THE IRE JOURNAL

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Cover illustration by
Wendy Gray, *The IRE Journal*

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Friends of IRE help out in many ways over the years

BRANT HOUSTON

For the past few years, IRE has built up its administrative and professional staff to such an extent that IRE members have come to expect a level of performance not often seen at a small nonprofit organization.

While the staff of a dozen full-timers works at warp speed to deliver the training, resources and other services, there is no way we could do all we do without the part-time professionals and volunteers who back us up. In fact, there truly are too many to name in one column.

But there are people who consistently have come forward to support us over the years.

Since 1995, David Smallman, a lawyer working out of New York City, has provided general legal advice and written legal briefs for IRE on important media and freedom of information issues. He has sat in on hours of board meetings, reviewed contracts, helped keep our insurance up to date, written legal columns for *The IRE Journal*, organized numerous conference panels, and helped with negotiations on a number of issues.

He does this work because he believes in IRE and the importance of IRE's mission. Much of David's work is pro bono. There simply is no way IRE could compensate him for the time and passion he has devoted to our organization. Like Ed DeLaney, IRE's long-time counsel who retired this year, David has done all of this with good humor and a high tolerance for the eccentricities of our group.

Computer system aid

Another great friend of the organization is Paul Walmsley, a computer consultant and data analyst, who also has been working with IRE since the mid-'90s.

Paul played a key role in the creation of our Web site, which was one of the first of its kind. Since then, he has delivered advice and help on the set-up our Web and office computer systems, allowing IRE to offer Internet services to more than a dozen other nonprofit journalism organizations.

Many a time, Paul has been there when our systems crashed or needed major upgrading, putting in long hours that could only be given by someone who cared about IRE and the work of its members. He also has helped coordinate our computer systems and services at nearly every annual conference.

But Paul has done much more than that. He has consulted with our data library on making data available on the Web. He set up most of our campaign finance information center online services, including the searchable federal contracts database. He has helped members with difficult database problems. And he has led the way on our cutting-edge projects in social network analysis.

Among our other supporters and friends, of course, are our former training directors. At most conferences and at many workshops, you can see Jennifer LaFleur, Neil Reisner, Sarah Cohen, Tom McGinty, Jo Craven McGinty, Aron Pilhofer and Ron Nixon not only teaching, but also helping the staff on any task or emergency.

All of them contribute to the planning and creation of new programs and keep IRE and NICAR relevant since they work in the middle of large and small newsrooms such as *The Washington Post*, *Newsday*, *The Dallas Morning News*, the *Minneapolis Star Tribune*, the Center for Public Integrity and the *Daily Business Review* in South Florida.

Without the effort from these constant and modest friends, IRE would not be the wonderful, dynamic group it is.

Unity update

As a part of its continuing drive to improve the diversity in its programs and membership, IRE coordinated and conducted several investigative panels, hands-on training in computer-assisted reporting, and informal talks on reporting at the recent Unity conference in Washington, D.C.

The conference allowed IRE to once again collaborate with the four organizations for journalists of color and we were pleased to see more than 200 conference attendees come to our sessions.

We want to thank board members Dianna Hunt, Stephen Miller and James Grimaldi for their roles in making these sessions a success.

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.

2005 CAR Conference planned for Hollywood

"Hollywood CAR" – the Annual Computer-Assisted Reporting Conference for 2005 – is set for March 17-20 at the Renaissance Hollywood Hotel.

The conference will feature panels that touch on every beat: census, crime, education, local and state government, freedom of information, transportation and will draw top speakers from the Los Angeles area and beyond.

As always, hands-on computer sessions for everyone from beginner to advanced will be offered throughout the conference. Classes will cover spreadsheets, database managers, mapping and statistical software.

As details on classes, speakers and discounted hotel rooms develop, they will be added to www.ire.org/training/hollywood05.

IRE members win awards for top business journalism

Several IRE members won the 2004 Gerald Loeb Awards in business, financial and economic journalism. They are: **David B. Ottaway** and **Joe Stephens** of *The Washington Post* in the large newspaper category, **Fred Schulte** of the *South Florida Sun-Sentinel* in Fort Lauderdale, Fla., in medium newspapers, **Theo Francis** of *The Wall Street Journal* for deadline writing, **David Evans** of Bloomberg News for news services or online content, **Chris Adams** and **Alison Young** of the Knight Ridder Washington Bureau for news services or online content and **Lesley Stahl** of CBS News 60 Minutes for long-form television.

National Press Club names IRE members as winners

Five IRE members were winners of the 2004 National Press Club Awards. **Charles Layton** of *American Journalism Review* won the Arthur Rowse Award for Press Criticism. **Sean Reilly** of the *Mobile Register* won the Washington Correspondence Award. **Lucette Lagnado** of *The Wall Street Journal* won the National Press Club Consumer Award for print, while **Lea Thompson** and a team of Dateline NBC producers and editors won for broadcast. **Dan Christensen** of the *Daily Business Review* in Miami won the Freedom of the Press Award.

Newsweekly Awards name IRE members as winners

IRE members were among those winning the 2004 Alternative Newsweekly Awards. **Jennifer Strom** of *The Independent Weekly* of Durham, N.C., won in the investigative reporting category for newspapers with circulations 50,000 and under. **Dan Malone** of *Fort Worth Weekly* and **Peter Byrne** of *SF Weekly* tied for first place in investigative reporting for circulations above 50,000. **Paul Rubin** of the *Phoenix New Times* won in the in-depth news story category for papers with circulations above 50,000.

Database Library offers latest NHTSA database

The IRE and NICAR Database Library has just updated its National Highway Traffic Safety Administration database. The database is broken down into a series of tables that can be cross-referenced to find out information about vehicles that have been recalled by manufacturers as well as consumer complaints about vehicles. It includes records from 1977 through June 2004.

The data includes four tables: car recalls (50,884 records), technical service bulletins (164,418 records), complaints (482,703 records) and investigations (24,470 records). For more information, visit the IRE and NICAR Web site at www.nicar.org/data/nhtsa or www.ire.org/datalibrary/databases.

CAR camps, mapping sessions scheduled for 2005 at Mizzou

IRE and NICAR have scheduled four computer-assisted reporting boot camps for 2005 at the Missouri School of Journalism.

"I was confident in my reporting abilities before boot camp, but now feel empowered by a new and different type of reporting ability that I can't wait to get back and apply," said recent boot camp graduate Steve Patterson of the *Chicago Sun-Times*.

The CAR boot camps train journalists to acquire electronic information, use spreadsheets and databases to analyze the information and to translate that information into high-impact stories. In addition, the institute provides follow-up help when participants return to their news organizations.

Two mapping mini-boot camps also will be offered for those interested in learning how to uncover news stories by mapping data with geographic information system software.

IRE and NICAR have a few fellowships available to cover tuition and most travel and lodging costs for minority journalists and journalists at small news organizations.

An intensive CAR boot camp for editors will be scheduled soon.

The upcoming boot camps are:

Jan. 9-14
Computer-Assisted Reporting Boot Camp

Jan. 14-16
Mapping Boot Camp

March 20-25
Computer-Assisted Reporting Boot Camp

May 15-20
Computer-Assisted Reporting Boot Camp

Aug. 7-12
Computer-Assisted Reporting Boot Camp

Aug. 19-21
Mapping Boot Camp

For more information go to www.ire.org/training/bootcamps.html

MEMBER NEWS

Bill Allen has joined the faculty at the University of Missouri at Columbia, where he will teach agricultural, science and environmental journalism. Most recently, he was a medical reporter at the *Louisville Courier-Journal*. ■ **David Barstow** and **Lowell Bergman** of *The New York Times* and **David Rummel** of New York Times Television have been awarded the 2004 Sidney Hillman Prize in the newspaper/television category for their work "Dangerous Business." ■ **Andrea Bernstein** and **Amy Eddings** of WNYC won the Deadline Club Award for New York-based journalism in the best reporting-radio category. ■ **Walt Bogdanich** and a *New York Times* team won the Deadline Club Award in best business news, series or investigative reporting category. ■ **Kathleen Carroll** of the (West Paterson, N.J.) *Herald News* won the Deadline Club Award for the best-in-New-York-based journalism in the best reporting category. ■ **Eric Eyre** and **Scott Finn** of the *Charleston Gazette* in West Virginia won the Casey Medal for Meritorious Journalism, for coverage of children and families, in the project/series category for newspapers with a circulation of 75,000-200,000. ■ **Robert Gammon**, Jill Tucker and Michelle Maitre of *The Oakland Tribune* were winners of the Casey Medal for Meritorious Journalism among newspapers with a circulation under 75,000. ■ **Julie Goodman** of *The* (Jackson, Miss.) *Clarion-Ledger* has been awarded an International Reporting Project Fellowship at The Paul H. Nitze School of Advanced International Studies (SAIS) of The Johns Hopkins University. Goodman will focus her project in Lebanon. ■ **Elliot Grossman** of *The Morning Call* in Allentown, Pa., won a Keystone Press Award for project reporting in the top circulation division of the Pennsylvania Newspaper Association's annual competition. His project explored the high rate of shootings in Reading, Pa. ■ **Holly Heyser,** president of the Association of Capitol Reporters and Editors, is the new state editor at *The Orange County Register*. Heyser previously worked as state government editor for

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

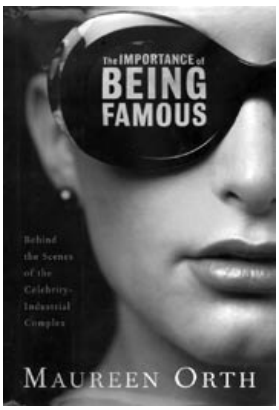
Compelling writer shares technique on in-depth stories

By Steve Weinberg
The IRE Journal

Compelling, memorable writing is, or ought to be, a goal of every investigative journalist. Achieving that goal is rare, however.

So, when those rare journalists who have attained a reputation for compelling, memorable writing on in-depth topics publish collections in book form – and even share their techniques – I start reading.

Long-time readers of *The IRE Journal* know that, in my opinion, the very best such books are by Walt Harrington ("American Profiles" and "Intimate Journalism" especially) and Jon Franklin ("Writing for Story").



This year has yielded worthy contenders, however, with more promised from publishers. The best of the 2004 lot so far might be "The Importance of Being Famous: Behind the Scenes of the Celebrity-Industrial Complex" by Maureen Orth (Holt, 372 pages, $25). Not all 16 of the features first appearing in *Vanity Fair* magazine are investigative, but most of them are, and all are examples of in-depth reporting. Best of all for lifelong learners within our craft, Orth includes seven intermingled essays about how and why she reports as she reports, writes as she writes.

Orth, who previously reported for *Newsweek*, covered the murder of Laci Peterson in Modesto, Calif., for *Vanity Fair*. Her account of the case, including the inexcusable media circus, demonstrates vividly why her journalism is so memorable – her eye and ear for telling details. In a Modesto bar that has become de facto headquarters for *National Enquirer* reporters David Wright and Michael Hanrahan, Orth shows them paying sources for information. When confronted with a report that some of those sources are Modesto police officers, Hanrahan lets slip, "That's not the way it works. Cops all have girlfriends, sisters, uncles, mothers." First-rate journalists put stories in context; Orth does so by interviewing the sheriff, who contrasts the 24/7 coverage of the Peterson case with another local murder: "We have a guy who allegedly stabbed his wife and unborn child not that far away from Scott. He ended up on page two in the local news section."

Writing about longtime celebrities (or instant celebrities, such as the dead Laci Peterson and her accused husband Scott) needs to be done, I suppose, but there is no reason it must yield shoddy journalism. "My challenge, as a reporter in this environment, is to bring the story back alive, accurately, to find the key that unlocks the personalities…or the crime," Orth says. One technique is leaving the courthouse and private-home stakeouts to dig in "grubby places.

"My early experience as a Peace Corps volunteer in Medellin, Colombia, prepared me to fit in at any level."

She notes that documents are vital. "I have found it no easier to peel away the layers of a story like Michael Jackson's or untangle the complicated finances of Hollywood money manager Dana Giacchetto [both included in this book] than to tackle 'more serious' subjects like the connection between terrorism and drugs or the latest White House scandal, which I have also covered."

Orth's insights into the "celebrity-industrial complex" take on increasing value when somebody like Arnold Schwarzenegger is elected California governor despite lacking a platform, and politicians cannot resist Hollywood. Consider the import of the nexus detailed by Orth: "Bill Clinton's weakness for all things Hollywood has been as amply documented as his weakness for women. Fittingly, it was his decision to provide a little help to one of his entertainment-industry friends, songwriter Denise Rich, which tainted his departure from office. Rich's fundraising efforts for Clinton and her contacts with the then-president's colleagues helped her obtain a presidential pardon for her fugitive, tax-evading and extremely wealthy ex-husband, Marc Rich. When the ensuing scandal broke, Denise Rich – who freely admits she talks to angels and has long desired to be famous – took all the attention as an opportunity for self-promotion. Because she couldn't resist a *Vanity Fair* photo shoot, she agreed to be interviewed by me, creating an opening for a full-scale investigation of herself, her ex-husband, and the Clinton pardon."

Additional just-published books by journalists who combine memorable, compelling writing with in-depth reporting include:

- Scary Monsters and Super Freaks: Stories of Sex, Drugs, Rock 'n' Roll and Murder by Mike Sager (Thunder's Mouth Press, 457 pages, $15.95)
- Somewhere in America: Under the Radar With Chicken Warriors, Left-Wing Patriots, Angry Nudists, and Others by Mark Singer (Houghton Mifflin, 255 pages, $24)
- Things Worth Fighting For: Collected Writings by Michael Kelly (Penguin Press, 426 pages, $26.95)
- The Prophet of Love and Other Tales of Power and Deceit by Elizabeth Kolbert (Bloomsbury, 288 pages, $23.95)

Book notes

All investigative journalists understand their work might be killed – because it steps on the wrong toes, because advertisers apply pressure, because the material becomes stale, because what would be telling photographs turn out to be unavailable, because of reporter-editor disagreements about story structure or phrasing. But knowing something might happen and accepting the verdict when it does happen are not the same. Hence, a journalist like David Wallis conceives a collection like "Killed: Great Journalism Too Hot to Print" (Nation Books, 430 pages, $16.95).

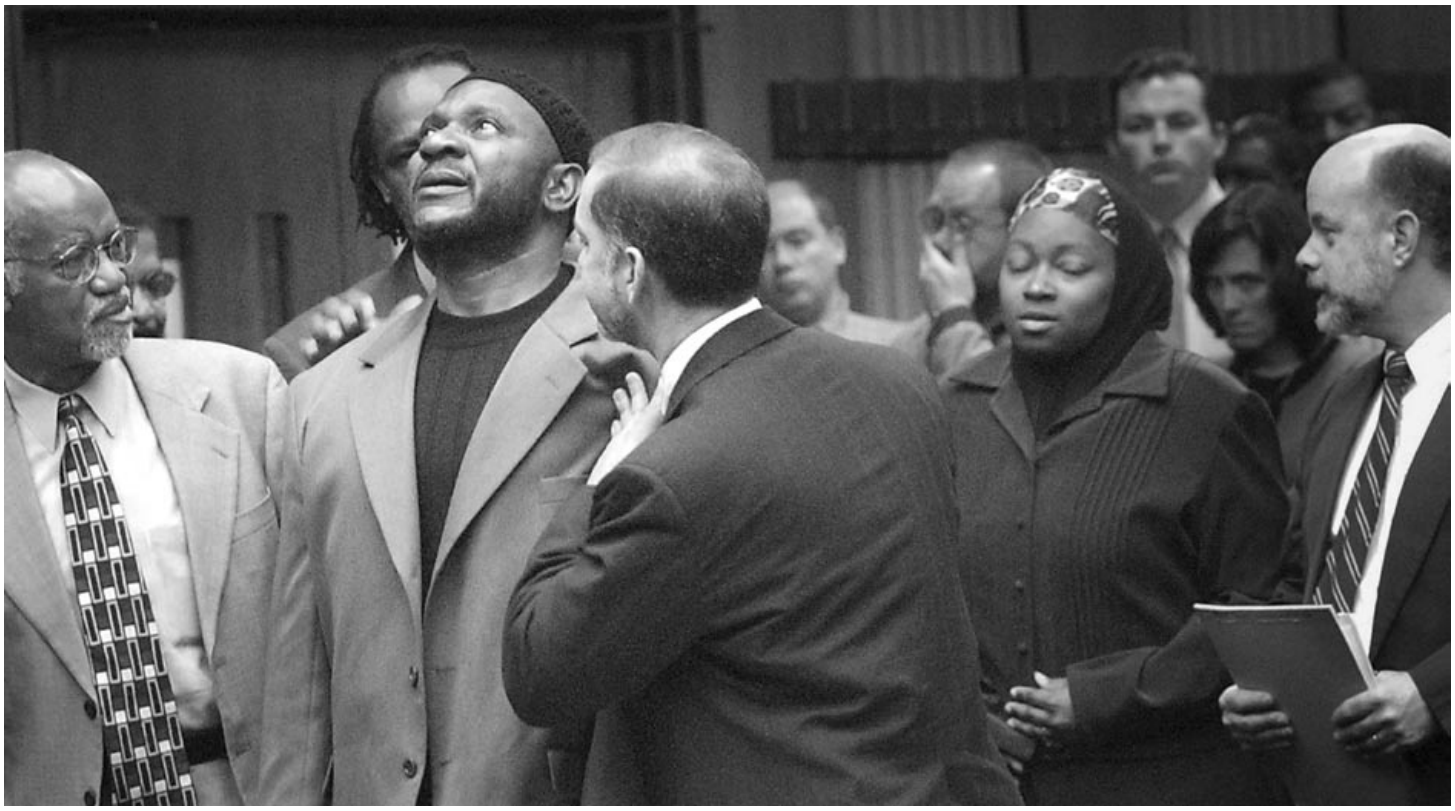
Wallis is a freelance writer and editor who founded Featurewell.com, which markets the journalism of dozens of reporters and essayists. Not all of the two dozen pieces he chose for "Killed" are investigative, but many are. Not all of them are great journalism, either, but, again, many are, including "Moonstruck: The Reverend and His Newspaper" by Ann Louise Bardach, commissioned by *Vanity Fair* in 1992; "The Stranger-Than-Truth Story of The Body Shop" by Jon Entine, commissioned by *Vanity Fair* in 1994; and "Unfortunate Con" by Mark Schone, commissioned by *Rolling Stone* in 2002.

Each of the unpublished stories is accompanied by a note from the author (or an outside commentator) about the nature of the problem that led to the term "killed." To lots of publishers and editors, perhaps some of the notes sound like rationalizing or even whining about extraordinary circumstances. To lots of reporters, the notes equate to common concerns.

After readers of *The IRE Journal* have finished studying the stories published in "Killed," they might want to devote attention to an updated, expanded edition of "Into the Buzzsaw: Leading Journalists Expose the Myth of a Free Press,' edited by Kristina Borjesson. I reviewed it in the May-June 2002 *IRE Journal*. The accounts by investigative journalists from around the nation about how they felt persecuted while trying to tell the truth are both instructive and emotional. As with the original edition, Borjesson, who has reported for CNN and CBS News, deserves gratitude. It is available from Prometheus Books in Amherst, NY.

Finally, Louis J. Rose, now retired from the *St. Louis Post-Dispatch*, has revised and expanded "How to Investigate Your Friends and Enemies." The chapters alternate between classroom lecture tone and heavily anecdotal. The 235-page Albion Press book can be ordered through the IRE Web site, www.ire.org, or from his Albion Press address, 9701 Twincrest Drive, St. Louis, Mo., 63126. The book is $15.95.

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



Ted Richardson | Winston-Salem Journal

Darryl Hunt, standing between attorneys, reacts after being cleared of murder charges during a court hearing.

HISTORY LESSON

New look at old crime, self-examination by paper leads to prisoner's freedom after nearly 20 years

By Les Gura
Winston-Salem (N.C.) *Journal*

Investigative reporting typically requires journalists to unearth documents and persuade reluctant witnesses to talk. The reporter then brings his own perceptions to the material to craft the story.

But what do you do with a 20-year-old murder mystery, when perceptions are already strongly established within a newspaper that has covered the story for a generation and within a community that has lived with that story for so long?

Balance and fairness

Deborah Sykes had been a copy editor for *The Sentinel*, the afternoon newspaper in Winston-Salem, N.C., for five weeks when she parked her car a couple of blocks from the building the morning of Aug. 10, 1984. She was attacked as she walked to work. She was raped and sodomized, and stabbed 16 times, suffering a fatal wound to her chest.

A teenager named Darryl Hunt was arrested about a month after the crime. He was convicted in 1985, but his case became a cause celebre. Black leaders believed he'd been railroaded, as police looked to pin the death of a white woman in downtown Winston-Salem on the first black man they could make a case against. Over the years, there would be two new investigations of the Sykes murder and a new trial for Hunt. But authorities always came back to Hunt and his friend, Sammy Mitchell, who eventually was indicted for the murder, though he was never tried. Hunt was convicted a second time, in 1990.

In 1994, DNA testing was done on the then decade-old samples from the Sykes murder. The testing showed it was not Hunt's semen recovered from Sykes' body. Nor was it Mitchell's, nor that of a third man in the case whom police had come to suspect. But no court ever ordered a new trial; judges ruled that though the sample did not match, Hunt could still have been involved in the crime.

The newspaper had done hundreds of stories over the years, always dutifully presenting a balanced account, whether it was about the crime or about race. Yet it had never looked at the big picture: What was the truth of the case? The newspaper had long confused balance and fairness.

There was only one inescapable conclusion about the scientific evidence: The 1994 testing proved that someone was still out there who had raped Deborah Sykes, and neither police nor prosecutors felt that merited a new investigation.

Valid concerns voiced

In April 2003, the *Journal*'s court reporter wrote about a judge's decision to allow the DNA from the Sykes murder to be compared against state and federal databases. It was Hunt's last hope, as even the U.S. Supreme Court had turned down his bid for a third trial based on the 1994 DNA. His attorneys believed that if the new DNA testing provided a match, it might force a new investigation that could prove Hunt's innocence.

After editing that metro page story, I decided to spend some time combing through the voluminous clip files. I found myself jotting down unanswered questions. That same day, I approached our executive editor, Carl Crothers, to talk about the case. Crothers had long wanted to do a lengthy investigation of the Sykes murder, knowing that something wasn't right about the case. Having been at the paper less than a year, I brought the passion of a newcomer. Over the next couple of days, we talked through the story possibility with other editors who were a bit skeptical; they'd lived through many years and many stories

about Darryl Hunt and Deborah Sykes. "What new can we bring to the story?" was their overriding question.

It was a valid concern. Our paper's staff is small, and the investment of time would be big. We had just come off an award-winning project about North Carolina's eugenics program in which three reporters had been detached, an effort that had put a strain on others. If we couldn't free Darryl Hunt or solve the crime, and no one in the room believed either was likely, was it worth it to investigate the case again?

Ultimately, we agreed to put our metro columnist, Phoebe Zerwick, on the story. We figured she would need three to four months detached from her column duties to do the story justice. The first of the old perceptions – "been there, done that" – had been overcome.

Coverage slanted?

I was hired by the *Journal* three years after the Sykes murder, by which time the lore of the case was part of the newsroom culture. My peers felt the investigations and prosecutions of Hunt had been flawed, which had created deep divisions within the community. But they did not necessarily believe it was a clear case of injustice. Those I talked with were skeptical of the racial rhetoric that Hunt's supporters had long hurled.

Nineteen years of legal battles had hardened perceptions about the case. And just about everyone I approached for an interview believed the newspaper's coverage had been slanted. The police felt they had been unjustly accused of railroading an innocent man, and Hunt's supporters felt the newspaper had ignored their claims for too long.

Almost everyone wanted to know why the newspaper was dredging up the past. The crime had been investigated three times. Two juries had convicted Hunt of first-degree murder, and the appellate courts had denied him a third trial. What could the newspaper possibly hope to find in a case that had been reviewed so many times already?

My first interview was with one of the detectives in the case, now a lieutenant at the police department. He had heard through the grapevine that I was looking into the case and he wanted to make sure that the police got a fair shake. When I went to see him, he had a recent *Journal* editorial about the court-ordered DNA testing tacked to his wall. He read a line in the editorial that mentioned the questionable police investigation. The accusation left him seething.

The sentiment was the same in the prosecutor's office. "What are you doing," the assistant district attorney asked, "a 'free Darryl Hunt' story?"

To get beyond the old perceptions, I made it a point never to take sides in interviews. I went back to sources several times to keep them abreast of what I was finding, and to let them know what direction the story was taking. Even as I kept an open mind, I made it clear to the people I interviewed that I thought there were discrepancies that needed to be faced.

Winston-Salem Journal file photo

Murder victim Deborah Sykes.

The smoking gun

The investigation didn't initially turn up a smoking gun. There was no new witness to the crime, no hidden piece of evidence. Rather, the story became a matter of understanding the case in its entirety – the crime, the police investigation, the witnesses, the attorneys and the judges. The story of the murder of Deborah Sykes was not one that could or should be told in a balanced way; this side says one thing, that side says another. The power of the story, the fairness, lay in the accumulated weight of the evidence.

Then there was the question of how to write the story in a way that would challenge 20 years of hardened perception.

We decided to build it as a narrative, with characters who would bring their passion to the piece. This approach made two things possible: The story of the racial tension could be seen through characters, and it left enough room for the slow accumulation of evidence to show how the system had failed Hunt and Sykes.

On Monday morning, the second day of the eight-part narrative, a woman called. Her tone was urgent. She believed Hunt was innocent, she said, because of something that had happened to her daughter-in-law. What she had to say became, in what had now become the seventh month of the investigation, our long-sought smoking gun.

In February 1985, six months after the Sykes murder, the daughter-in-law had been abducted on her way to work just two blocks from where Sykes was attacked. This woman was raped and stabbed multiple times, but managed to escape. The caller was certain the two crimes were connected.

The newspaper had written about the 1985 attack, and had even in one short follow-up story mentioned the similarity to the Sykes case. But by then, Hunt already was in jail awaiting trial, and there was no indication the police looked at the second case with

any particular urgency.

The final chapter of the narrative was rewritten after a furious four days of new investigation. It wasn't clear whether the two crimes were connected, but it worked as another example of the "tunnel vision" that had defined the case for too long.

Spontaneous confession

A month after "Murder, Race, Justice: The State vs. Darryl Hunt" was published, we took a telephone call late one Friday night. The district attorney wanted us to know that the database search ordered so many months ago had helped authorities develop a new suspect in the Hunt case.

It was the man who was the suspect in the second rape downtown, the one we'd included in the final chapter of the series.

Because the newspaper had been asking questions about the 1985 rape and the suspect, the police had just pulled their old files about the case. When the database search produced a near match – that close hit was a person named Brown, the brother of the suspect in the 1985 case – the police followed the lead. They tracked down the 1985 suspect, who, by a stroke of luck, was in jail on a probation violation. His DNA was tested immediately; it was a perfect match.

Days later, Willard E. Brown was charged with murder, rape, robbery and kidnapping in Sykes' death. Investigators said while being booked, he spontaneously confessed to the crime, saying he'd done it himself and apologizing for having let Hunt serve all those years in prison. He is awaiting trial.

Hunt was freed on Dec. 24, 2003, in the wake of the confession, and on Feb. 6, a Superior Court judge vacated his conviction. North Carolina Gov. Mike Easley issued a pardon on April 15 that will allow Hunt to seek financial compensation, expected to be about $360,000, for his years in prison.

In Winston-Salem, the city manager's office is again investigating what went wrong in the Sykes case, 19 years after its first investigation resulted in actions against the original officers involved. This time, the probe is expected to study why the police didn't do more to connect the dots after the 1985 incident, and to discuss safeguards that can be taken to prevent ''tunnel vision'' on the part of the police.

Perceptions being difficult to change, there is no question that many people in the city still believe Hunt had something to do with the crime. For the *Journal*, altering perceptions will continue to be both a mission and a work in progress.

Les Gura has been metro editor of the Journal since 2002. He has 23 years experience as a writer and editor, and won the inaugural Taylor Family Award for Fairness in 2002 for a story about a murder at Yale University. Phoebe Zerwick is the Journal's metro columnist. She has been with the newspaper since 1987, and has written award-winning stories on infant mortality and racial issues. The Darryl Hunt investigation won an IRE Award, the Paul Tobenkin Award from Columbia University and an SDX Award.

LEGAL CORNER

Overcoming access hurdles to court martial evidence in Iraq prison abuse cases

DAVID B. SMALLMAN

Journalists attending court-martial cases should be able to enhance coverage and analysis of alleged torture of Iraqi prisoners at the Abu Ghraib prison through familiarity with the rules governing public (and press) access to evidence introduced at those hearings.

For example, there is the Uniform Code of Military Justice (UCMJ), which is a federal law that establishes the basic structure of our military justice system, including Rules for Courts-Martial. (A current version of the Manual for Courts-Martial can be found at www.jagcnet.army.mil/laawsxxi/cds.nsf.) Rule 1103(b)(2)(D)(v) of the Rules for Courts Martial requires that to be complete, the record of a court martial must include "exhibits or, with the permission of the military judge, copies, photographs, or descriptions of any exhibits which were received in evidence . . . ." As noted in *United States v. Harris* (Sept. 24, 2001, U.S. Court of Appeals for the Armed Forces), military courts will admit into evidence a photograph as "a graphic portrayal of oral testimony," and, under the "silent witness" theory, it can be authenticated by other evidence that supports the reliability of the camera or video tape system that produced the image.

FOIA does not apply

The federal Freedom of Information Act, which ordinarily governs access to Defense Department records, does not apply to pending military proceedings. And subsequent FOI requests when those cases conclude will undoubtedly be subject to exemptions for privacy and national security. Recent FOI decisions suggest that denials of initial requests and arduous appeals can be expected. However, reporters may have an opportunity much sooner to gain access to the same information. They can accomplish this by establishing a legal basis for disclosure of any materials that become part of the record of the case. This could include, for example, images of physical and sexual misconduct that also show or suggest the presence of supervisors. Or deposition testimony, letters, e-mail or memoranda entered into evidence demonstrating tolerance or knowledge of illegal acts up the chain of command.

Stringent record-sealing procedures

Disclosure of such information depends upon the willingness of journalists (and their counsel) to assert access rights *during* the pre-trial investigations and courts-martial. If they do, it could result in application of a "compelling interest/individualized findings/narrowly tailored means test" required in military proceedings before sealing an exhibit presented in open court. Unlike FOI requests, such determinations are based upon a qualified First Amendment right of access to information introduced into evidence in criminal trials. The relevant precedents indicate that military courts must follow stringent procedures before sealing an exhibit introduced into evidence.

First, the party seeking a sealing order must advance – in open court – an overriding interest, such as privacy or national security, that is likely to be prejudiced. Second, the sealing order must be narrowly tailored to protect that interest. A blanket sealing order that does not effectively protect a recognized, specific privacy or security interest is deficient. Third, the court must consider reasonable alternatives to precluding any and all disclosure. It should be evident from the record that the military judge considered reasonable alternatives to sealing either an entire single exhibit or series of exhibits. Fourth, the military judge must make adequate findings to support sealing of the exhibit to aid the reviewing court.

The right to be present

The precedent in *United States v. Scott* (May 5, 1998, U.S. Army Court of Criminal Appeals) provides support for the view that the media has standing to challenge sealing of an exhibit presented in open court. This suggests, of course, that reporters must be equally vigilant in asserting their right to be present at a given proceeding as well as objecting strongly to closure of the courtroom to the public.

Under Rule 405(h)(3), the right to attend a pre-trial investigation or "pre-referral hearing" ostensibly falls within the discretion of the investigating officer. Military appeals courts, however, have stated

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Carino Casas | Las Vegas Review-Journal

Police tape marks the crime scene of a home invasion in northwest Las Vegas.

CRIME STATS

Popular belief proved wrong; home invasions hit mostly poor

By J.M. Kalil
Las Vegas Review-Journal

Asked half a century ago why he robbed banks, the infamous thief "Slick" Willie Sutton reportedly responded, "Because that's where the money is."

After coming across this quote on an FBI Web page earlier this year, I began wondering whether modern thieves in Las Vegas employed the same obvious logic when searching for scores.

Specifically, I was interested in investigating home invasions, where robbers raid a home and hold its occupants captive while plundering it. The crime can be especially jarring because, along with their cash and jewels, victims often lose the feeling of sanctuary in their homes.

Were home invaders more likely to strike in suburban neighborhoods with the most luxurious homes and the wealthiest residents? Or were they raiding lower-income areas with fewer things to filch?

After pursuing this question with two months of computer-assisted reporting, the *Review-Journal* in June published the results in a Sunday package of stories and map graphics that startled many readers.

Among the findings:

- The majority of the 749 home invasions in the Las Vegas Valley over the past three years occurred in only eight of the area's four-dozen ZIP codes. Geographically, those eight ZIP codes formed an uninterrupted north-south swath through the city's poorest residential areas, pockets of the urban core with the highest rates of poverty and unemployment. Middle-class neighborhoods with higher household incomes had far fewer home invasions, while the most exclusive neighborhoods in Southern Nevada were virtually untouched by the crime.
- Thieves only got away with something about half the time, with amounts ranging from $7.25 in quarters to $15,000 from a safe. Most of the time, home invaders got away with less than $100.
- Victims suffered injuries in about half the invasions, with about 1 percent of the cases resulting in a death, including a few cases in which homeowners killed the assailant.

Las Vegas TV news reports on home-invasion robberies always seemed to focus on a usually safe, quiet suburban neighborhood turned into a terror zone when home invaders descended upon it. But after spending the first years of my career incessantly listening to a police scanner, I theorized that people living in the poorer, run-down neighborhoods in the city's central core were preyed upon much more often despite having less to steal.

Harrowing detail

After sketching out some ideas with my city editor, Mary Hynes, I launched the project in early April. The obvious first step was submitting records requests seeking police reports for all home invasions in the greater Las Vegas area. I chose to go back to Jan. 1, 2001 – what I felt was a broad enough time span for patterns to emerge.

Nevada's largest law enforcement agency, the Las Vegas Metropolitan Police Department, complied quickly with hundreds of reports.

But I hit a snag with the smaller police departments responsible for patrolling North Las Vegas and Henderson, the city's two giant suburbs. Like thousands of police computer databases across the nation, neither North Las Vegas nor Henderson's computer systems differentiated between home invasions and other types of robberies.

Luckily, I had long ago cultivated relationships with sources in both departments and persuaded them to spend hours combing through files and pulling copies of home-invasion reports from among the thousands of non-home-invasion thefts. Soon, I was reading through a 3-inch-thick stack of home-invasion reports on my desk. After coming across some especially terrifying stories in the reports, I began contacting victims.

Among them were women who described in harrowing detail being shot or raped by home invaders. From those interviews, I wrote vignettes as sidebars to the pending main piece on patterns of the crime.

For the geographic analysis, the most obvious way to organize the data was problematic, especially if I wanted to cross-reference the crime data with other available information in a map graphic.

Las Vegans, like residents of other large metropolitan areas across the nation, identify their home by neighborhood or general section of the city: Summerlin, Green Valley, "east of The Strip," "south of downtown." But it would be difficult to break down crime data this way because neighborhoods don't typically have clearly defined borders.

The U.S. Census Bureau segregates demographic data many ways, such as region, state, county and city. But those were all too broad. Census tracts are much smaller, typically stretching only a few square miles in metro areas. But to organize the home-invasion data by tract would have required researching hundreds of crime scene addresses and figuring out in which tract they sat.

Trying to solve this problem, I began surfing the Census Bureau's American Factfinder Web site (www.factfinder.census.gov), an invaluable and probably underused journalist's tool. Here, I found, the government breaks down demographics by ZIP code.

This was the obvious solution for several reasons: ZIP codes have clearly defined boundaries; each police report already listed the ZIP code of the home robbed; and unlike census tracts, most people know their ZIP codes. This last part was key since we always planned on developing a series of graphics that would easily allow readers to see the number of home invasions near their home.

RESOURCES

Helpful resources include:

- U.S. Census Bureau's main site, www.census.gov
- American Factfinder site, http://factfinder.census.gov
- Two volumes in the IRE Beat Book Series are helpful in analyzing home-invasion data (www.ire.org/store/books):
  - Understanding Crime Statistics, by Kurt Silver
  - Numbers In The Newsroom: Using Math and Statistics in News, by Sarah Cohen

Trends become clear

Newsroom assistants Ronelle Botwinik and Madelon Hynes turned the 3-inch-thick stack of police reports into a simple list of home-invasion addresses. I imported those 749 addresses into Microsoft Excel where they could be analyzed by ZIP code. (As a spreadsheet program, Excel does not have all the features of database programs like Access or FileMakerPro. But it's easier to use for simple analysis, as long as you're dealing with fewer than 65,500 records, Excel's maximum.)

Meanwhile, news artist Mike Johnson oversaw the plotting of the crime scenes on a southern Nevada map using GIS, or geographic information systems software. Art director Ched Whitney used the resulting map and data culled from the 2000 Census and local housing research firms to create a striking double-truck graphic. The massive illustration had breakouts for four-dozen ZIP codes showing for each the number of home invasions, poverty level, household income levels and median home prices.

The trends were immediately clear. As home prices and income went up, the number of invasions fell dramatically.

One of the nation's top criminologists was quoted in the story as saying the geographic data collected by the newspaper contradicted a widely held belief about how home invaders behave when searching for a target.

"You would think they would go where the money is, but research shows most will operate a short distance from where they live," said Carnegie Mellon University professor Alfred Blumstein, director of the Pittsburgh-based National Consortium on Violence Research. "Most of the home-invasion events you read about or see on television happen to middle-class or elderly folks, but I think that's a result of the selectivity of what the media finds interesting."

J.M. Kalil is a general assignment reporter for the Las Vegas Review-Journal.

Carino Casas | Las Vegas Review-Journal

Splintered front door at the site of a home invasion in northwest Las Vegas.

Ana Venegas | The Orange County Register

A Los Angeles warehouse is one of many places selling candy that comes from Mexico, including brands that have tested high for lead.

SWEET SORROW

Mexican candies imported with high lead content; investigation shows officials failed to act

By Jenifer McKim
The Orange County Register

Mexican candies line store shelves everywhere Latino families shop – rows and rows of it packaged in bright wrappers featuring cartoon ducks, trains and wild-haired clowns on the labels.

The treats look innocent enough, but many are so toxic that eating just one candy can exceed daily lead limits set by the Food and Drug Administration.

Government regulators have known about the dangers of Mexican candies for years. They know elevated lead levels can lower IQs, stunt growth and cause kidney failure. But regulators have done almost nothing about this public health threat – even as candies with names like Super Palerindas, Lucas Acidito, and Serpentinas fuel a fast-growing $620 million industry and continue to test high for lead.

Beginning in 1993, California and federal officials logged about 1,500 tests of imported candy and one out of four of those tests reported high lead levels. But there was no government action or parental warnings. Even the candy makers were kept in the dark.

Those were just a few of our startling findings in a two-year investigation published in April. A team of reporters traced the trail of candy back to Mexico, logged the ingredients and ultimately pinpointed how lead was getting into treats enjoyed by the fastest growing immigrant population in the United States.

The Register conducted 425 tests of candy, ingredients and children for this series and found dangerous levels of lead just about everywhere we looked.

We identified through our database work that chili powder, which gives Mexican treats a spicy kick, was an ingredient in about 70 percent of the candies that had tested high for lead. Although government regulators had suspected chilies as a cause, they had not done any comprehensive testing of the ingredient. We obtained chilies at every stage of the manufacturing process, tested dozens of samples and found that the lead levels in chilies spiked after being milled. Visits to millers uncovered an alarming process in which rocks, dirt, nails and other debris are poured into antiquated milling machines.

We also found that candy makers in Mexico were producing two versions of their treats, raising ethical and moral questions. In large part because it was cheaper, candy makers produced a dirtier, more dangerous version with poorer quality chilies, lead-laced wrappers and tamarind for the children of Mexico. The same candy makers also made a costlier version to pass muster with U.S. health officials. They substituted cleaner chilies, and clear wrappers in some cases. But both versions were making it past understaffed border inspectors.

To illustrate the human toll of lead poisoning in the candy industry, we spent time in a Mexican village where highly toxic glazes are used to make pottery that holds candies linked to lead-poisoned children in California. Many traditional sweet and spicy Mexican jams, it turns out, are packed into tiny little pots made with the lead-based glaze. *The Register* tested nearly 100 children in the village and almost all of them were lead poisoned – some with levels so high they should have been hospitalized.

The unknown threat

The story started not in Mexico, nor in a candy store. It started in a child-care center in Santa Ana, Calif. I was working on a project about dangers kids face in child care, and ended up visiting a center where a child was poisoned by lead-based paint. Chipping paint was all over the place, so I picked up some paint chips, talked to our investigative editor Mark Katches and sent them to a lab for testing. Sure enough, the paint was toxic.

We began to think about the dangers of lead poisoning in Orange County. After we finished reporting the child-care series, I filed the first of many public records requests. The Orange County Health Care Agency compiled a bin full of documents. What leaped off the pages were references to candy – a threat I hadn't heard about before. In fact, candy was cited as a cause of lead poisoning almost as often as lead paint.

I shared the information with my editor Cathy Lawhon and with Katches. We turned to the state Department of Health Services and requested files, testing data and e-mails related to candy.

While we waited for those records, we went into the field. On a drive through Orange County, I found Mexican treats everywhere – at large supermarkets and small liquor stores. We put together a testing plan. I talked to specialists about what kind of testing would yield valid results. We decided to use a private laboratory also hired by the state. The laboratory probably had done more testing for lead in candy than any other private lab in the country and we figured the state would have a hard time challenging the results. We ultimately tested 180 pieces of candy or their wrappers. We found lead in more than 30 percent of the brands.

While we were gathering up candies for testing, our central question emerged: How is lead getting into candy? We began logging ingredients, and reading everything we could find on the subject.

Photographer Ana Venegas and I went to Mexico to see what we could find. We planned a week in Michoacan, home state of several candy makers known to have high lead levels. We talked to a candy maker who told us he makes two kinds of candies – a cleaner, more expensive one for the United States and a dirtier, cheaper one prone to lead for Mexico.

The candy maker told us where he bought his ingredients and we followed the trail. We bought chili and tamarind, salt and sugar at local markets to bring home for testing.

Mexican health officials brought us to a village, Santa Fe de la Laguna, that makes the small pots that hold tamarind and chili candy, a traditional Mexican treat. Officials worried the village was highly contaminated but didn't have the basic testing tools to confirm it.

We set out to test the children in Mexico to see if they were truly lead poisoned. The chili we brought back with us tested high for lead, and we were determined to find out how it got that way. Reporters Valerie Godines, William Heisel, Keith Sharon and editor Rebecca Allen joined the project to help get the story into print.

In Mexico, Godines planned the testing initiative in the village. She consulted with doctors and nurses, and arranged for a team of researchers and health professionals to accompany us. A doctor would prick the finger of a child and place the blood in an analyzer. Parents were asked for consent to let us publish results and researchers asked a series of questions about lead exposure. We hoped to test 50 children over a weekend in October 2003. By the end of the first day, we had tested 92 children. Of those tested, 87 of them had dangerously high levels of lead in their body. The families were counseled by nutritionists after being tested.

Godines also headed to the chili fields of Zacatecas with photographer David Fitzgerald to find out how lead gets into chili. Diligent homework helped her understand what to look for and how to take good specimens. She collected water and dirt from the fields, chilies from farms and powdered chilies from mills. She talked to mill workers who found rocks and even battery parts in bags of chilies, placed by chili vendors to weigh down bags and boost sales. More than 90 percent of the chili-powder samples tested high for lead, shocking Mexican federal and state health officials.

Methodical and meticulous

Back in the newsroom, Heisel and Sharon worked for months creating a database out of different testing data provided by state, county and federal officials. Heisel visited candy stores, buying candies known to be contaminated and completing a database of their ingredients. He did most of the final interviews with county, state and federal officials, many of whom gave conflicting information on what constitutes too much lead in candy or when government action is required. Sharon took charge of rewriting drafts of two of the main stories. During some of this time, I was gone on maternity leave.

Reporter Hanh Kim Quach helped us understand how a bill had failed in Sacramento that called for more testing of candy. Graphic artist Molly Zisk took on the task of creating workable graphics that became part of a comprehensive, bilingual interactive media design. David Ethridge built an online photo index of

Stories from the IRE RESOURCE CENTER

At the IRE Resource Center, you will find stories written by journalists who have successfully investigated lead poisoning and its effects on human health. Here is a selection of stories found online at www.ire.org/resourcecenter:

Story No. 20369. "Damaged lives," by Emilia Askari and a team of reporters and editors of the *Detroit Free Press*. The series looks at how lead cleanups are failing and currently an estimated 300,000 American children – including 22,000 in Michigan – "face lives of reduced intelligence and diminished futures because of lead." A follow-up of the original series found that government funding is not targeting areas where kids most in need live. (2003)

Story No. 18751. "Poisoned children," by Judy Peet of *The* (Newark, N.J.) *Star-Ledger*. The investigation discovers that an estimated 30,000 children are being lead-poisoned in New Jersey every year and Newark is the state's lead-poisoning hotspot. The reporter looks at the history of lead poisoning, examines the problems of the state lead-prevention programs and sheds light on notorious cases. Among them is the case of a "serial poisoner," an apartment building that has been poisoning children generation after generation. (2001)

Story No. 18919. "Pretty Poison," by Ross McLaughlin and Shawn Hoder of KIRO-Seattle. The story looks at ADD-like behavior in kids and found in many cases a strange cause – lead poisoning. Different kinds of children's jewelry had levels of lead many times what is admissible in household paint. These items of jewelry invariably end up in children's mouths – the lead then goes to their bloodstream, where it can cause neurological damage. (2001)

Story No. 16554. "The Secret History of Lead," by Jamie Lincoln Kitman of *The Nation*. An in-depth look at how General Motors, Standard Oil and Du Pont colluded 75 years ago to make and market gasoline containing lead – a deadly poison – although there were safer alternatives. (2000)

Story No. 18743. "Painting over Danger: How the government fails to protect children from lead poisoning," by Luis Perez of *The* (Syracuse, N.Y.) *Post-Standard*. The investigation reveals that in Syracuse at least 48 children since 1995 were poisoned by lead in homes that government inspectors previously had declared safe. "In each case, a child has been poisoned earlier in the home, the landlord made repairs, the county declared the property safe, tenants returned and a second child was poisoned," Perez reports. Small children and pregnant women are the two risk groups most vulnerable to lead poisoning. (2001)

Ana Venegas | The Orange County Register

Gloria Bonilla of La Habra didn't want to tell her son Javier that the candy he loved was dangerous for fear of turning him against her native country. Javier tested high for lead once, but his blood-lead level has returned to normal.

the candies with high lead levels.

Like any investigation, this story underscored the importance of being methodical and meticulous. Answering our central question required that we identify lead-tainted candies, log their ingredients, figure out the common denominators and trace the trail wherever it took us. *The Register* had done some testing of products before, but nothing this extensive. Testing products requires a lot of up-front research to assure use of the right technology, following all the right steps to avoid any cross contamination and hiring reputable labs. It also was important that we wrote early and often. That helped us identify our reporting holes months before we published.

We spent weeks editing and fact-checking the series that turned into six main stories, multiple sidebars and graphics. After the stories had been edited, the reporters met with Katches and read the stories aloud to each other. Hearing the stories helped us catch inconsistencies and awkward phrasings. We pored over hard copies searching for corrections.

At the same time, our Spanish-language publication *Excelsior* had begun translating the entire series. Most of this work was done by Rosalba Ruiz under the supervison of Ron Gonzales. On the sixth and final day of publication of the series in *The Register*, *Excelsior* landed with a 24-page special section. We also published a bilingual poster of candies that had a history of high lead tests. The posters were inserted into *The Register* and in *Excelsior* – meaning we distributed about 400,000 copies the first week.

We were stunned by the response. Within a week, we got requests for 50,000 more posters. School districts have asked permission to reprint about 1 million more. They are hanging in nurses' offices, health clinics and school classrooms.

In the meantime, cities and states have launched testing initiatives, the FDA has pledged reforms, the federal government has banned candies with lead-ink wrappers from entering the country and the California attorney general has sued dozens of candy makers. Leaders in the Mexican candy industry, hurt by a drop in sales, are working to clean up their act.

Jenifer B. McKim covers children and family issues for The Orange County Register.

RESOURCES

Some valuable Web sites related to food safety or agriculture:

Food and Drug Administration
Center for Food Safety and Applied Nutrition
www.cfsan.fda.gov/list.html

U.S. Department of Agriculture
www.usda.gov

Agricultural Research Service
www.ars.usda.gov

Centers for Disease Control and Prevention
www.cdc.gov

Institute of Food Technologists
www.ift.org/cms

Gateway to Government Food Safety Information
www.foodsafety.gov

World Health Organization food safety programs
www.who.int/health_topics/food_safety/en

Ana Venegas | The Orange County Register

Griselda Maximo Guzman works with leaded glaze while her son Tariacuri licks a ceramic bowl. Potters in Mexico, who make $2.50 a day, say economic concerns force them to use the glaze.

Val Hoeppner | Argus Leader

Gov. Bill Janklow watches as South Dakota prison inmates lay sandbags in 2001 along the Big Sioux River.

FOI BATTLE

Fight to review governor's pardons results in more open state government

BY PATRICK LALLEY
(SIOUX FALL, S.D.) *ARGUS LEADER*

The *Argus Leader*'s six-month investigation into former Gov. Bill Janklow's use of executive clemency began when he pardoned former American Indian Movement leader Russell Means.

In the final days of his fourth term, Janklow pardoned Means for a felony related to a courtroom disturbance in the 1970s.

Means gave us a call, wanting everyone to know of his pardon, since the conviction was standing in the way of his political ambitions on the Pine Ridge Indian Reservation in South Dakota and in New Mexico. Means had been denied a spot on the ballot for governor.

It was a good story – Janklow clearing the record of an old nemesis from his days as attorney general. But there was a pretty obvious follow-up.

"How many other people did you pardon?" reporter David Kranz asked Janklow when he was able to track him down later.

"I pardoned a lot of people," the governor said. "I don't recall how many."

We were prepared to track the information down, but soon discovered those pardons are sealed by a law passed in 1983.

So, it was under those parameters that we began a two-fold investigation that featured the best of classic shoe-leather journalism and the basics of computer-assisted reporting.

Eventually, we learned:

- Janklow issued more than 200 pardons during his last eight years in office. According to the state's attorney general, however, about 60 of those should be open regardless of the law because of the process the governor used.
- Janklow granted a pardon to a former cabinet member convicted of driving under the influence to make it easier for the man's business ventures. We were able to publicize 10 of the pardons by working sources inside state government and confronting individuals who were pardoned.
- Janklow reduced sentences of inmates nearly 2,000 times without notifying the Board of Pardons and Paroles, as required by law. This clemency rate led the nation from 1995 to 2002 and was driven by a prison work program put into place by the governor.

We also figured out there was very little we could do but go to court to open the pardon records. This was confirmation of what we already knew – that South Dakota has probably the worst open-records laws in the nation and a culture of closed government.

Clemency authority

Janklow had moved on to Congress by the time our stories started running. By the end of the year, however, he would resign in disgrace in the wake of a second-degree manslaughter conviction related to a fatal traffic accident.

Still, our pursuit of the pardons and commutations stories is a tale of persistence and ingenuity.

Let's start with pardons.

Early on, we wrote a formal letter to Secretary of State Chris Nelson requesting a list of those people pardoned by Janklow from 1995 to 2003. Nelson responded that those documents were on file in his office but sealed by executive order. The 1983 law gave governors the authority to seal the documents, he said.

However, there were a number of pardons that apparently did not go through the Board of Pardons and Paroles. It was possible that those names should be released. Nelson requested an opinion from Attorney General Larry Long, who agreed and said Nelson should release the names of about 60 people who received pardons.

The day of the scheduled release, three unnamed pardonees asked a judge to stop Nelson. A circuit court judge first granted a temporary injunction against the release and later ruled that Janklow had the right to seal the pardons.

The judge found that authority not in the 1983 law but in a wide-ranging revision of the state's constitution approved by voters in 1972. The constitution, he ruled, granted governors unchallengeable clemency authority.

The attorney general, joined by the *Argus Leader* and 15 other state and national media organizations, appealed the ruling. The case was argued before the South Dakota Supreme Court in March. A decision was pending.

The *Argus Leader*, however, decided not to wait for the courts.

Kranz worked sources in state government and communities around the state to develop leads on possible names on the list. We were able to compile a list of about 14 people we were pretty certain were pardoned by Janklow. But just having the list didn't mean we could put the names in the paper. Because there was no record of any crime being committed, the only way we could publish someone's pardon is if they confirmed it for us.

Janklow agreed to talk, but only if each person consented.

The trick was to compile enough circumstantial evidence of a pardon to convince the person in question to talk to us. This was done primarily by finding media or personal accounts of crimes and then running the person's criminal history. If it came up blank, we knew we had something.

We were successful in a handful of cases, such as the prominent Sioux Falls real estate developer who agreed to talk about his case after several weeks of badgering.

The lesson from the pardons stories was per-

sistence and the value of following up on a rumor. Because there was no documentation, we could easily have given up and relied on the legal process. The stories were published – and the law changed – as the result of classic source development, lead chasing and one-on-one reporting by Kranz.

Designing a database

The commutations investigation was a different sort of beast.

The core of the stories was a database of sentence reductions granted by Janklow during those last two terms. Compiling the data was complicated by sketchy records and a lack of electronic sources.

What's odd is that commutations weren't really on our radar early on. But in his original response to my letter, Nelson mentioned that he had about 2,000 commutations on file in his office. Those documents, he said, were open.

What we found was that those commutations were a hodge-podge of filings from the governor's office. For example, later years were on hard copies in filing cabinets, while the rest were available on microfiche. In all, it was about 700 pages of commutations.

Of course, there was a per-page charge to get the documents.

To reduce the cost somewhat, reporter-editor Jon Walker traveled to Pierre with a small copier/fax machine. He ran off copies of the commutations on file since 1997 with the secretary of state's office. This took about a day and a half.

We had to bite the bullet and just pay for the microfiche copies, which covered the first three years.

After all the paper was compiled in one place, newsroom clerks began the long job of typing in the information.

We used Microsoft Excel primarily because the process involved several people – editors, reporters and clerks – all of whom were at least familiar with that software. In retrospect, a more powerful database program, such as Access, would have been useful but ease of use was a top consideration. Also, we are a Mac-based newsroom. Nearly all our computers are loaded with Excel. We have one seldom-used PC loaded with Access. In the end, I think we made the wise decision.

So we had all the commutations punched into a spreadsheet. Turned out we were just getting started. The governor provided the secretary of state only the basic information – name of the inmate, case number, date commuted and length of the sentence reduction.

We wanted more information – original crime committed, length of original sentence, gender, age, race, hometown, county of conviction.

The information was available, but only on the department's mainframe computer system. It was technically possible for a programmer to retrieve the information we wanted, but it would be costly and time consuming.

This was where our capitol bureau reporter Terry Woster stepped in. Woster has worked at the capitol for more than 30 years and was able to negotiate a system with the state employees to help us out.

Specifically, I forwarded to the department an Excel spreadsheet with the names and case numbers. Using a PC and a mainframe terminal, state workers in Pierre called up each case on the mainframe and hand-typed the information we wanted into the spreadsheet.

Woster supervised the work early on to make sure we were getting what we wanted and to answer questions.

It's not the ideal way to put together a database, but without better access and laws, we didn't really have a choice.

Now the lead reporter on the commutations package, Stu Whitney, could finally get to work. Whitney used basic sorts on the data to determine who received the longest-term commutations and the most severe crimes.

It was pretty evident early on that the commutation of a Rapid City man who bludgeoned his wife to death with a hammer was the most heinous crime on the list. There were also other violent criminals, including kidnappers and rapists, on the list.

But one thing the data couldn't tell us was how unique this was.

Interviews with national clemency experts gave us some indication that South Dakota was probably in pretty select company. But there wasn't any type of clearinghouse that kept information on the frequency of commutations. We quickly figured out we needed to call every state.

Whitney and Woster split up the states and started the phone calls.

The problem, of course, is that every state is different. There's no such thing as a clemency coordinator in state government and each inquiry started with an explanation of what we were looking for. As is common with a bureaucracy, we rarely hit the right person with the first call.

Eventually, we determined that South Dakota led the nation during the eight-year period – hard numbers, not the rate – in commutations granted. In a state with about 750,000 people, this was astonishing.

We did get a little help from outside the office. Former *Argus Leader* assistant city editor Mike Trautmann, now of *The* (Louisville) *Courier-Journal*, helped crunch the data. Specifically, he calculated the demographic profiles used primarily in our graphics.

The findings were published in a three-day series that included a searchable database of the commutations on our Web site.

It was an amazing year for our newspaper that started with the phone call and ended with a congressman's resignation. The two events weren't directly connected, of course, but I believe that the hard work of the team of *Argus Leader* reporters and editors began a process of more open government in South Dakota.

Patrick Lalley is assistant managing editor of the Argus Leader in Sioux Falls, S.D. The newspaper's efforts on the clemency story were rewarded with this year's IRE FOI Award.

EMISSIONS GLITCH

Polluting cars OK'd for streets after improper testing procedures

BY JACK DOLAN
THE HARTFORD COURANT

In the first six months of Connecticut's new de-centralized auto emissions testing program, state officials and a private contractor announced that a pair of "glitches" in their software caused thousands of clean-running cars to fail.

As the contractor – and its string of privately owned test and repair garages – scrambled to reimburse drivers for unnecessary fixes in early March, fellow *Courant* reporter Lisa Chedekel and I requested a database with the results of all 400,000 tests done since the controversial program began in September 2003.

What we found brought emissions testing in Connecticut to a screeching halt.

Hundreds of polluting vehicles passed the new test under questionable – and possibly fraudulent – circumstances because a key exhaust gas was not properly measured.

Fail rates for first-time tests at the 279 test and repair stations varied widely, even when we controlled for potential differences between age and general upkeep of cars in different communities.

And Agbar Technologies, the private company hired to supply equipment and oversee the garages, was collecting reports on only a tiny percentage of emissions-related repairs. That made it impossible for the state Department of Motor Vehicles to carry out its duty to scrutinize the data to prevent shops from price gouging or performing unnecessary fixes.

The CD we got from the DMV contained a large flat file with the results of all emissions tests performed from late September of 2002 through March of 2003. Each record included the information that appears on the customer's printed report: date, time, readings for each of the three gases routinely measured and, of course, a code identifying which of the privately owned auto repair shops had performed the test.

That last detail was crucial since the chief criticism of de-centralized programs – used in 14 states including Massachusetts, Nevada and Rhode Island – is that they send drivers to be tested by the very people who stand to profit from repair work if the car fails.

Loophole to pass cars

Following a tip from an industry source, we first looked for a suspicious testing pattern that indicated garages were using an inappropriate, and possibly fraudulent, loophole to pass cars that failed their initial test.

Here's how it works: A car built before 1996, when most automakers began installing onboard diagnostic computers that measure emissions gases automatically, is tested while accelerating on a treadmill with a probe placed into the tailpipe to measure three ozone-causing elements in the exhaust.

If the car fails, garages often forego looking for inexpensive causes, and immediately install a new catalytic converter, which is easy to do and costs hundreds of dollars. But catalytic converters rarely need to be replaced because most are designed to last as long as the car. The "repair" is unlikely to fix the problem.

But if the car is re-tested at idle, there's an entirely different set of criteria, and one of the gasses, known as nitrogen oxides, isn't tested at all.

So it's possible to fail a car, do expensive repairs, and then pass the car without testing whether those repairs did any good.

We found one customer who admitted he knew his mechanic was simply using the idle re-test to "guarantee" a passing score. But that was only after a series of appropriate re-tests on the treadmill showed that a number of attempted repairs had failed to stem the flow of nitrogen oxides from his tailpipe.

The rest of the drivers we contacted whose cars had been inappropriately re-tested claimed they paid hundreds of dollars for repairs and drove away not knowing that their cars were probably still polluting, and were very likely to fail their next scheduled test.

When we shared our findings with state officials, they claimed they had discovered the problem themselves and had just changed the system's software to prevent garages from using the less rigorous method for re-tests. But they admitted that none of the 108 garages that committed the offense – including one

CONTINUED ON PAGE 34 ➢

Stories from the IRE RESOURCE CENTER

The Hartford Courant has focused on auto emission tests before. In 1985, the paper found tests lacking (Story No. 1039). There are other stories on motor vehicle emissions in the IRE Resource Center. Here is a selection of stories found at www.ire.org/resourcecenter:

- **Story No. 20795.** "Choke Points," by Steve Crane, *Prince George's Post* (Prince George's County, Md.). The story takes a look at Maryland's air pollution problems. The article confirms that most of the pollution comes from motor vehicle fuel emissions, particularly sports utility vehicles. (2003)
- **Story No. 21151.** "Toxic air: Lingering health menace," by James Bruggers, *The* (Louisville, Ky.) *Courier-Journal*. This ongoing series uncovered the extent of hazardous air pollution in Louisville: the health risks, the source of pollution and the failure of federal and local regulators to better address the problems. The newspaper's own independent analysis of air sampling data, published months before the EPA's own official assessment was released, showed pollutants in some areas at concentrations hundreds of times higher than established health thresholds. The series also includes a look at vehicle emissions testing in Louisville and Jefferson County. (2003)
- **Story No. 19677.** "Last Gasp," by Mark Grossi, Barbara Anderson and Russell Clemings, *The Fresno Bee*. This investigation reports that as Los Angeles air gets cleaner, the San Joaquin Valley's smog problem is worsening. Among other findings: Officials have failed to pay attention to the pollution in the area; polluting vehicles and diesel engines are common in the valley and agricultural businesses are exempted from air pollution permits. (2002)
- **Story No. 19315.** "How New Jersey's auto test program failed," by Eugene Kiely, *The Philadelphia Inquirer*. Records show managers downplayed or ignored warnings of problems with the state's new emissions project. Untrained inspectors, software woes, staffing problems and breakdowns hurt the test. (2002)
- **Story No. 20011.** "Trucks, darlings of drivers, are favored by the law, too," by Keith Bradsher, *The New York Times*. The story reports on the success of SUVs and light trucks. Auto dealers are happy to sell more; the consumers are happy to buy more. But what is the price of the deal? "If the Durango and most other sport utility vehicles, pickup trucks and mini-vans were classified as cars, they would violate federal standards for pollution and gasoline consumption aimed at protecting the environment and conserving energy." (1997)

Longtime editor and former IRE executive director John Ullmann is fond of saying that reporters are the only professionals who believe the first draft is the last draft.

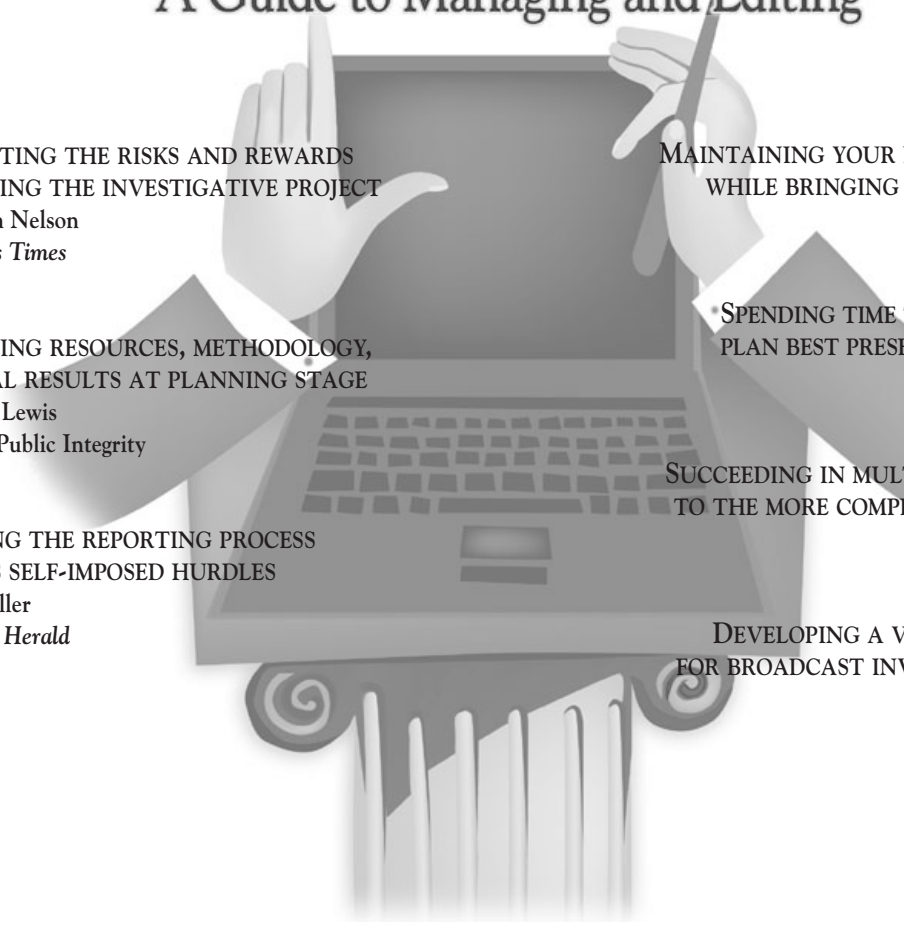
Every story needs an editor. Every investigative project needs guidance, cooperation and feedback.

While it's obvious that quality investigative work requires tenacious digging, complete research, adaptable interviewing skills, great writing and dozens of other reporter-oriented abilities, it is easy to overlook the skills required on the planning, editing and managing end of the spectrum. This is usually the domain of editors, news directors and producers.

From working through the concept with the reporter to polishing a project's writing and presentation, good editors coax and console, support and sell, run interference and raise expectations. They ask the hard questions while it's early enough to get them answered. They make "what if" a welcome phrase rather than an eye-roller.

The newsroom leaders offering their vision, techniques and practical experience in this edition of *The IRE Journal* have spent countless years honing their project skills. If you're a reporter, share them with your own supervisor. If you are the project leader, read these pieces and take some time to evaluate your own processes. There's probably something you can borrow for your next investigative effort.

Conducting THE INVESTIGATION: A Guide to Managing and Editing



CALCULATING THE RISKS AND REWARDS OF PURSUING THE INVESTIGATIVE PROJECT

By Deborah Nelson
Los Angeles Times

Launching an investigative project can be risky business.

You don't really know whether you're pulling anchor on the Santa Maria or sinking this year's budget in the Titanic.

You've got to be willing to take chances, if you're going to produce groundbreaking journalism. No doubt about that. But there's no reason they can't be calculated risks.

As a reporter and as an editor, I take a few easy steps at the start of projects to improve the odds of delivering at the end:

Plot it.

The greater a story's importance, the more time and resources I might be willing to invest in it. So I use a simple graph to plot the relationship between significance and difficulty. While this is usually a mental exercise, plotting the proposal on paper with the reporter might be useful too. The graphic on page 20 shows one version of the chart.

Projects that are important – yet easy to nail – fall into the upper left corner. Important but difficult to prove? Upper right. Easy but of minor import? Lower left. Tough work that's inconsequential to readers? "Just-say-no" territory.

The graph is a starting point for a discussion with the reporter. Deciding what makes a project proposal important will involve a fair amount of give and take. Does the problem waste thousands of tax dollars or millions? Does it affect a hundred people or a thousand?

Once the project is charted, you may decide to go ahead with an insignificant but easy story because it's an exceptionally good yarn. At the other extreme, you may want to do a vigorous reality check before embarking on an important project that is exceptionally difficult.

This sort of analysis also may help choose between competing proposals or to assess whether to add time and resources to an ongoing reporting effort.

Alan Miller brought two great project ideas to me a few years ago. They both looked challenging yet important enough to justify considerable time and effort. But he could not undertake two major projects at the same time. After he did some scouting on each of them, we concluded that the first proposal involved the threat of serious harm, while the second involved actual and ongoing harm. Actual harm scored higher on our "importance" scale. So ultimately we went with that one. We made a good decision. Miller and Kevin Sack produced a Pulitzer Prize-winning series on the deadly track record of the Marine Corps' Harrier jet.

Test it.

Make a list of the basic facts that must be proved before a story can be published. Identify which of these make-or-break facts is easiest to prove, and check it out first. If true, move on to the next fact. If false, move on to the next story idea.

We went through that drill recently when Ken Silverstein and Chuck Neubauer pursued a tip that the daughter of U.S. Rep. Curt Weldon (R-Pa.) had been hired to lobby for East Bloc businessmen receiving political favors from her father. Both reporters receive many more promising leads than they can ever tackle. So we are always looking for the most economical way to weed out the bad from the good.

In this case, we identified three baseline questions and some likely places to find easy answers:

1. Was Weldon's daughter a lobbyist? State corporation records, federal lobbyist registration records, federal foreign agent registration reports, clips.
2. Did she have East Bloc clients? Federal foreign agent registration reports.
3. Had Weldon done political favors for them? *Congressional Record*, press releases, clips, foreign-agent registration reports.

Neubauer and Silverstein decided to check the foreign-agent registration reports first. The law requires lobbyists, public relations consultants and others to provide the Justice Department with names of foreign clients and services provided to them. The reports are available without a Freedom of Information Act request. The office is just a short walk from our Washington bureau, and the reporters figured they might find answers to all three questions there.

"YOU'VE GOT TO BE WILLING TO TAKE CHANCES, IF YOU'RE GOING TO PRODUCE GROUNDBREAKING JOURNALISM. ... THERE'S NO REASON THEY CAN'T BE CALCULATED RISKS."

In fact, the reports confirmed all our baseline facts and provided intriguing leads that guaranteed this would be a successful project.

As a reporter in Seattle, I had a messy pile of tempting leads on my desk, when I received an anonymous tip that two local tribal officials had built a 5,300-square-foot house for themselves through a federal low-income Indian housing program. As with the other leads, I quickly mapped out the essentials:

1. Is there a big house?
2. Is it owned by the tribal officials?
3. Was it built through a federal low-income housing program?

Seemed to me the easiest first step was to see if a big house sat where the tipster said it did. So I drove to the reservation.

After passing tracts of tiny houses and old trailers, I found the luxury domicile – and one of the tribal officials. He admitted that he owned it with his wife, who ran the tribe's housing office.

He also told me their house was financed through a bank and not through a federal low-income housing program. Even so, I'd confirmed in less than three hours that two out of three of my essential elements were true. That gave the tip enough credibility to justify spending a little more time to determine if he was telling the truth about the financing.

A subsequent FOIA response showed that the tipster was right on all counts – and the house might be part of a national pattern of abuses in HUD's tribal housing program. The project grew from there into a nine-month investigation with two other reporters that produced a Pulitzer-winning series.

Launch it.

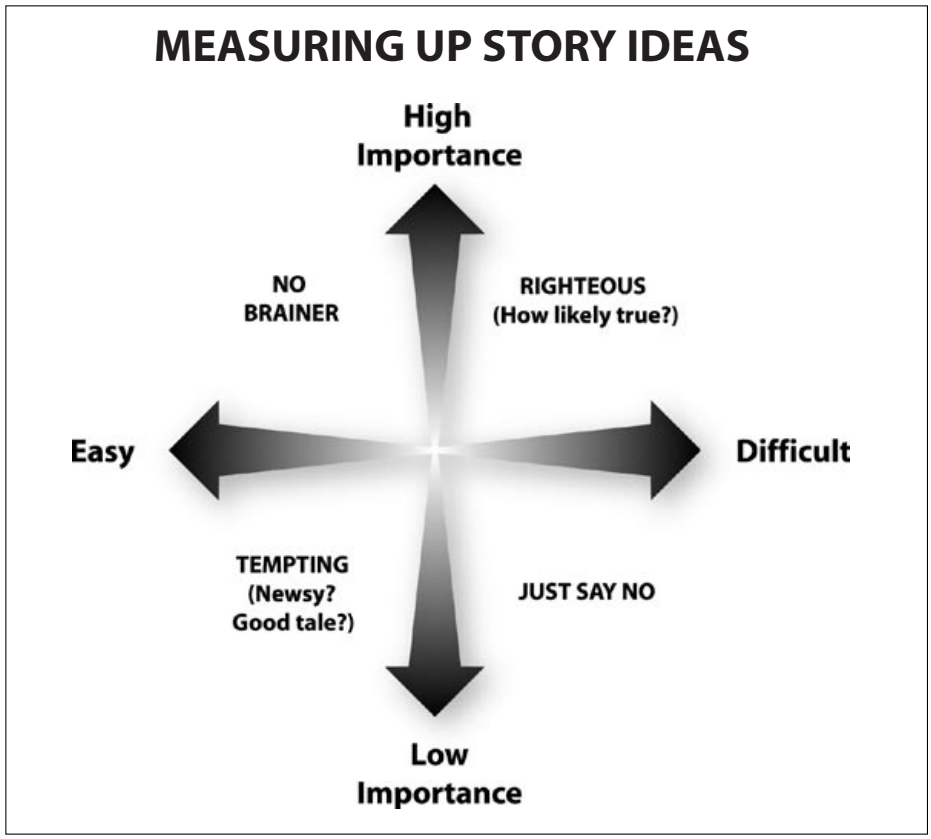
I used the word "grew" in the previous sentence for a reason. I've never liked the idea of launching yearlong investigations. I've done plenty of them as a reporter or editor. But in nearly every case, they started out as two-week scouting efforts that we extended to four-week exploratory ventures that turned up enough intriguing stuff to justify spending another couple months and adding a reporter….

I reassess projects every few weeks with reporters. Did they churn up enough promising new material to warrant another few weeks on the effort? Would the story substantially improve with more time? Do we need to add reporters and go full tilt – or is it time to stop and publish? Has reporting stalled? Maybe we need to give it a rest and pursue something else while waiting for a breakthrough.

If we decide to continue, we set short-term goals and deadlines.

You know to stop when:

1. You have critical mass.
2. The reporter has stopped making significant forward progress.
3. External events – news events, competition – require you to publish.



Soon after Neubauer arrived in Washington, we asked him to do a quick weekender on the growing number of Senate and House relatives registering as lobbyists.

Then he came across a nondescript land bill sponsored by Sen. Harry Reid (D-Nev.) that contained provisions benefiting clients of his sons and son-in-law. So we agreed Neubauer should spend a few more weeks looking for other examples of special interests hiring the kids of helpful lawmakers.

When he came back with more cases, we added time and reporters and more time. By the time we published the last story, the investigation had detailed official actions taken by seven senators and four House members that benefited a raft of their relatives' clients, including nine major American industries, several foreign corporations and a foreign government.

Deborah Nelson is the Washington investigative editor for the Los Angeles Times. She became an editor in 2001 after 25 years as an investigative reporter. Three of the projects she has worked on have won Pulitzers.

Renee Hannans Henry | The Atlanta Journal-Constitution

Deborah Nelson of the *Los Angeles Times* chats with IRE members at the 2005 conference in Atlanta.

EVALUATING RESOURCES, METHODOLOGY, POTENTIAL RESULTS AT PLANNING STAGE

By Charles Lewis
Center for Public Integrity

Lord Acton once said, "Life is a matter of application." The 19th century British historian's comment, of course, was not made in reference to investigative journalism and developing, managing and editing major reporting projects, but the timeless observation applies nonetheless.

Any reasonably good, published, enterprise research and reporting means that, by definition, sufficient time was given to talented, committed professionals and the final story or stories were written and presented fully and unflinchingly, as needed. Ultimately, quality begets quality; good people and working conditions usually result in good journalism. The most respected print, broadcast or online publications – regardless of size, audience, market or traffic – all have one key characteristic: a commitment to excellence in journalism and all that that requires. All Pulitzer Prize and IRE Award-winning investigative journalism has this as the bedrock newsroom principle at the onset of any project.

Simply stated, an editor must hire good people, and then give them the time, space and resources to do their jobs well – necessarily including such fundamentals as traveling in the field; calling long distance; utilizing reasonably up-to-date computer technology and the high-speed, astonishing access to data and other information that it offers; sufficient hours or even days, as needed, for exhaustive fact-checking and legal vetting, all of which costs money.

By space, I mean not only that reporters and editors must have the editorial independence and trust from the highest reaches of management to investigate the powerful, whomever they are, as needed, but when they are finished, they must be given ample column inches or airtime to explain their findings to the public.

The right project

While an overall commitment to excellence and quality investigative reporting are essential at the onset – which admittedly is so basic it sounds like a Forrest Gump banality – life still might not be a box of chocolates for reporters and editors. To succeed in committing high-impact, public service journalism, an editor, with his or her reporters, of course must choose the right project.

The wisest choices, resulting in significant, groundbreaking stories, have the following characteristics:

1) Their telling is timely and important to society.
2) They are, by definition, new, unique and original in approach, the methodology fair and compelling.
3) They obviously are feasible logistically and can be written within the confines of time, money, available information, existing staff expertise and other realities.

At the Center for Public Integrity in Washington, when we received source information that the Clinton White House was rewarding major Democratic Party donors with overnight stays in the Lincoln Bedroom and other upstairs rooms at the White House, it was immediately clear to us that this was potentially an important story. But we had absolutely no interest in anecdotal, gossipy material easily dismissed or "spun" by the White House press office – a publishable Center report thus would require hard documentation demonstrating a macro pattern.

Fortunately, we were able to obtain internal, private "usher records" of White House overnight guests for one entire year, and match those names against Federal Election Commission campaign and party contribution records. We contacted more than 75 men and women party donors who had stayed overnight in the Clinton White House before publishing their names in "Fat Cat Hotel," written by Margaret Ebrahim.

Similarly, in February 2003, when I received a telephone call and hours later, like manna from heaven, received a secret, 100-plus page draft of "The Domestic Security Enhancement Act of 2003" – better known as the Patriot II legislation, an apparent sequel to the controversial 2001 USA Patriot Act – we instantly recognized its potential significance.

The measure would audaciously increase the government's domestic intelligence-gathering, sur-

"ONE OF THE HARDEST DECISIONS AN EDITOR MUST MAKE IS TO KEEP THE HORSES IN THE BARN FOR ANOTHER DAY, WHEN CONDITIONS VASTLY INCREASE THE ODDS FOR SUCCESS."

EDITOR BOOT CAMPS

IRE offers occasional computer-assisted reporting boot camps for editors tailored to the needs of newsroom managers. The intensive three-day workshops benefit top editors or news directors, managing editors, AMEs, assignment editors, producers and other editors directing reporters.

These boot camps teach managers the things they need to know to make CAR successful in their newsrooms. They'll experience just enough hands-on work to understand what their reporters are tackling and what more is possible. They'll also hear from other editors who have been there before them and not only survived, but flourished.

As at all IRE training sessions, they'll leave with practical suggestions to put into use back home.

Check www.ire.org/training/bootcamps.html for more information on when the next editor boot camp is planned.

veillance and other law enforcement prerogatives, while simultaneously decreasing judicial review and public access to information. We quietly and quickly ascertained that the document was authentic and that no other news organization had reported on it. But more astonishing, we discovered that for at least half a year, Attorney General John Ashcroft and his top aides had refused to answer dozens of questions posed by members of Congress overseeing the implementation of the USA Patriot Act, and worse, had not even revealed that a sweeping expansion of the Patriot Act was being drafted.

We posted the full draft online, over the strenuous objections of the Justice Department, resulting in hundreds of news stories all over the world; the more than 300,000 "unique visits" and millions of "hits" in traffic very nearly crashed our Web site.

With both the Lincoln Bedroom and Patriot II Center reports, the Clinton and Bush White Houses were singularly unhelpful prior to publication and breathtakingly deceptive afterward in their damage-control dances. We stood our ground and were subsequently vindicated by later documents or public statements, but some news organizations apparently suffered spinal lapses, literally talked out of pursuing these subjects by the powers that be. Part of conceiving, managing and editing successful investigative reporting – by definition information that powerful folks don't want told – has got to be an imperturbable willingness to withstand the inevitable flak upon publication, which might even include frivolous libel litigation.

Both reports started with initial information received serendipitously over the transom. Most investigations in the Center's 15-year history of publishing more than 250 reports and 13 books are a much tougher slog, more systematic in approach, planned from the onset without any "inside" information.

The Center's trademark "follow the money" holistic approach to tracking political influence at the state and federal levels, integrating data sets from campaign contribution records to all-expense-paid trips sponsored by special interests, from lobbying disclosure to personal financial disclosure filings, to name just a few, generally guarantees a report with public interest and media resonance. Why? Because, bluntly stated, the public and most reporters don't have the time, resources or energy to collect millions of records periodically and analyze their meaning, so when someone does it credibly, it is a public service and simultaneously piques our collective curiosities.

Since we are the only organization in the country to systematically collect every available financial disclosure, all-expense-paid travel and lobbying record pertaining to state legislators in America, along with methodical state political party contribution and expenditures information plus outside, political, "527" organization data, directed by the Center's Leah Rush, it is likely that Center reports on these subjects will be compelling and useful,

Web site: www.publicintegrity.org/oil

which helps explain why they generate hundreds of news stories nationwide and have been honored numerous times by IRE, SPJ and others.

Independent laboratory

Original, computerized data from public records, as we all know, is almost a surefire way to break major news, at the local, state or federal level, and with each passing year, the level of innovation and sophistication seems to rise. Indeed, with more experience and ever-greater technological capacity, at the Center it has become increasingly important to us to take full advantage of "the possible." For example, in our award-winning, investigative 2003 report entitled "Well-Connected," spearheaded by John Dunbar, we presented the most comprehensive, searchable database available in the United States today on media ownership, in which a site user can type in his or her zip code, and discover who owns the broadcast media within 40 miles.

Part of the fun of operating an "independent laboratory" for investigative reporting, in which indefatigable Bill Allison is the Center's managing editor, is that we can experiment with methodological approaches. Our unprecedented, massive, three-year investigation of prosecutorial misconduct, "Harmful Error," led by Steve Weinberg, could have merely been a series of endless, horror story anecdotes about bad prosecutors nationwide. Instead, by utilizing Westlaw and Lexis-Nexis computer databases of state judicial opinions, we were able to amass all of the cases over more than three decades in America in which prosecutors or at least their offices had been singled out by judges for their inappropriate courtroom conduct. The exhaustive exercise, by a dozen researchers including many with formal legal training, enabled us to see the whole picture instead of random, isolated cases, giving instant, editorial authority to an already important, seriously ambitious project.

Inevitably, a news organization also will painfully recognize that it lacks the personnel, resources, time or proper methodology to conduct an investigation into an important subject. Despite producing approximately 50 investigative reports this year, including a 750,000-word "Global Integrity Report" utilizing 200 people in 25 countries, there are subjects we are anxious to explore but cannot.

One of the hardest decisions an editor must make is to keep the horses in the barn for another day, when conditions vastly increase the odds for success. For example, twice I have terminated huge investigative projects at the onset, with sufficient budget and talent in place, ready to go, because it became clear to me that our methodology and our assumptions going in were flawed, which of course, would doom the credibility and impact of our work. There are simply inexorable, trench-level realities that a good manager must acknowledge, and failure to do so almost guarantees disaster.

Indeed, ultimately an investigative editor's most deft and delicate task is constantly balancing what is possible with what people need to know. For, as Walter Lippmann once put it almost 40 years ago, "Responsible journalism is journalism responsible in the last analysis to the editor's own conviction of what, whether interesting or only important, is in the public interest."

Charles Lewis, a former producer for the CBS News program 60 Minutes, is the founder and executive director of the Center for Public Integrity in Washington, D.C.

Tipsheets from the RESOURCE CENTER

At the IRE Resource Center (www.ire.org/resourcecenter) you will find tipsheets written by editors and other leaders who have successfully managed investigations and investigative teams, no matter the size of the budget or the amount of resources available. Here is a sample:

No. 1715: "Editing nuts and bolts." Jon Menell provides 18 tips on how to edit your broadcast stories to achieve maximum impact on your audience. (2002)

No. 2049: "Editing CAR stories." Mark Nichols gives some ideas for how editors should handle an investigative story in its different stages: before the reporting, during the reporting, as the writing begins and during the writing/editing process. (2004)

No. 1556: "CAR checkup: 10 questions editors should ask on computer-assisted reporting." David Boardman and Richard Galant provide tips for the editor unfamiliar with managing an investigative CAR project. (2002)

No. 2087: "Editing the big project." John Erickson gives advice on how to work with your editor, how to make your work look "pretty" and how to nail the lead. (2004)

No. 1915: "Putting it All Together." Investigations don't just exist in the form of the printed word anymore. Duff Wilson, Barbara Vobejda and Douglas Pardue offer other ways to reinforce an investigation, such as photo ideas, graphics and interactive Web sites. (2003)

No. 2099: "CAR from start to finish: putting it all together." Rose Ciotta, George Papajohn and Shawn McIntosh list a number of points to keep in mind for the computer-assisted reporting editor, deputy projects editor and deputy managing editor that are working on a project. The editors talk about everything from checking and rechecking the data to outlining the story structure and notifying the marketing department so it can promote the piece. (2004)

No. 1667: "Birthing the project: Guide to healthy deliveries of investigative stories." David Boardman shows step by step how to get a project started, how to get it rolling and how to bring it together in print to the readers. (2002)

No. 1425: "It ain't about the money." Willy Stern gives a checklist for small-town editors who want to upgrade investigative reporting at their news organizations. (2001)

No. 1070: "Ten tips on doing investigations at newspapers with limited resources." Kathleen L'Ecluse describes ten strategies for doing investigations at newspapers with limited or disappearing resources, from "1. Pick your projects" to "10. Be patient and be diligent – it's worth it." (1999)

No. 2003: "CAR in small newsrooms." Jennie Coughlin gives some tips on how to implement CAR in smaller newsrooms, where manpower and, often, technology are not in abundance. From resources to actual journalistic applications, this tipsheet is a must-have for any newsroom trying to apply CAR on a smaller budget. (2004)

No. 1607: "Organizing the Newsroom." Mark Katches, Don Meyers and Gary Hill offer guidelines for organizing projects, the investigative reporting team and the broadcast investigative unit. The tipsheet includes a proposed model of team structure for investigative reporting. (2002)

No. 1647: "Broadcasters working together: Anatomy of a dual investigation." Dave Savini and Scott Zamost suggest what to do when doing teamwork investigations to avoid conflict. Also, a list of Internet investigative tips. (2002)

No. 1150: "Tips on team dynamics." David Boardman lists seven ways of building a solid investigative team, from establishing clear ground rules to defining roles and responsibilities. (2000)

No. 1731: "Managing and juggling: working with editors to get time for enterprise." Alison Young suggests ways beat reporters can work with their editors to make time to do investigative and enterprise stories. (2002)

No. 997: "Investigations at small papers – tips for editors." David Stoeffler provides a list of tips for editors working with small news organizations and several investigative stories by the *Lincoln* (Nebraska) *Journal Star.* (1999)

David M. Barreda | The Miami Herald

Miami Herald managing editor Judy Miller listens to story ideas at a meeting on election voting issues.

MANAGING THE REPORTING PROCESS INCLUDES SELF-IMPOSED HURDLES

By Judy Miller
The Miami Herald

We all know that one of the hardest parts of a project comes in the middle. That's when the excitement about the project's approval is over and the nervous paranoia that propels us as journalists settles in.

With the euphoria of the launch behind us, the nagging questions settle in. "How am I am ever going to do this? Why did I even think I could do this? Indeed, why did I ever get into journalism in the first place?"

The good news is there is a remedy for these "What's It All About, Alfie?" moments. It requires having a game plan, however, and some rules of the road discussed up front.

The goals: To keep everyone focused and sane; to waste as little time as possible; and to ensure that at the end of the project people are not saying "I wish we had done 'x' or 'y' or maybe even 'z' earlier in the game."

In pursuit of those goals, here are some tips for managing in the middle:

The green light meeting

Establish the green light meeting as part of your protocol. This is a meeting where the project's proponents pitch their idea, preferably in a brief memo. This forces everyone to focus on the nut of the story and the potential promise of the story – in effect, to make a preliminary case that the paper should devote time and resources to it. During the meeting, the reporter or reporters talk about these things:

- What tips or anecdotal evidence exist at this point to support the story premise?
- What evidence exists that could undercut the story premise?
- What key sources could we rely on to help us flush out or get the story?
- What is fresh or new about this project if we decide to pursue it?

Everyone should talk at this meeting about the possibility the story might not turn out and establish that this is OK. This is a good time to remember that there very well could be a fallback story, meaning if you don't get story A, there's usually a story B. For example, if we can't prove police are shooting people in the back, is there proof they fire an inordinate number of bullets and cause an inordinate amount of injury compared to other agencies?

This thinking process takes the dialogue beyond excitement about a tip and into the tangible realm of how to turn it into a story with a larger focus, with early yet still specific reporting steps in mind. It also taps into the thinking of top editors and brings them on board, taking away the worry about institutional support.

The two- to three-week forage

This is a time-specific period with a deadline during which the reporter or reporters vet their tip or idea. The goal is to get to a higher level of comfort that the story is there. Remember, this should be a process, not totally by feel. And there should be accountability. If within three weeks you don't have anything to propel you forward, maybe it's time to think hard about whether you really have a project or a tip for a beat reporter or a Sunday story. Not everything is a project, and that's OK.

The forage period should rely heavily on gut-checking your story premise with someone you can trust, at least somewhat. These include natural enemies of your target, natural allies of your premise, independent people with knowledge of the topic and even people who are politically predisposed to benefit from your story. Examples would include an attorney ad litem if you're investigating a state child care agency, a Democratic opposition researcher if your target is a Republican, a black judge if you're looking at racial bias in the justice system, a congressional committee investigator if you're looking at NASA following a shuttle explosion.

This is also the time to scoop up agency reports, inspector general reports, audits, advocacy group reports and so on that would support or disprove your case.

The idea behind the forage period is this: If someone who is predisposed to believe in your story premise says it isn't there, it might be time to rethink things. If on the other hand, they believe you are on

"... TYPICALLY SOMETHING IS MISSING BUT GETTABLE THAT MAKES A DIFFERENCE BETWEEN BEING ABLE TO PIN THE TAIL ON THE DONKEY AND MERELY SCOTCH TAPING IT THERE."

to something and want the story to be told, they are likely to guide you to new sources, to documents and maybe to an even better story.

The building blocks meeting

This is probably the most important meeting of the project, where you identify the critical building blocks of your story – the reporting that will lay the foundation for your entire project and ensure it is authoritative, thorough and bulletproof.

The key questions at this meeting are:

- What are the four or five things I must prove to make this story stand?
- What needs to be done to prove those points?
- What public records battle must we wage?
- What computer-assisted reporting work is involved?
- Who's the best person to do each piece?
- Who are we going to tell the story through, where are they and how do we get to them?
- Is this a statewide, national or local story?

As an example, we recently did a story showing that a 60-year-old law intended to erase the convictions of first-time offenders who may have made a once-in-a-lifetime mistake had morphed into such a huge plea-bargaining tool that more than half of first-time offenders in Florida get their first felony conviction wiped out. The first felony is on the house, so to speak. [See "Plea Deals," *The IRE Journal*, July-August.]

So what must we show? That usage is going up; that people are getting it who shouldn't; that people who should get it aren't (blacks charged with the same crime as whites and with a similar prior record); that the practice is endangering the public, that victims are being cheated.

By identifying the building blocks, it's easy to anticipate the CAR work and the public records battles. It's also easier to divide up the work among reporters in a logical way that plays to everyone's strengths.

The midpoint check in

If you've wisely executed these first three steps, you send everyone on his and her way until a midpoint check in. This might be a good time to ask for a memo. What do we have, what don't we have, what are the holes? What are the reporting obstacles and how do we get around them? The memo keeps everyone focused and can serve as a great reference later in the project when it's time to write.

The 'uh oh' meeting

When you are very close to the end, maybe three-quarters of the way to the finish line, one technique is to ask reporters to bang out tentative budget lines. This helps you align the story you want to put in the paper or on the air with what you really have.

This is where you start deciding whether you can say somebody did something or may have done something or whether something fell apart or is about to fall apart or whether people may have been unfairly executed or were unfairly executed.

I call it the "uh oh" meeting because typically something is missing but gettable that makes a difference between being able to pin the tail on the donkey and merely Scotch taping it there.

After this meeting, you adjust and, you hope, the rest is in the storytelling.

Judy Miller is managing editor/news of The Miami Herald. As assistant managing editor/metro and investigations editor, she directed Pulitzer Prize-winning work. She is past president of IRE's board of directors.

Managing CAR projects

Editor Mark J. Rochester offers these tips for managing computer-assisted reporting projects.

1) **Numbers are not stories**, or investigations. Don't allow staffers to seduce you with promises of a great investigative piece based solely on some nifty database they've obtained or can create. Ask plenty of hard questions when a CAR project is proposed. What is this data going to reveal about the issue? How can we use it to make the reader understand the situation we want to illustrate? What is there to investigate beyond the numbers?

2) **Make sure staffers have done some reporting** before you begin a database project. Reporters should learn as much as they can about the issue, including a conversation with the official record keeper of the agency or organization, so you're not just blindly requesting any records it might have. They also need to determine how records are kept, whether they are on paper or computer, what software format computer records are kept on, what information is contained in each individual record, whether there is any special coding of the records and whether the records will accurately reflect situations the newspaper is trying to analyze.

3) **Get involved early** in discussions with reporters and the database or CAR editor about the data and how they intend to use it. Make sure they've requested all appropriate records from an agency and inquire about whether they will need comparable data from other agencies or for a particular span of time. Make sure the methodology is sound.

4) **Treat data like you would any "source"** a reporter quotes in a story. Be skeptical. Look for inconsistencies. Just because a record exists in your database doesn't mean it actually happened. Make sure reporters or the database editor develop a test to check the accuracy of the data. Review the results with reporting staff to see if it makes sense based on your combined experience. If you "fact-check" stories when doing projects – such as line-by-line editing – be just as diligent with the data.

5) **Try and do the work in-house** when building a database**,** if you can, preferably with the reporting staff. Doing the data entry themselves gives reporters familiarity with the information they will need during the reporting and writing stages and makes it easier to spot trends or meaningful elements in the data. It also provides consistency in the way data is entered should there be a need to interpret how a record should be entered in the database. No matter how the data is entered, check and double-check the work.

6) **Data is addictive.** Know when to stop. Just like you make decisions about when the reporting on a project has reached "critical mass" and you have enough material to publish a story, establish a threshold for the data analysis.

7) **Be careful downloading information** from the Internet. It's not always the "freshest," most accurate information an organization has. Sometimes it's just plain wrong. Get the raw data whenever possible.

8) **Show the methodology** and results to the targets of your investigation when you are confident in the analysis – usually at the same time reporters start their target interviews. Invite them to the newsroom and give them the opportunity to pick apart your work and make suggestions on how the analysis can be improved, or why the analysis doesn't tell the whole story.

9) **Share the wealth.** Make the data available to your entire newsroom. A good database has a lot to offer long after the project is over. Crime, health care, property tax and campaign finance databases are particularly good for sharing throughout the newsroom and online for readers.

– Mark J. Rochester,
Assistant Managing Editor/Sunday
The Denver Post

Check out Uplink

See the September-October edition of *Uplink* for more detailed guidance on managing and editing the computer-assisted project.

MAINTAINING YOUR REPORTERS' SANITY WHILE BRINGING THE PROJECT HOME

By George Papajohn
Chicago Tribune

An editor who enters the second stage of a project – the portion after initial reporting is done and the idea has a green light – should be doing more than sharpening his or her pencil, getting ready for that final edit.

This, after all, is the stage where (and this is a happy thought) a multitude of things can fall apart. Those things can include your concept, your freedom of information requests and your reporting. Those things also can include your people.

So, in addition to staying on top of the progress of the reporting, asking for new rounds of memos and first drafts, a projects editor needs to keep track of his or her people, chart their psychological well-being and see how they're holding up under the pressure.

And that means playing a role few of us were trained to do: Be a manager.

We all view this role differently. Maybe you see yourself as a coach or teacher, offering insight and encouragement. Maybe you're more of a parental figure, or the wise aunt or the big brother.

Perhaps you see yourself as a military general or a Mafia don, providing strength and motivating with fear. Sometimes these jobs can feel like a three-ring circus, and you're the ringmaster. Or if things are going well, it's the Love Boat and you're just there to order the drinks and arrange the menu.

But whether you dish out wisdom or threats, whether you're laid back or in your face, whether you've gone through the project process a few times or a hundred, you will constantly be surprised by how your reporters hold up and fall apart, how relationships come together and wither and how a huge part of your job is simply keeping people sane.

With that in mind, here are few tips on dealing with your reporters during a project. There may be no way to make them deliriously happy (after all, this is a newsroom) but some preventive measures just might preclude calls to a 24-hour psychiatric hotline or the homicide division.

Editing, odd as this might sound, can be a giving thing. Here's what you can do:

Give them group therapy.

This is another way of saying, try to build a good team and set the tone from the start. If you begin with compatible personalities and a plan for working together, you'll be better off in the long run. In the best of all worlds, your team will be engaging in actual teamwork, not separate, individual endeavors. One of our best partnerships in recent years involved the paper's jazz critic and a venerable and respected investigative reporter known for his love of dusty paper records. Very quickly, the critic was thrilling to discoveries in documents, and the lifelong sleuth was swinging to jazz CDs on his car stereo.

Give them structure.

Working on a project can be a lonely process, with no end in sight. But regular meetings, deadlines for memos and drafts, planning sessions with graphics and photo help everybody stay on track and see the progress that is being made. It helps to know there are markers along the way, and an end in sight.

Give them your time.

Simple, right? But time can be hard to come by in a modern newsroom marked by meetings and multiple management responsibilities. So it's not enough to have hour-long meetings and an open door. Wander the newsroom, making sure you have five- and 10-minute conversations every day, not just hour-long meetings once every two weeks. If you're talking to reporters in less formal settings, you're more likely to learn about what else is going on in their lives. You'll find out about the distractions a home life can bring – whether it's a sick parent, a new baby or a troubled child. If a project is progressing slower than expected, it could be because the reporting is off track, but it also could be because a reporter is preoccupied by other things. You need to know this, and adjust your expectations – from deadlines to time off – accordingly.

Give them access.

Not just to you and the graphics department, but higher up the chain. Let the reporters occasionally attend your meetings with higher-ranking editors. If possible, let them know they can talk to the company lawyer about FOI requests and other legal concerns. Often, at the *Tribune*, it's a huge surprise for a reporter working on a project to find out he or she can call our lawyer directly. (Hey, I don't have to ask permission!) Losing a layer of bureaucracy helps everyone. Similarly, hearing reactions directly from a managing editor or editor saves you from the role of newsroom interpreter and gives the reporters a forum to ask questions of their own.

Give them a break.

Don't just reward your people at the end of the project with a nice dinner or lunch. Take them out during the long weeks in between, for updates or just a chance to eat somewhere other than their desks. Make sure they're taking days off, seeing their families. Score some tickets to the ballgame and take your team. It also can be a good idea to give your regular projects people a break in their routine, to keep them fresh and journalistically agile. Do you have someone who generally is a solo artist? Team him or her up for the next story. Do you have people coming off of 10- or 11- or 12-month projects? Give them short-term assignments to get them into the paper again quickly. A groove can too easily become a rut, so mix things up.

"WANDER THE NEWSROOM, MAKING SURE YOU HAVE FIVE- AND 10-MINUTE CONVERSATIONS EVERY DAY, NOT JUST HOUR-LONG MEETINGS ONCE EVERY TWO WEEKS."

Give them hope.

Every project has its valleys. Still it's hard not to show your own disappointment when things go badly. That's a natural reaction, but immediately set out to rebuild confidence and let people know that you still believe in them and what they're doing. If the reporting has uncovered this unpleasant truth, that your project is not really a project, then try to figure out if there's another option – a shorter Sunday story, perhaps. I recall, as a reporter, being told a "series" we were preparing about gambling was not, after all, going to be a series. But the editors did decide we should proceed with several of the ideas and write them as enterprise stories and even a think piece. A bad result turned into a pretty good one. The reporters were happy to have bylines on prominent pieces. The newspaper got to tap into our newfound expertise. And in retrospect, the editors may have made – OK, did make – the right decision.

Give them the truth.

Don't make up deadlines that have no meaning. Don't sugarcoat it if you think the project is in trouble or you've decided to tinker with the idea or change the team. Deliver bad news compassionately but directly. Include the team in planning how to move on.

Chicago Tribune

Deputy projects editor George Papajohn, center, edits the first installment of the *Chicago Tribune* series "Struggle for the Soul of Islam." From left are reporters Sam Roe, Laurie Cohen, Kim Barker and Noreen Ahmed-Ullah.

Personal dynamics and personalities are difficult to predict, maybe even impossible. Good partnerships, like good rock groups, can go sour with time. Trouble can lurk in unexpected corners.

So a final bit of advice: Enjoy the good times. Reward your reporters for good work. And, because you're the one person who isn't allowed to fall apart, reward yourself. Take yourself out to the ballgame.

George Papajohn is the deputy projects editor at the Chicago Tribune. He formerly served as deputy metro editor and has written about urban issues. He is co-author of Murder of Innocence.

SPENDING TIME TO CRAFT WRITING, PLAN BEST PRESENTATION OF STORY

By David Boardman
The Seattle Times

Jess up.

When was the last time you read all the way through one of those massive investigative series editors and publishers send around like they were the latest snapshots of their adorable grandchildren?

When was the last time you completely read one in your own newspaper?

It's the dirty little secret of the investigative-reporting business, but understood just as commonly as the fact that most people's grandkids aren't really all that adorable.

More often than not, these projects are dreadful. They're dense. They're dull.

As anyone who has judged an investigative journalism contest can tell you – once he stops yawning – we have a problem.

A writing problem.

You can lead a reader to scandal and corruption, but unless those findings are presented in a cogent and compelling fashion, you simply cannot make her drink.

What's an editor to do?

Just as my colleagues have advocated in the accompanying pieces for editors to be full and active partners in the conception and progress of an investigation, so should editors be full partners in the writing process.

From choosing the frame of the story, to mapping its structure, to polishing the all-important lead, an editor is essential. With that in mind, consider these tips and guidelines:

Have them write as they report.

Two months reporting, two days writing? Such imbalance is all too common. The writing process is just that – a process – and deserves time and attention from the start.

While your reporters won't – and shouldn't – start writing the actual story before they're deep into the reporting, they can begin building its frame early on.

The same tools that help organize and guide the reporting process can serve to shape the story. Weekly story memos not only help keep a reporter on track, they can serve as the frame on which the final presentation is built. Chronologies, which help identify gaps in reporting, can be a map to a compelling narrative. And subject dossiers – the scorched-earth notes on the target of an investigation – can lead to a compelling character profile.

Along the way, both reporter and editor should prospect for those nuggets that will grab readers by the neck and hold them. Case in point: This lead by *Seattle Times* reporter Alex Tizon, crafted from a chronology and dossier put together by the *Times*' investigative team:

The smile was absent that day. The million-dollar smile he flashed whenever it served him, the gleam of winsome pearl that charmed women and men from Baton Rouge to Bellingham.

On that day 14 months ago, inside a small courtroom in Tacoma, John Allen Muhammad could barely gather his thoughts. He was dumbfounded. He was losing his children.

"Your honor, could I say something?" Muhammad said, his voice unexpectedly soft but unhesitating.

"Just a moment, sir," said Judge Mark Gelman. He explained that the sole reason for the hearing was to enforce a court order giving full custody of Muhammad's three children to their mother, Mildred.

"Your honor," a flustered Muhammad interjected, "can you please tell me what's going on?"

The judge explained further.

Muhammad responded: "Are you telling me the reason I won't be able to keep my children is because I don't have the proper paperwork?"

Before the hearing was over, he asked the judge two more times: "So I can't see my children?"

In the odyssey of the man accused as one of the two Beltway Snipers – his apparent descent into a calculating kind of madness – this 18-minute hearing, tape-recorded on Sept. 4, 2001, in Room 260 of the Pierce County Courthouse, may have been the tipping point.

Let content dictate form.

Too often, the form of an investigative project is cast from the onset. And too often, it is the traditional five- or six-part tome.

Innovative and engaging when it was invented at Gene Roberts' *Philadelphia Inquirer*, it is tired and overused three decades later.

Not to say there isn't a time and place for the traditional series. But don't settle on a format until you know your story. Let the content of the investigation be your guide. Cases in point:

When, in 1992, *The Seattle Times* prepared to expose sexual misconduct by U.S. Sen. Brock Adams – a story that promised to be, and was, explosive – we knew we had better fire away in a single, memorable, bazooka blast. Although we had enough material to sustain a weeklong series, we pared it down and published it in four full pages on a Sunday morning. We knew readers would not pass over a single word.

At the other extreme, 10 years later, we published "The Terrorist Within," the post-9/11 account of the life and motivations of Algerian terrorist Ahmed Ressam. Ressam had been arrested at the U.S.-Canadian border at the millenium and had been convicted of plotting to set off a bomb at the Los Angeles International Airport.

The power of that story was in its texture, drama and detail, so we told it as a serial narrative, in 400-word chapters published daily over two full weeks.

We still use the weeklong series form when it's appropriate, but even there we work to let content dictate form. For example, last year in a series we called "Coaches Who Prey," we produced five daily installments, each focusing on a distinct element of a system that allowed hundreds of sports coaches in Washington state to sexually abuse schoolgirls.

Grab 'em early.

Whether a story or project has 2,000 or 20,000 words, none are so important as the first ones. The opening must preview what's ahead in a manner that

"YOU CAN LEAD A READER TO SCANDAL AND CORRUPTION, BUT UNLESS THOSE FINDINGS ARE PRESENTED IN A COGENT AND COMPELLING FASHION, YOU SIMPLY CANNOT MAKE HER DRINK.

is both clear and promising.

Again, the nature of the findings should dictate the form of the lead. Sometimes, as in the case of "Coaches Who Prey," by Maureen O'Hagan and Christine Willmsen, a telling anecdote is appropriate:

When a friend told coach Stu Gorski in 1995 that Mount Adams School District had hired "a phenomenal wrestling coach," Gorski froze.

"Tell me you didn't hire Randy Deming," he pleaded.

The district had.

Gorski, a football and golf coach in Whatcom County, knew Deming for years as a rival coach at nearby Blaine High School. Gorski also knew of Deming's reputation as a groper of girls who had even been charged with sexual molestation.

When Gorski learned Deming would also be teaching girls, he warned: "You're putting him back into the fire."

But the Mount Adams district, in Yakima County, seemed less interested in court records and more in Deming's wrestling record. As one of the most successful coaches in the state, he had a resume that seemed to shield him from two decades of sexual-misconduct complaints.

In other cases, the lead should be more direct and sweeping. Consider this, the opening of a *Seattle Times* series by Eric Nalder and Elouise Schumacher, on problems in America's nuclear-weapons plants:

The cornerstone of America's nuclear-arms program is crumbling. The plants where weapons are produced, a vast complex stretching from South Carolina to Eastern Washington, are as antiquated as the B-29 that dropped the first atomic bomb on Hiroshima 41 years ago. And, under the strain of the arms race, they are wearing out fast – leaving workers and the public in peril of exposure to some of the deadliest materials known to man.

And sometimes, especially if the topic is complex, a combination lead is best: a short overview, previewing the series, paired on the front page with a compelling anecdotal installment.

Write with authority.

Any investigation worth its weight in newsprint should have a voice of authority, a courage of conviction borne by thorough reporting.

If you know it, say it. And if you don't know something – if there are aspects of an issue that are more gray than black and white – say that, as well. Be sure to provide essential guidance to the sources of information, but don't weigh a story down with repeated and unnecessary attribution.

When Ken Armstrong and Steve Mills of the *Chicago Tribune* uncovered shocking problems with the administration of the death penalty in Illinois, they said so with inspiring confidence:

Capital punishment in Illinois is a system so riddled with faulty evidence, unscrupulous trial tactics and legal incompetence that justice has been forsaken, a Tribune investigation has found.

Answer: Why should I care?

Often, by their very nature, investigative stories focus on topics and people outside the mainstream. The further removed the subject is from readers' lives, the more compelling it is to tell them why they should bother reading. Is it purse strings? Is it heartstrings?

In a 1996 *Seattle Times* investigation of fraud in the federal tribal housing program, Deborah Nelson, Eric Nalder and Alex Tizon played upon both:

If you saw how more than 100,000 Native Americans are living, you'd probably want to help them.

Children, parents and grandparents are sleeping in dilapidated cars, teetering trailers and rotting, one-room shacks. Many have no electricity, no toilets, no running water.

You probably wouldn't mind that your taxes are going to a federal program aimed at helping those people get into decent homes, especially because it's designed to help them help themselves.

You wouldn't mind – until you learned how millions of those dollars have been spent.

In Snohomish County, the money went to build a spacious manor for a couple making $92,000 a year.

In Oregon, it bankrolled business ventures by a millionaire former professional-football player.

In Connecticut, it built houses for members of a wealthy tribe that operates one of the largest casinos in North America.

Across the nation – in tribe after tribe, state after state – the Indian-housing program is riddled with fraud, abuse and mismanagement.

Provide a protagonist.

Nothing carries a reader through an investigation like a compelling character. That character can be the victim of wrongdoing, of course, but don't make that choice immediately without exploring the possibility of using someone with a vantage that is wider and perhaps more clear.

When Duff Wilson discovered that highly toxic industrial wastes were being used as agricultural fertilizers, we agreed that his original tipster – a small-town mayor who was not herself a farmer but who took up the cause of her constituents – would be a fine focus:

When you're the mayor of a town the size of Quincy, Wash., you hear just about everything.

So it was only natural that Patty Martin would catch some farmers in her Central Washington hamlet wondering aloud why their wheat yields were lousy, their corn crops thin, their cows sickly.

Some blamed the weather. Some blamed themselves. But only after Mayor Martin led them in weeks of investigation did they identify a possible new culprit: fertilizer.

Make it sing.

Too many investigative stories and projects are bloated with jargon, unnecessary numbers and pompous, melodramatic self-importance. Nobody really cares that it took you a year to finish the story!

Renee Hannans Henry | The Atlanta Journal-Constitution

David Boardman of *The Seattle Times* explains one of the many projects his newspaper has developed.

Engage readers with the tools of good literature: Character development. Plot. Narrative tension. Denouement.

And revise, revise, revise. When you think you're done, you're probably not. Give the story another once over lightly for pace, clarity and word choice.

Consider this, one of the most riveting passages ever to begin a newspaper story, by Kate Boo of *The Washington Post*:

The corpse measured 66 inches from blue toes to jutting ears. In a beige house on Tenley Circle, a dentist-entrepreneur lugged this cargo down the stairs into the basement and laid it to rest by the washer.

The body in plaid pajamas was that of a 57-year-old ward of the District of Columbia. On the streets outside the city-funded group home where he lived and died, kids sometimes called him Retard-O. Inside, he sweetened the hours by printing the name his mother gave him before she gave him up: Frederick Emory Brandenberg. He blanketed old telephone directories with that name, covered the TV Guides the home's staffers tossed aside. He glutted the flyleaves of his large-print Living Bible. The immensity of the effort made his hands shake, but the habit seemed as requisite as breath. In this way, Brandenberg, whose thick-tongued words were mysteries to many, impressed the fact of his existence on his world.

In January 1997, that existence was obliterated by his caretakers.

When we get it right – when the writing does justice to superb investigative reporting – the combination is stunning and powerful. The stories get read. They win prizes. And most importantly, as with Kate Boo's piece, they get results, changing laws and saving lives.

David Boardman is the managing editor of The Seattle Times. He has directed two Pulitzer Prize-winning team projects and edited six other stories that were Pulitzer finalists. He is president of IRE's board of directors.

SUCCEEDING IN MULTIMEDIA APPROACH TO THE MORE COMPLEX INVESTIGATION

By Walt Bogdanich
The New York Times

For investigative reporters, the subject had obvious appeal: Two secretive companies determined which lifesaving drugs and medical devices thousands of the nation's hospitals bought and at what price. By acting as middlemen between hospitals and suppliers, these companies negotiated billions of dollars in contracts, while using their unregulated power to enrich themselves through conflicts of interest. Hospitals they were set up to serve frequently paid more for inferior, even unsafe, supplies and equipment.

Two years ago, *The New York Times* tackled these stories in print, but not on television – even though editors encouraged multimedia investigations. As much as I wanted to involve our television unit, I quickly rejected the idea. Colleagues would ask me what I was working on and I'd tell them, "Well, there are these two group-purchasing organizations and …" Ten minutes later I knew the futility of trying to make "supply-chain management" sound sexy and simple.

Could a story like this have been done on television? Of course. Would it have been worth the effort? Probably not. Even if we had the most sympathetic victims and courageous whistleblowers, viewers clutching their remote controls would still have had to endure a primer on the convoluted world of hospital purchasing. And nothing could change the fact that this investigation was more an exercise in forensic accounting than in capturing dramatic confessions from wrongdoers or the anguish of victims.

Even so, the newspaper allowed Mary Williams Walsh, Barry Meier and me to spend months investigating the failings of hospital group-purchasing organizations. The findings we reported prompted six government investigations and reform inside the $40 billion hospital supply industry. But the kind of systemic failings we were able to document in print would hardly have been as convincing on television.

Angel Franco | The New York Times

Walt Bogdanich, assistant investigations editor at *The New York Times*, consults with researcher Claire Hoffman on a story.

Fastball, no windup

In 1992, when I first began producing investigative stories for the networks, I learned some pretty harsh lessons about succeeding there. My first day on the job an anchor eagerly cornered me, wanting to know what investigative stories I intended to pursue. As I began to explain a developing health care project, I could see his anguish. "Can you just give me the headlines?" he asked. "Just tick them off." He wanted just the fast ball and no windup, just like his viewers, he explained. After I ran through my list, I mentioned almost as a joke that I had been noticing a lot of people were waking up in body bags after they had been pronounced dead. "That's the one," he said. After I found a serious medical study that documented how this can happen, I produced the story. It got some of the highest ratings of the year.

I was told stories should be simple because television was most effective in a world of black and white, good and bad, pretty and not so pretty. Someone could not be portrayed as good in one part of the script and bad in another because that might confuse the viewers. Emotion counted more than context. And for investigative reporters, that meant focusing on the bad apple, not the barrel.

So, having learned those lessons, I spent the next 10 years in television trying to disprove them. I continue to believe that quality investigations are not incompatible with good television. A producer could, as Don Hewitt says, tell a good story and still put that story in a larger, more meaningful context. Sometimes I pulled it off. Other times I came up short, but I always tried.

TV brings benefits

For me, one of the great things about working at *The Times* is its commitment to telling the full story. At the same time, the new demands that its television venture places on us have a salutary effect by encouraging us to think visually. And, of course, TV gives us a new outlet to tell our stories to a broader audience.

When I heard reporter Melody Petersen was researching a story about how advertising agencies were buying companies that research and test new drugs, I arranged for New York Times Television to produce a companion piece for PBS. The story worked well on television because Petersen, who has since left the paper, persuaded a top advertising executive to talk candidly on camera about why, in essence, selling chicken was no different than developing and selling drugs. If anyone still wonders why we see so many commercials for male impotence, Petersen's story provides one of the answers.

One story I wish *The Times* had done for television involved the abuse of the pain pill OxyContin. When I first heard about the drug in early 2001, I asked reporters Meier and Petersen to look into it. They wrote the first significant stories about how this drug was devastating some rural communities. Unfortunately, the story unfolded too quickly to arrange for a companion television piece. Too bad. It had all the elements I was missing in the hospital buying-group stories: plenty of drama, victims and an easy story line to follow.

If there was ever proof of how well television can work together with print on a complex investigation it was a series last year that Lowell Bergman and David Barstow put together on working conditions at a Texas company. [See IRE Stories 20850 and 20955.] In that project, print and television worked side by side almost from the beginning. Coordinating such a massive undertaking was daunting, but they pulled it off. It is a model for the rest of us.

Walt Bogdanich is an assistant investigations editor at The New York Times. He previously produced prize-winning investigative reports for 60 Minutes and ABC News. As a reporter for The Wall Street Journal, he won a Pulitzer Prize in 1988.

DEVELOPING A VISUAL STORY SENSE FOR BROADCAST INVESTIGATIVE PIECES

By Sylvia Teague
KNXV-Phoenix

When you think of an investigative story, what visual images come to mind? Stacks of government documents? Computer screens filled with data? Interviews with officials sitting behind desks? For too long these have been the staples used to illustrate investigative stories.

But fortunately more investigative stories are starting to reflect increased attention to visuals.

There's more of an appreciation for the power of visuals to help tell investigative stories effectively and an acknowledgement that visuals help attract viewers to watch or read these stories.

We've all faced stories that were visual challenges. In television vernacular you might even say they are "newspaper stories." My most visually challenging story may have been an investigation into Los Angeles police officers involved in domestic abuse, but escaping punishment for their actions. We had documents laying out the situation, but no one would speak to us. We decided to produce the story through a series of in-studio reporter standups in front of monitors. But ultimately that wasn't effective and the story lost its impact. Fortunately, that's an unusual and extreme case.

Think visually early on

So how do you foster a visual culture within your investigative unit? How do you get investigative reporters and producers who may be more interested in paging through documents or processing databases to think visually?

Start by hiring bright, creative people who think in terms of pictures and graphics and people who are risk takers. Recently I was conducting a search for an investigative photographer. The advice from one of our reporters was, "Find someone who can create video from nothing." When I asked one of the prospective photographers what he would do if a story has no video, he replied, "If it's a story, it has pictures. If there's no story, there's no video." I hired him.

Hire people with nontraditional backgrounds. We have an editor who, before joining our station, edited television commercials. That means he has a fresh approach to our stories that we might not get from an editor steeped in traditional news editing. It's much easier to hire someone who is skilled at thinking "out of the box" than trying to make someone creative who isn't so inclined.

Encourage a sense of teamwork in creating a story's visual look. Before shooting begins, our producers and reporters are urged to meet with the photographer and editor to map out a visual approach to each story. They all review the story plan and the editor and photographer then have responsibility and ownership of their part of the story. Our staff has come up with great visual storytelling ideas this way, and it's a great morale booster. The photographers and editor feel they are more a part of the story process, that their thoughts and opinions really matter.

Look for inspiration in unusual places. Collect tapes of story techniques you think you might use some day and don't ignore edgy cable fare for ideas. IRE is also a great source for visual ideas. One of our producers used a tape she got at an IRE conference as inspiration for a story about restaurant inspections. She looked for visual techniques to set the story apart and worked with our photographer and editor to create silverware and glassware visual transitions.

Don't wait until most of the work is done on a story to begin thinking about the visuals. They are part of the fabric of the story, not an afterthought. It's the difference between finding video to cover the words that a reporter is saying and making the video an integral part of the storytelling.

Documents don't have to be boring. We recently did an investigation into repeat aggressive drivers in Phoenix and the reduced penalties they face. Unfortunately, none of the aggressive drivers we highlighted wanted to talk or appear on camera. We had mug shots and lots of court documents. Our photographer shot the documents in various ways, our art department supplied creative graphic treatments and our editor brought them all together by layering the video. It made the documents, and the story, come alive.

Learn the language

Become best friends with your art department. The people creating those graphics for you on deadline can make your stories hum or be ho-hum. Spend some time with them. Find out what they can do, their challenges, the best way to communicate what you want, and how far in advance they need your graphics order information. Involve them in the stories you are doing. They really care about the stories and want to be involved.

Learn the language of the photographers and editors and learn the possibilities. Encourage them to experiment and guide them with a light touch. A KNXV producer advises, "Tell them your wish list and discover how they love to 'wow' you." Just the other day a reporter came to me frustrated about the first video in her story. She knew it didn't seem special or stand out, but didn't know what to tell the editor. I discussed a few options with the editor and through some descriptions of effects I'd seen him use in the past, we arrived at a solution. The reporter was amazed and asked, "What did you say?" I just spoke his visual language.

Give your team the tools to tell a visual story effectively. For photographers and editors there's nothing more inspirational than a new piece of equipment. One of our photographers can't wait to use our portable jib on every story he can.

A word of caution: Don't let the visuals take over. They have a huge role in making a story much more powerful and much more effective, but also can overtake the story and become the story. I've been involved in pieces where we thought the visual approach was so clever and unique that we lost sight of the story we were telling, the information we wanted to convey to our viewers. The visuals must serve and support the story. They shouldn't become a vehicle to show off the visual techniques.

And finally, take notice and celebrate the moments when your team does something special. That will encourage them to produce even more exciting visual moments for your stories and inspire others to take chances.

Sylvia Teague is senior executive producer of investigations and special projects at KNXV-Phoenix. She heads a team of three reporters, two producers, two photographers and an editor. Previously, Teague was executive producer of the KCBS-Los Angeles special assignment unit and managing editor at KCAL-Los Angeles.

Sylvia Teague of KNXV-Phoenix meets with investigations editor, Vivek Narayan.

CAMPAIGN FINANCE

Pay-to-play reform bill aimed at government vendors

BY JAMES W. PRADO ROBERTS
ASBURY PARK (N.J.) *PRESS*

Longtime municipal auditor William E. Antonides Sr. summed up New Jersey's "pay-to-play" habit this way: Whenever he receives an unsolicited pack of dinner tickets for a political fund-raiser he calls someone from the campaign to ask if his auditing services will be "seriously considered" should the candidate win office.

If yes, he'll write a check. On occasion, Antonides said, he's been lied to. The politicians take his money without a thought of giving him a contract, he said.

"That happens, that's business. That's the business we're in," he said. "Put yourself in my shoes and what would you do? [I have a] successful business and I am responsible for those people who work for me. I want to keep those people working."

Of the $78,650 Antonides' firm contributed to county and state political organizations since 1998, all of it was intended to help win business. Some citizen groups in the state contend such contributions are corrupting and lead to higher contracts and taxes.

When it became clear this spring that the New Jersey legislature would likely pass some two-dozen ethics reform bills – all proposed after Gannett New Jersey's "Profiting from Public Service" series exposed loopholes in ethics laws – the seven daily Gannett New Jersey newspapers decided to report what impact the pay-to-play reform bill would have on local, county and state contractors.

Our stories ran the same week the Legislature voted on the ethics reform bills. To publish our findings before the legislature voted on the reform package, investigations editor Paul D'Ambrosio led a team of nine reporters to assemble a three-day series in six weeks. Gannett New Jersey includes the *Asbury Park Press*, the (Camden-Cherry Hill) *Courier-Post*, *The* (Bridgewater) *Courier News*, the (Middlesex County-East Brunswick) *Home News Tribune*, the (Morristown-Parsippany) *Daily Record*, *The* (Vineland) *Daily Journal*, the *Ocean County Observer* and the Gannett State Bureau.

New Jersey Gov. Jim McGreevey had called for a comprehensive end to pay-to-play – that's the term for the widespread but legal practice of awarding lucrative government contracts to professionals like lawyers and engineers who make all the right campaign contributions. If the deal is unspoken, it's legal; if not, it's extortion and bribery. But the reforms McGreevey ultimately signed in June would not impact most of Antonides' political giving.

Running into obstacles

As first proposed by Democratic lawmakers, the pay-to-play bill would limit only state vendors with contracts of more than $17,500 from giving to the party in power, or the governor's campaign committee. Two weeks before lawmakers were to vote on the measure, a new proposal emerged that would also limit county and local contractors from giving to candidates or political committees at their corresponding governmental units.

Elected officials could opt out of this process if the contracts are awarded under a "fair and open process" defined by individual governments. The contracts would not have to go to the lowest responsible bidder.

Without opting out, the practical effect of the bill could be this: A vendor who wants work with a county couldn't give to the county's ruling political party, but the vendor could give to a state or municipal committee. Those committees could shuttle the money back to the original county committee, which could then appoint the vendor to a no-bid contract.

In New Jersey, leaders of the county political parties wield the predominant political power. They control much of the local, county and state patronage – and state law allows county committees to transfer large amounts of money to other committees. For instance, Democrats in southern and central Jersey poured $800,000 into a north Jersey county executive race in 2002 to help a Democrat win that office. Any more substantial reform would limit the county organizations' substantial leverage.

Republican lawmakers – who never pressed the issue when they controlled state government – called the bill a sham. Democrats now control both houses of the state Legislature and the governor's office.

This is how the newspapers compiled the records for the series:

- Reporters collected information on current no-bid contracts issued by 86 municipalities and two county governments in the *Asbury Park Press*' primary coverage area. Data from 1,053 contracts entered into an Access database included the value of the contract (where available), what company or person won the contract, what government issued the contract and the nature of the professional service – engineering, legal, etc.
- We obtained an electronic list of all checks issued by the state treasurer's office since 1999. Because that database used a different code for no-bid contracts and bid contracts, we could identify which vendors received contracts without bidding for the work. We also obtained electronic records of payments made by the two counties since 1999.
- We obtained electronic records of about 500,000 political contributions from New Jersey's Election Law Enforcement Commission. ELEC provided the data in 28 tables that we stitched together in Access.

We ran into several obstacles. The ELEC data was limited to those who contributed at the county, legislative and state level. There is no database of contributions to municipal candidates. To overcome this, we looked at contractors who gave money to the county level, but won local contracts. This is a key pay-to-play tactic that would be left untouched by the legislation.

Even though we obtained more than 1,000 records of local and county no-bid contracts, there was no uniformity in the information. Many were open-ended contracts and we used the low end of the scale to estimate their value. In addition, the names of the contractors differed in the various databases.

Because there were more than 10,000 companies cited in the campaign contributions and thou-

Tim McCarthy | Asbury Park Press

Members of the Ocean County Money & Politics Action Group with a petition for an anti-pay-to-play ordinance in Dover Township.

sands of vendors in the other databases, we used a fuzzy join to match contributors who won contracts. In our database, we created fields consisting of the first 16 letters of the names of the individuals and entities involved. If the truncated names from one list matched a name in another, we checked further to ensure a correct match.

Using this data we found:

- Of 238 firms or individuals holding no-bid contracts in the two counties, at least 111 contributed $7.7 million since 1996, an average of about $10,000 per year per professional.
- There are 82 firms and professionals with contracts in the two counties this year that gave to county or legislative races in the area, even though most contracts were with local governments, not county or state government.
- Contributions from the 82 contractors rose 85 percent in four years to $376,265 last year. Most of the money went to Republicans, who control the two counties in the *Press'* circulation area.
- A regression using SPSS statistical softwareshowed the larger the campaign donations over time, the greater the chances a contractor would win a bigger contract or multiple contracts.
- Contributions made to state Democrats by companies identified as having state contracts and politcal interests rose fivefold from 1999 to 2003. In 1999, an election year in which Republicans controlled state government, Democrats collected $1.5 million from businesses and their political committees while Republicans collected $2.9 million. Last year when Democrats had almost complete control of state government, the three primary Democratic PACS increased their contributions to $12.9 million. The GOP raised $500,000 less than it did in 1999.

Toughest in nation?

We then found specific examples – like auditor Antonides – to flesh out our findings. And we wrote about grass-roots organizers who were trying to get binding referenda placed on ballots to limit pay-to-play at the local level.

Six days after the series began, the legislature passed 23 of 25 proposed reforms, including the pay-to-pay bill that permits state and local contractors to give to the powerful county committees. Although about 15 municipalities have adopted local ordinances to limit what contractors can contribute to their corresponding county committees, we reported those ordinances will be invalidated by the state law when it takes effect in 2006. The sponsor of the bill had testified that would not happen.

When the law takes effect, New Jersey will be one of a handful of states that regulate government vendors' political contributions. Lawmakers who championed the reforms say the rules are the toughest in the nation. Our reports show that much of the political giving could still flow around the barriers erected by the legislation.

James W. Prado Roberts is a projects reporter for the Asbury Park Press. He was part of the team producing the "Profiting from Public Service" series last year that demonstrated many state lawmakers use their positions to improve their bottom line. The project won several national honors this year, including the Selden Ring Award for Investigative Reporting, and was named a finalist in the IRE Awards.

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The American Political Science Association offers the Congressional Fellowship Program for professional journalists with two-plus years of reporting or editing experience in newspaper, magazine, radio, or television. By working for nine months as congressional aides, APSA Fellows gain practical insight into the legislative process and improve the quality of reporting on politics and policymaking.

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Applications must be postmarked **November 1, 2004** and reference letters must arrive by December 1. Interviews will be announced January 1, 2005. For further information, please contact:

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Emissions

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garage that did it 40 times – had been disciplined for the transgression.

In addition to the re-test irregularities, we discovered fail rates at the 279 stations varied widely, an indicator that the equipment isn't functioning uniformly or some garage owners may be manipulating test results.

To measure the stations fairly, we had to account for the likelihood that shops in wealthier communities would test newer, lower polluting vehicles and should therefore fail fewer cars.

So industry experts suggested we mine the data for one common year, make and model – like a 1992 Honda Civic – then compare stations on how often they fail that particular vehicle on the first test.

The failure rate ranged from 5 percent to 36 percent, demonstrating a startling inconsistency in the testing equipment or procedures from station to station.

After our story ran in early April, the state attorney general launched his own investigation and warned that any garages found to have deceived customers, or performed questionable repairs that were not properly re-tested, will be charged with unfair trade practices and will face heavy civil fines.

State legislators on the transportation committee stepped up their criticism of the new testing program, saying a complete review of the program was needed in order to begin restoring public confidence. The legislature already had called for an independent audit of Agbar's program because of revelations in March, reported by the *Courant*, that a software problem had caused thousands of cars to fail their tests in error.

Catastrophic findings

Following the *Courant's* database analysis, the already-anticipated audit report took on even greater significance.

In late April, we heard from sources that the commissioner of the DMV, who personally chose Agbar from a pair of potential vendors selected by a search committee, had received a damning preliminary report from the auditors. It listed dozens of problems that the engineers described as "catastrophic" for the program, we were told.

Not surprisingly, our sources said that DMV officials wanted to keep the report quiet until they could discuss the preliminary findings – and the report's wording – with the auditors.

We requested a copy of the report from the DMV's public relations officer, but could not get him to even acknowledge that it existed.

So, we tried another tactic. We dialed the commissioner on his personal cell phone, a number he had no reason to believe would be known to us. Thus cornered, we asked if he'd seen the preliminary audit report. He said he wasn't sure which report we meant, so we described in detail what we'd heard of its contents, all the while praying that our sources had characterized the report accurately.

Hearing us utter the word "catastrophic" must have jarred his memory, because that's when he suddenly acknowledged he had seen the report, and there was no reason that it should be kept from the public.

Within an hour or two, we had the preliminary audit – but in releasing it to us, the DMV also felt obliged to rush it to lawmakers on the transportation committee, as well as the governor's office. Our story lead ended up changing three times before deadline: "Emissions program beset by 'catastrophic' problems"… "Legislators call for 60-day suspension of trouble-plagued emissions program"… "Governor declares immediate suspension of emissions testing for up to 90 days after audit uncovers dozens of problems."

The suspension went well past the 90 days, and as of early August, was still in effect.

Jack Dolan joined The Hartford Courant's investigative desk in 1999 after a stint with IRE's Campaign Finance Information Center.

Member news

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the *St. Paul Pioneer Press*. ■ **Michael Hirsh** and a *Newsweek* team were awarded the Deadline Club Award in the Best News, Series or Investigative Reporting category. ■ **Michael Kosnar** and **Lea Thompson** won the 2004 Edward R. Murrow Award for Investigative Reporting for their Dateline NBC story "Do No Harm," an investigation into defective hip implants. ■ KCNC-Denver announced two major personnel changes: **Angie Kucharski** has been promoted from news director to station manager and vice president-news; **Tim Wieland** has been promoted from assistant news director to news director. ■ **T. Christian Miller** of the *Los Angeles Times* has been awarded the Livingston Award for Young Journalists in the International Reporting category for "Colombia's Children of War." ■ Two-time Pulitzer winner **Eric Nalder** left the *San Jose Mercury News* to return to the *Seattle Post-Intelligencer* as an investigative reporter, where he worked from 1976 to 1983. He also previously worked at *The Seattle Times*. ■ **Steve Patterson** of the *Chicago Sun-Times* has been awarded the Kent Cooper and Peter Lisagor awards for an investigation into voter fraud. Patterson won the awards for his work with the (Gary, Ind.) *Post-Tribune*. The Cooper Award is the top reporting prize given by the Indiana Associated Press Managing Editors and the Lisagor Award is from the Chicago Society of Professional Journalists. ■ **Bruce Potter** has been appointed publisher of *The News Virginian* in Waynesboro, Va. Previously, he was the director of news synergy for Media General's publishing division in Richmond. ■ **Jan Pottker** has authored the recently published Sara and Eleanor: The Story of Sara Delano Roosevelt and Her Daughter-in-law, Eleanor Roosevelt (St. Martin's Press, 2004). ■ **Norberto Santana Jr.** has joined *The Orange County Register* as the county government reporter. He previously covered municipal government at *The San Diego Union-Tribune*. ■ **Mark Smith** of WFAA-Dallas/Fort Worth won the 2004 Sidney Hillman Prize in the television category for the investigation "State of Denial." ■ Former *Wichita Eagle* editor **Rick Thames** became editor of *The Charlotte Observer* in July. Thames previously worked at the *Observer* as city editor, assistant managing editor and public editor. ■ **Anna Werner** moved to KPIX-San Francisco to lead the investigative unit. For the past six years, she was head of the investigative team at KHOU-Houston. ■ **Diane White** jumps across town to become weekend anchor-reporter at KOKI-Tulsa. She had been an anchor and consumer investigative reporter at KOTV-Tulsa. ■ **Kevin Whitmer** was promoted to managing editor for enterprise of *The* (Newark, N.J.) *Star-Ledger*. Previously, he was assistant managing editor for sports and business. **Tom Curran,** assistant managing editor for investigations, was appointed associate editor. ■ **Alan Zagier** joins the Missouri School of Journalism as a Knight Editing Professional-in-Residence. He was a projects reporter at the *Naples* (Fla.) *Daily News*.

Legal

CONTINUED FROM PAGE 9

that pre-trial investigations are "presumptively public hearings." One such court observed:

"We believe the accused, the press, and the public have a recognizable interest in being informed of the workings of our entire court-martial process, and that no public interest is served by a blanket rule closing pretrial hearings."

Article 39 post-referral proceedings, known as courts-martial, also are deemed to be generally open to the public, and Rule 806 specifically provides so. Military Rule of Evidence 505(i) and (j) allow, though do not require, military judges to close an Article 39(a) session or trial where classified information is to be disclosed – but the media have standing to complain if access is denied. When they do, military courts should apply a strict scrutiny First Amendment test to closures, in which a compelling interest must be shown, and individualized findings, narrowed to achieve the goal, have been demonstrated. Less clear, however, is the right of press access to in-chambers conferences and appellate military proceedings. Even so, the strong national interest inherent in military cases may help overcome judicial reluctance and give the public an opportunity to evaluate for itself how some of its tax dollars have been spent overseas during the past two years and who should be held accountable.

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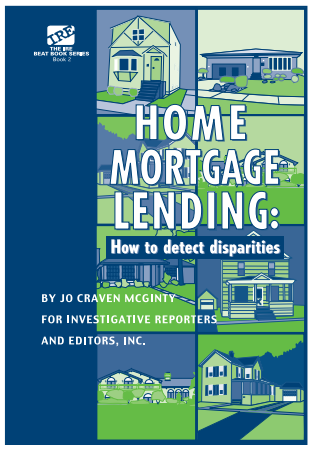

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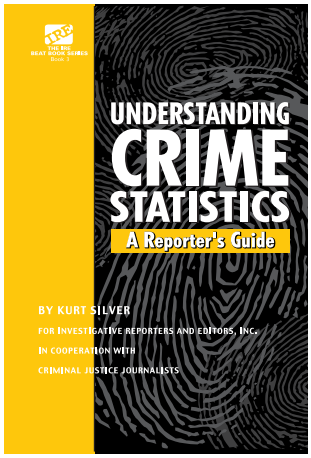

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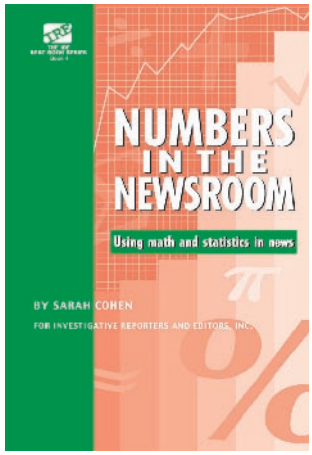

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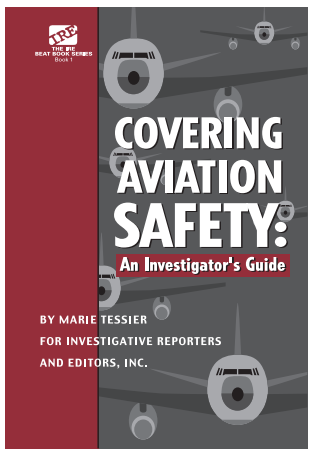

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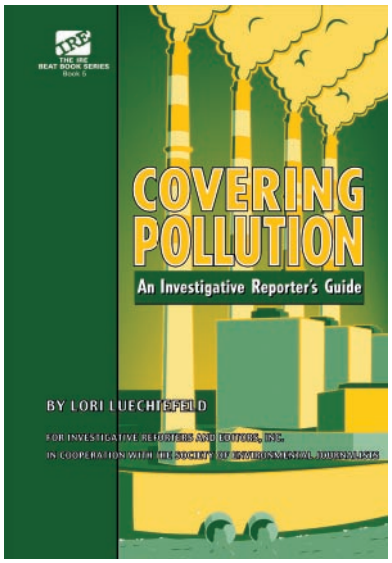

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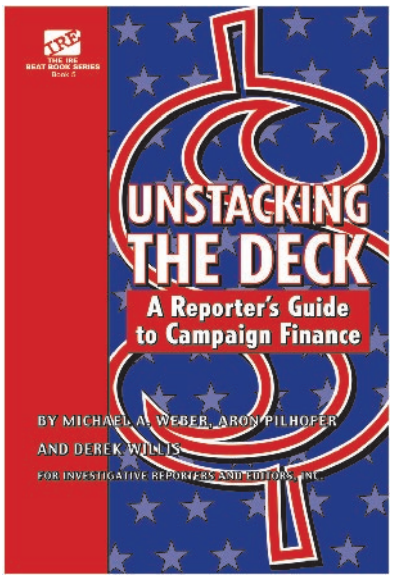

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