

## Investigating a Person, Place or Entity

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DURING THE 1987 PULITZER PRIZE-WINNING investigation of the Chicago City Council by the *Chicago Tribune*, the reporters researched the financial situation of a young, newly elected council member both before and after he entered into government service.<sup>1</sup> One document anchored the financial investigation. It was his divorce court file. During his divorce proceedings, which occurred before he was elected, the council member settled for only a modest house and a nine-year-old used car. But before he had completed his first elected term, he appeared to be the epitome of entrepreneurial success. He shared ownership of real estate developments in partnership with developers who had business before the city council, and his law practice had risen from obscurity. A series of articles in the *Tribune* examined the many ways a council member could use public office for enrichment. The series of stories about the young council member was called "An Alderman Who Earned While He Learned."

Many important investigative stories are written about political issues and social problems. But as the story develops, a target of an investigation—a person, place or thing—may emerge. The person may be a private individual or a public official. The place may be, for example, a dangerous intersection. The thing could be a business entity such as a corporation. No subject has ever been off-limits to an investigative reporter. Investigative reporters have more range of choice than public prosecutors because subjects may include perceived wrongs that are not illegal.

## **Investigating a Private Person**

The reasons to scrutinize a private person—one who has not sought public office or is not a government employee—are varied, but that person could have come into the public eye because of an appointment to an important position, a serious criminal or civil complaint or generally anything that might propel one into the news. Chances are the subject has left a trail of public records that can be followed without breaching privacy. In such a search for information, one item of interest leads to another, and the reporter can go with this flow. Usually, for a start, a search of people-finder features of computer services and of search engines like Google will turn up a few facts about the subject's activities and possibly a short biography if the person was appointed to a position or has made public appearances. Also, publications like the Martindale-Hubbell directory of attorneys or "Who's Who in America" might contain a biography of the subject.

In Carl Bernstein and Bob Woodward's book, "All the President's Men," about the Watergate investigation as well as in the movie based on the book, much is made of how the reporters learned that Everett Howard Hunt, whose name and phone number were found in the address book of one of the Watergate burglars, was a consultant for the White House. Woodward is shown making numerous phone calls to sources, including Deep Throat, to confirm the connection. His efforts were successful, but one published document shows that Hunt was not at all the highly secretive operative hidden in the White House, as he was portrayed in the book and movie. We found that he proudly listed himself in the 1972-1973 edition of "Who's Who in America 1972-73," as a consultant to the President, and gave his address as the White House.

But not all person searches are that easy. A more private person outside of government presents a more difficult challenge. The investigative reporter has means to chase down the facts. Each document chase may take a different direction. Knowledge of what is available leads the way, but also the reporter can walk on previously trod paths.

### **Name Trace**

A search can start with as little as a name and perhaps where the subject of interest works. The first step is often a broad search of phone directories, driver's license databases and voter databases. To begin, a reporter might start with a computer search on [www.whitepages.com](http://www.whitepages.com), which lists phone subscribers and their addresses. But only people with listed phones will turn up here. If the state allows a search of driver's license information, one can pull up the names of everyone with the same name, get an address and date

of birth for each and then eliminate those persons who cannot be the subject of the investigation. They are dropped from the list if they do not live in the area of the state where the subject of the investigation is known to work or are not within the age range the reporter knows the subjects to be.

Some states will not provide driver's license information, but the same information can be found from electronic poll sheets of registered voters from the election board in each of the counties on the list of named persons. Voting records will not reveal how a person voted, but they will show when and where that person voted; thus, they can be used to track residency. The voter registration will also provide the names of everyone else who votes from that same address. If a candidate for public office never voted in private life and is running for public office, it is a something a voter might like to know. A voting record will show in which primaries the registered voter cast a vote, and so it might call for a declaration of party preference. In private life was a candidate loyal to a party different from the party the candidate now claims to be representing?

### **Date-of-Birth Records**

A researcher might try the county clerk's office to check birth records. Voter records or driver's license databases cannot tell in which state or county the subject was born, but one can guess. If successful, the searching reporter will learn the parents' names and can start running searches of databases on them. Some states consider birth records private. A reporter would then run the name through civil and criminal court dockets, which show an age and address. The reporter hopes by that time to be successful in zeroing in on the right person. If not, more public records can be used.

### **Property Records**

Having an address will provide an opportunity to check property records in the office of the recorder of deeds at the county building. Mortgages and liens against property are filed there; also the name of a spouse might be on documents. By searching the records electronically from public access computer terminals in the county offices, the reporter might find other properties owned by the subject or spouse.

### **Licenses**

Is this person a licensed professional: a medical doctor, a real estate broker, barber, exterminator, surveyor, appraiser, insurance agent or horse trainer?

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These are only a few of the professions licensed by the states. State licensing agencies vary from state to state, and states may also license more than one professional group. In the medical field, for example, states not only license medical doctors but also pharmacists, psychologists, chiropractors, nurses and ambulance attendants. The professional conduct of lawyers and stock brokers is overseen by the states.

An investigative reporter will learn the profession of a person without many problems because professionals make their positions known in order to do business. Then the reporter will locate the state agency that licenses that profession and find information in its public file. A search of the main Web site of any state will provide a list of agencies to click on. Searches within that Web site with a description of a profession, such as "registered nurse," would lead the reporter to the agencies that can issue and revoke a license. Alternatively, the reporter could go to a search engine like Google. If interested in the license of a registered nurse in California, the reporter would type in the key words "California, state, licensing, nurses" and would be taken to the correct Web site.

If the subject is doing business as a professional who is presumably licensed but that person is found to be not licensed, the reporter has a story at the outset—all from the government source. But the real purpose of checking the state for the license is to gather information about the subject of the investigation. The reporter will want to find when the license was first issued, what the limitations of the license are, whether the license shows the university where the subject received the required degree, and whether any action was taken on complaints filed against the professional person. The reporter might also find an address that would help decide whether this growing file of information is a file about one person or several people with the same name.

### **Yearbooks**

A university will confirm little more than the degree a student earned and the year of graduation, but the school library or the alumni office will have yearbooks. The yearbook of the subject's graduating class might have some interesting items about the student and most certainly will have a picture. Aha! There may be a familiar face. The reporter may now have the parents' names and may get a current address by running database searches. The current address may be where the subject lived during high school. We can approximate the year of graduation and get access to that yearbook. As a starting place for a biographer, a yearbook provides names of classmates who can be contacted for interviews.

### **Political Activity**

The reporter can also find out whether the person is politically active by checking campaign contributors. They are searchable online by donor name. On federal forms, the contributor has to declare an address and profession.

### **Published Works**

If the person is a prominent professional, the reporter will check for articles published by or about the subject of the search. Such information is available online in search engines and databases such as Google and LexisNexis. Even a not-so-prominent person may have been the subject of published reports.

### **Court Records**

The reporter will check civil court records for lawsuits involving the name of the subject or the names of any businesses owned by the subject. Is the subject of the investigation single, married, divorced or remarried? Divorce records can be found in the county court clerk's office. They are lawsuits and are therefore public records. They are revealing when financial information is declared before dividing the property. It is possible that a judge may have sealed this part of the case upon the request of the parties to the divorce, but most people do not think to make such a request. Even when sealed, a reporter can request that a sealed court document be unsealed and hope to get lucky.

Filing a probate court case could be called "cashing in the chips" because a person's estate is tallied soon after death. The subject of the reporter's investigation might be deceased, but the subject is more likely to be a living person. If so, the parents' probate records filed in the county court clerk's office can be sought. They will provide information about relatives and inherited property.

A person with a criminal conviction may have a prison record that is public and kept by the state department of corrections, as the prison system is called in most states. Such records are likely to be online on the state corrections department Web site.

Tax cases and bankruptcies are filed in federal courts, and the dockets and filings are electronic and easily retrieved. A personal bankruptcy will list all the assets and debts of the person filing, and that information will give the reporter a handle on business associates of the bankrupt person. If the target of the investigation is involved in a corporation in bankruptcy,

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the file will list the business partners as well as persons or companies owed or owing money to the bankrupt corporation.

### **Death Records and Obituaries**

In this chain of documents, the reporter may want to go online and electronically search the Social Security Administration's Death Master File for the parents' or grandparents' names. The names, locations and dates of death of persons who were recipients of Social Security payments are immediately available. With that information, a newspaper obituary can be located from the local newspaper archives, almost certainly online, and that information can be added to what is found in the probate case. Not all estates go to probate, but few deaths will be without obituaries. The obit will contain the names and locations of brothers and sisters and biographical information about the deceased.

### **Business Holdings**

The state secretary of state supervises a corporation division that requires every corporation doing business in the state to file an annual report of officers. In many states, the officers' names can be inserted into a database in the office or online, and the reporter can learn immediately of any corporation in which the subject is an officer.

With this sweep of documents and interviews made possible through those documents, a reporter has some certainty of having identified the person of interest and that all relevant documents involve that person and not a "same name."

The story can go forward if the reporter interviews that person, tells the person about the information that has been gathered and then receives confirmation of the validity of the information. If this does not happen, the reporter will be reluctant to use the information. Subjects in the public arena, whether appointed or candidates for public office, generate a lot of documentation that is much easier to get.

### **Investigating a Public Official**

Public officials leave voluminous public records. First of all, they leave the same documents as any private person before they run for office or are appointed to public office. Then they leave records of both private actions and government actions while in office.

Following the career of an elected public official starts with the candidate's first campaign for office.

### **Petitions**

The candidate will file a petition to get on the ballot; this is a public record filed with the election board. It will show the names of supporters of the candidacy and offer some insight into the identity of associates and campaign workers. It may answer the question, "Who is backing this guy?"

### **Campaign Documents**

Campaign committees, lists of contributors and expenditures are found in the clerk's office, at the Federal Election Commission and at the equivalent state election offices. Campaign documents best indicate the scope of a candidate's backing from people who are serious enough as supporters to put their money on the line.

### **Financial Disclosure**

Political candidates are not required to reveal their private Internal Revenue Service form 1040 filings. Often the public is confused about this because candidates will appear in public and offer their tax information. They are doing so to challenge their opponents to do the same, but not because it is required. Both President Bill Clinton and President George H. W. Bush revealed their tax information. Federal election rules, however, do require a financial disclosure filing by candidates. Ross Perot, a third-party presidential candidate in 1992 and 1996, had to disclose where he had invested his billions of dollars. It showed the flamboyant celebrity businessman to be a rather conservative investor who had the bulk of his investments in tax-free municipal bonds.

### **Official Documents**

If the candidate is elected, the number of documents escalates. Now there will be a payroll for staff members, an expense account, and a voting record. Any letter or memo sent will be archived. In public meetings, utterances of every subject, word-by-word, might be recorded into the record. Public utterances are under the control of the official clerks who provide them in compliance with open-meetings laws. The officeholder's expenses as government operational records may require a FOIA request to the financial officer, who may be called the treasurer or controller, or they may be published. They reveal the specific activities of the official, and the reporter can determine whether the officeholder is pursuing the agenda promised during the election campaign or is perhaps being

driven by the size of campaign contributions received from special interest groups.

## **Investigating a Business Entity**

Along the way, the reporter attempts to identify businesses in which the subject of the investigation may be involved. The next step is to learn more about those businesses. A business entity is a recognized legal means of doing business. It is a structure that comes in different forms. It could be a corporation or a partnership, something that is created on paper. The entities may be for profit or not for profit. They are owned by people, but they are independent of people because they can be passed from one person to the next.

## **Not-for-Profit Organizations**

Not-for-profit organizations are privately owned, but their charters state that they are not out to make a profit. They have a purpose other than making a profit; they claim the purpose is the welfare of the people. Their domain includes health care facilities, day care centers, membership organizations, schools and senior citizen associations. Churches are not included and are exempt from disclosure.

The not-for-profit status is by choice, not by government order or by definition of purpose. Therefore, not all schools are not-for-profit. Some others are government operated and others are for-profit. There are government-run hospitals such as state, county or Veterans Administration hospitals, for-profits, and not-for-profits. Those organizations that have received not-for-profit status from the IRS and have cited their status on their state incorporation papers must file an IRS form 990 to disclose on the public record that they did not take any profits from their operation. The 990 forms are as inclusive as the private forms filed by individual taxpayers. They show the revenue and expenses, including officer salaries. They are available from the not-for-profits themselves and from the IRS. See the law for not-for-profit financial disclosure in Appendix 2 in this textbook.

Charities are not-for-profits that declare a special charitable purpose—for example, the American Cancer Society and the United Way—and they must file charitable-purpose annual reports with the states in addition to the federal IRS 990 disclosure forms. The state forms require financial information to show how much money went toward the proper charitable purpose. Many of these reports are accessible from Web sites of state attorneys general.

## For-Profit Businesses

There are various legal ways to organize for-profit businesses. They can be single-owner businesses, professional corporations, paper corporations, partnerships, privately held businesses or publicly traded corporations.

**Personal.** A professional person might have a corporation that was created to handle that person's individual business and that involves no one else. The professional has separated business from personal affairs for clarification of tax obligations. Because the professional is responsible for the conduct of the business, in the eyes of the reporter there is little difference between the single-owner corporation and the individual. But an investigative reporter will want to check whether such a corporation exists because any lawsuits and permits could be in the name of the professional corporation and not the person.

When a private person is also a business entity, a declaration to that effect must be filed with the county clerk. This is usually called the assumed-name record. If Joe opens a hot dog stand and calls it Joe's Hot Dog Stand, he will reveal his full name in the assumed-name declaration. It will help the lawyer who might want to file a lawsuit to be able to cite Joe Joseph, doing business as Joe's Hot Dog Stand in San Mesa; and it helps the reporter who needs to know the name of the person who furnished the hot dogs for the political rally.

**Paper.** Some corporations are loosely called "paper corporations." That designation seems to have a bad connotation, but it can be as legal an entity as any other. A paper corporation will have all its proper papers in order, but it is created to be an intermediary between other corporations or to have one specific function. All this is on paper, but the corporation need not have an office, property or employees. The negative connotation has arisen because a person, such as a public official, may create such a corporation for the purpose of becoming a hidden middleman in a public contract in order to siphon off money without performing any service. The officers of every corporation, however, are listed with a state's secretary of state corporation division.

**Partnership.** If people want to work together, they may form a partnership without incorporating. Their business is nobody's but their own, but they can be examined by reporters who look for licenses, public contracts and lawsuits. A partnership can be a simple 50-50 division of the profits and responsibilities.

Another partnership structure is more formal. Called the limited partnership or the limited liability corporation, it has a general partner

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who operates the business and investors who do not have to be revealed and do not have to accept any responsibility for actions of the partnership. So, for example, if the county commissioner had a stake as a limited partner in a corporation that wrecked a landmark building to erect a glue factory, it would make a dandy news story but the commissioner could rightfully argue that it was out of his control. If that same partnership got a county contract that the commissioner voted on, the commissioner would be in big trouble because of the profits from the interest in the partnership.

***Private.*** Some corporations are not much different from partnerships because they are owned by a group of people who, although they hold stock, do not list the stock with any stock exchange or make public solicitations for its sale. They might operate a nightclub, own a waste-hauling business or a sports team, or develop subdivisions. Their businesses are important to the community, and they can be investigated by seeking out court cases, licenses, public contracts and published reports. An investigative reporter can use the tried-and-true reporting techniques to flush out the particulars about a private corporation and will run corporation name searches in databases in the same places.

***Publicly traded.*** Big companies whose stock is traded on a stock exchange will provide detailed corporate financial information to the U.S. Securities and Exchange Commission (SEC), whose reports are online. Like campaign disclosure reports, SEC filings are made electronically by the company submitting them. In addition, certain industries are regulated by state and federal agencies: the airlines by the Federal Aviation Administration, the insurance companies by the states, broadcasters by the Federal Communications Commission, factories by the Environmental Protection Agency, truckers by the Department of Transportation and banking by the Federal Deposit Insurance Corporation. The reporter can match the company with the agency and find what is available.

Okay, so there might be nothing to indicate improper conduct or a secret agenda so far in the paper trail left by the subject of the investigation. But the reporter might have found something in the chain of documents that is of interest. Perhaps the person built a vacation home on the nest of an endangered turtle species while touting the importance of conservation. An investigative reporter has the instincts to know whether this would make an interesting story.

## **Investigating a Place**

A location in itself—a dangerous intersection, a waste dump, the location of a planned airport or a bridge that might be on the verge of collapse—may be cause for investigation. If there is cause to believe a bridge is unsafe, the reporter might be able to consult experts or use special equipment to learn the condition of the bridge or tunnel or other structure.

The condition of a waste dump and the story of how it got that way may be found by combing local government permit records that could be filed with the city, state or federal environmental protection agencies. Independent labs might carry out studies of possible tainting of nearby land, water and vegetation. Has the dump spread beyond the boundaries authorized for it? EPA records can be searched for information about the limitations of the license to dump and for reports from inspections and complaints. Then simple observation coupled with careful map study could answer the question of whether the dump has spread illegally. An aerial photo from the Internet might both prove and illustrate the investigation.

Do newspaper readers or television viewers realize that the street corner where they cross every day has been the site of two fatal pedestrian accidents within the last year? An investigative reporter can tell them after surveying police accident reports. Perhaps a reporter might reconstruct an accident by diagramming the intersection or chart the repetition of accidents in a story. Details of the accidents can show whether they are similar and whether the cause is an obscured sign or street marking. Once again, an aerial photo could be downloaded from the Internet and the exact places where the accidents occurred could be superimposed on the photo.

The land for a new airport is likely to be owned by private persons. Land records from the recorder's office can be studied to find out the owners. An aerial photo again? Photos can be purchased for a reasonable cost—no one needs to go up in an airplane—and they can be used to pinpoint the parcels of land and identify the owners.

The story ideas we have mentioned show that there is no shortage of targets to investigate, of reasons to investigate or of actions to investigate. Although there are too few investigative reporters to discover all wrongdoing, they are not lacking in desire and commitment. And they are brazen enough to think they can do it all.

## **Ethics: Written and Unwritten Rules**

Good common sense and fairness in journalism can be called ethics. Investigative journalists are often thought of as the loose cannons of the

trade, but they have as broad a code of ethics as some regulated professions. Although the only government oversight of investigative reporters is whether they commit acts that might fall outside the law, the publications they work for and the reporters themselves have created written or broadly understood rules of behavior.

The most often cited written form is the code of ethics advocated by the Society of Professional Journalists (SPJ). It advises against deliberate distortion, staged news events, conflicts of interest, pandering to "lurid curiosity" and unnecessary intrusion into a person's privacy. The rules are voluntary, but successful, well-respected investigative journalists adhere to them. You will find the full text of the code at the SPJ Web site at [www.spj.org/ethicscode.asp](http://www.spj.org/ethicscode.asp).

The SPJ suggestions should be adopted as a cornerstone for conduct by every journalist, but they are not enforced. What are enforceable are the newsroom policies that every reporter must know and follow. These are the house rules, similar to but more inclusive than the professional society rules. Following are some examples that a reporter must display or adhere to:

- **Certification.** Plagiarism or stealing another writer's work by calling it one's own will not be tolerated. The reporter must identify all writings as original or cite the author under copyright constraints.
- **Identification.** Reporters should identify themselves when talking to a person whom they intend to quote. However, they may request routine information available to the general public without declaring they are reporting for a newspaper. For example, a reporter can take a copy of demands from a picket who is handing out flyers on the street or can stand in line to get a sample election ballot.
- **Truth.** Photos of news events must never be staged. Photos may be trimmed down to give a more succinct representation, but such cropping should not change the message conveyed. Quotations from interviews should not be altered even to conceal poor grammar. The reporter-writer has the option of paraphrasing the spoken words to avoid such embarrassment.
- **Honesty.** Reporters should be aware that monetary awards for favorable stories may be seen by business and professional associations as opportunities for back-door payoffs to influence reporters to slant the content of stories. Gifts may not be received as a reward for publishing a story. Reporters will not allow government officials or private persons who are subjects of a story to pick up the tab for wining and dining, or even for

lunch. Likewise, the investigative reporter will not pay for information. Sources have been known to enhance their information to attract higher fees.

- Responsibility. Reporters must not make veiled threats or flaunt their positions by hinting of an unfavorable story if a contact does not comply. They must not use their positions to avoid a responsibility, such as paying parking tickets.
- Independence. Investigative reporters must not become tools of government investigators or private attorneys who seek to use their findings in prosecutions or litigation.
- Confirmation. Reports and data found on the Internet must be confirmed.
- Balance. All efforts must be made to contact a person named in an investigative report in order to enable that person to comment or to correct misinformation. Such people must be given an opportunity to explain a differing view to give the story balance. Investigative reporters should strive for a sit-down interview in which the interviewee is given adequate notice to prepare and is not subjected to an ambush interview.

This list borrowed heavily from the rules of *The Northwest Indiana Times*. These rules are "shop rules." Each publication or broadcast outlet has similar working agreements. The rules have evolved with the practice of journalism, and investigative reporters adhere to them because they advance the craft.

## Case Study

### Waste in City Government\*

During his regular rounds as an investigative reporter, Charles Miller often saw city workers in Middleton loafing on the job. The only time they seemed to keep busy was when an election was approaching. Citizens usually disregarded the lackluster performance of city employees or made jokes about it. Newspapers and TV news

\*The cases are based on real investigative stories, but the names and places have been changed to protect reporters, their sources and the secrets they have. Some are actual stories told in a step-by-step reconstruction and others are composites.