

tive research methods and putting those practices into reporting and writing. It may take more experience and on-the-job training to learn the *art* of investigative reporting, but with a solid foundation of the skills required, a student or beginning reporter is well on his or her way to becoming a top-notch investigative reporter.

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The Investigative Reporter

INVESTIGATIVE JOURNALISM HAS ITS ROOTS in good literature. Two hundred years ago, what could be called investigative journalism was mostly in the form of popular fiction. When Charles Dickens told of the travails of "Oliver Twist," he was speaking out against child labor practices; and when he wrote about Scrooge in "A Christmas Carol," it was more than a Christmas story. Dickens was exposing loan sharking and the need for a minimum wage law for the unfortunate Bob Cratchit. With "Les Misérables," Victor Hugo took on the judicial system. In the early 20th century, Upton Sinclair wrote of scandalous conditions in the meat packing industry in "The Jungle." Such true-to-life "fiction" gave people an insight into social problems through a vehicle that was acceptable.

Reporters actively pursued investigative stories in the 1920s. Investigative journalists grew to be thought of as independent overseers of government—the watchdogs of society who provided another layer of public confidence in their system of government. After all, freedom of the press was high in the esteem of the Founders, and investigative reporters exercised that freedom to the fullest.

Such reporters branded a unique kind of journalism in which the reporter is not limited to reporting on those matters before public agencies; instead investigative journalists develop their own information through investigative research, conduct their own investigations and then report on their findings. Because of those functions, they carry a heavy load of responsibility to make sure their reports are accurate, meaningful and

fair. In this chapter, you will learn how investigative reporters work, from the initial story idea to publication, and the tools reporters have to get the job done.

What Is Investigative Journalism?

Tracking the winners of the Pulitzer Prize through the years shows that the awarding judges most often favored investigative reports that exposed wrongdoing over coverage of breaking news or explanatory feature writing. In 1921, a memorable investigative report by the *Boston Post* won one of the first Pulitzer Prizes in the "public service" journalism category. The Post's report exposed the financial schemes of Charles Ponzi when it detailed his trick of paying investors with money from new investors and claiming it was profit from their investments with him. Those *Boston Post* revelations led to Ponzi's conviction for mail fraud. Two reporters with the *Chicago Daily News* won a Pulitzer Prize in the "reporting" category in 1925 for helping police solve the notorious murder committed in Chicago by Nathan Leopold and Richard Loeb.

Throughout the 1930s and 1940s, investigative reporters developed many stories of local political corruption, but they also wrote of social problems like slum conditions, inadequate medical facilities and unsafe motor vehicles. In the 1950s, news stories by George Thiem of the *Chicago Daily News* and Roy J. Harris of the *St. Louis Post-Dispatch* won a Pulitzer Prize for public service for their simultaneous individual work that surprisingly targeted the journalism community by showing that 37 newspaper reporters and editors were on the Illinois state payroll.

Pulitzer Prizes show that investigative reporters continue to perform their special kind of journalism. More recently, in 2003, Pulitzer Prizes went to the *Boston Globe* for its reporting of sexual abuse in the Roman Catholic Church and to *The New York Times* for stories of the abuse of mentally ill adults in state-regulated homes.

By looking closely at the winners of such prestigious journalism awards, a student can find a common definition of investigative reporting. While the criteria for best investigative stories may not be explicitly stated or might change over time, selection committee judges award published reports that

- reveal information that someone is trying to hide or that otherwise would not have been known,
- are a matter of importance to the public well-being,
- are the work product of the reporter rather than a leak from a government agency investigation,

- expose a waste of tax money caused by mismanagement or corruption in government, dangerous conditions posing safety hazards or fraudulent conduct in the private sector that preys on the consumer.

Newspaper readers, radio and television audiences and people who get their news from the Internet have grown to accept investigative reporting as a public service. They may see the investigative reporter as a recourse when other efforts fail to correct a wrong. But investigative reporting is also a business. A revealing book may be written to examine an issue or event thoroughly, and the reward is sales of copies. A magazine article may contain investigative reporting of such interest that sales of the particular issue will soar. A television station may broadcast an investigative series at a time that it is being judged by audience rating services, and it will draw viewers and enable the station to boost commercial rates. A Web site may draw more hits from Internet surfers and be recognized as a medium for more advertisers.

More indirectly, a newspaper, broadcast station or Web site may publish investigative stories so that it will be thought of as an advocate of the taxpayer and consumer. It is the overall hope of media owners that investigative stories will forge a closer bond between them and the readers and viewers and therefore will foster a long-term relationship, loyalty and a strong base for dissemination.

Other investigative reporting might be carried out with more specific and perhaps selfish purposes. A segment of the media that espouses a certain cause may seek to expose those who dispute that cause. The publishers of an investigative story might promote a certain political party and seek to discredit their opponents.

A dedicated investigative reporter does the job because of a belief in the job's importance. The work provides the reporter a constant challenge and affirmation of being on the side of truth and fairness. The reporter knows that a job well done will result in public approval.

Investigative reporters often are the last hope of those who want to correct a wrong.

Investigative Reporters: Who Are They?

Investigative reporters may work for newspapers, magazines, webmasters or television stations. Or they might be employed by a multimedia company that calls upon them to investigate and report for a combination of print and broadcast media. They may be independent freelancers who sell individual stories to magazines or book publishers, or they can go online with

their own Web sites to tell their stories. Also, some enterprising reporters use investigative techniques in their day-to-day reporting.

Investigative reporters, employed by the major media, work under close supervision of editors; however, as a defined group they are without formal rules. They are not licensed and often not treated differently from any other reporters in a newsroom. They do not carry special privileges and must work within the law. They do not flock together, but, like birds migrating, they seem to share a common instinct about what to do when a tip to a big story is pushed under the door. They acknowledge each other's good work, but they do not impose controls on each other. They have accepted high standards of conduct and a basic code of honor that is unwritten.

Investigative reporters who carry that title are full-time employees of the larger newspapers and television stations, and after years of successful performance they have earned their employers' confidence. The investigative reporters at the larger media newsrooms will be found working on the important stories, those that carry newspaper editors' hopes for a contest win or those the TV station has slated for periods in which viewer numbers are counted. Also, when a major news story breaks, the reporting staff will gather around the center desk in a newsroom and turn to the investigative reporter for guidance in pursuing aspects of the story.

In this book, we will examine some top stories to learn how they were gathered and presented. Investigative reporters for the major media have years of journalism experience, and when they become accomplished investigative reporters they seldom return to general assignment reporting. But this is not a closed membership. Any reporter for any of the media is expected to be capable of conducting the in-depth research necessary to produce an investigative report.

Reporters who work for newspapers with smaller circulations now are employing more investigative techniques because of more easily accessible information available online. A reporter in a first job will make a favorable impression as a completely equipped reporter if that reporter can demonstrate the abilities and mind-set that are accorded investigative reporters. In small and medium-sized newsrooms, where ad hoc teams of reporters may be impaneled to pursue the most important stories, the beginning reporter with knowledge of investigative research methods and who uses proven investigative practices in reporting and writing will be chosen to be among them.

Even when it is acknowledged that investigative reporters are essential to a quality newspaper or television news operation, the investigative reporter often has to struggle to get adequate space for a story. Newspapers have become smaller in size and lesser in content, to make them easier to hold and to cut costs. A proper telling of a newspaper's investigation could

absorb the news column space that would otherwise contain other important stories. A large investigation—of problems at an airport, for example—may not be of interest to everyone because many seldom go to the airport. Thus, if such a story is displayed day after day with pictures and charts, some readers will feel that it is swallowing up space in their newspaper. Those readers may be irritated and driven away. Reporters and editors have adjusted to this possibility, and they keep investigative stories tightly edited and to the point.

Television investigative reports are also trimmed for fast-paced viewing because of time constraints. Every investigative report, no matter how important, must compete for airtime with all the news of the world, the weather and sports. The need for brevity has placed in demand the hard-hitting, one-shot, exclusive follow-up to a breaking news story, and investigative reporters must possess the skills to deliver it.

Online publishing can be an aid to newspaper and TV reporters. Newspapers and TV stations usually have Web sites, and reporters can make good use of them by posting the details of the investigation that did not make it into print or into a broadcast and inviting interested readers to click on the Web site for the full story and more.

Legal Issues: Investigative Reporters and the Law

An investigative reporter must have a commonsense knowledge of basic law. A successful reporter knows both the laws that restrict the gathering of information and those that can help. With the exception of some scattered state laws that protect news sources, U.S. law does not provide a reporter with an exemption from criminal and civil laws that affect everyone. Among the criminal laws that might be violated in the careless pursuit of information are those related to trespass, theft, extortion and bribery. Civil laws involve libel, invasion of privacy and fraud. Laws that better enable an investigative reporter to gather the facts include federal and state freedom of information acts, open-meetings laws, public licensing, campaign disclosure regulations and laws that create state offices like the clerk of the courts and the recorder of deeds.

Tools of Investigative Reporting

Investigative reporters are not only apart from other reporters in experience and mind-set, they are also expected to have skills that others may not have cultivated. They have the ability to find and use documents, whether

private or public records. They have adopted the special use of interviews, surveys and surveillance as tools of the trade. Over the years, they have been able to add the tape recorder, the videotape, the computer database and the spreadsheet to their arsenal of working aids.

The tape recorder may be used in interviews to reassure the interviewee of being quoted correctly. The videotape has become important for recreating an incident. Steve Berry, when reporting for the *Los Angeles Times*, went from door to door in a neighborhood where a man with a gun was shot and killed by police on February 14, 1994. Knowing how common it was for people to have video cameras, he was asking whether anyone had taped the incident. Yes, someone had, and the videotape showed the shooting was not as necessary as the police had claimed. Use of a database for otherwise unmanageable information allows the reporter to find facts and match them in minutes rather than in the hours previously needed. The spreadsheet organizes the information for quick retrieval.

One axiom among investigative reporters that is not likely to be challenged is that there are more stories to be done than there are time and reporters to do them. By carefully considering a proposed story idea, the reporter can be assured of working on problems or questions that are among the top concerns of the public and that the project idea can be reasonably fulfilled. No reporter wants to get bogged down in dead-end stories that waste valuable time. Investigative reporters are an inquisitive lot, but they are also skeptical, so they will take time to do preliminary research before they launch into an investigation. Their story ideas come from a variety of places, but they most often come from tipsters, follow-ups to a breaking story, observations from a colleague, consumer complaints and shared experiences.

Following a Tip

Information or ideas for an investigative story may come from a person who has a complaint and has specific knowledge of threats to the public welfare. This tipster may be a public or private employee who wishes to remain anonymous but yet provide an investigative reporter with the idea for a story by alleging some wrongdoing. Often tipsters are labeled "disgruntled" because they have a long-term dissatisfaction with the performance of others. A tip-off to a story might come in an anonymous letter or from a secret meeting in a parking garage, as was the choice of one of the most famous of all tipsters, Mark Felt (aka Deep Throat) of the Watergate investigation.

A successful investigative reporter will know how to check out the tip without identifying the source or even indicating that a source exists

beyond the public records that are cited in the investigative story. This strategy protects the tipster from disclosure and protects the reporter from publishing unsubstantiated allegations. Reporters recognize the importance of tipsters and will take every step necessary to protect the identities of those who wish to remain anonymous.

The reporter will move quickly to either substantiate the information from the source or rule it out. If the tipster says that the license of a prominent physician has been revoked, for example, the reporter will go to the state agency that administers medical licenses and find all the public records pertaining to the doctor's license to see whether any action has been taken against the license by the hearing board. The reporter will certainly not want to quote the tipster even as an anonymous source. The story will be based on the documents.

Example 1. A former janitor, who was recently fired from a hospital job, reports that tonsils of entire families on welfare are routinely removed on the same day. An investigative reporter will check with medical experts to learn whether tonsillitis is contagious and whether it is proper practice to have them removed on the same day. Upon learning that tonsillitis is not contagious and tonsillectomies are not without risk, the reporter will check state records of payouts to the hospital for public assistance recipients to learn whether such procedures are being performed and find out the compensation of the medical practitioners.

Example 2. The sheriff requires all new employees to make a contribution of \$2,500 to his political fund, disgruntled sheriff's deputies confide to a reporter. The reporter checks the sheriff's payroll and matches the names to the list of campaign contributors on file in the county clerk's office.

Example 3. Plumbing work in all the municipal buildings is being done by a corporation owned secretly by the mayor, according to a defeated candidate for mayor. The reporter learns which company got the contract by reading the minutes of the city council meeting and then runs that company name through the corporation division of the state-level office of the secretary of state to identify officers.

Following Up on a Breaking Story

Sometimes stories are spawned by an incident such as a school bus accident, a fatal fire, or a breakdown of public services. Often, while the general assignment reporter goes to the scene of a breaking story and reports on the circumstances as would the police officer first arriving at the scene

of an incident, the investigative reporter—much like a police detective—looks for the hidden story that may be the next-day follow-up in the newspaper or on TV. An investigative reporter may pursue the many questions presented by the breaking story.

In the most familiar of these reports, *Washington Post* reporters Bob Woodward and Carl Bernstein were following up on a breaking story. In June 1972, Democratic National Committee offices in the Watergate office building were burglarized. Woodward and Bernstein relentlessly sought an answer to the question of who was responsible until the facts exposed a White House cover-up and led to the resignation of President Richard Nixon in 1974.

Example 1. A fire burns down the stables at the racetrack. The general assignment reporter will want to know the cause of the fire, the number of horses lost, the dollar amount of damage and whether any firemen were injured. The investigative reporter will want to know when the most recent building inspection was carried out and whether any citations remained uncorrected.

Example 2. A truck crashes through the front entrance of a restaurant. The general assignment reporter is gathering reports of the dead and injured while the investigative reporter is requesting the driving record of the trucker.

Example 3. The school board is unable to meet its payroll because the computer system breaks down repeatedly. The initial newspaper article will focus on the hardships experienced by school employees who miss a paycheck. An investigative reporter may look further into the story and will want to know who got the contract for the computer system and how it performs in comparison with the systems in other school districts.

Looking for Subjects for Planned Projects

Sometimes the editorial body of the newspaper or broadcast station suggests, "It's about time we looked at _____"—such questions as where the tollway money is being spent, the safety hazards in public buildings or nepotism in the city workforce. Such a suggestion spawns the planned project. It may best be a subject that is a hot current issue with the public. One way to learn of a timely concern that deserves a plan of attack by an investigative reporter is to check the letters and e-mails to the editor or the complaints to the newspaper's consumer columnist. An investigative reporter who specializes in writing about consumer problems may plan a project

because of the actual number of complaints or questions about a current problem that readers have encountered.

In a landmark investigation by the *Chicago Sun-Times* in 1978, the reporters convinced their editors to have the newspaper buy a bar, keep the ownership secret and then operate the bar; they wanted to learn how many times they would be solicited for bribes when they opened for business. The series of stories that resulted was nationally acclaimed for the ingenuity of the journalists. There had been no breaking story; neither did the reporters have to be told by a tipster about what was happening. They merely decided it was about time somebody exposed shakedowns. Their project was carefully planned and executed.

Example 1. Readers may complain about auto repair mechanics. As car owners, they may tell of feeling threatened when they bring their cars into a repair garage and are placed at the mercy of a mechanic. The investigative reporter could respond by setting up a survey of auto repair shops: a driver would drop off for repairs a car that an expert has certified needs no repair. The reporter might get a story about which shops charge for unnecessary repairs.

Example 2. There may be some public concern expressed about the quality of patient care in nursing homes. A reporter will get inspection reports and then tour the facilities to see whether the violations cited in the reports are corrected. Some nursing homes may have hazards that are not corrected even when warnings are issued. How well are they inspected?

Example 3. Complaints may tell of Internet scams. Investigative reporters will attempt to trace the perpetrators of the schemes and expose their operations.

Example 4. A well-intentioned government loan program may have gone awry. Citizens may complain about mismanagement of programs for disaster relief, scholarships or housing, and the complaints may lead to an investigative series by a reporter. Program overseers will learn of the problems from media reports and could be encouraged to take corrective action.

Investigating Observations of Colleagues

A reporter may have an investigative idea from working a beat such as the courthouse beat and will tell the editors about it. The beat reporter cannot investigate this perceived corruption without losing valuable news sources within the group of people who regularly provide information. The sources

themselves could turn out to be the target of the investigation or possibly be offended by the story. The beat reporter may explain the situation to an editor, who may then assign an investigative reporter to work on a project that may turn out to be a series of articles in the newspaper or reports on the nightly TV news.

In 1986 the *Philadelphia Inquirer* began a series of stories about connections between judges and lawyers. The reporter assigned to cover the courts, Fredric Tulsy, worked alongside two investigative reporters, H. G. Bissinger and Daniel Biddle, in a two-year investigation. For their series, "Disorder in the Court," which revealed transgressions of justice in the Philadelphia court system and led to federal and state investigations, Biddle, Bissinger and Tulsy won the Pulitzer Prize for investigative reporting in 1987.

Reporting on a Shared Experience

A story idea may come from an experience the reporter and the general public have shared—being tailgated by a truck, having water back up into a basement or getting the runaround during a call to city hall. It could be that a question arises during a discussion: "Why does the transit system have to raise fares again?" At the *Chicago Tribune*, a weeklong series of stories about denial of services or overcharging in minority neighborhoods was initiated when a reporter mentioned to an editor that people in those communities were calling it the "black tax." That phrase grew into an award-winning series that examined costs and availability of home loans, home improvement loans and auto and property insurance.

Example 1. A local service club raises money for its charitable works by sponsoring an annual street carnival. The reporter, among others, often wonders how big of a slice of the proceeds goes to the traveling carnival and how much is left over for the charities. The reporter may start by locating the charitable trust's financial reports filed with the state or its IRS form 990 to learn the amounts taken in and expended for charity.

Example 2. A reporter's elementary school child says the food is bad at school and fights take place in the schoolyard every day. The reporter asks other parents about it, and they say their children make the same complaints. It seems to be outside the realm of investigative reporting, or is it not?

Case Study

A Public Document Denied*

Bob Wright covered his police beat thoroughly. He understood the law and respected the police officers in the departments he covered. In return they rewarded him with accurate accounts of police law enforcement activities. They thought of him first when they had a good story.

The police chiefs and the elected sheriff, in contrast, tended to give out only information that made the performance of their offices look good, and they suppressed incidents with a negative aspect. Police officers were told to get their commander's approval before releasing a story to reporters.

When a police officer shot himself in the foot during a demonstration of how to handle a firearm, Wright chose not to tell the story. Wright believed he made only a small concession when he passed over the story in return for continued amicable relations with the police contacts on his beat.

What do you think?

Is it correct to suppress the story about the police officer shooting himself in the foot?



Yes: It was not an important story.

No: Reporters should not take it on themselves to ignore a story.

Two weeks before the local elections, two young officers in the sheriff's department came to Wright secretly and told him that the sheriff was requiring them to do political work on behalf of his candidacy for reelection. They had also heard that all new personnel hired by the sheriff were forced to donate \$2,500 each to the sheriff's campaign fund to get on the sheriff's public payroll. Also, the sheriff was placing new hires on the roster as part-time, hourly auxiliary officers who, the sheriff said, were to be called up in an emergency. The real purpose was to get the campaign contributions; in return, the tipsters told Wright, each auxiliary officer would get a badge that could be shown during any police traffic stop as well as permission to carry a gun.

Wright faced a dilemma. He would have to give up his beat if he wrote such a story.

*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.



Were the sheriff's officers acting improperly by breaking department rules?

Yes: They should not break the rule about contacting the press no matter how they might justify it. If they think it is okay to break that rule, they might as well break them all. Law enforcement officials should be models for everyone and adhere strictly to the rules.

No: The allegation against the sheriff is more serious than breaking a department rule, and the officers are bound by their duty to the public to come forward. Whistleblower laws in most states protect government employees from retribution when they report misdeeds of their superiors.



Is it worth sacrificing a productive police beat to cover one story?

Yes: Every reporter has a duty to the public to report the facts and expose wrongdoing. If Wright does not report the story, he will become a part of the corruption. How could he continue to work with the sheriff and write favorable stories when he knows the sheriff is abusing the people's trust?

No: Not only will Wright be shut out of the sheriff's office, but others who trusted Wright to espouse their cause will regard him with suspicion. He will have lost the value that his readership depends on to get accurate police stories.

Wright had an alternative. He decided he should take his problem to his editor. The metropolitan editor was responsible for gathering and editing for publication all the news that originated in the city and suburbs. She assigned stories to reporters and judged the importance of news events. She recognized the importance of the story about the employee contributions. The sheriff was generally thought to be a reformer and had run for office on a platform of taking politics out of government. The local election was approaching so the editor knew that she would have to be careful in handling the story because it could be a fabrication by the sheriff's political opponents. She therefore assigned her best investigative reporter, Charles R. Miller, to do the story. Wright was relieved that he could go back to his beat, knowing he had done his duty.

Wright wanted to set up a meeting between Miller and the tipsters who had brought him the story, but they were reluctant to deal with someone they did not know for fear that he would identify them in his stories. But Miller was an experienced reporter who could put a source at ease. "Tell them I don't even need to know their names. We can deal anonymously on the phone. Then, if I was forced to testify

about my sources, I could truthfully say that I did not know." The two sources were impressed. All Miller wanted from them was their guidance. He would prove the story with public documents, Miller explained, and it would not be known that he had an inside source.

Is it unfair to pursue a story about a candidate running for public office if it could swing the election?



Yes: The newspaper should not involve itself in political races. Most of the stories leaked to reporters during campaigns are exaggerations or flat-out untruths designed to break in the media close to the day of balloting so that an opponent does not have time to make a proper rebuttal. Even if the story is true, if the newspaper prints it and swings the election, the winning candidate might be worse for the job than the candidate the newspaper exposed.

No: The public needs to know every bit of information about a candidate in order to make an informed choice. The newspaper could write of corruption by the other candidate as well, and as long as it does not use an investigative story to twist the facts or withhold derogatory information about either candidate it is doing a proper job that the readers expect.

Miller had not made an idle promise to the anonymous sources. He knew that he could prove the story with public documents. The story could be pulled together with two important documents: the sheriff's campaign disclosure form and the office payroll.

The campaign reports were open for all to see upon request at the county clerk's office. They had to be filed every six months. They contained the names of donors, the amounts of their contributions and the dates of the contributions. They also showed the amounts spent on the campaign and to whom they were paid. In addition, a balance of money coming in and money going out was shown. Every candidate had to file one such report. Miller had no trouble getting it immediately.

The sheriff had a large staff. Not only did the sheriff's department provide a trained police department, the duties of the department included taking care of the county buildings by providing janitors and yard workers. The sheriff had teams to serve court papers and execute evictions. The sheriff ran the jail. The office payroll under state law was obviously in the public record. But the sheriff would not release it, citing a provision in the state statute that said that information could be withheld if it endangered the life of a person. The sheriff said that the lives of all sheriff's employees would be put in danger if they were identified. The idea was laughable, but the mirth subsided when the state attorney general confirmed to Miller that the sheriff had the right to use discretion to determine who was or was not in danger. In the

sheriff's opinion, even office clerks and administrators would be in mortal jeopardy if their names were published.

Miller knew the law. He believed the sheriff was misbehaving and stretching a well-intended law to cover up corrupt practices. Miller knew that his recourse was the courts, so he contacted the newspaper's in-house attorney and asked for help. The newspaper's attorney was sympathetic and agreed that the sheriff was out of line, but she urged Miller to not be too hasty about filing a lawsuit. Litigation is costly and justice is often slow. Even a swift court order could be appealed. By the time the newspaper could muster its legal staff, the election would be over.



Should a legal route be pursued, even if this means missing the story before the election?

Yes: The reporter would eventually get the story and could use the court decision as an example for others who might try to circumvent the law as did the sheriff.

No: Miller has an obligation to his readers to go ahead with the story even if he has to rely only on the campaign report and anonymous sources.

Miller pursued the story without the payroll documents. He found that the top managers in the department had their names on the doors of their offices, and some had parking spaces reserved with signs that displayed their names. Police officers signed their names on traffic tickets they issued, and they were listed as witnesses on court agendas. While talking to his unidentified sources, Miller learned that when they were first sworn in as deputies they had to take an oath at the county clerk's office. Miller made a quick trip to the clerk's office and found the list of new officers in a log kept by the clerk under mandate of the law. The names of the new auxiliary officers and the dates of their swearing in appeared on the sheets, recorded officially with their signatures. The list showed that 41 new badges were listed for the auxiliary police, and the campaign reports showed without exception that during the month their hiring took place each had paid \$2,500. The records showed that the sheriff received a \$102,500 windfall for the campaign!



Ready to write the story?

Yes: There is no disputing the facts that Miller has obtained from public records. They speak for themselves. The election is days away. He should write and the newspaper should publish the story immediately.

No: Documents are the mainstay of investigative reporters, but they do not tell the full story. Miller will have to move quickly, but he will

want to contact as many of the auxiliary police officers as possible to get their reaction. He must also talk to the sheriff and allow a fair chance to reply.

Miller knows that readers of his newspaper, *The Middleton Daily News*, expect balanced reporting. In investigative stories, the newspaper will drive home a point with a strong argument but always give the target of the investigation a fair chance to reply. A fair chance means a simultaneous rebuttal in the same story that makes or implies the allegations, not in a next-day story. Although persons explaining or denying actions attributed to them may not always receive equal space in the story, reporters and editors are expected to give them enough space for their best arguments. An ambush interview in which the subject is approached on the street and surprised with questions is seldom productive. An ideal situation is when the reporter and the target of the investigation can sit down together and go over all the facts the reporter is planning to write. Such a meeting avoids mistakes that the reporter may have made. The reporter may believe the sheriff's brother-in-law is on the county payroll, for example, when it is a different person with the same name. Experienced investigative reporters know that can happen.

The sheriff did not agree to such an interview and instead issued a statement through the department's public relations spokesperson that there had been no wrongdoing, all campaign contributions were voluntary and the auxiliary police were an asset to the community. Miller had failed to show that the money was extorted, but showing that each contributor paid the same amount cast question on the sheriff's version. The sheriff's refusal to release the office payroll was noted in the story and caused such an outcry on the day before the election that the sheriff finally yielded to public pressure and allowed its release. By then, other media were on the story, and Miller and other reporters started running down leads from the payroll. They found a unit of elevator operators although the elevators were automatic. The so-called elevator operators were doing political work. Office staff in high-level law enforcement positions included relatives of the sheriff with no experience in law enforcement. The news undermined the candidacy of the sheriff, and the voters voted in a new sheriff.

Case Memorandum

- A reporter can break an investigative story and protect beat sources by turning it over to an investigative reporter.
- Reporters can protect the identity of tipsters by not knowing their names if the information is confirmed elsewhere.

- Campaign contributions and government payrolls are public records.
- If a public record is withheld, other ways can often be found to get the information without suing.
- A reporter must always seek an interview with the target of an investigation.

Choosing a Subject for an Investigative Report

Some story ideas might seem promising at the beginning, but after closer examination they could be found wanting. A successful investigative reporter learns to spot good stories, but there are guidelines that can help.

Exercise, Part 1: Choosing a Story

Consider the decision facing the producer of the news on a local TV station. The ratings period is coming up, and the newscasts need an investigative story that will draw viewers. An exciting investigative story will reflect well in the ratings. Here are the choices that the producer is considering. Choose the best story idea.

TABLE 1.1 Ideas to Examine

NO.	STORY IDEA	ANGLE OR FOCUS
1	Lawyers soliciting clients in the courthouse hallway	It is a violation of attorney ethics for lawyers to approach people and suggest they hire them, but in the county courthouse it is openly practiced.
2	Food inspectors skipping inspections	A source complains that food inspectors are so overloaded with work that they often have to miss a few stops and mark them down as okay.
3	High cost of shoes	Why are shoes so expensive?
4	Allegations of embezzlement from a union pension fund	The union is the largest in the broadcast coverage area.
5	Unsafe delivery trucks at a local dairy company	Company drivers have told of mechanical problems that could be safety hazards.

Story 1. Solicitation by lawyers. If you chose this idea, you would have a story for sure. Observation could be followed with camera shots on public property, persons solicited in the hallways would agree to interviews, documents could be found in court records to show which of those lawyers got the most business. The state licensing board would have to at least order an inquiry, generating many follow-up stories. But let us reconsider. What real harm are the lawyers causing? Are the viewers going to be outraged? Are the lawyers perhaps breaking a rule within the legal profession—a rule that protects lawyers from having their clients stolen—that shows no element of consumer abuse? We could make a lot of noise with this one, but the viewers will only yawn. Try a better story before your competition beats you to it.

Story 2. Food inspections. You may be on to something here. Food is inspected to protect the public from food poisoning and the spread of disease. Skipping an inspection is like asking a person to step off the curb into the street without looking and hope there is no traffic. The culprits may not be the inspectors but the system that is not working. A viewer will want to watch the broadcast after hearing during the day: "Tonight at ten on Channel One, Shocking revelations! Is your restaurant food safe?" We can follow food inspectors; get their reports, which are public records; and go into restaurants and see violations ourselves. But what if the inspectors are not skipping the inspections? We are still in good shape because from our observation and the inspection reports we will have a report on sanitation in restaurants. We will have to drop the shocking part, but viewers will want to know which restaurants are cited the most. Now go back and look at the other choices and see whether you agree this is best.

Story 3. Shoes. We have a subject here that affects just about everyone. Shoes can be expensive. But wait a minute. We already know that, so what's the story? Maybe the shoes are manufactured by child labor in a Southeast Asian country. Okay, but how is the local TV station going to have the time, knowledge and money to find such a place? The sad truth is that substandard working conditions make shoes cheaper. Shoes may be expensive, but the prices are subject to a competitive market and consumers have a wide range of choices. We have no allegations of price fixing, hidden cost or misrepresentation. The price of shoes is not among consumers' major concerns; it is not the mortgage or heating bill. There would not be a follow-up story and little would be accomplished by a report on the price of shoes. Look for something that is a step or two above this one.

Story 4. Union embezzlement. Embezzlement from the union pension fund is a serious criminal matter. Such an investigation is probably beyond

the scope of subject matter able to be investigated. Although no one limits what a reporter can investigate, a criminal financial investigation is best accomplished by government investigative agencies and the courts. If those government agencies fail to act, however, journalists can be quick to expose their inaction. This story would be weak, though, because the reporter would have to refrain from making any criminal accusation about a person who is not convicted. Yes, there might be a story here, but it is not the type that will work for the local TV producer. It may be an insignificant amount of money, and the losses may be insured so the story would not directly affect the viewers, even union members. You can feel good about choosing this, but for practical purposes try another.

Story 5. Dairy truck. Can you imagine a truck driver at the local dairy standing before a local-news microphone for three nights straight, complaining about mushy brakes? This story has an important safety factor, but it has very limited impact. The threat to the public is obscure, and the story presents a temptation by the reporter to exaggerate. The only way such a story might be significant enough for the TV news is if the company has a horrendous accident record. The story could be done, but a reporter and a producer should be able to find something better. Go back to the choices and see whether you can upgrade your idea.

Exercise, Part 2: Examining the Food Inspection Story Idea

Which method is best to get the story? Select the best.

TABLE 1.2 Deciding the Approach

NO.	METHOD	WHY?
1	Surveillance: Get an undercover job as a food inspector	TV viewers like the excitement of undercover reporting.
2	Document research: File a Freedom of Information Act request for all inspection reports	Stories could highlight the worst violators.
3	Survey: Choose a random sample of restaurants and inspect them yourself	Photo possibilities would be abundant.
4	Interviews: Talk to employees and former employees	What stories they could tell!
5	Document research: Review published stories and court cases involving restaurants	Earlier stories and cases state the situation in black and white.

Method 1. Surveillance. Getting an undercover job is almost always unproductive. Many news organizations consider this method unethical, and in the story suggested here it would be illegal to falsify one's background to get a government job. Food inspectors have special training, and if the reporter was not trained, disastrous consequences would be possible. What if, out of ignorance, the reporter-inspector allowed utensils to be cleaned at a lesser degree of heat than is sanitary and scores of restaurant patrons got sick? What if an undercover reporter-ambulance attendant had no training and a patient died? If the reporter wanted a job in the kitchen of a restaurant, the idea might be viewed differently, but that limits the story to only a few restaurants. Better to choose another method of getting the story.

Method 2. Document research. Describing inspection reports from restaurants will make a quick story, but it will not be investigative reporting. It will report on someone else's investigation. How can we be sure others' reports are correct? Investigative reporters are supposed to check on the work of government agencies, not blindly support them. Also, it is possible that violations described in the reports have been corrected or that the ownership of the restaurant has been changed. It is a good idea to get the reports, but a proper story will take more work. Try another approach.

Method 3. Survey. If the sample is truly at random and manageable, this may a productive approach. It might call for a computer program to create a random sample, but simply drawing names of 40 restaurants out of a hat that contains the names of 500 would serve as well. Inspection reports on the 40 should be a true sample, and the reports could be bolstered by tours of the restaurants to see whether they have corrected the problems. However, this method will not show that food inspectors are skipping inspections. It will take more effort to find the story that needs to be told.

Method 4. Interview. Former employees would be able to tell us colorful stories of poor sanitation in the restaurants where they worked, and they would not hesitate to go on camera with their stories. The question we are faced with is whether we want to turn over our investigation to them. Can they be trusted to refrain from exaggeration? They may have been fired and thus fit the mold of "disgruntled former employees." If we rely on this plan, we will have to be in a position to defend ourselves from criticism of unfairness. It would be proper to interview employees and former employees but only to support facts we have already learned elsewhere.

Method 5. Document research. Court case files may have allegations of injury from food poisoning. We do not want to omit that from our investigation, so it is wise to check them, pull the case files and find the persons alleging injury. That person may have a story that can be documented, but the reporter must keep in mind that the plaintiff's claim in a lawsuit is merely an allegation. It would be unfair to base an investigation on such claims alone. A suit would have to be settled with a clear admission that the defendant restaurant did wrong. Use of lawsuits will be examined in a future lesson.

Exercise Summary

Because there will probably not be one best method, we may find it best to use a combination of the ideas. We can get our random sample of inspection reports, follow up with undercover observation rather than employment, talk to former employees to make sure we have touched all the bases and look for court cases. We can organize this information on a sortable electronic spreadsheet that would show patterns of noncompliance and then pull up all the violations of a particular kind to show which restaurants had the most violations in several areas important to food safety. A reduced version of this spreadsheet could go online for public reference.

Chapter Recap

Does it matter whether a mayor has approved a secret contract with the city for his private business? If a charity announces it is raising funds for a certain cause and spends the money otherwise, who needs to know? What if child care centers have poorly trained workers and their buildings are unsafe? Investigative reporters write such stories. An investigation does not require that a law has been broken, only that the possibility of wrongdoing exists.

Class Assignments

1. Bring to the next class an example of an investigative story published recently. If you wish, you could tape the TV report of an investigation and play it. Be ready to discuss which elements make it an investigative story by asking these questions:

- Why is this story investigative compared with, for example, a story about an escapee from a county jail being apprehended by police officers?
 - Does the investigative reporter give the target of the investigation a fair opportunity to state what happened from the target's point of view? Show exactly where in the story it was placed.
 - Does the reporter or writer or producer point to a key document?
 - Do graphics and pictures accompany the story? Do they aid the reader or viewer by providing more understanding or do they merely repeat the facts in the story?
 - Who among the public will be most interested in this story? Will many people be affected by it? Who might get a copy and pass it around?
 - Is there a follow-up to this story? Are many questions unanswered?
 - Are the newspaper reports overwritten, with harsh headline words; are TV stories reported in inappropriate shrill or frantic tones?
 - Can you determine where the reporter got the information for the story? Was it in following up on a breaking story, from a tipster or a project idea?
2. Bring to the next class a written one-paragraph original idea for an investigative story. Make sure the proposal meets the requirements: that it is about something someone has made an effort to hide, that it is important to the public welfare and that it is to be the product of the reporter rather than the result of a government investigation. Also, the idea you conceive should be reasonable within the constraints of time and space. It should be neither too large nor too small. You will not want to suggest a story as big as the causes of drug addiction or as small as how somebody conned you into buying an ugly Christmas tree. Be prepared to defend your idea.

How to Investigate and Pitch a Story

INVESTIGATIVE REPORTERS DUFF WILSON AND DAVID HEATH of *The Seattle Times* had an informant on the record, but they needed to document all that he had told them for a March 11-15, 2001, series of reports on the deaths of people who were tested with experimental drugs.¹

Many participants in the study had not been told clearly of the real risks, Wilson said. People were also not told about possible financial conflicts of interest. *The Times* reported that three doctors carrying out the experiments held stock in the drug companies providing the drugs to be tested.

"The story had all three strong elements of financial conflicts, bad medicine and patients misinformed," he said.

Wilson and Heath started with a Freedom of Information Act request to both the federal and state governments for all paperwork involving the claims of the informant. These were documents that concerned the experiment protocol and a federal investigation. When the reporters received the records, the names of the patients were deleted because medical records are private. Wilson described the reporters' tasks:

"We had to piece together who these people were. It was hard to find them, since many died fifteen-twenty years ago. Through a lot of labor-intensive skip tracing, we found some of these people and explained what we were looking at, and next of kin would authorize release of their medical records. For instance, we knew one of them was named Becky Wright. She had maybe lived in Alabama, at some point. So, we looked up all the Wrights in Alabama until

we found somebody who knew of her or her husband. We used death certificates. We looked up databases and found who died of leukemia in Seattle during a certain time."

They skip traced the surviving spouses by following forwarding addresses provided to the U.S. Postal Service, used people-finding searches on the Internet, and interviewed the relatives who could be found.

The reporters examined some 10,000 pages of documents from federal, state and medical sources and interviewed dozens of people, including medical experts, patients and their families.

When the stories ran, Mike Fancher, the executive editor of *The Seattle Times*, wrote: "We hope our stories help inform the policy discussions around how clinical trials are conducted, and how patients are protected from possible conflicts between medical and financial interests."

The Seattle Times investigation illustrates the importance of the tool most closely associated with investigative reporters: the document. In this chapter, you'll learn about different types of documents, how to find such documents and how to use them to investigate. All this together will then lead to how to promote and pitch a story to your editor.

Using Documents

A document is information that is preserved. The information may or may not be preserved on paper. If it is recorded on electronic tape or disk or stored in a computer, it is considered a document under the definitions of most state laws that provide public access to government records. When the information is on record, we use in this text the label "document." With the overall use of public and private records and published accounts, we say that we are going to "document" our facts to prove our argument.

The material that sustains the document does not matter. The document could be written in stone—like a tombstone or the cornerstone of a building. It could be a dental chart or a flag. The contents are the document. They relate happenings. Photographs store and convey information but are treated separately from documents in journalism.

Documents include more than public records. They also include private documents and published accounts. Laws address the availability of public records. Documents that are private include medical records, contracts between private persons or businesses, personal letters and bank statements. A journalist may publish such private information only with the permission of the owner.

Published papers contain information that has been revealed to the public but is owned by private persons who hold a copyright. They include

TABLE 2.1 Selected Documents

PUBLISHED INFORMATION	PUBLIC RECORDS		PRIVATE PAPERS
	OPERATIONAL	DISCLOSURE	
Biographies	Minutes of meetings	Licenses	Personal letters
Trade magazines	Budgets	Lawsuits	Bank statements
News releases	Contracts	Inspection reports	School papers
Scientific articles	Payrolls	Political contributions	Medical records
	Elections	Corporate filings with the Securities and Exchange Commission	

nonfiction books such as biographies, corporation news releases, and advertising and scientific papers. Information can be used when attributed under copyright rules.

Public records are owned by the public and laws define which of them is available to be viewed and reproduced and under what circumstances. They are divided here into two groups for easier study (see Table 2.1).

Disclosure Documents

People come to federal, state and municipal governments with requests. They may want to record the ownership of property, open a bar, become a medical practitioner, settle a dispute with a neighbor or license a dog. Governments accommodate citizens in these and other ways. In exchange, citizens give up some of their privacy when they deal with governments. In these examples, they are required to complete forms with specific information about the property and the owners in land transactions, affirm that they do not have felony convictions in liquor license applications, show their medical training to get a medical license, go to court and state allegations against a neighbor under oath, and declare ownership of an animal in the municipal clerk's office.

The same laws that provide these services also may mandate that the public office that administers the laws make them available to the public under certain conditions. Well versed in those laws, the investigative reporter knows what can be retrieved immediately and from which office. The county clerk and the state secretary of state carry much of the responsibility for keeping and providing public disclosure records, but the clerk of the courts, the election commission, the recorder of deeds and the coun-

ty assessor share that load. They often employ the Internet to deliver the records. Federal agencies like the Federal Election Commission and the Securities and Exchange Commission require the disclosing party to file electronically so they can place the reports directly online.

Operational Documents

Cities, counties, states, the federal government and taxing districts that run the schools operate very much like private businesses. They have employees and contracts, they pay bills and they buy and sell property. They deliver such services as garbage pickup, street repair and police and fire protection. As stockholders elect officers to run their businesses, the public elects the officials responsible for conducting government business. Private businesses gain income by selling products and services to people, and governments get money by taxing the people they serve. All of this public business generates documents—budgets, annual reports of expenditures, payrolls, election returns, bidding processes for contracts, minutes of official meetings. These are operational rather than disclosure documents because they detail the inner workings of the government rather than regulate private business.

The public is provided access to these documents through state and federal laws. There are some limitations, but if the activity involves the expenditure of public money, records of it are almost always available. Operational records of each special local governmental unit—from the mosquito abatement district to the regional transportation authority—are in the trust of a clerk who records the minutes of meetings and a treasurer who keeps a tally of expenditures. Legislated rules mandate that records be provided to the public during business hours in their offices. Also, much of the information from public records is placed by the administering agencies onto the Internet, where it is accessible to the fingertips of the reporter through a computer terminal at any time of the day or night on any day of the week. If the agency does not put information on the Internet, the newspaper may get an electronic copy or printout of a database from an agency, keep it in the newsroom and update it from time to time so that it can be accessible during weekends. One example of this kind of document is the state payroll.

Document Review

Review each of the following documents. Is it a disclosure document or operational document? (A discussion of the classification of each document follows this numbered list.)

1. Annual financial report of school district
2. Campaign contributions report
3. Public payroll
4. Economic disclosure statement of elected official
5. Building inspector report
6. Divorce case file
7. State legislator's voting record
8. Minutes of the school board meeting
9. Budget of school district

1. Operational document. Accounting for the expenditure of tax money (in this case, school district finances) is a responsibility of officials in their operation of the schools. This information is usually required to be published and therefore would not require a request under a Freedom of Information Act (FOIA).

2. Disclosure document. A political campaign is not a part of running the government. It has to be kept separate, but the candidates must disclose the source of the contributions received and show how the money was spent. Local candidates file with the county clerk, statewide candidates with the state board of elections and presidential and congressional candidates with the Federal Election Commission. Local, state and federal laws allow the public immediate access to this information. No FOIA request is needed.

3. Operational document. To operate government offices and conduct projects, people have to be hired and compensated with tax money. A list of employees and how much they are paid may require an FOIA request, or state statutes may establish that they are open records available without an FOIA request. Reporters get payroll records from the offices of the financial controllers for the agencies of their interest.

4. Disclosure document. Laws require some public officials to file financial disclosure statements, showing that their own private holdings have not benefited from their actions in public office. The laws are separate from the FOIA and may impose severe penalties for fraudulent reports. These statements of economic disclosure are found in the administrative offices of the government agency where the official is employed.

5. Disclosure document. The owner of property where the public is invited or the owner of a large number of multiple residences must disclose to the government that the premises are in compliance with safety rules.

Building-inspector reports are easily attained by reporters, and no FOIA application should be needed.

6. Disclosure document. Divorce cases seem quite personal, but they are court cases nonetheless. No FOIA request is needed to request divorce court proceedings or any other records that have been filed in open court.

7. Operational document. Is the legislator voting for the issues that the legislator claims to support? State legislators' voting records are public records, and no FOIA is needed to request these documents. They are usually published by the clerks of the legislatures. Voting records of the local member of Congress are published by the Office of the Clerk of the House of Representatives and the Secretary of the Senate.

8. Operational document. Minutes of school board meetings are public records. A reporter may want to check on how the large portion of the local tax dollar budgeted to run the schools is spent, and open-meeting laws provide access. Therefore no FOIA action is needed to request the minutes. Records are maintained by the school district clerk and often can be found online at the Web site maintained by the local school board.

9. Operational document. Again, the budget of the school district is open for inspection. This should not be confused with the annual report. The budget states how the schools plan to spend the money, and the annual report reveals how the money was actually spent. Is the budget being followed or being ignored quietly? No FOIA is needed to get this information.

Gaining Access to Public Documents

Every state and the federal government follow specific laws about which documents are available and when they can be seen. The broadest law is the Freedom of Information Act. This federal law and similar state laws require that a government office make its operational documents open to the public. Some of the operational documents, like minutes of meetings and budgets, are readily available without a FOIA request, but the others may require a letter to the agency in possession of the documents.

It is important to remember that federal and state FOIAs were created to give the public access to the government's operational records, not to disclosure documents, which are covered by other specific laws. A reporter should not be required to adhere to the rules of a FOIA to get, for example, a report of lobbyist activities when there is a state law requiring it to be

on file. Campaign contributions are deemed public by election laws, court records by the laws of administration of the judicial branch of government, state license disciplinary hearing records by another state law. Even some operational records are not covered by the state FOIAs because they are openly available. Reporters gain access to minutes of board meetings because of open-meeting legislation, and they can get the records of state lawmakers because of legislative rules.

Why have two levels of FOIAs? Could a reporter use the federal FOIA to demand public records from state and local offices? No, that is not the way the law reads. The federal FOIA has power only over the records of the executive branch of the federal government. For further information about the federal Freedom of Information Act, see excerpts in Appendix 1.

A citizen must use the state act to get local records. If a specific local FOIA is challenged, the federal courts may eventually hear the case after it has been heard first by many lower-level courts. Thus, it is the federal courts and their interpretation of a state's local laws, not the federal FOIA, that can determine the fate of a local FOIA request.

The state FOIA, for example, prevailed under a 2004 Michigan Court of Appeals decision that upheld a lower court ruling that the sheriff's department had to release records of an internal affairs investigation.² The ruling was in response to a rather unpleasant event, to express it as politely as possible. In May 2002, Grand Rapids police netted two police officers among 18 men caught in a solicitation-for-prostitution, undercover sting. Sixteen of the men were arrested and charged, and they spent the night in jail. The other two, a county sheriff's deputy and a state trooper, were released without charges.

A call came to the news desk of the *Grand Rapids Press*, tipping the paper about the incident. Reporters were able to get the story from the records of the Grand Rapids police, but their source told them that the two officers had also had previous contacts with prostitutes. The reporters made a request under the FOIA for internal investigation records, but their request was denied by the sheriff, who cited two FOIA exemptions: invasion of privacy of an individual's personal life and personnel records of an officer. The appellate judges decided the news story was not an insignificant oddity-in-the-news item because it addressed the question of whether law enforcement officers were involving themselves with criminals.

The court determined that the disclosure was in line with "the state's policy of providing full and complete information regarding the affairs of government" and opened the records.

A FOIA request should be put in writing either by filling out a form at the government agency in possession of the records requested or by writing a letter. An FOIA letter must be simple and direct, and it should

- provide enough information so that the government information officer is mandated to provide certain documents without further explanation,
- be narrow enough and not so demanding that it would cause burdensome work that would interfere with the daily duties of the government office and
- state specifically that the request is provided for under the FOIA.

Note that an FOIA letter need never plead the case or explain its purpose.

Good and bad sample FOIA letters are shown in Figures 2.1 through 2.3.

Searching Databases for Previous Stories

Investigative reporters check past articles on everyone they plan to write about. The reporter needs to know whether the information has already been reported because it would be a waste of time to go over the same ground twice. The reporter also may get leads for the investigation. If the person of interest has been sued in an unrelated matter, for example, the reporter will get the court case and attempt to talk to the other parties in the suit.

Reporters still refer to this practice as “pulling the clips” when they search the newspaper database archives. Before the 1980s, librarians at a newspaper would clip out stories from the previous day’s paper, circle all the proper names and stick them in small envelopes with the key word on it. Thus, an envelope called “Middleman” would contain all the mentions in the newspaper of anyone named Middleman for maybe the preceding 50 years. The reporter would then sort through the clippings and find the person named Middleman whom he was researching.

Today only the delivery system has changed. Newspapers maintain archives online. Daily stories are stashed in electronic envelopes to be pulled out. The reporter can search by key names or terms and can pull up all related articles. You can easily look for the person whom you are researching.

A freelance writer or student who does not have access to newspaper clips or Internet newspaper archives is able to get the same information from major newspapers at a public library. Most libraries have indexes of back issues of *The New York Times* bound in annual volumes that list names of persons and the subject matter presented in the year’s articles. Articles of interest can then be pulled up from files of microfilm on the library shelves. Larger libraries and campus libraries have other major newspapers such as the *Washington Post*, *Chicago Tribune* and *Los Angeles Times*,

Figure 2.1 Freedom of Information Act, sample request letter 1

Letter 1

Information Officer
Bureau of Sewers
Garfield Metropolitan Sanitary District
Garfield City Hall
Garfield City, Oregon

Attention: Mr. Vogel

I am requesting access to all records of the Bureau of Sewers for the previous five years. It is your responsibility to provide these documents and to have them copied for me and available 10 days from this date, at 1 p.m. in your office.

This information is for a very important story for The Garfield Record-Citizen, and the FOIA law requires that you give them to me. Please respond as requested.

Lloyd Smithson
Reporter
The Garfield Record-Citizen

This request is sure to be rejected; no appeal would overturn the rejection because of the voluminous records requested in a short period of time.

Setting the time and place is, in addition to being rude, unreasonable and demanding. The reporter is being adversarial, and he misquotes the law.

The writer implies that he is to be treated differently under the law because he is a reporter.

Figure 2.2 Freedom of Information Act, sample request letter 2

Letter 2

To Whom It May Concern _____
Garfield City Hall

I am a reporter for the Daily Post, and I am planning a story about the extra payments that were made to the contractor who did the work on the Kennedy Avenue sewer extension. This cost overrun is believed to be significant, and it is a matter of serious concern to taxpayers.

Please do everything you can to get the correct documents and deliver them to me at the Post. If you are not permitted by law to do this, you could remain anonymous and meet me at the central filtration plant near the main flushing drain at midnight Sunday. As a responsible journalist, I am sworn to keep confidential my sources.

Most sincerely,

Elliot Cramer
Reporter
Garfield Daily Post

It is unprofessional to suggest a public official should steal a document.

The letter does not state it is a FOIA request and is not directed to any individual. It goes to "City Hall" although the other letters show the project was an operation of a separate government unit, a sanitary district. There is no telephone number for easy contact with the reporter, but chances are he will not be hearing from the recipient, and his competitor will get the story.

The reporter tips off the subject of his investigation.

Figure 2.3 Freedom of Information Act, sample request letter 3

Letter 3

This is a request under the state Freedom of Information Act _____

Mr. Arthur Vogel _____
Information Officer
Bureau of Sewers
Garfield Metropolitan Sanitary District
Garfield City, Oregon

The requestor cited the law and directed the request to the responsible person.

Dear Mr. Vogel:

I am requesting access to all records involved in the construction of the Kennedy Avenue extension of the main sewer line completed in 2005. Although this request is not limited to the following documents, I would like to see and copy: bid specifications, bids received, contracts, work orders, work sheets, payments, expense vouchers, correspondence and interdepartmental memos involving the project.

Please let me know when I may view these documents and whether there is more information I need to provide.

Yours truly,
Roland Richards
Reporter
The Garfield Daily Times
(555) 555-5555
RLRich@GDTimes.com

The requesting reporter makes a reasonable request in a reasonable tone and without stating why the documents are wanted.

Request is specific and workable.

accompanied by indexes. Local libraries often have archives of smaller local newspapers, too. The Library of Congress in Washington, D.C., has hundreds of newspaper files and indexes.

Case Study

Mayor Mixes Public and Private Business*

Lori Benton, a reporter for the *Buchanan Record-Journal* sometimes went on what she called "forays" or visits to public agencies whenever she had time in her busy schedule. She might stop at the state office building, the county courthouse, the federal building and city hall. Her purpose was not to say hello but to glean as much information as she could from public files. She would especially be on the alert for recent filings of civil lawsuits, campaign disclosure reports and economic disclosure statements. In such public documents she had found many a surprising story, stories that had been overlooked by other reporters because they were able to cover only the big lawsuits and give only superficial attention to documents such as the voluminous campaign reports. Economic disclosure statements were usually checked only if a question came up about a public official. These documents were available on request at counters in the clerk's office or by using public access computer terminals to search databases of documents such as land records and court cases.

Once when she was checking the court cases, Benton found the pending divorce case of the city purchasing agent. It had been reported that this official was under federal investigation for accepting payoffs. The purchasing agent's estranged wife wanted to divide the marital assets, and she listed \$1 million in cash in a bank deposit box. The *Record-Journal* ran the story and was able to name the bank and even the box number to show readers that the newspaper was not speculating. This story was also news to the federal investigators, who seized the contents of the box after they read the newspaper.

Probate court cases had also turned up stories for Benton. When the brother of the highway commissioner died, his probate court case

*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.

file, which listed all his possessions, showed he had been in a partnership with his brother in a hidden land trust that bought hundreds of acres of land at a proposed highway interchange.

When the *Record-Journal* published these stories, the paper did not always reveal its sources. The story might say, "It was learned," of the land holdings or the bank deposit box. That would send other media into a spin trying to find out the source. If the competitors were not able to confirm it and did not pirate the story, they had to write for attribution, "The *Record-Journal* reported. . . ."

Benton calls economic disclosure statements "ethics statements." She found that they generally revealed little. They had to be filled out each year by candidates for public office, elected officials and top-level managers. They contained a series of declarations about whether the public official had a conflict in different areas. But one line item was a little different: It required that the official list the addresses of any properties sold during the year in which the official realized a gain of more than \$5,000. Benton noted that the mayor had listed two addresses in a nearby city. She then got the disclosure statement for the three previous years and found five more properties sold. All were outside the city of Buchanan, so it appeared to not be a conflict of interest for the mayor of Buchanan.

Is it fair and ethical for the *Record-Journal* to withhold the source of information for a story when it is a public document? ?

Yes: Nowhere in any journalism code of ethics is it stated that a news article has to state its origin. Reporters are supposed to protect their human sources, so why not their document sources? A competitor should not find it easy to steal a story from another.

No: The newspaper is not only withholding information from its competitors but from the public as well. The news belongs to everyone, and journalists have a duty to provide it to all; they should not be trying to embarrass their competitors with selfish scoops.

Benton was already in the county building, so she went to the assessor's office and found the property identification number (PIN) for two of the addresses. Then she checked the land sale database for those numbers in the office of the recorder of deeds across the hall. There she found a series of transactions involving a numerical land trust. The purchase of the properties coincided with the years of sales on the mayor's disclosure statement. All of the parcels were resold after about six months and showed inordinate profit. Could someone be bribing the mayor by selling him properties below the market price to be resold for as much as three times the purchase price?

Benton found the names of the sellers and saw they were individuals who appeared to have no connection with each other. In addition, each had owned the parcels of land for many years. Benton knew that looking at a real estate transaction on paper would not necessarily show whether it was a single family home, an office building or a vacant lot.

She took a drive to nearby St. Williams and viewed each of the addresses. They were single-family homes, well maintained, in clean and comfortable neighborhoods. They could not have been built in the previous year, so they must have been renovated. Benton could find nothing wrong with the mayor fixing up houses in another town.

?

What should the reporter do next? Confront the mayor?

Yes: The mayor may have a simple explanation about what the transactions mean. Why waste time barking up trees on this one? There seems to be nothing improper here. Anybody should be able to buy and sell real estate for profit.

No: There are many public records to be checked before going to the mayor. Pardon the expression, but Benton smells a rat here. Her gut feeling is that something is wrong and she should keep digging.

The next morning, Benton picked up the phone on the first ring. It was the friendly voice of Danielle Thomas, the mayor's public information spokesperson, who said: "Lori, I hear you pulled the mayor's disclosure statements." When Thomas had been a reporter at the *Record-Journal*, she was assigned to cover the mayor's first election campaign. When he won, she joined the city as a member of his staff at a much higher salary than she had received at the newspaper. Benton detected an immediate personality change: No longer was Thomas interested in disseminating news; instead she wanted to control it.

"Just routine, Danielle. You know that's what those ethics statements are there for."

"I can't recall anyone pulling an ethics statement for no reason when I was at the paper," Thomas rejoined.

"We are trying to do a better job."

"Well, you can tell me what it's about. I'll help you on the story."

"I will let you know if there is going to be a story," Benton promised.

If the mayor is going to be fixing up houses, he has to get a building permit, Benton surmised. Many cities have building permits archived in their Web sites. St. Williams, however, had not offered such a convenience. She drove back to St. Williams, stood in line in the city building department and got copies of the applications. Benton already knew that it is the application for the permit, not the permit

that is issued to the applicant, that contains the most important information. The recent application forms showed that substantial rehab work was done on the houses after the mayor bought them.

Then Benton thought it might be worthwhile to get the permits for the mayor's own home, which she noticed had also undergone some renovation. She got in line at the Buchanan building department in city hall and filled out a slip with her name on it and waited to be called when the copies were ready. A few minutes after submitting the request, a man came out from a back office and asked for Benton. "I'm afraid I can't help you today. All information for the press has to come through the press information office," he said.

"I don't want any special information, only a copy of an application for a building permit, like other people in line here."

"It doesn't matter. I have my orders."

"The city code gives access to these records to everyone. Reporters are not excluded. Reporters are people."

"You'll have to talk to Danielle Thomas, and she is gone for the day."

Benton got Thomas on the phone the next morning. It was obvious she had alerted city hall employees to contact her if Benton made any requests.

"Of course you can have all the documents relating to the mayor's home. It was a misunderstanding. Don't go writing some editorial about it," Thomas said. "I have them for you in an envelope. Come over anytime and pick them up. I am sure you will find nothing amiss. I think we should talk about this and clear up any questions. You know how the opposition political party likes to start rumors."

"Thanks. I'll get back to you," Benton replied.

By this time, though, Benton didn't need to hurry to get the documents because she had asked a copy clerk to stand in line that morning on his way into work to pick up the same reports.

Benton studied the reports and found that Jerry Middleman was listed as the contractor for all the mayor's properties. She was not familiar with the name, so she pulled the clips of back issues of the *Record-Journal* from a database and found several recent clips. She found that Middleman was Buchanan's building commissioner. She knew it was the same person for sure when she saw that the address listed on the documents was city hall and the telephone number was the same as the building department. Then Benton saw that the electrical work was done by the chief of the electric bureau and the plumbing by the chief plumbing inspector. She saw from the real estate documents that the city attorney represented the mayor in the purchase and sale. It appeared that the mayor was using the free labor of city employees for his private enterprises.

Benton started contacting the city officials who had done the work, and none but the city attorney would say anything. They all referred her to Thomas. The attorney said he was not paid for the legal work but that he had done it willingly to help the mayor. The investigation was stalled. She suspected that Thomas might have reached the workers ahead of her and told them what to say.

An interview with the mayor was next on Benton's schedule, but he would speak only through Thomas and he asked for questions to be submitted in writing.



Is there enough information to go to the mayor for an explanation?

Yes: She has all she is going to get. She may not have discovered an indictable crime committed by the mayor, but he has made an effort to hide his transactions; also, a person in his office should not be secretive. Although all the questions have not been answered, it still is an interesting story.

No: The mayor has done nothing wrong, and any further pursuit of his private transactions is an obvious vendetta by Benton, who is jealous of Thomas because Thomas has a better-paying job than she does. The public disdains investigations that overreach.



Should questions be submitted in writing?

Yes: It is ideal for both sides to put the questions and answers in writing because each can take the proper time to structure them so there is no misunderstanding. The mayor will not be able to say he was misquoted.

No: Benton needs to be able to follow up with other questions when an answer is incomplete or brings out new lines of questioning to pursue. It would be too inviting for the mayor to evade the point of the question if he took time to write it. Also, Benton needs real, live, spoken quotes from the mayor to put in the newspaper, not a formal statement.

As a compromise of sort, Benton wrote a summary of all the information she had and sent it to the mayor with a request for an interview. That way she could say that she had given him a chance to respond and explain his actions. The mayor declined the interview, and Thomas issued a brief response stating that the mayor had always been interested in improving property in the area and did it as a hobby.

An investigator for the county prosecutor confided in Benton that he had looked into the transactions and could find no violations of state law. The *Record-Journal* ran the story, stressing the profit the mayor had made and the fact that the work was done by city

employees. Readers responded with calls for the resignation of the mayor, but their interest waned and the mayor continued in office. Benton realized that this was just the first skirmish in a long-term battle with city hall.

Case Memorandum

- Government spokespersons can be helpful only to a degree.
- A FOIA letter must be carefully written.
- Many public offices have computer terminals to facilitate public access to their files.
- Documents can be quoted in the same way as people can be quoted.
- Courts have ruled that the public interest outweighs privacy.

Rubbing Two Documents Together

Investigative reporters use documents to check out the validity of allegations by tipsters and to research subject matter for long-term projects. But also they uncover important stories by exploring and matching documents. For instance, a reporter may examine the annual budget and the annual financial report of the city. The budget is a document drawn up after much discussion in public hearings and is a plan of how to spend the tax money. The annual report shows how the money was actually spent and is usually quietly accepted by the board or council and filed away. The investigative reporter will want answers to many questions.

Does the city spend the money the way it was budgeted? Did the money allocated for new police cars end up in the mayor's wife's beautification program, which is upgrading the mayor's own neighborhood?

In preparation for this book in 2007, we punched up the search words "city budget, council," and "financial report" on an advanced Internet search engine. We wanted to find out whether the idea of comparing the budget with the actual expenditures was easily done. This is one of the URLs that came up: http://www.provo.org/finance.rpt_main.html. It connected us with the budget for Provo, Utah.

The budget reflects a pleasant city with a population of 111,714 in 2005. The city offers recreation and culture, and Provo is the home of Brigham Young University. Scanning through the budget, we discover that the city has a municipal golf course that is expected to make a little money for the city treasury. At least, that is what the figures in the Provo proposed city budget (see Figure 2.4) show:

Revenues:	\$858,000
Expenditures:	\$848,454
Fund Balance:	\$9,546

Citizens might study the budget and believe that the golf course was paying its way, although with a small amount in relation to a \$147 million budget. But the budget would tell them only what was projected. The annual report, published more than a year later, would deliver the sad truth. The golf course that year was a big loser (see Figure 2.5):

Revenues:	\$755,211
Expenditures:	\$1,085,625
Loss:	\$330,414

Payment records in the finance office would show details of the costs. The city had to bring the golf course up to par by sending it \$116,476 that year and another \$192,186 the next.

When money was transferred to a special fund like the one created for the golf course, it was shown in the budget for that fund as revenue, which can give a most favorable look to an unfavorable situation. An example in the Provo budget is the Arts Council. The numbers in the budget show revenues of \$154,966 and expenditures of \$162,000. That is not so bad. Arts centers are not expected to be revenue producers. But \$132,966 in tax money has gone from taxpayer pockets to prop up the Arts Council, and it is listed with the revenue. Actually, the adjusted figures show that the Arts Council only has \$28,224 income with which to pay out its \$161,966.

Budget people apply the same formula to tax-supported operations as they do to income-producing corporations. The commonsense conclu-

Figure 2.4 Provo City Corporation, proposed budget, fiscal year 2004–2005

ATTACHMENT A PROVO CITY CORPORATION PROPOSED BUDGET FISCAL YEAR 2004 - 2005							
FUND	BEGINNING FUND BALANCE	REVENUES	TRANSFERS IN	EXPENDITURES	TRANSFERS OUT	CONTRIBUTION TO (APPROPRIATION OF) FUND BALANCE	ENDING FUND BALANCE
ENTERPRISE FUNDS							
AIRPORT	120,413	268,600	0	268,109	491	0	120,413
ENERGY	16,296,982	48,744,039	203,642	43,130,027	6,234,805	(437,150)	15,829,832
GOLF COURSE	0	858,000	0	848,454	0	9,546	9,546
SANITATION	682,896	2,816,312	0	2,451,215	280,065	85,032	767,928
TELECOMMUNICATIONS	309,938	21,992,571	27,839	2,279,450	19,737,161	3,799	313,737
WASTEWATER	2,419,898	4,890,327	0	3,104,367	1,719,556	66,405	2,486,303
WATER	215,448	5,912,153	223,553	5,374,377	719,226	42,103	277,551
TOTAL	20,035,575	55,482,002	455,034	57,455,995	26,711,304	(230,266)	19,805,308

Source: Provo City Finance Department, <http://www.provo.org/files/finance/purch/budget/fy05.pdf>

sion—if the taxpayers have to pay it, then it is a loss—does not seem to matter to the numbers people. City financial people have only to overbudget for the departments in the general fund, declare that they have saved the taxpayers that money and then send it to another fund and call it revenue.

Another example is in bigger numbers. Provo runs the cable TV system as well as the golf course, water and electric utilities. The proposed budget shows expected revenues of \$21,992,571 million for the cable system and expenditures of \$2,279,450 (see Figure 2.4).

In reality and in real money, however, the annual report (called “Statement of Activities”; see Figure 2.5) shows only \$770,780 of income (charges for services) and \$3,310,102 in expenses.

Comparing the proposed budget with the annual report can reveal discrepancies like this one.

We did not find the Provo officials deliberately misleading. They followed a common practice, and they appear to have complied with Utah state law. Also, the daily newspaper did an admirable job of keeping up with the budget, but it showed no interest in checking back to scrutinize the actual expenditures.

Residents also got no hint from the proposed budget that they would be paying \$12,403 for the cost of lunches for city officials in the year that ended on June 30, 2005. We found these items in the list of “previous expenditures” in the budget for the year ending June 30, 2007. Also absent

Figure 2.5 Provo City Corporation, statement of activities, fiscal year 2004–2005

PROVO CITY CORPORATION Statement of Activities For the fiscal year ended June 30, 2005							
Functions/Programs	Program Revenues			Net (expense) Revenue and Changes in Net Assets			Total
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	
Governmental activities:							
General government	\$12,812,803	\$2,456,372	\$2,500,721	\$0	(\$7,855,710)	\$0	(\$7,855,710)
Public safety	19,656,764	2,433,901	423,296	0	(16,799,567)	0	(16,799,567)
Public services	6,500,531	75	0	4,340,299	(2,160,157)	0	(2,160,157)
Community revitalization	5,088,706	439,530	6,372,957	0	1,723,781	0	1,723,781
Culture and recreation	9,495,980	1,377,716	168,526	0	(7,949,738)	0	(7,949,738)
Interest on long-term debt	1,504,963	0	0	0	(1,504,963)	0	(1,504,963)
Total governmental activities	55,059,747	6,707,594	9,465,500	4,340,299	(34,546,354)	0	(34,546,354)
Business-type activities:							
Golf course	1,085,625	755,211	0	0	0	(330,414)	(330,414)
Water	5,589,083	5,241,448	0	263,190	0	(84,445)	(84,445)
Sewer	4,217,370	4,685,423	0	249,779	0	718,832	718,832
Energy	41,452,688	44,661,470	0	102,149	0	3,310,931	3,310,931
Airport	1,010,936	152,908	0	1,372,016	0	513,988	513,988
Sanitation	2,655,833	2,889,022	0	0	0	233,189	233,189
Storm drain	1,442,114	1,667,645	0	0	0	225,531	225,531
Telecommunications	3,310,102	770,780	0	0	0	(2,539,322)	(2,539,322)
Total business-type activities	60,763,751	60,824,907	0	1,987,134	0	2,048,290	2,048,290
Total primary government	\$115,823,498	\$67,532,501	\$9,465,500	\$6,327,433	(\$34,546,354)	2,048,290	(\$32,498,064)

Source: Provo City Finance Department, <http://www.provo.org/downloads/finance/cafr05final.pdf>

from the proposed budget was \$6,176 for "employee appreciation." Other items were also overspent. The city paid out \$46,088 for books, subscriptions and membership, which was \$4,588 more than budgeted. The Christmas decoration budget of \$16,160 was overspent by \$2,555, and the city paid \$26,945 for a parade float that was budgeted for \$22,442.

A parade float? Yes. In Utah municipalities participate in parades but few residents know that it is their money that is being paraded around. Some other expenses stretched the definition of city services. The city paid \$3,000 for the Miss Provo contest, and \$13,000 to support the a festival called Winterfest. Another \$15,540 went for Christmas gifts for employees.

The Christmas gifts were \$20 checks for each of more than 700 city employees and the amount has not changed for at least 20 years, according to Denise Roy, city accounting manager. The expenditures are listed under the category of "nondepartmental," which totals \$675,713. Although she could not recall each expenditure, she said the funds were for unexpected needs. All of them are accounted for in vouchers that are available for public viewing, Roy said.

Getting Attribution

When a reporter locates a public document that is important to the story, the next step is to find both the persons who created it and those who are the subject of the documents; they can verify its contents and expand upon the information in the document. Often the writer is deceased or refuses an interview. The document then has to stand on its own.

Information from documents is attributed in much the same manner as information from interviews. Instead of writing, "Mayor Smith said in an interview with the *News*," the reporter writes "according to minutes of the city council meeting of March 21." Note the attributions in the following news story.

West Eaglewood Mayor Clyde Homer and his wife, Floringa, are officers of the privately owned Triple Dip Construction Company, according to Secretary of State corporation records.

Triple Dip got the bid to rebuild the village sewer system, and Homer voted to grant the contract, minutes of the city council meeting reveal.

A public official is prohibited from voting on a contract in which he has a financial interest, the state conflict of interest law states.

Promoting a Story Idea

A successful reporter instinctively reacts to the mere suggestion of an important story and, although there are many stories and too little time, will want to chase it down by learning more. Editors know the limits of space and time and must choose the most important story ideas and advise the reporter on how to proceed. The reporter, then, is placed in a situation of having to make the equivalent of a sales pitch for the story idea to the editor by presenting an argument for its suitability, importance and practical execution.

This can sound crass. The idea of having to persuade the editor to run a story might seem unnecessary; the story should stand on its own strengths, one might argue. Even if it is a really important story, though, the reporter might not be skilled enough in communicating this to the editor, and the good story never sees print or broadcast.

It is no secret that print reporters have to know how to talk, and broadcast reporters have to know how to write. A print reporter spends the day talking on the phone, interviewing people, setting up interviews, chasing down documents and, finally, telling it all to editors. A broadcast reporter has to write down everything that will be said on the news because on-camera reporters do not ad lib the news. Thus, a reporter must be prepared to go to verbal battle, studying the merits of the story and presenting them in an organized manner. Three broad concerns—suitability, importance and practical execution—about a story must be met.

Suitability

Will the audience or readership find the story important enough to respond? Suitability refers to the interest in the subject matter by the readers or viewers. Is the audience for the story young or mature? If the story is about the threat to the sponge industry in Greece, will it have any impact in Denver? It may be important and interesting to some, but it is not the most suitable for a local publication.

Importance

A local college fraternity needs a new refrigerator and members are washing cars to raise money to purchase one. It may be closer to home than Greece, but it is a yawner on the importance scale. Importance generally refers in this usage to the number of people who are significantly affected. It does not matter to the reader or the viewer that money is being raised for and by a fraternity, and there is no original idea that makes it newsworthy.

Practical Execution

Let's say it is suggested that we determine the percentage of people in a metropolitan area who have been abused as children. It is of local importance, but can it be done? Practicality is merely determining whether the degree of difficulty has surpassed reasonable expectations that the proposed idea will be completed. To find the percentage of abused persons, we would have to get a response from everyone or, alternatively, make a large, at-random sample. Would people be honest about it? What some people see as abuse, others would not. It would not be practical within the limitations of time.

Winning Support for an Idea

Having passed the hurdles and being convinced that the story is suitable for the audience, important and can be done in the parameters of a newspaper story or TV feature, the reporter sets out to sell the idea. One proven method is to outline the story proposal in brief form, using a set format. For example, the story idea outlined below came about because of several instances in which private security guards got in trouble on the job. This treatment of the subject is adapted from a 1985 CBS investigation in Chicago. Security guards had shot people, stolen from the places they were supposed to protect and neglected their jobs. A reporter could create this outline:

TO: Editor

FROM: Reporter

RE: Story Outline: Armed and Dangerous

Subject: Untrained security guards endanger public safety.

Scope: We will research the qualifications of security guards who are licensed to carry guns and show instances of them attacking people and stealing from their employers and yet continuing to work in sensitive jobs because of a lack of state supervision. (In this state, security guards are licensed as a profession, and we should be able to pull the license of a serious violator.)

Need: Because of increased security fears, companies are hiring more private security guards. People do not

realize that many of them have criminal felony records. We will show that people's lives are in danger because of the serious problem of lack of training and criminal intent.

Methods: This story can be documented by drawing together all the complaints to government agencies and contacting the complainants. We also can get an electronic list from the state of all licensed security guards, search for and pull out those in our metropolitan area and run those names through the criminal court case lists of defendants.

Sources: We will check the names of security companies in the Yellow Pages, make a list, and run the names through the county court clerk's index of civil suits. We expect to find many civil lawsuits involving the guards who are employees of these companies. We will contact attorneys for the plaintiffs and ask them to let us talk to their clients. They may have some information about the guards and companies. (In this state, discovery is public record only if it is entered into the court record.)

We will find national experts in the field of private security who can tell us what other states do to train and monitor security guards. We will contact spokespersons for those agencies in other states and get more details.

Presentation: This can be a three-part series, starting with the overview on Sunday of everything we found, which would include the names of the felons and the crimes they committed. The second-day story would be the lack of training. The third day would be gun incidents.

Follow-up: There will probably be a move for new legislation to require security guards to have state clearance to show employers they have no criminal history.

This format for a memorandum organizes the thinking about a particular story idea; it is used throughout this book with the case studies. It is possible that its use is the reason for the success of the fictional reporters. Editors will look at the memo and recognize the proposal represents an

important story, much in need of being told and that—most of all—the reporter knows how to do it. How can they say no?

The idea behind the choice of words for the title of the investigation is to draw attention to the outline in a form the press and TV news have adopted. Each story should have a logo that will appear with the story in print or that frames what goes on the screen. It separates the story from the other news items and says it is special. By giving a name to the outline, the reporter shows that the idea has been well considered.

The subject section of the outline expands on the title and gives a straight and simple explanation of the story. It is said that if the story cannot be explained in fewer than eight words, it cannot be told. Here, we did it with six words. The editor reading this knows immediately what statement this story is going to make.

The scope section explains what the story is going to include and the limitations of the story: It is about the lack of regulation of security guards. It is not an essay about whether industry should hire security guards or whether guards should be able to carry guns.

The need section begins the argument for the story. It answers the question of why we should do this story before that question is asked. It is not enough to say, "I don't know but it seemed like a good idea." There must be a need for this story, and in this outline, it is obvious that the answer is that public safety is jeopardized. Even if the need is obvious, it must be stated in strong persuasive language. Editors and publishers are pledged to respond to the public need and believe it is their calling to correct problems. If they did not, they would be in some other business.

The need section may also have some reference to the timeliness of this story. Any recent shooting or other tragic event involving a security guard should be pointed out. Statistics are always impressive. We have none in this example, but if the memorandum were about the safety of school buses, we might include some data about the number of deaths and injuries from school buses.

Methods describes the game plan. What is the best approach to this story? Is it a survey, a series of interviews or a documents story?

The big question is answered in the sources paragraphs, which should include an exhaustive list of all the documentation the reporter expects to find and an assessment of all of the leads that might come from those documents. This important section shows whether the reporter knows how to develop the story. At this point, the reporter takes a little latitude and speculates what might be found and to what it might lead.

The presentation section will explain how the story will be told. If it is for a newspaper, how many days will be needed and what will the subject of each day be? Usually the first day will have a report some call an "umbrel-

la" story, which will summarize the entire investigation and then tell of the most shocking or meaningful example in the investigative argument. In the following days, the newspaper will cover different aspects and details of the story.

This story could be presented on TV, as was the similar 1985 CBS report, aired at a time when television attempted few investigations. The 1985 report was advanced in thoroughness and technique for its day and was a winner of a Peabody Award, a national honor for television similar to the Pulitzer Prize for newspapers.

In the presentation section, both print and broadcast reporters will suggest ideas for pictures and graphics.

The follow-up is an assessment of what realistically could happen upon successful completion of the presentation. No editor wants an investigative story that suddenly ends and is not heard from again. Will laws be introduced or amended, will officials announce crackdowns in enforcement, will wrongful operators cease their wrongful practices? What do we want to happen?

How Not to Do It

Chip Shotten was a reporter who winged it through his career by writing stories with overstated leads, heated prose and minimal substance. For the most part, the stories were cheap shots at lower-level government workers, facts were twisted and the officials were made to look foolish when given the opportunity to explain.

One day he got a tip that an alderman was having an improper relationship with an intern in his office, so Shotten demanded the expense account records of the alderman from the city controller. He hoped to show that the alderman used government funds to wine and dine the young lady.

"Who says I have to give you those records?" the controller said. He remembered a bad experience with Shotten in the past and wanted to give him a hard time.

"The Freedom of Information Act says you've got to turn over those records," Shotten replied.

"You mean this law states that I, Barry Parker, city controller of Buchanan, has to give you those records. Now where does it say that?"

"You know what I mean. It doesn't say that, specifically, but it requires that you turn over those records."

"What does it say? Tell me." A small group of Parker's staff overheard the conversation as it grew louder. "Have you got a copy?"

"I don't carry one around. Everybody knows what the Freedom of Information Act says."

"You don't! When was this law passed?"

"Congress passed this law many years ago and keeps updating it."

"Oh! The Congress of the United States decided how little Barry Parker in Buchanan should run his office? The Congress can only create federal laws. Their FOIA is for federal records." People began snickering and Shotten became flushed. "I don't have to give you copies of my records until you apply in the proper manner."

Shotten fled to the elevator, shouting, "You're wrong. You are not going to get away with this." As the elevator door closed he heard a ripple of laughter from the controller's office.

Of course, the controller was correct. The state had its own FOIA, but long before it was passed, financial records of the alderman's office were public through other state laws. After all, the alderman's office spent taxpayer money. Those records showed that the alderman had indeed spent tax money improperly by occupying a honeymoon suite with the intern at a ski resort in Idaho.

While Shotten stormed about, Lori Benton quietly obtained the necessary information immediately and beat him to the story.

Chapter Recap

In this chapter, we have seen that public documents are not in hiding. They are in the open, protected by law and almost asking to be put on a copy machine. Documents are the bricks in the wall that will support the mural that is the investigative story. It is seldom a pretty picture, but there is some beauty in its truth. The story must be well constructed to withstand the attacks of those who have reason to hide the truth. In the next chapter, we will study further about how to meet that challenge.

Class Assignments

1. Bring in a sample of an investigative report initiated by good document and report research. How did the reporter get results? Where and how did the reporter uncover the evidence?
2. Try a side-by-side analysis of building inspection reports and campaign reports to see whether violators who make political contributions later get approved.

3. See what comes up when we compare the budgets of several school districts. Are funds going to academic programs rather than activities considered less important? How are funds used?
4. Combine the campaign report of the governor with a list of state contractors; check whether the contractors make large contributions to the governor's political fund.

Notes

1. Duff Wilson and David Heath, "Uninformed Consent: What Patients at the 'Hutch' Weren't Told About the Experiments in Which They Died," *Seattle Times*, March 11-15, 2001. http://seattletimes.nwsource.com/uninformed_consent/.
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