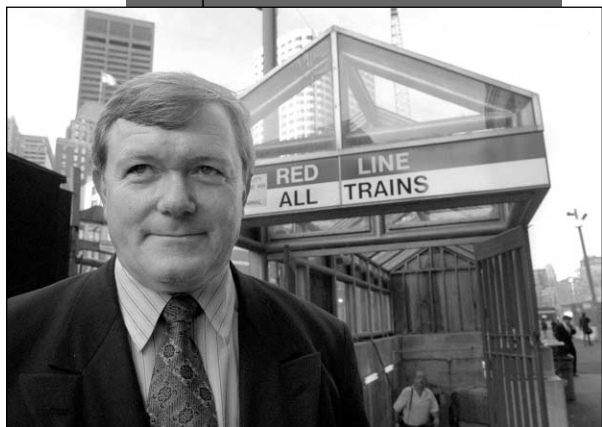


THE IRE JOURNAL

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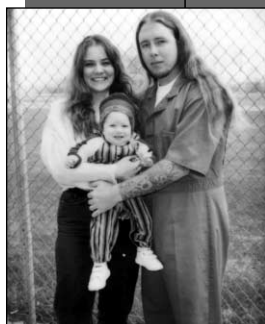
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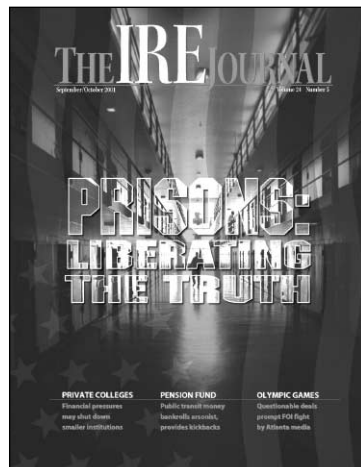
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Wendy Gray, *The IRE Journal*

THE IRE JOURNAL

VOLUME 24 | NUMBER 5

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FROM THE IRE OFFICES

Graham set standard for investigative paper



BRANT HOUSTON

For many investigative journalists who never personally knew her, the death of Katharine Graham this past summer was a deep loss.

Her fortitude as publisher and CEO of *The Washington Post* set a standard 30 years ago when she gave the go-ahead to publish the Pentagon Papers and then again backed her newsroom during the Watergate investigation.

Those two examples alone would make her the godmother of modern investigative reporting. But her continued support of digging, hard-hitting stories at *The Post* encouraged generations of journalists at other news organizations to pursue unpopular, yet critical investigations.

Katharine Graham was the example of the courageous journalist as publisher. It doesn't take long for an editor or reporter to know that some stories won't see the light of day – no matter how good the stories are – unless a publisher can rebuff the threats of the powerful who are under scrutiny.

In a time of media consolidations and immense Wall Street pressures on newsrooms, some friends in journalism have worried that the passing of Katharine Graham is one more sign of the decline of an era of tough, aggressive work.

But Graham's legacy is the inspiration she gave – and will continue to give – to investigative journalists to carry on, because she showed that even in the most difficult of times there will be someone who will go with the story.

On-the-road plans

The cuts in newsroom budgets for training and travel have made us more intent than ever on getting IRE's training and resources to its members and all journalists. Thus, we have planned a busy year on the road, often in collaboration with other organizations. You can keep up with additions to the schedule by checking our Web site at www.ire.org/training, but here are some of our plans:

- A series of 10 one-day investigative workshops around the country for journalists at small to medium news organizations.
- Seminars on computer-assisted reporting at the National Press Club in Washington, D.C., and at the Medill School of Journalism news bureau there.
- Two-day regional workshops on using census data.
- Two-day regional workshops on campaign finance issues at the community level.
- Regional conferences in Washington, D.C., Savannah, Ga., and Charlotte, N.C.
- A regional conference with our colleagues in Mexico to be held in Juarez during November.
- The IRE National Conference next June in San Francisco
- Workshops with state capitol reporters, publishers of African-American community newspapers, education writers and religion writers.

If you are interested in getting a workshop to your area, please contact Ron Nixon, IRE's training director, at ron@ire.org or call 573-882-2042.

Keeping up to date

At the same time, we continue to build our Web site and publications so that

CONTINUED ON PAGE 35 >

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.

Strong member showing in Best of the West

Ten IRE members were among the winners of this year's Best of the West awards.

In broadcast, producer Eric Longabardi and reporter Vince Gonzales of KCBS-Los Angeles took first place in the investigative reporting category for their series, "Biowar," about the U.S. Navy using its own sailors in biological warfare experiments 35 years ago.

Ross McLaughlin, of KIRO-Seattle, had two winning investigations. "Odometer Rollbacks" took top honors in consumer reporting, and "Canada Drugs," which told how Americans were taking bus trips to Canada for prescription drugs, won for series reporting.

In newspapers, Rick Tulsy, of the *San Jose Mercury News*, tied for first place in investigative reporting for his examination of the U.S. political asylum system. He shared first place with David Parrish and Ryan Konig of *The Arizona Republic*, who investigated the flawed disciplinary system for doctors.

Kim Christensen and Brent Walth were part of a team at *The Oregonian* in Portland that won first place in explanatory reporting for a series on injustices at the Immigration and Naturalization Service. The series won the Pulitzer Prize for Public Service earlier in the year.

Thomas J. Cole, of the *Albuquerque Journal*, was on a three-person team that won first place in project reporting for "Betrayal of Trust," an investigation into substandard care for child leukemia patients at the University of New Mexico.

Alan Prendergast of *Westword* in Denver took first place in long-form feature writing for his profile of Aspen high school students and recent graduates from prominent Aspen families who committed a string of crimes and were imprisoned for it.

Regional conferences set for D.C., Savannah

Two-day regional conferences are being planned for early 2002 in Washington, D.C., and Savannah, Ga. The conferences will feature reporting and editing panels as well as some hands-on training in computer-assisted reporting.

The Washington, D.C., conference will be held at the National Press Club on Jan 25-26. Plans are still being finalized for Savannah, but the event is likely to be in early April.

New CFIC director named for IRE, NICAR

Aron Pilhofer has joined IRE and NICAR as the new director of the Campaign Finance Information Center. Before joining IRE, he was the computer-assisted reporting coordinator for *The News Journal* in Wilmington, Del., where he helped lead the paper's census coverage, among other projects. Prior to that, he covered state politics and the New Jersey Legislature from the Gannett state bureau in Trenton. He replaces Ron Nixon, who moved into IRE's training director position.

MaryJo Sylwester, former IRE and NICAR Database Library administrator, has been hired to manage computer-assisted reporting for the Center for Public Integrity in Washington, D.C. She will work with reporters to obtain and analyze data for various projects, including The 50 States Project, federal investigations and the center's online newsletter. Her primary assignment will be to oversee analysis and reporting of an investigation of soft money contributions and expenditures by state lawmakers in all 50 states.

Latest issue of Tracker available via the Web

The latest issue of Tracker, the newsletter for the Campaign Finance Information Center, is now available at www.campaignfinance.org/. The electronic newsletter contains stories written by reporters working with campaign finance records. They share tips and tactics for tackling these often complex pieces.

This issue includes a story by Jeff South of Virginia Commonwealth University explaining how his students analyzed all gifts received last year by state legislators, the governor and other top officials in Virginia.

UPDATES

■ *Florida Today's* recent series on Florida's deadly stretch of Interstate 95 – detailed in the last edition of *The IRE Journal* – has resulted in some state action. A state study following the series bolstered the paper's findings, and in August, the state transportation secretary approved a district request for \$2.5 million to improve two dangerous stretches.

■ As a follow to the South Florida Sun Sentinel's "Crashing for Cash" story detailed in the last edition of *The IRE Journal*, Bill Conroy of the *San Antonio Business Journal* reminds fellow members that the FBI has been accused of racial profiling in such insurance fraud investigations. Past stories also have pointed to the links between the FBI and the insurance industry-funded National Insurance Crime Bureau. See stories 16032 and 17661 from the IRE Resource Center.

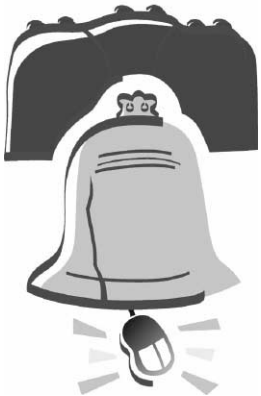
MEMBER NEWS

IRE members were on the winning teams in each newspaper category of the 2001 Gerald Loeb Awards for Business and Financial Journalism. **Mark Katches** and **Ronald Campbell** of *The Orange County Register* were part of the winning team in the large newspaper category for "The Body Brokers." **Jim Leusner** of *The Orlando Sentinel* was part of the team winning the medium newspaper category for "Government Inc." **Bruce Rushton** of the *Riverfront Times* (St. Louis) won the small newspaper category for his report "Porn in the USA." ■ **Andy Lehren, Allan Maraynes, Neal Shapiro** and **Mable Chan** were on a team that won the Edward R. Murrow National Award for network television for "The Paper Chase," an hour-long newscast that revealed a disturbing pattern in State Farm's insurance handling practices. The same investigation also won a duPont-Columbia Silver Baton, a Gerald Loeb Award, a Peabody Award, and an IRE Certificate. ■ **David Raziq** and **Anna Werner** of KHOU-TV in Houston won the Edward R. Murrow Award for local investigative reporting for their Firestone tire series. This year that same investigation also won the IRE Award, the duPont-Columbia Silver Baton, the Peabody, the George Polk, the National Headliners, the Scripps Howard, the Sigma Delta Chi, and the National Press Club awards. ■ Another 2001 duPont-Columbia award winner: **Eric Longabardi** produced and **Vince Gonzales** reported CBS Evening News' "Armed America" report, which won a silver baton. ■ **Lisa Verch** and **Denise Clodjeaux**, of KEZI-Eugene, Ore.,

CONTINUED ON PAGE 34 ➤

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

**PHILLY
CAR 2001**



PHILLY TO HOST NATIONAL CAR GATHERING

BY *THE IRE JOURNAL STAFF*

IRE's National Computer-Assisted Reporting Conference in October will include a special focus this year on analyzing census data and mapping. Overall, the conference at the Loews Hotel in Philadelphia will offer more than 60 panels and workshops – and four days of hands-on training for beginners and advanced users.

Guest speakers will include John Allen Paulos, author of “Innumeracy: A Mathematician Reads the Newspaper” and other books; Mark Monmonier, author of “How to Lie with Maps”; and Philip Meyer, author of “The New Precision Journalism.”

Co-hosted by *The Philadelphia Inquirer*, the conference will take place Oct. 11-14, a Thursday through Sunday. The Gannett Foundation and Knight Ridder are major sponsors of the conference.

This year, the conference planners are putting together a series of demonstrations of new software and hardware that can help journalists as they gather news. There also will be small roundtable workshops on specific topics such as putting maps online, strategies for small to medium news organizations, and teaching CAR both in the university and in the newsroom. Experts Steve Doig of Arizona

State University and Paul Overberg of *USA Today* will coordinate the sessions on the census.

In addition to the tracks of panels on mapping, there will be special tracks for:

- journalists just starting in computer-assisted reporting
- efficiently searching and using on-line resources
- managing CAR in the newsroom
- constructing effective intranets

More than 50 hands-on classes, taught by some of the best practitioners in the country, will cover the basics and the more advanced skills including:

- Beginning and advanced spreadsheets (Excel)
- Beginning and advanced database managers (Access)
- Practical math: Ratios, rates and indexes
- Data cleaning
- Searches on the Internet and downloading from the Internet

- Understanding how your computer handles data
- Mapping
- The power of structured query language
- Dealing with SQL servers
- Basic statistics

**Conference:
National Computer-Assisted
Reporting Conference
Oct. 11-14, 2001
Philadelphia
Loews Philadelphia Hotel**

**Costs:
Registration: \$150
(students, \$100)
To attend,
membership must be current.
See www.ire.org/training/philly
for latest details**

PANELS

Check www.ire.org/training/philly for the latest changes and updates, but for now, here are some of the planned panels:

OVERVIEWS

- Quick Turnaround on Stories Using CAR: Examples and strategies
- Latest in CAR Trends: From quick hits to big projects
- New and Exciting Data: Where it is, how to find it

BEGINNER TRACK

- Getting Started: Weaving CAR into the beat
- CAR Skills Every Reporter Must Have
- The Lingo and Hardware of CAR
- Getting Data from the Web

BROADCASTER TRACK

- Online Sites for Fast-Breaking Broadcast Stories
- TV and Print: Working Collaboratively
- CAR Stories that Work for TV: Finding Visuals

ON THE BEAT

- Evaluating Crime in Your Community
- Judging the Cops
- Education: Measuring tests and student performance
- Education: Funding equity, teacher credentials
- Transportation: Planes, trains and killer tires
- Elderly: Nursing homes, home health care
- Energy Data
- Environment: Local waterways and water quality
- Insurance Fraud: Car, Home, Medical — hidden data
- Sports: Make CAR part of the team
- Local Government: Measuring Waste and Corruption
- Campaign Finance: Going local
- Local Property: Taxes, scams and lending
- Digging for Statehouse Stories
- Children: Day care, lead poisoning, foster care
- Racial and Ethnic Disparities: Policing, redlining, immigration
- Legal and Illegal Drugs: Using local, state and federal data

CONTINUED ON PAGE 30 >



PHILLY CAR 2001

National Computer-Assisted Reporting Conference
Philadelphia, Pa. • October 11-14, 2001

More than 50 panels that touch on every beat:
Census, law enforcement, transportation, education, local government, health and more

Hands-on classes:
Spreadsheets, databases, mapping, SPSS, SAS

Internet training:
Important Web sites, search techniques no reporter can do without, backgrounding people and businesses online

PLUS!
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Visit our Web site at www.ire.org or call 573-882-2042 for the latest details. *Please write carefully! This information will be used to make your nametag.*

Name: _____

Employer/Affiliation/School: _____

Address: _____

City, State: _____ Zip: _____ - _____

Office Phone (required): _____ E-mail (required): _____

Home Phone: _____ Fax: _____

To register, mail this form and a check to IRE, 138 Neff Annex, Missouri School of Journalism, Columbia, MO, 65211. To register by credit card, you must have a Visa or MasterCard. We cannot accept American Express. You may fax your credit card registration to (573) 882-5431 or register online at www.ire.org/training/philly.

Cancellations need to be sent via e-mail to jgreen@ire.org. There is a \$50 processing fee for all cancellations until October 10, 2001. Refunds will not be given for cancellations after October 10.

Card Number: _____ Expiration Date: _____

Card Holder Name: _____

Card Holder Signature: _____

To attend this conference, you must be a current IRE member through 11/1/01. Memberships are non-refundable.

___ \$150 I'm an IRE professional member and would like to attend the conference October 11-14.

___ \$100 I'm an IRE student member and would like to attend the conference October 11-14.

___ \$200 I would like to attend the conference October 11-14 and need to join or renew my U.S. membership.

___ \$205 I would like to attend the conference October 11-14 and need to join or renew my international membership.

___ \$125 I would like to attend the conference October 11-14 and need to join or renew my student membership.

___ \$25 Late fee for registrations postmarked or faxed after September 17.

TOTAL \$ _____

PLANNING BASICS

Projects call for system, shared newsroom input

BY DAN MEYERS
THE DENVER POST

- Y**ou prepare a really good series and at the last minute discover that:
- A. You have enough photos for two days. Your series will run three days.
 - B. Ditto on graphics.
 - C. The layout person looks at your budget of stories for Sunday and informs you that there is room for three stories. You've written five.
 - D. That great writer in the features section published a similar story last year.
 - E. There are terrific online possibilities, with links to documents and experts. You've explored none of them.
 - F. All the above.

Sound familiar?

For years, *The Denver Post* has done some fine investigative and projects journalism, and so have you. But we did it without much of a system – thus, without much consistency. For a while in the mid-1990s, we had a projects team that inspired at least as much resentment as support. Among other problems, the team was only faintly connected to the other reporters or editors in the newsroom. It was disbanded in 1996 for a variety of reasons.

While *The Post* did have a skilled computer-assisted reporting practitioner in Jeff Roberts, who is a boot camp alum of IRE and the National Institute for Computer-Assisted

Reporting (NICAR), and several reporters who knew their way around a relational database, we really hadn't harnessed that talent effectively or spread the CAR culture.

Then, nearly four years after the old team died, with a renewed emphasis on project reporting from the top brass, I attended an IRE and NICAR Boot Camp for Editors. I came away with some brushed-up skills and, maybe more importantly, some ideas about how to help instill an investigative culture in the newsroom. And, again, so nobody here frags me: There were fine editors and reporters here. Just little or no system, at the time.

So I tried to stuff more of the database manager Access into my brain at NICAR but spent much of the time asking what worked and what didn't in terms of developing a culture, a habit, a routine of doing deeper, precision journalism, and doing it throughout the news departments. What structure? What stories? Training? The answers I got at NICAR from Brant Houston, Jo Craven McGinty, Tom McGinty and Sarah Cohen, among others, helped. Then it was a matter of fitting those lessons, and whatever else I could figure out, to this place.

Ideas that help

The following ideas are the basics for us. Some will be snoringly obvious to some people. Some won't work in your shop. Or maybe you do it better. But for others, this, or part of this, might help.

- Explain. Last summer, *Post* Editor Glenn Guzzo created a projects team headed by Jeff Roberts and me, with two reporters and a mandate to work with reporters in all departments. I expected the announcement to be met with cheers. Instead, people were annoyed. So Jeff and I held a series of brown-bag lunch meetings, explaining the approach, underscoring that this was good for everyone and offering help in training. We also got some good ideas that helped us move forward.
- Train. You think all you need is a course or two on ArcView GIS? Hah. Your newsroom is replete with reporters striving mightily to hide the fact that they don't know how to use the Internet. Jeff and I, once we figured this out, created our own boot camp and have brought at least a dozen journalists – reporters, editors and someone from the copy desk – up to speed.

Powerful Research Tools For Investigative Reporting



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- Include. Jeff and I convened a “projects group” with representatives from all parts of the editorial operation, including the library and online folks. Inclusion rules: If the news desk is going to have to lay out and read your fabulous series, you’re a lot better off including them from the get-go. Graphics, photo, online – the same applies. Beyond that practical argument, good ideas can and will come from anywhere. Why exclude?
- Organize. I know this is a hateful word for journalists. But really, it’s best to develop a system. The broader projects group spent lots of time on how we could encourage ideas from everywhere, and how we could lend the core expertise of the projects team to others. We came up with a written plan – which was distributed to department heads and anyone else we could find – that expressly invited ideas and outlined how they’d be handled. We created a separate system of tracking deadlines and responsibilities.
- Be kind. The gist of our approach is to ensure that reporters and others who propose ideas won’t be eviscerated in the process. Too often, ideas are ignored or slapped around. Here, everyone with a proposal gets a serious response and a full understanding (in writing, even) of what it’ll take to get approval.
- Involve the brass. Nobody likes surprises, especially the people who approve your budgets and get those three open inside pages for you. And even high-ranking editors can have good ideas. Really. So tell them what you’re doing and even – gasp – seek their opinions.
- Communicate. We created an e-mail group to keep everyone posted. Before meetings I’d send out a reminder or two, with a look at the subjects to be covered. After meetings, everyone gets a summary with follow-up needs noted.
- Meet often. We gather once every two or three weeks to talk things over. The meetings mercifully, are getting shorter. They’re worth it.

We chose the reporters for the projects team for their substantial skills but also for

their ability to work with other reporters. It’s paid off with a suggestion here, a database tweak there, and general acceptance that we’re here to help, not to steal a story.

Get into print

Now, some grubby advice: Choose projects with a range of complexity. Which is a fancy way of saying be ready to get some stories out fairly quickly. That’s the way newsroom politics works, especially those without vast resources, which is most of us.

The Post team has come under pressure because we launched huge efforts first. Politically, maybe we should have landed more stories quicker, the better to withstand pressures of budget, staffing and impatience. This has complicated my efforts to add a third proj-

ects team member. And it has tempted higher-ups to dilute the efforts of the projects team with other assignments. (At the same time, I urge you to volunteer to help out whenever possible with daily and weekly planning and stories. Pick up a city desk shift when they’re crunched. Say yes when someone asks you to help with a daily census story or suggest how to use a database to beef up a story. Don’t isolate yourself).

Basically, our system tries to invite ideas, explain what’s needed and, if things gel, call for the idea to be presented to the projects group by those who thought it up. Once the group approves and the higher-ups sign off, a smaller group that includes the reporter and editor, photo, graphics, the news desk, the library and online, herd it through. The managing editor sits in on many of our broader meetings and always has a list of what’s in the works. The editor gets that list too.

It will take at least twice as long as you think just to set things up. Don’t wait until every detail is nailed down to start. Just start.

It is too early to say this is an unqualified success. But clearly, with everyone invested in the process, we’ve launched something good. Now we have to change it to make it better. Maybe you have some ideas?

Dan Meyers is metro editor at The Denver Post.

Editor boot camps

IRE and NICAR hold annual boot camps specifically aimed at editors, news directors and others directing overall newsroom coverage or daily assignments. More information can be found at www.ire.org/training/editorbootcamps on these 3 ½-day sessions.

The Kiplinger Program For Mid-Career Journalists at The Ohio State University is now accepting applications for 2002-2003

The Kiplinger Program offers mid-career journalists 12 months to explore topics of their own choosing while earning a Master’s degree.

Fellows produce *The Kiplinger Program Report*, an annual public policy publication distributed nationally.

During the 12-month program, Kiplinger Fellows:

- * **mentor** aspiring journalists;
- * receive **free tuition**; and
- * are given **financial support of \$25,000**.

To apply, you must have:

- * at least three years’ journalism experience;
- * a Bachelor’s degree with a 3.0 GPA; and
- * good GRE scores.

Application forms are available on the Kiplinger Program’s web site:

www.kip.jcomm.ohio-state.edu

Deadline: December 31, 2001

Successful applicants begin the program in September 2002.

For more information, contact:

Pamela Hollie

The Kiplinger Program
The Ohio State University
242 West 18th Avenue
Columbus, OH 43210-1107

Tel: (614) 292-2607

E-mail: hollie.2@osu.edu

HIGHER EDUCATIONS

Analyzing the financial pressures on small colleges

BY JIM O'NEILL
THE PHILADELPHIA INQUIRER

The press releases washed over the desk in mundane waves of paper. None merited a story on its own, but rather hinted at a burgeoning trend. Every other week, it seemed, another college was announcing the ribbon-cutting for a multimillion dollar temple to technology complete with “smart” classrooms.

At the same time, colleges were issuing a blizzard of potentially yawn-inducing announcements about new majors and degree

programs – except these new majors all had a job-specific focus, the antithesis of the traditional liberal arts.

And a few sources murmured that competing schools were struggling financially – and drastically discounting tuition to boost sagging enrollment.

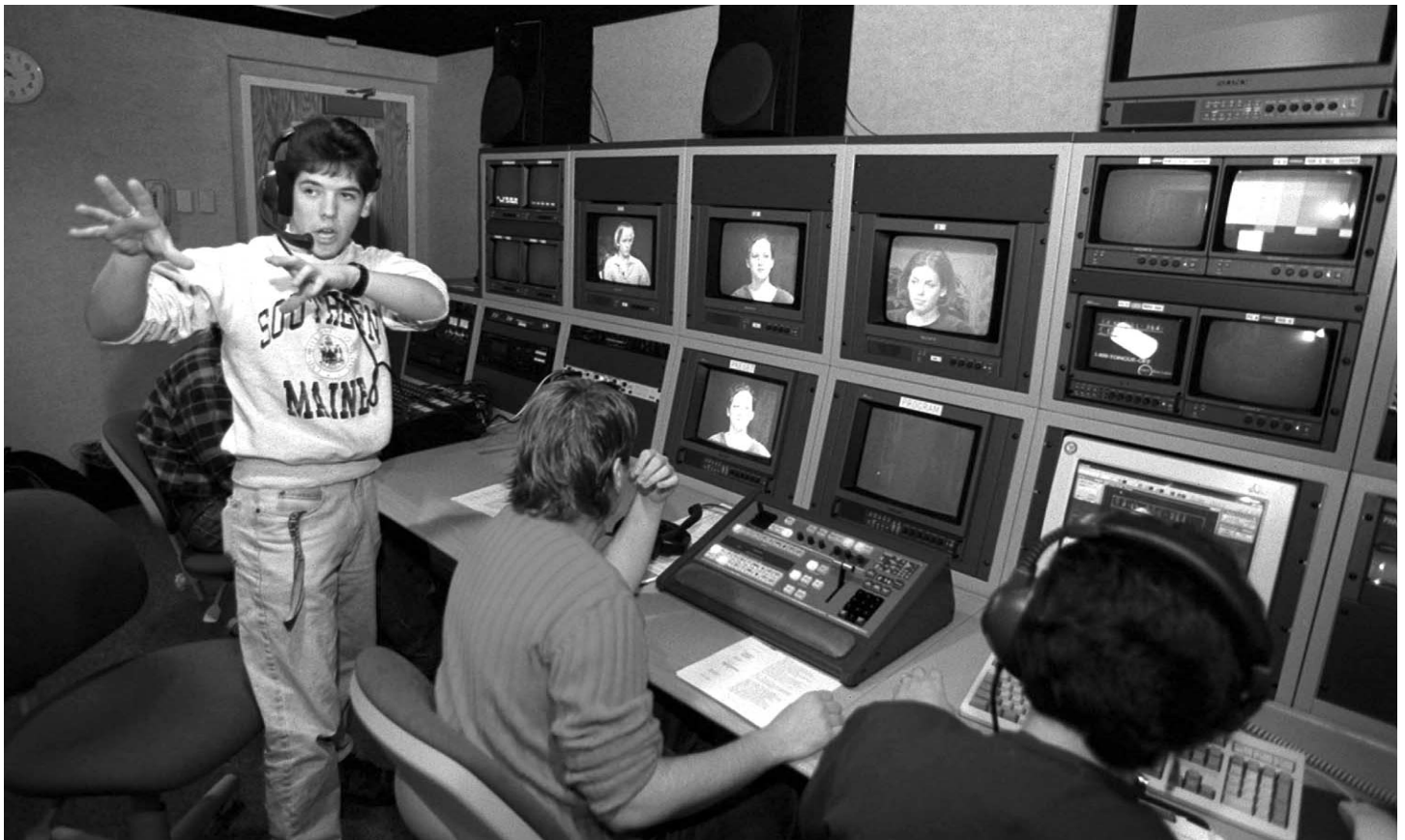
None of these frayed strands of information seemed directly related, but ultimately they proved to be symptoms of the intense new financial pressures that small private colleges

are facing these days – pressures that became the focus of a six-part series *The Inquirer* ran in January. These financial pressures, some experts say, will put many small colleges out of business.

The project didn’t start out as a “project.” Initially I merely wanted to see what financial data I could compile on area colleges, to get a sense of their relative financial strength. As a starting point, I requested from 45 private colleges in eastern Pennsylvania four years’ worth of 990 forms – financial documents that nonprofits file each year with the Internal Revenue Service to maintain tax-exempt status. (The nonprofits must share the documents with the public on request.)

Alletta Emeno, of *The Inquirer’s* computer-assisted reporting team, created a template on our in-house computer network that let me type data from each 990 form into an internal database. Alletta then helped me download the data into an Excel spreadsheet. That let me slice and dice the data any way I saw fit. I included not only the financial data from the 990 forms – annual revenue, expenses, assets,

Ron Tarver | The Philadelphia Inquirer



Cabrini College student Dave Tola directs fellows students through a commercial he was required to produce for a video class. Cabrini has spent thousands on building a state of the art video facility.

debt, bonded debt, the value of a school's investments – but also enrollment data supplied by the Pennsylvania Department of Education.

A cursory look at the numbers showed that some schools suffered enrollment declines and deficits through the late 1990s, despite a booming economy and increased demand for higher education. What was going on?

Converting key ratios

As the data poured in, I spoke to higher education experts about financial trends. A few themes emerged – growing student interest in job-specific majors made the liberal arts a harder sell; schools using more merit aid to boost enrollment were undercutting their main revenue source; schools trying to offset losses in undergraduate programs were jumping into the already competitive adult learner market.

Back to the data. I figured college finance officers must use benchmarks to gauge their institution's relative health – something more sophisticated than merely comparing endowments or debt per student.

Then another press release provided the answer. It was from KPMG and Prager, McCarthy & Sealy, two financial services companies that count colleges among their clients. The release touted a book the companies produce for college finance officials. The title – “Ratio Analysis in Higher Education: Measuring Past Performance to Chart Future Direction” – ensures it won't make the bestseller lists. Dry as it was, it proved a godsend.

The book outlines financial ratios college officers can use, comparing, for instance, a college's change in net assets to total net assets, or expendable net assets to long-term debt.

Aside from the eye-glazing language, there was one problem – the data that colleges plug into the formulas to determine each ratio are best gleaned from their own audited financial statements. Colleges are not obligated to share these with the public. The only consistent, complete source of financial data I had was the 990 forms. Yet the accounting procedures to fill them out vary from those for audited statements.

To figure out which lines in the 990 forms had the appropriate data to plug into the ratio formulas, I sought out experts. Folks at KPMG helped. I also bounced assumptions off an experienced finance officer at a healthy private college. These experts steered me away from potential errors.

Finally, using the database we had compiled,

Ron Tanver | The Philadelphia Inquirer



Cedar Crest College president Dorothy Gulbenkian Blaney watches as Beverly Green prepares for an experiment in the genetics lab located in the Miller Building.

I plugged the numbers into the ratio formulas. The formulas looked something like this (the numbers represent lines in the 990 form): $67 + 68 - [57c - (64a + 64b)] / 17$. Doesn't look pretty, but it worked.

The KPMG book also provided a way to take key ratios and convert them to an overall financial grade for each school – a great way to give readers a clear comparison of the colleges' financial health. The financial grades became

part of a huge graphic when the series ran, which is also included on *The Inquirer's* Web site (<http://inq.philly.com>). I made sure to include four years' worth of grades for each school, to show a trend line and avoid false conclusions based on a single year of data.

Once I had the ratios and the composite financial grade for each school, I met with officials at colleges with the weakest financial

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WHISTLEBLOWER

Knowing when, where and how to handle a key source

BY KATE MILLER
FOR THE IRE JOURNAL

When a whistleblower comes to *Chicago Sun-Times* reporter Charles Nicodemus, one of the first things he tells them is “I’ll go to jail to protect your identity.”

He means it.

In 1989, Nicodemus was put to the test when U.S. marshals showed up at the *Sun-Times* office demanding to see him and another reporter who had exposed a controversial CIA and FBI intelligence operation. The duo had used confidential CIA and Justice Department files leaked by a Justice Department employee. The federal government wanted the reporters to testify.

Knowing they were wanted, Nicodemus and his partner stayed away from the office and their homes for weeks until the marshals gave up looking. Nicodemus says that even if things had turned out differently, it would not have weakened his resolve to protect his source.

“I’d have died before I ever identified that

Justice Department employee who was courageous enough and caring enough to follow his conscience even though he was violating the law,” he says.

Because whistleblowers often divulge confidential information that powerful bureaucrats and executives don’t want revealed, it is usually not the journalists who have the most to lose. In fact, reporters who have been in these tough situations agree it is imperative that whistleblowers know what’s at stake before their information is used.

Mike McGraw, of *The Kansas City Star*, says he tells them “that if I quote you by name in the story you could get fired, and you could have trouble getting another job. It could affect your income. It could affect your family life.”

“It’s amazing how few people back out, but you’ve got to be honest with them,” McGraw says.

The warning is not an exaggeration. One

source McGraw worked with was a successful engineer when he decided to blow the whistle on the government agency he worked for. The last McGraw heard of him he was working on the back of a garbage truck.

Advocates for whistleblowers warn there is no comprehensive federal law protecting whistleblowers from retaliation. The few federal laws that do exist apply mostly to workers in specific industries or who have divulged specific types of information such as environmental regulation violations.

Even the most famous of these laws, the Whistleblower Protection Act of 1989, applies only to federal employees. Under the act, most cases go before the Merit Systems Protection Board, which is described as “the worst enemy whistleblowers have” by Tom Carpenter of the Government Accountability Project (GAP). The majority of states have passed their own whistleblower protection laws, but protection under these laws varies as well. Carpenter says whistleblowers are often only protected if they are terminated or if the divulged information affects “public policy.”

It’s clear that whistleblowing is risky business, but *The Olympian’s* Lorrie Thompson in Olympia, Wash., says reporters can sometimes improve the whistleblower’s situation, particularly if the source is already in deep trouble.

Thompson says the first whistleblower she ever dealt with was an Army jumpmaster who accused his superiors of contract fraud involving supply procurement. Sgt. 1st Class Paul Paine endured two years of Army retaliation before his wife contacted Thompson and handed over piles of documentation supporting his case.

Thompson says the couple realized soon after the first article was published that talking to her actually offered some protection.

“Every time they did something to Paul, they would call me and we’d do a little story on it,” Thompson says.

Thompson says not every tip resulted in a story, but there were enough newsworthy events to draw the attention of high-ranking officials. Paine eventually was forced to retire from the Army, but not before receiving a double promotion to sergeant major and back pay.

The invaluable crank

Journalists who’ve worked with multiple whistleblowers say they are often not the easiest people to deal with. But even the most eccentric and seemingly insane sources can prove invaluable if given a chance.

FINDING WHISTLEBLOWERS

By Kate Miller

Looking to connect with potential whistleblowers?

Try these strategies that might lead to a source:

- Look at the complaints filed with The National Labor Relations Board (NLRB). The NLRB is a federal agency that investigates and prosecutes unfair practices involving union and nonunion employees and employers as well as unions and members. The NLRB has broad jurisdiction over the private sector. The Federal Labor Relations Authority provides the same services for federal, state and local government employees.
- The Occupational Safety and Health Administration (OSHA) is an arm of the U.S. Labor Department that investigates employee complaints of health and safety violations by employers.
- FOIA requests. Old FOIA requests can lead you to others interested in your subject. Filing a FOIA request of your own can let potential whistleblowers in the agency know you are interested in a certain area.
- Find employees who have left a company or agency by comparing old and new internal directories. The same can be done with payroll records.
- Check out company newsletters and old newspapers. This can be a good way to find the names of employees and members if the rosters are closed to the public.
- Merit protection boards, unions, and state licensing and permit bureaus can all turn up sources. Don’t forget to talk to lawyers who have sued a certain company or agency, or bankers who have been involved with an organization.
- With some legwork, other sources may be found by talking to ex-spouses of employees, residents living near a business, and employees hanging out at favorite restaurants and bars.

"I've dealt with whistleblowers who are absolutely stark raving mad, crazy people," McGraw says. "A lot of people won't talk to them, but I'll talk to anybody. I'll talk to them because everybody knows stuff and a lot of people don't realize what they know."

Eric Nalder of the *San Jose Mercury News* agrees, recalling the time he received a tip while at *The Seattle Times* about problems in Washington's mental health system from an actual client. Nalder says that while the source was a little difficult to talk to "for obvious reasons," the interview still gave him a front-page story about a system head assaulting a secretary.

At the same time, even if whistleblowers aren't completely nuts, some eccentric personalities can make getting information a challenge. Deborah Nelson of *The Washington Post* says a fair number of whistleblowers that she has dealt with share common characteristics, such as being "really good record keepers and fact gatherers."

"But they're not necessarily the best at presenting those facts in a usual way," Nelson says. "It takes patience to get them to sit down and get them to tell a chronological story that gives their complaint some sort of structure."

Nalder does what he calls "strip mining," an extensive interview in which he asks the source to take him through the events chronologically and in what he calls "a,b,c,d logic." Nalder says forcing sources to give information this way not only makes the information understandable, but also can reveal lies, manipulations and misrepresentations.

"Sometimes it's a mistake, and they'll go back and fill it in; sometimes they are hiding something they don't want to tell you," he says. "Insisting that they follow a,b,c,d logic will go a long way in getting them to give information they don't realize they have and getting an accurate — instead of a manipulative — story."

McGraw says he conducts a "truth test" with his whistleblowers by gathering information independently thorough documents or other sources, and then asks the whistleblower for answers he has already discovered.

Management bias

Still, proving the reliability of a whistleblower to a reporter is often much easier than trying to convince an editor of the same thing, a fact which bothers McGraw. He says that whistleblowers are no different than any other source when it comes to motive and bias.

"Keep in mind they all have an ax to grind, they all have their own agenda and they're all trying to use us," he says. "But whistleblowers have no more of an agenda and no stronger incentive to lie than the mayor does in many cases."

Nicodemus suggests another reason for editors' reluctance.

"Supervisors are part of management and management is often made uncomfortable by people ratting on management elsewhere," he says.

But even if you are interested in talking to whistleblowers, it doesn't mean they come knocking on your door every day. Nicodemus and Nalder say whistleblowers can be lured into the open by writing stories about problems at agencies or institutions. Potential whistleblowers need to see that a journalist is interested in the subject and can responsibly handle any offered information.

For example, Nelson says that she began asking to review agency documents rather than copy them because it would save time and money. She soon discovered, however, that hanging around the agency office for a couple of days brought whistleblowers out of the woodwork.

"If you hang around for awhile, they get a sense that you're truly interested in figuring out what's wrong," Nelson says.

Nalder adds that filing FOIA requests is another good way to get out the names and numbers of interested reporters who would like to talk to whistleblowers.

Once a whistleblower is found, one of the most important things to remember is that they are not the whole story. Regardless of how trustworthy the whistleblower may appear, these reporters stress they would never rely only on a whistleblower's word, and would insist on further documentation.

"To me it's suicidal to depend on information from a whistleblower that can't be confirmed in some other way," Nicodemus says.

Says Thompson: "Even if they have a really great story that they can't prove with documentation, you have to throw it out the window."

"You have to be careful," Thompson says. "What they're handing you is what they want to hand you. What's out there that they're not telling me?"

Kate Miller, a former editorial intern for The IRE Journal, now works for the Memphis Business Journal.

WHISTLEBLOWER WISDOM

Those who have handled the day-to-day dealings with whistleblowers offer some additional insight:

- "Remember, especially when it comes to government, that when whistleblowers come forward there is a tendency in the bureaucracy — and it's a mean-streak in the bureaucracy — to make them suffer for what they say and how they look. I've seen whistleblowers who've really believed they were doing the right thing down to their very core and the system retaliated. They are driven to the edge mentally."

— Mike McGraw

- "If you get a tip that someone has pretty significant information, it's important to get to them right away because people who are wanting to get information to the public are usually pretty impatient to do so. If they are anxious to get it to the public they will go to someone else if they don't think you're interested."

— Eric Nalder

- "Be brave enough — and patient enough — to work with unorthodox personalities, even if your editors or your colleagues don't like them, don't respect them, don't trust them, may belittle them, and may belittle you for trying to work with them."

— Charles Nicodemus

- "Focus on things you can prove. It's a little bit more like being a police officer than a reporter."

— Lorrie Thompson



BENEVOLENT SCAM

Solicitation pros mar fundraising by police, firefighters

BY DAVID MIGOYA
THE DENVER POST

When *The Denver Post* decided to take a hard look at how police and firefighter organizations – called “badge groups” – solicit money from the public, we needed to make sure readers easily understood what actually happened to their contribution.

So, we followed the money – from the moment it left a contributor’s hand to the moment the last of it was spent by the group that got it.

The dollar’s journey, and the various pieces of it that were torn off along the way, made for an unprecedented report – both in scope and detail – on badge group telephone solicitations.

In the process, we analyzed a woefully inept system of state regulation and oversight that did little more than shrug its shoulders at an industry that was costing Coloradans millions of dollars each year.

And it all started with a call from a solicitor who had a pang of conscience.

A financial accounting

The caller made it clear: The organization where he worked was soliciting money for a local police fraternity and barely any of the money actually made it there. The solicitors kept nearly all of it.

It’s not an uncommon story. In fact, an essential part of trying to create a unique story was to research and read what other newspapers across the country had written on the topic. The process took us four weeks to complete and gave us a solid foundation on which to build.

Not oddly, the stories were basically the same across the country. Solicitors raise money in the name of public safety, then legally keep most of the dough, unbeknownst to the contributors.

What struck a nerve, though, was that few of the newspaper accounts going back 15 years had probed past the initial solicitations to find out what happened to the dollars the solicitors actually passed on to the badge groups.

A perusal of state laws told us that solicitors had to register with the secretary of state. Not uncommon across the country, as we found. The secretary of state, however, only had records for the current year’s solicitation campaigns, most of which didn’t include any financial accounting of what the solicitor did with the money it raised.

A trip to the state archives dropped us into pay dirt. We asked for a single record and the clerk produced four boxes, saying the document we sought was inside somewhere. All we had to do was find it.

The first box yielded an index of all the records that the boxes held, broken down by group name. That’s when it occurred to us that there was a larger story to be told. We found the group’s records we sought and noticed there 63 others just like them, by far the largest segment of all the types of solicitations that were registered.

Each record contained valuable information – contact names, addresses, bank account numbers, amounts of money raised and spent, and the dollars that were actually given to the badge groups.

The best way to deal with this, we decided, was to database all the information. Once the first year was finished, we delved further back and added three more years worth of data. It was all there for the asking.

Patterns began to develop before our eyes. Addresses matched up among the solicitors, but company names were different. Bank account numbers matched from one solicitor to the next, but the badge groups for whom the campaigns were occurring were different.

Some solicitors raised money for concerts, others for magazines and still others for benevolent causes.

When we were finished, the total came to about \$32 million over a four-year period. All of it from the public.

Next we went back to our research and backgrounded every single company and solicitor. We checked newspaper stories across the country into the 1980s, lawsuits and criminal records. It was a gold mine. The number of “hits” was astounding. We

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were beginning to see a business fraught with problems, but rarely prosecuted for its indiscretions.

Regulating solicitors

That's when we went to the law books again, reading every single case that seemed to affect how the charitable solicitations business ran. We wanted to know how it got to be this way. The answer was scary: The U.S. Constitution protected them.

But we still didn't have the answers we needed. We understood that solicitors across the country often keep most of the money and we understood why. What we didn't know was what a badge group did with the paltry pennies it received from the company it hired to raise the money.

We opened the law books again. The badge groups are non-profits, but they are not 501(c)(3) organizations. They are actually 501(c)(4),(6) and (8). IRS regulations that we found online showed us that every single 501(c) group's tax records – the famed 990s – were public and all we had to do was ask them for the last three year's worth of records. It was the law and they had to comply. We'd later use their responses to our requests – “What's the matter, you don't like cops or something?” was one of the gems – as fodder for a fun sidebar.

Unfortunately, websites such as www.guidestar.com do not carry 990s from any-

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WHEN INVESTIGATING NONPROFIT GROUPS, HERE ARE SOME WEBSITES TO CHECK:

The Internet Nonprofit Center –
www.nonprofits.org

GuideStar –
www.guidestar.org

GrantSmart –
www.grantsmart.org

The Foundation Center –
www.fdncenter.org

Earthwatch Institute –
www.earthwatch.org

American Red Cross –
www.crossnet.org

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EXTENSIVE PUBLIC RECORDS SEARCH LEADS TO PENSION FUND FRAUD STORIES

BY JACK MEYERS

THE BOSTON HERALD

Last fall, the *Boston Herald* published two series detailing the public transit employees' pension fund giving \$7 million in loans to a notorious arsonist with longstanding ties to fugitive gangster James J. "Whitey" Bulger. By reproducing actual checks and citing invoices, we showed that the arsonist was providing apparent kickbacks to the executive director and the chairman of the pension fund at the time the loans were made.

When the *Herald* exposed that Massachusetts Bay Transportation Authority pension fund officials had bankrolled a racketeer, the attorney general and the U.S. attorney launched investigations of their own. The reports also forced the executive director, John J. Gallahue Jr., to relinquish his post until an internal review of his private dealings with the felon as well as the circumstances surrounding the loans is completed.

The stories shone a bright light on a pension fund that operates in virtual secrecy and treats public scrutiny as a threat. Despite the fact that it receives about \$30 million per year in taxpayers' money and its members are public employees, the pension fund is shielded by a 1993 state supreme court decision which rules the fund is not a public entity and therefore is not subject to ethics, FOIA or public meeting laws.

The genesis of the series came from our continuing coverage of Bulger and his corrupt relationships with law enforcement agencies, particularly the FBI, which allowed his gang to literally get away with murder for two decades. Bulger is currently on the FBI's Ten Most Wanted list, with a \$1 million bounty offered

for information leading to his arrest.

During the course of an interview, a fringe figure in Bulger's organization told a *Herald* reporter that the aging gangster was old news. "Why don't you look into why the MBTA Retirement Fund is giving millions of dollars to Frank Fraine?" the individual said. For the first time in its 50-year history, the source said, the pension fund made direct loans to an individual and the man on the receiving end was a "deadbeat" developer named Fraine.

The source's tip was meant to steer *Herald* reporters away from writing another Bulger story, but it eventually backfired because the Fraine trail led back to Bulger.

Public records sweep

Since Gallahue and members of the pension board have a long track record of rebuffing both formal and informal inquiries, we had to find an alternative approach. We started with real estate records.

In the Suffolk County Registry of Deeds, which covers Boston, we found a series of MBTA pension fund loans totaling \$7 million. The records showed that the collateral for the loans was property in South Boston, but the identity of the loan recipient was concealed in a dizzying array of corporations and trusts. It turned out, however, that Fraine was not as careful at the city's building department. Permit applications confirmed Fraine's involvement with properties the pension fund had bankrolled – with an added bonus. Also signing for one of the permits was a man named Kevin P. O'Neil, one of Bulger's top operatives and a man who had been indicted for racketeering and money laundering just a few months earlier.

At that point, we had connected enough dots to know we had a story, but we were still a long way from being able to paint a complete picture or even suggest why Gallahue had orchestrated the loans to someone with as dubious a background as Fraine. To fill in the blanks, we began a sweeping search of public records to build portraits of Fraine and Gallahue, construct a chronology of events connected to the loans, and assemble a roster of people to interview.

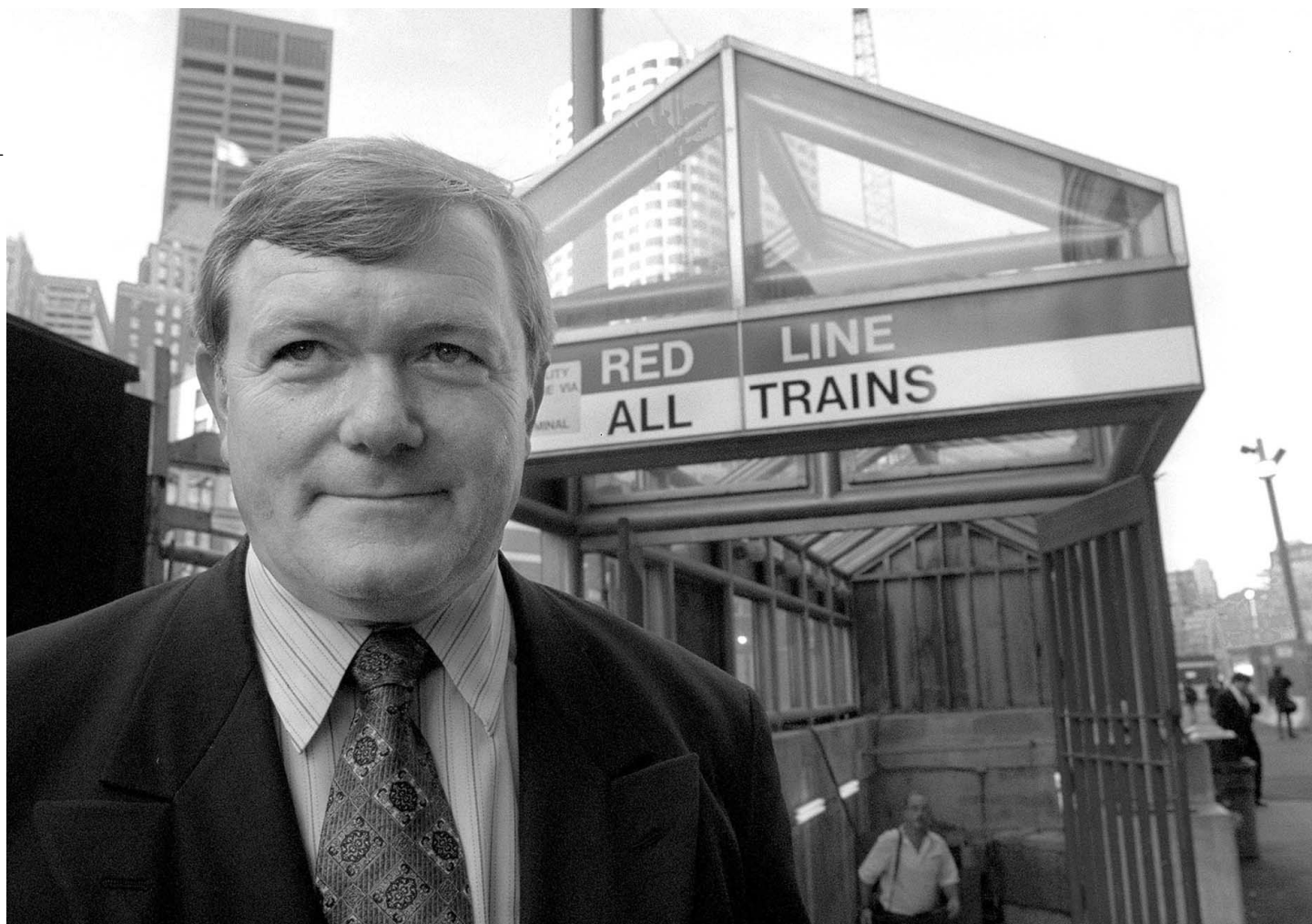
In all, we assembled more than 1,000 pages of documents, including:

- zoning board records
- registry of deeds records from Norfolk County where Fraine also has development projects
- building department and sewer department records from communities in which pension fund officials reside
- court papers filed in four counties involving Fraine and his "straws"
- the case file of Fraine's federal racketeering conviction for arson in Ohio in 1979 and transcripts of his testimony at the trials of his co-conspirators in a Boston arson ring in the mid-1970s
- newspaper clippings.

These records were helpful in a number of respects. First, our search turned up several recent or pending legal actions in which Fraine had defaulted on loans, and some of those lawsuits provided important details about the racketeer. For example, in a community south of Boston, one creditor had a pending suit against Fraine alleging he had defaulted on a \$425,000 loan. In a sworn affidavit in that case, Fraine claimed he made only \$26,000 in annual income from a disability pension, had virtually no assets, owned no real estate and had not filed income taxes for 10 years.

City building, zoning and assessing records also showed that properties listed as collateral for the loans were worth only a fraction of the pension fund's financial exposure, were for the most part undeveloped, and lacked the permits needed to improve them. That combined with Fraine's history of stiffing lenders made the deal an extremely high-risk investment, one that could only have occurred by breaching the fund's ordinary investment procedures.

During our sweep, we discovered that Gallahue bought a new house in Milton shortly after the first loan to Fraine went through. At about the same time, the chairman of the pension fund, Edward F. Sheckleton, also sold his home in Weymouth and bought a newly



Jack Gallahue, executive director of the MBTA retirement fund, stands near South Station. An investigation found the public transit employees' pension fund gave \$7 million in loans to a notorious arsonist with ties to a fugitive gangster.

built house in Plymouth. We pulled all of the building permit, mortgage and deed records we could find, but there were no obvious Fraine fingerprints on the deals. But those records soon came in handy.

Digesting the documents provided us with a lot of detailed questions and a large pool of potential sources to pose them to, including creditors, subcontractors, co-defendants, building inspectors and business partners. We started churning these prospective sources, most of whom either refused to return our phone calls or answer any of our questions. However, a few cooperated, often by giving us vague “guidance” or by elaborating on something in a public record.

At that stage of an investigation, even a little information has a tendency to snowball. One source mentioned that a building associated with Fraine had been damaged in a suspicious fire a few months earlier. Checking with officials,

we learned it was arson and that Fraine was a suspect. As we continued pressing for more information about Fraine, someone who had been ignoring our phone calls for weeks changed posture – slightly. While refusing to be interviewed, the source provided several key documents showing that Fraine made \$100,000 in payments to Gallahue’s girlfriend just before and immediately after Fraine received his first loan from the pension fund.

Underground work

Our first two-part series, published last September, triggered investigations by the attorney general and the FBI, and, as the saying goes, it stirred the pot. Fraine, Gallahue and their associates began talking amongst themselves, widening the circle of people who were privy to the details of their private deals, some of whom were also talking to us.

In one instance, a source told us that Fraine

mentioned doing some “underground” work for Sheckleton before the pension fund chairman sold his Weymouth house. The source did not know what kind of work was done or who had done it, but the tip provided a lead to follow.

Reviewing our files, we found that Sheckleton’s house had been using a septic system. However, because of a state law passed in the mid-1990s, the home had to be connected to the municipal sewer system before it could be sold. Town files showed the sewer connection was put in two weeks before the sale, but did not list who performed the work. A visit to Sheckleton’s neighbors paid off handsomely. We got the names of both contractors – one was Gallahue’s former brother-in-law and the other was a frequent Fraine subcontractor. To top it off, one neighbor identified Fraine as the supervisor of the job.

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Every newsroom gets them. Letters or phone calls from inmates or their families detailing stories of abuse and neglect and injustice on the inside. But these stories often are ignored by journalists for a variety of reasons. Still, investigations into these allegations often turn up compelling stories that expose wrongdoings from both sides of the prison walls.

PRISONS: LIBERATING THE TRUTH

INMATE HEALTH CARE Officials ignore warning signs; care lacking or too late

BY MARY ZAHN
OF THE MILWAUKEE
JOURNAL SENTINEL

It started with a phone call from a weeping woman. She said a female inmate at Taycheedah Correctional Institution in Fond du Lac, Wis., had died a horrible death.

Please help, she pleaded before hanging up without identifying herself.

I quickly filed an open records request for the inmate's name and details of her death with both the Fond du Lac Police Department and the state Department of Corrections. When they balked at releasing the clearly public records, I knew this case was special.

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OUTSIDE EXTORTION Family members forced to pay for inmate safety

BY KATHLEEN JOHNSTON
AND GERRY LANOSGA
OF WTHR-TV,
INDIANAPOLIS

There probably isn't a newsroom in the country that doesn't regularly receive pleas from prison inmates to look into their cases or to investigate a prison.

But for a variety of reasons – including a lack of merit or veracity – those pleas often fall on deaf ears. If you work for a television station, as we do, it's even harder to interest your news director in stories about prisons or prisoners. Prison stories are easy to ignore because many of us (reflecting the sentiments of the public at large) simply don't care what happens behind prison walls. But last year we found a story that showed it's worth checking out those pleas and

CONTINUED ON PAGE 22

PRISON BUILDING Construction increase as incarceration declines

BY BILL SIZEMORE
OF *THE VIRGINIAN-PILOT*

When I approached my editors in 1999 with a proposal for an investigative project on the prison boom in Virginia, I was relying to some degree

on a hunch. But it turned out to be a pretty safe one.

I had read national accounts of the growing American penchant for locking people up, and I guessed that Virginia was at the forefront. I remembered that George Allen, now a U.S. senator, had been elected governor in 1993 largely on the strength of a get-tough-on-crime platform that called for lengthening sentences, abolishing parole and building more prisons.

And Allen delivered. He did everything he promised, launching a new wave of prison building that diverted hundreds of millions of taxpayer dollars from other state needs such as education and transportation.

What I didn't realize until I started crunching the numbers of this data-driven story was that Allen sold his get-tough program on a false premise.

CONTINUED ON PAGE 24

DEATH ROW DEFENSE Indigent inmates get poor representation

BY DIANE JENNINGS
OF *THE DALLAS MORNING NEWS*

In a state as big as Texas – 20 million people and 254 counties – any story examining a statewide issue is challenging.

But studying the issue of indigent defense, which *The Dallas Morning News* did, proved particularly daunting, requiring a combination of old-fashioned pen-and-paper reporting skills and contemporary computer savvy.

The results were significant: After three months of plowing through dusty files and databases, the paper found that about one in four death row inmates had been defended by lawyers who were reprimanded, placed on probation, suspended or banned from practicing law by the State Bar of Texas.

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HIGH-SECURITY SECRETS Using grapevine to uncover super-max snitch unit

BY ALAN PRENDERGAST
OF *WESTWORD*

Write one or two articles about prison conditions in your state, and soon you'll be deluged with letters from inmates begging you to investigate their complaints. Mixed in with the usual laments about bad food, atrocious health care, and brutal or corrupt guards will be stories that seem too outrageous to be true, yet too compelling to pass up.

Having covered corrections for the Denver weekly *Westword* for the past six years, writing roughly 150,000 words on the subject, I've never lacked story ideas; one tip leads to another and another. The problem is separating fact from fiction, particularly when prison authorities put up roadblocks.

CONTINUED ON PAGE 28

PRISON HEALTH FROM PAGE 18

The details were horrifying. Michelle Greer, 29, died within hours of pleading repeatedly with corrections officers for help with an acute asthma attack Feb. 2, 2000. She collapsed on the floor of a dining hall, where she died gasping for breath, still clutching her inhaler. She had told corrections officers multiple times that the inhaler was not helping her condition. Corrections officers had contacted Taycheedah health services twice on her behalf and were told by nurses that the situation was not an emergency because Greer could still talk.

Inmates ignored

By the time the *Journal Sentinel* ran the first story on Feb. 15, 2000, the Fond du Lac Police Department had ended its investigation into the death without referring the matter to the district attorney's office for review and the Taycheedah security director had written a report concluding that "response by Taycheedah staff was exemplary."

That case turned out to be just the tip of the iceberg.

After the story ran, other sources from within and without the state prison system began to call. Look further, they said, this is not an isolated incident. Other inmates have died horrible deaths.

I knew there had been more than 100 inmate deaths in the past six years because of a state prison computerized database I purchase annually.

George Stanley, our managing editor, agreed we needed to look at each and every one of them to determine whether Greer's situation was an isolated incident or a pattern.

Because of the enormous amount of work involved, Stanley assigned Jessica McBride to work full-time with me on the project.

For eight months we fought for every shred of

evidence we could find, carefully keeping a log of all the details and footnoting every fact. We had decided early on that we would not use any inmate stories unless they were backed up by the prison medical data. In

effect, we used the prison system's own records to build our case.

We found one inmate after another who had died from a treatable illness, but were ignored until it was too late. Their cases were quietly closed, their bodies buried without any real investigation.

The case of Angel Duran – who complained for more than two days of severe abdominal pain – was typical.

Duran had come to America from Cuba in 1979 and spoke broken English.

By the time he was taken to the hospital he was hyperventilating, semi-conscious and grimacing in pain. Nurses didn't believe Duran was ill and believed he was just anxious over his impending deportation.

He died from a ruptured appendix.

The four-paragraph Dodge County Sheriff's Department report stated that prison authorities notified them that an inmate was sent to the hospital with "apparent" chest pains, that the inmate had died and that the coroner said there were "no suspicious circumstances."

The case was then closed without a referral to the district attorney's office.

Deaths written off

One of the most challenging parts of the project was locating inmate families so they could sign releases allowing us to get the medical records of their loved ones.

That was no easy feat.

We started with a list of names as common as Larry Tyson and William Brown. We did not even know their places of residence before they went to prison. The Department of Corrections refused to give us any reports on their deaths, medical or otherwise, without blackouts unless we had releases from their next of kin.

To find them we looked through court records, police records and coroner records. We used an Internet service called Auto-track. We called funeral homes. We knocked on doors. We got one release from a jail inmate.

We quickly learned that in many of the cases no records existed outside the prison system about the inmate deaths. No coroner records, no police reports. It appeared that unless an inmate had died of a homicide, nobody paid attention and wrote it off as natural.

In one county, the coroner reports were





In his office in Juneau, Dodge County Coroner John Omen looks up records on prison deaths. Law enforcement officials rarely review prisoner deaths, and the coroner's records provide few or no details about what might have happened to inmates.

either missing or were scribbles on pieces of paper. They were literally stuffed into a filing cabinet in random order. The coroner initially refused to open his files at all, in violation of Wisconsin's Open Records law. But we persisted.

The corrections department also tried to block us in many ways. We were told we could not see mortality review reports – internal prison documents on deaths – even with releases. After many months of haggling with our lawyers, in the end they did provide the reports. But many were scant and cursory.

We also had sources within the prison system who pointed us to egregious cases of poor health care and helped us focus our research. All but two requested we protect their identities. A corrections officer and a prison nurse felt so strongly about poor

prison health care that they allowed us to quote them by name.

In the meantime, some peculiar things happened. One inmate got transferred to an out-of-state prison on the morning of our scheduled interview with him. And someone had called the *Journal Sentinel's* long-distance carrier to put a block on my office number so that any calls initiating from inmates in the state prison system would no longer be connected.

No one in our company had made the request and prison system authorities denied any knowledge of the situation. The phone company didn't know who had called.

After our three-part series was published last October, prison officials were forced to admit reforms were needed. New prison legislation was proposed, including an outside panel to review inmate deaths,

better training and more health care staff. A legislative audit released earlier this year confirmed our findings.

Our advice to reporters considering a similar investigation is to persevere and force government officials to conform to open records laws. Build a case through records and take the time to do it right. State prison system officials thought that by putting up enough roadblocks we would just go away. They were wrong.

Mary Zahn and Jessica McBride were recently awarded the 2001 Clark Mollenhoff Award for Excellence in Investigative Reporting for these stories. Zahn is a project reporter with expertise in investigations involving public policy issues. McBride is a general assignment reporter with expertise in law enforcement. The series can be found at www.jsonline.com/news/state/oct00/apriz22102100.asp.



Department of Correction employee Nancy Spiegla confirmed claims of extortion and the involvement of corrections employees at Westville Prison.

EXTORTION FROM PAGE 18

that sometimes, what happens behind the walls clearly affects those on the outside.

A source called about a woman desperate to get someone to listen to what was happening to her son at a northern Indiana medium-security prison, Westville Correctional Facility. Kathy White's story was compelling. Her son had been sentenced to 15 years for using a gun to steal a pair of tennis shoes when he was a teenager. Thrown in among adult inmates at Westville, he would call her,

crying, to say he would be beaten if she didn't send money orders to certain addresses in Indiana and around the country. Her story led us to numerous other inmates' families with similar claims. One inmate was seriously burned in the prison's industrial-sized dishwasher. Other families reported severe beatings of their loved ones.

Violence and intimidation behind bars, of

course, is not uncommon. But here was a prison story with an interesting twist – innocent family members outside of Westville being extorted by inmates in exchange for their loved ones' safety inside. It seemed to

deserve a closer look, and Kathy White's tip eventually led to uncovering more problems inside the prison, including some 20 stories about trafficking of illegal goods (by both inmates and prison staff), extortion, assaults, and increased costs associated with what seemed to be futile efforts to enforce Indiana's prison tobacco ban.

Pattern of problems

Our first series of stories, which aired last August, documented a trail of intimidation and payoffs at Westville – stemming mainly from trafficking in tobacco, which became a hot commodity among both inmates and employees when it was banned in 1997. Inmates weren't the only ones involved; we also found numerous cases of involvement by prison employees such as nurses and guards. Given the number, the logical question was, is the ban working? We answered the question in a second two-part series in February that, for the first time, tallied the high costs of the ban. The numbers were stunning: 412 internal investigations, 44 staffers fired, and at least 375 years of extra prison time for inmates who violated the ban – quite simply, millions of taxpayer dollars up in smoke.

And while the Department of Correction downplayed the extent of tobacco-related problems, we were able to show – using the department's own documents – that the ban has been a costly policy, spawning numerous violent incidents, internal investigations and disciplinary actions. The DOC disputed our numbers, of course, arguing that they were responding quickly to allegations of wrongdoing and that the ban was saving money on healthcare costs. But to this day, despite repeated requests from WTHR and legislators, the department has not provided any of its own numbers to prove its case.

As with any investigative project, this story presented a number of unique obstacles. Naturally, the veracity of inmates' stories was a major concern. Complicating matters was the fact that the DOC refused to let us interview any of the inmates, saying every one we named was part of an internal investigation into allegations of wrongdoing. (Several inmates later told us no one from DOC ever questioned them).

Still, we were able to confirm our story by following a trail of documents and interviews that clearly showed a widespread pattern of problems at Westville. We interviewed



dozens of former inmates, inmates' families and attorneys, prison employees, prison rights activists, prison ministers and state government sources. One particular coup was persuading a correctional officer of the year at Westville to do an on-camera interview. She substantiated claims of extortion and the involvement of correctional employees, saying many of them weren't subject to routine searches. We confirmed her account with a key internal document stating that employees were exempt from searches as long as they drove to work in their state-owned cars.

Records were crucial to our stories. Many family members, including White, had copies of documents, such as Western Union wire transactions, to back up their claims. Following that money helped us authenticate the extortion allegations. Official records were also important. DOC disciplinary and administrative reports (obtained through the state's open records laws) and internal DOC documents (obtained through sources) gave convincing evidence that inmates were receiving help from employees. In fact, then-DOC Commissioner Ed Cohn candidly admitted some of his own employees were "one breath away from being an inmate."

System crackdown

There have been many developments since our stories aired. Several legislators have called for a review of the prison system – particularly Westville – and the tobacco ban. Two Indiana judges refused to return inmates to Westville and one judge urged the governor to conduct an independent review. The ACLU's national prison rights project is completing an audit of Westville. A number of prison officials have been reassigned (although DOC generally insists the changes are routine). And the state has stepped up its own efforts to root out trafficking offenses in its prisons: A hidden-camera sting operation earlier this year netted 18 inmates and employees smoking and trafficking.

Results like that clearly show the importance of listening to the small cries for help that come every day into our newsrooms.

Kathleen Johnston and Gerry Lanosga, formerly of the Indianapolis News and Indianapolis Star, are investigative producers at WTHR, the NBC affiliate in Indianapolis.

FROM THE RESOURCE CENTER

The IRE Resource Center has more than 200 stories that deal with prisons and jails. Here are a few notable stories available for review:

- *Austin American-Statesman* found that gangs aligned by race and ethnicity were thriving inside Texas prisons, despite authorities' efforts to stop them. In some instances, prison guards enlisted gang leaders in their efforts to maintain order. And gangs' power extends beyond prison walls, as they operate illegal drug rings in cities and battle one another to expand their influence. By Mike Ward, 1998, #15410.
- KENS-TV, San Antonio, investigated the unusually high number of people diagnosed with neuromuscular diseases in Huntsville, Texas, decades after the U.S. government performed a secret germ warfare experiment on inmates at the Huntsville prison in the 1970s. There is evidence that the incapacitating agents spread from inmates to prison guards, criminal justice system employees and their families. By Kenneth Huizar, 2000, #17457.
- The Connecticut Department of Corrections yields hundreds of "escapes" from the halfway houses and community home release programs where many prisoners go near the end of their sentences. Escaping is little more than walking away or failing to report to the officer assigned to monitor them. *The Hartford Courant* investigated these programs after convict Adrian Peeler walked away from a halfway house and murdered two people nine months later. By Jack Dolan and Dave Altimari, 1999, #15864.

- *Poughkeepsie Journal* documented the role of the 1970s-era drug laws in the huge growth of prisons in New York State, and its questionable results: the incarceration of thousands of low-level offenders who are almost exclusively black or Hispanic. The series further found that sentencing and parole trends have kept prisons full in the 1990s despite a huge drop in crime, questioning whether the economic and political muscle of the prison lobby had begun to influence sentence policy. By Mary Beth Pfeiffer and Carol Trapani, 2000, #17265.
- ABC News 20/20 spent two weeks inside a prison that houses about 800 juveniles, aged 13-18, to see what happens when children are put in prisons. By Robbie Gordon, Sarah Walker, Diane Sawyer, Joe Bridgers, Mike Hardee and Rick Pullem, 1998, #15337.
- WXYZ-TV, Detroit, reports that prisoners in Wayne County, Mich., walk free from the local jails nearly every day as a result of overcrowding. Through the state Freedom of Information Act, the investigative unit obtained data on thousands of prisoners who had been let go in 1999. They found that the county broke its own rule by releasing violent criminals, and that many prisoners were serving only a fraction of their sentences. Jim Schaefer and Shellee Smith, 1999, #16263.

To order copies of these stories or others that are available, call the IRE Resource Center at 573-882-3364.



Bill Tieran | The Virginian-Pilot

Cell block C at the Powhatan Correctional Center in Powhatan County, Va.

CONSTRUCTION FROM PAGE 19

His television commercials – punctuated by gunfire and wailing ambulances – pounded home the theme that the state was in the grip of a violent crime wave. But the numbers showed otherwise. As measured by the FBI's Uniform Crime Reporting Program, crime in Virginia in 1993 – already low by national standards – was on the decline.

Comparing Virginia's crime rate to its incarceration rate, as recorded by the U.S. Bureau of Justice Statistics, helped illustrate the state's punitive mindset. Virginia's crime rate ranked 36th among the 50 states, but its incarceration rate was the 19th highest – a gap that exists in few other states.

Even so, the state couldn't find enough lawbreaking Virginians to fill all the new cells it was building. By 1999, Virginia had nearly 4,500 excess prison beds and was trying to recoup its costs by importing out-of-state prisoners in a cells-for-hire program that was unique in the nation.

Questionable value

I was also able to show, using the state Department of Corrections' own numbers, that while the politicians harped on violent crime:

- Most of the new inmates coming into the system were nonviolent offenders – especially drug offenders.

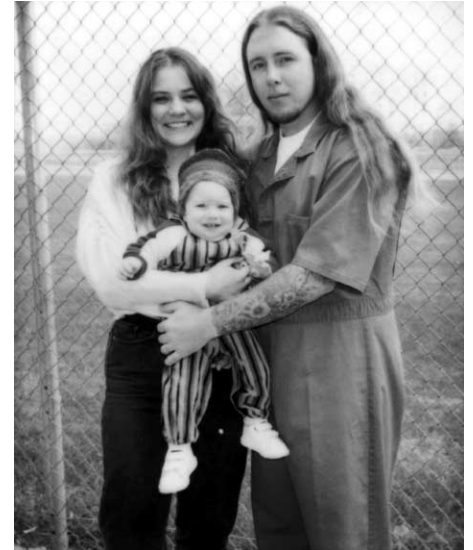
[Using drug-use numbers produced by the U.S. Department of Health and Human Services' National Household Survey on Drug Abuse, I was able to show that Virginia's large-scale incarceration of drug offenders – despite research indicating that treatment is cheaper and more effective – had failed to reduce drug use.]

- Black Virginians were being imprisoned on drug charges in numbers vastly out of proportion to their use of illegal drugs.

- Virginia's lengthened sentences and abolition of parole are creating a growing population of geriatric prisoners whose confinement is costly and of questionable crime-prevention value.

Many of the numbers I used in this project came from sources other than the state Department of Corrections, which was singularly unhelpful.

I attempted to obtain the department's inmate database – a detailed snapshot of the inmate population including names, gender, race, offenses and sentences. In some states, these databases are now available online. But



Virginia inmate Joe Garrett is serving 52 years on marijuana and LSD conspiracy charges, one of the nonviolent criminal offenders packing the state's prisons. Here he is shown with his wife and one of his three children.

not in Virginia. After lengthy negotiations, the department denied my request, employing a broad disclosure exemption under the state Freedom of Information Act.

Besides complicating the number-crunching job, that setback deprived me of easy access to inmates – the human faces I needed to bring the story home to readers. So I had to use a more laborious route to find them.

I knew from the numbers that the prisons were packed with nonviolent drug offenders. But how to identify them? I needed names.

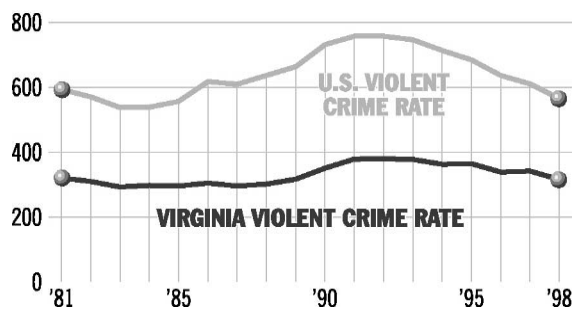
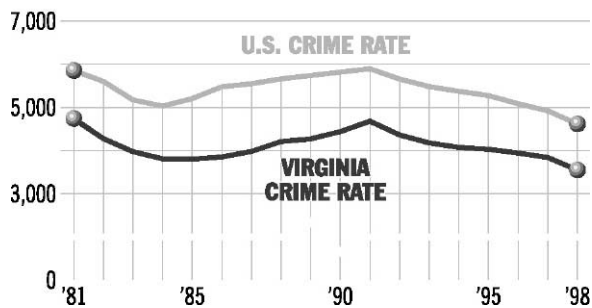
Inmate interviews

I started contacting every advocacy group I could find – prison reform organizations, inmate support groups, drug-law reform lobbies. Gradually, names started trickling in. But I hit a mother lode with the November Coalition, a drug-law reform group that keeps a national database of drug prisoners. They were able to slice out and send me a list of those doing time in Virginia.

At the same time, I culled some names from a sentencing database the newspaper had purchased from the state Supreme Court. Compiling a master list, I drafted a form letter and mass-mailed it to prisoners. Many responded, and agreed to be interviewed. This provided the humanity to the story I needed. That human touch was further bolstered by family photographs of prisoners with their spouses, siblings and children. (The state at the time didn't allow cameras in the prisons.)

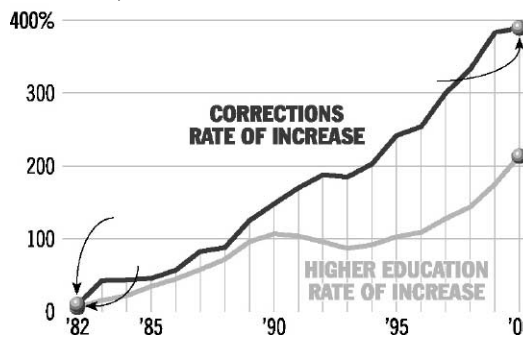
Crime drops as spending and prisoners increase

Virginia's crime rate ranks 36th among the 50 states. But its rate of imprisonment is the 19th highest. Virginians are imprisoned at a rate nearly as high as Russia's, the highest in the world.



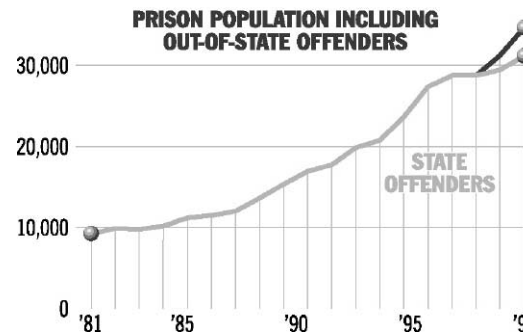
The gap between Virginia's violent crime rate and the nation's average is more extreme than that for the overall crime rate. The violent crime rate includes murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault. The overall crime rate adds burglary, larceny, motor vehicle theft. Sources: FBI, Virginia State Police.

Spending on corrections has increased almost twice as fast as state aid to higher education in the past two decades. If the trend continues, Virginia's prison spending will soon hit \$1 billion a year.



Prisons vs. education: This year's spending levels are \$846 million for corrections and \$1.3 billion for higher education. Source: Senate Finance Committee.

The Virginia inmate population has jumped 237 percent in the past 20 years. To fill 4,000 beds that remained empty, the state has been importing criminals since 1998.



The inmate escalation: Officials predict that the surplus of cells will fill up with Virginia inmates in a few years. (Sources: Senate Finance Committee, Secretary of Public Safety.)

Pursuing leads that emerged during this project, I subsequently reported on allegations of abuse by guards at the state's two new super maximum-security prisons, where many nonviolent and out-of-state inmates have been housed in cells ostensibly designed for the "worst of the worst" – violent, disruptive, escape-prone prisoners. Those allegations have prompted a civil rights investigation by the Justice Department and a lawsuit by the ACLU.

I also did a follow-up story on pervasive drug trafficking inside prison walls – with guards sometimes supplying the drugs.

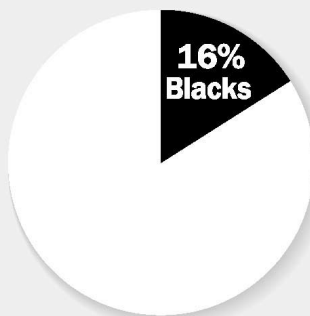
Since the prison boom is a national phenomenon, I suspect projects like this one could be done in many other states. My suggestion: Start with the national data and see where your state's incarceration rate ranks. If it's relatively high, you've probably got a story.

Bill Sizemore is an investigative reporter at The Virginian-Pilot in Norfolk. "The High Cost of Hard Time," is online at www.pilotonline.com/special/prisons.

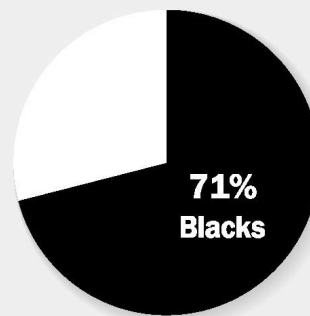
THE DRUG WAR IN BLACK AND WHITE

Black Virginians are locked up on drug charges in numbers vastly out of proportion to their drug use. In the most recent national survey, five times as many whites as blacks reported using an illegal drug in the past year. But 71% of drug cases in South Hampton Roads courts were brought against blacks.

ILLICIT DRUG USE BY RACE



DRUG CHARGES BY RACE



SOURCES: National Household Survey on Drug Abuse by U.S. Department of Health and Human Services; Virginia Supreme Court

The Virginian-Pilot

DEATH ROW FROM PAGE 19

In about half of these instances, the misconduct occurred before the attorney was appointed to handle the capital case. The infractions included problems such as failing to appear in court, falsifying documents, failing to present key witnesses and allowing clients to lie.

The *Morning News* also learned that in one county, the judge had the prosecutor's office handle court appointments of defense attorneys, effectively allowing the district attorney to choose his opponent. As the story was going to press, the judge promptly resigned.

Further, using a Dallas County payment database, we learned that the local lawyer who has been paid the most out of the county's indigent defense fund was not representing poor people charged with crimes. Instead, judges were paying him almost \$250,000 a year out of the fund to answer mail they received from prison inmates and to handle routine legal writs – tasks performed by secretaries and legal assistants in other counties.

After the story appeared, under pressure from the county commissioners, the judges abandoned this practice.

Sleeping lawyers

Researching the use of court-appointed attorneys was particularly difficult for the very reason the paper decided to pursue the story – there is no statewide system or standards for appointing lawyers for the

poor, making it difficult to know how well such appointments actually work. Each judge has used his own method of deciding not only the attorneys qualified to handle appointments, but also when they are appointed and how much they are paid.

In other words, there are more than 800 systems, because that's how many judges preside in Texas.

To tackle the issue, a team of reporters divided the subject into three parts: timeliness of appointment; death penalty representation; and appointment methods.

To find examples of defendants who sat

Some helpful sources for prison investigations:

- U.S. Bureau of Justice Statistics (www.ojp.usdoj.gov/bjs): The Justice Department's statistical arm. Compiles incarceration rates.
- FBI Uniform Crime Reporting Program (www.fbi.gov/ucr/ucr.htm): Compiles crime rates.
- The Sentencing Project (www.sentencingproject.org): Criminal justice think tank that promotes alternatives to incarceration.
- The Corrections Yearbook (www.cji-inc.com): Annual compilation of data on jails, prisons and the incarcerated population.
- Substance Abuse and Mental Health Services Administration (www.samhsa.gov): Publishes annual National Household Survey on Drug Abuse.
- The November Coalition (www.november.org): Drug-law reform group that keeps a national database of drug prisoners.

in jail for months before being provided an attorney, reporter Brooks Egerton worked the phone, querying source after source, before hitting the road. He found three examples in three different parts of the state. His story about Felipe Rodriguez, a young retarded man who had been locked up for months on arson charges without even a visit from his court-appointed attorney led to dismissal of the charges and Rodriguez' release from jail.

The quality of attorneys appointed in capital cases has been an issue in Texas for years, because of several highly publicized trials in which lawyers dozed off or put forth little effort on behalf of their clients.

The *Morning News* wanted more than anecdotal evidence, so we decided to find out exactly how good or how bad the representation is by compiling a list of attorneys who had represented each of the 461 inmates on death row at that time, and checking their disciplinary record.



The inmate names were taken from the Texas Department of Criminal Justice Web site and put into an Access database. The paper's library staff used those names to search legal databases for published judicial decisions. A reporter read each of those decisions, searching for names of lawyers who represented the inmates at trial or on appeal.

Librarians then used a database to search for clips mentioning attorney names. Next, research librarian Darlean Spangenberg journeyed to the Texas Court of Criminal Appeals in Austin, to search original files for those cases where little or no information had been found.

Spangenberg spent two days plowing through massive case files. Sometimes the appointment information was easily found on the docket sheet, sometimes attorney names were listed on the jury verdict sheet. In some cases she skimmed voluminous documents looking for the information.

Using her laptop, she entered the information she collected into a copy of our developing database. Still, we had many holes to fill. Reporters and library researchers turned to the phone, calling county clerks and cajoling them into ferreting out old case files, or contacting appellate attorneys to get the names of the trial attorneys on the cases they were now handling.

Flawed system

Initially, we began checking each attorney name we entered into the database against the state bar association's reports on disciplinary status, which were on the association's Web site. By now, reporter Pete Slover was involved in the project. Realizing that the information on the Web site had to be powered by some sort of database, he called the association's computer folks (he'd dealt with them on an earlier, unrelated project) and got the technical information. And he requested a copy of the database from the association's public records custodian. Around this time, the "disciplinary status" line suddenly vanished from the Web site.

The association told us that the information should never have been there and that it was not going to give us a copy of the database. Slover, who is a lawyer, pressed the issue by submitting a formal written request and citing examples from his extensive past experience with open records fights.

The next morning, the association's legal counsel e-mailed him a copy of the database.

Now we had to integrate it into our database. This required considerable data cleaning and manipulation. One database, for instance, filed the information by last names first; the other by first names first.

Using our new integrated database, we identified the death row attorneys with disciplinary histories. Then we used some traditional investigative techniques. Reporter Dan Malone requested from the association the detailed disciplinary files on each attorney. These were divvied up among several reporters who read them and prepared short summaries for their colleagues.

After reviewing hundreds of cases, the paper published an overview of our findings, thumbnail sketches of a half-dozen cases with questionable representation, and in-depth stories about two specific cases that dramatically illustrated the flaws in the system.

Along the way, we found one oddity in the database, resulting in a surprising story. A lawyer was listed as having a probationary license – the bar association had given him a temporary license because of its concerns about his unpaid debts.

Despite his probationary status and inexperience, the lawyer had been assigned to handle an appeal for a death row inmate. When Slover pulled the court records from the case he discovered that this lawyer had asked the court for an extension to file his brief because he needed to take an introductory course in death penalty defense.

The court granted the extension, but the lawyer missed that deadline, too – and only filed his brief after the appeals court threatened to jail him for contempt. And on the day of oral arguments, the lawyer was a no show. But the justices left him on the case and denied the appeal.

The lawyer later lost his license after bouncing checks for state bar dues and occupational taxes and failing to appear at a board hearing to defend himself.

Diane Jennings is a reporter for The Dallas Morning News. Project reporters included Dan Malone, Steve McGonigle, Pete Slover, Brooks Egerton and research librarian Darlean Spangenberg. It was edited by Pam Maples, AME/Projects.

TIPSHEETS AND REPORTING GUIDES

If you're looking into prisons and jails, try these tipsheets available from the IRE Resource Center, (www.ire.org/resourcecenter):

- "Behind the Bars: Getting Inside America's Booming Prison Industry," #844. This 36-page packet from a 1998 IRE National Conference panel on prisons includes the "Prison Resource List," which has almost 50 Web sites and phone numbers for resources on jails and prisons. Also included is "The Prison Crisis," by Jenni Gainsboro and Elizabeth Alexander of ACLU's National Prison Project. It details the growth of the U.S. prison population, worsening conditions of confinement, public health problems in prisons, and more restricted access to the courts for inmates.

Also in the packet is "Access to Prisons," by Charles N. Davis, Society of Professional Journalists, May 1998. This study tracks prison access policies for journalists. Includes state-by-state breakdown.
- "Breaking Through the Walls: Some Sources and Tips for Reporting on Prisons," by James Grimaldi, *Orange County Register*, #6.
- "Investigating Injustices in Immigration Law," by Lise Olson, *Seattle Post-Intelligencer*, #1437. Contains a list of sources for stories related to immigrants held in prisons and jails on behalf of the Immigration and Naturalization Service.
- "Tips for Your First Large-Scale Criminal Justice CAR Project," James Walsh, *Star-Tribune*, #1335. From the 2000 NICAR conference panel, "Unlock the secrets of the prison industry: Unsupervised releases, importing inmates and ethnic disparity."
- "Parole: The Easy Out... And an Easy Project for Anyone to Do," Mark Braykovich, *The Cincinnati Enquirer*, #435. Explains ways newspapers can use CAR to find how their state parole systems are working.

SNITCH UNIT FROM PAGE 19

Last year I received a letter from Danny Weeks, a convicted kidnapper serving a life sentence at the U.S. Penitentiary Administrative Maximum in Florence, Colo., better known as ADX – home of some of the most dangerous criminals in the federal system. Weeks claimed to have been part of a special snitch unit set up within ADX, a group of former Aryan Brotherhood gang members turned government informants, who'd been given special privileges, access to sensitive information about staff and ongoing criminal investigations, and even materials to make weapons. The letter posed a peculiar challenge: How do you verify the existence of a top-secret government operation in the highest-security prison in the country?

I think it's fair to say that U.S. Bureau of Prison officials were less than enthusiastic about my research. ADX Warden Michael Pugh denied my request to visit Weeks on the grounds that an interview "could cause undue unrest or disturb the good order of the institution." His refusal resulted in a time-consuming (and closely monitored) correspondence with my source, who'd been moved out of the snitch unit and placed in isolation. My FOIA requests to Washington didn't receive even the courtesy of a denial; contrary to the law, they were simply ignored.

Privileged residents

But official channels aren't the only way to get at a prison story. Prisoners have a tremendous grapevine, and so do their keepers. Inmates and corrections officers seldom agree about anything, but rumors about the snitch unit had stirred concern among ADX staffers, whose union was already embroiled in several disputes with prison management. Grumblings about the prison's "special" inmates had surfaced on the union Web site's bulletin board. By poking through documents filed by the union in Federal Labor Relations Authority actions and checking with sources I'd developed through earlier reporting on the union, I was able to find employees who could corroborate certain aspects of Weeks' story – for example, officers who'd seen bags of burgers, barbecue, pizza and other "delicacies" from town being delivered to the privileged residents of H Unit.

But few officers had actually been inside H Unit. I obtained internal BOP memos that made reference to debriefing sessions in the unit and

to the inmates being provided with special tools for the purpose of making weapons. According to Weeks, the unit made "instructional" videos for staff, showing how inmates craft weapons, procure drugs, and compromise staffers. Eventually, I was able to talk to staffers who'd seen those videos – and were appalled at scenes of masked prisoners, armed with real knives, simulating attacks on other inmates.

Through his attorney, Weeks was able to provide other documents that helped to shore up his credibility, including his government contract to serve as an informant. In addition, Weeks had filed a grievance seeking payment for his work in the videos; a prison administrator denied his request but acknowledged his participation in the project. The most damning materials, though, surfaced in a federal lawsuit Weeks and another prisoner had filed after their ouster from the unit. One exhibit featured a long list of names of international drug-trafficking suspects culled from a confidential DEA file that Weeks' handlers had asked him to analyze. If Weeks was able to move such materials out of ADX with ease, what other sensitive information had leaked out of the snitch unit? Was the government debriefing the gang leaders, or was it the other way around?

A sore spot

Another piece of the puzzle was provided by a former ADX guard who'd been placed on "home duty" for months, largely as a result of the snitch unit's accusations of corruption. No criminal charges ever resulted from the unit's allegations; according to Weeks, his fellow inmates were scamming their handlers and making up stories about staffers they didn't like. The ex-guard, who'd been jailed on unrelated charges, was eager to talk about his ordeal and that of other guards who fell under suspicion.

Initially loathe to comment, Warden Pugh finally decided to respond to Weeks' disclosures after they sparked an internal BOP investigation. He denied several of the most disturbing allegations about H Unit, but even his denials were revealing. While insisting that no supermax prisoner was ever allowed access to the Internet, as Weeks claimed, he did admit that H Unit had been provided with a computer – an amazing concession in a lockdown facility where even use of a typewriter is strictly controlled.

The lesson here is an old one: When the front door is barred, try the back stairs, the cellar door, and the grapevine. Guards' unions, grievance forms, court records, ex-employees, even official denials can provide valuable information about life on the inside.





Inmate Danny Weeks was part of a snitch unit given special privileges, access to sensitive information about staff and ongoing criminal investigations, and even the materials needed to make weapons.

The resulting article, “A Broken Code,” appeared in July of last year (www.westword.com/prison). A few days later, Warden Pugh announced to his staff that Weeks had failed a polygraph test. Yet the story Weeks told me had been substantially corroborated by other sources. Although the BOP’s own investigation into H Unit led nowhere, the unit’s population was substantially reshuffled; the snitch operation appears to have been abandoned, or at least revised.

The article was widely distributed among prison staff and discussed at length on the union Web site. The snitch unit was one of the sore points raised during an unusual “informational picket” of the Florence prison complex by guards last fall. Ironically, few ADX prisoners have ever seen the article. Warden Pugh has banned it from the prison on the grounds that it “may facilitate criminal activity.”

Specifically, the article refers to the videos the H Unit regulars made for the BOP to show how inmates can fashion weapons out of ordinary commissary items. This is information many inmates already have, information so vital that the warden wanted to make sure his staff knew about it. But the BOP never figured it would appear in a newspaper.

Alan Prendergast is a staff writer for Westword and teaches journalism at Colorado College. He recently worked for CBS News on a one-hour documentary about the Columbine shootings that aired on 60 Minutes II.

PRISON STORY IDEAS

If you’re looking for some ideas to get you started on prison-related stories, consider these excerpts from the judicial system chapter of “The Reporter’s Handbook,” an IRE publication:

- **Wardens.** How did they enter the prison bureaucracy? How did they receive their appointment to the current job? Have they articulated their philosophies about rehabilitation and punishment? Are their actions consistent with their philosophies?
- **Guards.** Do the minimum qualifications make sense, and are they adhered to? Is the pay adequate to attract intelligent, nonviolent applicants for such dangerous jobs? In many states, prison guards are unionized, which means journalists can obtain information from union officials before talking with individual guards.
- **Prisoners.** Are they being treated in accordance with their constitutional rights? To find out, examine prison complaint files, interview recently released prisoners, plus check lawsuits filed by prisoners in federal and state courts. In many such lawsuits, the plaintiffs represent themselves (“pro se” is the legal term), using law books in the prison library for reference.
- **Rehabilitation.** Inquire about in-prison educational programs, including those that could lead to a high-school diploma or a college degree; facilities for physical conditioning; spiritual guidance no matter the choice of religion; psychological counseling for habitual sex offenders; treatment to alleviate drug addictions and control alcoholism; and vocational training, including help with job placement. If programs are operating, what follow-up do prison officials practice after release to determine whether the former convict has gone straight?
- **Inmate families.** Not all prison stories involve persons behind bars. For prisoners with families on the outside, do programs exist encouraging everybody to remain a unit during the incarceration? When spouses, children and other relatives visit, is there a private area to promote a constructive afternoon?

Also, you can get an overview of federal institutions by studying publications from the Federal Bureau of Prisons, www.bop.gov, part of the U.S. Department of Justice. Like other agencies, the bureau issues an annual report and a personnel directory. The federal prison system categorizes its facilities according to the types of prisoners incarcerated there – penitentiaries, correctional institutions, prison camps, detention centers, medical and administrative facilities.

State prison agencies do not usually oversee such variety, but do usually produce publications, annual reports and directories similar to the federal system. The state agencies adopt some suggestions from the National Institute of Corrections, a federal agency think tank.

The National Prison Project, part of the American Civil Liberties Union Foundation in Washington, D.C., is a private organization interested in individual prisoners’ rights and overall conditions, while the American Correctional Association, in Laurel, Md., speaks for prison administrators and staff.

PANELS

CONTINUED FROM PAGE 6

- Medical Data Maze: Mortality, disease and research
- Economy: Looking for data-based stories during a downturn
- Economy: Describing a community's health
- Using Government Data Locally: Labor stats, census economics, county business patterns
- Evaluating Companies: Understanding what makes them tick

CENSUS PANELS

- Census Post Mortem: First round of releases
- What Census Says to the Demographers
- Mapping Census: Layering census with other data
- Census Spinning: Stakeholders and what spin they want
- Race, Ethnicity and the Census
- Census Surveys: American Community Survey, CPS, SIPP and PUMS
- Mining Census Data for Non-Census Stories

WRITING/GRAPHICS

- Stats in Stories
- Writing Data-Heavy Stories: The marriage of data and narrative
- Letting Graphics do Heavy Lifting
- Managing and Editing the Data-Heavy Story

DATA ACCESS

- Public Access and Privacy: Surviving what's coming
- Federal FOIA and Cracking State Laws
- Getting Data Without Getting Skinned
- International Data We Are Missing

IN THE NEWSROOM

- CAR in the Newsroom of the Future: Strategies for managers and advocates
- Getting Out of the Corner and into the Newsroom
- Software to Manage Projects
- Doing CAR on a shoestring
- Finding Network Solutions to Share Data in the Newsroom

- Home-Grown Databases: Advice and caution on building your own

GETTING INFO ONLINE

- Business Info Online
- Finding People with Online Databases
- Bang for the Buck: Evaluating online databases

MAPPING

- Mapping Overview: Basics demo using census data
- Mapping on a Budget

PEER REVIEWS

- Cutting-Edge CAR: What Florida taught us
- What Social Scientists Can Teach Us

PHILLY CAR 2007



WORKSHOPS

- Online and CAR Geeks: Strategies for working together
- Putting Maps Online: Software basics, making it happen
- CAR Training in the Newsroom and the Classroom: Can you afford not to?
- CAR in Small to Medium Newsrooms: Doing and teaching
- Mapping on the Cutting Edge

HANDS-ON TRAINING

Class signups to be labeled "Beginner" or "Advanced" or "Everyone"

Some already planned:

- Searches on the Internet
- Understanding how your computer handles data
- Excel
- Access
- Downloading from the Internet
- Mapping
- Data Cleaning
- SPSS
- The Power of Structured Query Language
- Dealing with problems of SQL
- Servers
- Doing Math: How to figure out indexes, ratios and when to use them

Pension

CONTINUED FROM PAGE 17

As for Gallahue's new home, sources identified the architect and contractors listed in building department files as Fraine's subcontractors. A site visit showed those contractors were in the midst of a basement-to-roof renovation of Gallahue's house.

At that point, the source who had provided the earlier documents showing Fraine's payments to Gallahue's girlfriend stepped up to the plate again. He gave us invoices and other business records showing that Fraine's company was actually paying for work at Gallahue's house. We were able to quote dates and amounts of checks, the text of invoices and other documents clearly linking Fraine to the extensive renovations on Gallahue's home. At that point, we were ready to write our second two-part series, published in December, documenting apparent serious criminal conduct by pension fund officials with hard evidence.

One technique we found useful in reporting the story was to "digest" the sprawling pile of documents we assembled, meaning we wrote summaries of the documents. For instance, for each property, we wrote a history of its ownership going back 20 to 30 years and wove into that information from building department and zoning board records. By doing that, we became conversant with all the details of the properties. Of course, there were some gaps in our chronologies, but those missing pieces ended up helping us gain footholds in conversations with reluctant sources. In many situations, people are more likely to talk with a reporter about a document and what it means (or what it *doesn't* say about an event) than about a neighbor, business executive or gangster.

Many people, be they pension fund officials or underworld figures, take great care to guard their secrets, and there's no FOIA that will force those secrets out. In this case, the extra effort required made it all that much more satisfying when we were able to place a compelling story — one the subjects thought was impossible to get — in front of our readers.

Jack Meyers has worked on investigative reporting and political assignments for the Boston Herald since 1990. He has won first-place awards for investigative reporting from the New England Press Association (1996, 1998) and the New England Associated Press News Executives' Association (2000).

FEN-PHEN STORY PROVIDES GLIMPSE AT HOW DOCTORS, DRUG MAKERS THINK

BY STEVE WEINBERG
OF *THE IRE JOURNAL*

Fenfluramine and Phentermine, known as fen-phen, became a popular prescription weight-loss drug in the late 1990s, but it became a deadly one when everyone from manufacturers to doctors to government regulators dispensed with the truth in the name of profit.

In chronicling this saga, Alicia Mundy, an experienced investigative journalist who lives in Washington, D.C., finds few true heroes or heroines. If there is a leading character in the book it is probably Alex MacDonald, a plaintiff's lawyer with the Boston firm of Robinson & Cole. His client, Mary Linnen, started taking fen-phen during spring 1996 on the advice of a Boston endocrinologist in order to lose weight before her wedding. After less than a month, Linnen, only 30, began experiencing health problems such as shortness of breath and dizziness. And even though she stopped taking fen-phen, the 23 days worth of pills had destroyed her lungs. She died in 1997.

It seemed inevitable that MacDonald, retained by Linnen's family, would draft a lawsuit involving American Home Products, the parent company of pharmaceutical manufacturer Wyeth-Ayerst; Fisons, a company selling Phentermine; and Interneuron, a company involved in the invention of drugs that came to be prescribed for weight loss.

Not the usual source

Still, MacDonald is not always easy to like. Mundy concedes that he possesses "an enormous ego" and that at times during the Linnen case he "blew up, screwed up, or seemed foolish." By the time MacDonald is standing before the jury on page 310, Mundy has introduced so many lawyers, physicians, scientists, government bureaucrats, etc., on

both sides of the Linnen suit – not to mention other litigation in other states involving other victims of fen-phen – that the mind reels. The list of characters she provides just before the introduction helps some, but is not a panacea. Books should read as organic wholes, not as a bunch of chapters strung together much like distinct magazine articles with forced transitional phrases. Mundy has not mastered the art of book organization, but the information is so inherently compelling that most readers are likely to stick with it – and should. Will those who stick with it find anybody in this depressing morass to call hero or heroine? One candidate could be Dr. Leo Lutwak, the FDA staff member who tries from within the agency to clamp down on the potentially lethal fen-phen, only to be rebuffed by federal government superiors who are too timid in general or too in awe of pharmaceutical company clout to simply do the right thing.

But my candidates for hero/heroine are a physician and a nurse in Fargo, N.D. – Jack Crary and Pam Ruff. Their roles are a reminder that journalists

need to look beyond the usual sources in the usual places to tell stories fully and fairly. Mundy discovered that Ruff became enmeshed in the fen-phen controversy just before Christmas 1994. An echocardiogram sonographer at the MeritCare Clinic in Fargo, she was analyzing tests run on a 40-year-old woman suffering from shortness of breath and constant fatigue. Ruff had never seen aortic and mitral valves look like that given the patient's age and medical history. Curious, Ruff asked the woman if she had been taking any drugs. Fen-phen, the woman replied, as a way to lose weight. But she had not been feeling all that well since filling

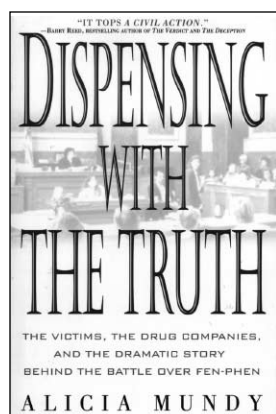
the fen-phen prescription, the woman added. One case does not an epidemic make. But Ruff, who knew nothing at that point about the fen-phen movement, could not contain her curiosity. She mentioned the test results to her supervisor, who had seen a similar valve phenomenon that same afternoon on a different patient. Had that patient ingested any drugs recently, Ruff asked. Yes, the supervisor replied. Fen-phen. "Another med tech might have, probably would have, racked it up to coincidence, or perhaps made a little notation to the cardiologists involved," Mundy writes. "That's all there's time for and nobody listens to echotechs anyway – any real problems would be pinpointed by doctors. But Pam Ruff had spent her childhood overdosing on Nancy Drew books. Within a week, she'd quietly begun her sleuthing... Casually, with a shrug from her supervisors and 'lots of help' from other techs and nurses, Pam began an unpaid, unfunded study at MeritCare, and for the next two years she kept track of every case at the clinic involving valve disease." Ruff qualified for heroine status in part because she had nothing selfish to gain from her role. She simply cared about patients. Cardiologist Crary started hearing from Ruff. Her charting of cases looked thorough, but Crary could find nothing – not one reference – in the vast medical literature on a relationship between valve disease and fen-phen. Probably Ruff was wrong.

Crary did his best to block out Ruff's pestering, until the week before Christmas 1996, two years after Ruff started her charting. That week, Crary examined a long-time patient. He took a look himself at the echocardiogram, the kind Ruff produced regularly. Why were the valves showing up so weird?, Crary wondered. She would probably need heart surgery. Had she been taking any drugs?, Crary asked his patient. Fen-phen, she replied. From that day forward, Crary was an advocate. But for the most part, journalists were not paying attention to a doctor and a technician in North Dakota, so they missed the story for too long.

The body count

For journalists, this book provides plenty of education about how physicians, pharmaceutical entrepreneurs, government regulators, judges, defense attorneys and especially plaintiffs' attorneys think, and provides a reminder about

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DISPENSING WITH THE TRUTH: The Victims, the Drug Companies, and the Dramatic Story Behind the Battle Over Fen-Phen, by Alicia Mundy, St. Martin's Press, 402 pages, \$24.95

Higher educations

CONTINUED FROM PAGE 11

outlook. They explained in detail the financial pressures they were facing, as well as strategies they were using to overcome the problems. This provided rich detail that helped bring the data to life.

It turned out that many of the colleges' coping strategies had their own risks, like increasing their debt burden to dangerous levels by constructing new technology centers.

Small college trends

During the meeting with each college, I explained exactly how I determined the school's ratios and financial grade. As a result, they knew what was coming when the series ran, and had plenty of opportunity beforehand to quibble. In a few cases, they ran their own analysis using my formulas – and uncovered some errors on my part that I was able to fix before the story ran. I also asked the schools for audited financial statements, and some obliged. These helped confirm the data in the 990 forms.

This project proved disconcerting for the colleges. They aren't used to having their finances discussed publicly. Unlike a publicly traded corporation, they don't usually volunteer financial data. Nor are they subject to the accountability that comes from having stockholders breathing down their necks.

The last piece of work before writing was old-fashioned legwork—finding students whose personal stories would illustrate the trends.

Marc Duvoisin, *The Inquirer's* special

projects editor, helped focus all the data and detail into six clearly defined stories, each advancing a new element without repeating what came before. He also forced me to keep each story to a reasonable length – about 45 inches. Later, other editors said the stories' length made the series accessible.

One benefit of this project was the chance to focus on a group of colleges that rarely gets much attention. The media often focuses on big research universities. But small schools can provide reporters with rewarding stories, particularly if one looks for trends affecting them as a group.

The response from readers was tremendous. Many parents and students asked how they could obtain the same kind of financial data for schools we didn't include in our database. Perhaps most rewarding were the e-mails from college presidents, researchers and faculty across the country, who said the trends we wrote about have been discussed internally in the academic world, but hadn't been reported in such a complete way by the mainstream media.

Even as the reporting continued, it seemed the predictions of some of the experts were coming to pass. Last summer, two schools in New England shut their doors for good. This past fall, a number of others announced they were merging. We finished the series just in time.

Jim O'Neill has been at The Philadelphia Inquirer for the past six years, covering high education the last three years.

Books

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never assuming anything.

For example, when MacDonald and his lawyer colleagues win permission from a judge to examine documents at Wyeth's corporate headquarters, they didn't expect to find anything damning. But on the second day of tediously combing through boxes of documents, the team unearthed quite a find.

"It was the body count," Mundy writes. "Six pages comprised a computerized listing from Wyeth of pulmonary hypertension from the early 1990s to mid-1997. There were 101

of them. The dead had been buried in Wyeth's files, awaiting their day of resurrection... the document sang 'punitive damages.' The corporation knew, and didn't tell – didn't tell doctors the number of cases was skyrocketing. Yes, Wyeth had eventually shored up the warning on the label somewhat, but not as soon as they knew the number of reports had increased. And not before Mary Linnen had taken the drugs."

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.

Fundraising

CONTINUED FROM PAGE 15

thing other than 501(c)(3) groups. We were on our own to contact each group that used a solicitor.

Meanwhile, to learn more about the companies, we checked websites for other states across the country to see how they regulated the solicitors. We downloaded copies of their blank registration forms to see what information could be culled from records of companies doing business in Colorado. Some states even require solicitors to list legal actions taken against them in other states. Most of them lied and omitted information we found from newspaper stories across the country.

As the 990s rolled in more patterns developed. We databased the basic information from the 990s and where the money was being spent.

Some organizations were still filing copies of their telephone scripts with the state, an old requirement in Colorado, but current in other states. We gathered up all the ones that existed so we could see what contributors were being promised. They were being told their money was to be used for various benevolent programs in the community, but none was told the badge groups were actually labor unions and that the dollars mostly went for lobbying and union organizing.

As we compared the 990s to the solicitation scripts, the picture became clearer: The public was being told dollars were for good causes, but the cops and firefighters rarely used much of the money for those purposes at all.

Ultimately we determined just 18 cents of a Coloradan's \$1 contribution made it to the badge group, and just 2 cents of that made it to the causes that were promised over the telephone.

Shock and dismay

In one unique case, we were able to determine that a solicitor who was pitching tickets to a benefit concert was actually overselling the venues by as much as 400 percent, banking that hardly anyone who got a ticket would show up to the event.

We needed to put faces with the story, so we showed up at one of those concerts

LEGAL CORNER

Electronic records threaten FOIA



STEPHANIE S. ABRUTYN

Recent efforts by government agencies to resist disclosure of electronically stored records pursuant to freedom of information laws represent a disturbing trend that ultimately could render those laws obsolete.

So far, the agencies' success has been limited. But until the courts definitively reject the notion that electronic records are somehow different, the Information Age threatens to banish most government records beyond the reach of freedom of information laws.

Although they vary greatly in scope, freedom of information acts (FOIA) in virtually every state and the federal FOIA have certain basic elements in common. First, FOIA generally requires government agencies to provide copies of all documents to any member of the press or public who asks, as long as the requested documents do not fall within an enumerated exception. The presumption is openness, and the burden rests on the agency to prove that any specific request may be denied.

Second, if a requested record contains some material that is not subject to disclosure under FOIA, the agency cannot simply withhold the entire document. It must redact that specific information – using a black marker, correction fluid, or anything else – and produce a copy of the document.

Third, an agency is not required to create a new document in response to a FOIA request. The government only must produce what it already has.

Each of these fundamental tenets seems straightforward, and usually is when old-fashioned paper records are involved. Either the document exists or it does not. Either material needs to be blacked out, or it does not. If information needs to be redacted and the agency does not have a black marker it gets one. But what about when the records sought are electronic? And, what if the database contains some information that must be disclosed and some that does not have to be?

Analogizing the situation to one involving

paper records, the agency should produce a copy of those portions of the database that contain disclosable material. If the agency does not have a computer program to segregate or redact the confidential material, it should write one (generally at the expense of the requestor). Unfortunately, numerous government agencies and at least one Connecticut state court judge have rejected this approach.

\$20 million fee

In September 1999, *Hartford Courant* reporter Jack Dolan made a routine FOIA request to the Connecticut Department of Public Safety (DPS) for a copy of all of the fields of information in the DPS database typically produced on an adult "rap sheet." Paper copies of individual rap sheets routinely are provided to journalists. Dolan offered to pay the cost of developing a computer program to redact confidential information (such as juvenile convictions). DPS agreed to produce the requested portions of the database, which clearly do not fall within a FOIA exception. Instead of the cost of the computer program, however, DPS sought to impose a charge of over \$20 million – calculated by multiplying the standard fee for producing a copy of a single rap sheet (\$25) by the number of records in the database (815,000).

Following Connecticut procedure, Dolan appealed to the Freedom of Information Commission, which upheld DPS's fee. Dolan then took the case to court, where a Superior Court judge decided that DPS did not have to produce the record at all. The court found that "the requested Department database was not in existence. . . . [T]he existing database would have to be altered to exclude non-conviction information." In other words, the redacted database, containing only the material subject to disclosure, is a "new" document. The judge also pointed out that the program to be used

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Stephanie S. Abrutyn currently serves as Counsel/East Coast Media for the Tribune Company. Prior to joining the Tribune Company, she worked in the Litigation and Employment Practices group of the ABC law department and in private practice at Baker & Hostetler in Washington, D.C.

and interviewed dozens of people who had purchased their tickets over the telephone. Their shock and dismay about what we had found gave solid foundation to the story.

We also found the solicitors to be a difficult bunch to crack. Using leads from former telephone callers, and a brief session hanging outside a few of the phone rooms, we managed to get some insider information about how the calling biz really worked.

But we weren't done.

Criminal record checks showed us some of the people working the phones were hardly savory types. Nonetheless, they were representing public safety. What made the finds more significant was that some of those with criminal pasts never bothered to file any financial accounting with the state to show what they did with the money they raised. The state's records were littered with warning letters and referrals to the district attorney.

Following the document trail, we learned the district attorney did nothing with the letters, ignoring them. In fact, some of the more notorious solicitors who were being prosecuted in other states were still raising money in Colorado and officials here were unaware of it.

The system was deficient in many, many ways and through painstaking research of how the system was supposed to work, we were able to show how it didn't.

Reactions were swift. The district attorney, the attorney general, the secretary of state and several legislators pounced on a need for new, stricter laws. Investigations of some of the solicitors were launched, consumer complaints rolled in and several of the solicitors closed shop. Several of the badge groups ditched their solicitors and decided to go it alone, a process we highlighted in a story about a badge group that was successful in its fund raising without contracting with a pro.

There are still repercussions being felt and by year's end, Colorado likely will have one of the more efficient systems set up to police the people raising money for the police.

David Migoya is a member of the projects team at The Denver Post and is a past IRE Award winner.

Check out Uplink

Uplink, NICAR's newsletter on computer-assisted reporting, is the most thorough source of hands-on information for using CAR to improve your reporting – whether for print or broadcast, small or large news organization.

The newsletter consists primarily of articles written by top reporters around the world. Their stories offer background on how they successfully used CAR to produce a compelling story or series of articles, hands-on tips for doing something similar yourself, and tips for finding data and information on the particular topic.

Regular features include:

Tech Tip - A column devoted to solutions for technical problems when working with database managers, spreadsheets or

mapping programs. These vary from beginner-level problems to those encountered by more advanced users. Some are written as hands-on lessons, with data or supplementary information available for

download from the NICAR Web site.

Mapping - Some of the best experts in using mapping for journalism provide insight into using GIS software for both uncovering trends and showing readers what you found.

First Venture - Recent graduates of NICAR's boot camp tell what they learned while tackling their first CAR story or project.

PRICE:

\$40 for IRE members, \$60 for non-members

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won a national Edward R. Murrow Award for small markets for their three-part series, "No Entry," about widespread mistreatment of asylum seekers and foreign travelers in the Portland airport. ■ **Maria Henson** has moved from deputy editorial page editor to assistant managing editor for enterprise with the *Austin American-Statesman's* newly created enterprise team. Reporter **Mike Ward** has joined the team after 11 years on the state desk in Austin. ■ Two IRE members were awarded Nieman fellowships for 2001-2002: **Barbara Ser-rano** of *The Seattle Times* and recent IRE Board member **Roberta Baskin** of ABC News "20/20." ■ **Michael Anft** is now assistant editor of *The Chronicle of Philanthropy* in Washington, D.C., while still freelancing with *City Paper* in Baltimore, Md. ■ **Charlie Cantu** has become an investigative producer for KTVT-Dallas. She was formerly a producer with 48 Hours in Dallas, where she worked for six years before joining KTVT. ■ **Ira Chinoy** has moved from *The Washington Post*, where he was director of computer-assisted reporting, to the University of Maryland's Philip Merrill College of Journalism. Chinoy, who makes the move after 24 years in newspapers, will teach computer-assisted reporting and other courses for the next three years. ■ **Matthew B. Dees** placed third in the writing category in Hearst's annual writing, photojournalism and broadcast news championships. Earlier in the year, Dees took a first place Hearst Award in the editorial writing category for a piece he wrote while interning at the *St. Petersburg Times*. Dees graduated in May from the University of North Carolina at

Chapel Hill. ■ **Marc Duvoisin** has moved from *The Philadelphia Inquirer*, where he was assistant managing editor/enterprise, to the *Los Angeles Times*, where he will be assistant managing editor. Duvoisin will oversee the *Times's* Column One and Sunday Report and edit selected projects and enterprise. ■ **Virginia Ellis** is now Sacramento bureau chief for the *Los Angeles Times*. ■ **Elaine Grossman** was awarded first place for Best Investigative Reporting of 2000 from the Newsletter and Electronic Publishers Foundation. The award was given for an article on the origins of the Defense Department's controversial anthrax immunization program. ■ **Duane Pohlman** moves to chief investigative reporter at WEWS-Cleveland from the same position at KING-Seattle. He is also an IRE Board member. ■ **Bruce Shapiro** is co-author, with the Rev. Jesse Jackson, of a new book on capital punishment entitled *Legal Lynching: The Death Penalty and America's Future*, published this fall by The New Press. ■ **Darcy Spears**, a reporter with KVBC-Las Vegas, was on a three-person team that won a national Edward R. Murrow Award in news documentary for her 30-minute special, "Honor Thy Father." The investigation exposed a lack of protection in the legal system for children who are forced to testify against their parents in court. ■ **Mc Nelly Torres**, formerly with *The Lawton Constitution* in Oklahoma, has joined the *Morning News* in Florence, S.C. She will be covering city and county governments and working on special assignments and investigations. ■ **Richard Weil** has moved from executive editor to projects editor of the *St. Louis Post-Dispatch*.

Houston column

CONTINUED FROM PAGE 4

help is available after the on-site training or for those who can't get to a workshop. In particular, Aron Pilhofer, the new director of our Campaign Finance Information Center, is in the midst of a major revamping of the center's site, www.campaignfinance.com, so that it can provide more help for journalists working on local and state issues.

At the same time, plans for a new Reporters Handbook to come out early next year remain on schedule. This edition of the Handbook, while keeping much of the previous material, will include new story examples, new tips and numerous Web sites that can help a reporter whether on daily, beat or project stories.

In addition, the IRE staff will maintain Web pages that will provide updates to information in the Handbook, particularly on links to the Web sites.

Legal Corner

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to eliminate the confidential data would be "a modified program that the Department 'would devise.'" Then, citing the cases involving paper records that explicitly state FOIA does not require an agency to create documents, the judge dismissed Dolan's case. The Nassau County District Attorney's office took a similar position when *Newsday* sought a copy of the DA's criminal information database.

Electronic record battle

Not all judges who have considered the issue of access to electronic records under FOIA neglect basic common sense.

The Illinois Supreme Court, for example, accurately observed that interpreting the FOIA as the Connecticut Superior Court did "would effectively gut the act." (*Family Life League v. Department of Public Aid*, 112 Ill. 2d 449, 1986). But until the courts or legislatures unequivocally declare that electronic records must receive equal treatment under FOIA, the prospect of fighting a long, expensive legal battle each time a reporter seeks electronic records will remain.

That possibility, combined with the government's increasing reliance on electronic records, could produce a loophole large enough to swallow FOIA.

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

Programs and Services:

IRE RESOURCE CENTER – A rich reserve of print and broadcast stories, tipsheets and guides to help you start and complete the best work of your career. This unique library is the starting point of any piece you're working on. You can search through abstracts of more than 17,000 investigative reporting stories through our Web site.

Contact: Pat Coleman, pat@ire.org, 573-882-3364

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

Contact: Jeff Porter, jeff@ire.org, 573-884-7711

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

Contact: Aron Pilhofer, aron@ire.org, 573-882-2042

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

Contact: Ron Nixon, ron@nicar.org, 573-882-2042

Publications

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

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

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

Contact: Jeff Porter, jeff@ire.org, 573-884-7711

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

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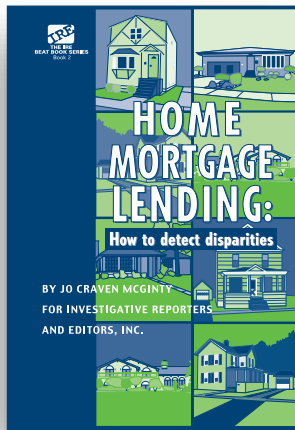
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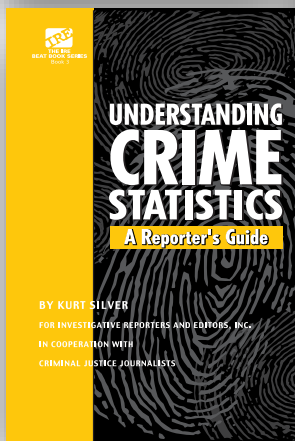
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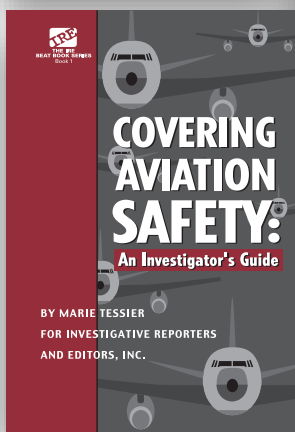


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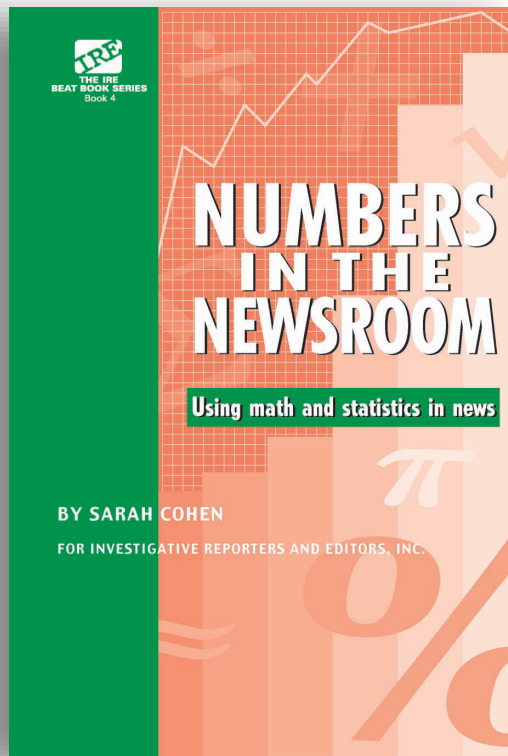
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