

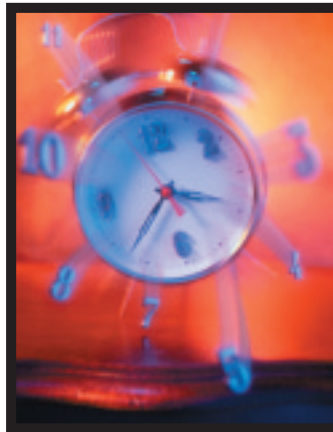
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# THE IRE JOURNAL

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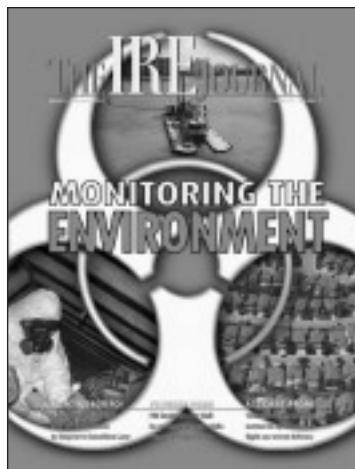
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#### ABOUT THE COVER

From the big skies of Montana to the balmy beaches of Florida, environmental dangers lurk. Investigations reveal shoddy oversight, short-sighted planning and existing laws being ignored. All can lead to real and lasting harm, not only to the land and water, but to human health as well.

**Cover story, page 22**

IRE EXECUTIVE DIRECTOR  
Brant Houston

## **THE IRE JOURNAL**

VOLUME 24 | NUMBER 1

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## **FROM THE IRE OFFICES**

# State of IRE report: Progress on all fronts



**BRANT HOUSTON**

**W**e begin this year with an ambitious set of goals, but before we get to that, let's review how we did in the year 2000 in our own version of the state of the union.

In June, we started our five-year drive to raise the endowment to \$5 million. The drive was launched with a generous contribution of \$500,000 from the Jane Pulliam Family Trust. That donation will generate investment income for a full-time staff member to oversee the IRE Resource Center.

During the past year we also received about \$70,000 in individual donations for the endowment fund from media companies, members and friends.

The endowment drive is crucial to IRE because it will ensure not only that our organization's training and resources continue to improve, but that IRE's independent voice will be heard during a time in which journalistic standards are being buffeted by business pressures and legal attacks on newsgathering.

We kicked off our endowment drive at our national conference, which was one of three major events we held in 2000. The IRE National in New York City attracted about 1,400 journalists. The other two conferences were IRE's National Computer-Assisted Reporting Conference in Lexington, Ky., which drew about 350 members; and a Washington, D.C., regional conference of about 250 members.

### **Training efforts**

Among the best news during the year was our increased membership, which averaged nearly 10 percent higher than last year. In June, it topped 4,500 for the first time ever and remained above 4,000 for every month last year. During 2000, we did more than 40 workshops in 18 states and four countries. Several workshops were collaborations with other organizations, including the Education Writers Association, the National Association of Hispanic Journalists, the Poynter Institute for Media Studies, the Pew Center for Civic Journalism, the Kiplinger Program, the Nieman Fellows, and Unity's mentoring program at the Association of Asian American Journalists.

In the spring, we offered five seminars in covering campaign finance and in the summer and fall we did six workshops on handling upcoming Census data. Here in Columbia, Mo., we held six-day boot camps and three-day seminars attended by editors, reporters and producers from not only the U.S., but from several other countries.

Among our special seminars:

- An editors seminar on dealing with computer-assisted reporting
- A special CAR boot camp for 10 Korean journalists
- A seminar in using mapping software for 20 journalists

### **Resource offerings**

The NICAR database library, [www.nicar.org/datalibrary](http://www.nicar.org/datalibrary), continued to supply low-cost data, analysis and training for more than 100 news organizations and worked more closely

CONTINUED ON PAGE 42 >

*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](mailto:brant@ire.org) or by calling 573-882-2042.*

## Knight Foundation grants \$250,000 to IRE

Columbia, Mo. — Investigative Reporters and Editors Inc. is receiving a \$250,000 grant for general operating support in 2001 from the John S. and James L. Knight Foundation.

The grant, which begins this month, will help IRE fund staff positions and the operations of its resource center of stories and tipsheets, its extensive Web site and database library.

“This provides a great boost to our organization and will help us to help journalists everywhere,” said Brant Houston, executive director.

IRE is in the midst of an endowment drive and the Knight Foundation’s generous gift will relieve some of the pressure of annual fundraising for day-to-day costs and allow the board and staff to focus more time on the endowment drive.

The Knight Foundation, which just celebrated its 50th anniversary, makes national grants in journalism, education and arts and culture. Its fourth program, community initiatives, is concentrated in 26 communities where the Knight brothers published newspapers, but the foundation is wholly separate from and independent of those newspapers.

The Knight Foundation has supported IRE in the past, providing grants for minority fellowships for journalists to attend computer-assisted reporting “boot camps.”

The grant was the result of a proposal put together by Judy Miller of *The Miami Herald* and chair of the IRE Board of Directors, Rose Ciotta of *The Philadelphia Inquirer* and chair of the IRE board’s endowment committee, and Houston.

## Patricia Coleman named to research directorship

Patricia A. Coleman has been named the first Eugene S. Pulliam Research Director for IRE. As research director, she will administer the IRE Resource Center, coordinate reporting resources through the IRE Web site and assist with other member services.

Coleman, who recently earned her master’s degree from the Missouri School of Journalism, has worked for IRE in several capacities over the past year, including as an interim conference coordinator.

The directorship was made possible by a generous donation by the Jane Pulliam Family Trust. The \$500,000 donation to the endowment fund will generate investment income to pay for the directorship.

## Ron Nixon named director of campaign finance effort

Ron Nixon, an investigative reporter with *The Roanoke* (Va.) *Times*, has joined Investigative Reporters and Editors, Inc. as director of its Campaign Finance Information Center.

Nixon brings years of experience working with local, state and federal campaign finance data, as well as covering the environment, general assignment and special projects. He also coordinated the paper’s computer-assisted reporting efforts.

The CFIC is dedicated to helping journalists conduct more in-depth coverage of campaigns by following the money trail. The CFIC

([www.campaignfinance.org](http://www.campaignfinance.org)) collects state campaign finance data from across the nation, cleans it and makes it available to journalists.

## IRE Student Conference will be held at Missouri

Calling all students! IRE will hold its special student reporting conference March 31 at the Missouri School of Journalism, providing an opportunity to meet – and learn from – some of the best in the investigative journalism field. Professionals from small new organizations also will be welcome.

The conference will allow young or student journalists to attend panels featuring top editors and reporters. Speakers will include: Diana Henriques of *The New York Times*; Leon Dash, University of Illinois, Champaign-Urbana; Dave Raziq, KHOU-Houston; Mike McGraw of *The Kansas City Star*; David Boardman of *The Seattle Times* and two dozen others.

Panel discussions will be held on a wide range of topics including: investigating politicians and local government; cultivating sources; investigating nonprofits; using FOIA and local sunshine laws; and producing a story for television.

The conference also will provide hands-on training in Internet research, spreadsheet basics and how to use databases. More information, including the full list of speakers, can be found at [www.ire.org/training/2001studentconf/](http://www.ire.org/training/2001studentconf/) on the IRE Web site.

## MEMBER NEWS

**D**avid Armstrong, who for the past seven years has been a special projects reporter at the *Boston Globe*, has taken a reporting position with *The Wall Street Journal*. He will be working from Boston.

■ **Valarie Basheda** is the new managing editor of the *American Journalism Review*. She was the assistant metro editor in charge of political coverage at the *Detroit Free Press*.

■ **Tom Bayles** and **Andy Crain** of the *Sarasota Herald-Tribune* won *The New York Times* Chairman’s Award for “The Beach Builders,” a three-day series in July that exposed the dangers to workers and the environment during federal beach renourishment efforts. Their story is highlighted in this edition of *The IRE Journal*.

■ **Joe Calderone** is the new investigations editor at the *New York Daily News*. He was the chief of investigations. ■ **Jack Coleman** has moved from *The Enterprise* in Brockton to the *Cape Cod Times*. ■ **Cathleen Falsani** moved from the *Daily Southtown* to the *Chicago Sun-Times* where she covers religion. ■ **Greg Gittrich** has moved from the *Daily News* in Los Angeles to the *New York Daily News*.

■ **Norm Green** is now a freelance producer at CBS’s 60 Minutes II. He was a producer for MTV. ■ **Jondi Gumz** of the *Santa Cruz County Sentinel* won a 2000 Casey Medal for her four-part series, “The Learning Curve: A study of bilingual education since Proposition 227.”

■ **Nathan Hall** is now a business reporter at *The Reporter* in Lansdale, Pa. ■ **John Hill** has joined the capital bureau of *The Sacramento Bee* from the *Contra Costa Times*. ■ **Mandy Jones** is the new managing editor of *DeSoto Times Today* in Hernando, Miss. She was the assignment editor. ■ **Tom Krisher** is now

CONTINUED ON PAGE 42 >

Send Member News items to Len Bruzzese at [len@ire.org](mailto:len@ire.org) and include a phone number for verification.

# ESTATE PLANNING

One more way to aid IRE endowment drive

BY BRANT HOUSTON  
FOR THE IRE JOURNAL

When IRE officially kicked off its five-year endowment campaign last June, it was with the aim of strengthening IRE's place in journalism training and as a standard-bearer of professional standards. The reception by members and supporters gives us great encouragement.

The endowment drive began with the announcement of a \$500,000 gift by one of IRE's founders, Myrta Pulliam, for the Eugene S. Pulliam Research Directorship. The investment income from that gift will enable IRE to have a full-time director in the IRE Resource Center. The center – a treasure trove of stories, tipsheets and other materials

both online and in hard copy – is one of IRE's core resources for members.

Another \$40,000 in gifts came from media corporations supporting the Friday night fund-raiser at the national conference in June. We also have raised nearly \$30,000 in individual donations from members and friends in the past year.

Now IRE's endowment drive is moving ahead on several fronts. We are continuing to solicit support from individuals and corporations to reach our goal of \$5 million in five years. The endowment is now about \$1.1 million.

Another one of those fronts includes the encouraging of estate planning by members and supporters. The boxed information, at right, explains how you can donate to IRE through estate planning. There are several options, each of them outlined here. The options allow a donor to contribute to the endowment or to specific ongoing programs.

We hope you will consider these possibilities when thinking of giving to IRE.

## 2001 James K. Batten Award for Excellence in Civic Journalism

The Batten Award was created to spotlight journalism that is more than exemplary public service journalism. It seeks to reward journalism that tries to engage people in community issues and to support their involvement – active and deliberative – in the life of their community, without advocating a particular outcome.

The competition, for a \$25,000 cash prize, is open to news reports aired, published or posted online during the 2000 calendar year. Past winners have developed journalism that:

- ★ Interacts in useful ways with readers, viewers and listeners.
- ★ Examines possible solutions.
- ★ Helps people identify issues or problems.
- ★ Illuminates the common ground on difficult issues.
- ★ Taps into the concerns of various stakeholders.
- ★ Advances participatory democracy in other ways.
- ★ Engages people in considering choices and trade-offs.

For guidelines and application, visit [www.pewcenter.org](http://www.pewcenter.org) or call (202) 331-3200.

The Pew Center for Civic Journalism  
1101 Connecticut Avenue, NW, Suite 420  
Washington, DC 20036-4303  
[news@pccj.org](mailto:news@pccj.org)

Call for Entries Deadline: February 9, 2001

## GIFTS TO IRE AND YOUR ESTATE PLAN

### Estate plan options suggested for support of IRE

**A**s part of its drive to ensure a strong future for the organization, IRE is providing an outline for possible gifts through estate plans.

Your gift would provide the resources and training needed by journalists everywhere. The gift could support a program of training in investigative reporting, fellowships for journalists to IRE programs or conferences, Web site services, or publications.

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

#### Gifts via will or trust

The most common method of charitable giving is through a will or personal trust. A will or trust can provide that IRE receive a specific cash amount or property, or a percentage of your estate. Alternatively, a residuary bequest can give IRE a portion of the estate after all other bequests, debts, taxes, and expenses have been satisfied. In a case when you are not survived by your intended beneficiaries, you can also make a contingent bequest to ensure that IRE will be provided for rather than unintended beneficiaries. Gifts made through your will or trust will enable your estate to take a tax deduction up to the value of the property transferred. The following language may be incorporated into your will or trust in order to make a bequest to IRE:

*I give, devise, and bequeath the (sum of/percentage of/ residue of my estate) to Investigative Reporters and Editors, Inc., a not-for-profit organization with its principal offices in Columbia, Missouri, to be utilized for the benefit of such*

*organization {as specified in a gift agreement on file with such organization.}*

#### Lifetime gifts

Gifts made during your lifetime are another important estate planning technique because they provide you with the benefit of an income tax deduction during your lifetime, as well as avoiding estate tax on the value of the gift, and provide IRE with immediate income. Outright gifts of cash are simple and are tax-deductible up to 50 percent of your adjusted gross income in the year of the gift (the excess may be carried over for the next five years). Cash gifts may be made by making your check or money order out to "Investigative Reporters and Editors, Inc." Gifts of appreciated property, such as securities and real estate, are also popular because not only is the fair market value of such gifts deductible up to 30 percent of your adjusted gross income for the year in which the gift was made (with a five-year carry over), you may also avoid paying capital gains tax on such appreciated property. A similar income tax deduction is available for gifts of tangible personal property to IRE if such property is related to the exempt purposes of IRE, but if not, the deduction is limited to the donor's basis in the property. Please contact your tax advisor, legal counsel, or Brant Houston at IRE for more information on how to make gifts of appreciated property.

#### Gifts of retirement assets

A gift of retirement plan or IRA balances is another estate planning method that is becoming increasingly popular due to the fact that such retirement and IRA balances are subject to both income and estate tax rates which can total 85 percent. Funding a charitable bequest to IRE with your IRA or retirement plan proceeds allows you to avoid this income and estate tax liability and to make a gift with pre-tax dollars.

#### Complex trusts, funds and annuities

These are more complex charitable giving mechanisms that are frequently part of an estate plan. These gift methods may be implemented during your lifetime or at death.

**Charitable Remainder Trusts** – involve a gift of property to IRE in trust with the donor receiving a fixed amount or percentage of income from such property for his or her lifetime and IRE receiving the remainder at the death of the donor.

**Charitable Lead Trust** – is like the Charitable Remainder Trust except in reverse in that IRE receives the income from the donated property for a certain period of time and the donor receives the remainder.

**Pooled Income Fund** – is when two or more donors irrevocably transfer property to IRE, which then invests the property and distributes the annual proceeds to the donors or their directed beneficiary for a certain period of time at the end of which the remainder is contributed to IRE.

**Charitable Gift Annuities** – is a contract between the donor and IRE whereby IRE agrees to pay one or two annuitants a fixed dollar amount (based on life expectancy) each year for life in exchange for a contribution of property.

By making such gifts, the donor (1) avoids estate taxes by removing the asset from his or her estate (and capital gains tax if an appreciated asset is used), and (2) receives an income tax benefit which is generally calculated using a variety of factors such as the donor's age, the trust's payout rate, and the federal discount rate. Please contact your tax advisor, legal counsel, or Brant Houston at IRE for more information on how to implement the above gift mechanisms.

The preceding types of charitable giving are only some of the more common means of incorporating IRE into your estate plan. Other alternatives exist that may offer particular advantages to your circumstances. If you believe that your own situation requires a gift mechanism that is not described here, please contact Brant Houston at IRE, who will be happy to discuss other options with you.

# BOOKS OF 2000

## JOURNALISTS OVERCOME PUBLISHING ODDS TO DELIVER HELPFUL INVESTIGATIVE BOOKS

BY STEVE WEINBERG  
OF *THE IRE JOURNAL*

**N**ine years ago, Ted Gup, a veteran investigative reporter, visited Central Intelligence Agency headquarters for the first time. He was there to conduct an interview for a *Time* magazine story about U.S.-Iraqi relations.

Gup arrived early. While waiting to be escorted to his source, he noticed a field of black stars chiseled into the white marble of the entryway's north wall. He read these

words engraved above the stars: "In honor of those members of the Central Intelligence Agency who gave their lives in the service of the country."

Gup counted 69 stars. Moving closer, he noticed a book inside a locked glass case. "The Book of Honor," it was titled. It contained 29 names. Gup recognized two of them – Richard Welch, a CIA operative killed in Athens during 1975, and William Buckley, tortured to death

near Beirut in 1985. The other 27 names meant nothing to Gup back then. He wondered who they were. He also wondered about the 40 nameless stars, accompanied by the year of death only.

Why had he never heard about "The Book of Honor"? Gup wondered. Hundreds, maybe thousands, of journalists must have seen it. Had some tried to tell the story, only to be discouraged by the agency's secrecy? His CIA escort that day would reveal nothing. Neither would Gup's source.

Five years later, "The Book of Honor" still in his mind, Gup decided to write about it. No longer affiliated with *Time* magazine or his previous employer, *The Washington Post*, Gup was a freelance writer with little hope of cooperation from the CIA.

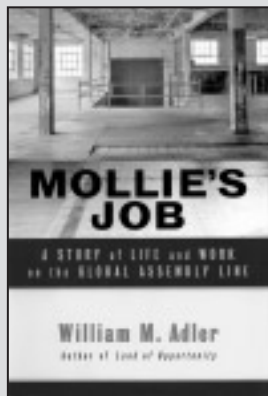
For three years, he sought out former and current CIA personnel willing to break their vows of secrecy. More than 400 did. The information he gained from interviews, combined with documents research, allowed Gup to attach names to the 40 stars, one by one.

CONTINUED ON PAGE 10 >

## INVESTIGATIVE BOOKS OF 2000

**E**very year, Steve Weinberg does his best to compile this list for *The IRE Journal*. He limits it to books published for the first time during the year, by U.S. publishers, in English, from authors who are primarily journalists.

He defines "investigative" and "public affairs" broadly during the compilation process. He understands he might have missed some books, too. If you know of any, please let him know via e-mail at [weinbergs@missouri.edu](mailto:weinbergs@missouri.edu) or by fax at 573-882-5431.



• William M. Adler  
**Mollie's Job: A Story of Life and Work on the Global Assembly Line**  
(Scribner)

• Maury Allen  
**All Roads Lead to October: Boss Steinbrenner's 25-Year Reign Over the New York Yankees**  
(St. Martin's)

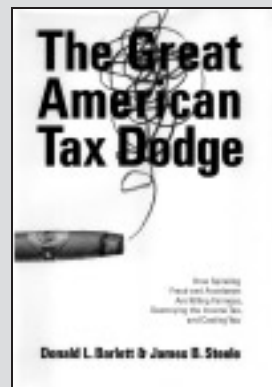
**B**  
• Molly Baker  
**High Flying Adventures in the Stock Market**  
(Wiley)

• Peter Baker  
**The Breach: Inside the Impeachment and Trial of William Jefferson Clinton**  
(Scribner)

**A**  
• Rachel Abramovitz  
**Is That a Gun in Your Pocket?: Women's Experience of Power in Hollywood**  
(Random House)

• Todd Balf  
**The Last River: The Tragic Race for Shangri-La**  
(Crown)

• Vickie L. Bane  
**Dr. Laura: The Unauthorized Biography**  
(St. Martin's)



• Donald L. Barlett and James B. Steele  
**The Great American Tax Dodge**  
(Little, Brown)

• Wayne Barrett  
**Rudy!: An Investigative Biography of Rudolph Giuliani**  
(Basic Books)

• Dan Baum  
**Citizen Coors: An American Dynasty**  
(Morrow)

• Jeff Benedict  
**Without Reservation: The Making of America's Most Powerful Indian Tribe and the World's Largest Casino**  
(HarperCollins)

• Laurence Bergreen  
**Voyage to Mars: Mankind's Search for Life Beyond Earth**  
(Riverhead)

• Dennis Bernstein and Leslie Kean  
**Henry Hyde's Moral Universe: Where More Than Time and Space Are Warped**  
(Common Courage Press)  
[this is a 1999 book inadvertently omitted from last year's list]

• Jeffrey Birnbaum  
**The Money Men: The Real Story of Fundraising's Influence on Political Power in America**  
(Crown)

• Gwenda Blair  
**The Trumps: Three Generations That Built an Empire**  
(Simon & Schuster)

## INVESTIGATIVE BOOKS OF 2000

• Stephen G. Bloom  
**Postville: A Clash of Cultures in Heartland America**  
(Harcourt)

• James Bovard  
**Feeling Your Pain: The Explosion and Abuse of Government Power During the Clinton-Gore Years**  
(St. Martin's)

• Kathy Braidhill  
**To Die For: The Shocking Story of Serial Killer Dana Sue Gray**  
(St. Martin's)

• Joel Brinkley and Steve Lohr  
**U.S. v. Microsoft: The Inside Story of the Landmark Case**  
(McGraw-Hill)

• David Broder  
**Democracy Derailed: The Initiative Movement and the Power of Money**  
(Harcourt)

• Robert Buder  
**Engines of Tomorrow: How the World's Best Companies Are Using Their Research Labs to Win the Future**  
(Simon & Schuster)

• Elinor Burkett  
**The Baby Boon: How Family-Friendly America Cheats the Childless**  
(Free Press)

**C**  
• Jim Carrier  
**The Ship and the Storm: Hurricane Mitch and the Loss of the Fantome**  
(McGraw-Hill)

• Lynn Chandler-Willis  
**Unholy Covenant: A True Story of Murder in North Carolina**  
(Addicus)

• Denise Chong  
**The Girl in the Picture: The Story of Kim Phuc and the Photograph That Changed the Course of the Vietnam War**  
(Viking)

• Wesley Clarkson  
**The Mother's Day Murder**  
(St. Martin's)

• Eleanor Clift and Tom Brazaitis  
**Madam President: Shattering the Last Glass Ceiling**  
(Scribner)

• Michael J. Clowes  
**The Money Flood: How Pension Funds Revolutionized Investing**  
(Wiley)

• Adam Cohen and Elizabeth Taylor  
**American Pharaoh: Richard J. Daley, His Battle for Chicago and the Nation**  
(Little, Brown)

• Susan Cohen and Daniel Cohen  
**Pan Am 103: The Bombing, the Betrayals and a Bereaved Family's Search for Justice**  
(New American Library)

• John Colapinto  
**As Nature Made Him: The Boy Who Was Raised as a Girl**  
(HarperCollins)

• K.C. Cole  
**The Hole in the Universe: How Scientists Peered Over the Edge of Emptiness and Found Everything**  
(Harcourt)

• Larry Colton  
**Counting Coup: A True Story of Basketball and Honor on the Little Big Horn**  
(Doubleday)

• Rod Colvin  
**Evil Harvest: The True Story of Cult Murder in the American Heartland**  
(Addicus)

• Joe Conason and Gene Lyons  
**The Hunting of the President: The Ten-Year Campaign to Destroy Bill and Hillary Clinton**  
(St. Martin's)

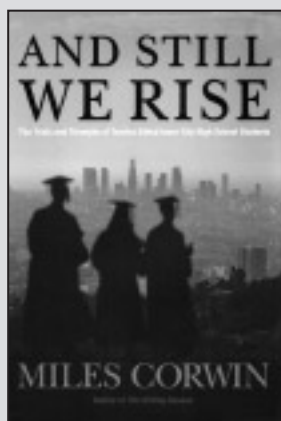


• Ted Conover  
**Newjack: Guarding Sing Sing**  
(Random House)

• John Conroy  
**Unspeakable Acts, Ordinary People: The Dynamics of Torture**  
(Knopf)

• Robert Cooke  
**Waging the War: Dr. Judah Folkman and the Conquest of Cancer**  
(Random House)

• O. Casey Corr  
**Money From Thin Air: The Story of Craig McCaw, the Visionary Who Invented the Cell Phone, and His Next Billion-Dollar Idea**  
(Times Business/Random House)



• Miles Corwin  
**And Still We Rise: The Trials and Triumphs of Twelve Gifted Inner-City Students**  
(Bard/Avon)

• Richard Ben Cramer  
**Joe DiMaggio: The Hero's Life**  
(Simon & Schuster)

**D**  
• Miriam Davidson  
**Lives on the Line: Dispatches From the U.S.-Mexico Border**  
(University of Arizona Press)

• Robert Davidson  
**Fighting Back: A Battered Woman's Desperate Struggle to Survive**  
(Ballantine)

• Pete Davies  
**Inside the Hurricane: Face to Face With Nature's Deadliest Storms**  
(Holt)

• David J. Dent  
**In Search of Black America: Discovering the African-American Dream**  
(Simon & Schuster)

• Alan Deutschman  
**The Second Coming of Steve Jobs**  
(Broadway)

• Jack Doyle  
**Taken for a Ride: Detroit's Big Three and the Politics of Pollution**  
(Four Walls Eight Windows)

• Michael Drummond  
**Renegades of the Empire: How Three Software Warriors Started a Revolution Behind the Walls of Fortress Microsoft**  
(Crown)

• Jim Dwyer, Peter Neufeld and Barry Scheck  
**Actual Innocence: Five Days to Execution and Other Dispatches From the Wrongly Convicted**  
(Doubleday)

• Joel Dyer  
**The Perpetual Prisoner Machine: How America Profits From Crime**  
(Westview)

**E**  
• Pete Earley  
**Super Casino: Inside the New Las Vegas**  
(Bantam)

• Nina J. Easton  
**Playing to Win: How a New Generation of Conservative Leaders Reset the Political Agenda**  
(Simon & Schuster)

• Kurt Eichenwald  
**The Informant**  
[corporate corruption]  
(Broadway)

• John R. Emshwiller  
**Scam Dogs and Mo-Mo Mamas: Inside the Wild and Woolly World of Internet Stock Trading**  
(HarperBusiness)

• Jon Entine  
**Taboo: Why Black Athletes Dominate Sports and Why We Are Afraid to Talk About It**  
(PublicAffairs Press)

• Richard Ernsberger Jr.  
**Bragging Rights: A Season Inside the SEC, College Football's Toughest Conference**  
(Evans)

**F**  
• Steve Fiffer  
**Tyrannosaurus Sue: The Extraordinary Saga of the Largest, Most Fought-Over T-Rex Ever Found**  
(Freeman)

• Frances Fitzgerald  
**Way Out There in the Blue: Reagan, Star Wars and the End of the Cold War**  
(Simon & Schuster)



CONTINUED FROM PAGE 8

### Probing tax policy

While Gup was working against mindless but formidable secrecy, authors Donald Barlett and James Steele were working against secrecy amidst seeming openness. If that sounds like an oxymoron, consider that they were trying to penetrate tax policy made in the U.S. Congress. During their decades together at *The Philadelphia Inquirer*, Barlett-Steele became inextricably linked professionally, and won Pulitzer Prizes, IRE Awards and many other honors for their nearly book-length newspaper exposes. They also wrote superb books, but achieved less recognition in that realm until "America: What Went Wrong?" became a bestseller nearly a decade ago. Now they write best-selling books with regularity as they also produce investigations for *Time* magazine. Their newest book, "The Great American Tax Dodge," finds the Internal Revenue Service less to blame for systemic inequities than the U.S. Congress. As always, their book is an investigative reporting primer. For more on their accomplishments and techniques, the April 1998 issue of *The IRE Journal* is a good place to start.

### The private side

Another long-time active IRE member who is arguably the best in her specialty published a book last year. Diana Henriques, *The New York Times* business reporter, wrote "The White Sharks of Wall Street," an examination of how a now obscure person named Thomas Mellon Evans began the corporate raider phenomenon. This is not Henriques' first book, so it was no surprise that like the others it works so well. Henriques has focused her career on exposing and explaining the private sector, as opposed to government misdeeds. There are not nearly enough reporters focusing on the private sector, but there are undoubtedly more than before thanks to her inspiration by example.

### A corrupt system

Jack Olsen, whose true crime investigative books define quality in that genre, published perhaps his best ever last year. "Last Man Standing," about the wrongful murder conviction of Elmer (Geronimo) Pratt in California, is bound to strain the credulity of novices to the criminal justice system. Could so many police

officers, prosecutors, judges and jurors be so blind or so corrupt? The sad answer is, yes. Unfortunately, the Pratt case, while extreme in some ways, is typical in so many other ways. Wrongful convictions are endemic inside the federal and state court systems, and most journalists are not even looking. More about Olsen's investigative books can be found in the September 1999 issue of *The IRE Journal*.

### The truth and Clinton

Unsurprisingly, multiple journalists published books last year related to President Bill Clinton. On the list that follows are books by Peter Baker, Joe Conason/Gene Lyons, Susan Schmidt/Michael Weisskopf, and Jeffrey Toobin. Furthermore, Michael Isikoff's book on that topic from the previous year appeared in paperback. The books do not always agree with each other on the details, as they approach the scandals from different angles featuring different protagonists. Each one, however, is worthy of study for several reasons. Among them is the demonstration of how long-term

CONTINUED ON PAGE 13 >

## INVESTIGATIVE BOOKS OF 2000

• Sean Flynn  
**Boston D.A.: The Battle to Transform the American Justice System**  
(TV Books)

• Sara Gay Forden  
**The House of Gucci: A Sensational Story of Murder, Madness, Glamour and Greed**  
(Morrow)

• Thomas Frank  
**One Market Under God: Extreme Capitalism, Market Populism and the End of Economic Democracy**  
(Doubleday)

• Samuel G. Freedman  
**Jew Versus Jew**  
(Simon & Schuster)

• Chrystia Freeland  
**Sale of the Century: Russia's Wild Ride From Communism to Capitalism**  
(Crown)

• Michael Freeman  
**ESPN: The Uncensored History**  
(Taylor)

**G**  
• Nicholas Gage  
**Greek Fire: The Story of Maria Callas and Aristotle Onassis**  
(Knopf)

• Simson Garfinkel  
**Database Nation: The Death of Privacy in the 21st Century**  
(O'Reilly)

• Laurie Garrett  
**Betrayal of Trust: The Collapse of Global Public Health**  
(Hyperion)

• Malcolm Gladwell  
**The Tipping Point: How Little Things Can Make a Big Difference**  
(Little, Brown)

• Elliot Goldenberg  
**The Hunting Horse: The Truth Behind the Jonathan Pollard Spy Case**  
(Prometheus)

• Peter Grose  
**Operation Rollback: America's Secret War Behind the Iron Curtain**  
(Houghton Mifflin)

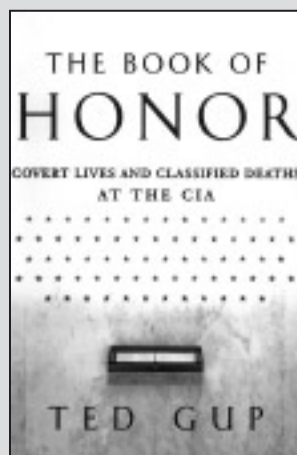
• Ted Gup  
**The Book of Honor: Covert Lives and Classified Deaths at the CIA**  
(Doubleday)

• Stephanie Gutmann  
**The Kinder, Gentler Military: Can the Gender-Neutral Fighting Force Still Win Wars?**  
(Scribner)

**H**  
• Miles Harvey  
**The Island of Lost Maps: A True Story of Cartographic Crime**  
(Random House)

• Adrian Havill  
**While Innocents Slept: A Story of Revenge, Murder and AIDS**  
(Doubleday)

• Paul Hemphill  
**The Ballad of Little River: A Tale of Race and Restless Youth in the Rural South**  
(Free Press)



• Jim Henderson  
**Damaged Goods**  
(Pinnacle)

• Diana B. Henriques  
**The White Sharks of Wall Street: Thomas Mellon Evans and the Original Corporate Raiders**  
(Scribner)

• James S. Hirsch  
**Hurricane: The Miraculous Journey of Rubin "Hurricane" Carter**  
(Houghton Mifflin)

• Steven A. Holmes  
**Ron Brown: An Uncommon Life**  
(Wiley)

• Edward Humes  
**Baby E.R.: The Heroic Doctors and Nurses Who Perform Medicine's Tiniest Miracles**  
(Simon & Schuster)

**I**  
• Molly Ivins with Lou Dubose  
**Shrub: The Short but Happy Political Life of George W. Bush**  
(Random House)

**J**  
• J.A. Johnson Sr.  
**Thief: The Bizarre Story of Fugitive Financier Martin Frankel**  
(Lebhar-Friedman)

## INVESTIGATIVE BOOKS OF 2000

• John B. Judis  
**The Paradox of American Democracy: Elites, Special Interests and the Betrayal of Public Trust**  
(Pantheon)

### K

• Jon Katz  
**Geeks: How Two Lost Boys Rode the Internet Out of Idaho**  
(Willard)

• Lucy Kaylin  
**For the Love of God: The Faith and Future of the American Nun**  
(Morrow)

• Tom King  
**The Operator**  
[David Geffen biography]  
(Random House)

• Andrew Kirtzman  
**Rudy Giuliani: Emperor of the City**  
(Morrow)

• Paul Klebnikov  
**Godfather of the Kremlin**  
(Harcourt Brace)

• Jonathan Kozol  
**Ordinary Resurrections: Children in the Years of Hope**  
(Crown)

• Nicholas D. Kristof and Sheryl WuDunn  
**Thunder From the East: Portrait of a Rising Asia**  
(Knopf)

• Howard Kurtz  
**The Fortune Tellers: Inside Wall Street's Game of Money, Media and Manipulation**  
(Free Press)

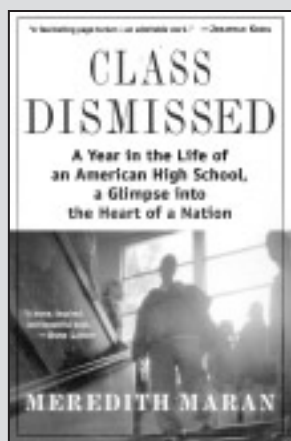
### L

• Denise Lang  
**A Call for Justice**  
[true crime]  
(Avon)

• A.J. Langguth  
**Our Vietnam: The War, 1954-1975**  
(Simon & Schuster)

• Don Lasseter  
**Die for Me**  
[true crime]  
(Pinnacle)

• Dick Lehr and Gerald O'Neill  
**Black Mass: The Irish Mob, the FBI and a Devil's Deal**  
(PublicAffairs Press)



• Clifford L. Linedecker  
**Blood in the Sand: A Shocking True Story of Murder, Revenge and Greed**  
(St. Martin's)

• Thomas W. Lippmann  
**Madeleine Albright and the New American Diplomacy**  
(Westview Press)

• Jere Longman  
**The Girls of Summer: The U.S. Women's Soccer Team and How It Changed the World**  
(HarperCollins)

• Roger Lowenstein  
**When Genius Failed: The Rise and Fall of Long-Term Capital Management**  
(Random House)

### M

• John R. Macarthur  
**The Selling of Free Trade: NAFTA, Washington, and the Subversion of American Democracy**  
(Hill & Wang)

• Karl Maier  
**This House Has Fallen: Midnight in Nigeria**  
(PublicAffairs Press)

• Scott L. Malcomson  
**One Drop of Blood: The American Misadventure of Race**  
(Farrar, Straus and Giroux)

• Catherine S. Manegold  
**In Glory's Shadow: Shannon Faulkner, The Citadel and a Changing America**  
(Knopf)

• Tom Mangold and Jeff Goldberg  
**Plague Wars: The Terrifying Reality of Biological Weapons**  
(St. Martin's)

• Richard Manning  
**Food's Frontier: The Next Green Revolution**  
(North Point/FSG)

• Meredith Maran  
**Class Dismissed: Senior Year at an American High School**  
(St. Martin's)

• David Maraniss and Ellen Nakashima  
**The Prince of Tennessee: How Al Gore Met His Fate**  
(Simon & Schuster)

• Eric Margolis  
**War at the Top of the World: The Struggle for Afghanistan, Kashmir and Tibet**  
(Routledge)

• Justin Martin  
**Greenspan: The Man Behind the Money**  
(Perseus)

• Kim Masters  
**The Keys to the Kingdom: How Michael Eisner Lost His Grip**  
(Morrow)

• Dennis McDougal  
**The Yosemite Murders**  
(Ballantine)

• Alice McQuillan  
**They Call Them Grifters**  
[true crime]  
(Onyx)

• Marion Meade  
**The Unruly Life of Woody Allen: A Biography**  
(Scribner)

• Kenneth Meeks  
**Driving While Black: Highways, Shopping Malls, Taxicabs, Side-walks—What to Do If You Are a Victim of Racial Profiling**  
(Broadway Books)

• Linda Melvern  
**A People Betrayed: The Role of the West in Rwanda's Genocide**  
(Zed)

• Martin Meredith  
**Coming to Terms: South Africa's Search for Truth**  
(PublicAffairs Press)

• John Micklethwait and Adrian Wooldridge  
**A Future Perfect: The Challenge and Hidden Promise of Globalization**  
(Crown Business)

• G. Wayne Miller  
**King of Hearts: The True Story of the Maverick Who Pioneered Open-Heart Surgery**  
(Times Books)

• Jim Motavalli  
**Forward Drive: The Race to Build Clean Cars for the Future**  
(Sierra Club Books)

• Jim Myers  
**Afraid of the Dark: What Whites and Blacks Need to Know About Each Other**  
(Lawrence Hill Books)

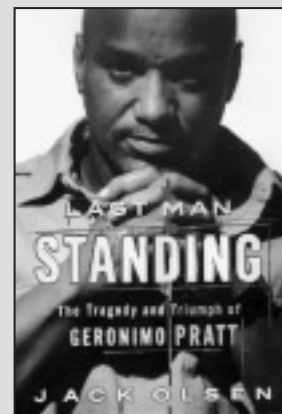
### N

• Pamela Newkirk  
**Within the Veil: Black Journalists, White Media**  
(New York University Press)

• Hank Nuwer  
**High School Hazing: When Rites Become Wrongs**  
(Franklin Watts)

### O

• Geoffrey O'Gara  
**What You See in Clear Water: Life on the Wind River Reservation**  
(Knopf)



• Jack Olsen  
**Last Man Standing: The Tragedy and Triumph of Geronimo Pratt**  
(Doubleday)

• Peggy Orenstein  
**Flux: Women on Sex, Work, Love, Kids and Life in a Half-Changed World**  
(Doubleday)

### P

• Adam Penenberg and Marc Barry  
**Spooked: Espionage in Corporate America**  
(Perseus)

## INVESTIGATIVE BOOKS OF 2000

• Adam Pertman  
**Adoption Nation: How the Adoption Revolution Is Transforming America** (Basic)

• Scott Peterson  
**Me Against My Brother: At War in Somalia, Sudan and Rwanda** (Routledge)

• Peter Phillips and Project Censored  
**Censored 2000: The Year's Top 25 Censored Stories** (Seven Stories Press)

• Robert Pool  
**Fat: Fighting the Obesity Epidemic** (Oxford University Press)

### R

• Ed Regis  
**The Biology of Doom: The History of America's Secret Germ Warfare Project** (Holt)

• Nicholas Regush  
**The Virus Within: A Coming Epidemic** (Wildcat Press)

• Jeffrey Robinson  
**The Merger: The Conglomeration of International Organized Crime** (Overlook)

• Fred Rosen  
**Deacon of Death** [true crime] (Pinnacle)

• Ron Rosenbaum  
**The Secret Parts of Fortune** [collection of his investigative reporting, with some new material] (Random House)

• John Ross  
**The War Against Oblivion: Zapatista Chronicles 1994 – 2000** (Common Courage)

### S

• Peter Sacks  
**Standardized Minds: The High Price of America's Testing Culture and What We Can Do About It** (Perseus)

• Susan Schmidt and Michael Weisskopf  
**Truth at Any Cost: Ken Starr and the Unmaking of Bill Clinton** (HarperCollins)

• Karl Schoenberger  
**Levi's Children: Coming to Terms With Human Rights in the Global Marketplace** (Atlantic Monthly Press)

• Elaine Sciolino  
**Persian Mirrors: The Elusive Face of Iran** (Free Press)

• Cathy Scott  
**The Murder of Biggie Smalls** (St. Martin's)

• Sterling Seagrave and Peggy Seagrave  
**The Yamato Dynasty: The Secret History of Japan's Imperial Family** (Broadway Books)

• William Shaw  
**Westside: Young Men and Hip Hop in L.A.** (Simon & Schuster)

• William Shawcross  
**Deliver Us From Evil: Peacekeepers, Warlords and a World of Endless Conflict** (Simon & Schuster)

• Martha Sherrill  
**The Buddha From Brooklyn** (Random House)

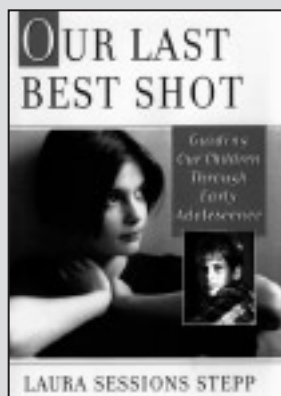
• Ken Silverstein  
**Private Warriors** (Verso)

• Carlton Smith  
**Bitter Medicine** [true crime] (St. Martin's)

• Carlton Smith  
**Hunting Evil** [true crime] (St. Martin's)

• William Souder  
**A Plague of Frogs: The Horrifying True Story** (Hyperion)

• Robert Spector  
**Amazon.com: Get Big Fast** (HarperBusiness)



• Laura Sessions Stepp  
**Our Last Best Shot: Guiding Our Children Through Early Adolescence** (Riverhead)

• Bradley A. Stertz and Bill Vlasic  
**Taken for a Ride: How Daimler Benz Drove Off With Chrysler** (Morrow)

• William K. Stevens  
**The Change in the Weather: People, Weather and the Science of Climate** (Delacorte)

• Michael Stone  
**Gangbusters: How a Street-Tough Elite Homicide Unit Took Down New York's Most Dangerous Gang** (Doubleday)

• Randall E. Stross  
**eBoys: The True Story of the Six Tall Men Who Backed eBay, Webvan and Other Billion-Dollar Startups** (Crown)

• Robert Sullivan  
**A Whale Hunt: Two Years on the Olympic Peninsula With the Makah and Their Canoe** (Scribner)

• Anthony Summers  
**The Arrogance of Power: The Secret World of Richard Nixon** (Viking)

### T

• Nick Taylor  
**Laser: The Inventor, the Nobel Laureate and the Thirty-Year Patent War** (Simon & Schuster)

• Evan Thomas  
**Robert Kennedy: His Life** (Simon & Schuster)

• Dick Thompson  
**Volcano Cowboys: Looking for Answers in the Angry Craters** (St. Martin's/Dunne)

• Patrick Tierney  
**Darkness in El Dorado: How Scientists and Journalists Devastated the Amazon** (Norton)

• Jeffrey Toobin  
**A Vast Conspiracy: The Real Story of the Sex Scandal That Nearly Brought Down a President** (Random House)

• Nick Tosches  
**The Devil and Sonny Liston** (Little, Brown)

• Bill Turque  
**Inventing AI Gore: A Biography** (Houghton Mifflin)

• Peter Tyson  
**The Eighth Continent: Life, Death and Discovery in the Lost World of Madagascar** (Morrow)

### W

• Peter Wayner  
**Free for All: How Linux and the Free Software Movement Undercut the High-Tech Titans** (HarperBusiness)

• Bill Weinberg  
**Homage to Chiapas: The New Indigenous Struggles in Mexico** (Verso)

• Michael J. Weiss  
**The Clustered World: How We Live, What We Buy, and What It All Means About Who We Are** (Little, Brown)

• Dan Wetzel and Don Yaeger  
**Sole Influence: Basketball, Corporate Greed and the Corruption of America's Youth** (Warner)

• David Wise  
**Cassidy's Run: The Secret Spy War Over Nerve Gas** (Random House)

• Colin Woodard  
**Ocean's End: Travels Through Endangered Seas** (Basic Books)

• Bob Woodward  
**Maestro: Greenspan's Fed and the American Boom** (Simon & Schuster)

• Kenneth Woodward  
**The Book of Miracles: The Meaning of the Miracle Stories in Christianity, Judaism, Buddhism, Hinduism, Islam** (Simon & Schuster)

• Robin Wright  
**The Last Great Revolution: Turmoil and Transformation in Iran** (Knopf)

### Z

• G. Pascal Zachary  
**The Global Me** (PublicAffairs Press)

• Dan Zegart  
**Civil Warriors: The Legal Siege on the Tobacco Industry** (Delacorte)

• Helen Zia  
**Asian American Dreams: The Emergence of an American People** (Farrar Straus Giroux)

## LEGAL CORNER

CONTINUED FROM PAGE 10

cultivation of human sources can pay off in insightful quotations and how documents that have never been made public (but ought to have been) can be obtained and mined for new information about an oft-told tale. In addition, they demonstrate how institutional structures affect versions of reality, as when the congressional impeachment process hampers the search for truth rather than enhancing it.

### Anything for a story

A number of journalists with books on the list obtained their information mostly through immersion, hanging out day after day, week after week, month after month with the subjects of their inquiries. Some of the most striking books deriving from that technique are by Laura Sessions Stepp, Miles Corwin and Ted Conover. Conover's book, "Newjack: Guarding Sing Sing," has to qualify as one of the highest-risk books published in 2000. To learn about prison conditions, Conover, using his real name but obscuring his profession, went through training to become a New York State prison guard. He spent about a year working in daily dangerous conditions to gather the bulk of the information for the book.

During 2000, commentators bemoaned the conglomeration of U.S. book publishing, as commentators having been doing for many years. Despite that trend, which is causing some publishers to back away from books that might harm their own convoluted corporate interests or fail to adequately enhance their bottom line, lots of informative books by journalists are getting written and distributed. Journalists overcame an extremely high degree of difficulty to publish books last year, and are already doing so this year.

Every year, I do my best to compile this list. I limit it to books published for the first time during the year, by U.S. publishers, in English, from authors who are primarily journalists. I define "investigative" and "public affairs" broadly during the compilation process. Undoubtedly I have missed some books. If you know of any, please let me know via email (weinbergs@missouri.edu), telephone (573-882-5468), fax (573-882-5431) or write to me c/o IRE, Neff Annex, Journalism School, University of Missouri, Columbia, Mo. 65211.

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

## Courts looking more closely at reporter-source relationships

On December 21, 1996, when Newt Gingrich was under investigation by the House Ethics Committee, a Florida couple intercepted and recorded a cellular telephone conversation between U.S. Rep. John A. Boehner and other members of the Republican party, including Gingrich. The couple delivered the tape to U.S. Rep. Jim McDermott (then the ranking Democratic member of the House Ethics Committee) along with a cover letter explaining that the tape contained "a conference call heard over a scanner." McDermott gave copies of the tape to three newspapers. Each published an article about the intercepted transmission, which captured discussions about an expected Ethics Subcommittee announcement of Gingrich's agreement to accept a reprimand and pay a fine in exchange for the subcommittee's promise not to hold a hearing.

Under the Federal Wiretap Statute, if a person knows or has reason to know that information was obtained illegally, its disclosure may be punishable either by a private lawsuit or a criminal action. A criminal action also can be brought if a person "procures" an unlawful interception. Accordingly, despite their initial request for immunity, the Florida couple were prosecuted and found guilty for intercepting and disclosing the Gingrich wireless transmission. But it didn't end there.

About one year later, Boehner filed a civil lawsuit against McDermott (but not the newspapers) for violating the wiretap statute by providing a tape of the Gingrich phone call to the media with knowledge that it was obtained illegally. The trial court dismissed the case, but the appeals court reversed, holding that it was not only important to penalize the unlawful interception, but also later disclosure. This signaled potential trouble for reporters.

### Traditional protections

Can reporters violate the law with impunity in order to obtain newsworthy information? No. Reporters risk civil or criminal liability if they trespass, commit fraud, breach contracts, break into e-mail systems or conduct an unlawful wiretap in pursuit of a story, no matter how important the report may be.

Ever since the Pentagon Papers case, the First

Amendment has generally protected reporters who published truthful, newsworthy information they received lawfully from a source even if the source broke the law either in obtaining it or by passing it on to a reporter. Good reporters, therefore, routinely cultivate sources in the hope that they will leak important information, such as confidential grand jury testimony or privileged information about public corruption. Subject to the protections afforded by the First Amendment and state shield laws, this process has allowed investigative reporters to pursue stories aggressively through their sources, rather than breaking the law by their own actions.

But things have begun to change. Courts are looking more closely at the relationship between reporters and their sources. For example, if a source breaks the law in obtaining or relaying information to a reporter, is the reporter somehow implicated in the crime by having encouraged, aided and abetted, or rewarded the source?

The federal wiretap statute raises the same type of issue in a unique constitutional context: Is the government's interest in keeping telephone calls private furthered by exacting punishment against those who disclose the contents of the phone calls but had nothing to do with the unlawful interception?

### Bartnicki v. Volpper

During a telephone conversation in May 1993, the president of a union told the union's chief negotiator that unless a sufficient pay increase was offered by city officials, "we're gonna have to go to their, their homes ... to blow off their front porches, we'll have to do some work on some of those guys. ..." An unknown person taped the call, then deposited a copy of the recording in the mailbox of a member of the school board and another in the mailbox of Jack Yocum, the head of a civic group organized to oppose the unions' demands. Yocum promptly alerted several members of the school board to the tape's contents and played the recording for them.

Yocum also supplied a copy of the tape to several media figures, including Fred Vopper, the



EDWARD J. KLARIS

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*Edward J. Klaris is general counsel for The New Yorker.*

# GAINING INSIGHT INTO PRIVATE FOUNDATIONS

BY JEFF PORTER

OF THE ARKANSAS DEMOCRAT-GAZETTE

Outside of the grant-seeking or grant-making industries, the term “private foundation” means little.

But for colleges and universities, hospitals and libraries, museums and zoos, the term means this: money.

We assign scores of reporters to cover government. An entire section is devoted to business. But when it comes to philanthropy – billions and billions of dollars – we write routine stories about big gifts and seldom look below the surface.

James M. Naughton, president of the nonprofit Poynter Institute, would tell you that’s wrong. In a speech for the Knight Program in Ethics in the Department of Journalism and Mass Communications at Washington and Lee University, he said that nonprofit businesses had 7 million employees, representing 6 percent of the nation’s total economic output.

“Since 1970 they were growing at a rate four times as fast as the rest of the economy,”

Naughton said. “You would think that they – and the implications of their growth – would be at least Topic C, if not Topic A or B, in the news.”

So, taking Naughton’s advice, the *Arkansas Democrat-Gazette* in Little Rock embarked on a detailed look at private foundations. What we found was astounding: Arkansas’ 273 private foundations controlled about \$1.5 billion in assets and handed out \$116 million during the last year reported. And that’s for a state that lags behind the rest of the nation.

Without the foundations, the impoverished Mississippi River Delta would be even more desperate. Fewer students could afford college tuition. The arts would have a much smaller canvas. To match just one 1998 grant from the Walton Family Foundation in Bentonville, Ark., the Girl Scouts would have to sell 110,000 boxes of cookies.

It became clear to us that, directly or indirectly, the life of every Arkansan is touched.

available in a fair amount of detail. IRS return transaction files for private foundations contain such information as expenses, revenue, gifts, both book and fair market value of assets and investments. We obtained several years worth of data through the National Center for Charitable Statistics, a New York nonprofit.

And if you’re interested in even more information available online, consider:

- The Foundation Center in New York, which keeps tabs on foundations. The organization’s Web site and its publications are invaluable. The Council of Foundations in Washington – a trade organization – and a series of regional councils all have helpful Web sites. At the Foundation Center’s Web site, you can find a list of the center’s regional libraries and cooperating collections. If your city is of any size, your local public library might house a cooperating collection. There, more vital pieces of information are available: a copy of the center’s proprietary database listing not only basic financial information but also specific gift recipients, foundation officers and more. The center’s software includes an interactive search allowing you, for example, to find all gift recipients dealing with education in your particular state. The information is slightly outdated, but it’s a good starting point. Also at the cooperating collections: microfiche copies of the 990-PF tax returns of your state’s private foundations, possibly several years’ worth.

IRS regulations require private foundations to send copies of their tax returns to their state’s attorney general, so there’s another possible source for tax returns.

- GuideStar, where you can look up at least some financial information on a nonprofit. In many cases, you can download an Acrobat image of its latest tax return.
- The IRS, which has a plethora of nonprofit-related information online, including data files with all non-profits, plus reports and studies on the nonprofit world. You can also download and read the IRS instructions and regulations for non-profits.

The IRS return transaction files can supply both general and specific foundation information. Using your software of choice, you can show timelines of total foundations, grant making, assets, even investment income; you can compare states, cities, counties in a snapshot or in a timeline. Then, you can discover details on specific foundations in your state, county, city or nationwide – which are the largest, which ones hand out more money than required, which ones are doing well on the stock market.

## WEB RESOURCES

Several Web sites can help you in your philanthropy research. Some information is available only for group members or subscribers, but all these sites offer useful information for free:

Internal Revenue Service, tax exempt statistics  
[www.irs.treas.gov/tax\\_stats/exempt.html](http://www.irs.treas.gov/tax_stats/exempt.html)

The Foundation Center  
[www.fdncenter.org](http://www.fdncenter.org)

Council of Foundations  
[www.cof.org](http://www.cof.org)

GuideStar  
[www.guidestar.org](http://www.guidestar.org)

National Center for Charitable Statistics  
<http://nccs.urban.org>

The Chronicle of Philanthropy  
<http://philanthropy.com>

Independent Sector  
[www.indepsec.org](http://www.indepsec.org)

National Institute for Computer-Assisted Reporting  
[www.nicar.org](http://www.nicar.org)

## Tracking the data

Naughton repeated an old journalism adage about following the money, and that turned out to be quite easy.

Most nonprofit organizations of any size are required to file tax returns – called 990 forms – with the Internal Revenue Service each year. The returns are open to the public. The nonprofits themselves are required to provide copies for reasonable fees.

The private foundations, though, have even more information available. They file a form called the 990-PF, much more detailed than the 990. Unlike the typical nonprofit, which might call itself a “foundation,” a private foundation has a very specific source for its original funding, such as a family or a corporation.

In addition, electronic data is

## Sifting the information

After the data help you pinpoint patterns, trends and specific foundations of interest, the next step is to review tax returns and the Foundation Center data if available. Some of the information – in fact, some of the most interesting – is only on paper. For example, 990-PF returns include information on where the foundation gets its money and who gets the grants. A comparison might be interesting. One Arkansas private foundation funded a tobacco-fighting health organization. But the same tax return shows that the foundation made some of its money by investing in tobacco.

The point of all this homework: generating intelligent questions, finding good sources with expertise on the topic and deciding which numbers actually deserve to be included in your story.

Our first story, published in November 1999, included some key statistics on the overall picture, then snapshots of some of Arkansas' largest private foundations. Accompanying the article was a half-page listing of Arkansas' private foundations, including assets, gifts and purposes.

For the next story, we focused on private foundation money flowing to the Mississippi River Delta, primarily using Foundation Center data, paper copies of 990-PFs and online research – many of the large private foundations have substantial Web sites – to find details. We visited Delta town Pine Bluff, Ark., interviewing successful small business owners who received their start through a nonprofit's loan program. That nonprofit began its life through a large private foundation investment.

Then in January 2000, we used an even tighter focus. It became clear that the Walton Family Foundation, even with its large assets, was still in its early stage of development. We attempted to look into the future wealth of the Walton foundation. The story laid out in detail the foundation's increasing income from the family itself and Sam and Helen Walton's charitable remainder trusts, a common and powerful weapon in both tax saving and philanthropy.

For months, we received phone calls from Arkansas grant seekers requesting information about specific foundations. Thanks to the Web information available, we could simply point them in the right direction.

*Jeff Porter is a CAR specialist for the Arkansas Democrat-Gazette's enterprise desk. His most recent work includes dissecting deadly roads and tracking down repeat offenders.*

## E-mails and cookies: Electronic tests of open records

As technology continues to race ahead of the law, freedom of information advocates watch, somewhat helplessly, as the public's conceptualization of public information – and privacy – morph daily.

Two public records issues will test the public's patience in the next few years: e-mail and cookies. Both beg the question of how much is too much, and of the public's willingness (or lack thereof) to accept the argument that public records are public records, regardless of their format.

E-mail, and the capability it offers public officials to communicate away from the public eye, is rapidly becoming an important freedom of information battle. Public officials around the country are slowly awakening to the fact that e-mail, interactive chat and other teleconferencing technologies provide them with the electronic equivalent of the old smoke-filled room.

A telling example was provided last month by *The Lynchburg News & Advance*. Following a request under Virginia's public records law, *The News & Advance* obtained e-mails revealing an extensive private discussion by Lynchburg School Board members that took place before a controversial vote on censoring an anatomy textbook.

In the wake of the story, some public officials said that type of debate should go on where the public can hear it. Others say e-mail allows them (officials) the chance to hash out opinions without fear of scrutiny. E-mail allows them to speak their minds without fear of repercussion, they say, encouraging creativity and fueling debate without forcing the officials to make up their minds under public scrutiny.

The problem is, Virginia's FOI law defines public records rather broadly as any record, whether written on paper or saved to a computer's hard drive, that is "prepared, owned or possessed" by a public body. Meanwhile, the state's open meetings law requires any public body to notify the public and provide access to any gathering of three or more public officials.

What is a gathering? And when does e-mail equate to a three-way conversation? These ques-

tions will determine the fate of e-mail as a public record in Virginia, and across the nation.

Frosty Landon, executive director of the Virginia Coalition for Open Government and former executive editor of *The Roanoke Times*, said e-mail is very clearly a public record under Virginia FOI law.

"When you write an e-mail, it is a written record," Landon said. "You are using a keyboard and anticipating that someone will read it. Just because it is stored electronically on a computer doesn't make a difference."

Landon believes e-mail between two members is just as public as an e-mail sent from one to all members of a public body. He is concerned that e-mail as a public record will continue to haunt access law as public officials recoil from the sudden airing of their once-private e-mails.

"Right now, we are all clear on this issue, but I do worry," he said. "As reporters begin filing more requests seeking e-mail, we could very well see a backlash. It's just pretty rare right now, and we are sticking to our guns, because e-mail very clearly is a record."

A related issue is e-mail storage. Which public records must be archived? What is being deleted, and for what reasons?

Florida has witnessed a major dust-up on this very issue in recent weeks. A state employee asked the Florida Department of Law Enforcement to investigate the contents of his computer. Why? To counter charges by a local attorney that files on the hard drive of the official's computer were deleted the day after the attorney filed a public records request to copy the hard drives of the employee's computer and those of several other Fish & Wildlife Commission employees.

The FDLE found no destruction of e-mail or other records from the official's hard drive, and thus no public records law violation. But the case points to the difficulties of freedom of information in the information age, where chat can replace public debate and where e-mail is a public record.



CHARLES DAVIS

*Charles Davis is executive director of the Freedom of Information Center, an assistant professor at the Missouri School of Journalism and a member of IRE's FOI Committee.*

# PRIVACY

Panel addresses growing debate over protected information

BY PAUL MONIES  
OF THE MISSOURI SCHOOL OF JOURNALISM

While privacy on the Internet has garnered a lot of attention these days, the whole issue of privacy needs to be explored more by the media, especially in light of some conflicting views by the public.

Specifically, polls suggest that while nine out of 10 Americans want more privacy, many people willingly surrender personal information to large corporations in return for a discount on groceries or for a few extra air miles.

“We talk out of both sides of our mouths when it comes to privacy,” says Charles Davis of the University of Missouri’s Freedom of Information Center.

Davis shared his views at a panel on “New Media Ethics and Privacy” at the 2000 National Computer-Assisted Reporting Conference in Lexington, Ky., held in September. He was joined by Rebecca Daugherty, director of the Freedom of Information Service Center at the Reporters Committee for Freedom of the Press,

Robert O’Harrow of *The Washington Post* and Dan Gillmor of the *San Jose Mercury News*.

Consumers may gain extra goodies by sharing private information, but marketers gain much more — comprehensive data on consumer behavior. At the same time, however, journalists have a tough time convincing the general public that personal information, laid out in government databases, should be open and accessible to all.

Davis says journalists should remind their readers of the difference between data collected by corporations and data collected by government agencies.

“We have to tell the public the way we use data is different from how Procter & Gamble uses it,” Davis said.

However, O’Harrow admits that journalists haven’t even laid enough groundwork to educate readers on why public records are important, let alone private ones. Davis says that critics want to close off information being posted by government agencies on Web sites because of privacy concerns.

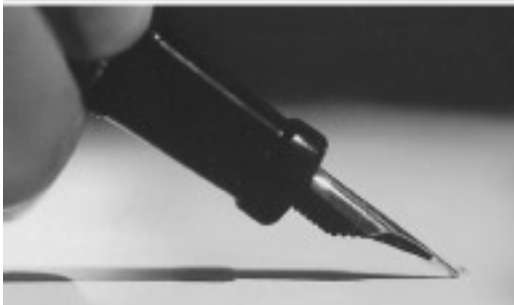
“Unfortunately, the government is using scare tactics to close off public records,” Gillmor says.



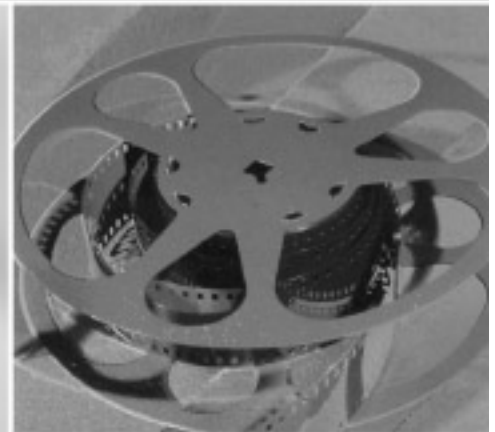
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## GUEST COLUMN

Wen Ho Lee story reminder:  
Secrecy calls for skepticism

LEN ACKLAND

In an example indicative of the problem, a member of the Lexington audience told of the unintended morphing of privacy legislation in Colorado. The 1994 Driver's Protection Act prohibits state DMVs from reselling certain driver's license data, but since local police departments in Colorado collect some of the same information, they conclude they are arms of the DMV.

"That's a great example of what's going wrong with privacy," Gillmor says.

Notes Davis: "Privacy is becoming an industry. It's not just a topic anymore. There's a whole cottage industry emerging to protect personal privacy."

O'Harrow, who covers privacy issues for *The Post*, says that the fledgling privacy beat is much like the early days of civil rights reporting and environmental reporting.

Some issues of concern on the privacy beat include when companies legitimately get public records and turn around to resell and append it with other information, and the lack of individual control over information once it is out there.

For example, drug companies can buy prescription information from pharmacists. O'Harrow says that while most people think of medical records as private and confidential, in truth they are among the least protected records in America. Specifically, those in HMOs, banks and security firms all have access to insurance records, which ultimately lead to medical records.

"When bad medical things are happening, public records are important," Daugherty says. "The First Amendment should be a huge defense for that."

But Davis says that there are various uses for data, and it's not just journalists who can claim a public interest. Since researchers and historians all use public records and government data, Gillmor says he sees a problem with setting journalists apart from the general public.

"What are the definitions of a journalist in the Internet era?" Gillmor says. "Serious problems arise when government defines what a journalist is."

Notes O'Harrow: "Privacy is a great story. These stories have a very real impact on very real people. There's room for explaining the issue in real ways."

*Paul Monies is a graduate student at the Missouri School of Journalism and a database analyst in the IRE and NICAR Database Library.*

When I told a friend that I was doing a short piece about media coverage of the Wen Ho Lee case, he replied, "Oh, yeah, he's the spy who gave U.S. nuclear secrets to the Chinese."

That description aptly summarizes the public's misperception about one of the more tragic, if fascinating, stories of the post Cold War period. On one level, the case is a stark reminder that the nuclear weapons age and the real risks of nuclear proliferation and war are still with us. On another, the virtual evisceration of 60-year-old Wen Ho Lee should serve as a poignant lesson that journalists must be particularly circumspect and skeptical when writing about "national security." With so much – including sources – wrapped in secrecy, it is easier than usual for journalists to be used, misled, or guided to unsupported inferences.

Today, nearly two years after *The New York Times* ran a March 6, 1999, story charging that a spy from Los Alamos National Laboratory had supplied vital nuclear weapons information to the Chinese, many unknowns still exist. What is known includes the fact that two days after *The Times* story broke, Energy Secretary Bill Richardson personally fired Los Alamos scientist Wen Ho Lee, a Taiwan-born, naturalized U.S. citizen. Nine months later the government charged Lee with 59 felony counts of mishandling national security data described as U.S. nuclear "crown jewels." Although he never was charged with spying, the government and media insinuated that Lee was a spy. Denied bail, he spent 278 days harshly jailed in solitary confinement until his release on September 13, 2000, after he pleaded guilty to one felony violation of mishandling classified information and agreed to tell investigators what happened to the data he had downloaded to his computer. While a serious violation, this was a far cry from the accusations that tarred Lee in the public mind.

*The Times'* news editors admitted as much when the paper published an extraordinary *mea*

*culpa* about its coverage of the case on page 2 of its September 26, 2000

edition. After some backslapping for its reporters and itself, *The Times* – in a watered down nature – did list errors of commission and omission in its coverage. For example, the editors wrote that the initial March 6, 1999 article's assertion "that the Chinese made a surprising leap in the miniaturization of nuclear weapons remains unchallenged." Yet, they admitted, the article "had flaws that are more apparent now that the weaknesses of the FBI case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player or completely uninvolved."

The editors also conceded that "In place of a tone of journalistic detachment from our sources, we occasionally used language that adopted the sense of alarm that was contained in official reports and was being voiced to us by investigators, members of Congress and administration officials with knowledge of the case."

The editors' note not only followed developments in the Wen Ho Lee case itself, but came after serious criticism aimed at the paper from other quarters, most forcefully from an article in the November 1999 issue of *Brill's Content*. Among other things, this article contrasted the stories by reporters James Risen and Jeff Gerth, who broke the original story, and the later, more sober reporting by experienced science and national security writer Bill Broad. The *Brill's* article triggered a sharp exchange of letters and charges and counter-charges between its author Robert Schmidt and *Times* investigations editor Stephen Engelberg. The package is well worth reading.

*The Times* clearly drove the Wen Ho Lee story, but the rest of the U.S. media usually went along for the ride. "Overall, with some exceptions,

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*Len Ackland is author of "Making a Real Killing: Rocky Flats and the Nuclear West" (U. of New Mexico Press, 1999). He is a journalism professor at the University of Colorado at Boulder and the former editor of the Bulletin of the Atomic Scientists.*



Photo: The Wichita Eagle



Wichita teens Brett and Laura Kunkel died from injuries they suffered in this August 1999 accident involving seizure-prone driver Michael L. Jenkins. Rescue workers had to cut the teenagers out of the car after the accident, which was Jenkins' 10th serious one of the decade. The Wichita Eagle, using state accident data, found there were at least 20 drivers in Kansas with as many serious accidents as Jenkins during the 1990s.

# KANSAS DRIVERS

Fight for accident records  
pays off in multiple stories

BY JIM LEWERS  
OF THE WICHITA EAGLE

When *The Wichita Eagle* asked the Kansas Department of Transportation for all of the Kansas traffic accident data for the 1990s, reporters and editors had mostly vague ideas about what stories would result. They also had an open records fight on their hands. A year later, the data has helped *The Eagle* report several traffic-safety stories – including “Accidents waiting to happen,” a recent three-part series about the state’s most accident-prone drivers.

When seizure-prone driver Michael L. Jenkins’ 10th serious accident of the 1990s left two Wichita teenagers dead, many people wondered why he was driving.

Now Kansans are wondering how there could be 19 other drivers who were involved in as many or more serious accidents (ones that resulted in injury or at least \$500 damage) during the same period.

Within a couple of weeks of Jenkins’ Aug. 19, 1999 accident, *The Wichita Eagle* started seeking the Kansas Department of Transportation’s accident database for the 1990s. We knew the accident data was there because we already had used a very small slice of it to do a story about accidents involving police pursuits doubling in our state. The data might help with the Jenkins story, but the real draw for us was there might be a comprehensive set of public records available

that would allow us to write with authority about an increasingly important subject to our readers: traffic safety.

A year later, the newspaper has used the data as the foundation for several stories about traffic safety.

Probably most surprising has been a recent three-part series that documents nearly 2,000 Kansas drivers who were involved in five or more serious accidents during the 1990s, including at least 20 drivers involved in 10 or more. One Wichita man was in at least 37 accidents during the decade.

We still use the data almost daily, and we plan to soon make it available to every reporter on our staff through a newsroom intranet.

And one of the best parts: We didn’t end up paying the more than \$51,000 the state estimated the data would cost.

## Payment in advance

The Transportation Department initially estimated a five-year chunk of its accident database would cost us \$30,183 and 10-years’ worth would be \$51,710 – all payable in advance, the letters stressed. Its open records custodian also told us federal law prohibited release of “personal and site specific information.”

That would have meant no names and no places. Even at that point it was obvious some of the best uses of the data wouldn’t work without that information. How could you figure out if an intersection had more than its share of accidents? And the accident-prone drivers series would have never happened.

We disagreed with the Transportation Department.

We argued that the individual accident reports making up the database are expressly open records under state law. Therefore, the electronic form also had to be open.

We argued that the agency could not charge us five cents for each line of data it provided because state law only allows agencies to recover costs.

We argued that the federal law about “personal and site specific information” had nothing to do with our request because that law only dealt with evidence in lawsuits. We assured them we had no intention of using the data as evidence in a trial and observed that since federal law forbids anyone from using it as evidence, a judge couldn’t admit it anyway.

When we copied a letter to our lawyer, they called us, wanting to set up a meeting between



Wayne Loudon had at least 37 accidents during the 1990s, according to Kansas Department of Transportation accident data and accident reports. Loudon acknowledged to reporters he had too many accidents. Loudon, who was not ticketed in most of the wrecks, said it was hard to explain the number of accidents he'd been involved in. "Some are just blind luck, and some are just inattention on my part," he said.

the transportation secretary and our top editor, Rick Thames.

The secretary and his chief attorney told Thames they feared release of the data could expose the state to lawsuits. They told Thames they were using the same federal law to shield railroad crossing safety ratings from a western Kansas newspaper, *The Garden City Telegram*, and that dispute was already in court.

They also said they had felt enough political pressure from a string of editorials about that case that if they lost it, they would give us the accident data.

Three months later, they lost.

Our total cost: less than \$100.

## Deer and seat belts

Once our computer-assisted reporting expert, Hurst Laviana, got the accident database loaded and ready to go, we found that it was several databases and was by far the biggest chunk of data with which *The Eagle* had ever dealt.

One of the first uses Laviana found for the data was to contribute to a quick front-page package about car-deer collisions, an increasing danger in Kansas. He used the data to help explain where and why the accidents were

happening.

He also suggested that the next two subjects

on our list should be seat-belt

use and motorcycle safety. Kansas is part of a group of states some refer to as the "beltless belt" for its poor seat belt use. The governor is pushing for a primary seat belt law. The state also does not have a helmet law for motorcyclists.

Reporter Novelda Sommers and I used the accident data to get to the heart of the

seat-belt matter: People who did not wear seat belts died at a rate 14 times higher than those who wore both lap and shoulder restraints in serious accidents in the 1990s.

Then, when seat belt opponents tossed the issue of belt use on school buses into the political mix, we used the data to show that no one died on a school bus in Kansas during the decade while not wearing a seat belt.

Next, reporter Deb Gruver and I explained that motorcycle safety in Kansas had improved over the decade. The number of motorcycle riders involved in accidents dropped nearly in half, and deaths dropped even more, according to the Kansas Department of Transportation.

But there was also bad news: Kansas motor-

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## SEEKING THE RECORDS

**When fighting for public records, be it paper or electronic, here are some ideas to get you going:**

- Know the law. Everyone in the newsroom has to know the law. In the case of the accident data, for example, the Kansas open records law does not allow agencies to charge a per-line fee for data; that meant the Kansas Department of Transportation could not charge us \$51,000 to fill our request. Even if you do know the law, though, there are plenty of obscure ones – such as the federal law Transportation Department officials initially relied on to deny us the accident data.
- Make officials explain denials. When a public official denies a record and gives you a reason you haven't heard before or you don't understand, seek more information. Be sure to ask the official to cite the specific law that allows the denial. The more information you have about why the official is denying you access, the better position you'll be in to fight the denial.
- Put it in writing early and often. If you have to ask for a record a second time, you should do it in writing. There's no need to be threatening, but you should be clear about the law and your expectations (and consider sending your letters certified with a return receipt requested).
- Be persistent. If you let it go, so will the officials. We sent several written requests to the Transportation Department before any serious negotiations for the accident data took place.
- Spend some ink. Editorialize and write news stories about public record request denials when appropriate. If you don't, you are underestimating your best resource. Pressure from newspapers across Kansas was one of the reasons Transportation Department officials told us they wouldn't appeal the case that helped us obtain the accident data.
- Make public records part of your daily routine. You can't be selectively aggressive. That sends a message that some public records aren't important. Don't fall into the "if-we-hassle-them-about-this-they-won't-talk-to-us" trap. If they are keeping public records from you, they aren't much help anyway.
- Tell readers why they should care. The day our accident-prone drivers series started, our editor wrote a column explaining that it and several other public-safety stories we've done would not have been possible without the Kansas Department of Transportation data.



KHOU's Firestone investigation got the attention of the public, Firestone, and even the federal government.

# FIRESTONE FIASCO

Tire tread story bubbles up from court cases, interviews

BY DAVID RAZIQ, ANNA WERNER  
AND CHRIS HENAO  
OF KHOU-TV, HOUSTON

**T**he story began with a simple conversation: a lawyer told us of a fatal accident involving something called “tread separation.” In this case, he claimed a woman was driving her Ford Explorer down a Texas highway when suddenly one of the car’s tires, a Firestone Radial ATX, simply lost its tread. At that point, it was just a tip, but we decided to look into it further. Additional contacts with attorneys and others revealed more cases involving the same tire and car combination: Firestone ATX tires and Ford Explorers.

Obviously, our curiosity was piqued: How big was the problem? We found that some traditional resources didn’t provide the answer. For example, the government’s Fatal Accident Reporting System database did not list tire brands or makes. And the tire manufacturers, who collected tire return and failure claim data, considered that information to be “proprietary.” (Although such information was often turned over to plaintiffs’ attorneys during lawsuits, it might be protected by court order.)

So we gathered our own data by using, among other documents, court records and accident reports. We also interviewed a number

of experts who were in a hands-on position to know what the industry’s data on these tires might be like. Among them was Rex Grogan, a tire-failure analyst who had seen Firestone’s protected data while testifying as a plaintiffs’ expert in cases around the country. He told us he was seeing “more and more of these (ATX) cases coming fast and furious.”

We knew the limits of our approach and our data wouldn’t allow for any kind of statistical analysis, but we decided that that was not our goal in any event. In the first place, any real “answers” about the allegations would only be obtained through an objective and scientific analysis of both a full body of the industry’s data along with a mechanical investigation of both the tire types and perhaps even the SUV model. Therefore, the point of our story was that there clearly seemed to be enough allegations to warrant an in-depth investigative broadcast asking whether or not there was a problem and to bring it to the attention of Firestone, Ford, the appropriate government officials, and the public itself. If that happened, then perhaps it would lead to an open and scientific look at the issue.

That said, we went to work and soon sat down to discuss the cases we had accumulated – at the time, more than two dozen deaths that victims’ families claimed allegedly resulted from tread separations on Firestone ATX tires, mounted on Ford Explorers.

At about the same time, we discovered something else: almost four years earlier, one of our rival stations had done a story on crashes involving the same tire and car combination. We reviewed the story to make sure we weren’t covering old ground but found the report featured just three accidents; one of them was the very high-profile death of a local TV reporter whose Ford Explorer had crashed after the tread came off a Firestone tire.

The tire company’s response in the piece regarding the crashes was that it was investigating the accidents but didn’t believe there was any problem with the tires. A follow-up story soon came and covered a viewer’s similar (although non-fatal) accident.

Although we respected the previous reporter’s work, we decided to press on with our own investigation for a number of reasons. Clearly, no large-scale public or governmental discussion or evaluation had resulted since 1996 regarding these allegations about the tire and SUV combination.

And since then, there had been more accidents and lawsuits, not just in Texas but spread across the country in states such as California, Arizona, New Mexico, Oklahoma, Mississippi, Alabama, Virginia and Florida.

But at this point, it was clear that we needed to get an assessment of the data we had collected so far. Our investigative producer, David Raziq, had done an in-depth transportation investigation at ABC News’ 20/20 and suggested calling the consumer advocacy group Public Citizen. The group’s president is Joan Claybrook, the former director of the National Highway Traffic Safety Administration. When we showed her our data, we were unprepared for her reaction: that what we found had “all the earmarks of a serious, serious problem.” Claybrook told us that if we had found this number of incidents, that the real number “was probably 20 times that.” Her comments especially carried weight given that she had supervised the biggest tire recall of the century: the Firestone 500. We booked a flight to Washington.

## Quality control problems

At the same time, we made another call to The National Highway Traffic Safety Administration. To our surprise, an agency spokesperson told us agency officials were unaware of any pattern

## INTERNATIONAL ANGLES

**A** bit of advice from the team covering the tire-tread debacle: when covering a corporation, particularly when it involves a product safety question, check what the company is doing in other countries.

Mining international sources and covering stories across borders will be the focus of the next edition of *The IRE Journal*.

Also, details on working with recall information will be provided in the March issue of *Uplink*, the newsletter of the National Institute for Computer-Assisted Reporting ([www.nicar.org/datalibrary/uplink.html](http://www.nicar.org/datalibrary/uplink.html)).

of accidents involving the tire and SUV, despite the dozens of complaints from Ford Explorer owners we had found on the agency's own Web site. (Although many of those complaints did not identify a specific model or even make of tire, by this time we knew that the Radial ATX had been original equipment on thousands of Explorers and many of the complaints appeared to be about tread separations.) NHTSA declined to do an on-camera interview, but officials said they were interested in what we found and asked us to encourage the public to contact them with their complaints.

Another person did agree to an interview: a former employee from Firestone's North Carolina tire plant who had given a deposition in an earlier lawsuit. So we flew to Raleigh and there he told us about what he felt were quality control problems at the plant, especially with regard to what he claimed was the use of dry rubber to build tires.

On February 7, 2000, we aired our first story. In that piece the audience saw the plight of two local victims. First there was a choir teacher who had had her legs amputated and lost her newlywed husband in an alleged tread-separation crash. Then there was a mother and father who had lost their 14-year-old cheerleader daughter when an Explorer crashed on the way to a pep rally.

Along with the national figures we had collected, we aired Claybrook's comments saying that our data was "very, very strong evidence for a recall." Viewers also heard from tire expert Rex Grogan and that former Firestone employee. And finally they also heard statements from both Ford and Firestone, both of which had responded to our requests for on-camera interviews with statements defending the quality of their products.

Viewer reaction to the piece was immediate: phone calls poured in, jamming our lines and filling up our voice mail. Many of those messages and the e-mails we received came from viewers who believed the "same thing" had happened to them. The overwhelming response prompted team coverage from our newsroom as general assignment reporters went out to interview viewers who claimed to have had the same problems. We also ran the phone number for NHTSA during our newscasts.

## International recalls

But three nights later, as we were about to air a follow-up report, the president of our corporation received a multi-page letter from Firestone disputing our story. The letter called our report "misleading."

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## Kansas drivers

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cycle accident victims died or suffered disabling injuries at a rate more than 10 times that of people in all accidents in the state. Most Kansas motorcycle riders involved in accidents were not wearing helmets. People who didn't wear helmets died at a rate 46 percent higher than those who did, the analysis shows.

### Personal stories

Eventually, Laviana proposed the accident-prone drivers project. He envisioned several reporters doing the legwork it would take to bring the story to life, to explain why the accidents were happening and to explain the human toll.

We spent months gathering paper accident reports, talking to other drivers who had been involved in crashes with the accident-prone ones, talking to police and to the accident-prone drivers themselves.

Among our findings: crashes involving the nearly 2,000 drivers who were in five or more serious accidents injured 5,000 and killed 50; 82 percent of the nearly 2,000 were men; the nearly 2,000 were involved in 15 times as many serious wrecks as the typical Kansas driver.

We also found that some of the accident-prone drivers had medical conditions and that they also had complicated – sometimes sad – personal stories. For example, one still suffers from a 1986 motorcycle-golf cart accident that left three dead and him in a coma for 18 months; another is a man who lost an eye in the Vietnam War. The man who was apparently the state's most accident-prone driver during the 1990s, whom reporter Tim Potter persuaded to be interviewed and photographed, said he has vision problems and severely injured a leg in a moped accident.

In the case of Jenkins, the driver whose accident resulted in the deaths of two teenagers, he said he thinks about their family "when I fall asleep and when the alarm goes off. And I think that's the way it will be for the rest of my life."

Some of the accident-prone drivers said they were on the road a lot, increasing the likelihood that they would be in accidents. And, it's important to note, police

often did not cite them as violating any laws in accidents and many times found other drivers at fault.

People continue to drive after having so many accidents because action against a driver's license is based on moving violations, not number of accidents. Of the 20 drivers who had 10 or more serious accidents during the 1990s, 18 were still living at the time of the series; 15 had active licenses.

Even though accidents and driver's license enforcement are not necessarily directly linked, we also found that enforcement for continued moving violations was more lenient in Kansas than in surrounding states. State officials said they were already planning to step up enforcement at the time the series ran.

### Everyday use

Right now, to get to the accident data in our newsroom, reporters have to call it up in the database program we use, Microsoft Access. That means only a few reporters can get to it.

However, we hope to make it available to all reporters through easy-to-use forms as part of our newsroom intranet project.

That way, when there is a newsworthy accident involving a specific driver or intersection, reporters will be able to just punch in the name or place and find out if there is a history of crashes.

*Jim Lewers is the former crime and safety team leader at The Wichita Eagle. He is now The Eagle's business team leader.*



Photo: The Wichita Eagle

Mark Musil of Mission, Kan., was killed on May 20, 1998. It was his 10th serious accident of the decade, according to Kansas Department of Transportation data.

# Asbestos

The forgotten killer  
rears its ugly head

BY ANDREW SCHNEIDER  
OF THE *SEATTLE POST-INTELLIGENCER*

**A**sbestos, the microscopic killer that has caused the deaths of tens of thousands over the decades, sounded like an old story.

Almost everyone knew it wasn't around anymore; no one was receiving lethal exposure any longer. Almost everyone knew it was banned years ago.

Almost everyone was wrong.

Even when the *Seattle Post-Intelligencer* reported in 1999 that hundreds of miners and family members in Libby, Mont., were killed and sickened from the asbestos fibers contaminating vermiculite ore in an old mine owned by W.R. Grace & Co., we figured it was just

the tragic result of an earlier time when the real dangers of asbestos were not understood. We believed that government regulations would prevent it from ever happening again. We believed that the mining, manufacturing and selling of products containing the cancer-causing fibers had been banned.

We were wrong.

By last October, we had published 58 stories on just how wrong we were. The stories were on other

**Continued on page 24 ▶**

# Beaches

Shifting sand takes toll  
on animals, fish, people

BY TOM BAYLES  
OF THE *SARASOTA HERALD-TRIBUNE*

**D**avid Pearce was killed aboard a vessel in the Gulf of Mexico near Tampa Bay as he cleared a 250-pound chunk of concrete from a pump delivering sand to restock a beach. He had been told to climb inside the pump with a pry bar and dislodge the boulder. It fell. The rock snapped the metal rod against Pearce's face and neck, throwing him out of the pump and onto the sand meant for the new beach. Blood trickled from his mouth, and he died a few hours later.

The rebuilding of Florida's eroding shoreline has received largely positive press since the federal government began such work in earnest during the 1950s. Protecting shoreline development has been the government's justification, and beach-town mayors have touted the tourist dollars and revitalization that sometimes have flooded oceanfront cities after the new sand was put in place.

But the *Sarasota Herald-Tribune* found an environmental, financial and human toll that's not so scenic. It all began with Pearce's death. Our initial investigation into it found another gruesome accident on a beach building project a few months earlier. Then another, and another, and another.

What we thought was a simple death-at-sea turned into the largest *Sarasota Herald-Tribune* investigation in memory. It would take nearly a year, involve three reporters, even more editors, photographers, and graphics artists, and send me off on assignments all over the eastern United States.

**Continued on page 28 ▶**



# MONITOR ENVIRO

From the big skies of Montana  
environmental dangers lurk  
oversight, short-sighted plan  
ignored. All can lead to real a  
land and water, but to

# Pollution

## Measure agency enforcement to see if fouling air, water pays

BY JAMES ELI SHIFFER  
OF *THE NEWS & OBSERVER*, RALEIGH, N.C.

**M**ake the polluters pay! That's the refrain of politicians who want to sound tough on those who dump filth into the ground, water and air. But an investigation of one state's environmental enforcement record showed that it pays to pollute when no one is paying attention.

A report published in May 1999 in *The News & Observer* of Raleigh, N.C., showed that North Carolina's Department of Environment and Natural Resources enforcement policies allow

polluters to get away with it for years. The front-page photo told the story – a city sewage plant pouring nasty-looking suds into a river, just as it had for a dozen years without penalty.

The phenomenon of timid enforcement was well known, but no one had ever tried to quantify it. Intrigued by Gov. Jim Hunt's claim in 1998 that his environmental regulators were now playing hardball with eco-scofflaws, we decided to find out whether that was true.

The question turned out to be anything but simple. The story took news researcher Susan Ebbs and me

**Continued on page 32** ▶

# RING THE NMENT

to the balmy beaches of Florida,  
Investigations reveal shoddy  
nning and existing laws being  
and lasting harm, not only to the  
human health as well.

# Development

## Mapping of growth areas shows regulations ignored

BY T. CHRISTIAN MILLER  
OF THE *LOS ANGELES TIMES*

**T**he Santa Monica Mountains are one of Los Angeles' most spectacular natural features. The range stretches through the heart of the region, rising high above the city sprawl. It's where the famous build their ego mansions, from Johnny Carson to Axl Rose.

It's also where county politicians have routinely allowed big business developers and campaign contributors to run roughshod over environmental and growth restrictions, according to a recent *Los Angeles Times* analysis.

Flouting those restrictions not only hurt the mountains; it also hit the public in the pocketbook. Homes built in excess of the area's growth limits faced better than twice the chances of being hit by one of the natural disasters that plague the region – earthquake, flood and fire, the analysis showed. Usually, state and federal taxpayers picked up the repair bill.

### Mapping project

The story began with a simple question: Who built all the homes in the mountains and how did it happen?

From the beginning, it was clear this would be a mapping project, albeit one with a depressingly large scope: 20 years of development approvals over more than 35,000 parcels of property.

To start, we paid a consultant to scan in the area's growth plan, an outdated, 20-year-old document created when the bulk of the undeveloped part of the

**Continued on page 34** ▶

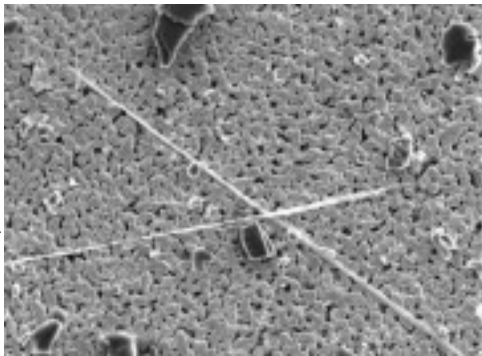


An EPA worker takes samples of Zonolite in a residential attic where the insulation was installed.

# Asbestos

CONTINUED FROM PAGE 22

Photo: Lab/Cor | The Seattle Post-Intelligencer



Some in the asbestos industry say that tremolite fibers are not harmful because they are short and stubby. This 1,000X magnification of tremolite fibers taken from a sample collected in Libby, Mont., by the *Seattle Post-Intelligencer* shows the javelin-like shape which leads a growing number of doctors to say it may be the most carcinogenic form of asbestos.

miners in other places who are being killed by the same fibers today – and on the presence of asbestos in such benign consumer products as crayons, play sand, garden products and attic insulation.

## Asbestos exposure

The story of Libby developed from a tip from the Montana Environmental Information Center. They had heard a rumor that the miners were sick in Libby. They knew nothing else.

Photographer Gil Arias and I were already in the state on another assignment – only 370 miles away, just an afternoon spin in that part of the West. We headed to Libby and found Gayla Benefield, a woman who had lost her parents to asbestosis. Benefield said she knew lots of people who had died or were sick from asbestos, but she said the lawyers didn't want anyone talking to them.

We drove the forest service road that bordered the mine. The tailings pile was huge, pink and tan, with little or nothing growing on it. The road glittered in the setting sun, bits of vermiculite sparkled.

Back in Seattle, calls to the U.S. EPA and

Montana's health and mining departments found they knew nothing about health problems in the tiny northwestern town. A Nexis search found only a single mention, a three-paragraph story about a miner's survivor winning a lawsuit against Grace.

Calling lawyers in Montana and Idaho and Washington, we found that more than a hundred suits had been filed against Grace by Libby miners. A doctor working for the lawyers had tallied a list of 88 miners who died from exposure to asbestos. There had to be more.

After six days of walking Libby's streets and talking to family members and neighbors, the body count grew. It became clear that many sick miners had left the area for medical treatment. We contacted pulmonary and cancer specialists in Spokane, Portland, Ore., Seattle, Salt Lake City, Boise and Denver.

Most agreed to an intricate ballet of exchanging information while protecting patient confidentiality. Within a month, we could show that at least 192 people from Libby had died of asbestos exposure. Another 375 had been diagnosed with fatal asbestos-related diseases.

It was inconceivable to us that this many

people could have become ill without someone – the company, the union, the government at some level – knowing about it.

We began collecting paper: 6,000 or so pieces of mining company correspondence, some going back 50 years. Thousands more pages of medical records, shipping documents, inspection reports from the then-U.S. Bureau of Mines, studies by the National Institute for Occupational Safety and Health and EPA were added to our library.

Grace and the regulators did know what was happening. The documents we collected proved it. Scores of government reports predicted the deaths, but no one warned the miners nor forced Grace to halt the poisoning. Asbestos was contaminating the vermiculite. Tons – as much as 5,000 pounds a day – had spewed down on the tiny town. The miners were coming home covered in it, contaminating their spouses, children and grandchildren.

Libby town leaders and Montana environmental officials insisted that since the mine had closed in 1990, there was no longer any risk from the mine. But all that glittering vermiculite

still in the area indicated they might be wrong.

We took samples of the dirt along the mine road, at the processing plants, beside the expansion plant downtown where most of Libby's children had played on the huge piles of vermiculite. We set up vacuum pumps in several different locations to measure the amount of asbestos in the air.

The samples were analyzed and reanalyzed by two government-certified labs; tremolite and actinolite asbestos fibers were detected in half of the samples.

Our first stories on Libby ran in November 1999. An EPA emergency response team arrived there three days later, confirmed the *P-I's* findings and began an emergency cleanup which

Photo: Gilbert W. Arias | Seattle P-I



Lester Skramstad searches for a small particle of vermiculite on a mound of dirt near an old ballfield. He is a former miner who worked at the old W.R. Grace Mine just outside of Libby, Mont. Some 40 years later, he suffers from asbestosis.

continues today.

Our collection of documents showed that hundreds of thousands of tons of the contaminated vermiculite was shipped to processing plants throughout North America. We tracked down the workers at plants in 10 states and

## Kid stuff.

Schools struggling with reform. Teens indulging in risky behavior. Poor families scrambling for health care. Bring a richer dimension to coverage of these and other social issues through Journalism Fellowships in Child & Family Policy. A new program of the University of Maryland College of Journalism, it helps working journalists deepen their understanding of how public and private-sector policies affect young lives.

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Kristen King, reporter, The (Baton Rouge) Advocate

Jennifer Rose Marino, reporter, Savannah Morning News

Dawn Miller, staff writer,

The Charleston (W.Va.) Gazette

Mary K. Reinhart, reporter,

East Valley Tribune/Scottsdale (Ariz.) Tribune

Barbara White Stack, reporter, Pittsburgh Post-Gazette

Ruth Teichroeb, reporter, Seattle Post-Intelligencer

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Stacy Hawkins Adams, reporter,

Richmond Times-Dispatch

Pat Etheridge, parenting correspondent, CNN

Sarah S. Karp, reporter, The Chicago Reporter



wrote a story. Our interviews showed that as many as 80 percent of the workers had contracted asbestos-related diseases. Most have died.

The EPA ordered inspections of more than 250 sites that handled the contaminated vermiculite. Some EPA regions did thorough examinations of the old plants. Other did just a drive-by.

### Routine use a trigger

Grace documents and interviews with several of the company's former salesmen indicated that most of these plants processed vermiculite into insulation. And the attics and walls of millions of homes across the country may still be insulated with Libby vermiculite.

Were these homeowners at risk?

Last February, the *P-I* collected samples from several attics and found high levels of asbestos. A month later, EPA confirmed it with its own testing. Yet neither EPA headquarters nor the Consumer Product Safety Commission did anything about it. Finally, last August, an assistant U.S. surgeon general demanded that something be done and homeowners be warned that even the most minor disruption of the insulation – putting in a light switch or sweeping – could release dangerous levels of asbestos.

It became obvious that this story was far from over. A firm believer that you always team up with someone smarter than yourself, I bamboozled Carol Smith, one of the *P-I*'s medical writers, into joining the hunt.

By spring 2000, we pinned down that there was no ban. EPA instituted one in 1989, but two years later a federal court overturned the ban later in response to a lawsuit by the U.S. and Canadian asbestos industries.

Our document pile now exceeded 30,000 pages. We were running out of unique colors for the different file folders.

In March, we found that several vermiculite-based garden products also had low levels of asbestos. EPA's Seattle office again did its own testing and found that asbestos was not only there, but could be released by routine use. In August, EPA headquarters released a national study of vermiculite products and reported that home gardeners who use vermiculite once a year face a minimal risk of cancer, but professionals who use it frequently face a significantly higher risk.

OSHA said it would investigate the risk to workers.

## ASBESTOS REPORTING HINTS

By Andrew Schneider

**There are asbestos stories that can and should be done in almost any community. Here are some suggestions on covering the issue, including the lessons learned from some of the mistakes we made:**

- Asbestos still is being mined in California and imported from Canada. While many countries have banned its use, more than 3,000 products containing asbestos are sold and used in this country, with construction products being the leading use. Check with local and state officials to see if they are monitoring companies in your area using the material, and with unions to see if worker health is being protected.
- Remember, the victims you interview today were exposed to asbestos years ago. Asbestosis, lung cancer and mesothelioma have a latency period – from exposure to onset of disease – of 20 to 40 years.
- If you're going to take samples, have a professional from EPA or a state environmental agency, a university or certified laboratory tell you precisely how to do it. Or, if your budget permits, hire a pro to do it with you. Make sure you use a certified lab that can do the type of testing that you want. Analysis differs depending on what you want to show. If you're just trying to confirm there is asbestos in a sample, PLM, which costs about \$25 a pop, can be used. If you need to quantify how much asbestos and what type is in a sample, you'll need to do the more sophisticated TEM, which can run from \$75 to \$300 a sample.
- Pick your sources with care. The asbestos community is extremely insular. Because of the hundreds of thousands of lawsuits over the years, almost everyone with expertise in the analysis, regulation, diagnosis and clinical treatment of asbestos and its victims have been expert witnesses for one side or the other. Try to find experts who have worked for both plaintiffs and defendants. This gives you the best shot at getting someone who is both knowledgeable and impartial.
- Expect mixed cooperation from government agencies, unions and consumer groups. Asbestos is still very political. Some senior agency people are embarrassed at what their agency failed to do in the past. Others are terrified that new revelations will require actions that will destroy their budgets. The key players in this drama are EPA, MSHA, OSHA, CPSC, NIOSH and ATSDR. There are people at all these agencies who are eager to help reporters get out the truth. There are others who will do everything to obfuscate.
- The federal government regulates only six types of asbestos – chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite. The asbestos industry has fought successfully for years the efforts to include other fibers, just as lethal, from being brought under the regulations. The industry loves to discredit findings as cleavage fragments and transitional fibers even though certified labs report them as asbestos.
- Asbestos contaminates many minerals beyond vermiculite. Check the mines and quarries in your area to see what's there. MSHA has increased and updated its surveillance and sampling methods. Its headquarters (703-235-2625) is a good place to start asking questions.

## Betrayed workers

We knew that asbestos had been reported years earlier in talc and that talc was used in crayons, so our testing labs began analyzing the colored wax sticks. Last May, we reported that small amounts of asbestos were found contaminating the talc in three of four U.S. brands the *P-I* tested. Binney & Smith – makers of Crayola – and the other companies denied it.

In June, the Consumer Product Safety Commission reported its finding: There were low levels of asbestos in some of the crayons but the agency found high levels of “transitional fibers” in the talc that are chemically and structurally similar to asbestos, carrying similar risk.

The crayon industry immediately agreed to stop using talc within a year.

We went to the R.T. Vanderbilt mine in upstate New York, where Crayola and most other crayon manufacturers got their talc. Vanderbilt insisted that there was no asbestos in their ore, only “transitional fibers.” But in June 2000, we reported that hundreds of miners had been sickened and killed over the years by asbestosis, lung cancer and mesothelioma. We also found

a doctor who had documented 500 cases of asbestos-related diseases in the two counties surrounding the mine. New York state health officials confirmed the radiologist’s finding, but the doctor was fired for his efforts. Again, like Libby, state and federal government agencies knew the miners were at risk and did nothing. But what is different is that these mines were still operating.

I have sat with frail, dying men at their kitchen tables throughout the country. They tell of being betrayed by their companies, their unions, their physicians and their governments. Their employers, locations and the minerals they mined are different. Vermiculite in Montana, Virginia and South Carolina. Taconite along the Iron Range in Michigan and Minnesota. Talc in upstate New York. They worked for Grace, Virginia Vermiculite, R.T. Vanderbilt and a half-dozen of America’s largest steel companies.

Their stories are almost identical: Their employers concealed that the ore they were mining was contaminated with asbestos. Their union, if they had one, didn’t raise hell because the company threatened to close down, and

the government – several different parts of the government – knew the workers were at risk but did nothing to halt it.

Last October, we reported that the Mine Safety and Health Administration reexamined the vermiculite mine in Virginia, this time using new testing methods. For 20 years, its inspectors have never found asbestos in the ore. This time, MSHA said it found samples as high as 99 percent asbestos in the ore. The agency notified the workers and offered free medical screening by the government. MSHA was worried about the safety of workers who were using the ore downstream where the tainted vermiculite was being made into scores of consumer products. They told EPA, OSHA and CPSC – but again, the phrase “It’s not my job,” echoed through the Washington agencies.

Clearly, some regulators wish asbestos had remained the forgotten killer.

*Andrew Schneider, a senior national correspondent for the Seattle Post-Intelligencer, is a two-time Pulitzer Prize winner. Carol Smith is a science and medical reporter for the Seattle Post-Intelligencer.*

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Photo: Amy Sharpe | The Sarasota Herald-Tribune



A work crew looks on as St. Petersburg Beach is renourished in February.

Workers at the Upton Beach renourishment project in St. Petersburg rest on a pipe that pumps sand from an offshore dredge where it is then deposited on the beach.

# Beaches

CONTINUED FROM PAGE 22

The investigation resulted in a three-day series, “The Beach Builders.” The first day focused on deaths, the second on the cost to taxpayers and the third on the environment. None of our information was easy to find.

## Non-existent records

Early on, we found no Bureau of Labor Statistics database covers dredging. The Army Corps of Engineers, the Occupational Safety and Health Administration and the Coast Guard split accident investigation duties with little or no information sharing. The Army Corps alone is divided into 41 districts, each of which keeps its own accident records and investigation reports, most of which they claimed are exempt from release under the Freedom of Information Act.

Nothing was simple. For instance, sea turtles, which are at great risk in beach projects, are protected by the National Marine Fisheries Service while in the water, but by the U.S. Fish and Wildlife Service when they crawl onto land or gestate in a nest.

Few truly independent studies on the effects of shoreline creation exist. While those in favor of beach building deluged us with research done by academics at prestigious universities showing little or no environmental damage, the reliability of those studies was in question because they were mostly funded by groups with a financial

stake in seeing beach building continue.

Government studies were mostly performed by engineers, not biologists, so they were suspect, as well. That seemed to leave little more than anecdotal and circumstantial evidence on which to build a case that beach nourishment’s effects on the environment need to be considered more than they are.

But a few independent voices finally stood out. Ken Lindeman, a former University of Miami marine biologist who is now a senior scientist with Environmental Defense, did one of the only credible studies of beach building on Nearshore reef systems off Florida’s Atlantic Coast. He found a 95 percent decrease in

the juvenile fish population. A visit to Duke University geologist Orrin Pilkey, a harsh critic of beach building, yielded an old paper from one of his graduate students surveying reports of harm to animals during beach projects that other independent researchers had published in the past.

The most glaring discovery came in the process of investigating possible harm to animals affected by beach building. Endangered and threatened sea turtles, a species that thousands of volunteers spend every summer nesting season protecting, are regularly killed by beach builders with the government’s OK. While even distracting a sea turtle hatchling can bring the average



A turbidity cloud surrounds the dredging barge just off shore of the Upton Beach renourishment project in St. Petersburg.

person hefty fines, the federal government allows the dredgers it hires through the Army Corps of Engineers to pulverize up to 51 sea turtles every year when gathering sand for beaches or deepening channels.

We also found evidence from North Carolina, New Jersey, South Carolina, California and Florida that beach building can take a significant toll on the environment in other ways at the shore. The massive dredge-and-fill operations that create new beaches can bury shallow reefs, sea grasses and other habitats known to nurture more than 190 species of fish and 325 species of invertebrates at the base of the food chain.

### Death by the numbers

About halfway through the project, Rod Thomson, a reporter working with me on the project left journalism, and *Herald-Tribune* computer-assisted reporting specialist Andy Crain was brought aboard the Sand Team, as it was then being called. Even from an agency as fractured as the Army Corps, Crain was able to gather data on most beach projects, although records from the early days were incomplete.

Crain's findings bolstered all three days of the series. For the financial story, for instance, we were able to isolate how much has been spent in the past on beach building and how much the country is committed to in the next 50 years. It's all tax dollars, and the figures reach into the billions.

Crain helped uncover what turned out to be the most elusive but necessary fact of the series: The death rate in the dredging industry, defensibly compared to other dangerous occupations.

It was difficult to get at because of the void of information and the variety of agencies that investigate dredging accidents. For example, an Army Corps Board of Inquiry investigates every death on a federal job, but then claims most of its findings are exempt from public records laws. The Coast Guard gets involved if the accident happened in the water aboard a certain type of vessel but claims the same exemption for its findings of fault. OSHA gets involved sometimes, but then doesn't even know if it has collected any of the fines it imposed.

We decided to look at the industry as a whole and attempt to compare coastal dredging to other industries in terms of on-the-job fatalities. Andy got data from the BLS' Census of Fatal Occupational Injuries, a complete count of workplace deaths by industry from 1992 to 1999, as well as employment figures from the Census Bureau.

We linked the two sets of data using BLS'

# The Knight-Bagehot Fellowship

## Columbia University is now accepting applications for the Knight-Bagehot Fellowship in Economics and Business Journalism.

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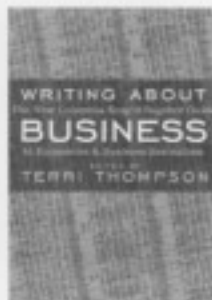
The nine-month fellowship is open to journalists with at least four years of experience. Applicants need not be business specialists, but they should be able to demonstrate that greater knowledge of economics, business, and finance could add depth and understanding to their reporting.

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Photo: Reggie Grant | The Sarasota Herald-Tribune



Observers wait for the sand pumping to begin at Golden Beach in Venice. The \$28 million project in 1996 moved nearly 2 million cubic yards of sand to widen 3.2 miles of beach.

four-digit codes for about 1,600 different industries to try and come up with a rate of death per 10,000 workers for various industries. But there was a problem: Because dredging is so small an industry, it doesn't have its own code; therefore, it is not included in census employment and BLS fatality counts.

The BLS lumps deaths and injuries during dredge operation in miscellaneous categories that include such obscure things as athletic field construction. And if the death happened on land but was clearly linked to a dredging operation, it got miscategorized even further. We had to create reliable, comparable fatality and employment figures for the industry ourselves.

For deaths, we used numerous sources and our growing familiarity with the industry's history to track down most of those who died. We also used Nexis to search news accounts

for other deaths. And we purchased OSHA's multimillion-record database of workplace inspections and injury and fatality reports to gather still more accounts of worker deaths.

As for the industry's total employment, we started off with wildly diverging accounts. The industry's executives testified before Congress that they employed 12,000 people, while union leaders and others said the number was closer to 2,000. We determined it to be at about 3,000 workers. To reach that number, we used Securities and Exchange Commission filings, Dun & Bradstreet reports and company literature, and called each of the 60 or so firms that had been awarded dredging contracts by the federal government over the past decade.

That work validated our initial estimates that roughly 3,000 employees work in dredging. We decided not to include in

our count a number of the deaths we came across, mostly because, although they involved a company employee, we could not definitively link the death to beach-related dredging. Both those decisions lowered the rate of deaths per 10,000 workers, but that figure still was high enough to rank coastal dredging for beach projects among the 10 deadliest industries in the country, more dangerous than coal mining or working on oil wells at sea.

## Gathering details

As for the details to make the numbers come alive, depositions from the civil cases brought against dredging firms were a treasure trove of information about the dangerous conditions on a dredge. In the Pearce case, numerous witnesses said the same thing: Supervisors cut off a meshing system that would have prevented the chunk of concrete that killed the married 32-year-old from getting lodged in the pump. And then they wouldn't listen when workers begged that the bars be reinstalled before somebody was killed.

Inattention to safety is endemic on dredging jobs: Companies force workers to put in minimum 12-hour shifts – violating Army Corps' guidelines for contractors – often stretching to 24 or even 36 hours. Through interviews with dredgers and from local police agency reports, we found basic safety measures such as guardrails or life jackets were not used, or kept in such disrepair as to be useless. County coroner reports, in the states where they are public, gave details of the deaths.

Interviewing families of dead dredgers provided even more answers. The industry is so small that most workers know of each other; generations of men from one family often stayed in dredging because of lucrative salaries. Many of these families are grouped together in poor towns throughout the Southeast.

Halfway through the reporting of our series, the dredging industry joined with the Army Corps to hire a safety expert to write an industry-wide safety plan. A spokesman for the industry later said it had nothing to do with our early inquiries into the dredging deaths. At least two members of Congress have requested the series, and several state and national environmental groups have praised it.

A huge lesson for us was that while computer-assisted reporting provided the backbone of the "Beach Builders" series, it had to be coupled with old-fashioned, plodding, paper-trail reporting.

*"The Beach Builders" won a New York Times Chairman's Award. Tom Bayles, a former reporter for The Associated Press and the St. Petersburg Times, covers the environment for the Sarasota Herald-Tribune.*

*Andy Crain, who has covered city government in Florida for four years, continues to work as a computer-assisted reporting specialist at the Herald-Tribune. Rod Thomson is now in Haiti and freelances a weekly column for the Herald-Tribune.*

Photo: Michael Barrientos | The Sarasota Herald-Tribune



Libby Lowery, 5, stands at the casket of grandfather John D. Lowery following a burial service in Ash, N.C.



The Pulliam Journalism Fellowship



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We like receiving applications from students with a wide variety of backgrounds. Previous internships and part-time experience at a newspaper are desired or other demonstration of writing and reporting ability. Those who go through the Fellowship often find new professional opportunities opening up at their newspaper during and after the program. Past Fellows now serve as news anchors, editors and reporters all over the world.

Traditionally, our fellowships have been open only to graduating college seniors. In 2001, we will be expanding eligibility to include college sophomores and juniors, as well as seniors pursuing a career in newspaper journalism.

We are now accepting applications for our Summer 2001 program; contact us for a complete application packet. Final deadline is March 1, 2001, with the remaining winners notified by April 1, 2001. The stipend for the 10 weeks will be \$5,775.

Visit our Web site at <http://www.starnews.com/pjf> or e-mail Fellowship Director Russell B. Pulliam at [russell.pulliam@starnews.com](mailto:russell.pulliam@starnews.com) for an application packet. You also may request a packet by writing:

Russell B. Pulliam, Director  
The Pulliam Fellowship  
P.O. Box 145  
Indianapolis, IN 46206-0145

# Pollution

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on a strange journey into dingy file rooms rarely visited by the public, a rural mobile home park where raw sewage gurgled into a stream, a room full of polluters pleading with a commission for relief from fines and finally into the governor's office itself.

First we had to become familiar with the arcane regulations and procedures derived from high-minded laws such as the Clean Air Act and Clean Water Act. The federal government has delegated most environmental enforcement to the states, and the states in turn rely chiefly on civil enforcement such as cash penalties when people violate pollution laws.

## ENFORCEMENT QUESTIONS

This project provided a refreshing break from the scientific and political morass that makes up the majority of subjects I write about as an environmental reporter. People always argue about how much pollution we need to reduce, but most agree that once the standards are set, people should obey them. To do your own stories about environmental enforcement, here are some important questions to ask:

- **How many polluters are repeat offenders?**
- **How does the agency treat these scofflaws? Does it give them a special permit to pollute?**
- **Are the regulators using the full force of the law?**
- **Who's getting the biggest fines?**
- **Are polluters paying the fines?**
- **Are the total fines going up or down when a new administration takes office?**

For too long, environmental enforcement has been conducted far from the public eye. By questioning civil penalties and other enforcement tools, reporters anywhere can find out if their state is another place where pollution pays.

— James Eli Shiffer

We started by requesting databases of every environmental fine assessed since the beginning of Gov. Jim Hunt's administration in 1993. The agency eventually handed over nine databases, because its divisions of air quality, water quality, waste management and others handled enforcement separately – a serious problem in itself. Though they came on different platforms, the databases contained similar information – the name and address of the polluter, nature of the violation, amount of the fine – and they were easily converted to Excel spreadsheets.

Our first effort to crunch the data turned up nothing. We wanted to track whether fines were going up or down from year to year. Some divisions were fining more, others were fining less, while others stayed the same. It looked like we were producing computer-assisted mush.

With some help from more experienced investigative reporters on our staff, we refined our inquiry. These are questions that can and should be asked of any state environmental agency:

- 1) How much is the state fining polluters, compared to what the law says it can?
- 2) Is this enforcement policy working?

We confined our analysis for the first question to air and water pollution, the best-known environmental offenses. We decided to examine fines from the most recent complete year, 1998,

but looking at the files of all 805 fines would take too much time. We randomly chose 10 percent of those, and I set up camp in state file rooms. For each one, I had to tally the number of violations behind each civil penalty to find out how much the state could have fined, compared to what it did impose.

## Continual violations

The documents told the story: the state was fining violators an average of 6 percent of the legal maximum, sometimes dropping below 1 percent, even when polluters had 100 or more violations.

To find out a crude compliance rate – that is, how many offenders have to be fined more than once to get them to obey the law – we counted by hand the number of repeat violators from 1993 to 1998. Half of the water polluters, two-thirds of the drinking water violators and a quarter of the air polluters were repeat offenders. One county-owned sewage plant had a pattern of violating its monthly pollution limits, paying the fine and continuing to pollute without interruption.

We brought life to the story by visiting the sites of flagrant pollution, interviewing chronic polluters, tagging along with inspectors and sitting in on a little-known state committee that allows polluters to ask for reductions in their fines.



Since 1995 this ramshackle wastewater treatment plant at a trailer park near Siler City, N.C., had been sending dirty water and clumps of sludge into a nearby creek. Though the owner had been fined less than 3 percent of the maximum possible, he said he wasn't able to pay it. The EPA later castigated the N.C. Division of Water Quality for its inadequate enforcement at facilities like this one.

Then we looked at collections, or what happens after a fine is assessed.

For this we did a simple calculation from a database we obtained from the state attorney general. In North Carolina, this office serves as counsel for environmental enforcers to defend penalty cases. But it turned out that the plea bargaining so common in criminal court also takes place with pollution fines. The lawyers had a rule of thumb – if the polluters could prove they were now in compliance, the fine would be cut 20 percent to 50 percent. The records showed only 35 percent of the already-low fines had been collected since 1993.

Once we approached the governor and his environmental staff about the issue, they were surprisingly candid. We don't know if our enforcement policy is working, they said, because the record keeping is so poor that we've never been able to evaluate it. Even the Environmental Protection Agency, which by law is supposed to take over North Carolina's program if it's not doing the job, acknowledged the state data was so poor it could not rely on it.

After the main story ran, we followed it up with a reaction piece from legislators. We've got to make polluters pay, they said, but then the same lawmakers admitted making phone calls to complain to state regulators about fines assessed against their polluting constituents.

In response, the governor ordered the agency to revamp its use of fines and put his weight behind a new bill to boost the maximum water quality fine from \$10,000 to \$25,000. The bill, whose own sponsor had considered it dead this session, passed overwhelmingly.

Then regulators showed their renewed mandate by slapping a record \$112,000 fine against a city with seemingly unstoppable sewage spills that were mentioned prominently in the story. The department also began posting the fines on its Web site, a first for an agency that rarely publicized its enforcement actions. And the governor appointed a lifelong environmentalist to run the agency, with a mandate for enforcing the laws. In September 2000, the EPA officially directed the agency – and its own regional office – to get tougher on chronic water polluters.

*James Eli Schiffer is a staff writer covering the environment for The News & Observer. He was part of a team that covered Hurricane Floyd's devastation of Eastern North Carolina in 1999, a report that was a Pulitzer finalist in breaking news.*

## STORY IDEAS

By Penny Loeb

**It's true it's a big world out there, and much of it is polluted. Where to begin your search for problems? Think about looking into:**

- **Rivers and Streams.** Chances are rivers and streams in your area are more polluted than you think. The Clean Water Act clamped down on direct (point-source) pollution from industry and sewage plants. But the water quality improvement stalled about a decade ago. Forty percent of the rivers and lakes are still too polluted for fishing and swimming. Much of the pollution comes from those hard-to-control indirect sources, such as farms, development and storm water runoff. In addition, streams are frequently rerouted during development, altering the habitat of the little critters at the bottom of the aquatic food chain.

Start with your state's 305(b) report, a federally mandated inventory of water quality produced every two years. The 2000 report should be complete in spring or summer. The EPA compiles these into the National Water Quality Inventory. The final report (portions at [www.epa.gov/OWOW/monitoring/wqreport.html](http://www.epa.gov/OWOW/monitoring/wqreport.html)) is two years behind the state filings. Since each state measures water quality a bit differently, be careful with comparisons.

Further, as part of the 305(b) process, each state is required to submit the 303(d) list of endangered rivers and streams, and the American Rivers group issues a list of the 20 most impaired rivers each year ([www.americanrivers.org](http://www.americanrivers.org)).

- **Watershed Indicators:** The EPA Web site has a laundry list of water-quality measures, including toxic discharges, fish consumption advisories and agricultural runoff, for each watershed ([www.epa.gov/iwi/](http://www.epa.gov/iwi/)).
- **TMDLs:** This means total maximum daily load of contaminants. Though the Clean Water Act required each state to establish these for their water bodies, most didn't until they were sued. EPA Region 3 is now moving ahead fairly aggressively (Report at: [www.epa.gov/OWOW/tmdl/index.html](http://www.epa.gov/OWOW/tmdl/index.html)). Already, though, state regulators are learning that once they find the maximum daily load has been exceeded, they don't know where the pollution is coming from or how to stop it.
- **USGS:** It is surprising how little solid data exists on the quality of water in many smaller rivers and lakes, especially historical trends. The U.S. Geological Survey is in the midst of a major study of 59 of the most important water basins in the country. When the project is finished around 2003, it will encompass water resources used by about two-thirds of the population and cover half the land resources. If you didn't get a copy of the first report, "The Quality of Our Nation's Waters," you can find portions at [water.usgs.gov/lookup/get?nawqa](http://water.usgs.gov/lookup/get?nawqa). USGS is more of a pure science agency, while the EPA and state regulatory agencies must also monitor and regulate. USGS scientists are eager to discuss their water studies with the press, and they can be a great resource.
- **Water Data:** USGS has collected trend data for many years from 679 sites around the country. It is available on CD-ROM from the USGS in Reston, Va. (703-648-5921). Code is DDS-37. EPA has a repository of its own and state data at STORET, [www.epa.gov/OWOW/STORET/](http://www.epa.gov/OWOW/STORET/).

Penny Loeb, an author and environmental reporter, formerly worked for U.S. News & World Report. She is also a former IRE Board member. A more extensive version of this tipsheet is available from the IRE Resource Center story library — Story No. 1133.



Photos: Richard Derk | Los Angeles Times



Pads for more houses await builders in a Stokes Canyon development that was approved for 125 homes just south of Calabasas.



A tract of homes in Calabasas Hills.

density. The map, we figured, showed how the mountains were supposed to look. The next step was creating a map that showed the reality: all subdivision approvals since 1978.

That turned out to be a trickier task. The Los Angeles County Assessor's Office wanted \$80,000 to buy the GIS information outright. So instead, we rented time on the assessor's mainframe, then watched as one of his assistants created a special file showing the outlines of the subdivisions in our area of study.

Once we had the two maps, we imported them into Maptitude, a low-budget, though effective, GIS program, then overlaid the two. The growth plan map showed proposed density. Our new map showed actual density. The overlay showed the subdivisions that violated the growth restrictions.

That overlay, which showed 40 percent of the nearly 100 subdivisions in excess of the limits, was the heart of the project.

### Campaign contribution link

From there, we began reviewing the individual subdivision approvals, combing through musty old files in numerous city halls and planning departments to dig up the names of the developers, engineers, consultants and attorneys involved in the high density projects. Using laptops loaded with Excel, we created our own database to track them, eventually inputting about 2,500 names.

We ran those names against the *Times'* in-house database of political contributions, which has been continually updated since 1984. The results were not surprising: nearly all of the developers and businessmen involved contributed to the campaigns of various supervisors in charge of the area.

Since the link between developers and county supervisors had long been known, we decided to take the story one step further. To do that, we obtained the case tracking database from our planning agency, which included the dates of

# Development

CONTINUED FROM PAGE 23

mountains was declared a national recreation area. The complicated map had more than 5,000 polygons, each representing different use and density classifications.

At the time of the original plan, the idea was to hold down building

## STEPPING INTO MURKY WORLD OF ENVIRONMENTAL REPORTING

By Penny Loeb

**If you decide to do investigations of the environment, it helps to do your homework. There are dozens of local, state and federal groups that weigh in on the issue, not to mention the hundreds of laws and regulations aimed at the environment. The key is educating yourself about this wide-ranging and complex subject. Begin by:**

- Visiting the sites. Field trips usually yield even more to investigate, verify your hypotheses and help you explain the problem to the reader. Nothing has greater impact than seeing toxic waste ooze out of the ground, dead fish from a chemical spill or smelling the pollution spewing out of a paper mill.
- Checking for oversight audits and investigations, especially if you are looking into wrongdoing or bumbling by an environmental or public health agency. Also review complaints from citizens. On the federal level, oversight is done by inspectors general, the General Accounting Office and congressional committees. At the state level, oversight varies. The federal agencies will do various types of reviews of state practices. The agencies may have their own review mechanisms, or there may be a state comptroller doing oversight. Citizen complaints can point to weaknesses in how the agencies work.
- Finding out how people are affected by environmental destruction or, on the flip side, by restriction of activities that harm the environment. Many local groups have formed, especially in low-income and minority neighborhoods, to fight the health risks of environmental contamination. National People's Action (312-243-3038), a Chicago-based umbrella group for hundreds of local groups, can help you find organizations in your area. The Southern Empowerment Project (865-984-6500) is another. Don't overlook the impact of environmental restrictions on workers. There is a backlash against environmental agencies and groups from foresters, miners and even some fisherman.
- Joining the Society of Environmental Journalists ([www.sej.org](http://www.sej.org)). There is a quarterly journal with state-by-state summaries of stories, and members get frequent e-mail lists of upcoming conferences and story tips.
- Keeping up on the latest environmental news and movements. Three national environmental groups that monitor bills in Congress can be found at [www.nrdc.org/nrdc/field/state.html](http://www.nrdc.org/nrdc/field/state.html), [www.pirg.org/enviro/index.htm](http://www.pirg.org/enviro/index.htm), and [www.defenders.org/grnhome.html](http://www.defenders.org/grnhome.html). A super list of environmental links is [www.legalethics.com/pa/](http://www.legalethics.com/pa/)

public hearings and planning commission votes going back some 15 years.

We then compared the dates in that database with the dates in our political contribution database to determine that, in many cases, contributions came within days or weeks of key votes on the projects. After approval, when the developers had gotten what they wanted, the money tap shut down, we found.

Next, we decided to check the damage from the development. From the county's Flood Control District, we obtained water level data for various streams in the area, data it had kept continuously for 30 years.

Using SPSS, a statistical package, we then charted the increase in high-density homes against an increase in water levels. We used various statistical tests to check the strength of that relationship. Ecologists in the area gave the finding context, saying that habitat for several key species adapted to California's peculiar drought and deluge cycles had been wiped out as a result.

Finally, we decided to see if there was any link between the various disasters in the area and the suspect subdivisions. It was a fishing

expedition, but turned out to be a useful one.

We found that those living in subdivisions in excess of the growth restrictions – designed, ironically, by a 1970s version of Atlas' ArcInfo to predict disaster probabilities – were more than 2.4 times as likely to suffer disaster, when compared with homes in the mountains built to growth limits.

Although the results seemed mysterious – why would density relate to disaster? – earthquake and soil engineers suggested that part of the reason had to do with the increased grading and occasionally rushed construction of big subdivisions.

Finally, we looked at Federal Emergency Management Agency payouts in the region over time and found that the federal government had spent more than twice as much money in disaster relief as it had in acquiring new land to add to

Photo: Richard Deak | Los Angeles Times



The Santa Monica Mountains serve as a backdrop for frames of houses in Stokes Canyon.

the national recreation area. In other words, if it had paid to buy land to preserve it as parkland, it wouldn't have had to spend as much money to repair the homes of private citizens, who built their million-dollar homes in the mountains.

*T. Christian Miller is a staff writer for the Los Angeles Times.*



Providence City Hall employee Joseph Pannone tries to hide under a coat as he leaves a federal courthouse after being indicted on charges of money laundering.

# COMPUTER MATCHES TURN UP HEAT ON CITY HALL SCAM, MOB CONNECTION

BY DAVID HERZOG  
OF THE PROVIDENCE JOURNAL

**O**n the morning of April 28, 1999, telephones started ringing across *The Providence Journal* newsroom. Something big was afoot. Everyone who had a mole in City Hall was getting a call: FBI agents were hauling box loads of building permits, tax assessment records and tax bill records from city offices.

As City Hall buzzed and FBI agents arrested the chairman and the vice chairman of the Providence city board that grants property-tax

breaks, Mayor Vincent A. Cianci Jr. stayed cloistered in his renovated carriage house. He finally emerged later in the day and faced reporters and television cameras at a late afternoon news conference, managing a quip to declare that the investigation – named Operation Plunder Dome – would not lead to him.

“You’re not going to find any stains on this jacket,” Cianci said.

For more than a year before, reporters on *The Providence Journal’s* metro news staff had

been reporting on the FBI’s interest in how the city leased and bought property from Edward Voccola, a felon.

With the FBI investigation in full force, *Journal* metro managing editor Tom Heslin assigned the paper’s investigative team to cover the blossoming scandal inside City Hall.

While corruption investigations are nothing new at *The Journal* – within the past 15 years the paper has uncovered wrongdoing in the state Supreme Court, Rhode Island credit unions and in the governor’s office – this time the investigation would rely heavily on computer-assisted reporting to bolster our shoe-leather reporting.

Heslin assigned us to cover the daily stories arising from the federal investigation while pursuing our own long-range pieces. That way we would build expertise and develop sources more quickly than if we just did the big take-outs. Also, by getting our bylines and stories in the paper, we were able to attract calls from people who provided solid information.

Since prosecutors had charged the tax board

officials with shaking down a city businessman who was working undercover for the FBI, we decided to look at who was getting tax breaks. That wasn't as easy to do as we thought.

We tried talking to the city assessor, who steadfastly refused to meet with us or even give us a quick lesson about how his office works. We checked in with the independent tax board and asked whether it had computerized records of every tax reduction. No luck there. Not only were the records on paper, they were often illegible, cryptic or incomplete. Plus, there was no way for us to tell which tax reductions were illegitimate.

## Property values

So we tried another approach: database matching. We already had assessment records for 1996, so I got the same database from the city for 1998. Each table had around 44,000 records, one for each property in the city, identified by a unique plat, lot and unit number. Using that unique number, I matched the two tables with Microsoft Access database manager and produced a table showing properties where the values had declined. Still, there was no way to tell whether the reductions were legitimately granted by the tax board or the assessor's office. I printed a list of the reductions – all 1,200 of them – and we looked at the names.

One name jumped out: Paul Calenda, a known mob associate who was serving time in federal prison for illegally possessing an Uzi machine gun. Calenda's wife also received a tax reduction for a property.

We went to the assessor's office in City Hall and asked to see the field cards – the file folders that hold papers documenting property values – for the three Calenda properties that got tax reductions. A clerk in the assessor's office told us that they didn't have the field cards for the three properties, so we knew that the FBI had taken them in the April raid as part of its probe.

We punched numbers from the assessor's annual tax books into an Excel spreadsheet to show how the values of Calenda's properties declined over the years and how the reductions had saved him more than \$16,600 in 1998 taxes.

As we followed the paper trail for Calenda's properties, another reporter on the investigative team began backgrounding Calenda. One of Calenda's former friends, now in the federal Witness Protection Program, through his lawyer, told the reporter that Calenda took

him to several fund-raisers for the mayor. One time, Cianci invited the two onto his boat in Newport for a brief tour, the former associate told us.

Later, a lawyer admitted in court that he delivered a \$5,000 bribe from Calenda's wife to the tax board chairman to obtain property tax reductions.

our story about how another felon, Ed Voccola, got more than \$2.2 million in lease and property payments from the city. One of the first things we did was search for Voccola's name in the secretary of state's incorporation records system. After getting a list of his companies, we asked the city controller for checks showing every payment to them since 1991. We punched

Photo: Bob Phayer | The Providence Journal



An FBI agent leaves the tax assessor's office at Providence City Hall. Investigators descended on five city offices with search warrants. The two men who were arrested were members of the Board of Tax Assessment Review.

As we reported the Calenda story and others, we entered key events into a Microsoft Access database. The database, located on our network so everyone on our I-team could use it, became a storehouse of essential information that we use daily in our reporting. I created a program (see "Tech Tips" in the April and June 2000 editions of *Uplink* for more information) so the other reporters on the I-team could look up information by just pointing and clicking.

## Mapping software

I gathered as many databases as I could, starting with assessments. I later added personnel lists, campaign contributions to the mayor, pension information, tax bill payments and voter registration rolls. I also scanned in key documents, such as transcripts of conversations secretly recorded by the government's undercover witness, and affidavits, and indexed them using Lotus SmartText. We were then able to search for specific words and find them quickly.

We used databases extensively in reporting

in the amounts from the checks – creating a worksheet for every lease – and saw how Voccola was making big bucks from City Hall and the school department.

We also needed to find all of Voccola's properties in the city. That could have been difficult. Before he went to federal prison on a racketeering charge in 1996, Voccola transferred his properties to companies run by his daughter.

Again, we turned to our data from City Hall. Using ArcView mapping software, the assessment records and a computerized map parcel file, we selected every property whose tax bill went to his daughter's address. The mapping software allowed us to see the location of the parcels.

We dug into each property deal Voccola had with the city, looking at leases, deeds and minutes of the city board that is supposed to solicit competitive bids and select the best one. In many cases, we found that Voccola's companies had gotten leases without competi-

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In California's 1999 elections, San Francisco voters gave their city the most forceful local open-government ordinance in the state, possibly the country, and apparently the first one enacted by popular initiative. By a 58-42 margin, they approved a sweeping set of amendments to the city's existing "sunshine" ordinance – opening city contract and franchise negotiations to public scrutiny, establishing an appeals process for public record withholdings, plugging loopholes in the law, and more.

Proposition G (the Sunshine Initiative) was the handiwork of a broadly based coalition of neighborhood groups, issue activists, political leaders, and concerned citizens. Critical to its success was the coalition's media member, the *San Francisco Bay Guardian*, a 34-year-old weekly alternative newspaper known for muckraking journalism and progressive politics.

The *Bay Guardian* spread the word far and wide. It called on readers to sign the Sunshine Initiative petition, which it printed in its pages for them to circulate, and ran stories on the petition drive and Proposition G campaign (my beat) almost every week. Alongside the coverage ran informational ads explaining the proposal to voters.

### The watchdogs

Journalism and advocacy. As young reporters we learn they're oil and water. The Society of Professional Journalists' code of ethics urges journalists to "shun secondary ... political involvement, public office and service in community organizations if they compromise journalistic integrity." And yet, journalist associations like SPJ, IRE and the American Society of Newspaper Editors (whose support was critical to the federal FOIA's passage) have long been FOI activists. For a simple reason: without journalists, no one would do it.

The Proposition G campaign showed me how journalism and advocacy can be two sides of the same coin. Sometimes they have to be, and then journalism makes advocacy possible. As much as the inverted pyramid and top-bound spiral notebook, open meeting and public records laws are tools of the journalist's trade (and the activist's), and they need to work well if we're to play our role properly as the watchdog branch of government.

Note that the First Amendment mentions freedom of the press and participatory democ-

# FIGHTING FOR FOI: WHEN JOURNALISM AND LOCAL ACTIVISM MERGE

BY RANDY LYMAN

FORMERLY OF THE *SAN FRANCISCO BAY GUARDIAN*

racy in the same breath. For this reason, I think, freedom of information laws are an arena where journalists actually need to be activists, for the sake of democracy as well as the profession. If we have to recuse ourselves, the First Amendment will always go either unreported or undefended.

### Cover the Issue

The California First Amendment Coalition names "prominent media backing" among the key requirements for getting a sunshine law enacted ([www.cfac.org/intro/pass\\_sunshine.html](http://www.cfac.org/intro/pass_sunshine.html)). "The original Sunshine Ordinance, ignored by both dailies, was supported by the *Bay Guardian* not only in its stories and editorials, but in the direct, face-to-face involvement of the publisher interacting with the city attorney's office for months in a line-by-line vetting of the language, in his appearance to testify at all hearings, and in his recruitment of the legal advice of an attorney from CFAC," according to CFAC General Counsel Terry Francke.

In between these battles, FOI is a regular beat at the *Bay Guardian*, important enough to get its own reporter and an annual special issue, and this keeps FOI before readers' eyes as a topic of importance. When the Sunshine Initiative campaign began, readers (voters) already had the background.

Unfortunately, FOI issues are often abstract, so one of my most constantly challenging tasks was to bring them down to Earth, to the reader's own street corner. I tried to show the quality-of-life implications of thwarted public access, how closed meetings and withheld documents determine whether the corner gets a traffic light, a chain store, or a police sweep. For years, the *Bay Guardian* has reported how the lack of public hearings has gotten the city bum deals

on its cable TV franchise, and that's why San Franciscans pay more than their neighbors for inferior service.

My FOI beat included the monthly meetings of the Sunshine Ordinance Task Force, which oversees compliance with the law. Its complaints file and the hearings it held on them provided a reliable stream of stories about official secrecy and loopholes in the Sunshine Ordinance. One hearing revealed the Elections Department couldn't always account for the location of ballot boxes in a contested election that determined whether the city would get a new sports stadium the mayor wanted.

The *Guardian* also highlights the FOI angle in other stories. When activists sought to learn why police suddenly began sweeping homeless people into jails instead of treatment centers, city officials refused to release documents explaining how the new policy was developed. The criminal justice reporter covered the story, but the records denial became a basis for the Sunshine Initiative and ammunition for the Proposition G campaign.

Making a case to voters why the city needed its sunshine law amended would have been impossible without the documentation of continuing abuses we could point to from years of FOI beat reporting. We had dozens of examples. We showed readers how their quality of life was depreciated because of them. San Franciscans can now get weekly updates on city franchise negotiations. The Elections Department is required to keep a complete paper trail on its ballot boxes.

### Campaign coverage

Basic election reporting showed that opposition to Proposition G was orchestrated by cronies of the mayor and financed by the Chamber

of Commerce, which strongly opposed provisions that opened public contracting to public scrutiny. By exposing the opponents and their motivations, we undercut their arguments.

We remembered the arguments against the original law, and prepared to hear them again. Every sunshine ordinance will: a.) cost too much; b.) require new warehouses to hold all the new public records; and c.) bring government grinding to a halt from the extra administrative burden. This stuff is really easy to debunk.

Besides fighting disinformation, we also educated our readers. Since we couldn't call them news stories, we ran explanatory pieces as a series of full-page ads (their value disclosed to the Ethics Commission) explaining the benefits of Proposition G's appeals process and other provisions, countering the opposition, and describing the measure's benefits for groups not part of the city's power structure – such as the disabled (through greater online access), women, and working people.

Throughout the campaign, we emphasized the benefits of open government for everybody, not just journalists. The ads explained how sunshine laws help journalists keep the public informed, but otherwise we downplayed the journalistic side to pre-empt the opposition from attacking the paper and diverting attention from the issues.

Following the elections, the *Guardian's* annual FOI issue taught readers how to use Proposition G's amendments to locate and request public records, attend previously closed meetings, fight improper record denials, etc.

It also carried a story that highlights why journalists need to fight as well as write about FOI issues: With the ink on Prop. G barely dry, we caught public officials already sneaking around it. I sent a public records request to the mayor and 11 city department heads asking for their recent appointment calendars, which were made public record under Proposition G. Most complied, but the mayor and the public works director, it turned out, were shredding them. Previously “too important to disclose,” they were now “too unimportant to keep” – any excuse just to keep them from public view. We fought it. Now the mayor's calendars are on the World Wide Web.

*Randy Lyman covered First Amendment-FOI issues for the Bay Guardian and is currently a freelance journalist in Oakland, Calif. The Bay Guardian won last year's IRE FOI Award.*

## City Hall

CONTINUED FROM PAGE 37

tive bidding, through a charter provision that allows city agencies to pick their own contractors to meet emergency needs. We talked to real estate agents, neighbors and city officials to learn, as best as we could, how City Hall and the school department did business with Voccola.

Also, we looked at criminal and civil court cases and our clips going back three decades to flesh out Voccola's colorful past. We talked to acquaintances, his daughter and, at the end of our reporting, Voccola himself.

In the 15 months since Plunder Dome broke, we've written more than 100 stories. We've shown how the mayor spent thousands of dollars in campaign money on gifts, holiday dinners and a “Barney” dinosaur impersonator for his granddaughter's third birthday party. We also reported how the exclusive University Club made Cianci an honorary member for life, waiving its \$1,200 initiation fee and \$1,200 annual dues, after the city dropped its opposition to renovations at the club.

In June, the corruption probe pierced Cianci's inner circle, as a grand jury indicted his former top aide and leveled fresh suggestions of wrongdoing against the mayor, implicating the pair for allegedly taking bribes from Voccola for the leases.

## CORRUPTION INVESTIGATION TIPS

By David Herzog

- **Gather all the computer data you can and get updates every year.**
- **Reach out to everyone. The more people you talk to, the more informed you and your readers are.**
- **Use chronologies to frame the outline of complex stories and look for the juxtaposition of events.**
- **Whenever possible, have two people do interviews. One person can ask questions and look at body language while the other takes notes.**
- **Hit the streets for interviews. People are more likely to talk when you show up on their doorsteps.**
- **Become an expert on what you're covering. You'll gain the respect of your sources and come prepared to interviews.**
- **Cover your investigation like a beat.**

Reporting efforts are ongoing as the grand jury continues to investigate Cianci.

*David Herzog is the computer-assisted reporting specialist on The Providence Journal investigative team.*

Photo: Ruben Perez | The Providence Journal



FBI agents leave Providence City Hall carrying boxes of evidence taken from the tax assessor's office. That office and the city's tax collector's office are under investigation.

## Legal Corner

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host of a local radio talk show. Vopper repeatedly aired the tape on his show over the next three days, peppering his discussions with harsh criticism of the union leaders. The union leaders sued, arguing that the station, Vopper, and Yocum violated the federal wiretap statute by “using” and “disclosing” the contents of the conversations to the public even though they had no role in the unlawful taping and did not know who had done it. The federal trial court denied motions to end the case.

On appeal, the decision of the trial judge was reversed. The Third Circuit panel found that, while the government had a “significant interest in protecting privacy,” that was not sufficient “to justify the serious burdens the damages provisions of the wiretapping acts place on free speech.” Since the defendants had no knowledge of the unlawful taping, the court was not convinced that the burden these provisions place on speech would serve to advance the government’s goals of protecting the privacy of phone conversations.

The *Vopper* court distinguished the outcome in Congressman Boehner’s lawsuit against Congress-

man McDermott because the newspapers had not been sued in that case. Moreover, whereas Congressman McDermott “accepted the tape from the interceptor,” the tape received by Yocum had been anonymously placed in his mailbox. And while McDermott not only sought to embarrass his political opponents with the tape, he may have promised the interceptors immunity for their illegal conduct. Thus, McDermott’s interactions with the Martins raised questions about his complicity in the crime itself while Yocum and Vopper were not implicated either in the unlawful taping or involved with the wrongdoer at all.

While opposite outcomes resulted from the appeals in *Vopper* and *Boehner*, both courts essentially upheld the validity of the regulatory scheme embodied in the federal wiretap statute. The U.S. Supreme Court has accepted the *Vopper* case for further review, and, at press time, oral arguments in that case were scheduled for December 2000.

### Peavy v. WFAA

This case directly raises the issue of whether journalists can be held liable for news reports based upon illegal wiretapping activity by their sources.

The next-door neighbor of a Dallas school district trustee used a police scanner to listen to and record the school official’s telephone conversations. The eavesdropping neighbor, Charles Harmon, contacted a local television station about an alleged insurance kickback scheme and other improper conduct that he believed was revealed by the intercepted phone calls. Shortly thereafter, a WFAA reporter 1) was told about the contents of the overheard, but not recorded, conversations; 2) played a tape of the recorded conversations; and 3) showed the scanner. The reporter knew the parties to those conversations were not aware of (and did not consent to) the interception and recording of the telephone calls. Nevertheless, the reporter agreed to accept copies of the tape recordings and suggested measures that could be taken to enhance the authenticity of the recordings. After the reporter played copies of the recordings for his news director and others, WFAA decided to investigate the story further.

WFAA’s lawyers raised concerns about the legality of Harmon’s taping and discouraged disclosure and use of the information unless it also was available from other sources. WFAA returned the tapes to Harmon, who continued his activities until the FBI seized his scanner. He later pleaded guilty to violating the Federal Wiretap Act and paid a \$5,000 fine.

Based upon additional investigation, WFAA later broadcast three reports on the school official’s alleged wrongdoing, but did not play any intercepted conversations during the broadcasts. He was subsequently indicted for bribery and other offenses, but was acquitted of all charges. Afterward, he sued WFAA and its reporter for violating the federal wiretap statute.

Similar to the *Boehner* case, WFAA initially succeeded in having the suit thrown out, but an appellate court reversed and reinstated the case for trial. The court was unsympathetic to the station’s decision not to air the tapes themselves. It said that only a jury could tell whether information was “used” from the tapes or whether it was obtained from wholly independent sources. The court observed that even though the statute’s “procures” language applied in the criminal context, the jury should still be able to decide whether WFAA’s reporter “procured” any unlawful conduct for purposes of assessing damages. Finally, the court declined to apply the highest level of constitutional protection (strict scrutiny) to the media’s use and disclosure of the tapes because it found that the wiretap statute was content neutral and applied to all phone calls and to all people equally.

## Kiplinger Program in Public Affairs Journalism



**The School of Journalism and Communication at The Ohio State University invites applicants for the Kiplinger Program in Public Affairs Journalism for 2001-2002. Mid-career journalists with at least three years’ experience are eligible for this program, which begins Sep-**

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## Firestone tires

CONTINUED FROM PAGE 21

"This series has unmistakably delivered the false messages that Radial ATX tires are dangerous, that they threaten the safety of anyone using them, and that they should be removed from every vehicle on which they are installed. Each of these messages is simply untrue," the letter said.

The letter also called our story unbalanced and stated "the broadcast may be grounds for finding of actual malice." We included the company's response in our February 10 story, reporting their most damaging allegations in the interests of fairness. We also posted the full letter on our Web site for viewers to read.

Fortunately for our team, corporate and station management remained supportive. So we continued to investigate, eventually learning that NHTSA was doing its own internal investigation of complaints reported by our viewers to the agency. By May, the agency announced it was beginning a defect investigation into the Firestone ATX, ATX2, and Wilderness AT tires.

As we monitored the investigation, there was another break in the story. On July 30, a source called to let us know that since late May, Ford had been recalling ATX and Wilderness tires from Ford Explorers in Venezuela because of accidents similar to ones in the U.S. Using the Internet, a number of phone calls and faxes, and most of all, the Spanish skills of photojournalist/team member Chris Henao, we confirmed the tip. We even found out that Ford was planning to include similar recalls in Ecuador and Columbia. Within days, the national media jumped on board and coverage of the issue became widespread. Finally, just weeks later Firestone made the announcement it would voluntarily recall more than six million ATX, ATX II, and Wilderness AT tires.

Obviously the story didn't stop there. We also broke the story that Venezuela was considering criminal charges against both Ford and Firestone. Events here eventually led to congressional hearings, and the recent passage of a law that among other things sets criminal penalties for manufacturers who don't address defects and forces them to tell the federal government when they recall products in other countries.

*David Raziq is the investigative producer at KHOU-TV in Houston, and has won a number of national awards including those from IRE, Scripps Howard and UPI. Chris Henao is an Emmy-winning investigative photojournalist, and Anna Werner has received the Edward R. Murrow Award for investigative reporting.*

## Guest Column

CONTINUED FROM PAGE 17

*The Times* would publish and the others would reprint or pick up," says Stephen Schwartz, the publisher of the Chicago-based *Bulletin of the Atomic Scientists*, who has followed the story closely. "Most of the media didn't have the interest or expertise or time to give this story the scrutiny it deserved."

### A familiar story

After reviewing many of the articles written about the Wen Ho Lee case, and after talking to several nuclear weapons experts, it strikes me that at least two discrete stories – each with interesting spin-offs – have been at play. The first involves the handling of genuine nuclear weapons secrets at Los Alamos and other nuclear weapons facilities. The second pertains to the alleged Chinese receipt of U.S. nuclear weapons secrets and the related question of a nation's ability to build advanced nuclear weapons on its own.

The major, most damaging flaw in *The New York Times* coverage was to link those two stories together with insufficient evidence. The linking made for the sensational March 6, 1999 article, reminiscent of the 1950 revelation that Los Alamos scientist Klaus Fuchs was a Soviet spy. This time it was an Asian-American spying for China. Lee was described but not named in that first article, but the connection was sealed with his firing two days later. And once *The Times* had the 1999 parallel to the Fuchs storyline in mind – even when it published doubts about this version of events – they initially were buried.

Government prosecutors presented evidence that Lee had downloaded from a secure to an insecure computer a huge amount of computer codes that simulate the behavior of nuclear weapons. "This was a major story," says Tom Cochran, director of the Natural Resource Defense Council's Nuclear Program in Washington, D.C. "Look, you've got a nuclear weapons lab working for 50 years that has done a thousand nuclear tests and the fact that somebody walked out with that data is a major story. Whether he did anything with it or just squirreled it away, we don't know."

Other experts say that downloading information to insecure computers is common practice at weapons labs. That, plus the similar – but so far unprosecuted – case involving former CIA director John Deutch has raised charges

of selective prosecution and possible racial profiling in the Lee case.

The second story, about rapid Chinese advances in miniaturizing its nuclear weapons, is an intriguing and complex tale. Government investigators and some experts argue that documents received from a Chinese agent prove that China had access to designs of an advanced – but two-decades-old – U.S. warhead. Even if espionage occurred, experts disagree about the significance this had for the Chinese program. And that disagreement ties into a bigger issue of what still constitutes nuclear secrets in this world where considerable information is available, even on the Internet.

"Although the basic scientific and technical principles of making nuclear weapons are relatively well known, details and 'tricks' can be very hard to duplicate in practice," writes David Albright, president of the Washington, D.C.-based Institute for Science and International Security, in the November/December 2000 issue of the *Bulletin of the Atomic Scientists*. He and others argue that the U.S. classification system should be revised to protect "core secrets" while releasing other information necessary for democracy to function correctly.

And that is a story that deserves a lot more attention from journalists.



# MENSA

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## Houston column

CONTINUED FROM PAGE 4

with the IRE Resource Center. The Resource Center, [www.ire.org/resourcecenter](http://www.ire.org/resourcecenter), has been electronically indexing our publications and has begun videostreaming the broadcast winners of the IRE Awards from the last 20 years. The Campaign Finance Information Center, [www.campaignfinance.org](http://www.campaignfinance.org), not only organized five workshops in the Midwest but published several issues of *Tracker*, an electronic newsletter on campaign finance, and provided campaign finance data to hundreds of journalists.

Our Web site, [www.ire.org](http://www.ire.org), places as many of our resources online as possible and also provides services for nearly a dozen other journalism groups, including the Asian American Journalism Association, the New York Association of Black Journalists, Society for Environmental Journalists, the Journalism & Women Symposium, Religion Newswriters Association and the Education Writers Association.

We also got our "beat book" series off and

running. The beat books have covered aviation safety, crime statistics and disparity in home mortgage loans. Already in the works are beat books on using numbers in the newsroom, covering non-profits and covering campaign finance.

We don't expect to let up in the coming year.

Our IRE national conference is scheduled for June 14-17 in Chicago and the CAR conference in Philadelphia for Oct. 11-14. Before we get to those conferences, we will co-sponsor with Danish journalists our first international investigative reporting conference in April in Copenhagen for European journalists.

We also are planning two more campaign finance workshops on the critical issue of following "quid pro quo" after the election and we are developing software applications to help journalists do that more easily. At the same time, we are stitching together a series of workshops on census data that will include hands-on training and online resources for follow-up.

Here at Missouri, we already have scheduled five basic CAR boot camps, a seminar for journalism educators, a boot camp for editors and a conference for journalism students in March.

In addition, we have already booked on-the-road seminars in California, Florida, Canada, New Jersey, North Carolina and Massachusetts. And we are just getting started.

### Two brief notes:

First, in the crashing and burning of dot-coms, we can report one happy turn of events. APBNews.com, the Web endeavor that provided intense coverage of crime, has been purchased and revived. Although it will have a smaller staff, it has funding now. Second, Montreal police arrested a suspect in connection with the shooting of Canadian investigative journalist Michel Auger. They arrested a 52-year-old man who they said had supplied the gun for the shooting. Police believe the attempt on Auger's life was the result of his work covering biker gangs and their battle over Quebec's illegal drug trade. In November, Auger, who survived the attack, was awarded a medal by the province's National Assembly.

the metro editor at *The Ann Arbor News*. He was the assistant metro editor at the *Detroit Free Press*. ■ **Deborah Nelson** becomes the editor of the regional investigative team at *The Washington Post* in January. She has been a reporter on the investigative news staff of *The Post* since 1999. ■ **Jeff Ortega**, formerly with *The Columbus Dispatch*, is now with Dix Newspapers and the *Youngstown Vindicator*.

■ **Sandra Oshiro** is the new assistant managing editor for new media at *The Honolulu Advertiser*. She was the director of new media.

■ **Mark Platte** to assistant managing editor for news at *The Honolulu Advertiser*. He was the news and investigations editor at the *Los Angeles Times* Orange County edition.

■ **Earnest "Earnie" Reid** passed away on Oct. 14, 2000, after a short battle with cancer. Reid worked for World Cable News. ■ **Bill Riales**

is the new investigative reporter/anchor at Mobile's WKRG-TV. He was at WEHT-TV in Evansville, Ind. ■ **Noel Rubinton**, the "Viewpoints" editor for *Newsday*, was elected president of the Association of Opinion Page Editors.

■ **Ben Schmitt** is now a metro reporter with the *Detroit Free Press*. He was with the *Daily Report*, a legal publication in Atlanta.

■ **Ellen Shearer** was named co-chair of the newspaper department at the Northwestern University Medill School of Journalism in Evanston. ■ **Shellee Smith**, formerly with WXYZ-TV (ABC), is now a correspondent with NBC News based in Burbank.

■ **Spencer Soper** has moved to the *North County Times* in northern San Diego County. ■ **Mark Tatge** has joined *Forbes* magazine as its Chicago bureau chief. He previously was a staff reporter with *The Wall Street Journal*.

■ **Luke Timmerman** moves to business reporter at *The Seattle Times* from *The Capitol Times* in Madison.

### Payne Awards For Ethics In Journalism

The Payne Awards will be awarded to a working media professional, a journalism student and to a media organization for having exhibited the highest standards in journalism. Nominations are being accepted until January 31, 2001 for material published or decisions made in 2000.



#### For complete information or for submission contact:

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## 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.

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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 for 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: Ron Nixon, ron@ire.org, 573-882-2042

**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.

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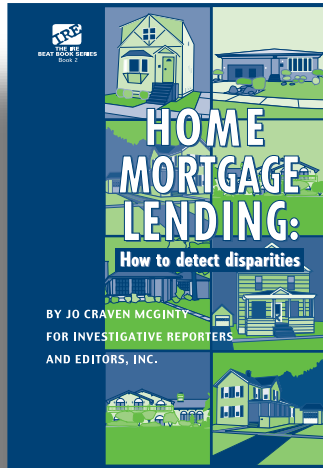
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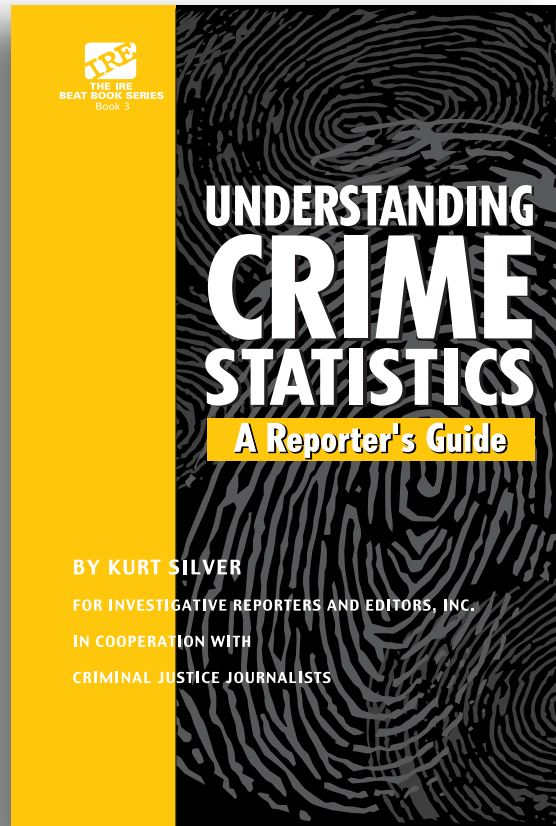
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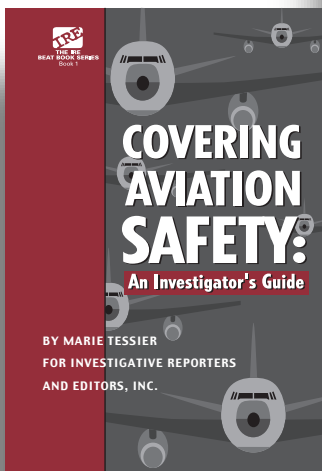
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