

THE IRE JOURNAL

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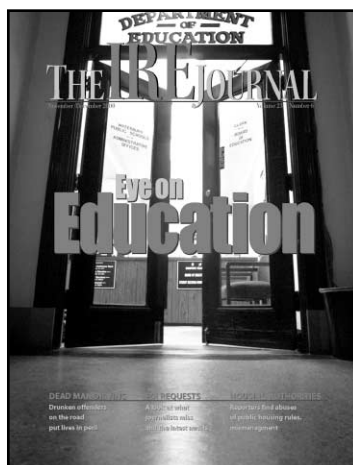
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Cover photo by
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Republican-American

IRE EXECUTIVE DIRECTOR
Brant Houston

THE IRE JOURNAL

VOLUME 23 | NUMBER 6

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The IRE Journal (ISSN0164-7016) is published six times a year by Investigative Reporters and Editors, Inc. 138 Neff Annex, Missouri School of Journalism, Columbia, MO 65211, 573-882-2042. E-mail: journal@ire.org. Subscriptions are \$60 in the U.S., \$70 for institutions and those outside the U.S. Periodical postage paid at Columbia, MO. Postmaster: Please send address changes to IRE. USPS #4516708

FROM THE IRE OFFICES

Journalists' safety: A constant concern



BRANT HOUSTON

While many U.S. investigative journalists look forward to a decade in which they will bring more international elements into their reporting, they are realizing the increased potential dangers that accompany these stories both abroad and at home.

Earlier this fall, a gunman shot Montreal reporter Michael Auger five times in the back in the parking lot of Auger's newspaper. Most fellow journalists suspected that Auger's years of reporting on organized crime and rival drug gangs had drawn the rage of thugs who had frequently and anonymously threatened him.

(At press-time, Auger was recovering from his serious wounds, but no arrests had been made. The IRE Board of Directors has joined other groups in writing a letter to Quebec authorities calling for a quick and effective investigation. See letter at end of this column.)

For long-time IRE members, the shooting brought back the awful memory of the murder of reporter Don Bolles in Arizona in 1976. The death of Bolles, an IRE member who worked on a story about organized crime, led to the Arizona project by IRE. The project continued Bolles' work and resulted in a multi-part series on corruption in that state.

That series provided the best life insurance policy ever created for U.S. reporters working in the U.S. But at the same time, violence and threats against journalists both in the U.S. and in other countries has kept up a rapid pace.

As of early September, the killing of 23 journalists internationally had been reported. In addition, threats are not uncommon against journalists – Americans and others – working on stories involving other countries, whether the journalist is in that country or working in the U.S.

For example, last year, Robert Friedman, a free-lance magazine reporter in New York City, had hits ordered on him by – not one, but two – Russian organized crime groups.

Clearly, it's time for U.S. journalists to widen their awareness of these threats and the environments in which they occur, particularly if they want to fight back through news stories and reports. The withdrawal by the U.S. press from foreign countries has limited our knowledge and expanded our naivete and it's time for some self-education.

A good place to start would be with two organizations that monitor violence against journalists. One is the Committee to Protect Journalists, a non-profit, non-partisan group based in New York City. The other is the International Press Institute, based in Vienna, a global network of journalists backing freedom of the press.

The Committee to Protect Journalists' Web site www.cpj.org provides extensive information on attacks and imprisonment of journalists. (Membership in the organization costs \$45 a year and includes a subscription to its magazine *Dangerous Assignments*.) The committee issues an annual report each March that recounts the imprisonment of and violence against journalists. This past spring it reported that the number of journalists killed while working on stories had increased from 24 in 1998 to 34 in 1999.

The International Press Institute has a Web site at www.freemedia.at and also offers a quarterly magazine, *The IPI Global Journalist*, edited and published at the Missouri School of Journalism. (To contact, you can e-mail ipi_report@jmail.jour.missouri.edu.)

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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.

New beat book available on HMDA data analysis

IRE has just released its second volume in its beat book series. It is "Home Mortgage Lending: How to detect disparities."

The book, written by Jo Craven McGinty, a Pulitzer Prize winner and academic adviser to the National Institute for Computer-Assisted Reporting, is a step-by-step explanation of Home Mortgage Disclosure Act data. It's a guide for reporters to supplement their traditional reporting by systematically analyzing home mortgage lending in their communities.

The book is available to members for \$15 and \$20 for nonmembers and can be purchased online at www.ire.org or by calling 573-882-2042.

2000 IRE Awards issues call for entries

IRE is now accepting entries for the 2000 IRE Awards. The annual IRE Awards recognize outstanding investigative work in several categories. The top award given is the IRE Medal. The contest also helps identify the techniques and resources used to complete each story. Entries are placed in the IRE Resource Center, allowing members to learn from each other.

Contest categories include newspaper, television and online work. Awards are also given for organized crime reporting, FOI work and student work, as well as other media categories, such as books, magazines and radio.

Entry forms can be obtained at www.ire.org/ contest and must be postmarked by Jan. 12, 2001.

Workplace inspections detailed for all 50 states

The NICAR Database Library has updated the OSHA workplace inspections database, which now includes data for all 50 states and territories from 1976 through the end of March 2000. The data can be purchased for the entire U.S. or for a single state. (The entire database is just over 3 GB.)

Costs for circulations below 50,000 or a 50-200 market is \$175 for the entire U.S. or \$50 a state. Costs for circulations 50,000-100,000 or a 25-50 market is \$200 for the entire U.S. or \$70 a state. Costs for circulations over 100,000 or a top 25 market is \$225 for the entire U.S. or \$90 a state.

More information about the data is available at www.ire.org/datalibrary/databases. To order, call 573-884-7711 or 573-884-7332. Order forms are also available on the IRE Web site at www.ire.org/datalibrary/purchase.html.

CAR training created for journalism educators

IRE and NICAR will hold a first-ever boot camp aimed specifically at educators Jan. 14-17, 2001, at the Missouri School of Journalism in Columbia.

Educators will learn computer-assisted reporting and the techniques to teach it. Instructors will be Brant Houston, author of "Computer-Assisted Reporting, a Practical Guide" and Pulitzer Prize winner Jo Craven McGinty, who serves as academic adviser to NICAR.

To register or for more information visit www.ire.org/training/jan14.html on the IRE Web site.

MEMBER NEWS

Jenni Bergal and **Fred Schulte** of the *Sun-Sentinel* (Fort Lauderdale) won the 2000 National Press Club Consumer Journalism Award in the newspaper category for "The New Medicine," an investigative series that examined problems in the growing vanity and anti-aging medicine industry. ■ **Katherine Bouma** is now an environmental reporter at *The Birmingham News*. She was at *The Orlando Sentinel*. ■ **John Dowling** is now the deputy director of editorial training at the AP's Chicago bureau where he was the news editor. ■ **Ginny Everett**, director of information services at the *Atlanta Journal-Constitution*, won the Ralph J. Shoemaker Award of Merit from the news division of the Special Libraries Association. ■ **Edward Fitzpatrick** is now a reporter and bureau manager at the *Providence Journal*. He was a reporter at *The Hartford Courant*. ■ **Ed Fletcher** has moved to *The Sacramento Bee* where he handles cops and general assignment reporting. ■ **Matt Goldberg** has moved from KPRC-TV in Houston to KGO-TV in San Francisco. ■ **Earle Kimel** now covers schools and government at the *Sarasota Herald-Tribune*. He was at the *Ocala Star-Banner* in Ocala, Fla. ■ **Jessie Halladay** has moved to *USA Today* from the *Daily Southtown* in Chicago. ■ **Jeffrey Harris** is now an investigative producer at KMGH-ABC in Denver. He moved from WEWS-ABC in Cleveland. ■ The AP's **Charles Hanley**, **Randy Herschaft** and **Martha Mendoza** have won a series of awards for their investigation of American atrocities during the Korean War, including: The George Polk Award for international reporting, the SAIS-Novartis International Journalism award, the Worth Bingham Prize for investigative reporting, an Overseas Press Club award, a first place National Headliner Award for coverage of a major news event, and a special award for excellence from the Samsung Press Foundation. ■ **Linda Henderson**, library director at the *Providence Journal*, won the Agnes Henebry Roll of Honor Award from the Special Libraries

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

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BARGAIN HUD HOMES REVEAL FLAWS IN SYSTEM

Tip leads to classic document hunt

BY HENRY ERB
OF WOOD-TV, GRAND RAPIDS, MICH.

As soon as we saw the attractive little bungalow we knew it would be the focus of our story. Looking in from the front porch we could see the living room glowing with light from stained glass windows. The light was reflecting off original oak woodwork. Still, someone in a government agency had sold this house to insiders for just \$600.

The insiders now had it on the market for \$70,000.

The agency: the U.S. Department of Hous-

ing and Urban Development. The insiders: John and Emalee Birnie who had worked for HUD's West Michigan office in Grand Rapids for years. Until recently, they had managed HUD's stock of FHA-foreclosed property, but were now real estate investors who knew the system and the people who ran it. The Birnies were buying the kind of houses they used to manage for HUD, and getting them for almost nothing.

Our investigation started with a tip from the nearby town of Muskegon Heights. A retired building inspector with an interest in investing

had noticed a small government-foreclosed house in his neighborhood. He'd waited for it to appear for sale on the HUD Web site that posted property redeemed by the government after owners defaulted on FHA mortgages. The house our tipster wanted never appeared for public sale, but he found out it had been sold anyway to the former HUD property managers for \$1,000. The same day they resold it for \$16,000.

We quickly confirmed his information and thought that even if it was just this one house, it was a pretty good story. But was there more to it?

To find out we started a classic documents hunt.

First, we wanted to know if HUD sold the couple any other houses and, if so, how many. We found what we needed in the county Register of Deeds Office, where we could search a computer list of all local property transactions by the name of the seller or the buyer. We searched by the buyer's name first and found the Birnies bought a dozen houses from HUD in the previous year. We then pulled the individual deeds to find out the prices. (We later reversed the process and searched for all HUD sales in the last year in an effort to find out if the agency offered anyone else fire sale prices. It also gave us an average sale price – \$35,000 – for 70 HUD homes, allowing us to contrast HUD's normal business with Birnie business.)

The Birnies wouldn't talk to us on camera but agreed to a meeting. As we expected, John Birnie low-balled the value of the properties – but in trying to legitimize the deals admitted HUD sold them out the back door. He characterized the houses as "dangerous" and so deteriorated that HUD couldn't sell them on the open market. He said a HUD employee whom he wouldn't identify approached him and his wife because the Birnies were the only property managers in town who could rehab the decrepit houses.

But the truth was in public documents.

Most of the houses had been rental property. That meant the city had to inspect them. We knew the city inspectors didn't review every house every year, but we did find recent reports in housing inspection files that showed none of the drastic problems alleged by Birnie. (It was true that one of the houses Birnie said had been condemned actually was – but not because it was falling down. City inspectors ordered the tenants out because the landlord had stopped paying and the city shut off the water.)

Photo: WOOD-TV



Photos: WOOD-TV



John and Emalee Birnie, who had worked for HUD, became real estate investors who profited from knowing how the system ran, and the people who were in charge of selling foreclosed property.

Further, we found out that every one of the properties had been assessed for at least \$40,000, which was what local assessors believed to be the market value. And, because the assessors separate the value of the land from the value of the house, even if the house was worthless, the land value remained more stable. We found that in every case the land value was worth several times the HUD sale price. One suburban house HUD sold to the Birnies for \$1,000 had a land value alone of \$12,000, according to the assessor.

Perhaps the public records that told the story best were those created by the Birnies themselves when they resold some of the houses. We searched the Register of Deeds records again for houses the Birnies bought from HUD and resold to someone else. We found three of the \$500 houses brought the Birnies \$25,000 each. They resold a \$1,000 house for \$36,000.

John Birnie said the resales were actually more like a loan, part of a “creative financing plan” in which he sold the houses to a group of local investors to raise money to upgrade the properties while he bought them back on land contract. But even seen as loans, the resale prices were strong evidence. Would an investor lend \$36,000 if the collateral were worth only \$1,000?

PUBLIC RECORDS

When looking at public records, we found a number of areas that deserved a closer look, including:

- HUD guidelines. HUD rules state that Michigan charities rehabing houses and rebuilding poor neighborhoods are to be first in line to buy HUD houses. Private investors such as the Birnies are supposed to be last. We reported that local charities were never offered these houses – and never got the kind of deals the Birnies did.
- FHA expenses. The small change the Birnies were paying for the houses didn’t come close to replacing the thousands FHA spent paying off the lenders when owners defaulted. Everyone who buys an FHA-insured house pays into the fund that covers defaults, so those people actually were subsidizing the Birnies’ profiteering.
- IRS 990s (annual nonprofit financial reports).
- HUD Inspector General’s reviews. The IG publishes the results of its investigations online at www.hud.gov/oig/oigindex.html. Each one is a tipsheet. Crooked dealings the IG has already unearthed could be going on anywhere. HUD is a huge agency. What it does affects the quality of life in neighborhoods everywhere. It moves billions of taxpayer dollars into private hands. Some of those hands grab more than they should.

What a deal

We found we didn’t have to overwhelm people with all the information we had collected. All we had to do was show them a house and tell them the price. When we told neighbors about a \$600 house, they gave us the human element the story needed. “It’s appalling ... a shame ... it’s not right,” said one neighbor, Joe Booker.

His friend, Sullivan Allen, noted that “you pay that much for a used motorcycle.”

We already had sent our findings to the regional HUD office by the time we sat down for an interview with HUD officials. We still thought there might be a legitimate explanation for what we found. We were surprised when local HUD boss Lou Berra responded to our first question by telling us he’d already asked the Inspector General’s Office to investigate. In nearly 30 years with HUD, Berra said he’d never seen such low prices for HUD houses.

That investigation is still continuing. One local HUD employee has been suspended since March pending the results. That employee also is at the center of other questionable

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HOUSING AUTHORITY RUNS GROUP INTO RED

BY JEFF MONTGOMERY
OF *THE (WILMINGTON) NEWS JOURNAL*

It all began with a quip, called across the newsroom during a grumbling session over raw data that hinted at a public housing agency misspending on a huge scale.

The News Journal had spent months battling for release of the Wilmington Housing Authority (WHA) electronic accounting files, covering the period from 1993 to 1998. Weeks of data crunching followed WHA's delivery of the records in October 1998, then days of puzzling over what it all meant.

After assembling and linking tables for 35,000 separate financial transactions, *The News Journal* still had little more than tantalizing suspects.

For starters, there were big payments to pricey hotels, regular checks to party gift suppliers and caterers, unexplained auto rentals, questionable "donations" to inside charities and a series of housing authority checks written to the Philadelphia 76ers basketball organization.

Authority managers had dismissed the tickets as cheap "incentives" for public housing residents and staffers. They were meanwhile dribbling out only one or two innocuous supporting invoices a week, despite our requests for dozens. The story bogged down. Editors pressed for answers and progress.

"I'll bet they were season tickets," veteran reporter James Merriweather called across the newsroom one winter afternoon.

To a reporter without much sports fan know-how, it was a revelation.

Within minutes, a chatty ticket agent would confirm that Delaware's largest public housing agency owned four prime seats in Philadelphia's pro basketball arena. The WHA's director suddenly had no recollection of who spent \$14,000 worth of time near courtside.

The chase was on.

Revelations about the Sixers tickets helped loosen other records, fueling stories that would

lead to a federal investigation, firing of the WHA's top staff and four board members, and the eventual discovery of a \$1.7 million deficit at an agency with a \$10 million budget.

A few simple lessons lay behind every tale of mismanagement and misspending turned up during the nearly year-long computer-assisted probe:

- When requesting electronic data from public agencies, start big, stay ambitious and never accept "no" without arguing.
- When agencies fail to comply with FOIA rules, protest early and often.
- Never overlook the comment fields in data tables, lest you miss clues and red flags left behind, perhaps knowingly, by cynical clerks.
- Question every answer, and turn to colleagues for regular reality checks.

Most of all, get beyond the bean counting as soon as possible. Cultivate sources, get off the telephone and out into the community. After records get parsed, sorted, summed, ranked and rearranged, the essential work of backing up and nailing down begins.

The Wilmington Housing Authority stories relied on insider tips as much as tables. One of the best leads, involving credit cards used to conceal lavish spending at a conference, came from paper files fetched from a garbage can, not data files fetched from a hard disk.

But it all began with a request for spending data, in this case five years worth.

The News Journal has collected similar records every year since 1995 from Delaware's state government. Dubbed the "state checkbook," the file for last year alone contained about 750,000 records reflecting checks and vendors processed by nearly every state agency under its 1998-99 budget. It has yet to be mined to its full potential.

Experience in assembling the state checkbook helped in organizing WHA records. But the

city's housing agency is a creature of the federal system, and operates under entirely different rules.

The U.S. Department of Housing and Urban Development, while polite, offered little help. Its records identified WHA as a healthy and well-run agency despite ample signs of weakness.

HUD's own Web site, at <http://www.hud.gov>, did provide a primer on agency programs and finances. It also maintains an exhaustive list of audits and investigations involving allegations of misspending and mismanagement by HUD-sponsored programs. (The reports can be reached by clicking the "Audits/Investigations" tab on HUD's home page, or by going to <http://www.hud.gov/oig/oigrepts.html>. Documents are listed by state.)

WHA ranked as an agency in good standing in HUD's eyes when its top managers and the newspaper's lawyers began dueling over FOI rules, computer formats, storage media and hardware.

The newspaper finally received space-delimited text files on ancient storage tape cassettes, with parsing keys that proved useless. An outside consultant was hired to transfer the data to 9-track tape, then onto a single 100-megabyte disk.

Weeks after the disk arrived, a staffing change led to reassignment of the project to a different reporter with no experience in covering public housing – me.

The editor's direction was simple: "See if you can open this (file) and take a look at it."

Since the record layout for parsing the data proved useless, what followed was a resounding proof that some off-the-shelf programs really can sniff out patterns in text files or print files. (In our case Monarch for Windows.)

With a little guidance, the program managed to churn out old-fashioned D-base format tables that we imported into Microsoft Access. Along the way we discarded heaps of garble that would have sent us down dead ends.

We were left with tables of checks and vendors, invoices and vouchers by date and amount that could be linked by a common field.

Armed with the linked tables, we used the most-basic features of Access to assemble chronologies of spending, lists of big vendors, travel dates, patterns of dining. We identified authority employees who received huge reimbursements and mined "comment" fields to catch housing money as it strayed out of bounds.

That, in the end, was the "assist" in computer-assisted reporting.

LEGAL CORNER

Access delayed and justice denied



DAVID B. SMALLMAN

Who controls the past controls the future;
who controls the present controls the
past.
— George Orwell, 1984

While perhaps best remembered for identifying Big Brother and the artful practice of doublespeak to the general populace, Orwell also glimpsed into the future of document retention policies and revisionist history. Near the conclusion of the novel *1984*, the protagonist Winston Smith is asked, “where does the past exist, if at all?” Smith (although neither an attorney nor an investigative reporter) replied aptly: “In records. It is written down.”

His interrogator, O’Brien, remarked, “In records. And—?”

“In the mind. In human memories.”

“In memory. Very well, then. We ... control all records, and we control all memories. Then we control the past, do we not?”

Moments earlier, O’Brien had taken the only existing copy of a photograph and dropped it through the grating of a “memory hole,” where it vanished in a flash of flame.

“Ashes,” said O’Brien. “Not even identifiable ashes. Dust. It does not exist. It never existed.”

“But it did exist! It does exist! It exists in memory. I remember it. You remember it.”

“I do not remember it,” said O’Brien.

Sixteen years after the prophesied date, can we all agree that Orwell’s grim vision of the future hasn’t materialized? Or has it?

Journalistic obstacles

Confidentiality agreements abound. Lawyers insist upon them before turning over hot documents or before paying settlements. Recent stories about Ford’s ignition and tire cases have cast a spotlight on the typical corporate approach to handling personal injury lawsuits that raise safety concerns. As a condition of settlement, companies seek to seal the court

record through “protective orders” governing future conduct by the litigants. Such orders require the return of incriminating internal documents to the producing party and also prohibit settling plaintiffs from using that information to assist others who may assert similar claims in the future. Unless judges subsequently order disclosure of sealed lawsuits, the details of those cases remain cloaked by government sanctioned secrecy until the information grows stale and the legal issues become “deprived of practical significance.” That is – in the gloating parlance of lawyers – *moot*.

The same process that prevents citizens from exploring prior court proceedings also creates daily obstacles for journalists. In the same way that delay creates a tactical advantage for corporations (by limiting costly recalls or class action litigation), access restrictions also frustrate the First Amendment mission of the free press. The public becomes cut off from timely news about vital matters affecting their health, safety, or the administration of justice.

The challenge for reporters and their lawyers, then, is not just to establish the legal *right* of access, but to *enforce* that right promptly. In two recent cases, appellate courts reached the right results, but did so months after trial courts erroneously sealed records:

- *The Baltimore Sun Company v. Mayor and City Council of Baltimore*

On a busy city street in the summer of 1997, a Baltimore City police officer shot and killed James Quarles III. During the last week of January 1999, Quarles’ family and the City of Baltimore reached a “confidential” settlement in a \$200 million civil rights and wrongful death case arising from the highly publicized incident. The parties to the civil suit made a joint request to close the courtroom when the terms of the settlement were read aloud and to seal the court

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David Smallman is general counsel of DocketWatch.com, a real-time online legal data provider. He has been pro bono counsel to IRE and NICAR since 1993, and is the Journal’s contributing legal editor.

Weeks more would pass before we had anything close to a story, weeks filled with work that fit the paper’s role as watchdog.

WHA answered the paper’s first demands for documentation by pleading incompetence, saying their disorganized records defied easy retrievals. Early on, the agency kept a reporter waiting in a conference room for days on end, producing invoices at the rate of about two per hour.

One of WHA’s finance managers would later admit that he was ordered to dribble out the records.

An FOI request and complaint, one of nine associated with the WHA coverage, produced an Attorney General’s ruling that agencies have only 10 days to provide routine records.

Meanwhile, pressures were building on the agency from other quarters. Dissident commissioners who had threatened to quit in despair began leaking information and counting on public scrutiny to bring reform.

When WHA’s board leaders cut the agency’s budget behind closed doors, the newspaper successfully sued to force the meetings open.

As cracks developed in the authority power structure, records began tumbling out. Employees inside the agency began leaking details about waste, favoritism and plunder.

The newspaper was able to document thousands of dollars in spending on catered lunches, arranged so that managers could plan a conference that cost more than \$100,000 but had nothing to do with public housing.

When rumors flew about a commissioner’s sudden assignment to a choice WHA house after her eviction from another subsidized home, a classic paper chase followed.

Phone books provided a series of addresses for the commissioner, property records led to the owner of the Section 8 home from which she had been evicted. When the landlord refused to go public, a line-by-line search of an entire year’s Justice of the Peace Court logs was required to produce a docket number, case file and confirmation.

WHA’s director at first denied knowledge of preferential treatment for the commissioner, one of his allies. He would eventually admit the deal, a revelation that helped speed his firing.

Jeff Montgomery has reported for The News Journal since 1985 and currently covers environmental issues and works on special projects. He previously worked for daily newspapers in Carlisle, Pa., and Altoona, Pa.



and experiencing versus the report and edit mode that had become habitual. And what a wonderful world that is!"

— **Lisa Hsia, Senior Producer, NBC/Dateline Fellow 93**



"Is the Knight Fellowship worth the risk of stepping off your career track for a year? The trade-off is a once-in-a-lifetime opportunity to study and reflect without real-world pressures, and join a fraternity of top-notch journalists. It certainly boosted my enthusiasm for my job, and my sense of what I can accomplish in the future. Bottom line: It's a career-enhancer."

— **Richard Gonzales, National Public Radio Fellow 95**



"Every journalist should attempt, at least once, to take time off from the newsroom; to step back and assess where you are going and where you want to be, and how a journalism fellowship can lead you to that goal. Stanford University is the perfect environment for those looking to the changes ahead in our industry in the next century. The year I spent on my Knight Fellowship made me a born-again journalist. The time I was able to spend reading, researching and studying reconnected me to the passion I once had for covering the news as a young reporter."

— **Sheila Stainback, Fox News Fellow 83**



"The year at Stanford was a wonderful experience in mind expansion and agility. I left with a greater enjoyment of ambiguity, fluidity and uncertainty — which, while somewhat unsettling at the time, made it easier, 20 years later, to cope with the rapid change and vagaries of the new media world. The fellowship provided a pivot for career change and personal growth, the weather was terrific and I made some close friends."

— **Jack Davis, President, Publisher and CEO Hartford Courant Fellow 78**

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TICS, SLIPS AND CLOSE READING UNCOVER MANY HIDDEN TRUTHS

BY STEVE WEINBERG
OF *THE IRE JOURNAL*

Nobody does investigative reporting like Ron Rosenbaum. I have admired his investigative reporting for at least 25 years. But it is so outside the IRE mainstream that I have never figured out how to explain it in *The IRE Journal*.

With publication of his collected works, the time is now. The anthology is called “The Secret Parts of Fortune: Three Decades of Intense Investigations and Edgy Enthusiasms” (Random House, 799 pages, \$29.95). Its 56 pieces span the 1970s, 1980s and 1990s. They originally appeared in publications such as *Esquire*, *Harper’s Magazine*, *The New Yorker*, *The New York Times* and *The New York Observer*.

The title of the Rosenbaum anthology comes from Hamlet, and the emphasis is on the word “secret.” Rosenbaum is especially skillful at explicating what is beneath the surface.

In fact, Rosenbaum has spent so much time delving into the evidence of the conspiracy buffs that he calls himself a “buff buff.” The difference between a buff and a buff buff? Notes Rosenbaum: “The buffs are almost all convinced they have the truth, an alternate

truth, a suppressed truth, a conspiratorial truth, but the truth. They know the answers. The buff buff still has questions, the buff buff is willing to admit uncertainty, to evaluate both the evidence and the fantasies of the buffs for what they tell us about the thing itself –

the crime around which the subculture of buffdom has bloomed.”

Conspiracies revolve around ideas, no matter how crazy those ideas, and that ties into part of Rosenbaum’s investigative reporting philosophy. “I think it’s important that journalists investigate ideas as thoroughly as they do politics and crime; ideas often become political crimes,” Rosenbaum says in the introduction. “Another way of saying this is that ideas are too important to be left to intellectuals alone. The watchword of post-Watergate investigative journal-

ists, ‘follow the money,’ while still invaluable, needs to be supplemented these days by ‘follow the ideas.’ The investigation of political corruption needs to be accompanied by closer scrutiny of the more subtle forms of intellectual and ideological corruption; hidden agendas are just as important to expose as hidden bank accounts.”

Sometimes the ideas that need investigat-

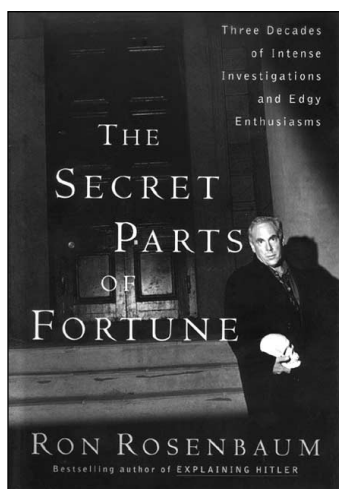
ing are in footnotes, Rosenbaum points out. For example, his investigation of a spy ring began with “a provocative footnote in Thomas Powers’ biography of CIA chief Richard Helms. ... It was a footnote that explicated another footnote in another Mole War chronicle, one that suggested the CIA’s James Angleton was playing a ‘deep game’ – that he was running [spy Kim] Philby, that he, Angleton, was the ultimate puppet master of the ultimate mole. What was the real deep game going on? Was the deep game footnote part of a deeper game, as Powers speculated: an Angleton-planted black valentine designed to cause paranoia about Philby in the minds of his KGB bosses? It’s extremely convoluted, yes, and it could be taken as an indication that they’re all, the Mole War obsessives, quite mad. But in this case, I think a close reading of the footnote on the footnote was justified; it dramatically embodied the wilderness of mirrors Angleton’s Philby paranoia had created, a wilderness with real consequences for the secret history of our time and how we interpret it.”

Close reading

Rosenbaum, born in 1946, began soaking up footnotes and ideas while maturing on Long Island. In high school, he fell under the spell of a poetry anthology compiled by Robert Penn Warren and Cleanth Brooks, who emphasized “close reading.” That practice, Rosenbaum says, “was more than a way of looking at poetry ... It was also, later, to become my chief asset as an investigative reporter, my substitute for formal journalism school training. I came to find that the attentiveness to ambiguity one develops in a close reading of 17th century metaphysical poetry ... could be applied to the kinds of texts one came across as a journalist – trial transcripts, autopsy reports, Congressional hearing records, Mob wiretap pickups and the like. And the transcripts of face-to-face interviews. I’m always too on edge in the course of doing an interview, too busy worrying about my next question, too worried about whether the tape is running, to really hear the interview, to really listen to what’s going on, to take note of what the verbal tics, recurrent phrases, rhetorical devices and slips of the tongue sometimes reveal.

“I’m always amazed to discover, on reading the transcript of an interview over for a

CONTINUED ON PAGE 30 ➤



The Secret Parts of Fortune,
by Ron Rosenbaum,
Random House, 799 pages



Lt. Cmdr. Rand McNally, right, gives the thumbs up, with Lt. Cmdr. Brian McMahon, left, as the two prepare for take-off from the cockpit of the Firebird 507, A-6 jet at Alameda Naval Air Station on April 4, 1994. McNally was killed in this aircraft the very next day.

MILITARY AVIATION

Databases reveal flawed plane maintenance

BY RUSSELL CAROLLO

OF THE *DAYTON DAILY NEWS*

An 18-month *Dayton Daily News* examination into military aviation safety began with a few very simple questions. On a whim – and at a time when military aviation accidents regularly made headlines – we decided to make a few informal inquiries about computer databases on military aircraft accidents.

We learned that the Army, Air Force and Navy, which also investigates Marine Corps accidents, had separate computer databases on aviation accidents and that no one in the services could recall anyone ever asking for the information. So we filed requests under the Freedom of Information Act with all three

services. Months later, following long negotiations with the services, the databases started to arrive, each vastly different from the others and each presenting its own set of obstacles.

Civilian aviation safety is overseen by the Federal Aviation Administration, and accidents are investigated by an independent body – the National Transportation Safety Board – whose findings are made public.

The services, on the other hand, operate more than 15,000 fighter jets, helicopters and various other types of aircraft – many of them carrying weapons – with virtually no independent oversight. If the safety of civilians depended on the same system, airlines could

choose their own employees to investigate accidents, decide when to ground their own aircraft or when to replace unsafe parts. These decisions could be made in secret, with little fear of being sued.

Major military aviation accidents usually result in two separate internal investigations: One done by one or more people who produce a public report, and the other, a more thorough investigation, done directly through one of the military safety centers. Interviews, findings, recommendations and conclusions of the second investigation – the one done through a safety center – are secret, and the courts have upheld this secrecy for years under the so-called Machin Privilege. Factual information, however, is not protected.

Though the databases differed greatly from one another, each service provided similar types of information: dates and times of accidents, locations, types of aircraft, cost of accidents, types of injuries, names of crew members and even the names of parts believed to have failed. With the identity of parts suspected of failing, we had indications of what the secret safety investigation believed caused accidents – information usually kept from the public under the Machin Privilege.

Using the parts tables, we were able to link a single part or a single type of problem to dozens of accidents, concentrating on parts that eventually caused major accidents. In one case, we found that hydraulic problems in the Sea Knight helicopters had caused more than 71 emergencies and accidents from 1988 through July 1998. Nearly all of the cases involved the utility hydraulic pump, and in at least three cases, helicopters were destroyed and crews barely escaped with their lives. On March 12, 1999 – more than 10 years after the first hydraulic problem and more than two years after funding for a new hydraulic pump was approved – a Sea Knight helicopter loaded with reporters and photographers covering a military exercise in California caught fire, sending a fireball toward the passengers. Two people, one of them a TV reporter, suffered smoke inhalation as the smoking helicopter made an emergency landing on the deck of a nearby carrier.

The Navy database even had a “reoccurring problem narrative,” tracking problems such as those in the Sea Knight that occurred more than once. One field actually totaled the numbers of times a problem had occurred, and the



Photo: Dan McComb



Paul Patrico survived the military helicopter crash that left him armless and burned over much of his body. Today he runs a tanning business in Seattle, Wash.

Investigators go over the scene of a AH-1W Cobra helicopter that crashed in Georgia on March, 1, 1996, killing Lt. Col. Allen E. Oliver and Capt. Robert Edwards. The tail rotor fell off the helicopter after take-off, according to reports.

reoccurring problem narrative added comments, sometimes from commanders concerned that the problem had not been fixed.

The Air Force database had an engine table, complete with serial numbers of engines involved in accidents. With this table, we were able to track engines that had been in more than one accident. We found one engine that had been on three F-16s in less than four months. Twice the engine was removed after pilots complained of smoke and fumes in the cockpit, and finally the engine was put on a third jet, which crashed into a South Carolina neighborhood, killing one man and injuring seven others.

Shortly after the accident, the congressman representing the district told a local newspaper that the F-16 that crashed had been “trouble free.” Told about the engine by the *Dayton*

Daily News, the congressman said the military had provided him the information about the aircraft.

Using the information we gathered from the database, we then sought the lengthy reports on the accidents, filing more than 150 Freedom of Information Act requests with the various services for thousands of pages of documents and photographs that filled more than a dozen file drawers.

With the information from the databases and reports, we went after the most important aspect of the story: the people being hurt by the problem. We interviewed more than 150 people in 13 states, including pilots, mechanics, former and current accident investigators, relatives of victims, witnesses and lawyers. We found that crew members who had survived accidents and the relatives of crew members who had been killed frequently had no idea of the findings we had discovered through the databases and documents.

What we found was that the military routinely allows helicopters and airplanes into the air that it knows are plagued with potentially deadly safety problems – conditions, in some cases, allowed to persist for months, years or even decades.

We also discovered:

- The military has concealed its true aviation safety record from the public, and the percent of accidents concealed from the public has grown. The percent-

age of the two most serious categories of accidents that were kept from official accident rates increased from 4 percent in 1987 to 23 percent in 1997, nearly one in every four accidents.

- Decisions critical to the safety of men and women who fly on military aircraft frequently are left to private civilian companies with millions of dollars riding on those decisions.
- The courts have granted special protection to the military and to private aircraft manufacturers in cases involving military aviation accidents.

Within days after the series was published, the Department of Defense announced it was ending the practice of using a standard repair rate of \$16 an hour to determine the severity of accidents – a move that should increase the number of accidents reported to the public and Congress.

Several members of Congress indicated there would be hearings and asked the military to review the newspaper’s findings.

But, as often is the case with the military, the promises of reform never translated into action. Very little has changed. The problems as we reported about exist today, and men and women flying on military aircraft remain at risk.

Russell Carollo is an investigative reporter for the Dayton Daily News, specializing in computer-assisted reporting. He has won numerous awards including a Pulitzer Prize in 1998 and four IRE Awards.



House burned near crash in South Carolina, Sept. 13, 1988.

FOIA APATHY COSTS YOU INFORMATION

BY MICHAEL DOYLE
OF MCCLATCHY NEWSPAPERS

Congress wrote the Freedom of Information Act for reporters like us. So why aren't we using it more?

Sure, we all treasure the popular image of FOIA-filing reporters digging out government secrets and A-1 stories thanks to the 34-year-old law. But then consider this:

- Of the 22,000 FOIA requests received by the Environmental Protection Agency annually, only about 1 percent are from reporters.
- The Drug Enforcement Administration receives more FOIA requests from prisoners than from reporters.
- The National Security Agency gets more FOIA requests about UFOs than it gets from reporters on any topic.

IRE FOI AWARD

IRE includes a special category for FOI in its annual investigative reporting contest. The award honors an individual or organization in any media whose significant actions further open records or open government. The award comes with the IRE Medal.

The IRE Awards entry deadline for work completed in 2000 is Jan. 12, 2001. Complete information is available at www.ire.org/ contest on the Web.

• A relative handful of reporters are responsible for most FOIA requests, and these requests are too often skewed toward just a few topics.

"It's appalling," says Russell Carollo, a reporter for the *Dayton Daily News* and a Pulitzer Prize winner. "It's incredible the dearth of reporters who use FOIA."

I know, because I used FOIA itself to find out who's using the information-freeing law, and why. What I learned became the basis for a story in the May issue of the *Washington Monthly* magazine, and sheds light on some ways we might all make better use of this most reporter-friendly of all laws.

My story began when I submitted FOIA requests to about two dozen federal agencies asking for copies of all FOIA requests they'd received in the past year. At first, I was simply curious. I didn't really know what I was looking for, except I thought it would be interesting to see how the law was being used. For my requests, I used the handy FOIA letter generator created by the Reporters Committee on Freedom of the Press (www.rcfp.org).

From a few smaller agencies, like the Legal Services Corp., I received copies of the actual FOIA requests. Some of these proved illuminating, such as the Democratic opposition researcher investigating California Republican gubernatorial candidate Dan Lungren, who requested "all letters, memos, telephone log entries, message receipts, notations of conversations, meeting notes, e-mail messages, fax cover sheets, reports, statistics (and) calendar entries" for the past 30 years. In cases like this, getting a copy of the complete FOIA request is worthwhile.

For the most part, though, agencies provided their FOIA logs. These vary greatly, but generally

include the name of the requester and the date and a summary of what was being asked for. I wasn't clever enough to ask for the logs on computer disc; instead, I got the hard copies and just began poring through them page by page.

One of the great things about fishing through the FOIA logs is that you never really know what you'll catch. For example, among those requesting information on then-Senate candidate Charles Schumer of New York was his very own Democratic Party. This kind of watch-your-back research is common in political campaigns, of course, but it's still useful to nail it in action.

Every IRE member has a favorite FOIA horror story, usually involving absurdly long delays in getting requests filled. But I also found many federal FOIA officers to be extremely helpful; some aided me in honing my requests to get a quicker response, and these folks should be viewed as potential allies. For instance, they might be able to point you to online sites or other areas where the information you want is already available.

Common requests

Everyone, it seems, wants to get his or her hands on UFO files. In such cases where there is high demand, the agencies might post the frequently requested documents online in their electronic reading rooms. In the same virtual vicinity, agencies also make available their annual reports on FOIA usage. These can provide useful insight and statistics, as with the EPA's breakdown of requests by nature of requester. In addition, the Justice Department maintains a good central linking location to all the federal FOIA sites at www.usdoj.gov/04foia/other_age.htm.

The FOIA logs show, among other things, how reporters typically use the law. For instance, I found that of 22 reporter requests to the Transportation Department headquarters, more than half were for copies of congressional correspondence. Indeed, congressional correspondence may be the single most common focus of reporters' FOIA requests.

In another small but illustrative example, the Labor Department's Bureau of Labor Statistics received six FOIA requests from the media in 1998. Three were for copies of congressional correspondence. And while these congressional letters can pinpoint pressure on bureaucrats and the power they may wield on behalf of campaign contributors, the flip side is that an awful lot of

CONTINUED ON PAGE 30 >

It's a sad tale, told over and over again by frustrated investigative reporters: federal, state and local government officials routinely violate state law by refusing to release public records.

Far too often, reporters chronicle their public records fights in agonizing detail at industry get-togethers and in chats with other reporters, but fail to see their plight as part of a wider problem, one that worsens with each passing day. Public officials don't always respond to public records requests, even those made by crafty FOI veterans. And if they cavalierly ignore a veteran investigative reporter, what do you think happens to the homeowner who wants to find out the valuation of the property next door? Or the local school board watchdog interested in the board's latest "retreat" at the local country club?

The investigative reporter doesn't take no for an answer, especially when the law is on the side of access. The average homeowner or parent is not nearly as pushy, and our public officials know that. For that reason, a gap can emerge between what a state's FOI law says and what it does when put to the test.

In the past four years, newspapers in at least 11 states have conducted "FOI audits." In an FOI audit, a newspaper, or better yet, a group of newspapers, sends a team of reporters out to a random sample of public officials to make rather simple requests for information specifically opened by public records laws. The reporters, trained beforehand in the protocol of the FOI request, simply ask for the records and write down the responses and the narrative that so often accompanies them.

The results of FOI audits offer the best evidence of the need for more such projects: in state after state, the series chronicle the apathy, ignorance and obstinance of the nation's record keepers.

Request denied

The origins of the FOI audit can be traced to a college classroom. In 1997, a group of students at Brown University led by a public policy professor went to 23 Rhode Island cities and towns. Although the students found an 83.5 percent compliance rate overall, they also ran into intentional delays, overcharging for copies and resistance and hostility from police departments, where compliance was "the exception, not the rule." In what has become a common finding of FOI audits, local police officials denied 65 percent of the requests from the students.

STATS PROVE PUBLIC OFFICIALS STONEWALL FOI REQUESTS

BY CHARLES DAVIS

OF THE MISSOURI SCHOOL OF JOURNALISM

The Rhode Island audit received widespread publicity and grabbed the attention of other FOI advocates, who saw the audit as a way to bring attention to a problem they had been fighting for years. So in 1998, a unique coalition of seven newspapers from all over Indiana sent reporters to all 92 counties, again seeking basic public records such as death certificates, crime logs and reports, school coach salaries and school board minutes.

The results – now almost predictable as other audits are completed – revealed a pattern of secrecy among the state's law enforcement agencies. Sixty-six Indiana sheriffs (71.7 percent) denied access to crime reports, and 50 (54.3 percent) denied access to crime logs. School boards fared better, as did local government agencies, but all provided amazing tales of paranoid public servants practicing closed-door tactics. Indiana's audit, which led to IRE's first FOI Award, provided quantitative evidence for readers of what reporters have always faced, but did so in living, breathing color. Consider this example, drawn from the series, as Laura Levaas, then an *Evansville Courier* intern, makes a routine records request at a local school board:

"The superintendent's secretary was fully cooperative – she had two bound copies of meeting minutes out and was making room for me at a nearby table so I could view them and take notes – when she got a phone call.

"She asked me my name and who I was affiliated with (while talking on the phone) and relayed each answer to the person on the other

line – the superintendent. He had recognized me and wanted to know the purpose of my visit. He had called his secretary from another phone to find out what I was doing there. When I refused to give my affiliation or the purpose of my visit, she became visibly upset, told the superintendent I wouldn't answer the questions and, after hanging up the phone, picked up all the minutes and left the room.

"She returned about 10 minutes later – which pushed my visit to 4 p.m., the office closing time – and told me that I must fill out a records request form and that I would have to return the next day.

"When I returned the next day, the superintendent explained that filling out the records request was a formality and required for their record-keeping (even though at first the secretary hadn't asked me to fill out the request the previous day)."

When another *Courier* reporter sent an intern to ask to see a crime log, the sheriff in charge ran a license plate check on her car without her knowledge and then demanded to see her driver's license. The intern saw the log, but only after surrendering her privacy in violation of Indiana's public records law, which clearly states that requesters need not divulge their identity, nor their reason for requesting records.

The Indiana public, not surprisingly, was outraged.

"The public really responded, because it showed graphically just how disenfranchised they have become," said Kyle E. Niederpruem,

DOs and DON'Ts of statewide audits

Don't use sampling.

For maximum credibility in a statewide audit, all counties must be tested.

Do chose carefully the documents that will be tested.

This will keep the audit down to a manageable size. Records that would make good stories, are controversial or are used a lot are some of the best. Pick at least two records that everyone in your newsroom thinks they could easily obtain.

Don't send anyone who will be recognized as a journalist.

Occupation and purpose of the request are not required information for obtaining public documents. If reporters are used as auditors, send them to departments and agencies where they are not known. In smaller markets, clerks and interns are a safer bet. If directly asked, of course, tell them who you are and what you want.

Do create a form for each record.

This will allow "field auditors" to quickly document their requests after each visit. The forms can also be used later to enter data into a database for number crunching.

Do read the law.

Bureaucrats often rely on the law to deny access to public records. Make sure the records you seek are indeed public records before leaving the office. All auditors should have a copy of the law on hand when making a request and be prepared to read it to officials if necessary.

Do document every request.

Time, date and location of every request must be included. Also record the name and title of the official(s) spoken with and the cost of any copies.

Don't be belligerent.

Persistence is a must, but rudeness is counterproductive.

Do arrive when the office is fully staffed.

This is usually mid-morning or mid-afternoon. Never go right before closing time.

Don't give your employer's name or occupation.

Leave your name, address and telephone number. Documenting occupation or employer is not required to obtain public records.

Don't use a reporter's notebook.

It's advisable to avoid note-taking at all, but if you must, use a small pocket notebook that won't attract attention.

The Freedom of Information Center at the Missouri School of Journalism has launched a free biweekly e-mail newsletter, The FOI Advocate. The newsletter features the latest news from the FOI battlefield, important judicial decisions, legislative actions and links to media coverage of FOI issues. To subscribe to The FOI Advocate, send e-mail to foi@missouri.edu.

an assistant city editor at *The Indianapolis Star* who helped coordinate the massive project. "It was also an epiphany for public officials at the highest level. They saw, in real-life examples and in data, what we've been talking about, and they saw that the old excuses like ignorance of the law are just that – old excuses."

Audits put a human face on the administrative stonewall, providing narrative proof of the quantitative evidence. Indiana reporters came back from their audit with tales of being lied to, harassed and peppered with questions about why they needed the documents. A couple of reporters were told – falsely and by straightfaced clerks, one supposes – that subpoenas and court orders were required to provide crime logs.

"The other great thing about conducting an FOI audit is that you don't have to reinvent the wheel," Niederpruem said. "You just tailor it to your own situation." In fact, the audit

can be localized to counties, cities, university campuses – anywhere public officials are denying access.

Audits spread

Thanks to Indiana's example, other states quickly followed with audits of their own. In Virginia reporters went to each of Virginia's 135 cities and counties to ask for information that is public under the law. They sought five different records from four agencies: two from the school board and one each from the health department, the city or county administration and the local law enforcement agency.

The results rivaled Indiana's for sheer impact: just 16 percent of requests for a daily crime log or incident report at a sheriff's office or police department were filled. Despite intense interest in school violence, nearly a third of requests for a state-mandated report of

violence and crime at local schools were denied, and more than half of Virginia's public schools refused to provide the total compensation of their high school football coaches. Overall, just 58 percent of all requests were successful.

For the past two years, state after state has come under the spotlight. The results are relentlessly discouraging:

- In Pennsylvania, nearly one of every three requests to see public records was denied by local government officials or their employees.
- When Illinois Attorney General Jim Ryan heard the results of an audit in his state – in which requests for public records were denied one-fourth of the time – he ordered his staff to conduct a wholesale review of the Illinois FOI law.
- In Georgia, an audit found that while 90 percent of Georgia cities, counties and universities surveyed handed over public records, only 44 percent of city police, county sheriffs and school superintendents complied.

The results mirror similar surveys conducted by newspapers in New Jersey, Texas, South Carolina, Maryland, among others, all of which found that public access to their governments' records is inadequate and, at times, downright impossible.

Gary Lenton, CAR coordinator for the Harrisburg *Patriot-News* who coordinated the "Keystone Secrets" series in Pennsylvania, said that the series took nine months of planning. The key to a successful audit is data integrity, he said. "You have to buy enough time to make sure that the people you have entering the data are well-trained and few in number," he said. "The effort is worth it though, because we have been told for years by the lawmakers that this is just not a big deal, and every one of these audits convincingly refutes that."

An FOI audit is a complex, often frustrating investigative project, say project leaders from several states. Yet none regrets the decision to document the lack of access afforded the citizens of their states.

"It's the one thing every investigative reporter deals with every day, and if we can keep doing these, we'll have data from every state in the nation one of these days," said Niederpruem. "People could lobby for 20 years for access to records and not make the sort of progress created by one of these audits."

Charles Davis is executive director of the Freedom of Information Center and an assistant professor at the Missouri School of Journalism.

AUDIT FINDINGS

Arkansas

Compliance to requests made by a Donrey Media-led group of newspapers in each of the state's counties ranged from 50 percent at health offices to 86 percent at city offices. (www.FoiArkansas.com)

Connecticut

Being one of only a few states with an official agency to oversee access disputes didn't appear to help the performance of state agencies, which had an overall compliance rate of only 22 percent to a survey done by the state's FOI Commission and a public interest group. (www.state.ct.us/foi/Access_Survey/AccessIndex.htm)

Georgia

A survey of 316 government agencies by 11 Georgia newspapers, newspaper groups and the Associated Press revealed that while 90 percent of Georgia cities, counties and universities surveyed in September handed over public records, only 44 percent of city police, county sheriffs and school superintendents did so. (www.accessatlanta.com/partners/ajc/reports/foi/index)

Illinois

Public records were denied one-fourth of the time in a survey conducted by 14 Associated Press-member newspapers and the AP Illinois Bureau. (www.copleynewspapers.com/foi/main.html)

Indiana

Reporters from seven newspapers requested public records from all of Indiana's 92 counties and revealed widespread violations of the state's public records law, including 66 county sheriffs who refused to release crime reports. (www.courierpress.com/openrecords/)

Kansas

Nineteen Kansas newspapers found that 84 percent of their requests were granted overall, but only 61 of 105 requests to sheriff's offices were granted. (www.wichitaeagle.com/news/regional/access/index.htm)

Maryland

Government workers in Maryland release public records only about half the time they should, according to a survey conducted in 23 counties by 20 newspapers. The open records requests were filled promptly in only about one in four instances.

Missouri

The Missouri Auditor's Office sampled some of the thousands of local offices in the state for compliance to a written request for meeting minutes and concluded: "There is no assurance that political subdivisions would comply with record request provisions of the Sunshine Law." (www.auditor.state.mo.us/press/99-104.htm)

Pennsylvania

Requests for public records in all of Pennsylvania's counties were denied 43 percent of the time in an audit done by 14 in-state newspapers. (www.pnpa.com/projectopen/)

Rhode Island

In response to requests made to 23 Rhode Island cities and towns, Brown University students found a 83.5 percent compliance rate overall. Intentional delay, overcharging for copies and resistance and hostility from police departments were the biggest problems. (www.brown.edu/Departments/Taubman_Center/FOI_Study.html)

Texas

The Corpus Christi Caller Times' lengthy investigation revealed that more than half of the records requests at 100 state and local agencies resulted in violations of the law. (www.caller.com/autoconv/newslocal730.html)

Virginia

The local high school football coach's salary was among the most difficult record to obtain when a group of Virginia newspapers asked officials in 135 political subdivisions for five different public records. The salary figure was refused more than half the time. (www.pilotonline.com/special/foi/index.html)

Alternative Schools

Costly mistakes hurt students

BY STEPHANIE DESMON, FORMERLY OF
THE *PALM BEACH POST*

There were simply too many new programs starting too quickly for any one system to handle. The alternative school aimed at helping students with emotional and academic problems simply pushed the Palm Beach County School District over the edge – and created so much turmoil that it would eventually bring down the superintendent of schools.

The *Palm Beach Post* reported in February 1999 that the alternative school, approved by the local school board, would use classrooms on the campus of a local hospital. Called the Columbia Academy, it had a capacity for 60 students.

About a month after the academy opened its doors, I received a call from a Legal Aid attorney telling me about two of her clients. They were in the district's special education classes and had been dumped into the Columbia Academy because their home schools just didn't want them anymore, she said. Their parents were given no choice in the matter, even though that is a violation of federal special education laws. Further, these troubled students were told to take public buses to the school, which in one case meant a 16-mile ride and three transfers. Once students arrived, attorney Barbara Burch told me, the place was a "zoo" and there were no certified teachers on staff. (The school would later hire a teacher who had been fired from a regular school for bringing a gun to campus.)

After reporting what Burch said, we found they were not isolated cases. Almost every student there was going through the same

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Kids in Confinement

Time-out room abuses exposed

BY DAVE SAVINI AND MICHELE
RUBENSTEIN OF WMAQ-TV, CHICAGO

In the basement of an elementary school, tucked away in a dark corner was a tiny room. It had a deadbolt lock on the outside and a paper bag concealed the window. Inside, the walls were covered with musty shag carpeting and paint chips fell from the ceiling. There was no ventilation and a rusted, jagged pipe hung overhead. It reeked of mildew and urine.

This was a "time-out room" where elementary school students were locked up for such offenses as failing to do homework.

Our yearlong investigation of such abuses in schools began with a tip from a mother who had stumbled across this room during a PTA meeting. Unaware that the school was using this type of discipline, she asked her 8-year-old son about the room. He told her he was terrified of it – he had watched kids get locked inside and listened to them scream and kick for long periods of time.

We immediately took advantage of a rare opportunity to bring a camera into the school at a Christmas party scheduled for that week.

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Trash Passing

Molesters move school to school

BY STEVE TWEDT AND JANE ELIZABETH OF
THE *PITTSBURGH POST-GAZETTE*

When the *Pittsburgh Post-Gazette* looked behind the horror of educators who sexually molest students, it found an even more shocking revelation: Even when caught, predators simply moved along to other unsuspecting school districts to offend again.

In case after case, teachers or administrators caught molesting students were allowed to resign quietly and move to another school district, sometimes even with a letter of recommendation. In fact, the practice was so common among schools that it was called “passing the trash.”

Since everyone agreed molestation and trash-passing goes on, finding examples wasn’t difficult. But, in reporting the story, we also wanted to somehow quantify the problem. How often does it happen? And how do you document its prevalence when those with access to the information want to keep it secret?

Beginning in late June 1999, we began contacting teacher licensing boards in all 50 states and the District of Columbia with this simple request: Send us a listing of all teacher license revocations for the previous five years, including the teacher’s name, the reason for revocation and the date of revocation.

We decided to focus on such information because we wanted to know how often teachers lost their licenses for sex offenses, what percentage of all revocations that represented, and whether the numbers had increased or decreased. Further, we didn’t want to miss any sex-related offenses due to creative or vague categorization by a licensing board. And, of course, we didn’t want to tip our hand too soon

Political Patronage

Closed system costs students, taxpayers

BY JONATHAN KELLOGG
OF THE *WATERBURY REPUBLICAN-AMERICAN*

Political patronage is something of an urban legend in Waterbury. Citizens complain about it as though it were the weather: an inconvenience some days, but something that can’t be changed.

In early 1998, Sean Patrick Lyons was hired as the *Waterbury Republican-American’s* project reporter. Publisher William J. Pape II told him that at some point he would have to look into patronage. It was pervasive and probably costing the city millions, Pape said.

By Connecticut standards, Waterbury is hardly a rich city. Its per-capita income is a modest \$25,747, but its school department professional staff salaries average \$56,730, 14th highest in a state with some of the richest small towns in America. In Darien, one of Connecticut’s Gold Coast communities, the per capita income is \$107,225. Darien, however, pays its teachers an average \$54,684, about \$2,000 less per year than Waterbury.

In Connecticut, academic achievement is measured by something called the Mastery tests, which chart student performance in

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Alternative Schools

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thing.

Soon the state got involved and began monitoring the situation. What emerged was a picture of a school that rushed to open because the state's odd funding formulas required the school to have all of its students in their seats by the Friday morning of its first week or it would get no state money for the rest of the year.

State officials were angry. It seems that the school district had been caught doing the very same thing with its other alternative schools and was warned to cut it out a year earlier –

In talking to state officials, we learned the school district would lose the \$100,000 they would have collected for educating these students at Columbia because they simply couldn't prove any of them got the education they had been promised.

We also checked out the alternative schools' director. Turns out, he wasn't close to being qualified for the job.

He had never even been a principal, let alone administered a program of this magnitude, with dozens of small schools and 2,000 students. Even though Superintendent Joan Kowal had a reputation for quickly reassigning administrators accused of wrongdoing, no one in his department was moved for months. The director's wife was one of Kowal's longtime lieutenants, dating back long before she came to Palm Beach County.

Admittedly, it was hard to get people to care about alternative schools at first. These are places where schools send their worst students, the ones

time-out space.

The board's consultants would find similar problems at many other alternative schools: student records were being poorly kept; there were no records explaining how programs were staffed; and uncertified teachers were being hired.

A later consultant also would find out-of-control budgets. The school district, he determined, was spending \$15,000 per student to educate the children in its alternative schools, compared to about \$4,000 for its traditional students. By that time, Columbia Academy had shut its doors and many of the students had lost a semester of school. As the 1999-2000 school year ended, the district was still making up those hours to the students through tutoring – a year late.

In the end, Kowal was slow in making changes, and blamed the media for forcing her hand in firing the alternative schools director. Kowal herself was fired in December 1999 for failing to make necessary repairs to the flawed system.

"In the memos, the special education director had warned the alternative schools' director weeks before the state got involved that he was breaking the law by unilaterally assigning special education students to the school."

something the superintendent agreed to but the school board was never told about.

Education gaps

We requested all kinds of documents in our investigation: memos, financial records, student files with the names obscured. The school board's attorney was forced to turn over piles of paperwork. Burch provided whatever she could. She had file after file on these problems. She'd been complaining for years and we had never reported on it – mostly because the school administration seemed to be covering it up.

In the memos, the special education director had warned the alternative schools' director weeks before the state got involved that he was breaking the law by unilaterally assigning special education students to the school. Only a handful of students had been given new Individual Education Plans – the federally required document that protects special education students from that very thing.

they just can't handle anymore, the kind of kids with which few people want to bother. There is still a debate on how best to educate this sliver of the population. Few districts seem to have really figured it out.

During the summer as the story continued, the school board began to take action. After a group of citizens led by Burch found the district administration "deliberately misled" the board about its problems, board members called for an independent audit of the alternative schools' finances and programs.

A state review – sparked by stories in the *Post* and Burch's complaints – found educational deficiencies in every area studied. Investigators found the school had few teaching materials, a lab filled with computers that were not hooked up, no assessment tools to determine how schools were progressing, no credit course work for high school students and inconsistent use of discipline – including the unauthorized use of a closet as

This school year, the new administration is charged with fixing the mess. Problems already have arisen: One school, created to handle fourth- and fifth-graders with similar problems, has had trouble finding a home. Parents at one suburban school complained loudly that these kids shouldn't be placed alongside their children. Other parents complained that their schools were being shut down – even though the consultant found no benefit in keeping them open.

Burch says she has heard promises before, promises that the school district would finally start educating her clients. She says even though she hasn't seen it yet, she's more optimistic than before.

Stephanie Desmon covered schools for The Palm Beach Post for nearly three years. She now covers schools for The Baltimore Sun.

Eye on





Students were often locked in small, airless rooms for infractions such as misbehaving on a school bus. Here Dave Savini shows the dimensions of the room.



Dave Savini, investigative reporter for WMAQ-TV in Chicago, measures the time-out room.

Kids in Confinement

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Using a home video recorder, we found the room exactly how our tipster described it.

Next, we spent time in the district. By knocking on doors and talking to people in the area, we soon found children who had been locked inside the time-out room repeatedly. One boy had been locked up about 30 times.

Another child said he was put in time-out on numerous occasions, sometimes for an hour at a time. The boy's guardian, his grandmother, said the school never notified her about the disciplinary action. She didn't even know the isolation room existed and was furious the school never told her about it.

After our first story aired, the tips poured in at a surprising rate. Over the course of a year we continued documenting time-out abuses in schools throughout Illinois.

The most egregious involved locking students in closet-size rooms for hours at a time. Young children were denied access to food, water and bathrooms. In a school for special needs students, a severely disabled boy was locked inside a box the size of a phone booth for most of the day. His offense? Crying.

At another school, a disabled teenager was locked in time-out for about six hours. His panicked grandmother searched for him when he didn't return home from school. She found him there inside a small room with a steel door locked on the outside. He was not given lunch and was soaked in urine because no one had taken him to the bathroom.

The boy's mother and grandmother agreed to take us, with our hidden camera, into

the school to get video of its five time-out rooms. Within 15 minutes of class starting we were able to watch, and tape, teachers and counselors putting four kids into time-out rooms.

School officials said the rooms were only used as a last resort for unruly children. It's a tactic for de-escalating a volatile situation, they said. But we watched children become agitated – even aggressive – after being locked in the rooms. Our camera rolled as three adults forcefully shoved a small young girl into time-out. Her hysterical screams were chilling – but in Illinois you cannot record audio with a hidden camera. A counselor sitting against another time-out room door was almost knocked off her chair as the child inside



EDUCATION REPORTING WORKSHOP

IRE and Education Writers Association will hold a joint workshop Nov. 10-12 on thinking like an investigative reporter on the education beat.

The workshop will be held at the Cleveland Renaissance Hotel, 24 Public Place. The meeting will cost \$25 for EWA and IRE members and \$75 for non-members, which includes membership in both organizations.

There also will be a Computer-Assisted Reporting Workshop on Sunday, Nov. 12, but seating is limited. Visit www.ewa.org/offers/seminars/ to register for the seminar and the CAR workshop.



Andrew Green was locked in time-out 29 times.

time-out guidelines. But that didn't stop them from using this type of discipline. They made their own assessments as to how large a time-out room would be, the amount of time to lock-up children, what types of records to keep and whether to notify parents.

Where there was an existing law, we found it was repeatedly violated. For example, fire codes preclude putting locks on the outside of doors because it would prevent someone inside from escaping a fire. And even though we found schools using deadbolts on the outside of these rooms, they were not cited for any violations. School superintendents were primarily responsible for conducting fire code inspections, but there were no records indicating this was being done properly.

Our story led to several investigations. Each district investigated how its schools used time-out. The Illinois Department of Children and Family Services opened a child abuse investigation into one of the time-out room cases we exposed. The State Board of Education launched its own investigation after receiving 50 time-out room complaints from parents who had watched our stories.

“Our camera rolled as three adults forcefully shoved a small young girl into time-out. Her hysterical screams were chilling – but in Illinois you cannot record audio with a hidden camera. A counselor sitting against another time-out room door was almost knocked off her chair as the child inside kicked furiously to get out. Both kids appeared calm before being forced into time-out.”

kicked furiously to get out. Both kids appeared calm before being forced into time-out.

While we were there undercover, counselors told us the kids were being locked up because they either misbehaved on the school bus, or were talking when the teacher called the class to order.

Time-out guidelines

Since corporal punishment was banned in the early 1980s, schools have been looking for new ways to discipline misbehaving students. Time-out became popular. It's supposed to be used as a last resort, to calm

aggressive children. However, we found children were routinely given time-out for not doing homework or talking too much in class.

Our investigation uncovered a significant number of abuses. Most commonly, students were locked in tiny closet-like spaces, for hours, without windows to monitor their behavior.

Part of the problem, we found, was the lack of laws or regulations ensuring the proper use of time-out. Illinois had suggested guidelines, but no mandatory rules. In some cases, school officials never even read the

A new state law also was enacted as a result of our series. There is now a law banning use of the types of time-out rooms we documented. There are mandatory size requirements and limits on the amount of time a student can be put in time-out.

As for the tiny room with shag carpeting, poor ventilation, chipping paint and the jagged pipe – the principal locked the room permanently right after our interview.

Dave Savini is an investigative reporter and Michele Rubenstein is an investigative producer at WMAQ-TV in Chicago.

Eye on



KNOW THE RULES

By Dave Savini and Michele Rubenstein

When doing this type of story, you should:

- Inspect fire safety records, school time-out room policies and log sheets. The log sheets are supposed to document why each student was given time-out and how much time each spent in the room. We found schools were not properly keeping these records. In one case, we videotaped a young girl being dragged by three adults into a time-out room. But when we interviewed the school director, she showed us log sheets stating the girl asked to go into the time-out room. The director admitted there was a problem with their record-keeping after seeing our tape.
- Get the State Board of Education's guidelines or regulations. It shows what the state considers reasonable use of time-out. For example, Illinois' guidelines recommend using time-out in five-minute intervals. Yet we consistently found kids being locked up for hours.
- Use pictures. The time-out room pictures, and hidden camera video of kids being put in the rooms, were some of the most important elements of this story. Our viewers were able to get a real sense of the size of the rooms and see how children are sometimes manhandled and physically forced inside.
- Make rules relevant. To illustrate a school principal's ignorance of state guidelines we brought a copy to the interview. We asked him questions from it and he admitted he never read it. We also brought a tape measure and measured the room for the administrators to show it did not meet the minimum suggested guidelines. We asked the school superintendent to step in the room, and locked the door. "How would a child get out during a fire?" we asked. These turned out to be effective ways to make dry guidelines interesting.
- Investigate the long term. To find out how these rooms affect children, we interviewed a prominent child psychiatrist. He expressed concern about how children would react to being locked alone in a room for a long period of time, not knowing when they would be freed. He said he believed children would become more aggressive and hate or be afraid of school, an opinion supported by one parent. She said after her son was locked in a time-out room, his behavior dramatically worsened and he no longer wanted to go to school.

STORY IDEAS

Some education investigations you can do:

1. The testing gap. Check with your state or local district on how test scores are analyzed. Most states and districts do breakdowns by race. Some also analyze the scores for differences by gender or socioeconomic status. The racial test score gap is a national story.
2. Test exemptions. Do schools in your state give a statewide achievement test? If so, find out what percentage of students are excused from taking the exam. What are the reasons for the exemptions? Some districts are likely to exempt much higher proportions than others. Does this skew the scores? Is it fair?
3. Testing champs and chumps. Some states analyze test scores by projecting hypothetical scores of schools based on income levels. Then they look for schools that score well above or well below the predicted levels. Visit one of those schools and find out why it's out of the ordinary.
4. Learning disabilities. Get the prevalence rates for this special education category for school districts throughout your region or state. Some districts are likely to have very high rates while districts right next door have low rates. Why this disparity? Why so much confusion over how to define this disability?
5. Where's the money? If your state requires schools to report financial information, it may be possible to compare neighboring school districts. For example, in what ways do urban schools spend money that suburban schools do not? How do salaries and fringe benefits compare? What percentage of the budget goes to teaching salaries? To books? This is an especially good story if two districts spend relatively similar amounts of money per pupil but produce widely different academic results.
6. Teacher absenteeism. Your state or local district probably keeps records of teacher absenteeism. Which schools have the best attendance records? The worst? Is absenteeism worse on Mondays and Fridays? What is the cost of substitutes?
7. Who's teaching? Your state education department's certification bureau should be able to tell you how many emergency certificates have been granted to allow teachers to teach courses for which they have not been trained. This occurs when schools experience teacher shortages. The bureau also should be able to tell you which schools have the most emergency certificates. Then all you need to do is find the French teacher who is teaching math classes.
8. School safety. School districts are supposed to report to the federal government incidents of mandatory expulsions of student carrying weapons to schools. However, this data is often incomplete. Another source of data is the Youth Risk Behavior Survey, which every two years asks several questions of high school students about carrying weapons and fear at school. A free CD on the most recent data is available through the Centers for Disease Control and Prevention, www.cdc.gov.
9. Cheating on tests. There is tremendous pressure these days for schools to do well on standardized tests. Check test scores for suspicious results. If fourth-graders at one school ranked best in the state while scores for the district as a whole were low, you should probe further. Also, look into whether everyone at the school is taking the test. Schools may be inappropriately exempting some students from taking the tests - another form of cheating.

Political Patronage

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reading, math and writing. Waterbury ranked 154th of the state's 166 municipalities in 1998, finishing higher than only three districts. (Darien was tied with five other districts for 35th place.) Waterbury's scores were 20 points below the state average in all three areas of testing. The best overall district in the state, Cornwall, was 44 points above average in reading and 12 points above average in math.

Friends and relatives

Lyons was at a school board meeting half listening to a presentation on bilingual education when one of the board members jumped up, angrily packed his belongings and stomped out.

Lyons followed him into the hallway.

The school board member said he was tired of sitting through boring presentations

by educators who had no idea what they were talking about. The school board member further told Lyons that school committee members were far too busy to worry about what was going on the classroom because they were much more engrossed in finding jobs for their relatives and friends.

Lyons let the situation cool a few days before calling the committeeman at home. With some prompting, the committeeman said he knew of one, perhaps two school board members who had promoted and then voted to hire their blood relatives. Perhaps there were more. Lyons then:

- Filed a Freedom of Information request for the school department payroll. That gave him the size of the universe.
- Found a former high-ranking administrator in the school department and asked him to look for familiar names among the department's 1,500 employees. As a relative newcomer to Waterbury, he asked other sources to look through the lists for names of teachers and staff that might be politically connected. It was tedious, but some names were immediately obvious and the list began to grow.

- Formally requested the list of donors to the mayor's election and re-election campaigns. The lists were handwritten and not in alphabetical order. It took Lyons and a clerk more than three weeks to confirm spellings and to type the names into a database. With the help of systems editor Howard Fielding, Lyons generated lists by name, by donation amount and by address.

He paired this to names of elected and appointed officials and to voter lists, each time pushing sources for possible connections. Every lead had to be followed and every name included in the list had to be verified and double-checked. The final list included more than 40 names, although nearly as many were dropped.

Who should care

An important lesson in compiling information for the story came from one of Lyons' former professors at the Columbia University Graduate School of Journalism. Leslie Seifert, who is also the Sunday Focus editor at *Newsday*, agreed to review Lyons' efforts early on. (Lyons had been his student in an investigative reporting class.) Seifert's advice: Stay focused.

He asked Lyons to write two paragraphs defining the story. Then he asked him to rewrite them and make them shorter. In the end, Lyons took the exercise down to two solid, declarative sentences.

We built the story around those sentences. We proved them, almost like a mathematical equation. And, we added one more element: Who should care?

So they're hiring a bunch of relatives, Seifert asked. What's the big deal? Why should anyone care?

It wasn't enough just to prove that jobs were being traded for political favors. We had to show why that was important to readers and taxpayers. Not only the facts, but the implications.

The importance of the story, we felt, was the children. Waterbury's nearly 16,000 public school children are, by most measures, failing, and taxpayers are picking up the tab at a proportional ratio well beyond their ability to pay. Both the children and the taxpayers deserved a better return on their investment.

Further, the school district had done no

Photo: Jamison C. Bazinet | Waterbury Republican-American



Roger Damerow, Waterbury school superintendent, shares a joke with Michael Andolina, chairman of the Board of Education, at a meeting.

Eye on





Waterbury Mayor Philip A. Giordano announces a three-step plan that attempts to address the education department's hiring process during a press conference in his office. From left, are school board President Michael Andolina and board members Lawrence Pisapio and Deborah Schatzie-Baker.

advertising. That meant there had been virtually no effort to recruit the best or the brightest teachers, even with some of the lowest test scores in the state and some of the highest salaries in America. Waterbury was operating a virtual closed-door system.

This was particularly important to the city's minority community. Nearly two-thirds of Waterbury's public school students are minorities, but only one teacher in 10 was a minority.

With more digging, Lyons found that the city had been claiming for years that it was following an affirmative action plan intended to improve minority hiring among teachers and administrators. Not only was the city not living up to its written goals, it wasn't following its own stated procedures of advertising and recruiting.

Lyons underscored this point by finding one applicant who had a master's degree in American history and who had served as an adjunct faculty member at Southern Connecticut State University. Despite being named teacher of the year in Waterbury's adult education program, writing two books on Pennsylvania history and serving as a historical consultant to the Commonwealth of Pennsylvania, this applicant couldn't get an interview in Waterbury.

The legal battle

Lyons was about four months into his investigation when the city's political leaders figured something was up. It became harder and harder

for Lyons to get telephone calls returned. The simplest request for documents required a formal Freedom of Information application. Weeks went by, the delivery of promised documents repeatedly stalled. They trickled out under the threat of formal Freedom of Information complaints.

When Lyons requested the resumes of unsuccessful applicants, the city balked. We appealed to the Freedom of Information Commission and won. The city went to court. We won again. The fight for this information took nearly a year to win and cost the paper more than \$10,000 in legal fees. At one hearing, five city officials arrived, each with an individual lawyer in tow, at taxpayers' expense.

Not only did the city lose this case, but by the time the matter was resolved, we had most of the information we needed anyhow. Early on, Lyons had been allowed to see a stack of resumes for unsuccessful applicants where the names and addresses had been blackened out, but by holding the pages to the light, Lyons could make out some of the names or addresses or telephone numbers. For other resumes, he was able to figure out who the applicant was by the curriculum vitae or references.

After he called some of these unsuccessful applicants, they called City Hall wondering what he was up to, or whether they might now get an interview.

The city furiously withdrew the resumes. It claimed the newspaper had violated the spirit of

the FOI law by reading through the blackened-out type. Nonsense, the Freedom of Information Commission eventually ruled. Not only was the paper entitled to the information, it was under no obligation to follow rules set forth by the city to review the documents. If we could see the names or figure out who the applicants were, we were free to contact them.

Notes Lyons about the story: "It wasn't so much about favoritism; that was pretty much known. It was about the consequences of that favoritism. If you can't find a consequence, chances are the story is not as important as you think. We might have found that janitors got their jobs through patronage, but that wouldn't have had the same impact because it didn't touch the students the same way."

Sean Lyons now works for The Boston Globe. Jonathan Kellogg is the executive editor of The Waterbury Republican-American. The newspaper's series on patronage in the city schools was a finalist in the IRE Awards.

GETTING RESULTS

The consequences of the Waterbury Republican-American's investigation of political patronage in the school system:

- The state's commission on human rights and opportunities has voted to monitor the Waterbury school department's hiring and affirmative action plan for the foreseeable future.
- State legislators, citing concerns over the city's hiring practices, scuttled a bill that would have exempted Waterbury from most of the state's educational oversight provisions.
- The city's board of ethics rebuked five school board members who voted to hire their relatives. The only one of five who stood for re-election lost.
- The rate of minority teachers hired in Waterbury doubled for the 1999 school year.
- The city's affirmative action officer was reassigned to other duties and the school department official who served as the liaison to the mayor's office for hiring teachers was reassigned.

Trash Passing

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and tempt state education officials to withhold or doctor information.

Revocation revelations

We received immediate responses from about one-third of the states, and another third provided the information after follow-up phone calls. The rest dribbled in over a period of two months. Ultimately, we had at least partial information from 45 states plus the District of Columbia.

Four states said their privacy laws prohibited sending us anything, even about teachers who'd committed criminal acts. One Southern state offered to show us their two-dozen revocations – but only if

There also were interesting variations in the amount and detail of information provided. Interesting – but not always consistent or logical.

For example, some states' records listed "professional misconduct" as the cause for all revocations, a catch-all label for everything from forging a transcript to molesting a child. That's not particularly helpful, and no doubt intentionally so. By contrast, other states have starkly detailed descriptions of molestation cases involving teachers – including the names of victims – posted on their Web sites for all the world to see.

Still others cited privacy laws in refusing to state why a license was revoked – even as they willingly provided teachers' Social Security numbers, which doubled as their certificate identification number.

Drawing conclusions

In the end, 27 states provided detailed enough information for us to draw some conclusions.

there's a story in your state, too. If it's not an upward trend in sex-related revocations, it's the paucity of solved cases compared to neighboring states (often an indication of lax enforcement), or the "privacy" protections afforded classroom molesters.

We also knew the numbers represented an underreporting of the actual numbers of cases. Before a teacher's license could be revoked, many things had to happen. The victim had to come forward before the statute of limitations ran out and tell someone what had happened. Then it had to be reported to school officials, who had to notify the school board, which then had to report it to state officials.

The only national clearinghouse on information about abusive teachers, run by the National Association of State Directors of Teacher Education and Certification (NASDEC), relies on states voluntarily reporting cases, presenting yet another hurdle to complete reporting. Given the sensitivity of the charges, it's a small wonder that many cases never become part of the statistical count.

"The only national clearinghouse on information about abusive teachers, run by the National Association of State Directors of Teacher Education and Certification (NASDEC), relies on states voluntarily reporting cases, presenting yet another hurdle to complete reporting. Given the sensitivity of the charges, it's a small wonder that many cases never become part of the statistical count."

we came to their offices to look at them.

As the information came in, some patterns quickly caught our attention.

For one, the total number of teacher revocations varied widely from state to state, to a degree that could not be explained by population size or demographics.

We figured out soon enough that the states with the most revocations did not necessarily have the most problem teachers, nor did those with the fewest revocations have the safest classrooms. Rather, the states that were most diligent about screening applicants and most aggressive about investigating and resolving cases tended to have higher numbers of revocations. Arguably, the safest classrooms might be in the states with larger numbers of revocations.

Most startling was this morsel: from 1994 through 1998, the number of teachers nationwide who had lost their licenses for sexual misconduct had jumped from 104 cases in 1994 to 186 cases in 1998 – a 78.8 percent increase.

Certainly, this consistently upward trend was impossible to ignore. But what did it mean?

There were some obvious possibilities: More teachers were molesting students. Or, it wasn't necessarily happening more often, but victims were more likely to come forward. Or, schools had become more aggressive and hard line about investigating and pursuing accusations of sexual misconduct by teachers. Maybe it was all of the above.

Regardless of the answer, we believed we had a story, and there's an excellent chance

As it was, we had many individual examples of unreported assaults, and assaults discovered years or even decades later. Unreported abusers continued molesting.

Finally, we discovered that this chilling practice may not be fixed any time soon: one expert estimates that currently only about 7 percent of students who are abused will report it.

Steve Twedt is a special projects writer for the Pittsburgh Post-Gazette and was a Michigan Journalism Fellow in Ann Arbor. Jane Elizabeth is local news editor for education, and teaches journalism at the University of Pittsburgh. The series won first place for investigative reporting from the Education Writers of America last spring.

Eye on



CHECKS TO PROTECT STUDENTS

STATE	Criminal background checks required for certification?	Fingerprints required for certification?	Disclosure of outstanding warrants/arrests?	Statute of limitations on reporting abuse?	Accurate recommendations required?	Prior dismissal disclosure?
Alabama	Yes/Yes	Yes	No	No	No	Yes
Alaska	Yes/Yes	Yes	No	No	No	Yes
Arizona	Yes/Yes	Yes	No	No	No	No
Arkansas	Yes/Yes	Yes	No	Yes	No	No
California	Yes/Yes	Yes	No	No	Yes	No
Colorado	Yes/Yes	Yes	No	No	Yes	Yes
Connecticut	Yes/Yes	Yes	No	No	No	Yes
Delaware	Yes/Yes	Yes	No	**	No	No
D.C.	Yes/Yes	Yes	No	No	No	No
Florida	Yes/Yes	Yes	Yes	No	Yes	No
Georgia	Yes/Yes	Yes	Yes	No	Yes	Yes
Hawaii	Yes/Yes	Yes	No	**	No	Yes
Idaho	Yes/Yes	Yes	No	Yes	No	Yes
Illinois	Yes/No	No	No	No	No	No
Indiana	Yes/No	No	No	**	No	Yes
Iowa	No/No	No	No	Yes	No	No
Kansas	Yes/No	No	Yes	No	No	No
Kentucky	Yes/Yes	Yes	No	No	No	No
Louisiana	No/No	No ¹	No	No	No	No
Maine	Yes/Yes	Yes	No	No	No	No
Maryland	No ¹ /No ¹	Yes	No	No	No	Yes
Massachusetts	Yes/Yes	No	No	No	No	Yes
Michigan	Yes/Yes	No	No	Yes	No	No
Minnesota	Yes/Yes	Yes	No	No	No	No
Mississippi	No/No	No	No	No	No	No
Missouri	Yes/Yes	Yes	Yes	No	No	Yes
Montana	No/No	No	No	Yes	No	Yes
Nebraska	Yes ² /Yes ²	Yes	Yes	No	No	No
Nevada	Yes/Yes	Yes	Yes	No	No	Yes
New Hampshire	No/No	No	No	No	No	No
New Jersey	Yes/Yes	Yes	No	No	No	No
New Mexico	Yes/Yes	Yes	Yes	No	No	Yes
New York	No/No ³	No ³	Yes	No	No	Yes
North Carolina	Yes/No	No	No	No	No	No
North Dakota	Yes/Yes	Yes	No	No	No	Yes
Ohio	Yes/Yes	Yes	Yes	No	No	No
Oklahoma	No/No	No	Yes	Yes	No	Yes
Oregon	Yes/Yes	Yes	Yes	No	No	Yes
Pennsylvania	Yes/No ⁴	No ⁴	No	Yes	No	Yes
Rhode Island	No/No	No	Yes	No	No	Yes
South Carolina	Yes/Yes	Yes	Yes	No	No	No
South Dakota	No/No	No	No	Yes	No	No
Tennessee	No/No	No	No	**	**	No
Texas	Yes/No	No	No	No	No	No
Utah	Yes/Yes	Yes	Yes	No	No	Yes
Vermont	Yes/Yes	Yes	Yes	No	No	Yes
Virginia	No/No	No	No	No	No	No
Washington	Yes/Yes	Yes	No	No	No	Yes
West Virginia	No/No	No ¹	No	Yes	No	No
Wisconsin	Yes/Yes	Yes ⁵	Yes	No	No	Yes
Wyoming	Yes/Yes	Yes	Yes	No	No	Yes

Footnotes:

* by state law or school code

¹ required at hiring² required for applicants who have lived out of state for five years or more³ required only in New York City⁴ required for applicants who have lived in state less than one year.⁵ required for applicants who have lived out of state for 20 years or more

** no response

This chart ran with Steve Twedt's series, "Dirty Secrets: Why Sexually Abusive Teachers Aren't Stopped," which was published in the *Pittsburgh Post-Gazette* from Oct. 31 to Nov. 2, 1999.

QUESTIONS TO ASK

By Steve Twedt
and Jane Elizabeth

If you want to look at how effective your state or school district is at keeping sexually abusive teachers away from students, there are a number of simple questions you can ask.

- Are backgrounds checked? There are still a few states that do not conduct background checks on teacher applicants. An official in one of these states told us they sometimes get phone calls from unidentified people whose first question is whether criminal background checks are done on teacher applicants.
- Are applicants fingerprinted? Does your local school district check all new applicants, or only those from out of state? One Virginia district proposed fingerprinting everyone after a teacher was arrested for driving students across state lines for sex at his apartment.
- What happens during the appeal process? We found examples from Pennsylvania to California where teachers, under investigation or in the process of appealing a revocation, moved to neighboring states and were back in classrooms until their appeals ran out.
- How are references checked? School districts may rush to fill a position and fail to check out revocations in other states, or get information on applicants from law enforcement. In one instance, we found a man holding a valid teaching license in one state while serving time for rape in a neighboring state.
- What does the state law say? Look for legislation that may be a reaction to past incidents. In our research, we found examples of states deciding not to tolerate "trash passing" that allows mobile molesters to move from district to district. Laws state that any school administrator who knowingly recommends an abusive teacher to another school district will be held responsible, and can end up losing his or her own license for protecting a molester.

WEB RESOURCES

By Barbara White Stack
of the *Pittsburgh Post-Gazette*

Some all-purpose Web sites for education reporters

Links to state education agencies:

www.ccsso.org/seamenu.html

Public Agenda, one of the best collections of links to education sources, story ideas, hot issues, etc.:

www.publicagenda.org/issues/frontdoor.cfm?issue_type=education

Education Writers Association:

www.ewa.org

To save time, you can use more direct links to specific information at the U.S. Department of Education. For example, every grant and contract the department has awarded since fiscal year 1997:

<http://gcs.ed.gov/grntinfo/grntawd.htm>

State monitoring reports on special education:

www.ed.gov/offices/OSERS/OSEP/index.html#MONITOR

Audit and management reports of the Inspector General:

www.ed.gov/offices/OIG

National Center for Education Statistics:

www.nces.ed.gov/surveys/datasurv.html

Education Commission on States:

www.ecs.org/ecs/ecsweb.nsf/HTMLFrameObjects/FrameSet-HomePage?OpenDocument

For more tipsheets or stories on education, such as charter schools or school ratings contact the IRE Resource Center at (573) 882-3364 to order.

Eye on



DEAD MAN DRIVING

Identity scam shows DUI flaws

BY JEFF HIRSH

OF WKRC-TV, CINCINNATI

He called himself Daniel Murphy, and the arresting officer had no reason to doubt him. The DUI suspect pulled over at 2:30 a.m. on Thanksgiving in suburban Cincinnati had a license with that name, complete with a photo. Even a computer check of the Social Security number came back “Daniel Murphy.”

Six months later, the DUI suspect whose real name was Charles Jodrey was on his way to prison for 28 years, and the Ohio General Assembly was on its way to toughening the state’s driving under the influence statutes.

Our investigation, “Dead Man Driving,” showed how easy it was for a multiple DUI offender, one with a drunken driving fatality and a lifetime driving suspension on his record, to repeatedly obtain licenses, cars, additional drunken driving arrests – and still keep driving. We found serious gaps in court and police record-keeping. And we showed how Charles Jodrey used the names of dead friends in order to beat the system and obtain those licenses, not once, but four times.

The Jodrey saga started on Thanksgiving, 1998. “Daniel Murphy” was taken to the Clermont County (Ohio) jail for booking. He had already received a DUI in nearby Milford a few months before – and using the name Daniel Murphy – was actually sentenced, served his time, and then released. Such a scenario would probably have been repeated if Corrections Officer Becky Feldkamp had not been on duty.

Feldkamp was from the small town of New Richmond, Ohio – and so was Charles Jodrey. “I looked at the citation and the name on the citation was Daniel Murphy,” Feldkamp recalled. “I immediately said I know who you are and

you are Charles Jodrey.”

It made for an interesting story in a slow holiday news period. The name Charles Jodrey was familiar to veteran Cincinnati reporters. Jodrey had been sentenced to 10 years in prison in 1984, for a head-on collision that killed a father of three young children. Police estimated Jodrey’s blood alcohol at three times the legal limit. It was his eighth DUI.

“In all, Jodrey accumulated six DUI’s with his dead friends’ names, in less than a year and a half – three as Pence, two as Murphy, and one as Gee.”

But while everybody else dropped the story after Jodrey’s phony name usage was revealed, I had more questions. Who was Daniel Murphy, anyway? There were no Daniel Murphys in the Clermont County phone book, and calling every Murphy in the area would have been pointless.

But I did call the Clermont County coroner’s office, just in case Daniel Murphy was dead. And that’s where the story took off. A check of death certificates revealed a Daniel Steven Murphy, a Vietnam veteran, had been killed in an auto accident in Clermont County in 1966. He was from New Richmond. And the Social Security number on his death certificate – the Social Security number of the real Daniel Murphy – was the same Social Security number Charles Jodrey had used on his “Murphy” license.

Sources indicated that Daniel Murphy had a

brother still living in the area. Dennis Murphy gave us the photo we needed, and directed us to the cemetery where Daniel was buried. He also told us that Daniel was friends with Charles Jodrey when they were growing up. “The family’s invaded,” Dennis Murphy said. “I think it’s pretty despicable that somebody would do something like that.”

But Charles Jodrey’s abuse of his childhood friendships was far from finished. After our stories aired, a stroke of luck led to our next discovery. A caller saw one of the reports, and said the suspect he saw in court – the man whose picture was on the driver’s license – once called himself Larry Pence. The caller knew because he and “Pence” had served time together in an alcohol treatment program.

Court records confirmed a “Larry Pence” had been sentenced to treatment after a DUI arrest in another Cincinnati suburb. We tracked down the paperwork for the DUI citation, once again finding a Social Security number.

Then, back to the coroner’s office, and another death certificate, with a chilling discovery. Daniel Murphy’s certificate said he was killed when a car he was in “ran into the rear of a truck obscured by fog,” on October 2, 1966. Larry Pence – the real Larry Pence, of New Richmond – was driving that car. Charles Jodrey had stolen the identity and Social Security number of another childhood friend.

We tracked down Pence’s sister. And we also received a tip from a source. A “Larry Pence,” the source said, had been arrested across the river in Kentucky. The paper trail led to another surprise. When “Pence” was arrested in Highland Heights, Ky., he actually gave police two licenses – one “Pence,” the other with the name “Archer Gee.”

We found the death certificate for Archer Gee in neighboring Hamilton County, but otherwise the pattern matched. Same Social Security number. A childhood friend. And Jodrey, as “Gee,” had a DUI arrest as well.

In all, Jodrey accumulated six DUI’s with his dead friends’ names, in less than a year and a half – three as Pence, two as Murphy, and one as Gee. We found Jodrey also acquired two cars as Murphy, actually going to the title office and signing the necessary paperwork.

Of course, this was not simply a story about Charles Jodrey. It was also a story about the legal system. As Tom Gould, administrator for the Hamilton County Clerk of Courts admitted, it’s all too easy for a Charles Jodrey to slip

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Books

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third time, how much more emerges in some slip or tic, the shadow of some submerged truth that belies the surface intention of the words.”

Later in his career, close reading would lead to one of Rosenbaum’s biggest news breaks. The news break was unusual, because it unsolved a mystery rather than solving one. Rosenbaum, on assignment for *Vanity Fair* magazine, was trying to unravel the truth from the lies told by Henry Lee Lucas, confessed serial killer who did not kill nearly as often as he said he did. The lies were important, because they meant the real murderers were still out there (unless they died or were imprisoned for other crimes), free to kill again.

Part of the reason law enforcement officers and prosecutors had decided to believe Lucas was the corroborating testimony of another criminal, Ottis Toole. Rosenbaum decided to visit Toole on Florida’s death row:

“I’m convinced it was an act of close reading – the ironic inflection I read into Toole’s words when I read back to him the published transcript of his lurid confession to killing and cannibalism – that caused him to cop to the fraud. Underneath the arson-murderer that he was, lurked a sensitive reader who knew the false tone subverted the overt content of his confessions, gave away the lie.

‘The whole f---ing book [containing his confession] is lies,’ he finally conceded. It was the closest thing to a Perry Mason moment in my reporting career...”

Writing evolution

In his 1979 anthology “Rebirth of a Salesman,” Rosenbaum explained how he had learned to overcome his shyness so that interviewees would open up, especially interviewees who have nothing to gain from talking to a reporter. (In his new anthology, Rosenbaum expands on his interviewing techniques.)

Those techniques helped a lot during the 1970s, when he took on the heaviest assignment of his career. It began when Rosenbaum entered the office of *Harper’s Magazine* editor Lewis Lapham carrying a five-paragraph newspaper clipping about a nuclear missile capsule commander who had been terminated by the Strategic Air Command for posing an unwelcome question: “How could he know for sure if he got an order to launch his missile – a weapon capable

of killing some 10 million or so people on the other side of the earth – that the order had come from a sane human being?”

After his talk with Lapham, Rosenbaum set off on a journey that would consume two years of his life, a pilgrimage through “The Subterranean World of the Bomb,” as Lapham titled the eventual piece, which appeared in the March 1978 *Harper’s* and is part of the new anthology.

The *Harper’s* piece helped Rosenbaum grow as a stylist, as well as a reporter. His thinking about writing has evolved. At first, he wanted to tell stories, with beginnings, middles and ends. “I was influenced by a belief that narrative alone, if you shaped and toned it right, could evoke or disclose the ideas implicit in one’s thinking about the story one was telling.”

Now, Rosenbaum says, he realizes narrative storytelling, while often the right choice, has its own problems: “One problem is that the seeming omniscience of seamless third-person narrative can often sweep under the rug of its self-assurance the doubts, conflicts and contradictions in the evidence; can subtly conceal its point of view and manipulate the readers without obviously seeming to – while the often more awkward first-person interpolation at least lets the reader in on the narrator’s questions and more candidly communicates his point of view.”

Like many investigative journalists, Rosenbaum sees the craft as a calling. “I’m not sure what I believe about God, but I do sort of like the notion of a God who takes delicious pleasure – who glories – in hiding things from us.” What is hidden seduces humans, some of whom spend their lives seeking to uncover the secrets. The fear is that maybe the quest will prove to be futile.

“There is this persistent, ineradicable conviction that the ultimate truths, the truths behind appearances, the keys to unlocking the tormenting mysteries of existence, are always hidden, just beyond our grasp,” Rosenbaum writes on the opening page of “The Secret Parts of Fortune.” “Or when we find them, we discover they’re inscribed in indecipherable code.”

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

FOIA

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FOIA attention is being paid to the legislative branch, while executive branch operations go unexamined. For instance, I couldn’t find a single reporter FOIA request filed in 1998 with the grant-doling, \$360 million-a-year Economic Development Administration.

Another common reporter request is for the FBI file on a late public figure. In a three-month period that I examined, six out of 45 newspaper stories based on FOIA had to do with FBI files. These can certainly be knockout stories. The award-winning online site APBnews.com may be having a hard time making money, but it’s second-to-none in using FOIA to develop compelling stories based on old FBI files.

So it’s certainly worthwhile to file routine requests with the FBI as soon as a locally prominent person dies; you’ll need to include a notarized copy of the obituary. You’ll also typically need a lot of patience, given the long FBI waiting list.

During my research, I found that too many of the journalism-related FOIA requests are coming from the same small pool of reporters. Carollo filed more than 100 FOIA requests for the 1998 Pulitzer Prize-winning series on military medicine he co-authored with Jeff Nesmith. (Carollo writes in this edition of *The IRE Journal* on military aviation.)

Many reporters, meanwhile, never use the law at all. Nearly one-fifth of all the media requests to Health and Human Service headquarters came from just two trade publications: *Modern Healthcare* and the *Bureau of National Affairs*. Both were asking, each time, for monthly reports on fraud settlements. Of newspaper requests to the agency, one-third came from just three: the *Los Angeles Times*, *Chicago Tribune* or *Dayton Daily News*. The concentration is even more striking considering there are more than 1,400 daily newspapers, 6,600 weekly newspapers and thousands of magazines in the country. And television reporters are almost nowhere to be found on the roster of regular FOIA users.

“It’s like planting corn, man,” says Stuart Watson, a FOIA-savvy investigative reporter (and IRE Board member) with WCNC in Charlotte. “You’ve just got to be getting the letters out there.”

Michael Doyle is a reporter in the Washington bureau of McClatchy Newspapers.

Dead man driving

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through the system. "Right now, with aliases and multiple Social Security numbers and multiple control numbers, we literally don't know who's who," he said.

As each daily story built the case against Jodrey, videographer Jeff Barnhill and I pushed for the chance to do a long-form report, summing up what was known to date, and adding far more than could be told in the normal two-minute daily piece. The result was an uninterrupted 18-minute report, followed by in-studio interviews as part of a half-hour program in February 1999.

The Jodrey case became a catalyst in the Ohio General Assembly to toughen DUI laws. Penalties have been increased for multiple offenders. Charles Jodrey was named in a 46-count indictment, and accepted a plea bargain of 28 years in prison with no parole.

There may well be more Charles Jodreys out there. If not, there are certainly valid questions to ask about court systems and DUI enforcement elsewhere. How many people give what police think are phony names? Are systems in place to catch them? Does your court system track all defendants with fingerprints, or only those charged with serious crimes? Not using fingerprints makes it easy to do what Jodrey did. And what types of penalties exist for multiple DUI offenders? Those questions can be asked and investigated anywhere.

Throughout our work, however, one question puzzled us, and law enforcement investigators who worked the case as well. From mid-1995 through late 1997, Charles Jodrey had no contacts with the legal system.

For someone who basically lived to drink and drive, it seemed impossible. But after all our stories aired, after Jodrey had pleaded guilty, another tip came in. And we had one more report to present. In April 1997, a "Michael Berwanger" was arrested in suburban Cincinnati, and blew a .228 on the blood alcohol test. As we told our viewers, the real Berwanger was killed in a car crash in 1969. He had grown up with Charles Jodrey.

Jeff Hirsh is a reporter at WKRC-TV in Cincinnati. He has won more than 20 Regional Emmy Awards, including one for "Dead Man Driving" shared with videographer Jeff Barnhill, who has also won awards from ONPA and NPPA. This report was a finalist for the IRE Award.

Legal Corner

CONTINUED FROM PAGE 9

record documenting the settlement terms. The Maryland trial judge agreed, and issued the requested order.

One day later, *The (Baltimore) Sun* requested leave to intervene in the case to object to the courtroom closure and the sealing of judicial documents regarding the settlement. *The Sun* simultaneously filed a Public Information Act request with the Baltimore Solicitor, requesting details about the settlement. The judge denied *The Sun's* motion to intervene, and ordered that the terms of the settlement in the Quarles case "remain sealed." Shortly thereafter, the City of Baltimore also denied *The Sun's* Public Information Act request. *The Sun* then filed two separate lawsuits. When both suits were rejected, *The Sun* appealed to the next judicial level. But before those interim appeals were acted upon, Maryland's highest court, the Court of Appeals, accepted review directly.

In late July this year, the Maryland Court of Appeals held unanimously that the trial judge had erred by closing the courtroom and sealing the record. The court recognized, as a clear matter of Maryland common law, "the 'public's right of open access to courtrooms,' as well as the 'right to inspect and copy judicial records and documents.'" The Court of Appeals rejected the trial court's use of a balancing test, which found that "*The Sun's* right of access to court proceedings and court documents was outweighed by ... the government interest in encouraging settlement, and the privacy interest of the Quarles plaintiffs." Instead, the appeals court determined that "no statute, rule or common law principle authorized such a balancing test."

Perhaps most importantly, the Court of Appeals held that the dispute over the court's order sealing the record remained a live controversy, despite the passage of time and the conclusion of the underlying case. And so, after a year and a half delay, the *presumption of openness* finally prevailed – sort of. The same cannot be said for a case decided this past September.

• *In re Daily News L.P. v. Joseph C. Teresi*

Following the conclusion in February 2000 of the trial and acquittal of four New York City police officers charged with murder and reckless endangerment in connection with the death of Amadou Diallo, seven news organizations renewed their request to gain

access to materials received in evidence. Previously, the judge had denied their request on the grounds that broad, unrestricted access "would pose a significant risk of impairing the integrity of the evidence and interfer[e] with the orderly conduct of the trial." Therefore, the seven news organizations also sought relief declaring, among other things, 1) that the public has a right to inspect documents admitted into evidence unless specific finding of fact, with proper notice, warrant sealing of a particular exhibit to preserve a defendant's right to a fair trial, and 2) that the trial judge's blanket sealing order violated the constitutional and common-law right of access by the public and press to such materials.

Months after issuance of the original sealing order, an intermediate New York state appellate court handed down a perplexing decision.

On the one hand, the court clearly recognized "the presumptive common-law right of the press to inspect trial exhibits contemporaneously with their introduction into evidence." Accordingly, the court held that the trial judge's "blanket denial [was] violative of that right."

"[E]xisting law," observed the appellate court, "does not permit the blanket denial of access to documentary trial exhibits."

On the other hand, the court denied the news organization's request for relief because their appeal no longer presented a live controversy. That is, the appellate court found that the request for access "became moot when, following the acquittals of the criminal defendants and the return of the trial exhibits to the parties, the [trial judge] exempted the exhibits from his sealing order, effectively terminating his control over them."

Huh? What happened here? Well, it looks like the trial judge outsmarted the media, their lawyers, and the public. By the time his invalid sealing order could be overturned, the appellate court said, sorry, too late, the exhibits are no longer subject to that order and the court no longer has them.

So, yes, the press has a clear right of access, but, no, their petition for relief is dismissed. Which perhaps brings us back into the world that George Orwell envisioned, when "(it) was a bright cold day in April, and the clocks were striking thirteen."

It began with a hunch. Could Orange County sheriff's deputies, many of whom were known to moonlight at the Montgomery village police department, possibly be crazy enough to file timecards showing them at both jobs on the same day at the same times?

This notion of checking on possible double-dipping had rattled around my head for some time. After all, the undersheriff once headed up the village department and still worked there as an administrative officer.

I started with a fishing expedition. I sent Freedom of Information requests to every municipal police department in Orange County. I asked for a list of their full- and part-time police officers. Once I had those lists in hand (it took a while to get responses from the 30-plus departments), I compared their personnel rosters with that of the sheriff's office.

What I found was 32 sheriff's office deputies and correction officers moonlighting as

part-time cops, or full-time cops moonlighting as part-time sheriff's deputies. Then I took the plunge. I FOI'd the timecards/time sheets of all 32 workers for the years 1995-97 (and some later for 1998-99).

I really thought in the beginning that this was going to be such a waste of time, but I needed to satisfy my curiosity. Comparing the timecards was tedious, eyeball-bleeding work. But I started to see patterns emerge with certain individuals clocking in at both jobs at the same time.

Reviewing the cards had its own obstacles. I had to go through thousands of time sheets. I often was relegated to a locker room of the sheriff's office to review stacks of records under the watchful eye of a lieutenant whose sole job was to "babysit" me. Other times, I had to fight to get the full timecards without redactions because the communities only wanted to tell me the days, but not the times, the officers worked.

Once I started to winnow down the list of

possible double-dippers, I had to poke holes in my theories. So then came more FOI requests: for time-off slips for vacation, personal leave, sick time, bereavement leave, overtime, etc. Were there any plausible explanations for how they were appearing in two places at once? Did they show up as working a day, when they were really off work because they were on vacation or sick? I secured copies of the union contracts and the policies and procedures manuals, again looking for any loopholes.

In total, we discovered nine cops had engaged in double-dipping 125 times for a total of 234 hours. The abuses spanned five police departments and agencies.

Our investigation spawned numerous internal probes, an investigation by the state Attorney General's Office, suspensions, firings and one criminal indictment. It also led to reforms in how certain departments track and account for their officers' time. For a while, our newspaper delivery vans were the target of a ticketing blitz by the departments we identified as having engaged in double-dipping.

If you're thinking of trying this, be prepared for your work to span months. (The whole project took 24 months of on-and-off digging and FOI requests.) If the initial results are promising on a small sampling (say a year's worth), then follow up with more records.

Be thorough and fair in trying to account for the worker's whereabouts. Does the agency allow accruing of comp time? If so, how do workers cash out such time? Of all the overlaps encountered, only about three or four could be explained by time-off slips, but I was glad I asked for them.

Understand how the agencies keep their records. Some used time clocks, others used hand-written time sheets. In some cases, I could not read the handwriting or the timecard print, so I had to discard those records. I also FOI'd the workers' personnel files, which showed me their past work histories as well as disciplinary action.

My colleague, then cop reporter-turned columnist Oliver Mackson, iced the story through in-person interviews with the cops, in which they offered half-baked excuses that only made their situation worse.

Christopher Mele is a staff writer at The Times-Herald Record, Middletown, N.Y., where he covers Orange County government and politics. His work with Oliver Mackson on double-dipping police earned a certificate in the IRE Awards.

REVIEWING TIMECARDS FOR DOUBLE-DIPPING POLICE

BY CHRISTOPHER MELE
OF THE TIMES-HERALD-RECORD, MIDDLETOWN, N.Y.



DIVINE INSPIRATION

Using modern techniques to cover the oldest religions

BY DAVID CRUMM
OF THE *DETROIT FREE PRESS*

At the beginning of this millennium, searching for God is a vast and growing subject, becoming more diverse by the decade.

Consider that in the United States, 9 out of 10 Americans tell pollsters that they pray and are part of some religious group. And while the vast majority of Americans claim to be Christian, most Christians feel increasingly free to switch back and forth among dozens of different denominations – or, if they’re feeling restless, to break away entirely and form their own independent sects.

At the same time, the influences of the world’s other major faiths are surfacing more frequently in contemporary music, television, the Internet, movies and magazines. Outside the U.S., religion also remains a major force – for good or ill. It can be a powerful catalyst in ethnic strife, a fuel for political aspirations and, in many cases, a helpful inspiration toward resolving conflicts and building communities.

To keep up with this amazingly complex landscape, I use a number of different methods, including:

- **Religious Web sites.** There are thousands of religious Web sites, but most of them are not factually reliable. So, I’ve developed my own lists that are sponsored by well-established groups, but it is constantly changing as Web sites appear, evolve and disappear. A good place to start sorting out your own list of useful sites is the Yahoo index to religion, which you’ll find linked off Yahoo’s main page (as a sub-category of “Society & Culture”).

Specifically, a few of the sites I use most frequently are the Vatican’s information-rich Web site at www.vatican.va; a large evangelical site at www.gospelcom.net that links to nearly 150 religious groups; and a helpful site at www.wfn.org where many Protestant denominations post news releases. A superb place to background yourself on religious history and traditions is the recently upgraded www.britannica.com, sponsored by the encyclopedia.

By carefully sifting sites, the Internet has played a major role in my reporting on everything

from the annual Muslim fast of Ramadan to the plight of the Chinese meditation movement Falun Gong.

- **E-mail lists.** I also subscribe to e-mail lists from many of the major religious groups I cover. If you look around the major religious sites on the Web, you’ll find places where you can sign up to receive almost daily e-mails from places as diverse as the Evangelical Lutheran Church in America, the National Council of the Churches of Christ, the Council on American-Islamic Relations, informal neo-pagan networks and even the supporters of imprisoned Falun Gong activists. Many of these e-mails are quickly dispatched to my trash folder each morning, but a quick scan of the dozens of subject lines I find in my in-box often sparks a future story idea.

- **CD-ROMS.** I use a variety of religion-related CD-ROMs I’ve collected over the past five years. My CD-ROM library includes a tour of the Vatican, a guide to holy places in the Middle East, a scholarly Bible dictionary, a history of the Holocaust, a text of the Dead Sea Scrolls and a collection of Jewish reference books. These titles tend to be released by publishers and then quickly go out of print, so watch for the release of helpful CDs and snap them up as soon as they go on sale.

One excellent CD-ROM to consider is “On Common Ground: World Religions in America” by Columbia University Press, an in-depth look at many faiths by Harvard University’s Pluralism Project. And, because writing about religion often involves references to history and traditional culture, it’s very useful to keep a simple copy of an Encarta encyclopedia handy.

The most basic software for religion writers is a searchable Bible to quickly find key references that may crop up in stories on deadline. But remember that English translations vary widely and you’ll probably want at least a King James Version as well as a more modern English version. I have four sets of Bible software on my PC and use the “New Oxford Annotated Bible” most frequently.

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TIPSHEET

By Doug Frantz

Among the guides on investigating churches and other religious organizations in the IRE Resource Center is tipsheet No. 842.

Here are excerpts:

- Understand your subject. Read the scriptures and other texts. Attend services quietly if you can. Familiarize yourself with the rituals and jargon. Learn as much as possible about the organizational structure, whether you’re examining a local preacher and his followers or something as complex and widespread as the Church of Scientology.
- Find the records. Unlike most nonprofit organizations, the 990 tax filings of churches are not public. But the 990PFs (for public foundation) of affiliated organizations might be available. Check with the regional IRS office, armed with the name and address of the organization. While churches are exempt from property taxes, the assessor’s office or its equivalent will have records on land held by religious organizations. You can get a sense of the group’s overall wealth – and maybe a look at how well the leader is living. Check the courts for worker compensation claims, discrimination suits and building code violations.
- Contrast it to mainstream religions. Show readers how the spiritual practices, secular activities or financial operations of the religion differ from other, perhaps mainstream religious organizations.
- Humanize the religion. If you are going to criticize a religious leader’s spending habits, show the people from whom the money comes or demonstrate how others are deprived of money.
- Exercise caution with zealots. Because religions evoke so much emotion, you will probably turn up former members or parishioners who are quite angry. They can be invaluable sources, but they can also be dangerous ones. Understand their motives.

Doug Frantz, an investigative reporter and national projects editor at The New York Times, prepared this tipsheet for the 1998 IRE National Conference in New Orleans where he was a panelist.

Divine inspiration

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• **Human contact.** Because reporting on religion almost always involves an attempt to connect news with the lives of ordinary people, I use e-mail as a lifeline to keep in touch with people I've encountered over the years.

I also maintain specialized lists of people by category related to my beat. For example, when the Catholic hierarchy is considering a change in church rules that might affect local parishes, I will fire off a quick e-mail to my list of Catholics and ask whether they know of anyone especially concerned about such a change. People who e-mail me with an intelligent comment – readers, academics, clergy and others – are potential future sources. I save their e-mail addresses and may include them in the lists I'm building.

Ultimately, covering religion at the turn of the millennium is like covering presidential politics – if there were 1,000 parties fielding candidates. The subject can be overwhelming, unless journalists use all the available RAM at their disposal.

David Crumm is a religion writer for the Detroit Free Press. A 25-year newspaper veteran, he has won the national Wilbur Award for major newspapers six times.

Bargain HUD homes

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dealings that have been included in the Inspector General's probe. In February, we reported that he was giving the same kind of prices to a questionable charity called Great Lakes Housing Inc., whose leader got an \$88,000 loan from the organization and whose board of directors hadn't met for years.

And, finally, even though HUD rules limit profit to 10 percent, Great Lakes Housing Inc. was re-selling houses to low-income families for far more than it should – including one home that sold for twice what it cost to buy and repair it.

As real estate dealer John Birnie said: "If you're persistent enough ... the deals are there."

So are the stories.

Henry Erb began his association with WOOD-TV as a reporter in 1970, and is the senior member of 24 HOUR NEWS TV8's award-winning Target 8 Investigative Reporting Team. He has won numerous awards for his investigative efforts.

Houston column

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The magazine is available at an introductory rate of \$19.95 to individuals. The fall quarterly issue includes a wide range of stories on the dangers in international reporting and focuses several stories on reporting on the war in Sierra Leone.

In one understated passage, veteran journalist Douglas Farah, who covered Latin American guerilla wars for 15 years, writes that journalists could quickly get to scenes of heavy fighting

in Latin America. But he notes that in Sierra Leone, "the complete lack of knowledge of the press or how it works, such coverage is not possible."

Journalists may worry about the U.S. public's complaints about inaccuracies and biases of the "media," but the greater coming challenge is that many other countries and cultures have no tradition or acceptance of a free press, much less an investigative one.

Florent Gagne
General Director
Quebec Provincial Police
17-1 Rue Parthenais
Montreal, Quebec H2K3S7
Canada

September 19, 2000

Dear Mr. Gagne:

Investigative Reporters and Editors, Inc. joins other journalism organizations and individuals in urging that the highest priority be given to finding and punishing the persons who shot Michel Auger, a crime reporter with *Le Journal de Montreal*, who was seriously injured Sept. 13 one day after he published an article about organized crime in Quebec Province.

The 4,500 reporters, editors and professors who belong to IRE in the United States and throughout the world are dedicated to promoting the kind of important reporting in which Mr. Auger has long been engaged. We cannot help but be deeply worried by this open attack on the freedom of the press to do its important work of telling citizens about their society. For us, there is a frightening resonance in this blatant daylight attack on Mr. Auger. In 1976, one of our founding members, an investigative reporter in Arizona named Don Bolles, was fatally injured when his car blew up in the middle of the day on a busy downtown Phoenix street. Bolles had been at work on a story about land fraud schemes that involved organized crime.

In an extraordinary response, nearly 50 journalists and students around the country, organized under IRE and editor Bob Greene, left their regular jobs and went to Phoenix to finish Bolles' work. They published a massive series on how organized crime had swept into that state and more importantly, they delivered a strong message that killing a journalist won't stop his story from being told. After years of investigation, the question of who exactly ordered the death of Bolles remains unclear.

That must not happen again, whether in Canada, Russia, Ireland, Colombia, or wherever journalists are under attack for exposing corruption. Our members are reacting strongly to the Auger shooting. Many are writing and broadcasting stories about it and about your investigation. Many are calling for heightened coverage here of motorcycle gangs and possible Mafia connections, tying them into the work Mr. Auger did in Montreal.

We all hope soon to be publishing news about the capture of Mr. Auger's attackers.

Sincerely,

James Neff
IRE President
— on behalf of the IRE Board of Directors

MEMBER NEWS

CONTINUED FROM PAGE 5

Association. ■ **Dianna Hunt** has moved from the *Dallas Morning News* to a newly formed enterprise and investigations team at the *Fort Worth Star-Telegram*. ■ **Beverly Pettigrew Kraft** was one of three reporters from *The Clarion-Ledger* in Jackson, Miss., to win a National Association of Black Journalists' 2000 Salute to Excellence Award for news for their trial coverage of corruption in Jackson's city council. ■ **William Kronholm** has been named Western regional news editor of the Associated Press, from Montana state news editor. ■ **Ben Lesser** has moved from *APBnews.com* to the *Times-Union* in Albany, N.Y. ■ IRE board member **Shawn McIntosh** was promoted to executive editor of *The Clarion-Ledger* in Jackson, Miss. She was the managing editor. ■ **Griff Palmer** is the new database editor at the *San Jose Mercury News*. He was at *The Daily Oklahoman*. ■ **Rick Pfeiffer** has moved from WIVB-TV in Buffalo, N.Y. to KTVT-TV in Dallas where he is an investigative reporter. ■ **Greg Retsinas** is now the city editor of *The Tuscaloosa News*. He was the North Carolina bureau chief for the New York Times Regional Newspaper Group. ■ **Julie Ruditzky**, a senior at Fordham University, was awarded the \$14,900 Thomas Kavanaugh Scholarship for her essay "The Clinton Scandal and the Media: How Today's Technology Has Changed Society." ■ The Freedom Forum named **George Thottam**, chair of Iona College's journalism department, as one of three Journalism Teachers of the Year. ■ **Michael Tighe** is now the news editor for the AP's Baltimore bureau. He previously held the same position in the Honolulu bureau. ■ **David Turecamo** won an Emmy in the Outstanding Coverage of a Continuing News Story-Segment category for his Nightline piece "The Life of a Black Cop." The story – which Turecamo reported, wrote, shot and edited – was featured in Nightline's series "America in Black and White." ■ **David Wilkison** is the new assistant chief of AP's Philadelphia bureau. He was the news editor. ■ **Dale Willman** has moved from NPR, where he was the Midwest editor, to Great Lakes Radio in Saratoga Springs, NY.

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: Pat Coleman, pat@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: Mary Jo Sylwester, maryjo@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: Brant Houston, brant@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 AND BOOT CAMPS – Ev Ruch-Graham, ev@ire.org, 573-882-8969

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

Mailing Address:

IRE, 138 Neff Annex, Missouri School of Journalism, Columbia, Mo. 65211

CALL
FOR
ENTRIES

IRE AWARDS 2000

The annual contest of Investigative Reporters and Editors, Inc.

**DEADLINE FOR ENTERING THE IRE CONTEST:
FRIDAY, JANUARY 12, 2001**

THE CONTEST RECOGNIZES
THE BEST IN
INVESTIGATIVE REPORTING –

**IN PRINT
IN BROADCAST
IN ON-LINE MEDIA**

The contest also helps
identify techniques and
resources used by
entrants.

After judging, all entries
are placed in the IRE
Resource Center's
Story Library so that
IRE members may
learn from others'
triumphs and
troubles.

CATEGORIES

Newspaper Categories:

For outstanding investigative reporting at a daily or weekly newspaper. (Use highest one-day circulation of the week.) Categories are: Circulation less than 100,000; Circulation between 100,000 and 250,000; Circulation more than 250,000; and Local-Circulation Weekly.

Television Categories:

For outstanding investigative reporting by a television outlet. Categories are: Network or syndicated program; Top 20 market; and Below Top 20 market.

Other Media Categories:

For outstanding investigative reporting in other media such as Magazine, Specialty Publication, Book and Radio.

On-Line Category:

For outstanding investigative reporting that 1) appears exclusively on the Web or 2) appears first and exclusively on the Web, even though it may later be published in a newspaper or magazine or broadcast on television.

NOTE: If work is published first on the Web and later published or broadcast in traditional media, there cannot be two entries. An entrant must choose which category to enter.

Special Categories:

Tom Renner Award: Outstanding reporting in any medium covering and exposing organized crime or other criminal acts. (Limited to 10 stories) You must submit TWO sets of copies if submitting an entry in the Tom Renner category and in another category. If only one set is received, the judges will decide in which category the entry will be placed.

IRE FOI Award: Honors individual or organization in any medium whose significant actions further open records or open government. You must submit TWO sets of copies if submitting an entry in the FOI category and in another category. If only one set is received, the judges will decide in which category the entry will be placed.

Student Award: Outstanding investigative reporting by a student in a college-affiliated newspaper, magazine or specialty publication, or broadcast work that has been publicly reviewed, screened or aired.

NOTE: Judges reserve the right to give more than one award in a category or to declare no winner in a category.

For entry forms and additional
information visit our Web site at
www/ire.org/contest