

# THE IRE JOURNAL

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

## THE IRE JOURNAL

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## FROM THE IRE OFFICES

# Survey underscores problem: Lack of training hurts morale, injures journalists' credibility



BRANT HOUSTON

Over the past year, concerns have steadily increased about the drop in support and funding for training for journalists.

Much of the information has been anecdotal, although at IRE and the National Institute for Computer-Assisted Reporting we have been able to measure some of the drop in training requests and revenue. (See our budget message on page 9).

Now, however, we have substantial and quantifiable information on the pathetic lack of money and time allotted to – and within – newsrooms for training and the widespread concern among journalists about the situation.

An extensive survey of the news industry has just reported that U.S. journalists cite a lack of training as their No. 1 source of dissatisfaction – more than pay and benefits.

The survey by the Council of Presidents of National Journalism Organizations, of which IRE is a member, found that news executives acknowledge they should provide more training for their employees, but say time and insufficient budgets are the main reasons they don't.

The survey was funded by the John S. and James L. Knight Foundation, which provides grants to IRE and other journalism organizations to support training. It was conducted through Princeton Survey Research Associates and included nearly 2,000 journalists and news executives from all news media. (The full study is available through [www.ire.org](http://www.ire.org).)

### Key issues: Money and time

The survey report – “Newsroom Training: Where is the investment?” – reported 12 key findings. Among them: Eight of 10 journalists think they need more training and nine of 10 executives think their employees would benefit from it. While there has been some improvement in the last 10 years, training budgets remain less than 1 percent of total budgets. Since Sept. 11, at least 30 percent of those surveyed said they had cut their budgets significantly.

But money, as we have heard, is not the only problem. Fully 40 percent of executives said they could not give employees more than three days off for training.

At our most recent annual conferences in Chicago and Philadelphia, we knew that many journalists not only had to pay their own way, but also had to take vacation days to come to the conferences. One large circulation paper would not even allow reporters to take vacation days to go to the conference. In another case, we were told that the feeling was: “If a reporter can leave the newsroom for more than three days, then we probably don't need that reporter.”

### Employees favor longer training

In broadcast media, the survey found a bleaker situation in which local radio gets almost no training and local TV has one of the biggest gaps between demand for training and how much is received.

Not surprisingly, the survey found news executives favored local, short, inexpensive training, while the employees favored longer training at a distance from daily duties. In conducting our workshops, we understand why the employees favor it. It's not unusual for a desperate editor to come into a seminar room and pull an employee out to cover a breaking story.

We hope this survey will set off a major alarm. We are journalists in a time that requires more sophisticated skills, analysis and writing. Yet even the most basic training is lacking. It is little wonder that the credibility of our profession continues to suffer.

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

## Industry awards spotlight IRE members

Among the journalism awards handed out this year by various organizations, many have singled out the work of IRE members. We spotlight several here. Members' names are in bold:

### 2002 Pulitzer Prize for Investigative Reporting

- **Winners:** **Scott Higham**, **Sarah Cohen** and **Sari Horwitz** of *The Washington Post* for a series exposing the deaths of 229 children in the District of Columbia's child protection system between 1993 and 2000.
- **Finalists:** **Duff Wilson** and **David Heath** of *The Seattle Times*; **David Fallis**, **Craig Whitlock** and **April Witt** of *The Washington Post*; **Russell Carollo**, **Mike Wagner**, **Christine Willimsen-Vasconez**, **Doug Harris**, **Taib Bajramovic** and **Cesar Jimenez** for the *Dayton Daily News*.

### 2002 Goldsmith Prize for Investigative Reporting

- **Winners:** **Duff Wilson** and **David Heath** of *The Seattle Times* for "Uninformed Consent," the story of cancer patients at Fred Hutchinson Cancer Center who were not told of the risks of their clinical trials.
- **Finalists:** **David Fallis**, **Craig Whitlock** and **April Witt** of *The Washington Post*; **Josh Meyer** and a team from the *Los Angeles Times*; **Sumana Chatterjee** and **Sudarsan Raghavan** of Knight Ridder newspapers; **Sean Holton** and a team from the *Orlando Sentinel*.

### 2002 Goldsmith Book Prize

- **Tom Rosenstiel** and **Bill Kovach** for "The Elements of Journalism: What Newspeople Should Know and the Public Should Expect."

### The Newspaper Guild Heywood Broun Award

- **Duff Wilson** and **David Heath** of *The Seattle Times* for "Uninformed Consent."
- Also honored by the Newspaper Guild: **Scott Higham**, **Sarah Cohen** and **Sari Horwitz** of *The Washington Post*.

### 2001 Scripps Howard Foundation's National Journalism Awards

- **Environmental reporting (under 100,000 circulation):** **Scott Streater**, *Pensacola (Fla.) News Journal*, for "Hidden Hazard."
- **Distinguished service to literacy:** **Paul Riede**, *The Post-Standard*, Syracuse, N.Y., for a report that examined the commitment to teaching young children to read in Syracuse.
- **Business/economics reporting:** *The Wall Street Journal* and reporters **Rebecca Smith** and **John Emswiller** for exposing financial and accounting irregularities that led to the collapse of Enron Corp.
- **Public service reporting (over 100,000 circulation):** *The Seattle Times* for "Uninformed Consent" by **Duff Wilson** and **David Heath**.
- **Public service reporting (under 100,000 circulation) (tie):** *York (Pa.) Daily Record* and *The York (Pa.) Dispatch/York Sunday News*, for reporting that spurred a renewed investigation into the 1969 race-riot deaths of a black woman and a white police officer. Reporters included **Susan Martin** of the *York Daily Record* and **Mark Scolforo** of *The York Dispatch/York Sunday News*.
- **Web reporting:** USA Today.com and reporters **Dennis Cauchon**, **Barbara Hansen**, **Anthony DeBarros**, **Paul Overberg** for a story on the evacuation of the World Trade Center.

CONTINUED ON PAGE 42 >

## Correction

Dear IRE members,

Interest in the Better Government Association's analysis of state FOI laws (unveiled in *The IRE Journal's* March-April issue) has been intense, resulting in a great many inquiries and requests for material. Unfortunately, we discovered just after publication we had a sorting error in the graphic that resulted in the misranking of some states. We have now repaired and annotated the study (even going so far as using auditors from PricewaterhouseCoopers to check our work).

The repaired version of the entire study and the rankings are available from the BGA to whomever wishes to see it. Please e-mail us at [info@bettergov.org](mailto:info@bettergov.org), and we will send it immediately. [Or visit [www.ire.org/foi](http://www.ire.org/foi)]

We are sorry for the mistake.

James Newcomb

Director of Development, BGA

## MEMBER NEWS

**R**obert Bluey, a graduate of Ithaca College, is now the publications fellow at the nonprofit Student Press Law Center. He is working on the SPLC Web site and serving as managing editor of the *SPLC Report*.

■ **Nate Carlisle**, a recent graduate of the Missouri School of Journalism, is covering higher education for the *Columbia (Mo.) Daily Tribune*. ■ **Andy Crain** has left the *Sarasota (Fla.) Herald-Tribune* and is freelancing in Cincinnati. ■ **Geoff Dutton** is now a staff writer for *The Columbus Dispatch*.

■ **Sasa Lekovi** has joined Europa Press Holding, Croatia's largest newspaper conglomerate. Lekovi is working to establish investigative teams for several of the company's publications, as well as organizing workshops for investigative reporters and editors.

■ **Todd Milbourn**, formerly with *The Minnesota Daily*, is now covering the Minnesota delegation on Capitol Hill for the *Minneapolis Star Tribune*. ■ **Stephanie Mojica** is reporting on courts and law enforcement for the Chesapeake bureau of *The Virginian-Pilot*.

■ **Ken Otterbourg**, of the *Winston-Salem Journal*, has moved from metro editor to the newly created position of assistant managing editor for news. ■ **Clint Riley** has joined *The Record* in Hackensack, N.J. as an investigative reporter. ■ **Anne E. Schwartz** is now the managing editor of the *Waukesha (Wis.) County Freeman* newspaper. Schwartz, who is marking her fourth year at the *Freeman*, will continue to work on investigative pieces for the paper.

■ *The Gazette* in Colorado Springs, Colo. has appointed **Jeff Thomas** as managing editor. Thomas, who was previously the CAR editor for the paper, said he hopes to enrich *The Gazette* by expanding the use of CAR in the newsroom.

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



# WINNERS NAMED IN 2001 IRE AWARDS



BY *THE IRE JOURNAL*

Reporters from *The Washington Post* took top honors in the 2001 IRE Awards, Investigative Reporters and Editors, Inc. announced in March.

Sari Horwitz, Scott Higham and Sarah Cohen won a prestigious IRE medal for exploring the deaths of children in the District of Columbia.

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

Other winners include those receiving IRE

certificates: 60 Minutes, *Chicago Tribune*, American RadioWorks/Minnesota Public Radio and NPR News, *Pocono Record*, *Yakima Herald-Republic*, WFAA-Dallas/Fort Worth, *Dayton Daily News*, and authors James Bamford and Duff Wilson. A student award went to University of Missouri School of Journalism graduate Mary Jo Sylwester, now at the Center for Public Integrity.

*Post* staff writers Horwitz and Higham and database editor Cohen discovered that 229 children died during a seven-year period after their dangerous family situations came to the attention of the district's child protection system. Despite strict confidentiality laws, the team pieced together records for 180 of those deaths and found that one in five – mostly infants and toddlers – lost their lives after government workers failed to take key preventive action or placed the children in unsafe homes or institutions.

"The project, which has resulted in wide-ranging reforms, answers the highest call of investigative journalism," the IRE Award judges said in granting the medal.

The Freedom of Information Award went to author James Bamford for his book "Body of Secrets," which details the inner workings of the secretive National Security Agency. The book continues his groundbreaking work in "The Puzzle Palace: A Report on America's Most Secret Agency," which won a 1982 IRE book award.

"With this work, Bamford upholds the ideals of FOIA [the Freedom of Information Act] – that

citizens ought to be able to know what their government really is doing," the judges said. "Bamford proves that even with America's most secretive agency, there's a place for freedom of information."

An IRE Certificate was awarded to Mike Wallace, Paul Gallagher, Charles Fitzgerald and Robert Zimet of CBS News 60 Minutes for exposing a pervasive plot by military personnel to falsify records of the Osprey aircraft. "There is little doubt this investigative report contributed to the safety of Marines," the judges said.

## Other certificate winners:

- Stephen Smith, Michael Montgomery, Bill Buzenberg, Deborah George and Adriatik Kelmendi of American RadioWorks/Minnesota for "Burning the Evidence," a significant investigation on how Serbian forces, under the command of Slobodan Milosevic, covered up war crimes by incinerating the remains of hundreds of ethnic Albanians

in an industrial furnace. American Radio Works is the documentary project of Minnesota Public Radio and NPR News.

- Duff Wilson for "Fateful Harvest" (HarperCollins). His book details how fertilizer tainted with heavy metals, dioxins and radioactive waste is being spread

Copies of all contest entries are available from the IRE Resource Center ([www.ire.org/resource-center](http://www.ire.org/resource-center)). The center can be reached via e-mail at [rescenter@ire.org](mailto:rescenter@ire.org) or by calling 573-882-3364.

on farms, yards and gardens.

- Valeri Williams, Meridith Schucker, Jesus Hernandez and photo and graphics staffs of WFAA-Dallas/Fort Worth for "Lives at Risk: An Emergency Room Investigation," a riveting series detailing a doctor's involvement in the deaths of patients at a county-funded hospital.
- Ken Armstrong, Steve Mills and Maurice Possley of the *Chicago Tribune* for "Cops and Confessions and the Roscetti Case," which exposed a system of policing that extracts hundreds of faulty confessions from murder suspects.
- Christine Vasconez, Doug Harris, Mike Wagner and Russell Carollo of the *Dayton Daily News* for "The Foreign Game," a series detailing the unusual world of imported high school sports stars.
- Tom Roeder, Jesse A. Hamilton and Stephanie Earls of the *Yakima (Wash.) Herald-Republic* for "Trapped at Thirtymile," coverage of a catastrophic fire that resulted in the Forest Service re-writing its own conclusions about the events that led to the deaths of four firefighters.
- Matt Birkbeck of the *Pocono (Pa.) Record* for "A Price Too High," a series exposing a real estate scheme preying on low-income and minority homebuyers.
- Lisa Davis and John Mecklin of the *SF Weekly* for

## "International News and the Media: The Impact of September 11"

**Tuesday, June 11, 2002**  
9 am - 5 pm  
National Press Club  
Washington, D.C.

The Pew International Journalism Program presents a conference examining the impact of September 11 on international news coverage.

### Confirmed Speakers Include:

**Kevin Klose**, President & CEO, NPR  
**Bill Kovach**, Concerned Journalists  
**Ahmed Rashid**, Author, "Jihad"  
**Richard Sambrook**, Director, BBC News  
(And many others)



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phone: (202) 663-7761

"Fallout," which revealed how a Bayfront property about to be turned over to the city by the Navy may be far more contaminated with radioactive waste than current cleanup plans acknowledge.

- MaryJo Sylwester, University of Missouri graduate student, for "A Flood of Problems." Her package for *The Missourian* exposed problems with a local storm water permitting system, the consequences for residents and why readers should care.

The awards will be presented during a June 1 luncheon at the IRE Annual Conference in San Francisco. The conference, scheduled for May 30-June 2 at the Hyatt Regency San Francisco, will feature many of the winners speaking about the techniques they used to develop their stories.

Contest entries are screened and judged by other working journalists. The final judges this year included two IRE board members and several IRE members selected by the membership and the board president.

## 2001 IRE AWARDS WINNERS AND FINALISTS

### NEWSPAPERS

#### LARGE NEWSPAPERS (OVER 250,000)

##### MEDAL

**"The District's Lost Children,"** *The Washington Post*, Sari Horwitz, Scott Higham, Sarah Cohen  
**Judges' comments:**

Shining a light on the secretive child protection system, *The Washington Post* showed that 229 children died during a seven-year period after dangers to them came to the attention of government workers. At least 40 of those children died because workers failed to take key preventive action or because the children were placed in unsafe homes or institutions. The project, which has resulted in wide-ranging reforms, answers the highest call of investigative journalism.

## The Washington Post

СРЕДА, 27 СЕНТЯБРЯ 2001

THE DISTRICT'S LOST CHILDREN: A Decade of Deadly Mistakes

### 'Protected' Children Died as Government Did Little

Critical Errors by City's Network Found in 40 Fatalities; Confidential Files Show Wide Pattern of Official Neglect

First of four articles  
By Sari Horwitz,  
Scott Higham  
and Sarah Cohen  
Washington Post Staff Writers

The decision sealed the fate of 5-month-old Wesley Lucas. D.C. social workers were assigned to protect Wesley from his negligent mother, a crack addict. So they allowed the baby to stay with his mother's boyfriend. The 69-year-old man was dying of lung cancer, but the workers promised to provide a caretaker to help. They decided not to send Wesley to the long-term care facility they opened in 1996.

The Saturday, Wesley begins to cry a plaintive wail that echoes for hours down the narrow fire-

story stairwell of a pale yellow Northwest Washington apartment building. Finally, there was nothing but silence. When a maintenance worker opened Apartment 5's brown steel door on Tuesday, the man was found face-up in his bed, dead from his injuries.

On his chest lay Wesley. The baby had had died of severe dehydration. His death was officially ruled an accident, and his body was cremated. Social workers, who had an obligation under D.C. law and a federal court order to protect children in the city, later said they believed there was little risk in leaving the baby alone with the dying man over the three-day weekend.

"Who would have thought that the harm would have come to the

form of his bed, water or other substance?" government officials asked.

Wesley Lucas is among the 229 boys and girls who perished from 1993 through 2000 after their families had come to the attention of the District's child protection system, a network of social workers, public officers, judges and other city employees. The children include Rhonda Morris, Cecilia Roalson, Robert Charles Williams Jr., King Richardson, Diane Adams and Helene Blackman, whose death last year outraged the city.

In a year-long investigation, *The Washington Post* obtained records documenting the deaths of 10 of the 229 children. The circumstances of the deaths—and the District's culpability in

### CERTIFICATE

**"Cops and Confessions and the Roscetti Case,"** *Chicago Tribune*, Ken Armstrong, Steve Mills, Maurice Possley

#### Judges' comments:

Through painstaking research, the *Chicago Tribune* exposed a system of policing that extracts hundreds of faulty confessions from murder suspects. Since 1991, at least 247 murder confessions in Chicago and Cook County have been thrown out by courts or have failed to secure convictions. The paper revealed that in some cases, police obtained confessions from men who were in jail at the time the crime occurred. Others who purportedly confessed were later cleared by DNA evidence. Stand-out journalism in a category noteworthy for its strong entries.

### FINALISTS

- "A Taste of Slavery," Knight Ridder Washington Bureau, Sumana Chatterjee, Sudarsan Raghavan
- "Hale House Series," *New York Daily News*, Heidi Evans, Dave Saltonstall
- "Racing Safety," the *Orlando Sentinel*, Mike Bianchi, Henry Pierson Curtis, George Diaz, Ed Hinton, Beth Kassab, Jim Leusner, Amy Rippel, Roger Roy, Debbie Salamone, Gwyneth Shaw, Robyn Suriano

#### MEDIUM NEWSPAPERS (100,000 THROUGH 250,000)

### CERTIFICATE

**"The Foreign Game,"** *Dayton Daily News*, Christine Vasconez, Doug Harris, Mike Wagner, Russell Carollo

#### Judges' comments:

The *Dayton Daily News* started with a simple idea for a sports investigation: Take a look at a handful of local high school athletes who came from foreign countries, several of them stars who had arrived under mysterious circumstances. Their reporting, however, required two years of investigation and trips to 11 countries and revealed how foreign athletes unfairly compete in this country. The series named names, revealing players, coaches, athletic directors and sports agents and resulted in a federal criminal investigation of possible visa fraud and reforms to high school athletic rules.

### FINALISTS

- "Dying to Lose Weight," *The Fresno Bee*, Tracy Correa
- "Finding the Fat in Government Contracts," *Mobile Register*, Eddie Curran
- "Abuse and Silence," *Seattle Post-Intelligencer*, Ruth Teichroeb
- "The New Segregation," *The (Raleigh, N.C.) News & Observer*, Susan Ebbs, Tim Simmons

#### SMALL NEWSPAPERS (UNDER 100,000)

### CERTIFICATE

**"A Price Too High,"** *Pocono Record*, Matt Birkbeck

#### Judges' comments:

Acting on a hunch, *Pocono Record* reporter Matt Birkbeck discovered a real estate fraud that was preying on low-income and minority homebuyers. This well-crafted series exposed a scheme that is now the subject of numerous investigations.

### CERTIFICATE

**"Trapped at Thirtymile,"** *Yakima Herald-Republic*, Tom Roeder, Jesse A. Hamilton, Stephanie Earls  
**Judges' comments:**

In-depth reporting and compelling storytelling on a catastrophic fire that resulted in the Forest Service re-writing its own conclusions about the events that led to the deaths of four firefighters. The *Yakima Herald-Republic* distinguished itself on a highly competitive story that gave readers important insights within weeks of the fire.

### FINALISTS

- "The West Virginia Workers Compensation Fund: Coal, Company Debts, Fraud and Mismanagement," *The Charleston Gazette*, Paul J. Nyden
- "Hidden Hazard," *Pensacola News Journal*, Scott Streater, Anton Caputo, Jenny LaCoste
- "Miami Cops," *Miami Daily Business Review*, Dan Christensen

#### LOCAL CIRCULATION WEEKLIES

### CERTIFICATE

**"Fallout,"** *SF Weekly*, Lisa Davis & John Mecklin  
**Judges' comments:**

In this exhaustive reporting effort, Lisa Davis reveals that a Bayfront property about to be turned over by the Navy to the city of San Francisco may be far more contaminated with radioactive waste than current cleanup plans acknowledge. Davis spent 13 months on this highly technical project, using thousands of pages of government documents – including many declassified at her request – to show environmental problems the Navy had apparently forgotten.

### FINALISTS

- "Slammed: A New Times Special Report on Kids in Corrections," *Phoenix New Times*, Amy Silverman
- "Unholy Alliance," *New Times Los Angeles*, Ron Russell

## TELEVISION

#### NETWORK/SYNDICATED

### CERTIFICATE

**"The Osprey,"** CBS News 60 Minutes, Mike Wallace, Paul Gallagher, Charles Fitzgerald, Robert Zimet

#### Judges' comments:

60 Minutes exposed a pervasive plot to falsify records of a Marine aircraft that had already claimed the lives of many Marines. The team from 60 Minutes relentlessly pursued the real story of the Osprey, contacting every member of the Osprey unit in North Carolina. The reporting team assembled evidence, including a key audiotape that captured a lieutenant colonel instructing subordinates to lie about the Osprey's real record. This expose came at a critical time when the government was about to put this aircraft into full production. Because of the investigation, the officer who instructed his subordinates to lie was relieved of his command, the Pentagon launched an investigation and the U.S. Armed Services Committee held hearings. But the real result of this report came when the production of the Osprey was halted. There is little doubt this investigative report contributed to the safety of Marines.

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CONTINUED FROM PAGE 7

## FINALISTS

- “Memories of a Massacre,” CBS News 60 Minutes II, Dan Rather, Tom Anderson, Gregory Vistica
- “Columbine,” CBS News 60 Minutes II, Ed Bradley, David Gelber, Helen Malmgren, Michael Kadis, Terry Manning, Jeff Fager
- “Choppers, Plots and Cold Hard Cash,” Canadian Broadcasting Corporation, Harvey Cashore, John Goetz, Linden MacIntyre, Jennifer Fowler, Howard Goldenthal
- “Smart Bomb Batteries,” CBS Evening News with Dan Rather, Jim Murphy, Vince Gonzales, Tom Flynn

## TOP 20 MARKETS

## CERTIFICATE

**“Lives at Risk: An Emergency Room Investigation,”** WFAA-Dallas/Fort Worth, **Valeri Williams, Meridith Schucker, Jesus Hernandez, WFAA Photography Staff, WFAA Graphics**

**Judges’ comments:**

Valeri Williams and WFAA-Dallas produced a riveting series of investigations and convincing evidence of a doctor’s involvement in the deaths of patients at a county-funded hospital in Ft. Worth. Williams was relentless in her coverage, battling a hospital more focused on punishing whistleblowers than addressing the dangers raised by these reports. This was an outstanding example of investigative reporting and commitment by a local television station.

## FINALISTS

- “The Imam Investigation,” WJW-Cleveland, Bill Sheil, Tom Merriman, Greg Easterly
- “Prevnar: A Vaccine Investigation,” WFAA-Dallas/Fort Worth, Valeri Williams, Meridith Schucker, Jesus Hernandez, Stephen Kanicka, Nann Goplerud
- “The Hole Truth,” KTRK-Houston, Wayne Dolcefino, Steve Bivens, Robert McJannet

## BELOW TOP 20 MARKETS

No Winner

## FINALISTS

- “Visions of Vine Street Investigative Documentary,” WCPO-Cincinnati, Laurie Quinlivan, Rod Griola
- “Earl’s Special Interest,” WKMG-Orlando, Tony Pipitone, Darran Caudle, Brent Singleton
- “The Secret Report,” WCPO-Cincinnati, Hagit Limor, Bob Morford

Videostreamed excerpts of television category winners and finalists can be found at the IRE Web site (<http://notes.ire.org/broadcast/videostream.html>).

## OTHER MEDIA

## MAGAZINE/SPECIALTY PUBLICATION

No Winner

## FINALISTS

- “Juries and Justice Series,” *The Chicago Reporter*, Alden K. Loury, Micah Holmquist, Vince Kong, Ellyn M. Ong
- “Illinois First: Swing Districts Favored Over Minority Areas,” *The Chicago Reporter*, Beth Musgrave, Jennifer Whitson, Cyril Mychalejko
- “High School Choice,” *CATALYST: Voices of Chicago School Reform*, Elizabeth Duffrin

## RADIO

## CERTIFICATE

**“Burning the Evidence,”** American RadioWorks/Minnesota Public Radio and NPR News, **Stephen Smith, Michael Montgomery, Bill Buzenberg, Deborah George, Adriatik Kelmendi**

**Judges’ comments:**

This American Radio Works investigation broke a major story on how Serbian forces, under the command of Slobodan Milosevic, covered up war crimes by incinerating the remains of hundreds of ethnic Albanians in an industrial furnace. Painstaking reporting included walking the shafts of the lead smelter to determine the final journey of hundreds slain, buried and later moved by the Serbian security service. This courageous, chilling report is a model for original investigative reporting on radio.

## FINALISTS

- “Logan Security,” WBUR-FM, Boston, Frederic Thys
- “From Milan to Madrid to Montreal: The World Wide Web of Terror,” Canadian Broadcasting Corporation, Kelly Ryan, Sandra Bartlett

## ONLINE

No Winner

## FINALISTS

- “Under the Influence: Spokane, the Cowles Family and River Park Square,” *Camas Magazine*, Tim Connor, Larry Shook
- “Debt to Society: The Real Price of Prisons,” MotherJones.com, Vince Beiser, Eric Bates, Mike Males
- “Radio Today,” Salon.com, Eric Boehlert
- “Tobacco Companies Linked to Criminal Organizations in Lucrative Cigarette Smuggling,” International Consortium of Journalists, Maud S. Beelman, Bill Birnbauer, Duncan Campbell, William Marsden, Erik Schelzig, Leo Sisti

## BOOK

## CERTIFICATE

**“Fateful Harvest,”** HarperCollins, **Duff Wilson**

## Judges’ comments:

*Seattle Times* reporter Duff Wilson’s “Fateful Harvest” is set in the small farming town of Quincy, Wash., but its tale will shock communities across America: Chemical companies are slipping toxic waste into fertilizer. Tainted with heavy metals, dioxins and radioactive waste, the fertilizer is being spread on farms, yards and gardens – with potentially disastrous results for unsuspecting farmers and the public. Wilson brings readers along as he responds to a tip from the town’s mayor and takes on one of America’s most powerful industries. His book provides insights into the world of investigative reporting as he unrelentingly, and ethically, pursues the truth, creating a roadmap that will be followed by concerned citizens for years to come.

## FINALISTS

- “Body of Secrets,” Doubleday, James Bamford
- “The Lost Children of Wilder,” Pantheon Books, Nina Bernstein

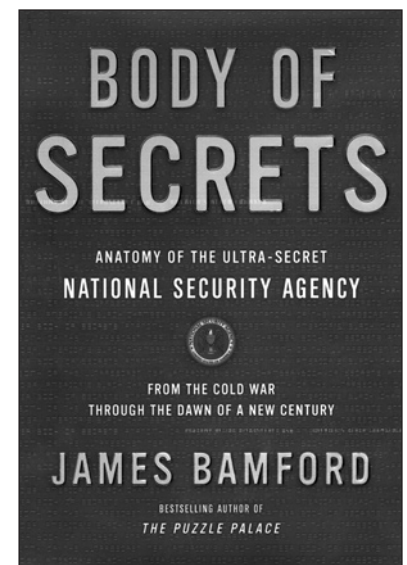
## SPECIAL CATEGORIES

## TOM RENNER AWARD

No Winner

## FINALISTS

- “The Price of Beauty,” WTVJ-Miami, Scott Zamost, Trina Robinson, Jeff Barnes, Daniel Varela, Cecila Bradley



## FOI AWARD

**“Body of Secrets,”** Doubleday, **James Bamford**

**Judges’ comments:**

The National Security Agency is so secretive that most reporters wouldn’t be able to produce more

CONTINUED ON PAGE 11 &gt;





# BUDGET PROPOSAL

IRE adjusts expenses,  
while maintaining key efforts

BY BRANT HOUSTON

THE IRE JOURNAL

## Proposed IRE Budget for Fiscal Year 2002 (July 1, 2002 to June 30, 2003) Combined All Programs

Year	Proposed FY 2002	Estimated FY 2002	Proposed FY 2003
<b>Membership</b>			
<b>Revenue</b>			
New Membership	\$70,000	\$60,000	\$60,000
Membership-student	\$5,000	\$3,000	\$3,000
Membership-international	\$4,000	\$3,000	\$3,000
Membership Renewals	\$105,000	\$90,000	\$90,000
Renewals-student	\$1,000	\$1,000	\$1,000
Renewals - international	\$4,000	\$4,000	\$3,000
Journal subscriptions	\$5,000	\$5,000	\$5,000
Journal ads	\$40,000	\$42,000	\$50,000
<b>Total membership revenue</b>	<b>\$234,000</b>	<b>\$208,000</b>	<b>\$215,000</b>
<b>Membership Service Expenses</b>			
IRE Journal	\$85,000	\$85,000	\$85,000
Staff costs (membership)	\$68,000	\$71,000	\$71,000
Postage and shipping	\$10,000	\$11,000	\$15,000
<b>Total membership service expense</b>	<b>\$163,000</b>	<b>\$167,000</b>	<b>\$171,000</b>
<b>Net membership activity</b>	<b>\$71,000</b>	<b>\$41,000</b>	<b>\$44,000</b>
<b>Sales and Services</b>			
Book sales	\$45,000	\$25,000	\$25,000
Book costs	\$20,000	\$15,000	\$15,000
<b>Net book activity</b>	<b>\$25,000</b>	<b>\$10,000</b>	<b>\$10,000</b>
Resource Center sales	\$25,000	\$15,000	\$15,000
Prior/current year contributions	\$40,000	\$45,000	\$50,000
Resource center expenses	\$80,000	\$75,000	\$75,000
<b>Net resource center activity</b>	<b>\$(15,000)</b>	<b>\$(15,000)</b>	<b>\$(10,000)</b>
Web services revenue	\$15,000	\$8,000	\$10,000
Prior/current year contributions released	\$20,000	\$40,000	\$40,000
Web services expenses	\$55,000	\$54,000	\$55,000
<b>Net web services activity</b>	<b>\$(20,000)</b>	<b>\$(6,000)</b>	<b>\$(5,000)</b>
Database library revenue	\$105,000	\$80,000	\$80,000
Prior/current year contributions released	\$15,000	\$15,000	\$10,000
Database library expenses	\$90,000	\$70,000	\$70,000
<b>Net database library activity</b>	<b>\$30,000</b>	<b>\$25,000</b>	<b>\$20,000</b>
Uplink subscription revenue	\$17,000	\$17,000	\$17,000
Uplink ads	\$-	\$-	\$5,000
Uplink expenses	\$12,000	\$10,000	\$10,000
<b>Net Uplink activity</b>	<b>\$5,000</b>	<b>\$7,000</b>	<b>\$12,000</b>
<b>Royalty revenue</b>	<b>\$9,000</b>	<b>\$7,000</b>	<b>\$7,000</b>
Other sales and services revenue	\$20,000	\$15,000	\$15,000
Other sales and services expenses	\$5,000	\$5,000	\$5,000
<b>Net other sales and services activity</b>	<b>\$15,000</b>	<b>\$10,000</b>	<b>\$10,000</b>
<b>Net sales and services activity</b>	<b>\$49,000</b>	<b>\$38,000</b>	<b>\$44,000</b>
<b>National Conferences</b>			
Registrations and fees (IRE and NICAR)	\$135,000	\$150,000	\$157,500
Optional CAR day	\$12,500	\$12,500	\$12,500
Other revenues	\$20,000	\$20,000	\$15,000
Prior/current year contributions released	\$120,000	\$120,000	\$120,000
Total national conference revenues	\$287,500	\$302,500	\$305,000
Conference expenses	\$180,000	\$150,000	\$150,000
<b>Net National conference activity</b>	<b>\$107,500</b>	<b>\$152,500</b>	<b>\$155,000</b>

IRE's budget, like everyone else's budget, took some hits in the months following Sept. 11.

Because of newsrooms cuts in training a year ago, we already had taken measures to cut expenditures and make conservative projections of our revenues. But we could not foresee the attacks or their impact on newsrooms and foundations from which we receive grants.

As a result, we revised our estimates for this year, further tightened spending, increased efforts to make sure newsrooms and journalists know about all the services we offer, and temporarily cut three staff positions. Because we have been prudent, we remain on solid financial footing, have retained our core staff and continue to raise money for operations and the endowment.

Since January, revenues have picked up and attendance at conferences in Washington, D.C., and Philadelphia was higher than expected. We are a bit more optimistic about the coming year, but will be monitoring our budget very closely over the next three months.

The budget proposed for the 2002 fiscal year, which begins July 1, leaves several posts unfilled and keeps revenue projections low. The board of directors will review this budget in late April (after this *Journal* issue has gone to the printer) and again May 30 at the annual conference.

There are several bright spots in the overall budget picture:

- International journalists' interest in joining IRE and receiving training continues to grow.
- Awareness of the valuable services we offer has increased in the profession.
- Advertising by journalism organizations and programs in our publications has increased.
- Analysis work in our data library is expanding.

Neither the board nor the staff intends to let up in our efforts to keep IRE a thriving and dynamic organization. We want to be poised to take the organization to another level when the economy rebounds.

CONTINUED ON PAGE 10 >

Proposed IRE Budget for Fiscal Year 2002 (July 1, 2002 to June 30, 2003) Combined All Programs			
Year	Proposed FY 2002	Estimated FY 2002	Proposed FY 2003
<b>Newsroom Seminars</b>			
Registration and fees	\$1,000	\$3,000	\$10,000
Seminar expenses	\$-	\$-	\$5,000
<b>Net newsroom seminar activity</b>	<b>\$1,000</b>	<b>\$3,000</b>	<b>\$5,000</b>
<b>On the road seminars</b>			
Registrations and fees	\$100,000	\$85,000	\$85,000
Prior/current year contributions released	\$-	\$-	\$-
Seminar expenses	\$60,000	\$75,000	\$65,000
<b>Net on-the-road seminar activity</b>	<b>\$40,000</b>	<b>\$10,000</b>	<b>\$20,000</b>
<b>Boot camps</b>			
Registrations and fees	\$50,000	\$40,000	\$40,000
Prior/current year contributions released	\$15,000	\$15,000	\$10,000
Seminar expenses	\$15,000	\$15,000	\$10,000
<b>Net boot camp activity</b>	<b>\$50,000</b>	<b>\$40,000</b>	<b>\$40,000</b>
<b>Regional Conferences/Workshops</b>			
Registrations and fees	\$45,000	\$11,000	\$20,000
Prior/current year contributions released	\$-	\$-	\$-
Conference expenses	\$15,000	\$5,000	\$8,000
<b>Net regional conference activity</b>	<b>\$30,000</b>	<b>\$6,000</b>	<b>\$12,000</b>
Conference Fellowships	\$15,000	\$8,000	\$10,000
Fellowship expenses	\$15,000	\$8,000	\$10,000
<b>Net fellowships</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net conferences and seminar activity</b>	<b>\$228,500</b>	<b>\$211,500</b>	<b>\$232,000</b>
<b>Grants and contributions</b>			
Temporarily restricted/unrestricted	\$410,000	\$375,000	\$350,000
Permanently restricted	\$-	\$-	\$-
<b>Total grant and contributions</b>	<b>\$410,000</b>	<b>\$375,000</b>	<b>\$350,000</b>
<b>Other support and revenues</b>			
Award contest fees	\$28,000	\$23,000	\$23,000
Award contest expenses	\$8,000	\$8,000	\$8,000
<b>Net award contest activity</b>	<b>\$20,000</b>	<b>\$15,000</b>	<b>\$15,000</b>
Investment return	\$30,000	\$12,000	\$12,000
<b>Net other support and revenue</b>	<b>\$50,000</b>	<b>\$27,000</b>	<b>\$27,000</b>
<b>Net program activity</b>	<b>\$808,500</b>	<b>\$692,500</b>	<b>\$697,000</b>

Proposed IRE Budget for Fiscal Year 2002 (July 1, 2002 to June 30, 2003) Combined All Programs			
Year	Proposed FY 2002	Estimated FY 2002	Proposed FY 2003
<b>General and Administrative Expenses</b>			
Salary and personnel costs	\$429,000	\$390,000	\$379,000
<b>Professional services</b>			
Consulting/Fundraising	\$35,000	\$10,000	\$15,000
Accounting	\$10,000	\$15,000	\$10,000
Legal	\$7,000	\$5,000	\$5,000
<b>Total professional services</b>	<b>\$52,000</b>	<b>\$30,000</b>	<b>\$30,000</b>
<b>General office expenses</b>			
Telephone and fax	\$8,000	\$10,000	\$10,000
Postage	\$3,000	\$3,000	\$3,000
Office supplies	\$8,000	\$8,000	\$8,000
Photocopying	\$3,000	\$3,000	\$3,000
Insurance	\$6,000	\$4,000	\$4,000
Computer supplies	\$3,000	\$3,000	\$2,000
Equipment expense	\$10,000	\$10,000	\$5,000
Other office expense	\$10,000	\$3,000	\$5,000
<b>Total general office expense</b>	<b>\$51,000</b>	<b>\$44,000</b>	<b>\$40,000</b>
<b>Other expenses</b>			
Publications/Dues	\$3,000	\$3,000	\$3,000
Travel costs- board	\$15,000	\$7,000	\$5,000
Travel costs-staff	\$2,000	\$2,000	\$1,000
FOI conferences	\$2,000	\$1,000	\$1,000
Equipment purchases	\$15,000	\$10,000	\$10,000
Staff Training	\$3,000	\$2,000	\$2,000
<b>Total other expenses</b>	<b>\$40,000</b>	<b>\$25,000</b>	<b>\$22,000</b>
<b>Total in General and Administration Expenses</b>	<b>\$572,000</b>	<b>\$489,000</b>	<b>\$471,000</b>
<b>Fund-raising expenses</b>			
Commissions and other expenses	\$15,000	\$20,000	\$10,000
Promotions	\$12,000	\$12,000	\$5,000
<b>Total fund-raising expenses</b>	<b>\$27,000</b>	<b>\$32,000</b>	<b>\$15,000</b>
<b>Contribution to Endowment</b>	<b>\$125,000</b>	<b>\$125,000</b>	<b>\$125,000</b>
<b>Depreciation</b>	<b>\$50,000</b>	<b>\$30,000</b>	<b>\$30,000</b>
<b>Reserves</b>	<b>\$25,000</b>	<b>\$10,000</b>	<b>\$25,000</b>
<b>Total Expenses</b>	<b>\$799,000</b>	<b>\$686,000</b>	<b>\$666,000</b>
<b>Excess net program activity over expenses</b>	<b>\$9,500</b>	<b>\$6,500</b>	<b>\$31,000</b>

**Nuts and bolts information for computer-assisted reporters.**



Uplink is a bimonthly newsletter covering every facet of computer-assisted reporting. It's written by the nation's top reporters for the National Institute for Computer-Assisted Reporting.

Articles include valuable information for journalists, educators and students on uses of databases, spreadsheets, Internet resources, mapping and statistical software. Investigative reporters explain how they developed significant stories through these techniques. Technical tips and Q&As serve beginners and advanced journalists.

**To subscribe, go to [www.ire.org/store](http://www.ire.org/store) or call 573-882-2042.**

NICAR is a program of Investigative Reporters and Editors, Inc. and the Missouri School of Journalism.

**Salaries and Benefits  
As of July 1, 2002**

	Salary	Benefits	Total	Contributions or Allocations	
Executive Director	\$73,000	\$14,600	\$87,600	\$28,908	Journalism school
Deputy Director	\$68,000	\$13,600	\$81,600	\$16,320	Journalism school
Training Director	\$46,000	\$9,200	\$55,200	\$59,400	Seminars
Database Administrator	\$49,000	\$9,800	\$58,800	\$58,800	Database Library
Membership Coordinator	\$38,000	\$7,600	\$45,600	\$42,000	Membership
Admin Asst. Membership	\$22,000	\$4,400	\$26,400	\$23,040	Membership
System Administrator	\$34,000	\$6,800	\$40,800	\$20,000	Knight Grant
Web Coordinator/Advertising	\$32,000	\$6,400	\$38,400		Administrative
Web Administrator	\$34,500	\$6,900	\$41,400	\$40,000	Knight Grant
Resource Center Director	\$41,000	\$8,200	\$49,200	\$40,000	Endowed Post
Conference Coordinator	\$34,000	\$6,800	\$40,800	\$-	Administrative
Campaign Finance Director	\$41,000	\$8,200	\$49,200	\$49,200	Carnegie Grant
Finance Officer	\$32,000	\$6,400	\$38,400	\$-	Administrative
Program Designer	\$25,000		\$25,000		Administrative
International Admin Asst	\$12,000	\$2,400	\$14,400	\$-	
<b>Subtotal</b>	<b>\$581,500</b>	<b>\$111,300</b>	<b>\$692,800</b>	<b>\$377,668</b>	
Graduate Assistants	\$30,000	\$3,000	\$33,000	\$14,000	Journalism school
Part-Time Help	\$10,000		\$10,000		
Student help-Publications	\$10,000		\$10,000	\$2,000	Johnson Fund
Student Web	\$15,000		\$15,000		
Student Assistants	\$10,000		\$10,000		
Temporary Help	\$2,000		\$2,000		
<b>Subtotal</b>	<b>\$77,000</b>		<b>\$80,000</b>		
<b>Total</b>			<b>\$772,800</b>	<b>\$393,668</b>	Subtotal of allocations
<b>Total General/ Administrative</b>				<b>\$379,132</b>	Net salaries & benefits



## LEGAL CORNER

CONTINUED FROM PAGE 8

than a short story about its operations. But in "Body of Secrets," James Bamford provides a compelling, 700-page sequel to his award-winning "The Puzzle Palace," which won the IRE book award two decades ago. Little-known Public Law 86-36 virtually excludes the NSA from the Freedom of Information Act, but Bamford found creative ways to persuade officials to declassify and release thousands of pages of documents. He reveals the agency's mistakes, such as concocting a plan, never implemented, to shoot down an empty airliner over Cuba in 1962 and then accuse Cuba of downing a planeload of students. There are many more revelations about the NSA's role in the Cold War, Vietnam War and a growing worldwide eavesdropping network that may help nab terrorists but also may threaten civil liberties. With this work, Bamford upholds the ideals of FOIA – that citizens ought to be able to know what their government really is doing. Bamford proves that even with America's most secretive agency, there's a place for freedom of information.

## FINALISTS

- "In Harm's Way: Inside VA Hospitals," *The Plain Dealer*, Joan Mazzolini
- "American Indian Rule: Sovereignty Abused," *The Detroit News*, Melvin Claxton, Mark Puls
- "Open Justice," *Pittsburgh Post-Gazette*, Barbara White Stack
- "A Fatal Raid: Coverage of the Death of Carl Ray Wilson," *Arkansas Democrat-Gazette*, Jim Brooks, Cathy Frye, Amy Upshaw

## STUDENT WORK (ALL MEDIA)

## CERTIFICATE

**"A Flood of Problems,"** MaryJo Sylwester, University of Missouri, for *The Missourian* (Columbia, Mo.)

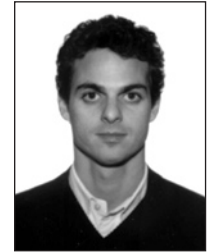
## Judges' comments:

A thorough and well-written report exposing problems with a local storm water permitting system, the consequences for residents and why readers should care. Sylwester found that only half of recently approved subdivisions had secured the necessary state permits. Her sophisticated reporting and smart use of data produced a noteworthy story.

## FINALISTS

- "Crime on Campus," University of Connecticut Journalism Dept., Marcel Dufresne, Christopher Collibee, Nora Decher, Luke Foster, Jason Gazsi, Jennifer Grogan, Christina Hall, Jesse Lalime, Matthew Monks, Rochelle Moore, Kristen Mullaney, Terrence Nguyen, Joy Pachla, James Rand, Maggie Samways, Laura Tarpill, Greg Watterworth
- "Bar None," Jennifer Dorroh, University of Maryland, for Capital News Service
- "Wreck the Halls," Elizabeth McFadyen-Ketchum, Middle Tennessee State University, for *Sidelines*
- "Nursing Home Crisis," Mike Dello Stritto, University of Florida, for WUFT-Gainesville

## History supports access by press to military tribunals



EDWARD J. KLARIS

Although the Department of Defense has now issued formal regulations, it is still unclear whether any non-citizen alleged terrorist will be tried in a military tribunal as President Bush outlined in his military order of Nov. 13, 2001. Military tribunals have been used periodically throughout U.S. history, and the Supreme Court has been asked to consider their constitutionality on a number of occasions. It is now fairly clear that non-citizen defendants who are accused of violating the "laws of war" may be prosecuted in a military tribunal properly constituted by the president without regard to their civil liberties or fair trial rights under the U.S. Constitution.

But, can such tribunals be held in secret? And does the well-established First Amendment right of access apply to criminal trials in military tribunals? In answering these questions, many media lawyers believe that a court should first look to the public policy justifications for public access to such a criminal trial. In the United States post-September 11, the public seeks justice against those accused of terrorist acts against the United States. This sentiment is consistent with the underlying basis for full public access to criminal proceedings in federal courts previously articulated by the U.S. Supreme Court:

When a shocking crime occurs, a community reaction of outrage and public protest often occurs. Thereafter the open processes of justice serve an important prophylactic purpose, providing an outlet for community concern, hostility, and emotion. Without an awareness that society's responses to criminal conduct are under way, natural human reactions of outrage and protest are frustrated and may manifest themselves in some form of vengeful "self-help"...

These reasons would not change if a military tribunal were the forum rather than a court.

The second question a court should answer is whether historically military tribunals have been

open to the public and, if not, why were they not open. The first trial of foreign soldiers who attacked townspeople in the United States occurred in 1770 as a result of the Boston Massacre. Even though the citizens of Boston sought revenge for the British soldiers who killed six young men, the trial was open to the public and press because the colonialists understood the benefit of permitting the public to witness the proceedings.

As a result, when the soldiers in the Boston Massacre were largely acquitted of the charges, the public was satisfied that justice had been done in light of the evidence presented. During the Civil War, many military tribunals were held in the midst of battle, without any fanfare and during a time of great unrest in the Republic. There is no evidence that those military tribunals were ordered closed after access was sought. Yet, they were also not attended by the press and public.

In 1942, the federal government tried eight Nazis saboteurs before a secret military tribunal. It was later discovered that the tribunal was kept closed because J. Edgar Hoover, the head of the FBI, had wanted to take credit for the capture of the Nazis when in fact, two of them had not only turned themselves in, but also had provided the FBI with all the details of the sabotage plot. By keeping the trial secret, Hoover was able to get the credit and secure a conviction of all eight defendants. The two who confessed were wrongly convicted and sentenced to life in prison.

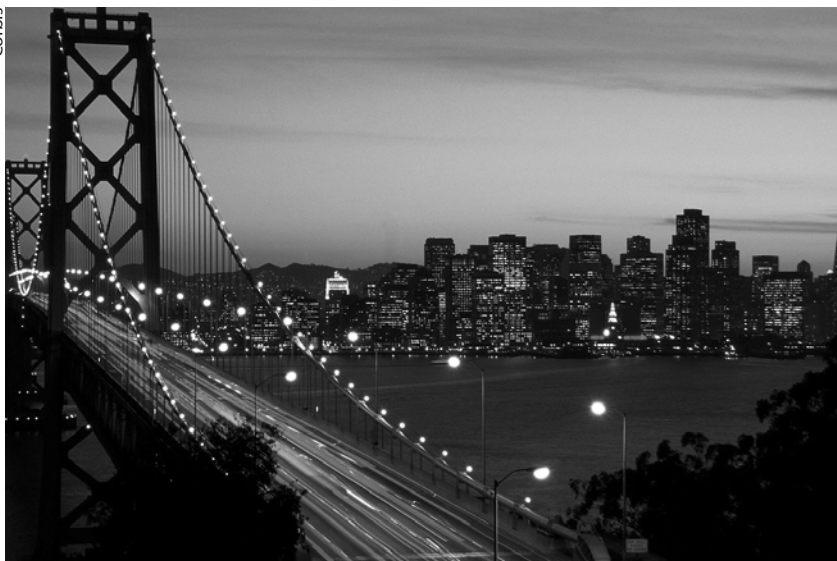
The last military tribunal conducted by the United States was in 1946 when the Japanese general Yamashita was tried in Manila. That trial was open to press and public access. Thus, on balance, a court would find that military tribunals have either historically been open or, when they were closed, injustices occurred.

The final inquiry a court should make in decid-

CONTINUED ON PAGE 42 >

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

Corbis



San Francisco-Oakland Bay Bridge.

# THE 2002 IRE ANNUAL CONFERENCE IN SAN FRANCISCO

BY THE IRE JOURNAL

Longtime journalist and author Jimmy Breslin will serve as keynote speaker at the 2002 IRE Annual Conference, co-hosted by *The San Francisco Chronicle*. The May 31-June 2 conference will feature two showcase panels packed with journalists and experts, and dozens of panels, workshops and roundtables on just about every beat.

Among the expected speakers are Mike Wallace of 60 Minutes; Donald Barlett and James Steele of Time Inc., Stephen Engelberg of *The New York Times* and co-author of "Germes," a best-selling book on bio-terrorism; veteran investigative journalist Lowell Bergman; and Laurie Garrett, *Newsday* writer and author of books on public health.

Top teams will include one from *The Seattle Times* that did an award-winning investigation into questionable medical research and the one from *The Washington Post* that won the IRE Medal and Pulitzer Prize for a recent investigation into the deaths of children in Washington, D.C.

Most of the winners of the latest IRE Awards and other journalism contests also will share tips and techniques at the conference set for the Hyatt Regency at Embarcadero. (Winners and finalists of the 2001 IRE Awards can be found starting on page 6.)

The showcase panels will debate two of the most important issues for our profession. One will focus on balancing national security and public access and the other on the challenge of doing quality investigative work in the mainstream press when Wall Street is demanding increasing profits.

This conference will offer other special features including a focus on the stories being pursued in the wake of the September terrorist attacks. On the first day of the conference — the traditional "optional day" — IRE and the Criminal Justice Journalists organization will co-sponsor a special track on covering courts, in addition to three tracks on using computer-assisted reporting in investigations. There also will be classroom instruction in CAR during the conference.

A Friday night reception is planned at the Maritime Museum on the waterfront near Fisherman's Wharf. A Saturday luncheon will feature the IRE Awards presentations and Breslin's keynote address. On Sunday, speakers will offer specific advice on how to advance your career through better reporting and writing.

For those who can't make it to the conference, tipsheets will be placed on the IRE Web site and audio recordings of panels will be available.



## IRE ANNUAL CONFERENCE PROGRAM

### THURSDAY

#### COVERING COURTS TRACK

- **How to get more out of judges and their courts:** Advice from a veteran jurist and journalists on high-profile and routine cases
- **Online and in-person access to court files:** How to get to them and what to do when criminal case files and civil settlements are sealed
- **Special challenges of covering federal courts. Is there any hope for camera access?** How to decipher sentencing rules and death penalty appeals
- **How to cover "problem-solving" courts:** Handling drugs, domestic violence, mental health, other special subjects
- **Judging the judges:** Better coverage of elections, confirmations, conflicts of interest, disciplinary actions

#### CAR PANELS

- **Census 1:** The best stories in the newest data.
- **Mapping the Census:** Uncovering the "where" in demographic data
- **Business Data:** Loans, lenders, stocks etc.
- **Energy and Utility Databases**
- **Great West Databases:** Land, water and forests
- **Great CAR Stories from the Past Year**
- **20 Federal Databases Every Local Reporter Should Have**
- **Statehouse CAR:** Covering campaign finance and political games
- **Must-have Local Databases and How to Get Stories From Them**
- **Running the Education Data Maze**
- **Immigrants and Immigration**
- **International Data You Can Use at Home**
- **Military Data:** Contracts, personnel, weapons
- **Transportation Safety and Security Databases:** What remains

### FRIDAY

#### SHOWCASE PANEL

**Balancing National Security and Public Access**  
Government officials, journalists, and archivists spar over the closing of public records

#### PANELS

- **The Year's Best Investigative Print Work**
- **Loosening Lips:** The art of the interview
- **Unsung Investigative Documents**
- **Public Health:** From new diseases to bioterrorism
- **Through the School Doors:** Investigating testing, teachers and programs
- **Prosecutorial Misconduct**
- **Unfamiliar Communities:** Investigating across cultures and religions
- **Investigating Medicine**
- **Investigations in Technology**
- **Terrorism as a New Beat**
- **Breaking into Prisons:** Inmates, construction, health
- **Covering Cops:** Shootings, training and misconduct
- **Transportation Boondoggles:** Highways, bridges, railroads
- **Environmental Investigative Tips**
- **Handling the Stress of Investigative Reporting**
- **Businesses on the Edge:** The Enrons among us
- **Plunging into the nonprofit beat**
- **The New Drug Perils:** Abuse of legal drugs
- **Going on the religion beat**
- **Washing Ashore:** Stories from oceans and waterways
- **Investigating the Food Industry**
- **Campaign finance:** The new twists

#### BROADCAST TRACKS

- **Intensive Session in Shooting the Investigative Story**
- **The Nitty-Gritty of Writing the Investigative Story**
- **Walking in Your Boss' Shoes:** Strategies to get your story aired
- **Using the Internet on Breaking News**

#### FAST TRACKS

- **Basic Training:** Covering the military
- **Taming the Web:** Effective searches, valuable sites
- **Investigating the Health Care System in Your Community**
- **Backgrounding a Person**
- **Turning Your Project into a Book**
- **Caring for the Aged:** Home care, scams and nursing home
- **Lessons in Consumer Reporting**

#### HANDS-ON CLASSES

- **Excel 1** – Performing simple calculations and sorting
- **Excel 2** – Importing data from the Web into spreadsheets

- **Excel 3** – Learn pivot tables, filtering and more
- **Access 1** – Learn to select and sort data items you choose
- **Access 2** – Summarizing databases with counting and summing
- **Access 3** – Joining tables, matching information from one file to another
- **Access 4** – Updating tables and using string functions

## SATURDAY

## SHOWCASE PANEL

### Can Mainstream Investigative Reporting Survive in a Wall Street-driven Environment?

Top editors, a Wall Street broker and media corporate officers debate

## SPECIAL PRESENTATIONS

## IRE AWARDS LUNCHEON

A celebration of the best investigative work of 2001

## KEYNOTE SPEAKER:

**Jimmy Breslin, author and Newsday columnist**

MANAGING BIG PROJECTS:  
An Inside Look

Donald Barlett and James Steele of Time Inc. reveal what they learned over four decades of stellar investigative work

A CONVERSATION  
WITH MIKE WALLACE

60 Minutes legend  
Mike Wallace – on the other end of an interview

## PANELS

- **Great Writers Share Their Skills**
- **The Power of Building Your Own Database:** From World Trade Tower victims to local police
- **Organizing the Newsroom to Tackle Investigative Projects**
- **Libel Suits:** Avoiding them, dealing with them
- **Zigging When Everyone Else Zags:** Thinking creatively about investigations
- **Cultivating Sources**
- **Crime and Corruption on the Pacific Rim**
- **Children in Danger:** Foster care, lead poisoning, juvenile jails
- **The Statehouse:** Tracking lawmakers, lobbyists, contracts
- **Covering Wars:** New challenges

- **Global Coverage from Your Newsroom:** When international issues hit home
- **How to Sell Your Freelance Piece**
- **30 Investigative Ideas for Smaller Newsrooms**
- **Scoring Investigative Sports Stories:** From schools to pros
- **Immigration Abuses:** Before and after Sept. 11
- **Probing Universities:** Crime, grants and politics
- **Internet Sites:** Tracking ownership, terrorists, pedophiles
- **Who Cares About Worker Health and Safety?** The missing stories

## FAST TRACKS

- **Energy and utility coverage:** Data, documents and story ideas
- **Property records:** A primer on documents for every beat
- **Investigating insurance:** Understanding the documents
- **The First Day on the Local Government Beat**
- **The First Day on the Court Beat**
- **Using the Freedom of Information Law and California's Sunshine Law**
- **The Airline Industry:** Safety, security and lobbyists
- **Dissecting Corporate Financial Statements**
- **Detailing the Invasion of Consumer Privacy**
- **Covering the Military at Home**

## BROADCAST TRACKS

- **A Tour of Great Story Ideas**
- **Nuts and Bolts of Structuring and Editing the Investigative Story**
- **Managing the Tipline**

## HANDS-ON CLASSES

- **Access 1** – Learn to select and sort data items you choose
- **Access 2** – Summarizing databases with counting and summing
- **Access 3** – Joining tables, matching information from one file to another
- **Access 4** – Updating tables and using string functions

## SUNDAY

- **Special panels and workshops on building your individual skills and your career**
- **Building an Investigative Mindset**
- **Better Writing for Print**
- **Better Writing for Broadcast**
- **The Reporting Skills You Need to Sell Yourself**

## PANELISTS

- |  |   |  |
|--|---|--|
| <b>Nancy Amons</b> , WSMV-Nashville  | Program, Stanford   | <b>Josh Meyer</b> , Los Angeles Times  |
| <b>Scott Armstrong</b> , National Security Archive                             | <b>Laurie Garrett</b> , Newsday and author of "Betrayal of Trust: The Collapse of Global Public Health" | <b>Howard Mintz</b> , San Jose Mercury News                                      |
| <b>James Bamford</b> , author of "Body of Secrets"                             | <b>Gilbert Gaul</b> , The Washington Post   | <b>E.J. Mitchell</b> , The Detroit News  |
| <b>Donald Barlett</b> , Time Inc.  | <b>Matt Goldberg</b> , KCBS-Los Angeles   | <b>Roger Myers</b> , Steinhart & Falconer LLP                                    |
| <b>Gary Bass</b> , OMBWatch  | <b>Herb Greenberg</b> , TheStreet.com   | <b>Deborah Nelson</b> , Los Angeles Times  |
| <b>Eric Bates</b> , Mother Jones   | <b>Andy Hall</b> , Wisconsin State Journal  | <b>Ron Nixon</b> , IRE   |
| <b>Maud Beelman</b> , International Consortium of Investigative Journalists    | <b>Chris Heinbaugh</b> , WFAA-Dallas  | <b>Dan Noyes</b> , Center for Investigative Reporting                            |
| <b>Lowell Bergman</b> , Frontline  | <b>Susan Headden</b> , U.S. News & World Report   | <b>Marc Owens</b> , Caplan & Drydale   |
| <b>Greg Berman</b> , Center for Court Innovation, New York                     | <b>David Heath</b> , The Seattle Times  | <b>Elizabeth Rindskopf-Parker</b> , Dean, McGeorge School of Law                 |
| <b>David Boardman</b> , The Seattle Times                                      | <b>David Helvarg</b> , author of "Blue Frontier"  | <b>Nora Paul</b> , University of Minnesota                                       |
| <b>Dave Brassells</b> , WSMV-Nashville   | <b>Gary Hengstler</b> , National Center for the Courts and Media  | <b>Karen Payne</b> , Financial analyst   |
| <b>Carol Breshears</b> , KTTV-Los Angeles                                      | <b>Scott Higham</b> , The Washington Post   | <b>Griff Palmer</b> , San Jose Mercury News                                      |
| <b>Jimmy Breslin</b> , Newsday   | <b>Reynolds Holding</b> , San Francisco Chronicle   | <b>Justice Joanne C. Parrilli</b> , California Court of Appeals                  |
| <b>Phil Bronstein</b> , San Francisco Chronicle                                | <b>Pamela Hollie</b> , Ohio State University School of Journalism                                       | <b>Deborah Potter</b> , NewsLab  |
| <b>James Bruggers</b> , The (Louisville) Courier-Journal                       | <b>Sari Horwitz</b> , The Washington Post   | <b>Chitra Ragavan</b> , U.S. News & World Report                                 |
| <b>Len Bruzzese</b> , IRE  | <b>Brant Houston</b> , IRE  | <b>Don Ray</b> , author of "A Public Records Primer and Investigator's Handbook" |
| <b>Lise Buyer</b> , Technology Partners  | <b>Senior Circuit Judge Procter Hug Jr.</b> , Reno, Nev.  | <b>Randy Reddick</b> , FACSNET   |
| <b>Alan Carlson</b> , Justice Management Institute                             | <b>Edward Iwata</b> , USA Today   | <b>Neil Reisner</b> , Miami Daily Business Review                                |
| <b>Bill Carlsen</b> , San Francisco Chronicle                                  | <b>David Cay Johnston</b> , The New York Times  | <b>Luz Rimban</b> , Philippine Center for Investigative Journalism               |
| <b>John Carroll</b> , Los Angeles Times  | <b>David Kaplan</b> , U.S. News & World Report  | <b>Elizabeth Rindskopf-Parker</b> , Dean, McGeorge School of Law                 |
| <b>Russell Carollo</b> , Dayton Daily News                                     | <b>Mark Katches</b> , The Orange County Register  | <b>Ira Rosen</b> , ABC News  |
| <b>Peter Carey</b> , San Jose Mercury News                                     | <b>Clark Kelso</b> , McGeorge School of Law, Sacramento   | <b>Seth Rosenfeld</b> , San Francisco Chronicle                                  |
| <b>Jerry Ceppos</b> , Knight Ridder  | <b>George Kennedy</b> , Missouri School of Journalism   | <b>David Saltonstall</b> , New York Daily News                                   |
| <b>Harriet Chiang</b> , San Francisco Chronicle                                | <b>U.S. District Judge Robert S. Lasnik</b> , Seattle   | <b>Neal Shapiro</b> , NBC News   |
| <b>Russ Clemings</b> , The Fresno Bee  | <b>Adam Lashinsky</b> , Fortune   | <b>Leo Sisti</b> , L'Espresso  |
| <b>Sarah Cohen</b> , The Washington Post                                       | <b>David Lazarus</b> , San Francisco Chronicle  | <b>David Smallman</b> , Steinhart & Falconer LLP                                 |
| <b>Gary Cohn</b> , University of Alaska – Anchorage                            | <b>Alan Levin</b> , USA Today   | <b>Rebecca Smith</b> , Wall Street Journal                                       |
| <b>Roger Cohn</b> , Mother Jones   | <b>Charles Lewis</b> , The Center for Public Integrity  | <b>Sreenath Sreenivasan</b> , Columbia University                                |
| <b>Luciano Colonna</b> , Harm Reduction Project, Salt Lake City                | <b>John Lindsay</b> , Oregon Public Broadcasting  | <b>James Steele</b> , Time Inc.  |
| <b>Edward Delaney</b> , Barnes and Thornburg                                   | <b>Harvy Lipman</b> , Chronicle of Philanthropy   | <b>Loren Steffy</b> , Bloomberg  |
| <b>Mike Devlin</b> , KHOU-Houston  | <b>Steven Magagnini</b> , The Sacramento Bee  | <b>Joe Stephens</b> , The Washington Post  |
| <b>David Dietz</b> , Bloomberg   | <b>David Maraniss</b> , The Washington Post   | <b>Judge Darrell Stevens</b> , Butte County, Calif.                              |
| <b>Stephen Doig</b> , Arizona State University                                 | <b>Kerry Marash</b> , ABC News  | <b>Pat Stith</b> , The News & Observer   |
| <b>James Dooley</b> , Honolulu Advertiser                                      | <b>Joan Mazzolini</b> , The (Cleveland) Plain Dealer  | <b>MaryJo Sylwester</b> , Center for Public Integrity                            |
| <b>Mark Dowie</b> , author of "American Foundations: An Investigative History" | <b>Erin McCormick</b> , San Francisco Chronicle   | <b>Dean Takahashi</b> , Red Herring  |
| <b>Brian Duffy</b> , U.S. News & World Report                                  | <b>Tom McGinty</b> , Newsday  | <b>Sharon Tiller</b> , Frontline and World                                       |
| <b>Bob Egelko</b> , San Francisco Chronicle                                    | <b>Steve McGonigle</b> , Dallas Morning News  | <b>Al Tompkins</b> , The Poynter Institute                                       |
| <b>Stephen Engelberg</b> , The New York Times                                  | <b>Mike McGraw</b> , The Kansas City Star   | <b>Fredric Tulskey</b> , San Jose Mercury News                                   |
| <b>Heidi Evans</b> , New York Daily News                                       | <b>Shawn McIntosh</b> , The Clarion-Ledger  | <b>Mike Wallace</b> , CBS, 60 Minutes  |
| <b>Judge Larry Paul Fidler</b> , Los Angeles Superior Court                    | <b>Circuit Judge W. Margaret McKeown</b> , San Diego  | <b>Lance Williams</b> , San Francisco Chronicle                                  |
| <b>Mary Fricker</b> , The (Santa Rosa) Press Democrat                          | <b>Jon Menell</b> , KSTP-TV, St. Paul   | <b>Margot Williams</b> , The Washington Post                                     |
| <b>Jeff Fox</b> , Consumer Reports   | <b>Daniel Metcalfe</b> , Asst. U.S. Attorney Homeland Division  | <b>Brant Walth</b> , The Oregonian   |
| <b>Dawn Garcia</b> , Knight Fellowships  |   | <b>Richard Wiekling</b> , clerk, U.S. District Court, San Francisco              |
|  |   | <b>Duff Wilson</b> , The Seattle Times   |



# LEAD PAINT

Vastness of the problem leads to stories on every beat

BY JIM HANER

THE (BALTIMORE) SUN

The first time we saw “Fat Daddy,” he was sick as a dog. Runny nose, 102-degree fever, sneezing and coughing. The infection made his asthma worse, but it still couldn’t slow him down.

Chattering and fussing, the 2-year-old was literally bouncing off the plaster walls of his grandmother’s rat-infested row house on

Patterson Park Avenue in the slums of East Baltimore.

His real name was Tarik. But everybody in the family called him “Fat Daddy,” as much for his rowdy nature as his round belly. The little boy could run all day long on two hours sleep, hurtling through the halls in the middle of the night until he woke the entire household.

Photographer Kim Hairston and I met a lot of kids like Tarik last year while documenting the scourge of lead paint poisoning in this city of 650,000 people. We met them in hospital wards and neighborhood schools and prison visitation rooms and, of course, in the city’s slumping rental housing districts.

By the time our occasional series on the brain-damaging effects of lead paint ran its course in *The Sun*, Maryland Gov. Parris N. Glendening had authorized a \$50 million emergency aid package for the city; Mayor Martin O’Malley had ordered an unprecedented enforcement drive against scofflaw landlords; and the state legislature had passed a raft of laws requiring, among other things, mandatory blood tests for every toddler in the state.

For those of us who worked on the series, the

fact that it so shocked the conscience of officialdom was itself the most surprising aspect of the enterprise.

In a city that had been producing more than 1,200 poisoned kids a year for decades, the ravages of lead paint should not have come as “news” to anyone.

But as is so often the case in government affairs, bureaucracies that may be efficient at collecting data and generating statistical reports often neglect to analyze their own information. And numbers seldom move policymakers to fix a problem until faces and names are attached.

That’s where the press comes in.

## Crumbling paint

Lead was prized by paint manufacturers until the late 1950s as a cheap additive that made their products far more durable. But by 1978, when it was banned by Congress, research had established that it was also a powerful neurotoxin.

By then, millions of gallons of the stuff had been spread on walls nationwide. It is virtually everywhere – in homes, schools, hospitals, libraries. Any building constructed before 1958 is likely to contain some of it, and the flakes and dust are dangerous to children.

In large enough doses, lead can kill. But even minuscule amounts of the candy-sweet mineral can cause permanent damage to the developing brains of toddlers – and secondary symptoms ranging from hyperactivity and profound learning disorders to aggressive outbursts and uncontrollable rages in later life.

How much of this was known by paint companies is now the subject of a class-action suit seeking to recover hundreds of millions of dollars in cleanup, special education and public health expenses.

So far, the state of Rhode Island, and the cities of San Francisco, Oakland, St. Louis, and Milwaukee have signed on as plaintiffs or sued on their own. Also included: six counties in California and Texas, three school districts in Texas and Mississippi, and the New York City Housing Authority.

The roster of defendants includes some of the most trusted names in household paint – companies currently or formerly controlled by some of the wealthiest and most politically powerful families in the nation.

We came to the story almost by accident while working on a different project about drug dealers buying up blocks of slum rental

Kim Hairston | The Sun



Tarik “Fat Daddy” Williams, calls to his sister from the stairway of his family’s home in Baltimore. Both he and his 4-year-old sister have lived here since birth and have been exposed to lead. His blood lead level doubled in six months.

housing. Among the litany of woes recited by their tenants – rent-day beatings, utility cut-offs, dope dealing in the halls – many complained that crumbling paint had poisoned their children.

Parents told of harrowing hospital stays, visits from city Health Department inspectors, forced evictions and persistent behavioral problems with their kids that had made their already difficult lives all but unbearable.

After wrapping up loose ends on the “slumlord-druglord” series, I approached the chief inspector for the Health Department to find out if the city collected any data on these kids.

He confirmed that, yes, his office issued a repair citation to landlords every time a child was poisoned, and that every incident was logged into a database.

He went on to describe how the reporting and enforcement apparatus worked – who received copies, which state agencies collected related information, who was responsible for follow-up and prosecution of scofflaw landlords when they failed to fix crumbling paint.

This would prove invaluable in the weeks and months to come, underscoring once again the journalistic maxim that you can’t begin to investigate failures in a system or bureaucracy until you understand how it is supposed to work.

In this instance, four different city and state agencies held concurrent enforcement jurisdiction – and their lack of coordination had led to the gradual collapse of the state’s lead poisoning prevention program.

Ironically, the inspector intimated, Maryland’s system was once hailed as a national model. But funding cuts, lobbying by landlords and a crushing backlog of pending housing prosecutions had ground the program to a halt.

Nonetheless, he explained, city health inspectors continued to issue citations because the federal government funded that part of the program.

## Poisoning hotspots

To qualify for an annual grant from the U.S. Centers For Disease Control and Prevention, Maryland and more than 30 other states have passed laws requiring pediatricians to report the names of any children found to have significant levels of lead in their bloodstream.

Doctors typically accomplish this by calling a designated city, county or state agency,

which then forwards the information to the CDC for inclusion in a larger epidemiological database.

Known as the “National Lead Registry,” the system is used by the federal disease prevention agency to track poisoning hotspots and generate an annual “prevalency” report to local health officials. This report is also incorporated into the CDC’s annual National Health and Nutrition Examination Survey.

In Baltimore and many other jurisdictions, the raw lead poisoning data also is used by local agencies to target negligent landlords for prosecution – at least in theory.

Upon receiving notification that a child has been poisoned, inspectors go to the family’s current address, conduct tests with an X-ray gun and issue a citation ordering the landlord to repair any degraded paint. For those who fail to comply, prosecutions and stiff fines are supposed to follow.

In short, the CDC grant program has created a snowball effect in data collection – so reporters seeking information about lead paint poisonings in their city, county or state usually have multiple agencies they can tap into.

In Baltimore, the city’s chief inspector balked at turning over a copy of the Health Department’s citation database, citing the privacy rights of the poisoned children named in it.

Anticipating a full-bore FOI fight, I called his boss and explained that *The Sun* was willing to agree to the redaction of that field if the Health Department would turn over the rest of the data. Much to our surprise, the agency agreed.

It is interesting to note here that this spirit of cooperation – so uncharacteristic of most government bureaucracies – pervades public health agencies. At various points, hospital officials, doctors and government research scientists eagerly pitched in with advice, guidance and family contacts.

Likewise, plaintiffs’ attorneys and advocacy groups often are willing to share their proprietary client databases, within certain negotiated guidelines.

For his part, the city’s health commissioner was always candid and available, even when the revelations in our series were personally or professionally painful.

Once we secured the city’s database – 8,800 individual lead paint citations, some of them dating back 20 years or more – we quickly

CONTINUED ON PAGE 40 >

## Getting started

**The National Health and Nutrition Examination Survey (NHANES):** Compiled by the National Center For Health Statistics, under the auspices of the U.S. Centers For Disease Control and Prevention. Offers a wealth of charts, stats and abstracts on a wide variety of factors affecting the nation’s health – including state-by-state and county-by-county lead paint poisoning data. Downloads available in multiple formats. Be patient. There’s so much stuff here, it’ll take some time to find what you’re after. ([www.cdc.gov/nchs/nhanes.htm](http://www.cdc.gov/nchs/nhanes.htm))

**Alliance to End Childhood Lead Poisoning:** The most reliable nonprofit lead paint advocacy and information clearinghouse in the nation, this Washington, D.C.-based organization acts as an umbrella for scores of local grassroots groups and publishes a monthly online newsletter free of charge. ([www.aeclp.org](http://www.aeclp.org))

**HUD Office of Lead Hazard Control:** The main federal agency in the national fight against lead paint poisoning, and the primary source of grant money to local governments seeking to clean up local “hot zones.” ([www.hud.gov/offices/lead](http://www.hud.gov/offices/lead))

**EPA Office of Pollution Prevention & Toxics:** Good, hard data on lead paint, batteries, dumping and more. Promulgates regs, cuts research grants, supervises clean-ups of industrial sites since lead is the No. 1 Superfund toxin. ([www.epa.gov/opptintr/lead](http://www.epa.gov/opptintr/lead))

**National Library of Medicine:** A national treasure, the world’s largest medical library and a great example of your federal tax dollars at work. Search their PubMed database for hundreds of published research papers on lead and its links to stunted infant brain growth, altered neurochemistry and declines in cognitive performance. ([www.nlm.nih.gov](http://www.nlm.nih.gov))

# CORPORATE LOBBYISTS' INFLUENCE AT FCC DEEPENS

BY BRENDAN I. KOERNER

MOTHER JONES

As part of the mind-numbing alphabet soup of Beltway agencies, the Federal Communications Commission rarely receives much attention from the mainstream press. Various trade publications – *Communications Daily*, *Broadcasting and Cable* – do a fine job of tracking the FCC’s arcane work, but they’re geared toward a narrow audience of corporate strategists and hardcore policy wonks. To Joe Q. Public, the FCC is still best known for harassing George Carlin over his infamous “Seven Dirty Words” routine. Beyond that, the commission is pretty much a mystery.

But the Information Age has converted the once-moribund FCC into a bureaucratic powerhouse. The commission oversees an infrastructure of airwaves, telephone lines, and cable conduits that’s the backbone of a \$950 billion-a-year industry. And as the financial stakes have risen, the private-sector lobbyists have become increasingly adept at peddling their pro-business agenda to the FCC. But at what cost to the public, whose interests the FCC is theoretically charged with protecting?

That was the key question I hoped to address in my cover story for *Mother Jones*, which hit newsstands in September. The reporting, however, dates back to the early spring, when I first took note of the meteoric ascent of Michael K. Powell, the FCC’s 38-year-old chairman. Colin’s son and an ex-Army officer himself, the junior Powell was elevated to the FCC’s chairmanship last January, and he immediately made clear his deregulatory bent. Powell indicated that he would be no great fan of using the FCC’s authority to nix mega-mergers; he was quoted as calling the public-interest standard as “about as empty a vessel as you can accord a regulatory agency.”

I was tempted to focus my reporting solely on Powell, but the ever-wise Monika Bauerlein, *Mother Jones*’s features editor, had a more far-sighted plan – why not investigate how corporate lobbyists have led the Powell-guided FCC to abandon its public-interest mission? It was an ambitious assignment, especially given the magazine’s five-week time frame. But what investigative reporter worth his or her salt doesn’t crave a challenge? I bit.

## Strange discrepancy

There were few leads to work with, save for the Center for Public Integrity’s indispensable report “Off the Record,” a primer on Big Media’s political influence. CPI had sifted through FCC travel documents and found a disturbing pattern of industry-paid junkets. I made an inquiry with CPI’s research team, which informed me that all FCC

disclosure documents – travel statements, legal proceedings, meeting agendas – are warehoused at the agency’s southwest Washington headquarters, affectionately dubbed the Portals. The documents were a mess, I was warned, but at least the commission had a good reputation for transparency – FOIA requests were not required to inspect the FCC’s filings.

It was a good place to start, and *Mother Jones* dispatched an industrious young reporter, Michael Scherer, to the Portals on a massive photocopying mission – anything and everything from the past year was to be copied. When I met him in New York, he passed along a duffel bag filled with thousands upon thousands of FCC documents, loosely organized by type – travel statements in one bundle, ex parte minutes in another.

All set. Time to start digging.

The FCC’s ethics office does not summarize

its disclosure forms, which meant hours upon hours of scribbling numbers in steno books, trying to add up the outlays. Scherer and I eventually concluded that industry expenditures on FCC travel had increased by more than 60 percent in the past six months, a telltale rise that illustrates the private sector’s mounting influence over the agency. We also were taken aback by the exotic nature of many corporate-paid junkets – for every visit to Peoria or Yuma, there seemed to be a more lavish trip to Paris or Sao Paulo on the books.

But I was most intrigued by the meeting dockets, which list the day-to-day appointments of the FCC’s commissioners. Going through the weekly agendas, I noted that the vast majority – as much as 90 percent – of the FCC’s meetings were with industry representatives, rather than public interest advocates. It seemed a strange discrepancy for an agency officially committed to defending the public domain, and it led me to several fruitful interviews with frustrated public-interest lawyers with tales of woe to share – one legal team from Georgetown, for example, complained that it was only allocated a few minutes of face time with the FCC’s staff, while its corporate opponents, Rupert Murdoch’s News Corporation Ltd., enjoyed nearly daily powwows. Such are the luxuries of being able to retain an army of K Street lobbyists.

## Suspicious confirmed

All that was well and good, but the piece still lacked zing – I couldn’t realistically expect anyone to read 4,500 words on communications policy without dishing out a few more examples of corporate chicanery. Fortunately, there was plenty of Astroturf to investigate. “Astroturf” is Beltway slang for fake grassroots organizations, corporate-sponsored groups that lend pro-industry causes a veneer of moral legitimacy. While examining the FCC’s disclosure documents, I had noticed several references to an outfit known as the Alliance for Public Technology (APT), a benevolent-sounding lobby based in Washington D.C. that purported to “foster access to affordable and useful information and communication services and technologies by all people.” But I smelled a rat, particularly when I came across a piece of Congressional testimony via Nexis in which an APT board member supported a pet bill of the Baby Bell phone companies.

My suspicions were affirmed when I tried to “990” the APT – that is, request their tax forms. By law, non-profits that enjoy 501(c)3 tax-exempt status must furnish their tax returns

**KEY RESOURCE**

Read more on campaign finance-related issues in *Tracker*, the online publication of IRE’s Campaign Finance Information Center. The site ([www.campaignfinance.org](http://www.campaignfinance.org)) also includes searchable databases on federal contacts and campaign contributions.



## FOI REPORT

upon request. If they do not do so within 24 hours, they risk losing their IRS classification. But when I asked the APT's executive director for her tax info, I was at first rebuffed – if memory serves, the executive director's words were, "We don't have to show you anything." Only when I threatened to report the APT to the Internal Revenue Service was I furnished with the appropriate forms, which revealed that the group was a subsidiary of Issue Dynamics, a powerful lobbying firm that works on behalf of the Baby Bells.

Gotcha.

One of the last pieces of the puzzle was the lead, which Bauerlein and I agreed should be anecdotal. Perusing Powell's personal Web site, I came across a speech that he'd delivered in December 2000, in which he characterized regulation as an "oppressor." The speech had been delivered at something called the Progress and Freedom Foundation (PFF), a name that was not familiar to me. But I visited the PFF's Web site and found a detailed reference to the conference at which Powell had delivered his address. Using the always wonderous Google, I discovered that most attendees were lobbyists for Verizon, AOL, and other big-name communications players.

Intrigued, I phoned the PFF and asked for some background information on the group's communications policy program. They sent me a six-year-old report on telecommunications, in which they proposed disbanding the FCC altogether – perhaps industry's biggest pipe dream. That Powell, the soon-to-be-installed FCC chairman, was appealing to this group was disturbing evidence of his commitment to abdicating government's role in regulating communications.

In investigative journalism, there is rarely a surer sign of success than a reluctant interviewee turning effusive once the article's been published. And that was the case with Powell and his fellow Bush-appointed commissioners; despite repeated interview requests, channeled through the FCC's press office, not one of my phone calls was ever returned. But when the issue hit the stands and *Communications Daily* picked up the reporting – particularly the junket data – the FCC's spokesman was quick to offer excuse after excuse. It was a small victory, but one I savored nonetheless.

*Brendan I. Koerner is a Markle Fellow at the New America Foundation and a contributing editor at U.S. News & World Report. His Losing Signal article can be read at: [www.motherjones.com/magazine/SO01/fcc.html](http://www.motherjones.com/magazine/SO01/fcc.html).*

## Proposed FOI exemptions at state agency level require healthy skepticism



CHARLES DAVIS

Uow much deference do we pay our elected and appointed officials in a time of crisis and uncertainty? In a representative democracy still reeling from the aftershock of Sept. 11, this is much more than an academic question.

When faced with issues of homeland security, some public officials would rather take matters into their own hands. Trust us, they say: we'll do what's right, protect you and keep our hands out of the cookie jar in the process. No need for the public, or the press, to muddle things up by scrutinizing the process.

In statehouses across the country, the theme of security has often been accompanied by new legislation aimed at increasing government's control over information relating to virtually anything that could be labeled "security." Lawmakers in Florida may set the record for exemptions to the state's public records law in a single session, but they are far from alone. Idaho, Maryland, Washington, New Jersey, Kentucky, Ohio ... The list of states clamping down on information grows longer every day.

That's a troubling development. Equally, if not more troubling, is the docile reaction from reporters and newspaper editorial boards, who seem reluctant to enter the fray by looking with a healthy dose of journalistic skepticism at such efforts. When public officials, draped in the patriotic fervor of Sept. 11, propose new exemptions to FOI law, it is crucial for reporters to place the laws in the context of legislative history and of political reality. A look at one bill – in my home state of Missouri – illustrates the need for more reporting on this rash of new exemptions.

A bill sponsored by a state representative is moving at lightning speed through the Missouri legislature, and despite its checkered past and dubious future, little has been said against it. The bill is like many other FOI bills pending in statehouses across the country. It would bar the release of any information furnished to the Public Service Commission by a municipal utility, unless the material is specifically required by law to be open to the public, is ordered open by the commission, or is made public by the com-

mission during a hearing or proceeding. The bill also would empower municipal utilities to file a motion for a protective order, not with the courts, but with the PSC within three business days after receiving a request for information that the utility considers "proprietary," "highly confidential," or, finally, "critical to security."

First, note that the bill essentially turns the state's public records law on its head by replacing the law's presumption of openness with a presumption of closure. Under the current law, all records of government agencies subject to the act are open unless they fall under certain tightly worded exemptions. This bill's radical response to what has been a hallmark of the public records law since its inception is to ask the public, "What business is it of yours?" Then, after a huddle with the PSC, which to date has not given its blessing to the bill, the utilities might just provide the information. Then again, they might not. It depends upon whether the PSC deems the records "highly confidential."

Notice also that security is the last of three stated reasons for denial of access under the bill. The other two – closure for records deemed "proprietary" or "highly confidential" – get more to the heart of the utilities' Christmas shopping list.

Are there utility records that might need to be protected in a post-Sept. 11 Missouri? Certainly. Portions of vulnerability assessments, construction plans, emergency response plans and other such records might very well meet some as-yet-undefined legal standard for closure. If the legislative and judicial branches can develop tools to discern voluntary manslaughter from involuntary manslaughter, can they not define security interests as well?

This bill, sadly enough, addresses such concerns as an afterthought to proprietary interests. What proprietary interests, you might ask? After all, public utilities are just that: taxpayer-funded, financially accountable public entities.

This is where knowing your legislative history

CONTINUED ON PAGE 42 >

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

Jean Lachet | Chicago Sun-Times



The *Chicago Sun-Times* gave kids a sample version of the teacher basic skills test after state officials said it was of the same difficulty level as the real test. Many kids agreed with Michael Cummings, 15, who said: "They should raise the level of the questions to college level."

# SOME TEACHERS KEEP FLUNKING TESTS, BUT KEEP INSTRUCTING NEEDIEST STUDENTS

BY ROSALIND ROSSI  
*CHICAGO SUN-TIMES*

In Chicago, public school kids have two shots at passing a test of basic skills if they don't want to repeat a grade. But for those who teach Chicago kids, the test story – at the moment – is quite different. Teachers can flunk their certification tests three, five, 10 or 24 times, or never pass them – and still teach.

In fact, the *Chicago Sun-Times* found teachers who had done just that.

It took five months to get the data, plus three more months of analysis, follow-up requests and reporting to pull together all the pieces. But in the end, from what researchers tell us, our findings were the first in the nation to document how often some teachers struggle to pass the very tests that certify them as fully-qualified to teach. The *Sun-Times'* September series, called "Failing Teachers," written with

colleagues Becky Beaupre and Kate Grossman, indicated the state's neediest children are being shortchanged.

Those in the lowest-scoring, highest-minority and highest-poverty schools are roughly five times more likely to have teachers who failed at least one certification exam. Some 5,243 such teachers stood at the head of classrooms in Illinois last school year, teaching more than 180,000 kids. Chicago results were particularly disturbing. There, one of every 10 full-time teachers tested since 1988 has flunked the easier of two required exams – a basic skills test experts say an eighth- or ninth-grader could pass.

Response to the series poured in quickly, and continues to this day. By day two, the head of the Illinois Senate Education Committee

announced three hearings to address our findings. Within two weeks, the Chicago schools CEO unveiled a series of initiatives to address the *Sun-Times'* conclusions. Within a month, the governor announced a statewide education summit in part because of them.

When *Sun-Times* computer-assisted reporting ace Beaupre and I filed our first FOIA request in January 2001, our goal was to have the data analyzed before summer, so we could interview and photograph schools during regular classes. We wound up just beating another deadline: only one day after a very-pregnant Beaupre finished a critical batch of data-crunching on Aug. 15, her doctor pulled her out of the newsroom. On Sept. 6, with a healthy baby girl on her lap, she read the first of our three-part series.

## Achievement gap

"Failing Teachers" involved three main challenges: getting the data; understanding the excruciatingly complex network of certificates that underlie the data; and putting a human face on the data.

The idea for the series nagged at me for some time. As the *Sun-Times* education reporter, I had watched Chicago public schools become ground-zero for the nation's anti-social promotion movement. Meanwhile, Mayor Daley was starting to complain that student scores weren't improving fast enough. Chicago kids faced enormous test pressure, but how did their teachers do on their tests, I wondered. What kind of data did the state keep that might reflect teacher quality? Could it be linked to student performance?

I started plugging away at these questions in the early winter of 2000. Initially, Illinois State Board of Education spokesmen said the state FOIA law made teacher test scores confidential. They also said their certification files didn't include every credential a teacher might have.

We filed a FOIA request and took turns calling or paging ISBE spokesmen on the hour. We later learned of more data – and databases – than spokesmen had claimed. The files had one common element – a teacher social security number. (We asked the ISBE to create a "teacher sequence number" to replace each teacher's social security number, and to give us each file with identifying information redacted and replaced with sequence numbers.) And with a green light from State Schools Supt. Glenn "Max" McGee – who had been talking

for nearly a year about the student achievement gap, and, like us, wanted to know if it mirrored a teacher achievement gap – we moved forward.

When the teacher test data arrived, we wondered if we would have to throw in the towel. We had expected to analyze how teacher scores meshed with student scores, but received only 1½ years of teacher scores, representing a sliver of the teaching force.

But we also had asked for how many tries it took each teacher to pass each test, and this pass/fail data went back to 1988, when Illinois began testing teachers. It represented just over half the full-time teaching force; the remainder won certificates before Illinois tests debuted. It became the backbone of our series.

We divided flunking teachers into those who failed at least one, two, three, and up to 10 or more tests. Although we found about 92 percent of teachers statewide had passed their tests on the first try, the roughly 8 percent who didn't were far more likely to be teaching the neediest kids. And so were those with the worst flunk records.

But fleshing-out the data posed a recurring problem. We didn't know who the flunking teachers were. That meant we couldn't interview them, photograph them or see their classrooms. The closest we could get was to ask kids in schools with high teacher flunk rates about their classroom experiences. Even then, we had to make clear these kids didn't know if their teachers had flunked any tests. We also offered cautions from some experts who said flunking a test didn't automatically make someone a bad teacher, although every expert was deeply troubled by multiple flunkers and the way flunking teachers were distributed.

Some suburban officials admitted they had illegally used substitute teachers year-round because they couldn't find fully-certified ones who had passed their tests. State officials had no idea this was happening. We also wondered how tough these tests were, but the ISBE certification test expert refused to put a grade level on them. So, we ordered samples of the skills tests, which every fully-certified teacher must pass, and sent them to four experts. All put the difficulty level at an 8th- or 9th-grade level.

## An alphabet soup

We slowly descended into a certification nightmare, an alphabet soup of jargon – FTPs, FTBs and PZZs – representing loopholes that allow Illinois and especially Chicago teachers to teach without passing all their tests. We had nothing in writing to guide us through this. The ISBE does not list its nearly 50 different certificates and exclusions to them in terms of required tests. And some information ISBE officials gave us was dead wrong.

They insisted one double loophole didn't exist, until we found a letter showing the ISBE had approved its use in Chicago. Data holes prevented us from saying how many Illinois teachers had less-than-full certificates, but we could say at least 868 didn't because they were unable to pass the basic skills exam. And most were in the neediest schools. FOIAs, faxes and phone calls to Chicago showed at least 15 percent of teachers there had less-than-full certificates.

For a national perspective, we called big-city and state officials at eight locations about their certification loopholes, recruitment efforts and disclosure to parents. This meant slogging through another

bureaucratic and certification morass eight more times. But it showed Illinois and Chicago came up short.

We also learned other states gave “emergency permits” or “waivers” to teachers who had not passed their tests, but Illinois issued such teachers “certificates” – a term bound to confuse inquiring parents. This led to a tips box for parents, explaining which certificates did not require passage of all Illinois teacher tests.

We organized the package into three days. The first offered an overview of our findings and hit hard on the simplicity of the teacher basic skills test. Day Two focused on shortchanging the neediest kids and profiled schools with the worst and best teacher test records. Day Three outlined how Illinois stacked up against other states and addressed key policy questions.

Chicago school officials have since promised to publicly produce some information other districts already disclose. They also tightened the timelines under which full-time substitutes must pass their tests, and have started asking prospec-

tive teachers to waive some test confidentiality rights. Many officials have called for a limit on the number of tests teachers can flunk.

Most important, Governor Ryan and Illinois Senate Education Committee Chairman Daniel Cronin now want to address the key question raised by the series – how to get better-qualified teachers in front of the state's neediest kids.

Some valuable lessons we learned included:

- Two people pushing for hard-to-get data are better than one. Beaupre and I gave each other moral support at critical times and brainstormed constantly on different ways to obtain and analyze the data.
- When the going gets tough, go right to the top for a green light.
- Don't trust the official line on how data is kept.
- And as Beaupre says, if your project sounds promising but involves hard-to-get data, you may have an important exclusive on your hands.

*Rosalind Rossi is the Chicago Sun-Times education reporter. She has an undergraduate degree from Marquette University, with a major in education; student-taught in a Milwaukee high school; and has taught reporting at Chicago's Columbia College.*

### The Uplink connection

In the January-February edition of *Uplink*, the *Sun-Times'* Becky Beaupre details how data tables were linked and which software was used for this series.

Uplink is a bimonthly newsletter of the National Institute for Computer-Assisted Reporting. Subscribe by visiting [www.ire.org/store/periodicals.html](http://www.ire.org/store/periodicals.html) or calling 573-882-2042.

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# SPOTTING A COMPANY HEADED FOR TROUBLE

BY MARK TATGE  
FORBES

**Editors Note:**

*The Enron debacle has everyone from the Justice Department to Congress to top investment firms shaking heads and pointing fingers trying to pinpoint exactly what went wrong and when – and who the heck knew what, and how early? While trying to unscramble it all, journalists can learn a few lessons along the way from those experienced in covering such issues.*

*Mark Tatge at Forbes offered these tips at IRE's Chicago conference last year for learning whether a company is in trouble:*

- **Is the company losing money?** The fact that a company merely lost money isn't in itself a danger sign, but it is something that calls for further examination. What is the source of the loss? Look at the trendline over the past three to five years. Is it because the company is losing market share? Some companies, such as small, fast-growing startups, will lose money for years before turning a profit. This isn't necessarily bad, but the faster they lose money, the greater the likelihood they will have to seek additional capital to keep the business running. Remember: The money pit isn't bottomless.
- **What have sales been like?** A sure sign of problems is when net income is up, but sales have actually been falling. It usually means a company is turning to other areas outside its core business for earnings such as sales of assets, investment gains, or income is being boosted through cost-cutting. Are the company's products under pricing pressure? Be sure to factor out gains in sales due to, say, a retail company simply opening new stores or acquiring new businesses.
- **What has been happening to expenses?** First, you need to separate out what kind of expenses we are talking about. There are expenses related

to the products the company makes, which fall generally under the cost of sales. Then there are things like general overhead, such as paying the light bill at corporate headquarters, marketing, advertising, and debt service. You first need to look at whether a company's cost of raw materials is rising. Why? Does it cost more to produce that same product today than a year ago? What is happening to labor costs? Next look at corporate overhead, most commonly known as selling, general and administrative expenses. Are they rising faster than sales? If so, you may have a problem.

- **What is happening with top management?**

Turnover at the top is always a potential red flag. Chief executives leave for a variety of reasons – better jobs, culture, broken promises. But if you look back over 12 to 18 months and find that most of the top officers in a company have been bolting for the exits, there has got to be a reason. Is there a housecleaning going on? Is so, who is behind it? Or are these executives bailing out before things blow up? No matter what anyone says about the need for “new blood,” excessive turnover is harmful to an organization.

- **Did the auditors change?**

A change in auditors is usually a sign that something is afoot. Look for shareholder lawsuits or other litigation that might signal something is up. Also, if a company has delayed filing its Form 10K annual report, this may signal that the company is planning to restate earnings, restructure or worse yet, file for bankruptcy.

- **Have insiders been selling shares?**

Always something useful to look at. But insider sales have become more difficult to interpret. This is because so much of top executives' compensa-

## WEB SITES

Also, here are some useful Web sites when delving into company activities:

- **www.sec.gov.** SEC site includes company filings, SEC News Digest and Litigation Releases. Free.
- **www.fool.com.** Great site for learning about companies and how to analyze them from an investor's point of view. Good chat boards. Free/subscription.
- **www.valueline.com.** Granddaddy of investment newsletters known for its one-page summaries on public companies. Subscription.
- **www.bigdough.com.** Supersite that allows you to track institutional ownership in public companies. Subscription.
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tion is derived from stock options. Some executives will merely exercise those options on an ongoing basis since they want the cash. That said, if most of the officers are selling rather than hanging onto shares, it may be a signal that they feel the company's stock is overvalued.

• **How is the company financing growth?**

Companies often use a combination of debt and equity to finance expansion. But a company that has been lumping debt on the balance sheet may be mortgaging its future. The secret is to look at what kind of cash is being generated. Continually issuing more stock isn't necessarily a good sign either as it dilutes the investment of current shareholders. Most well-run companies use a mixture of stock and debt to finance growth.

• **How heavily leveraged is the company?**

Debt isn't necessarily evil. Some companies can support high levels of debt because of their high cash flow. What you want to look at is: Does the company have more than adequate cash flow to cover liabilities due within one year? (Rule of thumb is the more the better. A firm should have a least \$1 of free cash for every dollar of debt. This is generally referred to as the company's coverage ratio). What is the company's debt rated by Standard & Poor's and Moody's, the two major bond-rating firms? Also, look at what the trend has been. Is the company repaying its debt? Refinancing? How high is the interest rate on the debt in comparison to the current market?

• **Does there seem to be a pattern of perpetual restructuring?**

Take a look at the past five years of income statements. Does the company like to continually take special charges to clean up its financial statements? Are you getting a press release about yet another restructuring every time you turn around? The alarm bells should go off. This is usually a sign of deep-seated troubles with core business, namely an inability to grow the earnings of the core business units.

• **Is the company growing?**

All companies have to grow or they die. So how about the company you cover? How fast is it growing relative to its competitors? Sure, fast growth looks good, but companies can also get into trouble when they grow too fast. Are they able to keep pace with their expansion, fill orders and hire enough qualified employees? Likewise, if a company is growing slower than the rate of inflation, it could be facing competitive pressures and have trouble remaining viable.

## STORIES OFFER VALUABLE LESSONS

Even before Enron, there were investigative stories that provided some valuable lessons about companies and how they do business. Here are some of the stories that looked into the public – and private – facts about how deals and profits are made, including those at Enron.

From the IRE Resource Center, a check of some top investigative business stories included:

• **Story No. 18562** – “The Great Internet Money Game: How America's top financial firms reaped billions from the Net boom, while investors got burned,” by Peter Elstrom of *BusinessWeek*, April 16, 2001. Elstrom did a firm-by-firm analysis of every investment banking and venture capital firm involved in Internet underwriting and dissected the numbers to see which firms profited most from selling stock in money-losing companies. He built databases on all of the investment banks and venture capital firm analyzed.

• **Story No. 17651** – “Executive Pay,” by Louis Lavelle of *BusinessWeek*, April 16, 2001. The story looks at the astronomical compensation for CEOs, despite a theoretical slowdown in 1999 and 2000. (“The 20 highest-paid earned an average \$117.6 million, up from \$112.9 million in 1999.”) Lavelle used two sets of criteria over a three-year period, first to compare CEO salary with shareholder value and then to compare CEO salary with company success.

• **Story No. 18547** – “Dressed to Kill,” by Ben Elgin of *BusinessWeek*, August 6, 2001. This is the story of an Internet company gone bad – hiding behind a “wall of ‘no comments’ and dignified press releases.” After the story, the company, Critical Path, had to pay \$17 million to settle shareholder lawsuits. Elgin relied heavily on human sources, spending months getting executives to reveal what was going on.

• **Story No. 18408** – “Power Struggle: California's engineered energy crisis and the potential of public power,” by Harvey Wasserman of the *Multinational Monitor*, June 2001. Wasserman investigated how huge oil and gas companies close to George W. Bush profited from the energy crisis in California. The story finds that California's consumers and taxpayers are victims of a massive, complex double-theft, first by the biggest electric power utilities, and second by some of the president's closest associates and contributors.

• **Story No. 18757** – Enron coverage in *The Wall Street Journal* by John Emshwiller, Rebecca Smith and Paul Steiger, October to December 2001. *The Journal* focused on Enron's financial workings, partnerships and the millions of dollars made by executives. The series raised questions about the partnerships and whether they were used to “distort Enron's financial picture and enrich company insiders at the expense of investors.” The stories used Enron's SEC filings; public records of partnership formations, business incorporations and UCC debt filings (this involved FOI requests); and scores of human sources.

• **Story No. 18758** – Enron collapse from *Bloomberg News*, by Adam Levy, Loren Steffy, and Edward Robinson, December 2001. The first story looked at Enron's close ties to Wall Street to provide an explanation for how financial analysts backed the company and steered investors to Enron stock despite clear red flags. The second story was a detailed background check on Enron CFO Andrew Fastow and how he engineered the company's transition to a commodity trading firm. The final piece to the series looked at Enron's online venture, NewPower, and how Kenneth Lay and Lou Pai hid NewPower losses from investors. *Bloomberg* used SEC filings, analysts' reports, license and voter records (for Fastow background), records of lawsuits against Enron, human sources (including former Enron employees), and their proprietary database.

To order any of these stories, call the IRE Resource Center at 573-882-3364 or visit [www.ire.org/resourcecenter](http://www.ire.org/resourcecenter).



# DETECTING CONSUMER FRAUD

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**But what can consumers do to really protect themselves when everyone from car salesmen to state government officials aren't being entirely truthful? Investigations into how business is really done – especially behind the scenes – are critical to providing information those consumers deserve when they're ready to hand over their money.**

## SALVAGED AUTOS Consumers duped into buying dangerous cars from Russian mob

**By Chris Halsne  
KIRO-Seattle**

**I** knew doing surveillance on Russian mobsters wasn't the safest idea in the world, but I couldn't bring myself to tell Karin Sumeri's parents. Karin was a young college graduate killed while riding in a used Volvo. The car uncharacteristically sheared apart during a routine accident. The vehicle was rebuilt – totaled by an insurance company several years earlier. Somebody had literally glued the roof back together. Accident investigators say Karin would have lived if the Volvo hadn't been shoddily repaired.

The Sumeris didn't know the car was salvaged. Washington laws don't require much consumer information when it comes to previously totaled vehicles. Used car buyers aren't normally notified when buying wrecked vehicles. There is no requirement the history of the car be revealed. Salvagers aren't even required to get a vehicle safety inspection before returning it to the road. What lawmakers didn't realize until a KIRO Team 7 investigation: The weakness of our state laws has enticed Russian organized crime to take over Washington's salvaged car industry. Incredible profits, with little risk of getting caught, make an enticing formula for criminal enterprise.

### Making money

From the undercover van, the thick-necked Russian watchman didn't look too friendly. A caravan of car parts, tow trucks, and freshly repainted vehicles moved past him all day long. Inside a long row of furniture storage lockers, dozens of Eastern Bloc immigrants welded, stripped, and repaired totaled cars.

Most of the wrecked cars came from an insurance auction, held earlier in the week. Our investigative producer had taken a hidden camera inside the auction, and recognized a number of the vehicles in front of us. Our research found the scam generally worked this way: A Russian organized crime moneyman (a Vor) buys dozens of junked cars each day. Many of the vehicles should be sold to scrap dealers, but instead, are farmed out to local Ukrainian- and Russian-owned body shops. The shop owners are not inclined to buy parts to fix up the cars. They usually hire a group of young teenage street thieves (known as patsani) to steal an exact make, model, and color of vehicle as the one waiting for repairs. After swapping out the dented parts for the stolen ones, the organized crime structure has a great-looking vehicle with a

**CONTINUED ON PAGE 24**



# FUNERAL COSTS

## Reporting unearths advice from research, hard numbers

By Jeff Blyskal  
*Consumer Reports*

**W**riting an exposé about funeral homes is like shooting ducks in a barrel.

The industry has long been the target of some very angry and vocal activists who are ready, willing, and able to feed reporters more horror stories than film ghoul Freddy Krueger can dish out. You want lurid anecdotes? Whistleblowers, weeping victims, or clergy members willing to collar undertakers for bad behavior? Help with a hidden-camera sting on unscrupulous funeral sales practices? The critics will deliver all the trappings of an expose; you hardly have to lift a finger.

But that's not the way *Consumer Reports* does business. News Editor Kim Kleman and I wanted to give consumers something more useful than yet another shock piece that exploits the understandably high emotion surrounding this grim but necessary consumer service. Our goal was to conduct our own fair, thorough, and independent research and give aging baby boomers valuable shopping advice as they increasingly take on funeral arrangements for the passing previous generation.

Using an exhaustive telephone survey of 235 funeral homes in seven cities and computer-assisted analysis by *Consumer Reports'* statistics department, we broke some news and gave consumers exclusive new pricing information that will help them get the best deal on almost any type of arrangements they want – from the most basic immediate burial or cremation with no viewing to a top-of-the-line sendoff in bronze, copper or mahogany.

Our report, "Final Arrangements," provided a wealth of new consumer advice on funeral shopping backed by hard numbers. Most significantly, our analysis found that while prepaid funerals are pitched by big nationwide funeral home chains as a way for consumers to lock in low prices now, the chains often charge more than independent mom and pop funeral homes – roughly \$1,300 more – for comparable services. Since prepayers get no price discount for their admirable advance planning, that means the savings come-on is a clever ruse to lure consumers into paying top dollar. An estimated nine million to 11 million U.S. consumers have already bought some \$21 billion worth of prepaid plans.

### New analytical tools

Good funeral cost comparisons in the press are hampered by the fact that consumers have a wide variety of caskets and casket prices to choose from. Most of the funeral homes we surveyed offered six to 12 choices; some offered scores of caskets. Consequently, published cost comparisons tend to provide an a la carte menu of prices and services that require consumers to do their own math. That can result in erroneous comparisons.

Compounding the problem, the casket is a key determinant of the overall cost of any funeral, and significant price gouging and profiteering can be buried in the

CONTINUED ON PAGE 26

# BOGUS REFUNDS

## Database shows public agency puffed up restitution numbers

By Sheryl Harris  
*The (Cleveland) Plain Dealer*

**I**f there's a consumer agency in your state that brags about the restitution it gets on behalf of consumers, chances are there's a great story lurking behind the numbers.

Ohio's consumer watchdog is Attorney General Betty Montgomery. Every year, Montgomery's office announces in press releases and annual reports that it has returned yet another record sum to consumers wronged by businesses.

My partner, T.C. Brown, and I were skeptical, so we ordered the agency's consumer complaint database. In and of itself, the database is a great source of information. Among other things, the database contains the name and address of every consumer who complains to the office, information on every business complained about, and a brief description of the problem.

The reaction to our request for the database was to stall, and we spent months arguing for its release. When we finally got the database, the restitution fields were missing. When we at last got the restitution numbers, they came minus the fields that would help us link refunds to the rest of the complaint database.

Eventually we got what we needed and it was worth the wait. The attorney general had claimed she helped return \$10 million to consumers in 1999 and 2000. We found that at least \$2.5 million of those refunds were bogus.

Our reporting showed that the attorney general's office inflated its restitution figures by:

- taking credit for refunds secured for consumers by other agencies or private attorneys;
- including offers of refunds or "savings" that consumers refused to accept;
- inflating the dollar value of refunds;
- counting refunds that companies promised but never provided.

The office that was supposed to help wronged consumers not only wasn't helping them, it was using their misfortunes to deceive the public about its effectiveness.

### Remembering details

It was a clever scheme. The money was negotiated by the attorney general's office, but the dollars went directly from the companies to

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# SALVAGED AUTOS

CONTINUED FROM PAGE 22

clean title (borrowed from the wrecked auction vehicle).

We found parts being “ordered” from as far away as Texas, but the main flow of thefts followed the I-5 corridor from Seattle to Portland to Sacramento. If stolen parts weren’t available, the body shop mechanics would make the car *look* like new cosmetically, but never take the time to do proper repairs. In one case, we found putty and paint being used to make a metal frame rail look straight. The structural integrity of many of these cars made the vehicles dangerous to drive. Legitimate car salvagers have recently been forced out of business. There is simply no way to make money repairing junked cars if you buy legal parts, make proper structural repairs, then sell the vehicle as “rebuilt” to a knowing used car customer.

## Breaking every rule

At first, I assumed the rebuilt vehicles would end up inside a shipping container

at the Port of Seattle and be sent back to the former Soviet Union for sale. Within a few weeks, however, it became clear there were greater profits to be made locally. We followed car after car from body shops to local lots. In nearly every case, a middle-aged Russian male would ride as a passenger (talking on a cell phone), while a young teenager would drive like a bat out of hell. They broke every traffic rule in the book and, at times, swapped cars in public parking lots.

I was impressed by the amount of profit one of these rebuilt vehicles could bring into the organization. Depending on the quality of cosmetic repairs and the amount of consumer deception used, the Russian mob makes up to \$8,000 dollars on a SUV. We posed as used car buyers in a number of lots owned and operated by organized crime associates. As you can imagine, we were never told the vehicles on the lot were previously wrecked and rebuilt. We knew because we followed the vehicles from auction to chop shops to the sales lots. When we ran the vehicle identification numbers (VIN) through Car Fax, many of the vehicles had no



documented history of “junked car titles.” Others had invalid VINs. A whole new chapter to this investigation began when we asked why.

Over the course of six months, I kept seeing the same names and faces over and over: Pytor, Viktor, Nikolay. My producer and I had no trouble seeing patterns between title records, junk car receipts, and car sales invoices. It was time to tap a well-connected source who could hopefully give us a little perspective. We asked about specific invalid VINs, business names and names of people who we believed were players in the West Coast Russian mob. Some were lower-level thieves and con men, but we also tossed in a few names of people with reported criminal connections on the East Coast and in



Using an undercover camera, reporters observed how the Russian mob did a shoddy job of rebuilding vehicles that were then sold to unknowing consumers.

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Russia. We had a call back within the hour. It turns out the FBI and a special Washington State Patrol task force had a full undercover operation already under way. (I do not believe in coincidences: someone tipped federal agents to our work months earlier.)

Now, we had a big problem. The organized crime task force leader asked my producer and me to attend a briefing without a camera crew. Instead of using fear tactics and legal maneuvering, the agent was truly helpful. I remain impressed by his frankness. We obviously had a big story important to our viewers. This agent was supportive of the idea to go ahead and inform the public about the Russian mob's growing power in the Northwest and its ties to the salvaged car industry. However, we had to balance that with the possibility of putting federal agents in a dangerous situation.

“If stolen parts weren't available, the body shop mechanics would make the car look like new cosmetically, but never take the time to do proper repairs. In one case, we found putty and paint being used to make a metal frame rail look straight.”

In the end, I only made one slight alteration to our series of stories. I kept the name and image of a suspected mob junk car buyer out of the first set of stories. He was not an important element of my piece. On top of that, I was keenly aware that ignoring such an issue would either put an undercover agent in a risky situation or blow months of criminal investigative work.

As it turned out, our attorney hated the idea of putting this character in my series anyway. As is the case with most good mobsters, this moneyman had no criminal convictions for racketeering or anything related to organized crime activities. He remains the focus of a future report.

### Public support

At the time of Karin Sumeri's death, her parents quietly called on Washington

state lawmakers to strengthen salvaged car notification laws. Their efforts fell on deaf ears. The explosion of public response after our series on the Russian mob changed the mindset in Olympia. Several pieces of legislation are working their way through the legislature. One would require “branding” of most salvaged car titles, while forcing auto auctions to inform the Washington Department of Licensing of sales. This bill had been proposed before, but strong insurance and auto auction lobbies killed it. After our series, both now publicly support the new law. I am under no illusion our investigation will stop the proliferation of the Russian mob in the Seattle area. I do, however, believe we created a much smarter used car consumer.

*Chris Halsne is an investigative reporter with KIRO-Seattle.*



Karin Sumeri was killed while riding in a poorly rebuilt car.



## FOURTH EDITION TAPPING OFFICIALS' SECRETS

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# FUNERAL COSTS

CONTINUED FROM PAGE 23

casket price. That's because of the ability of funeral directors to shift their costs for a variety of itemized services. For example, embalming is often optional under state law, while a casket is something of a necessity if you want a viewing. The embalming option can be made more attractive by reducing its itemized price below cost and simply shifting the rest of the actual cost of embalming into the casket's markup.

**Tip No. 1:** That means proper price comparisons must involve the total cost of the funeral, including the casket. Comparisons that separate the price of service from that of the casket—or exclude the casket from the equation as an unquantifiable matter of personal tastes—can make one funeral home's services *seem* less expensive, while that same home can recoup those below-market costs on the casket sale.

But how can you compare total cost for a broad audience when there are so many casket options? Our report created new tools for consumers (and reporters) that make price shopping easier and more meaningful.

Power Finder phone directory software was used to efficiently identify (by the Standard Industry Code field) the names of all funeral homes to be surveyed in several cities, along with their addresses and phone numbers. Power Streets software was used to map the location of those homes and set the parameters of study around each city.

We developed a printed survey form and telephone script designed to consistently elicit prices of all the key service components of a funeral at each home and the price of *every* casket regularly stocked, from the most basic cardboard models (intended for cremation without a viewing) to the priciest bronze beauties.

**Tip No. 2:** Because the telephone survey was rather lengthy, the script also had prompts of encouragement to help funeral directors hang in there with us through about 15 service questions plus all the casket prices. We openly admitted to the folks being surveyed that this would be a little bit of a chore, but that we would make it as quick and painless as possible. By the time we got to the caskets, we explained that we already understood every casket might have different features but that we were interested in the broad categories,

so respondents could quickly tick through their price list thus: “oak, \$3,000; pine, \$1,200; stainless steel, \$4,000,” and leave out the details about satin linings or special handles or engraving used to dress up the box (as well as the price).

Two assistants and I surveyed funeral homes via telephone in a diverse selection of cities: Albany, N.Y.; Austin, Texas; Cedar Rapids, Iowa; Orlando; Salem, Mass.; San Francisco/Oakland; and Washington, D.C. We identified ourselves up front as reporters conducting a survey for *Consumer Reports* and briefly described the story.

Contrary to the secretive, consumer-unfriendly stereotype that industry critics use to portray funeral directors, all but a handful were fully cooperative, and many gladly faxed us their complete funeral, casket, and outer burial container price lists. Only a couple of funeral directors were unhelpful, so *Consumer Reports* reporters made in-person follow-up visits to those homes in San Francisco and Washington. Under the Federal Trade Commission's “Funeral Rule,” a home must provide its lists to anyone asking for them in person.

**Tip No. 3:** The Funeral Rule also requires funeral homes to disclose the prices of all services and merchandise over the telephone, too, if you call during business hours. That made our coast-to-coast telephone survey efficient and legally enforceable, if necessary. Some funeral directors were not aware of that subsection of the Funeral Rule and protested about giving information over the phone; but again, almost everyone cooperated after we quoted from or faxed them a copy of the regulations. Get a copy from the FTC's Web site ([www.ftc.gov](http://www.ftc.gov)) and be ready to read it to survey respondents.

We efficiently managed and continuously updated all of the contact information, price data, and survey status notes using an Excel spreadsheet.

To analyze the data, we developed a standard model of the service component of the funeral. Every funeral-cost calculation included the price of dressing, cosmetology and other body preparation, embalming, use of facilities and staff, transfer of body to funeral home hearse, etc. (For the full list, see our article at [www.consumerreports.com](http://www.consumerreports.com).) Then we added in the cost of every casket regularly offered by each funeral home. This gave us several thousand funerals to analyze.

*Consumer Reports'* statistical department then analyzed the data using SAS statistical software. Caskets were grouped broadly by material type (20-gauge steel; 18-gauge steel; premium



mahogany/walnut/cherry woods; bronze/copper; minimum casket/container; etc.) and individual funeral homes were grouped by ownership type (independent, small local chain, large national chain). The resulting thousands of individual funerals and

their costs were compared, means and medians were developed, and statistical validity was checked.

## Breaking new ground

Our findings exploded the myths and prejudices that tend to demonize the funeral industry.

For starters, we found that the claimed juggernaut funeral price hikes used to scare consumers into pre-paying are largely myth. Throughout the country, our survey picked up plenty of standard funerals—with viewing, ceremonies, and an attractive casket—costing \$2,500 to \$4,500, excluding cemetery charges. That's hundreds to thousands of dollars less than consumers expect they'll have to pay, based on the \$5,000 average price widely publicized by the National Funeral Directors Association. Half the more basic arrangements available in every metro area ranged from \$500 to \$1,700, so comparison price shopping is a must.

We also proved what was previously an unsubstantiated allegation—that the big chains charge more—with hard numbers. Independent funeral homes do charge less. But we also broke new ground in finding that small local chains of just two to a few homes charged the least of all—about \$2,000 less than the sprawling national chains. That enabled us to provide our readers with new fact-based price shopping guidance.

We showed the median price small chains charged for our model funeral using seven different types of caskets, along with the median price of immediate cremation and immediate burial with minimum container. Consumers can use these prices as an easy benchmark for comparing the offerings of homes in their area. If the price a local home offers using our model services and specific casket type is higher than the benchmark, consumers will have the hard numbers they need to know they're overpaying and to negotiate a better deal.

*Consumer Reports Associate Editor Jeff Blyskal is an award-winning investigative journalist and co-author of The Consumer Reports Money Book. In 2000, he won a Loeb Award for his Consumer Reports expose about a widespread insurance industry rip-off involving collision repair with shoddy auto parts.*

## CONSUMER REPORTING

Arnold Diaz, ABC News, has covered a wide variety of consumer issues, including insurance fraud, credit discrimination and auto safety. At the 2000 IRE Regional Conference in Washington, D.C., he offered most of these tips for reporters investigating and developing consumer stories:

One of the best ways to develop consumer story ideas is through the old-fashioned cultivation of good sources. Stay plugged into grass-roots organizations, consumer advocacy groups, Internet sites, better business bureaus, attorney general offices, government agencies, police fraud units and consumer and specialty publications.

Pay attention to viewer or reader mail; often this is the first place where you will hear about the rumblings of a larger problem. Don't forget to listen to friends, neighbors and "Aunt Martha's complaints" at the dinner table.

Also, when developing consumer reports, remember to keep in mind the basic presentation elements you will need to turn all your information into a good package.

Here are some suggested places to find consumer ideas and to do research:

### Consumer groups

#### **National Consumers League ([www.nclnet.org](http://www.nclnet.org))**

News on consumer topics and the latest in consumer fraud issues.

#### **National Fraud Information Center ([www.fraud.org](http://www.fraud.org))**

Offers the latest in consumer fraud information and includes links to other consumer sites.

#### **National Association of Insurance Commissioners ([www.naic.org](http://www.naic.org))**

Offers information on insurance companies and vehicle for consumer complaints.

#### **Complaints.com ([www.complaints.com](http://www.complaints.com))**

A searchable database of consumer complaints and suggestions.

#### **Scam Busters ([www.scambusters.com](http://www.scambusters.com))**

A collection of consumer fraud stories and links.

#### **National Association of Better Business Bureaus ([www.bbb.org](http://www.bbb.org))**

Check a company's complaint record.

#### **Consumer Reports ([www.consumerreports.org](http://www.consumerreports.org))**

Nonprofit organization, researches and tests consumer goods and services.

#### **American Council on Consumer Interests ([www.consumerinterests.org](http://www.consumerinterests.org))**

Provides consumer information in a variety of areas.

#### **Center for Science in the Public Interest ([www.cspinet.org](http://www.cspinet.org))**

Conducts research, education and advocacy on health and nutrition-related issues.

### Medical sites

#### **Harvard Medical School Online ([www.med.harvard.edu](http://www.med.harvard.edu))**

Offers the latest medical research information.

#### **Johns Hopkins Medical Center ([www.jhbmc.jhu.edu](http://www.jhbmc.jhu.edu))**

The latest information on clinical advances and medical news.

#### **Mayo Clinic Magazine ([www.mayohealth.org](http://www.mayohealth.org))**

Medical news.

#### **American Medical Association ([www.ama-assn.org](http://www.ama-assn.org))**

Latest medical news, archives and experts.

#### **Public Citizen ([www.citizen.org](http://www.citizen.org))**

Grass-roots organization that tracks various consumer interest issues.

### Consumer law

#### **Trial Lawyers for Public Justice ([www.tlpj.org](http://www.tlpj.org))**

Lists current consumer lawsuits.

#### **National Consumer Law Center ([www.consumerlaw.org](http://www.consumerlaw.org))**

Advocacy and research organization.

### Government agencies

#### **National Association of Attorneys General ([www.naag.org](http://www.naag.org))**

#### **Food and Drug Administration ([www.fda.gov](http://www.fda.gov))**

#### **National Highway Traffic Safety Administration ([www.nhtsa.gov](http://www.nhtsa.gov))**

#### **Consumer Product Safety Commission ([www.cpsc.gov](http://www.cpsc.gov))**

#### **Postal Inspection Service ([www.usps.gov/postalinspectors](http://www.usps.gov/postalinspectors))**

#### **Federal Trade Commission ([www.ftc.gov](http://www.ftc.gov))**



# BOGUS REFUNDS

CONTINUED FROM PAGE 23

the consumers, so no standard audit of the office would uncover the inflated claims. And because the restitution numbers were only reported in aggregate, none of the

consumers who was told a case was being dropped knew that the attorney general was in fact claiming the case as a “success.”

Here’s how we tracked the story: We cleaned up the data so that we could track each complaint’s progress through the system. The database had multiple entries for each case. We worked up our own coding system and had to manually recode thousands of records so that we could eliminate duplicates and track the movement of each case through the office. We coded cases as “final action” when the attorney general either referred them to another agency or sent the consumer a letter saying she couldn’t help them. It was tedious work, but when we linked this “final action” table with the restitution figures, we were immediately able to identify suspect cases – those



in which refunds were awarded long after the AG had washed her hands of the case.

At first, we looked for obviously suspect refunds – say, where the amount of the refund was greater than the total cost of

the product.

Using that list, we began calling consumers. We made some calls for small refunds, but overall we found that people whose problems were worth \$2,000 or more remembered details better. Our strategy was to first ask consumers about the original problem before asking them about the refund. They seemed to remember better if we plugged into the thing that really bothered them (remember, they didn’t know the AG was claiming them as successes) and it also gave us rich details to use later in the story. From the start, about 50 percent of the

Chris Stephens | The Plain Dealer



Robert Ratliff helps his wife, Patricia, step over a moat that has developed around a home they were having built. The foundation did not pass inspection, the builders abandoned the project and the Ratliff family was forced to sell the lot. Meanwhile, the attorney general’s office claimed to have saved the couple \$288,516.





Rose Bates, who complained to the attorney general's office about unfinished repairs at her Findlay, Ohio, home, looks through a broken window of her garage.

people denied having received the amount the attorney general cited. Some said they got refunds through other means. And still others said their cases remained unresolved. In our first 10 phone calls, we had identified \$250,000 in disputed refunds.

“ We were surprised how clear it was from the correspondence in the files that figures were bogus or that refunds had actually been obtained by, say, the Better Business Bureau or another government agency. ”

If consumers agreed with the attorney general's figure, we marked the case in her favor and went on. We did the same thing if the consumer couldn't remember or made no sense (we had a couple of those). When a consumer disputed the refund, we got case files either from the consumer himself or from the attorney general's office.

We were surprised how clear it was from the correspondence in the files that figures

were bogus or that refunds had actually been obtained by, say, the Better Business Bureau or another government agency. If the outcome wasn't clear from the file, we contacted the consumers' attorneys or the companies themselves for clarification. Companies were frequently helpful – they didn't want it said they'd been forced to give a consumer a refund when they hadn't.

### Spotlight on consumers

We found it crucial to immerse ourselves in the agency's lingo. Included in the agency's calculation of restitution were “savings,” which had a cash equivalent but wasn't actually cash (an example would be when a collections company forgave a debt). It was important for us to understand that distinction when we questioned consumers and wrote the story. In all, we interviewed and read the files of 162 of the 772 consumers who received refunds of \$2,000 or more. We had hoped to interview more, but rumors began circulating that the attorney general might be looking for a new post. When we could show that a quarter of the dollars claimed were bogus, we decided to publish. If we had to do it again, we'd save time by making the cutoff \$5,000, starting with the largest refunds and working our way down.

Before the story ran, the attorney general's office conceded there were mistakes and told us it was changing the way it calculated

refunds.

In writing our story, Brown and I decided not to use names of companies because we were afraid that there would be so much back-and-forth between companies and consumers that it would take over the story. It was a tough choice for us, but we think it was the right one. By making it, we managed to keep the spotlight on the attorney general's relationship with the consumers who turned to her for help.

Another thing I think we did right is that we loaded the story with anecdotes. Every time we introduced a new concept, there was a real person right there in the story to sort of take a reader's hand and say, “look, here's how this worked, here's how it affected me.” Those anecdotes made what was essentially an ethics story a compelling read.

Next to getting and cleaning up the data, Brown and I found the most difficult part of the project was wrangling over what kinds of cases to allow and disallow. We were really in unfamiliar territory, and we had to do a lot of soul-searching to make sure we were being fair to both readers and to the attorney general's office. If you decide to try a story like this – and I have to believe there are other agencies indulging in this kind of puffing – you might find that aspect less daunting.

As a result of our story, the National Association of Consumer Agency Administrators is drawing up a “best practices” manual to guide agencies in claiming restitution. It's due out this summer.

*Sheryl Harris covers consumer affairs for the Cleveland Plain Dealer. T.C. Brown covers state issues from the paper's Columbus bureau.*



Marcio Jose Sanchez | Kansas City Star



More than 4,000 trucks a day enter the United States at the World Trade Bridge in Laredo, Texas, one of 27 commercial border crossings.

# KEEP ON TRUCKIN'

Reporter takes the wheel to track exhausted drivers

BY JUDY THOMAS  
THE KANSAS CITY STAR

I usually refer to it as “my former life.”

From 1980 to 1986, I was a cross-country trucker, hauling everything from racehorse oats to aluminum coils in an 18-wheeler. Ever since I quit driving, I wanted to go back on the road and write about the trucking industry.

Last year, the timing seemed perfect. Not only was the North American Free Trade Agreement (NAFTA) issue of allowing Mexican trucks full access to U.S. highways about to be resolved, but Congress had recently created a new agency, the Federal Motor Carrier Safety Administration, and charged it with reducing truck-related fatalities by 50 percent

over the next decade. Lawmakers also ordered the agency to revise the decades-old federal hours-of-service regulations that mandate how long truckers can drive at a stretch.

I went to my editors with an idea: Let me rent an 18-wheeler and drive it around the country to experience firsthand the problems plaguing the industry. They told me to go for it.

Other publications had tackled the issues of unsafe trucks and horrendous crashes, but we decided to focus on the drivers – specifically fatigued drivers – and on the government regulations designed to keep tired truckers off the highways. We’d seen stories in which reporters had ridden with truck drivers, but

## TRUCKING PROJECTS

For those planning a similar project:

- Get to know the industry inside and out.
- Get out of the office and talk to truckers.
- Seek out those who regulate the industry to find out their concerns.
- Spend time with the industry officials.
- Talk to victims and their families to put a human face on the issue.
- Attend trucking conventions. This is a great place to conduct interviews, meet officials and truckers, and pick up tons of literature about the industry.
- Read as many trucking publications as you can.
- Order your databases as early as possible.
- Be prepared for the reaction. Truckers talk a lot among themselves, and they can be extremely defensive when they feel they’re under attack. When you are criticized, it’s best to keep your cool and respond as politely as possible. In several cases, truckers who were upset at first were shocked that I took the time to get in touch with them and ended up being supportive after we talked.

were not aware of any cases in which the reporter actually *was* the trucker.

To bolster my knowledge of the issue, I read numerous books about trucking and deregulation, scoured dozens of studies dating back to the 1930s about trucker fatigue, and read detailed trucker surveys and every trucking publication I could get my hands on. (Most truck stops have good supplies of those.)

Another major source of information was accident reports, which I generally had to order from the states in which the crashes occurred. I also extensively used the Department of Transportation’s truck-safety database (<http://ai.volpe.dot.gov>), which provides details on vehicle and driver inspections as well as accident information.

Among the hundreds of sources interviewed were current and former truckers, trucking industry officials, federal and state truck inspectors, safety advocates, sleep experts, lawmakers, families of crash victims and heads of trucking companies.

With the help of *Star* database editor Greg-

## DATABASES

ory Reeves, I analyzed hundreds of thousands of truck crash records and safety reports. I also visited weigh stations and hung out with officers who conduct roadside inspections to see firsthand the kinds of violations they found. In the early stages of my research, I spent hour after hour in truck stop parking lots, observing and listening to truckers on my CB radio. I also drove 1,000 miles to a national trucking convention, using the travel time to further my research by listening to – and interviewing – truckers on the CB.

And I drove a semi 6,000 miles through 15 states, delivering medical supplies and paper products for a local charity in four cities, sleeping and showering at truck stops and talking to truckers along the way. Our travels included a stop in Laredo, Texas, where photographer Marcio Jose Sanchez and I spent two days at the border, watching federal officials conduct truck inspections and interviewing truckers about the NAFTA.

Working out the logistics of renting the rig and finding a load to haul were fairly simple. The difficulty was in the actual loading, unloading, driving and reporting out on the road. I wanted to make the experience as close to that of a regular trucker as possible, so I worked long days and ran hard, in addition to conducting interviews. I encountered bad roads, steep mountain grades in thick fog, major congestion and stressful situations when it came time to make deliveries with a 70-foot rig in tight, cramped places.

What we found from the trips and the research was disturbing: Fatigue behind the wheels of 80,000-pound rigs is so pervasive on U.S. highways that drivers regularly nod off and drift into oncoming lanes or slam into slower-moving vehicles. Sleepy truckers, driving far beyond their limits just to make a living in an industry that thrives on low pay and long hours, were causing hundreds of deaths a year, and perhaps thousands.

But at a time when truck traffic is on the increase, federal oversight is dwindling. Inspections of trucking companies are so few that three-fourths of all carriers have never been visited. And completed reviews are so weak that companies with documented problems continue to operate without sanctions. Moreover, the inspection stations on the nation's highways are frequently closed, allowing the average truck to travel more than 80,000 miles between inspections.

CONTINUED ON PAGE 32 >

*The Star's* database editor Gregory Reeves and I obtained several U.S. Department of Transportation databases for this project.

- The Fatality Analysis Reporting System, or FARS, maintained by the National Highway Traffic Safety Administration, is a census of fatal crashes involving any motor vehicle traveling on a public traffic way. FARS is recognized as the most reliable national crash database.
- The Motor Carrier Management Information System (MCMIS) truck census database is maintained by the DOT's Federal Motor Carrier Safety Administration and contains information on the country's nearly 600,000 trucking companies.
- The MCMIS truck crash database, also maintained by the FMCSA, is intended to be a census of trucks and buses involved in fatal, injury and tow-away crashes. Some states, however, do not report all those crashes. MCMIS is the only national crash database that identifies truck carriers by name.
- The DOT roadside inspection file, which contains detailed information about the 2.2 million truck and driver inspections performed each year. We were able to download the FARS database free of charge. The census database cost \$300, and the crash database was \$500. (Both are now available for free on the Web.) We purchased the truck census and truck-crash databases from a private government contractor that had little or no familiarity with the data, and had to make numerous calls to get them to correct problems with it. We got the inspection database from IRE.

[Note: IRE and NICAR provide FARS, truck accident and truck census databases. NICAR's most recent update of FARS enhanced the dataset significantly by the use of SAS software, allowing a translation of the heavily coded material to plain English. NICAR then made the database available in a commonly used database format. NICAR also uses "truck accident" and "truck census" data in raw text form, adds documentation

and converts dates to useable fields for journalists, then produces the files in a database format after careful data integrity checks. In addition, NICAR is in the process of making "truck inspection" data available to journalists.]

- FARS provided accurate numbers on truck-related fatal crashes, and the MCMIS truck census listed safety ratings and other information about commercial truck carriers. However, the MCMIS file suffered from major data errors and huge omissions. For example, it contained a horrendous crash in 1998 that killed 700 people. When we checked it out, we found that the crash was actually a non-injury accident between a truck and a car. We also found that the database included only about 80 percent of all reportable (tow-away or worse) truck crashes, making summary rankings impossible. With the DOT roadside inspection file, we compared inspections to DOT truck mileage figures by state to derive a chart of miles between inspections. On average, we found that trucks travel 80,000 miles without being inspected, a figure that was shocking to many readers.

Because of the problems with other databases, I began concentrating instead on an electronic inspection system kept by federal regulators. The system, called SafeStat (found at <http://ai.volpe.dot.gov>), uses accident and roadside inspection data to help rate motor carriers in four areas: crashes, drivers, vehicles and safety management.

I carefully collated and cross-referenced the files, and several patterns began to emerge: The government's much-touted inspection system was not delivering. Most companies weren't inspected – even some that clearly should have been under the system's own criteria. And others that were inspected were able to escape with glowing ratings despite histories of problems and violations.



Congress has called for reform and established deadlines, but only a few lawmakers have pushed the issue. And while federal regulators promise to act, they continue to miss almost every deadline Congress sets.

And then there's NAFTA. As *The Star* prepared to publish the series, Congress reached a compromise on safety issues involving NAFTA, agreeing to open U.S. highways to Mexican trucks in 2002. The agreement was hailed by all sides for increasing safety standards and protecting American motorists. But we found that while the NAFTA compromise did indeed improve safety of Mexican trucks, it didn't address the almost certain problems that the country's exhausted drivers will present on U.S. highways.

The resulting series, "Dead Tired: On the Road with Weary Truckers," ran in *The Kansas City Star* over three days in December.

Even though the project was published just before the holidays, it received a good deal of attention. At least a dozen newspapers ran versions of it, and several trucking publications wrote follow-up stories. I've received hundreds of e-mails and phone calls, the majority of which have been supportive.

The biggest critic has been the American Trucking Associations, which predictably labeled it "anti-trucking" and argued that fatigue is not as big an issue as we suggested. But even many truckers, who I thought might be highly critical of the series, thanked us for raising some crucial issues. A trucker from Maine wrote that *The Star's* stories "are not a denigration of the trucking industry; they are a clear and loud call for action on the part of both government and the industry."

Some truckers have provided tips that could lead to more follow-ups about the problems we raised. Other truckers have told us their chilling tales of falling asleep at the wheel, and families of victims killed by tired truckers have shared their horror stories as well. Several congressmen also have expressed interest in investigating some of the serious issues we uncovered.

*Judy L. Thomas is a projects reporter for The Kansas City Star. Last year, Thomas won a national Society of Professional Journalists award for her series, "AIDS in the Priesthood." She is the co-author of Wrath of Angels: The American Abortion War, which was published by Basic Books in 1998.*

Marcio Jose Sanchez | Kansas City Star



"Something's got to change," says Wisconsin trucker Scott Voyles, who wearily finishes dinner at a truck stop in McLean, Ill.

### WEB RESOURCES

One of the most useful Web sites was [www.safersys.org](http://www.safersys.org), which lets you access the Department of Transportation's Safety and Fitness Electronic Records System database. The database contains motor carrier safety data and allows the user to search for a trucking company by name or DOT number.

Another site I used was <http://ai.volpe.dot.gov>. Sponsored by the Federal Motor Carrier Safety Administration, this site contains SafeStat, which provides information about truck crashes and inspections. It also has a section called Crash Profiles Online, which provides detailed, state-by-state information about truck crashes.

Here are some others:

- [www.dot.gov](http://www.dot.gov) – U.S. Department of Transportation
- [www.ntsb.gov](http://www.ntsb.gov) – National Transportation Safety Board, which investigates truck crashes and trucking companies
- [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) – Federal Motor Carrier Safety Administration, the DOT agency that regulates truck safety
- [www.nhtsa.gov](http://www.nhtsa.gov) – National Highway Traffic Safety Administration
- [www.fhwa.dot.gov](http://www.fhwa.dot.gov) – Federal Highway Administration
- [www.ire.org/datalibrary](http://www.ire.org/datalibrary) – IRE and NICAR
- [www.patt.org](http://www.patt.org) – Parents Against Tired Truckers
- [www.saferoads.org](http://www.saferoads.org) – Advocates for Highway and Auto Safety
- [www.citizen.org](http://www.citizen.org) – Public Citizen
- [www.trucksafety.org](http://www.trucksafety.org) – Citizens for Reliable and Safe Highways
- [www.cvsa.org](http://www.cvsa.org) – Commercial Vehicle Safety Alliance
- [www.ttnews.com](http://www.ttnews.com) – Transport Topics, trucking's electronic newspaper for trucking executives
- [www.roadking.com](http://www.roadking.com) – *Road King* magazine, for truck drivers
- [www.etrucker.com](http://www.etrucker.com) – Links to *Truckers New*, geared toward drivers; *Overdrive* magazine for owner-operators; and *Commercial Carrier Journal* for trucking executives
- [www.landlinemag.com](http://www.landlinemag.com) – *Land Line* magazine, for owner-operators
- [www.thetrucker.com](http://www.thetrucker.com) – *The Trucker*, for drivers and management
- [www.ooida.com](http://www.ooida.com) – Owner-Operator Independent Drivers Association
- [www.truckload.org](http://www.truckload.org) – Truckload Carriers Association
- [www.trucking.org](http://www.trucking.org) – American Trucking Associations
- [www.teamster.org](http://www.teamster.org) – International Brotherhood of Teamsters

# HIDDEN CAMERA

Undercover work shows sheriff drinking, driving

BY GERRY LANOSGA  
AND KATHLEEN JOHNSTON  
WTHR – INDIANAPOLIS

For investigative reporters looking to expose wrongdoing or abuse of power, rule number one is to follow the money. But some stories call for *literally* following someone. That was the case with WTHR's investigation into one of the most powerful politicians in Indiana – Marion County Sheriff Jack Cottey. The provocative story we came up with showed how old-fashioned techniques like undercover surveillance – when done right – can provide evidence that documents and databases can't.

The story started, as you might expect, with a tip – that Cottey was regularly drinking, often during the workday, and then driving his county car. Actually, there were numerous tips. Given the sheriff's past problems with drinking on duty (he admitted as much in an old newspaper article), it was worth taking a look.

Our first order of business was to map out how to do such a sensitive and potentially explosive story. Our station sets a high standard for using undercover video. Generally, the standard is that we will use the technique when the information needed for the story can't be gathered in any other way. That was certainly the case with this story.

We also decided that it wouldn't be enough to see the sheriff going into a bar a couple of times. Rather, we had to be inside on repeated occasions and witness the liquor being poured into the glass and the glass going to his lips. With that dictate, we began an intensive undercover effort.

It quickly became clear that having one or two people undercover was not going to be sufficient for the task. To obtain the video evidence we wanted, our people – equipped with hidden cameras – were required at times to be in very close proximity to Cottey. Consequently, we were forced to substitute new faces

for the inside surveillance work every couple of days. Meanwhile, other WTHR staffers waited outside to videotape the sheriff driving away in his car.

Overall, we ended up deploying more than 20 staff members to the undercover effort. We spent countless hours following and observing Cottey as he went through his daily routine – and that often included bars. At times, the work was frustrating as we lost track of his whereabouts in heavy traffic or on the interstates. But in the end, the work yielded results. We were able to air a story that contrasted Cottey's public image as a crusader against drinking and driving (he serves on the governor's Council for Impaired and Dangerous Driving), with his own habit of crossing the line when it came to his department's rules on drinking.

## Higher standards

Over the three-week period that we followed Cottey (not including weekends), we witnessed him drinking and then driving on repeated occasions during both the daytime and early evening. We learned his favorite spots and favorite drinks – like vodka and grapefruit juice. And when he was done, he got behind the wheel of his county-owned car most every time. On or off duty, it was a clear violation of the department's rules.

Was the sheriff legally drunk? We couldn't – and didn't – say. What we could say is that sheriff's department employees are held to a higher standard than state law on driving while intoxicated. First, they're forbidden to consume alcohol while on duty. Second, the rules say no member shall operate "a county-owned vehicle, whether on duty or off duty, while under the influence of intoxicating beverages." And third, *just the odor* of alcohol on the breath of a department member may be considered "presumptive evidence of intoxication and the member may

be subject to immediate suspension of his police powers."

Under those rules, Cottey had repeatedly committed the same offense he has punished others for. In one case, the department even conducted a surveillance operation on one of its own deputies after receiving a tip that he was drinking off duty and then driving his patrol car. He and others inside the department were charged with violating the rules despite never being made to take breath tests.

So what did the sheriff have to say about it all? We'd love to know, but he refused to talk to us and dodged our impromptu attempts to speak with him. He did tell *The Indianapolis Star* that he doesn't drink while on duty and has never driven drunk. But later, his attorney faxed

CONTINUED ON PAGE 43 >

## Available tipsheets

For tips on surveillance and undercover cameras, consider these from The IRE Resource Center:

- **Tipsheet No. 1185** – Undercover bodywear. This tipsheet, offered by Bob Read of *Inside Edition*, gives a rundown of camera basics for undercover investigations. Read lists the pros and cons of various types of cameras, recorders and remotes.
- **Tipsheet No. 703** – The case for undercover cameras. At the 1997 IRE Phoenix Conference, panelists from investigative teams around the country offered a list of suggestions for reporters who are considering undercover work and using hidden cameras.
- **Tipsheet No. 975** – The tactics and ethics of the hidden camera. Robert Steele of The Poynter Institute gives his checklist for reporters tackling the logistics and ethics of hidden cameras in newsgathering.
- **Tipsheet No. 1391** – Legal tips for investigative reporting. At the Chicago IRE National Conference 2001, lawyers teamed up to dole out advice on when hidden camera use is appropriate, necessary and legally defensible. This tipsheet presents key questions all reporters should ask, as well as tips for protecting against litigation.

To order, call 573-882-3364, or visit [www.ire.org/resourcecenter](http://www.ire.org/resourcecenter).

# NEW BOOKS FOCUS ON JOURNALISM'S DARK SIDE

BY STEVE WEINBERG  
*THE IRE JOURNAL*

Leonard Downie Jr. is the top editor at *The Washington Post*, where he has worked since 1964. Robert G. Kaiser is among the senior editors at the *Post*, where he has worked since 1963. Before collaborating on this book about the state of U.S. print and broadcast journalism, Downie had written three books on his own, Kaiser five books.

In other words, these guys are part of the journalism establishment. But they do not act like it. They are bearish about the craft that has nurtured them and that they in turn have influenced. Downie and Kaiser praise a small number

of large-city daily newspapers. But many other daily newspapers are dreadful, they say. As for television news coverage at the network and local levels, forget about it, Downie and Kaiser say. Almost all television newsrooms have abdicated their responsibilities to place breaking stories in context as well as to conduct long-form investigative journalism. For the mostly sorry state of intelligent journalism, blame corporate chain ownership, they say. Blame the unreasonable profit margins demanded by Wall Street traders and stockholders, too.

While most of the Downie-Kaiser criticisms are warranted in kind if not in degree, the authors fail to survey the entire landscape. For example, magazines (such as *Mother Jones*), alternative weekly newspapers (such as the *Village Voice*) and books (including many of those listed annually in the January-February issue of *The IRE Journal*), whether published by big corporations or small independents, are ignored by Downie and Kaiser as part of the media landscape. Yet magazines, alternative weeklies and books yield much of the best in-depth journalism year in, year out.

Although Kaiser has done some investigative journalism, Downie's name is more closely associated with that craft. He reported and wrote excellent investigative pieces for the *Post* before becoming an editor. Downie's 1976 book, "The New Muckrakers: An Inside Look at America's

Investigative Reporters," contains valuable lessons for today, as well as an anecdotal history of the craft. I've re-read portions of that book at least a dozen times because it is so instructive about technique, so inspirational about results.

"The News About the News" is not meant to be about investigative journalism, but in many ways that craft is the basis for how Downie and Kaiser evaluate the performance of news organizations. In their chapter on local television news, for instance, they write: "The investigative reporting suggested or prepackaged by consultants [outsiders hired to boost ratings] tended to be small-bore, look-alike consumer-protection stories rather than real digging that could hold government, business or other powerful people and institutions accountable to local citizens. But stations could buy these stories and put them right on the air for a small fraction of what it would cost in the salaries and resources needed for real investigative reporting."

Downie and Kaiser find occasional pieces of investigative reporting to praise amidst their gloom: "The best local television news can

make a difference. KTVX in Salt Lake City won a Murrow award in 1999 for its investigative reporting of evidence of corruption in the bidding process that won Salt Lake City the 2002 Winter Olympics. Detroit's WXYZ revealed that the state of Michigan had forcibly sterilized thousands of men, women and children institutionalized as mentally retarded before World War II. WANE in Fort Wayne, Ind., used the emotional power of television to educate viewers about organ donations through the powerfully told story of two children's lives saved with organs donated by the family of

an Indiana boy. Houston's KHOU first reported that Firestone tires on Ford Explorer sport utility vehicles were involved in dozens of fatal accidents across the country."

Almost every tidbit of praise is leavened a few paragraphs later, as when Downie and Kaiser say, "Yet even news directors who are able to get better coverage on the air mix good journalism with mayhem and frivolity to hold viewers' attention. The three major stations in Minneapolis, for example, which have won awards and national attention for the noteworthy quantity and quality

ABC NEWS	THE NEWS	NEW YORK TIMES NEWS
AMERICA FRANCE-PRESSE	HOLLYWOOD REPORTER	NEW YORK TIMES
American BEACON-JOURNAL	HOUSTON CHRONICLE	PHO
AMERICAN BROOKLYN	INDY HERALD TRIBUNE	PHILADELPHIA INQUIRER
LIBERTY BUREAU PRESS	INDUSTRIAL BUSINESS WEEKLY	PITTSBURGH POST-GAZETTE
ASSOCIATED PRESS	INSIGHT RIZZIO	PORTLAND OREGONIAN
WESTON AMERICAN STATSMAN	LOS ANGELES DAILY NEWS	REUTERS
BALTIMORE SUN	LOS ANGELES TIMES	SF. HERALD EXAMINER
BERKELEY REPORT	LouisVILLE CHRONICLE-JOURNAL	SARASOTA HERALD
BOULDER	PEARL HERALD	SALT
BUROKRAZ	POMONA-STAR TRIBUNE	SAN JOSE MERCURY NEWS
BOSTON GLOBE	<b>THE NEWS ABOUT THE NEWS</b>	SEATTLE TIMES
BUFFALO EVENING NEWS	TORONTO	SUN FRANCISCO CHRONICLE
BUSINESS WEEK	THE WATSON	SLATE
USA NEWS	AMERICAN JOURNALISM	STAR
CHICAGO SUN-TIMES	IN PERIL	TAMPA BAY HERALD-JORN
CHICAGO TRIBUNE	NATIONAL ENGINEER	TIME
CHRISTIAN SCIENCE MONITOR	NATIONAL NEWS	U.S. NEWS & WORLD REPORT
CONSUMER ENQUIRER	NEW NEWS	USA TODAY
CLEVELAND PLAZA SCALAR	NEW STAR-LEADER	VARIETY
USA-GOP	LEONARD DOWIE JR.	WALL STREET JOURNAL
COLUMBIAN ECONOMY	AND OF THE WASHINGTON POST	
CLIPART	ROBERT G. KAISER	WEEKLY STANDARD
DALLAS MORNING NEWS	A.S. TIMES-RECIPIENT	WHEELA EAGLE
DES MOINES REGISTER	THE NEW REPUBLIC	WILMINGTON NEWS JOURNAL
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**THE NEWS ABOUT THE NEWS: American Journalism in Peril**  
By Leonard Downie Jr. and Robert G. Kaiser  
Knopf, 2002

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of their community coverage, featured rapes and drive-by shootings, bear wrestling and dolphin slaughters, along with good local stories about schools, the environment, highways and the homeless on their evening newscasts during several weeks we sampled ...”

Downie and Kaiser handle newspapers the same way they handle television networks and stations — mention of a few bright spots, sweeping criticism of the rest. At the beginning of the book, to show how in-depth reporting can lead to positive change, Downie and Kaiser make brief references to recent investigations by the *Chicago Tribune*, *The (Newark) Star-Ledger*, *The Oregonian*, *Arkansas Democrat-Gazette* and *The Philadelphia Inquirer*.

Later, however, Downie and Kaiser point to *The Philadelphia Inquirer* to show how a one-time paragon of investigative journalism can be neutered by corporate profit-and-loss statements. Most of the story is familiar to those who participate in or follow investigative journalism. With Gene Roberts in charge of the newsroom, the *Inquirer* took investigative reporting to new heights. Then Roberts departed because of the pressure to increase profit margins. Downie and Kaiser add a twist, however, diluting the homage normally paid to Roberts: “Although the *Inquirer* under Roberts was certainly a hot paper, it was never a great paper. It had flashes of sheer genius, and produced many elaborate investigative projects, but its daily coverage of Philadelphia, the country and the world was erratic and incomplete ...”

Downie and Kaiser provide three extended examples of investigative journalism in the book — one from *The New York Times*, two (one upbeat, one not so upbeat) from their own newspaper. The *Times* investigation, conducted by Doug Frantz, recounted how what many people consider to be the commercial cult of Scientology prevailed at the Internal Revenue Service to win tax-exempt status. The Downie-Kaiser version reads much like the kind of narrative-driven, technique-laden accounts found in Downie’s 1976 book, as well as the type of piece found in almost every issue of *The IRE Journal*.

The exemplary *Post* investigation uncovered why Washington, D.C., police were shooting and killing more civilians than any other force in the nation. The not-so-exemplary *Post* investigation failed to adequately expose immoral and probably illegal activities by President Ronald Reagan and some of his followers in Iran and Nicaragua. The final extended example relates the debate within the *Post* newsroom about

whether to publish a story about a love affair involving Republican presidential candidate Bob Dole close to election day.

## INTO THE BUZZSAW

As they discuss investigations done well and poorly, Downie and Kaiser make two brief references in their book to the crash of TWA Flight 800 over Long Island, N.Y. Judging by their phrasing, Downie and Kaiser believe the crash occurred because of a spontaneous explosion in a fuel tank on board. Nowhere do they give credence to the possibility that a U.S. military missile being tested in the area brought down the civilian air craft.

The acceptance by Downie and Kaiser of that official version would almost certainly lead to an angry rebuttal, combined with a pensive “I told you so,” from Kristina Borjesson, an independent television producer who investigated the TWA crash for CBS Evening News and 60 Minutes. Her 43-page piece about how she tried to learn and disseminate the truth about that 1996 air disaster is one of 18 pieces in the new book she edited, “Into the Buzzsaw.” Almost every one of those 18 is simultaneously depressing and uplifting — depressing because gutsy investigative journalists took on government and/or corporate institutions only to be attacked, uplifting because those journalists refuse to give up.

Full disclosure: One of the 18 chapters is by Brant Houston, IRE’s executive director. He did not assign this book review; I asked to do it. Nor did he edit it. By the way, Houston’s piece, “The Light That Won’t Go Out,” is an anomaly in the book. It emphasizes the positive, as he pays homage to mentors and colleagues who showed him the way to first-rate investigative reporting. Like the other pieces in the book, it is written in first person. Unlike the other pieces, it does not focus on newsroom managers and their corporate bosses caving in to the government and corporate establishments. Just the opposite, as Houston recounts satisfying investigations completed at *The Kansas City Star* and *Hartford Courant*.

With that disclosure out of the way, first a brief evaluation of the book as a whole. It is uneven, as might be expected of such a collection. A few of the pieces are poorly written,

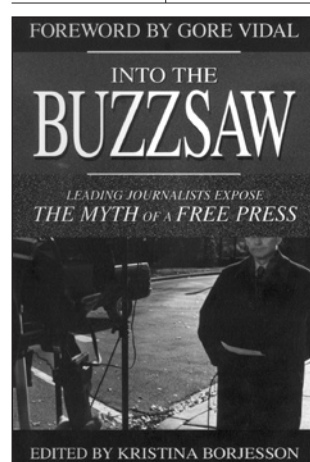
and thus hard to finish. A few are so shrill as to feel unpleasant and lose credibility. The book contains some documentable inaccuracies. For example, Carl Jensen in “What Happened to Good Old-Fashioned Muckraking?” not only is misguided (in my opinion) about the current state of investigative journalism, but he says the 1976 murder of *Arizona Republic* reporter Don Bolles “led to the creation of Investigative Reporters and Editors.” IRE had been founded the year before Bolles’ murder.

Okay, enough carping. Although the book is, unfortunately, less than the sum of its parts, it is worth reading. Most of the pieces are excellently presented, covering topics vital to investigative journalists. The two pieces that jumped out at me are about the TWA crash. One is by David E. Hendrix of the *Riverside (Calif.) Press Enterprise*, the other, as noted, by Borjesson. How each one of them became involved in the investigation of the TWA crash, how they overcame reporting obstacles, how their amazing revelations got buried amid what appears to be an unconscionable official cover-up by civil-

ian and military government agencies, how they suffered individually for pursuing the truth ... wow! I’ve heard (not to mention written and edited) hundreds of similar stories in the past, but these are especially gripping. A third essay, by *New York Observer* columnist Philip Weiss, gives prominent mention to his own reporting on TWA 800. Like Hendrix and Borjesson, Weiss rejects the government explanation in favor of the missile theory.

Naturally, the book contains references to what happened in New York City, Washington, D.C., and rural Pennsylvania on Sept. 11. In the wake of that

day, Borjesson comments that “now, more than ever, we need a critical press willing to dig deep and cut the stenographer-to-official sources act. We need to find out why and how this could happen. At this time, when our lives are threatened and plans for hostilities are being made and carried out on our behalf, we need to be vigilant and to stay well informed.”



**INTO THE BUZZSAW:**  
Leading Journalists Expose  
the Myth of a Free Press  
Edited by Kristina Borjesson  
Prometheus, 2002

*Steve Weinberg is senior contributing editor to The IRE Journal and a former executive director of IRE.*

# WASHINGTON JOURNALISTS TEST PUBLIC RECORDS ACCESS



BY PAULA LAVIGNE SULLIVAN  
THE (TACOMA) NEWS TRIBUNE

**Y**ou would think that someone had walked up to the counter and demanded the combination to the office safe based on the reactions of a few clerks when responding to a request for a copy of a public document.

That confusion is what many “undercover” citizens in Washington encountered during a statewide audit of how easy, or how difficult, it was for people to get copies of records that state law said they could have.

The survey was the first of its kind to examine Washington’s Public Records Act. It involved 25 newspapers from across the state, The Associated Press and the Washington Newspaper Publishers Association.

Our findings resulted in “Washington: Your right to know,” a series of stories that examined how well Washington’s public disclosure law was working in local government agencies. The project relied on a lot of coordination and didn’t always go smoothly, but we learned a lot about how to do this and we made some interesting findings as a result of the audit.

The audit revealed there was much uncertainty and conflict regarding the law among almost every type of agency we visited. Law enforcement agencies refused us the most, which we expected.

[Open records surveys have been conducted by news organizations in several states. A compilation can be found at <http://web.missouri.edu/~foiwww/>

[openrecseries.html](http://openrecseries.html), with links to the stories.]

The first stories in this multi-part series ran last October, four months after newspapers sent staff members out to make the initial requests. The planning, however, began even earlier with meetings of editors and organization leaders in the spring.

The group settled on three main objectives: see whether public employees know the law and follow it; make the requests as regular citizens and not as members of the media; and get newspapers across the state involved in the project.

The group reasoned that agencies were used to giving information to reporters. Reporters know how to get the information and often are directed to public information officers familiar with what they have to release. We wanted to know what would happen if Joe or Jane Citizen wanted the same information.

## Real people requests

The project would have the most impact if it involved newspapers from all over Washington. By joining together – either by making public disclosure requests, writing the stories, or publishing the series – journalists helped show local and state agencies all over the state that we were serious about public disclosure laws. And it showed that regular citizens should care as much as the media.

We picked agencies with which people were likely to have contact, including police and sheriff departments, health departments, assessor offices and school districts.

There was a long discussion about what documents we should request, but as a guideline we settled on seeking information real people might need, and we tried to keep the requests simple and standardized.

Here’s what we decided upon, making these requests in each of Washington’s 39 counties:

- A list of sex offenders from the sheriff’s office.
- A property crime incident report from the largest police department, smallest police department and sheriff’s office.
- A restaurant inspection from the health department.
- A home’s value and taxes due from the assessor-treasurer’s office.
- The superintendent’s contract from the largest school district and from one of the smallest school districts.

There were good reasons to ask for these things. Now we had to decide how to ask for them, keeping in mind that we were making the requests as regular citizens and couldn’t walk into

## Practical advice

Sounds like a great game plan, but we did run into a few unexpected plays. To give you an idea of the type of problems we had, here’s some advice on how to avoid those problems for anyone else considering such a project:

- Make sure everyone is on board with the project weeks before sending people out to request the documents. Making the requests on the same day in every county is important so as not to tip off agencies from other counties.
- Know the law and its exemptions before deciding what to ask for and make your request as specific as possible.
- If possible, get the name of all people the requestors speak with. This will help when making follow-up calls and when verifying or defending your results.
- Provide detailed instructions to the requestors, including a list of, “what to do if,” so they have standard responses to scenarios the agency might throw at them. For example,

should they ask the clerk for a release-of-information form to fill out or should they wait to see if someone offers one to them?

- For each type of document requested, decide ahead of time what compliance means. If you ask for a police report, does the agency comply if the sergeant on duty happens to be the one who filled out the report and just tells you what occurred? If you ask for a list of sex offenders, does it count if the agency points you to a Web site but doesn’t give you an actual document? If you want a restaurant inspection, do you want the whole report or just a list of what regulations the restaurant failed?
- Even if your state law specifies a time by which the agency must respond, decide how long you want to wait and how much follow-up contact you want to have with the agency before making a decision on whether it complied.
- Decide what to do if the agency is closed on the day you make the request or if the “right person” isn’t in to give you an answer.

the office citing chapter and verse of the public disclosure act, the way a journalist could.

We asked our people who were making the queries to go the main desk and simply ask the receptionist or clerk for a copy of the document they were requesting. If someone asked them for their name or asked why they wanted the document, they were to respond with, "Do I have to tell you that to get the information?" (Because they don't have to under Washington law.)

If the answer was yes, the person requesting the document was to provide his or her name and home address and telephone number, if also required.

If pressed for a reason, some said they just wanted the information for personal use while others stated again that they just wanted the information, no reason given.

Beat reporters could be easily recognized, especially in the smaller, more rural counties, so we asked that papers send people who did not normally deal with these agencies. At *The News Tribune*, we called on copy editors, page designers, interns and even a member of our information technology department to act as "auditors."

We needed people who were observant and who could take good notes without looking too obvious. They were supposed to act, dress and talk like a regular person just trying to get information.

They were not to give out any indication they worked for the paper (thus the need to provide home phone numbers), nor were they to call the agency from work, considering some law enforcement agencies might have caller identification.

Lying, however, was not permitted. If someone asked, "Are you a reporter?" or "Do you work for a newspaper?" the requestors had to tell the truth. They also could not make up bogus reasons for wanting the information.

Auditors had a checklist of things to observe, such as whether they were asked for identification or a reason for wanting the record.

The other questions were:

- Was the reason you wanted the record a requirement of getting the information?
- Did you have to submit a request in writing?
- Did you get the final answer (denied or approved) on the first visit? If not, how many working days until you got an answer?
- If you got the information, did you get a photocopy? If so, what was the cost per page?
- What was the contact person like? (Helpful, neutral or antagonistic.)

- If denied, why?
  - Agency never responded.
  - Records unavailable (copier broken, files burned, etc.)
  - A response such as, "There's nothing that says they are public" or "I don't want to."
  - Quoted an exemption in the law. If so, which one?
  - No reason given.
  - Other.

### Details of conversations

The requestors wrote down more details about the visit and dialogue from conversations with the person or people at the agency. If they walked away without an answer, they gave the agency five days, as per state law, to respond and then about two weeks (and sometimes more) to send the documents.

The results were entered into a database.

We had to double-check and evaluate several forms and had to throw some out because the requestors did not follow the directions. We also had to re-evaluate several property crime requests and ended up giving wide latitude to law enforcement agencies in determining whether they complied.

When we presented the story, we made sure to tell our readers that this was not a scientific survey but merely a sampling of agencies. The series included sidebars on how we did the project and how the law is often debated, especially among law enforcement agencies.

Some agencies, including not surprisingly those that failed, saw our audit as an attack and questioned our results, but we had a sound methodology and reports to back it up.

Having written the main story, many readers sent their responses directly to me. I received a total of about 25 calls, letters and e-mail messages from people all across the state pleased with the series. Many had problems getting public information from local and state agencies themselves.

Personally, it did feel good to do something that might make government agencies more accountable, especially when it involves something as important as public information.

*Paula Lavigne Sullivan is a reporter at The News Tribune in Tacoma, Wash. She covers local government, Census 2000 and does most of the newspaper's work in computer-assisted reporting.*



Kandi Osborn, mother of murdered 15-year-old Jennie Osborn, turns away after speaking prior to the sentencing of Joseph Rosenow, who was convicted of killing her daughter. Washington now has a law that requires sheriff's departments to maintain a list of Level III sex offenders that's accessible to the public, and to provide it to local newspapers and on the departments' Web sites.

Duncan Livingston | The News Tribune

### Wide participation

We couldn't have done any of this without the coordination of dozens of people. And the three journalists who deserve the most credit for bringing everything together are Dale Leach, the AP bureau chief in Seattle, Laurie Williams, assistant managing editor at the *Tri-City Herald* in Kennewick, and David Cuillier, former city editor at the *Everett Herald*.

Daily newspapers participating in the project were *The (Tacoma) News Tribune*, *The Olympian*, *The (Spokane) Spokesman-Review*, *The (Vancouver) Columbian*, the *Yakima Herald-Republic*, the *Tri-City Herald*, *The (Everett) Herald*, *The Bremerton Sun*, the *Eastside Journal*, the *Lewiston (Idaho) Morning Tribune*, the *Moscow-Pullman Daily News*, *The Aberdeen Daily World*, the *Peninsula Daily News*, the *Skagit Valley Herald*, *The Longview Daily News*, *The Wenatchee World*, *The Centralia Chronicle*, the *Walla Walla Union-Bulletin*, the *South County Journal* and *The Bellingham Herald*.

Participating weekly newspapers were the *Davenport Times*, *Chinook Observer*, *The Journal of the San Juan Islands*, the *Goldendale Sentinel* and *The Wahkiakum County Eagle*.

The Associated Press, Washington Newspaper Publishers Association and the William O. Douglas chapter of the Society of Professional Journalists also supported the project.

The entire project and our methodology can be found at [www.openwashington.com](http://www.openwashington.com).



# LETHAL FORCE

Questions raised about police shootings and official inquiries

BY SARAH HUNTLEY  
AND BRIAN D. CRECENTE  
*THE ROCKY MOUNTAIN NEWS*

**D**eShawn Hollis insists he was bolting. The seventh-grader had broken into a home with a friend. When police arrived, Hollis sprinted out the back door. Suddenly, a bullet hit him in the shoulder blade, slicing through his spinal cord, forcing him to the ground.

The officer who fired the shot told his colleagues the would-be burglar twirled and pointed a pistol at him. The boy admits he was armed but says his only weapon – a broken and empty handgun – was tucked in his waistband.

Three years later, Denver taxpayers are out a record \$1.2 million, after city attorneys con-

cluded that the medical evidence contradicted the police account. Hollis, now 16, is paralyzed for life. And Officer Keith Cowgill remains on the force, undisciplined and undeterred.

From 1990 to 2000, Denver police officers shot 91 people, 35 of them fatally. The city has paid nearly \$3.7 million to settle lawsuits and claims filed by the injured and the families of the dead.

But the officers involved were spared from a full and thorough investigation – and hardly ever faced discipline – because of a secretive and outdated internal review process that is protected by police unions, the department’s top brass and city hall.

The *Rocky Mountain News’* analysis of post shootings originated last July. That month, we were called to seven police shootings, three by Denver officers, the others by surrounding metropolitan agencies.

Our interest was piqued by what we were witnessing in our community and by *The Washington Post’s* impressive series, published that same month, on police shootings in Prince George’s County [See the March-April 2002 edition of *The IRE Journal*].

The *Post*, as part of its work, compiled police shooting fatality rates for the 50 largest law enforcement agencies in the country. Denver ranked among the 10 worst in several categories.

Police officials here lambasted the *Post’s* findings, complaining that the numbers didn’t tell the whole picture. So we set out to find data that would.

## Shooting connections

From the beginning, we knew we wanted to include fatal and non-fatal shootings. A look at just fatalities would introduce too many variables, including the level of care provided by our trauma centers.

In Denver, we benefit from a philosophy of openness in our district attorney’s office. The district attorney reviews all police shootings that result in significant injury or death to determine whether the officer should be charged with a crime. This criminal review is, in theory, separate from the internal disciplinary process that became the focus of our stories.

After making a determination about whether to prosecute, the district attorney’s office issues a lengthy and detailed decision letter. When the letter is released, so, too, are the investigative files. The files, which include police reports, written statements and videotaped accounts given by officers and witnesses, are a gold mine.

Using the reports, letters and our newspaper’s own archives, we created a database of more than 6,000 pieces of information, including names, dates, addresses, weapons, race and indicators of erratic behavior or mental illness.

To check our work and to fill gaps in some of the data, we gave the police department a list of the cases we were including and requested more information. Officials there provided us with a handful of additional cases and, at our specific request, a numerical breakdown of officers disciplined in connection with shootings.

The Denver Police Department refused to release the names of the officers punished, basing their denial on a state law that protects personnel records. As we continued to probe, however, we learned that the department had created a spreadsheet of cases reviewed by the Firearms Discharge Review Board, an internal group made up of the department’s top officials.

We had already done extensive research on the discharge review board and determined it would play a major part in our stories. The board is supposed to review every police shooting, including those that do not result in any injuries, and come to a conclusion about whether an officer followed departmental policy.

Police watchdog groups say this disciplinary review should be more comprehensive than any criminal investigation because it goes beyond the narrow focus of the law. By the chief’s own admission, however, the Denver department’s Firearms Discharge Review Board rarely delves any further.

The information in the spreadsheet backed up our finding – in stark detail.

Although the data included no names or locations, cases were listed by date and by a brief description. With some more persistent

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questioning, we were able to match the individual entries to each of the shootings in our database.

Here's what we found:

- Of the 126 officers who shot people, five were disciplined. The most serious punishment was a three-day suspension plus a one-day fine. In four of the cases, the officers were penalized not for shooting a person, but for shooting at a car.
- More than a third of the people shot were mentally ill, high on drugs or alcohol or acting irrationally in the moments before officers fired. Only seven survived. Denver police are planning to implement a new crisis intervention program in hopes of lowering these types of shootings in the future.
- The Denver Police Department does not have a comprehensive, computerized method for tracking officers or identifying possible problems. A deputy chief said the current system is a "hodgepodge" that relies upon institutional memory and occasional reporting.
- The city's only citizen watchdog group, the Public Safety Review Commission, has failed to bring meaningful oversight to police shootings. The group's advocates say the accountability process is stymied by politics, a lack of funding for full-time investigators and a growing caseload.

With the help of staff writer Peggy Lowe, we published seven articles in a two-day series. We worked with our online team to put a searchable database on our Web site, giving readers their first chance to search for information about police shootings by several different fields, including an officer's name.

The stories received a mix of feedback, with some saying it was time someone took a closer look at law enforcement conduct and others accusing us of pounding on police officers. Interestingly, many of the critics mentioned Sept. 11, as if to suggest that scrutiny of law enforcement was no longer appropriate after the World Trade Center attacks.

The police department had already started looking into other models for civilian involvement, including the creation of a disciplinary review board that would include two non-police officers. That work continues. The Public Safety Review Commission, meanwhile, is re-drafting its budget to request additional funding.

*Sarah Huntley and Brian D. Crecente cover police news for the Rocky Mountain News. "Calling the Shots" won the Best of Scripps Award for November 2001 in the category of specialty reporting. The project, including the News' searchable database, is available at <http://cfapp.rockymountainnews.com/deadlyforce>*

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Hal Stoezle | Rocky Mountain News



DeShawn Hollis, who was 12 when he was shot by a Denver policeman three years ago while burglarizing a home, talks with his mother, Sophia Robinson, about the recent \$1.2 million settlement of the family's lawsuit against the city. Hollis is wearing a hooded jacket because his injuries have left him hypersensitive to the cold.

## Lead paint

CONTINUED FROM PAGE 15

geo-plotted the tainted addresses to produce a stunning map of the city’s “hot zones.” Our in-house database manager, Bobby Schrott, then supplemented this with information from various proprietary and online databases.

Property tax records, for example, were instrumental in discerning which landlords and management companies owned the most toxic houses. And corporate charters, filed online with the Maryland Department of Assessments and Taxation, helped unveil a variety of shell ownership schemes.

Not surprisingly, the map precisely matched the most rundown rental wards in the city, Baltimore’s notorious Civil War era slums. They rank among the worst neighborhoods in the nation for syphilis, drug overdoses, gun-related spinal cord injuries, teen pregnancy, illiteracy, abandoned housing and murder.

### Focusing the effort

As our investigation progressed, we would learn that lead paint is potentially a contributing factor in all of these pathologies.

It was here that our canvassing began in earnest, block-by-block, house-by-house, one family at a time. In less than two weeks, we had amassed dozens of stories about poisoned kids who went on to develop disciplinary problems and learning disorders that led them to drop out of school and drift into trouble with the law.

We quickly realized, however, that the story was overwhelming us. We had too much anecdotal information, the stories were too similar and the lead paint hot zones sprawled all over the city. We needed to focus our effort somehow.

We also found that many afflicted families had credibility problems. Some parents were strung out on drugs or alcohol, many had criminal records. And in a city where fully half the population lives in transient rental housing, families commonly lost medical records in the course of their nomadic drifting – so there was no way to immediately verify their claims.

Then, there were the kids themselves. Most often, they were unable to concentrate long enough to give a coherent account of their own experience. Many were paranoid, edgy and prone to flashes of anger. Almost all had records of violent crime by the time they

were teens. And several had exhibited suicidal tendencies.

Clearly, we needed “hard” documentation or we ran the risk of producing a series that would not compel official action.

While brainstorming with projects editor Jim Asher, we hit on three important ideas:

- The first was to focus our efforts on one neighborhood, the hardest hit in the city.
- The second was to hire our own lead paint inspectors to test the houses we visited and verify that they were, in fact, contaminated. Then-Managing Editor Bill Marimow went

### STORIES WORTH NOTING

If you’re interested in more stories on lead paint poisoning, the IRE Resource Center has these available:

- **Story No. 17937** – In May 2001, Peter Lord of *The Providence (R.I.) Journal* examined the lives of children who have suffered irreparable damage as a result of lead paint in their homes. Lord’s six-part series addressed the impact of lead-paint poisoning on brain development and drew attention to the thousands of Rhode Island children who have been victims.
- **Story No. 15687** – David Dietz of *The San Francisco Chronicle* exposed the lack of response from city officials, despite an 18-month-old program to reduce lead-paint hazards in San Francisco.
- **Story No. 13772** – WPTV-TV in West Palm Beach, Fla., investigated the potential danger of lead paint on old playground equipment, which had not been tested by any federal, state or city government. Lab results taken from nine Florida parks exposed high lead levels and led officials to immediately close eight parks.
- **Story No. 6401** – Using a confidential list of subsidized apartments and their own lead inspector, WCVB-TV in Needham, Mass. found that housing agencies were placing families in homes known to contain dangerous levels of lead paint.

For copies, call 573-882-3364, or visit [www.ire.org/resourcecenter](http://www.ire.org/resourcecenter).

one step further, suggesting that we also pay the inspectors to generate a formal, detailed and bonded report on every house for inclusion in our stories.

- Finally, and most importantly, we would ask each and every family we interviewed to sign a formal privacy release granting us the right to collect their children’s records from hospitals, schools and juvenile courts on their behalf.

Fox Butterfield of *The New York Times* used the same method in producing his landmark 1996 book “All God’s Children” to reconstruct the life of a notorious juvenile killer – and it worked similar wonders for us.

In all, we wrote some 25 stories, charting the misery, lost potential and wasted lives of poisoned children, teens and adults.

We detailed how landlords had exploited the city and state’s Swiss cheese enforcement system by using shell corporations to mask their ownership of properties where dozens of kids had been poisoned.

And, quite by surprise, we found ourselves in the enviable position of being sought after by doctors, attorneys, researchers, advocacy groups and whistleblowers nationwide. They told almost mirror-image horror stories from such cities as Providence, Chicago, Newark, Philadelphia, Washington, D.C., and New Orleans.

As with asbestos, tobacco and guns before it, lead paint promises to be one of the major stories of the coming decade, with tendrils in virtually every beat.

The stakes for kids like Tarik are undeniable, but thousands of middle-class youngsters are poisoned every year, too, by improper home renovations and do-it-yourself painting projects that release lead dust into the air.

If the response from readers is any indication, we would do much to advance the public interest by giving this plague wider coverage.

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*Jim Haner is a staff writer for The (Baltimore) Sun, specializing in urban affairs and investigative reporting. In 2000, he won the Freedom Forum Urban Journalist of the Year Award for reporting on children brain damaged by lead paint. In 1998, he won IRE’s Tom Renner Award as co-author of a series on how organized crime syndicates exploited New Jersey’s lax money laundering laws. He has twice been a finalist for the Pulitzer Prize.*



# SEVERAL TRANSPORTATION AGENCIES COLLABORATE ON TRIS WEB SITE

BY CAROLYN EDDS  
THE IRE JOURNAL

For background and the latest information on transportation issues, a good place to start is with Transportation Research Information Services (TRIS). A collaborative effort of several transportation agencies, including the Transportation Research Board, the Bureau of Transportation Statistics and the U.S. Department of Transportation, TRIS is a bibliographic database with more than 450,000 records. It is updated monthly.

Information found in TRIS includes bibliographic records about transportation research from books, journal articles, technical reports and other media. It also includes information from federal, state, local and association publications and conference proceedings.

Coverage in TRIS dates to the 1960s, with

some literature from prior years.

Some of the information is available in full text from TRIS, while in other cases the document may need to be obtained from a different source. When a document is available in full text online, a symbol and the phrase "E-Doc" is displayed next to the document title in the search results.

In some cases, a link is provided to the Web site of the company that published the article. Article availability on the company Web sites varies. Some organizations provide the article on their Web site at no charge while others make it available for purchase.

For example, a search of the phrase "terrorism" – limited to information published in the last year – returns 32 hits. The first hit is an article about highways playing a critical role

in the aftermath of Sept. 11, in a journal titled *Roads and Bridges* published by Scranton Gillette Communications, Inc. No link is provided to that company, but a search in Google leads you to the company's home page where you will find a link to *Roads and Bridges*. A click on "article archives" results in a search page of the publication's archives, allowing you to choose to search by author (Wilkins) and the January 2002 issue. One result will return with a link to that article on the Web site.

If you return to your search of the TRIS database, the last result on the first page is an article about a forensic study of the terrorist attack damage from *Concrete International*. This bibliographic description contains a link to the American Concrete Institute's Web site, where you can select a menu item for publications. Follow the link to *Concrete International* and you can search the archives to locate the desired article. From the search result on this Web site, you can follow a link to purchase this article for \$20. After your purchase, you can download the article from the Web site. If you do not have \$20 to spend on an article, check to see if your newsroom library has a subscription to Dialog, because it might be available there. Also, a local university might subscribe to that journal.

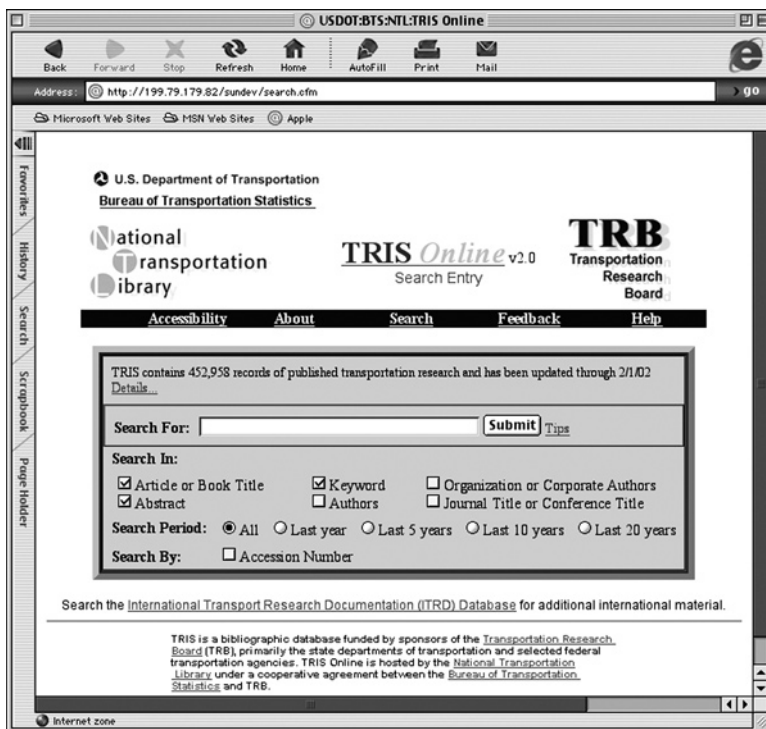
In addition to obtaining background information on a current transportation issue, TRIS can help you find experts or organizations to contact for your story.

Information can be found on a variety of transportation issues, including bicycle helmets, school buses, railroads, airplanes, bridges and barges. You also can search by the name of your state or city to find transportation information published about your area.

TRIS is searchable by keyword, author, title, subject, publisher, journal or conference title. Searches can be restricted to the previous year, or you can go back five, 10 or even 20 years.

The search tips page provides advice on narrowing your search, such as using quotes around an exact phrase or using an asterisk as a wildcard. The link to the search tips page is next to the "Submit" button.

*Carolyn Edds is the Eugene S. Pulliam research director for IRE. She directs the IRE Resource Center and helps maintain Web resources.*



Search page: <http://ntl.bts.gov/tris>

Search tips page at <http://199.79.179.82/sundev/examples.cfm>

Description of TRIS coverage: [www4.trb.org/trb/tris.nsf/web/tris\\_coverage?OpenDocument](http://www4.trb.org/trb/tris.nsf/web/tris_coverage?OpenDocument)

## FOI report

CONTINUED FROM PAGE 17

comes in. When last we heard a pitch for secrecy from our municipal utilities, the argument was that impending deregulation would doom them to competing with private companies that do not have to disclose their records. Thankfully, California's deregulated power markets have given our legislature pause, but the logic behind the latest call for secrecy falls against the immutable fact that publicly owned utilities cannot have the privileges of private companies.

Unless they can change their funding sources, municipal utilities are always going to be, in part or in whole, taxpayer funded. The public must have the right to know how any government agency spends its money.

The utilities seeking this flawed exemption are right about one thing: The state must address some pressing security issues in the wake of Sept. 11. Everything else about this bill begs for greater journalistic scrutiny, for tough questions about how the attacks of Sept. 11 make it necessary to put public records within the discretion of the state PSC. I'm hoping those questions are being asked, and that they are asked in statehouses across the country. Readers and viewers deserve nothing less.

## Legal corner

CONTINUED FROM PAGE 11

ing whether the First Amendment right of access applies to military tribunals is whether access would compromise national security concerns. The qualified right of access recognized by the Supreme Court clearly permits courts to excise sensitive information as long as this is done in a narrowly tailored way to satisfy a compelling governmental interest. Concerns about a media circus surrounding terrorist trials and predictions that members of the al Qaeda terrorist network may be glorified or made into martyrs if they are on public trial can easily be addressed on a case-by-case basis – not by blanket closure orders.

Just results come from openness. Secretiveness does little more than cloak corruption and prevent the community from seeing justice be done. National security concerns are extremely important, and the law correctly permits classified information to be excised from criminal proceedings. But closure must be extremely limited and the heavy presumption of openness must apply.

## IRE news

CONTINUED FROM PAGE 5

### Annenberg School of Journalism Selden Ring Award

- **Dave Saltonstall** and Heidi Evans of the *New York Daily News* for their investigation into alleged financial misconduct and childcare improprieties at Hale House, a Harlem shelter for women and children.

### George Polk Awards

- **International reporting:** **Sumana Chatterjee** and **Sudarsan Raghavan**, Knight Ridder newspapers, for "A Taste of Slavery."
- **Medical reporting:** **Duff Wilson** and **David Heath**, *The Seattle Times*, for "Uninformed Consent."
- **Metropolitan reporting:** **Bill Theobald** and **Bonnie Harris**, *The Indianapolis Star*, for "Destined to Die."
- **Regional reporting:** **Tom Roeder**, the *Yakima (Wash.) Herald-Republic*, for "Caught by the Fire in the Canyon."
- **Local reporting:** **Dave Saltonstall** and Heidi Evans, the *New York Daily News*, for the Hale House series.
- **Environmental reporting:** **Lisa Davis**, *San Francisco Weekly*, for "Fallout."

### RTNDA 2002

#### Edward R. Murrow Awards

- **Dave Savini** and **Michele Rubenstein** of *WMAQ-TV* in Chicago, and **Deborah Sherman** and **Scott Zamost** of *WTVJ-TV* in Miami, for "Selling Innocence," a joint investigative project.
- **Valeri Williams** of *WFAA-TV* in Dallas for "Lives At Risk: An Emergency Room Investigation."
- **Robb Leer**, **Julie Jacoby**, **Gary Hill** and **Jim O'Connell**, *KSTP-TV* in St. Paul, Minn., for "A Closer Look at Lasik."

### Associated Press Sports

#### Editors Award Finalists

- **Ames Alexander** and **Liz Chandler** of *The Charlotte Observer*; **Christine Vasconez** and **Mike Wager** of the *Dayton Daily News*; **Jim Leusner** and **Debbie Salamone** of *The Orlando Sentinel*; **Michael Dodd**, **Cheryl Phillips** and **Paul Overberg** of *USA Today*; **Steven Fainaru** of *The Washington Post*.

### Raymond Clapper Award for Outstanding Journalism

- **Sumana Chatterjee** and **Sudarsan Raghavan** of Knight Ridder newspapers for "A Taste of Slavery."

### National Headliner Award for Investigative Reporting

- **Duff Wilson** and **David Heath**, *The Seattle Times*, for "Uninformed Consent."

### John Jacobs Award (Center for California Studies at California State University)

- **David Lazarus**, the *San Francisco Chronicle*, for his coverage of the state energy crisis.

### Education Writer's Association 2001 National Awards for Education Reporting

#### Newspapers under 100,000 circulation:

- **Peter Wong** of the Salem, Ore., *Statesman Journal*, second prize for breaking or hard news.
- **Eric Eyre** of the *Charleston Gazette*, second prize for investigative reporting.
- **Eric Eyre** of the *Charleston Gazette*, special citation for breaking or hard news.
- **Eric Eyre** of the *Charleston Gazette* special citation for a news feature or issue package.
- **Mary Beth Pfeiffer** of the *Poughkeepsie (N.Y.) Journal*, special citation for a series of articles.

#### Newspapers over 100,000 circulation:

- **Kate Coscarelli** of *The Star Ledger* in Newark, N.J., first prize for breaking or hard news.
- **William Hartnett** of *The Palm Beach Post*, first prize for a news feature or issue package.
- **Deb Kollars** of *The Sacramento Bee*, second prize for a news feature or issue package.
- **Rosalind Rossi** of the *Chicago Sun-Times*, second prize for investigative reporting.
- **Maria Sacchetti** of *The Orange County Register*, second prize for a special section or page.
- **Erik Lords** of the *Detroit Free Press*, special citation for a news feature or issue package.
- **Brigid Schulte** and **Dan Keating** of *The Washington Post*, special citation for a series of articles.
- **Susan Ebbs** of *The (Raleigh, N.C.) News & Observer*, special citation for a series of articles.
- **Diana Henriques** of *The New York Times*, special citation for investigative reporting.

#### Television:

- **Chris Koeberl** and **Nickie Flynn** of *KWCH-TV* in Wichita, Kan., first prize for hard news and investigative reporting.
- **Bill Ditton**, **Kathleen Johnston**, **Gerry Lanosga** of *WTHR-TV* in Indianapolis, Ind., second prize for hard news and investigative reporting.
- **Jeffrey Hirsh** of *WKRC-TV* in Cincinnati, second prize for a feature or documentary.

## Hidden Camera

CONTINUED FROM PAGE 33

WTHR a letter suggesting that as an elected official, Cottey is not subject to disciplinary rules that apply to merit employees.

That reaction outraged viewers who saw our piece. We received as many e-mails and phone calls about this story as we have on any other that we've done. Naturally, some were supportive of the sheriff. Many of them, however, harshly criticized his apparent double standard.

### Story fallout

The story generated numerous follow-ups and was picked up by in media outlets around the state. But it also prompted the sheriff to prohibit his deputies from speaking to anyone at our station about any department-related story. This obviously played havoc with our coverage of routine crime stories, and it lasted for more than a year.

There was other retribution as well, including surveillance by the sheriff's department on several of our employees. Several months after the series ran, the department arrested our investigative reporter on bogus DUI charges. The case smelled from the outset. For this single arrest, the department required at least eight deputies on the scene and a \$90,000 drug surveillance van. The deputies included an off-duty breath analysis operator brought in from across town (another operator just around the corner was inexplicably waved off), who registered our reporter's blood alcohol level at exactly the legal limit. Months later, the department quietly signaled that it wanted the case to go away, and the charges were dismissed as part of an unusual diversionary agreement with no admission of guilt.

The lesson: If you want to do a story like this, keep your guard up. Anytime you investigate a prominent law enforcement official, particularly with undercover tactics, expect to find yourself under scrutiny as well. In the end, we chalk up the repercussions against the station to an occupational hazard. And the story was worth it – it was an interesting, important piece about a powerful politician whose actions didn't match his words. And it wouldn't have been possible without the undercover effort.

*Gerry Lanosga and Kathleen Johnston are investigative producers at WTHR, the NBC affiliate in Indianapolis.*

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

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Contact: Carolyn Edds, carolyn@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, 573-882-1982

**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.

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**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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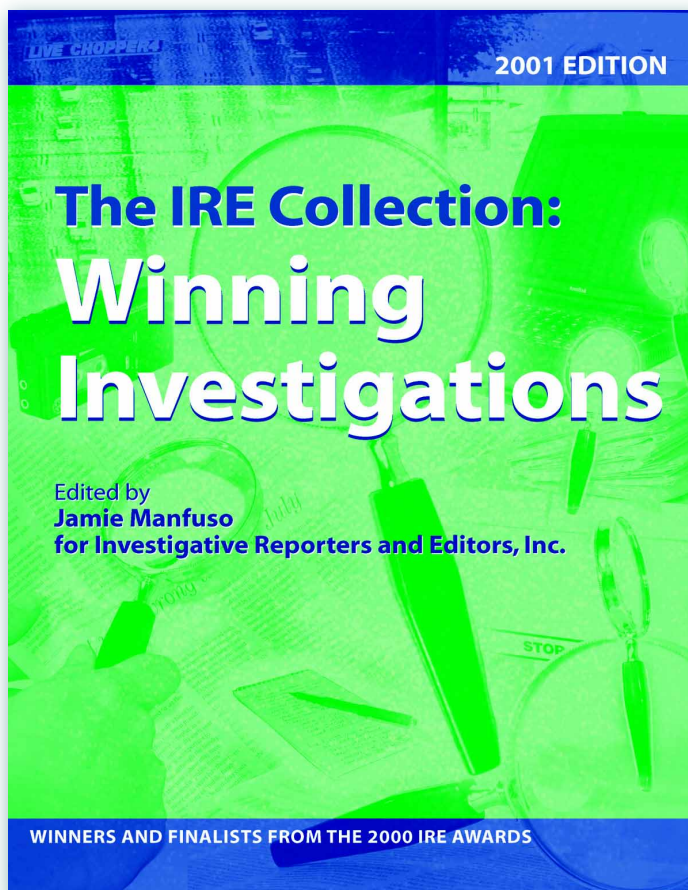
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