

THE IRE JOURNAL

VOLUME 28 | NUMBER 1

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The IRE Journal (ISSN0164-7016) is published six times a year by Investigative Reporters and Editors, Inc. 138 Neff Annex, Missouri School of Journalism, Columbia, MO 65211, 573-882-2042. E-mail: journal@ire.org. U.S. subscriptions are \$70 for individuals, \$85 for libraries and \$125 for institutions/businesses. International subscriptions are \$90 for individuals and \$150 for all others. Periodical postage paid at Columbia, MO. Postmaster: Please send address changes to IRE. USPS #451-760

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FROM THE IRE OFFICES

We battle the absurd as journalism pays price for years of ambivalence



BRANT HOUSTON

2004 was not a stellar year for the relationship between public officials and investigative journalists.

The number of attacks by judges and prosecutors on journalists doing their jobs was startling and signaled that journalism will not get easier in this era of fear and secrecy.

The assault on the confidentiality of sources was high on the list of concerns.

In the past year, judges and prosecutors tried to bully reporters into breaking promises and revealing anonymous tipsters. Attempting to force a reporter to reveal a confidential source in a democratic society should be a last resort of the courts.

Frustrated or belligerent judges and prosecutors, however, have subpoenaed reporters, levied fines and threatened imprisonment when there were alternatives to getting the information. For a detailed look at the situation, see the fall issue of *The News Media and the Law* (www.rcfp.org), a publication of the Reporters Committee for Freedom of the Press.

The result of these rash moves was to create an absurdist and Kafkaesque world.

Not one reporter we know of has revealed a source who didn't agree to be revealed. But that didn't stop a state judge from imprisoning investigative reporter Jim Taricani of WJAR-Providence, R.I., in Taricani's own home – even after Taricani's source revealed his own identity. In confining Taricani, the judge reportedly said it was “a myth” that sources would dry up if reporters broke confidentiality agreements. We beg to differ: Not only would sources dry up, some of them would probably sue.

Meanwhile, federal judges threatened reporters with prison time or levied fines in other cases, including the infamous case of finding who leaked information that Valerie Plame was a CIA agent. The unreal quality of judicial attacks on investigative journalists is most pronounced.

Commentator and columnist Robert Novak “outed” Plame as an agent, but it's the daily investigative reporters who are under attack. As of this writing, Judith Miller of *The New York Times* and Matthew Cooper of *Time* could face imprisonment for not revealing sources in the case.

Miller didn't even write a story and neither she nor Cooper “outed” Plame. Novak's response to prosecutors remains unknown and he continues to write and appear on CNN without judicial interference. We hope Novak or a prosecutor or judge will soon answer that riddle.

During 2004 we also faced new denials and prohibitions on reporting.

We try to report on terrorist-related issues, but information is withheld so that we are now a nation of unknown numbers and identities of detainees. We try to report on court proceedings, but it can be illegal for the parties to talk about them or say they exist. We wait months or years for answers to FOI requests that officials brazenly ignore under the umbrella of national security or just plain arrogance. Ironically, some information requested is originally collected to protect the public but is denied release because officials say it could endanger the public. [See the FOI column by Joe Davis on page 13 for more on this.]

This makes as much sense as the initial post-9/11 ban on taking fingernail clippers aboard airplanes.

Then, we had a governor in Maryland who reached new heights of royalty by instructing state officials not to talk to two Baltimore *Sun* reporters because their reporting offended him.

We have brought some of this on ourselves. For two decades, the press has become afraid of or ambivalent about pointing out outright lies and the increasing manipulation of the media.

Until recently, the press has been hesitant to write about increasing secrecy and to expose those officials who ignore open records laws and requests for interviews. Instead, some journalists said writing about these issues would be “inside ball” in which the public has no interest. When did freedom of information become “inside ball” in a democracy?

The press also has been a sometime puppet of officials who use the issue of personal privacy

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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.

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ABOUT THE COVER

From double dipping to the use of deadly force, the activities of local police call for close monitoring.

Cover Story

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Cover photo by

Wendy Gray, *The IRE Journal*

Make plans to be in Denver in June for IRE Conference

Preparations have begun for the 2005 IRE Annual Conference, set for June 2-5 at Hyatt Regency-Downtown Denver.

The annual event typically boasts more than 100 panels, workshops, roundtables and classes. The Thursday – or Optional Day – lineup of the week-end will offer panels focused on computer-assisted reporting techniques. Discussions are under way to bring back that day's Criminal Justice Track, co-sponsored by Criminal Justice Journalists.

The other days of the conference will feature sessions on beat coverage, writing, editing and managing, legal issues, FOI, sourcing and more. The popular Show & Tell room will allow broadcasters to view investigative reports by peers, offer critiques and ask questions. Hands-on classes will be offered in CAR skills, one-on-one mentoring will be offered for both print and broadcast members and a computer demo room will highlight new software, data and services available for your newsroom.

Keep an eye on www.ire.org/training/denver05/ for the latest details, including registration information.

IRE members win recognition in ACRE reporting contest

Twelve IRE members won first-place awards in the 2004 Association of Capitol Reporters and Editors reporting contest.

- *The Orange County Register's* **Janifer B. McKim**, **William Heisel** and three other reporters won the John Aubuchon Freedom of Information Award, honoring investigative reporting that enhances understanding of state government.
- **Deb Kollars** of *The Sacramento Bee* won for in-depth reporting (newspapers over 75,000) for "Paying for Schools."
- **Michael C. Bender** of *The* (Grand Junction, Colo.) *Daily Sentinel* won in columns/commentary/analysis (newspapers under 75,000) for political writing.
- **Paul E. Kostyu** of *The* (Canton, Ohio) *Repository* won in two categories, in-depth reporting and single report (newspapers under 75,000).
- **Aron Pilhofer** and **Derek Willis** won for in-depth reporting (online publications) for a Center for Public Integrity investigation, "Silent Partners: How Political Non-Profits Work the System."
- **Nanci Wilson** of KEYE- Austin, Texas, and **Tisha Thompson** of WMAR-Baltimore tied in in-depth reporting (television 51 and over).
- **Kate Clements** won in single report (magazines) for "Risky Math," an article published in *Illinois Issues Magazine*.
- Associated Press reporters **Don Thompson** won in beat reporting and **Patrick Howe** won in in-depth reporting.

Wage and hour database now available through IRE

The IRE and NICAR Database Library has processed a new database containing enforcement actions by the Wage and Hours Division of the Department of Labor.

The Division is responsible for the enforcement of several labor laws covering such areas as child labor, overtime, minimum wage, and medical or family leave.

The Wage and Hour Enforcement database contains information about the violations, penalties and employers, including wages owed, the specific child labor violation and the location of the employer.

Journalists can use this data to investigate the compensation paid by employers in their area. For example, you can identify local companies with the worst record for failing to pay employee overtime.

Current as of Sept. 30, 2004, the data includes 660,000 records of individual enforcement actions. For more information, visit www.ire.org/datalibrary/databases/wages/ or call the 573-884-7711.

IRE members take awards in environmental reporting

Five IRE members won top honors from the Society of Environmental Journalists, which selects winners each year in its Awards for Reporting on the Environment.

- **Paul Adrian**, **Joe Ellis** and **Paul Beam**, all of KDFW-Dallas, won in in-depth reporting for "Dirty Waters, Dirty Secrets."
- **Seth Borenstein** of Knight Ridder Newspapers' Washington bureau won in beat reporting for a collection of stories on the environment.
- *The Sacramento* (Calif.) *Bee's* **Tom Knudson** won in in-depth reporting for "State of Denial."
- **Chris Raphael** and **Jason Felch** won in online reporting for "Peru: A Gamble in the Jungle," a three-part series produced for PBS Frontline/World and Washingtonpost.com.

Sunshine Week spotlights open-government benefits

IRE is among the journalism groups and media companies supporting Sunshine Sunday on March 13. The day kicks off "Sunshine Week: Your Right to Know," an opportunity to highlight the importance of the public's right of access to government information.

Participating news organizations will feature editorials, op-eds, editorial cartoons, and news and feature stories about why open government is important to everyone. Some will mark stories that couldn't have been written without open records.

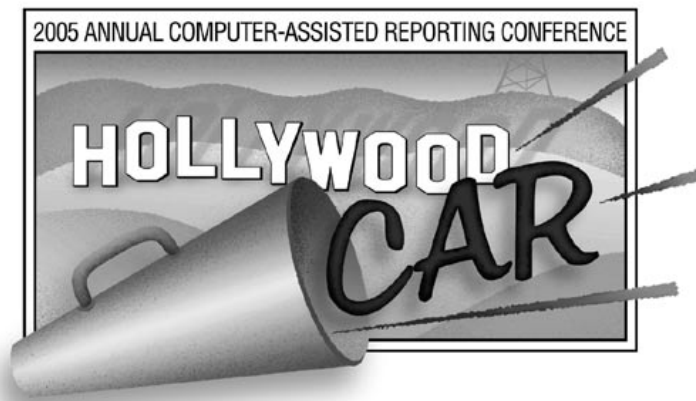
The initiative, spearheaded by the American Society of Newspaper Editors with a grant from the John S. and James L. Knight Foundation, expands the Sunshine Sunday efforts nationally and across media.

MEMBER NEWS

John Burnett of National Public Radio won the 2004 Edward R. Murrow Award in investigative reporting for radio network/syndication service. The award recognizes his reporting on the accidental bombing of an Iraqi village by the U.S. Air Force. ■ **Peter Byrne** has moved to *The North Bay Bohemian* (Santa Rosa, Calif.) where he will write a weekly investigative news column, "The Byrne Report." He was a staff writer at *SF Weekly*. ■ **Sherry Chisenhall**, managing editor of *The Wichita Eagle*, has been named editor of the paper. ■ **Gary Cohn** has joined the *Los Angeles Times* as an investigative reporter. He was the Atwood Professor at the University of Alaska-Anchorage's Department of Journalism and Public Communications. ■ **Joe Demma** has joined the *South Florida Sun-Sentinel* as investigations editor. He was the managing editor at *The Modesto Bee*. ■ **Justin Ellis** has received the Bob Drake Young Writer's Award from the Maine Press Association. He's a reporter at the *Portland Press Herald* and a former IRE staff member. ■ **Eric Eyre** and **Scott Finn** of *The Charleston* (W.Va.) *Gazette* won the 2004 Casey Medal in Project/Series (75,000-200,000 circulation) from the University of Maryland's Philip Merrill College of Journalism for "Closing Costs: School Consolidation in West Virginia." ■ **Mark Fainaru-Wada** and **Lance Williams** of the *San Francisco Chronicle* have received the 2004 Dick Schaap Excellence in Sports Journalism Award for their coverage of the Bay Area Laboratory Co-Operative, or BALCO, steroid controversy. ■ **Jim Finkle** has moved from *The Orange County Register* to *Broadcasting & Cable* magazine in Los Angeles, where he is a reporter. ■ **Robert Gammon** of the *Oakland Tribune* won the 2004 Casey Medal in Project/Series (under 75,000 circulation) from the University of Maryland's Philip Merrill College

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



CAR conference offers sessions for newbies and veterans

By THE IRE JOURNAL STAFF

The 2005 Annual Computer-Assisted Reporting Conference will feature an Advanced Day for CAR veterans, special tracks for broadcasters and beginners and several sessions for Spanish-speaking journalists.

The Advanced Day will take place on Thursday, March 17, and will be followed by three main days of panels and hands-on training for all levels of experience and expertise. Main conference days will run from Friday, March 18, through Sunday, March 20. All sessions will be held at the Renaissance Hollywood Hotel in downtown Hollywood, Calif.

Practitioners in CAR will conduct more than 40

panels on nearly every beat and 60 hands-on classes on spreadsheets, database analysis, statistics, mapping and downloading data from the Internet.

KNBC-Los Angeles is hosting the conference and the *Los Angeles Times* and *The Orange County Register* are sponsors. A local committee of journalists is helping to ensure that regional topics are covered and is putting together a dining and tourism guide for those visiting the L.A. area.

The conference Demo Room will offer informal tutorials and small workshops on specific federal and state data and analytic techniques. Top CAR journalists can use the room to share some of the latest techniques and stories in an informal setting.

Among the topics will be using data analysis to report on homeland security, pollution, homicides, natural disasters, elections and campaign finance, inequities in education, exploitation of the poor, the military and the war in Iraq, and immigration border issues.

Advanced topics will include social network analysis, data cleaning, open-source tools, constructing intranets and mining text databases. Special attention will be paid to access of data and other FOI issues.

Speakers and instructors will come from print and broadcast newsrooms, both large and small.

For beginning CAR reporters, the conference will include a start-to-finish track and a mini-boot camp of hands-on training. The mini-boot camp will offer a series of classes – open to the first 36 who sign up for them – that will take novices through data analysis with spreadsheets and database managers, finding data on the Internet and downloading that data into their programs. The classes will be linked to panels that highlight these skills to produce in-depth stories.

Planners are working on presenting some

COSTS

Registration: \$150 (Students: \$100)

To attend, membership must be current. See www.ire.org/training/hollywood05 for latest details.

CONFERENCE

Annual Computer-Assisted Reporting Conference, March 17-20, 2005

Renaissance Hollywood Hotel

1755 N. Highland Ave.
Hollywood, Calif.

For reservations:

Call 800-468-3571 by Friday, Feb. 18, to get the discounted room rate of \$164. Ask for the IRE/2005 Annual CAR Conference room block. To reserve a room online, use the link from www.ire.org/training/hollywood05.

panels and hands-on classes in Spanish.

Experienced practitioners can learn to hurdle data challenges with advanced programming, sophisticated mapping techniques, scraping data from the Internet and employing more complex statistical methods. Prospective attendees should sign up ahead of time for hands-on classes through the IRE Web site.

The conference also will have workshops on teaching CAR that will help educators and newsroom trainers. In addition, there will be panels on writing and editing the data-heavy story.

Just some of the likely hands-on class offerings:

- Excel 1: Performing simple calculations and sorting
- Excel 2: Calculating ratios and rates in Excel
- Excel 3: Learn pivot tables, filtering and more
- Excel and Internet: Importing data from the Web
- Beyond basics I: Using advanced Excel functions
- Access 1: Learn to select and sort data items you choose
- Access 2: Summarizing databases with counting and summing
- Access 3: How to join tables, matching information between files
- Database Building: Using Access forms to ease the process
- Making the most of the U.S. Census Bureau's Factfinder
- Census demographics to help cover your community
- SQL automation: How to spend zero time on recurrent tasks
- Web sites and search techniques for reporters
- Backgrounding people on the Internet
- Perl: An introduction to Perl and regular expressions
- Introduction to social network software
- Mapping 1: Displaying data geographically with ArcView 9
- Mapping 2: Importing and selecting data by attribute
- Mapping 3: Geocoding
- Mapping 4: How Spatial Analyst can improve stories
- SPSS 1: Navigate SPSS, using descriptive statistics and frequencies
- SPSS 2: Doing crosstabs to show the data in different ways
- SPSS 3: Basic linear regression techniques and diagnostics
- SPSS 4: Scripting with SPSS to automate time-consuming tasks

Investigating clergy abuse?

Researching civil rights violations of Muslims?

Lilly Scholarships give up to **\$5,000** for tuition to help you study the religions behind the stories.

- Any fulltime journalist
- Any accredited college
- Any religion course
- Anytime

Guidelines & application are online.
2005 Deadlines: Jan. 1, April 1, July 1, Oct. 1

RNA Religion Newswriters Association
Helping journalists to achieve
balance | insight | context
in covering religion in the news
www.religionwriters.com



BORDERWORLD

IRE works with Mexican organizations
to focus on the future of border reporting

*IRE trabaja con organizaciones mexicanas
para mejorar la cobertura periodística de la frontera*

BY LISE OLSEN
HOUSTON CHRONICLE

IRE is all about training and networking – and perhaps nowhere else in the United States do journalists need friends more than on the border.

With that in mind, more than 80 journalists gathered in Nuevo Laredo, Mexico, at a November conference sponsored by IRE and other organizations.

The purpose was to share techniques and knowledge and to create a web of protection and support that will help build better border investigations. The participants came from media as far east as Matamoros/Brownsville and as far west as Tijuana/San Diego – meaning journalists who cover nearly all of the invisible line that separates and connects the United States and Mexico. (One U.S. participant traveled from Cuba, though he's moving to the border area soon).

The conference had its light-hearted moments – NPR's John Burnett even brought out his harmonica at one point. But no one could forget that the challenges of investigative reporting along the border are real.

Five Mexican journalists have been killed in the past year – the worst tally of any Latin American country in 2004. Two of them were top editors at border newspapers. One, Roberto Mora, was the editor of *El Mañana* in Nuevo Laredo and an original member of the conference planning committee.

In two days of intense sessions in Nuevo Laredo, many reporters and editors talked about how they feel pressure or even fear in the region that is, in some ways, becoming a country unto itself: Borderworld.

Many newsgathering organizations that cover the border – on both sides – are small. The organizations

they cover and attempt to investigate can be huge: multinational firms that run the factories and pollute the air and water; the massive political organizations of Mexico's PRI, organized crime on both sides of the border and accompanying political corruption of all stripes.

It is a place where the unthinkable happens over and over again. People disappear, sometimes their corpses dissolved in vats of acid. A U.S. citizen, and suspect in the murder of Mora, is beaten to death in jail after he is released into the general population a few days before a key public hearing. Money disappears for public projects and poor public officials suddenly become land barons.

All those things – and more – make Borderworld ripe for investigation.

It's a world in which IRE members need to reach out and connect. We need to learn from each other, exchange information and tips and even collaborate on stories if we ever hope to get to the bottom of any of this.

That's why IRE worked with the Center for Ethical Journalism in Mexico (CEPET in Spanish) and Periodistas de Investigación, which IRE helped begin in the mid-1990s to put on this conference. The border conference received support from the *Houston Chronicle*, *El Mañana* and the Knight Center for Journalism in the Americas.

Panelists included Robert Rivard, editor of the *San Antonio Express-News*; John Burnett, National Public Radio; Valerie Godines, *The Orange County Register*; Pedro Armendares, Periodistas de Investigación; Molly Molloy, La Guia and New Mexico State University; Lorena Figueroa, *Diario de Juárez*; Brant Houston, Investigative Reporters and Editors; Ginger Thompson, *The New York Times*; Leonarda Reyes, CEPET and formerly with *Reforma*, *El Norte* and TV Azteca; Lise

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THE ROSALYNN CARTER FELLOWSHIPS FOR MENTAL HEALTH JOURNALISM

The Mental Health Program of The Carter Center in Atlanta, Ga., announces six one-year journalism fellowships. Designed to enhance public understanding of mental health issues and combat stigma and discrimination against people with mental illnesses, the fellowships begin in September 2005.

- The program is open to print and electronic journalists with a minimum of two years of professional experience.
- Each fellow will be awarded a \$10,000 grant and two expense-paid trips to The Carter Center to meet with program staff and advisers.
- Projects will be tailored to the experience and interests of the fellows, who will consult with the program's distinguished advisory board.
- Fellows will not be required to leave their current employment.

"This program is an exciting component of our efforts to reduce stigma and discrimination against those with mental illnesses. I look forward to working with each of our fellows to promote awareness of these important issues."

—Rosalynn Carter

The application deadline is April 25, 2005. To apply, write or e-mail:

Rebecca G. Palpant, M.S.
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Mental Health Program
One Copenhill
453 Freedom Parkway
Atlanta, GA 30307
ccmhp@emory.edu
www.cartercenter.org

THE
CARTER CENTER



BOOKS OF 2004

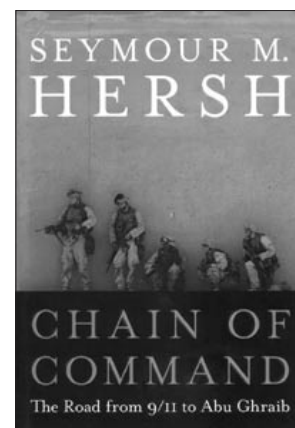
War-related books provide glimpse of White House hawks, suspect vaccines

BY STEVE WEINBERG
THE IRE JOURNAL

As usual, it is difficult to generalize about the investigative/explanatory books by journalists published during the past year. But one comment seems indisputable: It was a year of memorable books about the unforeseen consequences of war. Lots of war-related books captured my attention and are listed starting below. Two of those many worthy books, one by a renowned veteran print investigative reporter, the other by a relatively obscure television journalist, continue to resonate loudly in my mind.

'Chain of Command'

On Sept. 11, 2001, Seymour Hersh and David Remnick conversed. Hersh, one of the most accomplished investigative journalists in the world for 35 years running, had been writing for *The New Yorker* magazine after a career encompassing *The Associated Press*, *The New York Times* and seven books. Remnick, *The New Yorker's* editor, was well-known – within the journalism realm at least – as perhaps the best editor alive, following his own distinguished reporting and writing career at *The Washington Post*



and as a book author.

Hersh and Remnick decided that the investigative reporter, in the editor's words, "would have to follow this story no matter where it went and that he would likely have to publish more frequently, ranging into foreign and domestic intelligence com-

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INVESTIGATIVE BOOKS OF 2004

Every year, Steve Weinberg does his best to compile this exclusive list for *The IRE Journal*. It consists of books of investigative or explanatory journalism, broadly defined, published for the first time during 2004, in the United States, in English. The list is limited to authors who work primarily as journalists for American media outlets, and who are trying to reach general audiences through retail bookstore sales. If you know of a book unintentionally omitted from this list, please send an email to weinbergs@missouri.edu.

- A**
- Allen, Eddie B. Jr. **Low Road: The Life and Legacy of Donald Goines** (St. Martin's)
 - Allen, John L. Jr. **All the Pope's Men: The Inside Story of How the Vatican Really Works** (Doubleday)
 - Allman, T.D. **Rogue State: America at War With the World** (Thunder's Mouth/Nation)
 - Alterman, Eric **When Presidents Lie** (Viking)
 - Anastasia, George **The Last Gangster: From Cop to Wiseguy to FBI Informant, Big Ron Previte and the Fall of the American Mob** (Regan Books)
 - Andersen, Christopher **American Evita: Hillary Clinton's Path to Power** (Morrow)

- Anderson, Bonnie M. **News Flash: Journalism, Infotainment and the Bottom-Line Business of Broadcast News** (Jossey-Bass)
- Anderson, Jon Lee **The Fall of Baghdad** (Penguin Press)
- Anderson, Rick **Home Front: The Government's War on Soldiers** (Clarity Press)
- Atkinson, Rick **In the Company of Soldiers: A Chronicle of Combat in Iraq** (Holt)
- Atwood, Roger **Stealing History: Tomb Raiders, Smugglers and the Looting of the Ancient World** (St. Martin's)
- Auletta, Ken **Media Man: Ted Turner's Improbable Empire** (Norton/Atlas)

- B**
- Bacon, David **The Children of NAFTA: Labor Wars on the U.S.-Mexico Border** (University of California Press)
 - Bacon, John U. **America's Corner Store: Walgreen's Prescription for Success** (Wiley)
 - Ball, Edward **Peninsula of Lies: A True Story of Mysterious Birth and Taboo Love** (Simon & Schuster)
 - Bamberger, Michael **Wonderland: A Year in the Life of an American High School** (Atlantic Monthly Press)
 - Bamford, James **A Pretext for War: 9/11, Iraq and the Abuse of America's Intelligence Agencies** (Doubleday)
 - Barlett, Donald, and James Steele **Critical Condition: How Health Care in America Became Big Business, & Bad Medicine** (Doubleday)
 - Beach, Patrick **A Good Forest for Dying: The Tragic Death of a Young Man on the Front Lines of the Environmental Wars** (Doubleday)

- Benedict, Jeff **Out of Bounds: Inside the National Basketball Association's Culture of Rape, Violence and Crime** (HarperCollins)
- Berry, Jason, and Gerald Renner **Vows of Silence: The Abuse of Power in the Papacy of John Paul II** (Free Press)
- Bianco, Anthony **Ghosts of Forty-Second Street: A History of America's Most Infamous Block** (Morrow/HarperCollins)
- Bing, Jonathan, and Dade Hayes **Open Wide: How Hollywood Box Office Became a National Obsession** (Miramax)
- Bird, Christiane **A Thousand Sighs, A Thousand Revolts** (Ballantine)
- Birkbeck, Matt **A Beautiful Child: A True Story of Hope, Horror, and an Enduring Human Spirit** (Berkley)
- Black, George **The Trout Pool Paradox: The American Lives of Three Rivers** (Houghton Mifflin)
- Blake, John **Children of the Movement** (Lawrence Hill Books)

INVESTIGATIVE BOOKS OF 2004

• Blum, David
Tick Tick Tick: The Long Life and Turbulent Times of 60 Minutes
(HarperCollins)

• Bookchin, Debbie, and Jim Schumacher
The Virus and the Vaccine: The True Story of a Cancer-Causing Monkey Virus, a Contaminated Vaccine and the Millions of Americans Exposed
(St. Martin's)

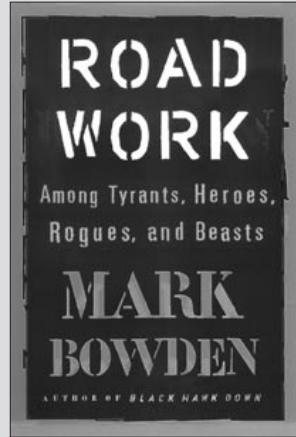
• Bowden, Mark
Road Work: Among Tyrants, Heroes, Rogues, and Beasts
(Atlantic Monthly Press)

• Breslin, Jimmy
The Church That Forgot Christ
(Free Press)

• Briody, Dan
The Halliburton Agenda: The Politics of Oil and Money
(Wiley)

• Brock, David
The Republican Noise Machine: Right-Wing Media and How It Corrupts Democracy
(Crown)

• Browne, David
Amped: How Big Air, Big Dollars and a New Generation Took Sports to the Extreme
(Bloomsbury)



• Bryce, Robert
Cronies: Oil, the Bushes and the Rise of Texas, America's Superstate
(PublicAffairs)

• Bryson, Christopher
The Fluoride Deception
Seven Stories Press

• Brzezinski, Matthew
Fortress America: On the Frontlines of Homeland Security—an Inside Look at the Coming Surveillance State
(Bantam)

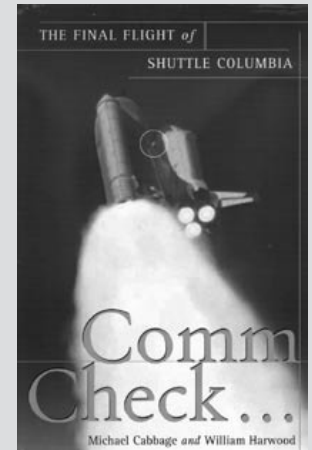
• Burkett, Elinor
So Many Enemies, So Little Time: An American Woman in All the Wrong Places
(HarperCollins)

• Byron, Christopher
Testosterone Inc.: Tales of CEOs Gone Wild
(Wiley)

C
• Cabbage, Michael, and William B. Harwood
Comm Check: The Final Flight of Shuttle Columbia
(Free Press)

• Carter, Graydon
What We've Lost: Bush's War on Democracy and Freedom
(Farrar, Straus & Giroux)

• Carter, W. Hodding
Stolen Water: Saving the Everglades From Its Friends, Foes and Florida
(Atria)



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—Yasmin Anwar, *The Honolulu Advertiser*

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munities, the military, the State Department and the White House.”

Between that conversation and last month, Hersh published 26 investigations in *The New Yorker*, totaling enough words to make a book. “Chain of Command: The Road from 9/11 to Abu Ghraib” (HarperCollins) includes information from many of those investigations, plus updated and expanded information when practical. Each of the book’s eight sections can be read in isolation, because they are only loosely connected stylistically and chronologically. That said, the book is greater than the sum of its eight parts. It provides a compelling, mostly damning picture of how President George W. Bush, along with his civilian and military advisors (especially Defense Secretary Donald Rumsfeld and Vice President Dick Cheney) allegedly:

- failed to halt the 9/11 attack despite warning

signs;

- missed capturing 9/11 mastermind Osama bin Laden in Afghanistan or his other hideouts;
- lied about their reasons for invading Iraq;
- planned poorly for the warfare in Iraq and the aftermath;
- worsened U.S. relations within the world community, especially involving Pakistan, Saudi Arabia, Syria, Iran, Israel and Turkey; and
- besmirched the U.S. reputation for caring about human rights, as military guards and intelligence officers mistreated Iraqi prisoners, most notably in the Abu Ghraib compound.

By far the freshest, and thus most powerful, section of the book involves the human rights violations. The revelations concerning Abu Ghraib by Hersh (and, to a lesser extent, other journalists) are from 2004, not previous years, and have never been told in such horrifying, credible detail. On the

other hand, the remaining sections in Hersh’s book have been covered well by previous authors during 2003-04, including journalists James Bamford, Ron Suskind, Bob Woodward and James Mann; White House insider Richard Clarke; U.S. Sen. Bob Graham; and a Central Intelligence Agency analyst publishing under the name “Anonymous.”

Hersh believes the evidence about human rights violations leads inexorably to the conclusion that the torture methods used at Abu Ghraib cannot be blamed solely on a few renegade military and civilian operatives.

“The roots of the Abu Ghraib scandal lie not in the criminal inclinations of a few Army reservists, but in the reliance of George Bush and Donald Rumsfeld on secret operations and the use of coercion – and eye-for-an-eye retribution – in fighting terrorism,” Hersh says. “Rumsfeld’s most fateful decision, endorsed by the White House, came at a time of crisis in August

INVESTIGATIVE BOOKS OF 2004

• Cashill, Jack
Ron Brown’s Body
(WND Books)

• Chatterjee, Pratap
Iraq Inc.: A Profitable Occupation,
(Seven Stories Press)

• Christianson, Scott
Innocent: Inside Wrongful Conviction Cases
(New York University Press)

• Chideya, Farai
Trust: Reaching the 100 Million Missing Voters
(Soft Skull Press)

• Claire, Rodger W.
Raid on the Sun: Inside Israel’s Secret Campaign That Denied Saddam the Bomb
(Broadway Books)

• Colin, Chris
What Really Happened to the Class of ’93: Start-ups, Dropouts and Other Navigations Through an Untidy Decade
(Broadway Books)

• Coll, Steve
Ghost Wars: The Secret History of the CIA, Afghanistan and bin Laden From the Soviet Invasion to September 10, 2001
(Penguin Press)

• Collins, Scott
Crazy Like a Fox: The Inside Story of How Fox News Beat CNN
(Portfolio)

• Constable, Pam
Fragments of Grace: My Search for Meaning in the Strife of South Asia
(Brassey’s)

• Cook, Christopher D.
Diet for a Dead Planet: How the Food Industry Is Killing Us
(New Press)

• Cooper, Marc
The Last Honest Place in America: In Search of Paradise and Perdition in the New Las Vegas
(Nation Books/Thunder’s Mouth)

• Corson, Trevor
The Secret Life of Lobsters: How Fishermen and Scientists Are Unraveling the Mysteries of Our Favorite Crustacean
(HarperCollins)

• Cose, Ellis
Bone to Pick: Of Forgiveness, Reconciliation, Reparation and Revenge
(Atria)

• Cramer, Richard Ben
How Israel Lost: The Four Questions
(Simon & Schuster)

• Curtis, Brian
Every Week a Season: A Journey Inside Big-Time College Football
(Ballantine)

D
• D’Antonio, Michael
The State Boys Rebellion
(Simon & Schuster)

• Danner, Mark
Torture and Truth: America, Abu Ghraib and the War on Terror
(New York Review Books)

• Date, S.V.
Quiet Passion: A Biography of Senator Bob Graham
(Tarcher/Penguin)

• Davis, Jayna
The Third Terrorist: The Middle East Connection to the Oklahoma City Bombing
(WND Books)

• DeBare, Ilana
Where Girls Come First: The Rise, Fall and Surprising Revival of Girls’ Schools
(Putnam/Tarcher)

• DeParle, Jason
American Dream: Three Women, Ten Kids, and a Nation’s Drive to End Welfare
(Viking)

• Devine, Robert S.
Bush Versus the Environment
(Anchor Books)

• Dinges, John
The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents
(New Press)

• Dobbs, Lou
Exporting America: Why Corporate Greed Is Shipping American Jobs Overseas
(Warner)

• Doherty, Brian
This Is Burning Man: The Rise of a New American Underground
(Little, Brown)

• Dolin, Eric Jay
Political Waters: The Long, Dirty, Contentious, Incredibly Expensive But Eventually Triumphant History of Boston Harbor
(University of Massachusetts Press)

• Domanick, Joe
Cruel Justice: Three Strikes and the Politics of Crime in America’s Golden State
(University of California Press)

• Dougherty, Jon E.
Illegals: The Imminent Threat Posed by Our Unsecured U.S.-Mexico Border
(WND Books)

• Dubose, Lou, and Jan Reid
The Hammer: Tom DeLay – God, Money and the U.S. Congress
(PublicAffairs)

• Dudley, Steven
Walking Ghosts: Murder and Guerrilla Politics in Colombia
(Routledge)

E
• Earley, Lawrence S.
Looking for Longleaf: The Rise and Fall of an American Forest
(University of North Carolina Press)

• Ellingwood, Ken
Hard Line: Life and Death on the U.S.-Mexico Border
(Pantheon)

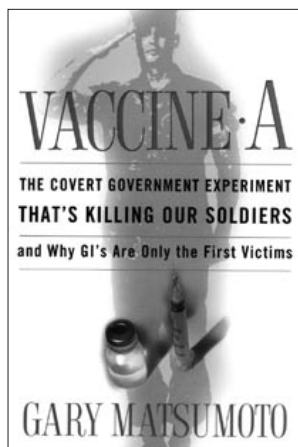
• Elsner, Alan
Gates of Injustice?: The Crisis of America’s Prisons
(Prentice Hall)

• Engel, Richard
A Fist in the Hornet’s Nest: On the Ground in Baghdad Before, During and After the War
(Hyperion)

2003, when the defense secretary expanded the highly secret special access program [an anti-terrorism operation, explained earlier by Hersh, approved by Bush, and bypassing Congress and the courts] into the prisons of Iraq. Rumsfeld's decision embittered the American intelligence community, damaged the effectiveness of elite combat units, and hurt the prospects of the United States in the war on terror."

Although the book, rushed into print before the November election, lacks endnotes, Hersh provides first-rate sourcing throughout the text. He relies more heavily on anonymous sources than he (or I) would like. But the reasons Hersh granted anonymity are usually obvious, and the statements from unnamed sources are regularly backed by references to official reports in the public domain and leaked documents, plus corroborating statements from women and men in a position to discern the truth.

Other reasons for confidence in Hersh's accuracy include the verisimilitude of his previous reporting about Vietnam War atrocities by American troops, chemical/biological warfare, nuclear weaponry and overall U.S. foreign policy; the fact-checking process at *The New Yorker*, probably the most thorough in all of journalism; Remnick's editing skills; the vetting of the reporting by lawyers; and the author's admirable, unusual devotion to correcting his writings when persuasive new information is available.



'Vaccine A'

Reading investigative journalist Gary Matsumoto's account of U.S. military personnel severely incapacitated or killed because, he says, they received vaccinations meant to protect them from anthrax poisoning is akin to absorbing hammer blows to the head over and over for hours. In relentless – and sometimes repetitive – fashion, Matsumoto presents evidence in "Vaccine A: The Covert Government Experiment That's Killing Our Soldiers and Why GI's Are Only the First Victims" (Basic Books) that military commanders, physicians and federal government drug regulators and pharmaceutical companies have lied to Army, Navy, Marine and Air Force troops.

The lies continue today, Matsumoto says,

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Solid journalism still best protection from libel suits when covering terrorism



ASHLEY GAUTHIER

Reporting on terrorism has become a top priority for many news organizations, but a story addressing that subject in connection with particular individuals, charities or businesses can lead to a libel suit. Recent and past case law describe certain problematic issues and portray available protections. For example, news about an organization already embroiled in controversy may limit the likelihood of a successful claim, while references to a specific individual not previously in the public eye can raise heightened concerns. Libel claims also surface when the validity of information obtained from official sources subsequently comes under attack for lack of prior scrutiny or other alleged defects.

Government accusations

Some courts seem willing to protect reporting on alleged terrorism when the focus of the story is on government accusations. Richard Jewell, an Atlanta security guard, filed multiple lawsuits against news organizations that wrote about his alleged involvement in the 1996 Olympics bombing. One of the cases, *Jewell v. NYP Holdings*, addressed many issues, but one of the crucial rulings was that truthful reporting of a government investigation constituted "truthfulness" for the purpose of the articles. The statement to be proven true or false for libel purposes was not the underlying claim (i.e., whether Jewell was in fact the bomber), as long as the paper was merely reporting on the accusation by the government (that he was suspected of being the bomber). But as shown by a pending libel action in the District of Columbia, *OAO Alfa-Bank v. Center for Public Integrity*, questions raised about the authenticity of official reports may fuel protracted litigation.

Substantial truth

In *Global Relief Foundation Inc. v. The New York Times Co.*, a federal appeals court affirmed a lower court holding that "all of the reports were either true or substantially true recitations of the government's suspicions about and actions against" Global Relief Foundation, Inc., an Islamic charity. The Dec. 1, 2004,

appellate decision supports an important premise of the *Jewell* ruling. Whether GRF actually had ties to terrorists was irrelevant: "GRF was in fact the subject of a federal investigation for links to terrorism... Whether the government was justified in its investigation or correct in its ultimate conclusion is irrelevant to a suit against news media defendants for accurately reporting on the government's probe."

Identifying specific individuals

In another case involving terrorist ties, the media prevailed because the broadcaster did not identify any particular individual. After the Murrah federal building was bombed, KFOR-Oklahoma City broadcast an investigative report regarding alleged Middle Eastern ties to the bombing. The report referred to "John Doe No. 2," an unidentified Iraqi whom witnesses claimed to see with Timothy McVeigh. After the broadcast, Hussain Al-Hussaini claimed that KFOR labeled him as John Doe No. 2, and he sued the station and its reporters for libel. In *Hussain v. Palmer Communications Inc.* the court ruled in the station's favor. The court found that "he did not suffer injury to his reputation, as he could point to no one who thought he was Doe, as referred to in KFOR's news reports." The court also affirmed summary judgment against a false-light claim, finding "the district court accurately determined that KFOR's news reports were not substantially false nor highly offensive, as they were news reports about an unidentifiable person."

Private versus public figure

In *Hussain*, the court also noted that he was a "private" person under libel law. While public officials and public figures have a heavy burden of proving "actual malice," private figures need only show negligence in most jurisdictions. Thus, if he had been identifiable, he would have had a lesser burden, as the negligence standard often favors the plaintiff.

The question of whether a plaintiff should be deemed a public or private figure is, however, as one

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Ashley Gauthier is associate general counsel of U.S. News & World Report. She also teaches media law in the journalism departments at American University in Washington, D.C., and George Mason University in Fairfax, Va.

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despite severe illnesses and deaths he and civilian medical researchers he has interviewed attribute to an ingredient in the vaccine that causes the body's autoimmune system to go haywire.

Among the handful of heroes within the hundreds of villains in the book are Dr. Robert Garry and Dr. Russell Wilson of Tulane University Health Science Center. Instead of ignoring complaints of Gulf War veterans or feeding them lies, the New Orleans medical researchers bucked the government and the military establishment, Matsumoto says, to determine why and how the anthrax vaccine maimed and killed rather than protected.

Matsumoto is a layperson whose experience has come largely at the news operations of NBC and Fox. Understanding highly technical medical literature is not easy for him, nor will it be easy for most readers. Matsumoto is masterful at explaining complicated terms and concepts. Still, there is only so much he can do to clarify the science behind studies with titles such as "Effect of Stanol Ester

on Postabsorptive Squalene and Retinyl Palmitate." The key word is "squalene." More on it soon.

Matsumoto cannot state with 100 percent certainty that any of the individual cases he investigated so impressively are linked to anthrax vaccinations required of military servicemen and servicewomen. The circumstantial evidence, however, is massive. Experienced journalists, and lawyers, know that circumstantial evidence can be as good as direct evidence if its quality is high and enough of it exists.

Readers with faith in the goodness of the U.S. military will resist the hypothesis that commanders force vaccinations on troops when evidence exists that disabling injuries and deaths result. Historically, however, that faith is unjustified. Matsumoto provides irrefutable information from wars before the 1990 drive against Iraq that military personnel have served as unwitting guinea pigs in medical experiments. Those unwitting guinea pigs cannot sue the U.S. government for negligence; military servicemen and servicewomen not only surrender

the right to refuse vaccinations, but also the right to litigate when illness or death results.

The military's justification for the anthrax vaccinations starting around 1990 and continuing through today seemed straightforward: Iraqi dictator Saddam Hussein possessed biological weapons, including deadly anthrax, that he might use. The cosmic irony as phrased by Matsumoto "is that after years of United Nations inspections and now a war that has put Saddam Hussein behind bars, no samples of Iraqi dried anthrax have been discovered."

Matsumoto covered the 1990 Gulf War for NBC News from Saudi Arabia. About a year later, he heard reports of "a strange malady affecting returning veterans. The symptoms were often vague, many subjective, but remarkably consistent – aching joints and muscles, rashes, fatigue, weight loss, weight gain, hair loss, sore gums, diarrhea, nausea, swelling of hands and feet, short-term memory loss and headaches."

Knowing that such symptoms could stem from numerous causes, Matsumoto paid little attention

INVESTIGATIVE BOOKS OF 2004

F

- Faison, Seth
South of the Clouds: Exploring the Hidden Realms of China
(St. Martin's)
- Farah, Douglas
Blood From Stones: The Secret Financial Network of Terror
(Broadway Books)
- Featherstone, Liza
Selling Women Short: The Landmark Battle for Workers' Rights at Wal-Mart
(Basic Books)
- Feldman, Bruce
'Cane Mutiny: How the Miami Hurricanes Overturned the Football Establishment
(New American Library)
- Fitzgerald, Randall
Mugged by the State: Outrageous Government Assaults on Ordinary People and Their Property
(Regnery)
- Flanders, Laura
Bushwomen: Tales of a Cynical Species
(Verso)
- Flynn, Ramsey
Cry From the Deep: The Submarine Disaster That Riveted the World and Put the Russian Government to the Ultimate Test
(HarperCollins)

- Foer, Franklin
How Soccer Explains the World: An Unlikely Theory of Globalization
(HarperCollins)
- Foksett, Ken
Judging Thomas: The Life and Times of Clarence Thomas
(Morrow)
- France, David
Our Fathers: The Secret Life of the Catholic Church in an Age of Scandal
(Broadway)
- Frank, Thomas
What's the Matter With Kansas?: How Conservatives Won the Heart of America
(Metropolitan)
- French, Howard W.
A Continent for the Taking: The Tragedy and Hope of Africa
(Knopf)
- Fuller, Alexandra
Scribbling the Cat: Travels With an African Soldier
(Penguin Press)

- Gerhart, Ann
The Perfect Wife: The Life and Choices of Laura Bush
(Simon & Schuster)
- Germond, Jack
Fat Man Fed Up: How American Politics Went Bad
(Random House)
- Gertz, Bill
Treachery: How America's Friends and Foes Are Secretly Arming Our Enemies
(Crown Forum)
- Gibson, John
Hating America
(Regan Books)
- Gladwell, Malcolm
Blink: Thin-Slicing, Snap Judgments and the Power of Thinking Without Thinking
(Little, Brown)
- Glain, Stephen
Mullahs, Merchants and Militants: The Economic Collapse of the Arab World
(St. Martin's)
- Gonnerman, Jennifer
Life on the Outside: The Prison Odyssey of Elaine Bartlett
(Farrar, Straus & Giroux)
- Goodman, Amy
The Exception to the Rule: Exposing Oily Politicians, War Profiteers and the Media That Love Them
(Hyperion)

- Goodnow, Abby
Ms. Moffett's First Year: Becoming a Teacher in America
(PublicAffairs)
- Goodwin, Joy
The Second Mark: Courage, Corruption and the Battle for Olympic Gold
(Simon & Schuster)
- Goozner, Merrill
The \$800 Million Pill: The Truth Behind the Cost of New Drugs
(University of California Press)
- Gould, Terry
Paper Fan: The Hunt for Triad Gangster Steven Wong
(Thunder's Mouth)
- Gunther, Marc
Faith and Fortune: The Quiet Revolution That Is Transforming Corporate America
(Crown Business)

H

- Harris, David
The Crisis: The President, the Prophet and the Shah—1979 and the Coming of Militant Islam
(Little, Brown)
- Hartocollis, Anemona
Seven Days of Possibilities: One Teacher, 24 Kids and the Music That Changed Their Lives Forever
(PublicAffairs)
- Hayes, Stephen F.
The Connection: How al Qaeda's Collaboration With Saddam Hussein Has Endangered America
(HarperCollins)

until 1997, when he heard an explanation from military sources regarding what had become known as Gulf War Syndrome. The explanation, involving an alleged inadvertent release of an Iraqi nerve agent during a U.S. bombing, struck Matsumoto as so ludicrous that he sensed a cover-up. So he began an investigation that lasted six years, resulting first in a *Vanity Fair* magazine expose, then this book.

Realizing that U.S. military doctors decided against treating veterans with Gulf War Syndrome, Matsumoto delved into the civilian medical research world, where he found a few fearless experts, especially in private practice at a Memphis clinic and at Tulane University, devoted to uncovering the truth so sick people could be treated and additional deaths prevented.

“By developing an assay – a test to determine whether an individual has antibodies to a particular substance in his or her blood – scientists from Tulane University Medical School established what they say is a marker for Gulf War Syndrome,” Matsumoto reports. “This marker identifies whether a GI has been injected with a substance called squalene. Those who had a so-called Gulf War illness consistently tested positive for antibodies to squalene in their blood; healthy Gulf War veterans do not have these antibodies.”

The Tulane researchers knew that the anthrax vaccine approved by federal government drug regulators and the military contained no squalene – an oil intended to stimulate the immune system to respond more quickly than normal. Matsumoto marshals circumstantial evidence to suggest that military doctors, realizing the licensed vaccine would not kick in fast enough to protect U.S. troops from an Iraqi release of anthrax, decided to experiment with squalene despite its known lethality. Matsumoto concedes the military doctors probably harbored good intentions, so could have defended their actions “as a hard judgment call.” But their outright denial of using an experimental vaccine containing squalene in the face of seemingly overwhelming evidence to the contrary – some of that evidence coming from reluctant government agencies and pharmaceutical companies – struck Matsumoto as so heartless that he shows them no sympathy.

In the end, Matsumoto knows he cannot provide satisfactory answers to every question: “The great mystery in this story, a mystery that I cannot completely solve, is why the scientists developing these vaccines are covering up their mistake and continuing to advocate the use of a new vaccine that will have such devastating consequences on their own people. There is some evidence that the corrupting influence of money has played a role in this... Let everyone be especially vigilant over companies making military vaccines that are intended for sale to the large and lucrative U.S. civilian market.”

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

Environmental hazards: What you don't know just might hurt you



JOSEPH A. DAVIS

It was after midnight on Dec. 3, 1984, when at least 40 metric tons of deadly methyl isocyanate began spewing from a runaway reaction in a tank at the Union Carbide pesticide plant in Bhopal, India. People woke to screams, gasps, burning lungs, burning eyes, not knowing what was happening to them.

The company had not told them of the chemical hazards at the plant. Had not told the slum-dwellers squatting near the fenceline that they were in harm's way. Had not told city residents of how the gas clung to terrain instead of dissipating. No warning siren woke them, although the leak had been going on for hours. As thousands of injured streamed into local hospitals, doctors had no idea what was causing the problem or how to treat it. The dead piled up so fast they had to be buried quickly, but probably at least 2,500 died within the first few days. Eventual fatalities have been estimated at 15,000 or more. Hundreds of thousands of men, women, and children were left with blindness, breathing problems, and other injuries.

Those people were killed by lack of information – as much as by any other cause.

Power through knowledge

As Congress considered during 1985-86 how to keep a Bhopal from happening in the United States, it became clear that direct federal regulation of chemical plant safety was politically impossible amid the anti-regulatory zeal of the Reagan administration. What evolved was a 1986 compromise known as EPCRA, the first of a series of measures legally establishing a public right to know about chemical hazards.

The idea of the Emergency Planning and Community Right-to-Know Act was that informed public pressure might force companies to make plants

safer voluntarily, even if government couldn't or wouldn't. By most accounts, the theory worked. Many of the bigger companies made great safety improvements over the next decade or more, although much more was left to do.

But within a few years, it also became clear that chemical and related industries were lobbying hard to obstruct, limit and delay the public right to know of chemical hazards. Although Congress attached a second right-to-know law to the 1990 Clean Air Act, it took much of the decade for EPA to put it into effect, and by August 1999, an industry-dominated Congress had begun repealing parts of it.

Over the past six years – roughly since the 1998 West African embassy bombings – there has been a broad rollback in the public's right to know about a wide range of environmental hazards and “critical infrastructure.” Even the Toxic Release Inventory, a keystone of the 1986 right-to-know law and

a basic tool for environmental reporters over the years, is being whittled down by the EPA under pressure from Western mining interests. [TRI data can be ordered through IRE at www.ire.org/databaselibrary/databases/toxic.]

Congress' nonpartisan watchdog arm, the General Accountability Office, reported in 2003 that there are 123 chemical facilities in American cities where a worst-case accident could expose more than a million people to toxic gases. Yet a 1999 law essentially prohibited the EPA from giving this information to the American public. Proponents said it would provide a “roadmap for terrorists.”

Twenty years after Bhopal, federal officials have yet to impose safety requirements on chemical plants. Today, three years after 9/11, the feds have yet to require chemical plants to fence off dangerous

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NEW POLLUTION BOOK

“Covering Pollution: An Investigative Reporter's Guide” is the latest IRE beat book and details how to monitor environmental hazards in your community. It was produced in cooperation with the Society of Environmental Journalists. For details, visit www.ire.org/store/books/pollution.html or call 573-882-3364.

Joseph A. Davis is director of the Society of Environmental Journalists' Watchdog Project. He has written about the environment, energy, and natural resources for 28 years.

INVESTIGATIVE BOOKS OF 2004



• Hays, Constance L.
The Real Thing: Truth and Power at the Coca-Cola Company
(Random House)

• Heller, Peter
Hell or High Water
(Rodale)

• Henderson, Tom
Blood Justice
(St. Martin's)

• Hersh, Seymour
Chain of Command: The Road From 9/11 to Abu Ghraib
(HarperCollins)

• Hertzberg, Hendrik
Politics
(Penguin Press)

• Hirsch, James S.
Two Souls Indivisible: The Friendship That Saved Two POWs in Vietnam
(Houghton Mifflin)

• Huffman, Alan
Mississippi in Africa: The Saga of the Slaves of Prospect Hill Plantation and Their Legacy in Liberia Today
(Gotham Books)

J

• Johnson, Sheila
Blood Highway
(Pinnacle/Kensington)

K

• Kelley, Kitty
The Family: The Real Story of the Bush Dynasty
(Doubleday)

• Kelly, Caitlin
Blown Away: American Women and Guns
(Pocket Books)

• Kelly, Michael
Things Worth Fighting For: Collected Writings
(Penguin Press)

• Kessler, Ronald
A Matter of Character: Inside the White House of George W. Bush
(Sentinel/Penguin)

• Kessler, Ronald
The CIA at War: Inside the Secret Campaign Against Terror
(St. Martin's)

• Kettlewell, Caroline
Electric Dreams: How a Group of Forgotten High School Kids Built the Car of the Future
(Carroll & Graf)

• Kiley, David
Driven: Inside BMW
(Wiley)

• Kimmel, Daniel M.
The Fourth Network: How Fox Broke the Rules and Reinvented Television
(Ivan R. Dee)

• Klucas, Gillian
Leadville: The Struggle to Save an American Town
(Island/Shearwater)

• Kolbert, Elizabeth
The Prophet of Love and Other Tales of Power and Deceit
(Bloomsbury)

• Kriegel, Mark
Namath: A Biography
(Viking)

• Kurtis, Bill
The Death Penalty on Trial: Crisis in American Justice
(PublicAffairs)

L

• Lance, Peter
Cover Up: What the Government Is Still Hiding About the War on Terror
(Regan Books)

• Langewiesche, William
The Outlaw Sea: A World of Freedom, Chaos and Crime
(North Point Press)

• Lapham, Lewis H.
Gag Rule: On the Suppression of Dissent and the Stifling of Democracy
(Penguin Press)

• Lappe, Anthony, and Stephen Marshall
True Lies
(Plume)

• Leahy, Michael
When Nothing Else Matters: Michael Jordan's Last Comeback
(Simon & Schuster)

• Levenson, Jacob
The Secret Epidemic: The Story of AIDS and Black America
(Pantheon)

• Levitt, Leonard
Conviction: Solving the Moxley Murder, a Reporter and a Detective's Twenty-Year Search for Justice
(Regan Books)

• Lewin, Todd
The Last Run: A True Story of Rescue and Redemption on the Alaska Seas
(HarperCollins)

• Lippmann, Thomas W.
Inside the Mirage: America's Fragile Partnership With Saudi Arabia
(Westview)

• Long, Steven
Out of Control: The Clara Harris Murder Case
(St. Martin's)

• Lowenstein, Roger
Origins of the Crash: The Great Bubble and Its Undoing
(Penguin Press)

• Lubrano, Alfred
Limbo: Blue-Collar Roots, White-Collar Dreams
(Wiley)

• Lynn, Cari
Leg the Spread: A Woman's Adventures Inside the Trillion-Dollar Boys Club of Commodities Trading
(Broadway Books)

M

• MacCambridge, Michael
America's Game: The Epic Story of How Pro Football Captured a Nation
(Random House)

• Mahar, Maggie
Bull!: A History of the Boom, 1982-1999
(HarperBusiness)

• Maharidge, Dale
Homeland
(Seven Stories Press)

• Mallaby, Sebastian
The World's Banker: A Story of Failed States, Financial Crises and the Wealth and Poverty of Nations
(Penguin Press)

• Mann, James
Rise of the Vulcans: The History of Bush's War Cabinet
(Viking)

• Manning, Richard
Against the Grain: How Agriculture Has Hijacked Civilization
(North Point Press)

• Marcus, James
Amazonia: Five Years at the Epicenter of the Dot.com Juggernaut
(New Press)

• Martin, Bradley K.
Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty
(St. Martin's)

• Marx, Jeffrey
Season of Life: A Football Star, a Boy, a Journey to Manhood
(Simon & Schuster)

• Mason, Christopher
The Art of the Steal: Inside the Sotheby's-Christie's Auction House Scandal
(Putnam)

• Matsumoto, Gary
Vaccine A: The Covert Government Experiment That's Killing American Soldiers and Why GI's Are Only the First Victims
(Basic Books)

• McAllester, Matthew
Blinded by the Sunlight: Emerging From the Prison of Saddam's Iraq
(HarperCollins)

• McGinniss, Joe
The Big Horse
(Simon & Schuster)

• McKenna, Maryn
Beating Back the Devil: On the Front Lines With the Disease Detectives of the Epidemic Intelligence Service
(Free Press)



• McWilliams, Brian
Spam Kings: The Real Story Behind the High-Rolling Hucksters Pushing Porn, Pills and Penis Enlargements
(O'Reilly)

INVESTIGATIVE BOOKS OF 2004

• Medico, Kathryn, and Mollye Barrows
A Perversion of Justice: A Southern Tragedy of Murder, Lies and Innocence Betrayed
(Avon/HarperCollins)

• Miller, Joel
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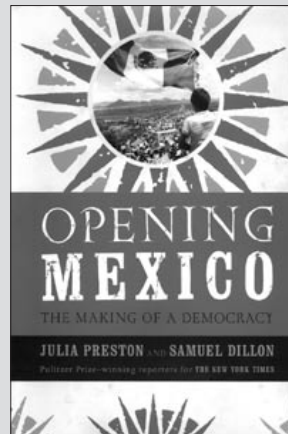
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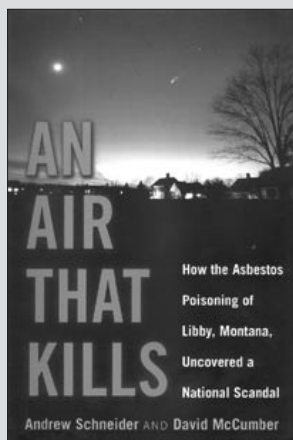
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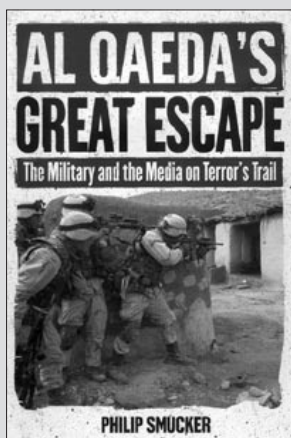
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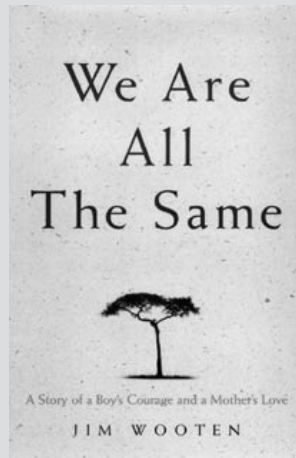
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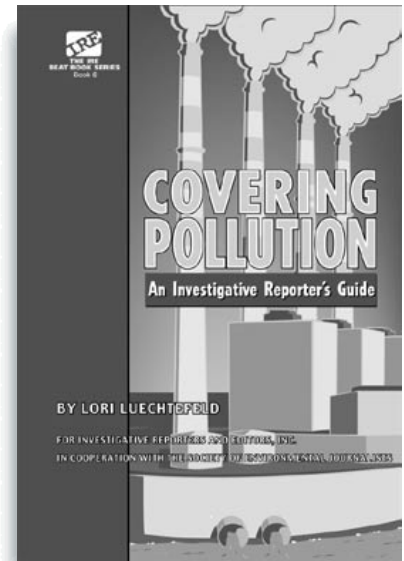
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UNDERREPORTING

Failure to report crimes helps agency lower crime rates, broaden power base

BY NOAH BIERMAN AND WANDA J. DEMARZO
THE MIAMI HERALD

For years, the Broward County sheriff had been absorbing smaller municipal police departments to broaden his power base. His key selling point? His agency had some of the best crime statistics in the state. The sheriff would promise city commissioners cheaper and better police protection if the city would contract with the sheriff's office.

And he had the numerical proof.

Even as 911 calls doubled in the past 17 years, the Broward Sheriff's Office reported that the number of actual crimes committed in its territories decreased.

In the city of North Lauderdale, the sheriff reported a decrease in crime of 48 percent the first year after the agency assumed command of the department.

The numbers raised questions with critics and crime experts who wondered if they were simply too good to be true. Whistleblowers inside and outside the department started telling *The Miami Herald* and state prosecutors that some deputies were failing to report crimes, underreporting the severity of crimes or using false confessions to clear cases. Sources said deputies were pressured by command staff to lower the crime rate, to make the department look good.

For months, *Miami Herald* reporters Wanda DeMarzo and Daniel de Vise had been look-

ing into the concerns, and with each anecdote, a larger pattern seemed to emerge. Ultimately, their questions prompted Sheriff Ken Jenne to hold a press conference, timed to beat the first story into the paper, with the sheriff asserting the problems were isolated.

Crunching numbers

Editor Casey Frank wanted us to keep digging, to find just how widespread the problems were and to explain why the numbers mattered. When de Vise switched beats, reporter Noah Bierman joined the search for answers.

For us, the answer was found within a database full of codes.

The database had 12,000 records, represent-

ing two years worth of crimes from five Broward County Sheriff's districts already under investigation for manipulating their numbers. Each entry had an address and several coded signals.

The coded signals stood for crimes reported to 911. There was one code for the crime someone called into dispatch, and another for the crime written down by the deputy. The codes also indicated whether the deputy wrote a report.

Once the dispatcher finds out it's a robbery, he or she tells officers there has been a "signal 41." The officer goes to the scene, finds out the details and signals back number 41 if the deputy truly believes a robbery has occurred. Or, the deputy reports a new number if the facts on scene do not support the criteria of a robbery. Signal 14 is a popular code, a

catch-all for "police information call" that doesn't figure into crime statistics.

Almost every record in the database also included a short narrative of the incident written by the deputy, and in some cases, the name of the 911 caller.

With some help from Jason Grotto, the investigative team's computer-assisted reporting editor, we crunched the heck out of the numbers.

We converted them from WordPerfect into Excel spreadsheets and searched them by type and frequency of crimes and most-common changes. Grotto used Access database software and SAS statistical software to create more complex spreadsheets that showed which deputies were making the most changes and which signals were

Candace West | The Miami Herald



Hagop "Jack" Tokatlian has had his shoe repair store broken into four times and had cash stolen. Each time, deputies labeled it vandalism.



Alberta Mells, 72, recounts how her purse was stolen. A deputy downgraded the crime to a lost property case.

most commonly used by deputies.

Eventually, we turned this database into living stories with photographs about frustrated people who said they were crime victims. These were people to whom readers could relate, victims of typical crimes like stolen bicycles or burglarized businesses.

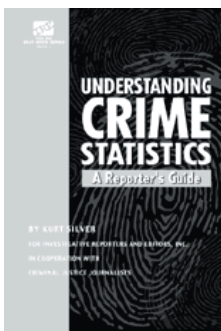
For example, a woman calls police to report

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a stolen television, taken from her front porch while she is moving. Police record the incident as “lost or missing property,” rather than a theft. They don’t make an official report and in the books, it never happened at all.

In each case, the victim called police thinking they were reporting thefts and other crimes, only to find out their crimes were either never recorded or reported as less serious. Some didn’t learn what happened to their cases until we contacted them.

Proving authenticity

We encountered many challenges: obtaining the database and then deci-

phering it; crunching numbers; verifying data; identifying trends; locating sources and then convincing them to talk; writing a coherent narrative story; and, finally, getting it in the paper before the sheriff called another press conference.

Obtaining documents from the sheriff’s office proved nearly impossible at times. We weren’t sure what we were looking for and initially made our public requests too broad. That allowed the sheriff’s office to stall, avoid and then demand thousands of dollars to release the requested records.

The *Herald* would not receive any documents until we paid the \$30,000-plus, they told us at one point.

After a court battle, and a narrowed public records request, we received some of the documents we needed that would eventually prove the authenticity of the database. But the database itself came from a confidential source.

Sources told us the database existed and we knew it was a public record under Florida statutes. But the sheriff’s office told us: a) it didn’t exist; b) we were not asking for it correctly; and c) it would cost \$10,000 or more in research time.

There were problems, however, in interpreting the database once we got it. There were gaps – numbers out of sequence and entire months left out. To verify accuracy, we requested sample incident reports from the department and cross-referenced the case numbers. We also had officially released cumulative data reports we could use to confirm any trends we found.

It turns out we had a sample of hundreds of 911 calls that were reported to dispatchers as assaults, burglaries and thefts that were later changed to a lesser offense by on-scene deputies.

We had to be careful in explaining that the trends we observed were based on a limited, biased sample. We could not use the numbers to claim the percentage of calls that were changed in each district.

We could say, however, what types of calls were most likely to be reclassified, based on the sample we reviewed. That helped readers understand where the biggest problems were. We also had the benefit of other stories we had written in which investigators and whistleblowers acknowledged there was indeed a problem with underreporting crimes in these districts.

We found that thefts were the most commonly reclassified 911 calls. When they were reclassified, they were most frequently changed to “police information” calls. “Suspicious incident” and “police service call” also were popular.

A waste of time

Crunching the numbers was useful. But our next step was the most labor intensive: finding the people. Not all entries had names. Some entries also listed addresses. So we used Accurint and other subscriber databases to find phone numbers. We had help with Spanish-speaking victims from reporter Jeannette Rivera-Lyles.

Finally, we got two dozen people on the record and a few who allowed us to take their pictures. The majority of people we found, regardless of whether they agreed to an interview, said the police had in some way misreported the incident.

In at least two instances, police persuaded residents not to file written crime reports, even though one had identified a suspect. Deputies told them it was “a waste of time,” even though written reports are necessary to initiate investigations.

We planned to run the story on a Sunday. But the sheriff’s office had its own plan, crafted with the help of the written questions we had submitted to its office earlier in the week. Officials announced late on a Thursday that they would be having a press conference the next day.

We ran our story on Friday, the morning the sheriff planned to address the media.

Investigations that led to suspensions and possible indictments began before this story ran. It’s difficult to tell how much, if any, pressure this story added to produce results. But investigators and whistleblowers have said this was one of the clearest explanations to the public as to why the whole thing matters.

Sheriff Jenne ultimately acknowledged problems cited in several stories, including the one described here. He has implemented a series of long-term changes in the department to ensure the accuracy of the agency’s crime reporting.

Wanda DeMarzo covers law enforcement issues in Broward County for The Miami Herald. Noah Bierman covers local government and politics, focusing on the Miami-Dade mayor’s office.

DOUBLE DIPPING

Records show hundreds of police officers paid for being in two places at same time

BY DONOVAN SLACK
THE BOSTON GLOBE

Boston may be on of the forefront of scientific innovation, but scientists here have yet to clone a human being, much less a Boston police officer. And yet nearly 400 officers of the 2,035 sworn members of the department were paid to be in two places at once from 2001 to 2003. They got paid to do the impossible, it seems, with everyone from patrol officers to captains benefiting repeatedly. Some 150 officers collected pay for overlapping shifts on at least two occasions, with one even collecting double pay 23 times.

They signed time cards for shifts in separate locations at the same time, then submitted them to unwitting payroll clerks. Those clerks then entered hours into an antiquated computer system, which spit out paychecks for officers regardless of whether they were being paid for overlapping hours.

The overlapping shifts were “details,” off-duty work directing traffic at road construction sites or providing security for private companies. Companies and government agencies paid the Police Department for the work, and the department paid the officers, minus a 10 percent administrative fee.

Officers and police administrators offered a variety of explanations for the overlaps, from mistakes by officers filling out their time cards to data-entry errors by the clerks. But even the police commissioner conceded that the large number of instances of double payment – 724 in a two-and-a-half year period – indicated widespread manipulation of the system for extra pay.

It seemed unfathomable when I began my investigation in June 2003 that police would be so naive as to think double payments never would be detected. Especially in Boston, where *The Globe* had uncovered repeated abuses of the Police Department’s detail system by officers during the past decade. After each story, police officials promised to discipline offenders and close loopholes in the payroll system so it wouldn’t happen again.

But as I learned during my investigation, the Police Department never updated its computer payroll system to crosscheck hours paid. Few officers were ever caught, much less disciplined for their actions. In a series of three stories published

in September, I laid out the breadth and depth of the double dipping, police officials’ failure to address the abuses they already knew existed, and the reluctance of politicians to reform detail requirements in Massachusetts, long known as the “third rail of politics” in the state because of the heavy influence of police unions on elections.

Since the stories were published, Boston police



officials launched dozens of internal affairs investigations. Commissioner Kathleen M. O’Toole hired national auditing firm KPMG Peat Marwick to assess management practices in the department. She also instituted weekly payroll audits to detect overlaps and appointed a full-time captain to supervise officers working details. It’s unclear whether politicians will ever eliminate detail requirements, which have

Reporting on police

Public records

Police officers work for the public, though they often don’t want anything to be public. Perseverance is key. Though an exemption exists for contents of personnel records, time cards and payroll information are public.

Computer payroll systems

Police officers in many cities receive different types of income aside from their standard wages for regular shifts – pay for court appearances, sick, vacation and overtime income. As in Massachusetts, some may receive pay for off-duty details. Check whether time cards for the different types of pay are recorded separately or on separate computer systems, as this leaves loopholes for double dipping. Even though an officer receives only one paycheck, as is the case in Boston, the different shifts the officer is being paid for may never be cross-checked.

Police sources

Go to bars or restaurants where officers hang out. Never call them at their stations or approach them in the presence of other officers if you want them to open up, on or off the record. Many veteran reporters already have reliable police sources, but for reporters who don’t normally cover crime or fresh-on-the-job reporters like myself, you may have to start from scratch.

Getting started

Often tips come from people under threat from the police department. Don’t discount what they say because they have axes to grind or because there isn’t time. Check it out, no matter what.

padding police officers' paychecks in the state for decades.

Overlapping shifts

Hundreds of officers might still be double dipping today had two women not been stabbed in a brawl at a trendy downtown nightclub on June 12, 2003. Rather than helping break up the fight, one police officer in the club, a sergeant, hightailed it past the bouncers and out the front door. Turns out, he wasn't supposed to be there. He was being paid to direct traffic at a nearby construction site.

My crucial tip came the following week from a nightclub industry source. The club owner had been cited for not calling the police during the fight and was in jeopardy of losing his liquor license. He was, therefore, willing to go on the record with what he said was common knowledge in the industry: Detail officers often double-timed and were paid for working other details at the same time they were working in clubs. I thought the idea far-fetched, but I met anyway with the owner, who showed me security-camera footage of the sergeant in the club that night.

Once the Police Department confirmed that the sergeant was supposed to be working a detail elsewhere, I submitted a request under Massachusetts open-records laws, asking for two years worth of

payroll data in an electronic database, showing the hours and locations of all details worked by Boston police officers during the previous two-year period. I wasn't sure whether I'd find any double dipping. There was no proof that the sergeant was paid to be in the nightclub as well as the construction site, but I had a hunch that even though this club owner had an ax to grind, there must be something to his contention.

Public affairs officials at the Police Department first maintained that I hadn't submitted my request correctly, then they said the information I wanted wasn't kept in an electronic database so they weren't sure if they could fill my request. After that, they said the department would have to bring in outside programmers to program a database, which would cost several thousand dollars.

At this point, in November, I called upon a *New York Times*' in-house lawyer, David McCraw, to take over.

After about four weeks of negotiating with McCraw, a police spokeswoman told me the data could be produced for \$130. I wrote a check at the mayor's Christmas party, and about a month later, I picked up the computer disks, holding some 300,000-odd records in plain text format. I let them sit on my desk for a while, not sure how to manipulate so much information to find what I

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needed – Microsoft Excel spreadsheets hold only 60,000 records, I quickly found. Clearly, it was time to bring in the big guns, so I called Pulitzer Prize-winning *Globe* reporter Matt Carroll, who is much more experienced with computer-assisted reporting than I.

In Microsoft Access, he used the police officers' identification numbers and dates to isolate records of officers who worked two or more detail shifts in one day. He imported those into Excel spreadsheets and used an "if" statement to find overlaps.

It took a few runs through to get the final list of officers who had been double-paid and the compa-

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nies that had paid for them. Because I had only asked for locations of detail shifts and not the names of the companies that paid for them, I spent many hours sifting and figuring out which companies matched up with the overlapping shifts.

Questions from the data

By the time I had the final list, which did not include the club sergeant's name but did include 396 others, six months had passed since the records had been produced. I then decided to request additional records so the story contained more current data. This time, the department produced the records at no cost and in a matter of days. I was able to use Microsoft Excel and the formula Carroll had worked out to come up with an additional list of overlaps.

Now, I had a lot of questions to answer: How did they do it? Why didn't the department catch them? Was there someone in command complicit in the scheme? Why didn't companies report the officers not showing up? I began with some anonymous police sources I had used on other stories. One officer who was familiar with the double-timing routine told me officers sometimes arrived at a detail job, signed in with the company, then made some excuse to be away for a few hours, went to another job and signed in there. I used this information as background material in my interviews with the utility companies and others that hired detail officers who were paid to work other places at the same times. Most of the companies contacted said officers check in with supervisors at a work site at the beginning or end of a shift, but few had constant supervision of the officers.

"We try our best to monitor what happens at our construction sites, but our main focus is on the job itself," said John Vincenzo, a spokesman for Verizon, which was billed for 82 shifts during which the officers also were paid to be somewhere else.

A nightclub industry representative filled in the gaps, explaining why some companies didn't turn in officers for showing up late or leaving in the middle of shifts, allowing them to work elsewhere at the same times.

"[The companies] are blacklisted if they do," said Alan Eisner, president of the Massachusetts Hospitality Association, which represents bars and restaurants. "It's pay along to go along, to get along."

Finally, there was the Police Department, which had changed commissioners since I began reporting the story. O'Toole, the new commissioner, was extremely cooperative, giving me unfettered access to the detail payroll supervisor, the head of internal affairs, and expediting response to another records request, this time for copies of actual time cards signed by officers in a random sample of 16 cases of overlapping shifts.

Of those cases, the department referred seven for internal affairs investigations. In another seven cases, police found documentation of other, unpaid

shifts that indicated the officers had written the incorrect dates or hours on time cards, and in the two other cases, police determined there were data entry errors in the computerized payroll system.

The payroll supervisor, who has been with the department for nearly 15 years, explained how officers' various types of income – from court time, details, overtime and regular shifts – were not cross-checked for overlaps. He also disclosed

“It's pay along to go along, to get along.”

that the department's computerized payroll system had not been updated as promised after revelations of abuses in the past.

That gave me material for the second story, a recounting of past abuses uncovered by *The Globe* and what happened to stall the computer updating. City Hall did not approve the measure, though it now planned to do so.

Stories lead to stories

Before the stories were published, I gave the 20 officers named in the stories a chance to respond, calling them at their stations and at their homes. Many declined to comment, but some gave reasons for their overlapping shifts. The officer paid 23 times for overlaps, many of them shifts for the Boston Symphony, blamed the symphony.

"Sometimes they fill out the card and we just

turn it in," Patrolman Joseph F. Scannell said.

A symphony spokeswoman denied the claim.

After the first and second stories were published and no politicians had called for reform of detail requirements at construction sites in light of the double-payment scheme, I began contacting politicians and discovered that although nearly everyone believed the laws should be changed to allow the hiring of civilian flagmen, no one wanted to go on the record saying so, and none planned to take action. I then discovered in *The Globe* archives that every politician who had attempted to change the detail system in Massachusetts – from relaxing policies at the state level that mandated police officers be hired for detail work to rescinding laws at the city level that required them – had been met with angry union protests and had dropped the matter like a hot potato. That became the third story.

The greatest challenge of this investigation was perseverance. Throughout the reporting and writing, I produced more than 200 daily stories, and at nearly every roadblock, whether self-inflicted or erected by officials, I contemplated giving up. But, the investigation was what made many of the "here-today-gone-tomorrow" daily stories more bearable. I always knew I had a long-term project on the back burner that could serve the public in a lasting way, and that's the reason I became a journalist.

Donovan Slack is a general assignment reporter for The Boston Globe. She joined the newspaper after graduating in 2003 as valedictorian of the Medill School of Journalism at Northwestern University.

Better Watchdog Workshops

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Miguel Aleman, with the League of United Latin American Citizens, marches in downtown Houston. The group was protesting the killings of Hispanic teens by the Houston Police Department.

POLICE SHOOTINGS

Creation of database reveals patterns in the use of deadly force by officers

BY LISE OLSEN AND ROMA KHANNA
HOUSTON CHRONICLE

The calls started coming in after an unarmed teenager died on Halloween 2003 in Houston, shot in his mother's SUV by a moonlighting cop who had been vigorously protecting a movie theater parking lot.

The calls came from citizens. And they came from other police officers. Virtually everyone said: This should not have happened.

Then, it happened again. An officer shot and killed another unarmed Hispanic teen – in the head at point blank range. Now there were two kids dead in just three weeks.

We, as reporters at the *Houston Chronicle*, were flooded with questions with no easy answers: Were local police trigger-happy? Were they undertrained? Why weren't alternative weapons like Tasers and pepper spray being used or at least being made available? Were officers on extra jobs playing by different rules? Were a few bad-apple officers being protected by the internal review system and by the district attorney?

Our investigation, which eventually would consume six months, began with a couple of quick-hit stories.

First, we asked officers their opinions about training and alternative weapons. Several senior trainers told us, on the record, that even the programs offered by the area's largest department were inadequate. A couple of national experts on police shootings, criminal justice professors David Klingler of the University of Missouri-St. Louis and Sam Walker of the University of Nebraska at Omaha, provided valuable insights.

We filed our first open records request and analyzed the county district attorney's office log of police shootings. Doing a simple "group by"

query gave us a list of officers involved in multiple shootings. We ended up profiling one narcotics officer who had been involved in six separate incidents – including one case in which he and another officer were accused of engineering a cover-up in a pending civil suit.

We also used the fifth anniversary of a controversial shooting of a mentally ill woman to examine reforms the Houston Police Department had implemented to better deal with people in mental crisis. While officers had been trained, reporters Roma Khanna and Steve McVicker found, the people with training were not called to many mental health emergencies.

Cop shoot database

Those first stories gave us a base of research from which we could tackle something bigger: An all-out analysis of five years of shootings from more than a dozen different departments in Harris County.

To build our "cop shoot database," we started with the DA's index, which included officers' names, names of those shot (the index called them "opponents;" we used "civilians"), dates and results of the prosecution (almost always a "no bill" by a grand jury.) From there, we added what we had on-hand: police press releases (in some cases available in searchable format on a Web site) and our own archives. This gave us the basics of all shooting cases. To flesh it all out, we filed a series of public disclosure act requests. The key documents were:

- autopsy reports and accompanying investigators' reports from the medical examiner's office;
- internal investigation reports and completed investigative files, which we did not obtain from all agencies, though all provided interviews with key investigators and supervisors;
- claims and civil suits filed by those who had been shot, or their families;
- incident reports and court cases filed in connection with the shootings;
- personnel records, including any disciplinary action or commendations related to shooting incidents;
- court records – we checked to see if all of those who survived being shot were later charged with assaulting an officer or with any crime in connection with the incidents.

Collectively, these took months to get. And in the process, the county attorney dragged his feet and eventually adopted a new and more time-consuming review before releasing autopsy reports on shooting cases.

Yet, each document gave us key pieces of what eventually became a three-part series on police shootings.

At first, we recorded only basic facts in our database. The fields included time and location of the shooting, race, age, sex of all parties, any indica-

RED FLAGS

Potential red flags to look for in police shootings:

1. Foot chases and car chases.
2. Shootings by off-duty officers working security.
3. Shootings at occupied cars.
4. Shootings during drug arrests.
5. Mentally ill, disabled or teenaged civilians shot.
6. Those shot who were not charged and had no criminal record.
7. Shootings in the back or side.
8. Unarmed people injured or killed.

tion that the “opponent” was mentally ill, the reason for the officer’s initial arrival/pursuit (including whether it was a planned narcotics sting), and whether the officer was assaulted or worse. We also included a summary field and a notes field, which became a grab bag for anything odd. For those who had been killed, we added the number of wounds, whether someone was confirmed shot in the back, other injuries, time and place of death and level of intoxication. Eventually, a good part of this data went on the Internet in enhanced searchable form at www.chron.com/shootings.

Potentially problematic

After going through all the fatalities, which we had more information about because of the autopsy reports and because of better initial coverage of the cases, we spotted obvious red flags.

Our first red flags included: mentally ill, disabled or teenaged opponents or those with no criminal record at all; people shot in the back; and cases in which those shot were unarmed. Later, we

Carlos Antonio Rios | Houston Chronicle



Family members examine the bullet-riddled vehicle in which Karl Koch was fatally shot at close range by a deputy after the Harris County Sheriff's Department targeted him as dangerous during a high-speed chase. Koch had only one prior misdemeanor arrest.

added cases in which officers had shot at people riding inside cars, cases in which officers were disciplined (which was rare) or in which officers had provided conflicting accounts, foot chases and shootings that took place while officers were off-duty working extra jobs.

Finally, by running all of the “opponents” through criminal databases, we identified those who had never been charged with criminal activity in connection with the shooting or who had been acquitted of charges. While the group was small, their shootings proved to be among the most problematic.

All of these categories were based on our review of summaries and on scenarios and practices that sociologists and police experts already had flagged as potentially problematic.

Our rough index gave us a list of shootings that had from one to six of these factors. It worked sort of like a restaurant rating system. Interestingly, the cases with the most stars tended to be the cases that we already had pulled as being among the most questionable. For example, in one case, a disabled

CHECK OUT UPLINK

There are several police performance stories in the January-February issue of *Uplink*, the newsletter of the National Institute for Computer-Assisted Reporting (www.ire.org/store/periodicals.html). Among them:

- Heather Ratcliffe and Trisha Howard of the *St. Louis Post-Dispatch* show how they analyzed data using spreadsheets to compare police department performance in their area. Some departments measured up poorly.
- Doug Smith of the *Los Angeles Times* explains how he took data about unsolved homicides and turned it into telling maps using geographic information system software.
- Ian Demsky and Christian Bottorff at *The Tennessean* demonstrate how they used database and GIS analysis to show how often Nashville police had violated their own pursuit rules.

Christobal Perez | Houston Chronicle



Tattered police tape marks the area where Jose Vargas Jr. was shot and killed by an off-duty police officer.

teenager with no criminal record and no weapon was shot dead in his pickup truck by an off-duty officer at a skating rink. That one got six stars and became the lead of our second-day story.

This list gave us what we called our “gray area shootings” – cases that we wanted to look at harder. All of the shootings would be represented in our story in statistical form. But our focus was trying to figure out what had happened in cases where the reasons behind the shootings were less clear-cut.

We weren’t as interested in investigating “slam-dunk” shootings in which the officers had a clear reason to fire. So, we weeded out cases for our investigation in which the so-called “opponent” was clearly armed or where he or she was actively threatening the officer with a knife or gun. We also weeded out those in which violent crimes were in progress when officers responded.

Our goal was to isolate the cases in which officers had a choice. Then, we planned to analyze the factors that seemed to contribute to the shooting or killing of a citizen.

What our analysis gave us was a list of 100 of those kinds of cases over five years. The majority involved unarmed opponents, so ultimately we decided to focus on patterns in more than 60 shootings of the unarmed. These patterns became the basis of our stories.

Extended vignettes

Our next step was giving all of our findings to the local police brass to take apart. We faxed

and e-mailed summaries of our main findings for individual departments to the three largest police agencies in the county and to two smaller ones. All five agreed to meet with us to discuss the facts and issues raised by the patterns in the shootings.

Ultimately, we did three stories. The first focused on more than 20 shootings by sheriff’s deputies of people riding in cars, including three involving high-speed chases. In one case, deputies had sought and received authorization to end a chase with fatal force. The deputy pulled his cruiser alongside the truck of a crawfish salesman named Karl Koch. The deputy fatally shot him at point-blank range after Koch, high on cocaine, had sped through a neighborhood and a couple of parking lots, though he had injured no one.

We did that story first, because the sheriff’s department acknowledged that shooting at cars was against training and, after meeting with us, said they intended to act quickly to update their policies and discipline deputies who continued to do it.

The second story looked at how and why the unarmed got shot. The sections in that story included: summaries of the shootings of the mentally ill; shootings by off-duty officers who had often fired at folks fleeing from the scene of property crimes; and shootings during narcotics sting operations.

Though many drug bust shootings were clearly justified, some had resulted in the shooting deaths of unarmed people, including bystanders uninvolved in the deals. Two narcotics-related shootings were the subject of the only two successful recent federal civil suits. To put a face on our

findings, we ran extended vignettes that described shootings from each category, including a naked man shot in his own living room and a mentally ill man shot repeatedly – and in the back – while having a crisis.

The third story showed, as observers predicted, that officers rarely were disciplined for the actual shootings.

One unexpected and noteworthy finding, which we were able to identify because we asked for complete disciplinary records on the officers, is that they also were not disciplined for violating other departmental policies in the course of the shooting investigation. For example, officers for many agencies drew stiff penalties for dishonesty in the course of their jobs. But officer shooters were almost never disciplined when internal affairs’ investigations revealed that there were significant discrepancies in their accounts of the shootings, including their position at the time and whether they called for backup before a shooting.

The story generated a huge reaction – much of it the “you hate cops and we hope that you’re the next crime victim” variety.

But it also brought an immediate policy change at the sheriff’s department and added valuable information to the local debate about the need for alternative weapons, like pepper spray and Tasers, plus the value of increasing use-of-force training for officers.

Lise Olsen is a special projects reporter at the Houston Chronicle. Roma Khanna covers criminal justice issues for the paper.

Tipsheets from the RESOURCE CENTER

Check out the IRE Resource Center (www.ire.org/resourcecenter) for a variety of reporting tipsheets written by journalists who have covered police conduct. Here is a selection of what is available:

- **No. 1196:** “Policing the police,” by Clea Benson, Mark Fazlollah, Michael Matza, and Craig McCoy, *The Philadelphia Inquirer*. This tipsheet provides information for reporters interested in researching the police. In particular, it provides resources that focus on how police handle rape cases. (2000)
- **No. 1356:** “Some basics to becoming a thorough crime reporter,” by Tom Spaulding, *The Indianapolis Star*. In this tipsheet, Spaulding argues that crime stories should be treated in the same way as epidemic stories. He stresses reporters include three classes of information about stories: perspective, identified risk factors, and consequences and costs. In addition, he gives a set of guidelines for crime reporting, story ideas and helpful resources. (2001)
- **No. 1357:** “Courts/cops records,” by Dianna Hunt, the *Fort Worth Star-Telegram*. This tipsheet details the courts and cops records to help you track important stories. Records discussed include: offense/incidents reports, police calls, arrest reports, search warrants, arrest warrants, sex offender registration and many others. (2001)
- **No. 1701:** “Covering cops,” by Steve Mills, the *Chicago Tribune*. This tipsheet offers eight tips for covering the police and where to look for information and story ideas. (2002)

- **No. 1700:** “Getting beyond the ‘Blue Wall of Science,’” by Craig Whitlock and David S. Fallis, *The Washington Post*. This tipsheet, which is based on a story investigation, presents steps to follow when investigating cop shootings and the use of deadly force by the police. (2002)
- **No. 1868:** “Covering law and order: it’s a lifestyle,” by John Solomon, *The Associated Press*. Solomon makes the case for immersion in the criminal justice beat. In the tipsheet, he stresses common sense, research and hard work to get the difficult stories. (2003)
- **No. 1926:** “Deals with cops may be more than you bargained for,” by Charles Tobin, Holland and Knight LLP. This tipsheet offers advice from media attorneys on how to get access to police scenes and activities, including drug raids. Tobin details the legal implications of working with police departments and explains ways to avoid certain pitfalls. (2003)
- **No. 2158:** “Keeping the beat: First day at the cop shop,” by Cheryl W. Thompson, *The Washington Post*. This tipsheet offers ideas for reporters who are new to the police beat. It includes suggestions for working on larger stories while keeping up with the daily beat. (2004)
- **No. 2257:** “The crime beat: The data and statistics of injustice,” by David A. Milliron, *The Atlanta Journal-Constitution*. This tipsheet highlights the data kept by the criminal justice system, how it is used by law enforcement and how to get it. It provides tips on creating your own database and includes copies of uniform crime reports. (2004)

KENTUCKY VICE

Before some arrests, officers get naked, have sexual contact with spa prostitutes

BY JASON RILEY
THE (LOUISVILLE, KY.) COURIER-JOURNAL

When another reporter and I asked Louisville's police chief last summer why some undercover officers were getting undressed and engaging in sexual contact with prostitutes before arrests, he had a simple answer.

They weren't.

Police Chief Robert White had no idea that for at least a decade, vice officers had been disrobing and having sexual contact – including unprotected oral sex – with female workers in massage parlors and escort services. And that they had been doing so with the approval of their supervisors and, until recently, local prosecutors.

Months before, as local government officials mounted a serious crackdown on adult bookstores and strip clubs, the newspaper had decided to take a look at prostitution in the area. I had been given a tip that while such close scrutiny was being given to bookstores and topless dancers, the city's oldest profession was hitting its peak and being largely ignored.

As the courthouse reporter, I started combing through hundreds of arrest citations from the past few years, intending to do a weekend piece.

In nearly all of the reports, police officers wrote virtually the same synopsis that prompted the arrest: "Subject agreed to perform sex act on undercover police officer for a fee."

Under Kentucky law, to make a prostitution arrest, police need nothing more than a verbal agreement to engage in sex for money.

But out of 800 arrest reports I and senior special projects reporter Jim Adams would ultimately look at from 2001 to 2003, four made it seem as if police had had sexual contact with the women before arresting them.

Seeking to verify this was happening, I asked an undercover vice officer about one of the reports. He denied that sexual contact occurred, but asked to see the file. When I showed him one – with his signature on it – his demeanor quickly soured. He said the report was written incorrectly and left quickly, with a copy of the document.

His reaction piqued my interest.

A LexisNexis search turned up stories from other communities in which such conduct by police was not only ridiculed and criticized but also led to the dismissal of many court cases and a change in policy.

We had very little information at that point, so Adams and I concentrated on creating a database of prostitution arrests in Louisville from the past three years. With the aid of a court clerk, we printed each

arrest citation from a terminal in the courthouse and then typed the information from each report into a spreadsheet.

The database, which took about a month to complete, contained two dozen fields, including the names of the alleged prostitutes and their customers, as well as their home address, where they were arrested and the outcome of the court case.

We noticed several trends from the database: among them, that prostitutes with AIDS were repeatedly arrested and released; that a majority of the prostitution court cases were dismissed, especially those charging men with soliciting sex; and often cases were dismissed because police weren't showing up for court.

Sting operations

After meeting with my editor Mike Trautmann, metro editor Jean Porter and assistant managing editor John Mura, Adams and I decided to focus on a largely unnoticed segment of prostitution in Louisville: massage parlors.

The local government had failed to regulate the parlors, or "spas," and in the past 10 years they had grown from only a couple to more than two dozen locations across the city.

Police told us the parlors were nothing more than fronts for prostitution and were raking in huge dollars selling sex. Most of the employees, police said, were Asian women who often lived at the spa, sleeping on mattresses on the floor. They often worked in



Michael Clevenger | The Courier-Journal
Louisville police conducted investigations at area spas by sometimes disrobing and having sexual contact with prostitutes working there.

Louisville for a few months and then moved on to another state, in what police described as an organized circuit.

Working with photographer Michael Clevenger, Adams and I went to each massage parlor in Louisville – at least twice.

We faced a number of challenges. Most of the workers were Asian, so there was a language barrier. The newspaper's top editors had decided that we could not pose as customers. So, non-sex massages were out. And from the first moment, we had to identify ourselves as reporters. That made getting past the front door a disheartening task. Even when we did get inside and find someone we could communicate with, most of the women were hesitant to talk.

However, we did have some luck. Using arrest slips, FlatRateInfo searches and armed with a large map of the city, Adams and I found some spa owners and workers willing to talk.

We found and interviewed one former worker who claimed men paid her nearly \$80,000 in four months' time while she worked at two local massage parlors. She said she split the money with the owners.

We talked to a massage parlor customer who was in a sex-addiction treatment program. He said he paid up to \$150 several times a day for sexual intercourse in area massage parlors. He eventually sold his car to pay his credit card bill.

And we found a few owners who claimed that police officers were having sex with the women, seizing money from the parlors and then arresting them.

Early on, Adams and I made numerous requests using the Kentucky Open Records Act to find out what the city was doing and had done, if anything, regarding massage parlors. One of our requests asked to look at internal police reports describing sting operations inside the parlors.

These investigative letters were usually read only by police supervisors and are not made public unless

someone, such as a defense attorney, requests them – which is rare. Under Kentucky law, they become available as open records when a case is closed.

Police were hesitant, but allowed us access to the reports and asked that we look at them late at night, when a vice unit lieutenant could sit with us. Police also redacted the names of undercover officers from the reports.

While two officers sat with us, Adams and I looked through 10 years worth of internal police reports, pic-

tures and arrest records. Within seconds, the question of whether police had sexual contact with women charged with prostitution was answered.

In several reports, undercover officers described taking their clothes off, showering with the women and, often after a massage, negotiating a deal for sex and then engaging, however briefly, in sexual contact.

Some officers wrote in graphic detail how they were masturbated, or that the masseuse began to

Stories from the RESOURCE CENTER

To read more stories by journalists who have covered police corruption and misconduct, visit the IRE Resource Center (www.ire.org/resourcecenter). Here is a selection of stories available at the Resource Center:

- **Story No. 17112:** "Fatal Flaws: The District's homicide crisis," by Cheryl W. Thompson, Ira Chinoy and Barbara Vobejda, *The Washington Post*. The investigation reveals that homicides in the District of Columbia have decreased, as have the number of arrests in connection with those homicides. But reporters discover that the units' files are missing critical documents and unsolved cases are going ignored. (2000)
- **Story No. 17165:** "Blue line, red ink," by Jerry Markon and Al Baker, *Newsday* (Long Island, N.Y.). Although Nassau County is the fourth richest county in the United States, it has a \$200 million deficit and long-term debt close to \$3 billion. Reporters set out to determine the role of the police department in the spending frenzy, finding that police spending increased 64 percent in the last 10 years, twice as fast as county spending overall. The police are among the highest-paid in the nation, with salaries from \$90,000 to \$132,000 annually. (2000)
- **Story No. 18522:** "Miami cops," by Dan Christensen, the (Miami) *Daily Business Review*. This two-year investigation into police criminality reveals "a deadly scandal at the Miami Police Department." The stories document "flaws and bias in the local system used to investigate police shootings." In a federal investigation of officers involved in gunning down an elderly woman during a drug raid, Christensen reports that Miami officers were accused of "conspiracy, lying and fabricating evidence to cover up misconduct." (2001)
- **Story No. 18617:** "Atlantic City special police detail not so special for taxpayers," by Michael Diamond, *The Press of Atlantic City* (N.J.). This investigation uncovers a police program that allows officers to moonlight as security guards. A newspaper review of payroll records reveal that officers often called in sick and then worked as security guards for more than eight hours, thereby collecting sick pay and compensation for working security. (2001)
- **Story No. 18773:** (two series) "False confessions," by David S. Fallis, Craig Whitlock and April Witt, *The Washington Post*. This investigation exposes police misconduct in Prince George's County by revealing coercive interrogative tactics used by officers. Reporters found officers deprived suspects of sleep, interrogated them for days and did not allow them to talk to lawyers. "Blue wall of silence" analyzes a decade-long pattern of police shootings. Reporters reveal that District of Columbia officers "killed more people than any other major city or county police force from 1990 to 2000." Many of the victims were unarmed and innocent, but officers often were not disciplined. (2001)
- **Story No. 18785:** "A question of justice: A look inside Cincinnati's police division," by *The Cincinnati Enquirer*. Based on the analysis of a database of about 5,500 use-of-force records, this investigation looks at police shootings and bad behavior by officers. An examination of hundreds of citizens' complaints over a period of three years reveals that police officers have been routinely exonerated for misconduct. (2001)
- **Story No. 18828:** "Mentuck," by Diana Swain and Morris Karp, CBC News (Winnipeg, Manitoba). The CBC reports on illegal techniques used by police to elicit confessions. After spending a year and a half in jail on a murder charge that was thrown out for lack of evidence, George Mentuck became the focus of a police sting to get him to confess to the same crime. Posing as a gang, the police set up Mentuck with a house and had him run small errands for them. Once again a judge threw out the charge, saying that Mentuck had no choice but to confess under the circumstances the police engineered. (2001)
- **Story No. 20706:** "Working overtime in Parma," by Timothy Heider, Joseph Wagner and Bob Paynter, *The (Cleveland) Plain Dealer*. This investigation takes place in Parma, Ohio, and finds that "dozens of Parma police officers have shirked their duties and bent the rules in pursuit of more money, aggravating the city's budget crisis." What's more, "the department commanders say they are powerless to stop them." Using open records requests to obtain data on payroll sheets, duty records, personnel files and union requests, reporters uncover that crooked cops in Parma are gaming the taxpayers. (2003)
- **Story No. 20726:** "Scandal in Detroit Police Department," by *The Detroit News*. This investigation reveals widespread scandals involving the Detroit Police Department, including poor procedures that violated the basic rights of the arrested and federal grand jury indictments against officers for criminal activity. (2003)
- **Story No. 20783:** "Public payroll series," by *The Bakersfield Californian*. Reporters use open public records to investigate government issues, finding government employees are making twice the state average and that firefighters are taking advantage of overtime commitments. (2003)
- **Story No. 20885:** "Dallas police department," by Holly Becka, Tanya Eiserer, Howard Swindle, and Pam Maples, *The Dallas Morning News*. This series investigated the quality of officers being recruited by the Dallas Police Department. The reporters found that the police chief was allowing multiple chances for the recruits to complete training – something uncommon in large police departments. (2003)
- **Story No. 21239:** "Double dipping cops," by Brian Maass, Carisa Scott and Bob Pearce, KCNC-Denver. A police source tipped off KCNC that police officials in charge of murder and rape investigations were doing another job to make a quick buck. These Denver cops were leaving work in the middle of the day to direct traffic outside a private school. (2003)
- **Story No. 21303:** "Metro police breaking own rules in pursuits," by Christian Bottorff and Ian Demsky, *The (Nashville) Tennessean*. This investigation discovered that out of 229 police pursuits in 2003, 67 percent violated some police pursuit policy, 37 percent involved damage and 10 percent involved injury. In one instance, the suspect involved in the pursuit hit another car and was killed after the police observed him taking part in a drug transaction. (2004)

perform oral sex on them. In one of the first reports I looked at, an officer described having unprotected oral sex performed on him by two women during one trip to a massage parlor.

As we left the police building, Adams told me one of the reports he viewed described an officer having sexual intercourse, although seemingly only briefly, with a woman before arresting her.

But we had copies of nothing.

Police would not allow us to make our own copies. They told us to mark what we wanted and they would copy it when they had time.

And even what we had seen left open many serious questions: How long had the sexual contact taken place? Was it standard procedure in Louisville? Was it normal in other departments across the country?

And why were some officers openly admitting to engaging in sexual contact with prostitutes while others wrote that they made an arrest as soon as they got the necessary verbal deal for sex?

In about half of the police reports documenting arrests inside massage parlors that *The Courier-Journal* reviewed, officers did not mention having sexual contact with masseuses. They negotiated a deal for sex, exchanged money and made an arrest.

As we waited for the copies, which were given to us in batches every few weeks, Adams and I talked to a few Louisville attorneys who represented some of the spas and the women who were arrested inside them.

Three of the lawyers claimed their clients told them police were having sex with the women – to completion – and then arresting them, and that they had done so for years. The attorneys seemed surprised we did not know this.

One attorney had a client who worked at a strip club. He said she had filed a complaint with the Police Department saying an officer had arrested her after he had sex with her at the club. But she eventually dropped her allegation after her charge of prostitution was amended to disorderly conduct. The case was then sealed, which is unusual for a misdemeanor.

To their credit, police officials provided us with copies of all of their internal reports and then met with us for three lengthy interviews. When Adams and I asked police officials why officers were touching women and being fondled by prostitutes, their answer surprised us.

They were told to do so.

While the practice is forbidden in many police departments across the country, it was encouraged in Jefferson County until two years ago, because prosecutors and police believed that a “substantial step,” beyond the mere offer or agreement to have sex for money, was necessary evidence in a prostitution case.

If this substantial step was making the cases stronger, it was not apparent in the outcome of the cases. Only a fraction of massage parlor cases ended in prostitution convictions. Most women arrested in these cases pleaded guilty to the amended charge of disorderly conduct or saw their cases dismissed.

Michael Clevenger | The Courier-Journal



While there have been several prostitution arrests at the EuroSpa since 1999, most charges were amended to disorderly conduct and one was dismissed.

And in some of the cases where officers described the most explicit or prolonged sexual contact, the court cases were dismissed and expunged, with all records being erased.

‘Not a pretty world’

When we met with prosecutors, the lead attorney handling prostitution cases acknowledged that in past years some lawyers for the county attorney’s office thought sexual contact was necessary for a strong case.

But County Attorney Irv Maze said he didn’t know about that until police came and talked with him and other prosecutors about it in 2002.

“Everyone kind of had this ashen look on their face,” Maze said remembering one of the meetings. “I walk in, I hear about three minutes of the conversation ... and I said that practice is coming to an end. At least at our end.”

So, the county attorney’s office changed its advice in July 2002, saying that an offer or agreement of sex for money is sufficient evidence, and that sexual

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contact was no longer permitted.

(It wasn't until our third interview with police and second with prosecutors that both sides brought out a letter that prosecutors had sent to police in 2002 detailing new policies. This reinforced a few lessons: Always try to do key interviews face to face and go back, if you have the time, and do subsequent interviews. Each one brings more information.)

We talked to several criminal justice experts, all of whom said sexual contact is unnecessary and tarnishes the image of police.

And both Chief White, on the job for more than a year, and Maze stressed in interviews that any sexual contact with a prostitute is unnecessary, could irreparably harm a case and damages the reputation of the Police Department.

"We in law enforcement have a higher standard than to act like that," Maze said. "Otherwise, we're no better than the situation we're trying to get."

But the newspaper found that while sexual contact occurred less frequently after the change in legal advice in 2002, it had not stopped.

Lt. Col. Philip Turner, who oversees criminal investigations, including vice investigations, for the metro police, told us that while department policy forbids intercourse or oral sex, it permits sexual contact for investigative purposes.

"We find it most distasteful as to what these detectives are having to go through," Turner said, adding, "it's not a pretty world" that vice detectives enter in investigations.

Louisville police officials told us it was difficult to make arrests inside massage parlors without getting naked and, at least in some situations, allowing the women to briefly fondle them.

After the project ran, we received numerous letters and e-mails from people angry both with police and the newspaper, which was running ads for massage parlors in its sports section. Shortly afterward, *The Courier-Journal* stopped carrying massage parlor advertisements where there have been prostitution convictions.

As *The IRE Journal* was going to press, state and federal authorities began raiding dozens of massage parlors and the homes of their owners and operators, seizing computers, records and cash. Authorities also froze the assets of many of the businesses, owners and employees. Included in the raids were a local grocery store and karaoke bars police believe are linked to the parlors. The raids, which included about three dozen search warrants, were the culmination of a lengthy investigation of criminal syndication and the massage parlor industry in Louisville, and most likely other cities and states.

Dozens of indictments were expected in weeks following. One attorney representing massage parlors and owners compared the raids to a "nuclear blast for something that would take a lot less power."

Jason Riley is The Courier-Journal's Jefferson County courts reporter. He was a finalist, with four other reporters, for the 2004 Pulitzer Prize in Public Service for "Justice Delayed, Justice Denied," an investigative piece on Kentucky's court system.

KEY DATA AVAILABLE

The IRE and NICAR Database Library can provide copies of key police-related databases.

Every year, police agencies report statistics to the FBI under the Uniform Crime Reports system. And every year, the Database Library obtains and processes the files into ready-to-use data for journalists.

Those include:

- A file called **Return A**, a base table that includes crime totals for each of the "index" crimes by agency, usually by month. Crimes are broken down into several categories, including reports deemed "unfounded," actual offenses, offenses cleared by arrest, and clearances of cases involving juveniles.
- The **Supplement to Return A** database provides greater detail on property crimes and includes the dollar values of the crimes. Specific types of crimes are given, along with amounts stolen and recovered.
- **Age, Sex and Race** files provide the demographics of people arrested for all major crimes, by agency. It includes male and female totals for a variety of different crimes. Race is given for both juveniles and adults. The crimes are more specific than the Supplement to Return A, and include drug offenses, gambling, DUIs, runaways and others.
- The **Supplemental Homicide Report** provides more detailed information on homicides, including demographic information about the victim, the offender, and the weapon used. Information in the database includes age, sex and race information for the offenders and victims, broken down by each homicide. It also provides the relationship between offenders and victims, and the circumstances of the crime.
- **Arson** data provide detailed information on arsons, including summary totals by agency. Information includes offenses where structures are uninhabited and estimated value of property damage.
- The Police database provides information about assaults and murders of police officers. It includes information such as the sex of uniformed and civilian personnel, and the number of injured and killed officers. While reporting is voluntary, this is the closest to complete data covering the entire United States for crime statistics.

Details on these databases can be found at www.nicar.org/data/fbi/ or by calling the Database Library at 573-884-7711.



The Newspaper Guild-CWA announces its 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.
- Awards will be presented at a banquet March 30, 2005, at the Hyatt Regency Washington on Capitol Hill.



Color-coding the country with red and blue states isn't the only quirky thing about U.S. elections. Voters vote twice. Some felons can vote when they leave prison, some can't. Nonprofit groups funnel money into campaigns or lead their own campaigns. While it may not be exactly what the Founding Fathers envisioned, the investigations into election rights and abuses are exactly what they had in mind when they penned the First Amendment.

CAMPAIGN FINANCE

527s come of age, wield clout as never before in effort to influence latest presidential election

BY ARON PILHOFFER
THE CENTER FOR PUBLIC INTEGRITY

Section 527 committees have been a part of American politics for at least the last three election cycles.

Election 2004, however, was something totally different. It was the first presidential election in which 527 committees played a role – perhaps a decisive one – in determining the outcome.

Not only did these often-shadowy political groups shatter previous records for fund raising, but they entered the popular political lexicon as never before. Even the most casual observer of politics has heard of 527s such as the Swift Boat Veterans for Truth, MoveOn.org or America Coming Together.

And despite efforts to rein them in, it is all but certain these committees will remain a fixture of our political system for some time to come.

Jump in fund raising

Over the four years these groups have been required to disclose their financial activities, the Center for Public Integrity has identified more than 600 that meet the definition of a 527. About a third of those were active at some point during the 2003-04 election cycle.

And although the cycle saw fewer 527s than in the past, the sheer amount of money they raised was staggering.

Through mid-October (the most recent figures available as of this writing) these groups had already brought in more than \$450 million – far exceeding the 2002 cycle. When the final tally is in, it is likely 527s were responsible for over a half-billion dollars of political spending in the last election.

In calendar year 2004 alone, 527 committees raised more than \$350 million.

To put that amount in context, that is roughly the amount raised in the previous three years combined.

The jump in fund raising was driven by roughly 30 committees that all shared a focus on the presidential election. Together, these groups were responsible for close to half the total amount of money raised during the election.

Topping the list was “America Coming Together,” the 527 formed by a group of Democratic Party loyalists and former Clinton Administration officials to work on voter registration and turnout. ACT raised more than \$60 million, and was

Understanding CAMPAIGN FINANCE

As part of its beat book series, IRE offers “Unstacking the Deck: A Reporter’s Guide to Campaign Finance” by Michael A. Weber, Aron Pilhofer and Derek Willis. The book gives an overview of campaign finance at the federal and state levels and acts as a guide to navigate the language and practices of campaign finance. Order the book by visiting www.ire.org/store/books/campaign.html or calling 573-882-3364.

just one of a dozen “super” 527s that raised more than \$10 million for the cycle.

ACT was formed just two years ago, but has already surpassed the American Federation of State, County and Municipal Employees to take the top spot among 527s in money raised.

At least five other presidential 527s raised more than \$10 million, including the Democratic groups Media Fund (\$52 million), MoveOn.org (\$12 million) and the New Democratic Network (\$10 million). Two Republican 527s also broke the \$10 million mark: Progress for America Voter Fund (\$38 million) and Swift Boat Veterans for Truth (\$12 million).

By comparison, two 527 committees raised more than \$10 million in 2002.

Beyond the dollars and cents, it was the behavior of these committees that has many in the reform community concerned. Although 527s by definition are supposed to be engaged in nonfederal political activities, these 30 or so groups were clearly targeting their messages and activities at the race for the White House.

The Democratic groups ACT and the Media Fund, for example, spent more than \$100 million combined on voter registration activities and get-out-the-vote advertising targeting several battleground states critical to the Democrats.

On the other side of the ledger, Progress for America Voter Fund spent its money on ads in many of those same states either criticizing U.S. Sen. John Kerry or promoting the policies of President Bush.

But it was probably the Swift Boat Veterans who made the biggest splash. Their relatively small expenditure on ads – initially just \$500,000 – that criticized Kerry’s military record generated many more times that amount in publicity for the group.

The accusations made by group members became a major news story at a time when Kerry was starting to pull away from Bush in the polls. Some political observers say the group’s attacks

changed the trajectory of the entire election.

Overt involvement

Although 527s injected themselves into federal elections in the past – including the 2000 presidential race – there has been nothing approaching this scale of organization and activity before.

There’s little mystery about why this is. In 2002, the McCain-Feingold campaign finance reform law went into effect. It instituted a ban on so-called soft money, the millions in unlimited, virtually unregulated contributions from unions, corporations and individuals that used to flow to the two national party committees.

Between them, the Republican and Democratic national committees raised about a billion dollars in soft money between 1998 and 2002. Once that source of funds was shut down, much of it flowed into 527 committees. Many of the top contributors to 527s were longtime donors of soft money.

The Federal Election Commission did place some new restrictions on 527s starting with the 2006 cycle. The rules say if the majority of a committee’s activities are designed to influence a federal election, it is by definition a federal committee and, therefore, must abide by federal rules and limitations.

There are, however, any number of ways to get around these limitations and it remains to be seen how effective the new rules are. It is likely the Federal Election Commission or even the courts may take up the issue in the future. Several lawmakers, including Sens. John McCain and Russ Feingold, who were the primary authors of the recent campaign finance reform law, have already moved to introduce legislation to further rein in 527s.

It is worth noting that even if these reform measures are successful, 527s will not go away. All of these efforts are directed at the 30 or so committees that are overtly involving themselves in federal elections. The remaining 527s are engaged in more generic political activities, or focus on state or local elections.

KEY DATA AVAILABLE

The IRE and NICAR Database Library can provide copies of key election-related databases. The Federal Election Commission’s database consists of campaign contribution information on all candidates seeking federal office and on all federal political action committees. The database contains four tables, which include information about candidates and committees as well as individual contributor information and campaign contributions by PACs.

Those include:

- **Candidates:** This data contains information about all candidates, including the parties they represent, the states, their addresses and districts.
- **Committee:** The committee table contains information about the committee, including the treasurer’s name and address. Fields include party and interest.
- **Contributors:** This data contains information about the contributors, including their names, occupations, cities and the amounts and dates contributed.
- **Political action:** This data contains information about the political action committees that have contributed. Fields include donor ID, amendment, report, and information about the contribution type.

Details on these datasets can be found at www.ire.org/datalibrary/databases/feccc/orby calling the Database Library at 573-884-7711.

These groups, which are responsible for about half the money raised in 2003-04, will be with us regardless of what happens in Congress, the courts or at the FEC.

Aron Pilhofer is database editor at the Center for Public Integrity and former director of IRE’s Campaign Finance Information Center.

527s explained

By now, you would be hard pressed to find a journalist who has not heard about 527 committees. However, there is still a great deal of misunderstanding about what these groups are, and how they are allowed to operate.

Even the term “527 committee” is misleading, since, technically speaking, all political committees – from the Democratic National Committee to local dog catchers to 527s themselves – receive tax-exempt status under Section 527 of the tax code, from which the name comes.

In fact, the amorphous, adaptable nature of 527s can make it sometimes easier to describe what these groups are not rather than what they are.

By definition, any committee that is already required to file regular reports with a state or federal elections authority is exempt from the 527 regulation. That includes all federal, state and local candidate committees, party organizations and political action committees.

Section 527 committees also are not a 501 c-type nonprofit organization

in the same sense as a charity, a business league or an educational group, even though many of them are overtly political and partisan.

What’s left are the 527s – groups that receive tax-exempt status under Section 527, but which operate in such a way as to avoid regulation by state, local and federal elections authorities.

Getting the drop on these groups can be difficult. They file their disclosure forms with the IRS and not with the FEC. However, because of the way the law has been interpreted and misinterpreted, there are literally thousands of state, local and even some federal committees that have filed erroneously with the IRS.

The center has been vetting these committees, and has been databasing the financial disclosure forms filed by the true 527s dating back to 2000. They are searchable a number of ways at the center’s Web site (www.publicintegrity.org/527).



FELONS

Attempts to purge criminals from rolls lead to odd racial disparity in Florida

BY CHRIS DAVIS AND MATTHEW DOIG
SARASOTA HERALD-TRIBUNE

During the 2000 presidential election, Florida's election officials botched an attempt to purge felons from the state's voter rolls. Thousands of people who had never committed a crime, but had the same name or birthday as a convicted felon, were erroneously placed on the felon list. Because state law forbids felons from voting, the mistake meant that even the innocent people on the list were denied the right to vote.

So when state officials rolled out the 2004 version of Florida's felon database, news organizations around the country lined up to get a copy and analyze the results. But Secretary of State Glenda Hood, citing privacy concerns, went to court to fight the release of the list. A judge later ruled that the list had to be made available to the public.

It took one day for the press to find that the mistakes had been repeated.

First, *The Miami Herald* reported that more than 2,000 of the 48,000 felons had been granted clemency, a process that restores the right to vote. Other papers, including the *Sarasota Herald-Tribune*, interviewed local ex-felons who had been given clemency, had voted for years and were surprised to learn they might be prevented from voting.

State officials quelled the controversy by insisting their list was only a "potential" purge list. They said that once county election supervisors identified those who had been granted clemency, they would be removed from the list and still be allowed to vote.

Focus on the list

Once the list went public, everyone's attention was focused on who should not have been added to the purge list. But there was something else about the list that didn't seem right to us.

The felon list included a race category that identified roughly 24,000 people classified as white and 22,000 as black. Only 61 were considered Hispanic.

In a state with a Hispanic population that approached 20 percent, it seemed odd that His-

panics would make up less than 1 percent of the felon list.

The lack of Hispanics seemed significant considering the politics of the state. South Florida's powerful Cuban-American voting block has traditionally been a staunch supporter of the Republican Party. A number of the state's Republican politicians, including Gov. Jeb Bush, have benefited from the strong support of the Cuban-American community.

We wondered whether Florida's Hispanics were less likely to register to vote or were under-re-

presented in the state's prison population. To test some of our theories, we cobbled together statistics from the state Department of Corrections, Division of Elections and the U.S. Census Bureau.

It turned out that Hispanics make up about 11 percent of the state's voting-age population, 11 percent of the prison population and 11 percent of registered voters. When we ran the same numbers for whites and African-Americans, the results were similar to what

was found on the felon list. That obviously wasn't the case for Hispanics, so we began to suspect there was a serious flaw with the state's list.

We decided to do one more test to make sure Hispanics weren't hidden on the list under another race category, including one with a few thousand people who were classified as "other." We pulled a list of traditional Hispanic surnames off the Internet and got help from a Hispanic colleague in the newsroom to sample the purge list.

We used a random sample of 200 names off the purge list and determined that 3 percent of the names might be Hispanic – still far less than we would expect to see.

During our reporting, it became clear that Hispanics were a difficult group to classify by race. The problem comes for Hispanics who may have reported their race one way to the elections office and another way to the police.

U.S. Census experts told us that Hispanics have a more difficult time fitting themselves into a neat racial category. How they answer the race

question can depend on who is asking and how the question is posed.

"It could be cultural, or they don't see themselves in any one category," said Claudette Bennett, chief of the racial statistics branch for the U.S. Census Bureau.

Blacks from Cuba might report their race as black on one form and Hispanic on another. Hispanics also may think of themselves as one race, but appear to bureaucrats recording demographic information to be another.

Dueling databases

Initially, the story didn't seem to get much reaction. The Secretary of State conceded that Hispanics could have been disproportionately left off the list because their race is more difficult to classify. But Secretary of State Hood said she had no plans to investigate how the list ended up so flawed. There was no reason, Hood said, to delay the use of the list to determine what had happened.

That changed when *New York Times* reporter Ford Fessenden saw our story and decided to follow up on it. Fessenden reported that the state's database of convicted felons doesn't include Hispanic as a race category. Instead, Hispanics recorded in the Florida Department of Law Enforcement database are listed as white.

That flaw guaranteed most Hispanics would be left off the voter purge list because their race wouldn't match from the felon database to the voter database.

The next day, the state announced it was scrapping the list because of the missing Hispanics.

Florida has spent millions on three separate attempts to purge felons from its voter rolls. The latest failed attempt cost more than \$2 million. It also cost Florida election officials credibility among many state residents who have been suspicious of the state's voting process since the 2000 election.

The Florida felons purge list

TOTAL 47,763

RACE

White 24,197

Black 22,084

Hispanic 61

Other 1,421

PARTY AFFILIATION

Democrat 28,025

Republican 9,521

Other 10,217



Florida Gov. Jeb Bush is among those politicians who have benefited from strong Hispanic support.

Tipsheets from the RESOURCE CENTER

To get fresh ideas for covering the election aftermath, ongoing campaign finance questions and voting problems, check out these tipsheets in the IRE Resource Center (www.ire.org/resourcecenter).

A selection from the library is below:

- **No. 2210:** "Covering Elections and Campaign Finance," by Derek Willis, Center for Public Integrity. This tipsheet gives information on "527 committees" and some story suggestions. It also includes a brochure from the Center of Public Integrity. (2004)
- **No. 2163:** "Cash Correlation," by Jonathan Salant, Bloomberg News. Salant briefly describes five Web sites that offer detailed information related to different aspects of campaign finances. The Web sites help to answer: how to match campaign contributions to votes won, how to track patterns of local companies making contributions and how fund-raisers expand their bases. (2004)
- **No. 2079:** "State Data: Making it Work for You," by Kevin Corcoran, *The Indianapolis Star*. This guide provides a list of useful Web sites from where you can find information on databases for state and local government (taxes, finances, salaries, etc.). This tipsheet has examples on how to analyze databases (campaign finance, property taxes, etc.) by making spreadsheets. It also provides tips on how to get started on making spreadsheets as well as obtaining data. (2004)
- **No. 2018:** "Downloading and analyzing campaign finance data," by Wendell Cochran, American University. This tipsheet looks at four major sites that provide Federal Election Commission data for downloading. They include the Federal Election Commission, Politicalmoneyline.com and the American University Campaign Finance Site. (2004)
- **No. 2026:** "Tracking 527 Committees," by Derek Willis, Center for Public Integrity. This tipsheet covers everything a reporter could need to know about how to cover 527 committees. Willis explains what 527s are and how to file to obtain the files. (2004)
- **No. 2048:** "Campaign finance resources," by Ken McCall, *Dayton Daily News*. This tipsheet provides a list of sources for information about campaign finance. The sources are split into two camps: nonprofit sources (including government) and for-profit sources. (2004)

The missing Hispanic felons renewed concerns that came up after the voter purge in 2000 when thousands of people were wrongly identified as felons because of problems in the way the state carried out its matching process. The vast majority of voters on that list and on the proposed list this year were Democrats. Black voters made up nearly half the list this year.

If there is a lesson we learned from our experience on this story, it's to not ignore the basics. It didn't take any brilliant algorithms or complex data merges to discover this story.

We used the simplest tool offered by Excel and Access. We counted.

We used the same types of tools we use to check the accuracy of our own database projects: sorting columns to look for odd entries and counting up how many widgets are in different columns to make sure there aren't blatant errors.

In this case, counting the race column uncovered major errors in a database that could have kept nearly 50,000 people from voting.

Finding the error was the easy part. We spent the next month digging through thousands of documents in search of exactly where the state went wrong.

In contracts and e-mails between state election officials and private businesses that negotiated with the state to create the felon purge list, we discovered that former election chief Clay Roberts had given the order that ultimately kept Hispanics off the list. He made a last-minute decision to require an exact race match between the state's list of felons and its list of registered voters.

Documents also showed Accenture, the private company that helped the state create the 2004 list, cautioned Roberts and his staff against making such a crucial change at the last minute.

We also interviewed the state's data experts who helped create the felon purge list and found they knew all along that race classification problems could lead to fewer Hispanics on the purge list.

We talked to employees of ChoicePoint, the private company that created the purge list before the 2000 election. The company told us it had warned state election officials that using race to match felons and registered voters would cause problems for the same reason it caused problems in the current list.

At least one data expert with the division of elections told us that he forgot to pass on his concerns about using race in the matching process to his supervisors.

Ultimately, Hood launched an investigation into the creation of the list to determine where things went wrong. Her inspector general is conducting the review, which has yet to be completed.

Chris Davis and Matthew Doig make up the investigative projects team at the Sarasota Herald-Tribune.

- **No. 2053:** "Six degrees of separation: Tools for social network analysis in the newsroom," by Sarah Cohen, *The Washington Post*. This tipsheet discusses social network analysis as used in the newsroom and how to use it to analyze campaign contributions, gang members and terrorists. Social network analysis can help show connections between people or companies where connections might not seem obvious. (2004)
- **No. 1913:** "Money and politics tipsheet," by Tom Hamburger, *The Wall Street Journal*. Hamburger provides a comprehensive list of sources for campaign finance information. With this tipsheet you can learn to track contributions to candidates and their parties, chronicle the activities of lobbyists and find out who is buying ads and in which market. (2003)
- **No. 1918:** "Finding stories in local campaign finance data," by Dave Gulliver, *The (Norfolk) Virginian-Pilot*. Gulliver runs reporters through various stages of writing a campaign finance story, from building a campaign finance database to analyzing the data to find stories. The tipsheet includes Web sites to use for research. (2003)
- **No. 1917:** "Checking for illegal campaign activity," by Dee Hall, *Wisconsin State Journal*. Hall gives tips on looking for illegal activities in campaigns. Many of them are useful for people new to the beat and some for experienced hands as well. (2003)
- **No. 1919:** "Resource guide to state and local campaign finance data," by Mike Weber. This tipsheet directs reporters through the use of newly available databases that contain data about state and local campaign financing. The tipsheet lists several Web sites, including some dealing with individual cities that are useful when writing about this topic. (2003)
- **No. 1498:** "Electronic Disclosure of State Campaign Finance & Lobbying Data," by Bob Biersack, Federal Election Commission. This tipsheet provides state Web sites where reporters can find campaign finance data. (2002)



REGISTRATION

Snowbirds' double voting demonstrates vulnerability of voting's honor system

BY RUSS BUETTNER
(NEW YORK) DAILY NEWS

Added to chads, sloppy purges and voting dead people one more vulnerability in the nation's election systems – the ease with which one person can be counted twice.

Registering and voting in more than one state is the perfect crime. Election officials don't check whether new registrants are already registered in another state. And once someone is registered, there is no mechanism to prevent, or even detect, whether that person votes twice in a national election.

I recently discovered thousands of people registered to vote in both Florida and New York City. Hundreds of them had voted in both states for the same election. The first step toward that finding came when – while pursuing another story – I stumbled upon Florida's newly created statewide voter registration database. I already had similar data for New York City.

It seemed like a match made in heaven. Thousands of New Yorkers, from Donald Trump to

subway conductors, have homes in both Florida and New York. Thousands more move between the two states every year.

Dual registrations

I was confident I had a substantial story about people registered in two states, which I estimated to be about 46,000 people. But I wasn't sure I had any examples of double voting because I still didn't have history data on city voters. What I did have left a door open to check for isolated examples. The 2003 city data showed the year last voted. I queried my new table of dual registrations for cases in which the year last voted in the city matched a year that person had also voted in Florida. I printed out a couple of dozen names and Florida voting histories and headed for the Manhattan office of the city Board of Elections.

Possibly the first or second name I typed into the public terminal – when compared to my printout of his Florida votes – matched 2002 dates exactly. So did the dates from 2000, 1998, 1996, all the way back to 1988. This man had been counted twice seven times. He voted via absentee ballot in one state and visited the polls in the other.

I called some of the double voters. Some said they had double voted, but said it was an accident caused by confusion during their annual winter migration. Some thought they were entitled. Some hung up on me.

When I told that first man what I was looking into, he said, "That's illegal." When I told him that he had done it, he said, "I have to go now."

When the updated NYC data arrived, I ran a program to check for new hits and tag the 2003 hits that were no longer active. The 46,000 number barely budged. But our first man's name

had fallen out.

It turned out that his change was due to a typo – no small problem in these datasets. He had updated his New York registration in March 2004. The data entry person misread his date of birth as 1910, instead of 1920. That no longer matched the date of birth on his Florida registration.

Of course, an exact match only works if all the information is entered correctly in both places. I had fiddled with less restrictive matches, including soundex, but they produced too much garbage.

Still, mixed with the garbage were likely solid hits that I let go. Some fairly unique names that were just a letter off, but listing the same birth date, showed up as voting in both states in the 2000 presidential election.

I spent several days looking for other explanations of what I was seeing. I was especially concerned about common names. It seemed conceivable there could be two John Smiths born on the same day.

Academics and government analysts have written papers on name matching. Nothing in the ones I read gave me cause for confidence or concern. But a Census Bureau database I stumbled upon offered some comfort. It includes 88,799 surnames and their estimated frequencies within the country. For example, Smith remains the most common last name, with 1 percent of the population sharing that name.

The bureau estimates that 90 percent of the population has one of the names on the list. Of my 46,000 hits, there were 7,223 last names, with perfect matches in both states that didn't appear on the Census list – names like Huerkamp, Vacalopoulos, Hjardemaal, Mangiafridda, Rabindranauth, and Tovar-Riezgo.

Moreover, the distribution of common names within the 46,000 was roughly the same as within the larger population. In the nation as a whole, 25

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by Michael A. Weber, Aron Pilhofer and Derek Willis

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CHECK OUT UPLINK

There were several voting and campaign-related stories in 2004 issues of *Uplink*, the newsletter of the National Institute for Computer-Assisted Reporting (www.ire.org/store/periodicals.html). Among them:

- "Getting a handle on federal campaign cash," by Aron Pilhofer, the Center for Public Integrity. Pilhofer gives great advice on reading campaign finance data. He discusses the rising popularity of 527s, which don't file with either federal or state election regulatory agencies. Instead, they file with the IRS. (May-June 2004)
- "Using CAR to cover the vote," by Megan Clarke, IRE and NICAR. Clarke highlights several election stories that used computer-assisted reporting to cover voter registration polls, election winners by precinct, voter turnout, and debunking myths about the political preferences of voters of a certain age and demographic. (May-June 2004)
- "Mapping candidate support," by Ron Campbell, *The Orange County Register*. Campbell tells how he used Federal Election Commission campaign contribution data and ArcView to show where the 2004 presidential campaigns were drawing support. (September-October 2004)

percent of the population has one of the 200 most common names, according to the Census Bureau. Among the 46,000, 26 percent had one of those 200 most common names.

It seemed clear that this was a large-scale problem that couldn't be explained away by an over-representation of common names. I also asked for a reality check from Aristotle Industries, which maintains voter registration data from all 50 states. Based on similar work they had done, Aristotle's Michael Callopy thought my number sounded well within reason. And it became clear nothing was in place to prevent it.

The honor system

Spokespersons for the Florida Secretary of State and the New York State Board of Elections told me that their respective laws banned being registered in more than one place. The New York registration card states plainly that to register, "You must not claim the right to vote elsewhere." The Florida card says: "You must not claim the right to vote in any other state or county."

The efforts to prevent people from registering in multiple states employ, however, at best a backdoor approach. If a new registrant writes the last address where he or she was registered on a new registration, the new jurisdiction is supposed to notify the old one. Also, federal law requires election supervisors to match their data against Postal Service change-of-address files and purge voters it shows have moved elsewhere.

Election officials admitted they don't even explore whether people are registered and voting in other states. A refrain I repeatedly heard began: "When people register to vote, they make certain affirmations ..." The integrity of voter registration rolls, and consequently, of the vote count, relies largely on the honor system.

The final computer step was to compare the voting histories in both states for those 46,000 matches. It yielded 1,049 apparent double votes, but I don't think that number reliably captures the phenomenon. There are two reasons, one of which suggests the number could be larger, and one that could make it smaller.

First, the history files I have are no longer complete for any election because so many people's records are purged or changed after each election. For example, my history files for the November 2000 election no longer have data on one million votes cast in Florida and 300,000 in New York City. I'm not sure a complete statewide file for Florida exists since the database was only recently created.

Second, the common name phenomenon was more prevalent in the match of double voting. Among that group of 1,049, about 67 percent had one of the 200 most common surnames in the country, far greater than the 25 percent in the general population. Eliminating the 100 most common

surnames in the country would leave 419 apparent double voters.

I addressed this by characterizing the double vote number as a range of 400 to 1,000. Those common name matches aren't necessarily bad hits, but I felt we needed to address the issue somehow.

Huge vulnerability

Our story on August 21 initially failed to move the city Board of Elections. During an open meeting that week, board members, who are a collection of party loyalists appointed by the local Democratic and Republican leadership, said they didn't care if New Yorkers also were registered elsewhere.

Florida Secretary of State Glenda Hood asked the FBI and the U.S. Election Assistance Commission for help investigating. She also established a data swap with the nonplussed city Board of Elections.

New York election officials shifted their positions on the legality of registering in more than one spot. Their attorneys decided state law only applies to people registered in two places within the state. They don't believe they have jurisdiction to enforce the law against people also registered in other states. And they believe they must have a case of double voting to prove intent.

I've been reporting on other double voters. Some suspect a fraud was committed in their name, others could be clerical errors made possible by having persons on the rolls who have long since moved out of state.

I also received a call from a Library of Congress researcher who had been asked to explore whether what I did could be duplicated on a national level. It's probably not realistic, and that goes to the heart of the matter. Until there is a national voter registration file with a unique identifier assigned to each of us, this huge vulnerability to error and abuse will remain intact.

Before Florida and New York agreed to share data, we received numerous requests from prosecutors and election supervisors for our list of matched registrations and double voters. We politely suggested they do their own work.

So far, prosecutors in Florida are the only ones to investigate, and they have only gone after people we named by way of example. One Florida prosecutor expects to file charges within weeks. Another said he had decided to give our first man – counted twice seven times – a pass because he's "probably not as sharp as he once was."

"There definitely was a violation there," said Bruce Bartlett, chief assistant state attorney in Pinellas and Pasco counties. "But I think based on his age and the circumstances this was the best way to handle it."

Russ Buettner is a member of the investigations team at the (New York) Daily News.

THE MECHANICS OF MATCHING VOTERS

The Florida data arrived in 134 text files – a registration file and a history file for each of 67 counties. Unpacked, those files totaled about seven gigabytes.

I would have preferred to use SQL Server, simply because it handles large files better than FoxPro or Access. My paper doesn't actually own the software or a data server. But my generous colleague Bob Port has both at home and lets me use them via the Internet. Unfortunately, Bob was upgrading his server when I began this endeavor.

I didn't have space on my hard drive to run a program that would leave all the text files in place, import them into new tables, and modify and index the tables. So, I wrote a program in FoxPro that imported each county registration table, deleting the underlying text files as it went. Rather than create a huge statewide registration table, it created one with just the fields I would eventually join with the NYC data. The rest remained in separate county tables. A second program dumped the five field history files into a single statewide table, while deleting the text files as it went.

I only had 2003 data for New York City, and it didn't include history data on elections in which each registrant voted. I knew I would need updated data if this worked out. But I wanted a hint of what it might yield before I spent \$350.

I wrote another program to join the Florida data with the 2003 New York City data, based on an exact match of last name, date of birth, the first three characters of the first name, gender, and, where supplied, middle initials. I went back and hand-checked cases where the entire first name didn't match exactly.

Matching 10.7 million Florida voters against 3.7 million New York City voters yielded 46,000 people apparently registered in both states. About 1,700 of those hits were people who listed their address in one state, where they were also registered to vote, as a mailing address for absentee ballots from the other state. I got approval to buy updated city data.



POLITICS

State grant for nonprofit community center may have found way into campaign coffers

BY VANESSA HUA AND CHRISTIAN BERTHELSEN
SAN FRANCISCO CHRONICLE

Out in the western edge of San Francisco sits a dilapidated shack of a city-owned building, its front door locked and its gate shut tight.

From the outside, you'd never know it housed a nonprofit group that has received nearly \$700,000 in city and state funding over the past five years to assist immigrants.

Thus began what turned into one of the biggest campaign finance investigations in California in recent memory. As it turned out, \$125,000 of the \$500,000 in state grant money the center received appears to have wound up back in the political campaign account of the politician who put it in the state budget to begin with – Kevin Shelley, the former majority leader of the California State Assembly, who is now secretary of state.

It is illegal to hide the true source of campaign contributions by channeling money through other donors, and it is illegal to use taxpayer money for political campaigns. Federal law also prohibits charities with tax-exempt status, like the center,

from contributing to political campaigns.

In a series of stories published beginning in August, the *San Francisco Chronicle* detailed how the nonprofit group made payments from the grant money to three individuals and two companies – who then made closely timed donations to Shelley's successful 2002 campaign for California secretary of state.

We also found the center received nearly \$200,000 from the city of San Francisco for minimal services, and its founder put friends and associates on the nonprofit's payroll.

And, we found an additional \$80,000 in suspect donations to Shelley's campaign fund that appear to have originated from real estate transactions involving the director of the nonprofit group.

In the days and weeks that followed, the FBI and federal prosecutors, state attorney general and election regulators, the state Fair Political Practices Commission, the state Department of Real Estate, a state legislative audit committee and the

city attorney all launched investigations into how the center spent taxpayer money.

Shelley returned \$125,000 from his campaign account to the state general fund, and placed the \$80,000 in escrow pending the outcome of the elections officials' review. The state controller's office demanded the return of the remaining grant money from the center, and through a later audit withdrew as much as \$15 million in funding for community projects that had been earmarked by legislators.

It was a simple story, one that evolved not from database analysis or deep background political sources, but from a frequently overlooked, yet fruitful, method of gathering information: talking to people in the community, to sources who fall outside of traditional institutions. This was a people-driven story – even when they were simply providing documents as evidence to further the reporting. And it got a key assist along the way from the rarest of sources: an official whose only agenda was to protect the public interest, and was willing to use the power of his office to get to the bottom of what happened.

Thin documentation

The story got its start when Vanessa Hua was talking to a contact in San Francisco's Chinese-American community in June. Why, this person asked, did this group get hundreds of thousands of dollars in public funding, when the center was rarely open, provided few services and never built the new facility that it had received a state grant to construct? What's more, the person said, there was a rumor that some of the money had flowed back to Shelley's campaign fund.

It was Shelley who, in 2000, when the state's coffers were flush with cash from the booming economy, earmarked \$500,000 for the San Francisco Neighbors' Resource Center. Founded by Julie Lee – a Shelley political supporter, major political fundraiser, and real estate agent – the center was supposed to serve Asian immigrants.

After Hua found the grant's line item in the 2000 budget, she called Christian Berthelsen, a reporter in the *Chronicle's* statehouse bureau in Sacramento.

Berthelsen filed a state Public Records Act request with the Departments of Parks and Recreation, asking for the file containing the grant application. He then called the state controller's office to get a copy of the canceled check that went to the group.

But the documents only raised more questions about the grant. The state is supposed to issue checks to nonprofits as reimbursement only after the organization submits an invoice for work already completed. Yet, the center received the full amount of its grant after submitting what was purported to be an "invoice" with little supporting documentation – including line-item expenses that were all rounded off to zero. Hua's reporting in San Francisco showed that the center had not even applied for certain city construction permits for which it had supposedly paid.

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Armed with the check, the thin documentation in the grant application – and the fact that there was no new building – Berthelsen raised questions about the grant with officials at the state controller’s office. The officials agreed that the case seemed unusual, and decided to conduct an audit – including subpoenaing the center’s bank records to see where the money went.

Meanwhile, Hua looked at the center’s 990 federal tax forms for 2000, 2001, and 2002 – all the years available – and found no record of the \$500,000 grant, which raised suspicions that the center was possibly concealing its grant.

She also began to compile a paper trail of the nonprofit organization. First, she contacted the city controller’s office, which was helpful in determining which city agencies had given how much to the nonprofit.

Next, she filed records requests with the Department of Children, Youth and Their Families, the Department of Building Inspection, the Fire Department, and the Real Estate Division. In these files, she found board member lists, proposals, board meeting minutes, invoices with the names of employees, contracts, and other information that would prove useful later in the investigation.

More suspicious

To keep track of all the information, Hua created a timeline of important dates of the nonprofit and kept a list of names of people and their relationship to the nonprofit’s founder Lee.

She also turned up instances in the files for other potential places to look for paper, such as the Mayor’s Office of Community Development – which awarded \$30,000 to the nonprofit, under a different name – and a file at the Department of Planning

which contained blueprints for the center.

Looking at real estate records, Hua found that Lee and her family owned millions of dollars worth of residential and commercial real estate in the Bay Area. She also began pulling lawsuits filed by and against Lee, mostly related to her real estate business. A picture of Lee began to emerge.

The next step was to begin contacting former employees of the center, finding their phone numbers through voter registration records and online directories. The workers claimed the center was legitimate.

By cross-checking names associated with the center with community sources and former allies of Lee, Hua learned that some of the nonprofit’s employees had connections with Lee. In one case, one employee was a former girlfriend of Lee’s son, and another woman on the payroll was a longtime employee in her real estate and financial services office.

As the controllers’ audit advanced, state officials grew more suspicious. They concluded that the invoice submitted in support of the grant application was nothing more than an estimate – if that – and began to question the state parks department’s oversight of the entire grant-letting process, which totaled \$110 million in 2001.

But the transaction records obtained from the bank delivered the biggest blow.

Though the checks to the center’s contractors bore memos that the payments were for services such as “project management” and “consultant fees,” a check of the payee’s names found that five of them were also donors to Shelley’s campaign. Further, the donations were in nearly identical amounts, and occurred within weeks – and in some cases, days – of their receiving the money from the center.

LESSONS LEARNED

In this investigation, we learned a number of lessons:

- Talk to nontraditional sources. Not everyone has a story to tell, but some do. The law of averages says the more people you talk to, the more worthwhile stories you’ll hear.
- Emphasize the public value. Sources may not want to assist reporters writing negative stories, but if you point out the public interest – rather than the prurient interest – of what you’re doing, it often persuades them to cooperate. This especially helps when talking to officials with subpoena power who have the ability to advance your story beyond what is in the public record.
- Gather all the public records you can find. You never know what names and dealings will become important in the course of the investigation. Create a running timeline and list of characters to keep track of information. Sort people by the relationship they have to your main characters. Figure out who will be friendly, neutral, and hostile sources – and interview them in that order.
- Real estate records can reveal personal relationships between seemingly disparate parties.

A check of the state’s campaign finance database – a useful public record tool, maintained by the office of none other than Kevin Shelley – showed that the donors had never before donated to Shelley, or any state-level political campaign for that matter.

The donors declined comment. Lee dropped off a stack of blueprints at the *Chronicle*, with a note saying she was going out of town and was too busy to meet. Shelley left a voice mail with Berthelsen late Friday afternoon, before the story was to be published on Sunday, saying: “If this sequence of events is true, very frankly I’m disappointed and more than outraged.”

Editors Pati Poblete, Chuck Finnie and Ken Conner helped shape the story, and Jennifer Thelen wrote a headline that got every reader’s attention: “Secretary of State Shelley received dubious donations.” A design team composed of Frank Mina, John Blanchard and Nan Bisher assembled an eye-catching visual package – a picture of Shelley, a stack of cash and a timeline showing the close correlation between payments from the center and donations to the campaign fund.

From that, dozens of other stories poured forth, with help from reporters Todd Wallack, Bill Wallace, Lance Williams, Mark Martin and Greg Lucas, and editors Steve Proctor, Jim Brewer and Paul Feist. The reports included details on Lee’s real estate deals, federal voter funds funding contracts for those close to the campaign and the shoddy oversight of state disbursements.

Kine Kepka | San Francisco Chronicle



The San Francisco Neighbors’ Resource Center was supposed to serve Asian immigrants, but sits closed despite large government grants.

Through it all, one question has endured: Did he know?

In Shelley's defense, he has said he did not, and nothing has emerged to prove otherwise. But there have been some alarming revelations. For one thing, Shelley played the biggest fund-raising role on his own campaign team, and sources have said he was

in heavy contact with Lee during a time when the checks were coming in.

Shelley has acknowledged that Lee personally handed him at least some of the checks. And given the size of the checks – \$10,000, \$20,000, \$25,000, \$50,000 – it is hard to imagine they didn't get his attention.

At the time of this writing, the federal grand jury hearings are about to begin. A lawyer for one of the

donors said his client is prepared to testify that he was acting as an intermediary and following instructions when he made the contribution. So far, Lee has maintained her silence.

Vanessa Hua covers race and ethnicity, with a focus on Asian-American issues. Christian Berthelsen is a statehouse reporter focusing on campaign finance and the lobbying industry.

Stories from the RESOURCE CENTER

The 2004 presidential election may be decided, but questions on campaign finance and voting continue to puzzle many. Here are some relevant stories from the IRE Resource Center (www.ire.org/resourcecenter) to help with your political investigation.

- **Story No. 21357:** "The Bush money machine: Fundraising rewards," by Thomas B. Edsall, Sarah Cohen and James V. Grimaldi, *The Washington Post*. This investigative series reveals the campaign fund-raising practices of President George W. Bush's top contributors, some of whom found ways to bypass contribution limits to donate large sums toward his re-election campaign. Some contributors to his 2000 campaign now hold White House positions. (2004)
- **Story No. 21342:** "Dead Lake residents cast 2003 ballots," by Brendan O'Shaughnessy, *The Times* (Munster, Ind.). This monthlong investigation used a cross-referencing database to check voting records and Social Security death records. The reporter uncovered thousands of deceased registered voters, with about 50,000 names that should be purged from the county database. (2004)
- **Story No. 21301:** "Making elections fair to minorities," by Scott Fallon and Benjamin Lesser, *The Record* (Hackensack, N.J.). This investigation used Census block data and voting records to reveal racially polarized voting in the Teaneck, N.J., community, raising question about whether minorities receive fair representation in government. (2004)
- **Story No. 21033:** "Voter Fraud," by Steve Patterson, *Post-Tribune* (Gary, Ind.). This investigation discovered numerous mishaps in the voting registration process, with deceased still registered and vacant lots and abandoned houses listed as voters' addresses. The story also describes how county officials, including the police chief and a state representative, cast illegal votes. (2003)
- **Story No. 20976:** "Some donors get new posts," by Nancy Cook Lauer, *Tallahassee Democrat*. The investigation found that contributors to Gov. Jeb Bush's campaign and the Republican Party of Florida were far more likely to get plum appointments to the state's powerful boards and commissions during the Bush tenure than those who contributed to the Florida Democratic Party. (2003)
- **Story No. 20765:** "Windfalls of war: U.S. contractors in Iraq and Afghanistan," by the Center for Public Integrity staff. In the past two years, more than 70 American companies and individuals received up to \$8 billion in contracts for work in Iraq and Afghanistan. This report looks at the companies in detail, naming their campaign contributions and government ties. For instance, since 1990, the top 10 contractors have contributed \$11 million to national political parties, candidates and political action committees. (2003)
- **Story No. 20633:** "Freshmen fund raising," by Jonathan D. Salant, The Associated Press. A computer-assisted analysis of political action committee contributions to U.S. House of Representatives freshmen found that the first-year lawmakers received more money from special interests while in office than during their election campaigns. Salant used campaign

finance disclosure reports filed with the Federal Election Commission and analyses done by the Center for Responsive Politics to build a database on the freshman House members. (2003)

- **Story No. 19453:** "State Secrets: An investigation of political party money in the states," by the Center for Public Integrity. This investigation looked at the campaign finance records of the Democratic and Republican state party committees. In total for the 2000 election cycle, the committees raised \$570 million, and nearly half of that money (46 percent) came in the form of "soft money" transfers from national party organizations. (2002)
- **Story No. 17438:** "Influence market: Industries that backed Bush are now seeking return on investment," by Tom Hamburger, Laurie McGinley and David S. Cloud, *The Wall Street Journal*. In the 2000 presidential election, donors contributed \$314 million to the Bush campaign and the Republican National Committee, with more than 80 percent of the contributions coming from corporations or their employees. This investigation looks at the relationship between large industries and Washington politics, with many industries lobbying for policies and concessions as an "investment return." (2001)
- **Story No. 18316:** "The secrets of recruiting," by Louis Jacobson, *The National Journal*. Jacobson reports on the strategies and tactics political parties use to find congressional candidates. The article features 17 inside tips on what a political party should and should not do in capturing a congressional seat. (2001)
- **Story No. 18798:** "The investors," *The Wall Street Journal* staff. In this series, reporters name the top 10 industries contributing money to President George W. Bush's 2000 election campaign, with airlines scoring first, followed by oil and gas, banks and the credit card industry. The articles examine "the influence of money and political connections on policy decisions during the first year of the Bush administration," finding that "industries that backed Bush are now seeking return on their investment." (2001)
- **Story No. 18807:** "Atlanta city government corruption," by Richard Whitt and Alan Judd, *The Atlanta Journal-Constitution*. Mayor Bill Campbell and his closest associates had been committing bribery, fraud and racketeering, this yearlong investigation found. Reporters found links between city contracts and political contributions, efforts to collect outside money and accepting illegal campaign contributions. As a result of this investigation, Campbell later received a federal indictment. (2001)
- **Story No. 17033:** "Election Day became a nightmare," by *The Wall Street Journal* staff. A five-part series on America's voting system reveals: the loopholes in the voting system such as lack of resources; limited polling hours; how the process deters minorities; counting problems; technological problems; and the role "brokers" play. (2000)
- **Story No. 17134:** "Unions pull out stops for election," by Jeff Archer, *Education Week*. This investigation, published in three stories, highlights teachers' unions involvement in the 2000 presidential campaign. Archer describes how the National Education Association and the American Federation of Teachers are giving large soft-money contributions. (2000)

FOI Report

CONTINUED FROM PAGE 13

tanks, lock their gates, screen their employees, or take even the most basic security measures. Why? Industry has lobbied against it.

Hiding the dangers

While government and industry say they want to protect the public against terrorism, they have flunked the sincerity test. They have left the public unprotected while they have protected themselves. These environmental hazards (and they are not just chemical plants) amount to pre-positioned weapons of mass destruction in U.S. cities and counties. So far, the bulk of officials' response has been to prevent the public from knowing about it. On this front, the U.S. public is little safer today than on 9/11.

Right now, the Department of Homeland Security is considering whether to take the diamond-shaped hazard placards off of railroad tank cars containing chlorine and other deadly gases – but tightening basic security and safety rules. Such cars sit at railroad sidings across the United States – unguarded. Since chlorine is a disinfectant, the

tankers are commonly found at municipal drinking water and sewage treatment utilities. It was also one of the earliest chemical weapons used in World War I.

In November 1999, a front-page series in *The Washington Post* exposed a pattern of lax safety in chlorine handling at the Blue Plains sewage treatment plant a few miles south of the U.S. Capitol. A leak or spill from Blue Plains could have endangered not merely the hundreds of thousands of citizens within that radius, but also members of Congress.

By March 2000, it emerged that Washington authorities knew about the safety problems but had been denying and hiding them — and had now come up with a complete plan for switching to a safer disinfectant. Within two months after September 11, 2001, the timetable for carrying out that plan had been accelerated and the switch was complete. Since then, a major fraction of the industry nationwide has begun to switch.

Are there chlorine tankers in your community? The public's (and news media's) right to know the answer is shrinking daily.

Member news

CONTINUED FROM PAGE 5

of Journalism for "Education on the Brink: Separate and Unequal." ■ **Kate Garsombke** has joined *The Wausau (Wis.) Daily Herald*. She was a reporter with the Stevens Point (Wis.) Journal. ■ **Susan Goldsmith** has joined *The Oregonian* as an investigative reporter. For the past eight years, she worked as a reporter with the *New Times Los Angeles* and the San Francisco Bay Area's *East Bay Express*. ■ **Kathleen Johnston**, an investigative producer, has moved to CNN from WTHR-Indianapolis. ■ **Bill Kurtis**, host of A&E's "Cold Case Files" and "American Justice," has released a new book, "The Death of Penalty on Trial: Crisis in American Justice." The book looks into two recently overturned death penalty cases that almost took the lives of two wrongly convicted men. ■ **Eric Lipton** has moved from main offices of *The New York Times* to the Washington bureau. ■ **Jacqueline McLean** of KGMB-Honolulu won Emmys for serious news

feature, investigative reporting and writing news from the National Television Academy's San Francisco/Northern California chapter.

■ **Mark Skertic** has changed jobs at the *Chicago Tribune* where he now covers the aviation industry. He previously reported on banks, insurance and local financial exchanges.

■ **Nancy Stancill**, an IRE board member, has moved from assistant features editor to government editor at *The Charlotte Observer*.

■ **Greg Turchetta** has moved to KIRO-Seattle from WBBH-Fort Myers, Fla. ■ **Derek Willis** has joined *The Washington Post*. He was a writer and data specialist at the Center for Public Integrity.

PASSINGS

■ **Damon Chappie**, an investigative reporter for *Roll Call* whose hard-hitting stories unveiled corruption and ethical blunders in Congress, died Nov. 5, of congestive heart failure. Despite his blindness caused by an infection he contracted in Mexico in 1997, he persevered as a strong force in investigative journalism.

2005 CAR Training

These unique seminars, taught by IRE and NICAR's experts, train journalists to acquire electronic information, use spreadsheets and databases to analyze the information and to translate that information into high-impact stories. In addition, IRE and NICAR provide follow-up help when participants return to their news organizations.

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Legal

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court noted, “much like trying to nail a jellyfish to the wall.” While Hussain Al-Hussaini was a private person, the court in *Atlanta Journal-Constitution v. Jewell* ruled that Richard Jewell was a public figure because he gave several media interviews during the period after the bombing but before the allegations that he was the bomber. The court noted that “[t]hose who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public’s attention, are properly classified as public figures.”

So who might be a public or private figure in terror cases? Some courts have held that being accused of criminal activity is insufficient on its own to be a public figure. But other courts have found that being at the center of a controversy can elevate a person to “limited-purpose public figure” status. The outcome will depend on the facts of the case and the law of the jurisdiction. But it is worth noting that a person who has not spoken out, sought media coverage, or drawn attention to himself, could be considered a private figure.

Not a total shield

In the 1970s, the media investigated allegations of organized crime ties with the type of zeal now accorded to possible terrorist activity. In some cases, individuals with alleged mafia ties were deemed public figures because they “engaged in a course of conduct that was bound to invite attention and comment.” Reputed mobster Louis Rosanova, for example, lost his case because he was a public figure and couldn’t prove “actual malice,” which requires proof that the defendant knew the statement was false or had serious doubts of the statement’s truth. The reporter relied on multiple sources and had no reason to doubt the allegations that Rosanova was a “mobster.”

Even the actual malice standard, however, is not a guarantee against an adverse ruling. In *Schiavone Construction Co. v. Time Inc.*, the court found that a jury could reasonably conclude that actual malice existed because the magazine distorted a confidential FBI memorandum. The article stated, “The personal files of FBI Director William Webster ... reveal that the name of Schiavone appeared several times in the [FBI’s] reports on the 1975 disappearance of former Teamster Boss Jimmy Hoffa. That detail would surely have intrigued both the Senate committee that approved [Labor Secretary Raymond] Donovan’s nomination in February 1981, and the special prosecutor this year.”

The memorandum actually stated that the Schiavone name appeared in FBI reports about the Hoffa execution case, “but that none of these [references] suggested any criminality or organized crime associations.” The court found a jury could reason-

ably conclude that the omission of the exculpatory language and the addition of the sentence implying “intrigue” may constitute actual malice.

Sharon v. Time Inc similarly involved a public figure: Ariel Sharon. The court ruled that a jury might find actual malice in statements that a “secret” report – that the magazine did not have a copy of – implicated Sharon in a massacre. Under those circumstances, the court suggested that reasons existed for the reporter to have doubted rumors about the purported report’s contents.

Cases to watch

One case to watch to see how courts deal with reporters attempting to “out” terrorists is *Mar-Jac Poultry Inc. v. Katz*, filed in federal court in Georgia. Rita Katz, an independent terrorist investigator, anonymously wrote a book entitled “Terrorist Hunter.” She also appeared anonymously on CBS’s “60 Minutes” and identified Mar-Jac Poultry as a source of funding for Osama bin Laden, Hamas, and Islamic Jihad. Mar-Jac states, however, that it is a legal poultry business and not a “cover for money laundering.” The case is still in early stages of litigation, but it has the potential to address some issues relevant to protections that may be afforded to investigative reporters looking into terrorist ties.

Journalists also should monitor cases in other countries. Many nations have less press-friendly libel laws than those in the United States, and accused terrorists have taken note. For example, Abu Bakar Bashir sued *Time* magazine for libel in Jakarta, Indonesia. Bashir is accused of leading Jemaah Islamiyah, which allegedly carried out the Bali nightclub bombing in 2002. An Indonesian court dismissed Bashir’s suit in November of 2004, but only because Bashir sued *Time*’s Hong Kong office instead of its New York headquarters. “The defendants are not the parties responsible for the report. The responsibility lies in the hands of Time Inc. in New York which should have been included in this case,” the court ruled.

The best defense

Investigative reporting can never be entirely risk-free. Some terror-related libel cases may be brought to silence criticism, for nuisance value, or for political reasons having nothing to do with the truth and accuracy of the story. With that in mind, journalists can benefit from knowledge of prior fact patterns and legal standards that will be applied. As always – and especially given the subject matter – attention to detail, thorough analysis, clear writing and thoughtful editing will help prevent unpleasant surprises. Attorney review can help identify problems, but solid journalism should continue to provide the best defense.

Borderworld

CONTINUED FROM PAGE 7

Olsen, *Houston Chronicle*; and Ninfa Deander, *El Mañana*.

Topics included the environment, crime, storytelling techniques, Internet tools, reporter safety, and obstacles and opportunities for border journalism.

More remains to be done.

IRE plans to increase the number of border investigations in its archives, and also add more about Mexico and other Latin American countries.

As part of a new initiative, IRE is increasing the number of tipsheets available in Spanish, which is critical for reporters on the U.S. side as well as in Mexico. IRE intends to increase its membership along the border and there are several dozen more thanks to those who joined in Nuevo Laredo.

These are all things that IRE wants to improve as part of its initiative in this area.

And this year's Encuentro en la frontera – the third such event IRE helped sponsor – is a step toward making that change. Please contact IRE if you would like to be part of that effort or send in your stories or tipsheets if you have things to share.

From the IRE offices

CONTINUED FROM PAGE 4

to deny access to public records while allowing commercial marketers to plunder personal files.

Further, the press has undercut its credibility by relying on anonymous sources for daily reporting so that the importance of sources is devalued.

Thankfully, as we move into 2005 there are signs our profession has awakened and is fighting back.

Outlandish secrecy, denial of public records, arrogance officials and manipulation of the press are finally fair game for reporters.

On the freedom of information front, many news organizations have conducted audits on the lack of open records law compliance by government. The American Society of Newspaper Editors and a coalition of journalism organizations will hold a national sunshine day in the spring.

The Sun sued the governor over his directive. Court challenges to secrecy and denials appear to be increasing.

IRE will play a greater role in all these efforts by signing letters, doing surveys to measure the problems we face, filing appropriate legal briefs and speaking out on key issues. But we also can take strong action this year as an organization by rededicating ourselves to doing what we do best: practicing investigative journalism at its highest level every day, without fear or hesitation, and revealing unnecessary and dangerous secrets while challenging the powerful who abuse their power and the trust our society has placed in them.

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.

Programs and Services:

IRE RESOURCE CENTER – A rich reserve of print and broadcast stories, tipsheets and guides to help you start and complete the best work of your career. This unique library is the starting point of any piece you're working on. You can search through abstracts of more than 20,000 investigative reporting stories through our Web site.

Contact: Beth Kopine, beth@ire.org, 573-882-3364

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

Contact: Jeff Porter, jeff@ire.org, 573-882-1982

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

Contact: Brant Houston, brant@ire.org, 573-882-2042

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

Contact: David Donald, ddonald@ire.org, 573-882-2042

Publications

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

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

UPLINK – 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.

Contact: David Herzog, dherzog@ire.org, 573-884-7711

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

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Seth Cook gets a goodbye kiss from his friend, nine-year-old Michaela McAvoy of England, on the last night of the Sunshine Foundation's annual progeria reunion.

How one boy's battle for life captured Seattle's heart.



Reporter
Carol Smith



Photographer
Dan DeLong

At eleven years of age, Seth Cook is wise beyond his years. Due to a rare illness called progeria, he is aging rapidly and facing death at an early age. The Seattle Post-Intelligencer felt the story of this local boy was important to the community at large.

Over the course of a year spent with Seth and his family, reporter Carol Smith and photographer Dan DeLong developed "A Time to Live," which shows the Cooks' courage as they face the tragic progression of progeria. The journalists let readers get an inside look at what life is like for a young boy with an old man's health problems.

They talked to classmates who learned from Seth and to doctors who are seeking a cure for the disease. This special 20-page section also revealed the touching story of a non-profit organization, the Sunshine Foundation, which brings together progeria victims from around the world once a year. The coverage gained a new dimension on the P-I Web site, where visitors could get to know Seth better through video and audio presentations. It's worth a visit to seattlepi.com/specials/seth to hear Seth tell his story in his own words.

Readers responded to "A Time to Live" in record numbers. The P-I received hundreds of messages that reflected the positive impact of the special section. By bringing important local stories to the community, Hearst Newspapers deliver excellence every day.



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NOTICE: You will be listed on the IRE Web site as an attendee. If you don't want to be listed, please e-mail John Green at jgreen@ire.org

REGISTRATION FORM. To register, please complete this form. Visit our Web site regularly at www.ire.org or call **573-882-2042** for the latest details. *Please write carefully! This information will be used to make your nametag.*

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Cancellations need to be sent via e-mail to jgreen@ire.org. There is a \$50 processing fee for all cancellations until March 16, 2005. Refunds will not be given for cancellations after March 16.

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To attend this conference, you must be a current IRE member through April 1, 2005. Memberships are nonrefundable.

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