

THE IRE JOURNAL

TABLE OF CONTENTS JULY/AUGUST 2002

- 4** Is better journalism profitable? Workshops take direct aim at quality/bottom line question
By Brant Houston
- 5** NEWS BRIEFS AND MEMBER NEWS
- 6** BOARD DEFINES IRE MISSION, ADJUSTS COMMITTEE STRUCTURE
By Cheryl Phillips
for *The IRE Journal*
- 7** IRE HOLDS SUCCESSFUL ANNUAL CONFERENCE BY THE BAY
By *The IRE Journal Staff*
- 12** LUCRATIVE SPORT
International agents make money placing foreign athletes at U.S. schools
By Russell Carollo and Christine Willmsen-Vasconez
Dayton Daily News
- 14** POLICE CONFESSIONS
Records review shows cops using illegal, coercive tactics to nail innocent people
By Steve Mills
Chicago Tribune
- 16** ELECTION CHALLENGE
More investigations required in key year of finance reform
By Aron Pilhofer
The IRE Journal

- 17** FOI REPORT
Don't wait! Fight proposed medical privacy rules now
By Charles Davis
- 18** HIGHER EDUCATION
Stories stop developers from grabbing prime college land
By Sandra Peddie
Newsday

20 – 30 HIDDEN HEALTH HAZARDS

CHEMICAL WARFARE
Bureaucratic fighting cripples public safety effort
By Les Zaitz
The (Portland) Oregonian

RADIOACTIVE WASTE
Old records reveal history of Navy shipyard dumping
By Lisa Davis
SF Weekly

TOXIC EMISSIONS
Cancer rates soar in high-discharge area
By Scott Streater
Pensacola News Journal

FATEFUL HARVEST
Toxic waste found in ordinary fertilizers
By Duff Wilson
The Seattle Times



- 31** ANTHOLOGY SHOWS JOURNALISM OFTEN LEADS TO SIGNIFICANT CHANGE
By Steve Weinberg
The IRE Journal



ABOUT THE COVER
What appears to be simple fertilizer is considered a hazardous waste by some because of its high lead content.

Cover story, pages 20-30

Cover photo by
Mike Siegel, *The Seattle Times*

- 32** RED CROSS
Disaster leads to questions about handling of donations
By Norberto Santana Jr.
The San Diego Union Tribune
- 33** LEGAL CORNER
Curtailing access to jurors: Judicial regulation of press?
David A. Schulz
- 34** SELLING INNOCENCE
By Dave Savini
WMAQ-Chicago
- 36** PATENT WEB SITE PROVIDES BACKGROUND, POTENTIAL SOURCES
By Carolyn Edds
The IRE Journal

THE IRE JOURNAL

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FROM THE IRE OFFICES

Is better journalism profitable? Workshops take direct aim at quality/bottom line question



BRANT HOUSTON

We had one of most inspiring and productive annual conferences ever in San Francisco in June as more than 1,000 journalists – many paying their own way – joined us for four days of panels and hands-on training. But we know that many more journalists couldn't find the time and money to get there, nor could they get the backing of their organizations.

In response, we continue to focus on the grassroots nature of IRE and will travel around the country in the coming year to offer our training and resources in basic investigative reporting in as many locations as possible.

We have kicked into high gear our on-the-road "Better Watchdog Workshops." With the cooperation of the Society of Professional Journalists and support from its SDX Foundation, we have gotten core funding for the first five workshops and hope to get funding for many more. (Details of the workshops as they come together will be posted at www.ire.org/training.) We will still need the support of local and regional news organizations and associations, but the SPJ collaboration has allowed us to move forward quickly.

The one-day workshops are intended to help our members at small- to medium-sized news organizations and bureau staffers at larger papers. These are our members who seldom receive help in going to our conferences or longer seminars.

Several veteran journalists and instructors will cover the basics of document trails, interviewing and using databases, but most of all they will focus on how to do investigative reporting while working a beat – the reality for most of our members.

The workshops will be inexpensive and we plan for our Web site to provide materials that will help our members follow up on what they've learned.

We have responded as an organization to the sorry lack of training support by our industry (see the May-June column on the Knight Foundation survey). But individuals have initiated efforts to encourage backing for training and the newsroom. They want to show the industry and Wall Street that a respected, credible news organization can actually produce more long-term profits.

Philip Meyer, a journalist, author and professor at the University of North Carolina, has undertaken a study called "The Quality Project" (www.unc.edu/~pmeyer/Quality_Project/index.html). He has received funding and support from the John S. and James L. Knight Foundation, New Directions for News, and the Knight Chair in Journalism at the University of North Carolina at Chapel Hill, which he holds.

Meyer, a pioneer in using social research methods in journalism, says about the project: "Good journalism has always been the product of tension between profit making and social responsibility. But there are recent signs that the struggle is getting out of balance as publicly held companies defer to the short-term demands of the investor community... The Quality Project aims to correct this imbalance by finding ways to measure quality and track its benefits to the bottom line." The project involves wide-ranging studies and surveys and is well under way.

Meyer already is excited by his preliminary research that shows the credibility of a newspaper has a direct impact on circulation and advertising and thus, revenue.

He says that when he looks at reader surveys – measuring credibility – and compares them to circulation figures and other data, he finds that newspapers that are "believed" by their readers hold their circulation longer and get higher advertising rates.

Let's hope his project gets the good readership it deserves.

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

IRE launches Better Watchdog Workshops with SPJ support

Craig Schreiner | Wisconsin State Journal



John Ullmann, executive director of the World Press Institute, speaks at a Better Watchdog Workshop in Madison, Wis.

organizations – from both print and broadcast.

An April workshop in Madison, Wis., drew 130 journalists from four states. With the backing of SPJ's Sigma Delta Chi Foundation, IRE hopes to take these workshops to more than a dozen sites in the next two years. More support will be sought locally. Some workshops will be held in conjunction with

SPJ regional conferences.

In most cases, workshops will consist of one day of intensive instruction. In some cases, a second day of training will be offered in computer-assisted reporting.

Newsrooms or other groups interested in sponsoring one of these events should send an e-mail to IRE executive director Brant Houston at brant@ire.org

IRE and the Society of Professional Journalists have joined forces to conduct a series of "Better Watchdog Workshops" for beat reporters. The workshops will teach journalists how to do investigative and enterprise reporting while on a beat and will emphasize the use of freedom-of-information laws in the pursuit of these stories. The workshops will specifically serve journalists from small- to medium-sized news

More IRE members named award winners

IRE members cited in various journalism contests were mentioned in the last issue of *The IRE Journal*. This edition, we point out winners in the latest round of industry awards.

Alternative Newsweekly Awards

Circulation of more than 54,000:

- **Jim Schutze** of the *Dallas Observer* for Column-Political Commentary.
- **Charles Siderius** of the *Dallas Observer* for "Forget Me Not," feature writing.
- **Mara Shalhoup** of *Creative Loafing* (Atlanta) for "Dealing Drugs the Legal Way," health-care writing and for "The Bad Cops Club," investigative writing.
- **Lisa Davis** and **John Mecklin** of *SF Weekly* for "Fallout," investigative writing.
- **Amy Silverman** of *Phoenix New Times* for "The Kids Are Not Alright," investigative writing.

Circulation of less than 54,000

- **William Dean Hinton** of *Orlando Weekly* for "A Wayward Shepherd," investigative writing.
- **Doug Trapp** of *Cincinnati CityBeat* for "Moving Violations," investigative writing.
- **Willy Stern** of *Nashville Scene* for "Grading the Daily," media reporting.

George Foster Peabody Award

- **Laure Quinlivan**, **Rod Griola** and **Bob Morford** of WCPO-Cincinnati for their documentary on urban decay in the heart of Cincinnati.

IRE members named to key fellowships for 2002-03

Nieman Fellowships at Harvard University were awarded to four IRE members for 2002-03. They include: **Kevin Cullen**, projects reporter, *The Boston Globe*; **Andrew Martin**, city-hall reporter, *Chicago Tribune*; **Bryan Monroe**, deputy managing editor, *San Jose Mercury News*; **Ana Leglise**, Mexico City, Mexico, technology reporter, *Detras de la Noticia*.

The Michigan Journalism Fellows for 2002-03 will include **Peter Elstrom** of *Business Week*.

MEMBER NEWS

John Broder, formerly the Washington editor for *The New York Times*, is now the bureau chief in Los Angeles. ■ **Jeff Cohen** has been named executive vice president and editor of the *Houston Chronicle*. Cohen was formerly vice president and editor of the *Times Union* in Albany, N.Y. ■ **Lisa Davis** and **John Mecklin** of *SF Weekly* won the John Bartlow Martin Award for Public Interest in Magazine Journalism, sponsored by the Medill School of Journalism for a story investigating the dumping of radioactive material by the U.S. Navy. (Davis details the story in this issue of *The IRE Journal*.) ■ **Joe Demma** has moved from city editor at *The Sacramento Bee* to managing editor at *The Modesto Bee*. ■ Freelancer **Jack El-Hai** won the 2002 June Roth Memorial Award for Medical Journalism, given by the American Society of Journalist and Authors, for "The Lobotomist," which appeared in *The Washington Post Magazine*. ■ **Michael Fabey** has been named senior investigative reporter for the *Daily Press*, in Newport News, Va. Previously, Fabey covered the defense business industry at the same paper. ■ **Allison Gilbert**, WNBC-New York, and **Phil Hirschhorn**, CNN, were among the editors on the new book *Covering Catastrophe* (Bonus Books), about the experiences of TV and radio professionals who covered the September 11 attacks. All royalties on the book will go to charity. ■ **Richard Hart**, former Durham editor of *The News & Observer*, has been named editor of *Independent Weekly* (N.C.). ■ **Ken Otterbourg** has moved from metro editor at the *Winston-Salem Journal* to assistant managing editor for news. ■ **Miriam Pawel** has been named assistant managing editor for state and local news at the *Los Angeles Times*. Pawel previously served as metro editor for the same paper. ■ **Cheryl Phillips** moves to computer-assisted reporting spe-

CONTINUED ON PAGE 39 >

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

BOARD DEFINES IRE MISSION, ADJUSTS COMMITTEE STRUCTURE

BY CHERYL PHILLIPS

FOR THE IRE JOURNAL

The IRE board of directors revamped IRE's committee structure at a retreat in April in Missouri, aiming to improve communication and encourage more member participation in the organization.

The board also developed a new IRE mission statement and clarified the responsibilities of board members.

The changes followed a daylong session with a professional consultant that reviewed

the way the board works. The result will help the board focus more on policy issues and yet remain involved in activities that are vital to IRE's success: conferences, training and fund raising.

"This was an overdue exercise that will make IRE operations more efficient and provide more ways to serve the membership," said then-board president David Dietz. "The changes are also designed to make board members more accountable."

In a major step, the board eliminated the broadcast, First Amendment, contest and programs committees and shifted their responsibilities, assuring that their work will continue. A committee to aid IRE fund raising was created. The changes leave the board with six committees instead of eight and come on top of earlier reductions in the number of committees to smooth decision-making.

The committees under the new structure are:

- Executive Committee – planning oversight, finance, personnel issues and board development.
- Development Committee – fund raising.
- Member Services Committee – diversity, freedom of information, protection of journalists and membership development. This committee also assumes the functions of the broadcast and the First Amendment committees.
- Education Committee – training efforts.
- Conferences Committee – conference planning.
- Endowment Committee – endowment and IRE investments.

As part of the changes, the board approved

several operating guidelines designed to make sure committees represent all of IRE. With the elimination of the broadcast committee, one guideline calls for a broadcast member to be named co-chair of the Conferences Committee. Other principles call for committees to reflect the diversity of the membership and the interests of board members. The board also encouraged the formation of caucuses to raise issues of membership interest.

The reduction in committees will mean fewer people serving. That does not suggest less emphasis on issues important to IRE, such as freedom of information and diversity. Each committee will create task forces to deal with issues and call on nonboard members to serve.

For example, the Membership Services Committee will include task forces dealing with freedom of information, diversity issues and international membership. The Development Committee will work closely with the Endowment Committee to pursue fund raising. The Conferences Committee will have task forces for the Annual IRE Conference, the Annual Computer-Assisted Reporting Conference and IRE's regional conferences. All of the committees will have some fundraising component.

The board also spelled out responsibilities for its members. Along with oversight of the organization, board members are expected to recruit potential board candidates and participate in fundraising. The description should help IRE members interested in running for the board to know what's expected.

The board's actions are designed to mesh with IRE's primary goals, which the board laid out in a mission statement. It reads:

"The mission of Investigative Reporters and Editors is to foster excellence in investigative journalism, which is essential to a free society. We accomplish this by:

- *Providing training, resources and a community of support to investigative journalists*
- *Promoting high professional standards*
- *Protecting the rights of investigative journalists*
- *Ensuring the future of IRE."*

Members are encouraged to respond to the changes and to come forward if they have an interest in committee or task force work.

Cheryl Phillips is an IRE board member and a computer-assisted reporting specialist at The Seattle Times.

JOB-WANTED ADS for IRE Members



IRE makes it easier to find a job!

Your anonymous job-wanted listings can be posted for free on IRE's active Web site to be seen by Web-browsing news managers.

Describe your qualifications and the job you want and invite potential employers to contact you through a blind e-mail address we provide. It will automatically forward responses to you – without revealing your identity.

For more information go to:
www.ire.org/jobs



IRE HOLDS SUCCESSFUL ANNUAL CONFERENCE BY THE BAY

By *THE IRE JOURNAL STAFF*

Attendance at the IRE conference exceeded expectations this year, when more than 1,000 journalists, educators, students and others interested in investigative reporting gathered at the IRE Annual Conference held May 30-June 2 in San Francisco.

Despite a year in which training and conference budgets had been dramatically slashed, the attendance rose 15 percent over last year's conference in Chicago.

"It was impressive to see the dedication and passion of the participants," said Brant Houston, executive director.

Many participants said it was one of the best they had attended.

"The speaker lineup was fantastic," said Mark Skertic, a *Chicago Sun-Times* reporter. "I'm still going through the tipsheets and reprints I brought back. I'm sharing material with my co-workers, and making up a list of stories I want to do over the next six months."

The conference, which was hosted by the *San Francisco Chronicle*, included more than 120 panels, roundtables, workshops and hands-on classes. Both the Friday and Saturday lineups ended with showcase panels this year – Profits and Public Service: Can We Produce Both? and

Balancing National Security and Public Access.

Among the most popular panels were those by Donald Barlett and James Steele of Time Inc. on planning and managing large projects; Eric Nalder of the *San Jose Mercury News* on interviewing; Mike McGraw of *The Kansas City Star*, Joe Stephens of *The Washington Post* and Steele on unsung investigative documents; Don Ray of Exclusive News Group on backgrounding a person; and Paul Gallagher and Charles Fitzgerald of CBS 60 Minutes dissecting their award-winning piece, "The Osprey."

Tapes of the sessions can be ordered from www.soundimages.net/001/IRE.html and panelist tipsheets will be available through IRE's Resource Center (www.ire.org/resourcecenter).

Sponsors of this year's conference included Bloomberg News, *Los Angeles Times*, *San Jose Mercury News*, National Press Foundation, NBC News, Knight Ridder, Time Inc., Open Society Institute, National Judicial College and the Center for Investigative Reporting.

Plans are already under way for next year's conference, June 5-8, at the National Press Club and the J.W. Marriott in Washington, D.C.

REPORTS ON KEY PANELS, PAGES 8-11 >

BOARD ELECTIONS

The conference included the annual elections for board members. Since only seven IRE members declared their candidacy for the seven open slots this year, those attending the membership meeting chose to approve all candidates by acclamation.

Re-elected to the board were Paul Adrian of KDFW-Dallas/Fort Worth, Shawn McIntosh of *The Clarion-Ledger*, Stephen C. Miller of *The New York Times*, and Stuart Watson of WCNC-Charlotte.

New members elected to the board include Stephen K. Doig of Arizona State University, Andy Hall of the *Wisconsin State Journal*, and Dianna Hunt of the *Fort Worth Star-Telegram*.

The board also elected its officers

for 2002-03, choosing McIntosh, who is executive editor of the Jackson, Miss., newspaper, as president of the board. The new vice president is David Boardman, assistant managing editor at *The Seattle Times*. The new treasurer is Duane Pohlman, chief investigative reporter at WEWS-Cleveland. Edward DeLaney, IRE's long-time attorney and a partner at Barnes & Thornburg in Indianapolis, was asked to continue serving as non-voting secretary.

Outgoing president David Dietz, a senior editor at Bloomberg News, will serve as non-voting board chairman.

Elected as IRE Awards judges this year were Maureen Fan of the *San Jose Mercury News* and Kim Skeen of ABC News.

RESULTS

Re-elected to board:

Paul Adrian
Shawn McIntosh
Stephen C. Miller
Stuart Watson

New to board:

Stephen K. Doig
Andy Hall
Dianna Hunt

Elected as IRE Awards judges:

Maureen Fan
Kim Skeen

New Board Officers:

Shawn McIntosh, President
David Boardman, Vice President
Duane Pohlman, Treasurer
David Dietz, Chairman
Ed DeLaney, Secretary (non-voting)



SHOWCASE
SPOTLIGHTS
THREATENED
PUBLIC ACCESS

Elizabeth Rindskopf Parker knew she was walking into the lion's den at the IRE Annual Conference. Sitting on a showcase panel on balancing national security and public access, Rindskopf Parker, who formerly served as general counsel to the CIA and the National Security Agency, took a lonely stand in defense of government classification.

"I think we've really pushed too far on the openness side," she said. "We've got something of a new world."

For the most part, her argument fell on predictably unsympathetic ears. Journalists have little tolerance for government curbs on freedom of information and the public's right to know.

"If information is the currency to democracy, secrecy is the blank check," said panelist Scott Armstrong, executive director of the Information Trust. The government and the media take on two inherently opposed roles in the spectrum of information, Armstrong later added. "It's the government's job to keep certain secrets. It's our

Nuts and bolts information for computer-assisted reporters.



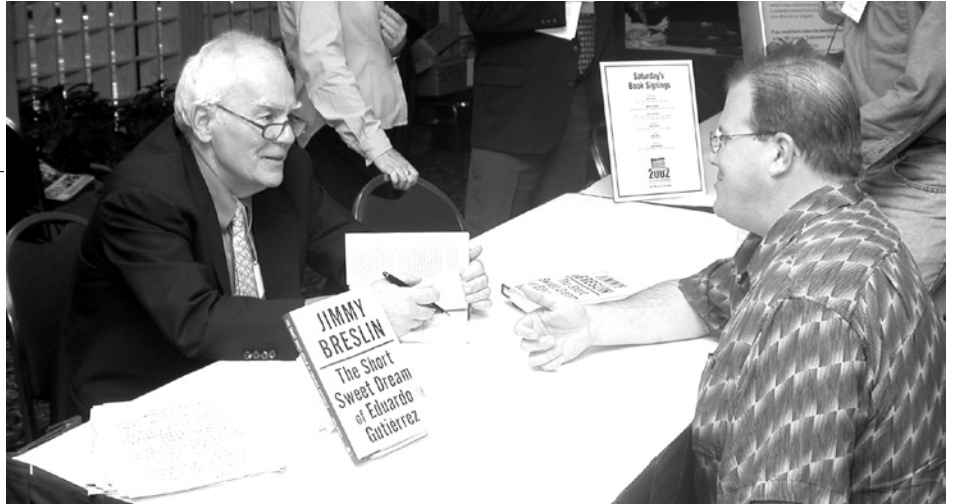
Uplink is a bimonthly newsletter covering every facet of computer-assisted reporting. It's written by the nation's top reporters for the National Institute for Computer-Assisted Reporting.

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 or call 573-882-2042.

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

Steve Timko | Reno Gazette Journal



Following his keynote speech at the IRE Annual Conference, author and columnist Jimmy Breslin signs a copy of his book for Robert Anglen, a reporter with the *Cincinnati Enquirer*.

job to get them."

On Oct. 12, 2000, Congress voted to pass the nation's first "official secrets act"—a measure that promised to expand the government's authority to prosecute those who disclose classified material. Under pressure from journalists and civil libertarians, President Clinton vetoed the measure, which was part of a larger intelligence bill. But in 2001, the Sen. Richard Shelby (R-Ala.) returned with a fresh draft of the legislation.

In September 2001, Attorney General John Ashcroft set up a task force to examine whether the further legislation was needed. An original draft of its report found legislation unnecessary. Sen. Shelby is the only remaining advocate, explained Armstrong. "We're in a holding pattern," he said.

Media organizations have viewed the Shelby amendment as a draconian measure that endangers the First Amendment and undermines democracy in the United States. For Shelby, the bill is necessary to national security. The issue is emblematic of the acerbic debate that has often existed between journalists and the government, particularly in times of conflict.

Tensions between reporters and government have returned to a semblance of normalcy since Sept. 11, said Brian Duffy, editor of *U.S. News & World Report*, as he opened the panel discussion. "We're dealing with issues that we're not quite prepared for ... and yet journalists are not having great success finding out what's going on."

Duffy pointed to secret military tribunals and detainees as instances in which public access to information has been unduly blocked. He called the investigations into these areas "a balancing act we as journalists perform and colleagues in government try to stop us from performing."

National security, the ostensible reasoning behind the government's guarded stance, was up for debate among panelists in San Francisco. It is, said Seth Rosenfeld, a reporter for the *San Francisco Chronicle*, "the most abused and overused phrase out there."

Rindskopf Parker, however, defined national security as any information that might affect the security of the United States and "assist the enemy." She blamed the media for hunting for sensational stories instead of analyzing the security positions taken by Ashcroft and the U.S. intelligence community; she asked reporters to recognize a necessary balance between access and security.

"The current administration has over-achieved when it comes to secrecy," she admitted. "But they were unprepared for 9/11. The media have let us down by not recognizing that our own openness could potentially be used against us."

This call for prudence on the part of the media is not wholly disputed by journalists. In the current environment there is a crucial dialogue that only recently began taking place, Armstrong said.

Since Shelby's proposed amendment, a group of media representatives has been meeting with intelligence community leadership on a monthly basis.

"It's no longer us versus them," said Armstrong, who has played a significant role in opening a dialogue. "[We're] attempting to make sure that there are not leaks that are considered to be gratuitously damaging ... and to get away from the mythology that there's a huge hemorrhaging of information taking place."

Panelists noted that if the press is to respect the concerns of the intelligence community, the government needs to be clear about why certain things

remain secret and to respond quickly when reporters approach officials regarding sensitive issues.

The need for continued exchange of ideas was one of the points of agreement between Rindskopf Parker, now dean of the McGeorge School of Law, and other panelists, each appealing for greater awareness and respect for the others' concerns.

At the core of the panel discussion, however, was a sense of apprehension as journalists navigate an increasingly closed government network.

Gary Bass, executive director of OMB Watch, listed several trends that he believes are threats to public access: Information has been taken from Web sites at federal and state levels, access to reading rooms has been limited, and key data has been destroyed.

The culture surrounding freedom of information has changed dramatically under the current administration, said Bass, who founded the nonprofit OMB Watch in 1983 to promote greater government accountability. An overarching rule that could once be described as "where possible disclose," has become "where possible withhold." Bass's organization keeps track of the issue at ombwatch.org

Bass offered a note of warning to the audience of reporters and editors at the conference: "Unless we give greater attention to this issue, the fundamental premise will shift to the public's need to know instead of right to know, forcing us to justify each time we need information."

—By Gina L. Bramucci

The lone representative of the corporate ranks, Knight Ridder's vice president for news, Jerry Ceppos, debated the other panelists for much of the evening.

"I think the pressures are different [today]," Ceppos said early in the discussion, "but there are always pressures and I think there are upsides [to corporate ownership], like the ability to raise capital."

That assessment wasn't popular with the other panelists — Roger Cohn, editor of *Mother Jones*; John S. Carroll, editor of the *Los Angeles Times*; Robert Schaefer, managing editor of KNBC-Los Angeles; Sylvia Teague, professor at the University of Southern California; and Lowell Bergman, a producer for PBS' *Frontline* and contributor to *The New York Times*.

The five panelists cautioned against romanticizing the past. "It's a mistake to think there was a golden age when nobody wanted profits," Carroll said. But he added that the standards of journalism are in jeopardy in this era of media consolidation and television deregulation.

"I think there's less of an emphasis on quality of content," Teague said. "And you know the people are figuring it out. We're driving people away."

She and the others said investigative reporting is increasingly being replaced by mediocre journalism because investors believe it's less risky and therefore more profitable. But Cohn

said investors could make more money if they funded good journalism.

"With the reaction to the stuff we've been doing at *Mother Jones*, I think people are wrong when they say readers don't want hard-hitting journalism," he said. "We've remade the magazine as a reporter's magazine and we've gained readers who are interested in the journalism we're doing, not the politics of the magazine."

For journalists wanting to do such quality work, Carroll recommended leaving newsrooms obsessed with the bottom line for such outlets as *The (Baltimore) Sun*, *The Oregonian* or *The Seattle Times* — publications that he said make money to pay for good journalism.

Ceppos, however, bristled at Carroll's suggestion, saying such an approach would actually make journalism worse.

"Until you're positive that change isn't possible, you've got to stay and be a part of that change, be an agent of change in the newsroom," he said. "I'd argue that what we all should be doing is covering breaking news that you can't get anywhere else. I think you should engage your editor and publisher... on this. You've got to take some personal responsibility."

Schaefer agreed with Ceppos on the importance of all journalists doing good work.

"I think every reporter should be an investiga-

CONTINUED ON PAGE 10 >

 **PANELISTS
DEBATE ROLE OF
PUBLIC SERVICE
VS. PROFITS**

Profit margins trump public service for many — if not most — of the nation's newspapers and television stations, said members of a showcase panel at IRE's Annual Conference.

But they also said there's hope for American journalism and it lies where newspapers are locally owned or where investors realize good reporting makes more money than sensationalism.

The panel — Profits and Public Service: Can We Have Both? — centered on how corporate ownership has affected the news media in recent years. The discussion, moderated by IRE board member David Boardman, assistant managing editor of *The Seattle Times*, featured panelists from both print and broadcast media.

Brian Joseph | The IRE Journal



IRE board member Joel Kaplan, outgoing IRE Contest Committee chair, presents an IRE Award to Matt Birkbeck, right, of the *Pocono Record*. The certificate recognized his work in the category of daily newspapers under 100,000 circulation.

tive reporter, but they're all not," Schaefer said. "I know reporters who, if the tree doesn't fall down in front of them, they won't report on it. It shouldn't be that way."

Despite their relative gloom about the state of the industry, most of the panelists did have some encouraging things to say about American journalism as it stands today.

All of the panelists said today's reporters find themselves in what could be a wondrous age of research because of Internet technology. Many said coverage of the Sept. 11 terrorist attacks raised the bar on the kind of reporting expected in newsrooms across the country.

And Carroll even said quality of the public journalism being done – however rare it might be – is the highest in the history of the industry.

But the panelists, Ceppos included, said working journalists, news executives, everyone involved in the gathering of news, must try harder in the coming years to maintain a commitment to quality.

It's a task Bergman said today's crop of journalists are capable of doing. Tomorrow's journalists are another story.

"The problem isn't the people in the business now," Bergman said. "The problem is the future. What are we telling the future journalists? What are we telling them about the things we should care about?"

— By Brian Joseph



LEARNING TO ZIG WHEN THE WHOLE WORLD ZAGS

As U.S. Attorney General John Ashcroft began making daily appearances in the media last year, droves of reporters attended press briefings and paced the steps of Capitol Hill. Americans saw Ashcroft on their TV screens and newspaper pages. Reporters wanted to find the man behind the face, so they flocked to Washington, D.C.

Rick Tulsky flew to St. Louis, Mo.

Tulsky, projects reporter for the *San Jose Mercury News*, hooks his stories by moving away from the pack. He's been at it for 30 years, investigating social injustice and criminal law, and winning several national awards for his work. He recently spent six months piecing together a cohesive portrait of Ashcroft, and he did so by avoiding the crowds.

He went to Missouri, Ashcroft's home, because no one else had bothered to look into history for clues to the present. In the words of respected editor Eugene Roberts, Tulsky zigged when the whole world zagged.

Tulsky was one of three panelists to offer tips on ferreting out the unseen story during the IRE Annual Conference in San Francisco. The session, "Zigging when everyone else is zagging," drew a large crowd of reporters and editors who, despite tight budgets and pressures to produce, want a more innovative spin on stories.

"While everyone else is pursuing the *what*, you should be pursuing the *how*," said Deborah Nelson, investigative editor in the Washington bureau of the *Los Angeles Times*. Nelson, who has reported for *The Washington Post*, *The Seattle Times* and the *Chicago Sun-Times*, told the audience to look beyond or behind the hot story of the moment.

When an all-consuming story like the Sept. 11 attacks or the O.J. Simpson trial hits, Nelson said, look for a pursuit that's significant in light of the big story, but also without it. Strong investigations must be "buoyant enough to go against the current," she said.

Latching onto stories that others overlook is a matter of practice, extra hours and some amount of risk, acknowledged Tulsky. But these stories are possible, and they have the potential to enrich and transform the way the news business works.

Tulsky, who has been involved with IRE since its early days, returned to this chorus several times during the session. "I really believe we can change the industry," he said.

The panel, which included veteran reporter Gary Cohn, was asked repeatedly about the challenges of balancing the daily beat with enterprise reporting.

When you're on the beat, be aware of what's right in front of you, said Cohn, now a University of Alaska journalism professor. "Pay attention to your own instincts." Clues to great investigative stories become more obvious to the beat reporter who has worked to understand the field, to know the experts and to cultivate sources.

Eventually, sources will notice how you cover routine beat stories, and hopefully they'll gain trust in you, said Cohn. He suggested that reporters go back to sources after a story has run. "Ask if they think you got it right. 'What else should I be writing about?'"

We can also help each other to work toward a common goal, said Tulsky. "Cover for each other... work collaboratively so each person can get more freedom," he said.

Panelists agreed that once the stories start

announcing themselves, reporters need to keep in mind the broader significance of their pursuit: Has this been done before? Can I do it in a different way? Does it raise important policy issues?

As a reporter for *The (Baltimore) Sun*, Cohn dug back 15 years for a story about a Honduran death squad that had often worked with the complicity of the CIA. Cohn said at the time he was concerned that readers weren't interested in the history of a country they knew little about. But his editor recognized that the story went much deeper than one period in history. Cohn's story highlighted questionable conduct of the U.S. intelligence community abroad. The significance was timeless.

"I've worked for great editors. That makes it easy," Cohn said. Look for newspapers and editors that are invested in enterprise or investigative stories, he advised.

All three panelists recognized that a media outlet with a commitment to enterprise work can be difficult to find, especially in light of current budgetary woes. Many of the tips offered during the session focused on the art of convincing editors that an innovative story has legs.

Cohn prefaced his tips by asking jokingly that the entire session be off the record. "I was told to talk about how to manipulate your editors," he said. "That's something I understand ... I've learned some tricks over the years."

Each panelist urged reporters to walk into the editor's office with a partially reported story – have the evidence that the story will be worth the risk and the extra time.

Have a detailed plan, Cohn said. Write a memo to tell editors what you've already learned, what the leads are, what the game plan is. Shy away from requesting large amounts of time or promising quick turnaround, he cautioned. And never use the "P" word. Call it an enterprise story, call it an investigation, call it anything but a project when you're pitching to editors.

Nelson, who spoke from the editor's point of view, told reporters to take the time to get to know the editor. Learn what kind of story will pull your editor in, and cast the story proposal in that light, she said.

Committing what she called the biggest sin in journalism during the question-and-answer session, a reporter in the audience asked if it's possible to cover a daily beat, track down enterprise stories, and still maintain a life outside the newsroom.

Part of the answer deals with time management and organization as a reporter, and it's something all journalists confront, Tulsky said. Balance depends on the individual. "We all struggle with it in our own ways," he said.

Tulsky later headed back to San Jose to coach a team of 10-year-old girls in their last softball game of the season.

— By Gina L. Bramucci



DON'T IGNORE LOCAL ANGLE TO BIOTERRORISM STORIES

Could your local hospital be a bioterrorism threat? That question may not be as far-fetched as it seems, according to a panelist at the recent IRE Annual Conference.

David Perlman, science editor for the *San Francisco Chronicle*, said the theft of radiological equipment from hospitals is a more likely scenario than a terrorist stealing a nuclear bomb. And, he said, local reporters would do well to check out the precautions local authorities have in place to prevent such pilfering. "These would make very good stories," Perlman said.

Joining Perlman on the public health panel were *Newsday* medical and science writer Laurie Garrett, the author of two books on global health issues, and Stephen Engelberg, managing editor for enterprise at *The (Portland) Oregonian*. Formerly investigations editor at *The New York Times*, Engelberg co-authored "Germs: Biological Weapons and America's Secret War."

Like Perlman, Garrett suggested a way to localize a national public health issue.

She said that Congress — in the wake of last year's anthrax attacks — is appropriating billions of dollars for bioterrorism research and prevention. Reporters should track that money as it filters down to researchers around the country, she said. Journalists should also keep tabs on the government agencies that are supposed to oversee these funds, she said.

"Is there anybody competent in that bureaucracy [to determine] if the scientists are doing something of value? Good question," she said.

Also on the subject of the anthrax attacks, Garrett, author of *The Coming Plague: Newly Emerging Diseases in a World Out of Balance*, said the cloak of silence invoked by the federal

government as the crisis unfolded hindered good reporting. Without access to the government scientists working on the case, Garrett said, "reporting was all over the place."

Other topics discussed during the nearly 90-minute session included:

- Health and terrorism. Substandard Third World health care contributes to the anger that fuels terrorism, Garrett said. As long as the situation persists, "you will have a source of global resentment, hostility and rage."
- Interest in stories on international health issues. Garrett said it is a myth that Americans living comfortably in the suburbs don't want to read about people abroad. Such stories rank high in readership surveys done by her paper, she said. "Editors don't fully appreciate the level of interest."
- Three things to keep in mind when covering bioterrorism. Engelberg said reporters should: a) know the bug or bugs b) understand how the government is attacking the problem and c) know what you don't know — "which means darn near everything."

— By Mike Sherry

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Laurent Guerin | Dayton Daily News



Vevran Vukotic shoots some hoops in his war-ravaged neighborhood in downtown Sarajevo.

LUCRATIVE SPORT

International agents make money placing foreign athletes at U.S. schools

BY RUSSELL CAROLLO
AND CHRISTINE WILLMSEN-VASCONEZ
DAYTON DAILY NEWS

The project would eventually take two years and involve more than 750 interviews in 11 countries and 13 states and U.S. territories.

But it started as local sports coverage about a group of African teenagers enrolling at a small Christian high school in Dayton, Ohio. The fact that they were very tall and played basketball seemed a little suspicious to us.

Then we noticed more foreign players scattered across Ohio and other states, many of them linked through a small group of shadowy people working to bring foreign athletes to the United States – individuals portrayed as good Samaritans whose only interest was in helping kids from poor countries.

The athletes first got the attention of *Dayton Daily News* sports reporter Doug Harris, who began asking more questions. Soon, editors at

the paper were getting suspicious, too.

As we learned of more and more players, stories told by school officials and coaches about how the young foreign athletes got to this country seemed to grow more and more unbelievable. Some called players war refugees, narrowly escaping their native countries with their lives. One player’s official records claimed he escaped a “civil war,” a conflict nowhere to be found in State Department records or in the memories of the citizens of that country.

This was an almost impossible story to document. The truth was thousands of miles away, in countries some Americans had never heard of. And there were few records challenging anything anybody was saying.

But we had to try. Lying to get around American amateur sports rules or to get a visa, we soon learned, was considered part of the game, no more

of a sin than fudging on income taxes.

The system policing all this, we learned, was never geared to root out deception or conduct investigations overseas. School officials and coaches in most cases were trusted to report violations.

We started our reporting by making simple lists of athletes, grouping them by the person who helped them come to the United States – people we called middlemen. Middlemen usually were Americans or foreign nationals living in the United States, former and current coaches, former amateur and professional players; at least one was running what was identified as a foreign student exchange program.

Just by gathering all the background we could on these middlemen through hundreds of interviews and searches of property records, criminal records, civil lawsuits, bankruptcy records, corporation records and other public records, the official stories began to unravel.

Mounting lies

Searching newspaper clippings, we found that several Serbian and Bosnian players all claimed an “uncle” helped them come to the United States. We found that the players weren’t related, but they all had the same uncle, a former professional player from Bosnia. Property records showed he owned a large house in an upscale area of Long Island, even though the last full-time job we could link him to was waiting tables at a New York restaurant. A trip to his house was followed by a call to the reporter from a New York sports agent asking us what we wanted.

We linked several other players from all over the world to a former teacher in Minnesota, a wife and mother of two who claimed she was running a foreign exchange program. We used public records searches to identify players who actually used her address, but some of them denied even knowing her. A woman in Texas didn’t know why her name was linked to the Minnesota address either. That woman turned out to be her sister.

Since a number of people seemed to be lying and since records were scarce, we decided early on to tape all of our interviews.

After months of work and hundreds of interviews, the lies began to mount. But we were still spinning our wheels. We had no motive, no money trail and nothing to explain why so many people told so many lies.

This was a very different and difficult type of investigative project for the newspaper, one with no clear paper trails, no databases and no

whistleblowers pointing the way to the truth.

We needed more information and several of the players we needed to interview had gone back to their home countries for the summer, so we decided to go overseas, thinking some would be more willing to talk in their homes.

Our first stop was Estonia. We looked for a man named Maarten van Gent, identified by high school officials as a coach who had helped several of his players come to the United States through a middleman in Virginia. Host families said van Gent, who had players at high schools in West Virginia and Ohio, would make mysterious calls to their homes at night asking to speak to the players.

Our translator found van Gent's apartment by contacting the Estonian basketball federation. The apartment was on one of two floors he had purchased atop a high-rise overlooking the capital city, Tallinn. The apartment had a private gym, tanning booth, gambling machines, windows specially shipped from Belgium, wall-sized oil paintings and a spiral staircase leading to a private rooftop patio.

Immediately we knew this man was no coach; he was a sports agent.

Soon the story became clear to us: Sports agents were behind all of it, using middlemen to get their athletes into American high schools and colleges, where the players could hone their skills and come back and make even more money for the agents.

The middlemen had several motives. Some stood to get a percentage of a player's salary later on. Others charged families overseas to place their children in American high schools or to get athletic scholarships in American colleges and universities.

But there was still the wall of lies. Van Gent, while admitting he was a sports agent and that he helped players go to America, denied having any contracts or other financial interest in players. He was just lending a helping hand.

We interviewed athletes and others in the United States, Estonia, Bosnia, Croatia, Montenegro, Italy, Slovenia, Central African Republic, The Netherlands, Spain, France and Serbia.

We benefited greatly by hiring translators to help us locate many of the athletes well in advance of our trips. Taib Bajramovic, a Bosnian journalist whose association with the *Dayton Daily News* began with the U.S. troop deployment in 1996, helped us arrange several interviews in Bosnia, Croatia and Montenegro and even conducted an interview for us in Slovenia. Cesar Jimenez, of Madrid, a senior journalist with a company that

keeps statistics for the Spanish Football League, arranged a number of interviews and located athletes and coaches for us in several cities across Spain.

Bajramovic, who covered the war in Bosnia, also helped us tear apart the stories of a number of Bosnian basketball players, all claiming they came to American high schools to escape war. Their stories were told numerous times in American newspapers and on television, and those stories prompted athletic officials to bend the rules and allow them to play high school basketball. But their stories turned out to be less than the whole truth.

Hard evidence

In every country, the stories told by the athletes seemed identical: They were never paid to play sports. They were not represented by an agent. They never signed a contract. Everyone who helped them find a school was just a nice person who wanted to help kids.

What made us suspicious was that many of them would volunteer all this information without ever being asked a question, as if they were coached on what to say. So we tried a different approach: Rather than asking them *if* they ever had a contract or an agent, we just asked them *when* they signed their contracts.

It worked. The very first player in Estonia brought out his contract with van Gent and so did the next. After months of reporting, this was the first hard evidence we had. After hundreds of interviews, we linked several of the middlemen and dozens of players to sports agents.

The key, we found, was in first understanding how the system worked and approaching it from that standpoint, not expecting someone else to volunteer anything. The people we interviewed, we found, were only going to talk about concepts we already understood. If we knew nothing, they would talk about the game. If we knew a foreign sports agent brought them to the United States, some still denied it, but some offered explanations.

Though we knew coaches, middlemen and even players all stood to gain from all this, we believed there must be victims, too.

The American system of amateur athletics, which was being used as little more than a training ground for foreign athletes and their agents, was the first victim we found. Hometown players whose families had invested years in the school were suddenly cut from teams when more talented foreign players arrived.

The foreign athletes also displaced legitimate

foreign exchange students.

The real victims, however, were overseas.

In countries where \$200 a month is considered a good salary, families sold their apartments, their cars or took out loans to pay hundreds or even thousands to middlemen to get athletic scholarships at American schools for their children. One agency charged 10 percent of the scholarship value.

Though selling scholarships is one of the most flagrant violations of American athletic rules, the business was practically public in some countries, with one Belgrade newspaper advertising a company offering athletic scholarships in America.

In Serbia, we interviewed a family that paid a middleman \$3,500 to find the son a college basketball scholarship. After staying with the college coach for several days, the boy was stranded at a Delaware motel and never played college sports.

One Yugoslavian family paid \$17,600 to an agency for athletic scholarships for their twins. The same agency placed nearly 30 athletes at colleges to play basketball, volleyball, soccer or to swim.

Amateur athletics at every level – high schools, small private colleges and big Division I NCAA universities – were affected.

Our examination of foreign athletes in American sports opened the eyes of coaches, administrators and college and high school regulators. Five state athletic associations conducted investigations after the series. The Ohio High School Athletic Association handed down the most severe penalties in its history to Dayton Christian High School for numerous violations involving international athletes. The National Federation of High School Associations is pushing for new regulations limiting the number of foreign athletes on teams nationwide and has printed brochures informing students and coaches about the rules governing eligibility. The NCAA investigated several of the players highlighted in the series and ruled them ineligible, and the National Association of Intercollegiate Athletics reported it would revamp some of its eligibility rules in direct response to the series.

Christine Willmsen-Vasconez is a reporter on the Dayton Daily News enterprise team. Prior to coming to Dayton in 1999, she worked for newspapers in Iowa and New Mexico. Russell Carollo has worked on projects and computer-assisted stories for the Dayton Daily News. Carollo's honors have included a 1998 Pulitzer Prize and a 1996 IRE Medal. The foreign athletes story won a 2001 IRE Award for Willmsen-Vasconez, Carollo, Doug Harris and Mike Wagner.

POLICE CONFESSIONS

Records review shows cops using illegal, coercive tactics to nail innocent people

BY STEVE MILLS
CHICAGO TRIBUNE

In late winter of 2001, the *Chicago Tribune* began to re-investigate the criminal prosecution of four teenagers for a 1986 rape and murder of a medical student. The paper's findings would ultimately help the four men prove their innocence and, for the three who remained in prison, win their release.

Two of the men had confessed, police had said, but the newspaper's investigation showed that those confessions were false.

Over the past several years, the *Tribune* has investigated and reported on several individual cases where defendants were said to have confessed, only to be exonerated.

But it was the findings in the re-investigation of the murder of Lori Roscetti that provided the impetus for the *Tribune* to undertake a ground-

breaking examination of 10 years of murder cases in Chicago and Cook County. That investigation showed how police close murder cases with questionable confessions that imprison the innocent and let the guilty go free.

The series, "Cops and Confessions," was reported and written by Ken Armstrong, Steve Mills and Maurice Possley and was published over four days in December 2001. The series was edited by Projects Editor Bob Blau and his deputy, George Papajohn.

The goal was the same as it was in previous *Tribune* series that examined the criminal justice system: to document the scope and the depth of problems that so far have been told anecdotally, and that authorities have dismissed as isolated.

The conclusion: that in nearly 250 cases between 1991 and 2000, police in Chicago and Cook County had obtained dubious confessions.

As in past series, we also wrote about key figures appearing to be emblematic of the problem, such as the veteran detective who had a dozen cases in which he obtained confessions that ended with the confession being suppressed or the defendant being found not guilty.

We also reinvestigated a single case – that of a teenager who the police said had confessed to taking part in a double murder even though records showed that he was in jail when the murders took place. We found new evidence, including crucial documents, to support his innocence.

Prosecutors say that they have begun a re-investigation.

Another youth we wrote about – a young mentally ill man who had made a videotaped confession to the brutal murder of his mother – already has been released. DNA tests connected the murder to another man.

Motions to suppress

When we started the series, we knew it would be difficult. After all, the interrogation room remains one of the most difficult places to penetrate.

It was all the more difficult for us because the police refused to cooperate with our investigation in any way. Our requests for interviews, records, training manuals – even a tour of the police academy – were turned down.

But scores of interviews with murder defendants and their families, lawyers and judges, enabled us to present a vivid portrait of the inside of police interrogation rooms and report on what happens there.

More than that, though, using thousands of court and computer records, we were able to statistically document the extent of the problem.

It worked like this: First, we identified defendants who had been acquitted or had their charges dropped before trial. From those, we isolated cases where police and prosecutors said they obtained a confession from the defendant.

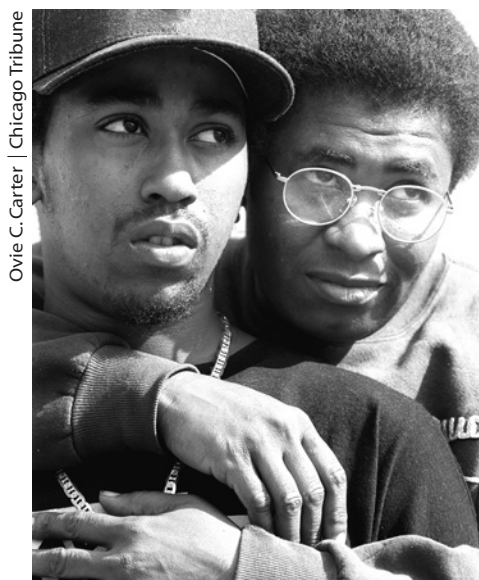
To do this we examined computerized docket sheets in more than a thousand cases, searching for motions to suppress a defendant's statement. Then, through interviews and other record searches, including searching the actual court files, we determined which of those statements contained an admission that made the defendants culpable for murder.

We also examined more than 10,000 appellate court opinions for the 10-year period, looking for cases where a defendant's confession was thrown out by a higher court. Most appellate court orders were available only on microfilm or paper, so we had to search them one by one – a painstaking process that took weeks to complete.

Admissions of guilt

The project was particularly difficult because there were no transcripts available to help reconstruct what happened in court. Since acquittals are not appealed, no transcripts are prepared. Similarly, no transcripts were prepared for cases where the charges were dropped. Also, some of the statements were given orally, so there was no signed admission to examine.

A confession was defined as a statement, made to police and prosecutors, in which the defendant admitting killing the victim or participating in the crime in a way that could make him eligible for murder charges. This included cases where a person is held accountable under the law even if



Toimel Mays is embraced by his mother, Mae Mays Heath. Mays was found not guilty of a 1997 murder when a judge said that Mays' confession could not be reconciled with the medical examiner's findings. Mays was 16 years old at the time of the killing.

Ovie C. Carter | Chicago Tribune

he didn't fire a shot or otherwise kill someone.

Instances in which the defendant made what authorities call a false exculpatory statement – in which the defendant professes innocence, but provides details that can be proven false – were not counted in our analysis.

Statements that were incriminating only in context – for example, if a defendant said he was wearing particular clothes that matched eyewitness descriptions of the killer's clothing – also were not considered confessions.

When there were no copies of the defendant's statement available, we considered the statement a confession only if other records in the file adequately described the statement, or if the attorneys involved in the case clearly recalled the defendant's admissions to police and considered it a confession by our strict definition.

Dozens of other cases which had all the markings of a defendant who confessed – such as descriptions of lengthy interrogations and allegations of police coercion – were not counted because attorneys could not remember or the

files were otherwise silent on what the defendant admitted doing. Further, there were at least 700 cases from this period in which murder charges were still pending.

What we found was alarming.

Suspects were abused physically and psychologically and isolated from their attorneys and their families, leaving a trail of failed prosecutions and shattered lives.

We found police had obtained confessions from men who were in jail at the time of the crime. They obtained confessions that were refuted by DNA evidence. They obtained confessions that contradicted the facts of the crime – such as the confession from a young man that stated he had stabbed a woman to death when an autopsy showed no stab wounds.

They obtained confessions from children ages 7, 8 and 9, only to see the charges dropped. We found 71 confessions by suspects who were 16 years old or younger.

Mentally retarded men with IQs in the 40s,

50s and 60s had confessed, only to be acquitted.

The cases we found exposed a system in which police violated well-established safeguards, such as questioning suspects after they've asked for an attorney or invoked their right to remain silent, interrogating children without trying to notify their parents, or arresting people with little or no evidence and grilling them for hours or days.

The series prompted new calls for legislation that would require the police to videotape interrogations. In Illinois, some law enforcement agencies videotape confessions – the product of interrogations. But the legislation would take that another dramatic step.

A commission appointed by Gov. George Ryan to study and reform the death penalty also recommended that police videotape interrogations.

Steve Mills is a reporter at the Chicago Tribune. His police project with Possley and Armstrong was honored with an IRE Award this year.

Candice C. Cusic | Chicago Tribune



Calvin Ollins, center, was released from prison after serving nearly 15 years for a 1986 rape and murder. Ollins, 14 at the time, had confessed to police. After DNA tests indicated he was not at the scene of the crime, the state vacated his sentence and Ollins was set free along with Omar Saunders, left, and Larry Ollins.

ELECTION CHALLENGE

More investigations required in key year of finance reform

By ARON PILHOFFER
THE IRE JOURNAL

Once every few decades, a mid-term election becomes a watershed event in American politics – the sort of national story usually seen only when the White House is at stake.

Such was the case in 1994, when Newt Gingrich’s Republican Revolution swept both houses of Congress. Such may be the case again this year.

Pick a storyline... any storyline... for Election 2002, because there will be plenty from which to choose:

- With campaign finance reform set to kick in after the election, is this the last gasp for soft money, or will contributors find new ways to inject campaign cash into the system?
- Is 2002 the last election dominated by big money party politics or will state parties and often-shadowy political non-profits take up the reins?
- Will the new law withstand legal challenges, and if so, what will the reform mean for candidates, parties and PACs?

Mix in a deeply divided electorate and razor-thin majorities in both houses of Congress, and you have the makings for “a very, very interesting time,” says Charles Lewis, executive director of the Center for Public Integrity, a Washington-based center for investigative reporting and analysis.

The coming election will be a challenge for reporters at all levels. With control of both houses of Congress resting on as few as a half-dozen seats, two-thirds of the nation’s governorships up for re-election, and the country’s state legislatures almost evenly divided, every election will have a national angle this year.

Journalists need to understand how their races often are part of a national strategy. They must have the skills to track the myriad ways in which

money moves from pocket to pocket – how, for example, a soft money contribution from Sears, Roebuck and Co. to a committee controlled by House Speaker Dennis Hastert can end up in the campaign fund of a candidate for sheriff in Yorkville, Ill.

Compared to what reporters had to deal with in prior years, Election 2002 “is going to be much more complex, and a bit overwhelming,” Lewis says. The following are just a few of the major storylines reporters will be paying attention to over the coming months.

The last grasp for soft money

Soft money will be THE story of Election 2002. Both the Republican and Democratic national parties are raising soft money as if it were going out of style – which, in fact, it is.

On Nov. 6, national party organizations will be prohibited from raising soft money. Under an amendment to the campaign finance law, state parties still will be allowed to raise soft money in connection with federal races. But the amounts they will be allowed to raise will be limited, as will the types of activities that can be supported with soft money.

In the meantime, both national parties are raising as much as they possibly can. Through Dec. 31, 2001, the parties had raised a combined \$170 million – already equaling the amount tallied during the last two-year mid-term election

cycle in 1997-98.

“Soft money has been exploding,” says Sheila Krumholz, research director for the Center for Responsive Politics. “People are treating this as their last call at the bar.”

The parties are raising all this money for one reason: to spend it. Those reporters working competitive campaigns can expect the party committees to pull no punches when it comes to spending on their candidates.

In recent years, much of that spending has come whether the candidate wants it or not. Frequently, political parties and outside organizations will spend money on their own, beyond the candidate’s primary campaign.

“We are in a really fascinating, and somewhat disconcerting, new realm here where the candidate is almost a bystander to his own campaign,” Lewis says. “These numerous special interests – sympathetic or contrary to the candidate – can spend multiple times what the candidate can spend.”

527 gains popularity

The soft money totals reported to the Federal Election Commission, of course, are only a

fraction of the total. Since the mid-1990s, more and more soft money has been collected and spent by political non-profit groups called Section 527 organizations.

In a report released in April, Public Citizen examined 18 months of filings by 527 organizations not affiliated with candidates. In that period of time, the organization counted some \$65 million in contributions. (A copy of the report can be found at www.publiccitizen.org/publications.)

Section 527 is the portion of the tax code under

which all political organizations file for exempt status. But these groups are different from other political committees because while their business is to influence elections, they do not – and cannot – support or oppose specific candidates.

Because of this, Section 527 organizations are completely exempt from regulation by the Federal Election Commission. They may collect money from any source, in any amount,

CAMPAIGN FINANCE INFORMATION CENTER

The Campaign Finance Information Center helps journalists follow the campaign money trail – on the national, state and local levels. Through seminars, the online newsletter Tracker and the Web site, www.campaignfinance.org, the CFIC provides a forum on the latest developments in which journalists can learn from one other. Training provides keys to the nuances of campaign finance and its influence on contracts, jobs and legislation. The seminars teach journalists news-gathering and database skills needed to do in-depth, original reporting that goes far beyond the numbers.

and spend it any way they like as long as they do not make a specific appeal to elect or reject a given candidate.

Until 2000, Section 527s were exempt from any disclosure requirements whatsoever. Now, they must file disclosure forms with the IRS detailing who is giving them money, and where the cash is going.

But there are still ways to evade these requirements, in part or altogether. Celia Wexler, a senior policy analyst for Common Cause, believes there will be a significant increase in 527 activity this year, and that may be a harbinger. Many campaign watchers believe that when the reform law kicks in, 527s may take up some of the soft money activities of the national and state parties.

The new law does apply a number of new restrictions on 527s, but as with any regulation, there are ways around it. There is no consensus, for example, about how the campaign finance reform law would apply – if it applies at all – to 527s on the state level, even if their generic message helps federal candidates tangentially.

Recently, Congress considered a measure that would have eliminated the filing requirements for state 527s if they were subject to state oversight. That could have opened a huge loophole, Wexler says.

“We have right now on the books a disclosure law that is pretty comprehensive. One way they can evade McCain/Feingold is if it got weakened, and that is what people are trying to do,” she says. “We know these are organizations that are very clever, and there will be many creative ways to disguise what they do. These 527s would be something I would look at if I were a creative evader.”

Lewis agrees.

“You are going to continue to see outside groups with close alliances to candidates and parties, and not technically affiliated with either, spending extraordinary amounts of money in 2002,” he says.

(For a fuller discussion of the 527 loophole, see the article by IRE’s Sarah Wright in the Campaign Finance Information Center’s newsletter *Tracker*: www.campaignfinance.org/tracker/winter02/stealthPACs.html.)

Complex funding systems

Although the campaign finance law will not take effect until after election day, political parties, candidates and PACs will be moving to adapt to the new environment.

CONTINUED ON PAGE 37 >

Don't wait! Fight proposed medical privacy rules now



CHARLES DAVIS

It’s often said journalism is largely a reactive business. It certainly is reactive when it comes to legislative efforts aimed squarely at the practice of the craft.

The routine is, by now, firmly established: Congress or some state legislature threatens a policy move with disastrous implications for the news business. We watch. The rule, or statute, or policy, draws ever closer. We watch.

Then, suddenly (after two years of imminent passage) journalists discover the loathsome rule, and journalism associations swing into action with indignant press releases (many of which I write) and letters to senators and presidents and departments.

Guess what? It’s always too late. Policy having been made without us, we come off as whiny and critical of the status quo.

So here is a chance to break the cycle, to race out dead-even with a hot-button issue. I’m going to hand it to the membership of IRE, and all you need to do is get your editor or news director involved.

The issue? Medical privacy rules. Thanks to the pace of Washington, rules resulting from passage of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) – rules that truly threaten everyday reporting on hospitals, doctors, managed care and other medical stories – don’t hit the code books until 2003. (See rules at www.hhs.gov/ocr/hipaa or www.hipaadvisory.com)

The portion of the law that deals with medical privacy has an April 14, 2003 startup, while rules governing medical coding and financial transactions are to be implemented on Oct. 16, 2003. Last month, the White House asked interested parties to comment on proposed modifications to the rules.

That means that frequent rule revisions by the U.S. Department of Health and Human Services are expected, making it possible for journalists to weigh in on the rules before they are official.

HIPAA’s purpose is noble. Congress set out to improve the health care system by encouraging conversion to electronic patient records, while protecting the privacy rights of patients once their health records were converted to electronic form. Like most privacy legislation, what began as a reasonable exercise in protecting intimate data became

a field day for secrecy on all fronts, reason be damned.

The current HIPAA rules require that hospitals, physicians, health plans and other covered entities maintain such a high level of privacy that speaking to a reporter about the health of a patient – even a public official or public figure – opens the possibility of civil penalties. There are criminal penalties as well for organizations and individuals, including a fine of up to \$250,000 and imprisonment for up to 10 years for knowingly disclosing or obtaining protected health information.

The key phrase in HIPAA is “individually identifiable health information,” which is currently defined as any health information that identifies or can be used to identify the individual. So what’s “health information,” you might ask? The rules say it is “any information, oral or recorded, relating to the health of an individual, the health care received, or payment for health care provided.”

Before disclosing such information as treatment, payment and the entity’s own operations, health-care providers will have to have the written consent of the patient. Deliver that message to the public relations staff of your average community hospital and the result is information lockdown.

For starters, there is a very real question as to whether hospitals may release run-of-the-mill directory information. Imagine how much worse the chaos of the terrorist attacks in New York, for example, had medical facilities been barred from disclosing the number of people who were injured and the seriousness of the injuries.

A dramatic example, but then think about the many contexts in which information about the medical condition of individuals becomes paramount: environmental or natural disasters, neighborhood crime, the medical condition of public officials, misconduct by healthcare providers, health epidemics or plagues, injuries caused by consumer products, and even births or deaths in a community.

Think back to the anthrax attacks of 2001, overlay the new HIPAA rules, and what happens? A 94-year-old woman dies in a small town and is buried.

CONTINUED ON PAGE 38 >

Charles Davis is executive director of the Freedom of Information Center, an associate professor at the Missouri School of Journalism and a member of IRE’s First Amendment task force.

Alejandra Villa | Newsday



Kenneth H. Parks looks out a window in a cracked dorm building on campus.

HIGHER EDUCATION

Stories stop developers from grabbing prime college land

BY SANDRA PEDDIE
NEWSDAY

The story started the way many investigations do – with a phone call. This one came from an official at a college campus that was rarely in the news, and he was upset.

He laid out a disturbing scenario: A small group of political insiders were secretly trying to transfer ownership of 163 acres of land belonging to a troubled, racially diverse college campus in New York’s state university system to a private foundation. That transfer from public to private ownership would enable the group to make deals on the land without being subject to any public scrutiny.

Higher education reporter Steve Wick wrote a story about the proposed land transfer at the State University of New York (SUNY) at Old Westbury, located on Long Island. Despite the publicity, the legislation enabling the transfer passed in the middle of the night. Developers appeared to be lining up to cut deals on the land.

Newsday Editor Tony Marro and Managing

Editor Charlotte Hall immediately saw a bigger story. They asked Wick and the Investigations Team to take a look.

Deteriorating campus

The land up for grabs is prime real estate. Nestled between country clubs and multimillion-dollar mansions, it is located on Long Island’s fabled Gold Coast. The campus, with its diverse student body and deteriorating facilities, has never really fit in.

Our investigation found that the plan, touted as a way of helping the cash-strapped campus, would provide very little benefit to the college. Developers would be able to lease the land cheaply for projects that had little or no connection to the college. The plan would be a windfall for a small circle of people connected to Gov. George Pataki.

As one potential developer told *Newsday*, “That’s Gold Coast land. If you had to buy the land, you wouldn’t do the project.”

Among the beneficiaries were an architect

who is Pataki’s next-door neighbor and relative by marriage; two key Pataki fund-raisers who were kicked off a construction site at the college because of shoddy work; and a former state assemblyman whose firm was hired to lobby for the plan.

Among the victims were SUNY-Old Westbury’s students and faculty. Conceived in the 1960s as an alternative campus dedicated to educating poor and urban students, SUNY-Old Westbury had long been neglected. Its dormitories were falling apart, its library was hopelessly outdated and its graduation rate was the lowest in the state system. Its overall academic performance was so bad that the state was considering shutting it down.

It was a campus desperately in need of help.

Critical to rebuilding the school were new dormitories. The existing dorms were “the pits,” with leaking ceilings and graffiti-covered walls, according to college President Calvin O. Butts III. To build new dormitories, state officials chose a pair of brothers over more experienced contractors, despite the fact that the brothers had a long history of bad debts, bankruptcies and tax liens. The brothers also happened to be major fund-raisers for Pataki. Their work was so shoddy, according to records, that the state finally was forced to kick them off the job.

Fake documentation

Getting the story wasn’t easy. When we embarked on the series, SUNY officials did what officials often do in these cases – they refused to give us records, and they refused to talk. Our reporting ran the gamut, from poring over dry, bureaucratic documents to clandestine meetings with shadowy sources.

At the very start, we put in Freedom of Information requests. We asked for all records related to the college foundation, such as its bylaws, minutes, contracts, memos and phone messages. We asked for copies of all the proposals for the land, ads soliciting the proposals, correspondence, construction records, bidding requirements, even e-mails.

SUNY officials, unable to find a legal basis for denying us, gave us most of the records. One office stalled until after the series was published, which is why it’s useful to get FOI requests in early.

When we got the records we requested, we put them in chronological order. That was how reporter Brian Donovan discovered a fabricated memo.

Donovan was looking into how architect James Copeland, Pataki’s friend and relative, got a lucrative consulting deal at the college. Examining the records, he realized that Copeland had been chosen

Alejandra Villa | Newsday



Student Aaron Farley says SUNY-Old Westbury gave him the opportunity other schools wouldn't to get a college education.

for the project before any competitive selection process – required by law – took place. An e-mail message made that clear.

He asked SUNY officials how that happened. They responded with a memo that they said had been inadvertently left out of the earlier batch of records. That memo seemed to show that the selection had actually taken place earlier than the records indicated.

Donovan was puzzled. That memo didn't seem to fit with the other records. He looked at it closely. Then it hit him: The memo was a fake.

Newsday hired three document experts to look at the memo, for a total cost of about \$600. They confirmed Donovan's suspicion.

At the same time, we plumbed the Internet for everything we could.

Since the college foundation was a non-profit, it was required by law to file a form called a 990, which is a detailed listing of income and expenses. (These forms are readily available for free on www.guidestar.org.)

By looking at those forms, we were able to document that the foundation had paid out more money to consultants than in scholarships – the stated mission of the foundation. Given the fact that many of the students on campus needed help to pay for their education, that was shocking.

"I could not believe what was happening," said one Democrat who had been involved with the college. "We had always meagerly watched the finances of the school. Suddenly, we were having council meetings at the Milleridge Inn... I didn't want any state funds going to feed me. That was the beginning of my belief that another agenda was going on."

After looking at IRS regulations and talking to the foundation's accountant, it became clear that the foundation had violated rules for non-profits by hiring a lobbyist. Some other investigative

techniques we used:

- All public jobs are supposed to be advertised. In New York, they are on a Web site called www.nyscr.com. There we found that, in fact, at least one of the proposed projects for the land was never advertised.
- For background on the various players, we read trade publications, available to us through www.nexis.com.
- In New York, lobbyists

must file regular reports on their activities. Those were available at www.nylobby.state.ny.us. That enabled us to track the important political connections of the college's lobbyist.

At the same time, reporter Amanda Harris built a database of Pataki campaign contributions. That allowed us to say definitively how important these political insiders were as contributors and fund-raisers for the governor.

One key player in the deal held two unpaid positions on state boards. Even though they were unpaid, state law required him to file financial disclosure forms. Most officials assume nobody looks at those forms. We did. They laid out his business relationship with the lobbyist he hired for the foundation – a relationship he never disclosed to the foundation board.

But the Freedom of Information Act took us only so far. We had to cultivate other sources to get the necessary records and fill in gaps.

For example, reporter Shirley Perlman obtained minutes of a key foundation meeting that the college had not released, as well as solicitations to potential developers. We also obtained the eye-opening internal records of a construction company owned by key Pataki fund-raisers. Those records detailed how important fund-raising was to their goal of winning construction contracts with the state.

Outside experts

Reporting the series required understanding a dizzying array of subjects – everything from the arcane state requirements for bidding to the nuts and bolts of construction. For help, we turned to outside experts.

Some were willing to talk only on background. Others, appalled by what was going on, agreed to speak on the record. Particularly helpful were several convicted felons looking to settle some scores. All were invaluable in guiding us through complex areas.

By the time we were ready to write, we had mountains of material in need of organization. As we hashed out an outline with Rich Galant, our deputy managing editor, we realized we needed to tell the story of the people this deal affected. Reporter/researcher Eden Laikin and photographer Alejandra Villa spent days on campus talking to students and faculty about their experiences at the school.

They cared about their school, and they cared about their education. The campus newspaper was filled with first-person stories from students who said SUNY-Old Westbury gave them the education they were unable to get elsewhere. Their stories provided a stark contrast to the well-heeled developers who were eyeing the land.

Alejandra Villa | Newsday



Nadia Reguford (left) and Rochelle Higgs stand outside their dorm entrance where there's a big hole in the wall.

One student credited the college faculty with profoundly changing his life. "They performed a miracle," he said. "They not only changed my thinking, they changed my behavior."

The impact of the series was immediate. The man who spearheaded the plan resigned. The inspector general and state comptroller launched investigations and issued reports

CONTINUED ON PAGE 39 >



CHEMICAL WARFARE

Bureaucratic infighting cripples public safety effort

BY LES ZAITZ
THE (PORTLAND) OREGONIAN

Mike McCullough, a veteran Oregon State Police lieutenant, was troubled.

For two weeks, he worked in a new assignment to run a program to protect Eastern Oregonians from deadly chemical weapons stored at a U.S. Army depot.

The program – the Chemical Stockpile Emergency Preparedness Program – had struggled in Oregon for a decade. Government agencies had chewed through \$50 million and still couldn’t protect people.

McCullough decided only bold action would jolt slumbering bureaucrats into action.

In August 2000, McCullough shocked many of his colleagues by resigning.

“I hope every elected official and bureaucrat involved in this whole process understands this state trooper gave up a \$72,000-a-year job to make a point. This entire process is an insane merry-go-round,” McCullough said in a public statement.

The resignation didn’t produce the results McCullough wanted, and it wasn’t big news beyond Pendleton. *The Oregonian* carried a wire service account inside its metro section.

Still, a story mentioning “chemical weapons” and “insane merry-go-round” aroused my curiosity. Who was this guy? What was this program? What was so insane about it?

Six months later, *The Oregonian’s* five-part series “Umatilla: Mistrust and Money,” answered those questions.

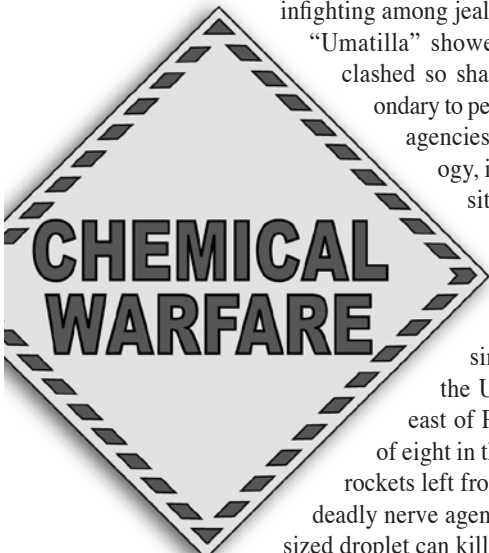
The series, published April 22-26, reported that the chemical safety program was crippled for a decade by bureaucratic infighting among jealous local, state and federal agencies.

“Umatilla” showed how two powerful personalities clashed so sharply that public safety seemed secondary to personal victory. The series documented agencies wasting money on untested technology, inappropriate equipment, and perquisites that had little to do with guarding against nerve gas.

Program evolution

Nerve agents had been sitting since the 1960s in concrete igloos at the Umatilla Chemical Depot, 200 miles east of Portland, Ore. The Army base is one of eight in the country warehousing missiles and rockets left from the Cold War. Most are filled with deadly nerve agents such as sarin and VX. A pinpoint-sized droplet can kill a human in moments.

CONTINUED ON PAGE 22



RADIOACTIVE WASTE

Old records reveal history of Navy shipyard dumping

BY LISA DAVIS
SF WEEKLY

It started with a story about fish.

I’d written a feature story on the inventor of a submersible vehicle and his quest to explore the deepest channel of the ocean. In researching the story, I stumbled onto what amounted to a footnote about fish feeding off of barrels of nuclear waste dumped long ago near the Farallon Islands. The subject caught my interest, and I scratched at it a bit whenever I had time.

Eventually, fish became toxic-waste dumping, which led to environmental cleanup, which led back to the source of the undersea nuclear material – the former Hunters Point Shipyard in San Francisco, a 500-acre decommissioned naval base that the city plans to take over and develop into, among other things, 1,800 units of housing.

After more than a year of digging into historical records, interviewing former employees, reviewing environmental cleanup reports, and talking to scientists, we produced a two-part series, “Fallout,” that essentially did what the Navy had failed to do: disclose the history of nuclear activity at the Hunters Point Shipyard.

Old records

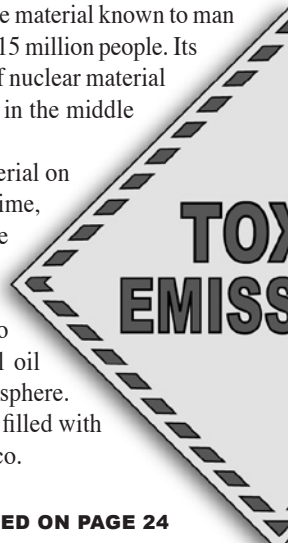
The series focused on a secret government research facility known as the Naval Radiological Defense Laboratory (NRDL), which operated at the Hunters Point Shipyard from 1946 to 1969. The lab originally was created to study, and attempt to decontaminate, ships involved in a series of atomic bomb tests near the Bikini Islands known as Operation Crossroads. The lab went on to become the military’s largest facility for applied nuclear research, and was involved in every nuclear test the government performed during that time.

NRDL handled almost every kind of radioactive material known to man – including, at one point, enough plutonium to kill 15 million people. Its scientists often experimented with and disposed of nuclear material with little apparent concern that it was operating in the middle of a major metropolitan area.

On one occasion, they spread radioactive material on the ground to practice cleaning it up. Another time, NRDL scientists hung a radioactive source off the fantail of a ship in the San Francisco Bay just to see what it would do. The Navy oversaw the dumping of tons of radioactive sand and acid into San Francisco Bay, and burned radioactive fuel oil in a boiler, discharging the smoke into the atmosphere. Navy officials also scuttled an old aircraft carrier filled with radioactive waste in the bay outside San Francisco.

How did we learn this?

CONTINUED ON PAGE 24



TOXIC EMISSIONS

Cancer rates soar in high-discharge area

By SCOTT STREATER
PENSACOLA NEWS JOURNAL

The numbers bothered me. Every April, the U.S. Environmental Protection Agency's Toxics Release Inventory documented that industries in the Pensacola area release millions of pounds of toxic chemicals into the air, water, land, and underground – by far the most in the state.

This raised a lot of questions: What do the numbers mean? Is it really that significant to have the most toxic emissions in Florida, which is not known for its industrial activity? What health impact, if any, does all this pollution have on the people who live here? And why has no one ever asked these questions before?

The search for these answers launched me and the *Pensacola News Journal* on a months-long investigation that resulted in Congress last year approving \$1.7 million to begin a five-year, \$15 million study to examine whether this toxic pollution is making local residents sick.

It began in late 2000 when state Sen. Durell Peaden, a retired family practice physician, called to tell me he was concerned about high cancer rates in Northwest Florida.

Several health maintenance organizations had pulled out of the area in the last several years, he said. He provided me with letters from one HMO chief executive officer who threatened to drop coverage for 6,000 state employees in the Pensacola area unless the Legislature raised insurance premiums. The reason: Cancer rates within the group were many times higher than the national average.

"There needs to be more research on this," he said, before adding that he doubted we'd ever find any answers. We accepted the challenge. What we found was startling:

- More toxic pollution is discharged each year by industries in Escambia County, which includes Pensacola, than in 19 other states, including New Jersey – one of the most heavily industrialized states in the country.
- Death rates from all forms of cancer in Escambia County and neighboring Santa Rosa County far exceed national rates.
- Escambia County ranks in the Top 40 nationwide in emissions of neurological and developmental toxins linked to a host of birth defects and behavioral disorders.
- Escambia and Santa Rosa counties far exceed state rates for several major birth defects associated with exposure of infants and pregnant women to neurological and developmental toxins. In addition, childhood cancer rates in Escambia County have been among the highest in the nation in the 1990s.

CONTINUED ON PAGE 26

HIDDEN HEALTH HAZARDS

Nuclear waste is dumped offshore, toxic wastes are recycled into fertilizers for use on farms, industries regularly release toxins into the community and, deadly chemical weapons are stored near vulnerable towns with feeble emergency plans. These hidden health hazards could lie just below the surface in your back yard.

FATEFUL HARVEST

Toxic waste found in ordinary fertilizers

By DUFF WILSON
THE SEATTLE TIMES

Who would have thought American industry would "recycle" its toxic waste into ordinary fertilizer?

Farmers didn't think so. Gardeners didn't think so. I didn't believe it, either, when a small-town mayor made the outrageous claim. She must have been confused, or perhaps delusional.

But a year-long investigation showed it was true: fertilizer is so poorly regulated that hazardous industry and mining wastes can be called "products" and mixed with ordinary plant food – even some organic fertilizers.

Five years ago, the *The Seattle Times* published "Fear in the Fields: How hazardous wastes become fertilizer." Last September (bad timing for an environmental book), HarperCollins published *Fateful Harvest: The True Story of a Small Town, a Global Industry and a Toxic Secret*.

CBS 60 Minutes was interested in the story. A producer asked me to point to someone who'd died after eating food poisoned by fertilizer. I couldn't. It's not so simple. These are long-term, cumulative toxins. They add to plant and animal burdens over decades by highly varying doses according to complex biology. The producer asked, "Well, can you find somebody who is deformed?"

Nope. But industry-waste chemicals do show up in fertilizer work-

CONTINUED ON PAGE 28

SUSPECT FERTILIZER

TOXIC EMISSIONS

CHEMICAL WARFARE

CONTINUED
FROM PAGE 20

The Army planned to burn the munitions to comply with congressional orders to get rid of the stuff. Congress also directed the Army to prepare nearby civilians in case of disaster during the destruction process. The caution was prudent. Army experts estimated that if Umatilla's weapons were accidentally vaporized, a deadly cloud would float through Oregon and Washington communities, killing thousands.

CSEPP's mission is to protect the 26,000 people living in small towns like Irrigon, Hermiston, and Echo. Local agencies were to prepare either to evacuate communities or give civilians rudimentary gear to seal themselves in their homes against a poisonous cloud. The chemical program also was to build police and medical capabilities.

When McCullough quit, Oregon's program was in disarray. Finding out what happened didn't require sexy investigative techniques. Instead, the reporting relied on the basic grunt work of pawing through documents and interviewing officials. "Umatilla" was unusual because we had to trace the evolution of the program over a decade.

Early interviews established that local officials for years had been screaming for basic emergency gear. They were ignored or fed vague promises. So where had \$50 million gone over 10 years?

Tracing the spending required assembling thousands of pages of budget documents. They weren't all in one place because of the complexity of federal funding.

Tracing, for instance, the history of better radio gear for cops started in budget documents from two counties. The counties got the budget ball rolling by writing a request for money and justification. They passed their proposed budget to the branch office of the state Emergency Management Division.

That was the first of four stops for the budget. At each stop, a new column was added to the documentation, recording approvals and rejections. And at each stop, new justification was added for whatever the next bureaucrat in line decided. Once the branch office took its turn, the budget then passed through to state agency headquarters, a regional Federal Emergency Management Agency office, and finally FEMA national headquarters.

At each stop, a specific request could be left in or kicked out. In the case of new radio gear, the counties were rejected year after year. Budgets showed the state at one point rejected the county project and substituted an expansion of its own radio system. That left local police agencies still struggling to communicate with

one another.

Small details gleaned from the mind-numbing data contrasted emergency needs with bureaucratic greed. In one year, a health officer asked for money to buy medical supplies. The state said no, stripped out the request, and put in its own request for \$3,000 for refrigerator magnets and \$21,000 for ID-making equipment.

Finding such details wouldn't have been possible if the reporting relied only on final budget documents. It was the juxtaposition of budgeting events that turned dull material into a compelling read.

File under "blah, blah, blah"

The human story of bureaucracy at work was even more revealing. Amanda Bennett, at the time *The Oregonian's* managing editor for special projects, spotted the power of the personality conflicts.

That conflict emerged from countless interviews and patient mining of a decade's worth of internal memos, letters, critiques, and General Accounting Office reports. Myra Lee, head of the state Emergency Management Division, and Casey Beard, the cowboy-hat wearing leader of one county's emergency program, had battled each other from the day Beard took his job.

Beard in 1993 testified before a congressional committee that CSEPP was a mess, and accused the state of "mismanagement." Lee fired back in a 15-page rebuttal that Beard was still "on a learning curve" about the program. That provoked Beard into a four-inch thick response that proved a gold mine of documentation about the program's early troubles.

Beard's files also yielded a later letter from Lee, advising Beard she was too busy to talk to him. Beard scrawled a note across the letter to his clerk: "File under blah, blah, blah, yadda, yadda, yadda." The message captured the frustration of the relationship.

Showing government officials acting humanly helped readers through the complex story. At one point, local and state officials were in an emergency meeting after the public warning system had accidentally been triggered. The wailing sirens panicked people into believing nerve gas was on the way. The meeting was intense, but it had to be brought to a sudden end. Meeting minutes showed county officials promised everyone they wouldn't miss a college football game scheduled to start soon on TV.

Bruce Ely | The Oregonian



Military projectiles containing VX Gas.



Kathy Allen of Umatilla curiously watches as members of the medical community in the Hermiston-Umatilla area participate in an emergency drill.

“Umatilla” had impacts before and after it was published. County officials finally got money for emergency radios and other essential gear. The federal agencies gave more power to the counties. The state canceled one consultant’s \$150,000 contract and Lee was later forced into retirement. Perhaps most important, the personal feuding died out under the hot light of public attention.

Techniques used

The investigation succeeded by addressing not only how the chemical program was in trouble, but why. By explaining the why, “Umatilla” held accountable the public officials responsible for the lives of 26,000 people.

Techniques used in “Umatilla” can be applied to scrutinize any failing government project or program. Some suggestions for doing such work:

- Obtain government budget requests. Follow the paper trail through the entire budget process. Don’t work only with the final budget. Look for what was requested and denied. Look for what was added later in the process.
- Determine what components are necessary for the success of whatever program you are examining. In “Umatilla,” the public warning system was key. That gave us one area to zero in on.

- Hunt down meeting minutes, even internal management sessions. Minutes provide chronology and revealing scenes.
- Prepare a detailed chronology to align events with one another. In “Umatilla,” we found a state official out in the field accepting a warning system while county officials at the same time were meeting with other state officials to say why the system shouldn’t be accepted.
- Find every former government employee you can, and ask what documents they have. A former county official handed over a two-foot stack of invaluable material for “Umatilla.”
- Interview key sources over and over again. Return with fresh questions about key events, sharing recollections picked up from other sources. Such triangulation results in the most accurate and telling accounts.

The complexity of “Umatilla” was daunting, but the project was guided by a constant referral to the core question: After 10 years and \$50 million, why was Oregon still not ready to protect its own? The reaction from the public and from officials in the program was strong and supportive.

Umatilla County Sheriff John Trumbo paid the series perhaps the highest compliment: “Finally, someone is getting the story correct.”

Les Zaitz is an investigative reporter serving his second tour of duty with The Oregonian.

RESOURCES

The federal government says millions of people in the U.S. live near portions of 30,000 tons of chemical weapons.

The U.S. Army operates chemical depots at eight locations: Anniston, Ala.; Blue Grass, Ky.; Deseret, Utah; Edgewood, Md.; Newport, Ind.; Pine Bluff, Ark.; Pueblo, Co.; and Umatilla, Ore.

- The U.S. Army is in charge of destroying the munitions and funding programs to protect civilians. Program information is available at www.csepp.army.mil.
- Another Army branch, the Soldier and Biological Command – www.sbccom.apgea.army.mil – researches the risks of nerve agents and devises recommended medical protocols.
- The Federal Emergency Management Agency helps communities decide what they need to protect civilians around the depots. Program information is available at <http://CSEPPweb-emc.ornl.gov/>
- The General Accounting Office – www.gao.gov – has audited the chemical protection program repeatedly. Reports detailing activities around each depot are available online.
- The Chemical Weapons Working Group – www.cwwg.org – is a private organization pressing for safe disposal of the chemical weapons. The group is knowledgeable about federal and state efforts.
- Local and state governments complete Budget Information Worksheets to request money and justify the needs for their chemical preparedness programs. The documents are available locally and through FEMA.

RADIOACTIVE WASTE

CONTINUED
FROM PAGE 20

From yet another feature story, I knew a bit about the National Archives and Records Administration branch in San Bruno, Calif., and some of the old records collections housed there. For unknown reasons, there are very few actual records from Hunters Point Shipyard in the archives, but many records (650 cubic feet, to be exact) from NRDL, probably because the lab's researchers played a key role in advancing nuclear science. Of course, for much the same reason, many of the NRDL records remain classified.

Thankfully, they are also very old records.

And because of their age, many of the NRDL records were eligible for declassification. All federal records have a prescribed life span, meaning that they are retained in certain locations for certain periods of time, and classified for specific reasons and lengths of time. Generally, if the time period and reason for classification have expired, the records are eligible to be declassified. (That's not to say

we gained access to everything we requested – far from it. For example, anything relating to nuclear technology that is still in use anywhere, in any form, remained classified, as did many records on individuals assigned to NRDL). Thus began a routine: I requested about 10 boxes of NRDL or shipyard records at a time. The archivists notified me when whatever I was allowed to see of the group was ready. Then, I'd spend a few days in the locked room, opening boxes – some full, some empty except for a few pieces of paper.

By this time, my editor, John Mecklin, had decided that the project was worth my full-time attention and freed me from regular reporting duties. Of course, neither of us knew how long

“As time passed, I contacted federal, state and local agencies trying to find out who monitors the dump site. The answer, as it turned out, was that no one monitors a nuclear waste dump in a national marine sanctuary. In fact, no one has ever determined how much waste had been dumped, or exactly where it is located.”

it would take. This was a big decision for a publication staffed by seven full-time writers, and my colleagues carried the extra workload graciously.

I learned a lot through those old records, simply by reading correspondence between the commander's office and other parts of the Naval Radiological Defense Laboratory and the shipyard. Also, invoices provided information about what was going on four or five decades ago. (For instance, in 1952, United Airlines sought payment for delivering a 67-pound shipment of synthetic radioisotopes to the base).

Between trips to the archives, I spent time searching records through the U.S. Department of Energy's Office of Nuclear and National Security and the Department's Coordination and Information Center outside Las Vegas. This is home to records of the former Atomic Energy Commission, one of several agencies

involved with NRDL.

But this story wasn't just about records.

Ocean dumping

No one, but no one, keeps in touch like military veterans. The National Association of Atomic Veterans graciously allowed me to post a note in its newsletters, seeking vets who'd been at NRDL and/or Hunters Point Shipyard. Every once in awhile, someone would call. And for every veteran who called, there were two others he knew.

One day a man from Pennsylvania called and said that he had not been at Hunters Point, but remembered talking to someone who'd worked on a ship based in San Francisco that was dumping barrels of radiation into the ocean. That's how I met John Gessleman, a gunner's mate in the Navy in the 1950s, whose job included escort duty on a barge that carried containers of radioactive waste under the Golden Gate Bridge out toward the Farallon Islands, where they were dumped at sea. He and others followed orders to shoot the barrels full of holes to make them sink.

Through old newspaper stories, I learned that there had been congressional hearings on the Farallon Island dump site in 1980, and I found some of the scientists who'd testified. As time passed, I contacted federal, state and local agencies trying to find out who monitors the dump site. The answer, as it turned out, was that no one monitors a nuclear waste dump in a national marine sanctuary. In fact, no one has ever determined how much waste had been dumped, or exactly where it is located.

I also connected with Dr. W. Jackson Davis, a professor of international environmental studies at the Monterey Institute of International Studies, who had studied the Farallon Island dump in the 1970s. Davis was helpful, not only in sharing the findings of his research, but also in helping me to understand some of the more technical aspects of handling radiation and its waste. Davis suggested that some of his graduate students might be interested in an internship that included environmental journalism. I brought the idea to my editor. We hammered out an internship agreement with the dean of the school, and within a few weeks we had a solid group of five students assigned to review documents relating to the cleanup of Hunters Point Shipyard. Over several months, I chased down environmental-impact statements and other supporting documentation on the base cleanup from the San Francisco Public Library and from the EPA for the students, and met regularly with them in Monterey.



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During its heyday, the Hunters Point Shipyard could handle the Navy's largest ships in its dry docks.

By this time, I also had a working history of what radiological substances had actually been used on the shipyard. The students created a database from my documents and then, under Dr. Davis' supervision, analyzed the environmental cleanup work that the Navy had done at the former base. (The database was modified and used as part of the Internet presentation of "Fallout.")

As my editor and I began talking about how to put a year's worth of research and reporting into words, it became obvious that the material centered on two distinct locations – the Hunters Point Shipyard, where radioactive waste was created, and the Farallon Island Nuclear Waste Site, where at least some of it was dumped. So we organized the series in two parts: one concentrating on Hunters Point and the second on the Farallons.

Officials react

In the weeks following publication, San Francisco's congressional delegation, led by Rep. Nancy Pelosi, asked the Secretary of the Navy for a response to issues raised in our story. The San Francisco Board of Supervisors adopted into law a voter-approved mandate that

the shipyard be cleaned up to the highest standards. Earlier this year, San Francisco entered into an agreement with the Navy specifying that the city will not accept the first parcel of shipyard land until the Navy provides a complete characterization of the dirtiest parts of the shipyard, including the landfill.

And, finally, in March, the Navy released a Historical Radiation Assessment of the shipyard. By comparison to standard Superfund cleanup procedure, the assessment is at least 15 years late; by the Navy's own admission, it should have been completed before environmental remediation began.

In its original environmental reports on the shipyard, the Navy devoted about 20 pages to discussion of radiation used at the site. This new report is 634 pages long. The difference is what Navy contractors refer to, in gross understatement, as "data gaps." Needless to say, we called it something else.

Lisa Davis has been a staff writer for New Times Inc. since 1994, first at Phoenix New Times and, since 1996, at SF Weekly. Her work has won numerous national awards, including the 2001 IRE Award.

PERILS IN THE COMMUNITY

At the 1999 IRE Conference in Kansas City, Elizabeth Alex of KSHB-Kansas City offered these tips for reporting on environmental perils and toxic chemicals:

1. Learn the terms. Become familiar with maximum contaminant levels, parts per billion, parts per million, and the known health effects of the chemicals with which you are dealing.

2. Make a map. If you are looking at chemicals in a broad area or neighborhood, a street map is invaluable. Then drive the area or better yet, walk it and meet people.

3. Don't be discouraged by the Department of Health. Health officials swamped with work may not want to confirm or even look at your evidence of a possible problem.

4. Talk to members of the private medical community. Local doctors with nothing on the line can be helpful in determining if a potential health hazard really exists. Veterinarians, too.

5. Tap into academia. College professors may have extensive knowledge of the situation you are researching. You should be able to find one who remains clinical and impartial. Stay clear of those who may be funded by big corporations, or those who make a habit of testifying at trials.

6. FOIA everything you can. Make requests of the EPA and the State Department of Environmental Quality.

7. Use IRE. The organization may have archived stories of similar cases that can help guide you.

8. Prepare for backlash. While people living with a potential problem may be grateful for your interest, city leaders and those worried about property values may not be. Be ready for calls to management, and be sensitive to concerns.

TOXIC EMISSIONS

CONTINUED
FROM PAGE 21

Relevant data

The pollution statistics were easily downloaded from the Internet. The EPA's Toxic Release Inventory database is an amazing tool (www.epa.gov/tri/).

Using TRI Explorer, I was able to quickly rank Escambia County among the 25 most-polluted counties in the nation. In addition, I knew exactly what toxins were being emitted, where they were being discharged, and by what company.

It was much more difficult to obtain relevant medical data. I was aided tremendously by the Florida Cancer Data System – a partnership between the Sylvester Comprehensive Cancer Center at the University of Miami and the state Department of Health. The Florida Cancer Data System compiles all cancer data throughout the state (<http://fcds.med.miami.edu/>). The data is very specific, offering rates of cancer incidence and mortality per 100,000 population. This allowed us to compare age-adjusted cancer rates in Northwest Florida to other counties across the state and nation. In addition, the federal Centers for Disease Control and Prevention has mortality

records that can be downloaded, state by state, for each county (<http://wonder.cdc.gov/>).

For more detailed information, we paid the Florida Cancer Data System to compile cancer incidents by ZIP code, allowing us to pinpoint areas of concern. This cost only \$500.

What I didn't find was a lot of specific data on the health impacts of the toxic chemicals emitted by industries. A surprising number of chemicals on the market today have never been tested for their impacts on human health.

What's more, there is a dearth of research on the health effects of exposure to many different kinds of chemicals in the environment at one time.

After I had collected pollution and health statistics, I shared the information with local physicians and health experts, many of who were startled. Without exception, they acknowledged growing concern about the possible link between toxic pollution and local health problems. They also agreed to help us interpret statistics and lead us to better sources of information.

Once we understood the technical aspects, we began looking for people with health problems who lived near sources of pollution. We were surprised to find a support group composed of mothers with children born with developmental disorders and birth defects. They suspect pollution played a role in their children's disorders.

Some of these parents had gone to extraordinary lengths, taking their children to a Baton Rouge, La., pediatrician who specializes in an experimental treatment to rid the children's bodies of mercury and other heavy metals.

There were many other potential victims.

Many people who had lived near the Escambia Treating Co. Superfund hazardous waste site were happy to talk. The old wood-treating plant saturated soils throughout nearby neighborhoods with creosote, PCP and dioxin. More than 350 families were moved as part of the third-largest permanent relocation in EPA history. The residents settled into the neighborhoods near the site in the 1940s and '50s because those areas were among the few places where African Americans could buy homes in Pensacola. The fact that hazardous waste sites were nearby was no accident, some complained

"We were poor black people who were not important," Annie Scott, a former resident near the Escambia Treating plant, told us. "We were expendable."

At this point, I sat down with Deputy Managing Editor Bob Bryan and we mapped out the stories we would do, the other information we

needed, and began working with other staffers to brainstorm ideas for photos, graphics and other elements we would need for our series. Reporter Anton Caputo was assigned to collect information on the area's six Superfund hazardous waste sites, and reporter Jenny LaCoste was asked to write a detailed feature on an autistic child whose parents are convinced that toxins contributed to their daughter's developmental disorder.

Finally, our series, entitled "Hidden Hazard," was published on three consecutive Sundays.

Reaction was swift. There was an outpouring of support from readers and health experts, many of who told us our report confirmed suspicions they had had for quite some time. The Escambia County Health Department and the University of West Florida joined forces to devise a detailed plan to study the issue for the first time. The plan was presented to the local congressional delegation, which immediately expressed support. Congress, in separate appropriations bills approved in October and December, set aside \$1.7 million to begin a five-year study – remarkable considering the sagging economy and the costs associated with the ongoing war on terrorism.

Search for answers

We reprinted the series and distributed copies to each Florida legislator.

The Legislature responded by finding \$300,000 in a tight budget year to fund a health clinic that screens former residents near Escambia Treating and another Superfund site for problems associated with exposure to toxic chemicals.

Today, the scientific and medical community is actively involved in the search for answers.

In May 2001, two months after the "Hidden Hazard" series was published, the local Health Department organized an environmental health symposium attended by more than 200 physicians. The seminar was designed to educate local physicians about the toxic pollution problem and what symptoms to look for if they suspect they have patients suffering from long-term exposure to toxic chemicals.

"We may be encountering an epidemic in environmental disease in the years to come," Dr. Michael Rappa, an environmental health expert, told the crowd, "if we don't start taking some corrective action today."

Scott Streater is the environmental reporter at the Pensacola News Journal.



An assortment of medications and vitamins sits on the kitchen counter along with a watch with an alarm to keep track of a child's medication schedule.

Les Hassell | News Journal

LOCAL ENVIRONMENTAL REPORTING

At the 2001 IRE Conference in Chicago, Michael Mansur of *The Kansas City Star* offered these tips for finding documents and databases when reporting on environmental issues.

1. TOXIC RELEASE INVENTORY OR TRI – This is the most widely known and popular set of data used by reporters and activists. It's fine to use the EPA database through the Web to search for releases of specific facilities and chemicals. You can even group by counties and larger areas. But the EPA database suffers from being dated, usually by two years.

As a more-timely alternative, many states maintain their own statewide databases that are usually just a few months old. With Access or FoxPro, these databases can be used to assess releases in various ways: Totals for the area, by county, as well as looking at specific chemicals. It's not uncommon to see decreases in chemical totals but increases in some of the more toxic chemicals, especially if you focus on carcinogens or central nervous system toxins. The EPA has classified these chemicals and has issued several annual reports on TRI data that are useful.

2. UNDERGROUND STORAGE TANKS – Each state also maintains its own database of leaks or "confirmed releases" from underground storage tanks. They report these to EPA, which maintains a federal database easily accessed – in report form – over the Web. Go to www.epa.gov/swrust1/cat/camarchv.html for "Corrective Action Measures" reports issued semiannually.

The rate of leaks, and whether they are declining or increasing, varies state by state. In 2000, states reported more new leaks – 14,571 – in that year than were reported in 1996. That's comparing two years after a federal deadline to upgrade tanks, intended to stop any more leaks, to two years before that deadline.

3. EPA ENVIROFACTS – On the EPA Web site, the EPA maintains access to a number of its databases – and there are many. One handy one is the PCS (Permit Compliance System) database that details facilities with wastewater permit discharges.

Usually in each state, state regulators enforce rules on federal wastewater or NPDES (National Pollution Discharge Elimination System). But seldom do facilities regularly comply. See the Public Interest Research Group's study finding one-fourth of the nation's largest discharges in serious violation of the

federal Clean Water Act's discharge limits. Check out the report at www.pirg.org.

You also can use the Freedom of Information Act to obtain your own copy of the Permit Compliance System. From that, you can do your own state checks and comparisons to national data.

The 10 states with the greatest number of major facilities listed in "Significant No-compliance" are Texas, Ohio, New York, Alabama, Tennessee, Louisiana, Pennsylvania, Florida, Missouri and Indiana.

4. MANUFACTURED GAS PLANTS – This is an interesting but not widely reported problem that is just developing around the nation. For the quickest and best explanation, go to www.hatheway.net. This is a Web site maintained by a former University of Missouri engineering professor who is intent on uncovering every one of these former "coal-gas" plants, which may rise into the tens of thousands.

These plants in the 1800s took coal and processed it under heat and pressure to produce gas that was used for lighting and cooking. In the process, it left behind gross amounts of coal-tar wastes, which contain PAHs, polyaromatic hydrocarbons, that are known to cause cancer.

5. TRACKING REGULATORS – One easy way to keep tabs on what's happening in your area is to track what both state and federal regulators are doing. Each state is in an EPA region.

Occasionally, it pays to use the Freedom of Information Act to obtain the "weekly activity" reports from the EPA. Each EPA division makes these reports, which are what higher-ranking officials in the agency use to track what's happening.

Another useful way to track how well your state regulators are doing is to FOIA every audit of any state program from the EPA regional office. Under federal law, EPA delegates its authority to enforce most federal regulations to state regulators. Then, they regularly – usually annually – audit those state programs. Often, they point out major problems in enforcement or at least point to problems.

SUSPECT FERTILIZER

CONTINUED
FROM PAGE 21

ers' blood. And they do move from the soil through roots and leaves into some crops, varying by plant species and soil chemistry. And they are known to increase the risk of cancer and other illnesses, especially in children.

It's still a great story to tell. Today in the U.S., only three states (Texas, Washington and California) have started regulating the potentially unhealthy toxins in fertilizer. But 47 states still have no limits – and no public disclosure – of the arsenic, beryllium, cadmium, lead, mercury and dioxins that lace some fertilizer products.

Recently, a *Sydney* (Australia) *Morning Herald* investigation (www.smh.com.au/specials/industrialwaste/) covered the same ground with immediate results.

California, the EPA and the industry have done risk assessments, which are basically cost-benefit analyses on the amount of sickness and death that may be allowed by an

activity under study. They say most fertilizers are safe. But the other way of reading this is, some still aren't safe. Who gets those? What do they know?

EPA wisdom

The first fertilizer story came from a scared mayor's phone call to *The Seattle Times* with what seemed an outrageous claim. People were trying to silence Mayor Patty Martin's questions. They said she could ruin the vegetable industry – where her own husband worked. The part-time mayor wanted newspaper help and protection.

I educated her about the First Amendment. Government records enjoy a qualified privilege from libel claims. And her position as mayor gave me a news hook – and an Erin Brockovich-like protagonist.

The mayor later lost her office and was shunned in town. The scenes could have come from *An Enemy of the People*. It made for wonderful storytelling.

The most complicated investigations are ultimately stories about people. A gardener, for instance, who reads the fertilizer label: she can only see the advertised ingredients. What else is in there?

A state regulator only checks for advertised ingredients. He lacks authority to clean up products laced with toxics, saying wistfully, "That would be nice."

“It would cost companies roughly \$300 a ton to store the wastes in a double-lined landfill or separate and purify them. It would cost less than \$200 a ton to get a fertilizer company to take the same material, which has some plant nutrients like zinc and nitrogen with the toxics, and spread it all around. It's perfectly legal.”

RESOURCES

ON THE WEB:

- **PubMed** – www.ncbi.nlm.nih.gov/
- **OSHA** – www.osha.gov/oshstats/
- **Environmental databases** – www.rtk.net/rtkdata.html
- **Power Reporting health beat** – http://powerreporting.com/category/Beat_by_beat/Health
- **Direct Search science and health links** – <http://gwis2.circ.gwu.edu/~gprice/science.htm>
- **Fertilizer** – www.fatefulharvest.com and www.wa.gov/agr/pmd/fertilizers/metals.htm

BOOKS:

- **Fast Food Nation**
by Eric Schlosser
- **Silent Spring**
by Rachel Carson
- **Tainted Truth**
by Cynthia Crossen
- **Toxic Deception**
by Dan Fagin, Marianne Lavelle and the Center for Public Integrity
- **Trust Us, We're Experts!**
by John Stauber and Sheldon Rampton

Mike Siegel | The Seattle Times



Tom Witte and his sons, sitting atop a liquid fertilizer tank left on his farm in 1991, were tested for toxins in their bodies. Aluminum, lead, cobalt and boron were found in tests of their hair. Tests of the tank showed arsenic, aluminum and copper among other elements.

What about an industry recycler? It would cost companies roughly \$300 a ton to store the wastes in a double-lined landfill or separate and purify them. It would cost less than \$200 a ton to get a fertilizer company to take the same material, which has some plant nutrients like zinc and nitrogen with the toxics, and spread it all around. It's perfectly legal.

Money pushes the waste into fertilizer. Keep in mind that some of these "recyclables" come from baghouse dust, fly ash, spent acid and other toxic wastes of

metals, chemicals, electronics, wood-product, coal-fired and mining industries.

I even found the people who sell the fertilizer to be an interesting bunch who like to talk. Consider this insight from one I interviewed: "When it goes in our silo, it's a hazardous waste. When it comes out of the silo, it's no longer regulated. The exact same material. Don't ask me why. That's the wisdom of the EPA."

Mike Siegel | The Seattle Times



Dennis DeYoung, stands with his two sons on land he used to own. He went bankrupt after some bad fertilizer killed his crops.

Dirty products

Reporters interested in such stories should look for competitors as a source of valuable information. For instance, I found that landfill and clean-recycling businesses frowned on the shortcuts to topsoil. One salesman of purified fertilizer said, "Who's watching the heavy metals? No one." He had set up a Web site attacking the dirtier products.

Recycled waste affects organic growers,

too. Some of them are offered industry fly ash. Others buy phosphate mining wastes contaminated with cadmium. One "certified organic" product was banned in Washington. The lack of standards also allows unlimited mercury in organic fish fertilizers.

Tests of more than 2,000 products the last few years show that only one-third are "cleaner than dirt." The rest have levels higher than Mother Earth in at least one

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FEATURES

of the nine priority EPA toxic chemicals. Organic products do tend to be cleaner than chemical fertilizers.

When I've visited the agriculture and recycling agencies in other state capitals, I've found case after case, by simply paging through files, of products that could be potential health hazards. (Thicker files warrant your attention. When a hazardous-waste hauling firm gets involved, that's a dead giveaway.)

Heavy metals in fertilizer wiped out more than a thousand acres of peanuts in Georgia with no press attention in the early '90s. The state regulator there told me I ought to look elsewhere for worse problems with industrial waste on farmland.

"Anything goes," he said, "in Alabama."

*Duff Wilson won an IRE Award for *Fateful Harvest: The True Story of a Small Town, a Global Industry, and a Toxic Secret* (Harper-Collins, 2001). He is a reporter at *The Seattle Times* and Webmaster of the Reporter's Desktop (www.reporter.org/desktop).*

Veggie libel laws create chill

By Duff Wilson

It's hard to prove a health hazard from previously hidden causes. Scientists can find clusters of illness, but can't prove cause.

It took years to prove tobacco causes cancer. Pesticides are still in dispute 40 years after *Silent Spring*. Asbestos, radon, mold – the list goes on. Now journalists are looking at genetically modified food, and we're told the risk is completely hypothetical. (And it's too late to stop, anyway.)

Some reporters and editors admit to feeling a chill on food-safety investigations because of the "veggie libel" laws

in 13 states. Oprah Winfrey landed in a Texas courtroom after talking about hamburgers and mad cow disease.

But Oprah won. Nobody's lost a food-disparagement case, not even *60 Minutes*, which was sued after saying the apple spray Alar causes cancer. CBS won in court. Alar was banned by the EPA. It was not a false alarm.

Some day the veggie libel laws will be ruled unconstitutional. Until then, we can wait for the right case to take to appellate courts and try to ward off the chill with the truth.

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ANTHOLOGY SHOWS JOURNALISM OFTEN LEADS TO SIGNIFICANT CHANGE

BY STEVE WEINBERG
THE IRE JOURNAL

How many journalists reporting, editing and studying current stories about pedophile priests remember that 17 years ago, Arthur Jones of the *National Catholic Reporter* newspaper opened an expose with these words:

"Between 1972 and 1983, Father Gilbert Gauthe committed hundreds of sexual acts with dozens of boys in four south Louisiana Catholic parishes. He also took hundreds of pornographic photographs, which have disappeared. The priest, suspended by the Lafayette diocese in 1983, is now in a Connecticut mental facility. The situation has no real precedent in American case law.

The criminal trial expected this fall is thought to be one of the largest single cases of pedophilia on record. A Lafayette diocese defense attorney has entered a plea of not guilty by reason of insanity. Millions of dollars in damage claims are at stake, and millions have already been paid."

In his story, Jones detailed the cases of additional priests caught molesting those who trusted them, of church officials trying to cover up the scandals. For about two years, the *National Catholic Reporter* broke story after story with almost no help from journalists elsewhere.

The expose is one of about 100 included by Judith Serrin and William Serrin in their anthology. This is not the first anthology of American investigative journalism, and it probably will not be the last. So far, though, it is almost certainly the most varied, inclusive and thoughtful. Judith Serrin has worked in the Knight Ridder Washington bureau and has been a journalism professor. William Serrin teaches journalism at New York University, edited a previous book about the corporatization of news and wrote a book about the decline of a steel industry town.

The Serrins obviously read widely and deeply to absorb about 300 years of reportage, then winnowed that reading to a manageable compilation.

As a guiding principle, the Serrins decided to choose journalism that "in a substantial way contribute[d] to change – the kind of change in

the American reform tradition that we believe makes America a better place." They thought about how a different sort of journalism than generally practiced today helped create the United States of America, with the newsletters of Samuel Adams and the essays of Tom Paine inspiring colonists to fight British rule. They pondered the writings of William Lloyd Garrison, Frederick Douglass and Elijah Lovejoy, writings that pressured national and regional political bosses to abolish slavery. They read the words of journalists who discussed the previously taboo topic of suffrage for women, uncovered misconduct during wars, promoted racial equality rather than the separate but not-so-equal status quo, revealed the spoiling of the environment, and generally comforted the afflicted while afflicting the comfortable.

The Serrins' selections are presented by category, with the pieces in each section presented chronologically. Some of the categories contain items from as recently as 1999. Other categories, inexplicably, do not. For example, the first category, "The Poor," opens with an excerpt by Jacob Riis from *Scribner's* magazine in 1890, the now renowned "How the Other Half Lives." The Serrins close that category with Homer Bigart of *The New*

York Times exposing Appalachian poverty in 1963. Given the hundreds of superb investigations concerning the poor published or broadcast since 1963, it is difficult to understand the Serrins' decision.

Other categories include "The Working Class," "Public Health and Safety," "Women, Their Rights," "Politics," "Freedom," "Sports," "Conservation," "America at War," "The Press," "Crime and Punishment" as well as two confusing catchall categories, "Americana" and "Muckraking!"

It is guaranteed that anybody who reads this compilation will discover investigations previously unknown to her or him, and be reminded of previously read pieces that have unaccountably faded from memory. In their introduction and their afterword, the Serrins extract lessons that cut across the categories.

One of the striking lessons is "how many times over so many decades people have found stories by looking in the same places – mental hospitals, programs for the poor, prisons," to name just a few. Another lesson: "People will

do things in private, or among their own kind, that they would not do in public. This is obvious for the criminal, the hateful, the corrupt, but it also applies to otherwise ordinary business people, government officials, engineers, military officers, physicians, who find privacy a convenient shield." It is up to journalists to take the initiative to penetrate those closed circles rather than wait in vain for authorities to demonstrate candor. A third lesson: Sometimes, there is no other watchdog. "...Not everyone has an advocacy group or a lawyer," the Serrins say. "Even for those that do, their complaints and their legal work mean nothing unless someone

verifies their work and spreads the word. Those someones are journalists."

As the anthology demonstrates, journalism is sometimes more than the first, rough draft of history. That oft-repeated phrase, the Serrins say, suggests that after the journalists have stopped paying attention, the historians "then take over and do the important work. Historians are often reluctant to concede that sometimes journalism is history's last draft and also not so rough."

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



Muckraking!
The Journalism That Changed America
Edited by Judith Serrin and William Serrin, published by the New Press in July 2002, \$25.

RED CROSS

Disaster leads to questions about handling of donations

By NORBERTO SANTANA JR.
THE SAN DIEGO UNION TRIBUNE

It's been an American icon for more than a century. Throughout two world wars, conflicts and natural disasters, the Red Cross has endeared itself by directing relief efforts aiding countless victims.

But when victims from a large brush fire in San Diego's backcountry began asking how the agency spent the \$400,000 in donations raised on their behalf, they discovered that the Red Cross doesn't like being questioned by anyone – including public officials, victims or the media.

Americans always identify with people struck by tragedy. Most often, they respond by giving generously to charities, such as the Red Cross. The giving surge often fills local non-profit coffers. One former San Diego Red Cross official recalls the old saying, “a good disaster is the best fundraiser.”

Take, for example, the January 2001 fire, where San Diegans gave more than \$400,000 to the local Red Cross chapter on behalf of victims. Or at least they thought they did. Victims began

complaining they weren't getting nearly that much assistance; they had figured it was closer to several thousand dollars, not several hundred thousand.

When the *Union Tribune* began asking the same questions as the victims, San Diego Red Cross chapter officials detailed a long list of things the charity had done. There were shelters, food, clothes, medications and hotel stays. In all, officials claimed to have spent more than \$150,000.

Still, when they were asked to break down assistance to victims, officials balked, citing victims' privacy issues.

“Just trust us” became a Red Cross mantra over the next year, even when the victims themselves expressed doubts about aid and were willing to waive their privacy in order to find out where the money was going.

Disgruntled victims

The first article in April 2001 detailed the victims' complaints along with Red Cross arguments against disclosure. The story struck a chord with the public, elected leaders and internal sources at the charity. One county supervisor, Dianne Jacob – who represents the fire-ravaged area – quickly became a vocal advocate for the fire victims.

Between stories, I boned up on the structure and bureaucracy of the Red Cross. With many chapters having Web sites, I was able to quickly compare services and budget amounts across the country. Figuring out how the chain of command works at the Red Cross would take months.

Red Cross officials agreed to meet with Jacob and disgruntled victims during the summer of 2001. At the meeting, chapter executives refused to show any accounting of costs. They also lashed out at victims and Jacob, who continued to call for an accounting of costs.

As the public questioning intensified, chapter officials became tense and defensive at the most neutral questioning of how donations are spent. For months, they insisted they didn't have annual financial reports for more than the last two years. They also bristled at any requests for information regarding past disasters or spending of local

COVERING THE RED CROSS

Tips on covering the Red Cross during disasters and between disasters:

DURING A MAJOR DISASTER:

- Look at Red Cross press releases with skepticism.
- Get names and phone contacts from disaster victims at shelters. Plan on staying in touch with them as time moves on. It will make it easier to get information from them on their interaction with the agency.
- Get details on how much assistance is being channeled into victim funds as well as local disaster relief funds.
- Ask specific questions about aid details, such as cots, shelters, meals served.

BETWEEN DISASTERS:

- Assemble a contact list of current and former employees as well as board members.
- Reach out to Red Cross volunteers.
- Ask for past yearly financial reports to get a sense of how resources are being utilized.
- Look into what federal, state and local government grants the chapter is receiving. Because those are public agencies, you can examine audits as well as reports. Interview competing non-profits seeking similar funding.

disaster relief funds.

In August, chapter officials released a six-line item budget for the fire totaling \$159,000. Out of that total, officials said \$46,000 had been spent on direct victim relief costs. Frustrated elected officials called on the national headquarters to investigate.

At the same time, while covering this national investigation, we found deep-seated divisions between San Diego chapter officials and executives in the national office.

For example, Red Cross President and CEO Bernadine Healy immediately contacted local elected officials, promising a full investigation and a public release of the results. Heightening accountability at local chapters had been a centerpiece of Healy's policies since she took over in 1999. That approach drew increasing ire from many of the country's largest chapters, which mostly operate as independent agencies.

Misleading the public

A critical audit of the San Diego chapter was

Howard Lipin | San Diego Union Tribune



The fire east of El Cajon, Calif., that led to later-questioned donations to the San Diego Red Cross.

LEGAL CORNER

completed in early September. But national officials soon balked when pressed about the status of the review. After Sept. 11, we had to delay our investigation because national officials were understandably overwhelmed.

In the intervening month, Healy announced creation of the Liberty Fund, to guard financial donations made for victims of the attacks and their aftermath. The decision further angered many chapter executives throughout the country and also heightened media scrutiny. There was also word that Healy was going to fire San Diego CEO Dodie Rotherham over the results of the national audit into the Alpine fire.

By the end of October, a faction of the national board voted to remove Healy as president of the national Red Cross.

In the midst of the turmoil at the national office, I obtained a copy of the critical San Diego audit by pressing Red Cross sources who felt the results were being covered up. It showed what the San Diego chapter had been hiding for 10 months:

- Chapter officials mismanaged their response almost from the start, failing to follow their own disaster plan guidelines for budgets, daily reports or case management.
- News releases issued during the fire violated national guidelines by misleading the public about how donations would be used. Because the local chapter frequently described all donations as going to fire victims, auditors suggested major contributors be re-contacted and asked if they wanted their donations to be restricted to the special fire-relief fund.
- More than \$100,000 was inappropriately charged to the victims' fund for chapter overhead costs such as telephone system upgrades and vehicle maintenance.
- Only about \$7,000 was distributed to victims in the form of vouchers for food, clothing, gas and hotel stays in the days following the fire. Chapter officials did not release an additional \$17,000 to victims until after the heated community meeting in June.

At that point, the investigation turned into a breaking news story.

After examining the audit, we called the San Diego chapter for a response to its conclusions. Their spokeswoman said the chapter would examine the audit and offer comment the next day. The next afternoon, press releases came across the office fax announcing the official release of the final audit.

We sent a reporter to the press conference and continued working on our story about the

CONTINUED ON PAGE 37 >

Curtailing access to jurors: Judicial regulation of press?



DAVID A. SCHULZ

A number of judges have been inclined lately to regulate reporters covering high-profile trials. They have done so by issuing orders that limit what journalists may report and how they gather news about juries – prohibiting reporters from describing what they see or hear about jurors in open court, barring reporters' access to the names of jurors, and enjoining reporters from even attempting to speak with jurors *after* they are discharged.

For example, in a highly publicized murder trial of a Philadelphia-area rabbi accused of arranging the murder of his wife, the trial court – in advance of jury selection – barred the press from identifying any juror in any way without the prior permission of the court, even though all jurors were then allowed to be identified by name in open court during jury selection. The court further barred all “media representatives” from contacting any juror. Recently a *Philadelphia Magazine* reporter was fined \$1,000 and given a 30-day suspended sentence after being held in contempt of the judge's order. Four reporters for *The Philadelphia Inquirer* have also been charged with contempt for violating the order. In April, the New Jersey Supreme Court rejected the *Inquirer's* appeal and permitted the trial court to proceed with a contempt hearing. The four reporters each face sentences of up to six months in jail and a \$1,000 fine.

Various grounds have been advanced to justify the judicial impulse to shield jurors from the press: an asserted need to preserve the secrecy of juror deliberations; a desire to protect juror privacy; and the right to prevent harassment of jurors. Notwithstanding such concerns, any order that bars reporters from describing what they have seen or heard in open court, or prevents them from speaking to jurors, is susceptible to attack as a “prior restraint” and should be challenged as such. In other situations, where an order restricts

the process of gathering news from discharged jurors, the standards governing restrictions on First Amendment access rights may well be invoked by the press to oppose such regulatory orders.

5th Circuit Court restrictions

The nature of the current problem is nowhere more evident than in the 5th Circuit Court. Two decisions in that circuit in the early 1980s sympathized with the need to protect the secrecy of deliberations and the privacy of jurors, even after a case is closed, and emboldened district courts to take action. While recognizing that journalists have a general First Amendment right to inform the public about the operation of courts, it was suggested that judges could prohibit interviews of jurors concerning a trial or jury deliberation under some circumstances because jurors are entitled “to privacy and protection against harassment.” The suggested areas of “appropriate” regulation subsequently led the 5th Circuit to affirm ground rules for interviews of jurors. These included: 1) informing jurors that they had no obligation to speak with reporters; 2) prohibiting repeated requests for interviews when a juror has declined to discuss a verdict; and 3) forbidding inquiry into the specific vote of any juror other than the juror being interviewed.

Despite challenge by the press, the 5th Circuit upheld these rules because they applied equally to everyone and did not single out reporters. The circuit court also held that judges could enter such rules without holding hearings or engaging in additional fact finding, because the rules were addressed to the conduct of a trial. Specific restrictions imposed on reporters not to ask about the deliberations of the jury were, according to the court, a valid means of protecting full and open debate during

CONTINUED ON PAGE 38 >

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SELLING INNOCENCE

Collaborative effort nabs promoters of child porn

BY DAVE SAVINI
WMAQ-CHICAGO

Click. You are now about to enter what law enforcement officials call the sick and salacious Internet world of child erotica, a new and booming nationwide industry.

Children as young as 7 years old are being photographed in provocative poses, wearing skimpy bathing suits, lingerie and wet T-shirts. Surprisingly, the girls' own parents have given their consent for such photos, supposedly so the children can earn money to pay for college.

It is a world of seduction and child exploitation that we would soon uncover through the efforts of two different newsrooms. Our results yielded an FBI probe, congressional inquiries and criminal arrests.

This joint effort allowed two investigative teams to take on a project with a budget far exceeding the norm in a time of newsroom budget cuts. In this instance, it was the contacts made through IRE that proved priceless.

Let's work together

I first heard about the child exploitation story in June 2001 during a phone conversation with fellow IRE member Scott Zamost. "It's going on all over the country with girls 7 to 17 years old," said Zamost, the investigative producer for Miami's NBC affiliate, WTVJ.

Zamost explained that while the station's investigative team had found such a company in Florida, one of the other major players appeared to be a convicted sex offender possibly living in Chicago.

At first I thought Zamost was just calling for help with some local background checks. But then, to my surprise, he made an offer I couldn't refuse: let's work together, share

expenses and land a bigger story.

That's all I needed to hear. Zamost went on to describe what he learned from postings on Internet bulletin boards and Yahoo clubs. I must admit I was hooked on the notion of exposing the exploiters of these children, but I also was enticed by the idea of our investigative units working together.

Still, I had questions. How would we handle confidential sources, raw video, hidden camera footage, expenses? Last but not least, how would we agree on the final product? Most of the questions were solved through the simple fact that we were both part of the NBC owned and operated chain and we both had the same New York-based NBC attorney. We handled the source material based on a trust we built through years of knowing each other's work history and code of ethics.

What would happen during the next five months would lead to one of the biggest stories of our careers and the federal indictment of the kingpin behind a nationwide alleged child porn ring.

Sharing everything

The investigative units at WMAQ-Chicago and WTVJ-Miami combined resources and efforts. Our joint task force would include Chicago producer Michele Rubenstein and

Miami investigative reporter Deborah Sherman. We did something rare in the world of investigative journalism: we agreed to share everything.

It was a huge story and there were many angles to cover. Zamost had learned of two major child erotica operations. The operations had tentacles reaching other states, and our joint efforts turned up girls recruited from across the country including Illinois, Florida, Georgia, New York, Tennessee, Missouri, Michigan, Indiana and Kentucky. Some entered "the business" with hopes of turning into famous and wealthy models, while others appeared to know what they were getting into. Certainly, the most disturbing cases we uncovered were the children forced into the business by their own parents for a cut of the profits.

The combined team was useful in tackling the massive amount of work that included background checks, business searches, department of motor vehicle probes and the arduous task of looking for clues on these Web sites.

The story required more than checking records. At one time, I was crouched low in a dark sedan where I positioned myself during



Gary Smith faces prison time after using young female models to pose on the Internet. He boasted to reporters that he made thousands of dollars a week using the children, but said he only had their best interests at heart.

the undercover part of our joint operation. In a Chicago alley, we got one of our biggest breaks in the case when one of the men we were looking for, Gary Smith – a self-proclaimed high roller in the child modeling industry – turned up.

Smith, who was incredibly elusive up to that point, used post office boxes to do business and kept the location of his child photo studio a secret. Ironically, the location where we ended up finding Smith running his multi-

million dollar operation was the same address he registered on the Illinois State Police list of convicted child molesters.

I soon spotted young girls in bikinis walking out of Smith's Chicago home. I noticed still and video cameras, and made a positive identification of Smith based on a mug shot we obtained through local police sources. Immediately, I called Rubenstein in our Chicago newsroom. She rushed to the scene with our photographer and undercover equipment. During our stakeout, we wrote down license plate numbers of the models old enough to drive.

Once again our collaboration with WTVJ paid off. While on the stakeout, we were in constant contact with Zamost in Florida via cell phone as he searched Smith's Web site helping us with clues on where Smith might be going next with his young models. His efforts found Smith's general itinerary for the day's photo shoot.

Zamost, along with Rubenstein, found gold mines of information online, including the location of confidential sources to interview about the inner workings of this industry. And, by joining Web sites, they learned how the operation functioned: customers pay a membership fee and get access to a menu of photos and poses. For additional fees, the girls will do custom shoots with clothes mailed to them by members. Further, there were videos for sale featuring girls getting dressed for school or washing cars. The minors would talk to the camera during the video shoots, making it very intimate for customers paying up to \$100 per video.

Authorities move in

We landed another key piece of information when Zamost's team found the partial license plate of a teen model. Gary Smith sold videotapes of his models, but was careful not to include address numbers, street signs, or any kind of locators to figure out exactly where his operation or models might be located. After hours of review, Zamost was able to decipher a Missouri license plate number from a freeze frame of video.

This discovery allowed us to trace the real identity of a 16-year-old model named "Molly." Finding her led to a critical amount of new information about how some of these girls are recruited, strung along and then betrayed.

The onion was beginning to peel and soon Rubenstein would find herself undercover

with hidden cameras at a Halloween party where Smith allowed teenage models to meet their fans in person. Inside, we found minors from both Illinois and Florida. We confronted Smith but he laughed at our questions, telling us he had only the best interests in mind for his child models, boasting they make thousands of dollars a week. He confirmed he was under federal investigation and encouraged police to raid his operation claiming they would find "nothing."

But during our investigation we learned from a court record search in Arkansas that Smith was in violation of his sentencing agreement connected to a prior child sex abuse case in Fort Smith, Ark. We asked Smith about the violation, but he claimed it wasn't true. When we spoke to authorities, they immediately issued a warrant for his arrest.

We were there as the Cook County officers brought Smith out of his Chicago modeling studio in handcuffs, and we watched as they confiscated all of his computer equipment, thousands of computer discs and videotapes. The evidence was turned over to the U.S. Department of Justice for forensic testing. Smith was indicted in April by a U.S. Attorney's office in Missouri.

A federal affidavit in the case reveals the importance of the Chicago raid on his operation and how child porn was found on his computers.

The best customers

Meanwhile, in South Florida, Zamost and Sherman were hard at work on the trail of another large child erotica operation. The initial tip was that a Florida company that operated adult porn sites also was running these child sites. Day after day, their team waited outside offices and homes where they had information linking the principals of a company peddling the pictures of these children. Finally, their team made contact with the man who was actually taking the pictures. During a meeting with him, he disclosed that his most popular model was a 12-year-old girl nicknamed "Little Amber."

Zamost and Sherman already knew a lot about the girl's Web site. They knew she lived on a farm somewhere in South Florida, but were not sure of the county. They searched the hundreds of photos on her site looking for clues, and found one with the girl and her mother posing at a mall. A shopping bag and specific distinctions in the mall picture led

them right to a store the mother frequented.

Now that they had the general area pinned down and knowing that Little Amber lived on a farm, they took the photo to horse feed stores in the area and finally found one where the family shopped for supplies. After three days, they were able to locate the family's rural neighborhood.

Like the other child models from Florida, the Miami investigative unit had discovered Little Amber's mother had given approval to sell her daughter's pictures and videos on the Web – images that clearly exploited the child, according to an official from the National Center for Missing and Exploited Children. Now that they knew the true identity of Little Amber and her mother, Zamost and Sherman also learned that mom appeared nude on a pornographic Web site.

Finally, Sherman was able to make a definitive link to the customers of these Web sites. She traveled to North Carolina where she found a convicted sex offender downloading child porn – and picture after picture of Little Amber. He admitted on camera that these child "modeling" sites cater primarily to people like himself.

U.S. Rep. Mark Foley of Florida, who heads up the Missing and Exploited Children's Caucus in Washington, D.C., called for a federal investigation and soon there were new developments. The "Little Amber" site shut down because of the publicity, although the company still runs its other child modeling sites. We learned five people involved with these Web sites were arrested or indicted in Missouri and Arkansas for possessing child pornography.

U.S. Rep. Mark Kirk of Illinois has teamed up with Foley. The two wrote letters and sent tapes of both investigative series to U.S. Attorney General John Ashcroft, urging him to take action against the people behind these Web sites.

Finally, in Chicago, we found out from government sources that Smith is now under investigation for forcing a 12-year-old to pose nude for what he allegedly referred to as "golden pictures" – a photo collection of nude minors only for sale to his best customers.

Dave Savini has won IRE Awards for work in 2000, 1999 and 1998. WMAQ and WTVJ'S "Selling Innocence" investigations have been honored by RTNDA with Edward R. Murrow regional awards.

PATENT WEB SITE PROVIDES BACKGROUND, POTENTIAL SOURCES

BY CAROLYN EDDS
THE IRE JOURNAL

Every Tuesday, except for federal holidays or when technical problems exist with the data, the United States Patent and Trademark Office patent grant database is updated with patents granted during the previous week. This database not only provides useful information to journalists on products being developed, but also can help find some expert sources for other stories.

A patent is the grant to the inventor of a property “the right to exclude others from making, using, offering for sale or selling” or “importing” the invention in the United States. There are three types of patents – utility, design and plant – and a complete description of the subject matter must accompany the patent application. In most cases, the term of a patent is 14 to 20 years from the date on which the patent application was filed, depending on patent type.

For more than 200 years, the USPTO has been archiving patents and trademarks, provid-

ing inventors exclusive rights to their inventions for a limited time. The role of the USPTO is to administer patent and trademark laws, to advise the federal administration on patent, trademark and copyright protection and on the trade-related aspects of intellectual property.

The first U.S. patent was issued on July 31, 1790, to Samuel Hopkins for a process of making potash, a fertilizer ingredient. It was one of the three patents issued that year. In 2001, the USPTO issued 182,223 patents.

Although Hopkins held the first patent, patent number one belongs to John Ruggles of Maine because patents were not numbered until 1836. An image of Ruggles’ patent can be found using the “Quick Search” of the USPTO patent grant database. After choosing “Quick Search” from the patent grant database page, enter “1” in the box labeled “Term 1” and then select “Patent Number” from the accompanying dropdown list. Finally in the box labeled “Select Years,” choose

“All Years.” Click on the search button.

One result will return. Click on the “1” containing a hyperlink. Since a full-text description is not available for this patent, at the next screen choose the “Images” link from the top center of the screen. A sketch of Ruggles’ traction wheels appears with a table of contents at the left for the option of choosing other sections of the patent.

Many fields can be searched from the “Quick Search” page, from application date to inventor city, to assignee city, to the title or abstract. However, the “Quick Search” page is limited to searching by two fields. Search options include both fields in the patent description or one field and not the other. Searching by date requires a certain format, which can be found by clicking on the “Help” link. Phrases must be enclosed in quotation marks, and be sure to select the proper set of years. The Help page includes a link to frequently asked questions.

For more difficult searches, click on the “Advanced” button at the top of the page. This page displays a query box and a list of all field codes with links to descriptions of those fields. Several field codes can be combined with Boolean operators, which allows for a more specific search. To search for Patent No. 1 here, enter PN/1 in the query box. PN is the field code for Patent Number. Select “All Years” from the “Select Years” dropdown list. While this search page might not be as friendly, it allows for more complicated and specific searches.

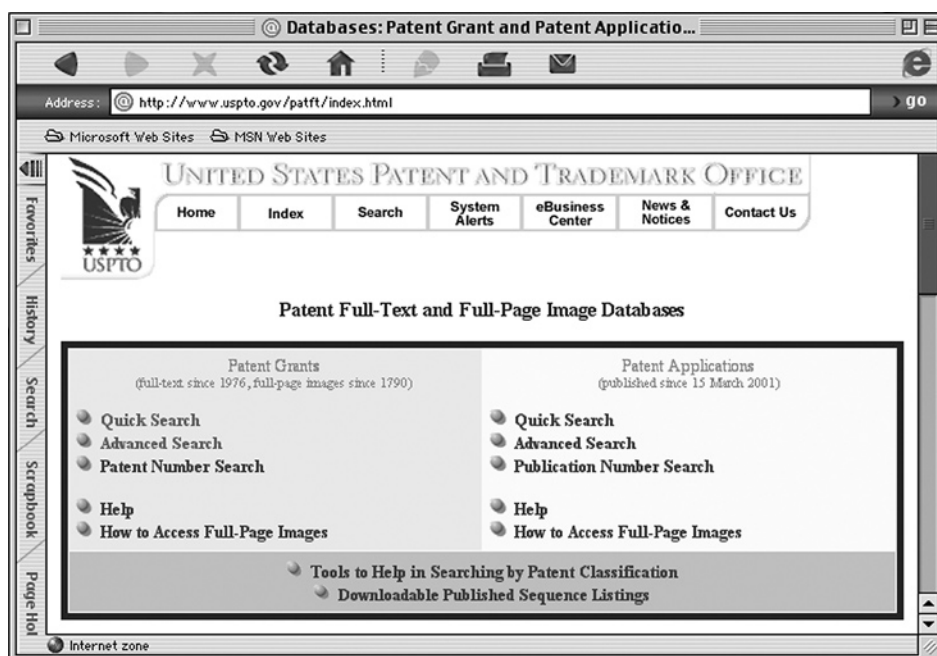
While the Ruggles’ search illustrates the Quick and Advanced search pages, if the patent number is known, then selecting the “Patent Number Search” page is the best option.

Information available for more recent patents includes a list of specifications or claims about a patent, description, images and links to previous similar patents.

While journalists might check here when researching a patent for a story, this database could be used to locate experts. While perhaps not the first choice for finding expert sources, this database can help find a source from a particular state or topic. For example, the advanced search can help narrow a search on a medical subject to locate sources. Also, the patent grants database can provide story ideas after searching by city or state to find recent patents from your area.

Visit www.uspto.gov/patft/index.html and invent your own ideas for using this database.

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



Home page: <http://www.uspto.gov/patft/index.html>
Quick Search page: <http://patft.uspto.gov/netahtml/search-bool.html>

Elections

CONTINUED FROM PAGE 17

An example of that is a renewed emphasis on individual donors rather than soft money, which has dominated politics for the past decade.

“We should see some of the groundwork being laid leading up to the election,” Krumholz says. “We may not see evidence of that until after the election, but it will be going on simultaneously.”

That evidence could be an increase in bundling, when an individual or entity gathers together campaign donations from many sources and delivers them together to a candidate or committee. There will be more pressure on lobbyists and corporate officials to contribute individually, and less emphasis on the organization as a whole, she says.

Of course, that is contingent on the courts upholding the new law, which is still very much an open question. A three-judge panel in Washington, D.C., is going to hear the case, and from there it is expected to go directly to the Supreme Court, which has a mixed track record on campaign finance.

No matter what happens, says Lewis, the campaign finance issue will be big news for some time to come, and covering elections and the issues surrounding them will not get easier with the new law.

Before the soft money boom in the early 1990s, federal elections were fairly straightforward, Lewis says. Over the last few cycles in particular, candidates and political parties have been employing ever more complex systems to fund their efforts – and that isn’t going to change.

“Now you have to talk to potentially dozens of players in the race,” Lewis says. “It’s incumbent on every journalist now to track what’s going on in their state and in Washington. You’re going to need state records as well as federal records.”

It will be up to news organizations to make that commitment.

“The amount of investigative reporting in a campaign context is not inspiring to begin with. Now it’s going to be harder,” Lewis says. “I think news organizations are going to need to increase their investigative coverage of campaigns. We need more reporting and less stenography.”

Aron Pilhofer is director of the IRE’s Campaign Finance Information Center.

Red Cross

CONTINUED FROM PAGE 33

leaked audit. Once the reporter at the conference had obtained the audit, she read portions over the phone.

We quickly realized that chapter officials had doctored the national audit and attempted to release their own version. The reporter at the conference kept pressing local officials on who had authorized the version. They insisted national officials had signed off.

They hadn’t.

The next day, the newspaper ran the story about the audit’s findings as well as the doctored version of the document. We quickly interviewed national officials, who confirmed they had not authorized the doctored version. The newspaper’s Web site also published copies of the legitimate audit and the doctored version.

By the end of the week, chapter officials were apologizing to the public and promising a series of internal reforms as well as formation of an independent panel to investigate chapter operations.

Shifting priorities

Once the breaking aspect of the story had quieted, I teamed up with the paper’s investigative reporters, Dave Washburn and Dave Hasemyer, to take a more in-depth look at the San Diego chapter.

But getting detailed information on a local Red Cross chapter is nearly impossible. Despite having more than 1,000 chapters, the national charity is only required to file one 990 form with the IRS. The Red Cross 990 was virtually useless, except for one nugget – it listed the San Diego CEO as the highest paid in the nation at \$309,000.

With little direct information on the charity available publicly, we had to largely rely on human sources and records from the chapter’s dealings with government agencies.

We found that San Diego was the only Red Cross chapter in the country administering a food voucher program called the Women’s, Infants & Children (WIC) program. By starting at the USDA, we found that the grants were administered by the California Department of Health.

State administrators told us there were four other competing agencies in San Diego administering the program. This proved to be a gold mine because many former Red Cross dieticians and workers in the WIC program had moved on to other agencies. Later, we took a look at the agency’s commercial contracts. In addition to

county and transit officials who provided copies of commercial contracts for disabled transportation, we got insights from talking to competitors of the Red Cross and union officials representing transit workers.

We also interviewed current and former board members. One current board member agreed to give us a decade’s worth of annual financial reports for the chapter. We entered the data into a spreadsheet, finding that the chapter’s budget had surged over the last decade, reaching \$18 million in 2000. The analysis also revealed that Red Cross spending priorities had shifted dramatically away from disaster relief to contract services, which are not part of the charity’s core mission.

In addition to talking to national officials, we called other chapter officials throughout the country, learning how Red Cross chapters relate to each other regionally and with the national office.

Our reporting found that the Red Cross is an intensely political place. Small chapters fear being consolidated into larger ones, which in turn bristle at control from the national organization. Although the organization has a CEO, control lies with a 50-member national board dominated by local chapters. The result seems to be loose oversight from the national headquarters.

Our reporting resonated in the community. Two large brush fires hit separate areas of San Diego County by the one-year anniversary of the Alpine fire. This time, donors only gave \$45 to the Red Cross within the first few weeks. Instead, \$60,000 in donations went to a county-established victims’ fund.

In late February, the independent panel set up to review the San Diego chapter announced its formation. Within days, its chairman was complaining about chapter stonewalling on financial documents.

Meanwhile, County Supervisor Jacob’s concerns about how the Alpine fire donations were spent remain unanswered.

It does seem that the Red Cross has compensated some victims. At last count, San Diego officials insist they’ve spent \$242,000. But they still won’t provide even an itemized listing of costs, much less a breakdown for each victim.

Red Cross officials say they can’t do that because of victims’ privacy rights.

Norberto Santana Jr. is a metro staff writer for The San Diego Union Tribune, covering communities in San Diego’s East County and the Cleveland National Forest.

Legal corner

CONTINUED FROM PAGE 33

jury deliberations.

Based upon this reasoning, the 5th Circuit has repeatedly upheld orders restricting post-discharge interviews of jurors. Most recently, in a closely watched personal injury suit involving a Ford Explorer equipped with Firestone tires, the district judge entered an order directed at the press prohibiting any “contact” by “any individual with any juror who served in th[e] case without written application and specific approval by the Court.” The 5th Circuit affirmed the order, noting only that it was “narrowly tailored to avoid abuse of members of the trial jury, all of whom have told the court they do not wish to communicate with the media.”

Historically routine access

To analyze whether the First Amendment right of access attaches to a particular proceeding, the U.S. Supreme Court considers both the practice (or tradition) of openness, and the public policy (or interest) served by openness. Both suggest that a qualified First Amendment right governs a reporter’s questioning of a discharged juror.

Since at least the early 16th century, jury selection in England was public, and this was also the common practice in America when the Constitution was adopted. Throughout the 19th century, the names and addresses of jurors in America were freely available to the people of the community, and members of the public – including the press – were free to discuss trials with former jurors after the verdict was returned.

When urbanization in the 20th century made jurors less commonly known to the people of the community where a trial took place, members of the public were still routinely allowed to learn about the juries that decided significant cases through the press. Allowing the press to make such inquiries in modern America is no more than application of what has always been the law.

From a policy perspective, the public interest also supports recognition of a right of access to jurors. Juror interviews promote the informed discussion of governmental affairs by providing the public with a more complete understanding of the judicial system. For example, the move to change the insan-

ity defense offers interviews of jurors in the prosecution of John Hinckley for shooting President Reagan. The public obviously benefits from increased knowledge of how juries actually decide cases. Juror interviews can reveal either that jurors take their civil obligations seriously and decide cases based on the evidence and the law, or the opposite. In either case, the public benefits from this window of insight into how its justice system is performing.

If a qualified right of access to speak with jurors does exist, the Supreme Court has defined, in other contexts, the standard governing restrictions on that right. One such factor is whether preserving openness will actually prejudice some equally compelling interest. Another is whether any alternative exists to avoid that prejudice without restricting the right of access.

Legitimate interest in juries

Those who support curtailing press interviews assert that jurors might not participate fully in deliberations if they fear embarrassment from the subsequent disclosure of their actions. But even assuming this unproven contention weighs against the competing public interest to know how justice is rendered, alternative measures could provide adequate protection without eliminating access. For example, in appropriate cases, jurors can be instructed by the judge not to speak about statements made by other jurors during deliberations, while leaving each juror free to discuss with the press their own views.

Concerns with juror privacy are similarly problematic in a society that views open access to court proceedings as a fundamental value of democracy. Judicial concern with juror privacy therefore should be tempered by the public’s legitimate interest in the fair administration of justice.

The apparent trend toward increased judicial regulation of the press is cause for concern. While the First Amendment provides an existing basis to address the legitimate scope and expectation of juror privacy on a case-by-case basis, uniform standards are not applied in all state and federal courts. Accordingly, reporters covering jury trials should pay close attention to the enforcement of local rules governing interviews with jurors in order to avoid unpleasant surprises.

FOI report

CONTINUED FROM PAGE 17

The cause of death is no one’s business, is it?

Of course it is. Yet an exhaustive reading of the rules yields not a glimmer of recognition that there might be a reason to disclose patient information to someone other than a health care provider, insurance company or marketing company.

As a result, HIPAA will hinder the ability to uncover stories in ways impossible to predict. Its rule barring disclosures without written permission of a patient may prevent the press from keeping tabs not only on the medical conditions of our leaders, but more importantly, of misconduct in our nation’s health-care facilities.

The medical records provisions of HIPAA are but the latest example of privacy for privacy’s sake. They are an extension of the belief among some, and certainly not even most, privacy advocates that the constriction of any and all information about identifiable individuals is what privacy requires. This is a distortion of the law of privacy, which has always balanced the individual interest in privacy with the more communal public interest. In olden days, the public interest sometimes won those contests, where the collective damage to the public welfare posed by privacy interests was clear.

Here is another such moment. We, as members of the press and the public, receive important, non-intrusive, non-intimate, information every day about people caught up in earthquakes, shootings, environmental disasters and the like.

Medical records tell us about poorly managed health care systems, the abuse of elderly in nursing homes, unethical research projects and abuse of children in foster care. They have told us about the overstated effects of highly touted drugs, and helped tell the story of the effects of drunken driving and illegal drug use.

They also let us read in the next day’s newspaper that the family in the accident we drove past last night is OK.

The public interest in access to newsworthy medical information often outweighs the privacy interest in nondisclosure.

HHS Secretary Tommy Thompson in April proposed changes to the privacy regulations “to fix problems” with the previously published rule. HHS officials have demonstrated their willingness to discuss these issues with members of the news media.

Journalists have no excuse for waiting to react to these rules.

Member News

CONTINUED FROM PAGE 5

cialist with *The Seattle Times*. Phillips, an IRE board member, most recently served as CAR editor for *USA Today's* sports section. ■ **Bryan P. Sears** is now the government and politics reporter for Patuxent Publishing, a chain of 13 newspapers, including nine weeklies in Baltimore County, Md. He previously covered the police and court beat as well as the Baltimore County Council for *The Avenue*, a Baltimore County paper. ■ **Sara Shipley**, formerly of *The (Louisville) Courier-Journal*, is now an environment reporter at the *St. Louis Post-Dispatch*. ■ **Melanie Sill** has been named executive editor/senior vice president of *The News & Observer* in Raleigh, N.C. Previously, Sill served as managing editor for the paper. ■ **Emily Sweeney**, a staff correspondent for *The Boston Globe*, has been elected president of the New England pro chapter of the Society of Professional Journalists. ■ **Robyn Tomlin**, formerly the metro editor of *The Asheville (N.C.) Citizen-Times*, is now the managing editor of the *Times Daily* in Florence, Ala. ■ **John Wasik**, formerly a special projects editor at *Consumers Digest* magazine, is now a columnist for Bloomberg News. ■ **David Wilkison**, formerly the AP assistant bureau chief in Philadelphia, is now the AP bureau chief in Louisville, Ky.

College land deal

CONTINUED FROM PAGE 19

that were highly critical of the state officials' actions. Two top state officials were fired. The fund-raising brothers who were kicked off the construction site were indicted. Other investigations are still pending.

But best of all, the SUNY chancellor earmarked \$25 million for two new academic buildings on the campus and said the school would finally be able to add two graduate programs that had been stalled for years.

And the land transfer never went through.

Sandra Peddie has been a reporter on Newsday's prize-winning investigations team since 1993.

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

Programs and Services:

IRE RESOURCE CENTER – A rich reserve of print and broadcast stories, tipsheets and guides to help you start and complete the best work of your career. This unique library is the starting point of any piece you're working on. You can search through abstracts of more than 19,000 investigative reporting stories through our Web site.

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.

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

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

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

Publications

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

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

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

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

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

Contact: Ted Peterson, ted@nicar.org, 573-884-7321

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