

# THE IRE JOURNAL

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Wendy Gray, *The IRE Journal*

## THE IRE JOURNAL

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## FROM THE IRE OFFICES

# Challenging time to pursue investigative journalism



BRANT HOUSTON

By the time you read this column, we journalists will have thoroughly reviewed and dissected the sad story of the CBS report that relied on dubious documents related to President Bush's National Guard service.

We will have lamented the way the report overshadowed other solid reporting, how it was one more incident that undermined our credibility as journalists, and how it may reflect a further decline in our standards.

But a look at journalism in the weeks following the CBS controversy will show that the report did not deter us from pursuing other probing stories – important stories based on authentic documents, careful interviews and line-by-line editing that all investigative work must have.

If anything, an experience like the one at CBS should spur us to carry on – but with more care. And it should improve our work by serving as an edifying reminder that every investigative story, whether local, national or international, must be airtight in its findings.

It also should remind us that we all fall under outside scrutiny from the moment we begin a story and that the scrutiny following the story's publication or airing will include not only criticism of the story, but also our methods of newsgathering.

It's a challenging time to be an investigative journalist. No one has said it would be easy, popular or risk-free. But it is work of the highest calling and crucial to the healthy functioning of any society.

### Secrecy and freedom of information

We have completed a survey of IRE members with the Project on Government Oversight and certain themes have emerged.

IRE members in the United States cited a continuing cumbersome freedom-of-information process, including excessive delays and fees and overuse of exemptions. These hurdles discourage many reporters from using FOI laws. Many members commented that FOI processes are hard to use and it takes too long to get the information they wanted or requested. They noted that open-records obstacles increased as they moved from the local to state to national levels.

We will ask you to take part in more e-mail surveys and hope you will respond to help us monitor and deal with the issues of increased secrecy.

The responses also will help us hone our open-records sessions for NewsTrain – the program for midlevel editors run by Associated Press Managing Editors and funded by the Knight Foundation – and our own seminars and conferences.

### IRE's 30th anniversary and the endowment drive

IRE celebrates its 30<sup>th</sup> anniversary in 2005 – as IRE's endowment drive enters its final-stretch run. We hope you will not only donate to the endowment fund, but encourage colleagues and friends to do the same. Please let us know of potential donors by contacting Jennifer Erickson, IRE's development officer.

Remember the Knight Foundation will match each dollar you give with another 50 cents. The foundation also matches firm pledges, so donors who want to extend their giving over several years also qualify for the match.

Please check, too, whether your employer has a matching program.

The endowment fund, which has a goal of \$5 million, has crossed the \$2 million mark and its investment income is already assisting IRE's budget. With the income, we have been able to support the Resource Center, the Web site and the Database Library. This allows us to keep our fees low; many of them have not changed in the past five years despite increasing services.

The endowment fund has been particularly valuable during a time in which our profession itself has cut funds for training and data.

Again, please help us reach our goal. This is a fund that will benefit not only IRE members, but journalists in every country.

*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.*

## Classes, panels being planned for upcoming Hollywood CAR

Planning is under way for "Hollywood CAR," the 2005 Annual Computer-Assisted Reporting Conference to be held March 17-20 at the Renaissance Hollywood Hotel.

The event will draw some of the hottest stars and celebrities of journalism, including many from the Los Angeles area. Speakers will address how to obtain and work with data for a wide range of beats and reporting specialties, including homeland security, crime, education, local and state government, transportation, freedom of information, the Census and others.

Hands-on classes for novices and advanced computer-assisted reporters will be held, and instructors will provide lessons on spreadsheets, mapping, and using statistical software and database managers. You may arrive knowing nothing about CAR, but you will leave eager to put newfound skills to use.

Registration is \$150 for members and \$200 for nonmembers (this includes a \$50 one-year IRE membership). Student rates are also available.

You can register online ([www.ire.org/training/hollywood05](http://www.ire.org/training/hollywood05)) or watch for additional details as they unfold.

## Vegas regional conference draws strong attendance

More than 200 journalists and journalism students gathered in Las Vegas in September for an IRE Regional Conference hosted by Jim and Beverly Rogers of Sunbelt Communications and sponsored by the *Las Vegas Review-Journal* and the *Reno Gazette-Journal*.

The conference combined the best of IRE's panels on broadcast investigative techniques, essential skills from IRE's Better Watchdog Workshops and hands-on learning in computer-assisted reporting classes.

In his keynote address, Jim Rogers called on journalists to not only point out the problems in their communities but to assume a role in making improvements.

## Advanced statistics workshop planned at Arizona State

IRE has scheduled an Advanced CAR Statistics Workshop for Feb. 18-20 at Arizona State University in Tempe, Ariz.

The workshop is aimed at strengthening the skills of reporters who want to move beyond basic computer-assisted reporting and use statistical analysis in their work. Reporters should know spreadsheet and database manager applications and have experience in computer-assisted reporting.

Pulitzer Prize-winning journalist Steve Doig, interim director of the Walter Cronkite School of Journalism at Arizona State University, will lead the session.

For registration information, visit [www.ire.org/training/arizonastats05.html](http://www.ire.org/training/arizonastats05.html) or e-mail [jennifer@ire.org](mailto:jennifer@ire.org).

## 'Covering Pollution' is latest in IRE reporting guide series

IRE has published the latest title in its Beat Book Series – "Covering Pollution: An Investigative Reporter's Guide."

The handbook, produced in cooperation with the Society of Environmental Journalists, shows reporters how to tap resources for local investigations into environmental pollution. The book was written by Lori Luechtefeld as a special research project for IRE, but with considerable input from a dozen leading environmental journalists coordinated by SEJ.

Much of the information in the guide focuses on how to use Web-based, federal database searches to get data needed to find and drive environmental investigations. The book also offers numerous tips from veteran reporters on handling other aspects of investigative environmental journalism, including interviews and writing.

This and other books in the beat book series can be ordered online (\$15 members, \$25 nonmembers) at [www.ire.org/store/books](http://www.ire.org/store/books) or by calling the IRE Resource Center at 573-882-3364.

## IRE issues call for entries in annual investigative contest

Entries are now being accepted for the 2004 IRE Awards. The annual contest of Investigative Reporters and Editors recognizes the top investigative reporting by print, broadcast and online journalists.

The awards honor work in several categories, including newspapers, television, magazines, books, radio and student work. After judging, all entries are placed in IRE's Resource Center story library so that members may learn from others' techniques. The contest helps identify steps and resources used by the entrants.

To participate, submit an entry form with work published or aired between Jan. 1 and Dec. 31, 2004. All entries must be postmarked by Jan. 10, 2005.

For more information on how to enter, visit [www.ire.org/contest](http://www.ire.org/contest) or phone the IRE Resource Center at 573-882-3364.

## Special boot camp targets needs of newsroom managers

IRE's computer-assisted reporting boot camp for editors, news directors and other newsroom leaders has been scheduled for April 8-10 at the Missouri School of Journalism.

The boot camp will teach editors 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.

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

For registration information, visit [www.ire.org/training/april05EditorCamp.html](http://www.ire.org/training/april05EditorCamp.html) or e-mail [jennifer@ire.org](mailto:jennifer@ire.org).

## MEMBER NEWS

**M**ichael Berens has moved from the *Chicago Tribune* to *The Seattle Times*

where he joins the paper's investigative team as a reporter. ■ **Kirby Bradley**, senior producer for HBO's *Real Sports* with Bryant Gumbel, won Emmys for outstanding sports journalism, outstanding long feature and outstanding edited sports series/anthology. He shares the awards with a team of journalists from the show. ■ **Sewell Chan** moves to *The New York Times'* metro desk from *The Washington Post* education beat. ■ **Dan Christensen**, a court reporter at the *Daily Business Review*, received the 2004 Eugene S. Pulliam First Amendment Award from the Sigma Delta Chi Foundation. The award recognizes Christensen's reporting on secret trials in Miami's U.S. District Court.

■ **Paul D'Ambrosio**, investigations editor, and staff writers **Jason Method**, **Colleen O'Dea**, **James W. Prado Roberts**, **Erik Schwartz**, and others from Gannett's New Jersey newspapers won the Associated Press Managing Editors Award for Public Service for newspapers above 50,000 in circulation. They won for the series "Profiting from Public Service."

■ **Elisabeth Donovan** has retired as *The Miami Herald's* research editor. ■ **Carolyn Edds** has moved to news researcher at the *St. Petersburg Times* from director of IRE's Resource Center.

■ **Matthew Flitton** has been named a copy editor at the (Ogden, Utah) *Standard-Examiner* where he was previously a government reporter.

■ **Ryan Gabrielson** has moved from *The (McAllen, Texas) Monitor* to *The East Valley (Ariz.) Tribune* where he covers city government.

■ **Chuck Goudie**, chief investigative reporter for WLS-Chicago, and the station's I-Team, won an Emmy for outstanding regional news story in investigative reporting. The award recognizes their work on "Worst Case Scenario."

■ **Chris Halsne**, **Bill Benson** and Brian Doerflinger of KIRO-Seattle won the First Amendment Funding's 2004 Best of the West contest in television consumer reporting for "Fatal Assumption."

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

# Focusing 'expert journalism' on health care in America

BY STEVE WEINBERG  
THE IRE JOURNAL

Donald L. Barlett and James B. Steele conducted their first investigation together 34 years ago, after a *Philadelphia Inquirer* editor teamed them. All these years later – after dozens of stunning newspaper projects, exposes for *Time* and its sister magazines, plus best-selling books – Barlett and Steele remain two of the most talented, controversial investigative journalists in U.S. history.

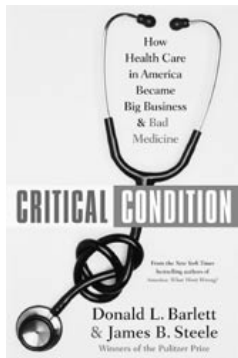
Barlett, at 68, and Steele, at 61, have not dimmed their controlled outrage when it comes to abuse and fraud. It's apparent on every page of their just-published book, "Critical Condition: How Health Care in America Became Big Business & Bad Medicine" (Doubleday, 278 pages, \$24.95).

As with every previous Barlett-Steele investigation, other reporters and editors can use the duo's expert journalism as a primer on a timely examination of systemic scandal.

Problems with health care in the United States have received renewed attention recently. The problems examined by Barlett and Steele are not

new: unexpectedly high death rates; incompetent or impaired doctors, laboratory technicians and nurses; lack of insurance coverage for tens of millions of Americans; untrained clerks at insurance companies and health maintenance organizations refusing to approve necessary medical procedures because of bottom-line considerations; overcharges to patients by hospitals and pharmaceutical companies; overloaded emergency rooms; relentless bill collectors; unsafe drugs, some of them falsely advertised; uncaring or hogtied state and federal government regulation; legislators who provide themselves superb care while refusing to approve meaningful reforms; and ownership of health care facilities by investors who buy and sell to maximize profit.

Barlett and Steele write about those problems in a way that make them seem fresh. Part of their successful formula is relentless, long-term reporting that includes human sources and documents undiscovered by other journalists. Another part of the formula is writing with anecdotes, analogies and metaphors that



## Barlett and Steele on tape

IRE works with professional recording companies to audiotape sessions at its annual conference. IRE members can order tapes from sessions they missed or from conferences they missed. Some of the recent Barlett and/or Steele sessions available on tape:

- Approaches to the craft of investigative reporting – Barlett and Steele (Atlanta, 2004)
- Unsung documents – James Steele, with Mike McGraw and Joe Stephens (Washington, D.C., 2003)
- Insiders Guide: Indian issues – Barlett and Steele (Washington, D.C., 2003)
- Crafting revelations from documents: Barlett and Steele disclose how they do it (Washington, D.C., 2003)
- The Inside Story on Big Projects: Barlett and Steele share decades of reporting secrets (San Francisco, 2002)
- Investigating the IRS and tax issues – Donald Barlett with William Allison and David Cay Johnston (Chicago, 2001)

elicit reactions such as "Wow!" and, "Now I finally understand this issue clearly." They are able to minimize direct attribution because of the knowledge, making the style fast-paced. They are not shy about recommending potential solutions because they have become experts during the reporting and writing.


"The more you report, the more you know about a subject and the more forcefully you can write about it," Barlett told *The IRE Journal*. "We try to connect with readers through anecdotes or statistical examples they can relate to. This is important with complex subjects as well as issues that people have some general knowledge about. With the latter, the idea is to encourage them to think about the familiar in new ways."

The opening of "Critical Condition" is typical of Barlett-Steele leads.

"You are standing in a line at the supermarket to buy a box of Cheerios. You notice that the two customers in front of you are making the same purchase. The cashier rings up the first box at \$5.41, just as advertised in the newspaper. But when the second box is scanned, the price registers \$6.76. Strange, you think. Even more strange, the customer doesn't seem to notice the difference. Then it's your turn. The cashier scans the box and the price flashes \$29.92. Why would anyone pay more than five times as much as another person for an identical box of cereal? They wouldn't. But when it comes to health care, you don't have any choice. And that's precisely the kind of spread that hospitals use in selling their services. Except that you don't know it – it's their secret."

How did Barlett and Steele choose health care as their newest exposé? While completing four previous books ("The Great American Tax Dodge," "America:

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## 2005 Pulliam Journalism Fellowship

Jump-start your journalism career with a solid program that boasts four Pulitzer Prize winners among its alumni – the Pulliam Journalism Fellowship. The Fellowship offers myriad career opportunities; in fact, a Pulliam Fellow from our first class of 1974, Barbara Henry, now serves as president and publisher of *The Indianapolis Star*.

Now entering its 32nd year, the 2005 Pulliam Journalism Fellowship helps build a bridge from the classroom to the newsroom. Fellows are assigned to *The Indianapolis Star* or *The Arizona Republic* in Phoenix for 10 weeks each summer as staff reporters. We award 20 Fellowships annually. We'd like to encourage applications from students with a wide variety of backgrounds. Previous internships and part-time experience at a newspaper are desired or other demonstration of writing and reporting ability.

The Pulliam Journalism Fellowship program welcomes applications from college sophomores, juniors, seniors and graduate students. The only deadline this year is Nov. 15, 2004. The internship pays \$650 a week.

Visit our Web site at [www.indystar.com/pjf](http://www.indystar.com/pjf) or e-mail Fellowship Director Russell B. Pulliam at [Russell.pulliam@indystar.com](mailto:Russell.pulliam@indystar.com) for an application packet.



# Some reporters cover city hall. Science journalists cover

**Bioterrorism**

**Misuse of science in public policy**

**Biotechnology and tissue engineering**

**Brain and cognitive sciences**

**Privacy in the computer age**

**Stem cells and cloning**

**Weapons of mass destruction**

**Nanotechnology**

**Space exploration**

**AIDS**

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Boyce Rensberger, Director: [boyce@mit.edu](mailto:boyce@mit.edu) 617-253-3442  
Application Deadline: March 1

**“The Fellowship is maximal stimulation and minimal stress. If you love learning about science and find yourself increasingly hating deadlines, the Knight Fellowships is a year of heaven on Earth.”**  
- Carey Goldberg, *The Boston Globe*

# BREAK THROUGHGS

Please make your annual contribution to IRE!

*“Courageous investigative reporting can achieve journalism’s greatest value: positive change that benefits all.*

*For 30 years, Investigative Reporters and Editors has been the standard bearer for this difficult and at times dangerous reporting. We hope you will join us in helping this great organization build a permanent platform.”*

**Hodding Carter III**  
President and C.E.O.,  
John S. and James L. Knight Foundation

## FUNDING IRE’S FUTURE

### 2004 ANNUAL IRE ENDOWMENT APPEAL

Your annual support is vital to the future of IRE. Please make a gift to the IRE endowment today and join the hundreds of IRE members and other individual donors who have given or pledged nearly \$250,000 through donations ranging from \$10 to \$10,000.

NOW is certainly the time to rise to the occasion: under a \$1 million partial matching program, the John S. and James L. Knight Foundation has pledged to give \$1 for every \$2 donated to the endowment fund.

A strong endowment will provide a stable, long-term source of funding

for IRE’s mission of fostering excellence in investigative journalism. Breakthroughs, with its goal of \$5 million, will help ensure the future of IRE’s extensive training programs, the resource center, database library, publications and the ever-expanding IRE Web site and underwrite IRE’s initiatives for investigative journalism. The fund is already starting to generate significant monetary support for IRE from the endowment investment income.

IRE stands for – and promotes – the best in journalism. Help us make sure IRE will always be here to help you.

In the past three years IRE members and individual donors have pledged nearly \$250,000 to the endowment. With the Knight match, gifts from this group of donors will result in an even more significant increase:

**\$250,000 (pledges by individuals) + \$125,000 (50% Knight Foundation match) = \$375,000 endowment increase**

To make a contribution, please use the form below, visit [www.ire.org/endowment](http://www.ire.org/endowment) or phone

IRE Development Officer Jennifer Erickson at 573-884-2222. All contributions are tax deductible to the fullest extent allowed by law.

### YES! I would like to support IRE’s Endowment Fund

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I will pledge \$ \_\_\_\_\_ over \_\_\_\_\_ years.

My check is enclosed and **made payable to IRE.**

*Please write “Endowment” in the memo line of your check.*

Please charge my credit card with the amount indicated

VISA  MasterCard  American Express

Account Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

I would like my gift to benefit IRE in this way:

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Endowment - specific program, services or resource area

Name area \_\_\_\_\_

**Amount of gift \$** \_\_\_\_\_

My company will match my contribution



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FAX 573-882-5431

## Books

CONTINUED FROM PAGE 6

What Went Wrong?," "America: Who Really Pays the Taxes?," "America: Who Stole the Dream?"), the duo heard over and over again from sources: Please write about health care.

"Originally, we kept a mental record of the pleas," they say. "When they grew too numerous, we began jotting down notes. As time passed, we noticed the subject came up constantly. No matter the issue at hand, the person being questioned, men and women, repeated the refrain. In addition to the men and women feeling victimized by the health care system, we found knowledgeable – albeit sometimes reluctant – sources among physicians, nurses, hospital administrators, laboratory technicians, professors, academic researchers, not-for-profit advocates, government employees, trade association executives and librarians."

On the documents trail, as usual, Barlett and Steele found invaluable information in lawsuits, bankruptcy proceedings, regulatory agency filings, congressional hearings, stock brokerage reports, consultant studies and medical journal research accounts.

"We never cease to be amazed at what is available in the public domain," Steele told *The IRE Journal*. "This time we came across document after document that shed light on the hidden world of the health care industry, the behind-the-scenes decisions by insurers, hospitals and doctors that affect the welfare of patients. It's a world the public never sees."

It seems quite likely that many who make their living inside the health care system will attack "Critical Condition" as inaccurate and shrill. Barlett-Steele have been there before. (See *The IRE Journal*, January-February 1997, "The Work of Barlett and Steele: Why Is It So Controversial?") It also seems quite likely that insured patients and the sickly uninsured who wish they could afford to be patients will applaud the expose. (See *The IRE Journal*, April 1999, "Expert Journalists Barlett and Steele: Asking Why Things Don't Work.")

As for journalists, they are well-advised to study anything published by Barlett and Steele. One of their older classic works is newly available in bookstores, thanks in large part to Hollywood.

Leonardo DiCaprio is starring in this fall's movie "The Aviator," based on the life of eccentric billionaire inventor-playboy-pilot-paranoid schizophrenic Howard Hughes. Of all journalists who have chronicled Hughes' life and death (1905-1976), nobody did it better than Barlett and Steele in their 1979 biography "Empire: The Life, Legend and Madness of Howard Hughes." Publishing house W.W. Norton has re-issued the biography with a new title, "Howard Hughes: His Life and Madness." The source notes in the book are an investigative reporting primer. The writing is perhaps the best ever done by Barlett and Steele.

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

## Courts exact high price for privilege in recent news leak investigations



CHARLES D. TOBIN

Some prominent federal judges recently put their searches for truth in the courtroom far ahead of journalists' pursuit of the news, ordering reporters to testify about their sources on pain of jail or stiff fines.

But the testimony compelled from members of the news media in the Valerie Plame grand jury investigation and the five contempt citations issued to reporters in Wen Ho Lee's civil lawsuit do not signal a radical departure from existing law. Throughout American history, litigants and their lawyers have pursued leakers' identities aided and abetted by the courts.

Nor do these disturbing decisions signal the death knell of privilege, as some judges continue to recognize the validity of this legal protection for journalists.

In 1848 a source broke an information embargo and told *New York Herald* correspondent John Nugent that the U.S. Senate had ratified the Treaty of Guadalupe-Hidalgo, thus ending the Mexican War. To this day, rumor holds that Nugent's source was future President James Buchanan, then serving as secretary of state.

When Nugent's timely story resulted in a Senate subpoena, the journalist refused to reveal the source. Senators ordered Nugent confined inside the Capitol. The federal court of appeals for the District of Columbia flatly rebuffed Nugent's appeal.

Nugent's dispatches continued to make their way into the newspaper, bearing the dateline "Custody of the Sergeant-at-Arms." During his confinement, Nugent's editor doubled his salary. Senators finally gave up and freed Nugent after a month. Nugent's tale is now part of official Senate lore: [www.senate.gov/artandhistory/history/minute/The\\_Senate\\_Arrests\\_A\\_Reporter.htm](http://www.senate.gov/artandhistory/history/minute/The_Senate_Arrests_A_Reporter.htm).

### Branzburg's elusive glimmer of hope

Journalists since Nugent have had better success persuading legislators than judges of the legal necessity for shielding sources. Thirty-one states and the

District of Columbia now have "shield laws" that provide varying degrees of protections in state court proceedings. (For an excellent survey of state shield laws, visit [www.rcfp.org/privilege/index.html](http://www.rcfp.org/privilege/index.html)).

But shield laws do not always apply in federal courts. When they do not, federal judges typically look to the Supreme Court's 1972 *Branzburg v. Hayes* decision – a ruling that went against journalists. The Supreme Court ordered Kentucky reporter Paul Branzburg to tell grand jurors about his first-hand observations of hashish production and commanded reporters Earl Caldwell and Milt Pappas to reveal the sources for their groundbreaking stories about the Black Panther movement.

Justice Byron White wrote for four members of the *Branzburg* court that unless a journalist can show "harassment" – a very high threshold – he has no right to refuse to testify. "[N]either the First Amendment nor any other constitutional provision protects the average citizen from disclosing to a grand jury information that he receives in confidence," according to White.

Justice Lewis Powell, joining with White and the majority of the court, voted to require that the reporters testify. But Powell's separate opinion took a less severe approach. He advocated that the courts balance the First Amendment against other interests in a case where the journalist believes his or her testimony has "a remote and tenuous relationship to the subject of the investigation" or that prosecutors issued the subpoena "without a legitimate need of law enforcement."

Powell's concurrence, together with the three dissenting justices, has provided the glimmer of hope that a generation of media lawyers latched onto. The dissenters argued that the reporters should not be forced to testify unless the person who wants the testimony can show (1) the journalist has information that is "clearly relevant to a specific probable violation of law" (2) the information "cannot be obtained by alternative means" and (3)

CONTINUED ON PAGE 36 &gt;

Charles D. Tobin is with Holland & Knight LLP in Washington, D.C. He chairs the D.C. Bar Media Law Committee, is legal counsel to Military Reporters & Editors, and is editor-in-chief of *Litigation*, the journal of the ABA Section of Litigation. Tobin represents former CNN reporter Pierre Thomas, now with ABC News, in *Wen Ho Lee v. Department of Justice*.

# TROPHY PLAY

## Wealthier schools reap more championships than poor or average counterparts, database shows

BY MARYJO SYLWESTER AND ERIK BRADY  
USA TODAY

Sports are supposed to be one place in American life where ability trumps all. The notion that money can buy state high school championships sounds un-American. But in some respects, it's only too American.

Take Ballard High School in Louisville, Ky. This school, whose neighborhood has a median household income that is double the statewide median, has won 56 team championships in its 33 years of existence. The boys' basketball coach at rival Western High School said: "Schools like Ballard have a lot of money and real nice uniforms, and they can attract really good athletes. We just don't have those kinds of luxuries."

We measured the impact of money on state championships and found that schools in the wealthiest neighborhoods – like Ballard – have won trophies at more than twice the rate of schools in the least wealthy areas. The money that wealthy parents can sink into booster clubs, summer camps and extra training for their children makes all the difference.

The stories, published in June, resulted from months of database building using state champions in 10 sports across 27 states.

### Years of championships

The championships were those hosted by state athletic associations that are part of the National Federation of State High School Associations. Each state has one organization that is part of this group, and eight states (such as New York and Texas) have smaller organizations that also host alternative championships. We focused solely on NFSHSA championships because they represent 90 percent of U.S. schools.

We limited the number of states because collecting the lists of champions was taking longer than we had anticipated. Instead, we selected states based on geographic location and population that would provide a statistically valid sample of the country.

The lists are generally readily available, often on state athletic association Web sites. But it isn't necessarily a quick process to find what you need. For example, some states list all the champions year by year for one sport together and then you have to go to another part of the site to find the next sport. Other times they list all the champions in all sports from one year together. We often had to call the state association to get additional information.

We picked the 10 sports – five for each gender – based on participation data we had collected for an

earlier project. These 10 sports had the highest participation rates and had sanctioned championships in at least 48 states. In other words, they were sports you would find in just about every U.S. high school.

The sports were football, girls' and boys' basketball, girls' volleyball, baseball, softball, girls' and boys' outdoor track and girls' and boys' soccer.

Once the lists were collected for five years' worth of championships in all divisions or classes, we hired a data entry firm to build the database.

Then came the tricky part of matching the names of champions against U.S. Department of Education databases. The champions' lists usually abbreviated the name of the school (i.e. Kennedy), while the federal databases listed full names (i.e. John F. Kennedy High School). There was also the problem of some states having multiple schools with similar names, but located in different cities. We made dozens of calls to the athletic associations to clarify names.

The databases we obtained were the Elementary/Secondary School Universe Survey (part of the Common Core of Data, which can be downloaded from the National Center for Education Statistics Web site) and a private school survey database that we obtained via e-mail from the NCES.

Matching the names to the federal databases tied us into a wealth of information about those schools, including exact location, enrollment, and counts of students on the federal free or reduced lunch program (a figure that is often used in research as an indicator of poverty level).

### Wealthiest neighborhoods

We also wanted to have some measure of wealth for the families that attend the schools, but this isn't measured for each school enrollment area. The U.S. Census Bureau publishes median household income for each public school district, but many districts contain multiple high schools that might exist in very different economic climates.

So, we wanted something more precise. We decided to use the median household income for

each school's ZIP code. These data were purchased from Claritas Inc. We sent the company an Excel spreadsheet listing each ZIP code for thousands of public high schools, and it returned data for most, but not all, of the codes. We used the school district medians for the missing ones.

Private schools were excluded because it wouldn't be fair to measure the median household income of their neighborhoods since they draw students from a wide geographic area without fixed boundaries. Overall, private schools won 25 percent of the state championships in our database, and our story noted that these schools tend to have many of the same economic advantages as public schools in wealthy areas.

We ranked each public school within its state based on median household income (highest amount as one) and on percentage of students on the federal free or reduced lunch program (lowest amount as one). Then we added these two ranks together to get the school's final position, and then split each state list into four equal groups (or quartiles).

The top group represented the schools in the wealthiest neighborhoods compared to others in their states. In a statistically perfect world, each group should win 25 percent of the championships. But we found the top group won 40 percent, and the bottom group won just 16 percent. In some states, such as Kentucky, it was far more lopsided.

We focused the reporting by pulling specific schools out of the database. We looked for schools that were in the top quartile and had won numerous state titles during the five-year period our data encompassed. This brought Ballard and several others to our attention, including some that had won every title in a given sport during this time.

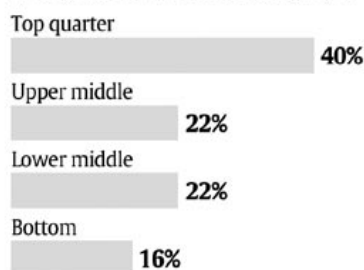
Then we also looked for schools in the bottom quartile that had been similarly successful, and found a few schools, such as Brewster in Washington, which had won six state titles. Our reporting proved that these schools were clearly the exception.

An athletic director in New Jersey who has worked for schools at both ends of the spectrum told us, "It's like Dorothy going from black-and-white Kansas to Technicolor Oz. The difference you see in facilities and parental support is like night and day."

*MaryJo Sylwester is the sports database editor for USA Today in McLean, Va. She is a former database library administrator for IRE and NICAR. Erik Brady is a sports projects reporter for USA Today.*

### Where the trophies go

The most affluent high schools – those in the top quarter in each state – have won athletic championships at more than twice the rate of those in the bottom quarter. Percentage of championships won by schools in each income group<sup>1</sup>:



<sup>1</sup> – Group based on the school neighborhood's household median income and percentage of students on federal free or reduced lunch.

Source: USA TODAY data analysis by MaryJo Sylwester

By Karl Gelles, USA TODAY



# FALSE SECURITY

## Lauded day-care rating system manipulated to achieve higher marks, investigation shows

BY ERIC FRAZIER  
THE CHARLOTTE OBSERVER

In 1999, North Carolina stepped to the front of the national day-care reform movement when it launched an ambitious licensing system designed to prod day-care centers toward higher standards.

The state's old licensing system had awarded centers an "A" license for meeting minimum standards. Those who aimed higher, perhaps by having more activity centers or fewer students per teacher, could get an "AA" license. Critics said that didn't tell consumers enough about the quality of care or the distinctions between centers.

The new licensing system raised standards and drew sharper distinctions between good-quality and poor-quality centers. It set up a five-star licensing regime under which the best centers would get five stars and the worst would get one. Stars would be awarded based on three categories – program quality, staff education and compliance with state regulations. Each category carried a maximum of five points. You needed 14 total points – near perfection – to get five stars. The licenses themselves showed how many stars centers earned in each of the three areas. Parents checking out a center needed only look at the license on the wall to get a sense of what the center in question did well or poorly.

Day-care experts called it a huge step in the right direction. They suspected parents would get much more detailed information about quality, and that would prod the low-rated day-care providers to improve themselves. "You're on the leading edge," an official with the Children's Defense Fund told the *Observer* in 2000. "It's very thorough, very well done, very challenging." Harvard University named the program a finalist for its Innovations in American Government Awards, the "Oscars" of the public policy world.

The *Observer* had given heavy coverage to the rollout of the star licensing system, but as the years passed, the spotlight faded. When a source told me this year that many centers were moving up the ratings toward five stars, the cynical part of me groaned at the thought of a "feel good" story. But, realizing how important a subject day care is for any newspaper's readership, I decided to take a look.

I discovered that the state's day-care centers were indeed earning higher star ratings. But as I kept digging, I came across one brochure on the program that opened a whole new line of inquiry. The brochure

mentioned that, in gauging program quality, the state had done thousands of rigorous, onsite evaluations at day cares across the state. The evaluations – one for infant and toddler classrooms, one for preschoolers and one for school-age children – produced numerical scores. While searching the state's Web site on the rating system, I came across a link to a Web site run by the university professors who directed the onsite evaluations under a \$2 million state contract. The professors were concerned that too many of the evaluation scores were falling below acceptable standards. I figured the state probably kept a database of those scores. Couldn't hurt to take a look, I thought.

I asked the state Department of Health and Human

percent of day cares fell in the inadequate or below minimal care range on the sanitation standard. Teachers, for instance, routinely forgot to remove their diaper-changing gloves before putting on a clean diaper. Getting kids to wash their hands properly before eating also seemed to be a big problem. Such oversights, the experts said, could easily help spread communicable disease.

So, what the spreadsheets showed was that the state's highly acclaimed day-care rating and licensing system had been quietly pinpointing disturbing problems with the quality of care the state's children were receiving. Some day-care owners complained that the tests were too hard, that the evaluators were looking for perfection. But that's a hard argument to make when children's health and safety are at stake. The rating system was designed to spark improvement, even if it meant showing centers exactly how below par they were. And in that sense, it was definitely doing its job.

As we continued to fiddle with the data, another thought occurred to me. The professors overseeing the tests had suggested that some of the five-star centers didn't really deserve that honor. I decided to test that theory by pulling the 800 or so five-star centers out

separately and making the spreadsheet sort them according to their scores on the three quality assessment tests.

Sure enough, there was an "ah-ha!" moment as I discovered that more than 100 of them earned below-par scores on the tests. Here in Charlotte, we found that nearly three-dozen of our city's 120 five-star programs received below-par scores. Included among them was the highly touted center run by our city's most powerful corporation, Bank of America. These programs were reaching five-star status by maxing out their scores on the two other main parts of the rating system – staff education and compliance with state regulations. In effect, the state's rating system was giving its highest ranking to centers that still needed substantial improvement.

Even more disturbing than what we found is what remains unknown. Since much of the star-rating program is voluntary, the worst day-care centers simply strive for the minimum standard of one star and quit once they have it. They don't have to submit to the quality evaluations to get their single star. Many with two and three stars duck the tests, too. In the first three years of the star rating system, just 22 percent of all licensed day-care centers asked to be evaluated.

Debby Cryer, one of the authors of the evaluation tests, said the findings should give state officials cause for concern. "It shows us what the problems are," she said. "It's up to us to decide whether we want to do anything about it."

*Eric Frazier covers family and child welfare issues for The Charlotte Observer.*



T. Ortega Gaines | The Charlotte Observer

One-year-olds take their naps after lunch at a day-care center in Harrisburg, N.C.

Services, and sure enough, it did have those scores in several handy Excel spreadsheets. The agency promptly e-mailed them to me. The data fields included the name of the day care, the county, the ZIP code, the number of stars it received overall, and its scores on the three onsite quality assessment tests. I'm still a relative novice with spreadsheets, but with some help from Adam Bell, one of our in-house experts, I ran simple searches to see what trends might pop out. As the professors had hinted on their Web site, there were indeed problems.

The average scores for infant and toddler classrooms fell far below the standards set by child development experts. The evaluations conducted in infant and toddler classrooms showed that the safety practices observed by 76 percent of day cares fell below minimal or basic standards. Some were rated as dangerous or inadequate for children.

The experts overseeing the tests also found that 68

# LOOSE BONDS

## Bail agents skip on forfeitures, revoked licenses; judicial practices called into question

BY RANDY ELLIS  
THE OKLAHOMAN

When a criminal defendant fails to show up in court, a judge will issue an arrest warrant and order that the defendant's bond be forfeited.

The assumption of people in the courtroom is that the bondsman who posted the bail is going to have to pay some money.

That assumption was wrong in Oklahoma County – at least as it pertained to bonds posted by a couple of bondsmen with powerful connections.

Behind the scenes, judges and court clerk employees were issuing orders and making “mistakes” that resulted in these bondsmen almost never having to pay their forfeitures. Much more than \$1 million was involved.

The first real clue that something was wrong came last March when Oklahoma's insurance commissioner created momentary chaos by canceling – then reinstating – the ability of the state's largest bail bond insurer to write bail bonds in the state.

The insurance company's general agent in Oklahoma tried to dismiss the situation as a “screw up” that would be quickly resolved.

But was it?

*The Oklahoman* received a tip from a competing bondsman that Ranger Insurance Co. had for years received special treatment in Oklahoma County and almost never had to pay its bond forfeitures.

The source claimed that one Ranger agent had brazenly boasted she had never had to pay bond forfeitures. The source suspected bribery and said millions of dollars were involved.

### Extensive extensions

The newspaper decided to have court reporter Diana Baldwin and me investigate. Database editor John Perry and senior reporter Nolan Clay later joined the investigation.

One of our first stops was the Oklahoma Insurance Department, which has the legal authority to fine and revoke the licenses of bail bondsmen who fail to pay their forfeitures on time.

Oklahoma's insurance commissioner previously had been indicted and reprimanded for unethical conduct, and reporters suspected he might also be engaged in unethical conduct involving bondsmen.

Instead, we found something different.

Insurance Department employees readily acknowledged there was a problem with bail bond forfeitures in Oklahoma County, but said they weren't the ones causing the problem.

The officials said they tried to revoke the licenses of bondsmen who failed to pay forfeitures in Oklahoma County, just as they did when bondsmen failed to pay in other counties.

Whenever licenses of Ranger agents in Oklahoma County were about to be revoked, however, the agents would go to judges and get them to issue stays (deadline extensions), Insurance Department officials complained. Sometimes judges would grant a half dozen or more stays in a single case, extending the payment deadline for years, they said.

Using Oklahoma's Open Records Act, we obtained a lengthy list of cases in which Oklahoma County judges had thwarted forfeiture collection efforts by issuing stays.

An examination of the cases showed that several judges had issued stays that benefited Ranger and professional bondsman Howard McClanahan. Most of the judges had issued just one or two stays in cases assigned to them. However, two judges – District Judge Virgil Black and Special Judge Charles Hill – were found to have repeatedly intervened in other judges' cases to issue stays.

### UPLINK

In the September-October issue of *Uplink*, John Perry of *The Oklahoman* explains how his newspaper used “Web scraping” through Perl script for this story.

Interviews with judges revealed that many of these interventions were done without the knowledge or permission of the judges assigned to the cases. Those interventions violated a local court rule.

One district judge, Twyla Mason Gray, said she had asked Hill and Black to keep out of her cases, but they continued to intervene anyway. Gray said she thought these actions might be illegal.

While reviewing court cases, we discovered numerous irregularities in actions by court clerk employees, as well. Many cases were found in which court clerk employees had exonerated bond forfeitures without judicial orders and under circumstances in which they had no apparent legal authority to do so.

The clerk's office failed to send out forfeiture notices or sent them to the wrong bondsmen in several large bond cases, forcing judges to exonerate the bonds because of due-process violations.

We also found numerous cases in which court clerk employees had electronically deleted docket entries, destroying official court records in the process.

The improper actions by judges and court clerk employees not only have cost the court fund significantly more than \$1 million, but also have resulted in accused drug dealers, child molesters and other fugitives running free, with bondsmen no longer having financial incentives to track them down.

Our reports drew the public's attention to the seriousness of the matter with a story about a fugitive who allegedly killed a man shortly after his bond was exonerated because the clerk had failed to mail out a required forfeiture notice.

Reporters were able to identify dozens of examples of serious bond forfeiture abuses through interviews with competing bondsmen and random reviews of court docket entries.

### Improper exoneration

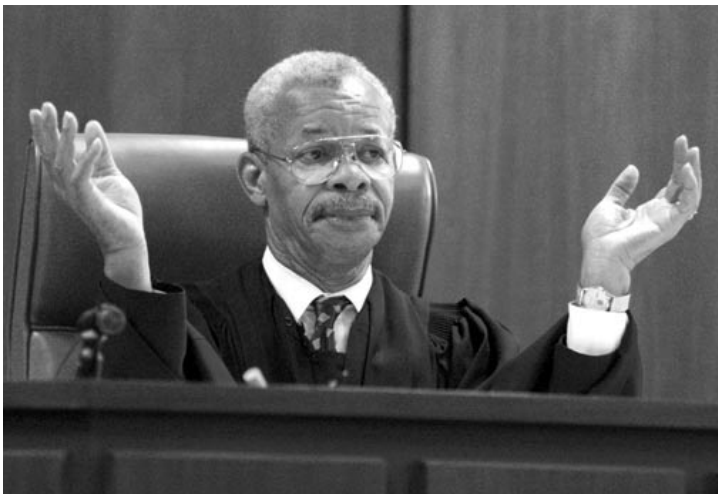
A bigger challenge was trying to determine the breadth and depth of the problem in a county that processes more than 7,000 felony cases a year, making review of all cases impractical.

For assistance in that task, we turned to computers.

Oklahoma County court dockets can be viewed online through a Web-based database.

We first ran a computer program written in Perl that allowed us to identify cases in which various forms of the word “forfeiture” appeared. We found several thousand – still too many to view each individually.

Steve Sisney | The Oklahoman



Oklahoma County Special Judge Charles Hill presides over drug court.

We knew through our random review of case files that Judge Hill had intervened in other judges' cases without permission, to exonerate bond forfeitures in some cases where fugitives remained out of custody.

Using Perl script, we explored the scope of the problem, searching for cases in which Hill's name appeared within the same docket entries as various forms of the word "exoneration" and similar phrases. The computer identified several hundred cases, which we examined individually.

Ultimately, we were able to write a story stating Hill had issued improper exoneration orders in more than 50 cases, forgiving bondsmen from having to pay more than \$800,000 in forfeitures.

We also used the Oklahoma Open Records Act to obtain computer printouts of all felony bond forfeitures paid by insurance companies and professional bondsmen in Oklahoma County for 2002 and 2003. We compared that list with forfeitures paid in Tulsa County, which takes a no-nonsense approach to bond forfeitures.

The comparison revealed that Tulsa County had collected more than twice as much while handling fewer felony cases.

Ranger had paid just \$58,500 in felony forfeitures in Oklahoma County during the two-year period. Meanwhile, judges and court clerk employees had improperly forgiven the company from having to pay hundreds of thousands of dollars.

Publication of the bail bond stories has brought mixed reactions.

On the positive side, Oklahoma County's presiding judge has issued administrative orders clamping down on bail bond abuses. Judges have held hearings that forced Ranger and a few other companies to pay hundreds of thousands in bond forfeitures that previously had gone uncollected.

The state auditor's office has been called in to examine court clerk practices, the FBI is investigating bail bond abuses, and the Oklahoma State Bureau of Investigation is looking at some bail bond forfeiture cases as part of a bribery investigation of Judge Hill that was initiated by an unrelated complaint.

Judge Hill has stated he plans to retire.

Conversely, Court Clerk Patricia Presley has responded to increased stories about her office's operation by demanding that reporters not question any of her personnel except herself and her two top assistants during normal business hours. She also demanded that all questions be submitted in writing. When written questions were submitted, she failed to answer many of them and responded with news releases that attacked the reporter who asked the questions.

*Randy Ellis has written investigative stories for The Oklahoman for 22 years. Among his more notable stories were a series of articles about corruption in higher education that resulted in two college presidents being sent to prison and a former higher education chancellor being forced to step down.*

## 30 years of IRE and the press: Outsider's view from inside



EDWARD DELANEY

*What follows is an extended version of remarks given at IRE's 2004 conference in Atlanta.*

Investigative reporters seek to do good by being difficult. They act on the assumption that something must be wrong. At the same time they are rightly insistent that their own conduct must be above reproach. The aversion to evil and hatred of hypocrisy underpin their important contributions to our society.

These attitudes are reflected in their often aggressive and probing questioning. An objective observer might say that the same attitudes and techniques make them difficult to deal with. Such an observer would be right. The organizational challenges of forming and advising IRE over more than 25 years were rather daunting. But it was worth all of the effort. Cynicism and

probity are not all bad. Today, IRE has about 5,000 members, extensive international ties and runs the National Institute for Computer-Assisted Reporting. But IRE did not always have lots of members, respect and stability. Like some births, IRE's was marked by great difficulty followed by whining and trouble walking.

When I started with IRE in 1975, I admired investigative reporters and I still do. But they sure have put a lot of miles on me. IRE's history has been marked by big moments that came early and big policy decisions taken over time. Let me take you through some of the challenges IRE has faced, while alluding to some of its rogues' gallery of characters.

### Big moments

IRE was born out of a Pulitzer Prize series done by *The Indianapolis Star*. The *Star*'s investigative team had uncovered corruption in the Indianapolis Police Department. Several of the team's own members were arrested in the process. I played a minor part in dealing with the criminal cases. The defeat of the prosecutor led to the end of the criminal cases. But the team — Bill Anderson, Harley Bierce, Myrta Pulliam and Dick Cady — stayed together.

They had been frustrated by the difficulty of following leads beyond central Indiana. They wanted to create a network of investigative reporters who could share information. In the 1970s this meant by teletype, telephone and mail. Myrta and Harley set out to create a nonprofit that would devise such an informal network while teaching investigative journalism to the growing number of journalists interested in the field. The time was right. Watergate was fresh in reporters' memories. The press, Congress and the courts had each played vital and active roles in that cataclysm. Young journalists wanted more of the same.

IRE had instant support. Stalwarts like columnist Jack Anderson and Ohio State's Paul Williams signed on along with then-neophytes, such as Len Downie, and mid-career types like Les Whitten, and Ron Koziol of the

*Chicago Tribune*. An informal steering committee got a nonprofit up and running. The twin threats of money and ethics immediately reared their heads. The proposed National Association of Investigative Reporters had no money for strategy meetings, lawyers or anything. The Lilly Endowment was willing to help, but the founders were reluctant to accept funds from a charity whose assets were sourced in a drug firm. Happily, the Office of Communications for the Disciples of Christ stood ready to put up \$25,000 to explore the idea. Of course, as it turns out, its major funder was the Lilly Endowment.

The first IRE conference drew about 100 reporters to a failing hotel in downtown Indianapolis. There they heard about the recent assassination of Phoenix reporter Don Bolles, who had been scheduled to attend. Bob Greene of *Newsday* began a push for IRE to invite reporters to go to Arizona. The goal would be to describe the climate that made killing a journalist possible. Some 25 journalists joined in the effort.

While there were endless debates about "pack journalism" and "vigilante journalism," Greene and the IRE board were not deterred. They saw the

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*Edward DeLaney graduated from Harvard Law School in 1973. In early 1975, he began to work on the creation of IRE. He served as IRE's counsel until 2003 and retired this year from Barnes & Thornburg.*



A dolphin swims past the viewing windows of a tank at Marineland of Florida near St. Augustine. The park, the first attraction devoted to marine animals in the country, opened in 1938 to 20,000 visitors. It still draws crowds.

# MARINE DEATHS

## Ugly side of captive-animal facilities surfaces, showing neglect, lack of marine park oversight

BY SALLY KESTIN  
SOUTH FLORIDA SUN-SENTINEL

Watch Flipper tail walk across a pool or Shamu propel his trainer into the air, and it's hard not to smile.

Marine parks are enormously popular, especially in Florida, where the first one in the country opened nearly 70 years ago.

Short of a few protests by animal rights activists that garnered a brief mention in the news, parks have enjoyed positive if not adoring press.

Media outlets both large and small covered the joyful birth announcements and wrote heartfelt obituaries when a sea star died, which made it all the more surprising when I got a call last summer about an orphaned dolphin calf found stranded near Cape Canaveral and named Rocketman by his rescuers.

The National Marine Fisheries Service decided Rocketman was too young to be released and sent him to a dolphin park in the Florida Keys. Healthy

when he arrived, Rocketman died a month later from an infection.

Even more intriguing in the Fisheries Service records were the reasons the federal government had rejected other Florida marine parks as a home for Rocketman. One had a herpes outbreak among its dolphins. Another had inexperienced staff and questionable veterinary care. The very place Rocketman ended up had a "history of losing [dolphin] calves."

The conditions described in those records did not seem to match the idyllic public image of marine parks. We decided to take a closer look.

### Obsolete computer files

The Fisheries Service had kept an inventory of all marine mammals in captivity for more than 30 years. After we asked for the inventory electronically, the

### UPLINK

In the November-December issue of *Uplink*, John Maines of the *South Florida Sun-Sentinel* offers more detail on working with the Marine Mammal Inventory Report, a database kept since 1972 by the U.S. government's National Marine Fisheries Service.

government sent us a print version – more than 800 pages of the births and deaths of marine stars at large parks, such as SeaWorld, to city zoos to one-dolphin shows at a mall.

Page after page showed hundreds of dolphins, whales, sea lions and seals had died, many of them young. Causes of death included chlorine poisoning, heat stress, bad fish, capture shock, and stress during transit.

We knew we needed the data electronically to do more in-depth analyses and spot trends. After three months of negotiations, the Fisheries Service allowed *Sun-Sentinel* staff researcher John Maines to come to its Maryland headquarters to work with the agency's obsolete computer files. It took Maines three hours to convert the inventory into an Access database.

The *Sun-Sentinel* agreed to give a copy of the database to the Fisheries Service, which until then

had never been able to analyze the very information it collected for 30 years.

The data confirmed what we initially saw in the print records. A quarter of the marine mammals that died in captivity never reached age 1, and half were dead by 7 years old. One in five died of seemingly avoidable or preventable causes.

By then, it had become clear the story extended beyond Florida and even the United States. Swim-with-the-dolphins attractions had popped up all over the Caribbean. A thriving international marine mammal trade had developed, built upon the increasing demand for dolphins and whales worldwide.

Cuba had emerged as the world's leading exporter of bottlenose dolphins, capturing and selling at least 140 since 1995.

Like racehorses, marine mammals had become so valuable that parks took out life insurance on them. Killer whales were worth upward of \$5 million each. Dolphins sold for \$100,000 or more.

We knew this had become huge business, but just how big, no one would say. We wrote to 129 parks, zoos and aquariums – all those licensed in the United States and several overseas – and asked for their attendance and revenue figures.

Using information they provided, as well as Web sites and public records, we estimated that in the United States alone, marine parks each year attract more than 50 million visitors, who spend at least \$1 billion.

With a better sense of the size of the industry, we wanted to find out how and why animals died and learn more about the industry's history.

We tracked down "collectors" who captured hundreds of dolphins and whales in U.S. waters. In the Pacific Northwest, they chased killer whales in speedboats and helicopters, dropping explosives in the water to herd them into nets. In Florida, they netted pods of dolphins, selecting young females because they were less aggressive, and hoisted them onto boats with foam pads and sprinkler systems. Dozens of animals died during capture, including the mother of the original Shamu.

The inventory proved only partly useful in determining why marine mammals died. In nearly 1,500 deaths, the cause was blank, unknown or too general – "old age" or "euthanasia" – to draw conclusions. Until 1994, the government used to require necropsies when an animal died. But at the industry's urging, Congress weakened oversight of marine parks.

We asked parks to provide the now-private necropsies. Only nine did. But those records provided rich detail for the stories: Sandy, a sea lion who suffered chronic eye blisters from lack of shade in her exhibit, and Splish, a harbor seal who died after swallowing a penny.

To see how well the government enforced care and maintenance standards at marine parks, we asked the U.S. Department of Agriculture for complaints, investigations and inspection records for all parks

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## Beware regulatory creep as secrecy shrouds records



PETE WEITZEL

I'm still trying to find my way around Washington, D.C., a city of circles and squares and main streets that go off on an angle. Travels are made even more difficult for those of us who are direction-impaired by the high number of partisan streets. Don't even try the two-way streets; they're as deadlocked as Congress.

Coming back into the city on a recent weekend, my wife suggested a scenic route around the U.S. Capitol. At one intersection, a portable sign told me to go right. That led to a concrete barricade, forcing a detour to the left. Halfway down the block, a cop stopped us for a look-see. A block later, a trio of police officers made it clear I needed to try some other route across town.

Coincidentally, a story in *The Washington Post* that day described how district and federal police, responding to heightened threat warnings, had proceeded to safeguard the city. One morning earlier in the week, a street had been closed without notice; a few days later, another. So it went, one by one by one, with no one street closing seeming particularly consequential. Suddenly people, and the *Post*, realized: You can't get there anymore.

Since this is not a travel magazine, you may have guessed there's a metaphor lurking somewhere.

I'm also still trying to find my way around government in Washington, and coming to realize that the paths of information are not unlike the city's streets. The access routes are irregular, often cut on the bias, frequently partisan, made difficult to navigate by bureaucratic round-a-bouts, and increasingly, blocked by barricades and thought patrols.

In far too many cases – more than ever before – you can't get there.

National security is the given reason for much of the sealing of both roads and records. And the stealth approach to implementation of the respective barricades is remarkably similar.

Anyone seeking information from the Department of Homeland Security knows how D.C. drivers must now feel. The department has perfected the craft of regulatory creep in putting a secrecy shroud over a vast array of records. The only criteria seem to be that the information have some relation to infrastructure and other security concerns.

DHS takes its secrecy seriously. In May, the department's Transportation Security Administration implemented new regulations closing transportation-related records without the usual notice and comment period. It said it would accept comment de facto. About the same time, DHS sent staff a directive outlining procedures to be followed in closing records that were "sensitive but unclassified." The directive was itself labeled "For Official Use Only," which means not to be shown to anyone outside the department. It became public when an open government advocacy group learned of it and submitted an FOIA request.

A month later, DHS sent out notice of new environmental review procedures – potentially eliminating much of the public input and information sharing built into the National Environmental Protection Act. The DHS notice initially allowed 30 days for response, one-third the normal comment time.

"Government secrecy is being ratcheted up, sometimes conspicuously, sometimes imperceptibly," Sen. Patrick Leahy, D-Vt., one of the administration's strongest critics on transparency issues, wrote recently.

### Secrecy classification system

The increased secrecy comes in areas such as official classification of information, a structured process with statutory accountability built in. That rose 25 percent last year, following a 14 percent increase the year before. The imperceptible, and more serious, ratcheting comes in executive orders, regulations, directives that take documents off the declassification table, Web site modifications, restricting of FOIA access and establishment of new, broad-ranging categories of closure.

Records are now being "safeguarded" by DHS and other agencies under such secrecy designations as critical infrastructure information (CII), sensitive security information (SSI) and sensitive but unclassified (SBU). The first two are extrapolated from language in the Homeland Security Act, little noticed at the time, to automatically exempt vast amounts of information from public review under the Freedom of Information Act. If you request a document with sensitive but

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*Pete Weitzel is the FOI coordinator for the Coalition of Journalists for Open Government, based in Washington, D.C. He is a former managing editor of The Miami Herald and helped found the Florida First Amendment Foundation.*

## Stories from the RESOURCE CENTER

At the IRE Resource Center ([www.ire.org/resourcecenter](http://www.ire.org/resourcecenter)) you will find stories written by journalists who have successfully investigated animal-related issues. Here is a selection of stories members can request.

- **Story No. 19072.** "Cruel and Usual. How some of America's best zoos get rid of their old, infirm and unwanted animals," by Michael Satchell of *U.S. News & World Report*. Zoos accredited by the American Zoo and Aquarium Association must abide by a code of ethics restricting animal transfers to other AZA members or to unaccredited zoos with the "expertise, records management capabilities, financial stability and facilities required to properly care" for the animals. But this investigation found that even some of the nation's most highly regarded zoos violate those mandates through transfers, sales and loans of exotic animals to substandard zoos and to private animal breeders and dealers. (2002)
- **Story No. 16409.** "Flying fever," by Robert H. Boyle of *Audubon* magazine. Doctors learned of the presence of the mosquito-borne West Nile encephalitis when crows and captive birds in the Bronx Zoo began dying. But identifying the malady and treating the cause were difficult, because there is but a handful of experts in mosquito-borne diseases in the United States. To combat the outbreak in the Bronx and Queens, health officials sprayed Malathion to kill flying bugs but no move was made to eradicate breeding areas. (2000)
- **Story No. 17628.** "Sea Sick," by Marguerite Holloway of *Discover*. The story investigates why killer whales that live near Seattle are dying too soon and too often. The report reveals that there are three causes for the premature deaths: boat traffic, reductions in certain preferred prey species and pollution. The author suggests that listing the killer whales under the

Endangered Species Act can reduce some of the human-induced threats, but not the pollution. (2001)

- **Story No. 18965.** "Animal wrongs," by David Hasmyer, David Washburn and Tom Mallory of the *San Diego Union-Tribune*. This is an investigation into the San Diego Department of Animal Control practices and the attitude of its director, Dena Mangiamele, toward animal-care procedures and local animal welfare foundations. Internal conflicts between workers and management, mistreatment of animals and abusive in-shelter killings are reported. (2001)
- **Story No. 21135.** "Death at the Pound," by Scott Dodd, Michelle Crouch and Jennifer Talhelm of *The Charlotte Observer*. This story reveals that the number of animals killed in the Charlotte region in the past year is more than double the national average. The shelters are often crowded, the workers don't require prior training and other ways of controlling the animal population such as spaying or neutering are not common. (2003)
- **Story No. 16106.** "Animal Underworld," by Alan Green of the Center for Public Integrity. The book is an expose of the burgeoning domestic trade in exotic species. It examines the elaborate shell game of animal brokering that secretly shunts rare – even endangered – species off to auction barns, private hunting preserves, roadside attractions and basement cages. The book demonstrates "how institutions and individuals heralded for their commitment to conservation, including some of the nation's most respected zoos, are in many instances more interested in profits than in preservation of the species ..." (1999) You also can read an *IRE Journal* story on the topic by Alan Green in the 2000 July-August issue.

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and zoos that house marine mammals. The USDA released the records six months after our request and only after threat of a lawsuit.

The inspection records showed the government had been slow to enforce regulations, allowing violators to continue operating even after documenting problems. For more than a year, a marine park in Hawaii ignored an inspector's deadline to hire a local vet for its aging and frail marine mammals. By the inspector's fifth visit, a pregnant dolphin had died after three days of labor with no medical care, the records said.

### Unfriendly questions

When it came time to talk to the marine park officials, we found most refused to meet with us or even provide basic information. "We reviewed all the questions and frankly we don't find them all that friendly," said the spokeswoman for one park in the Florida Keys.

The few who did agree to talk set ground rules, such as insisting questions be submitted in advance, in writing. For balance in the stories, we agreed to their terms.

"Marine Attractions: Below the Surface," a five-part series published in May, brought hundreds of letters and e-mails from readers as far away as Ecuador. Many were outraged at the treatment of

Angel Valentin | South Florida Sun-Sentinel



In the petting pool at SeaWorld of Orlando, visitors are encouraged to touch the animals and to buy frozen fish in cardboard containers to feed them. Federal inspectors cited the park last year for allowing visitors to touch the dolphins' blowholes.

marine animals. Some vowed to never visit a marine park again.

The Fisheries Service has begun analyzing the inventory for the first time. The Marine Mammal Commission, an independent oversight agency created by Congress, is also reviewing the data, and at

least one member of Congress said he plans to introduce legislation to increase marine park oversight.

*Sally Kestin has been an investigative reporter at the Sun-Sentinel since 1999 and has won state and national awards.*

## Tipsheets from the IRE RESOURCE CENTER

Visit the IRE Resource Center ([www.ire.org/resourcecenter](http://www.ire.org/resourcecenter)) to find tipsheets written by journalists who have successfully covered stories on how captive animals are handled. Here is a sample of what is available.

- **No. 1675:** James Grimaldi of *The Washington Post* provides ways to work the system to get the documents you need. This includes strategies on filling out FOIA forms and links to the Web for more information. Among the stories included is a column about a zoo that is not revealing medical records for its animals because of privacy reasons. (2002)
- **No. 1016:** Linda Goldston of the *San Jose Mercury News* answers the who, what, when, where and why reporters should investigate the zoo business in the United States. (1999)
- **No. 1015:** Allison Gilbert gives the addresses and contact information for sources involved in a story she produced for WWOR-New York, which exposed potential hazards for pets shipped on airplanes. (1999)

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# CHARITY WORK

## Extensive records search finds nonprofit CEO ran his own quietly linked business on the side

BY RANDY LUDLOW  
THE COLUMBUS (OHIO) DISPATCH

I endured regular ribbing from colleagues at *The Columbus Dispatch* as mounds of paper on my desk threatened to topple over – much to the consternation of my neighbor and the delight of others.

Our investigation of the one-sided financial relationship between a nonprofit charitable foundation and a business owned by its CEO was rooted in the reams of documents that grew over my desk and into the boxes on the floor.

It was intensive combing of public records – paper copies, databases and online information – that generated not only the avalanche of paper, but unexpected revelations fueling stories about the do-good group and its long-time boss.

This nonprofit existed to improve the lives of 62,000 mentally retarded and disabled Ohioans – and largely was funded with taxpayer dollars – so the findings were all the more startling.

### Questionable activity

Starting with a tip something was amiss at the Ohio Association of County Boards of Mental

Retardation and Developmental Disabilities, we launched a flurry of public-records requests and began mining online sources.

The organization is the statewide lobbying arm of Ohio's county boards of MRDD, which levy property taxes to help house, educate and employ the mentally disabled.

After reviewing thousands of pages of records procured from a wide array of state and county agencies – and, importantly, the nonprofit itself – we were ready to publish two months later.

The story was one of mingled money, misrepresentation, self-dealing, diversion of cash, apparent tax evasion and the spending of public-provided dollars to subsidize a private business.

The facts related through the records stunned Ohio's network of MRDD-care providers, initiated investigations by the state auditor, attorney general and Department of Taxation and prompted vows of reform from legislators.

The man behind the nonprofit and the private business was fired by his board; the trustees said they were unaware of questionable activity and

advantageous contracts his company entered into with the association.

*The Dispatch* found Charles H. Arndt, chief executive officer of the Ohio Association of County Boards of MRDD since 1983, was operating a for-profit business on the side from the nonprofit's offices.

Atop his annual compensation package of nearly \$250,000 from the nonprofit, Arndt's company – Leadership First Academy for Executive Development in MRDD – had earned more than \$1.4 million in state and county tax funds since 2001.

With the blessing of the nonprofit's board, Leadership First offered state-mandated training for public-sector MRDD professionals – a duty the association privatized by quietly placing it with Arndt's enterprise.

Officials of county MRDD boards were astonished to learn Arndt owned Leadership First and personally profited from the tax dollars they spent. Most assumed, falsely, that Leadership First was an arm of the organization.

Among the key findings:

- The association, under a contract signed by the board president, paid more than \$100,000 to Leadership First to cover the salaries of Arndt's employees and the fees of consultants who provided training. Many board members were unaware of the contract.
- Arndt was allowed to use the association's offices and equipment at no cost while putting the nonprofit's employees to work developing brochures, processing seminar registrations and billings and handling his company's cash.
- A \$2,000-a-head professional development program was falsely advertised as affiliated with the John Glenn Institute for Public Service and Public Policy at Ohio State University.
- The tax-exempt status of the nonprofit apparently was misused to shelter Leadership First from the payment of state and county sales taxes.
- More than \$47,000 in dues owed by the Butler County MRDD board were diverted to fund a \$140-an-hour consulting contract with Arndt, who claimed the contract was OK'd by the nonprofit's board. No records approving the transaction were found.
- After the Butler County MRDD superintendent retired, Arndt hired him as a \$30,000-a-year public relations analyst who was paid by the nonprofit to work from home one day a week. He denied any quid pro quo in connection with winning his board's approval to award Arndt the consulting contract.
- The nonprofit loaned Arndt \$45,000 to purchase a 5.5-acre home site with the loan to be repaid over three years. However, it was listed as repaid in less than 10 months – on the same day Arndt secured a \$250,000 construction loan. No records concerning the repayment could be found.

And, we continue to explore various angles

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that may document other potential misconduct while awaiting completion of an association audit of its transactions with the company owned by its one-time CEO. Arndt denies wrongdoing, but concedes he did not appropriately tend to his private business.

### The paper trail

One challenge along the way required a marathon session of 24 hours of writing over two days, making for a long weekend for assistant state editor Paul Souhrada and me. The association scheduled an emergency board meeting a week before we planned to publish in an apparent attempt to take some face-saving action. We decided to hustle our initial reports into print (go to [www.dispatch.com](http://www.dispatch.com) and click on special reports) to avoid getting “beaten” to our own story.

At its core, the story was built on the aggressive use of Ohio’s public records law.

I am a big believer in securing every possible piece of paper, from the major to the mundane, while pursuing an investigative project.

An important piece of our project involved obtaining financial records and contracts from the Ohio Association of County Boards of MRDD detailing its financial relationship with Arndt and his company.

While laws vary among states, Ohio’s statute thankfully requires nonprofit corporations to comply with the public records law and disclose detailed information about the receipt and spending of public funds.

Since the nonprofit’s funding overwhelmingly consists of dues and other assessments from tax-funded county boards of MRDD, the association’s records were fair game.

The records spelled out the details of Arndt’s compensation, the contracts his company entered into with his nonprofit, board resolutions and other vital information. Also, in the context of the story, it was enlightening to learn what records could not be found.

Some states are as open as Ohio in allowing public access to the financial records of publicly funded nonprofits, others are not. If your state permits such access, use it liberally. It appears to be an underused reportorial tool.

Nonprofits registered as 501(c)(3) organizations exempt from income tax are required by federal law to permit inspection of their 990 tax forms – which detail receipts, spending, assets and salaries – from the last three years. The tax forms must be made available at their offices during business hours.

If you wish to keep your inquiries quiet, state offices that supervise charitable foundations often have 990 tax filings. Ohio, among other states, requires charities and nonprofits to provide copies.

The 990 tax filings also can be obtained from the Internal Revenue Service (Ogden Submission Processing Center, P.O. Box 9941, Ogden, UT,

84409), but be warned it can take more than two months to fulfill your request.

Many 990s also can be accessed for free online through the national database of nonprofit organizations maintained by GuideStar ([www.guidestar.org](http://www.guidestar.org)). It is an invaluable resource, but often does not have 990s for all nonprofits in which you may be interested.

We also blanketed Ohio State University, the Ohio Department of MRDD and county MRDD boards with public records requests seeking financial information, contracts, correspondence and other records pertaining to Leadership First.

Rare is the public agency that moves quickly to comprehensively fulfill records requests. Most make a half-hearted effort to find records reasonably responsive to your request, but don’t bust their bureaucratic butts. They hope you will be placated by what they do give you. Don’t be.

Be polite, but insistent, that there surely must be more records than were produced. There invariably are more records. Those you do receive also will unveil the existence of other records you can request.

Public officials commonly hope you will be satisfied with the raw numbers when requesting financial information. Don’t settle for figures alone. Get the paperwork behind them, including contracts, purchase orders and any correspondence, including e-mails. Also, do not shy from requesting arcane records that, at first blush, seemingly have little relevance to your investigation. Fishing expeditions sometimes can land a whopper.

For example, we requested copies of the bills that Leadership First incurred for room rental and meals at an Ohio State conference center where it offered training it falsely boasted as affiliated with the university.

An examination of the bills – and a memo in which the removal of taxes was sought and granted – revealed Leadership First was using the nonprofit’s tax-exempt status to avert the payment of sales taxes.

### Re-examine every page

Nuts-and-bolts reporting on a story of this type, of course, entails an examination of the background of the main players.

Civil lawsuits, criminal records, property records, mortgages and deeds, divorce records, business incorporation documents and others were thoroughly researched and delivered one surprise.

A check of county recorder documents uncovered the loan the nonprofit granted to Arndt. No records of the transaction existed at the Ohio

Association of County Boards of MRDD.

An online public records service such as LexisNexis also is invaluable when checking into people’s backgrounds and attempting to establish links between parties.

Finally, take the time to again dig into your mountain of records before sitting down to write.

### More on nonprofits

If you’re interested in learning more about investigating nonprofit organizations, check out “The Investigative Reporter’s Handbook” by Brant Houston, Len Bruzzese and Steve Weinberg (Bedford/St. Martin’s). Specifically, Chapter 13 looks at going beyond the bottom line of these groups by making use of federal, state and local government regulations.

I had puzzled over what appeared to be an intriguing expenditure, but could not connect it with the information needed to give it relevance. I thought I was lacking a major piece of the puzzle.

However, in re-examining every page of the thousands I had compiled, I came across a contract I had overlooked. The two documents, when finally linked, established the diversion of \$47,000 in tax funds to

Arndt’s company under suspicious circumstances.

The news media increasingly has become more vigilant in detecting and exposing abuses by nonprofits and charitable foundations. The *Dispatch* was pleased it could play a part with stories that we hope prompt the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities to focus on its true mission.

*Randy Ludlow is a state desk reporter for The Columbus Dispatch. He previously was statehouse bureau chief for The Cincinnati Post.*

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**EY  
ON  
RO**

## **FAST GETAWAYS**

Traffic schools allow repeat offenders to continue speeding with clean record

BY NANCY AMONS  
WSMV-NASHVILLE

**T**erence Jackson's SUV screeched into the traffic school parking lot at an opportune time. Our I-team photojournalist, Cam Cornelius, was videotaping a line of accused speeders checking in for class.

"What are you filming?" Jackson asked, as he took his place in line.

"Repeat offenders," we told him.

"Oh, it's my 10th time," he said, referring to his own driving record. He went on to tell us he probably still had some of the old textbooks from past driving classes he was required to attend because of his speeding infractions.

Zoom in. Focus. Jackson would become the poster child for the latest installment of our WSMV series, "The Need for Speed."

CONTINUED ON PAGE 22

# THE ROAD

## RECKLESS ACTS

Public officials flouting law by driving drunk, speeding in vehicles paid for with tax money

BY CHRIS HALSNE  
KIRO-SEATTLE

In my hand, I held two videotapes. One of them documented – in full color – our fire chief getting drunk at a local bar. He knocked back more than nine beers in a couple of hours. The other tape showed the chief getting into his county-issued truck and driving away. For some reason, it seemed more pathetic than newsworthy.

I had the same thought the summer before. A tipster led our investigative team to a drunken driving case involving a government water supervisor. The guy was foolish enough to get caught in his marked King County truck, a bottle of Jack Daniels by his side. Drunken driving is serious business, but airing this man's mistake seemed like taking an awfully big club to a really small baby seal. I chose to squelch the story at the time, but now, I pulled the file back out of the drawer.

CONTINUED ON PAGE 24

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## Faster and faster

Jackson had gotten 19 traffic tickets in four years, yet he kept a valid Tennessee driver's license. He kept the tickets off his record by going to traffic school over and over again. This was his seventh traffic school class in a year.

Our investigation found that in Tennessee, as in many other states, traffic school information is not shared among jurisdictions, nor are traffic school attendance records forwarded to the state – so repeat offenders can keep their records clean. Dangerous drivers stay on the roads. Their insurance companies don't penalize them.

Our investigation found that more than 600 people had attended metro traffic school at least three times each in three years. Dozens had attended more than six times. The problem wasn't isolated to Nashville.

Ann McCartt, a senior research analyst with the Insurance Institute for Highway Safety, told us that 39 states have some sort of diversion programs for traffic offenders, such as traffic school. The Institute, which is the voice of the insurance industry, contends that traffic schools are not effective, because bad drivers are not held accountable. In addition, the insurance industry believes that any insurer deserves to be aware of high-risk driving behavior.

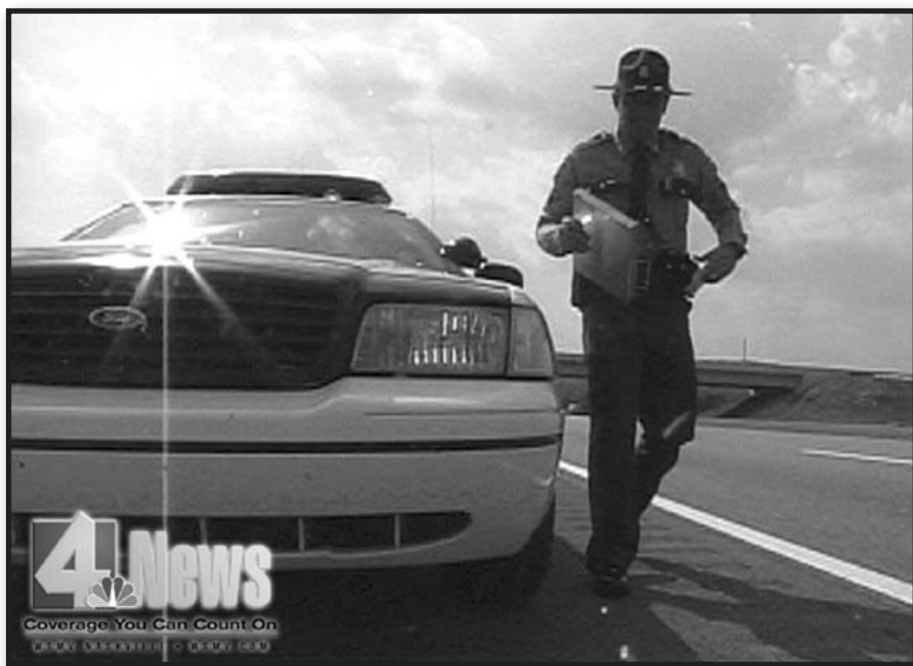
When we began working on our story, we did an analysis that showed interstate drivers are continuing to speed more and more, despite already higher highway speed limits. (Thanks to Paul Overberg of *USA Today*, whose idea we appropriated. See *Uplink* box.) Also, Nashville's new police chief had begun a crackdown on speeders.

For our first stories, we ordered two sets of data – one with three year's worth of speeding tickets from the Tennessee Department of Safety, which keeps dispositions of tickets as reported by local courts, and one from the local police department. We paid less than \$500 for both sets of data – a fair price – since programmers had to extract the data from clunky mainframes.

We used Access 2003 on a PC to crunch the data.

As we started collecting case studies from traffic court, we met a 16-year-old who had been ticketed at 114 mph. He told us it was his sixth ticket, yet, when we checked his official state driving record, it was clean. We found he had been sent to traffic school repeatedly, but in different jurisdictions. Each time, the judge dismissed the case because

WSMV



A Tennessee state trooper on highway traffic duty.

the teen had completed traffic school.

We wondered how many others were like him.

## Data nightmares

We ordered even more data. We requested data from every county surrounding Nashville and every city and town within those counties.

Nightmare number one: Many of the clerks in the small towns had never gotten a request for anything but a paper record. We filed requests under the state's Open Records Act. We dealt with city attorneys who weren't sure if court records are public documents (they are). We dealt with clerks in tiny offices who had no idea how to extract the information from their computer systems. We dealt with private companies that wanted to charge thousands of dollars to write data extraction programs.

Eventually, we ended up with more than a dozen different databases. Some were huge; some had just a few thousand records. Fortunately, eight of the smaller jurisdictions all used the same nonprofit service, Local Government Data Processing. The processing service soothed the nerves of clerks who were terrified we might get the name of a juvenile speeder. After the service collected the data for us – clean and uniform – it even posted the data to our FTP site for us.

We weren't so lucky when the data came in from the jurisdictions that didn't use Local Government

Data Processing. There was no standard format. The ticket dates, the name fields, the driver's license number – nothing matched in any database. Sometimes a driver's license number was TN123456, sometimes it was 123456TN. Each database took hours to clean and standardize.

I turned to the helpful folks on the NICAR listserv many times. Jennifer LaFleur at *The Dallas*

## UPLINK

The November-December edition of *Uplink* will feature more on transportation stories that used computer-assisted reporting techniques. Included:

- Paul Overberg of *USA Today* explains how the newspaper analyzed 1.2 million speeding tickets.
- Tom Torok of *The New York Times* shows how database matching uncovered unreported accidents at railroad crossings.
- Holly Whisenhunt of WOAI-San Antonio tell how she analyzed court data to find speeding patterns in Bexar County, Tex.

*Morning News* and others helped with string functions to clean the data. Mike Himowitz of *The (Baltimore) Sun* offered a life-saving suggestion for managing the data, which grew to more than a million and a half records. Himowitz suggested I create a stripped-down master database with as few fields as possible. I created a master table with name, driver's license number, ticket date and data source. The data source is needed to track the record

WSMV



# EYE ON THE ROAD

back from where it came.

I created a four-field version for each jurisdiction's database and then appended them all together.

Once the data is in stripped-down format, it's easier to manage. I was able to easily group by driver's license number in order to find the people with the most tickets. I chose the driver's license number because the name might change from database to database, but that number always remained the same. After I created a list of the worst repeat violators, it was easy to link the master table back to the smaller tables to retrieve the details on each ticket.

Creating a master table also simplified the data cleaning. Since we were only linking and summing by driver's license numbers, it didn't matter if the names were not an exact match.

After the data work, we had a list of people who were potential case studies. We picked our first repeat violator to profile. Our wonderfully detailed database told us that one of our top candidates had an upcoming traffic school date. We planned to be there.

Unfortunately, he was a no-show. But that's when dumb luck intervened. As my photographer and I were griping about having wasted a perfectly good Saturday morning staking out traffic court, Terence Jackson drove up. He cheerfully volunteered that it was his 10th time and told us that

slowing down wasted too much time.

So, Jackson became a celebrity by default. I asked him what it would take to get him to slow down.

"It's gonna take the speed limits to go up for me to slow down, 'cause it's just entirely too slow," Jackson says. "If you're really doing the speed limit you ain't getting anywhere. You gotta leave the house 30 minutes early."

In our reporting, we found that repeat offenders like Jackson were well known to the Tennessee Municipal Judges Association, which is working on legislation that would create a mandatory reporting system. The association wants standardized traffic tickets, which has met with resistance from police officers and from county clerks who don't want to have to redesign

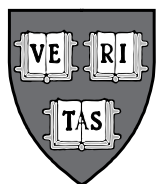
their forms and change their computer systems. Despite the opposition, the judges' association hopes to pass reforms next year.

*Nancy Amons joined the WSMV-Nashville I-Team in 1988. She specializes in computer-assisted projects. Nancy's been a member of IRE for more than 20 years and was elected in June as an IRE contest judge.*

## Speedy tips

If you're thinking of doing a similar story:

- Find out if your state collects data on people who have had tickets dismissed through traffic school.
- Plan far ahead. Acquiring the data could take months.
- Create the most simple master database you can.
- Use the driver's license number for your queries.
- Talk to traffic school teachers. They see the familiar faces.
- Get the paper tickets of the people you expect to profile. The narratives add color.
- Put a face on the story with speeders and with speed-related crash victims.
- To-do later: Match your repeat-speeder table against databases of school bus drivers, taxi drivers, ambulance drivers and elected officials.



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FROM PAGE 21

Two cases. Two government workers. Two incidents in which they drove in a reckless manner. My hunt for a little context led me to a never-before requested database maintained by the Washington State Patrol.

It is that agency's responsibility to keep track of every highway traffic citation. I wanted to know how often police issued tickets to vehicles carrying a plate beginning with the letters XMT. In Washington, (and most other states) government agencies don't pay taxes for their license plates. Here, those are labeled as "exempt" or XMT. Many of the plates are put on take-home vehicles for state, county and city employees. Others are put on work vehicles such as road graders and school district vans.

Our Open Records Act request asked the State Patrol to run a simple query in their citation database, searching violations that began with XMT. The agency removed all fields that carried personal information, but e-mailed me a beautiful copy of two years of tickets (see graphic for sample file).

The coding was simple. The number of government workers getting traffic citations while on the job in government-issued vehicles surprised me. In just two years, we found 782 tickets, including 424 speeding citations, 10 arrests for aggressive or negligent driving, four DUI's, 24 cases of driving on a revoked license, and even a hit-and-run.

Officials driving drunk

Our investigative producer, Bill Benson, went to

XMT RECKLESS DRIVING SAMPLE						
License Plate	Date	Hour	Hwy No	Mile Post	V 1	V 2
XMT39554C	1/7/2002	15	167	12	79	
XMT501	8/10/2002	16	5	135	79	
XMT05349E	10/17/2002	22	82	35	49	
XMT08330U	5/23/2002	19	405	8	151	9
XMT20961D	3/15/2002	19	20	40	138	
XMT47678L	11/21/2003	17	9	50	118	
XMT15712C	10/17/2002	22	20		117	
XMT26343D	2/4/2004	15	14	10	96	
XMT11631E	12/3/2002	22	20	412	226	
XMT993	3/26/2003	2	5	198	14	
XMT039	8/3/2002	21	3	43	94	
XMT33170K	6/21/2002	3	5	153	124	
XMT37165C	8/7/2003	6	405	14	984	
XMT00390E	2/8/2002	23	5	190	124	
XMT42034C	1/25/2002	18	405	1	1524	
XMT33328K	8/23/2002	8	5	193	164	
XMT18203E	10/3/2003	17	5	115	3738	
XMT741309C	2/8/2002	14	5	213	537	

work tracking down the most serious cases so we could add examples into our television story. He started with drunken driving and negligent driving cases. Remember: The data we received with our request was void of personal information. The computer did, however, give us a location of the traffic stop, time of day, a mile post, and even a notation if a citation was issued because of an accident. We could figure out which district or traffic court held the case file by mapping the mile post. After that, it was as simple as thumbing through files to spot notations by police that identified government cars

involved. Sometimes the driver's "occupation" field gave us solid leads as well.

Investigative videographer David Weed jumped into the undercover van to watch the county water supervisor. Right away it was clear that, despite a DUI conviction on his record, he was allowed to keep a taxpayer-funded take-home vehicle. In fact, it was the very same truck he got caught drinking in a year earlier. A quick check of his driving record also uncovered something else. The water supervisor had received two more traffic citations after being convicted of drunken driving.

This raised all sorts of legal and financial questions.

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From top: A government vehicle license plate with XMT for "exempt" from taxes; a hidden camera was used to record drinking and driving examples.

# EYE ON THE ROAD

Risky drivers cost more money to insure. It's simple. Drivers with tickets have greater statistical odds of getting into an accident. That makes sense to most of us, but I'll give you a warning: Expect the runaround when asking about insurance costs for known risky drivers like the fire chief and water supervisor. The majority of bigger government entities are self-insured. Risk managers say it's hard to calculate how a couple of dozen speeding tickets or accidents will affect rates. The bottom line: Taxpayers have to be concerned about the liability of a huge death or injury judgment. How would it look to a potential civil court jury if the government had known about reckless driving behavior, then didn't do anything to prevent it?

Our investigative team also found less-important data within the XMT citations report. Some of the traffic tickets were issued between midnight and 3 a.m. Was the driver really on government business?

The Department of Licensing also helped me track down which agencies were issued certain license plates. For example, the driver of a car registered to the Attorney General's Office received a ticket for driving 86 mph in a 60-mph zone. We never did figure out which employee was speeding, but it was a nice nugget for our viewers.

## You're being followed

There are a number of variations to this story that could produce other investigative pieces. The Washington State Patrol has the ability to search for plates issued to military vehicles and other federal government vehicles, like border patrol and customs. Keep in mind the number of citations will be a conservative number. Police often give the driver of a marked government vehicle a break and let him or her off with a warning.

The results of our investigation have been extremely positive. The fire chief admitted he "acted inappropriately" and drove his government rig after drinking alcohol. The fire commission ordered a full investigation into his behavior. He began undergoing treatment. Risk managers for the state of Washington are using our investigation as an educational tool. In a recent employee safety seminar, one risk manager reportedly said, "Safer driving leads to fewer accidents, which leads to reduced costs. When you drive a government car, just pretend a television crew is following you all the time. That should do the trick."

*Chris Halsne is lead investigative reporter at KIRO-Seattle.*

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A motor carrier inspector is silhouetted during a regular inspection of a truck pulled over for inadequate bill of lading for hazardous material, a federal code violation. A state trooper is seen in the background at the inspection barn along Interstate 94.

# HEAVY TRUCKS

## Database shows staggering safety violations contributing to crashes and highway fatalities

BY MARC CHASE  
THE TIMES (NORTHWEST INDIANA)

Every day, residents of Northwest Indiana share the roadways with tens of thousands of tractor-trailers and other heavy trucks as they drive to work, take their children to school and head home. Loaded rigs weighing 80,000 pounds often mingle bumper to bumper with 4,000-pound family cars along the interstates and state highways of the Gary region, just south of Chicago.

The readership area of *The Times* of Northwest Indiana is one of the heaviest-traveled thoroughfares in the country. Thousands of the semitrailers on our roadways haul loads for the more than 4,000 heavy-truck companies based in the region. Many of them haul 40,000-pound steel coils produced by our region's main industry. Heavy trucks are involved in some sort of collisions on our roadways every day.

Given all of those facts, we decided to find out the safety records of our region's trucking companies and the preparedness of our state police in

looking for, and catching, heavy-truck violations on our roads. We started by purchasing the Federal Motor Carrier Safety Administration, or FMCSA, truck census database from IRE. The database contains the names, identification numbers and fleet sizes of companies throughout the country that operate vehicles in excess of 10,000 pounds, including semis and buses.

### Using different tools

Queries in Microsoft Access helped extract all heavy-truck carriers operating out of the Indiana and Illinois cities in our readership area. We then broke all regional carriers off into an Access table and then into a Microsoft Excel spreadsheet for further analysis. A sort of the companies' listed number of power units helped us identify the 100

“ The results for the 26 carriers were staggering. Out of 2,864 inspections, trucks were pulled out of service 1,024 times for safety violations, an out-of-service rate considerably higher than the national average.”

largest heavy-truck carriers operating out of our region.

Because the truck census data was last updated in 2002, we next had to verify that each of the 100 companies remained open for business. Telephone calls were placed to all of the companies and checks were made of an online federal search engine to verify this. Defunct companies were removed from the list of 100, and previously smaller companies from the census were moved up to take their places on our list.

Once our list of 100 was clean and verified, we wanted to find all safety information we could on each of the largest carriers. We began by running them all through the FMCSA's Safer and SafeStat systems. Both systems allow online snapshots of a carrier's safety history within the most recent 24-month period and assign scores based on the carriers' performances during roadside and weigh-station safety inspections.

The SafeStat system has taken some criticism from the trucking industry for being incomplete because of inconsistent reporting methods across the 50 states, but it did give us a starting point for which carriers to explore. The searches showed us that 26 of the region's 100 largest trucking companies had been flagged for inspection by the federal government because of a history of safety violations – largely for faulty brakes and heavy loads not properly secured. Most of those 26 companies were flat-bed steel haulers, handling some of the heaviest and most unwieldy loads on the roadways.

We then expanded our reviews of the 26 flagged companies beyond the Safer and SafeStat checks, using two different tools.

First, we ran each of the flagged companies through Access queries of the federal heavy-truck crash file, also available through IRE. The checks showed that between 1990 and 2001, nearly 600 trucks being operated by those companies were involved in crashes resulting in 477 injuries and 29 deaths.

Second, we culled the most recent 30 months worth of inspection results for each company nationwide, including safety violations that took drivers and their trucks out of service and traffic violations that led to inspections. The information

# EYE ON THE ROAD



is available online at the FMCSA Web site and is searchable using the Department of Transportation numbers of individual heavy-truck carriers. Those numbers are provided in the truck census file. The results for the 26 carriers were staggering. Of 2,864 inspections, trucks were pulled out of service 1,024 times for safety violations, an out-of-service rate considerably higher than the national average.

### Human elements

We had our numbers and the records to back them up. Now we needed our color. Interviews and visits to the handful of carriers who would let us in revealed a mixed bag. Some were legitimately trying to improve their safety records by firing unsafe driving contractors and working with the state police to educate their drivers on safety violations. Others complained of an “unfair” federal system targeting them for no good reason.

Research of our archives, the crash file and tips from local police and accident attorneys led us to the subjects of our second day of coverage: the survivors and families of those killed in heavy-truck crashes.

Searches through hundreds of crash reports led us to a family who had recently lost a husband and father, a woman who lost her teenage daughter and a truck driver taken out of service for safety violations in Northwest Indiana – who four months later blew a Pennsylvania stop sign, killing a family of five. All of these stories gave us the human elements for the issue of truck safety.

But it was our several weeks of visits and time spent at region inspection weigh stations that gave us the final – and perhaps most sobering – installment to the trucking series. By watching

Henrik Edsenius | The Times



Motor Carrier Officer Scott Fleming checks the tire bolts on a truck as he looks for safety violations during a routine truck inspection at a control station along Interstate 94 between Chesterton and Michigan City, Ind..

the weigh station logs during a several-week period, we learned that about 10,000 trucks per day passed through our eastbound and westbound weigh stations on the region’s busiest interstate – the Borman Expressway.

For that same stretch of roadway, only six heavy-truck safety inspectors were watching for violations at any given time. Follow-up investigations on the issue showed that Indiana has one of the worst inspector-to-truck ratios in the

Midwest. State lawmakers are now reviewing the matter and considering ways to beef up the force of inspectors.

*Marc Chase is the investigative staff writer for The Times of Northwest Indiana in Munster, Ind.*

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Truck driver Timothy Fagalar of Cleveland, Ohio, secures some of his load at a truckstop in Gary, Ind.

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# STILL DRUNK, STILL DRIVING

## Police fail to enforce judges' orders prohibiting vehicle access for convicted chronic drunken drivers

BY BOB SEGALL  
WITI-MILWAUKEE

The tip sounded so ridiculous I knew it had to be true. Nobody would make it up.

A tipster told us about a six-time convicted drunken driver who continued to drive to work every day despite a revoked drivers license. That wasn't the crazy part.

The fact that the repeat drunken driver worked at Miller Brewing Company, the state's largest producer of alcohol – now, that's the crazy part.

We first checked out what the tipster had told us and found it to be accurate. A two-minute phone call to the Wisconsin Department of Transportation office verified the state had indeed revoked Daniel Snedigar's driving privileges. Producer Michele Murray then drove by the Miller Brewing employee parking lot and found Snedigar's silver 2000 Dodge Ram pickup truck. It was right where our source said it would be.

Over the next week, our investigative unit followed Snedigar closely. As he left his apartment at 5 a.m. to drive to work, we were right behind him with a hidden camera. When Snedigar drove home in the afternoon, it was our undercover van he unknowingly glanced at in his rearview mirror. We had plenty of video – plenty of proof – clearly showing Snedigar breaking the law.

We soon discovered the law was broken to begin with.

### Judges' orders ignored

While researching Wisconsin's drunken driving laws, we learned the state legislature had taken drastic action a decade earlier. Lawmakers had given judges three powerful weapons in the fight against repeat drunken driving:

1. Vehicle seizure. A court can seize the car or truck used by a repeat drunken driver to commit his or her crime, and that vehicle can then be sold at auction.
2. Ignition interlock. A court can order a repeat drunken driver to install a built-in Breathalyzer-

type device near the steering wheel of his or her vehicle. Once the device is installed, the driver must blow into it before starting the ignition. If the ignition interlock detects even the smallest amount of alcohol on the driver's breath, the vehicle will not start.

3. Immobilization. A court can require police to immobilize the vehicle of a chronic drunken driver using whatever means necessary.

In Snedigar's court files, we found what would become the turning point of the investigation: an immobilization order dated May 2, 2002. It required West Allis police to immobilize the silver pickup truck – the same silver pickup truck we had watched Snedigar driving to work and the same silver pickup truck he was driving when he was arrested for a seventh drunken driving offense in February 2003.

The document became the cornerstone of a much broader investigation. We wondered why the court-ordered immobilization had not been carried out. We also wondered whether immobilization orders had been ignored in other cases. An open records search provided startling results.

In 2001 and 2002, when more than 23,000 motorists were convicted of repeat drunken driving in Wisconsin, state judges ordered ignition interlock devices on 4,770 vehicles owned by chronic drunken drivers. Of those 4,770 interlock orders, only 465 were carried out. Judges' orders were ignored in 90 percent of the cases. We discovered it was left up to each drunken driver to follow the judges' orders. No one was checking to see if the drivers actually complied, and there were no penalties established for failing to obey the court rulings.

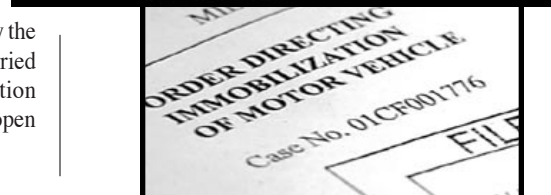
As for vehicle seizures and immobilizations, we found judges had ordered fewer than 750 of those statewide during the same two-year period. The Wisconsin DOT had no idea whether any of those orders had been carried out.

When confronted with the department's own statistics, DOT spokesman Dennis Hughes told

us: "The legislature came up with some good laws. They just never thought about how to follow through on those laws. We've never had any follow through." State officials admitted they had known about the problem for a decade (soon after the laws took effect) but had done nothing to fix it.

The result: Thousands of chronic drunken drivers in Wisconsin were committing their crime over and over again – each time using the vehicle that should have been immobilized, interlocked or seized by police.

Police and courts had no directive and no resources to ensure follow through on judges' orders. The state, as well, wasn't keeping track of the orders to ensure they were implemented. In thou-



**From top:** A man consoles his son at a memorial service for the boy's mother who was killed by a repeat drunken driver; a court vehicle immobilization order; a mechanic tests an ignition locking device he installed in the truck of a convicted drunk driver.

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— **Julie McCarthy**

Jerusalem correspondent  
National Public Radio  
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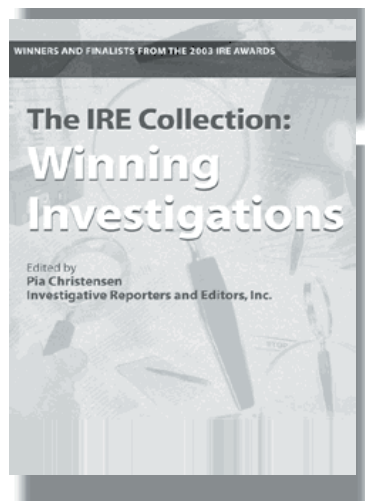
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sands of cases, repeat drunken drivers received no court order limiting their ability to re-offend using the same vehicle.

### It doesn't make sense

In Daniel Snedigar's case, the police department that should have immobilized Snedigar's pickup truck said it never received the judge's order.

"Even if we did get it, we wouldn't know what to do with it," said West Allis Deputy Police Chief Austin Dunbar. "How are we supposed to immobilize a truck? We don't have tools to do that."

Many judges told us they never realized their orders were not enforced. Other judges were not surprised, and one angry judge told us the breakdown of the system was equivalent to letting people get away with murder.

"Would you let somebody convicted of armed robbery walk out of a courtroom without requiring him to turn over the gun he used in the crime?" asked Milwaukee County Circuit Court Judge John Siefert. "People here are let out of court on drunken driving offenses and the instrument they used to commit their crime is not taken away from them. It doesn't make sense."

Families victimized by repeat drunken drivers echoed the judge's frustration. Kurt Thien, for example, talked about watching his wife, Michele, die in his arms. Michele was hit by a drunken driver who, despite five drunken-driving convictions, had never been ordered to install an ignition interlock on his car. Victims' stories underscored the real-life impact of repeat drunken drivers and the state's fail-

ure to effectively implement its own laws.

After the investigation aired, a judge sentenced Daniel Snedigar to serve 18 months in state prison for his seventh drunken driving conviction. The judge also ordered an ignition interlock be installed on his pickup truck for five years. Despite the undercover video showing Snedigar driving that truck, the judge dismissed a charge of driving after revocation.

West Allis police officers towed Daniel Snedigar's pickup truck to their parking lot. The truck sat there for 18 months – off limits to its owner – until Snedigar's family agreed to sell it.

State lawmakers, responding to our investigation, called for an audit of Wisconsin's ignition interlock program. The state issued a 114-page audit report, finding "implementation is simply not occurring." The audit details the state's inability to effectively enforce its own immobilization program, and it explores potential causes and remedies.

Our follow-up investigation showed both the state DOT and state lawmakers failed to act on the report's major findings and suggestions. Many state leaders didn't know the audit existed. Following that report, the DOT announced it will work with lawmakers in 2005 to fix the loopholes exposed by WITI and the state audit.

*Bob Segall is an investigative reporter at WITI-Milwaukee. Still Drunk, Still Driving was a 2004 IRE Awards finalist and winner of a Chicago/Midwest Emmy for hard news reporting.*

## Tracking chronic drunken drivers

**Many states closely track drunken driving statistics, including detailed reports on repeat drunken drivers. Check with your state DOT to find:**

- The annual number of repeat drunken driving arrests
- Conviction trends Are cases of repeat drunken driving going up or down?
- Frequency breakdowns. How many drunken drivers have been convicted five times? Ten times? What is the highest number of convictions for any one individual in your state? One man in Wisconsin has been convicted 13 times.

**Once you've got the numbers, ask yourself:**

- Why are the numbers of drunken driving cases rising or dropping?
- What laws are in place in your state to prevent repeat drunken driving?
- Are those laws working? Has anyone checked to see if they are working?
- Has your state implemented any unique programs to reduce incidents of repeat drunken driving? Does your state use ignition interlocks? If not, do neighboring states use them and could they be effective in your state?
- Are drunken drivers getting around state laws? If so, how?

**Tap into state and local resources to get an in-the-trenches perspective of issues related to repeat drunken driving and to identify any loopholes or breakdowns in the system.**

- MADD (Mothers Against Drunk Driving)
- Judges who preside over repeat drunken driving cases
- Prosecutors and defense attorneys who deal with those cases
- State transportation employees
- Convicted drunken drivers (They can be a great resource to explain how they beat the system and where to find shortcomings.)

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**Student Award:** Outstanding investigative reporting by a student in a college-affiliated newspaper, magazine or specialty publication (or while serving a print internship), or broadcast work that has been publicly reviewed, screened or aired.

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# GAO REPORT

## Stripping information from disclosure reports threatens investigations of judicial misconduct

BY JOE STEPHENS  
THE WASHINGTON POST

**D**ozens of federal judges have taken free trips to luxury resorts to attend seminars. Special interest groups picked up the cost.

Other federal judges have a history of throwing out lawsuits filed against companies in which they have invested. One judge dismissed two lawsuits filed against a hospital on whose board he sat.

All these conflicts of interest came to light through the use of what has become one of journalism's best friends: personal financial disclosure reports filed by federal officials.

Now, that tool is at risk.

Nearly 600 times in recent years, a judicial committee acting in secret has stripped information from the disclosure reports filed by federal judges. The committee decided that the information might be used to

harm a particular judge, according to a study by the Government Accountability Office, the investigative arm of Congress. The study examined disclosure reports filed under the Ethics in Government Act from 1999 through 2002.

In 55 cases, the committee blacked out all information on the disclosure reports – including any details about free trips, stock holdings, board memberships, outside income, debts and gifts.

I am among the many reporters who have made use of the reports over the years. In 1998, while working at *The Kansas City Star*, I wrote a series showing that federal judges across the country had issued hundreds of court orders in lawsuits in which they owned stock in one of the litigants. They set hearings, granted motions, threw out legal claims, and even conducted

a jury trial. That's against the law.

The series showed how the judicial conference made it a laborious, time-consuming process to obtain the reports. It also told how the conference supplied each requester's name to the affected judges before releasing anything.

To help rectify the problem, the *Star* posted the reports for more than two dozen federal judges on the newspaper's Web site, for anyone to see – the first time that had been done. The series became the focus of a congressional hearing, and prompted calls for reform from some members of Congress and from many judges. But it also was followed by something less foreseeable.

A few months after the series, with no public discussion, some members of Congress added a few additional lines to a larger bill, in a quiet move that escaped notice by open-records advocates.

The law authorized the U.S. Judicial Conference to delete specific information from the disclosure reports if the conference determined the information could endanger a judge. The Judicial Conference is the policymaking body for the federal courts, and is chaired by Chief Justice William H. Rehnquist. The redaction provision is in place through 2005, when Congress will decide whether to make it permanent.

In August, the GAO issued a report providing

### Hunting for conflicts of interest in the federal judiciary

By Joe Stephens

Obviously, a basic knowledge of how to obtain the reports and use them remains worthwhile. Here's an updated tipsheet I prepared for IRE in January 2000:

- Direct your Web browser to [www.uscourts.gov/forms/uscforms.cfm](http://www.uscourts.gov/forms/uscforms.cfm), then click on the link for the memorably named "Form AO-010A, Request for Examination of Report Filed by a Judicial Office or Judicial Employee." Print out the completed copy, fax it to 202-502-1899, then mail the original to:  
The Office of the Committee on Financial Disclosure  
Administrative Office of the United States Courts, Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

Only written requests are accepted.

- The Administrative Office keeps copies of each judge's personal financial disclosure report extending back six years; older reports are destroyed by law. Be aware that court administrators will immediately notify each judge of your request and supply them with a copy of the form you filed. Judges are given a chance to redact information they contend may endanger them. In some cases, the U.S. Marshal's Service is asked to investigate the person filing the request. Anything you say in casual conversation with an office worker or press contact person also will most likely be passed on to the judges you are researching.
- Compare the judges' stock holdings listed on the reports to the litigants in their courtrooms. This can be done for free at the computer terminals at any federal courthouse. It is more efficient, however, to open a Public Access to Court Electronic Records account with the federal court system. The PACER account will allow you, for a fee, to view court dockets on the Web or by modem. Information can be found at <http://pacer.psc.uscourts.gov>

- Once you have a list of questionable court orders, double check that the dates match. Be sure that, on the date the judge entered the order, he had already bought the stock and had yet to sell it. Each time a judge entered an order involving the company, while simultaneously owning stock in the company, marks a separate violation of federal law.
- Check for other types of conflicts, too. Look for free trips and positions on nonprofit boards. You might check whether a judge ruled on pension formulas for teachers while his wife was on the payroll at the local high school. Unless, of course, the judge has blacked out the name of the school.

#### Some other things to consider:

- The law treats stock owned by a judge's spouse or dependent child living at home as though the judge owned the stock himself.
- Wholly owned subsidiaries create conflicts too. If a judge owns stock in GM while presiding over a lawsuit against GMAC, he has broken the law.
- If a judge owns stock in a mutual fund, as a general rule, he may preside over lawsuits involving companies whose stock is held by the fund.
- In federal lawsuits, the lawyers and litigants cannot waive stock conflicts. Even if they do not object, the conflict remains a violation of federal law. In some state courtrooms, however, litigants may waive the conflict and ask the judge to remain on the case. It is ethically improper, however, for the judge to ask the litigants to do so.
- State judges can be checked for conflicts, too. But disclosure requirements and ethics laws vary widely. Ethical canons for all judges, however, bar financial conflicts.
- Identify judges who blacked out large parts of their reports, for fear they might be targeted by angry defendants, but nonetheless have their home addresses listed in the local phone book and on [switchboard.com](http://switchboard.com), for anyone to see. Do those same judges allow their addresses to be printed in the local social register? You get the idea.

the first glimpse into how the law was working. The judiciary asked the GAO not to post the report on its Web site, and the GAO complied, agreeing that its findings were "sensitive."

(In a letter attached to the study, Marshals Service Director Benigno G. Reyna asked that the study "not be made available to the general public via the Internet." However, the GAO press office will e-mail you a copy on request.)

### Makes one wonder

When I called judicial ethicists to tell them what the GAO had found, they were startled at the breadth of the excisions – and particularly that the material cut included financial information that appeared to present little safety risk.

"I just can't imagine why it would be necessary to redact all of the information," said Steven Lubet, a law professor at Northwestern University in Chicago and co-author of a book on judicial ethics. "I can't even guess what would be the justification."

Jeffrey Shaman, a legal ethicist at DePaul University, said it would be difficult to defend all the redactions on security grounds.

"It surprises me the numbers are so high," he said. "The purpose of financial disclosure is to ensure the judge doesn't have a financial conflict of interest. ... It makes one wonder if the real reason for a judge to request the redaction is to prevent the public from learning embarrassing information."

There are no similar laws allowing redactions by the president or members of Congress, whose reports are available to the public on demand in published reports and through computer terminals on Capitol Hill. Officials of those branches do not consider the information a safety risk.

In fact, there is no known case in which the reports have been used to harm a judge or another public figure.

In 2002, only 76 requesters received disclosure reports from the judiciary. Lawyers and plaintiffs have said they are reluctant to seek them because judges are supplied with the names of the requesters before documents are released.

The judges' reports are available to the public only on paper and only after lengthy delays. In 2002, the average wait was 90 days. Every requester interviewed by the GAO expressed frustration at how long it took.

Lubet called the delays "way too long," arguing that "the information is either public or it isn't." Shaman described the slow responses as "terrible."

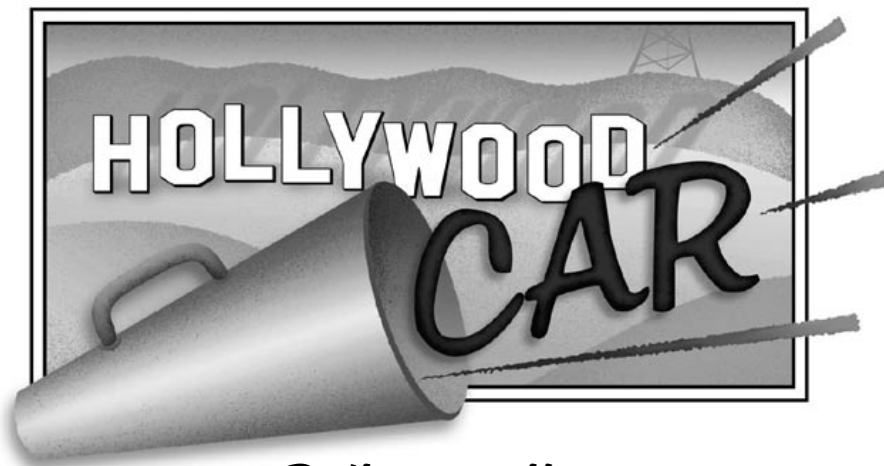
The GAO study found that, during the four years examined, there were 661 redaction requests. The Judicial Conference granted nearly 90 percent, or 592 deletions. The Judicial Conference's guidelines call for removing information that would identify "unsecured locations" of judges and their families, as well as "information that bears a clear nexus with specific security threats."

Over the period studied, the report said, 28 judges

CONTINUED ON PAGE 38 >

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## FOI Report

CONTINUED FROM PAGE 15

unclassified information, someone will be required to actually look at it before telling you “no.”

In effect, these designations form a new, fourth level of classification within the federal government, one that is not constrained by statute or formal oversight, as is the classification system. There are no established standards of experience, training or level of responsibility for the decision makers. There are no criteria for determining if information is “critical” or “sensitive.”

The information does not have to be related to defense and intelligence matters, as are documents subject to classification. In the case of SSI, it has only to have a connection to any kind of transportation, including pipelines. In the case of CIL, it needs only be related to infrastructure, whether that’s a telephone line, or a bridge or a football stadium.

These are designations that should concern reporters around the United States far more than “top secret” and “secret,” because the potential for burying information that the public needs to know and has a right to know is far greater. Worse, the potential for deep-sixing extends well beyond Washington and past federal officials. Homeland Security is authorized to gag and bind state and federal officials using nondisclosure agreements that protect any information shared, including information that comes from state and local files.

Take a moment and consider the potential that

has for abuse by a port authority official who has records he doesn’t want a reporter to see.

### Pushing back

Unfortunately, the Washington-based press corps did not pick up on these provisions when the Homeland Security Act was moving through Congress and paid little attention when DHS translated the act into broad new secrecy measures.

The critical expansion of the power to control transportation information came in two imperceptible language modifications approved by Congress. In the bill creating the Transportation Security Administration less than two months after 9/11, the word “air” was dropped from the 1974 definition of SSI written so the FAA could examine lists of air passengers. Then the word “passengers” was dropped in a seemingly innocent redefinition of SSI in the Homeland Security Act. No one picked up on the fact the document should have been 79,917 words.

The still pending legislation points to another problem – amendments pulled from nowhere and dropped into a bill. For example, appropriation bills loaded with lard are popular vehicles – without discussion and at the last moment. That’s what happened with a potentially catastrophic expansion of TSA’s authority to shelter whatever information it deems sensitive. An amendment was added to the U.S. House of Representatives’ transportation bill as it went to a floor vote in the U.S. Senate. It would give TSA and the Department of Transportation the authority to nullify state open records laws. A

reporter who later asked his two senators about their vote was told the SSI provision wasn’t in the bill.

More important, the amendment, which was not discussed, or debated or decried, was not reported at the time. Journalists are not always at their best when their reporting must raise their own issues.

Does the media need to become more aggressive and to push back, as Associated Press chief Tom Curley has suggested? Absolutely. Access issues need to be vigorously reported and investigated, especially in a source-driven town like Washington. FOI should be a beat for every newsroom and in every Washington bureau.

And the media needs to be proactive in identifying and pressing for legislative change that enhances transparency, as has happened in a number of states. This can be done through journalism organizations or media-supported coalitions, rather than individually, but it must be done unless we are prepared to accept more secrecy.

As one proactive example, and perhaps a goal: Imagine the effect of one simple change in the federal law-making process – a requirement for an independent impact statement to accompany any bill that affects open government.

This would require legislative researchers to imagine and publish the full range of consequences of any government closure provision. That kind of required warning might discourage the filing of a lot of secrecy proposals; it would probably stop many from being approved, and it would preclude deniability by those who voted in support.

## Member news

CONTINUED FROM PAGE 5

■ **Jeff Harris** has moved from KMGH-Denver to KPIX-San Francisco where he is executive producer-investigations. ■ Reporter **Scott Higham** moves to *The Washington Post’s* investigative unit from the metro investigative team. ■ **Dana Hull** of the *San Jose Mercury News* is one of 10 recipients of the 2004 Dart Ochberg Fellowship, awarded by the Dart Center for Journalism & Trauma. ■ **Tom Knudson** of *The Sacramento Bee* won the First Amendment Funding’s 2004 Best of the West contest in newspaper environmental and natural resources reporting for “State of Denial.” ■ **Lucette Lagnado**, an investigative reporter at *The Wall Street Journal*, won a 2004 Lifestyle Journalism Award from the Missouri School of Journalism for “The Hidden Injustices of Hospital Bills.” ■ **Daniel S. Levine** of *San Francisco Business Times* won the First Amend-

ment Funding’s 2004 Best of the West contest in newspaper business and financial reporting for work on a California workers’ compensation story. He shares the award with two other reporters. ■ **Brian Maass** and **Carisa Scott** of KCNC-Denver won the First Amendment Funding’s 2004 Best of the West contest in television investigative reporting for “Double-Dipping Cops.” ■ **Erin McCormick** of the *San Francisco Chronicle* just returned from Kazakhstan where she and her husband, lawyer Roger Myers, worked with the American Bar Association to create a non-profit media law organization to defend Kazakh journalists. ■ **Miles Moffeit** of *The Denver Post* is among the 10 winners of the 2004 Dart Ochberg Fellowship, awarded by the Dart Center for Journalism & Trauma. ■ **Maureen O’Hagan** and **Christine Willmsen** of *The Seattle Times* won the First Amendment Funding’s 2004 Best of the West contest in newspaper investigative report-

ing for “Coaches Who Prey.” ■ **Melanie Payne** has joined the *News-Press* (Fort Myers, Fla.) as an investigative reporter. She was a business writer at *The Sacramento (Calif.) Bee*. ■ **Fred Schulte** has joined *The (Baltimore) Sun’s* investigative team. He was an investigative reporter and editor at the *South Florida Sun-Sentinel*. ■ **Lucy Shackelford** is *The Washington Post’s* new research editor, moving from the national desk. ■ **Bob Simon** of CBS News won the 2004 National Lesbian and Gay Journalists Association/Seigenthaler Excellence in Television Award for “Marry Me!” He shares the award for the 60 Minutes II segment with five other journalists. ■ **Julie Tate** moves from part-time to full-time researcher at *The Washington Post*. For now, she will be dedicated to the terrorism beat. ■ **Margot Williams** has moved from *The Washington Post* to *The New York Times* where she is the deputy of information/database research, a newly created position.



## Guest Column

CONTINUED FROM PAGE 13

Arizona Project as buying insurance for investigative reporters. With Greene's help, I managed to put together a team of libel lawyers to review the draft articles. By March of 1977 we were ready to go. But I felt we should not solicit publication without the cover of libel insurance for IRE. We were sure to be sued and would collapse under the costs.

At the last minute, Gene Pulliam of *The Indianapolis Star* got Tim Hanson, a lawyer for the American Newspaper Publishers Association, to arrange coverage for a one-time fee of \$5,000. We went to press and the insurance company got hit hard. The reaction was incredible. IRE was threatened by U.S. Sen. Barry Goldwater, who promised the biggest libel suit ever. Apparently, he couldn't come up with the filing fee. One leading Phoenix lawyer reached my law firm on the eve of publication threatening to kill himself if we printed his ties to prostitution. We ran the article; he didn't keep his word. Suits were filed, but Arizona was cleaned up.

It took IRE four years to get through the lawsuits. The costs were enormous, but we didn't pay one cent to settle any case and I became a real libel lawyer. We won the biggest suit of all – brought by Kemper Marley, who had been the frequent subject of Bolles' articles – in a trial that lasted more than five months. The witnesses included Goldwater, Gov. Bruce Babbitt and nearly every other big shot or lowlife in Arizona.

Between the litigation and the second-guessing from parts of the press, IRE was under enormous strain. But Greene, by now IRE's president, and his team hung tough.

In the background Myrta Pulliam, who had been on the Arizona team, kept raising money and organizing. James Polk, then of NBC and now of CNN, used his skills as a challenging ethicist and brinksman to keep us afloat organizationally. He sacrificed endless hours. Harley Bierce took a leave from the *Star* to act as first executive director. His vision was fulfilled, albeit later than he had hoped.

The Arizona Project paid off in terms of reform for Arizona and protection for journalists. It led many people, however, to misunderstand our central educational role. Some tried to use the project for personal profit while others tried to use it to kill off IRE. Neither of these attacks got very far.

### Big decisions

The Arizona Project was a great drama, even a morality play. It unfolded with a thunderclap. After it ended, IRE settled down and replaced a pattern of quick, critical decisions with a slower process. Over time, IRE evolved a way of doing things that built its success. These policies were rarely adopted after a board fight. They are the hallmarks of IRE. Let me describe these policies which are both part

of our history and guidelines for our future.

### 1. Control the lawyer

Early on I had to deal with IRE on a regular basis. We had to meet complex IRS requirements. There was a board to advise, one with little corporate experience. I had none myself, but my firm had provided me with a good set of corporate articles and bylaws, plus solid tax advice. Beyond the structural issues, there were annual meetings that threatened to explode. There were hotels and accountants to be mollified. Fortunately, my hourly rate was low at the time. My firm, Barnes & Thornburg, also tolerated my judicious time-keeping.

I was never allowed to take over, thank God. That board had little respect for lawyers, who were basically seen as people who backed up publishers who didn't want to go to print. The Arizona Project ended any suspicion of me, but the board still pitched in to keep my role limited, as it should be. My work was episodic. That gave me just the right dosage of investigative journalists. The executive director did not have it so easy.

### 2. Find great executive directors

IRE hired its first executive director, Harley Bierce, to get through the organizational and funding crises of its earliest days. Over time, the role has become far more stable, yet is still critical. Bierce survived his brief term, which was highlighted by an unfair attack on page one of *The Wall Street Journal*. Bierce returned to journalism, then to the insurance industry.

John Ullmann built our ties with the University of Missouri. His style was relaxed but effective. Steve Weinberg brought us a sense of stability that had sometimes been wanting. Brant Houston has championed NICAR, which has helped drive a lot of IRE's training. His style fits the large, professional organization IRE has become. The executive director system works because the board and the executive directors have carved out clear turf and have worked together. The executive director works too hard, but the result has been worth it.

### 3. Link up with a great university

From the beginning, IRE had hoped to be based at a university with a leading school of journalism. Until Paul Williams' untimely death, Ohio State had seemed to be the place. Then the University of Missouri came along. This relationship has proved central to IRE's success. It has given us a home, a clear tie to journalism education and an endless supply of young talent. In the '90s we flirted with moving to the University of Maryland, but the ties to Missouri were too strong. The university also helped with setting up the IRE Awards program. As an offshoot we decided to put the entries into our own research library or resource center. That

became the basis for our current successful online offerings. Missouri would be hard to replace.

### 4. Keep TV close

Early on, IRE members worried about television journalism. Some thought it wasn't serious enough, while some broadcasters sensed this and demanded respect. Of course, there is never enough of that to go around. So there were tensions. There were brief efforts to set TV and radio apart with their own IRE subsidiary or special seats on the board. Fortunately, we all outgrew that. People began to treat each other as peers and the problem seems to have gone away. Everyone is now comfortable with the fact that some people are more photogenic than others.

### 5. Get talent on the board

IRE has always had leaders who are recognized for their roles in the profession, not for playing games within IRE. Think of Greene, Polk, Pulliam, Ric Tulskey, Mary Hargrove, Deb Nelson and Tom Renner as examples. These people could report and they could lead. Note that from the start many of them have been women who have worked mightily for IRE and provided it with a needed balance. From our earliest days, the women have been as profane and as committed as the men. That seems fair.

The talent has come from a concerted effort by the board to get new speakers, new committee members, new awards judges. A percentage of these then come to love the organization and become known to the members. When they move onto the board, they do so as workers. This is the strength of the Board.

### 6. Work on minority participation

From its earliest days, IRE has struggled to increase minority participation. This has required a lot of thought and some money. There have been fellowships, scholarships, mentoring, cooperative projects and basic outreach. The effort is worth it and should be continued.

### 7. Be true to your ethics

From the start, IRE has had open board meetings, real debates at membership meetings and a real hatred for conflicts of interest. Thus, it has always sought to be funded by its members and by journalism organizations. It won't let those judging awards evaluate their own newsrooms' work. The members rejected the idea of a sitting board creating an official slate of new board members. None of this has made it easier for IRE to operate. It has simply made it a better organization.

In sum, IRE remains committed to fighting for truth and despising hypocrisy. Seems like a great formula for the success of a vital, important organization. It was worth all the effort.

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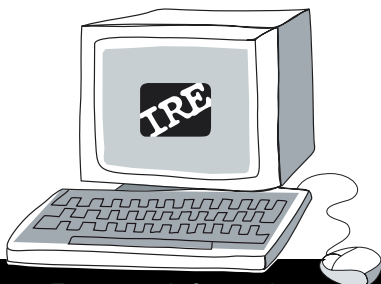
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## Legal

CONTINUED FROM PAGE 9

there's "a compelling and overriding interest in the information."

Since *Branzburg*, many First Amendment-friendly lower courts have adopted this three-part test in a variety of circumstances. For example, every jurisdiction to address the issue has applied some sort of privilege in civil cases, where criminal defendants' constitutional rights and the interests of law enforcement ordinarily don't come into play.

### Plame and Wen Ho Lee make bad law

To a Washington, D.C., federal judge, the recent spate of Plame grand jury subpoenas present easy calls. In his view, the outcome in *Branzburg* also controls an investigation to find the White House source who told journalists Valerie Plame (the wife of a Bush Administration critic) was a covert CIA operative. "The facts of this case fall entirely within that core – a reporter called to testify before a grand jury regarding confidential information enjoys no First Amendment protection," wrote Chief Judge Thomas F. Hogan this summer in denying *Time* magazine reporter Matt Cooper's motion to quash.

Similarly, another D.C. federal judge, Thomas Penfield Jackson, who presided over a civil suit rather than a grand jury probe, also found little protection for confidential sources under the *Branzburg* precedent. Wen Ho Lee, the former Los Alamos nuclear scientist convicted of downloading classified material, is suing the government for leaks that he contends violated the Privacy Act. In ordering a group of journalists to reveal their sources, Jackson purported to balance the competing interests. But his ruling showed skepticism that journalists have any testimonial privilege at all. "[T]his Court," he wrote, "has some doubt that a truly worthy First Amendment interest resides in protecting the identity of government personnel who disclose to the press information that the Privacy Act says they may not reveal."

### What is the price of privilege?

In the Plame grand jury investigation, *Time*'s Cooper, NBC's Tim Russert, and Glenn Kessler and Walter Pincus of *The Washington Post* each agreed to be interviewed by the prosecutor after some of them lost motions to quash, and, in Cooper's case, he was ordered jailed for contempt. In these instances, sources had signed waivers at the Bush Administration's request releasing the journalists from their promises, and the journalists testified that those particular sources did not give them information about Plame. Efforts to compel testimony from additional journalists continue unabated. *New York Times*' reporter Judith Miller

recently lost the latest motion to quash and has been ordered to testify.

In the Wen Ho Lee case, five reporters – Jim Risen and Jeff Gerth of *The New York Times*, Bob Drogin of the *Los Angeles Times*, Josef Hebert of the Associated Press, and former CNN reporter Pierre Thomas (now with ABC News) – have been found in contempt and fined \$500 for every day they decline to reveal their sources. Judge Jackson suspended the fine pending appeal. The journalists are in the early stages of appeals.

In another case, Jim Taricani, an NBC reporter in Providence who declined to tell a judge how he received sealed surveillance tapes during a public-corruption trial, had a \$1,000-a-day fine against him upheld by a federal appeals court in the spring. Last month, when that judgment became final, Taricani began paying the fine rather than reveal the source.

The journalists in these latest rounds of subpoenas have yet to find out – as John Nugent did a century and a half ago – whether their publishers or networks will double their salaries if they are jailed for contempt. And as far as published reports indicate, no journalist has unmasked a source despite intense pressure from the courts.

### All is not lost

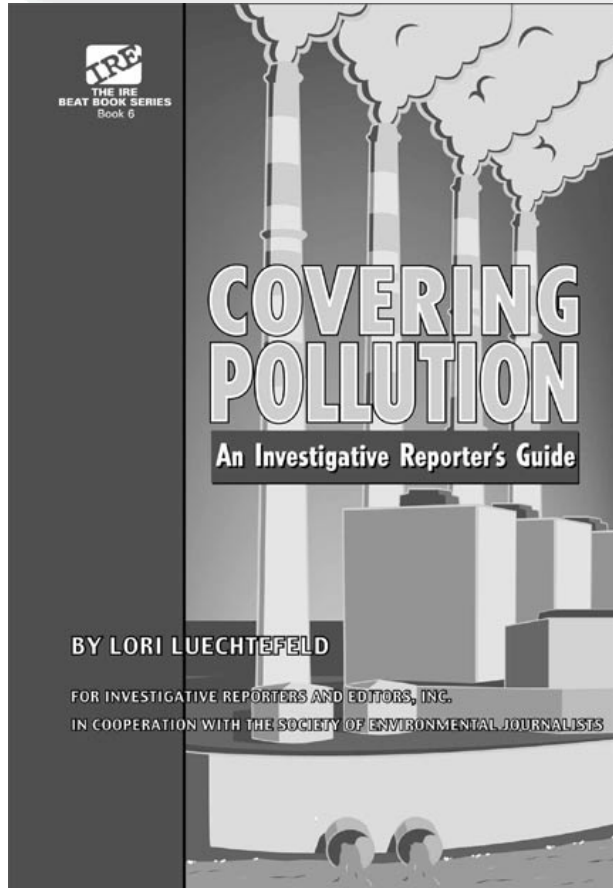
While some judges express doubt that journalists have any legal privilege to avoid revealing their confidential sources, other jurists have relied upon grounds other than the First Amendment to reach outcomes more protective of the press.

For example, a federal judge in San Francisco last year quashed a prosecutor's subpoena for a list of ABC News employees' testimony and the materials they gathered for a story on a criminal defendant. Citing *Branzburg*, she expressly denied the network's claim of privilege. But she held that because prosecutors appeared to have the same information from other sources, the subpoena was found to be "unreasonable and oppressive."

An Illinois federal judge this month reached the same result in quashing a civil subpoena for notes from a reporter for the weekly *Chicago Reader*. The judge ruled that the parties seeking the notes "have not shown a substantial need" and instead launched a "classic fishing expedition for something that might be helpful."

Until the Supreme Court clarifies the parameters of a constitutional privilege under the First Amendment or recognizes a new testimonial privilege under the Federal Rules of Evidence under existing state shield laws, federal district and appeals' courts will continue to grapple with the issue case by case. And journalists who obtain information from confidential sources will continue to face difficult choices from adverse rulings.

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## Judges

CONTINUED FROM PAGE 33

made 63 requests to censor their entire financial disclosure report. The conference granted 55 of those requests, or 87 percent. In those cases, only the name of the judge was released. On reports I saw, even the judges' signatures had been deleted.

One request for complete redaction came from a judge who said she and her husband "had received death threats and were the subject of protective investigations," the report said.

Judges made 278 requests to delete the name of the employer of a spouse; each was granted. The GAO study pointed out that this was done "regardless of whether current, specific security threats existed."

Of the 171 requests to redact the value of assets and related income, the conference agreed to nearly half, or 83 redactions. One such request came from a judge who said criminal defendants had filed false liens against him, the study said. Another was from a judge arguing that "reporting the value of income and assets made him an easy target for extortion."

The conference agreed to delete the names of one judge's family partnerships, the study said, because he argued someone could use the information to find addresses and phone numbers, which "might jeopardize his family's security."

The conference agreed in 14 cases to remove information about gifts to judges, including the names of the individuals and organizations that supplied them. One gift was a scholarship given to a judge's son, where the judge wanted to conceal the "unsecured location" of the university his son attended.

### Tips for investigations

Despite all the redactions, the reports remain useful.

In 1999, after I joined the investigative unit at *The Washington Post*, we used the reports to show that even on the appeals court level, judges had been ruling in lawsuits against companies in which they owned stock.

More recently, we used the reports to show how federal judges who had taken free trips to resort locations had then failed to list the gifts on their disclosure reports. They didn't black out information about the trips — they just didn't include it in the first place, which violates even the new, more lenient disclosure law.

The expense-paid excursions, some of which lasted two weeks and cost thousands of dollars, were underwritten by conservative interest groups and were devoted to seminars on economics and the environment. But the privately financed sessions also offered judges time for golf and horseback riding at the retreats where they were held.

*Joe Stephens is a projects reporter for The Washington Post's investigative unit. He and David B. Ottaway won an IRE award this year for "Big Green," a series on the environmental movement.*

## IRE SERVICES

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

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Contact: Jaimi Dowdell, jaimi@ire.org, 573-882-3364

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

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Clockwise from top: Returning troops parade in downtown Midland; a returning dad gets a special welcome home; proud Midlanders rolled out banners; a cheerful reunion

## The return of hometown soldiers from Iraq was good news in Midland, Michigan.

After more than a year of service in Iraq, members of the 1460th National Guard Transportation Company were scheduled to return to their town of Midland, Michigan. The editors of the Midland Daily News wanted to record the community's celebration, so they launched a massive effort involving almost every department.

First, two reporters and a photographer covered the events and emotions as Guard members and their families reunited on U.S. soil in Fort McCoy, Wisconsin, before their trip home. Back at the Daily News office, Midland residents were invited to sign one of four "Welcome Home" pages for a special commemorative edition of the newspaper.

The advertising department invited local businesses to run ads supporting the special edition, which included biographies and photos of many soldiers as well as stories about the 1460th.

The special edition was published right before the big parade celebrating the return of these men and women in uniform to their hometown. Hundreds of residents came out to share the good news that day, and the Midland Daily News helped make it an event that will long be remembered. Supporting the communities we serve is one more way Hearst Newspapers deliver excellence every day.





# 2004 HEYWOOD BROUN AWARD

This annual competition is intended to encourage and recognize individual journalistic achievement by members of the working media, particularly if it helps right a wrong or correct an injustice. First consideration will be given to entries on behalf of individuals or teams of no more than two. This, too, is in the spirit of Broun.

- **DEADLINE:** Entries must be postmarked no later than Jan. 28, 2005, and must have a clearly legible return address on the outside of the package. Entries posted after Jan. 28 will be discarded on receipt. Faxed and e-mailed entries will not be accepted.

- **AWARD:** \$5,000, plus two awards of \$1,000 for entries of substantial distinction. One of the awards of substantial distinction will be for a broadcast (television or radio) entry.

- **PUBLICATION DATES:** The award will be given for work published or broadcast between Jan. 1 and Dec. 31, 2004.

- **ELIGIBILITY:** Journalists working on behalf of newspapers, news services, web sites, magazines and radio and TV stations in the United States, Canada and Puerto Rico are eligible, whether Guild members or not. Publishers and other employers, or entries on behalf of an entire staff of a publication or employer, are not eligible; neither are entries written or reported by managers. Entries may be submitted by applicants for themselves or by others; however, entrants should note that in keeping with the award's emphasis on individual achievement, the judges frown on obviously mass-produced contest entries.

- All entries become property of the award committee.

Heywood Broun was a pioneering and crusading columnist for The Tribune and The World in New York from 1912 until his death in 1939. He also wrote frequently for The Nation and The New Republic and wrote dozens of short stories, articles and essays that appeared in Harper's, Bookman, American Mercury and Collier's. **He founded the American Newspaper Guild in 1933 and served as its first president.**

Although his first love was sports, Broun is best remembered for his **reporting on social issues and his passionate championing of the underdog and the disadvantaged.** "When a man has a conviction, great or small, about eggs or eternity, he must wear it always in plain sight, pulled down tight upon his forehead," he once wrote. "I see no wisdom in saving up punches for a rainy day."

Broun maintained a steadfast belief that **journalists could help right wrongs, especially social ills.** "I am a little sick and tired of being classed as soft, bourgeois and sentimental if I say that human brotherhood could solve overnight the problems concerning which men shake their heads and say 'It's too bad but insurmountable'," he wrote in 1933. And in 1939, just a month before his death, he wrote: "I would like to see some columnists do the side streets and the suburbs and **chronicle the joys and tragedies of the ordinary run of people.**"

- **REQUIREMENTS:** There is no official entry form, nor is there an entry fee. Each newspaper or magazine entry must be submitted in triplicate, one copy of which must be an original tearsheet. Internet entries should be submitted as print-outs, also in triplicate. Broadcast entries shall consist of one copy of an audio or video tape (VHS) and three copies of a final script or summary.

All entries must include:

1. A one-page summary of the work.
2. A description of the circumstances under which the work was done and its results.
3. Name, phone and e-mail address, if any, of those to be contacted with winning results.

Entries that do not conform to these minimum requirements will not be judged.

- **ADDRESS:** Broun Award Committee  
The Newspaper Guild-CWA  
501 Third Street, N.W.  
Washington, DC 20001-2797

- **PHONE:** 202-434-7177

- Entries will be acknowledged via postcard. Winners will be notified personally and will be announced in the March, 2005 issue of The Guild Reporter. The Guild Reporter may be seen on the TNG-CWA website, [www.newsguild.org](http://www.newsguild.org).

- Awards will be presented at a banquet March 30, 2005, at the Hyatt Regency Washington on Capitol Hill.

## WHAT THE U.S. MILITARY DID NOT WANT YOU TO SEE



If not for the courage and tenacity of investigative reporters and their editors, the outrages at Abu Ghraib might never have been disclosed.

The SELDEN RING AWARD FOR INVESTIGATIVE REPORTING recognizes reporters who know that the shameful truth is more important than saving face. The \$35,000 prize honors published investigative journalism that gets results. Like the diligent work of Gannett New Jersey's 2004 SELDEN RING AWARD-winning coverage of legislators' no-bid contract awards to employers, friends and party bosses that led to the unseating of eight incumbent lawmakers and the Garden State's largest nepotism scandal in more than a decade.

To apply for the 2005 SELDEN RING AWARD FOR INVESTIGATIVE REPORTING, visit [www.annenberg.usc.edu/seldenring](http://www.annenberg.usc.edu/seldenring) or contact Michael Parks, Director, USC Annenberg's School of Journalism at 213.821.1226.

Deadline: February 1, 2005.

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