

# THE IRE JOURNAL



September/October 2006

Volume 29 Number 5

## Military Maneuvers

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Consumer addictions  
focus of tobacco,  
food companies

### **SEX OFFENDERS**

Restaurant chain  
allowing predators  
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### **BOOT CAMP**

Probe into teen's death  
leads to state juvenile  
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about the words

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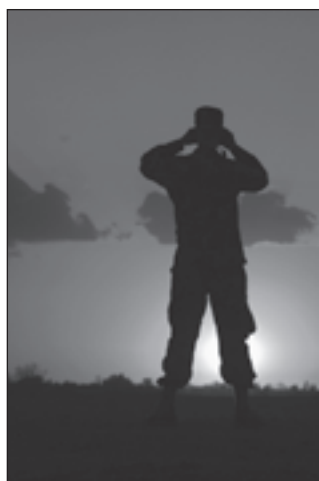
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# Military Maneuvers



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## FROM THE IRE OFFICES

# IRE continues to reach for goals



BRANT HOUSTON

The dramatic changes in the news industry during the past year have made it more imperative that IRE achieve as much financial stability and long-term security as possible.

Fortunately, IRE was ahead of the curve in this effort. In 2000, IRE kicked off an endowment drive to raise \$5 million. There were some who doubted we could reach \$1 million, but as of this summer the drive stood at \$3 million in donations and firm pledges. And the groundwork has been done to reach the \$5-million goal next year.

Over the past five years, the intensity of support for IRE has been shown by its board, members and staff. Former and current board members have donated and pledged more than \$100,000. At our annual awards luncheon in June, nearly 150 members immediately donated and pledged \$18,000 in response to a request by outgoing IRE president David Boardman. Since then, donations to the endowment have continued to arrive weekly at the IRE office.

We are not an organization of high-income journalists, and we don't have the resources in the membership to reach the \$5 million goal. But the passion that members have for IRE inspires foundations and other large donors to give.

For example, the endowment drive was kicked off with \$500,000 from the Jane Pulliam Trust specifically targeted to underwrite the Eugene S. Pulliam Directorship in IRE's Resource Center.

Then, because of our track record in training and encouraging great journalism, the John S. and James L. Knight Foundation stepped forward in 2001 as our largest donor ever. The foundation board approved a grant that gave \$500,000 over four years to our general operating fund and \$500,000 directly to the endowment fund and also created a matching fund of \$1 million. The fund matches on a one-to-two basis all donations and firm pledges by individuals, corporations, and foundations. That is, the fund gives \$1 for every \$2 donated.

Since the Knight Foundation grant, we have received donations and pledges that include \$125,000 from the Gannett Foundation; \$100,000 from the Samuel I. Newhouse Foundation; \$100,000 from the *Las Vegas Sun*, Barbara J. Greenspun, publisher; and \$100,000 from the Nicholas B. Ottaway Foundation.

We have raised enough money to receive about half of the matching funds. Indeed, if we raise \$1.5 million in the coming months, most of it will be matched, meaning we can reach the \$5 million goal.

And what does the investment income from the endowment fund cover? Almost every part of our operation.

The Ottaway donation supports diversity fellowships to our computer-assisted reporting boot camps and other training. The Gannett, Newhouse, and *Sun* donations support all of our operations, especially training, the resources on the Web, and the data library.

Other donations underwrite the Renner Award and specific fellowships such as the Godfrey Wells Stancill Fellowship to the IRE annual conference for small newsroom journalists – board member Nancy Stancill created the fund in honor of her father, who ran small newspapers.

Funding for other such fellowships is under way. For example, Gary Cohn, who works at the *Los Angeles Times*, is helping us create a young journalist fellowship fund in honor of Jack Anderson. Other members are helping create another fund to honor long-time IRE member and former IRE president Bob Greene. (We will have more details on these efforts in the near future.)

As we are pushing hard on the endowment drive, we also are striving to keep our annual budget healthy. On that front, we recently received the good news that we had been awarded a \$100,000 challenge grant from the Challenge Fund for Journalism III, created by the Knight Foundation, the Ethics and Excellence in Journalism Foundation and the Ford Foundation. The Challenge Grant will support our operations and, again, it is a one-to-two match, meaning we will receive \$1 for every \$2 raised.

By the time we get to the 2007 annual conference in Phoenix, we hope to report that we are close to reaching all these goals, ensuring that IRE will be in good shape for another 30 years.

*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.*

## New funding provided to IRE for operations, training events

Three new grants will help Investigative Reporters and Editors achieve its mission of fostering excellence in investigative journalism.

IRE has been awarded a \$10,000 grant from the McCormick Tribune Foundation, a \$50,000 grant from the Carnegie Corporation of New York, and a \$100,000 matching grant as part of the Challenge Fund for Journalism III program sponsored by the Ethics and Excellence in Journalism Foundation, the Ford Foundation and the John S. and James L. Knight Foundation.

Under the Challenge Fund program, IRE will work to raise money to support its ongoing programmatic and operational budget needs. It will work to raise \$200,000 in new funds – independent of its ongoing \$5 million endowment drive – from individual donors to receive the full \$100,000 by next May.

With the \$50,000 Carnegie grant, IRE will conduct a series of training workshops this year and next year on covering campaign finance and political influence.

Funding from the McCormick Tribune Foundation will allow IRE to conduct a pilot investigative journalism workshop for ethnic media newsrooms – print, broadcast and on-line – in the Chicago region. The seminars will aid participants from ethnic media newsrooms in developing the skills and practices necessary to conduct investigative and enterprise reporting while covering a beat.

“Each of these grants will contribute greatly to our programs and help us to further our goals in training, diversity and membership,” said Brant Houston, executive director of IRE. “We deeply appreciate the foundations’ support for our efforts – efforts that will benefit thousands of journalists.”

For more information on the grants or to support IRE, please contact IRE Development Officer Jennifer Erickson at [jennifer@ire.org](mailto:jennifer@ire.org) or 573-884-2222.

## New publications coordinator named for IRE operations

Megan Means is the new publications coordinator at IRE.

Means will be involved with all aspects of *The IRE Journal* and *Uplink*, the Web content for IRE, as well as print and online advertising.

Means first joined IRE and NICAR as a graduate research assistant in the NICAR Database Library during her graduate studies at the Missouri School of Journalism. She returned in January 2006 as assistant database library administrator and will continue to be involved in data projects and CAR training events.

She also worked with the metro desk and investigative team at *The Detroit Free Press* and covered K-12 education at the *Columbia (Mo.) Daily Tribune*.

Means takes over for Pia Christensen, now managing editor/online services for the Association of Health Care Journalists (AHCJ) where she joins Len Bruzzese, executive director of the group and former deputy director of IRE.

## The IRE Journal wins award for publications excellence

*The IRE Journal* won its second consecutive Award of Excellence for small-staff magazines in the 18th Annual Apex Awards for Publications Excellence.

“We are pleased to receive this award because it recognizes not only the work of the staff, but also the stellar work produced by our members who volunteer to write for the *Journal*,” said Brant Houston, IRE’s executive director.

The Apex Awards recognize a variety of print, video and online communications produced for business or nonprofit audiences. Grand Awards and Awards of Excellence are given in 102 categories.

## Investigative training events scheduled for reporters, editors

IRE trainers are going cross-country this fall. The itinerary includes Unleashing the Watchdog Workshops, which primarily target editors, and the Better Watchdog Workshops for reporters.

Unleashing the Watchdog workshops will be offered in Atlanta on Oct. 5-6 and Milwaukee on Oct. 9-10. Both types of Watchdog events will be offered in Las Vegas on Oct. 23-24. Registration for these events is open.

The Unleashing the Watchdog Workshops, held in conjunction with the American Society of Newspaper Editors, will feature top editors and trainers sharing tips and techniques on watchdog journalism, especially for reporters covering beats and daily stories. The workshop also will cover guiding reporters in using the Internet effectively, open records laws, computer-assisted reporting and anonymous sources.

The Better Watchdog Workshops help journalists at small- to medium-sized news organizations – and those in bureaus of larger organizations – to learn the investigative skills that keep government and business accountable and to produce enterprising and informative stories. One critical skill is the ability to use federal and state FOI laws to open the doors to public information.

To register or learn more about the Watchdog series, visit [www.ire.org/training/watchdogjournalism.html](http://www.ire.org/training/watchdogjournalism.html), or contact Ev Ruch-Graham, [ev@ire.org](mailto:ev@ire.org).

To request a watchdog workshop in your area, please send an e-mail to [watchdog@ire.org](mailto:watchdog@ire.org).

Also, more training opportunities are scheduled for next year. They include:

- Computer-Assisted Reporting Boot Camp, Jan. 7-12, Missouri School of Journalism, Columbia, Mo.
- Mapping Data for News Stories Boot Camp, Jan. 12-14, Missouri School of Journalism, Columbia, Mo.
- 2007 CAR Conference, March 8-11, Cleveland, Ohio
- 2007 IRE Conference, June 7-10, Phoenix, Ariz.

For more information on these events, check out [www.ire.org/training](http://www.ire.org/training).

## MEMBER NEWS

**F**rank Bass, Dirk Lammers and Larry Margasak of The Associated Press won a 2006 Gerald Loeb Award, news services or online category, for “LAX Loans,” revealing how U.S. Small Business Administration loans intended for firms hurt by the 9/11 attacks were claimed by entities far beyond New York City. Investigative producer **Todd Bensman**, KTVT-Dallas, is now an investigative projects reporter at the *San Antonio Express News*.

■ **David Boardman**, managing editor at *The Seattle Times* and IRE board member, was promoted to executive editor. ■ *The Providence (R.I.) Journal's* **Tracy Breton** won a 2006-07 Rosalynn Carter fellowship to research and report on mental health issues. ■ **Russell Carollo** joined *The Sacramento Bee* as special projects reporter; he most recently worked for the *Dayton Daily News*. ■ **June Cross**, documentary film producer and recently appointed associate professor at Columbia University's Graduate School of Journalism, received a Kaiser Family Foundation Media Fellowship to investigate Hurricane Katrina's impact on the health care safety net. She also won a Katrina Media Fellowship from the Open Society Institute. ■ **Krestia DeGeorge** of *City Newspaper*, Rochester, N.Y., won the Connye Miller Award for Media Reporting, small circulation category, presented by the Association of Alternative Newsweeklies.

■ **Brad Heath** moved from *The Detroit News* to *USA TODAY*, where he is a general assignment and database reporter. ■ *The (Toledo, Ohio) Blade* team of Christopher Kirkpatrick, Joshua Boak, **Steve Eder**, Jim Drew and Mike Wilkinson won the 2006 Gerald Loeb Award, medium newspaper category, for investigating the state workers compensation system's questionable investments in rare coins. ■ The 2006 Casey Medal for project/series (circulation 75,000-200,000) went to **Aimee Edmondson** for “Born to Die,” a look at infant mortality in *The (Memphis, Tenn.) Commercial*

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

# IRE mentoring program fosters young talent

BY MARK KATCHES  
THE ORANGE COUNTY REGISTER

**M**ore young journalists than ever received mentoring at IRE's annual conference in Fort Worth, Texas. Journalists like Will Evans.

Evans, a 26-year-old reporter at the Center for Investigative Reporting in Berkley, Calif., was matched with Shawn McIntosh, deputy managing editor of *The Atlanta Journal-Constitution*.

Mentees and their mentors were encouraged to meet for lunch or drinks, or to just hang out in the hotel lobby at some point during the four-day conference.

Evans and McIntosh spent more than an hour at a Tex-Mex joint near the Renaissance Worthington Hotel, talking about journalism and stories that the young reporter is pursuing.

Evans left that lunch a big fan of the IRE mentoring program.

"It connects the mentors to the next generation and the mentees to the veterans," Evans said. "That has to be a good thing for those involved and for IRE as an organization."

IRE operated three mentoring programs at the June conference. Two of the programs were familiar to most conference attendees.

Young print journalists and students were matched with experienced investigative reporters and editors for one-on-one sessions. The Poynter Institute's Al Tompkins returned to coach broadcasters seeking input on their videos.

This year, a third program was added to give extra attention to IRE's 14 minority, small-news organization and international fellows. They were matched with IRE members who agreed to devote more time coaching throughout the year.

The fellows and their mentors will be expected to touch base every couple of months. The matches were carefully made. Broadcast fellows, for example, were paired whenever possible with mentors from sister stations.

"The mentor program opened a door to experiences I could not have had attending the conference for the first time on my own," said Adrienne M. Augustus, a minority fellow from Fox station WGHP-High Point, N.C.

She was paired with Paul Adrian, an

investigative reporter and former IRE board member from KDFW-Dallas.

"Paul introduced me to several professionals who were eager to share their experiences and give me much needed advice," Augustus said.

A total of 53 students, young journalists and fellows participated in the traditional print and fellowship mentoring programs. Add the 53 mentors and you get 106 journalists involved – roughly one out of eight conference attendees. That represents a 60 percent increase over last year.

Tompkins said he coached about 10 journalists in Fort Worth. It was the fourth time Poynter had provided one-on-one sessions at the conference. Tompkins said the response was enthusiastic.

"Many people say it is the most direct feedback they have gotten on their work," he said. "Investigative reporters are so busy making deadlines that they don't take or have the time to sit back and really think deeply about what worked and what could have worked better in their investigation and storytelling."

Ellen Gabler, a reporter at the *Minneapolis/St. Paul Business Journal*, said the mentoring program is a source of inspiration. She signed up for a mentor each of the last two years. Gabler was matched this time with Maud Beelman, projects editor at *The Dallas Morning News*.

"It's a great opportunity for young journalists to learn from rock star/experienced journalists," said Gabler, who also remains in contact with her mentor from last year, Mary Fricker of *The (Santa Rosa, Calif.) Press Democrat*. "The people volunteering to be mentors seem genuinely interested in the young people they are offering to meet with. That's important."

IRE plans to send formal surveys to participants to seek more feedback.

*Mark Katches is an IRE board member and The Orange County Register's senior team leader for investigations, state and county coverage.*

IRE Staff Photo



Deborah Shelton of the *St. Louis Post-Dispatch* speaks with David Boardman, *Seattle Times* executive editor and IRE board member, at the networking breakfast for 2006 IRE Conference fellows. As a minority fellow, Shelton was matched with a mentor who can provide coaching and advice throughout the next year.

## Ideas and tips for using computer-assisted reporting in your work.

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

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

**To subscribe, go to [www.ire.org/store/periodicals.html](http://www.ire.org/store/periodicals.html) or call 573-882-2772.**

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



# Eclectic story collection highlights editor's book

BY STEVE WEINBERG  
THE IRE JOURNAL

There's no doubt that David Remnick is one of the most talented reporters and editors of the past 25 years. His talents first became evident in *The Washington Post* newsroom and in his work as the newspaper's Moscow correspondent. In 1992, Remnick moved to *The New Yorker*, where he wrote full time for six years until becoming editor-in-chief. Because great reporters and writers need to report and write like other people need to breathe, Remnick has published far more pieces since 1998 than the typical editor-in-chief of an influential national magazine.

When it comes to investigative reporting, Remnick, circa 2006, is best known as an enabler. From his perch atop *The New Yorker* magazine newsroom, he parcels out assignments to Seymour Hersh and other talented, even fabled, seekers of truth. But Remnick is a superb reporter himself, with a special gift for crafting in-depth investigative and explanatory pieces that lodge in the brains of readers.

An earlier book, "The Devil Problem: and Other True Stories," (Vintage Books, paperback) contains some of Remnick's best features. This new collection includes 23 features divided into five categories: U.S. politics (Al Gore, Tony Blair, Katharine Graham, Hurricane Katrina); controversial, famous novelists (Philip Roth, Don DeLillo, Vaclav Havel, Aleksandr Solzhenitsyn); Russia; the Israeli-Arab conflict; and boxing. That might seem like an overly eclectic mix to some readers, but it is a mix that works well.

If the inclusion of boxing features seems unlikely, there is an explanation. While at the *Post*, Remnick ended up writing about sports for a while. Since more senior reporters covered the prestigious beats of professional football, basketball and baseball, Remnick found himself on the margins.

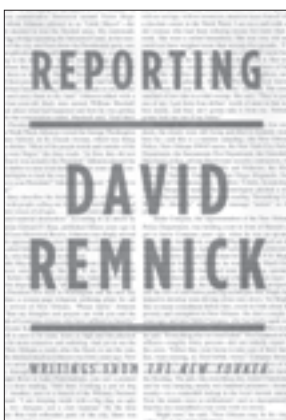
"I covered a fledgling, now deceased, football team called the Federals and, because no one

longer cared, the three-quarters-dead world of boxing," he writes.

Still, Remnick discovered that covering boxing allowed him to make searing insights into human nature, as well as report news stories about corruption. That's why he continued writing about the subject for *The New Yorker*.

When assigned to the Moscow bureau, Remnick knew almost as little about the former Soviet Union as he had known about boxing. "I was sent abroad with the firm understanding that there had not been more volunteers – it is cold in Russia, and the food is heavy – and that I was, in a two-person bureau, the number two," he says.

A quick study, Remnick became a superb foreign correspondent. In his book, Remnick writes about the era after he left his post in the former Soviet Union. A profile of Vladimir Putin, published three years ago, is especially noteworthy for its insight.



**REPORTING: Writings From The New Yorker**  
By David Remnick  
Knopf, 483 pages, \$27.95

## Journalistic felony

As an overseas correspondent, Remnick understood how critical it was to learn how to separate rumor from reality.

"Rumors of apocalypse in Moscow were a constant," he says. "If you took them all seriously, you'd go out of your mind."

But 12 hours after leaving his post and returning to the United States, Remnick was in New York City, and "watched [on television] a column of tanks rumbling past our [Moscow] apartment building. The coup had begun. The next morning I took a flight back to Sheremetyevo Airport, and then sheepishly hitched a ride to the barricades, where the anti-coup protesters were already feeling confident enough to be sticking long-stemmed carnations into the barrels of the Army's machine guns."

The author notes that "flying away from the scene of a crime is a journalistic felony that can be forgiven with time only if you remind yourself

that even the most observant can see only hints of a large event as it is happening."

He cites George Orwell's sometimes narrow coverage of the Spanish Civil War because getting into the field of battle everywhere at once was impossible. Orwell, Remnick writes, "could record the feel of his war – the cold, the rain, the filth, the lack of fuel, the lice, what it was like to be shot at, and what it was like to look down the barrel of your own rifle at another human being and fire."

In other words, the big picture had to be filled in later, Remnick says.

Remnick attempts to find the big picture in his features, noting that stories "attempt to see someone up close, if only for a moment in time: Aleksandr Solzhenitsyn as he packed his bags to return to Russia, Vaclav Havel as he prepared to end his magical career as president and leave Prague Castle."

The author is smart enough to know that he does not nail every character perfectly. His subjects tend toward elusiveness: "They are figures in the public arena, people who are in the midst of a crisis, passing out of one, or anticipating one on the horizon... They had reputations to protect, public and private agendas to consider, sometimes even a machinery of public relations to keep reporters at bay. The hope, as well as the vanity, is that eventually even public figures will let down their guard, they will be themselves, they will cross the line. Generally speaking, they do what they can to make sure that does not happen."

## Captivating profiles

Remnick frequently succeeds in persuading public figures to let down their guard. That is especially poignant in the Al Gore profile, captured at Gore's home during 2004, four years after losing the presidential election.

"At home in Nashville, [Gore's] phone barely rang," Remnick writes. "There were no advance people at the door, no aides at his shoulder." He adds other details: "Gore has made an effort not to brood on the sidelines. Instead, he used words like 'liberated' and 'free' with a determined conviction to describe his inner condition."

Each piece included is worth reading, not only for the reporting but for the story structure and the language use. It is a captivating book from beginning to end. The final feature story about the decline of boxer Mike Tyson, once known for his ferociousness, shows Remnick's talent for getting to the heart of the story.

"I don't have it in me anymore," Tyson tells Remnick. "I can't even kill the bugs in my house."

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

# AIR SAFETY

## Database reveals reasons behind increasing air ambulance crashes

BY ALAN LEVIN  
USA TODAY

There's no substitute for precision on a big project.

Late last year, *USA Today* set out to learn more about why air ambulance flights were crashing at an alarming rate. A quick review of the clips revealed several fatal crashes had killed patients. The number of crashes was climbing.

Our guts told us we had a good story. But you can't attribute major findings to gut instinct.

That started several months of searching for hard data that eventually led us to create our own database of crashes. Along the way, we occasionally cursed the archaic ways of aviation regulation and record keeping, which sometimes can make data retrieval very awkward. But in the end, we had a roadmap laying out the worst crashes and the major safety shortfalls. Our data was more complete than anything the government had compiled.

### More crashes

Since the Vietnam War, air ambulances have gradually become commonplace. Every major metro area has a steady stream of helicopters landing on the roofs of major trauma centers, bringing the most severely injured patients to the best facilities.

In recent years, air ambulances have helped rural areas cope with major changes in the health care system. As more and more small rural hospitals shut down, helicopters have become increasingly important. For millions of Americans, the only quick way to an emergency room is by air.

But the trajectory of the air ambulance industry has not always been a smooth one.

During the 1980s, the number of air ambulance flights surged, but, in the race to provide more service, safety standards suffered. From 1985 through 1988, there were 15 fatal air ambulance helicopter crashes, compared to only seven in the previous four-year period.

The National Transportation Safety Board attributed the spike in crashes and deaths to carelessness that had crept into overstressed operations and to inadequate federal oversight. The crashes fell rapidly under the glare of attention from investigators and federal aviation regulators.

As we began our reporting last November, we suspected that many of the same dynamics had crept into the industry over the past few years. However, the NTSB was just beginning its own review of the crashes and had not issued any findings, so we started our own data collection from scratch.

As a general rule, the NTSB keeps one of the cleanest databases in government. (As the former database editor at *The Hartford Courant*, I've seen dozens of them. As many of you know, they're often poorly constructed and riddled with typos.) Because the agency has no regulatory power and relies solely on the bully pulpit, it is also unusually generous with its public records.

But when it comes to niches such as the air ambulance world, the database can be difficult to work with.

All air ambulance accidents that met the NTSB's statutory requirements (in order to be recorded, an accident must meet a test for factors such as fatalities, serious injuries or significant damage to the aircraft) were in its

database. But there is nothing in the data to flag these flights; they are simply listed under a broad category of charter flights.

(Though it hasn't been formally announced, we understand the NTSB is planning to modify its data to make it easier to identify crashes involving medical flights.)

We did our best to collect lists of the accidents from a variety of sources. NTSB provided us with a spreadsheet of accidents after 1995, and we combed reports and other sources.

Paul Overberg, *USA Today's* database guru, helped design the database and created a data entry form in Access. We then set our able intern, Marie Skelton, loose on the NTSB's database. The web version of the database ([www.nts.gov/nts/query.asp](http://www.nts.gov/nts/query.asp)) includes a fairly robust search function that allows broad text searches. She began plugging in words like "nurse," "ambulance," and "hospital" to look for cases we had missed.

To be as thorough as possible, we also entered into our database the accidents involving medical flights on planes, in addition to helicopters.

Working one or two days a week, Skelton finished in about two months. I don't recall the exact number, but this crude-but-effective manual search found a handful of accidents that others had missed.

At our conclusion, we had 279 accidents from 1978 to the early months of 2005.

It turned out that finding the crashes was the relatively easy part of the job. Next, I had to audit Skelton's work, which was extremely clean, and categorize all of the accidents.

The NTSB provides detailed information about the cause of each accident. But that information comes in the form of a fairly lengthy string of text, and over the years the agency has used different formats.

Here's a typical cause finding: "The failure of the pilot to maintain rotor rpm and his inadequate recovery from a bounced landing. Factors contributing to the accident included the tailwind condition and the tree."

We needed to boil this down to key components, namely the pilot's error, in order to know what patterns were behind the crashes. How important were errors by pilots versus mechanical failures? Were crashes occurring in bad weather? At night?

### Strong findings

In order to identify whether these broad types of issues were leading to crashes, we read every single NTSB cause finding. I then added numerous additional fields into our database for every conceivable

## REQUIRED READING For Your Newsroom

### Covering Aviation Safety

An Investigator's Guide, by Marie Tessier

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## Data available

The National Transportation and Safety Board's aviation accident database, updated monthly, can be downloaded in Microsoft Access 95 format, along with a documentation file about the data, at <ftp://www.nts.gov/avdata>. Find IRE and NICAR aviation resources at [www.ire.org/inthenews\\_archive/aviation.html](http://www.ire.org/inthenews_archive/aviation.html).



type of accident, from pilot error and mechanical failure to factors such as the time of day.

I went through each record twice to ensure consistency and accuracy. Later on, I met with a statistician at the Federal Aviation Administration to compare our database with one that he, too, had compiled from NTSB data. Our databases were created for slightly different purposes, but it helped to make certain we had not missed any accidents or included cases that didn't belong.

I also went through the data and made sure we had accurate counts of the dead. In particular, we needed to know how many patients had died on flights.

It wasn't pretty, but I hand-entered crash totals and various pieces of information into an Excel spreadsheet. That allowed us to help visualize some of the trends. For example, it quickly became obvious that poor visibility from bad weather and flying at night frequently contributed to crashes.

We were far from the first news organization to notice that air ambulance flights were crashing at alarming rates, but the painstaking collection of data and my editors' patience allowed us to write about the problem with authority.

Even though the NTSB had not yet issued its own findings about the growing number of air ambulance accidents, we were able to reach strong findings on our own. Here are two of our main conclusions:

- "Industry safeguards are so lax that pilots have repeatedly caused accidents by knowingly flying into bad weather, failing to check weather conditions or otherwise violating federal or company regulations. In at least 17 cases since 1995, pilots crashed after flouting fundamental flight rules."
- "About two-thirds of fatal air ambulance crashes occur in poor visibility, the newspaper's analysis shows. Even so, pilots are not required to have special training about what to do when they encounter fog, snow or darkness."

The information on these crashes was available for anyone to see, but no one had bothered to consolidate it the way we did.

The data also helped us identify the most egregious crashes. The narratives of these accidents were horrific and helped make the story readable.

We wish we could have determined the rate at which air ambulance flights were crashing. The raw number of crashes was the highest in history, but the industry has grown considerably in the past decade. Unfortunately, neither government nor industry collected the number of flights or hours of flight.

Of course, the data was only one of the elements we relied on to report the story. Sources helped us identify patterns of problems and pointed us to documents that highlighted the shortfalls of regulators. We spent just as much time using traditional reporting techniques as we did doing computer analysis.

But without our computer analysis, the story would not have been half as good.

*Alan Levin covers aviation safety and regulatory issues for USA Today.*

## "Executive privilege" used by more federal agencies to withhold information

By WENDELL COCHRAN AND CORAL DAVENPORT  
For THE IRE JOURNAL

Dush administration policies have led key federal agencies to reduce the amount of information they release under the Freedom of Information Act, a new study shows.

"The marching orders are now: If there's a basis to withhold, do it," said Elizabeth Withnell, chief counsel at the Department of Homeland Security's Privacy Office.

Agencies apparently are acting on those orders.

The American University analysis of annual FOIA reports from 13 Cabinet-level departments for 1998-2004 shows that, between 2000 and 2004, the number of fully granted FOIA requests fell by 27 percent.

In particular, agencies are relying more heavily on executive privilege claims to argue against releasing data and documents to the press and the public. Between 2000 and 2004, use of such claims to withhold information nearly doubled and, in one case, more than tripled.

The federal Freedom of Information Act, passed in 1966, presumes that federal records generally will be available to the public. But Congress gave agencies nine broad exemptions they can use to withhold records from the public, including the press.

Open-government advocates and analysts say agencies now use creative interpretations of the FOIA exemptions to conceal as much information as possible. They say the new study's findings on the use of exemptions to withhold information reinforce the image of an administration out to increase secrecy and broaden executive power.

For example, in November 2001, the military unilaterally decided to remove nearly all proper names from documents it releases, citing a FOIA exemption meant to protect employees' privacy. Between 2000

and 2005, the Defense Department's use of that reason to withhold information jumped 42 percent. Department of Defense FOIA officers say this claim is meant to protect employee safety.

But open-government advocates say it's been abused in the withholding of information ranging from names of key decision-makers to photos of the flag-draped coffins of soldiers killed in Iraq.

"They're taking a legitimate exemption and turning it on its head," said Christopher Farrell, director of investigations and research at Judicial Watch, a conservative government watchdog group that regularly uses FOIA to request government documents.

"The Department of Defense is the most outrageous, novel application of [the FOIA privacy exemption]," Farrell said. "We have reams of paper where every proper name is knocked off. That exemption talks about personnel records and medical files, and other similar files. It doesn't say you can't use any proper names. The reason why it doesn't follow the letter or spirit of FOIA is, they're attempting to conceal who's making decisions on stuff; who's approving things."

Judicial Watch is one of several groups that have had to resort to lawsuits to force the government to turn over public records requested under FOIA.

### Discouraging disclosure

These developments are all part of a greater sea change of weakening FOIA and withholding information, say other experts.

"There's a historic, tectonic shift backwards in terms of transparency and openness of government, and in terms of implementing the Freedom

CONTINUED ON PAGE 10 >

### FOI in the field

*Despite the increased government efforts to deny FOI requests or to delay responses to those requests, the authors in this issue of The IRE Journal again demonstrate that using the FOIA and other open records laws still can be of great use. For example, military and police records were requested and used by journalists in our "Military Maneuvers" package beginning on page 14. On page 28, open records requests led to obtaining more than 100 state audits of private preschool centers. And, even though it's not always easy to get records, there are ways to get the answers needed as shown with the story on page 32 about school bus driver criminal convictions.*

*Wendell Cochran is journalism director at American University and an IRE board member; Coral Davenport is a journalism graduate student at American.*



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## FOI report

CONTINUED FROM PAGE 9

of Information federal law,” said Charles Lewis, president of The Fund for Independence in Journalism and founder of the Center for Public Integrity, a watchdog group.

Administration officials contend that government restructuring, a surge in the number of government documents produced, and the necessity for secrecy surrounding the conflicts in Iraq and Afghanistan account for the need to withhold more information from the public.

On October 12, 2001, then-Attorney General John Ashcroft issued a memo to federal agencies that was interpreted as saying it would strongly support them if they withheld more information requested under FOIA. Ashcroft recommended that departments wishing to withhold information cite a FOIA exemption allowing public records to be withheld if the documents contained inter- or intra-agency communication. The exemption is meant to allow government policy-makers to keep secret some communication connected to forming policy, allowing for more candid discussion.

The memo effectively reversed a 1993 memo from Clinton’s Attorney General Janet Reno, which was seen as promoting disclosure whenever possible. The Ashcroft memo was followed up by a March 21, 2002, memo from former White House Chief of Staff Andrew Card, which was also viewed as discouraging disclosure.

FOIA statistics in the following years bear out this new attitude towards access. In 2000, the federal government fully granted 54 percent of FOIA requests. By 2004, that went down to 44 percent – even though there were fewer requests that year. Meanwhile, use of the “executive privilege” exemptions to withhold information surged. Between 2000 and 2004, use of the three executive privilege exemptions mentioned in the Ashcroft and Card memos rose 235 percent, 83 percent and 78 percent.

Daniel Metcalfe, director of the Justice Department’s Office of Information and Privacy, defended the new policy. “Any increase in the use of exemption two [the ‘executive privilege’ exemption whose use jumped 235 percent] in such recent years must be viewed in light of increased sensitivity of information in a post 9/11 context,” he said. Metcalfe’s office oversees all Freedom of Information activity.

Surprisingly, withholding information on the grounds that releasing it would threaten national security has gone down, despite the Sept. 11 attacks and wars in Iraq and Afghanistan. In 1998, the national security exemption only accounted for 2 percent of FOIA denials; by 2000 it rose to 3 percent, but by 2003 and 2004 it accounted for an even smaller sliver – 1 percent – of total FOIA denials.

Experts say the government relies more on the “executive privilege” exemptions because they are easier to interpret, unlike the national security exemption, which requires strict criteria for its use.

“The ‘pre-decisional’ exemptions are much more open to interpretation, unlike the national security defense, which has very specific requirements,” said Christopher Farrell of Judicial Watch.

“The threshold for these pre-decisional exemptions, where they say they don’t have to reveal their own internal deliberations, is much lower,” Farrell said.

Lucy Dalglish, executive director of the Reporters’ Committee for Freedom of the Press, noted, “They’re using exemption five [involving inter- and intra-agency memos] much more often because they don’t want you to know what they’re saying to each other.”

### FOIA neglect

Some members of Congress say they are concerned that government workings are becoming too opaque.

“The process for obtaining government information is overly burdensome, and federal agencies have become less and less responsive. This deters citizens from seeking information to which they are entitled,” said Rep. Lamar Smith, (R-Texas).

Smith, along with senators John Cornyn (R-Texas) and Patrick Leahy (D-Vt.), introduced the OPEN Government Act, which would create an agency charged with reviewing FOIA requests and appeals – something that is essential, open-government advocates say. Under current law, appeals of denied requests are sent back to the agency for review. Smith, Cornyn, Leahy and Rep. Brad Sherman (D-Calif.) also sponsored the Faster FOIA Act, aimed at examining and speeding delayed or stalled FOIA requests.

In December, after years of pushing policies that critics from both sides of the aisle claimed have reduced government transparency, President Bush signed an executive order that the administration said would speed FOIA requests. The order requires each government agency to create FOIA-request service centers and gives agencies one month to appoint head FOIA officials to oversee Freedom of Information requests.

But lawmakers and open-government advocates said the executive order, while a small step in the right direction, does nothing to reverse the Bush White House’s key policies against disclosing information.

Smith said the order doesn’t go far enough. “The President’s executive order is a good first step, but it falls short of the reforms that are necessary to fix the enormous problems caused by years of neglect of FOIA requests.”

# BRAIN SCANS

## Tobacco, food companies join forces to understand consumer addictions

BY PATRICIA CALLAHAN  
CHICAGO TRIBUNE

For decades, America's largest food company and biggest cigarette company have likened themselves to distant siblings, giants that just happened to be owned by the same parent company.

We decided to test that premise by using the online cache of millions of documents made public through tobacco lawsuits.

We found that scientists at Kraft Foods Inc. and Philip Morris USA have pooled their expertise in order to make more alluring foods and cigarettes since the dawn of their corporate pairing two decades ago.

Specifically, documents show that Kraft collaborated on flavor issues with some of the same Philip Morris brain researchers who probed what gives cigarettes their kick. The two companies, now controlled by Altria Group, discussed investing jointly in brain scans to study how the brain processes tastes and smells. One 1998 memo suggested that Kraft, Philip Morris and Miller Brewing – all corporate siblings at the time – collaborate on foods and drinks “engineered to influence” a customer’s mood or sense of fullness.

### Ingredient tinkering

The story began with a cookie.

We were looking for a way to make the well-worn topic of obesity accessible to readers. The challenge was that the story of this American epidemic had no obvious central characters. For millions of overweight adults and children, however, the struggle with obesity often assumes concrete shapes and names: Coca-Cola, Big Mac, M&M's, Oreo, to name just a few.

After a brainstorming session led by James O'Shea, our managing editor, we decided to investigate the evolution of one product: the Oreo, the world's best-selling cookie. In a three-part series titled “The Oreo, Obesity and Us,” Jeremy Manier, Delroy Alexander and I gave readers a look inside Kraft's brain research, its intricate methods of marketing to children and the science that underlies the company's ingredient tinkering.

To understand the marketing machinery and research underpinning the Oreo, we scoured thousands of pages of internal company documents, scientific studies, dissertations by Kraft researchers, government lobbying records, congressional testimony, lawsuits and filings with the United States Securities and Exchange Commission. We

interviewed hundreds of people across the U.S., including brain researchers, policymakers, health activists and current and former employees – from factory workers to CEOs – of Kraft and Nabisco.

We gave readers a taste of the research ties between Kraft and Philip Morris in our Oreo series and delved deeper in a follow-up story that was not anchored to the iconic cookie. George Papajohn, associate managing editor for projects, and his deputy, Flynn McRoberts, shepherded the reporting and edited the stories with guidance from O'Shea.

We revealed Kraft's interest in a wave of new research suggesting that some foods can have addictive qualities. Though not publicized, such work has built a broad consensus among neuroscientists that many of the brain areas that respond to cocaine also play a role in how the body registers the pleasure of sugary and fatty foods.

Kraft had in-house expertise in the area. James Andrade, a research executive, received his doctorate in neuroscience at Howard University studying how opiate-blocking drugs affect obese rats that overindulge. The company also turned to at least one outside expert. Princeton University psychologist Bart Hoebel said that about four years ago he presented to Kraft scientists his research suggesting that sugar can have addictive properties.

Documents made public in tobacco lawsuits revealed that Philip Morris for years studied the brain's reward system. This begged the question: Did Kraft scientists and their counterparts at corporate sibling Philip Morris collaborate?

We started at [www.pmdocs.com](http://www.pmdocs.com), the online repository of documents Philip Morris turned over to settle tobacco litigation. As a food company, Kraft was not compelled to release any documents on its research ties with Philip Morris. But records found in the files of tobacco employees provided a tantalizing glimpse at the interplay between food scientists and tobacco scientists.

The good news – and the bad news – is that there are more than three million documents on the Philip Morris site alone. The search engine is extraordinarily clunky. Search for “Kraft” on [www.pmdocs.com](http://www.pmdocs.com), and you'll get more than 25,000 results, the overwhelming majority of them irrelevant to our central question. Sometimes Kraft documents are indexed under “Kraft,” and sometimes they're not.

Each document is stamped with a unique number. By entering that document number in the search engine on [www.tobaccodocuments.org](http://www.tobaccodocuments.org), we were able to find related documents. This was especially helpful in tracing e-mail traffic and finding more complete versions of documents missing pages on the Philip Morris site.

Anyone researching this area now has an advantage we didn't. As of March, the Legacy Tobacco Documents Library ([legacy.library.ucsf.edu](http://legacy.library.ucsf.edu)) converted the bulk of its collection to searchable PDF files. The earlier versions posted online were image-only files, which don't allow text-based searches – a huge job when some of the documents are hundreds of pages long.

The best way to find records is to search using names of scientists. From our reporting we knew the identities of key researchers at Kraft and Philip Morris. For instance, we looked for every document in which Andrade, the Kraft neuroscientist, was mentioned.

Likewise, we read many documents involving Frank Gullotta, a former top Philip Morris researcher who supervised brain tests at a secret Philip Morris lab in Germany. Those tests, which involved hooking electrodes to smokers' scalps, measured how much nicotine was needed to trigger a feeling of “impact” – a sensation that helps explain why cigarettes are addictive. Gullotta's work is cited in a U.S. Department of Justice fraud suit against the tobacco-makers as evidence that Philip Morris knew more about the addictive nature of cigarettes than the company told the public.

Gullotta, who listed himself as a consultant to Kraft in a 1992 memo, was a driving force behind cross-company efforts to figure out how people perceive the tastes and smells of foods and cigarettes. On a visit to Kraft labs in 1991, Gullotta and Kraft neuroscientists discussed how to study nerve impulses using rats or human subjects. At Kraft's General Foods coffee division in New York, he consulted with researchers on how people perceive the smell of coffee and lectured about his work on how the brain processes flavor.

Philip Morris has released few documents since 2001, making it difficult to determine whether, or how, the cigarette-maker and Kraft have collaborated in recent years. But the documents available show that some of Kraft's current top scientists cooperated with their tobacco counterparts.

Specifically, a 1997 planning memo proposed investing in “neuroimaging,” or brain scans, and research on sensory neuroreceptors, which are sites on brain cells that process smells and tastes. A key member of that synergy group: Jean Spence, now Kraft's research chief. The 1998 memo suggesting collaboration on foods and drinks “engineered to influence” a customer's mood or sense of fullness bore the initials of Jane V. Leland, currently a senior Kraft scientist. Neuroscientist Andrade is a top Kraft research official in Asia.

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# FREELANCE FUNDS

## Outside consulting work of college profs examined through disclosure forms, data

BY MATT REED  
FLORIDA TODAY

Your news organization has probably quoted them many times, from press releases, the witness stand or local government meetings.

University professors are peddling their studied opinions like never before as cash- and prestige-hungry campuses push faculty into more grant-producing activities and public service.

We found that state university professors in Florida work as consultants, expert witnesses and researchers-for-hire every day, earning thousands in fees to shape life with their know-how and reputations.

Their science influences local policies in countless ways: school reading lessons, hurricane rebuilding plans, proposed gun legislation and the health of U.S. space programs. Their economic-impact reports serve as lobbying tools for special interests looking to defend costly government programs or to fight legislation – such as water conservation or billboard restrictions – that could hurt profits, records show.

One Florida State University professor, working on the side as a lawyer, won \$2 million from the legislature for a Brevard County man wrongly imprisoned for 22 years. Another law professor from the University of Florida represented NASCAR driver Dale Earnhardt's widow in a court battle to seal government autopsy photos from the public.

Aside from their official work, roughly one out of four professors has a side job as a consultant or other specialist. Tenured business professors already earning \$80,000-\$90,000 per year at FSU can expect to earn and keep an extra \$12,000-\$15,000 in fees from moonlighting.

Such work in fields outside medicine and engineering has gone uncharted, the *Florida Today* examination found.

So even as state universities bemoan their tight public budgets and meticulously track multimillion-dollar science and medical grants, they pay scant attention to the hours their professors spend freelancing off campus or using college computers, labs and graduate assistants for consulting work.

"It's part of how you serve your profession and keep your edge," said Janie Fouke, UF's provost and second-ranking administrator in charge of academics. Professors who consult off campus bring practical experience back to the classroom, she said.

But for newspaper readers and TV audiences far from campus, it's hard to tell the difference between pure academic research and a politically expedient consulting job – or something in between. And, as our project revealed, it's as important as ever for

people to think critically about the science that shapes their lives.

### Off-campus work

For our three-day series in April on "Professors for hire," we relied on three primary types of information:

- Little-known disclosure forms that all Florida university professors must file when they take on "outside activities." These are sometimes called conflict-of-interest forms. They're supposed to show the outside employer, the source and type of income, hours spent off campus and any university staff or equipment to be used.
- Databases of grant-funded or "sponsored" research at universities. Many ambitious research universities keep these now as a way to keep score in the race for grant dollars. These revealed the work professors do, and for whom, in their capacity as university employees.
- Online searches of news articles and scholarly papers using Nexis and Google's "scholar search" function. These helped us find cases where professors made news by shaping public policy, and Google Scholar yielded a number of original research papers.

I launched the investigation in 2003 by requesting the information I suspected would take longest to obtain and process: the professors' disclosure forms from the previous two academic years. Knowing I could be dealing with thousands of personnel records, I narrowed my target to Florida's two flagship research universities – the University of Florida (UF) and Florida State University (FSU) – and the nearby University of Central Florida (UCF) in Orlando.

Each campus responded differently. All three kept documents as hard copy in files in far-flung departmental offices. No one had ever analyzed them, I learned.

Within three months, Florida State's administrative offices gathered and shipped me a box of all FSU professors' forms, about 3,000 of them, with an invoice for \$479. UCF denied my request initially. But after nearly a year of follow-up letters and legal negotiations, their administrative offices released documents from all major departments – along with a bill for about \$1,500.

It took nearly two years of formal public-records requests and follow-up calls to finally obtain documents from the University of Florida. Ultimately, I succeeded by mailing a batch of requests to the deans of the school's biggest, most prestigious col-

leges, including law, agriculture, business and arts and sciences.

Starting in November, I scanned through the 6,000 pages of records and built a large master Excel file with a row for each professor. It was a tedious data-entry job that consumed much of my free time (i.e., hours not in news meetings), but it allowed me to absorb material and spot potential anecdotes as I went along.

The data revealed:

- Hours spent off campus. Faculty members who disclosed such work spent an average of about a morning or afternoon per week working on their other jobs, either on campus or out of town, records show. Professors at UF can spend up to a day per week consulting off campus while collecting a state paycheck. Dozens of UCF professors teach at competing local colleges.
- Slipshod reporting. One-quarter of professors' disclosures failed to name the outside employers, or they gave only vague answers such as "law firms," "various" or "miscellaneous."
- Variety of income. Nearly three-quarters of faculty received straightforward fees and expenses. Other forms of payment included company stock, book royalties, salaries for side jobs and speaking honoraria.
- Public resources used. On 27 percent of the outside jobs, professors said they planned to use their publicly owned university computers, offices and laboratories in work for other employers. The potential cost is unknown.

The deep spreadsheets of consulting and sponsored research also provided great leads that helped bring the subject home for our readers and Web audience.

For example, UCF grant data included numerous line items totaling \$429,000 for a biologist under contract with Brevard County. A few phone calls and a visit to the shore revealed that he was a sea-turtle biologist who controls whether a costly beach-rebuilding project can continue or must halt to protect turtle nesting. At stake are millions of dollars worth of residents' beachfront condominiums left perilously close to the water by recent hurricanes.

The consulting records also revealed a UF professor of urban planning who appears to earn an extra \$75,000-\$100,000 a year from Florida cities and counties by helping them calculate impact fees charged on new homes. The widely traveled professor has helped raise hundreds of millions of dollars to build schools, roads and parks. But he has also helped drive up the costs of new homes by as much as \$10,000 each.

The online searches also yielded some quirky anecdotes, including an FSU criminologist whose research on self-defense with firearms inspired a controversial bill by a state representative from Melbourne. The research showed that people who defend themselves with guns in crimes suffer fewer injuries than unarmed crime victims who don't defend themselves. The bill would force employers to let

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# PREDATORS

## Sex offenders working around kids at national food chain's restaurants

BY PHIL WILLIAMS  
WTVF-NASHVILLE

Few companies have targeted children as successfully as McDonald's, with its "Happy Meals" and other kid-friendly promotions.

By some accounts, 96 percent of American children recognize Ronald McDonald – second only to Santa Claus. The company boasts that its Ronald's PlayPlaces make it the world's largest playground operator. And its "My First Job" ad campaign touts its restaurants as a great place for young teens to get real-world work experience.

So what was a sex offender like Nicholas Aloyo doing working under the Golden Arches?

That was the question posed to us by an alert viewer. The answer eventually led the fast food giant to change its hiring practices. At the same time, it pulled advertising from our television station.

### Not an aberration

Aloyo had pleaded guilty to soliciting sex from a 15-year-old boy at a local mall. A pre-sentence investigation revealed a history of misconduct with children as young as 10. Evaluators rated him a "high risk" to commit new sex crimes, and the judge released him on the condition that he accept "no employment ... in contact with minors."

By the time we became aware of him, he was back in jail for possession of child pornography.

Yet despite Aloyo's listing on Tennessee's sex offender registry, our investigation discovered that a Nashville-area McDonald's franchisee had hired him after his first conviction. Managers even put him in charge of entertaining the kids on the restaurant's McFamily Nights, a former supervisor told us.

"They would allow Nicholas to be the one to be out in the lobby with the kids, set up the little bowling alley for the kids, sing on karaoke with the kids," said Scott Smyers, who himself was listed on the sex offender registry for statutory rape.

My colleagues, Bryan Staples and Kevin Wisniewski, and I accurately predicted that McDonald's aggressive public relations machine would dismiss Aloyo's hiring as an aberration. "The safety and well-being of our customers and employees is a top priority," the company said in a statement to us.

Anticipating such a response, we had expanded our investigation nationwide. Over a three-month period, we searched the handful of state sex offender registries that identify the offenders'

employers. Suspecting there had been incidents across the country that no one had pieced together, we searched news articles archived at [www.newslibrary.com](http://www.newslibrary.com). We also searched court records using the federal PACER system and other online services.

Our findings:

- Dozens of child molesters and other convicted sex offenders had listed McDonald's as their employer, but only in Alaska, Delaware, Indiana, Louisiana and New Mexico. The Tennessee Bureau of Investigation eventually revealed 46 sex offenders in our state alone who had been employed at McDonald's. Those numbers hinted at a potentially much larger national problem.
- Over the years, several convicted sex offenders had committed new crimes against McDonald's customers and young employees. In one Indiana case, news reports and court records revealed that a McDonald's franchisee hired a man who had brutally raped a teen girl. Once on the job, he assaulted a 16-year-old female co-worker. After serving a jail sentence, he returned to work at another nearby McDonald's.
- The Equal Employment Opportunity Commission had filed suits against at least three McDonald's franchisees across the country for failing to protect young workers from sexual harassment or, in some cases, outright sexual assaults.

Child safety advocate Jody Gorran expressed disgust over the findings of our investigation.

"The face of McDonald's is Ronald McDonald, not Mr. McPredator," Gorran noted.

### Hiring changes

Our investigation discovered that the root of the problem was the fast food chain's hiring policies – or, more accurately, the lack of them. While McDonald's said it did not "knowingly" hire sex offenders at its company-owned stores, it only performed background checks "as needed." (Critics noted that the need for background checks isn't usually obvious from just looking at an applicant.)

In addition, the corporation had no policy requiring its franchisees to do anything to screen out applicants who might pose a danger to children.

Perhaps no example was more telling than a New Jersey case in which a manager in a company-owned restaurant had molested several boys working at their first jobs. The corporation fired him, but a nearby franchisee hired him just six days later. After the man served a 90-day jail sentence, the

franchise owner sent him to corporate headquarters for the McDonald's University management-training program.

The mother of one of the New Jersey victims rejected McDonald's explanation that it has no say about whom its franchisees hire.

"They control how big the hamburger is, how much it weighs, the size of the bun – they can't control who they employ?" asked Abbie Sutherlin.

Around the country, the fallout was much more subdued than we had anticipated. Several journalists inquired about following up on our stories, but few did.

Still, McDonald's continued to insist there really wasn't much of a problem.

But because we had invited viewers to share any information that they might have, a tip led us to an even more troubling case and, consequently, to a change in McDonald's hiring practices.

That case involved Eddie Gene Saunders, who served 15 years in prison for sexually assaulting several children. His youngest victim was just six. State records showed that, time after time, Tennessee's parole board had refused to release him, citing his "desire to sexually abuse children." After serving out his sentence, he was still under court order to have "no unsupervised contact with children."

Despite his history, Saunders landed a job at McDonald's. (The company's standard job application asked if the job seeker had been convicted of a crime" during the past five years." Because he had been locked up for 15 years, Saunders accurately checked "no.")

At a corporate-owned restaurant, Saunders quickly moved into management. Even after he was busted for failing to register as a sex offender and served a 90-day jail sentence, he returned to work at a nearby McDonald's franchise store.

"Every night, he was with young children," former girlfriend Geraldine Coppage told us. "He worked as the manager so he managed the young children. There were a lot of teenagers working under him."

As we prepared our investigation, McDonald's pulled its advertising from the station – a stance that continues as of this writing, resulting in a substantial loss of revenue.

### Beefing up policies

The day that our follow-up aired, after some intense conversations with the company's corporate spokesman, the fast food giant announced it was beefing up its policies to protect customers and employees, including commitments to:

- Prohibit sex offenders from working at corporate-owned restaurants.
- Rewrite its standard job application – used by corporate and franchise restaurants – to require disclosure of any listing on any sex offender registry.

CONTINUED ON PAGE 30 >

NEWS OF AMERICAN MILITARY MOVEMENTS IN IRAQ AND AFGHANISTAN HIT THE HEADLINES DAILY, BUT WHAT GOES ON BEHIND THE SCENES CAN BE JUST AS IMPORTANT. JOURNALISTS ARE PROBING EVERYTHING FROM THE HEALTH AND WELFARE OF SOLDIERS TO WARTIME TREATMENT OF CIVILIANS TO THE COST OF A COFFEE POT. THOSE STORIES PROVIDE A COMPELLING PICTURE OF THE REAL ...

# Military Maneuvers

A black and white photograph showing the silhouette of a soldier standing with their back to the camera, scanning the horizon. The soldier is wearing a helmet and has their hands near their face, possibly using binoculars or a night vision device. The background is a bright, hazy sky with a low sun or moon, creating a strong silhouette effect. The soldier's figure is the central focus, positioned on the right side of the frame.

U.S. Army Spc. Alan Handy scans the horizon at the U.S.-Mexican border in San Luis, Ariz.. Handy and more than 200 soldiers are assigned to train and work with the U.S. Border Patrol in support of Operation Jump Start.



Issam Abdul Jabbar al-Hillali, his son Ali, and daughter Rudeinah in the gate of their apartment in Baghdad where two U.S. soldiers allegedly took personal property from them. Army records show the case was dismissed when the soldiers agreed to leave the military.

## WAR ZONE

### MILITARY RECORDS SHOW SOLDIERS WHO COMMIT CRIMES OFTEN GO FREE

BY RUSSELL CAROLLO  
AND  
LARRY KAPLOW

Long before the current wave of media interest in soldiers accused of crimes against Iraqis, the Army quietly convicted Sgt. Genaro Trevino and Pfc. Raymond L. Garrett of robbing an Iraqi shop owner at gunpoint after he allegedly sold them liquor.

Neither their convictions nor their sentences made headlines, but the case was among dozens we found during an eight-month examination of soldiers accused of crimes against Iraqis.

The two-part series "Justice At War" reported that dozens of soldiers had been accused of crimes against Iraqis since the first troops deployed to Iraq. But despite strong evidence and convictions in some cases, only a small percentage resulted in punishments nearing those routinely imposed for such crimes by civilian justice systems.

The story got started with a simple request for the Army's database of courts-martial, called the Army Court-Martial Management Information System (ACMIS). We had used the database for a project years earlier and, with the war in Iraq heating up, we decided to take another look at it. (The Air Force and the Navy, which includes the Marine Corps, did not release copies of comparable databases.)

In addition to the courts-martial database, we reviewed hundreds of documents from the Army Criminal Investigation Command [CID] and built

a small database from these files. By comparing the CID cases with the court-martial database, we were able to identify cases that were investigated but not prosecuted. In addition, we used a database that contained legal claims filed by Iraqis against the Army – the U.S. Army Claims Service database of tort claims – to identify allegations that were not investigated at all.

The case involving Trevino and Garrett was similar to others we came across. The two were charged with kidnapping and armed robbery after they allegedly forced the shop owner into a truck at gunpoint and drove him to an isolated desert area, where they took his wristwatch, Iraqi currency valued at about \$30 and some Iranian money.

"When I gave this money, I felt [a] strong hit on my neck, and then I never feel anything about me," the victim wrote in a statement to U.S. Army investigators, adding that he was knocked unconscious for half an hour after the beating.

The charges are felonies in virtually every jurisdiction in the United States, but the Army sent Trevino's case to its version of misdemeanor court, which found him guilty of armed robbery and sentenced him to five months' confinement. Garrett, who was convicted of armed robbery as well as assault and battery, was sentenced to one month of confinement. Each was

## QUICK LOOK

### Name of the series or story, and when it was published:

"Justice at War," Oct. 2-3, 2005

### How the story got started (tip, assignment, etc.):

Story got started by requesting the Army's court-martial database

### Length of time taken to report, write and edit the story:

Eight months

### Major type of documents used and if FOI requests were needed:

Army Court-Martial Management Information System database, Army Tort Claims Information System database, records from the Army Criminal Investigation Command, hospital records from Iraq, police records from Iraq, records from an Army 15-6 administrative investigation, divorce records, records of domestic violence complaints and restraining orders filed with state court in Hawaii, police records from several states, drivers license records from New York state, court records from Louisiana, hospital records from Tripler Army Medical Center in Hawaii. A number of FOIA requests and appeals filed. Attorneys used to pressure the Army to release the records.

### Major types of human sources used:

Iraqis who were victims and witnesses to crimes, an Iraqi doctor, a soldier's ex-spouse and an ex-girlfriend, parents of accused soldiers, parents of alleged crime victims, former and current military personnel, employees of human rights groups, attorneys, police officials and weapons experts.



Shaha Jawad Salah al-Jabouri, 42, had her left leg amputated after Sgt. Jeffrey Waruch opened fire on her and her daughters as they were weeding a bean field. The Army has reopened an investigation into the Feb. 18, 2004, shooting, which killed al-Jabouri's 13-year-old daughter Intesar. Al-Jabouri feeds her chickens at her home west of Hamija.

Family photo



Edward Richmond Jr. is serving a three-year sentence for manslaughter after being convicted in the Feb. 28, 2004, shooting of Muhamad Husain Kadir, who was shot while handcuffed near the village of Taal Al Jal in northern Iraq. This photo, provided by his family, was taken prior to the shooting.

“She was scared”

In a number of other cases, there was no evidence that thorough or timely criminal investigations were conducted. Other cases weren’t prosecuted, and still others resulted in dismissals, light jail sentences or no jail sentence at all.

An examination of the ACMIS database found that 226 soldiers were charged with offenses between the first deployments in March 2003 and Jan. 1, 2005. Of the 1,038 separate charges, fewer than one in 10 involved crimes against Iraqis. Virtually all of the rest, or more than 900

charges, involved crimes against other soldiers, property, drug or alcohol offenses, or violations of military rules.

The court-martial database has a field that identifies the victim by nationality, so we were able to compare cases involving soldiers accused of crimes against Iraqis with soldiers accused of crimes

found not guilty of kidnapping.

The minimum recommended sentence in Ohio for armed robbery is three years, and the median sentence imposed for all types of robbery in the United States – with or without the use of firearms – is five years.

Courtesy of Dayton Daily News



Sgt. Jeffrey Waruch was involved in two shootings in 10 days, including the fatal Feb. 18, 2004, shooting of a 13-year girl in a bean field. Waruch supervisor had tried to prevent him from being sent to Iraq, saying, “He was a cancer to my soldiers.”

involving other victims, including other soldiers. We found that charges involving Iraqi victims were three times more likely to be dismissed or withdrawn by the Army than cases in which the victims were soldiers or civilian military employees.

In one of the cases listed as dismissed or withdrawn, two American soldiers led Issam Abdul Jabbar al-Hillali into his apartment with a rifle barrel at his back, and forced the family to stand in a corner at gunpoint.

Al-Hillali’s daughter, 8-year-old Rudenah al-Hillali, began to cry. “She was scared,” said the father, adding that the soldiers refused to let him give Rudenah water.

Al-Hillali said Army Pfc. John N. Lee and Spec. Timothy I. Barron claimed to be Marines searching for weapons. But once inside his house, he said, they used a knife to pry open a briefcase filled with money and eventually stole \$2,000 in cash, silver and other valuables.

“I became very angry,” said al-Hillali. “They made my family sick.”

The soldiers were charged with two counts each of armed robbery, but their cases never went to trial. Although Army officials found some of the missing items in the soldiers’ possession and the soldiers admitted to robbing houses under the guise of looking for illegal weapons, the Army dismissed the charges. In exchange, Barron told the *Dayton Daily News*, both soldiers agreed to leave the military.

Questionable backgrounds

Cases that didn’t even appear in our records proved to be some of the most interesting.

For example, the case of 20-year-old Edward

Larry Kaplow | Cox News Service



Sahira Abdullah al-Izmerly holds a photo of her late husband Mohammed al-Izmerly, an Iraqi scientist who died while in U.S. custody at the Baghdad Airport on Jan. 31, 2004. The U.S. Army reopened an investigation more than a year after the death after an Iraqi forensic doctor determined that al-Izmerly died of “severe trauma.” The family also filed a civil claim alleging he died “as a result of being tortured.”



# Military Maneuvers

L. Richmond, Jr., who was convicted of voluntary manslaughter in the shooting death of an Iraqi cow herder, was well-documented. But in researching the Richmond case, we learned the chief witness against him, Sgt. Jeffrey D. Waruch, then 26, of Olean, N.Y., was accused of killing a 13-year-old Iraqi girl and wounding her mother and sister 10 days before the Richmond shooting.

Waruch claimed he shot at the family because he believed they were about to fire weapons at him. No weapons were found.

Several weeks after the Feb. 18, 2004, shooting, a legal review conducted by an Army major found that the 13-year-old girl and her brother were surrendering.

"The soldier's certainty that he was about to be fired upon was not reasonable," the April 9, 2004, review found. "There was no weapon. The soldier did not observe hostile intent. The engagement was not in accordance with the rules of engagement."

Waruch was never charged.

The Army did not conduct an official criminal investigation into the shooting of the three women until more than a year after the incident, following official requests for records from both the *Daily News* and Richmond's father.

Following publication of our series, Army investigators contacted reporters and asked them how they obtained the Army records, which the Army still has not released under FOIA. The investigators claimed they were unable to contact the alleged victims, so reporters, with the permission of the family, provided investigators with a cell phone number in Iraq.

Investigators waited weeks before they interviewed family members. Two family members were wounded in the attack, and others had witnessed it.

Days before those interviews started, Waruch avoided court-martial by leaving the service, but he still could be charged by the Department of Justice under the Military Extraterritorial Jurisdiction Act, enacted in 2000 and primarily designed to be used against government contractors and other civilians overseas.

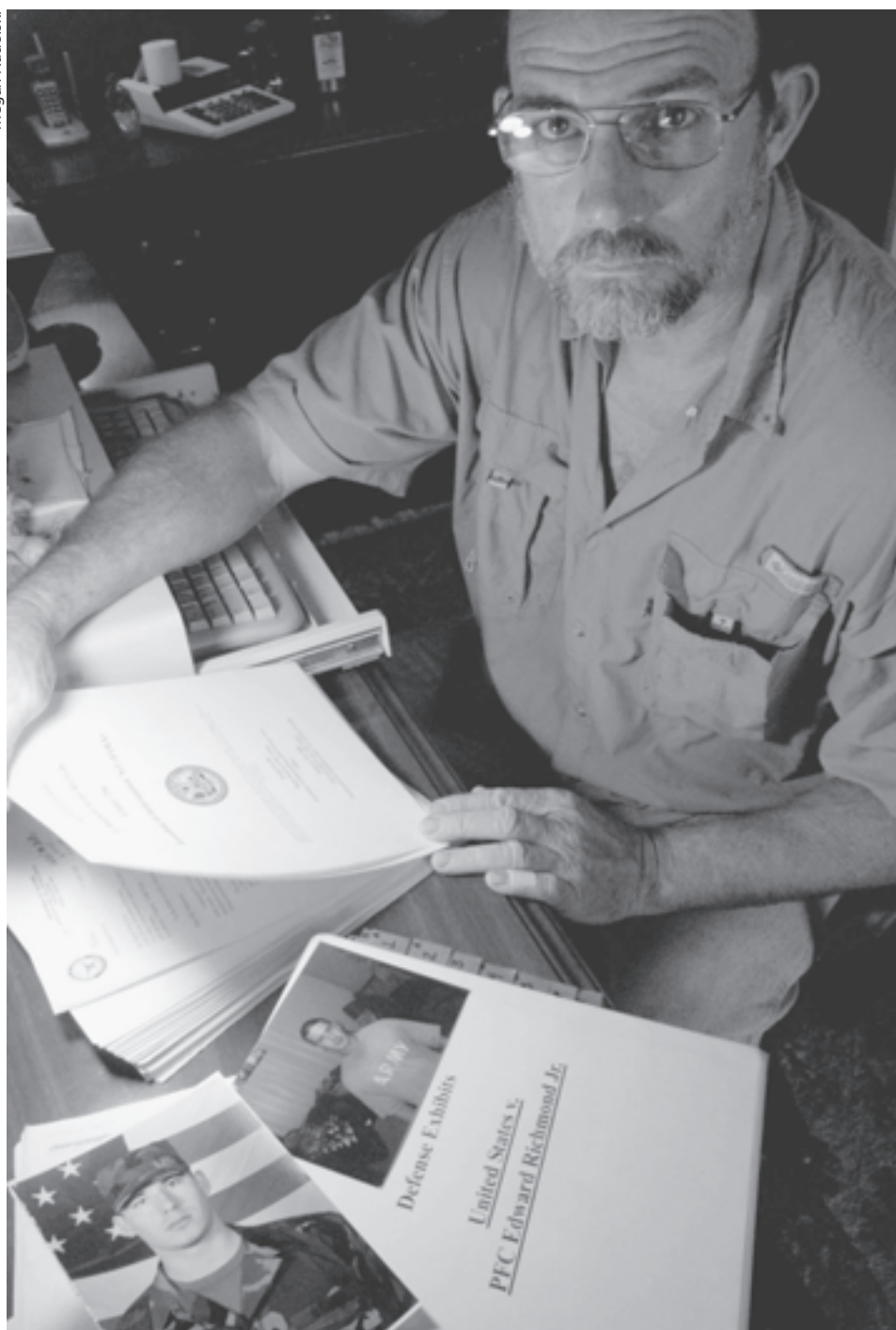
Prior to high-profile rape and murder charges filed in July 2006, legal experts could not recall the new law ever being used against a former soldier for crimes committed in another country while on active duty.

Much like Army private Steven Green, who was charged with rape and murder in July, Waruch came into the military with baggage.

In the months leading to his deployment, two women alleging domestic abuse obtained temporary restraining orders against him. Each order required him to surrender his firearms to civilian police.

"I believe because of the fear I can glimpse in her that he could be dangerous," a social worker at Tripler Army Medical Center in Hawaii said of Waruch in an August 2002 report.

Megan Nadolski



Edward Richmond sits in his office at his home in Gonzales, La. with photos of his 21-year-old son, Pfc. Edward L. Richmond Jr. and documents regarding his son's court-martial with the U.S. Army. Since his son's conviction in August of 2004, Richmond has put in many hours of research into his son's appeal. "I'm not gonna quit," said Richmond. "I've still got a lot of questions."

Waruch's Army supervisor said he tried unsuccessfully to prevent him from going to Iraq.

For other soldiers, too, Iraq was not the first place where they had been accused of crimes or found other forms of trouble. Reporters found that at least five soldiers with suspicious or criminal backgrounds were later accused of crimes in Iraq, and a sixth committed suicide.

Experts said these types of backgrounds likely

would have prevented them from holding jobs in civilian law enforcement. But the military sent them to Iraq, where they functioned as police officers.

*Russell Carollo is a former special projects reporter for the Dayton Daily News. He now works as a projects reporter for The Sacramento Bee. Larry Kaplow works for Cox News Service and is stationed in Baghdad.*



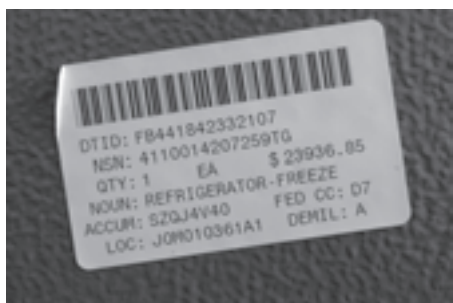
An investigation revealed that one of the Pentagon's prime vendors bought this fridge from a New York manufacturer for \$17,267, then sold it to the government for nearly \$33,000. In the past, the manufacturer sold the same units directly to the military for the lower price, even though it's not a prime vendor.

## PRIME VENDOR

### PROGRAM DESIGNED TO CUT COSTS FOR MILITARY FOUND TO BE MORE EXPENSIVE FOR TAXPAYERS

BY SETH BORENSTEIN AND LAUREN MARKOE

**M**ore than two years ago, Lauren Markoe, Washington reporter for *The State* (Columbia, S.C.), got a call from a reader who had a story idea about obscene overspending by a Pentagon agency that Markoe had never heard of. The man used a



lot of acronyms that only those very familiar with military purchases would understand, and said it had to do with food service equipment.

Markoe explained to the reader, Charles Jones, that she was on deadline and would get back to him. But this unusually persistent man called her back first, telling her that he had been working with U.S. Sen. Strom Thurmond and U.S. Rep. Floyd Spence, both Republicans from South Carolina, to change the wasteful "prime vendor" procurement program. Since both politicians had died, Jones couldn't convince anyone else in the South Carolina delegation to hear him out. He told Markoe the bureaucrats at the Defense Logistics Agency, who were running the prime vendor program, wouldn't return his calls.

## QUICK LOOK

### Name of the series or story, and when it was published:

The series was picked up by multiple Knight Ridder papers and wire service subscribers. The first story was published on Sunday, Oct. 23, 2005, with follow-ups during the next few months.

### How the story got started (tip, assignment, etc.):

Tip from a Pentagon contractor who had been trying for years to get the military to investigate this program.

### Length of time taken to report, write and edit the story:

Overall, two years. But months went by when almost no progress was made. Hurricane Katrina and elections in South Carolina were two big interruptions.

### Major type of documents used and if FOI requests were needed:

Private database that listed prices paid by the military for various items; invoices obtained from defense contractors. Markoe filed FOIA's but was told by the military that the agency's online databases could provide what she needed. They did not.

### Major types of human sources used:

Defense contractors

The prime vendor program had been touted as a model procurement system by the military for a decade. Instead of calling around for the best price, a supply officer could one-stop shop with a pre-approved prime vendor. These "primes," Jones said, could charge whatever they liked. Jones showed Markoe a few price comparisons. If his data were correct, Markoe knew, then this was another \$600 hammer story. Jones' best example of abuse? A \$33,000 airplane refrigerator.

Still, it took five phone conversations before Markoe was convinced that Jones was more than just a businessman who lost out when a new government program began purchasing more from his competitors. In fact, the problem went far beyond food service equipment. Prime vendors supplied nearly everything to the military that wasn't a weapon — bolts, syringes, refrigerators, Bibles, computers, etc.

It was a good story, but Markoe was short on time. Also, as *The State's* lone reporter in Washington, she lacked viable data. While Jones had reams of evidence gathered by his 26 employees

during the previous six years, his methods weren't scientific.

As she worked the vendor story amid daily deadlines, Markoe told Jim Asher, Knight Ridder Washington bureau investigative editor, that she wished she could devote more time to the story. Asher brought on board Seth Borenstein, the bureau's environmental reporter with computer-assisted reporting experience and a record of exposing government waste from Iraq to hurricane-struck Louisiana.

## A large snapshot

Borenstein suggested they construct a database that could prove that prime vendors consistently charged much higher prices than "non-primes." The reporters decided to focus on food service equipment, which required comparing prices on millions of items as opposed to billions of items.

Using data from Bidlink, a private, fee-based source of defense contract information ([www.bidlink.net](http://www.bidlink.net)), Borenstein devised a formula and taught Markoe how to crunch the numbers using Excel. As the numbers began to pan out, editors granted Markoe two weeks to work on the story without the pressure of daily deadlines.

Borenstein looked at five prime vendors' recent sales to the Defense Logistics Agency and came up with a profile of what they sold and for how much. The next job was to compare the prices that taxpayers paid within a 10-year timespan, 1996-2005.

First, he took the specific stock codes, called NSNs, for each item sold by the prime vendors. That ensured that everything the reporters compared were not just similar products but identical ones. If the same product was sold at least three times by prime and non-prime vendors, then it was considered a good comparison. They came up with a list of 122 individual items repeatedly purchased from both prime and non-prime vendors; the combined purchases totaled \$37 million in 2005 dollars. This was a snapshot of the overall purchases, but it was a large snapshot, nonetheless.

For each item, Markoe and Borenstein created an individual spreadsheet. Noting each purchase, the price and the vendor, the prices were all converted using the consumer price index into constant 2005 dollars so they could be accurately compared. The median prime and non-prime prices were calculated using those constant dollars, and then they were compared in order to see which type of vendor offered the best value.

Usually, they discovered, the non-prime vendor provided a better deal.

For example, for a specific type of microwave oven, (stock number 7310-01-026-0112), prime

Jill Richards | The State



Columbia, S.C., businessman Charles "Buddy" Jones made his living selling kitchen equipment to the federal government. After a story ran on the prime vendor program, he finally got the attention of Congress.

Erik Campos | The State



Marketing Corp. purchased several refrigerators at Ft. Jackson in Columbia, S.C., to see if they could be manufactured cheaper.



Charles Jones (left) and Rep. Walter Jones (R-N.C.) look at a refrigerator as an example of overpriced goods procured by the government for the U.S. military outside the House Armed Services Committee room on Capitol Hill last November.

vendors sold the Pentagon 1,282 microwaves through 125 different purchase orders with prices as high as \$138.60 in 2005 dollars. The median prime price, adjusted, was \$85.44.

Non-prime vendors sold 3,641 of the same microwave ovens through 13 different purchase orders, with a highest adjusted price of \$75.94. The median adjusted non-prime price was \$70.47 – nearly a \$15 difference. The nearly 1,300 microwaves sold at the higher prices actually cost taxpayers \$13,955 more than the larger non-prime orders.

Borenstein and Markoe – with help from intern Ely Portillo – took that final number, along with the median costs from prime vendors and non-prime vendors and quantities sold, and made a master spreadsheet that provided the backbone of the story. It enabled them to conclude that the prime vendor program cost 20 percent more, and in the case of these 122 stock items, that meant taxpayers paid \$1.2 million more than necessary.

It was important to show where the high mark-ups were taking place, so Borenstein and Markoe kept calling non-prime vendors to see if they would

talk. Finally, Borenstein found MGR Equipment Co. of Inwood, N.Y. They consistently had billed the Pentagon \$17,267 for each special 7-foot refrigerator-freezer for airplanes. But when the prime vendors sold the same item, the fridges cost the Pentagon much more. In contrast, Lankford Sysco of Pokomoke, Md., charged the government \$32,642.50 each for nine of the same units. MGR had the document showing that it had sold them to Lankford for \$17,267 apiece.

### Congressional hearings

These numbers, compared to the Pentagon's budget, look puny. The key was to go back to the smaller numbers, the items people could relate to, to drive the story home. That the Pentagon was paying \$20 for ice cube trays and \$81 for coffeemakers illustrated the problem better than any big numbers.

Shortly after publication of the story, the House Armed Services Committee held hearings on the prime vendor program. Members referred often to the Knight Ridder story, and called for the Pentagon to investigate the program further.

Jones trucked the overpriced refrigerator from South Carolina to Washington and carted it before the committee.

"That looks like it costs \$99.99 at Lowe's," noted Rep. Joe Wilson, R-S.C..

In early 2006, after both Markoe and Borenstein left Knight Ridder, the Defense Logistics Agency acknowledged that it had been overcharged for kitchen equipment under its prime vendor program and would seek new bids for more than \$800 million worth of purchases. The men in charge of the program were transferred. Further, the Defense Logistics Agency said it would ask the five prime vendors to return \$306,000 in overcharges for equipment such as refrigerators and coffee makers.

*Lauren Markoe went on maternity leave shortly after publication of the project for Knight Ridder Newspapers, and has subsequently left The State to freelance from her Washington, D.C., home. Seth Borenstein is now a national science writer for the Associated Press and is based in Washington, D.C.*



Ann and James Guy cry at the gravesite of their son, Bobby Guy, on the first anniversary of his death. On Bobby's birthday, December 29, Ann and Jim drove through pouring rain, trying to make the three-hour trip to Arlington National Cemetery. "I never thought I'd have to go to a cemetery to tell one of my children happy birthday," Ann Guy said.

# TROOP STRESS

## MENTAL HEALTH EFFORTS FOUND DEFICIENT; DATA SHOWS MORE SOLDIERS COMMIT SUICIDE

BY LISA CHEDEKEL AND MATTHEW KAUFFMAN  
THE HARTFORD COURANT

**B**y the start of the third year of the Iraq war, it was evident that the nation's fighting force was stretched thin. Troops were being sent back for multiple tours. Recruiters were lowering standards and breaking the rules.

We began to wonder what this meant for the mental fitness of combat forces. With pressure to maintain troop strength, was the military sending mentally troubled soldiers into combat? Were troops who developed mental problems amidst the horror of the war getting the treatment that the military claimed they were?

To assess the quality of mental health screening and treatment for troops in Iraq and Afghanistan, we scoured Department of Defense documents and data, and interviewed more than 100 mental health experts, service members, and relatives and friends of troops who committed suicide in the war zone. In May, we published a series of stories reporting that the nation was increasingly sending and recycling mentally troubled troops into combat and keeping them there, sometimes in violation of the military's own regulations.

Among our major findings: Despite a congressional order to assess the mental health of all deploying troops, fewer than one in 300 service members was seen by a mental-health professional at deployment — far fewer personnel than the military itself believes have serious mental health issues. We also reported

that the military was increasingly relying on psychotropic medications to keep service members in combat, often with minimal monitoring and counseling. And, we revealed that a growing number of troops suffering post-traumatic stress disorder were being sent back to the battlefield for second, third and fourth tours of duty, which increases the risk to their long-term mental health.

### Reaching out

From the outset, we planned to attack the story both anecdotally and statistically. To start, we analyzed suicides in the war zone — the same measure the Pentagon had used in declaring a mental health problem after a suicide spike in 2003, and the same measure it used in praising its own mental health efforts after the suicide rate dropped in 2004.

The military, however, does not identify soldiers who kill themselves; it offers only a running tally of confirmed suicides that is typically months out of date. But with access to online databases that include broad causes of death for all war fatalities, we were able to

Family photo



Jeffrey Henthorn is shown here in an undated photo with an Iraqi boy. He told family members when he was home on leave that he was tormented by memories of shoving a boy — about the same age as his own son — off a moving tank and watching his limp body slip under the track wheels. An investigation found soldiers with clear signs of mental distress were ignored, given drugs or sent back to the front lines.

## QUICK LOOK

**Name of the series or story, and when it was published:**  
"Mentally Unfit, Forced to Fight,"  
May 14-17

**How the story got started (tip, assignment, etc.):**

After reports that recruiting shortfalls were putting increased pressure on the military to maintain troop strength, we began looking into whether the military was sending or keeping troops in combat with mental health problems.

**Length of time taken to report, write and edit the story:**

Although some preliminary reporting took place more than a year before publication, the bulk of the reporting, writing and editing occurred in the six months before publication.

**Major type of documents used and if FOIA requests were needed:**

In addition to electronic data on pre-deployment screening and medication use, we filed FOIA requests for investigative reports into dozens of in-theater deaths we identified as likely suicides. We also reviewed congressional testimony, Defense Department regulations on mental-health policies, reports of military mental-health assessment teams and internal Defense Department memos.

**Major types of human sources used:**

After identifying likely suicides among service members in Iraq and Afghanistan, we located and spoke with scores of relatives and friends. We also spoke with active-duty service members, military experts and advocates, and mental-health experts.



Kay Henthorn, mother of Jeffrey Henthorn, holds a framed set of Jeffrey's medals. Army Spc. Jeffrey S. Henthorn 25, ended his life on February 8, 2005, at Camp Anaconda in Balad, Iraq. More than a year after his death, she still remembers the last time she saw Jeffrey – Christmas 2004, at Fort Riley, Kan., the day before he shipped out for his second Iraq tour. When she hugged him goodbye, he crumpled in her arms. "I don't want to go back," he sobbed. "I don't want to go."

identify likely suicide cases.

We started with all "non-hostile" deaths and removed those listed as vehicle accidents, helicopter crashes and illnesses. We then culled through news reports for additional details on the remaining deaths. Ultimately, after calling scores of families, we were able to identify nearly every suicide in Iraq and Afghanistan in the prior two years.

Finding and connecting with those families wasn't always easy and frequently required reaching out to uncles and grandparents, school librarians and ministers, old girlfriends and new platoon buddies to get unlisted phone numbers or make introductions for us.

And it required a soft touch to earn the trust of families, some of whom had never revealed – not even to other relatives – that their loved ones had taken their own lives. A very few families hung up on us and never talked. But many more opened up, even if reluctantly at first. For some parents, we became the only people they could talk to about the details of their children's death. Unexpectedly – but perhaps understandably – we found that while

many families were willing to talk, not all were willing to accept that their sons or daughters had committed suicide, even, in some cases, in the face of overwhelming evidence.

In addition to telephone and face-to-face interviews, we learned the details of other suicides through Freedom of Information Act requests for reports from the Criminal Investigative Command. Those reports included witness statements and some medical records and provided a valuable window into the actions of soldiers, superiors and military doctors before and after the suicides. The reports were slow in coming, but after some prodding and schmoozing we got a couple of fat envelopes in the mail.

The stories were heartbreaking. We learned about soldiers with long histories of mental illness who were sent into the war zone and lasted only a couple of months before taking their own lives. Others exhibited clear signs of mental distress and were ignored or given psychotropic drugs and put back on the front lines with the rifles they would later use to kill themselves.

One soldier was sent back to Iraq despite two prior suicidal episodes in the military. Two months into his second tour, he killed himself.

Another was diagnosed with anxiety and depression during his tour, and his Army psychiatrist recommended he be separated from the military. But he was kept in Iraq and shot himself in the head 10 days later.

Another soldier e-mailed a suicide note to his mother, but the note was dismissed as the actions of a malingeringer – until he killed himself three weeks later.

A depressed and medicated Marine who asked to talk to a chaplain "as soon as possible" was told he'd have to wait until the next morning. He didn't last that long.

Another Marine made a game of putting his gun to his head and pulling part-way on the trigger. He also told made-up stories about raping and killing Iraqi children and told of dreams in which he tried to kill his sergeant. That behavior never led to a mental-health evaluation, and he later put his rifle in his mouth and killed himself.



Ann Guy holds dogtags she wears every day around her neck. Her son, Bobby Guy, died April 21, 2005, from a self-inflicted gunshot to his head. An autopsy found unusually high levels of Zoloft in his bloodstream. A commanding general rejected a Marine investigator's report that concluded Guy was suffering from depression and that Zoloft likely played a role in his suicide, saying such findings were conjecture or were not supported by the facts.

## Screening data

We had dozens of strong anecdotes, any one of which could have carried a story. However, we also wanted to examine whether there was a broader, systemic breakdown affecting hundreds of thousands of soldiers, so we sought statistical information on mental-health screening and treatment during the war.

We requested aggregated data on the pre-deployment screening for nearly a million troops, based on responses to a questionnaire that all deploying soldiers fill out. It took some nudging, but we eventually got a spreadsheet with screening data, and the numbers squarely supported what our anecdotes suggested.

We learned that among soldiers who screened positive for possible mental problems, only 6.5 percent were referred to a mental-health professional before being deemed fit for duty. And despite assurances that mental health was a military priority, we learned that service members at risk for mental-health problems were deployed in greater numbers last year than in the first year of the war.

We had less luck with medication figures. Military leaders have maintained consistently that the Armed Forces do not track psychiatric drug use in the combat theater. We suspected that was not the case and filed an FOI request for prescription data aggregated by month. On the eve of publication, after 10 months of delays and battles, we received spreadsheets showing a small portion of the psychiatric medication prescribed in the war zone. The numbers suggested dramatic increases

in some medication use as the war went on, but the sample was small, and, ultimately, we chose not to rely on it.

Even with compelling stories and pre-deployment data, we knew mental health was a hot-button issue, and we didn't want to end up in a "he said, she said" fight over which mental ailments or which psychiatric drugs were incompatible with combat operations. So we turned instead to an unimpeachable source on the topic: the military itself.

Trudging through volumes of military directives, we discovered the armed forces were sending troops into combat with conditions that, under the military's own rules, would have disqualified recruits from service. And the military was doling out psychiatric medications under circumstances that the services themselves said were improper.

After a spate of suicides in the war zone in 2003, the military sought to improve mental health care in Iraq and Afghanistan and took credit when the suicide rate dropped in 2004. While we were reporting the story in 2005, the suicide rate among service members climbed to the highest rate of the war. We also discovered that several service members who killed themselves had served second, third, even fourth tours in Iraq, and we began pursuing a separate story on the redeployment of soldiers battling post-traumatic stress disorder.

We broke the story into three themes, looking at the quality of pre-deployment mental-health screening; the treatment of mentally ill troops in-theater; and the phenomenon of sending troops with PTSD back to the war zone for subsequent combat tours.

# Military Maneuvers

We previewed all three themes in a Sunday overview story and then wrote more focused stories for Monday, Tuesday and Wednesday. On Sunday and Tuesday, we included in-depth sidebar profiles of two soldiers who committed suicide.

All four days included work by photographer Mark Mirko, who traveled to Oklahoma, Pennsylvania, Maryland, Virginia and Washington, D.C., to capture images of key people in the stories.

In addition, videographer Alan Chaniewski produced nine video clips, which ran online, featuring quietly powerful interviews with family members of soldiers who committed suicide in Iraq or who were on the front lines and suffering combat-stress problems.

We had expected a mixed reaction at best, but the response from readers was overwhelmingly positive, including e-mails and phone calls from active-duty service members and veterans. The stories also attracted strong media interest. A version of the first-day story was translated into half-a-dozen languages and picked up or reported on by news outlets across the globe, including al Jazeera and Pravda (which ran a story under the eyebrow-raising headline "U.S. troops lose their morale, sanity in Iraq and live on antidepressants.")

Reaction was swift from politicians, with calls for government investigations and legislation. A month after publication, the Senate unanimously passed an amendment to the Defense Authorization Bill to expand mental-health screenings and care for U.S. troops deployed to combat. The bill requires the military to conduct a more thorough pre-deployment assessment, including a more complete mental-health history. It would also mandate that if symptoms of a mental problem are detected, the affected service member be referred for further evaluation to a qualified professional with experience in assessing mental health.

It also calls on the department to develop a plan to monitor deployed service members who are known to have mental-health problems or who are receiving psychotropic medications.

The legislation matched the themes of the stories, and in testifying in support of the bill, chief sponsors Barbara Boxer of California and Joseph Lieberman of Connecticut repeatedly cited the *Courant's* findings and recounted anecdotes from the series.

*Lisa Chedekel is a reporter on the investigative desk of The Hartford Courant, where she has worked since 1992. Matthew Kauffman also is a reporter on the investigative desk, where he has worked since 1986. In addition, he manages the newsroom's in-house databases and assists other writers on computer-assisted reporting stories.*

## QUICK LOOK

### Name of the series or story, and when it was published:

Special Report: Tripler Army Medical Center, Feb. 5, 6 and 7

### How the story got started (tip, assignment, etc.):

Two medical malpractice lawsuits prompted me to take a closer look at quality of care at the hospital

### Length of time taken to report, write and edit the story:

Roughly three months

### Major type of documents used and if FOI requests were needed:

Army Claims Service data and summaries of malpractice claims obtained via FOIA request; claim for damage, injury or death forms (Standard Form 95) filed by patients with the Claims Service, obtained from patients or their attorneys; financial data from the U.S. Attorney's Office on payouts for settlements and judgments stemming from malpractice lawsuits, obtained via FOIA requests; hospital quality reports by the Joint Commission on Accreditation of Healthcare Organizations, available online ([www.qualitycheck.org/consumer/searchQCR.aspx](http://www.qualitycheck.org/consumer/searchQCR.aspx)); also used court documents, autopsy reports and medical records.

### Major types of human sources used:

Patients, plaintiff attorneys, hospital quality experts, physicians, state medical licensing officials

# MALPRACTICE

## MILITARY HOSPITAL PLAGUED BY LAWSUITS AS PATIENTS CLAIM SUBSTANDARD CARE

BY ROB PEREZ

THE HONOLULU ADVERTISER

**M**oments after Izzy Peterson's birth last year, his pediatrician started giving him whiffs of what she thought was oxygen.

Unfortunately, it was carbon dioxide.

The physician administered the gas, thinking the infant needed a welcome-to-the-world boost to his breathing. She didn't realize she was slowly suffocating him instead. Someone at the hospital had connected the tiny gas mask to the wrong tank.

By the time the error was discovered, Izzy had inhaled the noxious gas for more than 40 minutes. At one point, his heart stopped, and he had to be revived. The infant suffered severe brain damage.

Izzy's parents sued the federal government, alleging that Tripler Army Medical Center, the military's premiere hospital in the Pacific Basin, was negligent in treating their son. The hospital later admitted liability, but at press time, damages had not been determined. Officials apologized to the Petersons and stated that immediate corrective action had been taken after the incident. The Department of Defense also has issued a military-wide alert advising its hospitals to take immediate steps to prevent similar mishaps.

Two months before Izzy was born, a Marine had accused the Oahu hospital of giving his pregnant wife an improper epidural during the delivery of

their son. The woman eventually died, and the infant suffered severe brain damage. Both resulted from complications stemming from the epidural and Tripler's negligent care, her family charged in a lawsuit.

The two cases prompted me to wonder: Were these isolated incidents or did they reflect a broader problem at a hospital considered one of the busiest in the military system?

Tripler, which has a coverage area that spans half the globe, has long had a reputation for inconsistent care, in part because of publicity about malpractice lawsuits over the years.

But was the institution as bad as some of its critics suggested? Did the perception match the reality? Or was Tripler suffering from a dated image born of horrific cases from long ago?

### No comment

I started searching for answers in malpractice data. I submitted a series of Freedom of Information Act requests to the Army Claims Service in Fort Meade, Md., seeking comparative data over the past 10 years for Tripler and the six other Army medical centers in the U.S.

For the Tripler data, I also asked for summaries of accusations from each claim. The summaries, which covered cases going back 20 years, provided some intriguing details. In one instance, the government paid \$13,000 to settle allegations that a nurse cut off part of a newborn's finger while removing an IV line from the finger. In another, a family was paid \$130,000 to settle charges that a patient needed corrective surgery to remove a sponge left behind during an earlier operation.

I also filed FOIA requests with the U.S. Attorney's Office, which defends military hospitals in malpractice lawsuits. A lawsuit can be filed only if a malpractice claim is unresolved at the administrative level after six months.

Before I got any data, I met with Tripler officials to get basic information on patient safety issues, quality of care measures and other information. I figured this would be the first of a series of interviews, which increasingly might become more antagonistic as I got more data and honed in on specifics.

But that first interview turned out to be my last. After the initial questioning, Tripler officials would respond only to written questions, and eventu-

Rich Ambo | Advertiser



Shalay Peterson weeps as she describes how her son, Islam, was injured at birth by Tripler Army Medical Center. Hospital officials apologized and later admitted liability in the case.



# Military Maneuvers

Jeff Widener



Tripler Army Medical Center, located on the south coast of Oahu, is billed as a premiere medical facility and teaching hospital serving half the globe.

ally that also stopped. The hospital's mainland headquarters also ceased responding to most of my inquiries. The lack of response became part of the story.

## Treatment history

The malpractice data and other statistics provided the framework for a three-part series, which was overseen by editors Mark Platte and Sandee Oshiro.

Among the findings:

- Over the past 10 years, Tripler patients (excluding active-duty personnel, who by law cannot pursue malpractice claims against the federal government) filed more claims and received more paid administrative settlements than patients at all but one of the other Army medical centers. The numbers of medical malpractice claims for Tripler increased from the previous 10-year period, indicating that malpractice allegations continued to dog the hospital.
- Malpractice cases rarely went to trial, but when they did, Tripler's care appeared tough to defend. The federal government lost five of the six trials over the past 10 years and 14 of 23 since 1985. In the 14 losses, a federal judge ruled that substandard care at Tripler contributed to a patient's death or injury and, in all but one case, awarded damages of at least \$100,000. The largest judgment awarded \$11.3 million to the family of a newborn baby who suffered brain damage because of negligent care.
- Malpractice lawsuits and administrative claims cost taxpayers more than \$32 million over the past decade and at least \$74 million since 1985.
- Although Tripler is fully accredited, quality ratings published by the Joint Commission on Accreditation of Healthcare Organizations were unimpressive. Tripler did not excel in any of the three broad categories reviewed. And for three consecutive monitoring periods, Tripler scored a negative rating for treatment of heart-failure

patients, a track record one expert called significant.

Tripler defended its overall quality by noting that it was certified and accredited "in every way" by outside organizations. Yet despite a FOIA request, the hospital wouldn't provide access to internal and external evaluations that Tripler officials said verified the institution's outstanding treatment history.

While the statistics were critical to the series, individual cases such as baby Izzy's provided the most disturbing elements. I searched court

records and talked to plaintiffs' attorneys, local physicians and former and current patients to get recent cases.

One of the biggest hurdles was finding a member of the military who was harmed by questionable care at Tripler and was willing to talk about it on the record. I needed a case like that to illustrate the Feres Doctrine, which bars active-duty personnel from pursuing malpractice claims for injuries linked to their military service, even if the injury is due to a government worker's gross negligence.

The problem was that active-duty people feared retaliation if they spoke publicly about the issue. I found a way around that by finding the wife of a military man who agreed to talk about her husband's case.

Her husband, a French horn player for the Army, had his diaphragm partly paralyzed when a Tripler surgeon mistakenly severed some nerves during an operation to fix an acid reflux problem. As a result, the Army band member developed problems with digestion and shortness-of-breath. He could no longer play the French horn.

A verdict in one Tripler lawsuit was handed down while I was doing my reporting. A federal judge awarded a female patient about \$900,000, finding that inattention to the patient and inadequate supervision of the male nurse attending to her were factors in her sexual molestation as she lay in a hospital bed, going in and out of consciousness. The nurse previously pleaded guilty to sexual abuse.

Also, in response to my inquiries with the state about the medical license of the pediatrician who treated baby Izzy, the state is currently investigating the doctor regarding the newborn's care and a possible licensing violation. That probe is still pending.

The series generated numerous e-mails, letters and phone calls from readers, some criticizing me for tackling such a subject when the nation is at war.

One of the more interesting responses came from Tripler's commanding officer. She thanked the newspaper for doing the series, saying it provided a forum to expand discussion on patient safety.

*Rob Perez is a reporter for the Honolulu Advertiser. He has worked at newspapers in California, Florida, Hawaii and Guam.*

Family photo



Islam "Izzy" Peterson inhaled carbon dioxide for 40 minutes immediately after his birth. He suffered severe brain damage because his oxygen mask was connected to the wrong gas tank.

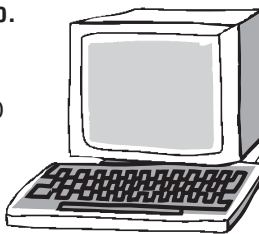
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— Josh Wilson, WFTV-Orlando

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# Resources for investigating the military

BY MEGAN MEANS  
THE IRE JOURNAL

If you're interested in more information on the armed forces, check out these sources available through the IRE Resource Center and the Internet:

## Data

- Federal procurement data collected by the General Services Administration allows a look at Department of Defense spending, impact on the local economy and connections to specific business interests. An online interface is located at [www.fpbs.gov](http://www.fpbs.gov). The NICAR Database Library also offers the raw data by fiscal year, or stay up-to-date in the current year with downloadable monthly updates. Archived materials date to 1979.

- Journalists have used the Army TORT II claims database to investigate claims made on behalf of, or against, the Army. The U.S. Army Claims Service is charged with investigating and bringing judgments or settlements to non-contractual claims, including medical malpractice issues. For more information, see [www.jagcnet.army.mil](http://www.jagcnet.army.mil).

- The Navy Aviation Safety Database records incidents ranging from minor scrapes to lost lives or aircraft, although publicly released versions remove items such as individual identifiers and case summary conclusions. For information or requests, contact the Navy Safety Center's FOIA office or see [www.safetycenter.navy.mil](http://www.safetycenter.navy.mil).

- To obtain a person's military service record or verify medals, discharge status, etc., request information from the National Military Service Center, a branch of the National Archives, in St. Louis. See [www.archives.gov/st-louis/military-personnel](http://www.archives.gov/st-louis/military-personnel) for general information. Note that the center only accepts Form 180 requests for military status information in writing (no e-mailed requests) and response time may vary from one week to more than a month.

- The federal Geospatial One-Stop (<http://gos2.geodata.gov>) offers shapefiles of U.S. military installations, among its many searchable subject areas, for use with geographic information systems software.

## Tipsheets

**No. 1939:** This 50-page collection covers Defense Department contacts, tips for covering Homeland Security and defense spending, Web sites and help contacting sources inside the military.

**No. 1857:** Use the invisible Web to dig deeper into topics like the war on terror and Iraqi war casualties.

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**No. 1850:** Find out what you need to know before tackling the Navy Aviation Safety Database, such as field names, examples of data analysis and tips for avoiding mistakes or misinterpretations.

**No. 2170:** Learn the difference between a 15-6 and a collateral investigation with this guide to internal military probes and the various documents and reports produced.

**No. 2519:** Walk through the process of using federal contracts data to investigate military spending and get hints on story ideas and additional information to fuel the investigation.

**No. 1663:** The International Consortium of Investigative Journalists suggests options for finding international contacts and overseas reporting assistance if you can't tap a foreign bureau through your news organization.

**No. 1855:** Review the basics about nuclear and radiological weapons, find expert sources and interest groups and pinpoint the federal agencies responsible for research and safety.

**No. 2345:** Advice on how to track Homeland Security funding by building a custom spreadsheet and using it successfully to guide a project without letting the numbers get in the way of the story.



Boot camp guards documented use of force 180 times during the past three years, the newspaper found, but only eight of those incidents involved violent behavior or threats by detainees.

# FATAL JUSTICE

## Investigation of teen offender's death leads to state juvenile justice reforms

BY CAROL MARBIN MILLER  
THE MIAMI HERALD

When officials with the Bay County, Fla., sheriff's office announced that a healthy, athletic 14-year-old boy had died unexpectedly of an apparent illness — only moments after what they described as a harmless “restraint” at their boot camp — we wanted to know more about the incident.

We started asking questions on Jan. 6, the day Martin Lee Anderson was removed from a life-support system at Pensacola's Sacred Heart Hospital, and the story turned into a six-month investigation that would lead to system-wide changes in Florida's long-troubled juvenile justice system.



Florida stopped funding boot camp-style juvenile centers after stories about the routine use of painful or unlawful physical discipline used to punish youths for acts as simple as smirking or speaking out of turn.

Our reporting also set in motion ongoing criminal and civil rights investigations into the youth's death, and forced prosecutors and law enforcement officers to re-examine an early finding that Anderson died of natural causes.

Relying on the Department of Juvenile Justice's own data, we initially reported that Florida's military-style youth camps were among the least effective youth programs in the state, yielding a 62 percent recidivism rate. We immediately requested all inspector general reports for the Panama City boot camp, revealing that in the two years before Anderson stopped breathing at the boot camp at least two other boys had claimed they'd been choked during a restraint.

The story of the teen's death gained national attention in February when *The Miami Herald* convinced two state lawmakers to describe what they saw on a grainy 30-40-minute videotape of Martin's last moments at the boot camp. The state representatives said Martin had been “brutally” beaten by guards and “flung around like a rag doll.”

### Brutal detail

Along with CNN, we sued in state court for the video's release, arguing that the tape became a public record the moment the two lawmakers viewed it. In making our case, we relied on an e-mail, obtained in a public records request, in which a Bay County prosecutor said release of the tape to anyone outside law enforcement would render the record public.

The video was released by the Florida Department of Law Enforcement under a settlement with the newspaper and CNN in February. After it was broadcast to a national audience, Florida officials acknowledged that something terrible had happened to the Panama City teen.

In the next several weeks, we requested a host of public records from the sheriff's office, which ran the boot camp; the state law enforcement and juvenile justice departments; and other agencies. The resulting stories shed additional light on Anderson's death and the alleged cover-up of the incident.

We reported that the boot camp guards are supposed to use physical force on detained youths only when they pose a threat to life or property or a risk of escape, and only then as a last resort.

Further, we reported that the Panama City boot camp's own use-of-force report disclosed, in brutal detail, exactly what happened to Anderson. The restraint report, written by the guards in their own words, detailed every force technique that was used and quoted the youth as insisting he “couldn't breathe” at one point during the episode.

### Torturing children

Perhaps our most ambitious reporting involved an examination of every use-of-force report generated by the Panama City camp since 2003. We obtained the reports from the sheriff's office under a public records request and entered important details

CONTINUED ON PAGE 32 >



The New Jersey Supreme Court mandated free early-childhood education programs for 3- and 4-year-olds in 31 of the state's poorest cities. Education research suggests that quality preschool can help disadvantaged kids overcome learning deficits.

# TIME OUT

## Official probe launched after problems exposed in taxpayer-funded preschools

BY JEAN RIMBACH  
THE (HACKENSACK, N.J.) RECORD

**G**odiva chocolates and motorcycle insurance. Gambling and cruises. Luxury cars and shrimp.

Expenses like these are what first caught our attention as we read audits of private day-care centers that New Jersey pays to provide preschool to disadvantaged children.

But we discovered those items were just one part of the waste the state apparently tolerated in the \$560 million-dollar-a-year program.

We learned that contracts were renewed year after year despite seemingly blatant evidence of mispending. We found a system that appeared to allow unscrupulous preschool operators to inflate costs and cheat employees to boost owners' profits. Worse, it appeared that nobody was being punished as many were allowed to walk away from the program and their debt to the state.

It took more than stacks of dense state audits to produce a hard-hitting expose on the preschool debacle. By the time we were done, Kathleen Carroll, our education writer, and I had spent more than four months researching the landmark New Jersey program, securing and reading thousands of pages

of documents, building spreadsheets and interviewing education officials, teachers, child advocates and preschool operators. We traipsed through empty buildings, reviewed property sales and even picked through garbage.

The keys were good organization at the outset and knowing when it was time to abandon documents for the information we could only get in the streets.

### Writing with authority

The series has its roots in an earlier effort by *The Record*. Two years ago, Leslie Brody, a senior writer, and I reported about misspending and lapses in quality in the preschool program. Since then, officials said they had toughened oversight and weeded out bad apples.

When Carroll and I went back for another look, we weren't sure what to expect. We did know that writing about preschool is important, for both the kids who stand to benefit from it and the taxpayers who support it. Researchers say intensive, high-quality preschool can help close the achievement gap between poor children and their wealthier neighbors, and more

and more cities and states are pumping money into such programs.

In New Jersey, preschool has an even greater significance. The state Supreme Court ordered free preschool for all 3- and 4-year-olds in its 31 poorest communities. Since 1999, more than \$2.5 billion has gone into the initiative — much of it to the hundreds of private day-care centers and community agencies recruited to meet the mandate.

It is one of the most ambitious — and costly — efforts in the country, with some \$14,000 spent per child for education and before- and after-school care.

Yet a certain amount of waste apparently was acceptable. How else to explain the new contract awarded a preschool owner who used state funds for a Caribbean time share? Or the fact that contracts were awarded to an agency so deeply in debt that it bounced 758 checks but could afford an executive director whose compensation package hit \$350,000?

We began by using the Open Public Records Act to obtain more than 100 state audits of the private centers. The reports were so dry and imprecise that we knew more reporting would be required.

As we read and conferred, patterns emerged: expenses that seemed more personal than educational, jacked-up rents, six-figure salaries and finances so bad checks bounced and insurance policies lapsed. A number of reports noted concerns serious enough to be referred to other state agencies — including the labor department and attorney general.

To organize it all, we built an Excel spreadsheet to track just over 100 preschools, filling nearly 30 columns of detailed information for each one. It may sound unwieldy, but it helped us draw conclusions and write with authority.

I'm convinced, too, that the spreadsheet helped us nail a story on preschool teachers being cheated out of pay and benefits that had been funded by the state. We could see that the practice was widespread and had data to back up what we were hearing in the field.

We zeroed in on individual preschools for our main story. Carroll took the lead on a teacher compensation piece, which was especially hard because staff feared they would lose their jobs if they spoke out. I focused on developing a separate story on lost opportunities for criminal prosecution. Some of the few cases that were referred to the state attorney general had simply been closed, including one case in which "questionable" costs included cruises, airfare, restaurants and motels.

To help paint a more complete picture, we expanded our document search to include daycare licensing files and IRS Form 990's that revealed salaries and funding at the nonprofits. The forms showed us how one woman's pay grew from less than \$50,000 to \$291,347. She gave us a tour of her day care, showing us classrooms that were filled with supplies she had refused to return when her contract was not renewed, and admitted the Mercedes SUV out front was a "company car." We turned to our state consumer affairs office for more information on the charities delivering preschool services, and

Tariq Zehawi | The Record



Despite evidence of mismanagement, the state gave program operators repeated chances to revise their books and account for state tax dollars. Some contracts are written so loosely that the state may not be able to force repayment.

we read budget guides and contracts to learn which loopholes were being exploited. But we continued to visit preschools to hone our reporting and didn't get lost in the paperwork.

### Getting results

The very documents that had helped us get started later slowed us down. We had to decipher vague language in the audits and fact-check potentially outdated conclusions. We also had to navigate the multiple state agencies and local school districts that had a hand in oversight. Further complicating our reporting was a dizzying array of funding streams.

We had to be wary of what we were told, too. Officials maintained, for example, that it was "good business judgment" not to go after money owed by preschool operators who left the program. Yet we found people with the means to pay their debt getting free passes. One man closed his center and sold the building for \$565,000 – but he still owed \$76,596 for things like Omaha Steaks and Godiva chocolates. Another didn't pay back some \$37,000, but we found him living in a luxury townhouse.

The state also told us supplies were routinely

CONTINUED ON PAGE 30 >

Tariq Zehawi | The Record



Public funds paid for the supplies in unused classrooms like this one. School administrators have resisted returning purchases after the state ends their preschool contracts.

## Preschool

CONTINUED FROM PAGE 29

returned when schools closed, but we found computers, books and more gathering dust in a long-abandoned center – all visible from the street. Nobody could tell us why they were left behind. Nor could officials explain why an agency that accepted duplicate state and federal funding for the same preschoolers received a new contract.

Our series got results. Four days before publication, the state attorney general’s office pledged to review all preschool cases, even those closed under a previous administration.

Two months after “Lessons in Waste” ran, three leaders of a defunct preschool were indicted for allegedly diverting more than \$200,000 in state funds for personal use. And more recently, a large social service agency spotlighted in the series lost its multi-million dollar contract to provide preschool. It had been operating despite reportedly disastrous financial audits and warnings that children were eating expired food in rodent-infested classrooms.

*Jean Rimbach is senior writer for The (Hackensack, N.J.) Record. The series can be viewed at [www.northjersey.com/lessonsinwaste](http://www.northjersey.com/lessonsinwaste).*

## Brain scans

CONTINUED FROM PAGE 11

### Claims denied

Kraft declined to answer specific questions about whether they conducted or funded research on the brain areas known to play a role in addiction or controlling hunger. The company would not discuss any of its brain research in detail.

In a written statement, Nancy Daigler, a Kraft spokesperson, said, “We do not conduct or fund any research aimed at creating dependency upon any of our products, or limiting consumers’ ability to control their eating behaviors.

“Nothing in the documents that you’ve called to our attention suggests otherwise about the past.”

Some public health advocates say more study is needed.

The collaboration on brain research “certainly sounds ominous,” said Lloyd Kolbe, an Indiana University health sciences professor who served on a federal panel that reported last year on the marketing of junk food to children. “We need to understand the nature of that relationship,” he said.

*Patricia Callahan is a staff reporter on the Chicago Tribune’s investigative team. Read the series and key documents at [www.chicagotribune.com/oreo](http://www.chicagotribune.com/oreo).*

## Sex offenders

CONTINUED FROM PAGE 13

- Conduct background checks on all restaurant managers at corporate stores, as well as check state sex offender registries on all other new hires.
- Check current employees to see if any of them have a history of child molestation or any other sex offense.

While still not imposing requirements on its franchisees, the company pledged to encourage them to adopt similar policies.

“McDonald’s USA and our franchisees are absolutely committed to the safety and well-being of our customers and employees,” a company statement said.

*Phil Williams, WTVF-Nashville’s chief investigative reporter, has received numerous national awards, including an IRE Medal. His McDonald’s investigation and the company’s statements can be viewed at [www.newschannel5.com](http://www.newschannel5.com).*

## Resources

The IRE Resource Center has a number of other stories looking at sexual predators, including:

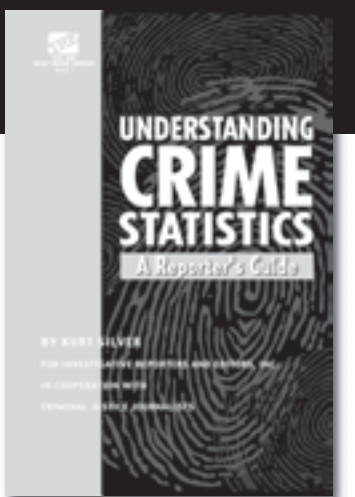
- **Story No. 22436:** This project focused on sexual abuse against minors by teachers and other school employees, Marisa Schultz, *The Detroit News* (2005).
- **Story No. 22253:** This investigation looks at a 1999 Colorado law intended to notify communities when sexually violent offenders move in. What they found was that, in six years, the state only identified two sexually violent predators out of 1,300. In addition to identifying which sexually violent predators were moving in, the law requires that the Colorado Department of Corrections evaluate the offenders before they leave the prison. Kirk Mitchell, Sean Kelly, *The Denver Post* (2005).
- **Story No. 21849:** KIRO-Seattle used mapping software to prove that more than 600 registered sex offenders in Washington state are living within one city block of a licensed daycare, a state law violation. The reporters found an entire household of pedophiles living two doors away from a daycare. The state knew of this situation, but kept it a secret. Chris Halsne, Bill Benson, David Weed (2004).

## REQUIRED READING For Your Newsroom

### Understanding Crime Statistics

A Reporter’s Guide, by Kurt Silver

Know the data and reports available to add perspective and authority to your crime reporting. Learn how to use the data and avoid common pitfalls while writing responsible crime statistics stories.



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Who's driving this bus? Arizona's privacy laws now restrict bus drivers' birth dates from public records requests, making reporters do more homework in order to identify drivers with criminal histories or multiple moving violations.

# PRIVACY RIGHTS

## Restricted personal records make checking school bus driver criminal convictions tougher

BY BRAD BRANAN  
TUCSON CITIZEN

Investigating school bus drivers is nothing new, but we found a new twist: restricted access to personal information because of identity theft. Still, we found there are ways to get the answers needed and believe our lessons can benefit other journalists interested in similar stories.

It all started after a second Tucson bus driver was charged with DUI last year. I filed record requests with several metro school districts and the state Department of Public Safety, asking for a list of bus drivers and their birth dates.

Because a lot of reporters have exposed school bus drivers with criminal records and multiple moving violations, I wasn't expecting to break new ground. Elliot Jaspin, founder of the National Institute for Computer-Assisted Reporting, reported the seminal version of the story almost 20 years ago at the *Providence* (R.I.) *Journal-Bulletin*. Philip Meyer helped

to make it a staple CAR project when he discussed Jaspin's work in the book "Precision Journalism."

But times have changed since those stories were originally done, and I found that the Arizona Department of Public Safety and the school district officials were only willing to provide me with driver names — no birth dates — which made checking driver records much more difficult.

Officials told me that the privacy rights of the drivers outweighed the public's right to know and cited a state Supreme Court decision that found a Phoenix television station couldn't have the birthdates of every teacher simply because it found one sex offender working as a teacher.

I decided to try to find numerous examples of school bus drivers with criminal records or multiple moving violations. Building a list of cases, I thought, might persuade officials to release information out of

a fear they would lose in court, or perhaps convince my newspaper's publisher to challenge some bad case law.

Though neither scenario played out, the thought kept me motivated during long and sometimes tedious hours of records research.

### Digging through records

I began by checking names in the bus driver database against those in a number of law enforcement and court databases. A lot of names matched, but I needed more information to make sure they were referring to the same person.

Since court records and traffic citations sometimes list the occupation of a defendant, I then searched through court files, hoping to find records that listed the defendant's job as school bus driver. I found quite a few.

Next, I matched a driver to a particular court case, then used the birth date in that file to check other traffic and criminal records possibly involving the driver. For example, Ruben Velasquez Alvarez racked up convictions for assault during his 26-year career as a Tucson bus driver. The behavior was related to alcohol abuse, a problem also on display when he received two DUIs, court records said.

Still more drivers with troubling records were discovered. A database of school bus accidents, obtained

CONTINUED ON PAGE 32 >

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## Bus drivers

CONTINUED FROM PAGE 31

through the Arizona Department of Public Safety, contained police report numbers. I used these to request accident reports that had birth dates, which helped me check other driving and criminal records.

These records helped me find out that some of Tucson's most accident-prone school bus drivers had criminal records or multiple moving violations. For example, in the two years before one driver was hired, she was charged with speeding three times, making an illegal turn, reckless driving and DUI. In her first year as a bus driver, she was involved in three accidents, yet continued to drive for the district.

My investigation also raised some serious questions about Arizona's system of certifying and licensing bus drivers. Specifically, until a couple of years ago when federal regulations were adopted, Arizona law didn't require removing a school bus driver's license for violations in a personal vehicle. Currently, a driver has to have two DUIs or other major offenses in a personal vehicle to lose a bus license.

Further, unless it was committed in a commercial vehicle, no crime automatically excludes someone from operating a school bus in Arizona. Federal regulations on school bus drivers only cover traffic offenses.

### Criminal records

Drivers with criminal records might not be suited to work on a bus, "the school's potentially most dangerous environment," said Kenneth Trump, president of National School Safety and Security Services, a Cleveland-based consulting firm that provides training on bus safety.

"We have to recognize that driving a bus is a very challenging job. You have to drive the vehicle while managing the behavior of 30 to 60 kids," he said. "Anything and everything can go on."

Bus drivers should be screened for criminal records after they're hired, Trump said. Most districts only conduct background checks before hiring a driver.

The head of the Department of Public Safety unit responsible for bus certification told me she was most concerned with crimes involving children, including domestic violence and child abuse. But I found a number of Tucson school bus drivers who had been convicted of those and similar crimes.

One Tucson school bus driver had twice been convicted of crimes involving her daughter; she was charged with punching her 8-year-old daughter. Child welfare officials removed the girl from her mother's home, but school officials regularly placed other children in her care as a bus driver.

*Brad Branan is the projects reporter at the Tucson Citizen. He previously worked as regional affairs reporter at the Arkansas Democrat-Gazette.*

## Fatal justice

CONTINUED FROM PAGE 27

of every record into an Excel spreadsheet. We wanted to know what behaviors by the boot camp's detainees resulted in physical force and what types of restraints were most common.

What we discovered was startling: with very few exceptions, the teenagers in the Bay County boot camp were being restrained with painful – and often banned – techniques for minor infractions such as smiling, smirking and shrugging. And it appeared that state juvenile justice officials were exercising virtually no oversight.

A psychology professor who had reviewed hundreds of mental health and juvenile justice facilities for several state and federal government agencies read all 180 reports for the newspaper. He described what he saw as "an administratively approved, systematic pattern of torturing children."

Finally, we obtained several hospital and paramedic records from the attorney representing Anderson's family. Using additional records such as the tape of the 911 call the day the youth died and e-mails and cell phone records obtained from the state, we decided to construct a detailed chronology of official actions following the teen's death.

In "Hidden Truth of Youth's Death at Camp," we exposed the "concerted effort to define Martin's death as a tragic but unforeseeable medical mishap" rather than a death at the hands of guards acting outside the scope of their authority.

The stories have had tremendous impact: The Legislature and Gov. Jeb Bush passed a law banning military-style youth camps and substituting instead other sheriff-operated camps that stress education, counseling and aftercare. All but one of the state's five juvenile boot camps have since been closed permanently, and the remaining camp will have to transform itself in order to receive state funding.

The Florida Department of Law Enforcement's chief was removed from the investigation into Anderson's death and later resigned. A special prosecutor from Tampa is still investigating the case, as is North Florida's top federal prosecutor.

As part of the state investigation, the special prosecutor ordered the exhumation of Anderson's body so an independent medical examiner could conduct a second autopsy. The new autopsy occurred after we quoted several experts saying they had doubts about the Bay County pathologist's conclusion that the teen died of complications from a usually benign blood disorder called sickle cell trait.

The new results: Anderson, the medical examiner said, suffocated after guards held his mouth shut and shoved ammonia capsules up his nose.

*Carol Marbin Miller covers Florida social service agencies for The Miami Herald.*



## Member news

CONTINUED FROM PAGE 5

*Appeal*. ■ *The Charleston (W.Va.) Gazette's* **Eric Eyre** won a Kaiser Family Foundation Media Fellowship to study the state's dental health policies. ■ Former *Defense News* reporter **Mike Fabey** now covers the Pentagon for *Aviation Week/Aerospace Daily*. ■ **Renee Ferguson**, investigative reporter at WMAQ-Chicago and IRE board member, was named a Nieman Fellow at Harvard University and will study the relationship between journalism and government during times of war. ■ **John M. Foster** is the new managing editor at the *Idaho Business Review* in his hometown of Boise. He was news editor of the *Rio Grande Sun* in Espanola, N.M. ■ State capital reporter **John Frank** recently left the *The (Charleston, S.C.) Post and Courier* for the *St. Petersburg (Fla.) Times*, where he covers cops and courts. ■ The *Rocky Mountain News* series "Early Exit: Denver's Graduation Gap," by **Burt Hubbard**, Nancy Mitchell, Holly Yettick and Jennifer Miller, won the 2006 Casey Medal for a project/series (circulation over 200,000). ■ The 2006 AltWeekly Award for investigative reporting, large circulation, honored **Nigel Jaquiss** of *Willamette Week* for exposing the corporate agenda behind the proposed sale of Portland General Electric, the state's largest utility. ■ **Daniel Lathrop** joined the *Seattle Post-Intelligencer* as a CAR reporter on the investigative team; he was database editor at The Center for Public Integrity. ■ **Nancy Cook Lauer** has established a new Honolulu bureau for Stephens Media Group, where she covers state government and courts for the chain, which owns daily newspapers in eight states. She formerly worked as state Capitol bureau chief for the *Tallahassee (Fla.) Democrat*. ■ Randy Ludlow of *The Columbus Dispatch* was named best reporter in Ohio (tie) in the annual Ohio Society of Professional Journalists awards. ■ *Jackson Free Press* reporter **Adam Lynch** received the top 2006 AltWeekly Award for short-form news story, small circulation category. ■ *The Texas Observer's* **Dave Mann**

won the 2006 AltWeekly Award for investigative reporting, small circulation category, for "Death in McAllen," a look at Texas nursing homes. ■ **Andrea McCarren**, investigative reporter at WJLA-TV, Washington, D.C., was named a Nieman Fellow at Harvard University and will study American adolescence and the impact of new technology on school violence and gang membership. ■ Freelance writer **Robin Mejia** of Santa Cruz, Calif., won the Livingston Award for Young Journalists, national reporting category, with "Reasonable Doubt: Can Crime Labs Be Trusted?," a CNN Presents documentary. ■ *Idaho Falls Post Register* Executive Editor **Dean Miller** and five colleagues shared the E.W. Scripps award for distinguished service to the First Amendment, for ongoing work on openness that led to the "Scouts' Honor" investigation of hidden files that revealed a series of pedophiles in the local Boy Scouts of America. ■ National Public Radio health editor **Joe Neel** was awarded a Kaiser Family Foundation Media Fellowship and will investigate counterfeit prescription drugs. ■ **Alan Prendergast**, *Denver Westword*, won the 2006 AltWeekly Award for short-form news story, large circulation. ■ **Mike Reilly** was promoted to managing editor of the *Omaha World-Herald* after three years as assistant managing editor. He joined the paper in 1990 and has edited most of the paper's investigative projects since 1996. ■ The *Los Angeles Times* named **Marilyn Thompson** national investigative editor, based in Washington, D.C. Thompson, who was selected as a judge in the 2006 IRE Awards, was editor and vice president of the *Lexington (Ky.) Herald-Leader*. ■ Investigative reporter **Kathy Times** and photographer John Thompson of WVTM-Birmingham, Ala., won a Southeast Regional Emmy Award for investigating police ticketing practices in "Law and Disorder." ■ **Scott Reeder**, bureau chief of the Small Newspaper Group in Springfield, Ill., won the 2006 Clark Mollenhoff Award for

Excellence in Investigative Reporting, awarded by the Institute on Political Journalism. His work in "The Hidden Costs of Tenure" relied on more than 1,500 Freedom of Information requests. ■ Journalist and author **Bruce Shapiro** is the new executive director of the Dart Center for Journalism and Trauma based at the University of Washington. Shapiro previously served as a consultant to the global network for improving media coverage of violence and conflict. ■ The *Austin Chronicle's* **Jordan Smith** earned first place in drug reporting, large circulation category, in the 2006 AltWeekly Awards from the Association of Alternative Newsweeklies for "Crackpot Crackdown." ■ **Amy Upshaw** of the (Little Rock) *Arkansas Democrat-Gazette* won a 2006 Casey Medal for her investigation of a girl's death and problems at a youth services center in "Teen Cried for Help, Got Little," in the single story category (75,000-200,000 circulation).

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## Freelance funds

CONTINUED FROM PAGE 12

workers keep guns in their cars at work – a proposal that alarmed even the most conservative business lobbyists in Tallahassee.

### Watchdog efforts

Making sense of all this for readers presented a writing and editing challenge. At *Florida Today*, a Gannett newspaper, we always push to make packages tighter and easier to read. And we're expected to produce special content for our Web site.

Reporter John McCarthy and I organized the print project as a three-day series with no installment more than one full page inside. All three mainbars came in at about 45 inches. To economize, we created quick-read graphics to convey findings we might have included in mainbar text or sidebars. My favorites were:

- "Eight to watch," a table that listed some key academics, briefly described their local impact and disclosed their financial backing.
- "A timeline of politically helpful research," an illustrated 10-year timeline of research paid for by special interests as diverse as strip clubs, golf courses and outdoor advertisers.

For the Web, we produced three videos of local residents giving their takes on academic research that could affect their homes, paychecks and personal safety.

Our only goal had been to help readers think more critically about research and public policy. And we received a healthy number of e-mails and letters to the editor.

We got a tip from an inspector general about grant fraud at universities. I spent an hour on local talk radio, answering callers' questions. And several gun-rights groups linked to one of our online videos showing a woman at a shooting range talking about the guns-at-work bill and the research behind it. That drew thousands of hits from across the country. In addition, a Canadian university requested to reprint the series on its faculty Web site as a primer on ethics and disclosure.

A final thought for IRE members: This project was a grind, but any of the components could lead to fine watchdog efforts elsewhere. Higher education writers should routinely analyze sponsored research databases for stories. Reporters can quickly check out professors quoted in press releases by requesting their disclosure forms and checking online for their resumes and past research papers. And statehouse correspondents can find some peculiar financial connections between economic-impact studies and lobbyists.

*Matt Reed is assistant managing editor for projects and public service at Florida Today in Melbourne, Fla.*

## 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:

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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

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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: Megan Means, meganm@ire.org, 573-884-2360

**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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