THE IRE JOURNAL

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MAY/JUNE 2001

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An in-depth look at poorly run medical facilities, critical care mistakes, drug testing and body brokers.

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Cover photo by,
Corbis

THE IRE JOURNAL

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FROM THE IRE OFFICES

Don't forsake training

BRANT HOUSTON

Newsrooms across the U.S. have slashed – if not obliterated – training budgets this year. We've been through this challenge several times before in the 26-year history of IRE and each time our members find a way to get to our seminars and conferences.

For many journalists, IRE is the one constant element of their careers and IRE becomes a second home. In a profession where a reporter or editor will likely switch jobs four or five times, IRE has always been there with support and a ready network.

A centerpiece of IRE is the national conference. It has become the gathering place for journalists to rejuvenate their passion for the pursuit of challenging stories. The conference provides a venue for journalists to offer each other advice on how to do the stories that matter despite difficult financial times. And IRE events are where editors and reporters find out which newsrooms continue to believe in public service and investigative reporting.

This year's national conference – in Chicago, June 14-17 – will have all of this and more. In addition to about 100 panels and workshops, we are making Sunday morning a time during which participants can get more individual attention on their reporting, writing, editing and careers. IRE and The Poynter Institute will offer workshops and one-on-ones on the so-called career day. The day will focus on the personal improvement each journalist can make with or without training budgets.

We know that some of our members will convince their organizations to steer the limited dollars left toward the IRE conference and its practical training. Others have to make personal sacrifices and investments to get to the conference. Because of this, we are keeping registration fees as low as possible (the lowest of all major journalism organizations) and at the same level of the last five years.

At the same time, we are working hard to ensure the conference will be the most worthwhile event this year for journalists, especially those who cover beat and daily stories.

Reporting Conference

On the subject of conferences, the turnout for our reporting conference in March for journalism students, faculty and young professionals far exceeded our hopes. More than 350 enthusiastic participants turned out for a full day of panels and hands-on training in computer-assisted reporting at the Missouri School of Journalism where IRE is headquartered.

It had been a busy week already with the judging for the IRE Awards and an IRE board meeting, but the board and contest judges stayed on to serve as panelists. Diana Henriques, the veteran investigative business reporter from *The New York Times*, gave a keynote speech that convinced the audience that everyone should know business reporting. (See excerpts of speech, page 17.)

A review of the conference, which received high praises, showed that at least 30 universities and 18 states were represented.

Germans form association

IRE volunteer Greg Reeves, whose regular job is computer-assisted reporting at *The Kansas City Star*, recently went to Germany for several days to share IRE's experiences with journalists there. Greg, who had many years of traditional investigative reporting before discovering databases, is fluent in German.

It turned out that the invitation to IRE was timed to coincide with the announcement that a group of journalists there had formed an IRE-like organization known as "Netzwerk Recherche." The group's formal announcement specifically mentioned IRE and the intention to "improve and intensify contacts between journalists of different countries." We look forward to working with them.

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

Carnegie Corporation grants $250,000 to IRE

The Carnegie Corporation of New York has made a grant of $250,000 to IRE to support its Campaign Finance Information Center and general training on campaign finance coverage.

The two-year grant will be used toward training state and local news media on campaign finance issues. Activities will include providing resources and training at workshops, conferences and through the World Wide Web.

"With this grant, IRE can maintain and improve upon its efforts to help journalists track the flow of money into politics," says Brant Houston, IRE's executive director.

The Campaign Finance Information Center (CFIC) is dedicated to more in-depth coverage of campaigns by following the campaign money trail. The CFIC teaches journalists the skills to work with the data on their own. IRE was able to start the CFIC with help from Joyce Foundation grants.

"The Joyce Foundation was and continues to be a crucial supporter of our efforts" Houston says. "We are pleased that Carnegie sees the value of expanding this work."

Carnegie Corporation of New York was created by Andrew Carnegie in 1911 to promote "the advancement and diffusion of knowledge and understanding." As a grant-making foundation, the Corporation seeks to carry out Carnegie's vision of philanthropy, which he said should aim "to do real and permanent good in this world." The grant was made under Carnegie's "Civic Engagement for the 21st Century" program.

Newsroom math book is available from IRE

IRE has sent to the printer the fourth volume in its beat book series. "Numbers in the Newsroom: Using Math and Statistics in News" was written by Sarah Cohen, former IRE training director and now database editor with *The Washington Post*.

Cohen offers a quick guide to making numbers clear in daily reporting. The book includes sections on fractions, percentages, rates, measuring change, understanding averages, working with graphics and much more.

The book costs $15 for IRE members and $20 for non-members. Order online at www.ire.org or call 573-882-3364.

Reporting Conference draws college students

An IRE Reporting Conference held March 31 drew more than 350 people – most of them college students. The University of Missouri School of Journalism acted as co-host for the event, which was aimed at exposing young professionals, student journalists and others from small news organizations to some of the most talented reporters and editors in investigative reporting.

About 30 speakers, including Pulitzer Prize winners or finalists, IRE Award winners and other top names served on panels or taught in hands-on computer-assisted reporting classes.

In a keynote address, Diana Henriques of *The New York Times* made a strong case for journalists understanding how nearly all stories involve a tie to business. She urged the audience to learn business backgrounding techniques to make those connections. A condensed version of that speech can be found in this issue of the *Journal*.

Departures and arrivals

Tom McGinty, training director for IRE and the National Institute for Computer-Assisted Reporting (NICAR), and **Jo Craven McGinty**, academic adviser to NICAR, are headed east to work at *Newsday*. The husband-wife team report to Long Island in June.

Tom spent two years racing across the country to conduct more than 50 seminars in computer-assisted reporting for print and broadcast journalists. In the past few months, he also did data analysis for major news organizations and worked with the Associated Press to make census data available and understandable.

Tom will report to the Metro Desk at Newsday, where his computer skills undoubtedly will catch the attention of Long Island inhabitants. Tom came to IRE from *The* (Trenton) *Times*.

Jo, who will work on *Newsday*'s enterprise desk, not only taught five computer-assisted reporting courses a year as an assistant professor at the Missouri School of Journalism, but also served as NICAR's academic adviser. This was Jo's second stint at IRE. She worked at IRE and NICAR, while getting her graduate degree. She left for a year and a half to work at *The Washington Post*, where she won a Pulitzer Prize as part of team looking into the high number of police shootings in Washington, D.C.

Both will be sorely missed.

Jeff Porter, computer-assisted reporting guru at the *Arkansas Democrat-Gazette*, will become IRE and NICAR's database library administrator beginning in June. Jeff will oversee analysis and other services provided by the database library, as well as do some teaching at Missouri and an occasional IRE seminar on the road. A veteran of newspapers and computer-assisted reporting, Jeff recently wrote about investigating nonprofits for *The IRE Journal*.

On the subject of nonprofits, **Barbara Hodges**, an experienced fundraiser and manager of nonprofits, has joined IRE as its development officer. Barbara, who holds a master's degree in public administration, was most recently the executive director of a nonprofit human services center. She will help lead IRE's endowment drive and other fundraising.

– Brant Houston

MEMBER NEWS

The 2001 duPont-Columbia Awards for investigative reporting honored a number of IRE members. **Stephen Smith** of Minnesota Public Radio's American RadioWorks accepted the highest award, the Gold Baton, for his radio documentary "Massacre at Cuska." IRE members also accepted three of the 11 Silver Baton awards: Investigative reporter **Anna Werner** and producer **David Raziq**, for KHOU-TV's (Houston) investigative series, "Deadly Tires;" **Tom Grant** for KXLY-TV's (Spokane) "Public Funds, Private Profit"; and **Laure Quinlivan,** who reported and produced "The I-Team Stadium Investigation" for WCPO-TV (Cincinnati). ■ **Agnes Blum**, formerly with the *Morning News* (Wilmington, N.C.), is now with *The Virginian-Pilot*. ■ Freelancer **Jimmie Briggs** was awarded an Alicia Patterson Journalism Fellowship for this year. He will continue documentary research in Sri Lanka on child soldiers and the impact of war on children for his book. ■ **James Bruggers**, environment writer for *The* (Louisville) *Courier-Journal* has been elected president of the Society of Environmental Journalists. ■ **Melvin Claxton** and **Charles Hurt** of *The Detroit News* won the Scripps-Howard National Journalism Award for Public Service Reporting for their expose of mismanagement and negligence in Detroit's Fire Department. ■ **Kristen DelGuzzi** has moved from *The Times-Picayune* to *The Plain Dealer*. ■ **Mary Flood**, formerly with *The Wall Street Journal*, is now a legal affairs and investigative reporter at the *Houston Chronicle*. ■ **Allison Gilbert** has moved from WWOR-TV to WNBC-TV as an investigative producer. ■ **Mary Fran Gleason** is now managing editor for features and sports at the *Times Union* in Albany, N.Y., from assistant managing editor at *The Post-Standard* and *Syracuse Herald-Journal*. ■ **Dave Gulliver,** formerly a database projects reporter with the *Dayton* (Ohio) *Daily News*, has taken the same position with *The Virginian-Pilot*. ■ **Chris Heinbaugh** has left KOMO-TV (Seattle), and is now with WFAA-TV (Dallas) covering city hall. ■ **Don Holland** is now assistant editor and continues his duties as city editor of the *Daily Press* (Victorville, Calif.). ■ **Elaine Norton Hooker** will move from

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

WINNERS NAMED IN 2000 IRE AWARDS

BY *THE IRE JOURNAL* STAFF

The Nation magazine and WTVF-Nashville have taken top honors in the 2000 IRE Awards.

Winning the prestigious IRE medals were Jamie Lincoln Kitman of The Nation and Phil Williams and Bryan Staples of WTVF.

The annual awards recognize outstanding investigative work in print, broadcast, online media and for work furthering freedom of information.

The Nation won in the magazine/specialty publication division for "The Secret History of Lead," in which Kitman documents how American businesses produced and marketed leaded gasoline even though they knew there were safer alternatives. The contest judges remarked on how the work read like classic turn-of-the-century muckraking.

"The research manifested here is nothing short of breathtaking," the judges reported.

WTVF won a medal in the television category for below top 20 markets. Williams and photographer Staples investigated the work of off-duty Nashville police officers and soon discovered unethical activities by high-ranking officers that eventually led to resignations and changes in police regulations. The contest judges called it "an outstanding example of dogged local reporting" despite threats to Williams and his family.

Copies of all contest entries are available from the IRE Resource Center, 573-882-3364.

"He went after one of the most powerful institutions in any town and broke the blue line by getting police officers to talk about their superiors," they said.

The Freedom of Information Award went to the *Atlanta Journal-Constitution* for seeking Olympic organizing committee documents – and not giving up. The paper was joined in its efforts by the state attorney general and ultimately Congress.

"The paper produced a remarkable series of stories that gave readers an incredible behind-the-scenes look at the Olympics and its organizers," said the judges. The FOI Award comes with an IRE medal.

The Tom Renner Award – for outstanding crime reporting – was given to KCBS-Los Angeles, where Joel Grover and Jennifer Cobb showed how corrupt doctors, nurses and street hustlers were defrauding the California Medicaid program. Judges called the work gutsy, smart and powerful. The Renner Award comes with an IRE medal and a $1,000 prize.

An IRE certificate was awarded for the first time in the online category, which was introduced last year. The Center for Public Integrity was named for "Our Private Legislatures," in which financial disclosure documents for legislators from all 50 states were gathered and made available in a database.

Others certificate winners:

- 60 Minutes II for "First Casualty," an investigation into the fate of a Navy pilot shot down in Operation Desert Storm.
- Dateline NBC for "The Paper Chase," an examination of the insurance industry's process of reviewing patient records.
- KHOU-Houston for "Treading on Danger?" The station led the charge in investigating Firestone tires on Ford Explorers.
- *The Orange County Register* for "The Body Brokers," which details the $500 million-a-year industry in donated body parts.
- *The Detroit News* for "Detroit Fire Department: Out of Service," in which fire department shortcomings are linked to deaths.
- *Naples Daily News* for "Stadium Naples," for documenting corrupt dealings involving a golf-stadium development.
- Ted Gup for his Doubleday book "The Book of Honor: Covert Lives and Classified Deaths at the CIA."
- Living on Earth from NPR for Ingrid Lobet's "Beneath Native Land: Occidental Petroleum in South America."
- University of Missouri student Scott M. Finn writing for the *Charleston Gazette* about how campaign contributions, lobbyist spending and personal financial interests affect the West Virginia Legislature. The student certificate comes with a $1,000 cash scholarship.

The awards will be presented during a June 16 luncheon at the IRE National Conference in Chicago. The conference, to be held June 14-17 at the Chicago Hyatt-Regency, will feature many of the winners speaking about the techniques they used to develop their stories.

2000 IRE AWARDS WINNERS AND FINALISTS

NEWSPAPERS

SMALL NEWSPAPERS (UNDER 100,000)

IRE CERTIFICATE

"Stadium Naples," *Naples Daily News*, **Gina Edwards.**

Relentless and dogged beat reports over four years documented a web of corrupt dealings involving a golf-stadium development, county grants, the PGA tour and local commissioners. Ultimately, one of the key subjects of these stories was indicted based on the information developed in the newspaper. The stories show how digging on a breaking news story can lead to important investigative disclosures. The paper gave the reporter plenty of support through space and prominent play throughout the investigation.

FINALISTS

- "An Empty Promise," *The National Law Journal*, Elizabeth Amon.
- "OMYA and World War II," *Rutland Herald*, Bruce Edwards.
- "Officers Down," *Savannah Morning News*, Paula Reed Ward.
- "Drug Pump's Deadly Trail," *Tallahassee Democrat*, Paige St. John.

MEDIUM NEWSPAPERS (100,000 THROUGH 250,000)

IRE CERTIFICATE

"Detroit Fire Department: Out of Service," *The Detroit News*, **Melvin Claxton, Charles Hurt.**

The reporters documented irresponsibility and incompetence in the Detroit Fire Department, outlining myriad flaws – malfunctioning fire trucks, broken hydrants, closed stations – that contributed to deaths. They reconstructed in detail one fire in which two children died because equipment was not in working order. The series put pressure on public officials to increase funding. The presentation was clear and the writing was precise.

FINALISTS
- "Misery for Rent," *Lexington Herald-Leader*, Mary Meehan, Tom Lasseter, Linda J. Johnson, Geoff Mulvihill.
- "North Carolina State University Public Safety Scandal," *The News & Observer*, Dan Kane.
- "High School Basketball Investigation," *Press-Telegram*, Steve Irvine, Billy Witz, Fausto Ramos.
- "Asbestos: Forgotten Killer," *Seattle Post-Intelligencer*, Andrew Schneider, Carol Smith.

LARGE NEWSPAPERS (OVER 250,000)
IRE CERTIFICATE
"The Body Brokers," *The Orange County Register*, Mark Katches, William Heisel, Ronald Campbell, Sharon Henry, Michael Goulding.
Despite a federal ban on profiting from the sale of skin, bone and tissue obtained from dead people, a $500 million-a-year industry deals in donated body parts. This industry operated in the shadows, out of sight and mind of the American public, until it was revealed by the *Register*. Most impressive was the paper's documentation of the relationship between not-for-profit tissue banks and their for-profit tissue-processing partners. Particularly shocking were the revelations that skin desperately needed for burn victims was instead going to cosmetic purposes. The series has spawned reforms in California and nationally.

FINALISTS
- "Dangerous Care: Nurses' hidden role in medical error," *Chicago Tribune*, Michael Berens.
- "AIDS in the Priesthood," *The Kansas City Star*, Judy Thomas.
- "The New FDA: Partnership with Deadly Risk," *Los Angeles Times*, David Willman.
- "Pension Cuts 101," *The Wall Street Journal*, Ellen E. Schultz.

LOCAL CIRCULATION WEEKLIES
No winner

FINALISTS
- "Vanished Teens Case Solved," *The Jewish Week*, Eric Greenberg.
- "Hunting Down a Slumlord," *New Times Inc.*, Michael Gougis.
- "Snake Killer," *New Times Inc.*, Laura Laughlin.
- "Plumb Jobs," *New Times Inc.*, Michael Gougis.
- "Cruel & Usual," *New Times Inc.*, Bruce Rushton.

TELEVISION

NETWORK/SYNDICATED
IRE CERTIFICATE
"First Casualty," CBS; 60 Minutes II, Bob Simon, Draggan Mihailovich, Christine Spolar.
Within 12 hours of Operation Desert Storm, the U.S. suffered its first casualty, Navy pilot Michael Scott Speicher. But as 60 Minutes II revealed, Speicher may not have died when his plane went down. Compiling secret Pentagon documents, including satellite photos and forensic reports, this report uncovered a series of missteps, some of which appear to be rooted in politics. The result was a breathtaking and well-told story about how the Department of Defense misled the American people and violated its most important military creed, to leave no soldier behind.

IRE CERTIFICATE
"The Paper Chase," Dateline NBC, John Larson, Lynne Dale, Allan Maraynes, Neal Shapiro, Andy Lehren, Mable Chan.
When State Farm Insurance Co. wants to challenge an insurance claim, it often sends out patient records to several companies through a little-known practice called "paper review." Dateline's investigation documented how these companies used people with no medical training to write up reports that routinely denied patient claims. The reporters did an outstanding job of penetrating the inner workings of an industry which thrives on secrecy. The judges were awed by the depth and difficulty of the reporting and the outstanding interviews of the company executives, who were caught cold by the superb, incisive questioning.

Videostreamed excerpts from television category winners can be found at the IRE Web site, http://www.ire.org/broadcast/videostream.html

FINALISTS
- "Diamonds and Blood," ABC News, John Quinones, David Fitzpatrick, Thomas E. Goldstone, David Ward, Jane Hartney.
- "Dangerous Drugs," CBS News, Allyson Ross Taylor, Jim Murphy, Jim McGlinchy, Mark Katkov, Andy Triay, Sharyl Attkisson.
- "No Safe Haven," CNN, Ken Shiffman, Daphne Algom, Linda Pattillo, David Timko, Lisa Satterfield, Sarah Fogel, Roger Herr, Lisa Satterfield, Ira Raider, Claire Cibik.

TOP 20 MARKETS
IRE CERTIFICATE
"Treading on Danger?" KHOU-TV, David Raziq, Anna Werner, Chris Henao.
By now everyone knows that Firestone tires on Ford Explorers were defective and caused several deadly crashes. The company agreed to recall those tires, the second largest tire recall in U.S. history. It is unlikely any of this would have happened without the reporting of KHOU in Houston. The results of KHOU's investigation are spectacular: the second largest tire recall in U.S. history, congressional hearings and new regulations. Were it not for this piece, the failure of Firestone tires on Ford Explorers likely would have remained sealed in court cases throughout the country. In the face of denials and threats from the two companies, the television station expanded the scope of its inquiry internationally. The reports sparked intense scrutiny of not only a defective product, but of the way complaints and patterns of defects are quashed or ignored.

FINALISTS
- "What Some Car Dealers Don't Want You to Know," KCBS-TV, Joel Grover, Jennifer Cobb.
- "No Justice for Children: An Investigation of the Family Court System, WFAA-TV, Valeri Williams, Meridith Schucker, Lisa Hampshire, Jesus Hernandez, WFAA Photo Staff.
- "Who's at the Wheel?" WMAQ-TV, Dave Savini, Michele Rubenstein, Bond Li, John Scott, Sharon Pearson.

BELOW TOP 20 MARKETS

IRE MEDAL

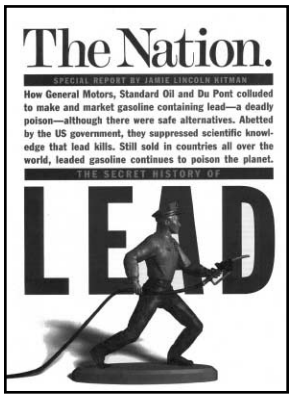
"Who's Policing the Police," WTVF-Nashville, Phil Williams, Bryan Staples

Phil Williams began investigating how off-duty Nashville police officers were getting paid as security guards in the city's most notorious strip zone. He soon discovered that high-ranking police officers were ordering a hands-off approach to the establishments at the behest of their owners. Williams and Staples went on to expose other unethical actions by police. Despite threats to himself and his family, Williams persevered. It was a powerful but even-handed series of reports. He went after one of the most powerful institutions in any town and broke the blue line by getting police officers to talk about their superiors. The story was nailed and resulted in the resignation of a top-ranking police officer and a change in the policy regulating off-duty employment by police. An outstanding example of dogged local reporting.

FINALISTS

- "Marine Corps Toxic Water," WITI-TV Fox 6, Bob Segall, Diane Carbonara.
- "Day Care Felons," WKMG-TV, Tony Pipitone, Jim Crane, Darran Caudle, Brent Singleton.

OTHER MEDIA



MAGAZINE/SPECIALTY PUBLICATION

IRE MEDAL

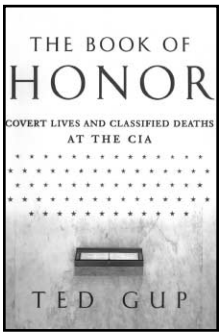
"The Secret History of Lead," *The Nation,* Jamie Lincoln Kitman.

This reads like a classic turn-of-the-century muckraking piece. The author documents how American businesses, including General Motors and Standard Oil, produced and marketed leaded gasoline even though they knew there were safer, though more expensive, alternatives. And this story reveals that after lead was finally banned in U.S. gasoline in 1986, the companies continued to market leaded gas overseas. The research manifested here is nothing short of breathtaking.

FINALISTS

- "Caught Off Guard," freelance for *Boston Magazine*, Kate Yeomans.
- "Capitalism in a Cold Climate," *Fortune Magazine*, Richard Behar.
- "The Bingo Connection," *Mother Jones*, Christopher D. Cook.
- "Big Money and Politics: Who Gets Hurt," *TIME Magazine*, Donald L. Barlett, James B. Steele, Andrew Goldstein, Laura Karmatz, Daniel Levy.

BOOKS



IRE CERTIFICATE

"The Book of Honor: Covert Lives and Classified Deaths at the CIA," Doubleday, Ted Gup.

When Ted Gup was visiting the Central Intelligence Agency's headquarters in Langley, Va., in 1991, he noticed a large marble wall in the lobby. It featured 69 black stars, representing each of the CIA agents or employees who had died on assignment. More than half of those stars had no names attached. Nine years later, Gup's book discloses the people behind the stars and the stories of their deaths. Gup went after one of the most impenetrable institutions in the country, breaking more than 50 years of silence by the agency. His painstaking research uncovered information even the victims' fellow agents didn't know, and he presents it in an engaging, compelling fashion. Beyond the remarkably detailed portraits of individuals, Gup's research presents a mosaic of our nation's covert actions overseas.

FINALISTS

- "The Informant," Broadway Books, Kurt Eichenwald.
- "The Buying of the President 2000," Charles Lewis, Center for Public Integrity.

RADIO

IRE CERTIFICATE

"Beneath Native Land: Occidental Petroleum in South America," Living on Earth from NPR, Ingrid Lobet.

The reporter went on an extraordinary journey into the heart of the South American jungle. She showed enterprise and daring as she exposed the effects of Occidental Petroleum's oil drilling on native lands. On a tight budget and journeying through the most horrendous conditions, the reporter uncovered water contamination and environmental damage caused by a major U.S. oil company.

FINALISTS

- "Lethal Legacy," The Canadian Broadcasting Corporation, Kelly Ryan, Margaret McGee, Sandra Bartlett.
- "MCI Shirley Prison Allegations," WBUR-FM, Jason Beaubien.

ONLINE

IRE CERTIFICATE

"Our Private Legislatures – Public Service, Personal Gain," Center for Public Integrity, Diane Renzulli, Meleah Rush, John Dunbar, Alex Knott, Robert Moore, Ken Vogel.

The Center for Public Integrity decided to investigate conflicts of interests involving state legislatures in all 50 states. To proceed, it obtained the financial disclosure documents of all state legislators and compiled them into a master database. The result: an eye-opening project that disclosed that more than 20 percent of state legislators sat on committees charged with regulating the legislators' professional or business interests. This is the first comprehensive look at all state legislators in one place and the interactive nature of the project allows voters to see for themselves how their lawmakers measure up.

FINALISTS

- "Playing with Fire: The Untold Story of Woodstock '99," MTVi News, Brian Hiatt, Chris Nelson.
- "Money, Influence and Integrity in the 2000 Election Year," The Public I, The Public I staff.

SPECIAL

TOM RENNER AWARD

"California's Billion Dollar Rip-Off," KCBS-Los Angeles, Joel Grover, Jennifer Cobb.

The California Medicaid program – Medi-Cal – has been beset by fraud for years. But KCBS brought the state's residents face to face with the swindles, showing how corrupt doctors, nurses and street hustlers were defrauding the system and costing taxpayers millions of dollars. Excellent use of undercover video provided graphic proof of an unabashed fraud. And the station did not let bureaucracy off the hook, showing how obsolete computers made the fraud so easy. The undercover work was gutsy, smart and powerful. The series resulted in immediate action by the governor and the closing of 12 of the 13 clinics that the reporters exposed.

FINALISTS

- "Capitalism in a Cold Climate," *Fortune Magazine*, Richard Behar.
- "Black Mass," PublicAffairs, Dick Lehr, Gerard O'Neill.

FOI AWARD

"Inside the '96 Olympics," *Atlanta Journal-Constitution*, Melissa Turner.

Following the disclosure of the Salt Lake City Olympics bribery scandal, the *Journal-Constitution* wanted to take a closer look at what happened during the '96 Olympics in Atlanta. But the Atlanta Olympics Committee denied the paper's request for documents, saying those records were private. The paper would not give up, and was joined in its efforts by the state attorney general and ultimately Congress. After finally receiving the hundreds of boxes of documents, the paper produced a remarkable series of stories that gave readers an incredible behind-the-scenes look at the Olympics and its organizers. The effort also set an important precedent for news organizations seeking to look into Olympic organizing committees in the future.

FINALISTS

- "BioWar," CBS News, Eric Longabardi
- "Government Inc.: You Move In. They Cash In," *The Orlando Sentinel*, Robert Sargent Jr., Ramsey Campbell, Jim Leusner, Sean Holton.
- "Disregarding Your Right to Know," *The Press of Atlantic City*, Michael Diamond, John Froonjian.
- "Access Denied," *The Telegram*, Tracy Barron, Ryan Cleary, Barbara Sweet, Russell Wangersky, Robert Mills.
- "Dirty Dining," *Toronto Star*, Robert Cribb.

STUDENT WORK (ALL MEDIA)

IRE CERTIFICATE

"Cycle of Influence: How Campaign Contributions, Lobbyist Spending and Personal Financial Interests Affect the West Virginia Legislature," *Charleston Gazette*/University of Missouri, Scott M. Finn.

Excellent storytelling about how lobbyists influence legislators in the state capital of West Virginia. The reporter combined excellent computer-assisted reporting skills with strong sourcing. He was able to show through many different windows how personal and business conflicts affect legislation in that state. As a contest screener said, "Finn has done a service for the readers of West Virginia."

FINALISTS

- "Lackmann Sustains Questionable Food Safety Standards," *The Chronicle,* Shawna VanNess, Elizabeth Foley.
- "Poor Disclosure," University of Maryland/Capital News Service," Chris Frates.

IRE in Chicago
june 14-17, 2001

CHICAGO LINEUP

BY *THE IRE JOURNAL* STAFF

The 2001 IRE National Conference will cover just about every newsroom beat in the 100 panels, workshops and roundtables planned. The conference, set for June 14-17, will be held at the Hyatt Regency Chicago.

James B. Stewart, award-winning journalist and author of "Blind Eye," "Den of Thieves" and "Blood Sport," will be the keynote speaker at the annual awards luncheon on June 16. Stewart, who won a Pulitzer Prize while at *The Wall Street Journal*, is currently editor-at-large for *SmartMoney* magazine.

Many of the latest IRE Award honorees will share their winning techniques through the panels and through tipsheets and reprints offered in the IRE reprint room. (The complete list of IRE Award winners can be found in this issue of the *Journal*.)

Conference:
IRE National Conference
June 14-17, 2001
Chicago
Hyatt Regency

Costs:
Registration: $150 (students, $100)
Optional CAR Day: $50 (students, $35)
To attend, membership must be current.

IRE National Conference Preliminary Program

(Check www.ire.org/chicago for latest updates and speakers)

Thursday, June 14
Optional Day on Computer-Assisted Reporting
E = Everyone … A = Advanced

- **Census 1 – Understanding Race:** The stories so far, the stories to come (E)
- **Census 2 – Current and Upcoming Releases:** The short form and the long form data (E)
- **Census 3 –** Using Census for Non-Census Stories (E)
- **Census 4 –** Effective Mapping of the Data (A)
- **Health Care:** From caregivers to institutions (A)
- **Effective Intranets:** Ones that work and the data for them (A)
- **Editing CAR:** Knowing what to expect and what to ask (E)
- **CAR for Broadcast:** Best uses (E)
- **School Data:** Tests, budgets and drop-outs (A)
- **Crimes, Courts, and Jails:** Tracking data (E)
- **Transportation Data:** From highway to skyway (E)
- **Data for Environmental Reporting** (A)
- **Complex Data Worth Using** (A)
- **Teaching CAR:** For university and the newsroom (E)
- **Building Your Own Database When the Data's Not There** (E)
- **33 CAR Story Ideas** (E)
- **Community CAR:** Applying it to the daily beat (E)
- **Digging into Votes:** Nuts and bolts lessons from Florida (E)
- **Taking the Risk out of Stats:** Lurking variables and pitfalls to avoid (E)
- **The Power of Insurance Data** (E)

Thursday special event:
Blues Bash

Friday, June 15

- **Highlights of the Year's Best Investigative Work (print)**
- **The Death Penalty**
- **Investigating the Pharmaceutical Industry Here and Abroad**
- **The Environmental Beat is Back**
- **Broadcast Track – Hidden Camera:** How, when, why
- **Broadcast Track – Hot New Story Ideas**
- **Broadcast Track – The Vanishing TV Investigation**
- **Broadcast Track – You "Auto" Investigate**
- **Print and Broadcast Working Together**
- **The Gambling Jackpot:** Investigations that pay off
- **How the Disabled are Ignored:** Access, audits and programs
- **When the Lights Go Out:** Investigating utilities and energy industries
- **Drug Wars and Drug Labs:** Methamphetamine and legal drug abuse
- **Worker Health and Safety:** The latest perils
- **Interviewing:** The art and craft
- **Learning from Newsletters, Alternative Press**
- **Sports Investigations:** Salaries, stadiums and scams
- **Using the Internet on the Fly**
- **Immigration:** Smuggling and abuses
- **Racial Disparity:** From police arrests to health care
- **Unsung Investigative Resources That Can Make Your Story**
- **The Invisible Tax Story**
- **Investigating Childcare:** From foster parents to daycare
- **The Newest Legal Assaults on Investigative Reporting**
- **Fast Track – Backgrounding the Person:** Online and offline
- **Fast Track – The Nonprofit:** Deciphering the documents
- **Fast Track – How to Tell When a Business is in Financial Trouble**
- **Fast Track – Covering the Local Health Industry:** Doctors, hospitals, and HMOs
- **Fast Track – Emergency!:** Quick list for transportation crashes

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How to register:
- Register online at www.ire.org
- Print form from Web site and mail or fax

PROPOSED BUDGET

IRE takes conservative approach in forecasting conference, seminar fees

BY BRANT HOUSTON
FOR *THE IRE JOURNAL*

Proposed IRE Budget for Fiscal Year 2002
(July 1, 2001 to June 30, 2002)

Combined All Programs

	Proposed FY 2002	Estimated FY 2001
Membership		
Revenue		
Membership	$70,000	$70,000
Membership – student	$5,000	$5,000
Membership – international	$4,000	$3,000
Renewals	$105,000	$100,000
Renewals – student	$1,000	$1,000
Renewals – international	$4,000	$3,000
Journal subscriptions	$5,000	$4,000
Journal ads	$40,000	$24,000
Total Membership Revenue	**$234,000**	**$210,000**
Membership Service expenses		
IRE Journal	$85,000	$85,000
Staff costs (membership)	$68,000	$42,000
Postage and shipping	$10,000	$11,000
Total Membership Service expense	**$163,000**	**$138,000**
Net Membership Activity	**$71,000**	**$72,000**
Sales and Services		
Book sales	$45,000	$45,000
Book costs	$20,000	$24,000
Net Book Activity	**$25,000**	**$21,000**
Resource Center Sales	$25,000	$18,000
Prior/current year contributions	$40,000	$70,000
Resource Center expenses	$80,000	$95,000
Net Resource Center Activity	**($15,000)**	**($7,000)**
Web Services Revenue	$15,000	$10,000
Prior/current year contributions released	$20,000	$20,000
Web Services expenses	$55,000	$54,000
Net Web Services Activity	**($20,000)**	**($24,000)**
Database Library Revenue	$105,000	$80,000
Prior/current year contributions released	$15,000	$5,000
Database Library expenses	$90,000	$45,000
Net Database Library Activity	**$30,000**	**$40,000**
Uplink Subscription Revenue	$17,000	$16,000
Uplink expenses	$12,000	$15,000
Net Uplink Activity	**$5,000**	**$1,000**
Royalty revenue	**$9,000**	**$9,000**
Other sales and services revenue	$20,000	$20,000
Other sales and services expenses	$5,000	$5,000
Net Other Sales and Services Activity	**$15,000**	**$15,000**
Net sales and services activity	**$49,000**	**$55,000**
Conferences and Seminars		
National Conference		
Registrations and fees (IRE and NICAR)	$135,000	$135,000
Optional CAR day	$12,500	$12,500
Other revenues	$20,000	$20,000
Prior/current year contributions released	$120,000	$120,000
Total National Conference Revenue	**$287,500**	**$287,500**
Conference Expenses	**$180,000**	**$180,000**
Net National Conference Activity	**$107,500**	**$107,500**
Newsroom Seminars		
Registrations and fees	$1,000	$1,000
Seminar expenses	–	–
Net Newsroom Seminar Activity	**$1,000**	**$1,000**
On the Road Seminars		
Registrations and fees	$100,000	$120,000
Prior/current year contributions released	–	–
Seminar expenses	$60,000	$75,000
Net On the Road Seminar Activity	**$40,000**	**$45,000**

The proposed budget for the next fiscal year, which begins July 1, 2001, maintains our momentum with grant money, while forecasting conservatively on fees because of the downturn in the economy.

We do not project significant growth in our membership this year and we foresee a drop in registration fees. We also believe that newsroom budget cuts will lead to lower attendance at our Missouri-based seminars and our national conferences.

At the same time, we are seeing an increase in requests for data processing, analysis and training from our database library and we have not seen a dramatic decrease in participation at our on-the-road seminars and regional workshops and conferences.

The board of directors is in the process of reviewing this budget and the final budget will be presented at the June membership meeting in Chicago.

As you may have noticed, we have changed the format of the budget so that it is easier to see how our different programs are supported. Revenues and expenses for each area are together now as much as possible and we have nearly completed the transfer of allocation of staff positions to the appropriate programs.

Therefore, there are increases in such areas as member services where we placed both the membership coordinator and membership assistant's salary and benefits and in the database library where we placed the salary and benefits of the new database library administrator.

Over the past two years, we have added several positions that enhance the services we provide to members and potentially increase our program revenues.

Last year, we added an assistant membership coordinator because of the dramatic increase in members. (Membership has increased 50 percent since late 1997.) This year we have filled the development officer post so that we have a staff member devoted to our endowment drive and fundraising.

We also have hired a full-time database administrator to upgrade our database library and help handle the heavy workload of census analysis. Finally, we will be splitting the position of international coordinator with the Missouri School of Journalism to manage the increasing demand for training and help internationally.

Each of these hires will aid us in our future projects and keep IRE and NICAR at the forefront of training and services for journalists.

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Chicago lineup

CONTINUED FROM PAGE 9

- **Fast Track – 20 Basic Documents and Databases in Your Community**
- **Fast Track – A Primer on Elections:** Candidates, campaigns and coverage
- **Fast Track – Staying Out of Trouble:** A legal guide to the basics of sources, ethics and investigations
- **Fast Track – Running a Project:** Tips from great editors
- **Fast Track – Investigating Religion**
- **Fast Track – Turning an Investigation Into a Book**
- **Fast Track – Being a Freelance Investigative Reporter**
- **Fast Track – Basic Corporate Documents**

Friday Special Events:
Showcase Panel: Budget Cuts, Investigative Reporting and Credibility
Evening Reception

Saturday, June 16

- **Investigations in the Food Chain:** From factory to dinner plate
- **When Healthcare Givers Fail**
- **Deadly Tires:** How we got the story, how we missed it
- **Keeping Elections Honest**
- **Broadcast Track – TV Investigations:** The Chicago legacy
- **Broadcast Track – Visual Storytelling**
- **Broadcast Track – When I Am the "I-Team"**
- **Broadcast Track – Spiked! Targeted! Fired!**
- **Investigating Business:** Profiteering in low-income communities
- **How to Do Local Investigations with Limited Resources**
- **Statehouse Investigations:** Lobbyists and special interests
- **Doing Investigations in Diverse Communities**
- **When Your Local Story Crosses Borders**
- **International Roundtable**
- **FOI and Open Record Laws:** New barriers and new challenges
- **Stirring It Up at City Hall**
- **Tips From Great Writers**
- **Advanced Techniques for Local Government Reporting**
- **Covering the Disadvantaged:** Using the Census to tell the story
- **Campaign Finance:** Stories that matter
- **The Insurance Industry:** Frauds, denials and scams
- **Covering the Law Better:** Judges, lawyers and reporters share
- **Fast Track – First Day in Court**
- **Fast Track – First Day on the School Beat**
- **Fast Track – First Day on the Crime Beat**
- **Fast Track – Using Census for the Local Beat**
- **Fast Track – Understanding Real Estate Documents and Property Taxes**
- **Fast Track – The Student Investigation: Closed records and censorship**
- **Fast Track – A Conversation with Studs Terkel**

Saturday Special Event:
Awards Luncheon

Sunday, June 17
(A morning of small workshops and one-on-ones)

- **Advancing Your Career – Print**
- **Advancing Your Career – Broadcast**
- **How to be a Good Investigative Editor**
- **The Future of Online:** Is the love affair over?
- **Better Writing for Print**
- **Better Writing for Broadcast**

FOI REPORT

Fears over privacy lead to more government secrecy

CHARLES DAVIS

What do Dale Earnhardt, electronic court records and e-mail between Indiana legislators and their constituents have in common?

Privacy, of course. It seems that, in several important areas, privacy concerns are threatening to overwhelm access advocates' arguments to the contrary. The practical result of this is that limits on access to all sorts of data contained in government-managed files are increasing. Citing personal privacy, lawmakers are sealing information that once was public.

This message dominated a recent meeting at Freedom Forum headquarters of FOI advocates. We were there to celebrate the 35th anniversary of the federal FOIA and the 250th birthday of James Madison, drafter of the First Amendment. The mood, however, was less than festive in Washington.

Ironically enough, right across town, several of our group were testifying at hearings of the United States Judicial Conference regarding public access to electronic court records. An eight-member subcommittee of the United States Judicial Conference took testimony from some of the many organizations and individuals, including IRE, that submitted comments. All these comments are available at www.privacy.uscourts.gov, while you can look at just IRE's testimony at www.ire.org/history/pr/courtrecords.html.

The Subcommittee on Privacy and Electronic Access to Case Files, created by the Court Administration and Case Management Committee of the Judicial Conference of the United States, is wrestling with issues of access and privacy. The federal judiciary's Case Management/Electronic Case Files (CM/ECF) project, designed to replace aging records systems in more than 200 bankruptcy, district and appellate courts by 2005, will let courts file documents in electronic format and accept filings over the Internet. Providing public access to those files – long presumed to be open for public inspection and copying unless sealed by court order – is a different issue, they say. The Judicial Conference's own statement points out some of the perceived problems with electronic access: bankruptcy debtors must divulge intimate details of their financial affairs. In some courts, case files may contain medical records, personnel files, tax returns or proprietary information.

Easier Internet access

So, how do court records that have been presumed open for decades by courts all over the country suddenly raise privacy concerns? Why are significant rifts developing between public interest groups on the privacy-access debate?

It's the technology, I guess.

The current furor over privacy didn't just happen overnight. It began to grow with the rise of the personal computer, and the inevitable recognition by the citizenry that networked communications made it possible for government to capture and collate more personal information about individuals than ever before.

The democratizing power of the Internet to make information instantly available to us all thrills some of us, but frightens others. As the private sector has discovered that it, too, can obtain information about us and use that information for commercial purposes, the allure of privacy gained grassroots strength.

The idea that public information is somehow transformed into private information is given strength by the United States Supreme Court in a 1989 case involving media access to "rap sheets" compiled by the FBI. The court said, in a hotly contested and novel interpretation of the FOIA, that so long as the records sat in dusty courthouses scattered across the country, they were public records existing in "practical obscurity." The computer, they reasoned, raised privacy issues because it made the records easier to obtain.

"Practical obscurity" pops up all over the comments on the court records debate, usually by government attorneys from the Social Security Administration or the FBI. Court records, however, are not FOIA-related records: they are covered by a common law access right stretching back hundreds of years to our days as English colonists. But watch how the terms are muddled, the doctrines intertwined by those who would cloak all governmental information with privacy.

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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.

Proposed IRE Budget for Fiscal Year 2002
(July 1, 2001 to June 30, 2002)

Combined All Programs

	Proposed FY 2002	Estimated FY 2001
Conferences and Seminars (Continued)		
Bootcamps		
Registrations and fees	$50,000	$65,000
Prior/current year contributions released	$15,000	$15,000
Seminar expenses	$15,000	$20,000
Net Bootcamp Activity	**$50,000**	**$60,000**
Regional Conferences/Workshops		
Registrations and fees	$45,000	$35,000
Prior/current year contributions released	–	–
Conference expenses	$15,000	$12,000
Net Regional Conference Activity	**$30,000**	**$23,000**
Conference Fellowships		
Conference Fellowships	$15,000	$20,000
Fellowship expenses	$15,000	$20,000
Net Fellowships	–	–
Net Conferences and Seminar Activity	**$228,500**	**$236,500**
Grants and Contributions		
Temporarily restricted/unrestricted	$410,000	$340,000
Permanently restricted	–	–
Total Grant and Contributions	**$410,000**	**$340,000**
Other Support and Revenues		
Award contest fees	$28,000	$26,500
Award contest expenses	$8,000	$9,000
Net Award Contest Activity	**$20,000**	**$17,500**
Investment return	**$30,000**	**$30,000**
Net Other Support and Revenue	**$50,000**	**$47,500**
Net Program Activity	**$808,500**	**$751,000**
General and Adminstrative Expenses		
Salary and personnel costs	**$431,000**	**$400,000**
Professional Services		
Consulting/Fundraising	$35,000	$40,000
Accounting	$10,000	$14,000
Legal	$7,000	$10,000
Total Professional Services	**$52,000**	**$64,000**
General office expenses		
Telephone and fax	$8,000	$9,000
Postage	$3,000	$3,000
Office supplies	$8,000	$10,000
Photocopying	$3,000	$3,000
Insurance	$6,000	$6,000
Computer supplies	$3,000	$3,000
Equipment expense	$10,000	$15,000
Other office expense	$10,000	$12,000
Total General Office Expenses	**$51,000**	**$61,000**
Other expenses		
Publications/Dues	$3,000	$3,000
Travel costs- board	$15,000	$20,000
Travel costs- staff	$2,000	$2,000
FOI conferences	$2,000	$2,000
Equipment purchases	$15,000	$25,000
Staff Training	$3,000	$3,000
Total Other Expenses	**$40,000**	**$55,000**
Total General and Administrative Expenses	**$574,000**	**$580,000**
Fund-raising expenses		
Commissions and other expenses	$15,000	$35,000
Promotions	$12,000	$12,000
Total Fund-raising expenses	**$27,000**	**$47,000**
Contribution to Endowment	$125,000	$21,000
Depreciation	$50,000	$50,000
Reserves	$25,000	$25,000
Total Expenses	**$801,000**	**$723,000**
Excess net program activity over expenses	**$7,500**	**$28,000**

Salaries and Benefits
As of July 1, 2001

	Salary	Benefits	Total	Contributions or Allocations
Executive Director	$72,400	$12,300	$84,700	$27,000 – Journalism School
Deputy Director	$66,200	$15,300	$81,500	$14,200 – Journalism School
Training Director	$46,000	$9,200	$55,200	$59,400 – Seminars
System Administrator	$32,000	$6,400	$38,400	$20,000 – Grant
Web Administrator	$34,500	$6,900	$41,400	$41,400 – Web site
Resource Center Director	$24,000	$4,800	$28,800	$28,800 – Endowed Post
Conference Coordinator	$32,000	$6,400	$38,400	-
Campaign Finance Director	$46,000	$9,200	$55,200	$55,200 – Grant
Finance Officer	$29,400	$5,880	$35,280	-
Admin. Asst. – Membership	$19,200	$3,840	$23,040	$23,040 – Membership
Admin. Asst. – Office	$18,720	$3,744	$22,464	-
Receptionist	$15,360	$3,072	$18,432	-
Membership Coordinator	$35,000	$7,000	$42,000	$42,000 – Membership
Development Officer	$51,000	$10,200	$61,200	-
Database Administrator	$49,000	$9,800	$58,800	$58,800 – Database Library
International Coordinator	$15,000	$3,000	$18,000	-
Sub total	$585,780	$117,036	$702,816	$369,840
Graduate Assistants	$37,000	$3,000	$40,000	$14,000 – Journalism School
Part-Time Help			$25,000	
Student help - Publications			$15,000	$2,000 – Johnson Fund
Student Web			$10,000	
Student Assistants			$10,000	
Temporary Help			$2,000	
Sub total			$102,000	
				$385,840 – **Subtotal of allocations**
Total			$804,816	$418,976 – **Net salaries and benefits**
Salary raise pool of 4%				$12,000
Total General/Administrative				$430,976

FOI Report

CONTINUED FROM PAGE 11

Legislative action

The movement for greater and greater personal privacy, whatever that entails, is about law but is grounded in emotion. Take the recent Dale Earnhardt flap. After *The Orlando Sentinel* reached an agreement with the widow, Florida legislators and Gov. Jeb Bush rushed to make it a felony to release autopsy photos except to state and federal agencies. No matter that Mr. Earnhardt's privacy rights ended once he passed away. No matter the many, many important stories that have been told by autopsy photos. No matter the fact that an autopsy photo posted on the Florida Supreme Court's Web site contributed to the state legislature's decision to replace the electric chair with lethal injection.

No, our political leaders love privacy. It's the new new thing. It plays perfectly into an uncertain public's fear of a technology-driven tomorrow. And, most importantly, it presents a scenario that must have savvy politicos thanking the stars: the public asks its government to keep what it knows about them under lock and key, where government – and only government – can know what is going on.

Perhaps the best example of where all of this might be heading was another hot topic of conversation at FOI Day. Seems the Indiana House of Representatives passed a bill in March – 93-1 – that protects Internet usage records and e-mail from public scrutiny or publication.

The problems with this bill from an FOIA standpoint would require another column, but note that this is a shocking departure from current access law. For starters, at the federal level and in all 50 states, exemptions have always been made on the basis of subject matter. Indiana's bill would extend a blanket provision based solely on the mode of transmission of a message.

FOI Day ended on a positive note, however, as the participants celebrated the death (for now) of last year's federal anti-leak legislation with a panel on secrets and whistleblowing and the protection of anonymity in journalism. An expert in the audience – none other than Daniel Ellsberg, leaker of the Pentagon Papers – brought the crowd to life with a rousing statement that served as a call to arms for beleaguered access advocates. The Pentagon Papers-inspired nostalgia helped remind us that some battles are worth fighting, and that if we continue to demand privacy, we might just get more than we bargained for.

LACK OF TRAINING, EQUIPMENT LEAD TO FATAL FIRES IN DETROIT

BY MELVIN CLAXTON AND CHARLES HURT
OF *THE DETROIT NEWS*

Since 1996, fires have killed at least 200 people in Detroit. Many of the victims were children and the elderly, unable to reach safety on their own.

Detroit's older neighborhoods, notorious for their abundance of crumbling homes and abandoned buildings, have been especially hard hit. In these communities, faulty electrical wiring, poorly maintained furnaces and dangerous space heaters have proven a highly combustible mix.

But our investigation had nothing to do with the factors that make the city fire prone. To most of our readers – fed a steady diet of fire stories in print and on television – that would have been old news.

Instead, our nine-month investigation was narrowly focused on the department charged with battling fires. Ours was a simple goal: We wanted to know if Detroit firefighters were adequately equipped and trained to put out fires and protect the city's nearly 1 million residents they serve.

What we found surprised us and – judging from letters, e-mails and phone calls – shocked and angered our readers. Not only was the fire department unprepared to handle fires, its failures could be directly linked to at least 21 fire fatalities in the past four years.

The department's problems were systemic and pervasive. Some problems had existed for more than a decade but were never addressed.

In each of the 21 deaths we documented, fire department records showed that fire officials were aware of the equipment and manpower problems that hampered firefighting efforts beforehand, but did nothing. Even after glaring mistakes, fire officials took no action to fix problems and continued policies that placed the lives of residents and firefighters in peril.

Wall of secrecy

Because of the large number of fires – at least 12,000 in 1999 alone – we decided very early in our investigation to confine any detailed analysis of fatal blazes to those that occurred in the last four years. This allowed us to work with a manageable universe of a couple of hundred fires.

For each fatal fire we attempted to answer three simple questions. Did the fire equipment work? Where there enough firefighters? Did the policies of the department hamper firefighters in any way?

This simple approach allowed us to maintain the sharp focus needed in an investigation of a large, complex organization like the fire department. With a $150 million budget, 71 fire companies and 1,800 employees, the department was clearly large and complex.

From the very beginning, there were significant obstacles in getting the story. For decades, fire officials have operated behind a wall of secrecy, protected by a standing gag order that forbids firefighters from speaking to the media. It took months to convince many firefighters to talk to us. Even then, most would only do so off the record.

In addition, record keeping in the department isn't centralized and follows no standard format. We had to visit all 71 fire companies in the city, reviewing logs and handwritten journals in each, to determine staffing levels and the condition of fire trucks and equipment.

Further complicating matters, fire trucks are routinely switched between stations and renamed, making it difficult to trace the maintenance history of these rigs. It sometimes took visits to as many as six firehouses to get maintenance records for a single fire truck.

At every turn, fire officials set up roadblocks. They repeatedly refused to produce documents requested under the Freedom of Information Act, claiming the documents didn't exist or had been destroyed. Among these critical records were broadcast tapes – recordings of the conversations between firefighters and dispatchers during fires.

The tapes typically are excellent sources of information about the problems encountered by firefighters at the scene. Fire officials were able to produce tapes for only two of the fatal fires we looked at. They claimed the other tapes were destroyed after 90 days in keeping with department policy.

Quantifying the problem

While our series illustrated many of the fire department's problems through anecdotal accounts, the project was heavily dependent on numbers and statistical analysis.

After spending months gathering data from every fire company in the city, we worked with

Photos: Clarence Tabb Jr. | The Detroit News

Detroit's retired ladder trucks are left at the fire department's vehicle graveyard where they are cannibalized for parts. The trucks do not have working aerials and some cannot even start.

The Detroit Fire Department places the lives of city residents and firefighters in peril everyday because of broken trucks, poor equipment, short staffing and hydrants like this one that do not work.

a newsroom researcher to create databases in Microsoft Access.

These computer files allowed us to analyze attendance records, maintenance reports and fire truck response times. We used this information to determine whether the condition of the fire trucks, the number of firefighters and the state of the equipment dispatched to fatal fires met National Fire Protection Association standards – the benchmark for fire fighting across the country.

We utilized a wide variety of fire department records in creating our databases and putting this story together.

Among the records we used:

- Dispatch tickets. We used these records to determine which rigs were sent to fires, the time they were dispatched and the time they arrived at the scene. By comparing this information with maintenance records and firehouse journals, we were able to determine the condition of each fire truck at the time it was dispatched.
- Run books. The run books kept in firehouses list every run made by trucks stationed there. This information was used to confirm the accuracy of dispatch tickets. We reviewed the run books of every truck in the city.
- Maintenance sheets. These weekly reports show what preventative maintenance or repairs were done on trucks and what repairs are needed. These sheets, along with maintenance logs at firehouses, were vital in confirming the condition of fire trucks. They also provided the dates when the repair shop and fire officials were informed of problems.
- Out-of-service reports. These reports, produced daily by the fire department's communications division, show which fire trucks are out of service on a given day. We compared this information with maintenance records to determine the problems that grounded the fire trucks, when the problems were first reported and how long it took the fire department to fix them.
- Daily attendance records. These records were used to determine the number of firefighters on duty each day, the number out sick or injured and the number detailed to headquarters to do clerical work. We found that on some days, when companies had to be closed for low manpower, fire officials were still sending firefighters to headquarters to do clerical work.

Department failings

Our investigation revealed a fire department riddled with problems. We found that fire officials repeatedly and knowingly sent broken equipment

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LEGAL CORNER

Cameras in courtrooms: Revisiting the experiment

DAVID SMALLMAN

Reality shows, such as *Survivor*, have grabbed big ratings, but reality journalism has fared badly in the courts. Not long ago, a federal district judge in New York held that requiring a criminal suspect to make a "perp walk" before TV cameras violated his Fourth Amendment rights. Last year, the U.S. Supreme Court effectively chilled the practice of "ride-alongs" when it ruled privacy and other tort claims could be brought against reporters who accompanied law enforcement officers seeking evidence that Montana ranchers might be poisoning bald eagles.

Even more troubling, it seemed in the aftermath of the O.J. Simpson trial that the presence of cameras in *courtrooms* would be curtailed or prohibited, notwithstanding traditional presumptions of public access that disfavor secret proceedings and permit any citizen to view most cases from the bleacher seats.

For example, a vote to extend the pilot program that would have allowed cameras in all federal courts failed in 1996 when the Federal Judicial Council overrode staff recommendations and voted not to permit cameras. Last year, in the wake of newfound concerns about privacy, the Judicial Conference again voiced opposition to allowing cameras in federal courts. But that testimony, which occurred prior to the 2000 presidential election ballot debacle, nevertheless acknowledged broad support in state courts to permit cameras. Now, even stalwart critics of audio-visual coverage of judicial proceedings are reconsidering old prejudices. Many witnessed first hand the positive effect upon public acceptance of controversial results when a national television audience could watch both sides grapple with tough issues and difficult decisions. "Seeing" the messy business of justice in action was "believing" that the system worked.

Similar benefits from televised coverage of the Diallo trial in New York also have renewed calls to allow cameras back into New York courtrooms and led to a report that debunks assertions that the presence of cameras in courtrooms necessarily creates adverse consequences for litigants and the judicial system as a whole.

Audio-visual access

In February 2001, a study prepared by a special committee of the New York Bar Association found that "33 states permit camera coverage at the trial level of civil and criminal cases without requiring consent of the parties and witnesses." The report, which is available on the Web at www.nysba.org/media/cameras.html, noted that the rules governing access varied significantly from state to state, but categorized some of the important approaches as follows:

- A few states permit cameras without judicial review, but the overwhelming majority permit access only upon application by the media under prescribed procedures.
- Courts that permit coverage are typically required to consider the impact of electronic media upon the proceedings, including the right to a fair trial or the "fair administration of justice" and upon the participants, including the parties and witnesses.
- Where access is permitted, nearly every state expressly permits the court to exercise discretion to bar filming or broadcast under circumstances in which an objector can demonstrate good cause, which is usually defined to include prejudice to the parties or a harmful impact upon the individual being filmed.
- Various states restrict filming of 1) voir dire and jurors generally; 2) matters otherwise closed to the public; 3) informants or undercover agents; 4) conferences between clients and attorneys; and 5) conferences between counsel and the presiding judge held at the bench or in chambers.
- Some states prohibit coverage of all underage witnesses in any type of proceeding.

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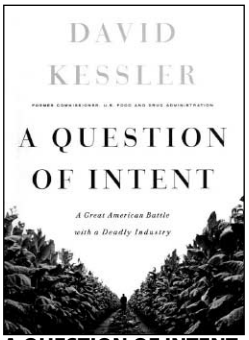
David B. Smallman practices media law in New York. He is First Amendment Counsel to IRE and NICAR, a member of IRE's FOI Committee, and is the Journal's contributing legal editor.



A QUESTION OF INTENT: A Great American Battle With a Deadly Industry, by David Kessler, Public Affairs, 492 pages, $27.50

KESSLER'S GOVERNMENT INSIDER BOOK HOLDS BUILT-IN DRAMA, FEWER CALORIES

BY STEVE WEINBERG
OF *THE IRE JOURNAL*

I read part of this book while traveling between my home in Missouri and New York City. As I reached the climax of Food and Drug Administration Comissioner David Kessler's battle with other parts of the government and with private industry to label food accurately in terms of nutrition, a flight attendant handed me a small package of snack mix. On the back, within a thin black border, is information headed Nutrition Facts. Eating the contents of the .45 ounce bag would mean consuming 60 calories, 30 from fat. I would receive 5 percent of my daily value of sodium, no iron, no calcium, not vitamin A or C. Although a compulsive overeater, I put the package aside.

If Kessler had never run the FDA, consumers might never have been able to make accurate determinations about nutrition food product by food product. His book explains precisely how he and his FDA colleagues prevailed, losing out only to the restaurant industry, which won an exemption for meals served.

The food labeling victory came before the FDA tobacco wars. Perhaps its most significant long-term impact on Kessler was to demonstrate that he could succeed by working inside the system, even when the odds looked bad.

Kessler, a Republican appointee in the administration of George W. Bush's father, became FDA commissioner during 1990. Bill Clinton kept on Kessler, a physician/lawyer, despite differing political affiliations. During his six years running the FDA, Kessler, now dean of the Yale University medical school, led the campaign to rein in the tobacco industry on public health grounds.

His report of those six years is one of the best federal government insider books ever published. Why? First, the topic is interesting. The battle between the tobacco industry and the FDA contains built-in drama.

Furthermore, the portions of the book that discuss other FDA initiatives, such as honest food labeling, are gripping, too. Second, Kessler's intelligence and humanity leap off the pages. He is never self-important, and rarely deluded. Rather than rely solely on his memory – the norm in books of this type – Kessler did lots of reporting as he strove for accuracy and balance. Third, the writing is clear, jargon-free, and sometimes downright compelling. The book is a policy procedural that in places rises to the level of policy thriller. He even gives credit where credit is due – including to journalists who advanced the story during his tenure.

Educated choices

The Nutrition Labeling and Education Act of 1990 required all food products to list amounts of fat, saturated fat, protein, sodium, carbohydrates and fiber, then place those amounts in the context of a daily diet.

The FDA had the task of developing regulations to translate the law into action. Kessler understood the importance of the task he inherited; as a doctor, he was acutely aware that diet accounts for the second biggest cause of preventable death in the United States – after tobacco. He did not want to dictate behavior, because he understood that such an attempt would be hopeless. He did, however, hope to provide information so accurate and so prominently that lots of consumers would find it simple to make educated choices.

But there were obstacles. "Somehow," Kessler says, "we had to find a way to fit added information on thousands of different types of food packages, from pasta to peanuts, on hard packs, clear packs, candy wrappers, boxes of Cheerios and cans of Coke." Another challenge involved serving sizes. "It had been widespread industry practice," Kessler says, "to minimize serving sizes so that they bore little relation to the amount people actually ate – for example, the calorie content of 'light' cheesecake was based on a serving size of half a slice. We were determined to close this loophole by requiring serving sizes to reflect the amount customarily consumed."

At that point in the book, Kessler does something he does well throughout – he introduces FDA regulators playing a key role in each decision, humanizing them so they become memorable individuals rather than faceless, interchangeable bureaucrats. Jerry Mande from the FDA policy office takes center stage in Kessler's account of the food labeling controversy. Kessler's humanization of Mande opens like this: "If it had not been for red M&Ms, Jerry might never have come to the FDA."

"In the 1970s, as an undergraduate at the University of Connecticut studying nutrition and biochemistry, Jerry read that the agency had banned a red dye that gave M&Ms and many other red foods their distinctive color. That set him thinking about regulatory priorities, and wondering why the FDA focused more on cancer-causing trace additives, such as the dye, than on the macro-nutrients that dominated daily diets and had a far greater impact on health," Kessler writes.

Mande and other FDA staff members began working on the regulations. They knew, however, that they would butt up against not only influential food producers, but also another government agency – the much larger U.S. Agriculture Department. The USDA regulated meat and meat products.

Kessler hoped that one label could be applied to all packaged foods. "For too long, the two agencies had been divided by absurd territorial disputes," Kessler says. "Pizza toppings was one example – cheese and tomatoes came under FDA labeling rules, but if pepperoni was added, the USDA took charge. It was time for the federal government to speak with one voice."

Finding one voice seemed unlikely. The USDA, influenced by the influential meat industry, wanted the per-serving percentage of fat and other nutrients to be based on a daily intake of 2,350 calories. Kessler, supported by much of the less politically influential public health community, wanted 2,000 calories to be the standard.

The turning point came from an unlikely source: A McDonald's restaurant in New Jersey. Kessler was driving his children to a family vacation near the ocean when they clamored to stop for fast food. While his daughter and son ate

Chicken McNuggets that day in August 1992, Kessler, himself consuming French fries, started reading the tray liner.

"I was surprised to see that, against a background photograph of fresh vegetables, McDonald's had set out its own case for a healthy, balanced diet. In small type at the bottom, I spotted this statement: 'Based on nutritional guidelines by the National Research Council. Fat recommendation based on a total daily intake of 2,000 calories.'" Kessler collected several tray liners to take to his office.

Eventually, Kessler showed the tray liner to his political superior, Louis Sullivan, Health and Human Services Department secretary. The next day, Sullivan was supposed to attend a White House showdown with Ed Madigan, Agriculture Department secretary. With the meeting proceeding poorly from Sullivan's standpoint, he produced the McDonald's tray liner, commenting that if the dominant company in the fast-food industry supported a 2,000-calorie benchmark, why was the USDA acting in such an intransigent manner?

"Madigan was taken completely by surprise," Kessler says. "The President [George Bush] sat staring at the liner for a minute or two, studying the detail." Two days later, Bush ruled in favor of the FDA approach.

Timely discussion

Such controversies made it difficult for Kessler to focus on how to find a way that tobacco products could be regulated by a health-oriented government agency. Just when a draining policy controversy like nutrition labeling would get resolved more or less, a life-and-death crisis needing Kessler's immediate attention would arise. There are heart-stopping sections of the book explaining how the FDA tries to deal with deadly food poisoning outbreaks and homicidal product tampering.

Most of the book is devoted to facing down the tobacco industry. Much of that saga has been oft-told. But Kessler's account is worth reading, partly because of the new details that do emerge, partly because he addresses seemingly abstract political, legal and ethical issues so impressively within the context of the controversy.

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.

GUEST COLUMN

Business is everyone's business

DIANA HENRIQUES

Do you expect to cover business in the future? If you say no, you're dead wrong. You will be covering business whether you want to or not – and for the sake of your readers and your reputation, you had better want to.

Why? Consider a few of these real life examples, that for fun, I will say all ran on one day in one metropolitan newspaper:

- From the regional news desk, there's a state capital story about a little-known entrepreneur who has stepped into the Republican primary for governor. The usual party sources don't know much about him, but he's promising to put the state on a more businesslike footing.
- On the foreign desk, there's big news from South Africa, which has unveiled a new post-apartheid constitution. The local political reaction is very positive.
- In the features section, there are several stories, including one about an anti-scalding device that can be installed in the bathroom to keep kids from getting into hot water; a piece about a promising drug therapy for severe shock; and a sweetly written story about a successful summer cheerleading camp.
- On the national desk, there's a Washington piece about a grassroots fundraising operation set up by Newt Gingrich, which has gotten a lot of money from a Pennsylvania entrepreneur who supports Gingrich's "Contract With America."
- And finally, there's a breaking story about an unfamiliar multi-millionaire who has stepped forward at the 11th hour to rescue a failing New York tabloid. He's got the money to turn the paper around and save a lot of jobs, he says. Nobody's ever heard of him, but if he can save the newspaper, it's big news.

In each of these cases a higher level of business literacy by a lot of non-business reporters would have deepened and broadened information provided to readers. For example, the politically ambitious businessman with his hat in the ring for governor was the CEO of a public company, whose track record could have been easily checked by looking at the public annual reports it filed with the Securities and Exchange Commission. A reporter who checked would have found that this guy's company had a lackluster track record and occasional operating losses – not the best recommendation.

Editor's Note: *This is an excerpt from the keynote address given during the IRE Reporting Conference held March 31 at the Missouri School of Journalism. The complete text can be found at www.ire.org/training/2001studentconf/speech.html.*

The day the South African constitution was unveiled, the foreign currency markets reacted strongly and badly. The local currency plummeted against other world currencies. Clearly, the folks with money at risk in South Africa were not as optimistic as the politicians were. A call to currency traders at big Johannesburg banks would have enriched the story.

And that anti-scald device? Well, the company that was pushing it had a dubious past, as a simple Nexis search of business headlines would have shown. Its prior claim to fame was an eyeglass frame that supposedly could "remember" its shape after being bent or twisted. Exaggerated claims made for that earlier product had resulted in a criminal cases against people involved in promoting the company's stock, so maybe we should have been a little more skeptical about the current product.

That promising drug therapy we featured was real – but the company promoting it was engaged in a fierce marketing battle with another company making a competing drug. The FDA had not yet decided which drug was more effective, so we were unwittingly taking sides in a bitter commercial dispute.

And while school spirit may have been alive and well at the cheerleading camp, it wasn't doing much for the camp's bottom line. As

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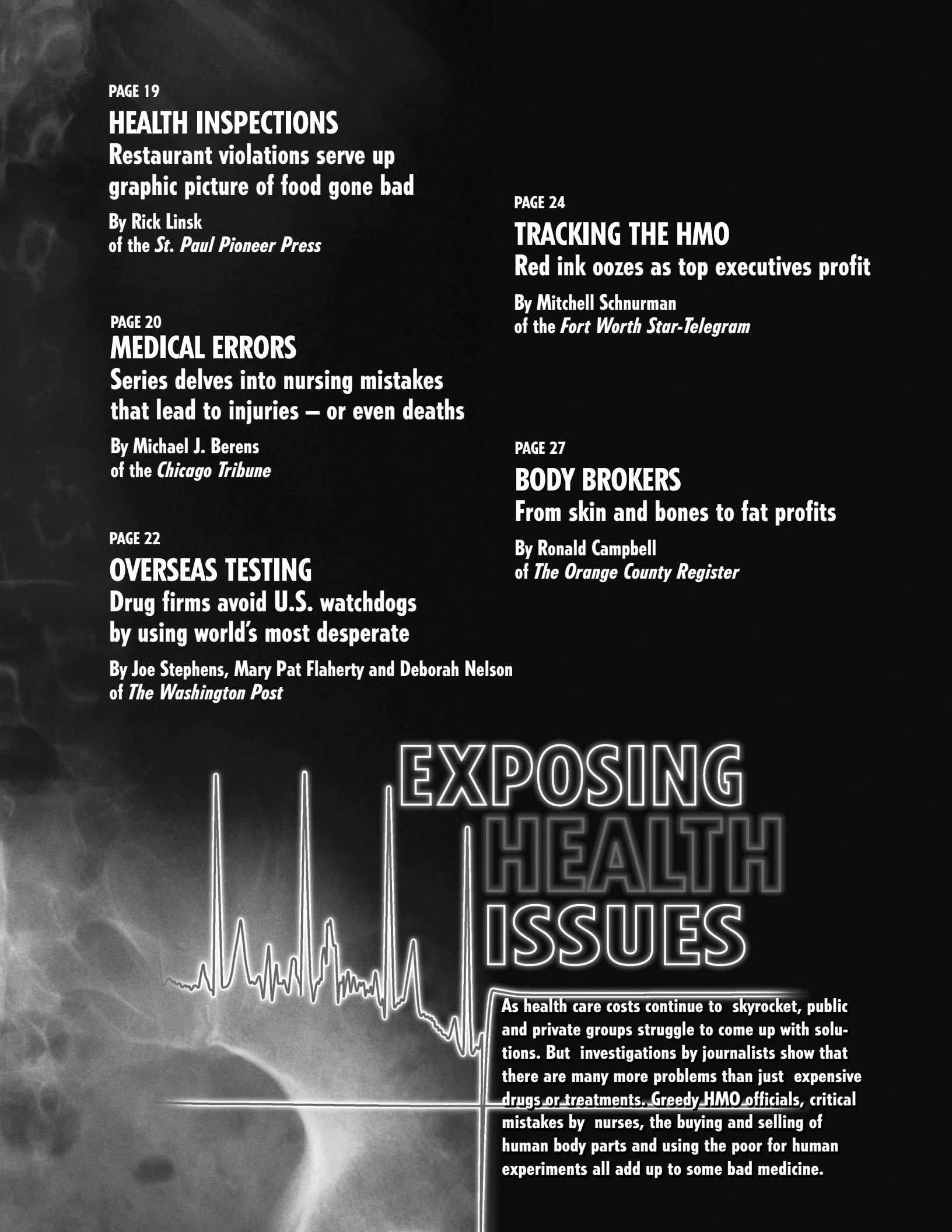
Diana Henriques is a veteran investigative business reporter for The New York Times where she specializes in financial fraud, white-collar crime and corporate governance issues. She is a winner of the Gerald R. Loeb Award for Business Journalism. She was formerly a feature reporter for Barron's, and is author of "Fidelity's World: The Secret Life and Public Power of the Mutual Fund Giant" and, more recently, "The White Sharks of Wall Street: Thomas Mellon Evans and the Original Corporate Raiders."



EXPOSING HEALTH ISSUES

As health care costs continue to skyrocket, public and private groups struggle to come up with solutions. But investigations by journalists show that there are many more problems than just expensive drugs or treatments. Greedy HMO officials, critical mistakes by nurses, the buying and selling of human body parts and using the poor for human experiments all add up to some bad medicine.

HEALTH INSPECTIONS

Restaurant violations serve up graphic picture of food gone bad

By Rick Linsk
of the *St. Paul Pioneer Press*

It took a strong stomach to successfully pull off our "Restaurant Reservations" series late last year, not to mention oodles of computer-assisted reporting resources and considerable tenacity.

First, a disclosure: We didn't invent this wheel. Restaurant inspections are a longtime staple of investigative reporting. Television stations in the Twin Cities and other cities, sometimes aided by hidden cameras, have reported filthy or unsafe practices. Newspapers in Toronto, San Jose, Charlotte and St. Louis, among others, also have examined restaurants. Our series built on the techniques of our predecessors, and in some ways went further.

The editors and reporters central to the project? Projects editor Jeff Kummer, food editor Kathie Jenkins, restaurant beat reporter Gita Sitaramiah and I began in mid-summer 1999 with several fundamental questions. We wondered whether area restaurants were generally following or failing the rules; whether the government's system of overseeing restaurants was working; and whether the average consumer had any way to distinguish between the safe and unsafe, the clean and unclean.

We expected to be finished by the end of 1999. But slow-moving government bureaucracies, dirty data, and other factors would confound our timetable.

Getting the records

From the outset, we faced an obstacle: Fragmentation of oversight. Across the nation, restaurants are inspected by a patchwork of state, county and local government health agencies. In Minnesota, ultimate responsibility rests with the state Department of Health, but the department delegates its powers to dozens of counties and cities. In the end, we studied restaurant inspections by MDH and five local agencies in the Twin Cities that were willing and able to give us computerized records.

Some government agencies resisted our request for inspection data and only relented after official requests, meetings, and follow-up phone calls and e-mails. Even then, some took weeks or months to provide the records.

The most notorious agency was the state Department of Health, which oversees food establishments in Dakota County and most of outstate Minnesota. MDH failed to provide complete inspection data for six months, and only after the *Pioneer Press* noticed that a computer file initially provided by the department was incomplete. The department also took two months to provide computer records about foodborne outbreaks, and only after "sanitizing" the records of information that could identify victims.

In one county, officials gave us the computer data from inspectors' portable computers, but said their contract with a software vendor prevented them from providing any background on how to read the data.

Analyzing the data

As the old saying goes, be careful what you ask for, because you just might get it. That's how we felt after the various agencies' data arrived. The reason: Regulatory agencies use computers to help keep track of inspection schedules and compliance, not sift trends from the data as we wanted to do.

The six databases had several different formats. Some were missing records. Others were littered with duplicate records. One county had only entered about half of all restaurant visits into the computer system: the "bad" inspections, leaving the better visits documented only in hundreds of paper files. St. Paul's data came from an ancient computer system (finally replaced in the middle of our project) with some confusing twists. Among them, taking violations by restaurants long since out of business and attributing them to the building's current occupant. St. Paul also was unable to give us a list of restaurants issued tickets, something other agencies were able to do.

Most of our tasks had to be multiplied by six. For instance, six sets of queries for the worst and best restaurants; six sets of phone calls to officials to request paper records, confirm our findings, ask about "good guys," and other needs; and six different sets of preparation materials for interviews with officials, etc.

In total, we found Twin Cities restaurants had violated food-safety rules more than 130,000 times from 1995 to mid-1999, including more than 20,000 violations that government agencies classify as "critical" because they can make diners sick. We also obtained a state database of foodborne illness outbreaks, many of which had never come to light before. As for enforcement, we pieced together agencies' records (sloppy in most cases), and found penalties against violators were rare, even when they were proven to have made people sick.

Narrowing the cases

We looked closer at restaurants the data identified as chronic violators, including one that had cockroaches detected in 10 straight inspections over nearly two years. Conveniently, the St. Paul database had a field called "NOTICE" that helped identify repeat violations. Another establishment, hauled before the City Council for a rare public lashing, had been the subject of a rising tide of complaints for three years. Reporters made surprise visits to a number of establishments with a photographer and a food-safety expert, and at times saw alarming conditions, such as a 95-degree hamburger, boxes of veal on a storage room floor, and raw meat stored above cooked noodles.

We also dug into the records of restaurants that had major outbreaks, including one where a

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Photos: Richard Marshall | The St. Paul Pioneer Press

TOP: Jo Harris became ill after eating a chicken sandwich, topped with lettuce laced with chicken blood. The lettuce was chopped on the same cutting board used to prepare the chicken.

ABOVE: In a restaurant basement, boxes of veal were left on the basement floor to defrost prior to cooking.

MEDICAL ERRORS

Series delves into nursing mistakes that lead to injuries – or even deaths

By Michael J. Berens
of the *Chicago Tribune*

There is a place where accidental deaths and injuries are never reported to authorities, no matter how egregious the circumstances.

It's a place where negligent and incompetent employees can quietly make deadly mistakes but never receive an hour of additional training or punishment.

And it's a place where people with raging drug addictions sometimes roam without restriction, literally handed the keys to storage lockers filled with drugs, then entrusted with countless lives.

This is the hidden world of U.S. hospitals.

As the nation this year grapples with the issue of medical errors, reporters are likely to confront significant barriers to information.

Photos: Stephanie Sinclair | Chicago Tribune

TOP: Relatives decorate the grave of a 2-year-old boy who died at the hands of a Chicago nurse.

ABOVE: The Department of Professional Regulations recently charged this nurse with gross negligence resulting in the death of a patient. Here she readies the crib for a newborn.

Not surprisingly, the American Hospital Association and dozens of healthcare heavyweights are seeking to limit public access to details involving medical errors.

But as outlined in a September *Chicago Tribune* investigative series – "Dangerous Care: Nurses' Hidden Role in Medical Error"– overwhelmed and under-trained nurses kill and injure thousands of patients every year as hospitals sacrifice safety for an improved bottom line.

Only 14 states track medical errors. Only two states provide full public access. In most states, hospitals are not required to inform anyone of an accidental death or injury – not even victims' families.

Details on how the *Chicago Tribune* used the electronic data mentioned here are available in the December 2000 edition of Uplink, the newsletter of the National Institute for Computer-Assisted Reporting (www.nicar.org/datalibrary/uplink.html).

At the heart of my reporting was the creation of a custom database compiled from a dozen state and federal sources, from databases at the Food and Drug Administration to files from the Health Care Financing Administration to disciplinary records from every state.

These public records can be used to unlock countless more stories.

Hello MAUDE

The FDA tracks reports of adverse events involving medical devices in a database called Manufacturer and User Facility Device Experience (MAUDE). The data – available from the FDA Web site – is used to spot machine-related problems. I used it to track human errors.

Each of the more than one million computerized records contains large text fields, mini-narratives of each event. The database represents an island of buried journalistic treasure, spanning cases involving defibrillators to pacemakers, sutures to skin grafts. Tens of thousands of reports involved nurses, including:

- Thousands of patients have been accidentally overdosed after nurses typed in the wrong dosage amount on an infusion pump keypad. For example, 9.1 milliliters was entered as 91. Nurses called it death by decimal.
- Hundreds of patients have died even though they were connected to life-saving machinery that sounded a warning alarm. Nurses often did not hear the alarms. Even worse, some nurses turned off the alarms. By cross-matching these events with other public records, I was able to determine which cases were linked to lack of nurse staffing.
- Dozens of disoriented and groggy patients have died after their heads were trapped in bed rails, or strangled while in post-surgical restraints and were undiscovered for an hour or more.

Reviewing this data, as well as other FDA databases, is an exercise in addiction. I found myself wanting to read every record. However, while this data is a good pointer to trends and events, it is neither conclusive nor reliable. The records typically contain no identifiers other than date.

I had lots of incomplete cases for my custom database. Now I needed verifiable details.

Troll the experts

Invariably, no matter how remote the subject, somebody is devoted to researching or tracking the issue. The key is finding those people.

Early into my research, I latched onto an organization called the Institute for Safe Medication Practices in Pennsylvania. Founder Dr. Michael Cohen has written an invaluable reference book, "Medical Errors." The nonprofit group also publishes monthly bulletins, which are valuable for tracking dates and circumstances linked to specific types of medical errors.

Another must-see healthcare source is ECRI, a nonprofit research laboratory located in suburban Philadelphia. The world-renowned organization studies and tests everything from syringes to baby warmers. Their technical publications are brimming with details and exhaustive investigative analysis. They even have a mock operating room where they recreate medical errors.

I learned about a silent killer called free-flow, which is an uncontrolled gush of medication through an infusion pump. About 150,000 pumps still in use do not have a fail-safe mechanism found in newer pumps. In the hands of unsuspecting or distracted nurses, dozens have been killed and hundreds injured.

Semantics and numbers

A central theme in the series was that cost-conscious hospitals nationally are eliminating or supplanting the role of registered nurses. Initially, there was a hurdle: the American Hospital Association said it wasn't true – and they had a Bible-size book of numbers to prove it.

When in doubt, investigate how the numbers are counted. I discovered that hospitals counted administrators who never worked with patients, from bookkeepers to attorneys. Also counted were nurses assigned to remote nursing homes and nurses assigned to home health care divisions.

Yet, some national media organizations have used the AHA-supplied numbers, divided by hospital beds and incorrectly published a nurse-to-bed ratio. In reality, there often is one nurse for every eight beds on a general medical/surgical unit. Some hospitals had 20 patients for every nurse.

The AHA later acknowledged that they really don't know how many nurses are assigned to patient care in hospitals.

It took 10 months to unravel and reassemble a myriad of electronic and paper sources. But in the end, it was the *Tribune's* numbers of deaths and injuries – each case assembled from small pieces – that provided the most powerful punch, and provided the clues that led to the names and details behind one of the hospital industry's most closely guarded secrets.

Photo: Stephanie Sinclair | The Chicago Tribune

Shirley Keck weeps while trying to communicate with daughter Becky Hartman in Keck's home. Keck cannot speak and has to use a chart with the alphabet drawn on it to spell out words. Hartman and her four other sisters trade off caring for their mother in her Wichita home. In early July, Wesley Medical Center settled a case where Keck, 63, claimed she was left unattended in her hospital room for several hours while she suffered a stroke. Consequently, she cannot move any part of her body except her left arm and head requiring her to need care 24 hours a day.

My custom database was like a giant jigsaw puzzle. Each day I added more pieces that led me to specific victims and places.

Examining oversight

The Chicago-based National Council of State Boards of Nursing computerizes disciplinary actions filed against nurses in all states and U.S. territories. But the private, nonprofit group refuses to share the information publicly.

I learned, however, that the council periodically sends a copy of the complete database to each state. With prodding from *Tribune* attorneys, a reluctant Illinois licensing agency turned over the database under a state FOIA request.

Each record contains the nurse's name and date of violation. I filed dozens of FOIAs nationally for the complete disciplinary files, which detailed death and injuries caused by negligence and incompetence. In one case, a nurse consumed crack cocaine at a hospital but was never suspended. A known, convicted child molester was allowed to work even while on probation, and dozens of nurses convicted of felony crimes – from drug trafficking and money laundering to welfare fraud, theft and burglary – continued to commit more infractions with impunity.

Discipline files showed many trends, including:

- Dozens of understaffed state nursing boards agreed to withhold key, embarrassing details from public files if a nurse does not contest a charge or punishment. In exchange for speedy "consent agreements," states purged any mention that patients had suffered horrible deaths or injuries. Many records were worded to make the incidents appear minor.
- State investigators often never pull a medical file or interview any patients. This means that nobody really knows how many patients were possibly harmed.
- In many states, nurses suspected of patient harm continue to practice for years before disciplinary action is taken. Dozens of nurses simply move to other states.

Besides disciplinary records, I used a variety of legal databases, such as Lexis/Nexis, to track hundreds of nursing malpractice cases. I obtained suits from 42 states, hunted down litigants and continued to fill in blanks or create new entries on my custom database.

The Health Care Financing Administration reports provided scores of details that could be coupled with other records, such as disciplinary files, lawsuits and death records that led to patient identities.

That was how I found 2-year-old Miguel Fernandez of Chicago, who received a fatal overdose of sedatives from a newly graduated nurse who was left alone to perform a medical procedure without training.

And that's how I uncovered Deedra Tolson, 38, who bled to death because of a shortage of nurses and, at the same hospital, Shirley Keck, 61, whose pleas for help went unanswered until she suffered permanent brain damage.

Passionate responses

The *Tribune* series continues to ignite a firestorm of reaction. Following the series, the nation's largest healthcare regulator, the Joint Commission on Accreditation of Healthcare Organizations, announced a national crackdown on the use of infusion pumps. The *Tribune* reported that 150,000 pumps lack a basic safety feature that could prevent sudden, often lethal gushes of medicines. Nurses have accidentally killed and injured hundreds of patients with such pumps.

In all, the newspaper has registered more than 2,500 responses – including telephone calls, e-mails and letters – that ranged from strong praise, equally passionate criticism and, in two messages, fairly specific death threats by nurses who felt the stories undermined public confidence in nursing.

Citing *Tribune* findings that raised serious questions about hospital management and patient care, the Illinois governor convened a large task force of healthcare professionals to recommend legislative changes and new licensing and disciplinary strategies to better protect the public.

Additionally, many large nursing organizations have embraced the findings in the series by distributing thousands of copies of the project to nurses, many who continue to rally for recognition of a nursing crisis deliberately hidden from public view.

Michael J. Berens is a reporter on the Chicago Tribune project team.

OVERSEAS TESTING

Drug firms avoid U.S. watchdogs by using world's most desperate

By Joe Stephens, Mary Pat Flaherty and Deborah Nelson of *The Washington Post*

In early 2000, *The Washington Post* began looking into why American pharmaceutical companies were conducting medical tests on people in some intriguing places: Hungary, Nigeria, rural China.

Just what were those companies doing there, far away from the watchful gaze of American regulators and medical watchdog groups?

The three of us joined forces to find out. We formed the core of a team that eventually grew to include nine foreign correspondents and investigative reporters working in concert with a small army of editors, graphic artists, photographers and researchers.

Over 11 months, the team spread across five continents, examining medical experiments in a dozen countries in Latin America, Asia, Africa and Europe. The result was a six-day series in December called "The Body Hunters" (http:washingtonpost.com/wp-dyn/world/issues/bodyhunters).

With scant public notice, the series explained, American drug companies were enlisting thousands of test subjects in some of the world's most desperate corners, sometimes without informing subjects of risks or properly asking for their consent. Destitute children with deadly diseases were given unapproved medicines. Drugs deemed too risky to be tested in the United States were tested on people elsewhere.

Money was the driving force. Drug companies needed an ever-increasing pool of human subjects, and testing offshore allowed them to slash costs and cut the time and red tape required to bring a drug to market in the United States. Each day's delay in the rigorous testing process could mean $1.3 million in unrealized profits.

What follows are some observations by each of us from our experiences in pursuing this massive undertaking.

Joe Stephens:

Early in our reporting, I learned that Pfizer Inc., now the world's largest drug maker, had tested an unapproved antibiotic amid a vast meningitis epidemic, using impoverished and desperately ill Nigerian children. Little else was public.

Clearly, we needed to talk to the Nigerian doctor Pfizer had hired to conduct the study in a sub-Saharan epidemic camp.

Just calling the doctor seemed like a bad idea. Phone connections were dreadful. At the same time, pre-arranging an in-person interview would give

Photo: Lois Raimondo | The Washington Post

Sister Rosa soothes children during naptime at Baan Mitratorn, an orphanage for HIV-infected children in Chiangmai, northern Thailand. HIV/AIDS infection is greatest in Thailand's northern regions, where drugs and prostitution are big business proliferating across country borders. Some healthcare workers estimate northern HIV-infection rates at one in forty.

WEB SITES AND DATABASES

By Joe Stephens, Mary Pat Flaherty and Deborah Nelson

The FDA takes months to respond to FOI requests and then makes few records public for investigational new drugs. But the agency Web site and other Internet resources contain useful information. Here are some of our favorites:

- **Clinical trial listings:** www.centerwatch.com/, www.clinicalstudies.com, http://clinicaltrials.gov
- **NIH-funded research abstracts:** www-commons.cit.nih.gov/crisp/
- **Published studies:** www.ncbi.nlm.nih.gov/entrez/query.fcgi
- **Drug Information Association:** www.diahome.org/,
- **FDA (regulations, new drug reviews and approvals, inspections database, database of domestic and foreign doctors conducting clinical trials):** www.fda.gov
- **NIH (regulations, research grant information):** www.nih.gov
- **Office of Human Research Protections (investigations of human subject protection violations):** http://ohrp.osophs.dhhs.gov/

As for databases, most are now available on the FDA Web site. We found these helpful:

- The FDA's Investigational Human Drug Clinical Investigator Inspection List shows which domestic and foreign clinical trial sites the agency has inspected and whether it found problems. The detailed inspection reports must be obtained through FOIA. It's on the Web site.
- The Bioresearch Monitoring Information System File is a list of all doctors conducting clinical trials that are known to the FDA. The file is fairly complete for domestic trials, because doctors are required to register with the agency. However, registration is voluntary for doctors conducting trials overseas for U.S. companies. The FDA adds their names to the database if the foreign clinical trial is used to support a new drug application.
- The Adverse Event Reporting System and its predecessor database. This is an index to reported reactions to drugs that are already in the market and allowed us to track the post-marketing record of drugs tested overseas. Health practitioners who suspect a drug caused a particular side effect file the reports. The index lists the suspected drug and the side effect. We had to send an FOI request to get the full report.
- We also built a database of applications to the State Department for approval to conduct federally funded clinical trials at overseas sites. These records are maintained by the Fogarty International Center at NIH.

him time to reconsider meeting me, or prepare evasive answers or consult with an American public relations specialist.

My solution: show up on the doctor's doorstep unannounced with a smile and a list of questions. First, however, came months of preparation.

I spent weeks reading medical abstracts, reviewing FDA hearing transcripts and meeting with medical specialists. I also obtained an inch-thick Pfizer medical report on the experiment and the deaths of 11 children who participated.

The trip remained a gamble, however. What if the doctor refused to see me? Or, worse still, what if he was not in town?

As luck would have it, I quickly located him, and he invited me into his office. He verified the authenticity of key documents that I carried with me and said that the children and their illiterate parents had difficulty understanding what was going on. When I showed him documents detailing the treatment of an underweight 10-year-old girl – who died after taking Pfizer's unapproved antibiotic for three days – the doctor responded: "To be very, very honest, in retrospect, maybe we should have done something about that … Why we didn't do that, I don't know."

Later, Pfizer would disagree strongly, saying there was no reason to believe the antibiotic did not work and that some children with meningitis would die no matter what treatment was provided. They said the experiment was ethical and saved lives. They would not allow me to speak with anyone still at Pfizer who worked on the experiment.

I eventually sent Pfizer a list of more than 60 written questions. They responded with 26 pages of dense medical arguments. After my story was published, Pfizer posted the list of questions on their Web page, along with their 26-page response.

In the days since, Nigerian newspapers have written almost 100 articles examining the experiment and the Nigerian government has launched a formal investigation.

Mary Pat Flaherty:

One of the missions in this series was to find two groups of people who were disenfranchised in their own country – heroin addicts and HIV infected pregnant women – who were fiercely protected by both the private and public U.S. medical researchers who had enrolled these people in clinical drug trials. In each instance, half of the group in the medical tests received a placebo; it was those people we wanted to reach to get their impressions of getting no care, or of being withheld proven care to further a test of a new medical theory or new drug.

We knew the studies we wanted to report on –

Photo: Lois Raimondo | The Washington Post

AIDS continues to ravage Thailand, with one out of every 60 people testing positive for the disease. Ninety-seven percent of those infected receive no drug treatment for their disease. At Whistle Home, a Bangkok shelter for homeless HIV-positive women and abandoned HIV-infected babies, new family units get formed.

from the perspective of participants – but all we knew about the people who took part were raw numbers. Without prep work and the good graces of local people who felt the trial participants had been too long regarded only as blind numbers, we couldn't have found the men and women we sought.

Here are some practices that proved useful:

Reading carefully. We gathered every medical journal article, grant document and general press account about both of the studies we were focusing on. We read every footnote and notation to find out not only about the main authors, but ancillary contributors and experts who might talk freely about the work. Likewise, we gathered letters to the editors on the studies from foreign researchers and accounts in the Thai press – again to develop a list of likely interview subjects once we were on the ground. That work ultimately paid off in leads among medical experts and social workers who were helpful in narrowing the hunt for those relatively small pools of addicts and women.

Planning ahead. We interviewed as many of those sources ahead of time as we could, often by e-mail, to give them a heads up about what we were looking for and to get a feel for who was likely to be truly helpful and knowledgeable.

Sharing information. Items that hadn't seemed of much use here were of great value once we were in the host country because they offered clues that weren't apparent to us but were obvious to people there on how to track test subjects. Those helpful sources also simply appreciated seeing much of the medical journal information we had gathered since their libraries and Internet access often were so limited.

Relying on the basics. How would you try to find

CONTINUED ON PAGE 30 ➢

TRACKING THE HMO

Red ink oozes as top executives profit

By Mitchell Schnurman
of the *Fort Worth Star-Telegram*

We had tracked the rise and fall of the local company, documenting its troubles and shifting strategies.

And when the end came, we prepared for a post-mortem, figuring this was one more tale of an organization overwhelmed by an unforgiving economy.

But the first interview pointed to much more. A longtime executive described a culture where excess was the norm, executive decisions were driven by ambition and ego, and the people with real power were never held accountable.

That sounded like plenty of companies gone bust, except that this was the Harris Methodist Health System, a nonprofit organization that touted its ethics, its commitment to the community and its religious roots.

Harris was one of the largest health care providers in Texas. It had seven hospitals, nearly 400,000 members in its HMO and insurance plans, and a Fort Worth history that went back 70 years.

Red ink flows

Harris' financial troubles surfaced in the mid-1990s, when its health maintenance organization began to lose money, and the problems escalated through the decade. Management blamed the decline on broader trends, including government cutbacks, intense competition and rising medical costs.

The *Fort Worth Star-Telegram*'s story provided another explanation: The executives at Harris, apparently driven by ambition, set the company on a faltering course and refused to retreat in the face of trouble. The board, meanwhile, sat idle as the red ink flowed.

The executives hatched a growth plan that envisioned a statewide network, and then they spent millions to win market share, and add staff, offices, computer systems and perks. The board of trustees, made up of prominent local executives, ministers and leaders of some of Fort Worth's oldest family-owned companies, never made the tough moves to stem the tide.

As a result, the Harris health plan lost $300 million before being sold to a California company in a distress sale. The hospital system gave up its independence to merge with a smaller, richer group in Dallas.

The ensuing turmoil affected thousands of patients and doctors, and hundreds of Harris employees. The new HMO, PacifiCare, cut more than half the work force, raised members' premiums and got tough on enforcing existing contracts.

Many residents had to change health plans or choose new doctors. And to unload the money-losing HMO, the Harris hospitals had to agree to give PacifiCare discounted services for two years, prolonging the failed legacy of Harris' venture into managed care.

The special report, "Why Harris Fell," explained how all this happened, and why. It detailed for the first time the depth of the financial problems, the executive-suite maneuvering that led to the merger, and the way that management lived high while forcing cuts in doctors' pay.

It revealed that three former board chairmen moved from their unpaid oversight roles to the Harris payroll. A fourth board member was CEO of an engineering company that did at least 17 projects for Harris in the '90s, and that relationship was never disclosed publicly.

The article ran last August and was divided into five chapters and several sidebars. It generated scores of letters, e-mails and calls from readers, employees and members of the health plan. Nearly all praised the coverage for exposing the details of an institution that touched hundreds of thousands of lives.

Several former employees said the article confirmed their suspicions: "My thanks go out to you for exposing what so many of us have known about for so long – the appalling amounts of money wasted within the Harris system," a former Harris manager wrote.

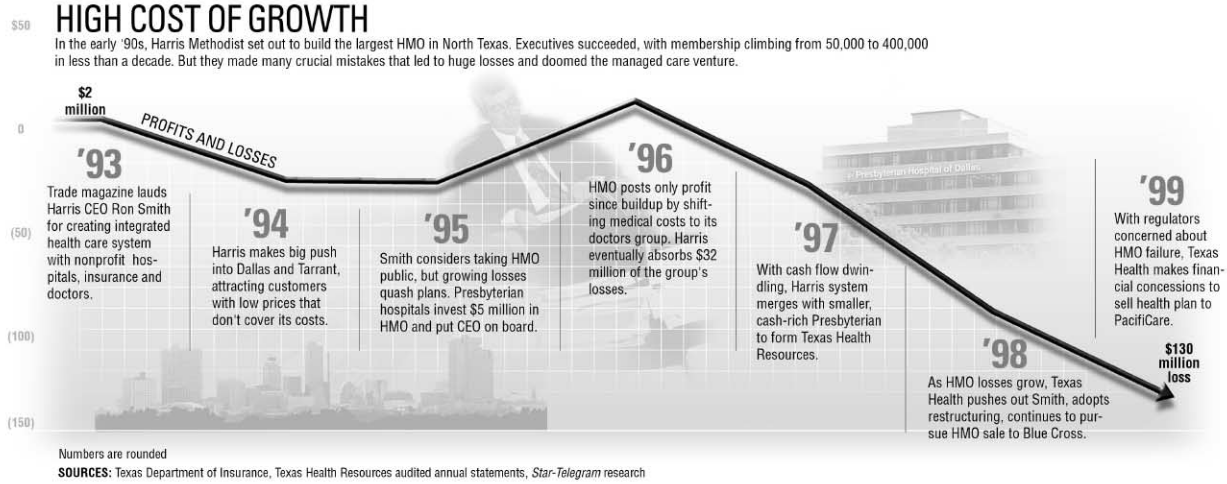
Two reporters from the *Star-Telegram* spent more than six months working on the articles. We interviewed about 75 people, primarily current and former employees and trustees, and reviewed hundreds of pages of documents, with an assist from a third reporter.

Harris operated dozens of companies, some nonprofit, some for-profit, some in partnership with doctors and others. Assessing its financial reports was often a complicated, time-consuming process.

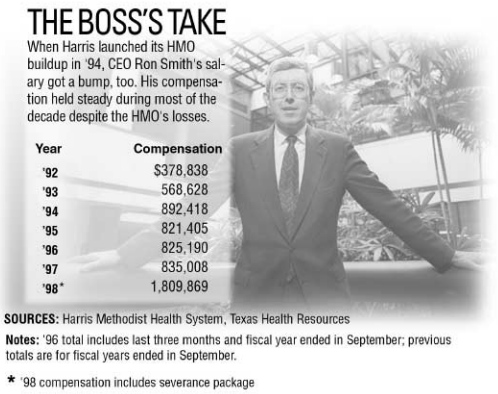
Despite the complexity and volume of data, no errors have been found in the story, and no corrections have been demanded. In fact, in the final week of fact-checking, the health system had to concede that our compiled numbers were right, despite claiming other results earlier.

The slippery slope

Like most investigative stories, this one emerged through a combination of shoe-leather reporting, and the study of confidential and public documents. It took longer than we expected, in



The Star-Telegram used this graphic to show how management actions led to dismal results at the Harris Methodist Health Plan. It brought together elements of the best reporting, the analyses about cause-and-effect, and the financial results that often were difficult to obtain. The graphic provides a blueprint for what happened at Harris and why.



part because some key Harris officials – including the former CEO – declined to be interviewed.

That forced us to go to great lengths to confirm what seemed like simple facts.

Many interviews were conducted strictly on background; we could not name some sources because they still work for Harris and its successor company, or because they were bound by confidentiality agreements.

In some cases, the interviews were conducted under the ground rules that we would contact these sources – and get their approval – before using any quotes. That can be a slippery slope, but no one backed down from a quote, probably because the story provided so much context.

There were no direct quotes from anonymous sources, and nearly every point in the story was attributed, often with detailed explanations that let readers know whether the speakers had an ax to grind.

One of the biggest hurdles was the former CEO's refusal to speak, either to answer basic questions or to defend himself against accusations. He was still employed as a consultant by the successor company and had received a lucrative severance package.

We were able to illuminate his style and strategy by recounting anecdotes and insights confirmed by several inside sources.

Many of the sources were distressed by what occurred at Harris, so we often heard candid, remarkable stories. Some comments were simple venting against colleagues, and some were no more than informed speculation. But others proved true, and invaluable to the story.

We learned, for example, that the HMO's problems were so severe that it was dragging down the entire hospital system. That, our sources said, led to the decision to merge with a smaller hospital network in Dallas.

Top officials at both hospitals publicly contested

CHECKING OUT DOCTORS

By Thomas Maier
of Newsday

1. What are the promises made by HMOs about the quality of their doctors?

When managed care swept through America a decade ago, many insurers promised to raise health care quality while lowering costs. Go back to the clips and find out what these insurers said when they came to your town and examine what happened.

Today, the promises of quality and offering good doctors can be found in the thick, paperback directories of providers online with their Web sites. For example, www.aetnaushc.com is the Web site for Aetna U.S. Healthcare, one of the nation's largest managed care firms. The search engine attached to this site allows you to look up the names of its approved doctors in their HMO networks – along with the doctor's address, specialty, whether accepting new patients, hospital affiliation, board certification, second language spoken, etc.

2. How do I check on the quality of individual doctors?

Quality can be in the eye of the beholder, but if a doctor has been disciplined for professional misconduct by your state's oversight board, it may raise questions about a doctor's competency. Some doctors get in trouble for failing to pay student loans or criminal tax code violations, but the vast majority of sanctions in New York and many other states involve medical wrongdoing such as botched surgery, sexual misconduct, dispensing drugs illegally, working while impaired, and other serious misconduct. Check out www.docboard.org, the Web site of the Association of State Medical Board Executive Directors, which hyperlinks to more than a dozen state medical disciplinary boards that list state-disciplined physicians.

3. Who oversees the quality of doctors in the managed care system and how do I check to see if they're doing a good job?

Despite all the information they give customers, managed care firms never mention state disciplinary actions or any malpractice cases against the doctors in their network. Yet in New York alone, *Newsday* found 132 doctors disciplined for serious – sometimes fatal – wrongdoing were found in the directories of the state's top commercial HMOs without any warning about them.

Ironically, many of those who are responsible for overseeing HMO physicians are aware of these problems but never tell the public. You might start by asking to interview the medical directors of your area's top HMOs, to learn of their screening procedures and then ask them about some of the specific doctors that you found by comparing the lists of state-disciplined doctors and those found in the insurer's approved list of providers.

You can, for example, check out other national groups to find out about a doctor, such as the American Board of Medical Specialties at www.abms.org/newsearch.asp.

And the National Practitioner Data Bank, run by the federal government, collects all information about doctors at www.npdb.com. While this information is not available to the public, those in managed care firms, hospitals and doctors can see it.

Thomas Maier wrote about Newsday's investigation of the New York physician database – exposing incompetent doctors operating in HMOs – in the January-February 2000 issue of The IRE Journal. The January-February 2000 issue of Uplink provides a more in-depth look at the computer-assisted techniques used.

this point, and we ran their comments. But the story ultimately gave more weight to our sources, because documents supported that view.

A report for bond holders, which was part of the merger, showed that the Harris system's cash flow fell by two-thirds in three years, as the HMO problems mounted. The fine print within the same report used words such as "merged into" and "control" to describe the merger, suggesting that it was not a combination of equals, as the executives wanted to paint it. It also showed that the Dallas hospital would provide four of six senior executives, including the CEO.

Time and again, similar scenes played out in our reporting. Employees told us that the company was top-heavy, laden with too many high-paid executives. An IRS 990 Form from 1994, which a reporter happened to have on file, showed that Harris had 64 officers and vice presidents, with nearly all earning six-figure salaries.

We asked state regulators to provide Harris' HMO financial filings for 1990 through 1999. They revealed a surge in marketing spending and a category called "other," confirming the sources' view that Harris was bent on growing at any cost.

We also used similar filings from competitors to evaluate management's contention that Harris was simply responding to the market. In fact, the monthly premium numbers showed that Harris – the biggest player in the market – was undercutting its major competitors, not matching them.

We assumed that 990 Forms, which all nonprofits must file with the Internal Revenue Service, would be the key documents. They were helpful but limited. With its hospitals and various other properties, Harris' expenses were often spread among dozens of units.

The bond reports, which presented audited financial results, proved to be pivotal. They showed cash flows, losses, expenses and more for the entire system. And when Harris' successor organization put the HMO on the block, it began breaking out the health plan's results in footnotes and other fine print.

Ultimately, that was essential to tallying the costs of the HMO venture. And to debunking the idea that the sale of the HMO had brought in $117 million, as claimed in a press release.

The audited numbers showed that the health plan, even after accounting for the sale, lost $130 million in its final year.

Mitchell Schnurman is a senior business reporter for the Fort Worth Star-Telegram.

KEY DOCUMENTS AID SEARCH

By Mitchell Schnurman

When reporting for "Why Harris Fell," we made several reporting breakthroughs. Among them:

- We obtained a new issue bond prospectus, published two years earlier, by asking a bond analyst for the name of the underwriting firm. We contacted a Merrill Lynch executive, who sent the prospectus. The document explained the merger involving Harris, provided audited financial results, and gave key details about the management team and control.
- We obtained audited financial reports provided to bond holders by searching for the documents on the Bloomberg News system. We used the new issue offering to find the CUSIP numbers, which allowed us to access the reports. We considered these financials much more reliable than the results on the 990 Forms.
- The audited financial reports' fine print revealed key details. A footnote, for example, explained how much money was lost by the health plan and the sale of the HMO. We consulted experts in healthcare accounting, who said they had never seen such an approach, but they believed our conclusions were correct. Ultimately, the company confirmed the numbers.
- We obtained a confidential sales document that was used in the sale of the health plan. Produced by Merrill Lynch, this report provided key facts about the HMO's growth, employment, losses, customers and motivations for selling the business. This was provided by unnamed sources.
- We obtained copies of Harris' confidential budget reports, prepared for the board of trustees. These showed management's growth strategy, and its plans to contain costs and produce a profit. The actual results were not close to the projections. These reports were provided by unidentified sources.
- We had several older 990 Forms and older annual reports in files at the newspaper. These provided the names and salaries of the company's 64 officers and vice presidents, and the names and tenures of trustees, including those who later joined the payroll.
- We obtained many internal documents, including contracts between hospitals and HMOs, board minutes and memos. These revealed discounts given by Harris hospitals to an HMO, the amount spent on country club activities and disagreements over plans to export managed care. These documents were provided by unidentified sources.
- HMO financial reports to state regulators, dating back a decade, showed vital trends: the build-up in Harris' marketing expenses, cuts in monthly premiums, surges in membership. And the reports let us compare Harris with its competitors.
- The players' Web sites yielded surprising details. This resource seems so obvious that it's easy to neglect. One Harris trustee refused to say what work his engineering company had done for Harris while he was on the executive committee. But his firm's Web site provided the answer: It had completed 17 projects for Harris.
- 990 Forms, which nonprofit organizations must file with the IRS, included some important details, such as reporting of potential conflicts of interest. Harris did not report that trustees' companies were doing work for the organization, which was certainly worth noting in the story.
- Older 990s should be requested early. Nonprofits must provide the past three years of 990s when asked, but older versions must be requested, in writing, from the IRS. They were limited to the mid-'90s and later, and took more than a month to arrive.
- Depositions from various lawsuits provided some insight, but they were not the gold mine we had expected. Interviews with employees were much more fruitful.

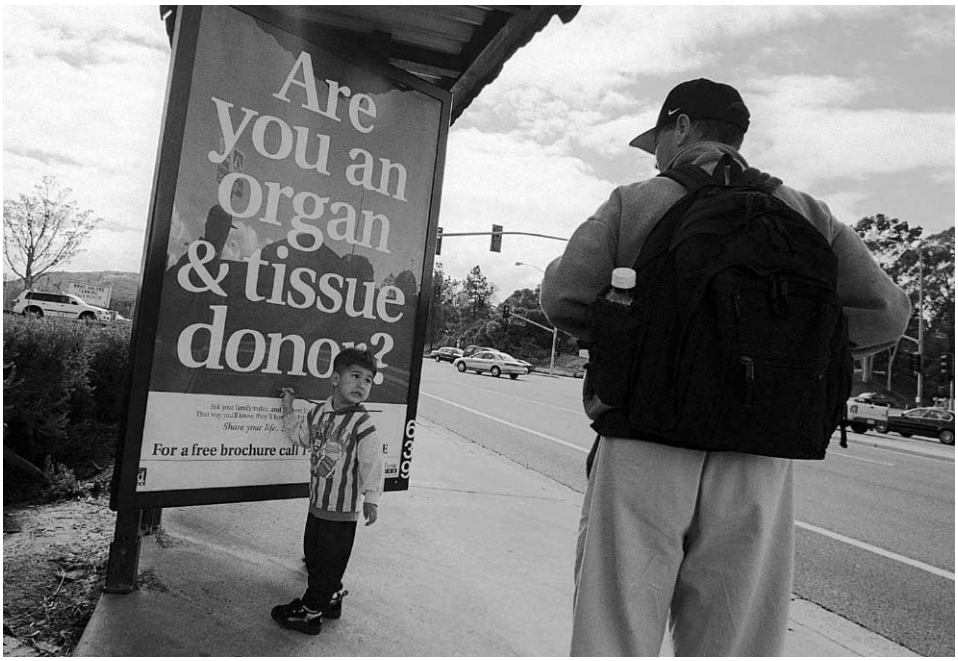


Photo: Michael Goulding | The Orange County Register

This sign is part of a nationwide campaign to increase donations.

BODY BROKERS

From skin and bones to fat profits

By Ronald Campbell of *The Orange County Register*

One afternoon in September 1999 the medical school at the University of California Irvine made an odd announcement: The school was firing the head of its willed-body program for selling donated spines out the back door.

This wonderfully macabre story attracted a few weeks of media frenzy. By then, *The Register* and its competitors knew a great deal about Christopher Brown, the young mortician who had run the UCI program. We knew a lot about the people who had willed their bodies to science. We knew how critical donated bodies were to medical education.

What we didn't know was why anyone would pay cash for 80-year-old spines.

Answering that question took six months of reporting, writing and rewriting. In April 2000, we published "The Body Brokers," a five-part series describing how donated skin and bone had become the raw material for a $500 million industry.

Among our findings:

- Nonprofit tissue banks work hand-in-glove with for-profit processors, often through exclusive contracts. Nonprofits are the industry's public face. For-profits work behind the scenes, turning human tissue into gold.
- Tissue from a single donated human body can generate products worth a combined $222,000.
- Not one tissue bank tells families that their gifts will reap profits for others.
- Some of the for-profits trade on Wall Street and pay top dollar to their executives. As reporter Mark Katches wrote in a story about one such company when it went public: "You can now own a piece of a company that ultimately wants a piece of you."
- The profit motive ensures plenty of cadaver skin for processors while creating a shortage of skin for burn centers. Among the uses for scarce skin: vanity surgery to enhance lips and penises.
- The pressure to get more bodies is so strong that tissue bank employees and researchers occasionally take body parts without asking. A Red Cross employee in Arizona, who was later fired, forged a grieving father's initials on a form authorizing the harvesting of his daughter's bone.
- The Food and Drug Administration, the federal government's watchdog on the industry, doesn't know how many tissue banks exist. Six years after it began regulating the field, the FDA did not yet have a consistent set of standards for tissue banks.
- Although the FDA and the industry claim a near-perfect safety record for tissue products, they aren't looking very hard. We documented the case of a Colorado woman who died from Creutzfeldt-Jakob Disease (aka "Mad Cow Disease"), probably because of a tissue implant.

Our series prompted the enactment of two laws in the California Legislature in 2000 as well as two reports by the inspector general of the U.S. Health and Human Services Department, FDA's parent. In addition, the main tissue industry association urged its members

RESOURCES

Looking for more information on health care and medical practices? Check out these Web sites:

- **Joint Commission on Accreditation of Healthcare Organizations**, www.jcaho.org
- **National Committee for Quality Assurance**, www.ncqa.org
- **Consumer Coalition for Quality Health Care**, www.consumers.org
- **Consumers Union**, www.consumersunion.org/health/health.htm
- **People's Medical Society**, www.peoplesmed.org
- **Public Citizen Health Research Group**, www.citizen.org
- **American Association of Health Plans**, www.aahp.org
- **American Hospital Association**, www.aha.org
- **American Medical Association**, www.ama-assn.org

RESOURCES

National Council for State Boards of Nursing
Maintains a national database of nurse disciplinary action and tracks state licensing issues
www.ncsbn.org

Portal to state board of nursing organizations
www.ncsbn.org/files/boards/boardswebsites.asp

American Hospital Directory
Offers a free, online database built from Medicare claims data, cost reports, and other public use files obtained from the federal Health Care Financing Administration. The directory also includes AHA Annual Survey Data.
www.ahd.com

FDA databases
Links to U.S. Food and Drug Administration data
www.fda.gov/cdrh/databases.html

Portal site to U.S. healthcare organizations
www.jcaho.org/links/hca_lnk.html

ECRI
An invaluable nonprofit health services research agency.
www.ecri.org

Institute for Safe Medication Practices
Nonprofit research group that publishes warnings about specific types of medical errors.
www.ismp.org

Chicago Tribune series
Web link to three-day series
www.chicagotribune.com/news/nationworld/article/0,2669,2-46844,FF.html

to make more complete disclosures to donors and conducted a survey of members that confirmed there was a shortage of skin for burn victims.

Not so hidden story

In retrospect, perhaps the most surprising aspect of this often-surprising story is that no one had done it before. Ads begging for organ and tissue donors are everywhere. Stories about organ donors and recipients are commonplace. Yet again and again, we found ourselves the first reporters ever to visit this tissue bank, the first to see that product being made, the first to ask detailed questions about the industry's finances and operations.

For more details on the computer-assisted reporting elements of this story, see the May/June issue of Uplink, a newsletter from the National Institute for Computer-Assisted Reporting.

This story was hidden in plain sight.

But finding it wasn't easy. It took the combined efforts of three reporters (five initially), a graphic artist, a photographer and two editors. It also required a collective gut check. None of us wanted to discourage donations of vital organs, which are perpetually in short supply. We suspected – correctly, as it turned out – that we would be accused of doing just that.

Our strategy was to cast the widest possible net – finding and reading every document available on the trade, interviewing every executive who would talk, visiting every tissue bank or processor that would let us in the front door and tracking down dozens of donor families. Documents and interviews led to more documents and interviews. Eventually we would interview more than 300 people and review several thousand pages of documents.

I cannot overemphasize the value of getting – and reading – every document.

Early in our research we combed through the Internal Revenue Service database of nonprofits, identifying every group with "tissue" or "bone" or "skin" or "eye" in the name. That query produced about 100 names. We then asked the IRS for every Form 990 those groups had filed in the preceding five years.

The 990s tipped us to several partnerships with for-profits. We used the SEC EDGAR database to get quarterly, annual and proxy statements for those companies. The SEC forms in turn led us to competitors and yet more SEC documents.

Then we entered highlights from the 990s and SEC documents into a series of spreadsheets.

It was tedious work. But the payoff was profound. The 990s and SEC statements allowed us to document the rapid growth of the industry as well as the pay awarded to its top executives. When we reported that the founder of a small Los Angeles tissue bank was far and away the nation's best-paid nonprofit tissue banker, we had the facts to prove it.

The documents also gave us an exceptionally detailed list of the tissue industry's players. When reporter Bill Heisel surveyed the nation's burn centers to document a shortage of cadaver skin, he found that some burn centers didn't even know that nearby tissue banks were collecting and selling skin.

Donors in the dark

In January 2000, when we went on the road to visit tissue banks and processors around the country, documents already had answered our basic questions. That allowed us to concentrate on broader issues – why nonprofits and for-profits were working so closely together, how the partnership made money and above all why no one wanted to tell donors.

The answer the industry gave to that last question was a paradox. First, they told us, the donors didn't care or didn't want to know about profits. Second, if we told them, they might care and stop donating. And no one wanted that.

Although the industry plainly was worried about us – the American Association of Tissue Banks sent its members an alert that we were investigating – most executives were quite open and proud of their accomplishments. Their cooperation made possible some stunning work by photographer Michael Goulding and graphic artist Sharon Henry.

The Freedom of Information Act proved less valuable than we had hoped. I filed the first of seven FOIA requests to the FDA in early

Photo: Michael Goulding | The Orange County Register

Vidal Herrera performs a private autopsy at McAulay & Wallace Mortuary in Fullerton, Calif. He conducts autopsies and charges fees for body parts.

November 1999. Responses to my principal request, for reports from nearly 200 tissue bank inspections, dribbled in for 15 months.

Part of the blame rests on the sheer number of FOIAs the FDA processes – 25,000 a year. But only part of the blame. The FDA aggressively deletes what it thinks is sensitive business data. FOIA officers made scores of deletions from virtually every document they sent me, blacking out donor ID numbers, names of business partners, even brand names of lab equipment.

Still, the FOIA requests ultimately bore fruit. The inspection reports showed that most tissue banks had been inspected only once in six years, if that often. Banks that were cited for severe deficiencies seldom got follow-up visits. The reports documented instances where tissue banks rejected other banks' tests and ignored FDA-sanctioned recalls.

Perhaps the most surprisingly productive resource for us was the Web. I don't mean authoritative sites like EDGAR. I mean the wild-and-woolly Web, America's gossip fence. Somewhere, perhaps, there is a Yellow Pages listing for skeleton suppliers. I don't know of any. But I do know about two Web sites that sell skeletons. And three sites that sell cadaver skin for cosmetic surgery. And lots of great sites where licensed plastic surgeons display before and after shots of lips, the "after" representing the happy results of a close encounter with skin from a dead body.

The Web also made possible one of the most poignant stories in our series. In early January 2000, I found a three-year-old SEC filing about the death of a Colorado woman from Creutzfeldt-Jakob Disease, probably as the result of a tissue implant. My editor, Tracy Wood, insisted that I track the unidentified woman's family down.

I was sure it was impossible. It took about an hour.

Step 1: I visited a university-sponsored site about CJD. Step 2: I linked to a memorial site, containing hundreds of brief tributes to CJD victims. Step 3: About a hundred entries down the list, I began shaking – here was a woman who had died in the right place, Denver, at the right time, September 1996, at the right age, 39. Her name was Karen Kae Bissell. The next night I interviewed her mother. Mrs. Bissell said she had not even known that her daughter had received a tissue implant until medical investigators scoured Karen's records.

Ronald Campbell is a reporter for The Orange County Register and a specialist in computer-assisted reporting. The Register's series and follow-ups are available online at www.ocregister.com/health/body/index.shtml.

Health inspections

CONTINUED FROM PAGE 19

worker made salads after handling bacteria-laden raw chicken.

Fleshing out the victims' stories wasn't easy. The most public people were those relative few who filed lawsuits. Even in some of those cases, though, plaintiffs said they couldn't tell their stories because of settlement agreements, advice from attorneys, or fear of retribution by restaurants.

Beyond the lawsuits, access was problematic because Minnesota public-records access laws exempt information gathered in an official health investigation. Agencies also resisted giving us complaint records, or deleted the names from the records. Finally, there's the embarrassment factor: Who, if they don't have to, wants to talk to a total stranger about having diarrhea?

Telling the stories

Our stories divided logically into an overview, a look at enforcement, an examination of outbreak trends, how things look from the industry's point of view, and possible solutions. We accompanied the main stories with case studies, such as one on particular outbreaks, using interviews and public records to retrace investigations and keep readers hooked.

Other advice for this or other health and safety-related stories:

- Carefully documenting, for instance in a spreadsheet, all your requests for information: when, to whom, how officials responded, and where things stand. It gets harder to keep track as the weeks and months go by, and multiple requests pile up.
- In locating victims, considering such public records sources as lawsuits, food-borne illness complaints, death certificates, hospital discharge records, even letters to the editor.
- Thinking early, and if possible deciding early, how to document and illustrate your findings regarding specific restaurants. We began by looking at bests and worsts, but had concerns about whether the data would be accurate, timely and complete enough. Late in the game, we shifted gears and wound up publishing inspection results for the most popular restaurants (as measured by the Zagat Survey).

Rick Linsk is a reporter on the investigative team of the St. Paul Pioneer Press. He was part of the award-winning team in 1999 that exposed academic fraud in the men's basketball program at the University of Minnesota.

Overseas testing

CONTINUED FROM PAGE 23

people taking part in AIDS testing in the U.S.? You'd blanket grassroots groups. In Thailand, that meant locating and attending group meetings (usually at night and once in a newly planted field with a water buffalo) to ask for help in finding the narrow set of test subjects, and going to medical centers on the days they held HIV and prenatal clinics.

Being up front. I asked patients to sign my notebook after I'd told them I was a reporter and why I wanted to talk to them, making sure they understood the newspapers locally might run a version of our story and that they would circulate worldwide on the Internet. By having them sign, I felt I was going an extra step to reinforce who I was and that they were taking part in an interview.

Of course, that all worked great until the day an addict whom I'd interviewed asked at the end of our conversation to be paid for his interview. He grew indignant when I said we did not do that, so he grabbed my notebook and took off – with me chasing him. Luckily I had a stride advantage and caught up with him on the street where we tugged back and forth at the notebook until the translator helped me negotiate its return. I gave him the page with his name on it, and he gave me back three days of work that for a brief moment seemed destined to be lost.

Deborah Nelson:

John Pomfret and I looked at genetic research being carried out in Anhui Province, China, by Harvard and Millennium Pharmaceuticals, its corporate sponsor.

Because poverty and geography had kept the people isolated over the last 2,000 years, the DNA in the blood of Anhui residents was unusually pure and, thus, easier to analyze for clues to disease that might lead to blockbuster treatments.

We documented how tens of millions of dollars were raised by Harvard and Millennium by drawing blood and mining the DNA of thousands of poor, often illiterate Chinese with no chance of benefiting from any discoveries. The participants told of being lured with promises of free, desperately needed medical care and with a form of political coercion that they called "thought work."

Several researchers with concerns about the studies provided essential details for tracking down and documenting problems in remote, rural locations. But I couldn't get into China to check out their allegations, because of tight restrictions on the entry of journalists. So I persuaded our busy China correspondent, John Pomfret, to work with me. We met in Hong Kong, where we mapped out a strategy for pursuing the story simultaneously a half-world away from each other.

Pomfret joined one of my sources in Anhui to interview rural participants and medical workers, who poured out their anger and frustration with researchers. He had to move quickly, because it didn't take long in rural areas for word of a U.S. reporter's presence to reach local police, who were duty-bound to stop him.

Harvard's collaborators in China soon interrogated every villager and medical staffer who talked to him. In subsequent e-mails, the lead Harvard researcher and his Chinese collaborators reported that all had retracted their complaints. We would later include both the initial statements and the retractions in the story – along with the circumstances surrounding the retractions.

Meanwhile, I developed the story stateside. Using online SEC documents and company and university press releases, I determined that Millennium, then a scrappy startup, paid $3.5 million to Harvard and its Chinese collaborators to collect Anhui DNA, and then used its access to the DNA to raise $53 million from investors. We could now draw a direct line from the veins of impoverished Anhui residents that Pomfret interviewed to the millions detailed in records that I'd dug up here.

I soon began receiving calls from people I had interviewed here, informing me they had been contacted by Harvard representatives and warned against talking to me. Harvard officials demanded that federal regulators retrieve research grant records that I had obtained through an FOI request. (I declined, agreeing only to provide the agency with a copy of what it had given me.) It struck me that the tactics weren't all that different than those used on our sources in China. But here, the attempts to influence the information I received were little more than an aggravating nuisance. In rural China, the people were visited by local officials who had ultimate control over important aspects of their lives.

Joe Stephens has been with the Washington Post's investigative unit as a reporter since June 1999. Mary Pat Flaherty has been with the Post since 1993 and won the Pulitzer Prize for a series of stories about black marketing in human organs and abuses in the transplant system. Deborah Nelson is the metro investigations editor at the paper and co-authored a series of stories on gene therapy that won this year's American Association for the Advancement of Science journalism award. Also assisting in the series: John Pomfret, China correspondent; Karen DeYoung, associate editor on the foreign desk; Sharon Lafraniere, Moscow correspondent; and Douglas Struck, Tokyo correspondent.

Guest column

CONTINUED FROM PAGE 17

public court records would have shown, the company that owned the camp had filed for bankruptcy.

The Gingrich supporter, it turns out, ran a public company with a long record of run-ins with the FDA over the safety and effectiveness of its medical devices. That, and not political ideology, might actually have explained the businessman's support for Gingrich's deregulatory platform.

As for the tycoon who was going to rescue the local tabloid, he was actually under investigation at the time for securities fraud, and wound up going to prison. The first sign that he was not honest? The footnotes of his company's annual report, which no one had checked on deadline. They showed that he had already broken promises he'd made to his company's bondholders – not a good sign that he could be trusted. And once accountants checked his books, it began to look like all the money he said was available to save the paper was either bogus or stolen.

I offer these examples to show you that there are three very good reasons for non-business reporters to become fluent in the language and concepts of business: 1) to protect your own credibility, and that of your employer; 2) to distinguish yourself from the less-accomplished reporters who have not mastered this critical knowledge; and 3) to do the job that journalism is supposed to do in a democratic society, which is to hold power accountable for how it affects the rest of us.

And make no mistake about it – there is no element of modern society more powerful than business, except maybe – just maybe – us.

Influential business

But first things first: You need business literacy to protect your own credibility. A story on television or in a major magazine or newspaper is like money in the bank to people promoting a new product or pushing a new service. They use our stories to push their stocks and they use our credibility to bolster their own. And the easiest way for them to do that, unfortunately, is to make a detour around the business beat reporters and approach another section of the paper that is less familiar with the business world. The story runs, reprints are ordered (or pirated) and brokers all over America use copies of the story – perhaps your story – to persuade unsophisticated folks to invest in some speculative, half-baked idea. So you need to know about business to avoid being used as an unwitting shill for the less respectable players in the marketplace.

But there's another rather more important reason to become fluent in business: America's democratic balance of power depends on it. Let me explain why. Although business has been a very powerful force in American society for at least the past 100 years, for much of that time, the influence of business was balanced by other hefty cultural and political forces. By 1900, much of the economy was controlled by the titans who we now call "robber barons." But their power was somewhat constrained by a strong reform movement in government and by the first generation of really influential investigative reporters. (Yes, it's true: Muckraking journalism was born to examine and expose the operations of big business. IRE is the heir to that rich tradition, thank goodness.)

American business emerged from World War II more powerful than ever – but it was counterbalanced by labor and government, and later by robust consumer advocacy and environmental protection movements.

But over the past 20 years, business has quietly survived most of its natural predators. It has entered the bloodstream of the nation. Businessmen were the 20th century's heroes, from J.P. Morgan to Bill Gates.

Standing alone

I don't mean to suggest that business is bad. It isn't. Business has produced some extraordinary products that have made our lives easier and healthier and a lot more comfortable.

But business is enormously powerful. And the old rule about how power can be corrupting hasn't been repealed. Since business has outlasted most of the other forces that once curbed its power, the muckraker is left standing pretty much alone in the field. If we don't keep business under intelligent scrutiny and hold it accountable for how it uses the power it has, then almost no one else will – because almost no one else can.

So business isn't a miracle worker, but it isn't a demonic empire either. Our task is to put it into perspective, interpreting its mysteries to the public, and holding it accountable for the way it affects the rest of us.

Fire department

CONTINUED FROM PAGE 15

and too few firefighters to put out blazes and rescue people, sometimes with tragic results.

In addition to the 21 deaths we were able to link to faulty equipment or bad decisions by fire officials, we found dozens of other cases where there was significant property loss because of the department's failings.

The full impact of the fire department's shortcomings was most clearly seen at an apartment building fire last year. Four people died and a 7-year-old girl was left paralyzed in that fire when an aerial ladder that hadn't worked in weeks was sent to rescue them.

In another incident, four children died when the fire company just blocks from the scene was temporarily closed and fire trucks had to travel four times the distance to try and save them.

The scope of the Detroit Fire Department's problems was sweeping. Among our findings:

- The city lists more than 2,000 of its 34,000 fire hydrants – the primary source of water for battling fires – as out of service. But the actual number of broken hydrants could be far greater. That's because the firefighters who inspect the hydrants only do visual checks. They rarely, if ever, turn hydrants on to see if they work. And because broken hydrants are rarely marked, firefighters waste precious time searching for working ones.

Photo: Clarence Tabb Jr. | The Detroit News

Daree Shannon survived, but was left paralyzed, after jumping from her eighth-floor window to escape a blaze in April 2000. The fire claimed the lives of her mother, Norfessia, and her younger sister Au-Jane.

- The fire department is so short-staffed that firefighters who cook must take the rig and other members of their crew grocery shopping with them. There are so few firefighters in some stations that if the cook leaves, there are usually not enough firefighters left to operate the truck if it is called to an emergency.
- Firefighters sometimes miss fire calls because for more than a decade the fire department hasn't had an alarm system that rings bells and flashes lights to alert them to emergencies. Firefighters have rigged their own systems using falling pipes, baby monitors and pizza pans.
- The building that houses the fire department's training academy is so rundown that the city's public works department assumed it was abandoned and approved it for demolition.
- The fire department has operated fire trucks that couldn't go faster than 20 mph, leaked diesel and couldn't carry water. Even the truck's manufacturers chastised the city for poorly maintaining the vehicles, accusing fire officials of operating "death traps."
- On any given day, between five and 11 of the city's 24 aerial ladders don't work. These ladders are the department's main pieces of equipment for rescuing people from fires in multi-story buildings.
- For 260 days in the first 10 months of last year, the fire department had at least one of its 71 companies closed because of mechanical problems with trucks.

The response from city leaders to our series was immediate. Just hours after the first installment of the four-part series was published, the mayor's office held a press conference and announced a major overhaul of the department. The mayor also promised fire officials an open checkbook to solve their problems. Since then, he has added $3.5 million to the department's budget to buy new fire trucks.

We are staying with the story to see if fire and city officials make good on their promises. If they don't, we will be the first to tell our readers.

Melvin Claxton has been an investigative reporter with The Detroit News since 1998. Before that, he was an investigative reporter with the Chicago Tribune and Virgin Islands Daily News. Charles Hurt has been a city desk reporter at the News since 1995. Their fire department series won a 2000 IRE Award last month. Their joint project on school bonds last year won APME's latest FOI award.

Legal Corner

CONTINUED FROM PAGE 15

- Six states require the consent of the parties and/or witnesses to the presence of cameras at the trial level (Alabama, Arkansas, Louisiana, Minnesota, Oklahoma, and Texas); Maryland permits non-governmental parties to object to the presence of cameras; and two other states require consent of a broad category of witnesses.
- The majority of states permitting access also have promulgated technical standards which prescribe the absence of distracting light or sound, microphones, wires and equipment; a single or limited number of still cameras, audio systems and television cameras; requirements for pooling; proper attire; location of all equipment and personnel in areas designated by the court; and a prohibition on movement within the courtroom. (See, for example, <www.ideapressclub.org/iccam.htm>.)
- Only two states, Mississippi and South Dakota, exclude cameras from the court entirely, as does the District of Columbia as part of the Federal system.

Revisiting the experiment

From 1987 to 1997, the State of New York permitted cameras in court on an experimental basis, but the experiment ended and another law prohibiting coverage of trials again became applicable. A spate of trial court rulings in recent years, however, have questioned the constitutionality of Section 52 of the New York Civil Rights Law, which imposed "an absolute ban on audio/visual coverage in the courtroom." This, in turn, has led to recommendations that the public again be allowed to see what happens in courtrooms, even when they cannot themselves be physically present. The latest decision, issued on March 5, 2001, unequivocally stated: "it is time to allow cameras in the courtroom given the advancements in technology and the ever-changing ways society gets its news."

It remains to be seen, however, whether a presumption in favor of audio-visual coverage in New York courtrooms will result. It is apparent, however, that the outcome of legislative maneuvers in New York will be as closely watched by consumers of broadcast news as the trials the media are currently forced to cover from the courthouse steps.

COPS AND MONEY

Probe of national forfeiture laws leads to scrutiny of police intent

BY KAREN DILLON
THE KANSAS CITY STAR

In 1999, U.S. Attorney Stephen Hill held a press conference to denounce my stories about how Missouri police were breaking state law in the way they handle drug money and property they seize.

Hill asked not only representatives from most media outlets in the Kansas City area to attend but issued a special invitation to my editor. More than a dozen of Hill's legal team also came.

Using large blowups of my stories, Hill proceeded to attack them.

It became part of a tough disinformation campaign by law enforcement officials across the state and eventually across the country to confuse the issue and try to prove I was wrong.

But I wasn't.

The Missouri case

Endurance was just one lesson I learned during the past two years of writing about law enforcement and drug forfeiture laws in "To Protect and Collect." Others included how important it is to know your research both forward and backward and how invaluable the Internet has become.

The story began in 1998 after a colleague came across a low-profile federal circuit court opinion that said the Missouri Highway Patrol and the Drug Enforcement Administration "successfully conspired to violate the constitution of Missouri," state law and a state Supreme Court decision in a suspected drug case.

The case involved a seizure of more than $800,000 after a trooper stopped a man on Interstate 70 for a traffic violation and searched his vehicle.

Troopers called the cash the fruits of the drug trade even though no drugs were found. They contacted a federal agent to take the money and then sent the driver on his way. They could not charge him with a crime because no drugs were found.

That case would typify the hundreds of cases I would eventually find involving millions of dollars.

A major problem occurred, however, when the troopers gave the money to a federal agent. Missouri law is very clear: Law enforcement agencies are prohibited from handing off cash and property they seize to a federal agency. Instead, a judge must decide what happens to the seizure.

So we asked: Why are police breaking the law? How often are they doing it? Missouri law requires a court to decide if drug money can be forfeited. After that, the law requires the proceeds to be used for public education.

But if a law enforcement agency gives the money to a federal agency, the agency keeps 20 percent or more for processing and returns the rest to the police agency.

That money, once it is federalized, is over and above the agency's operating budget, and police officials are free to spend the money with no oversight from their governing bodies.

The second question wasn't as easy to answer because of law enforcement's inherent tendency toward secrecy. We requested lists of names of people who had property seized and DAG-71 reports of cases from Missouri law enforcement agencies. DAG-71 reports are applications to the federal government, asking that a portion of the seized money be returned to local law enforcement. Each of the reports carries a synopsis of how the money was seized.

The records were slow in coming. But eventually, 200 trickled in. By spending that time checking a number of county school funds and going through lists of court orders, I found that little or no forfeited money had gone to county education funds in the Missouri.

At the same time, law enforcement agencies in those same counties had received millions of dollars back from the federal government in forfeited funds, according to U.S. Department of Justice records.

Law enforcement officials were adamant that they should get this money. Why shouldn't they be

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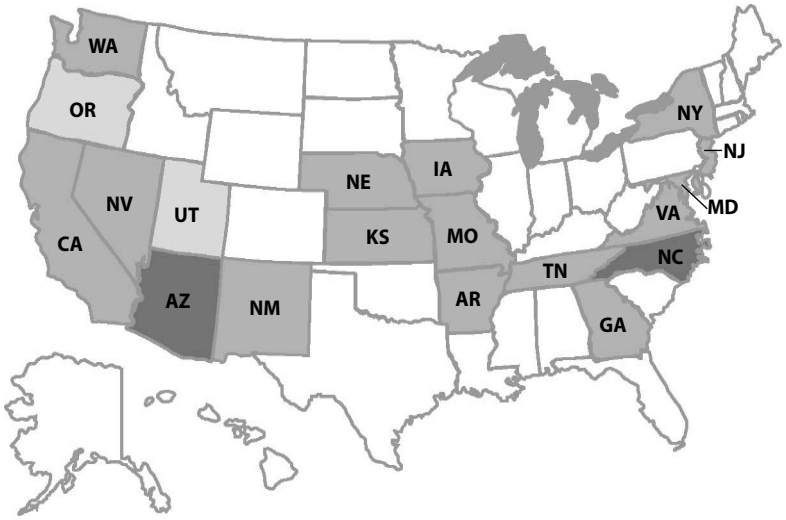
REFORM

By Karen Dillon of *The Kansas City Star*

This is the breakdown of reform forfeiture movement in the states since *The Kansas City Star* published a two-day series in May.



LAWS PASSED	LEGISLATION BEING DISCUSSED OR BILLS FILED		NO OFFICIAL ACTION BUT REPORTERS DOING STORIES
Utah	Washington	Nevada	North Carolina
Oregon	New Mexico	Arkansas	Arizona
	Kansas	Iowa	
	Nebraska	Tennessee	
	Missouri	Maryland	
	New York	Virginia	
	New Jersey	Georgia	
	California		

Forfeitures

CONTINUED FROM PAGE 33

able to keep the money? For the same reason that most law enforcement agencies are not allowed to keep the proceeds from traffic fines, legal experts explained.

Many lawmakers do not want police agencies to benefit from fighting crime. The belief is that the more they seize, the more they want, experts said. That has led to abuses we have seen proliferating across the country such as racial profiling and illegal searches and seizures.

The national picture

When the Missouri stories were published, lawmakers were quick to act by filing bills trying to stop the flow of money to the Justice Department – even as law enforcement officials loudly criticized our findings.

Immediately we asked, "what's going on in other states?" I quickly expanded the investigation and began reading legal books, court opinions and law review articles on forfeiture, relying heavily on Black's Law Dictionary. It became clear that without the Internet this story probably would never have been done or would have taken forever. Rather than calling each state legislature and asking for a copy of the most current forfeiture statute, I was able to access the forfeiture laws and state constitutions of all 50 states on the Internet, print and file them.

Then it was a matter of spending untold hours reading each several times, looking for comparisons between the laws. I created a searchable text database to better analyze them.

It was important to know the laws well enough to be able to discuss them in-depth with police, prosecutors and defense attorneys in the more than 35 states I contacted. The interviews were also a hurdle. I often found myself having to explain the laws to them before I could begin asking questions.

I filed dozens of freedom of information requests with police departments around the country and the Justice Department asking for cases and forfeiture studies. The Internet again was helpful because it allowed me to search newspaper libraries around the country for cases.

The Justice Department had statistics showing how much money is seized by police and returned to each state annually dating back to 1986. I built a searchable text database with those numbers that involved hundreds of millions of dollars. That helped pinpoint the states whose law enforcement agencies were heavily depending on the federal government to get drug money back.

The analysis of forfeiture law led us to a critical finding – that laws in 35 states require a court order before police can hand off money to a federal agency. At the very least without that order, police officials are evading the laws they had been sworn to uphold.

Using law review articles and legal experts across the country, I found little known federal district and appellate court rulings as well as state circuit and supreme court rulings that backed up that interpretation.

In fact one court ruling said, " A local police department may not take seized property and just pass it on as it pleases to the FBI in flagrant disregard of state laws." Another said, "… the actions of the federal and state agents … would have constituted illicit money laundering if perpetrated by private parties." But police officials in most of those states said they seldom or never got court orders to transfer seized money to a federal agency.

It was difficult to get information from the Justice Department. I was given only an hour interview with three attorneys and a spokesman. They refused to answer written questions and declined follow-up interviews. Even today, two years later, FOI requests have not been answered.

Some police agencies refused to provide police reports. Some were reluctant to answer questions. Others answered with the mindset that the money belonged to the agency. They said some state laws are just wrong, especially those that didn't let them keep drug money.

"There was once a state law that said black people and white people should go to different schools," one police official said. "Just because there is a state law doesn't necessarily mean that the state law is correct."

The investigation revealed that police agencies in every one of more than two dozen states checked by the newspaper have used federal law enforcement to circumvent their own laws and keep hundreds of millions of dollars for themselves.

After the two-day series was published in May 2000, I e-mailed and snail-mailed the articles to more than 150 people who don't have access to our newspaper but had interest in the issue. The Internet again saved enormous time.

The stories have had great impact around the country. Interested readers circulated the stories by e-mail and posted them on listservs and Web sites and sent them to their favorite federal and state lawmakers.

Lessons learned

Standing up to angry, upset or concerned law enforcement officials, who do not want to lose millions of dollars, is probably one of the hardest situations a reporter can face. To handle those types of interviews the reporter must know the issue inside and out.

That is one of the major lessons here. That's why it was so important for me to take the laws from 50 states, read and reread them, again and again. No state has the same forfeiture law. But there are similarities such as states that require a conviction; other states allow police to seize property without any criminal charges ever being filed; eight states require forfeited money to go to education.

It was the same with court cases. I had to know each from beginning to end, how the case started, what the attorneys argued and how the judge ruled and why.

It takes patience. It takes a lot of time. And it's information that you have to have and know but can't share with friends and co-workers; most don't care about the technical ins and outs of state forfeiture laws.

Reporters also should get to know their local college law librarians. They are there – via your tax dollars – to give the public advice on finding cases and government files such as microfiche containing testimony from a congressional subcommittee meeting more than a decade ago. If the documents are not available at the local campus, librarians can order them.

Hill's press conference succeeded only in that it appeared to confuse the local media. And his interpretation of the law also has been called into question – most recently when a state appellate court ruled that police, indeed, were breaking the law, agreeing with many Missouri lawmakers.

A groundswell for reform has been enormous and is continuing. In more than a dozen states, lawmakers are discussing reform, drafting bills and filing bills. Voter initiatives placed on state ballots in Utah and Oregon in November passed overwhelmingly, blocking the easy flow of forfeiture money back to police.

On the federal level, Attorney General John Ashcroft has promised to work to try to fix the problem. One congressman has pledged to fight for a law that would require the money to be spent according to state laws.

Karen Dillon, who has worked at The Kansas City Star since 1991, has been a projects reporter for four years. "To Protect and Collect" has won this year's Goldsmith Award for investigative reporting on government.

MEMBER NEWS

CONTINUED FROM PAGE 5

chief of the AP's Portland bureau to chief of the Hartford, Conn., bureau. ■ University of Arizona professor **James W. Johnson** has co-authored a biography of former Arizona congressman Morris Udall entitled "Mo: The Life and Times of Morris K. Udall." ■ **Richard Leonard**, formerly executive editor of the *Courier News* (Bridgewater, N.J.) is now Gannett's director of news recruiting in Arlington, Va. ■ **Ann Marie Lipinski**, formerly the *Chicago Tribune's* vice president and executive editor, is now senior vice president and editor. She was part of the *Tribune* team that won the 1988 Pulitzer Prize for investigative reporting. ■ At *The Buffalo News*, **Stanford Lipsey** has moved from president to publisher and **Margaret Sullivan** is now vice president as well as editor. ■ Consumer reporter **Elizabeth Manresa**, formerly with KYTV-NBC (Springfield, Mo.) is now with WJLA-ABC (Washington, D.C.) ■ **Paul Maryniak** has moved from managing editor of *The* (Mesa, Ariz.) *Tribune* to East Valley bureau chief for *The Arizona Republic*. ■ **Shawn McIntosh** has moved from managing editor to executive editor of *The Clarion-Ledger* in Jackson, Miss. ■ **Julia Mead**, formerly the news editor of *The Southampton* (NY) *Press*, is now a reporter for *The New York Law Journal*. ■ **Kent Miller** of the *Army Times* is one of four recipients of the John E. (Jack) Heselden Fellowship, awarded by the American Press Institute. ■ **Carol Nunnelley** is on leave from her position as managing editor of *The Birmingham News*, to serve as director of the Associated Press Managing Editors association's National Credibility Roundtables Project. ■ **Neil Reisner** is now the executive editor of the *Miami Daily Business Review's* Broward County edition. ■ **Charles Springston,** formerly a freelancer, is now the focus editor at the *Washington Business Journal*. ■ **Mike Trautmann,** formerly with the *Argus Leader* in Sioux Falls, S.D., is now with *The* (Louisville) *Courier-Journal.* ■ **Laura Washington** editor and publisher of *The Chicago Reporter*, has been inducted into the Chicago Journalism Hall of Fame by the International Press Club of Chicago. ■ **Anderson Williams**, formerly with WBRC-TV in Birmingham, is now the executive producer of the consumer and investigative unit with WBNS-TV in Columbus, Ohio.

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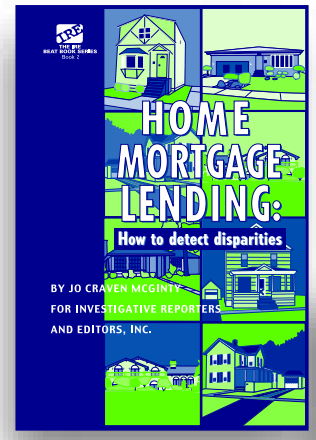

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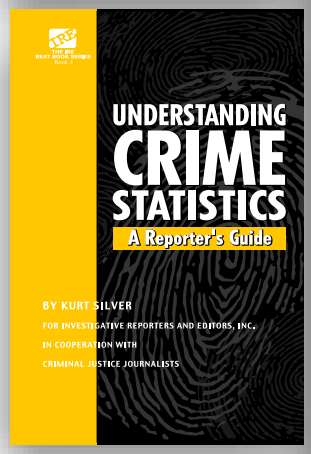

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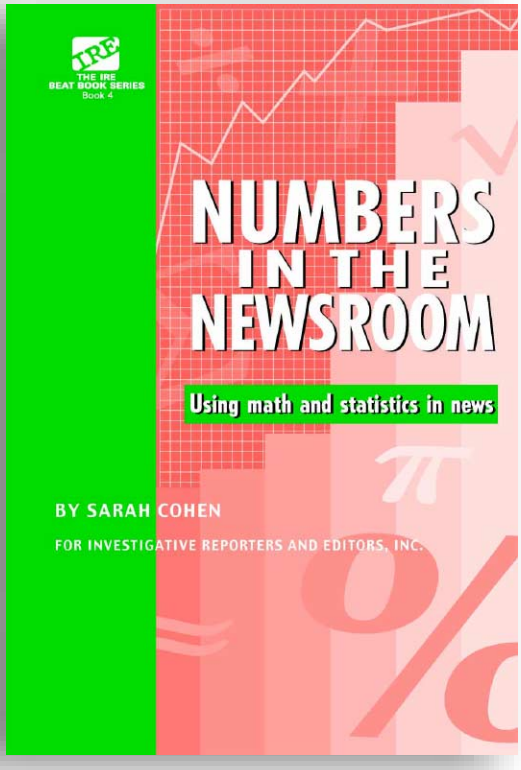

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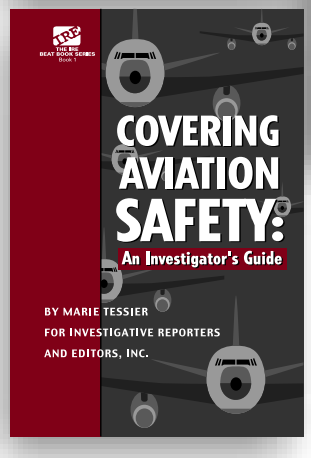

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