looked at similarities. After isolating hot spots for different diseases, we went back to get more complete information about each county from Wonder, including the age breakdown of those who died, deaths by year, and in the case of homicides, a more detailed breakdown of the types of weapons used. This information helped us search for typical victims and families.

Just one warning: The CDC's Wonder is not for the fainthearted. It had a nasty habit of crashing around lunch time just when you've decided to spend the rest of the day downloading. To keep moving, we worked early in morning or late at night at home.

As we detailed interviews to Griffith, he noticed another similarity in what we each found: The only people who understood the scope of the problem were scrambling to solve it on their own.

For example, there were nurses in Lima, Ohio, who took to the streets to help John Holly and others get a little preventative health care. In Cleveland, doctors were trying to save

premature babies who were dying at a rate that would embarrass Third World nations. In Bacon County, Ga., African Americans often got no medical care after they were asked how they would pay. In Newark, an innovative program for AIDS victims was treating a disproportionate number of poor African Americans.

In Youngstown, the Ursuline Nuns weren't

waiting for any of the city's boards or commissions to act on the city's well-publicized male homicide problems. For nearly a decade, they had been buying up old homes and filling them with single moms and their kids. They just knew, after 125 years in the city, that preserving families would help rebuild the community. They said it was their investment in the next generation.

This concept of creative thinkers working around government regulations and bureaucratic dogma became increasingly important as we developed our stories. It also helped us plan potential photo assignments with photographer Dale Omori. In fact, we gave him so much information that when we went on the road, he already had a pretty good idea of what our stories might say.

Public response

Reaction to the series was swift. Angry readers said they couldn't believe we were wasting space on stories about people who couldn't solve their own problems. Several dared us to call them and argue. One woman said we had gone way over the line and homicides were not a public health concern.

The Youngstown stories, which ran March 14, triggered official hostility. Mayor George McKelvey said the paper came to town with an agenda and the stories were "garbage." Police Chief Lewis, who repeatedly declined to be interviewed for the story, told the local media he was unaware of the extent of the problem.

But black women in Youngstown wanted answers. They began to mobilize. A group, each one with a purple ribbon on her lapel, appeared at a city council meeting with a large sign in memory of the 70 women who had died between 1988 and 1997.

Two days later, McKelvey said he was creating a task force to study violence against black women. Still, the city's African Americans say there is much to be done, and attend weekly council meetings to remind officials that they care and that they vote.

We are still getting calls and e-mail from people who think there is nothing wrong with blacks dying from a lack of medical care. Those calls have taught us we still have a lot of work to do to explain to why so many blacks die and so many whites live.

Beth Marchak and Dave Davis are staff writers for The Plain Dealer.

Photos: Dale Omori | The Plain Dealer



Dr. David Rahner sees more similarities than differences in the white, black and Hispanic patients he treats at the Crossroad Health Center in Cincinnati. "There's a common denominator of struggling to pay for medicine, see a specialist or just find somewhere to get care," said Rahner, shown with patient Carolyn Durrett.

Maxine, seated, and Cynthia Wright of Youngstown share a bond beyond most mothers and daughters. They both lost a child to homicide.



Showcase panel

CONTINUED FROM PAGE 8

investigative reporting can be profitable. (Unfortunately, APBNews.com, the organization Powell used to illustrate this trend, announced a day after the conference that it was out of money and would lay off its staff of 140.)

"In some very significant measure, we are being displaced and replaced by hundreds of other organizations," Koppel said.

This displacement is markedly similar to the emergence of 60 Minutes, the precursor of a new sub-genre within television news, he said. Created in 1968, the profitability of that CBS News program helped spawn imitators across the broadcast spectrum.

Those in the boardroom have since looked at news in a different way, said Koppel.

"I don't think that the corporate culture is as sensitive to the rigorous demands on a news organization as the corporate culture was 20 or 30 years ago," said Koppel, who started at ABC in 1963.

The corporations traditionally insulated press freedoms, a legacy maintained by some organizations.

"We have a policy of never settling lawsuits, we always fight them," said Keller, managing editor of *The New York Times*, which has been involved in some of American journalism's most important litigation.

"We have a staff of lawyers who lawyer stories, but they're reporters' lawyers and their mandate is to make sure that the story can get into the paper, not to figure out ways to keep it out," Keller said.

The panelists had plenty of anecdotes about legal challenges, but Wallace of 60 Minutes had the most personal. He spent five months of 1984 in court fighting charges he libeled Gen. William Westmoreland, the former commander of American forces in Vietnam. Westmoreland eventually dropped the case.

"It was devastating," said Wallace. "They have carte blanche to go after you."

Even the threat of a lawsuit can have a devastating effect, as Wallace learned a decade later when CBS killed an interview with Jeffrey Wigand, a tobacco company whistleblower.

Then, Food Lion sued ABC News after a

report on health violations at the company.

"What the Food Lion case did is say 'Wow! We're fighting on two fronts when we go into a lawsuit,'" said ABC's Sawyer of the legal and public relations challenges.

Sawyer said the lawsuit hasn't forced reporters at ABC to second-guess themselves or forgo stories, but has caused them to view each story in its own universe.

"It's very difficult for the investigative reporters who don't have the backing and the resources and the legal protections," said Phillips, host of the NBC program *Dateline*.

That does not mean there is a relationship between size and quality or originality. Koppel said he casts a wide net when fishing for story ideas.

"It's very rare that we generate our own investigative reporting," Koppel said of his late-night news program. "It's much easier to have you do something in your place and we'll sweep up after you."

Phillips agreed, but with a caveat.

"It may not have originated with us, but if we don't feel we can advance it in

some way that's important, it's not worth doing," he said.

Panelists said there are some simple, and some complex, reasons for this phenomenon.

At ABC News, for example, an investigative story costs about 10 percent to 15 percent more than a standard piece, said Sawyer of 20/20. This has no effect on her, however.

"It's not about whether it's investigative or not, it's about whether I think this is something I really have to do," Sawyer said.

Moreover, money is not the only obstacle.

"It's time, really," Wallace said. "Sometimes you don't get enough time which you would like to do exactly what you want to do."

Sawyer said the future of investigative reporting rests with the people to whom it is entrusted.

"Somehow I worry the greater threat is that we're not tapping into the people who want to do this for a living and have a real passion for it."

"We're not creating enough excitement about changing the world," she said.



Photo: Frances Roberts | The New York Times
Ted Koppel and Adam Clayton Powell III

Hewitt

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novel" than documentary, but wrote that it is "philosophically and emotionally dead-on accurate."

IRE invited Bergman to speak at last year's conference, but he canceled the day of his two panels. He wasn't asked to speak this year. Bergman said he learned that Hewitt would focus on him and the movie from an AP reporter the night before the speech. Apparently, the reporter was reading from a letter Hewitt had written to *Columbia Journalism Review*, but which had not yet appeared.

IRE received a faxed letter from Bergman the morning of the speech addressing Hewitt's charges and asking that his response be read at the luncheon. Rather than reading the letter, the IRE board of directors decided to have copies available to all attending as they left the luncheon. (Bergman revised his letter after the speech and this version too was made available to conference-goers and later on the IRE Web site.)

During the address, Hewitt also took aim at the owners of ABC News and the dean of the graduate school of journalism at Columbia University.

Disney, which produced "The Insider" and owns ABC News, didn't mention in its promotion of the film that it had once refused to stand by a story about the Philip Morris tobacco company, Hewitt said.

Tom Goldstein, journalism dean at Columbia, hosted a forum on "The Insider" and gave Bergman space in the May/June issue of *CJR* because of a friendship between the two, Hewitt said. Goldstein did not respond to a request for comment.

Given the nature and substance of Hewitt's speech and Bergman's responses, IRE has attempted to set up and sponsor a forum in New York City in the fall in which Hewitt, Bergman and an impartial moderator would meet publicly and debate these issues. Hewitt has declined the invitation, saying that further comments by him would be *CJR*. Bergman, who had said he would be willing to engage in a public debate, said he was not sure he would participate in a debate sponsored solely by IRE.

Michael Patrick Carney, a graduate student in the government reporting program at the Missouri School of Journalism, works in Washington, D.C. as an intern for Reuters.

University misdeeds

Small newspaper with limited resources takes on giant

BY PAMELA WHITE
OF THE COLORADO DAILY

It was an investigation that started as a joke.

University of Colorado President John Buechner had recently launched an educational initiative he called the Total Learning Environment, and the acronym “TLE” had begun to appear on everything produced by CU, from stationery to coasters. Buechner probably has “TLE” written on his boxer shorts, we joked.

Still, it bothered us at *The Colorado Daily* that we understood so little about the TLE. Buechner had yet to reveal what the TLE entailed, even though it was the most expensive initiative ever undertaken by CU with a multi-million-dollar price tag. We decided to call Buechner’s office and ask for a one-sentence definition of the TLE. When the public relations person told us that he’d have to get back with us tomorrow, we knew we had to investigate.

Quickly, we discovered that Buechner had hired a long-time friend, Fran Raudenbush, to spearhead the TLE. We asked for her contract and job description, together with a host of other documents pertaining to the TLE – and ran into a brick wall.

While CU spokespeople said they’d be happy to provide us with everything we requested, they claimed that there were no documents pertaining to Raudenbush, as she was an employee not of CU, but of the CU Foundation, CU’s semi-private fund-raising arm.

We didn’t buy it. We had on record the fact that Buechner had caused Raudenbush to be hired. We knew that she was in charge of developing strategies for the TLE, a publicly funded project. We further knew that she was working in Buechner’s office, reporting directly to him. It shouldn’t matter that her contract is technically with the CU Foundation, we argued. She is performing a public function at a public institution, and her contract should therefore be subject to the state’s public records law.

We decided to sue both CU and the CU Foundation. Although a tiny paper – at the time we had two reporters, an editor, a sports editor and an entertainment editor – we opted to retain

the state’s foremost experts on open records law, the attorneys of Faegre & Benson. Not all attorneys are created equal, and our decision to run with the men who helped craft Colorado’s laws proved to be vital.

As CU engaged in heated exchanges with Faegre & Benson attorney Christopher Beall, we began to run stories about our conflict with the university on the front page. Our purpose was twofold. First, we wanted our readers to know what CU officials were doing and have this issue in the forefront of their minds. Second, we knew we needed inside sources, and we were fairly certain that, somewhere in CU’s administration, there were people who were dying to tell us what was really happening with Raudenbush and the TLE. The strategy paid off, as our phone and fax lines began to buzz with tips. Sometimes the people identified themselves. Sometimes they didn’t.

Among these were two people who agreed to provide us with information on the condition we never reveal their identities. It’s the quandary that every journalist dreads: Do we allow the sources to remain anonymous, opening the door for a host of problems, or do we do without the information? We opted to accept the sources’ conditions.

Almost immediately, the information they offered proved to be essential. Still we had concerns. Though both were CU insiders and therefore credible, what was their motivation? Did either of them have an ax to grind? How had they gotten this documentation? Were they telling us everything?

Working with these sources proved to be one of the most difficult aspects of the investigation. Even though they had come forward on their own, both were very nervous, one to the point where she insisted on face-to-face meetings in empty parking lots on the edge of town. This seemed a bit comical given that we were investigating a university administration, not a drug cartel. But because both sources were so close to Buechner, they feared that they would be identified based on the nature of the information they shared. We

quickly learned that neither appealing to ideals nor pressure would be effective in persuading them to share everything they knew. Compassion and reassurance were the way to reach these sources, and we had several meetings that were more hand-holding than interviewing. But no time spent with a source is wasted. As long as they were talking with us, we knew they truly wanted to give us what we needed. It would simply be a matter of time. Meanwhile, we had to carefully check what they told us against things we knew to be true, confirming every possible detail.

Our suit against CU and its foundation progressed, and, after a month of verbal wrangling, we finally got a court date. CU then settled with us out of court, agreeing to turn over 7,500 pages of documents pertaining to the TLE and Raudenbush. The Foundation settled as well, steadfastly maintaining that it was not subject to Colorado’s open records law, while turning over Raudenbush’s contract.

Interestingly, among the 7,500 pages we received from CU were not one, but two copies of Raudenbush’s contract, a document which CU told the court it did not have. For the next month, we painstakingly read through and catalogued the materials we had received, arranging them by date and entering vital facts about each into a computer database. Those that seemed significant were flagged for future reference.

Slowly, a picture began to emerge of Buechner and Raudenbush that was not flattering. Among the documents we had accumulated, both from our sources and CU itself, were:

- Raudenbush’s contract, to which Buechner’s office was a party; this proved that the contract was absolutely subject to open records laws and that Buechner had known about it all along.
- Documentation proving that the TLE was essentially a strategy for fundraising by forming corporate-university partnerships. There were even minutes from a meeting in which Raudenbush had suggested privatizing CU, the state’s flagship university.
- Copious documents indicating that Raudenbush was doing far more than suggesting strategy for the TLE; her work included briefing newly elected regents on university issues. In one document, she suggested that CU rid itself of older faculty, who might not be as open to corporatization as younger faculty.
- A dozen hotel folios showing that Raudenbush had visited local hotels in the middle of the week using a false address; cell phone records revealed that Raudenbush had called Buechner

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IT AIN'T ABOUT THE MONEY

Winning reporter
challenges you
to quiz yourself ...

By Willy Stern of the
Nashville Scene

At the *Nashville Scene*, we have a full-time edit staff of eight. We run personal ads for menages a trois and classified ads from prostitutes. We are an alternative weekly paper in tabloid format. Our readers pick up their copies (for free) at local restaurants and bookstores.

My editor won't release the dollar figure of our edit budget. But ordering in pizza for a business lunch is a big expenditure. Employees reimburse the company for personal long distance calls. We hardly ever travel; we don't order databases. Needless to say, we do things cheaply.

Yet, in the department of shameless and tacky self-promotion, we frequently win national journalism contests for investigative reporting. In the last three years, the *Nashville Scene* has won an IRE medal, an IRE certificate, and twice been an IRE finalist.

The question is, how? How can you, as a small-town editor, do top-quality, nationally recognized investigative reporting on a shoestring?

First, the good news: Good investigative reporting does not have to be expensive. Lack of resources is not necessarily a problem, nor should it be used as an excuse. Investigative reporting at small news organizations is entirely possible if the right conditions are in place. If you're talented, you, as editor, can put those conditions in place at virtually no cost.

There's bad news, too: Many small (and large) news organizations simply don't have the conditions in place to do proper investigative reporting. That's your fault.

Most IRE literature and handouts are chock full of techniques and pointers, many with references to Web sites and databases. These tipsheets are useful, to be sure. But for small news organizations to do top-flight investigative reporting, many conditions should be met. First, are you truly interested in promoting investigative reporting at your small news organization?

If you're not sure, take the following test (answer yes or no) to see how you stack up:

1. Intelligence

- ☐ Can you, and your investigative reporters, talk to top-notch attorneys, business leaders, law enforcement officials and academics as social, professional and intellectual equals? (10 points)
- ☐ Do you understand that the best investigative work is still done by smart people, not necessarily by "pods," "teams," or "enterprise units?" (10)
- ☐ When your investigative reporters call the most powerful, well-connected and wealthy people in your community, are these opinion makers scared senseless but also aware they will be treated fairly? (5)
- ☐ Do you admit it when you're wrong? (5)
- ☐ Do you have complete and justified confidence in your own abilities, and those of your investigative reporters, to do complicated – and potentially litigious – stories fairly and well? (3)

2. Commitment

- ☐ Have you cut a reporter loose, for a year or longer, to do a single investigative report when the story looked like a big one? To respond "yes," you must not have pulled that reporter off to work on another story, even for one day. (10)

- ☐ Would your reporters honestly say that you encourage them to undertake tough, multi-sourced, months-long reporting projects to break big news? (5)
- ☐ Do you take some creative delight in finding a way to run any story that is fair, accurate and balanced, no matter how many pressures are brought to bear? (3)
- ☐ Does your publisher have zero input in decision-making on investigative reports? (3)
- ☐ Have you, on occasion, ignored your libel attorney's cautious advice? (3)
- ☐ Have you been sued for libel? (1)

3. Passion

- ☐ Do you hear complaints from your staff that you are more interested in investigative reporting than in anything else that goes on at your news organization? (10)
- ☐ Are you an editor who gets so passionately excited about investigative reporting that your staffers gossip about your reactions to their scoops? (5)
- ☐ Do you dance around your desk and whoop and holler when a reporter brings you news of a major breakthrough on an investigative project? (1)

4. News Judgment

- ☐ Do you understand that, while computer-assisted reporting has its place in journalism, old-style gumshoe investigative reporting is still critical? (10)
- ☐ Do investigations get launched and public officials take action after you publish? (3)

5. Reputation

- ☐ Do you inspire your staff to do great things? (5)
- ☐ Have you never once uttered these words, "I consider every reporter on my staff to be an investigative reporter?" (3)
- ☐ Are you the type of editor who, by sheer nature of your personality and instincts, attracts and retains the top reporters from miles around – even if you pay less? (3)
- ☐ Do tipsters typically give your news organization first crack at "exclusives" on investigative reports because they think you handle the story better than the competition – even if your circulation is smaller? (1)

So how did you do?

SCORING:

For every "yes" answer, give yourself the number of points indicated. Ask a few of your ace reporters to take the test (anonymously) on your behalf – you may not be as good as you think.

90-100:

The Pulitzer is small potatoes, start thinking about that movie deal.

80-89:

The district attorney's office should tap your phones.

70-79:

You'll frighten some members of the city council.

60-69:

The chamber of commerce isn't exactly shaking in its boots.

50-59:

How about editing prep sports?

under 50:

Who are Woodward and Bernstein again?

A former staff writer at Business Week and Forbes, Willy Stern is the Nashville Scene's investigative reporter.

Minnesota frequent offenders thrive

Series results in promise of better tracking

BY DAN BROWNING
OF THE STAR TRIBUNE

A small newspaper item several years ago described the rape of a mentally retarded woman by the man who was hired to drive her and other developmentally disabled adults to work and to school. The driver was on probation for unrelated minor crimes, according to the brief, which was buried inside the local news section. I wondered whether we could measure the effectiveness of Minnesota's probation system.

Meanwhile, legal affairs reporter James Walsh started recognizing names and faces in the court calendars. And courts reporter Paul Gustafson noticed that prisoners on "work

release" seemed to be in a revolving door, passing from prison to society and back to prison again.

We heard the same thing from court and jail officials, and even neighborhood organizations. We wrote about homicides involving people on probation for other crimes, about people who had long histories with local cops and probation officers. These scofflaws and thugs were so well known to the residents of their neighborhoods that neighborhood watch groups kept lists of Top 10 offenders.

The Star Tribune solicited proposals for projects late in 1998. Walsh and I proposed an

evaluation of the probation system. Gustafson's story was so similar that we decided to incorporate it as part of our project. We figured the story would take several months. It took us a year.

We knew we had to acquire data. But the data lived in different jurisdictions, in different types of computers, and with different layers of detail. Our task would be to merge these disparate databases so we could track offenders anywhere in the state. We compiled the following databases:

- Five years of booking records (1.2 million) from all 89 counties in Minnesota.
- Five years of felony sentencing records (49,171) from the state Sentencing Guidelines Commission.
- Five years of district court criminal dockets (208,010) statewide.
- Five years of probation records (293,439) from the five largest counties in the Twin Cities metro areas.
- Fifteen years of felony and some gross misdemeanor convictions (351,796) from the state's Department of Public Safety.
- Five years of Corrections Department data on adult prisoners (80,088 sentences on 35,078 offenders).
- Five years of data on prisoners (13,773) who participated in the state's work release program.

We figured that we could marry the databases using some combination of name and date of birth. But there were roadblocks. Hennepin County, the state's largest, refused to release dates of birth for jail inmates. Hennepin County and Ramsey County – the home of the state capitol – both refused to give dates of birth for probationers, arguing that the information was private under Minnesota law.

After months of negotiations, the newspaper filed a lawsuit. While the suit wound its way through the courts, reporters tried to derive the dates of birth through other databases, and by manually searching court records for the most frequent offenders.

The lack of birth date information effectively prevented the newspaper from analyzing probation records. So we devised an interim plan: look at those offenders who were booked most often into Minnesota jails and what happens to those felons in a "work release" program when they re-offend. The answer: very little.

Immediately following publication of those stories in July, the counties settled the suit with *The Star Tribune* by agreeing to provide the



Eddie M. Frazier has more than two dozen booking mugs from 1994 through 1998 in Hennepin County. He also has been placed on probation in Hennepin County nine times during that same period – more than any other offender there.

birth date information. We started over and analyzed what happens to probationers who violate their probation in Minnesota, a state that relies on “community-based corrections” more than any other state. We were surprised to find that no one knew the answer, not even the probation departments.

Because the counties don’t track those who violate probation by skipping court hearings, testing positive for drugs and similar offenses, we couldn’t either. We decided instead to analyze the most egregious violations: new arrests and convictions. Even that proved difficult, however. After several months of work, we discovered that nearly half of the records for probationers in the state’s largest county were missing from the database. The county could not account for the problem, so we turned to the court system to patch the holes with information from the criminal sentencing data.

In the end, reporters found that unless they commit a heinous crime, frequent offenders live in a state of perpetual probation with little

Photo: Richard Sennott | The Star Tribune



Most of Jennifer J. Siems’ charges have been for prostitution and crack cocaine. Once arrested three times in one day, the 27-year-old wonders why police focus on her: “What have they got against me? I don’t kill nobody. I don’t rob nobody.”

to fear when they break the rules or commit new crimes.

The series quickly led to stricter controls on the work release program. And shortly after the first installment of stories was published, state business leaders offered their services to help create a multimillion dollar statewide criminal justice information system to better

track Minnesota criminals. Politicians from both parties jumped on the bandwagon, appropriating \$15 million for a pilot project to test such a system.

Dan Browning is the computer-assisted reporting editor for the Minneapolis Star Tribune. This series won a Freedom of Information award from the AP in Minnesota.

Photo: Richard Sennott | The Star Tribune



Lester “Pooh-Pooh” Howell, 35, of St. Paul, is a regular in the Ramsey County lockup. When asked why he’s been booked 35 times from 1994 through 1998, Howell said, “I just got into that life, I guess.”

University misdeeds

CONTINUED FROM PAGE 31

after checking in to those hotels on all but one occasion.

- A hotel folio showing that Raudenbush had checked into the Madison Hotel in Washington, D.C. on Feb. 13, 1999. She had checked out the next morning, calling Buechner on her cell phone. Buechner, meanwhile, was on his way to Washington, D.C., where he checked into the Madison. The two returned to Boulder on Feb. 16. CU paid Buechner's bill.

When we tried to discuss our findings with CU, we found all doors closed. Buechner refused to respond to our questions, never granting us a single interview. When the Daily's reporters approached him prior to the public portion of a Board of Regents meeting, the chairman of the board shouted for police, who dragged Brian Hansen from the room in an arm lock. Terje Langeland was barred from covering the meeting. Members of the Board of Regents then went on the offensive, accusing the Daily of "making it all up." One referred to us as a "super market tabloid," which at least provided some comic relief.

CU's abysmal response left us with few options. Sitting on such important discoveries and dismayed by Buechner's arrogance, we decided to make our questions public in a front-page editorial. In the editorial, we listed the evidence, including the hotel folios and the Valentine's Day visit to Washington, D.C. Then we asked Buechner 15 questions based on those facts.

We never got our answers. The editorial ran on Sept. 28. By Oct. 14, Buechner had resigned. He denied that our investigation played any role in his decision.

The five months leading up to Buechner's resignation had been excruciating, the most stressful any of us at the Daily can remember. It's a matter of pride for us that a newsroom with an annual budget of \$300,000 managed to face down a \$1.5 billion-a-year institution. From the first of what became almost daily strategy sessions to the last article in our series, we did the best we could with very limited resources, refusing to act small just because we were small. And while we've lost respect for many CU officials and public officials in general this past year, at least we've gained a deep and abiding respect for one another.

Pamela White is the editor of the Colorado Daily, an independent employee-owned newspaper published in Boulder, Colo.

Books

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emphasizing health (www.healthfinder.org), another oriented toward law (fedlaw.gsa.gov). Documents Center is a gateway for government information at all levels – federal, state, local and foreign (www.lib.umich.edu/libhome/Documents.center/index.html). Specific experts within government can be located through bulletin boards on the gateway FedWorld Information Network (www.fedworld.gov).

Schlein's favorite specific government sites include those of the U.S. Census Bureau (www.census.gov); U.S. Securities and Exchange Commission (www.sec.gov), which includes a database of information derived from private regulated corporations (www.sec.gov/edaux.searches.htm); inspectors general, the internal watchdogs at about 60 federal agencies (www.ignet.gov); Library of Congress (www.loc.gov); and federal Superintendent of Documents, the government's internal publisher (www.access.gpo.gov/su_docs).

Schlein convinced online searching expert Greg R. Notess to contribute essays about finding state government Web sites and foreign government Web sites. The essays are worth reading. Schlein devotes nearly 100 pages to a state-by-state summary of documents available online, plus another 75 pages to private (often for-profit) sources of online data.

The next chapter, "Public Records," duplicates much of the information, but presents it in a different arrangement – by type of record available online. Schlein covers, among other types, records deriving from civil lawsuits, criminal violations, land ownership, corporate operations, professional licensing, taxation, voting, driving motorized vehicles, birth, marriage, divorce and death. Don Ray, an IRE member and talented teacher of information-gathering, uses his backgrounding of O.J. Simpson to explain how to find and interpret hard-copy documents, whether first mentioned online or not. Professional researcher Lynn Peterson explains how to conduct an asset search and a pre-employment background check.

Later in the book, Schlein draws almost everything together with his narratives of three searches he conducted: one on backgrounding an individual; one on learning about a business; and one on exploring the medical literature about a specific ailment.

The book contains chapters heavy on theory as well as listings.

Schlein's section on formulating a search strategy before logging on relies heavily, with full credit, on Nora Paul's who-what-when-where-why-how checklists. Once the strategy is formulated, it is time to decide which search engines to use as the entryway to unimaginable amounts of potentially useful information.

Search engines

The search engines highlighted by Schlein are Alta Vista, Excite, FAST, Google, Go.Com, HotBot, Lycos, Northern Light and Snap. For each, Schlein explains what it does best, then offers search options, search tips and special features. He later explains the advantages and disadvantages of meta-search engines, which look for information on numerous stand-alone engines such as Alta Vista simultaneously. Such one-stop shopping obviously has its strengths. But Schlein notes that the meta approach has its drawbacks – less than complete coverage of the stand-alone engines, simplified searching procedures that lead to missed information and multiple hits that can make the results look daunting. The meta tools covered by Schlein are All-in-One, Beaucoup!, Dogpile, Inference Find, The Big Hub, ProFusion and SavvySearch.

Schlein treats Yahoo! (and its progeny) in a separate section, because it is organized more strictly by subject (14 topics and hundreds of subtopics) than the looser-form search engines. Other subject directories besides Yahoo! mentioned by Schlein are 4Anything.com, About.com, Argus Clearinghouse, Britannica, LookSmart, Magellan Internet Guide, Open Directory and WebCrawler.

After his tutorial on general search tools, Schlein moves to the specific – people finders (including how to locate experts and e-mail addresses), place finders (also known as mapping resources), document finders, quotation finders and yellow page finders. Schlein explains how to cast about for information by joining other individuals online in the same portion of cyberspace – through newsgroups, mailing lists, chat rooms and their offspring.

Steve Weinberg is senior contributing editor to The IRE Journal, a professor at the Missouri School of Journalism and a former executive director of IRE.

MEMBER NEWS

CONTINUED FROM PAGE 5

World-Herald to the *Milwaukee Journal Sentinel* where he's a business reporter covering e-commerce. ■ **Dana Hawkins**, a senior editor at *U.S. News & World Report*, recently won the John Bartlow Martin Award for "Risky Recycling," an investigative article exposing the hazards of recycling disposable medical instruments. ■ **John Hendren** has moved from national writer at AP to *The Seattle Times*, where he'll be the Washington, D.C. correspondent.

■ **Lisa Horning** moved from the *Sandusky (Ohio) Register* to the *Kentucky Standard* where she is the editor. ■ **Bronwyn McLaren** has moved from the Media Channel in New York to CNN International in Atlanta as a writer.

■ **Don Mason** moved from projects editor to political editor at the *Houston Chronicle*.

■ **Paul Maryniak** has moved from *The Mesa Tribune* to *The Arizona Republic* where he is the East Valley Bureau Chief. ■ **Martha Mendoza**

is a national investigative reporter for the AP. Previously she was the AP San Jose correspondent. She will still be based out of San Jose. Mendoza also was awarded the John S. Knight Fellowship, which includes a year of study at Stanford University. ■ **Judy Nichols**, a reporter at the *Arizona Republic*, was awarded the John S. Knight Fellowship. Nichols will get a year of study at Stanford University.

■ **David B. Offer** moved from the *Daily News* in Newport, RI, and is now the executive editor of the *European and Pacific Stars and Stripes* in Washington, D.C. ■ **Lorenzo Peres** has moved from the *Winston-Salem Journal* to *The News & Observer* (Raleigh, NC) as a reporter covering southeast Raleigh.

■ **David Ress** has moved from the *Richmond Times-Dispatch* to the *Star Ledger* as a business reporter. ■ **Todd Richissin** of the *Baltimore Sun* won a 1999 George Polk Award for regional reporting for a series on juvenile bootcamps.

■ **Joe Rigert**, former IRE president and chairman, has left the *Star Tribune* in Minneapolis after 40 years in daily newspaper journalism, including more than half that time as an investigative reporter. He is already deep into an investigative project, and invites IRE member proposals for collaboration (Rigertetc@aol.com) on others.

IRE SERVICES

INVESTIGATIVE REPORTERS AND EDITORS, INC. is a grassroots nonprofit organization dedicated to improving the quality of investigative reporting within the field of journalism. IRE was formed in 1975 with the intent of creating a networking tool and a forum in which journalists from across the country could raise questions and exchange ideas. IRE provides educational services to reporters, editors and others interested in investigative reporting and works to maintain high professional standards.

Programs and Services:

IRE RESOURCE CENTER – A rich reserve of print and broadcast stories, tipsheets and guides to help you start and complete the best work of your career. This unique library is the starting point of any piece you're working on. You can search through abstracts of more than 16,000 investigative reporting stories through our Web site.

Contact: Noemi Ramirez, noemi@ire.org, 573-882-3364

DATABASE LIBRARY – Administered by IRE and the National Institute for Computer-Assisted Reporting. The library has copies of many government databases, and makes them available to news organizations at or below actual cost. Analysis services are available on these databases, as is help in deciphering records you obtain yourself.

Contact: Jason Grotto, jason@nicar.org, 573-884-7711

CAMPAIGN FINANCE INFORMATION CENTER – Administered by IRE and the National Institute of Computer-Assisted Reporting. It's dedicated to helping journalists uncover the campaign money trail. State campaign finance data is collected from across the nation, cleaned and made available to journalists. A search engine allows reporters to track political cash flow across several states in federal and state races.

Contact: Cindy Eberting, cindy@ire.org, 573-882-1982

ON-THE-ROAD TRAINING – As a top promoter of journalism education, IRE offers loads of training opportunities throughout the year. Possibilities range from national conferences and regional workshops to weeklong bootcamps and on-site newsroom training. Costs are on a sliding scale and fellowships are available to many of the events.

Contact: Tom McGinty, tmcginty@nicar.org, 573-882-3320

Publications

THE IRE JOURNAL – Published six times a year. Contains journalist profiles, how-to stories, reviews, investigative ideas and backgrounding tips. The Journal also provides members with the latest news on upcoming events and training opportunities from IRE and NICAR.

Contact: Len Bruzzese, len@ire.org, 573-882-2042

UPLINK – Monthly newsletter by IRE and NICAR on computer-assisted reporting. Often, Uplink stories are written after reporters have had particular success using data to investigate stories. The columns include valuable information on advanced database techniques as well as success stories written by newly trained CAR reporters.

Contact: Mary Jo Sylwester, maryjo@nicar.org, 573-884-7711

REPORTER.ORG – A collection of Web-based resources for journalists, journalism educators and others. Discounted Web hosting and services such as, mailing list management and site development are provided to other nonprofit journalism organizations.

Contact: Ted Peterson, ted@nicar.org, 573-884-7321

For information on:

MEMBERSHIP AND SUBSCRIPTIONS – John Green, jgreen@ire.org, 573-882-2772

CONFERENCES – Pat Coleman, pat@ire.org, 573-882-8969

BOOT CAMPS – Laura Ruggiero, laura@ire.org, 573-884-1444

LIST SERVES – Ted Peterson, ted@nicar.org, 573-884-7321

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