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BEFORE: ALEX JONES
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INDEX

PROCEEDINGS (9:13 a.m.)

MR. JONES: Welcome, we're very glad to have you at the seminar portion of our Goldsmith Awards celebration. We have some seats at the table, as you can see, and I would invite those of you who would like to join us at the table to please do so, you would be most welcome.

This is one of the more fascinating parts of my year, I must admit, because this is the opportunity that I have and that we all have to listen to a group of exemplary investigative reporters talk about their work, about how they did what they did and why, the problems they ran into, and to a certain extent, the sort of state of the world from their perspective as investigative journalists.

We are going to give them all the opportunity to speak, then we will have a brief discussion and then open it up to your comments and questions, so I encourage you to bear that in mind as you are listening. We are not going to interrupt their relatively brief presentations, but I do ask that you keep in mind what they say because they are certainly willing, I hope, and able to answer questions about what they did and why.

This morning I would like to begin with Jane Mayer. Last night Jane's book won the Trade Book Award, it is a book called *The Dark Side* and it is a harrowing book in many respects, which brings up the first question that I want to ask you, Jane, about doing it. Doing a book necessarily means living with a subject for an extended period of time. The

subject you lived with is a pretty dark one, as you put in the title. Did that weigh on you in a way that surprised you relative to the other investigative reporting that you've done, both books and otherwise? How did it feel to do this book?

MS. MAYER: It's funny that you ask this, I was just thinking it. The title comes from Cheney and people who knew Cheney said that after 9/11 he changed so much from living with this subject and that he kind of lost his sense of humor and became, you know, sort of had the weight of the world on his shoulders. I can't really say that that's true of me, I hope. I can say though that this subject became more than a story to me, more than almost anything I've written about. It became kind of an obsession and something that I just simply truly, truly cared about.

And it happened pretty fast because the people that I was interviewing cared so much about it. And so it was not like the Democrats versus the Republicans, the usual kind of political story, it was something incredibly deep that people were dealing with which had to do with our values as a country, which is, are we the kind of country where the government can authorize torture?

And the people who I was interviewing were themselves so upset about this and they were unusual people to be upset about it. It wasn't just human rights lawyers, it was, one of the first people who really truly impressed me was an FBI agent named Danny Coleman, who's an older guy and he's kind of like the rumpled raincoat and his son is an

Army Ranger, he is not a liberal. And I came at this with an open mind, I wasn't sure what I thought about the whole subject, but this man, who spent his whole career fighting terrorism, said to me, “If we start brutalizing these people, what are we, the Huns? You take somebody's clothes off them and you make them cold, they are going to be miserable, they'll tell you anything and you are going to lose your soul. And that's what's happening in this country, we are losing our soul.”

And when you see somebody who is like that tell you these things, it brought me, it made me realize this was a really deep subject and it caught my attention and my imagination.

MR. JONES: If you would, tell us how this all bubbled up, how did it get your attention? How did you take your first steps? How did it sort of grow?

MS. MAYER: I actually got a tip on the idea that there were these things called extraordinary renditions, and I went and started looking into it and discovered that there were people, and there were early stories on it here and there, I think the *Washington Post* maybe did the very first story on people disappearing around the world that seemed to be being snatched by American officials wearing black ski masks and black outfits, that I discovered later were made out of cloth that couldn't be ripped. And they were picking people up and throwing them onto an incredibly sleek private jet and taking them to places to be disappeared. And it seemed so unimaginable to me that there would be officials with

no name, with ski masks, kidnapping people around the world, off the face of the earth, people who had no access to lawyers or to anything else, their families had no idea where they were. That caught my attention too, so I started there.

MR. JONES: And so just as a descriptor in terms of craft, how did you go about doing the book, in terms of reporting it?

MS. MAYER: Well, I mean the book is based on originally about I think twelve or thirteen *New Yorker* stories but, in order to turn it into a book, I created a chronology that was 300 pages long of everything that happened in the War on Terror, and I did it week by week, and took every item in all the stories and tried to put it in chronologically. And what came out of that was really like assembling a jigsaw puzzle, you could see the connections between everything and that's really what I wanted to do with the book. The reason it's a book and not just a bunch of stories is I felt that somehow what was missing was accountability in this story.

Decisions were made in Washington by people that we elected and the people that they brought in and hired and people were being tortured on the other side of the world, and I wanted to reassert and restore that connective tissue between the two so that people in this country could read who made the decisions to have those people tortured and what happened when they did. And you could see it all in various, there is fabulous reporting

done by other people too on this subject, but what you couldn't see was the whole story and I wanted to tell the whole story.

MR. JONES: And so how did you, as I say, how did you go about framing your strategy for reporting it and did you try to surround the people who were the decision makers and the ones accountable? Did you, well how did you go about looking?

MS. MAYER: Well, I mean I went down to Guantanamo and I was over at the Pentagon a lot and at the CIA and meeting people. It's funny, the CIA people like to meet in Tyson's Corner in the Ritz Hotel. And there is a certain bar, if you wanted to find somebody from the CIA, you just have to go over there, and so I can't say that was hardship reporting. But you know, I just sort of threw myself at everybody I could find, and everybody I interviewed I asked who else I could possibly talk to.

One thing I would like to say just is that this book tells a lot. There is actually a lot we still don't know and so when you keep reading about the debate about whether there should be an independent inquiry or congressional inquiry of some kind, don't think that we already know it all, there is actually a lot missing and some deep, dark secrets still in there that we couldn't get.

MR. JONES: Were you surprised that some people wouldn't talk to you or that some people would talk to you in the course of your reporting?

MS. MAYER: Well I wasn't surprised that Cheney didn't speak to me.

(Laughter)

MS. MAYER: I did put in many interview requests and I loved the answer I got from his office on the last one when I said any time, they said when do you need to talk to him? I said any time in the next year and a half—

(Laughter)

—and I got back a message saying he is awfully busy for the next year and a half.

(Laughter)

MS. MAYER: So I didn't get to him. But one of the things I wanted to say also, and the same with David Addington who was a major character in this book and a major character in this dark program, was that I bent over backwards to try to not just, if I couldn't speak to people, I tried to humanize them and understand where they were coming from, even though they wouldn't deal with me. And so, in the case of David Addington, I called his mother and I'm sure the phone call between Addington and his mother, after she spoke to me, must have been really interesting.

But I spoke with his sister, I spoke with his best friend in elementary school and high school. I spoke to his high school teachers, I discovered that he had somehow flunked out or, excuse me, I should say left, and maybe in good graces, Annapolis Naval Academy after one year. I did everything I could to talk to people who really liked him because these people have many dimensions and I think it's really important in investigative reporting,

even when you are dealing with so-called bad guys, to try to understand where they are coming from because things are not just black and white, they are complex.

And these were difficult problems that these people were dealing with, even, it was a very scary time and I think it's important to understand why they made the decisions they did and even to see how difficult those decisions were. So I tried to bend over backwards to understand Cheney as well.

MR. JONES: When you are doing something like this, there usually comes a series of interviews at least that are very tough, confrontational ones. Did that happen in the course of this book? Did you find yourself in those situations and how did that prove to be?

MS. MAYER: Yeah, you usually leave those towards the end, by the time you've kind of been able to nail someone and then I think it's obviously important you confront the person. I sent hundreds of questions to the CIA, so they saw everything that was in this book before it came out and had a chance to comment on most of it, and the same with some of the people who it's very tough about. I called Addington's office and sent him questions and explained what we had.

You know, it wasn't so bad. I mean the truth is this subject, because I felt so strongly about it, I felt it was one of those things where you feel you are doing the right thing and you don't always have that chance in journalism, but it's a really gratifying thing when you can reach that point.

MR. JONES: Was the *New Yorker* helpful?

MS. MAYER: Well, I mean they gave me a leave of absence, which was great, and in those early stories they were fantastic. I mean we had some very tough calls, one of them was whether to name someone who the CIA asked us not to name, who was not undercover, his name was Mark Swanner, and he was the interrogator in a situation where they literally crucified someone, according to the coroner, and he was the guy who was in charge and the man died, and nobody has ever been charged, it's a homicide.

And I really wanted to put his name out there, because again, to me this is about accountability. He works for the United States government, he lives in northern Virginia. I went to his house to talk to him and he wouldn't speak to me. But I think we were being told that he would be in danger and his life would be in danger if we published his name, that al Qaeda would come after him for having basically interrogated someone to death, and I thought it was important and the *New Yorker* stood by that and they put his name in the magazine.

MR. JONES: Did you, in the aftermath of publication, did you find that you had made any mistakes that you thought were important? Did you find that you had made any misjudgments that you would like to get back? Are you pleased and satisfied with the book?

MS. MAYER: What killed me was that there was more information coming out really right after my deadline. There were a number of, there was a Senate report from Carl

Levins, the Armed Services Committee, that, I mean it was great for me in the sense that it ratified everything that I found out, but it also expanded on it and I really wished I could get some of that into the book. I mean there were, otherwise, only really small things. I mean somebody I described as the Chief Justice of the U.S. Supreme Court turned out to just be an Associate Justice and—

MR. JONES: Oh no.

MS. MAYER: You know, things like that. No, but I had also, I have to say, there is a killer ingredient in many of the books that have been winning prizes and much of the terrorism reporting that has been getting great attention and it's that you'll look and you'll see a small name at the end of many stories in the *Washington Post*, which is Julie Tate, who is the fact-checker extraordinaire and I hired her for this book, to help me out on the research, and I think she also helped Bart Gelman and Joe Becker on their research, and she saved me from a million mistakes.

MR. JONES: I understand that very well. Thank you, Jane.

We are going to go in alphabetical order, the way we did last night, and so I would like to start with the *Charlotte Observer*. What we are hoping that you will talk about is how the idea came, how you proceeded, what problems you had and how you did your work?

MR. ORDOÑEZ: Sure. And if I may, first let me just congratulate Jane and Debbie and Sarah, great stuff, and it's an honor to be here.

This story, like many stories of this kind, started off as a daily story. Kerry Hall, who couldn't be here today, was assigned to find out the local impacts of the avian flu. If you remember, back in 2005 there was a great scare. So poultry, being as big of a deal as it is in North Carolina, we wanted to check out and see how workers were being protected. Because what we were hearing is that there were a lot of precautions and there was a lot of measures being taken to protect the chickens but not necessarily—

(Laughter)

MR. ORDOÑEZ: —the people. So I was sent to Morganton, North Carolina, about an hour from Charlotte, and we were starting to hear stories from these workers essentially that, while they were nervous about the flu, it didn't necessarily concern them as much as their current conditions, their existing conditions of being, of the care that they were having, the lack of care that they were having, the injuries that they were having every day and the challenges that they faced when they tried to get care.

So I brought that information back, we wrote about the avian flu, and told our editors, told Kerry, and we wrote about that. And Kerry took that from there and started essentially doing FOIAs and started to FOIA in every state and every state agency that had poultry plants, and essentially we were finding some pretty revealing information.

MR. ALEXANDER: And early on we started taking a look at the Bureau of Labor Statistics numbers, which suggested that, by some measures, working inside a poultry plant

was safer than working in a toy store. Well, safety experts we talked to said that was ludicrous, I mean these are places where people are working side by side with sharp knives, they are surrounded by dangerous chemicals and machines, routinely making more than 20,000 cutting motions in a shift, so they are vulnerable to cuts and the repetitive motion problems like carpel tunnel syndrome.

It's important to know that these BLS numbers are based on companies' own reports. Essentially plant officials are supposed to record all cases where, all injuries that result in time off work or medical attention beyond first aid, but it's really an honor system and companies have a lot of incentives to cheat and regulators are rarely checking on them. So we challenged ourselves to answer a few questions, one was how often are these workers really getting hurt? Are these injury reports accurate? If not, why not?

So we managed to get our hands on a lot of company injury logs and then, with lots of help from Franco here, we wound up talking with more than 200 poultry workers in the southeast.

And things started getting really interesting when we started comparing what these workers were telling us with what was appearing on the official logs. A lot of seriously hurt people just weren't showing up on the reports and the stories we heard from workers helped explain why. A lot of badly injured workers said they weren't allowed to take time off work, they weren't allowed to get medical attention. And these are the very things that

would have triggered, this would have made their injuries reportable. And we also found a number of workers who did get medical care but still weren't showing up on the logs.

MR. ORDOÑEZ: It was very interesting using those logs, that kind of started our process of what workers to look for, and that led to other workers. As was mentioned before, many of these workers were undocumented and didn't have legal papers, so there were some challenges in getting them to talk to us. But once we were able to break those and once they realized that when I left, blue lights wouldn't come flashing, it took a little while but once they broke up, they really opened up and really wanted to talk. After it was over, we got a lot of feedback that, you know, just thanks for listening because so many people never would actually speak with us.

But as we were talking with these people, we started hearing these stories, some kind of became legend in our inner circle, such as Hymie Hernandez who we found out was, we heard that he was sleeping in the office because he was so drugged out on the medication because he was brought to the plant an hour after having surgery on his wrist.

And we heard about, we heard more about the doctors, pardon me, the nurses that Ames was mentioning, preventing these workers to go to the hospital when they asked for work and how they would subtly, and sometimes not so subtly, mention their immigration status when they complained too much. And we also heard that the supervisors, the bosses on the lines, were doing the same type of thing, telling, mentioning their immigration

status, telling them there is a long line of people who would take this job if you don't want it.

And one of the interesting things, and I think this was probably the saddest part for a lot of the immigrant workers, is that these workers felt like it's part of the deal to get exploited by this big American company, but a lot of the supervisors were Latino and they were Hispanic. So it was their own people taking advantage of them and I think that was probably one of the hardest parts about it.

MR. JONES: So how did it go from there? Let me ask you how did you pick this particular company?

MR. ALEXANDER: We ended up getting a lot of OSHA records on poultry inspections. We basically tried to get OSHA records on every poultry inspection by OSHA in the southeast over a period of five years or so. And one thing we saw again and again with this company is that they were cited a lot, first off, and they were cited for a case where a guy fell into an unguarded auger in 1999. There was evidence that company officials knew there was a problem with this machinery but didn't do anything about it, didn't fix the problem.

There was a case where, in another House of Raeford plant, a guy died in a chlorine leak, and then the following year, at the same plant, there was an ammonia leak that sent eighteen people to the hospital. And in each of these cases, the regulators slashed the

penalties and we also saw in the files a lot of indications that this company was thwarting regulators again and again.

There was one court case where the company's founder and CEO essentially threatened, what were his words, Franco? He basically threatened the top FDA official in North Carolina that he was going to "sue her ass and come after her." So we saw sort of a pattern of thwarting regulators and that made it very interesting. And they were also among the most cited poultry companies in the country, even though they were significantly smaller than Tyson and some of the other big boys.

MR. JONES: Did they represent, as far as you are concerned, the industry or were they, you know, unto themselves?

MR. ALEXANDER: We saw patterns in what they did in other companies, but I think with them it was extreme.

MR. JONES: So when did you appear on their radar?

MR. ORDOÑEZ: We actually appeared on their radar pretty early on, since we were talking with so many different workers--

MR. JONES: Were you just going to the plants or going, how were you, I mean what were you doing? How were you doing it?

MR. ORDOÑEZ: In each town we would take a different approach. I mean essentially we started off with the logs and we would start to talk with people, if we could

find them on the logs, but then we would be referred to someone else, and then we would be referred to someone else.

MR. JONES: By the people you talked to?

MR. ORDOÑEZ: By the people that we spoke to, and essentially that would lead us to supervisors and different workers and eventually our names got out there and they knew who we were. But really, and even in their more official capacity, we were talking with them about six to eight months before we actually published about—

MR. JONES: You were talking to the officials at Raeford?

MR. ORDOÑEZ: We were talking to the officials at Raeford.

MR. JONES: Raeford, and how did that go?

MR. ORDOÑEZ: Well, not so well at first.

(Laughter)

MR. ORDOÑEZ: Well, I mean let me edit that a little bit. You know at first there was some, at first they were sort of cautionary but actually, Kerry was in Columbia and they invited Kerry into the plant to visit and that's how we got the great photos of inside the plant. So in the beginning they were a little more open and they talked to us, at this one plant at least. The other plants, they were a little bit more standoffish, but we were able to at least begin the conversation.

It was interesting that each plant, though it was the same company, each plant seemed to work almost independently, so it was, we were working on the same company but each plant we sometimes had to take a different approach in order to get the information that we needed.

MR. JONES: Were you ever able to, eye to eye, confront the head of the company?

MR. ALEXANDER: Kerry got to talk to him at a trade conference and his name is Marvin Johnson and he is I think 88 years old or so. And I think the first thing he told Kerry is "I never talk to reporters, I don't trust you bastards." But he shared with Kerry a series of Marvinisms, sayings for which he has become known, things like "Chickens don't know it's Sunday."

(Laughter)

MR. JONES: I'm not so sure that's true.

(Laughter)

MR. ALEXANDER: But he would not submit to a real interview. In fact, you all went to his house several times and we sent numerous letters requesting interviews.

MR. JONES: Was there any effort by him or by their lawyers or others to keep the story from being published?

MR. ALEXANDER: Well they were certainly, they sent several letters to us asking us not to publish, that the information that we had was more hearsay, and they said that

the workers' stories that we got, they claimed that we did not have the full story, but they never threatened a lawsuit or anything like that.

MR. JONES: So what happened in the immediate aftermath, just in personal terms? You know McClatchy, your owners, your corporate owners, the *Charlotte Observer* has been going through its own economic problems, like every other newspaper. Was there particular sensitivity? Was there any sort of, from your perspective, special wariness of how this was going to land in terms of the community that Charlotte is living off?

MR. ORDOÑEZ: You know what was really great about this project and the fact that we are in those times that you are talking about is kind of the backing that we got from our editors, such as Cheryl Carpenter over there, they really stood behind us. It was a very tense time economically. We would talk and we would be nervous that because of the time, would we be able to continue to do the work that we were doing? I was living in a hotel, spending gobs of money, just waiting for them to say no more, but they kept backing us up, they kept supporting us.

And they supported us throughout publication and they continued to support us after publication because we continued to work almost exclusively full time on this project and continued to uncover more interesting things, such as after the series we did another kind of a miniseries on child labor. Immigration actually raided the Greenville plant that we focused on, indicted the manager. And in the information we learned, and we had

heard this before but after the raid we were able to prove and document that there were young people, fifteen, sixteen, seventeen year olds working on these lines in this capacity, which is not legal to work in such a dangerous job, and we were able to search out and find some of these young workers and hear their stories.

MR. JONES: So bring us up to date on this story, where is the company? Where is the regulation? And what do you think the prospects are in the Carolinas for this kind of a situation?

MR. ALEXANDER: Well some things are happening. In the appropriations bill President Obama recently signed, there is extra money for OSHA and for trying to root out the sort of under-reporting of workplace injuries that we were writing about. There have been, the federal investigation into the House of Raeford plant in Greenville is ongoing. There have been a series of bills introduced in North Carolina aimed at increasing scrutiny of poultry plants and boosting penalties for child labor violations. And the GAO is also doing a study to see whether OSHA is doing enough to crack down on under-reporting.

MR. JONES: Did the House of Raeford ever make a public mea culpa?

MR. ALEXANDER: Not really. I mean they did issue a press release, I think, on the second day of our series, which simply said that they tried to do the right thing, that they believed that the people we wrote about did not represent the way they try to do business.

MR. JONES: And did the story, you know, usually in this kind of a situation, when a story like this begins, people come out of the woodwork.

MR. ALEXANDER: We've gotten a number of those, some we can tell you about and some we can't.

MR. JONES: Okay, let me ask you one final question, if I may. What is the status of the investigative reporting now at the *Observer*, which has a terrific tradition of investigative reporting?

MR. ALEXANDER: I mean still when I hear editors talk about what's important to them, investigative reporting is way at the top of the list, and as Franco mentioned, they really stuck behind us on this story. We had early drafts of a lot of these stories done months before we published and the editors, to their credit, said this is great stuff but we want you guys to keep digging. It would have been very easy for them to say okay, let's get it in and let's move on, we can't afford to be spending this kind of time on projects, but I think there is an understanding that they want to do this kind of work and they want to do it right.

MR. JONES: Thank you.

To Detroit. So, again, if you would, tell us in your own words how this all came about.

MR. ELRICK: Well, first of all, we're very honored to be finalists in this competition. And it's great to see a lot of not just big papers but mid-sized regional papers getting some recognition. And our editors are as competitive as anybody, which we are really grateful for and so, on behalf of them and the *Free Press*, we would like to thank Mr. Shorenstein and the Greenfield family for supporting this sort of thing, it gives people something to aspire to and gives us a chance to sort of inspire each other and to talk about what we do, because it still is really important to our readers and to our editors, as difficult as things are now.

And the last time I was here at the Kennedy School it was with our mayor and he was here for Mayor School in 2001.

MR. JONES: We taught him well.

(Laughter)

MR. ELRICK: I don't want you guys to feel too guilty because he left early and perhaps if he had stayed the whole time, Jim and I wouldn't be here today, but that was his decision, as many of the things that happened in this story were his decision.

We had first become interested in text messages back in 2002, early in the mayor's first term, because we are fairly low-tech guys. If you've seen any of the videos we've done with this story, we have a stack of papers about this high that are dogeared and covered with notes and paper clips.

And early on we noticed that the mayor would be, say this is the mayor and I'm introducing the mayor, the mayor would be furiously plugging away at this small little box. And he is a young guy, we figured they probably were not video games, but we didn't know what the hell this thing was and we found out it was a Blackberry, which in 2002 was still pretty cutting edge. And so, as a reportorial exercise, we put in a FOIA seeking his text messages and we were told in 2002 that in fact these were not maintained by the city, that these messages were kept by the provider and therefore, they didn't have access to the records, and so they couldn't comply with the FOIA. We were also told that this high-tech mayor didn't have e-mail so, you know, we were a little suspicious.

But at that time, we had no idea that we had a mayor who was really out of control. He was seen as the future of Detroit, he was someone who had been a keynote speaker at the Democratic National Convention. He was someone who looked like, well he looked like he was going to be Obama and before there was an Obama. And we continued to watch him and as his tenure got going, there were a lot of signs of trouble, some sentinel events that we wrote about, but really didn't get too involved in the text messaging again until he was sued by some police officers who claimed that he retaliated against them for preparing to investigate allegations of wrongdoing by some of his friends, who were police officers, who were part of his security detail.

One of the things we always found in looking into the mayor, that there was always trouble involved with friends of his who were in high city positions. And as this trial got going, as the lawsuit got going, one of the attorneys, who was very resourceful, decided that he was going to seek these text messages, figuring that this would give him some indications as to any debate over whether or not there was discussions of firing this deputy police chief, who was one of the plaintiffs in the case.

And also, proving some of the things that they were poised to investigate, such as the mayor was carrying on numerous and prodigious extramarital liaisons. We didn't really care about the sex, we never really cared about the sex, it was more a matter of whether or not the mayor was being honest with the people of Detroit. As this trial went on, the text messages, through various bizarre machinations, never showed up, and our hope in getting these messages was sort of in the same way that you find interesting things in the dictionary when you are looking up something else.

The lawyers wanted to see whether there was sex there and whether this police chief had been fired. We didn't care about the sex and there was no doubt whatsoever in our minds that the chief had been fired, but we wanted to see if there were other indications of corruption. In the midst of these love notes, was he also saying let's make sure so and so gets his $10 million contract? And that's what really interested us.

The trial ended and the plaintiffs won without having these text messages, they never emerged in the trial. And we were crestfallen because we thought here is our best chance, our only chance to get these records and now it's gone. I think we would love to tell you how we got them after that, but we are very sensitive to litigation, since we have a source issue and because the mayor's new lawyer owns a 737 that he flies around on called the *Wings of Justice 2*.

(Laughter)

MR. ELRICK: I'm sure you guys have read about the *Free Press*. We are not in any position to supply the *Wings of Justice 3*.

(Laughter)

MR. ELRICK: Let alone deliver your paper on Monday, Tuesday, what is it, Saturday? And I think Wednesday, but we'll still sell it to you at the newsstand. So we have got to be very careful about that.

But our whole goal all along was to tell the people of Detroit whether our mayor was an honest mayor, whether he was a hard working mayor and whether he had the interests of Detroiters at heart, which is something that he always claimed and something that we always found to the contrary.

But once we got these messages, there were, I mean there were a lot of them, let's put it that way, and it took us about thirty seconds to figure out that the mayor had

perjured himself because these exchanges with his chief of staff, who was also his lover, and a former high school friend, as many of his appointees were, were right there on the top of the first page. And from that point, our goal and our mission became trying to get to what really mattered, what was really important, what mattered to the people of Detroit and to why they should care about this, beyond the fact that their mayor was an adulterer, which frankly, in Detroit ain't that big a deal. And I'm going to let Jim talk about how we made the tough decisions to keep it clean.

MR. SCHAEFER: Well I think Mike and I wanted to write about everything, we thought there were a thousand stories in these text messages. But we had some very responsible editors who sat us down and said listen, boys, you should look as to whether or not there is evidence of criminal activity in these messages, and they made us focus on whether there was perjury. We could have written a story the first day that we had these documents, we could have written probably fifty stories from the text messages, but they wanted us to focus on what was important in terms of was there an abuse of the public trust, was there a crime committed by an elected official?

And so we wrote a story that said two things, the mayor lied under oath about the relationship, he denied it just a few months earlier in a trial, and he also gave misleading testimony about the firing of this police official and he denied both of them on the stand,

that they had fired this man, and we found text messages where they used the word fired when they were talking about him between each other. So our first story was that.

But we knew there was a bigger story out there, beyond the sex, beyond the relationship, even almost, in my opinion, beyond the perjury, and that was that the mayor had used $9 million in taxpayer money to cover up his text messages. That wasn't a part of our first story, we actually got to that story about a month later, and the only way we got to that story was we filed a Freedom of Information Act lawsuit against the City of Detroit for a secret settlement agreement that had happened in this whistleblower lawsuit.

The mayor had vowed to appeal this verdict that Mike had mentioned earlier, a jury unanimously awarded these fired police officers $6.5 million. The mayor had vowed to appeal this, he thought it was an unjust verdict, possibly a racially motivated verdict. He made reference to only one Detroiter being on the jury, mostly suburbanites on the jury. And basically came out one day, after making all these vows to appeal, and said I changed my mind, I'm going to settle this suit. I've consulted with my pastor, my family, my friends and in the best interest of Detroit, I'm going to settle this case for $8.4 million and be done with it and we can all move on.

But we had done some reporting that told us there was more to that story and the only way we were able to get to it was through the Freedom of Information Act lawsuit that our paper, God love them, decided to file and fight all the way to the Michigan Supreme

Court. The mayor had fought us every step of the way, claiming there was no agreement, we don't know what these guys are talking about. When it gets released, you'll see there is no agreement and indeed on the very day that it was released, he still said there was no secret agreement, even though the top of it said secret agreement.

(Laughter)

MR. SCHAEFER: I'm still trying to figure that out.

I think that's a good enough overview. The mayor basically fought, tried to stay in office for nine months and eventually quit on the day before the governor of Michigan, in an unprecedented hearing, was about to remove him from office on a request from the Detroit City Council.

MR. JONES: How were you able to establish that these text messages were authentic?

MR. SCHAEFER: That's a very good question and it was a very big problem for us or a very big concern. We had 14,000 text messages, roughly, and we had to prove to our own satisfaction and to our editor's satisfaction that nobody had, that someone hadn't sat at a typewriter and typed these things up. And fortunately, we had some other documents that we crossed reference with these records that we had won in a Freedom of Information Act lawsuit in 2005. We had filed FOIA requests that they had denied for the mayor's credit card, which was a city credit card, and for some of, he had a petty cash account in his office,

we wanted to see those records, because some of those funds had been pilfered, and in fact three people have been charged and convicted of stealing money from that fund, so we wanted to see what was in it. And we also asked for his appointment calendar. Anything else? And what we did was spot check the records. We took events, for instance, the mayor messaged Christine Beatty one night and said I'm at the Lakers game in L.A., they won't let me in, they don't believe I'm the mayor, I've got to have Mike—Mike was his main police bodyguard—I'm going to have to have him badge us in. So we knew the mayor was claiming to be in L.A. that night. With the credit card records, we could see that he had charged a flight to L.A. the day before. His appointment calendar said gone to L.A. on business, so we satisfied ourselves that that event had occurred.

Another one of the follow-ups we did was that they had spent city funds, the mayor and his lover, to travel to a ski resort in Colorado. And the reason we knew that was a pleasure trip, instead of business, they did a lot of business together but they also did a lot of pleasure trips together, was because we had these other records that we could cross reference with them. We sort of layered these records to make sure that we were seeing the full picture. And on his calendar, there was no flight charged to Colorado that day but there was a rental car in Aspen or Vail, I can't remember the exact location. So there was a rental car on the city credit card, there were text messages between them talking about have you booked your flight, you know, they're saying my flight is going to cost $400, I'm in

Denver, that kind of stuff. And on his appointment calendar he had put two words, "Gone fishing!!!", with three exclmation points.

(Laughter)

MR. SCHAEFER: So we knew it was a pleasure trip and that became a headline in the paper.

MR. JONES: Did you establish, were you able to establish from your review of those records, why he elected to commit perjury instead of simply settling with these people from the start?

MR. ELRICK: He didn't explain himself in the text messages and we had a very limited sample. We had four months of the text messages, there are actually 625,000, we have seen about 20,000 of those and we are trying to get the rest of them. But he didn't explain it in so many words but as most politicians, he explained himself in his actions and his whole point was come get me. You think you can get me, come get me. He was, I mean we hear the word hubris thrown around a lot, well this guy was hubris incarnate.

But there was just a sense of no one is ever going to find about this. I mean there was such candor in these messages, that this was their secret and they figured no one would find out about it. We've been told subsequently that one of the reasons why he went to trial was to prove to his wife that he wasn't having an affair, because why would he put it all on the line if he was having an affair? And I think if the mayor did tell us why he went to trial,

it was in his own words after the trial when he said in a press conference that he felt that the people of Detroit needed to see him go up on the stand and put his hand on a Bible and say that he didn't do these things that he was accused of doing. So he thought we needed to see him deny it, even if it was true.

MR. JONES: How ugly did the race dimension of this get, for you personally and for the *Free Press*?

MR. SCHAEFER: Well, I mean like everybody here and like a lot of managers at papers, there's a lot of white guys running the show and I think that's a real problem. We had the advantage of having Ceaser Andrews as our executive editor who, I don't know if folks know Ceaser, but he is African-American, a very good editor, a very smart guy. I think that helped our editors feel a little more confident.

For folks who aren't that aware of the *Free Press*'s history, we were sold by Knight Ridder, who had owned us for years, to Gannett, so we had all new ownership, all new management who were not that familiar with Detroit and I think had some trepidation as to how the story would be received in Detroit.

Initially, there was no counterpunch. We expected the mayor to assemble ministers and talk about how this is a private matter and how this is some sort of assassination attempt. Instead, when the story came out, he booked a flight with his family to Tallahassee, so that was pretty good.

But eventually the mayor did come around to race. He was a fairly young man and had not grown up in the civil rights movement, so he was very dismissive actually of what had come before him and would often say that it's time to put the politics of race behind us, you know, thanks for all your efforts and all your work to get us to where we are today, now let's move forward.

But when he found himself in a jam, he could play that card pretty hard and during his state of the city speech, which came about a month after the stories, the initial stories were published, but just before he was criminally charged, he said that he had been the victim of a "lynch mob mentality." He worked several N-bombs into his speech and claimed his family had been attacked, that helicopters were circling the mayoral mansion and people were following, all of which was utter fantasy.

But he did try and turn it racial. But the thing that I think helped the *Free Press* is that we for years had been writing about his missteps and when he ran for reelection a year or two before that, his very first campaign commercial was an apology to the people of Detroit, saying I've learned from my mistakes, I'm not going to make anymore mistakes, and so he had kind of had his last chance. And when this came out, I think there was just a general sense in Detroit that you know what? He told us he wasn't going to screw up again and here is the biggest screw up of all.

So I don't think it ever got to the race issue and if anything good has come out of this, it may be that the days of playing the race card in Detroit are over because you had better have a pretty explicit example, because a lot of folks have tried using that in the city to explain away a lot of things that had nothing to do with race.

MR. JONES: Just very briefly, how do things stand for investigative reporting at the *Free Press* under your new arrangement?

MR. SCHAEFER: Fortunately, the investigative reporting part of it is great, what we are missing is the middle reporting levels. We have lots of people that have been reassigned to work on the Web doing breaking news, working sort of old school hours of 5:00 in the morning until 2:00 in the afternoon, and then we have us. And it's not just us, we have two or three other reporters who contribute to the investigative team and a full-time investigative editor.

One of the interesting things that's happening at the *Free Press* is that our wacky publisher has decided that he does not want to cut the newsroom staff, as is happening at virtually every paper around the country, so his innovative idea, or suicide plan, is to cut out home delivery four days a week. So, starting on March 30, you will not be able to get the *Free Press* or the *Detroit News* at home, except Thursday, Friday and Sunday. This plan supposedly will save tens of millions of dollars and allow our publisher to maintain the newsroom staff.

He does not want to cut what he thinks sells the newspaper, the content, and so this idea is being studied very carefully by other newspapers around the country. Our publisher tells them, he tells us in these weekly meetings where we all sort of hold hands and take deep breaths and listen to what he has to say, that other papers around the country are coming to him in droves to see if this is going to work, and if it does, I think you are going to see it repeated in many, many places.

MR. JONES: I take it you don't think it's going to work.

MR. SCHAEFER: Oh, I didn't say that.

(Laughter)

MR. SCHAEFER: I hope to God it works because I think the idea is a noble one. He is trying to preserve what our core responsibility is, covering the City of Detroit and providing people with the information they need to have, like this story, and boy, I sure hope he is right.

MR. JONES: Well, good luck.

MR. SCHAEFER: Thank you.

MR. JONES: David, the *New York Times*, if you would?

MR. BARSTOW: I too would just like to say thank you to Mr. Shorenstein and to the Greenfield Family.

My story began with a tip but it was a tip that resonated heavily with me because it touched on some long-time interests of mine. Mine was a story that began with a tip about one general on one network and about some of his arrangements with defense contractors. But the reason why the tip resonated with me is because for the last bunch of years, I think as we all have watched the sort of gradual decline of journalism—independent, rigorous journalism—we have also seen the sort of rise of the spin industry, which is becoming increasingly robust, sophisticated and intertwined with our government.

And the tip also touched on another thing, which was the corresponding rise of defense contracting during the course of the War on Terror. I mean it's unbelievable the amounts of money that are just being pumped out on a daily basis and if you drive around Washington and you drive on the outskirts of Washington and you just look at the developments and the new office parks that are springing up, you get a sense of just how unbelievable the money stream is. And of course connected to that is this fierce and unending competition for contracts.

And then the final thing that this touched on for me that made it resonate was this also came in the context of the Bush Administration that had taken some rather unusual and aggressive steps to really control the message, going so far as paying columnists to write favorably about the Bush Administration, pumping out literally hundreds of fake sort of news segments that they were distributing to television stations around the country in a

kind of wholesale way. And so when I got this tip and thought about how this might help us do some work that aimed at all of those issues at once, after I got done sort of gulping about that, I started digging in.

I think what I would say really overlaps with what these guys have said about what all of us are trying to do at the end of the day, is try to achieve maximum penetration into the subject area. And so for me one of the really crucial "aha" moments, and we all sort of look for these aha moments along the way in our reporting, came when I was able to get somebody who was deep inside the operation at the Pentagon set up to target retired officers who were appearing in ever greater numbers after 9/11 on air to sort of describe to me the architecture and the thought process that was going on in the Pentagon, how the Pentagon, in the run up to the Iraq War, when they were trying to think about how to bring the American people along for the ride, came to the conclusion that actually these retired generals ought to be their main messengers to the American people.

MR. JONES: But why did he tell you this do you think?

MR. BARSTOW: He was proud, quite honestly, they felt really, I mean that's a recurring pattern. This was a political appointee and they actually created a separate unit, made up of political appointees, most of them PR professionals or who came out of the world of strategic communications, to act as kind of the concierge to these generals. And so they look at the world in an entirely sort of different way than we might look at the world

and they considered this an enormous coup on their part, the way they had managed to sort of infiltrate inside the networks in a way that maybe even the networks didn't realize.

Many of these guys were basically coming back to the Pentagon and telling the Pentagon here are stories the networks are considering, are working on. They would get story ideas from the Pentagon and take them into the networks and say hey, you ought to do this. So it wasn't just what they were doing on air, it was what they were doing off air that was also important. And they also got an enormous kick and thrill out of turning on the television and seeing these guys on air literally parroting, almost word for word, the very sort of messaging themes and talking points that had been spoon fed to them earlier that day in a briefing or in a conference call or on a trip.

MR. JONES: I can understand them talking to each other about this and bragging to each other, but talking to the reporter from the *New York Times* about it is a little hard to fathom, again given that these are not naive people, these are PR professionals.

MR. BARSTOW: Well I'm a friendly enough guy, and you know—

(Laughter)

MR. JONES: I suspect you went in there with straw in your hair.

(Laughter)

MR. BARSTOW: Yeah, I do think it was interesting, I mean I spent a lot of time talking to the retired officers themselves for this, and I did sense along the way, in some of

them, a sense of guilt actually, a sense of recognition that, because a lot of these interviews were occurring when it was obvious that the war was really in trouble. And I think a lot of them, I mean a lot of my reporting is just I try to think up really simple questions and then try to attack those questions.

So what was the information that the government was giving to these generals? Was the information the generals were getting accurate? If it wasn't accurate, did the generals know that? And if they knew it wasn't accurate, did they then go on air and correct it or did they challenge it or did they just parrot it?

And I think some of these guys, looking back in hindsight, had this sort of sense of that they had maybe let down not just the country but also, in some deeper way, the uniform. And I think that helped contribute to why some of these guys spoke about their involvement in ways that were surprising even to me, in terms of their candor.

MR. JONES: Do you think they, I know that you had documented well that many of them had financial interests as well as many other interests, but how much of their decision to do this do you think was either a sense of getting back in the game and being relevant or a sense of duty, in which they were basically asked, they were given a mission by the Pentagon and were told that that's what the Pentagon wanted them to do and therefore they did not question that?

MR. BARSTOW: Yeah, I mean you really hit it on the head, I mean I think that was a very important underlying sort of current that carried a lot of these guys along, the sense of being back in the room, being back in the Defense Secretary's personal conference room and sitting there with the fine DOD china and talking big, important subjects with big, important generals. And that did sweep them up.

And the people who were on the other side, the professional spinners, were quite aware of those forces on the mindset of these guys and played that quite intentionally. They understood the importance, especially for the guys who were in the world of contracting, to be able to say to clients and to be able to say to the public, you know, to intimate that sort of access to power and that access to information. In the world of lobbying and contracting, proximity is all, and these guys were being given sort of that greatest coin of the realm in Washington, access, in a way that would be unheard of for us mere mortal reporters.

MR. JONES: I'm going to have to move a little more quickly than I have been because I want to give everybody a chance to speak and then give people an opportunity to ask questions as well. So I would love to dwell on this more but we are going to, we shall move on.

The *Pittsburgh Post-Gazette*. The University of West Virginia, phony MBA.

MS. SABATINI: I just wanted to say what an honor to be here and thank you very much for inviting us.

I guess one of the remarkable things about this story is how innocently it began.

I was preparing to do a profile of the newly appointed chief operating officer at Mylan, which is a big generic drug company near Pittsburgh, and her name is Heather Bresch. So, as part of just initial routine fact checking, I called West Virginia University to verify her credentials. At the time I didn't know she was the governor's daughter, I didn't know that she was a lifelong friend of the president of the university and had actually lobbied to help him get his job. I didn't know that the founder of the company she worked for was the university's biggest donor and had his name on the stadium.

When I called, this was on a Thursday, the registrar verified her undergraduate degree but said that records showed that she had done some graduate work but had not completed her degree. He wouldn't say how many credits shy she was because that was protected by privacy rules. So at that point I thought I had an executive lying on her resume story, which it's an okay story, but it happens.

So I called Heather Bresch's office, a couple of hours later her spokesperson calls back and says oh, she got her degree back in 1998, she certainly has her degree. So I called the university back. By that point, I was told that the matter had been referred to the president's office, which was kind of unusual, but the spokesperson kept putting me off.

Finally, that Monday the spokesperson told me that it was all a mix up, that she just did not pay her $50 graduation fee and so she was not recorded as a graduate. Actually, we found out later that the graduation fee back then was $30. But anyway, this was just all a big mix up.

Meanwhile, a couple of hours before I was told this by the university I got a call from an anonymous person who just said that her transcript had showed that she had only completed 26 of the 48 credits that she needed to graduate and that he was afraid that the university was going to cover it up, and then hung up. And this guy didn't have any access to records, didn't see it firsthand, this was just something he heard, so I thought it was kind of, maybe he was kooky.

But that's how this got started. The editor of our paper said well if there is something to this, we are going to get it. I asked for Len to help, I mean I wanted somebody that I knew wouldn't get discouraged by roadblocks because if this was a fix, it would be the provost, the president and the business school being all in on it together, and so it would be difficult to get to the truth. So it took us nine weeks to get enough evidence to run our first story, we ran over fifty stories after that, just chipping away at their story.

We are still reporting on it. We had lots of secret meetings with informants, and code names and all that sort of fun stuff. As it turned out, the administrators had falsified her transcript and just pulled grades from thin air and fixed it all up real nice so it looked

like she had completed the work. They gave her B's in six classes and A's in two classes. I mean some of the big breakthroughs we had to get the story, I mean we knew we had to find somebody that had access to records and that would share them with us.

We wanted to do this quickly because the university never denied that her transcript was wrong, they just said that the business school had failed to transfer her credits to the official transcript because she hadn't paid this fee, but we wanted to get a look at what, before the transcript was altered, we wanted to see it and then see it after it was altered, and we made a lot of cold calls, and it was a very difficult thing but we eventually got a source to help us out.

MR. JONES: Did you ever get clear on why this happened? I mean was it because she claimed an MBA that she did not have but just for vanity's sake? Was it something that they had agreed to before?

MS. SABATINI: No, they certainly hadn't agreed to it.

MR. JONES: Well what I mean is this was something, was the catalyst for this all, as far as the university was concerned, the fact that she had put an MBA on her resume and that you had found out that it was in fact phony?

MR. BOSELOVIC: I think one of the things we tried to do was how quickly or at what point she started claiming to have the degree and the first reference we could find was a year earlier when she testified before Congress that she listed it. We couldn't find

anything prior to that and we were told by several people that there was some sort of perhaps a feeling that as a chief operating officer of the world's third largest generic drug company, she needed something on her resume to make her feel more secure or make people feel more comfortable.

MR. JONES: But she had not secured the cooperation of the University of West Virginia in advance.

MS. SABATINI: No, she never got her diploma, she never got her degree, and what we were able to piece together is we FOIA'd for phone records and e-mail records. We never got the president's and they came up with all these outrageous excuses, and we sued and the judge shot us down, and that was that. But we were able to identify her cell phone number and then we got the phone records from the president's chief of staff and we were able to see that right after I had called the university, there were a series of calls between Heather and the president's chief of staff. I mean we don't know what they said but —.

MR. JONES: Did she ever make a statement of explanation?

MS. SABATINI: Yes. She still says, to this day, that she earned it. She said she got a special waiver from the director of the program at the time to substitute work experience for these credits, which everybody in that program was a professional so I don't know how you could possibly substitute work experience. And the program director, by the way, denies that.

MR. JONES: And bring us up to date, is she still in the position she had?

MS. SABATINI: Yes, she still has her job. She only talked to us one time and that was back when I had first called the university and when they had told me yes, she had her degree. She said that I had asked repeatedly for, because there was such a big mix up, could we see a diploma, could we see a transcript, anything like that, and she just said that her word and the university's word were better than a transcript, and that for anybody to accuse her or question that she had a degree was offensive, and the university never gave us interviews either, they just said this was all handled appropriately and this will be the last we have to say on this matter, which at the time, I remember thinking, I don't think so. (Laughter)

MR. JONES: There's one aspect of this I wanted to ask you about in particular and that was being attacked by the *Charleston Gazette*, which is the leading newspaper in West Virginia.

MS. SABATINI: No, it wasn't the *Charleston Gazette*.

MR. JONES: Which one was it?

MS. SABATINI: The *Wheeling Intelligencer*.

MR. JONES: *Wheeling Intelligencer*, okay, I misspoke.

MS. SABATINI: It was an editorial just saying that—.

MR. BOSELOVIC: The publisher is on the WVU board.

MR. JONES: Did the other newspapers in West Virginia express any slight interest in this at all?

MS. SABATINI: Not at first. After a while they came around.

MR. JONES: And did the governor ever say anything?

MS. SABATINI: The governor said he knew nothing about it. Now, we FOIA'd for the governor's phone and e-mail records and were told the same thing that we were told by the university, that he personally pays for his cell phone so they are not public information.

MR. JONES: And the sources that you found to penetrate this, to use David's word, how did you find them?

MS. SABATINI: Well, we did a lot of cold calling. We are still protecting a lot of sources.

MR. JONES: No, I understand.

MS. SABATINI: I can't exactly say how we did it but —.

MR. BOSELOVIC: It was when he was appointed the previous April, there was a lot of concern among the faculty that the university was being politicized. Before he came there, one of the jobs he held was chief of staff to the governor of West Virginia, and as such, he appointed or helped, was involved in the appointment of five people to the board of governors that gave him the job. So just that concerned a lot of people and made a lot of people willing to talk to us. But on what terms was the difficulty, because a lot of people

either worked, Mylan is the biggest employer in Morgantown, other than the university, so we either had to talk to people from Mylan or from the university, who were protecting their jobs.

MR. JONES: Finally, what's the status of the investigative reporting with you guys?

MS. SABATINI: Well we just had maybe 25 people take a buyout in our newsroom. So, while the paper is interested in investigative journalism, realistically we are just going to be putting out a lot of fires.

MR. JONES: Well I know that your editor cared enough to come last night so, thank you.

ProPublica. So how is your newsroom?

MR. LUSTGARTEN: I feel fortunate enough to say I'm probably in one of the best situations, as far as investigative reporting goes. Our newsroom is exciting and full of ambitious editors who are well funded and encouraging us to pursue anything we can possibly think of, test it out.

MR. JONES: If you would, tell us about your project?

MR. LUSTGARTEN: Well, first I would also like to say that it's an honor to be here and thank the Greenfields and the Shorenstein Center.

This project on the impacts to water from natural gas drilling, I kind of stumbled into it and it was partially the result of coming to a new job at a new organization where I

was just looking for whatever that first story would be and was poking around. I had been doing quite a bit of reporting across the country on water contamination issues, looking at municipal water districts and what kind of chemicals our water treatment plants were finding in their water, not just pharmaceuticals, which we heard a lot about, but all sorts of other substances.

And I wasn't really looking at the energy industry but had reported extensively on the energy industry before and in an innocent conversation with somebody that I talked to, I think in Washington, had said you might just poke around about what's happening upstate New York, they are looking at drilling for natural gas. And they were talking about it in the context of an industrial process coming to a rural area and not much more than that. And I just started adding a couple of questions into a couple of interviews here and there that really weren't focused on that issue.

But I was working with the U.S. Geological Survey and I was speaking with some folks at Cornell University and I quickly heard two things. From the U.S. Geological Survey I heard that there is this quite incredible, or this process that they found as scientists, quite incredible that allowed them to extract natural gas in these new deposits. It involves pumping a whole bunch of fluids several miles underground at extremely high pressure until the pressure breaks apart the rock and releases the gas to come back up.

The geologists thought the process was fairly experimental, was highly effective it seems for extracting gas, but they didn't really know much about what the other impacts might be, in terms of creating fault structures underground, in terms of how far the fluids that they could pump into the ground might travel or what you do with them when they come back up. And apparently the fluids also contained a fairly large amount of toxic chemicals or suspected toxic chemicals.

What I heard from Cornell University was surprise that New York State was pursuing these drilling plans without really having any idea what they were getting into, and I at that point had the somewhat naive assumption that the New York State Department of Environmental Conservation would understand drilling quite well, there had been drilling in the state for eighty years or so, and that they would know exactly what they were dealing with.

And I just started digging around from there and looking back across the country. I had some experience reporting on the oil and gas industry in Western mountain states and soon after I began looking into the issue of what could the impacts be of this hydraulic fracturing process underground and what was the regulatory environment that the gas industry is working in? I was forwarded a letter by a source at the Environmental Protection Agency in Denver that at that time was a private letter, it has now entered the public record, but it essentially was an extensive argument that the EPA had great

misgivings about a gas development program in central Wyoming, which was a gas field that Dick Cheney had personally pushed the development of quite heavily.

The EPA found that there was benzene contamination in 88 wells, about two-thirds of the wells that they had tested there, and they wanted to continue testing and they felt very strongly that the drilling should not go forward and that the Bureau of Land Management, vis-à-vis the Department of the Interior, should not pursue drilling until they could answer some questions about what had happened to the water there. This was a fresh water, drinking water aquifer in central Wyoming. And the government's response was essentially to shut the EPA up, to put pressure on the local regional EPA in Denver from Washington and to push the drilling forward as quickly as possible.

And I went back to New York state, eventually, and talked to the Department of Environmental Conservation and they couldn't answer, it seemed, the most basic questions at that point of what was in the fluids, how were they regulating it. They were issuing water discharge and water collection permits to the gas industry or preparing to issue them and they hadn't even asked what the industry would put in the water.

They hadn't asked for the industry's plans on how they would dispose of the waste afterwards and they hadn't checked with the water treatment facilities to see if they would have the equipment and the technology that would be capable of treating the water that

would come back out before it was released back into the rivers and the watersheds of the East Coast. A lot of this is going to happen inside of New York City's watershed.

But the most striking thing that I heard from them and almost everybody else that I asked that was either on the government regulatory or industry side was that there was no reason to be concerned, that there was not a single instance where contamination had been proven to have been caused by this hydraulic fracturing process. They use a very narrow definition to say that, at least those that do understand the process well. In the case of the state, I think that they just accepted that dismissal at face value and that was the motivation for us to go and start looking at what was happening around the country.

It didn't take much more than diligent examination of records that were not only public but didn't even need to be FOIA'd for, just had to be read patiently, to see that there were problems with water, with drinking water, groundwater and surface water, almost every place where there was extensive drilling in the United States, enough problems that we felt that questions could be raised about what was causing the contamination. It's very difficult to ever say that it's directly the result of hydraulic fracturing but we began speaking with people at the EPA especially who felt that the pattern of contamination was cause for more study, was cause for more regulation and needed to answer some key questions, including, if you are going to pursue hydraulic fracturing, what are you pumping into the ground?

That information, as it turns out, was maintained as a trade secret by the industry and no one had the complete picture of what was being pumped into the ground, not the EPA, not the state regulatory agencies, virtually no one, well no one that I've spoken with yet. From there we began to look at each case of contamination and we chose several that seemed fairly clear in that they had already led to a state examination, a state inspection and a citation of some, of, in most cases an industry representative, with a fine or some finding of guilt.

So we narrowed down to six serious cases of contamination and then I started traveling around Wyoming and Colorado and talking with these people and hearing their personal stories and it really began shifting from a story about science and numbers on paper and regulations, into a story about how drilling in these communities was affecting people, how their lives are affected by not having water to bathe in, to cook with or to drink. And I think that it was just a matter of putting in the time to go and knock on doors and to travel to places that are five hours from the nearest airport and down long dirt roads and really just start talking to people about what they are experiencing.

Everybody, many, many people seemed to have problems, many of them had filed complaints with state agencies. Those complaints had been diligently recorded and then filed away, and what nobody had seemed to have done, until the question began to come up in New York state, was to connect the dots, was to say that a contamination in one place

in southern Colorado might have something in combination with the other 600 cases of contamination through northern Colorado and into Wyoming or New Mexico, or what was beginning to be seen in Pennsylvania and what could happen in New York state. And that's what we tried to do was just draw a larger picture through connecting those dots.

MR. JONES: And what is the status of this form of exploration for natural gas drilling? Is that now at a standstill or is it something that is going ahead in various places?

MR. LUSTGARTEN: It's not at a standstill at all, gas development is charging forward. There's a couple of moving parts to the picture, one is that the price of gas has dropped by 70 percent or so since I started reporting on the story, so a lot of the economic pressure to speed the developments has been temporarily released. There is now legislation introduced to Congress to reverse several exemptions for this process in particular and for gas drilling in general from the Clean Water Act and the Safe Drinking Water Act, which presently the practice doesn't fall under either one of those two major pieces of legislation to protect our drinking water.

In the states of Colorado and New Mexico where they have some of the most experience of any state in the United States, they have just undergone very substantial rule changes. Colorado has rewritten their rules for oil and gas drilling, the environmental aspects of it, from the top down, including a substantial toughening of disclosure requirements around the chemicals used for hydraulic fracturing. They have less loopholes

in, which in my opinion, don't completely provide for safe practice going forward, but they are taking, they are in action.

And in New Mexico they have just rewritten their rules around the waste pits, which was a substantial source of a lot of the contamination.

MR. JONES: So you are telling me that still people are able to do this kind of drilling without the EPA or local authorities knowing what goes into the chemicals, what chemicals are being pushed into their groundwater?

MR. LUSTGARTEN: Yes, and that doesn't appear likely to change any time soon. If the reversals are made by Congress for the exemption to the Safe Drinking Water Act and Clean Water Act, it still wouldn't require the companies to release information that they deem as proprietary, it just puts the onus on the federal agencies to approve or not approve the drilling.

MR. JONES: It seems inconceivable to me. Nevertheless, yes. Okay, thank you.

MR. JONES: The *Washington Post*. Debbie, Sarah?

MS. CENZIPER: Well Sarah and I are also very honored to be included in this group, the work here was amazing.

Real quick, I was hired at the *Post* a year and a half ago as a local accountability reporter and, just coming up from Miami, I had done a lot of work on affordable housing corruption there. So in Washington, I just looked around for some interesting story ideas.

And it was fairly obvious right away that there was lots and lots of construction going on in the city, construction crews and cranes everywhere, advertising half-million dollar lofts with views of the Capitol.

And these were in buildings that had once been rent-controlled housing for working families, and it was a fairly obvious question, what happened to these families and where did they go? Where could they afford to go in the city? And when I met with the housing advocates in the city, they talked about very cruel ways that landlords were pushing families out of rent-controlled housing so that they could get out from under rent-controlled housing laws and convert to condominiums or sell their buildings for huge profits.

What we discovered, anecdotally at first, was landlords turning off the heat, the lights. Bugs were overwhelming buildings. I went into one building where a mother told me in Spanish how she, well I watched her pour paint thinner around her daughter's toddler bed, because her daughter's arms were covered with welts from bed bugs. The landlord had refused to bring an exterminator in.

Another building, which is that picture up there, a little eleven year old boy had lived for four years without heat and told us how in the winter he huddled under five blankets to keep warm, and he thought he was going to die one day in this building.

And so there were very, very moving stories about the way families were being forced to live and what landlords were doing. The challenge here was just to kind of figure out how to prove this, how to bring it all together, so we looked at a thousand court cases. Sarah will talk a little bit about the building code violations we looked at to kind of piece together what these buildings looked like right before families moved out. We found buildings, two buildings in fact were set on fire while families were living there, fighting with their landlords, arson cases that just eventually were dropped.

But we just were able to establish this pattern of landlords desperate to cash in on the real estate market in Washington at the time, and were doing very, very cruel things to families.

MS. COHEN: Yeah, it was really nice working with Debbie, who had just come there, because we were all so inured to all of this construction, it was just kind of part of the background to us, people who lived there already, it had been going on for so long, and that fresh eye was so important to see something that was right in front of us.

But I think there's a couple patterns that we are seeing in a lot of these stories, one of the first things that happened was that we were talking to people who wanted to talk to us and just nobody had ever listened to them before, and it wasn't a matter of finding secret people, it was a matter of listening.

We had a lot of data sets and a lot of records and one of the things about working in the District is kind of this chaos in the record keeping there that is pretty amazing, and that was true in this case also. I had kind of gotten this several years ago, after a fire near Georgetown, we had gotten a copy of the housing code complaints and violations several years earlier, which we used until we could get a new copy of it because what we were looking at had happened several years earlier sometimes.

And what we found there was that the city had absolutely no idea what it was doing about these landlords. Part of it is they had never looked at their own records enough to know that there was this pattern going on and they hadn't really filled out their own records enough to know, so things just got dropped. I mean you could see something like 500 and 600 housing code violations that kind of just went away one day, and so Debbie in particular went over and looked at what would happen if they had ever tried to pursue it and nobody had ever pursued it in any way. So that was kind of the way that we tried to find the patterns in it.

One of the issues in this story was obviously you don't know why somebody lets their building go to seed basically, we don't know that their motive for sure is to force people out, but there was a pretty strong financial incentive to do it. And we were lucky enough to at least talk to one or two people who acknowledged that they really wanted to get people out so they could sell their buildings.

And I think that the other thing about the story was, and it does happen in D.C., is that when, they are so shocked in D.C. a lot when you do look at their own records about how could you find this? You must be wrong because it couldn't possibly be true, and this was true in this case too, they were just pretty shocked about their own kind of negligence in this area.

MR. JONES: One of the questions that I had was how you elicited that quote from the owner of the building, so boldly saying what you were trying to establish?

MS. CENZIPER: I called him a dozen times and finally reached him and he was just so angry and so why would I dare ask him these questions that he just said it, that if I had it vacant, I could sell it, and he hung up the phone. We were never able to really reach him again after that and he was one of the landlords sued by the city.

MR. JONES: How did you track the ownership of the buildings?

MS. CENZIPER: Well that was quite hard because they hide behind limited liability companies and so you have to kind of work backwards. You find one and that's connected to that LLC, and then you go to find the managing members of that LLC and you work your way backwards. But we did find some fairly prominent owners who had escaped punishment again and again and again.

MR. JONES: Did you confront them?

MS. CENZIPER: We did, yeah. And when I worked in Miami, the people I challenged wouldn't even bother to respond. In Washington they come right out and respond and they usually blame it on the tenants, you know, the tenants are dirty, they don't live right, they are not maintaining their properties, they are not paying their rent, so we put a lot of that reaction and that response in the story.

MR. JONES: And let me ask you the question I've asked others at the various newspapers at this table, what is the status of investigative reporting at the *Washington Post* now?

MS. CENZIPER: It's going strong, I believe. We have our standard investigative reporting team led by Jeff Glean and we also have a national accountability reporting team led by Marilyn Thompson and the editor on this project, Barbara Barbada. So we were blessed with the kind of support that we needed to do this project.

MR. JONES: And what do you hear about your colleagues in this respect in Miami?

MS. CENZIPER: I don't hear good things in Miami and I am sick over it. Fifty or so people last week and it became not just oh, I heard someone who was, it became people that I knew and my editors knew because a lot of people at the *Washington Post* come from the *Miami Herald*. And Tom Fiedler was here last night and it's very personal. But I'll tell you Miami is a great place to be a journalist and to be an investigative journalist and they

landed a wonderful project this year that I think a Scripps-Howard Award on mortgage and mortgage fraud, and they still have some really good people but it was very sad.

MR. JONES: I want to give the audience here an opportunity to ask questions and to make comments and invite also the members of this panel to question each other, if you would like. If there are particular things you would like to ask each other, that would be fine. Would you just indicate by either holding up your hand, if you are at the table, or we have two microphones at the end.

FROM THE FLOOR: My question is to Jane Meyer. Mayer, thank you for the correction.

I'm very troubled by your refusing the CIA's request to keep Mark S.'s name secret. Isn't it a violation of journalistic ethics to out a person doing, a police official doing secret work? I just raise the question.

MS. MAYER: One of the reasons I decided to publish his name was in doing just basic research, I found that he was going to sort of trade fairs and advertising that he did work for the CIA. So I was not the first person to out him, he outed himself in some ways. But it's a moral judgement call and the question is which is more important? That he is not undercover, that he be able to be able to be working in secrecy when he is not an undercover agent or that he be held accountable and responsible, and my feeling is it's

incredibly important in a democracy that we know who is making what decisions and hold people accountable.

And the way I wrote about him was also with a certain amount of sympathy because he was a polygrapher, he was not trained to do the work that he was put in, and the position he was put in in Iraq was really a matter of irresponsible management that they stuck him in that situation. And I think it could have happened to many people and really the responsibility moves upward in the chain of command and the people in the book, when I write about it, that I blame are the people over his head.

That office in the CIA grew really fast, that station in Iraq, and it was badly managed and they kept demanding more help and legal guidelines from Langley and Langley just didn't give it to them. They were just left to run amok basically, and people weren't being trained and they didn't know what the guidelines were for interrogation. So, to some extent, he was a victim of circumstances too.

MR. GREENFIELD: I have a question for Debbie and Sarah.

This may be a little outside of the actual story but I would ask you to speculate on the question of character and motivation. If you are a land owner and you have a building with residents who are living in squalor and probably paying a very low rent, and potentially you can turn that building into something that's very valuable, why would you not just go to the people and say how much would it take to buy you out of your rents?

MS. CENZIPER: That's a great question and that was an element of the story, some landlords did try to buy people out of their rent and in fact the intent of the law that was created in the District years ago was to give tenants a seat at the table to be able to negotiate deals like that, to say you know what? If you want to sell the building, we'll move out and buy us out kind of thing, so that did happen a lot in the city. But too often it didn't happen or tenants were told here's $500 leave, if you don't leave, your lights are going to be turned off. So in some cases that did happen, in other cases it didn't.

MS. COHEN: The other element of this is that the tax break that they got for actually having a totally vacant building, if you bought people out, it wasn't quite the same, so there was some, still some, because the whole intent of this tax break was to take dilapidated, vacant buildings, which are an eyesore and a danger, and turn them into something useful, it wasn't to drive people out, so this tax break was only good if it was completely empty.

MS. CENZIPER: And the one other thing I would say is we did take some criticism from landlords, heavy criticism arguing that there should not be rent control. The whole issue of, is it fair, are we allowed to tell people what to do with their own properties, we stayed away from that as much as we could. We dealt with the tactics that landlords were using that were clearly in violation of building code laws, to get people out.

And I will also tell you a majority of the tenants that I met did everything they could. They were working families, they worked for the federal government, they were nursing aids and maintenance workers, and they were doing everything possible to keep their homes clean and sweeping the hallways, taking out the trash, everything that they could do, but some things were just beyond their control.

MR. PALLELLA: Hi. My name is Lawrence Pallella, I'm a community activist in the neighboring city of Somerville, the most densely populated city in the United States, 21,000 people per square mile, and we have no real big buildings, by the way, we are just packed together.

First of all, I want to say I'm going to leave here today with a whole lot of hope that people like yourselves are doing the job and I want to applaud you all. My concern is on two levels. Number one, I have not heard much about what was the reaction of these local communities that were reading your newspapers?

Anyone who cares. In other words, you have done all this work, you provided this incredibly important information about the way government is working or not working, or industry is abusing or not abusing, what was the reaction of the people who are reading the newspapers?

MR. JONES: Let me ask the *Charlotte Observer* folks to respond to that.

MR. ALEXANDER: One of the really gratifying things in the wake of our series, we also ran big chunks of the series in Spanish, and that ran in various newspapers across the state, and we heard from the editor of one of these papers that had run the series in Spanish that when they were dropping the papers off at convenience stores, that there were just crowds of Latino workers just waiting around the piles of newspapers to snap one up. I mean these were workers who were just very gratified that the real story was being told.

MR. JONES: Anyone else want to talk about either the reaction or the lack?

MS. SABATINI: We had really a flood of faculty, of former students at WVU and just the general public thanking us for protecting the integrity of their degree.

MR. BOSELOVIC: The other response that we had, we probably had more of a response from people in West Virginia, who said thanks for looking into this, the media here would never do this, and so that's, we had all kinds of tips about West Virginia that was well outside of our readership, that we couldn't do anything with, but people there really feel the need for more to be done by the local media.

MR. JONES: Michael?

MR. TRAUGOTT: One of the characteristics of investigative journalism obviously is speaking truth to power and as I listened last night and also today, there is a set of common threads here in all of your work that have to do with the focus of your

investigative work, either hubris or ego, or some kind of belief that common explanations of behavior don't apply to the people that you investigate.

And I would just mention quickly that in the case of Detroit, where they've now begun this series of mayoral elections to replace the mayor, they have a resume-padding story for one of the two finalists for the mayoral election. So my question is collectively, based on your experiences, why do you think that the people that you investigated engaged in the behavior that you uncovered? And what do you think might be the impact of either your individual work or your collective work on the subsequent behavior of the kinds of people that you—

MR. JONES: That's a talmudic question, practically—

(Laughter)

MR. JONES: But do you want to direct that to any individual in particular?

MR. TRAUGOTT: No, not necessarily.

MR. JONES: Well let me, I mean I don't think, we don't have time for them all to answer, let me ask the *Washington Post*, the two of you, to. Why do you think? I mean was it pure greed? Is that it or was it more complicated than that?

MS. CENZIPER: I'm always amazed at what people think they can get away with, I mean it's what keeps us in business. And I think Detroit would be a good person to talk

here. I think in our case it was greed and it was an inept government, a government that turned the other way, and this had gone on, it had gone on for years.

MS. COHEN: And I was just going to mention also that Washington has a very strange cultural issue where there's people with an incredible amount of hubris just around every corner. I mean power is the coin of the realm there and everybody there seems to think that the rules don't apply to them, and they are pretty distant people. I mean these landlords keep pretty distant from the people who they are sheltering and it is a cultural issue there as much as anything else.

MR. JONES: Well let me ask you at the *Free Press*, I mean is this your story about the resume padding or is this something that you find at least hard to fathom under the circumstances?

MR. ELRICK: Well it's politics, so I believe everything I hear. The immediate change was everyone who ran for mayor in this special election pushed integrity. In fact one of the people who ran was a former city council member who is a pastor and one of his mottos was "Love you can trust," which was very weird. I guess we had some funky love before that. But integrity has become a big issue whereas before it was sort of, it was always let's lead the renaissance, let's revitalize Detroit. And now one of the leading issues is you can trust me, which I think we had not really cared that much about before. But, yes, now we have one of the leading candidates who has embellished his resume.

MR. JONES: Go figure. Chris?

MS. RUSSELL: Yes, a quick question about the marriage of old and new media. I'm interested, as Alex has elicited the stories, how much the old school approach to doing these stories prevailed. But what about either maybe there were new media techniques you used in the reporting or did it largely end up to be in the presentation where you were able to tell the stories in a multimedia way? So just curious about the changing era and how it worked out at your papers.

MR. JONES: Well of course *ProPublica* is multimedia by definition and design. I know the *Washington Post* of course has a very aggressive one too.

MR. LUSTGARTEN: I can just speak a little bit about it. As a Web company though, I don't think we've even explored as robust a multimedia presentation as some of the other papers here. We put as much material online as possible, and that included audio from interviews, unedited, long sections of audio, produced slide shows. And one of our outlets—we work in partnership with a number of different publications—and one of them is a company called flipmedia.com and they explored how to tell the story through essentially creating and producing a movie, through skills and through the audio and showing images of the documents that we obtained.

And I think that that's an extremely powerful tool where you can start to begin to draw a younger generation and just a more restless generation of readers in, as print publications are facing the kind of declines in readership that we are seeing.

MR. JONES: We have one final question here.

FROM THE FLOOR: I have a question but I don't know who to address it to.

MR. JONES: All right, well what's the question?

FROM THE FLOOR: My question is would any of the newspapers be interested in doing a story about some--

MR. JONES: If you've got a story idea, we'll have to wait for, you'll have to talk to people privately about that.

FROM THE FLOOR: Okay.

MR. JONES: We have one more piece of business here and that is to present the finalists with a plaque that makes you look like you've got a Harvard degree, if you put it on the wall.

(Laughter)

MR. JONES: But you can't put it on your resume that way.

(Laughter)

MR. JONES: Here we are.

(Applause)

MR. JONES: As I say, this is one of my favorite days of the year or events of the year. I am always humbled by the work of people who are the people you see at this table and every year I'm glad to say it is refreshed by new work that is also exemplary and inspiring and vastly important, and may we not, as a society, lose sight of that because I think that probably we are all in agreement, certainly in this room, that it is absolutely vital. And as much as it is done and as much good work is as done, think how many stories do not get done that might.

So we can only hope that we will be able to find a mechanism that will continue to allow very good work to be done on a sustained and enduring basis. I want to congratulate all of the finalists and the winners, we are very proud to have you here, and I thank you for coming, thank you for sharing your stories and we are adjourned. Thank you.

(Applause)

(Whereupon, at 11:03 a.m., the seminar was adjourned.)