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P R O C E E D I N G S

(9:00 a.m.)

MR. JONES: Welcome back to the second aspect, phase, whatever, of our Goldsmith Awards celebration. This is a part of the process of the Goldsmith Awards that I think can be particularly interesting, because it is, of course, unscripted and it is a matter of bringing some very, very fine journalists together to talk about some serious issues, the serious issue in particular of investigative reporting, but that through the filter and the prism of where we are now.

I want to invite any of you who are finalists or winners to please join us at the table and we would welcome you.

The way we're going to do this this morning is it's going to be a conversation, and I'm nominally going to lead it, but I'm going to be not leading it in any kind of seriously structured way. I have some questions I want to ask, but I invite the people at the table to intervene to speak, to indicate that they want to make a comment at any time.

And we're also not going to wait until the end of the proceedings to invite people in the audience

to take part. If you have something you want to say in the course of the conversation, please go to the mic and identify yourselves. I would ask that you identify yourselves when you speak anyway, simply because we're recording this and we're trying to keep track of who's saying what. So if you would just very quickly say your name, that's all that will really be required.

Let's start with the realization that last night Sy Hersh made a speech that was not what I would call an uplifting one. It painted a very dark portrait actually of the state of journalism, the state of the world, and it was a sober speech for a sober moment.

I've asked Len Downie and Bob Kaiser to begin our conversation today, responding to what they heard Sy say last night and to give their own perspective on the state of journalism as Sy described it.

Len?

MR. DOWNIE: That's a huge plot of territory to cover, but several thoughts that come to mind. First of all, I think we would separate the general state of American journalism from what Sy was talking about in particular about this administration and its relationship to the media, which I'll come back

to in a minute.

The general state of American journalism as regarding investigative reporting I think is, on balance, good, actually. And you can see that from the finalists for Pulitzer Prizes and awards like this one over the last several years, where all categories including non-investigative categories theoretically, like beat reporting and so on, are dominated by really good investigative work all across the country.

Even a number of newspapers who are not otherwise doing the kinds of jobs they ought to be and are not as well financed as they ought to be by their owners, in terms of doing good journalism day in and day out, seem to fasten on investigative reporting as one way to make a splash, one way to look like better newspapers than they are. And I think that's actually encouraging about investigative reporting. I've not seen much discouragement of good investigative reporting these days across the country.

Is that a fad again? Are we in a kind of era of investigative reporting and they'll be turning against that later? I don't know. As the country becomes more conservative, for example, I just don't know. I think that actually is, on balance, a brighter

picture than I might have otherwise thought to paint about this time, because I'm so concerned about the diminution of resources in so many newsrooms that is hurting coverage otherwise.

In terms of Washington itself, Sy is right that this administration came to town better determined and better prepared to stay airtight than anyone we've seen in a long time, both Republican and Democratic administrations. There was a small group of people around Bush in Texas who had come with him to Washington. Particularly, Karen Hughes deserves a lot of credit or blame, depending on how you want to put it, for maintaining a lot of tight discipline in the first couple of years in office and dealing with the media, an absence of leaks, an absence of the kinds of arguments that rage usually within administrations that give the press ways into discussions inside the administration. For example, the Clinton administration was riven with dissent of various kinds and made it easier to report out what was going on there. That discipline was maintained very tightly for quite some time.

There is a sense that, as they've said to countries around the world, if you're not with us,

you're against us, in terms of their dealings with the press, without a doubt. They do try to punish reporters whom they don't like. Sy brought up Dana Millbank's name last night, he's very unpopular in this administration, they let us know that all the time. They're obviously trying to pressure us to move him off the beat. We won't do it.

MR. JONES: What do they do?

MR. DOWNIE: They complain about individual stories, mostly to editors that they know at the paper and they try to show --. For newspapers that have more than one White House reporter as we do, they try to show that they like one better than the other, which is unfortunate because Mike Allen is a very good reporter for us. For example, at the White House he's often the one they try to make into their good cop, which is unpleasant for Mike to be branded that way. And he works very hard to demonstrate that he's just as independent and tough as Dana Millbank is. But that's what they try to do, they try to divide and conquer.

This is not unusual. We saw it done by the Reagan administration, but in kind of a smoother way, they were syrupy. Bob Woodward being mentioned as a nice guy last night, the Bob Woodward technique was

one that was practiced by Dever and Jim Baker and others during the Reagan administration, whereas this administration uses more often the fist rather than the velvet glove hand.

However, I believe that change is coming about. Karen Hughes went back to Texas. There are the strains and pressures of things like the Iraq war. We're beginning to see some of the fissures and arguments going on within the administration that do give us a bit more of an opening. There are dissenters. Sy himself says he's got sources now inside the administration who are dissenters. And I think that is going to bring about some change.

MR. JONES: The other microphones are just for recording. So if you are speaking, try to speak up, but you're speaking to the room and you're not being amplified. I neglected to say that.

I wanted to ask about something that Sy said last night. He described a moment of fear, not associated with the publishing of the Pearl story, but the idea that Pearl would respond to a story that was embarrassing by accusing Sy Hersh of being a terrorist on television, suggests the kind of fist squarely in the nose response that is really kind of a shocking

thing. And it was calculated, I would think, to keep others from doing similar things. I think the *Post* was courageous in publishing Dana's piece the way it did. The *Times* has not done a piece like that and neither has the *L.A. Times*, as far as I know.

I guess my question is, do you think that there is effectively fear out there of what this administration will do in response to a significantly embarrassing story like Dana's story was and like Sy's was?

MR. DOWNIE: I think fear is too strong a word. I think that conjures up the Nixon administration and going after people's taxes. There was real fear reporters felt then during Watergate, especially a sense that maybe you were being followed, and that the instruments of government that were used normally for law enforcement might be used to coerce the press. We don't see that sort of thing going on here.

I think this is more typical, as Sy suggested last night, of being in the in crowd or not being in the in crowd in terms of the current information. I believe, in fact, that they overvalue certain kinds of access, and then when they think

they're cutting off that access there's a fear. Again I think that's too strong a word. It's about losing access, about not getting the interview with the president.

There was a round of interviews recently plus a press conference, *The Washington Post* wasn't included in any of those. That doesn't bother me. It doesn't worry me. We have our own ways of discovering what's going on inside the administration. So I think maybe they overvalue access as a tool, but it's not the sort of crude sort of thing we may seen in one or two previous administrations.

MR. JONES: Well, you guys have surveyed the media in a broader way. I mean, you know *The Washington Post* best, but your book is essentially a survey of all of the media, the news media I mean. How important is it that Sy has been labeled a terrorist by Daniel Pearl? Is Sy Hersh damaged by being named that or is he, I mean, who believes him, who doesn't? What do you think?

MR. KAISER: It's too late for further damage.

(Laughter)

MR. KAISER: It's a good question, really.

I'd like to make three observations about the Washington scene, which I think fill out maybe the portrait that Sy drew last night and answer your question, too.

As Len said, this is a disciplined administration, but I think there's something more fundamental going on. I've lived in Washington, I was born in Washington sixty years ago next month. I've been there all my life except for the years overseas. I've never seen a government and a political party, a political operation, as disciplined and well organized as we have now in the Republican party in Washington. It's not the National Republican party. It is the Washington Republican party. Tom Delay is its most important person and it's a very interesting phenomenon.

The House of Representatives behaves today as though the Republicans had a hundred-seat majority and they have a fourteen-seat majority, or whatever it is. But they get no meaningful dissent. They are really lined up. You could hear easily lots of moderate Republicans, so-called, not lots anymore, but those that exist will tell you over lunch that this is really rough and they don't know what to do. But they

do it, they go along.

And the result is that there is a really tough facade of unity and unanimity, which I believe is unprecedented. I think actually political commentary is now very confusing, if it posits that there's a Democratic party in America and a Republican party and they're more or less the same. One gets in, the other goes out, then they come back. It's not like that anymore. The Republicans are so much better financed, so much better disciplined, so much more ideologically homogenous than the Democrats that I think it's a very imbalanced situation. It doesn't mean the Democrats are doomed to be out forever, they certainly aren't. But they aren't the same animals anymore. They're quite as different as donkeys and elephants, indeed, and that probably deserves more attention.

That's part of what we're seeing. This Karl Rove and Karen Hughes are out of this school of disciplined politics. It isn't just discipline within the institution of the White House, it's the whole thing.

Second thought. Doing the kind of work that you reward with the Goldsmith Prize, and which all the journalists in this room love the most, is really

hard, and I don't think we pay enough attention in the profession to acknowledging how hard it is and encouraging people to do more of it. News values, which is one of the chapters in our book, have not improved in our business in the last generation. Len was diplomatic in talking about access and the things that the White House doles out that some people respond to. There's a lot of bad values via my standards going on in our business now, where people do care too much about getting the face time, getting the interview.

And the really hard work which Sy and Bob Woodward and the great investigative reporters have done over the years that's based on shoe leather, reading, thinking, cultivating difficult sources, that's really out of fashion. That is not something if you go around, as Len and I have done, to the journalism schools or talk to young journalists it's on the top of the list of desires and ambitions of a lot of young journalists in America.

And I think we need to recognize that what the scene in Washington needs now, the antidote to the situation Sy described last night, there is that kind of reporting. It's the Izzy Stone approach. It's actually, now wait a minute, what did those guys say

the last time they talked about this? What did they say two years ago? And really paying attention carefully to the record, the public record is often very rich, but also, of course, to cultivating the sources that an supplement the public record with the real skinny.

There are four, five, six bureaus in Washington that are promoting this kind of work and then there are the others who aren't. When's the last time a network news operation in Washington broke a big investigative story? They don't do it, they're just out of the business. This is serious and it ill serves the country and it ill serves our profession.

MR. DOWNIE: Can I add something?

MR. JONES: Sure.

MR. DOWNIE: One thing about Bob's good list that reminded me of one other factor. This is a polarized country. Bob is right in analyzing the two parties. The Republicans are much more disciplined than Democrats right now. But it's a very polarized country. The last election showed that by being essentially a tie. And the feelings are very high on both sides. The right came into ascendency in the Republican party essentially by being angry and

mobilizing angry people to take over that party. And you see the same thing now happening on the left, which actually gets less remarked in the media right now. But the left is just as angry about Clinton's impeachment and about the result of the election. And the feelings are very high on both sides.

And the argumentative part of the media, which we rage against in our book, are presenting argument as news mostly on television, particularly cable television, but network television as well, choosing to polarize everything. It means that some of the real backlash for the media is actually less important coming from, say, the administration or from politicians and coming from these organized groups.

So if you do tough investigative reporting about Democrats or about issues that are important to the left, you'll get a strong backlash from the left. Similarly, if you do tough investigative reporting of the Republicans or people on the right, you'll get a strong backlash from them. And I think this is also having an impact on the media. It's scaring people. The internet is one of the avenues for it, the spamming of journalists, very well-organized spamming of journalists, calling journalists names much worse than

what Richard Pearl called Sy, really organized nasty campaigns against certain kinds of coverage. And I think this is relatively unremarked within the profession so far and is a potential problem.

I'd be interested in knowing, for instance, what happened with the *Globe*. I know a lot of Catholics were very unhappy with the church, but I don't know if, for instance, the *Globe* ran into some of that kind of organized opposition to its coverage.

MR. JONES: Robbie?

MR. ROBINSON: Well, in fact, when we began to publish January of last year, we expected hundreds of people to show up in front of the *Globe* carrying placards. It's useful to note that in this town the people who have long held their nose at the *Globe* happen in many cases to be conservative Catholics.

And after a week or so of reporting on this issue, which was based, thank God, on the church's own documents, the shock wore off and we started to get flooded with calls, many of them from older devout, conservative Catholic women who had raised their children in the church. They weren't angry at the messenger, they were damn angry at the cardinal.

Because of our ability to document the extent of the problem, we avoided that kind of backlash. Early on we had Ray Flynn, who had an axe to grind against the *Globe* to start with, on the airwaves attacking us, but after a week or two he became a general in charge of an army of one.

MR. JONES: I can't speak for Boston, certainly, but I can tell you that I know that in the past that *The Boston Globe* had been preached about from the pulpits all over Boston when this subject came up. I know that it had been raised, in its own way, several times before and they had really been denounced and there had been no traction whatsoever with the Catholic conservatives here.

But the first piece was so overwhelmingly, scaldingly awful and the fact that the cardinal would not even deign to have a comment in it or speak about it, I think it put the conservative Catholics so far back on the defensive that they didn't know where to go. There are not a lot of conservative Catholics around Harvard, but there's some and they, I think, were genuinely furious, again with the cardinal not with *The Boston Globe*, because it was so horrendous.

But that also brings us back now to the

Pearl story. Here's a story that is almost entirely on the record, it says what it says, and Pearl's counterattack has been, I think, coming from him in the context of the times, to use the word that would be the most damaging word he could think of to try to discredit Sy Hersh.

And my question is, in the face of that, Sy, do you feel like, have you been damaged? Do you feel that there's a price that you've paid for this, and how have you sort of felt the response?

MR. HERSH: I share Bob Kaiser's view. I'm sort of undamageable in that sense, because I've been called so many names by a lot of people. And I think what he said was so ill considered. I haven't done much stuff, but I did a couple of shows, some NPR stuff, and I'll probably have to do more this week, and I passed comment. But I'll tell you what I really think about it, not necessarily for publication, the thing that bothers me about it is that forty years ago he would have called me a communist and seventy years ago he would have called me a Jew. Do you know what I mean? It's really a lousy thing to say.

But having said that, the real truth is it says more about what we've all been talking about, this

incredibly difficult administration that is totally organized. And I think, Bob, what you just said about the new face of the Democrat and Republican is a great piece, just a great piece, the kind of stories you write. I'm not putting you into a story, but it's a great story, because it hasn't really been said as you said it. That's as clear as you can get it. We really have different parties right now.

What I've been trying to get Remnick at *The New Yorker* is I've been saying, you've got to get all of us to do this, take every week one agency. We don't have to wait for the problems to break out between the unions and Mrs. Chao, the labor lady. We shouldn't wait for that, we should be looking at every single agency right now.

I ran into a kid on the street, the son of a friend who also went to school with my children, so he was very open. He's a Justice Department lawyer. This happened Friday at 4:00 in the afternoon. He works in Justice and he runs the unit that does something very good. And he was working in blue jeans and I said, what are you doing bumming around? He said, I'm quitting. And I said, what? Because he's very dedicated. He's the kind of civil servant you

want in government. He's very bright. Went to law school here, loves working for the government, loves that authority, loves going after bad people, and does it with care.

He just said to me sort of like an ingenue, I'm the father or a parent, I'm not journalist when he says it, and he told me about a case he'd been working on for a year and a half that the political people in the White House just, in the Justice Department just killed. Every case runs through political, it's put through a political filter.

My wife's a doc and I know a lot of docs, and you go to a party with people from NIH, or NIMH in this case, and they will tell you that any time they have a policy statement to put out, not about a drug just a general statement to put out for the medical profession, it has to go through a political clearance at HHS. Unprecedented. They've never had to put routine things coming out of HEW, NIH or NIMH, National Institute of Mental Health and along with NIH, it has to go through a political process and often they never see it again, because they run it by the companies.

And so we have a discipline here that's so much more complete than ever before, and what you heard

about the Republicans is, I will tell you, I won't say who, but there's a very moderate, there are still some wonderful Republicans, this guy's a moderate Republican. When he ran for reelection he basically was told by the powers that be in the party, this is just now in the last election, if he didn't stop criticizing the war they'd break his legs and they'd put money in the other side. And he stopped and he's now on board, totally on board. This is a guy you would never expect, a wonderful Republican, member of Congress. It's a horrible story; if it wouldn't hurt him, I'd write it. But that's the kind of discipline we're seeing with these guys.

And now you think about the administration wanting a $250 million war chest. I mean, they're going to get value for the tax cuts and for the excise cuts. They're going to get their money's worth out of the cuts, the gifts they've given to the wealthy they're going to get back. He's going to have a quarter of a billion dollars to start his next campaign. And that's changing the system.

MR. JONES: Let me shift to the local. We heard briefly from Robbie, but let me ask you, Dee Hall and Phil Brinkman of *The Wisconsin State Journal*, you

did a local story, but one that had very, very high stakes, I would think, in a political sense. What was your experience when you started taking on the most powerful political figures in the state?

MS. HALL: Well, I started in, I just sort of came upon this story when I was doing a routine election coverage of one of our local legislative districts and discovered that this young man was working on state time from his state office and running this campaign. I just asked him, what are you doing? You work for the government, why are you running this person's campaign? He said, well, I'm using my personal cell phone and I step out into the hallway when it rings, so I'm really not on government property.

And he gave me this look. And I told him, that's sounds like the goofiest, squirreliest, most rotten thing I've ever heard of. That's silly. And he said, well, everyone does it and it's perfectly legal. And I said, well, I don't think so. And that's how it started.

I started asking around. I'd never covered state government, never covered the capitol. We live in Madison, which is where the capitol is, and

so a lot of these former legislative caucus employees lived in the Madison area, so I just started finding them and they'd say, yeah, sure, that was my job, 100 percent of the time I ran campaigns. I did opposition research, I lined up the consultants to work on campaigns.

I lived in Superior, five hours north of Madison, for months at a time. And I was sort of stunned, like I can't believe this is going on. It's sort of one of these "open secrets." I think it was the false notion that is sort of burbling underneath what we're talking about, is so long as the Republicans and the Democrats are fighting it out, that everything will all work out in the end. This two-party system, it'll all just naturally, miraculously even things out.

What it did in their case was they created a conspiracy of secrecy and silence to kind of keep this thing going. Again, it was enforced with a lot of the discipline you're talking about here, nobody dared to go against the top two leaders in the legislature on any topic, because they controlled these huge staffs of people, who could either work with you and get you reelected or who could maybe defeat you. So there was total discipline.

What was their reaction? None. Zero. None of the four legislative leaders would say a word to us before we published, not a word. We gave them something like three weeks or a month to respond after we got all the findings together and not a word.

MR. JONES: Was that because they didn't take it very seriously or because they just thought, basically, to hell with them?

MS. HALL: They were trying to avoid lying on the record, I think, because there just wasn't much they could say about what was going on that would help them.

MR. JONES: Were they making calls?

MS. HALL: Some. Yeah, our editorial staff was getting calls.

MR. JONES: No, I mean to the publisher, for instance.

MS. HALL: Yes, some, but he's a very good person and he just said, well, if it's true, let's just keep pursuing it.

The truth is in our country there's not a heck of a lot they can do to you. They don't really break your legs, they really don't. I've interviewed journalists from Columbia, they get shot in the head

when they write stories like that and I keep that in mind all the time. What are they going to do? Are they going to shoot me, are they going to throw eggs at my mailbox? I think I can withstand that. And I did get harassing phone calls at home before we published, but I just felt like, okay, well, there you go.

There's really not a lot they can do. What they might do to prevent the story from getting in would get them in so much more trouble than what we caught them doing, I just felt confident that it wasn't really --. But the reaction was absolute silence, just hoping it would blow over.

MR. BRINKMAN: I think it's worth noting also that Dee was not a statehouse reporter. She's a part-time general assignment reporter for us. It took someone who is actually outside of the system and outside of covering state government, I think, to actually break this.

I was brand new on the beat. I've only been covering state government now for two and a half years. Dee was beginning her investigation just as I was taking over. I'd been at the paper for eight years before then, but I was new on the beat. And I think actually that also helped, because I was seeing all of

this with the same outrage that it takes somebody from outside to see. Because our challenge was not in exposing a secret that nobody knew about, our challenge was actually provoking outrage over something that everybody knew about.

MR. JONES: That's a very interesting point. How did you go about doing that, or did you do that? I mean, what happened?

MR. BRINKMAN: This issue of using state staff to run campaigns had been written about periodically. And the reason why the leadership just went silent was because they did assume it was going to blow over like it has every time in the past. There have been a couple of reports over the years that have come out. One in particular several years ago by the local weekly that talked to a whistleblower and it went absolutely nowhere.

What happened with us was that, first of all, Dee is incredibly persistent and tracked down very unwilling sources at first and got them to come her way, especially one in particular who brought a boatload of documents. And that's what sealed it for us because the documents were so blunt, the documents themselves actually talked about how to cover this up.

(Laughter)

MS. HALL: Never mention you're doing this. This is your real job.

MR. JONES: How did you persuade this person who was reluctant to give you those documents?

MS. HALL: Because she felt the way I did, which was that it was a wholesale theft of money from the taxpayers. And she was a true-believer Republican, who was definitely a small government person and she was almost on kind of the libertarian end of the Republican scale.

When she interviewed for the job, they explained it to her in relatively bland terms, that she'd be answering the phones. They asked her if she understood what the Assembly Republican Caucus did. And she said, oh, yeah, you guys run campaigns. No, no, no, no, no. We do press releases and we do issue papers and we help draft up bills. So she's like, oh, okay.

So the next day they hand her this job description which says campaign-related duties all the time. And it just listed them, everything she was supposed to be doing and it was the complete opposite of what she was told the day before. She stuck with

the job for a while, because unlike what a lot of people said, oh, they're young kids, they don't know what they're doing, they're barely paid. No, the truth was they weren't really qualified to do anything like policy work, but they were being paid very well for the campaign work they were doing.

MR. BRINKMAN: To get to your original question, Alex, what ultimately got them to respond, the leadership of the four caucuses in the legislature, was the editorial. After our first series ran, the editorial page basically printed a challenge to them and said, you either tell us what you make of this, and we gave them, I think, three or four specific questions to ask, or we're going to run this underneath your picture. And then they ran five inches of white space. It was effective. The next week they had all written responses--

MS. HALL: In which they denied that any of this went on.

MR. BRINKMAN: Some of them were evasive. Some of there were outright denials. When these people were later charged with crimes, we were then able to take their actual words in which they denied any of this and juxtapose that against what was stated

in the criminal complaints.

MS. HALL: What was really going on.

MR. BRINKMAN: And I think it was very effective.

MR. JONES: Why was your source reluctant? My impression from what Phil said was that this person who gave you these documents had been very reluctant to talk to you initially.

MS. HALL: Oh yeah, it was bordering on stalking, which I don't like to do, but she had--

MR. JONES: You're sounding like Sy Hersh. (Laughter)

MS. HALL: They were reluctant because they felt that, well, for a variety of reasons, one of which is they could be charged criminally. That's the first one.

Secondarily, or even primarily actually, they would be shunned by the political establishment in which they made their living. If they weren't working at the caucus, they were working as a legislative aide. If they weren't a legislative aide, they worked at the Democratic or Republican parties. If they didn't do that, they worked for a political campaign consulting firm. And by talking about this system, they would cut

off all of those avenues of employment, because most of these folks were really uniquely trained to work on campaigns. If they ticked off all of those people, they would have no job possibilities.

MR. JONES: So what persuaded her?

MS. HALL: As Phil said, reporters had tried to kind of do this story before and put out little, like, people say that the caucuses do this and then these denials and they would always just kind of fade away. I just said, if we get enough of you guys talking on the record telling about your real experiences, and if we print this documentation in the paper, not just your experience, but the actual documents, which we printed a lot of them, it can't go away. It just can't blow over. They just predicted it would and actually, except for the local district attorney, it would have blown over, I am convinced of that.

The elections board caved. There were a lot of election law violations, they just sort of caved. The ethics board never investigated any of these allegations. They just wanted it to all go away and go back to the paper shuffling that they do every week. It was the local district attorney who, acting

on our stories within a week after they were published, really launched what's basically like a grand jury investigation that has resulted in over forty felony charges so far.

MR. JONES: Sy, do people overestimate the power of journalism? What we see many times is stories that seem to have a huge impact, but the huge impact is that law enforcement people with subpoena power and actually the power to do something about it, either do something about it or don't do something about it. If they do something about it, something happens, but the journalism is only at best a catalyst or no?

MR. HERSH: I think even the classic story of our time, Watergate, Bob Woodward and Carl Bernstein will tell you that the story really generated a lot of pace when the U.S. Attorney, Earl Silbert, and others, whether reluctantly or not got their nose into it pretty good in early `73 and that's when the story generated. You suddenly had a legal issue, because the stories that *The Post* did --.

I was at *The New York Times* then and we were being told every day by Max Frankel that Henry Kissinger says that this isn't a good story. We were sitting around watching him. So we didn't pick up on

it. They didn't get any support from fellows in the press. The *L.A. Times* did some good stuff. But basically, everybody was waiting for them to fall on their head and hoping they would, they just wanted this to go away.

But if you think about it, Richard Nixon, after three months of stories, got reelected by a huge plurality, it didn't affect it. It was when the government began to investigate. And so there's that element that's terribly important. But there's nothing like what you just heard about getting somebody to talk to you. That makes it all possible and that's what the business is all about.

MS. CABALLERO: Alex, may I ask a question?

MR. JONES: Oh, yes, sure.

MS. CABALLERO: I am Maria Cristina Caballero. I am originally from Colombia and also a Center for Public Leadership fellow just now.

And I was curious about, I have a question for Dee Hall, why did you give the people that you were investigating three weeks to respond? Because in my case I have always been a journalist in Colombia. For example, when you expose the link between drug

traffickers and politicians, they catch the president of Colombia at the time. In only one day before the publication they move everything to stop and to hide documents and to track people involved. And they almost caused another scene, because we have all the documents that they show how the top politicians were being bribed by the cartel. Why do you give three weeks? How do you explain that? If you have the evidence why don't you immediately publish, give them a call and give them a day maximum to respond, because if they haven't responded they can't legally.

MS. HALL: Right. In that case it was sort of a logistical issue. We really had most of the reporting done and we were just trying to work through writing the stories, so we gave them --. The earliest opportunity that we had all of our documentation --.

You were talking about them taking things away. We had filed an open records request under our state law, they are compelled to give us these documents, but we also had evidence that they took them out in rolling gray carts full, just getting rid of the documents after we asked for them. So we felt like at that point there was not much more that they could do or not do because we had a dozen people telling us that

they did this kind of work. We had documents people had given to us. They had, we already know, destroyed, withheld and gotten rid of other documents months earlier when we started the stories, so there was nothing they could do to stop the stories. We were going to publish no matter what.

At the earliest opportunity, we said, okay, here are our findings, let's hear you respond to them, and then they didn't. So that was their choice. But there was not much more they could do to withhold or destroy or shut people up, they'd already done all that.

Thank you.

MR. JONES: Brett Shipp and Mark Smith, would you please come back, because I wanted you to get into this conversation here for a moment.

You guys were also dealing with a very dangerous situation in some respects. This is WFAA in Texas with the case of the professional informers in collusion with the police and with a very, very reluctant district attorney and so forth. What did you run into when this story started to unravel? What kind of resistance was there?

MR. SHIPP: Initially, when Mark Smith, my

producer, started taking on the thread of this, what we believe is a conspiracy, we kept it very low profile because we just didn't want the police to know what we were up to, for obvious reasons. Once, about two months after we were into this, and quietly accruing documents, court records, to put together the puzzle that we were working on, the police chief finally caught wind of it, and he called kind of a preemptive strike. He jumped out on New Year's Eve, 2001, to hold a press conference, putting on display probably about 50 pounds of what they have just now determined to be fake drugs. And on the other side of the podium he was speaking at was a table this size filled with automatic weapons. And his message to the citizens of Dallas at that time was we've decided to share with you something we've uncovered, that there are voluminous amounts of fake drugs being traded on the streets of Dallas, and we're doing everything we can to make sure that the perpetrators are put behind bars. The people who are out there dealing these fakes drugs are dealing poison and could be killing the citizens of Dallas, and the drug users of Dallas, with these fake drugs, and these dangerous weapons.

Well Mark and I, at the news conference,

were, you know, thinking, can he be this stupid because he should have known, he should have known that we had been working on unraveling the threads of this, and he just, he thought he could put it to bed and by basically deceiving the public into believing that this is nothing more than, you know, dirty drug dealers pedalling poison on the streets which is, you know, fake drugs. It was at that point that we weren't quite ready to go with our stories but we had accrued enough evidence that we, in interviews, that we decided to proceed two days later. We couldn't on January 1st because we didn't have a newscast. And I think that was part of their calculation, is if the story would kind of fizzle and die, and there would be disinterest in a couple of days.

But instead that began, you know, a series of stories, like Dee and Phil, just day after day after day, and the more we reported the more the police chief buried down, hunkered down and the district attorney began pleading ignorance, but expressing a degree of outrage. Then it was a race to call in the FBI, and the DEA, and everybody wanted to claim that well, we've really had our arms around this thing the whole time.

There was never really a great threat to

us other than denial of access to records, feet dragging, and just generally an attempt to cover up this enormous mess.

MR. JONES: What kind of a public response did you get? One of the things Dee and Phil were talking about is building that sense of public outrage. I mean if this had been a one or two day story that would probably not have happened.

MR. SMITH: I'm Mark Smith. And one of the things that, besides the just say no to fake drugs press conference by the police chief--

(Laughter)

MR. SMITH: --one of the things that we really, we had been working on this since October, building the number of cases, and we were found several dozen cases. In fact, at that point, we knew that half the cocaine seizures in Dallas were fake, at that point. We wanted to go, we were ready, we had most of that data by December 15th. It would have taken a few days to put the story together. We'd be conducting interviews. We'd had to track people. I mean one of the aspects of it, without getting into too much of the details, they'd have these guys on these contrived charges, and often times just before trial they'd drop

it down to two years, and they'd be able to post bond because they'd have million dollar bonds they'd have to post prior to dropping the charges down. And none of these guys were being deported to Mexico as soon as they walked out of jail prior to their trial.

And anyway, long story, we had to track a lot of those people down, get interviews, whatever. But we made a, what Dee and Phil had been talking about, which is fantastic in how they systematically worked and built momentum on it. We kind of analyzed the situation. It was about December 15th, we were ready, probably around that time to go with the story. I mean December 15th or 18th, somewhere in there, but we looked at the calendar, we saw Christmas, Christmas Eve, New Year's coming up, and to build the kind of momentum we felt, and we had a series of stories we were ready to go with, we decided to wait until the new year. January 2nd was our first piece.

So we felt, you know, that was a strategy thing and, of course, the police chief got wind that the piece was coming up and had his, you know, say no to fake drugs.

MR. JONES: Did the other news organizations in town jump on it?

MR. SHIPP: Yeah, they, yeah, it was a news conference and for the most part everybody bought into, because they didn't know what was going.

MR. JONES: No, I mean, Bob, did they jump on, when you started doing these stories, did they jump on the story?

MR. SHIPP: No. No, they really didn't because it required, it was too labor intensive because Mark went through the courthouse and very painstakingly went through case after case looking for possible victims. And it just took such intense work down at the courthouse no one was going to catch up, no one could catch up to where we were on the story. And the *Dallas Morning News* did jump in and, but no one really could amass the documents that we had, and the connections we had, and the relationships we had with some of the victims and their families. There was just no catching up.

MR. JONES: Was there an effort to stop you?

MR. SHIPP: Never.

MR. JONES: I mean the, you know, it was just a matter of sort of the courtly dance between you and the chief of police about, you know, maybe not too

courtly, but I mean it was not, as Dee was saying, you weren't put in the situation where you were threatened and--

MR. SHIPP: It was damage control from the word go. Fortunately for the police chief he was able to hide behind the curtain of the FBI investigation. And fortunately for us, the FBI made a passive request that the police chief suspend any internal investigations that the chief, incidentally, said were already under way. But the FBI said please hold off on any of that while we continue our criminal investigation which continues today.

So, really, the police chief has never been held accountable for the sloppiness, the payments, the unprecedented payments to these confidential informants. It's just amazing the lack of oversight and the lack of accountability that has taken place in the police department because they've been able to say hey, we can't talk about it.

And it's frustrating for us. You guys have seen, you know, immediate results. A lot of you have seen immediate results from your stories. Ours, we have seen changes in police policy, and district attorney policies and procedures, but in terms of

holding folks accountable, it hasn't occurred yet, and it is very frustrating.

MS. HALL: Actually, Brett, I wanted to mention that it was a year and a month after we published out stories before the first charges came out. So it was quite a long time. One year and one month, and it started out like yours did where first off it was let's change policies and procedures, let's make sure we're doing this all legally but, you know, there's stuff happening on the case you just don't, aren't able to find out about it right now.

MR. DOWNIE: Let me ask, who owns WFAA?

MR. SHIPP: Belo Corporation; owns the *Dallas Morning News* and about seventeen, Providence; about 17 television stations. Let me just say just so much of what we're able to do at Channel 8 we could not do, and I could not do, at almost every other television station in the country, and the only reason is because Belo has a commitment to doing real journalism in television. And as you all know, it is increasingly difficult to do that kind of work when the pressures are you've got have a story. You can go a minute-15, a minute-30; you cannot tell a story, at Channel 8, at WFAA-TV we can.

I did a seven minute story on an unexplained drowning in Greenville, Texas last summer; seven minutes. I mean, in the course of our newscast it doesn't happen, you can't do that anywhere in the country.

MR. KAISER: How are you doing in the ratings?

MR. SHIPP: We're basically number one. We've been long time number one and I think the viewers have come to expect that, and it has trained the viewers to understand. It's like "60 Minutes", I mean how long has "60 Minutes" been successful doing what it's done for all these years, because you know what, there's people out there who do have a brain, and can think, and can digest important information.

And we don't give the audience enough credit for that. We're too busy trying to play to the lowest common denominator. Not to get on a sermon here, but it is, it's frightening to see how little of our kind of work is being done in television, and I'm just proud to say I work for a station where we can do that kind of work.

MR. JONES: Since you and the *Dallas Morning News* are both Belo companies, was there any,

after the story, especially after the story broke, did the reporters from the *Dallas Morning News* come over and say hey, bro, you know, let's open your books?

MR. SHIPP: Absolutely. I mean that's, they did that like three days after we really started just pounding the story. Two of the reporters came across the street--

MR. JONES: You must have gotten some satisfaction from that?

(Laughter)

MR. SHIPP: Well, they kind of burned themselves is that they did a piece on the following Sunday, which was then picked up by *The New York Times*, which credited the--

(Laughter)

MR. SHIPP: I'm appreciative of that obviously, there.

MR. JONES: I think that if any of you don't know, *The Boston Globe* carries not a single article from *The New York Times* any day in its pages, ever. As a subscriber to both I can say you get a different view of the world from those two newspapers.

David, you have a different, I would think, set of difficulties in some respects, and in

some respects you're dealing with the same administration that Len and Sy especially have been talking about. How have you found, doing the kind of investigating reporting you do, to be in comparison with what they're talking about in terms of policy?

MR. JOHNSTON: Well I, frankly, try to avoid the politics side of this. I don't care what politicians say. I, for instance, didn't write about President Bush's tax cut plan because it wasn't in writing until the bill was introduced, and then described what it really did, and the President, after the White House said I was wrong, acknowledged I was right and they closed what would have been a $220 billion loophole, a giveaway to very wealthy people through a eliminating the gift tax. An issue, interestingly, that had been debated on the floor of the House, and the Republicans had led the charge that you had to have the gift tax to prevent abuse of the income tax in 1924.

This administration is certainly different than any administrative that I've dealt with, although I've never lived in Washington, I've made it a point to not do that. I've been coming to Washington, and writing about it, since about 1970, and these people

are very different. They're not polite, they don't want to answer questions. They have a script they want to stay to. I think that's a very good point, and I would suggest, by the way, that the notion of what is happening in the House that Bob and Len talked about, is a much bigger story than that.

I don't live in New York City either. I live in upstate New York in Rochester, and in my county, when the county government holds its weekly meeting of department heads there is a political officer who attends these meetings from the Republican Party. My suspicion is that this goes on in a lot of other places, and there have been a few articles I have seen here and there that have raised this as an issue in some school districts and elsewhere. And I suspect there is a much larger story here, and I go to the fundamental point that I think many of the best and most important things that are going on, that are important to investigative reporting are right there in front of us. You simple have to look at them. The open story.

I'm the only reporter in America who's probably ever caused a news station to lose its license for news manipulation. And it was a station in

Lansing, Michigan when I was with the *Detroit Free Press*, and every reporter in town knew that the local TV station was issuing news blackouts to manipulate advertisers and politicians but nobody thought it was a story. And I think there is a much broader story; likewise on this issue of law enforcement. I certainly have seen, from people I know in law enforcement, and I, by the way, my view of the IRS is they're the tax cops, you know, that there are real unprincipled things going on that ought to be very scary to us. Very, very scary about what's being done to prosecutors and FBI agents and other people in law enforcement.

And that we have the kind of situation that Brett has described, and Mark has described in Dallas, and that's apparently only part of a much bigger story about DNA evidence and other things happening in prosecutors' offices. We have a number of people around the country who are being found to be innocent of crimes, and we have had now several occasions, one of them I think now ten years ago before the Supreme Court, where it was argued by a state attorney general that it was okay to execute an innocent, actually innocent person if they'd had a fair trial.

(Laughter)

MR. JOHNSTON: I know I read about it in both *The Post* and *The New York Times* when it happened, I was stunned, it was a question raised, I think, by Judge Scalia.

But I think that there's a real, fundamentally important story for investigative reporters to look at about principled action in government. Filters do appear to being applied all over the place. I have people in the IRS telling me constantly that various people are not going to be investigated because their friendly with the right people, it's the opposite of the assertions of what Nixon tried to do. I've never seen any evidence that Nixon succeeded by the way, and Don Alexander would argue, the then commissioner, that nothing happened on his watch like that. There were efforts but nothing happened.

But I think there's a real important question that we need to ask about what does this discipline issue mean about not brooking any dissent. And what does it mean about how the apparatus of government is being used at a variety of levels. And how is that you can have, for example, with the police

department in Dallas, an operation which involved a lot of people and no one stepped forward. These guys had to go dig it out. I think there's a real, fundamental, important, story about integrity in this country in the functions of government, particularly the law enforcement functions.

MR. JONES: That's provocative as hell.

Len Downie, Bob Kaiser, how would you respond to that?

MR. DOWNIE: An awful lot of the investigative reporting that's happened and its occurred in recent years, has been about exactly those kinds of things all across the country. I think that journalism is paying more attention to prosecutorial tactics, in part because of the challenges that have brought by, you know, by defense lawyers on various issues.

In Virginia, for example, we've done a lot about the death penalty and about their refusal for a long time to use DNA evidence for exculpatory purposes. And recently, during the last session of the Virginia Legislature, they raised from 30 days to 90 days the amount of time that you have to bring forward exculpatory evidence of wrongdoing or DNA evidence, and

so on in capital cases which is amazing. I mean we had 30 days to do it before, 90 days isn't enough, but at least the scrutiny through the media has caused them to at least make that much change.

MR. JONES: What about this idea that there is, you know, well beyond Washington, this kind of political officer attending and filtering and making judgment. I find that Soviet, I mean it really is creepy.

MR. DOWNIE: That's certainly intriguing. You know there have been some nasty fights within the Republican party in a number of parts of the country, some of which we've chronicled where the more conservative and evangelical members of the party have taken over parties and tried to enforce their discipline on the party, which has been covered. But I have not heard of this particular sort of thing. It's something to look into.

MR. KAISER: Some of it is in Washington, too, Alex, but it's completely unsexy and therefore, gets very little attention. I was very pleased to be the conveyor of a tip that led to a wonderful story that ran inside *The Post*, which wasn't inappropriate, but a very meaty story about -- well, as I explain you

decide if you think it was a front page story.

But the tip was that Justice Department's, I think it's called the Honors Program, a very old, venerable program to bring top law school graduates from this university and others to come to work in the Justice Department, has in this administration, been completely politicized for the first time.

Traditionally, the Honors Program was administered by alumni of the Honors Program in the career service of the Justice Department attorneys, who traveled the country, interviewed candidates, and had a real, a law about, you know, we are the creme de la creme, we are the great backbone of the Justice Department and we will perpetuate ourselves by choosing the brightest, new law school graduates regardless of politics because of their avidity for the cause and their determination, their brains, and so on. And in this administration it's completely in the hands of political appointees now. The old system is gone and it's now done that way.

And the result clearly is, and the good Dan Egan, our good Justice Department reporter, had cleverly figured out how to show this by going to law school placement offices and saying who's getting hired

from here to the Justice Department. He established, certainly to my satisfaction, that the people being hired were the people that have the right politics, which is an amazing departure really. But you know, it's a very subtle, inside baseball story, and they know exactly what to say, say oh, no, this is just, nothing here, brush it off. It's the only story I've seen on the subject. I don't think anybody else has picked it up. It's a big change in American life.

MS. HALL: I was going to ask a question. What amazed me as I was working on these stories is that, you know, I've got two children, one's eight and one's 12, and if they lied to me the way these politicians, top people in our government have lied in this case, and in all these cases, I think I'd be forced to spank them and give them a time out. (Laughter)

MS. HALL: And I am wondering why the public, and even the press, don't expect our top leaders to tell the truth. Why not?

MR. DOWNIE: This is one of our favorite subjects. Because people want to believe in, people believe in ideologies and they believe in personalities. And I think that's reinforced by the

media generally, too, by the celebrification of almost everything and almost everybody. And so Bill and Hillary Clinton lied for eight years, for instance, in the Clinton White House. Sy's been attacking the Republican Administration. Let's point out this is not a party political kind of thing. And they lied continuously, and when those lies were pointed out, David Marin did a brilliant story on Hillary Clinton's untruths about Whitewater, and what finally came out of Whitewater.

And the reaction from parents who would not tolerate their children lying, of the liberal persuasion, Democrats, was astounding. They did not like that. They did not like seeing that. They forgave those lies, and similarly we now see with another administration a forgiveness of -- Dana Millbank did that story where he detailed five or six instances in which the president, in important situations, said things that proved to be untrue. And again,--

MR. JONES: That's a very polite way of saying it.

MR. DOWNIE: --and reaction was very strong. People are not interested in whether or not

they're telling the truth. They're only interested in whether they're saying things that please them or not. So that's why it's so important for the media to keep after this, even when it's unpopular because the general public doesn't care that much unless it's really in their face all the time.

MS. HALL: The problem is we give them to much of the spin about why this doesn't matter. Okay, well maybe so and so did lie but it doesn't really matter because --. I mean the core of what we try to do is have an informed democracy, and an informed democracy cannot work when everyone's operating on lies and saying it just can't work.

MR. DOWNIE: This is Ben Bradlee, bless him, has been giving speeches about this, you know, ever since he started giving speeches, now over a couple of decades. This is his standard speech, is about how people lie in government, and the general population does not seem to hold people accountable for it.

MR. JONES: What was the response to Dana's piece?

MR. DOWNIE: Oh, anger, anger. First of all arguing with every single point in it, and then

anger that we would accuse the president of not telling the truth.

MR. JONES: And what was the response from your readers, or was there any significant?

MR. DOWNIE: Not a lot that I can recall.

MR. JONES: Was this something that was taken up by the Rush Limbaugh/O'Reilly crowd?

MR. DOWNIE: That I just don't recall because I don't pay a lot of attention to that and neither--

MR. JOHNSTON: Alex, can I follow here with a question?

MR. JONES: Sure.

MR. JOHNSTON: Len, I presume you're the person who got the phone calls from whoever was the White House complainee?

MR. DOWNIE: Not necessarily. They often come at the political editor and the national editor.

MR. JOHNSTON: Was there any, there was no skin back of any kind to the story, right?

MR. DOWNIE: No, no.

MR. JOHNSTON: None whatsoever?

MR. DOWNIE: No.

MR. JONES: For those of you who are not

journalists and used to our language, a skin back is a rather vulgar way to describe saying I made a mistake in a story, and basically sort of saying ah, well, oops, you know, well that's actually not quite the way we said it and so forth like that.

MR. DOWNIE: No, that story stood just fine.

MR. JONES: Vulgarity is perfectly acceptable, David.

(Laughter)

MR. JOHNSTON: Perhaps it reflects my blue collar upbringing.

The reason I raised this question, I think this is a very important point. We heard from some of the other speakers around here about this concept of attacking the journalists. I call it poisoning the well. I have been the victim of more than a few of these. I was once actually investigated on the claim of Daryl Gates, the police chief in L.A. that I was secretly a communist trying to bring about the violent overthrow of the government by my newspaper, *The Los Angeles Times*. And in fact, it was solely a campaign designed to get me off of embarrassing and exposing their incompetence and their brutality and their

spying, their political spying operation.

I think maybe that's one of the things we don't tell the public about and it ought to be news in itself, that if this or any other administration, and the Clinton's certainly were mendacious, if a police chief or anybody else is attacking the integrity of a story, and the paper holds it up, I think that's actually news. I think it ought to be reported as news. I think people -- you can go overboard and it can be inside baseball, but I think in many cases, in fact, it's news and that Dana Millbank's problems have been written about in other places I think establishes that other people think that it's news because I think it's one of those things that gets to the issue of people lying.

And there's a big difference between I'm telling you my version of events that makes me look the best and lying. And there's also a big area in between of gradations in there. But, Len, I actually think that's a very important issue the press ought to pay more attention to. I mean I wish instead of, frankly, what I think is a lot of nonsense I read in Howie Kirk's column, I wish I'd read some substance like that. And in some other press critics about attacks on

the integrity of stories and what's the result of them.

MR. JONES: Robbie?

MR. ROBINSON: Sacha and I have been sitting here listening to descriptions of how tight a ship the Bush Administration runs, and how everybody's on message, and we think they're not the first to try it, they've been more successful than other administrations. They may have actually borrowed the game plan of the Catholic Church which has been on message continuously since Martin Luther broke away in the middle ages.

(Laughter)

MR. ROBINSON: In our case, not only could we get no information from the church, but as Alex may recall when we published our first story, the Cardinal's spokeswoman said no, he won't see you, no, he won't answer your questions and we don't even want to know what your questions are.

But to get into another issue which Sacha has a lot of experience on, and that is this notion that people are intimidated into not speaking. We think that certainly on the issue regarding the church, and other issues we've worked on outside the beltway, that there are an enormous number of people of good

will who know things that are wrong that are willing to talk about it and all we have to do is find a way to ask and that's something we did.

MS. PFEIFFER: I think, I guess one general comment I'd make first is as far as Sy's larger point I think the it's true that the presidential administration is tough to tap, but I think, in our case, the archdiocese was totally unwilling to give us any information whatsoever and, to some extent, has continued that. I think they're still in a state of shock about what's happened. I think that they never thought any of this paperwork could be made public and still are in a state of disbelief that it has.

But I think this story was a simple reminder to us that there are ways around an institution that simply does not want to give you information. And we found ways around it. Ultimately, this story was document driven. When we received 10,000 pages of previously secret church records about Geoghan, Father John Geoghan's psychiatric and medical history; about 2,000 pages on Father Paul Shanley's public advocacy of man/boy love, and his belief that children could be sexual aggressors in relationship with adults. But originally our early stories in 2002

were based on public records. For years, newspapers, *The Globe* and others, had written sporadically about clergy sex abuse typically focusing on individual priests.

This summer, what started our story, as people that followed it know, is that Cardinal Law in a routine, legal document had admitted that before he had sent Geoghan to his final assignment he was aware he had allegedly molested seven kids, seven boys. That was big news because it changed the story from one about priests who abuse children to one about church officials who covered up for priests who abused children.

So *The Globe* decided to go to court to try to unseal that file, the Geoghan file, which had been sealed by court order or a court had permitted it to be sealed. And ultimately we unsealed it but it took some time to do that. So in the interim we started to go through the public file. We began to reach out to as many people as we could, lawyers, victims, and that is what created our early January stories. We were able to work around that.

We published with our stories what we called our tip box that listed two phone numbers, one

where people could call and talk to us live, one where people could leave a confidential recorded message and it was incredible. We had to bring in an intern to help us answer the phone because it rang around the clock for weeks. If we didn't check our voice mail for a few hours there would be two dozen new messages. And it just really tapped something. People, for the first time, were willing to go public, on the record. It wasn't just anonymous victims like it had been in past years. And I think it really connected *The Globe* to readers in a way that there hasn't been a connection in a long, long time.

MR. ROBINSON: Most of the people who read the newspaper think we know a lot. And the big secret is we don't know much at all. And if we reach out, this is what I call our dumb box, we started running it in 1999 on a series on municipal corruption, and we did a series on seven or eight communities in eastern Massachusetts and we sort of figured there was more there, this being Massachusetts, and we ran this box saying if you have any information on this issue call us.

In the first week we got 500 phone calls with tips, and instead of moving on to the next project

we kept running the box and every two or three weeks we'd run a story about another community, and we had tips about literally every, almost every community in eastern Massachusetts. I'm trying to think if Cambridge, how many we had on, we had some on Cambridge.

But it was the readers who drove that. It was the readers and the victims who took advantage of the opportunity to tell us what was going on that led to many, many of the stories that we did. Victims of priests who had, in many cases, not even told their spouses or their siblings and they were telling us for the first time what had happened to them years ago. For a newspaper to say, to reach out like that has, for us, and we hope for the reader, fairly enormous rewards.

MR. WAGNER: Did you have so many victims that you actually had to, in some cases, to tell people that you couldn't tell everybody's story. Did you actually have some victims that you just couldn't get to their story?

MS. PFEIFFER: Oh, in most cases we couldn't get to their story. I mean I think that, you know, I think some people called with the expectation

that once they told us their story it would be in the paper. Most of the time it wasn't because there were just too many.

So in some sense we had to make some judgment calls. We largely tried to find stories that dealt with local priests. I mean these were from people from around the world, not just around the country. And so we were looking for Massachusetts connections. And we also began to, there were certain priests who really stood out. You know, we would get 10, 20 calls on the same priests so those tended to be people we focused in on because they were clearly serial molesters. But absolutely, I mean we couldn't write about most of the people who called us.

MR. ROBINSON: And we also tried to keep the focus, as much as possible, in our story selection on stories which showed how the supervisors dealt with the priests, particularly when they knew about the behavior.

MR. JONES: How much of your, sort of, over the transom sourcing, or people who came forward, were people who were in not just victim positions, but in positions of authority within the Catholic church?

MR. ROBINSON: We're getting into sources

and methods.

MR. JONES: Well, no I'm not asking you for individuals but just to characterize, I mean what I'm saying is do you have people within the hierarchy of the church who, you know, cannot perhaps publicly, but who have been outraged by the behavior of their church even though they're part of this hierarchal situation, or is this something that been almost entirely driven by, you know, victims and by public documents, and by people who have been on the receiving end? Has this discipline within the Catholic Church hierarchy itself held pretty constant?

MR. ROBINSON: The discipline at the top has held pretty constant. You know, before the Cardinal resigned in December there were 58 priests who publicly called for his ouster, and for months and months before that we had been talking to, you know, it's pretty clear that a large majority of priests wanted him to go, the question was how many were willing to say so publicly.

As to where the, certainly a lot of our information came from victims but a fair bit of it came from people in the know who had been involved, whose consciences were bothered by the fact that during the

entire period of the `90s the church was, as people came forward as victims, bringing them and their lawyers into private rooms, making secret settlements in large sums of money in return for a confidentiality agreement that kept this huge problem under wraps.

And exclusively, the church had exclusive reasons for doing that, the documents show, was to prevent public scandal. And when we began, we started out asking about Geoghan and almost unintentionally when you put four reporters onto a story like that you start to sort of comb the landscape. Within a week or so we were told no, no, Geoghan is the tip of the iceberg. There are many other priests involved. And we thought maybe it was 10, maybe it was 15, God what a story that would be. Well, we're up to almost 150 priests in this archdiocese alone now who have been publicly accused.

MR. JONES: David, do you get tips, I mean are all of your stories, well, not all, but are they overwhelmingly, sort of self-generated or do you actually also have effectively whistleblowers within the IRS, within the, you know, legal profession, or others in the tax world?

MR. JOHNSTON: Well, a lot of the stories

that I have are from simply from reading the public record. These dry, statistical tables that the IRS puts out, and revenue notices and things, and this sort of falls on an idea that I had proposed in 1981 when Reagan was elected, but I'd be named the *L.A. Times* to be the White House correspondent who had stay in L.A., and I'd just cover what the president did, not what he said from the paperwork generated from the White House. Did not go over. It was not accepted as an idea, I still think somebody ought to try that. I'd love to see somebody covering the State Department from, you know, New York, or Boston, or L.A. and I think we'd get a much different view of things.

But many of the very important stories have been the result of people in the profession who are appalled. Some of the big law firms who advised clients against bad tax strategies have lost a lot of business because their clients didn't like what they were hearing. And some of them, I'm sure, rue now that they didn't listen to their lawyers.

The block marker insurance device that we, I wrote about last July, and the government shut down after just 18 days, this was a technique where you buy super, over priced life insurance as a device, for tax

purposes declare the lowest price you could have paid for it, you pay the highest price you can get on the market, and you push all that money forward outside of the estate and gift tax to your children. That came about from a leak. All of the people involved in that had to sign confidentiality agreements, and there had been the literature of the tax lawyers a number of pieces criticizing me for not precisely describing how this secret deal worked. I described it well enough that the government shut it down.

But sources are always very, very important, but in everything that you do, and you need sources even when you have public records to explain it to you, but I think there's a great deal in the public record, lying right there, that we don't pay a lot of attention to.

MR. JONES: Mike Wagner, Ben Sutherly, you situation at the *Dayton Daily News* and your analysis of the mega farms, a little bit different. How did that come about? How did you deal with the push back that you had? Why don't you speak into this microphone here.

MR. WAGNER: Well, our story is sort of a classic case of finding investigative journalism where,

quite frankly, I didn't think any existed. And I remember our projects editor calling me up and telling me I was going to be assigned to the megafarm project. And I went home and I told my wife they're putting me on the manure project, although I didn't use the word manure. So I was bitching up a storm, and I didn't see a real possibility for victims, and so on and so forth.

I just happened to read a story, a so-called puff piece in our sister paper in Springfield, Ohio, about this large cattle farm just a couple of days before I got the call that I was going to be assigned to this. And it talked about the owner of this farm, which had 9,000 cattle, and operated in this very, rural secluded setting, being awarded, getting a national award for how they handled their millions and tons of waste that they produced every year.

That very day I finally, from the Ohio EPA, sent me over a list of the permitted megafarms in the state, and just for the heck of it I scrolled down the list to see if the farm they wrote about was permitted, assuming it was, it was the largest megafarm in Ohio, largest cattle farm, one of the largest period, and it wasn't on the list. So I thought maybe

it was a typo.

So I called up one of the flacks at the EPA and they told us that well it's a case where we're not ready to comment on it. What do you mean you're not ready to comment on it? Does this place have a permit or not? Well, we're in talks with the attorneys for this place. I'm like this place has been operating since 1999, and things just snowballed from there.

Well, we go out a couple of days later, myself and a photographer, not even waiting for a response from the EPA. The local owner, even though it's owned by a large company in Wisconsin, Smithfield Foods, which is a giant in the food industry, Smithfield, of course, told this guy not to talk while we were sitting in his office. It took a little bit of massaging and, I said well, I don't really want to talk about your connection with Smithfield, I'd like to talk about what happened with you. One thing leads to another. He ends up driving us through the barns and showing us his 9,000 cows, and later on tells us I don't need a permit. He thought he didn't need a permit because it was a enclosed facility where the cows were kept in a barn.

He thought all the manure was contained

and this particular cattle farm was located next to a composting company and this guy for three years allowed this composting company, which we later documented on the record with records and interviewing the people that owned the composting company, to store very, very large piles of manure uncovered on cement slabs outside the barns. And one of the national scenic rivers in Ohio was located about a quarter mile from this farm, the Little Miami River, and this manure had been flowing into the river for three years.

So after that I stopped complaining about this not having an investigative element to it. We spent the next several months going through every EPA record the state has on every single farm ever permitted by the state. We started FOIAing records and documents and databases from the EPA. In our case it wasn't so much resistance as the case that they just didn't have the records.

The EPA does not track these farms. They couldn't tell us how many farms nationally or even in our own state had been issued federal pollution permits since 1980, since 1990, none of it. They didn't have any data. The more we started talking to people affiliated not only with the Ohio EPA but the U.S. EPA

it was painfully obvious that this was an issue that just hadn't been on the radar.

MR. JONES: Did you run into the political filter or did you just find incompetence or indifference or what?

MR. WAGNER: We found a lot of incompetence. To be fair to the agencies, regulators, for example, there's 139 permitted megafarms in Ohio. At any given time, the most regulators or inspectors of those farms in our state was two and a half, two full time people and a part time person, they are sorely underfunded and undermanned. The answer in our state wasn't to beef up the EPA, add to their budget, add to the number of inspectors, the answer by our legislature, which is very conservative in Ohio, was to shift power and control to the Department of Agriculture.

And that's what really sparked, I think, our paper's interest in turning it more into a national story, because it's more of a trend now. You have, I think, eight states that either have total control or share control between the environmental agencies and the Department of Ag. And of course, most people will tell it's indeed like the fox watching the henhouse.

MR. JONES: So it is, in fact, again a part of a political decision.

MR. WAGNER: Sure, absolutely, politics is a huge factor in it.

MR. JONES: Seth Rosenfeld, you've fought for seventeen years using the Freedom of Information Act and you won. In light of what we've been hearing this morning, one, are you surprised that you won, and would you give us from your perspective a sort of evaluation of the status of the Freedom of Information Act now.

MR. ROSENFELD: To start with the last part of your question first, I think it's in probably the worst state it's been since it was amended post-Watergate. I got interested in the story about what the FBI was doing at the University of California, largely because I was inspired by the Watergate revelations of FBI misdeeds and CIA domestic spying. I was curious if these agencies had been engaged in that kind of activity elsewhere, what were they up to at the University of California, particularly at Berkeley, which had been the scene of some of the biggest protests of the `60s and some of the biggest debates over academic freedom.

The daily California student newspaper where I was a journalist had submitted a FOIA back in 1977. When I came along five years later, some of those records had just arrived, it had taken five years. Those were the first documents I looked at and then I submitted a much larger FOIA request seeking any and all FBI records on the entire statewide University of California system. And I sent the request to headquarters and different field offices around the country.

The FBI stonewalled for a variety of reasons ranging from personal privacy and national security to claims that it was a legitimate law enforcement operation and therefore, exempt. Ultimately I brought three lawsuits. One of them reached the steps of the U.S. Supreme Court before the FBI settled.

This gave me an opportunity to observe the FOIA over five different presidential administrations, starting with Carter through Reagan, the first Bush, then Clinton and the second Bush. The policies in effect now, as far as I can tell, are most restrictive against releasing public records than I've seen in nearly twenty-five years.

So I think it's very sad, and I think it's going to wind up having a fallout beyond just writing about things like the FBI. It's going to have a fallout on the kinds of environmental stories that Mike Wagner was just talking about. Because there's this huge shift based largely on the fear of a terrorist threat, to make secret all kinds of public information, including information about environmental hazards that terrorists could theoretically target. So it's just across the board.

The Homeland Security Bill made other records secret as well.

So I think where we are right now is we have the greatest amount of secrecy and the largest concentration of law enforcement and intelligence agency power, which is a situation which is the classic scenario for potentially great abuses.

MR. JONES: I would like to invite all of you to respond to that, if you feel like you have something germane to say.

David, for instance, you say you deal with public records. Are the public records that have been there still there or have there been changes in that respect?

MR. JOHNSTON: I've never used FOIA in my entire life successfully. A couple of things I FOIAed for and by the time I got them years had passed and I wasn't at the same newspaper anymore. So I'm not a great on FOIA.

There's clearly a diminuzation. There are clearly fewer public records that are available. And there are some laws being passed all around the country. The Missouri legislature, I saw an item the other day, has a bill that would make it a criminal offense with a long term, I think it's ten years, to take a picture of a farm from anywhere except a public road. Now apparently this is being promoted as a defense by dog breeders against people like PETA or others who are interested in these issues.

But apparently there are a bunch of laws like this. I've seen other little snippets and I've had my children, my grown children, who live around the country tell me about various little things they've seen in the paper about efforts to do things like this. So there's an effort to tighten up on access to public records. I don't think there's any question about that. And I still find charming clerks is one of the most effective ways to get things.

MR. JONES: Charming clerks.

Sy, what do you think? Do you use FOIA?

MR. HERSH: No, I've never found FOIA effective for the same reason. You make a good reasonable request and the time is just too long. Every once in a while something comes along. The National Security Archives in Washington does a great job, because they FOIA constantly and they will generate papers. There was just a story the other day about a 1967 document on nuclear planning for the Vietnam War they got and that's what they released to the press. But that's okay, they do a great public service because they collect a lot of records. This is done at George Washington University and I think they're terribly useful.

But in general, I agree. I think it's amazing what you can do by getting people to give you stuff that perhaps they shouldn't. Clerks, that's worked for me a lot, too, the same sort of stuff.

MS. HALL: But how useful is FOIA if it takes you thirty years to figure out what your government was up to a long time ago, when five administrations ago someone else was in charge?

MR. HERSH: Not very useful.

MS. HALL: That's really helpful for historians, but what about the rest of us?

MR. HERSH: It's great for historians, because history's great. We learn an awful lot. And some of the stuff they generate, for example, somebody from Columbia was talking, there's a lot of wonderful studies done about some of our policies in the `70s and the `80s that we don't enough about. That's not unimportant. I mean, I understand what you're saying.

MR. JONES: That's not journalism.

MS. HALL: I'm just saying for the purposes of continuing to inform our democracy on a up to date type of basis, which is what we're kind of involved with here, that's pretty useless.

MR. DOWNIE: These frustrations are understandable and there's no substitute for trying to get the records directly yourself and various ways we've heard described, but we still do a lot of FOIAing at *The Washington Post*. It's a little bit like the lottery, sometimes you win quickly when you don't expect to. Sometimes it's useful in giving protection to a willing source. But we still do an awful lot of it. For instance, it's been very valuable in the Columbia disaster, we and other news organizations use

it a lot there.

The other thing that we do, though, as a newspaper, which may be important to the editors in the room and to the Shorenstein Center, is we are very vigilant about the laws governing information in all the states in our area, we happen to be in a multistate area, because there is this broad-spread movement, not just since 9/11, not just by conservatives, but by all kinds of groups, including civil libertarians, to to close more records, to close drivers license records, court records of various kinds.

Most records as they move from paper on to computers, you have to write new laws to cover the records in cyberspace. And this is being taken advantage of by a lot of different people of all different stripes to try to limit access to those records. So we have a vice president for essentially lobbying at *The Washington Post* and she works very hard with our reporters and editors to identify that legislation which is liable to close records, to restrict records, and court rulings, because the courts themselves decide what happens to their own records. And her lobbying has been very successful so far. We've kept a lot of records open that otherwise would

have been closed.

MR. JONES: Is the American Society of Newspaper Editors or the Newspaper Association of America doing this on a more organized basis? I would think this would be absolutely essential to--

MR. DOWNIE: They have a Freedom of Information committee. They're very good at dealing with emergencies when they arise and in advising newspapers. But no, they don't do this is an organized fashion. So what we've done is band together with the newspapers in our states to tackle this on a state by state basis. But I don't know of an organized way to do it nationally. I think it's important.

MR. JONES: Let me talk about something that David said with a bit of humor, but is actually really important and doesn't get talked about much, charm. Charm as a journalistic tool. I suspect every one of the people in this room in their stories, in doing the work that they did, have. I know Sy is extremely charming.

(Laughter)

MR. JONES: But quite seriously, when does charm and something like deception begin? I don't want to spend a lot of time on this, but I think it's an

interesting question. Where does the line come?

Dee, you were out there trying to persuade people and I know that you probably did it with passion, but I suspect you also did it with charm. Literally, how did you go about trying to make your journalistic case and win people's confidence?

MS. HALL: Well, one thing I did is I asked people to look inside themselves and figure out why are you talking to me. Think about that for a minute. Why are you talking to me? And they'd say, well, because this was a really rotten system. So, would you like the system to change? Well, yeah. How do you think that's going to happen? I said, it's going to happen if you talk, and if they talk and if they talk and if everyone just tells the truth.

So I don't know if I used charm so much as I used persuasion. I tried to ask them, I said, think about everyone who talks to a reporter has an agenda about why they're talking. And I asked them to examine that very directly and say, you're talking to me, I think, because you want things to change. Otherwise you would have just hung up the phone or shut the door, but you didn't. And I think I know why you didn't and I want you to think about that. And then there were

people who didn't want to be on the record, and I just said -- they were afraid that there would be repercussions from their workplace. I said, tell your boss you're talking to me. Just tell them and see what they say and they were surprised at times when the boss said, sure, go on record.

MR. JONES: Len, you and Bob did your book going around talking to journalists all over the country and I suspect there was an element of charm in your dealings with them and in your work generally. Is that ever really discussed at *The Washington Post*, about how you persuade people to talk to you?

MR. KAISER: Probably not enough. The biggest charm, the most charming feature of any Washington Post journalist is the fact that she or he can say, Jane Doe from *The Washington Post*. I think there's been allusions to this all morning. The most charming thing you can do in most cases, in my experience, is find the person who knows something, as Dee suggests, that he or she thinks ought to be in the public domain and show an interest in it. If you're such a person, if you're an aggrieved mother of a molested kid, or anybody you can think of, and a reporter from *The Globe* shows up and says, you know, we

really care about what happened to your kid, you are charming. It isn't a question of having to be good looking or know how to tell a joke or any of those things, it's just being interested and showing some intelligence, too.

This is another thing that's very hard to talk about in newsrooms and in a public forum, but a reporter with a brain who conveys not just empathy but understanding of the situation is much more likely to learn something about the situation than a klutz who comes in with a camera crew saying, how did you feel? It doesn't work.

I think we probably don't do enough in-house training anywhere using the people who are good at this to explain what do you do, how do you do it. And the best way really, in my experience, to do that isn't to put somebody on the spot and say, how come you're so good, it is to say, how did you get that story? Just what we're doing here. Tell the tale. There are always lessons. Every time you hear a good reporter tell the story of how she got the story, you learn something.

MR. JONES: Sy, really, talk about this for a moment, about how you persuade people who don't

want to talk to talk to you.

MR. HERSH: Just to echo what you just heard, when I speak at journalism schools, I say two general rules. One is read before you write. And the second one, when you're writing, get the fuck out of the way of the story, just tell it. No story starts off --. Just tell the story and if you have a good story, it's so much easier to tell. And then you see the weakness in the story when you begin to write it. You begin to see too many unnamed sources or unnamed sources that don't really know what they're talking about.

I hate to go against the cliche, but I've never badgered anybody into talking to me in my life. You can't do that. All these notions about being a terrorist and all that, I don't mean literally, I'm not speaking about what Pearl said, but trying to terrify people into talking. You can't do it. Never have been able to convince anybody by threatening them or in any way being tough or saying--

MR. KAISER: Did you ever try, Sy?

(Laughter)

MR. HERSH: Yes. I'll tell you one story. I was doing a story on Gulf & Western and I was saved

by the stupidity of Charlie Boudorn and Marty Davis. I was doing a series on Jeff Gerth and Gulf & Western and the tax laws and it was sort of a rotten corporation. The treasurer for the company lived in Shore Hills, New Jersey. I've done enough work to know he was always a socialite.

And I called him one night and I said, this story right now has your name in the first paragraph and the second paragraph and the third paragraph. He was taping me and he gave it to Marty Davis, who is number two at Gulf & Western, and they stupidly, instead of going to Abe Rosenthal, my editor, who would have lacerated me forever, they went to the publisher and then Abe was in the position of having to defend me to the publisher.

(Laughter)

MR. HERSH: I learned a great lesson. You just can't. People don't talk if --. But basically, as you said, if you really read and have some idea, I never interview anybody without knowledge, Google, it's very easy, it used to be Nexus-Lexus. But it used to be in the old days just go into eclipse. I don't interview anybody without knowing something about them just as a matter of common sense. So, as you say, if

your reporters are well versed.

One thing Len said, I have to tell you, Dana's story was, you said that it was a very special story. I mean, it riveted Washington. And that's one reason they were so mad. It was a rocket, it was a thunderbolt. It was that good of a story and he was right on. And it told the truth that everybody knew existed. That's why they were so angry. It was just the story that -- it was one of those stories just a guy doing his beat, telling the story. That's why I was very angry in a way. I thought his colleagues should have protected him at that news conference.

And I can tell you right now, when I was in that business, I covered the Pentagon for the AP, we were protected. If they started ganging up in the sixties on somebody, we'd protect them. I thought somebody should have protected him.

MR. DOWNIE: Back to the question about charm, Bob was talking about things that aren't talked often enough about in the business, that people just take for granted or individual people's secrets.

You've heard from most of these reporters. It's spending time with sources, spending time with people, you're learning how intelligence people operate

and think, and taking them out to dinner without necessarily chasing a specific story at the time. It's in your beat reporting the state legislature, spending a lot of time with the legislators and becoming knowledgeable about what they do. You're not befriending them, you're not losing your perspective, but you are beginning to understand who they are as human beings and they begin to relate to you as a human being. And just taking the time, which is why it's expensive for news organizations to do this kind of reporting.

Bob Woodward is, you know, he's this famous celebrity person, that most people want to talk to in order to be able to talk to Bob Woodward. But there are some people, of course, who don't even want to talk to him. And one of those is Bill Casey, and when Bob was chasing Bill Casey for newspaper stories and for a book he did, Bill Casey would never talk to him. So Bob just went everywhere where Bill Casey was in public. It cost us a lot of money, cost him a lot of time, but wherever Bill Casey was making a speech, Woodward was there sitting in the front row. Whenever Bill Casey was at a public reception, Woodward had a plate with a few crumbs on it, so he'd be right in Bill

Casey's face. He could not escape him.

And it's that kind of persistence, which it sounds like you were engaged in, that's often necessary to crack some of these cases. And that requires a lot of time that increasingly news organizations are not willing to give.

MR. SMITH: I'm just going to add one thing, just from a perspective as a former print guy and this situation, just developing sources and pulling out a pad and talking to people versus saying, hey, would you go on camera and say these very points? I've been with WFAA now two years and seeing the difference in sort of the tacks you take to get people to go on camera versus go on the record.

But the whole point about me making people feel comfortable, showing an interest in what they do, I mean, the first dynamic we've done time and time again is sit down, the classic is the rush TV crew coming in with a microphone, some lady with stiletto heels running after somebody trying to get an interview as they go to the car. We sit down and spend a lot of time, days, weeks, months, with individuals without ever even talking about going on camera.

MR. SHIPP: In Mark's case also, he spoke

the language. We're talking about our victims were poor Hispanic immigrants. That's why they were the victims, because they couldn't speak English. They didn't understand what was going on. And the reason we got the story was because Mark could speak their language. And how much of a growing importance is that with all of us?

There's a whole new genre of victims growing up out there. And we saw it happen in Dallas where the police, who, by the way, the two main players in this, were themselves Hispanics. They understood that. They understood the dynamics of being able to target somebody who's an easy victim. And that's the whole stratagem, was saying these guys are defenseless. They're going to be assigned court-appointed attorneys who aren't really going to care about their case, aren't generally going to speak their language very well. This is the perfect victim. In this case, Mark is able to communicate with the victims and get their stories and understand the gravity of their situations. So that's important.

MS. HALL: Another thing I might want to mention is I think you need to come across as an honest person, I think that helps, as a person who's not just

there to make your name by exploiting this person who has agreed to talk to you. We have to avoid getting into these exploitative relationships with people.

My point to the people who came forward was I want to tell your story in the best possible way, the way that you saw it and not the way I'm perceiving it. So to do that I had to spend time with them and in some cases go literally word for word over their quotes and say, did I get that in the right context? Would you feel that that accurately portrayed what we were talking about at the time? And there were times when they said, well, you know, here is really what I would like to say, because as I'm thinking about it now, blah, blah, blah. And we would work together even in the writing process, so that we never once had anybody come back and say they misrepresented me in any way, because we never did.

MR. JONES: I would bet that *The Boston Globe* series had this to a factor of ten.

MR. ROBINSON: We did. That approach of letting people tell their own story has actually turned out for us on a number of occasions to be effective with the perpetrators. We had a couple of cases where we were somewhat astonished at the allegations. One of

the last series that toppled the cardinal involved church records that a priest, Father Robert Neffen, had taken sexual advantage of young women who were training to be nuns by telling them that he was Christ on earth, and it was so stunning. And of course, Cardinal Law had warm communications with Father Neffen long after Cardinal Law knew about this. It was so stunning that Sacha, who was writing about this, called Father Neffen to see his side of the story. Maybe you should tell what happened.

MS. PFEIFFER: I found him. I called the number where I thought he might live and he was there. He just talked and talked and talked. And I guess it's just a reminder that you just never know what people are going to say if you track them down. Oftentimes you think, well, I'll just save that call for last, because it's going to be no comment. And then all of a sudden you find that your on an hour phone call. So I think it's always worth trying to get people.

A lot of these priests would immediately be put on leave and they'd go down to their Cape houses, which so many of them have, and you could find them. And if you approach them in the right way, which

is to say --. For example, the archdiocese made public to some plaintiffs' attorneys because of a subpoena and then part of the discovery process church personnel files. I think at this point more than a hundred church files had been made public and the lawyers redact the victims' names and they give them to us.

So oftentimes I would give them a call and say, I want to make sure you realize that your records are being released today and will be written about tomorrow. And oftentimes these priests just didn't know. The archdiocese was in such chaos that it wasn't telling these priests in advance that your entire personnel file is going to be made public today. And oftentimes that would get them talking. So I think it's just again a reminder, always try. Often it's going to be more than a no comment.

MS. HALL: What was his story? I mean, what did he tell you when you talked to him? It would just be fascinating. Was he Christ?

MS. PFEIFFER: He said that he thought that the best way to, he would target young women studying to become nuns. He told me he thought the best way to teach them that Christ was a human, to think of him as a human was to sort of thinking about

it as making love. He said to them, think of it as making love to me as Jesus Christ myself. It was crazy stuff, but he said, I thought I would make God and Christ real to them, if I could sort of introduce a physical aspect to it.

MS. HALL: Plus he could get laid.

(Laughter)

MR. JOHNSTON: This notion of the source feeling that they've had their side of the story told it seems to me is very important. And maybe I'm very sensitive, because I've had various stories written about me over the years, which I would be happy or unhappy with depending upon how well the reporter paid attention.

But I had a phone conversation with Sy twenty years ago, I'm sure he doesn't remember, that I have recounted, and we'll see if I've recounted badly, but I think it's very important. When I teach students, I often recount this.

On the night that Sy broke the story of the illegal bombing campaign in North Vietnam, he called up the general who was in charge and told him what the story was going to say and listed the military targets that were being bombed. The general goes POL.

You forgot POL, POL being petroleum oil lubrication dumps. And Sy adds that to the story.

Now, why did the general do that? The general did that because he doesn't care what you and I think about him. He does care what's going to be taught about him in the War College. He does care what the military commanders in his unit and around the world think about his competence. And if he isn't bombing the petroleum oil lubrication dumps, he's not a very good general; right? And this notion that once you've got somebody talking to you, thinking about what's important to them will often lead us to things we wouldn't otherwise see.

MR. JONES: We haven't had questions from the floor and I want to absolutely invite those of you who are here in the audience to step to the microphones and say something, if you'd like.

Let me particularly ask Walter Shorenstein and Bob Greenfield.

Walter?

MR. SHORENSTEIN: From the top of my head is where is it the supreme trust exists. Is there trust in the media to report the story or are there big and other forces that prevent the story from being

told, vis-á-vis the administration or some upper force. Because in many cases like Enron or Global Crossing and so forth, there were individuals that were intelligent enough to be in their positions, and how could they be so stupid to think they could get away with the transgressions that they did, unless there was some upper force that was going to protect them so that they thought that they could get away with it.

So the whole question is, did they have control of the media? Did they have control of the enforcement procedures? Or where is the ultimate judgment?

MR. JONES: Len, would you respond to basically the psychology of people who are doing things that seem almost certain to get them into bad trouble sooner or later, but they do it anyway?

MR. DOWNIE: Well, I can only guess that it's a form of narcism, when Andy Fastow was putting together his deals and so on that he thinks he's smarter than everybody else and that's why he's going to succeed in doing what he's doing.

I thought implicit in that question was why the media takes so long to discover some of these things, and I think there are two things there that we

worry about a lot at *The Post*. One is we can only focus on so many things at one time. A lot of what we've been talking about today about scrutiny of this administration is more difficult to do right now when we're also trying to cover a war and trying to cover the arguments over the war and the diplomacy over the war.

We have thirty reporters in the area in and around Iraq alone, for example, as we speak here this morning. And it's difficult for the media to focus on more than one thing at once. It's also kind of a synergy between the media and the public and an attention span in this country where we flit from one subject to another and don't seem to be able to hold a lot of subjects in our minds at the same time.

The other thing is expertise. Bob was talking earlier about how the work that we're talking about this morning is hard to do. It also requires a lot of expertise in many ways. You've got to learn an awful lot about megafarms, for example, not something most reporters automatically know.

And I think what we've discovered after the boom and bust in the so-called new economy is that as much as the news organizations had worked on coming

from way behind in their business coverage to being somewhat competent at it that we still had a lot longer way to go than we realized. And as a result, we were still taken by surprise by some things that even places like *Fortune* magazine or *Business Week* didn't fully understand.

There's been a lot of scrutiny of particularly the business press's coverage of something like Enron where there were a lot of laudatory stories and Enron made a lot of magazine covers as the new American corporation. There were one or two smart reporters who were raising questions about that, but by and large, even in the business press, there wasn't enough expertise to understand a lot of what was going on here. So we're going to have to spend a lot more time, effort and money in building that kind of expertise for future coverage.

MR. KAISER: And, of course, in those cases, the highly paid Wall Street analysts couldn't figure it out either.

MS. HALL: There's also misinformation going on in some cases. So people were relying on sources or on information that I guess they thought was accurate. Corporate reports where they're supposed to

report accurately the money that they take in and the money that they spend, and they were just simply lying about some of that. It's difficult to figure out what the truth is then.

MR. SHORENSTEIN: My perception is that they felt that they were above the law and were more clever than anybody else and, therefore, there was no one in the media and so forth that could get to them. And they felt that they had opinion letters that they got from their lawyers and accountants and things, so the whole idea of crudely saying cover your ass on the thing that they were at a position that they were covered. And they were also covered by the fact that they owned the politicians and they owned the system.

MR. JONES: You should know that Walter lives in the heart of Silicon Valley.

MR. KAISER: I think it's worth a moment on this other point which we hear all the time, which is who really controls you, who's making decisions about what you guys are printing and what are you holding back?

And very interesting polling data, I haven't seen it in the past few years, but I'm sure it hasn't changed, where American's assume, and all

journalists know this, it's true from our own experiences in life, that people like us know a great deal that we never put in the paper. And I don't understand this strain in American life really. I've never fathomed where this comes from.

Kay Graham was very eloquent on this subject about the time she had to explain to people the limits of her influence on the news in *The Washington Post*, which were very severe limits, and she couldn't tell us what to do. Happily she never tried.

The anxiety or the presumption or whatever that dark forces are controlling us and our decision making is a very powerful, unspoken factor in American life that I'd love someone to explain to me.

MR. JONES: Bob, do you have a comment?

MR. GREENFIELD: My comment is a question which goes directly from what Bob Kaiser just said. At previous sessions of these sessions there's a lot of talk about the lack of trust of the media among the population, that the media had fallen badly in the esteem of the public. Today nothing has been said on that subject. And my question is, has there been a change or does the absence of comment along that line reflect that the public is now holding the media in a

higher esteem than they did previously, or is it simply a happenstance?

MR. JONES: Let me ask the folks from Dayton about that. That's probably as Middle America as maybe from Wisconsin. What do you find the esteem of the media is in your town?

MR. SUTHERLY: Ben Sutherly.

Having grown up about twenty miles north of Dayton, actually on a farm, and I actually work in one of the Dayton newspaper's bureaus in Troy, which is a very traditionally Republican city, I think there definitely is a tendency to dismiss *The Dayton Daily News*, which is perceived as a liberal newspaper giving its opinion page's content. And I think as soon as you identify yourself as being a member of a news organization, I think most of your sources tend to automatically subscribe to the belief that you share your newspaper's ideologies. And as a result of that, there can almost be an inherent mistrust of your relationship with that person.

So I don't know if that's just a tendency in the small-town Midwest or if that is also the case in more urban areas, but I certainly find that to be the case. As soon as people find that I am from *The*

Dayton Daily News, they assume that I have certain set of liberal beliefs and that I have a liberal agenda, that regardless of what they say is going to come through in a newspaper.

MR. JONES: Dee, Phil, what do you think?

MR. BRINKMAN: Well, I think we're talking about this as if it's a problem that can be solved and I don't think it can. I think that we have to prove ourselves every day with every story. I think there is going to continually be a certain amount of mistrust of the media and for good reasons and not for good reasons.

I think it's a good question, but I also think it's kind of a how many angels can dance on the head of the pin sort of thing. It really is, I think, something that's going to be with us as long as there are newspaper reporters.

MR. JONES: Doris, would you like to weigh in on this?

MS. GRABER: As far as your regard for the media is concerned, I really don't have too much to say in the sense that I think people are split. In one way they don't like what the media are doing, on the other hand, when a story comes out, particularly some of

these investigative stories, people really appreciate that. So I would say it's a love/hate relationship and I don't think that has changed too much. It depends, too, on the particular news institutions. There are some that people really respect. There are others that they don't respect.

I have a couple of questions myself. One is the discussion on the Freedom of Information Act, which ended without mentioning anything about the difficulty of privacy. I think that's a huge issue at the present time. I really haven't followed what all of those various laws are that are being passed, but I would think that some may actually be motivated by the desire to protect the privacy. So I would like to ask anybody who's been doing this type of reporting to what degree the newspapers are sensitive to privacy issues. And by the way, this is one thing where people very often are down on the media, feeling they're very intrusive and very insensitive.

MR. JONES: Seth, do you want to respond to that before you go off?

MR. ROSENFELD: Well, there has been, as I mentioned, a lot of legislation in the last several years making what had been traditionally public

records, like drivers licences or voter registration records, private. It's a problem for reporting, because a lot of the information you would normally be able to get you can't get anymore. And I'm not sure it really protects people's privacy ultimately. I think politicians find it pretty easy to get up on a privacy soapbox and take the stand that they're protecting the public from the media harangue.

At the same time this is happening, the government itself is collecting more and more information about citizens and compiling it. And corporations are collecting an unprecedented amount of information, which is now available on databases to pretty much anybody at the same time. So I think the media is getting the short end of the stick in terms of access to records.

There's one case in California that got a lot of note where a crazy person in L.A. went to a private detective and asked them to get the driver's license record of a movie star. And then, once again, that information is about 10 years ago, he went and he shot the movie star because he had her address. And based on that one incident the state legislature made driver's license information pretty much private. So,

it's, I think, a case where the media gets bashed for something that has nothing to do with the media.

MR. JONES: Esteban, do you have a comment?

MR. ESCOBAR: Yes. Esteban Escobar, I'm a Fellow here at the Shorenstein Center, and I'm a foreigner. Maybe my comments can come from an eastern planet probably because my experiences are different. But anyway, I have a comment regarding privacy, and I have a question for many of you.

The first thing regarding privacy, and according with my own experience, probably --. I mean, at the moment, in Europe at least, the problem is that privacy, private lives, are invading everything because people are selling their intimate intimacies. And then instead of your more or less invading the private lives sounds like the privacy is invading the public stage, say, you know. And this is for real, because the problem is not to protect the private lives from journalistic invasion, but the problems stop, don't tell me, please. Shut up.

We don't need, I don't need to be bothering you in your life. I mean, you know, this is a problem; for me it changes significantly what the

private, privacy means.

The second thing is, the question as related with the initiative for the sources because I mean I know a little bit about this country, and basically the most supreme success in the last years was Watergate. But still, the thing is that Deep Throat was the real, I mean the real success was the Deep Throat success having been very important, the journalistic performance of the members of *The Washington Post*. And at least in Europe, we realized also is that a problem is how to avoid to be manipulated by the sources.

MR. JONES: Let me, very briefly, ask Len to respond to that, and then Doris we'll get you, and then this gentleman has been standing very patiently back here, we'll get you too, and then we'll have to wrap it up.

MR. DOWNIE: Most sources have motives. Dee was discussing that very well before, trying to appeal to the best motives of sources is extremely important that investigative reporters figure out the motives of their sources, and as nearly as possible reveal them to readers, to try, even if you can't use a person's identity through a confidentiality agreement,

to give the reader some idea where they're coming from if it's controversial information. So the motivation of sources is extremely important.

On the other hand, we want information wherever it comes from, no matter what their motivations are. We just have a responsibility to readers, I think, to disclose them.

MR. JONES: I'm reminded of something that Abe Rosenthal once said. I heard him say he was being questioned very closely and critically about how, by someone who said that *The New York Times* was just a conduit for public relations firms. They just, you know, they just use *The New York Times*, this guy was saying, they just use you and Abe, I'll never forget it, Abe sort of opened his arms and said use me, use me.

(Laughter)

MR. DOWNIE: One further thing to say, something Sy said earlier reminded me about this since you brought up Watergate again, is the importance of competition, of having *The Dallas Morning News* care about what the TV station is putting on the air, and wanting to try to match it, and go after it.

Sy was being uncharacteristically modest a

little while ago when he credited only Bob and Carl about what was going on with Watergate. When Sy, Sy joined the fray as a reporter on Watergate, while we finish out his career here today, starting to compete with Bob and Carl in early `73 I believe it was. And that was a really important time because *The Post* had been so alone for so long. Nixon did get reelected. It was this feeling that maybe this story just isn't going to go anywhere. They were up against, we were still working but it was a very discouraging time.

And when Sy got into the field and created real competition between himself and Bob and Carl, between *The New York Times* and *The Washington Post.* It was an energizing event which leads me to a question. There are two newspapers in Madison, Wisconsin. Did the other one ever get joined in this story?

MS. HALL: Yes, actually they ended up being co-plaintiffs with us on two or three different law suits that we filed on open records, and in the grand journalistic tradition they tried to ignore the story just like the Milwaukee paper tried to ignore it. But then at a point, which came within the first couple of months, they couldn't because people were being subpoenaed, and it was kind of beyond their

control to sort of pretend like it didn't exist any more. So, yes, they did join in, and that was, it is important, I mean I welcomed them coming in, not to validate our stories, but to shake loose more information, and it did.

MR. HERSH: Let me just say one thing about sources that's really important because, to get to your question about manipulation, in all the years I've done all these stories, at *The New York Times*, at *The New Yorker*, I've always anticipated and been willing to tell my editors, and have, willingly, who they were and how they got to be. In some cases involving Abe Rosenthal, when I first began to work for him, sometimes I produced, had Abe talk to the people.

So, in our profession, the notion that any responsible journalist would have a source that isn't completely understood and vetted by the senior editors, sometimes only the senior editors if the story is very sensitive, somebody in the intelligence community for instance. It would be impossible for a responsible organization to publish a story by me or anybody else if they really didn't know who their source was. And that gets to the question of motivation, and sometimes the most terrifying thing is when somebody comes to you

with something because that's when I'm really nervous about it, and that scares me.

MR. ROSENFELD: Just to follow up on that, when you tell one of your editors who your secret source is, is it with an explicit understanding between you and your editor that your editor's not going to tell anybody else, or is that just understood already?

MR. HERSH: He has to tell the lawyer I would guess, at the newspaper. He'd have to tell, and I'm sure if the publisher asked him he'd have to tell him, but I've never had any problem with Abe or Dave. At *The New Yorker* we have a checking process so sometimes the people, even in this government, you know, who would be roasted alive if they knew they were talking to me would talk to a checker.

So, yes, there has to be that. You cannot, no newspaper or public, you know, there has to be vetting, any reporter that doesn't, we all agree don't you, that every source has to be vetted. I mean it would be insane not to. I mean these people are, these people, you know, they own the press and that's an obligation. And if they abuse it, and one of the things I will say, I think, about the press and the whole question that you were raising about love/hate,

they absolutely hate us an awful lot of the time but if anybody ever seriously goes after the First Amendment they love us. I mean they're totally on our side, that basis. Everybody in America really is a Jeffersonian in a very profound way, they don't want anybody messing around with the freedom of the press. They may hate what we do, and they may yip at us, and you have all that stuff, but down deep it's the bedrock of America and the people know it.

MR. JONES: I hope you're right.

Doris.

MS. GRABER: Well, a long time ago I worked in St. Louis as an investigative reporter so at that time the only criterion that I had for getting a story was do I have the resources to do it? There's been a lot of talk about a lot of stories that don't get told, and I'd be really interested to find out how these choices are made. Are they more or less kind of serendipitous depending on what your editors say, or are there other kinds of criteria when there are so many pressing stories that you really can't cover.

MR. JONES: Let me, let me ask, I'm just going to ask one person to respond to this. Robbie, I'd like you to respond to it because this story that

the Catholic church has represented has been, basically a lot of other stories didn't get attended to because of this one. There are not infinite resources or space. How is that choice made? Is that going to change in the immediate future, or relatively mid-term future? What do you think?

MR. ROBINSON: That's a good question. You know, the initial investigation was done by our four person team, and then we doubled, we went to eight people full time shortly after the story exploded, which is a safe way to understate it, in January of last year and brought in, at various times, other members of the staff. Of course lots of other things didn't get done.

At the time we were assigned the church story we were prospecting four or five other projects, none of which, obviously, ever got started. Hopefully, one or more of which we'll get to eventually. But this story was of such overriding importance to *The Globe* and to our community, and it's probably without a doubt the most important story that *The Globe* has had. I think everybody at the paper, even those of us with long memories, believe that is so. So nobody, until this very moment, has raised that issue.

We have more resources, we find sometimes, available to us than we think we do. 9/11 was a perfect example, I think, for our paper and others where everybody dropped everything and we had, you know, scores and scores of reporters on it because it was worth it. And the same can be said of this story I think.

MR. JONES: I can't answer for everybody but I can tell you, Doris, one brief anecdote, again, about Abe Rosenthal that I think is instructive. I think this is basically the way it works in most places.

When I first was hired at *The New York Times* I was meeting with Abe about some, you know, what I was going to do and things like that. And I went in with a story list. I went in with a list of 20 ideas for stories. And he looked at that and wadded it up, just like, literally, just like that. He said I hate story lists. I hate story lists. If you have a story list you're going to be ignoring what's going on around you, or at least you're going to have that, you know, likelihood that it will happen. What I want you to do is work on a story or two, or maybe three, and keep your eyes open, and keep your nose out, and find out

what the most important thing for you to be doing is and do it.

So I would say that 85 percent of it is ad hoc. That's my guess, anyway.

One last question, sir. Thank you for your patience.

MR. PETERSON: I obviously lack a persistence to stand at the microphone, even if I'm not an investigative reporter.

(Laughter)

MR. PETERSON: Nevertheless, my question is, I guess, about methods, kind of taking us back to some things we discussed a bit earlier.

I was interested to hear, repeated over and over, the secrecy that surrounds the Administration in Washington. It made me wonder, however, whether there's a comparable cone of silence around the business world. And for those reporters, I guess particularly David Cay Johnston, and folks in Dayton too, I guess, were looking at that time at things. I'm wondering to what extent you can get at what's happening inside of companies if there's, on the one hand, access to documentation, also, I guess, the ability to get sources to speak with you. And I also

I'd even be interested in to what extent whistleblowers, I should say since I don't know a great deal about, to what extent that's actually useful, and utilized, and comes into play, and what you do in order to get people to speak out.

Thank you.

MR. JONES: David, would you respond to this?

MR. JOHNSTON: Well, there's a lot of public record, if you know how to search for it, on companies first of all. There's this most wonderful little tool called the Index to Exhibits to a 10K, which is full of information. I mean sometimes you'll, it has executives' contracts with the companies, and sometimes you'll actually see interlineations where you can see how they negotiated the piece of paper from the handwriting that's photocopied there. Big companies don't actually tend to have the kind of discipline that was talked about in terms of the Republicans in the House and the White House.

That said, I think a lot of the corporate scandals didn't come out for the simple reason that there's bad information, we have an accounting system that's designed to meet the rules of the Securities and

Exchange Commission, not to give you an accurate picture but to meet those rules. And we have all sorts of exotic products out there that provide misleading information to people. But if it's important -- you know, Wallace Turner, a retired *New York Times* reporter, used to have a great saying to keep in mind, you know. If it's important enough to put on the front page of *The New York Times* it's already written down somewhere. Your job is to go mine that mountain of paperwork to find the nugget of fact.

So a lot of it has to do with thinking. Is this important, now how do I get at it? Whose interest is it in to help me get at it? What are the things I have to guard against, and to do some, you know, just strategic thinking about how to get at the information. I think that Len is exactly right, that there is a significant need to dramatically improve the quality of business reporting in this country. I do a lot of, an enormous amount of traveling around the country in my job, and I buy newspapers everywhere, and I pick up business sections, and I go this is worse than lame. This is terrible stuff. The very important need to improve the quality of business reporting in this country.

MR. JONES: That's going to be that for this. Now, before we adjourn we have one further thing to do and that is that it's going to be my pleasure to present the plaques to the finalists who were announced last night. And if you would bear with me for just a moment we will do that, and then we will be adjourned.

Phil Brinkman and Dee Hall.

(Applause)

MR. JONES: Ben Sutherly and Mike Wagner.

(Applause)

MR. JONES: David Cay Johnston.

(Applause)

MR. JONES: And finally Mark Smith and Brett Shipp.

(Applause)

MR. JONES: Let me finally say, again, how much I want to thank the Goldsmith-Greenfield Foundation, Walter Shorenstein for making the Shorenstein Center, and for these awards to be possible. And also to say, quite sincerely, my admiration and congratulations to all of the people who have been recipients of these awards, and to say on behalf, I think of, and I'm speaking as a citizen of this country, I'm very grateful to you and I hope that

you'll keep at it. Thank you very much.

(Whereupon, at 11:18 a.m., the session was concluded.)

C E R T I F I C A T E

This is to certify that the preceding transcript is an accurate record based on the recordings of the proceedings taken:

Before: ALEX JONES, Moderator

In the Matter of:

THE GOLDSMITH AWARDS SEMINAR

Date: March 12, 2003

Place: Cambridge, Massachusetts

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