

Voodoo Video:  
Making TV  
Press Releases  
Look Like  
News Page 46

Great On-line  
Wall Street  
Reporting Page 108

CNN, Fox, And  
MSNBC: Three  
Versions Of  
Reality Page 78

Newspaper  
Bosses'  
Bookmarks  
Page 39

Secondhand  
Smoke Gets A  
Bad Rap Page 86

Where Your  
Local Weather  
Report  
Really Comes  
From Page 72

A Murderer As  
Columnist Page 58

Mugged By  
The 6:00 News  
Page 118

Probing Starr's  
Leaks Page 31

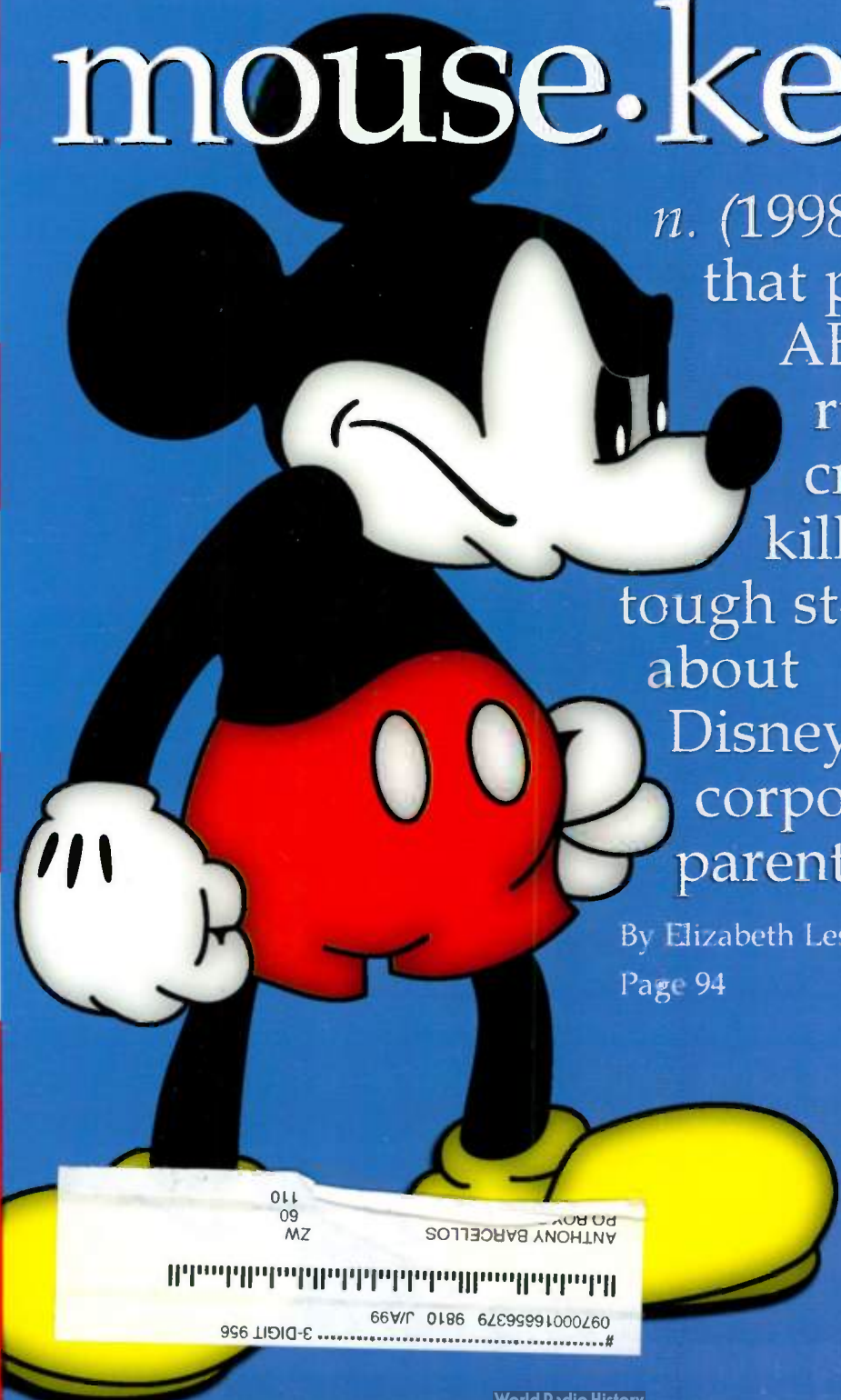


# BRILL'S CONTENT

DECEMBER 1998 • JANUARY 1999

FOR PEOPLE WHO CARE ABOUT WHAT THEY READ, WATCH, AND LOG ON TO

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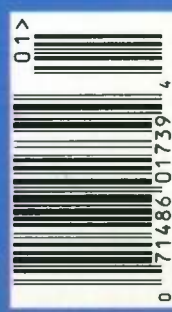


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that prompted  
ABC News to  
ruin its  
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killing a  
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about  
Disney, its  
corporate  
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By Elizabeth Lesly Stevens  
Page 94

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**N**OTHING IS THE SOURCE OF MORE JOURNALISTIC HANDWRINGING than the fear of corporate interference, the worry that big business will somehow perniciously influence the production of news by the media organizations large companies own. At page 94, Elizabeth Lesly Stevens, who covered media conglomerates and moguls at *Business Week* before joining us, explores how ABC News killed a 20/20 segment on The Walt Disney Company's theme-park hiring practices probably because it feared offending its corporate parent. For Lesly Stevens, an indefatigable reporter, the arduous task of getting it right involved late-night meetings and phone calls with understandably skittish sources. The disturbing story is also replete with the "right noises," powerful people offering strong words declaring that neither Disney nor ABC would ever countenance the very interference she documents. The whole sordid mess is as chilling as the chilling effect it demonstrates and is far more than a mere cautionary tale. It strikes at the heart of journalism as it goes to the question of just how free a press we actually enjoy.

Another form of hidden-hand journalism is revealed at page 72 by Ted Rose, who examines the world of weather. You may think your forecaster is a local you might meet on the street, but AccuWeather's experts, particularly those on radio, only pretend to be your neighbors. In fact, they work from cubicles at AccuWeather's offices in State College, Pennsylvania. This doesn't mean they get it wrong. They usually get it right—which is a story within a story because AccuWeather is eager to beat the federal government's forecasting record and has developed a surefire way of doing so.

## WHAT WE STAND FOR

**1. ACCURACY:** *Brill's Content* is about all that purports to be nonfiction. So it should be no surprise that our first principle is that anything that purports to be nonfiction should be true. Which means it should be accurate in fact and in context.

**2. LABELING AND SOURCING:** Similarly, if a publisher is not certain that something is accurate, the publisher should either not publish it, or should make that uncertainty plain by clearly stating the source of his information and its possible limits and pitfalls. To take another example of making the quality of information clear, we believe that if unnamed sources must be used, they should be labeled in a way that sheds light on the limits and biases of the information they offer.

**3. CONFLICTS OF INTEREST:** We believe that the content of anything that sells itself as journalism should be free of any motive other than informing its consumers. In other words, it should not be motivated, for example, by the desire to curry favor with an advertiser or to advance a particular political interest—unless those motives are clearly disclosed.

**4. ACCOUNTABILITY:** We believe that journalists should hold themselves as accountable as any of the subjects they write about. They should be eager to receive complaints about their work, to investigate complaints diligently, and to correct mistakes of fact, context, and fairness prominently and clearly.

"Like most people," says Rose, "when I started, I thought AccuWeather was just a name stations used to describe their forecasts. I didn't know it was a company. I wanted to know how it was done."

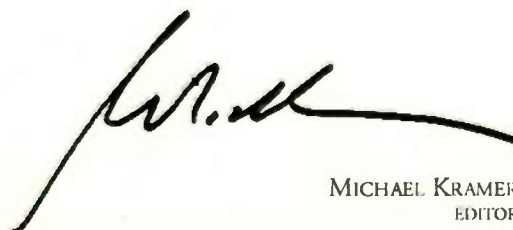
Stripped of bias, you might think that news is news, that absent a hidden agenda everything is essentially homogeneous. Well, it isn't. At page 78, Elizabeth Jensen reports on how differently three cable networks—CNN, Fox, and MSNBC—divide their time in the never-ending quest for a larger piece of the viewing pie. Jensen, who previously spent 13 years covering television for publications like the *New York Daily News*, *Variety*, and *The Wall Street Journal*, watched more than 50 hours of programs. "What's most interesting," she says, "is that the existence of the 24-hour news operations doesn't yield more time for more stories. In fact, the expanded exposure is marked mostly by repeating the same stuff."

Another way to slant the news is to ignore it. At page 31, Steven Brill discusses the media's refusal to cover the ongoing investigation into leaks emanating from the office of independent counsel Kenneth Starr. Still another facet of the continuing "Sexgate" scandal is explored at page 52, where two journalists square off over the question of outing the extramarital affair conducted by House Judiciary Committee Chairman Henry Hyde, an indiscretion that ended almost 30 years ago. The publication of that story by the on-line magazine *Salon* is attacked by the Washington bureau chief who resigned when his boss overrode his argument against running it. Both men go at it in the same space, another expression of our commitment to surface debate in a way that gives both sides a chance to be heard without one being forced to respond via letter in a subsequent issue, a practice the subjects of attack often disclaim as unsatisfactory.

Some news, while grim, illuminates societal woes everyone should understand. At page 132, D.M. Osborne brings David Isay to life—much as Isay has used radio to acquaint the nation with the lives of the less fortunate among us.

And some other news isn't meant to be news at all. Private communications—news only to you and to those with whom you converse—is supposed to be just that: private. But e-mail, on which many of us rely, is notoriously susceptible to hacking. At page 60, we discuss how to secure the privacy of our private thoughts.

Elsewhere, the media's treatment of the secondhand-smoke issue is probed and we look at how the kids' media outlets have dealt with the president's, uh, sexy side. We're also introducing a new department called "What We Like." With all of us doing so much reading, viewing, and surfing, we thought we'd share some of our personal favorites. And, on a lighter note, Calvin Trillin tries to coin a phrase: Sabbath Gashbags. He assures us we're not included, but then again, we sign his checks.



MICHAEL KRAMER  
EDITOR



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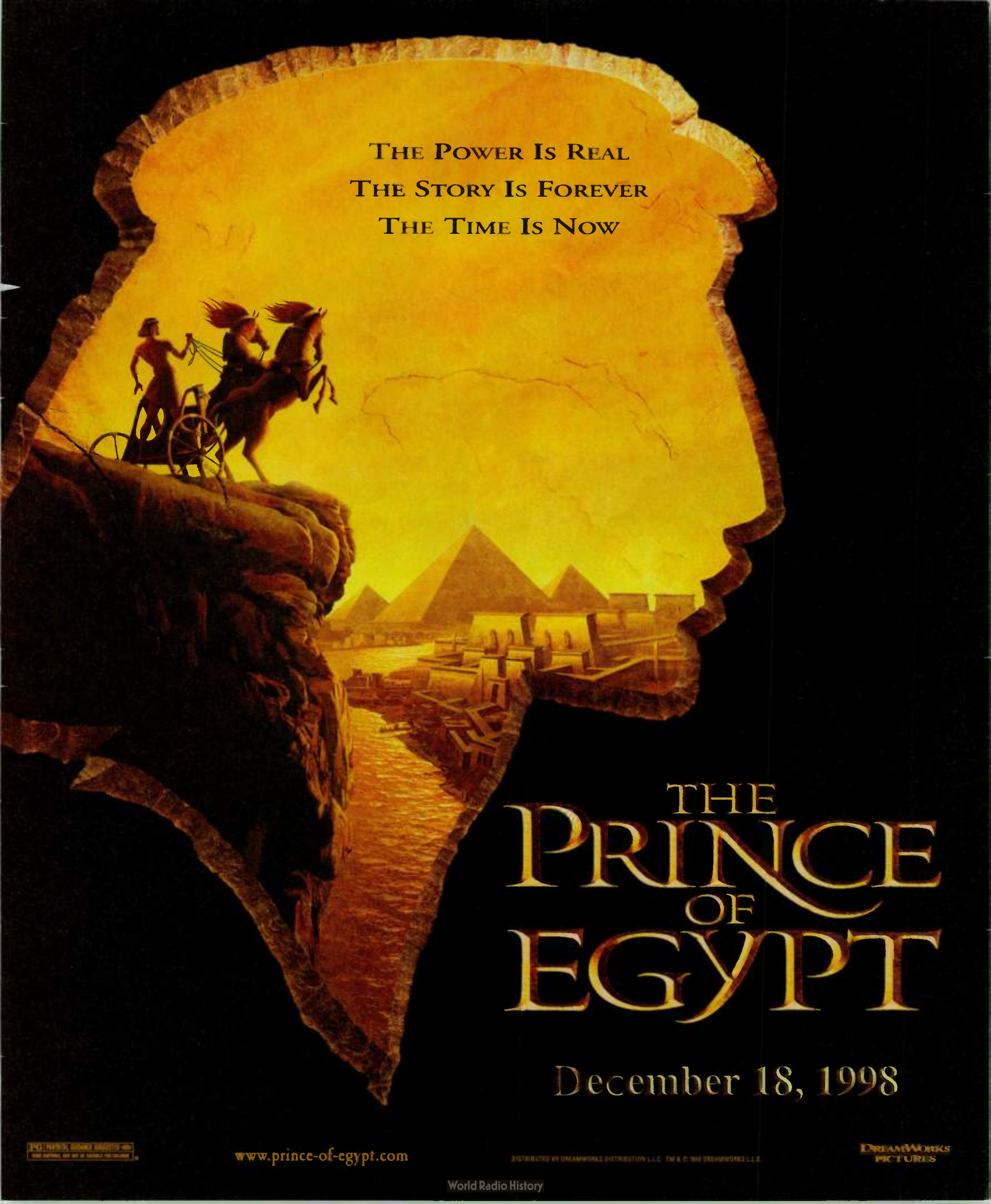
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# BRILL'S CONTENT™

FOR PEOPLE WHO CARE ABOUT WHAT THEY READ, WATCH, AND LOG ON TO

DECEMBER 1998/JANUARY 1999 • VOLUME ONE • NUMBER FIVE

## FEATURES

### 94 COVER STORY Mouse•ke•fear

BY ELIZABETH LESLY STEVENS

When Disney's ABC News killed an investigative report about pedophilia at the company's theme parks, ABC officials denied that corporate pressure influenced the decision. But the way the network's news division handled the matter raises troubling questions about the judgment and editorial integrity of key executives.

94

ABC News's policy on covering its parent company is anything but clear in the wake of the killing of a tough story about Disney's theme parks.



### 72 Meet Your Weatherman

BY TED ROSE

Think your local weatherman is just around the corner? Actually, he's probably holed up in a sound booth in a little town called State College, Pennsylvania, working for a company called AccuWeather.



AccuWeather's Michael Steinberg stands in front of the satellite dishes that allow the company's 93 meteorologists to flex their prognostication muscles.

### 78 Alternate Realities

BY ELIZABETH JENSEN

What's news? That depends on which all-news network you choose. We take a look, minute-by-minute, at how CNN, MSNBC, and Fox News shape your world.

78

If it's coverage of the White House crisis you're looking for, MSNBC is the 24-hour news network for you.



### 86 Warning: Secondhand Smoke May NOT Kill You

BY NICHOLAS VARCHAVER

Virtually no one doubts that smoking causes cancer. But the press has created the impression that the science is just as certain on the issue of secondhand tobacco smoke. It isn't.



86

The case against secondhand smoke isn't as cut-and-dried as the media have portrayed it.

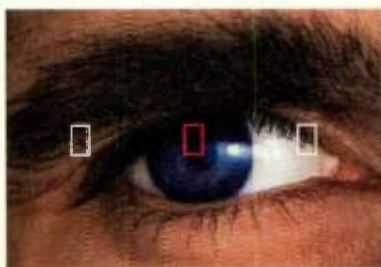
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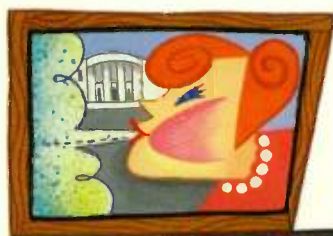
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36

This Week with Sam Donaldson & Cokie Roberts was among the culprits in smearing Sidney Blumenthal for a story he insists that he did not leak.



Calvin Trillin, our lexicon-obsessed columnist, tries in vain to coin some new phrases for Monicagate.

50



58

Convicted killer Ray Barham offers Concord Monitor readers an inside perspective on life behind bars in his biweekly column.



48

Living Fit subscribers were bent out of Shape when their magazine was discontinued.

## THE NOTEBOOK .....38

### THE REST OF THE STORY

When *U.S. News & World Report* published a photo of a man stealing food from a starving boy in Sudan, readers wanted to know: What happened next? .....38

### THE I-MAN COMETH

Radio curmudgeon Don Imus takes on the literary world with his new book award, and the prize isn't paltry. ....42

### GETTING IN SHAPE

When subscribers to *Living Fit* opened their mailboxes in September, they got a big surprise—and were none too happy about it. ....48

# COLUMNS AND DEPARTMENTS

INSIDE BRILL'S CONTENT .....6

## LETTERS

Mail that covers all the bases.....19

## REPORT FROM THE OMBUDSMAN

An independent review of questions and complaints about *Brill's Content*.

—BY BILL KOVACH .....28

## REWIND

Crimes—perjury, suborning perjury, a cover-up—have been alleged, and a probe has been launched. So why isn't the press investigating Ken Starr's possibly illegal leaks?

—BY STEVEN BRILL.....31

## BETWEEN THE LINES

Who's vicious now? The Washington press corps watches happily as one of its erstwhile members is dubiously fingered as the source of a high-profile scandal story.

—BY MICHAEL KRAMER.....36

## THE WRY SIDE

The current Washington scandal is manna for those bent on slipping new phrases into the national lexicon, but the author can't seem to capitalize.

—BY CALVIN TRILLIN .....50

## TALK BACK

The reporter who quit *Salon* after it published the story of Henry Hyde's three-decade-old extramarital affair takes on the editor who insisted on running it.

—BY JONATHAN BRODER/DAVID TALBOT .....52

## D.C. CIRCUITS

We need to protect individuals from unwarranted media intrusions. But we also must secure the media's right to engage in legitimate muckracking.

—BY REED HUNDT AND BLAIR LEVIN.....56

## OUT HERE

Through a column in his local paper, a convicted killer takes readers into a world they hope never to know firsthand.

—BY MIKE PRIDE .....58

## WHAT WE LIKE

A few of the things that bring us pleasure.

—BY THE STAFF.....71





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# COLUMNS AND DEPARTMENTS

## THE MONEY PRESS

Stock-market volatility and the Asian economic collapse are not as frightening as the context-poor media would have you believe.

—BY BEN STEIN ..... 105

## HEROES

TheStreet.com's Alex Berenson uncovered the flaws in Tel-Save's vaunted deal with America Online and faced down the company's CEO. Also: standout work at the *San Francisco Chronicle*, *Nightline*, and CBS News.

—BY ELIZABETH LESLY STEVENS ..... 108

## PG WATCH

Children's media took Kenneth Starr's steamy report and turned it into a benign civics lesson.

—BY KIMBERLY CONNIFF ..... 112

## GATEKEEPERS

Jean Forasieri is Hachette Filipacchi's enforcer, protecting the business side at *Elle*, *Mirabella*, and *George*—often at the expense of editorial integrity.

—BY NICHOLAS VARCHAVER ..... 114

## LYNCHED

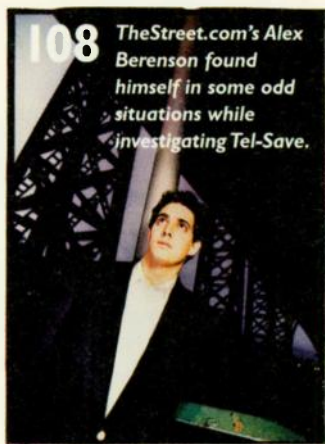
The story was astounding: New York's top cop dining out at an off-limits restaurant on the taxpayers' tab. Too bad it wasn't true.

—BY ED SHANAHAN ..... 118

## DECISIONS

While other papers have gone soft, editors at the *Buffalo News* try to produce a front page with a hard edge.

—BY CHARLES KAISER ..... 120



108 TheStreet.com's Alex Berenson found himself in some odd situations while investigating Tel-Save.



137 Howard Stern is the king of all talk-radio hosts when it comes to annual income.

## CLICKTHROUGH ..... 60

### SAVING PRIVATE E-MAIL

Two of the year's biggest news stories underscore the notion that forgotten doesn't always mean gone—when it comes to on-line correspondence. .... 60

### SURFING THE SKIES

Travel sites have become big business by offering information and services once reserved for travel agents. .... 62

### THE INTERNET'S INDIE FEST

The Web's accessibility makes it a natural destination for those touting independent films and those looking to learn more about them. .... 68

68 The Internet is loaded with sites devoted to independent films, which share the Web's antiauthority sensibility.

## UNHYPED BOOKS

Our end-of-the-year review of eight books that shouldn't be overlooked. .... 125

## CREATORS

Radio producer David Isay scours society's margins, recording the lives of people rarely heard in the mainstream media.

—BY D.M. OSBORNE ..... 132

## CREDENTIALS

A look at the backgrounds of TV business anchors and correspondents. .... 136

## PAYDAY

What leading talk-radio hosts earn in a year. .... 137

## THE TICKER

Our running database of facts and figures. .... 140

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1. We always publish corrections at least as prominently as the original mistake was published.

2. We are eager to make corrections quickly and candidly.

3. Although we welcome letters to the editor that are critical of our work, an aggrieved party need not have a letter to the editor published for us to correct a mistake. We will publish corrections on our own and in our own voice as soon as we are told about a mistake by anyone—our staff, an uninvolved reader, or an aggrieved reader—and can confirm the correct information.

4. Our corrections policy should not be mistaken for a policy of accommodating readers who are simply unhappy about a story that has been published.

5. Information about corrections or complaints should be directed to editor in chief Steven Brill. We may be reached by mail at 521 Fifth Avenue, New York, NY, 10175; by fax at 212-824-1950; or by e-mail at [comments@brillcontent.com](mailto:comments@brillcontent.com).

6. Separately or in addition, readers are invited to contact our outside ombudsman, Bill Kovach, who will investigate and report on specific complaints about the work of the magazine. He may be reached by voice mail at 212-824-1981; by fax at 212-824-1940; by e-mail at [bkovach@brillcontent.com](mailto:bkovach@brillcontent.com); or by mail at 1 Francis Avenue, Cambridge, MA, 02138.

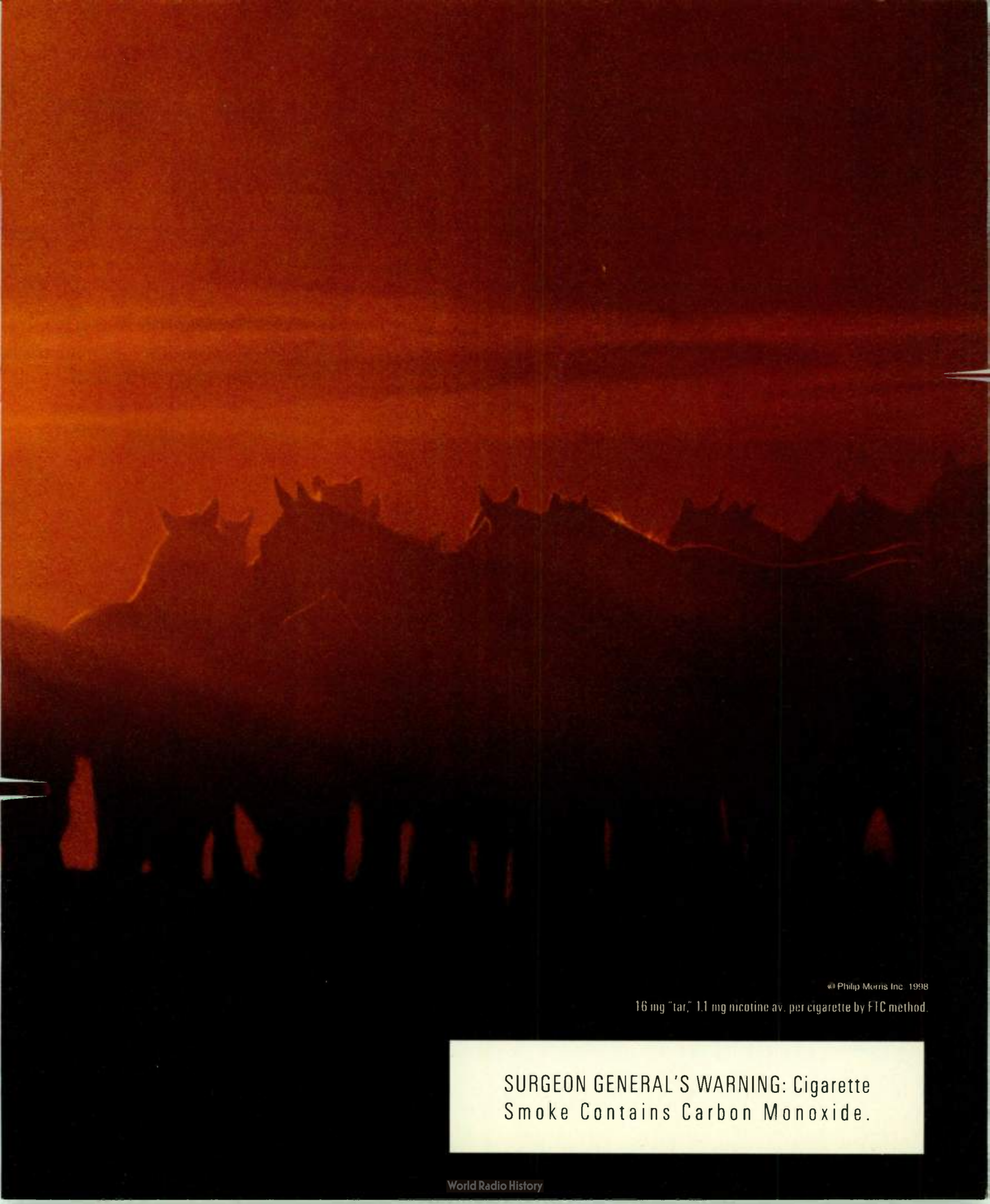


A full-page advertisement featuring a silhouette of a cowboy on a horse against a warm, orange-hued sunset sky. The cowboy is wearing a hat and is positioned on the left side of the frame, looking towards the right. The horse is also silhouetted and stands in the foreground. In the background, there are faint silhouettes of mountains and a herd of cattle. The text "Come to Marlboro Country." is written in a serif font, with "Marlboro" in a larger, bolder font. A small Marlboro logo is placed below the word "Marlboro".

Come to  
**Marlboro Country.**







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# (world wonder)



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World Radio History



# Do Not Adjust Your Set

Because the television newsmagazine business consumed a lot of space in our October issue, it shouldn't be much of a surprise that it eats up a lot of the space we've devoted to reader correspondence in this issue. We've included two lengthy letters from TV journalists who were less than thrilled with our cover story's take on the fairness of their consumer reporting efforts. (We've also attached our writers' responses to those gripes.) We got an even bigger response to ex-*60 Minutes* producer Barry Lando's evisceration of that show's inner workings. Some readers found it to be a public service; others deemed it self-serving. Meanwhile, we continue to receive much more mail than will fit on the available pages. \*All letters published below with an asterisk have been edited for space. The full text of each can be found at our America Online site (keyword=brills) and at our website ([www.brillscontent.com](http://www.brillscontent.com)). In addition, other letters to the editor not published here can be found at the AOL site.



## 20/20 COMPLAINS

\*In your October 1998 issue, you charge that our October 27, 1995, *20/20* story "Open to Danger," which examined safety issues involving the rear latch on Chrysler minivans, was "unfair" because 1) we failed to cite statistics showing Chrysler minivans were comparably safer than other minivans, 2) we stated that some ejections occurred "even at moderate speeds," and 3) we wrongly implied [that] everyone harmed in the crashes shown was thrown out the rear of minivans. In fact, our story was fair, accurate, and meticulously reported.

1) The issue under investigation by the National Highway Traffic Safety Administration and the focus of our story was not "Do other minivans have better or worse overall safety records than Chrysler's?" It was "Does the Chrysler minivan have an identifiable and preventable safety hazard?" In this regard, your reporter made a major

error. She failed to obtain the most crucial document necessary to conduct an impartial review of any story about the Chrysler minivan's rear-latch problem. It is the report ("Chrysler Minivan Liftgate Latch Investigation—Engineering Analysis Technical Report") issued by the government's auto-safety agency, NHTSA, on October 25, 1995, several days before we broadcast our story. Unfortunately, even before you published your critique, your reporter admitted that she never obtained or read a copy of the report, which is available from NHTSA's public reading room, a fact your reporter said she did not know.

In fact, Chrysler tried to make the argument to NHTSA that the minivan's overall safety record refuted the claim that there was a problem with the rear latch. The government agency ultimately rejected Chrysler's argument and the company's use of the data you cited. NHTSA determined the Chrysler rear latch posed a safety problem in part because it was demonstrably weaker than rear latches on comparable minivans, was prone to opening in crashes at a much higher rate than comparable minivans, and had a higher rate of rear ejections than comparable minivans. In addition, in crash tests in which minivans were struck at 30 mph, only the Chrysler minivan had the rear hatch pop open and crash dummies fly out the back.

Furthermore, you make it sound as if we exaggerated the magnitude of the problem. As you remarked, we reported NHTSA's numbers—32 deaths and 76 injuries over a multiyear period. Clearly those deaths represent a minute fraction

of the tens of thousands of traffic fatalities that occurred over the same period. You failed to note that we pointed out that there are 4 million Chrysler minivans on the road and that ejections are "statistically rare." You also neglected to mention that our report included the following statement made by a Chrysler spokesman at a press conference in March 1995: "Minivans as a category are among the safest vehicles on the road and Chrysler's minivans are among the safest of all minivans anywhere," an assertion we did not dispute in the broadcast.

2) You object to our referring to ejections occurring "even at moderate speeds." However, in the report your writer never examined, NHTSA concluded: "In several crashes, the Chrysler minivan liftgate latches released during low and moderate speed impacts, resulting in liftgate opening ejections, injuries, and fatalities." The moderate-speed crash among the cases presented in our story involved a young boy, Alex Boyd, who was ejected when his family's van, which was pulling out into an intersection in Winston-Salem, North Carolina, was struck by a car that failed to yield. The then-4-year-old flew out onto the road still buckled into his seat. As he described in the story, he was not badly injured, but had cuts that required stitches—clearly a moderate-speed incident. Again, if your reporter had read the NHTSA report, she would have discovered that NHTSA cited this crash as one of "several accidents that were of relatively low or moderate severity."

3) Next you allege that we "wrongly implied that everyone harmed was

## CORRECTIONS

Due to an editing error, the name of *Glamour* senior editor Cynthia Leive was misspelled in October's "Honor Roll" section.

Additionally, in "Talk Back," a reference to a Chicago newsman and a phrase he coined was incorrect on two counts. The newsman in question was Harry Romanoff, night city editor of the now-defunct *Chicago American*; the phrase he is credited with coining is "If you dig deep enough, any story is going to blow up in your face." We regret the errors.



Letters to the editor should be addressed to: Letters to the Editor, *Brill's Content*, 521 Fifth Avenue, New York, NY, 10175 Fax: (212) 824-1950 E-mail: [letters@brillscontent.com](mailto:letters@brillscontent.com). Only letters or messages signed by those who can be contacted during daytime hours, by e-mail or telephone, will be considered for publication. Letters may be edited for clarity or length.



thrown out the rear.” To back up this claim, you cite one of the accidents in our story, a 1992 Michigan crash in which two children were killed. You say that we failed to include information from the deposition of a plaintiffs’ expert in a lawsuit filed by the parents. We interviewed police officers and others who investigated the crash. They told us on- and off-camera that both children went out through the rear hatch. Regardless of the potential dispute contained in sealed depositions over whether one or both children were thrown out the rear, it is clear by any reckoning that this was a fatal rear-latch ejection.

Your reporter failed to obtain the most fundamental, publicly available records, and did not contact the producer of this story until just before you went to press.

In light of this, we request that you set the record straight, print this letter in its entirety, and issue a retraction.

JAMES WALKER, correspondent  
ABC News

RICHARD GREENBERG, producer  
formerly with *20/20* (now at CBS)

**D.M. Osborne responds:** I did not suggest that Chrysler’s overall safety record refuted NHTSA’s findings. Rather, I concluded that while *20/20*’s reporting on the safety problem identified by NHTSA was accurate, the newsmagazine’s presentation was unfair because it failed to inform viewers that Chrysler vans were still generally safer in crashes than competing vehicles. Notwithstanding Chrysler’s rear-latch safety problem, the NHTSA report to which Greenberg and Walker refer shows that, overall, Chrysler vans had a lower ejection rate and fewer ejection fatalities—facts not disclosed by *20/20*.

Reasonable people may disagree, but in my view, *20/20* had a duty to present the safety problem in its broader context. Instead, *20/20* conveyed that the Chrysler van was an all-around hazard—an impression that was hardly overcome by a Chrysler executive’s assertions at the tail end of the segment, or by correspondent Walker’s closing remark that ejections are “statistically rare.”

I did not “object” to *20/20*’s reporting that some passenger ejections had occurred “even at moderate speeds.” I pointed out that although *20/20* clearly sought to portray the

five accidents described in its report as moderate-speed crashes, not one of them really was. (I also included a response from ABC on this point.) The one accident cited by Greenberg and Walker as fitting the moderate-speed definition involved a 40-mph impact, yet ABC informed me that it interpreted “moderate speed” as 30 mph.

As part of a coordinated effort to obtain *20/20*’s comment on this and other consumer-product reports, *Brill’s Content* first sought an interview with the newsmagazine’s executive producer. After that attempt failed, I contacted producer Greenberg directly. Greenberg declined to comment. According to ABC, however, Greenberg helped draft the network’s written responses. None of those responses referred to the NHTSA document that the producer now holds up to challenge my reporting.

Nonetheless, I erred in not obtaining a copy of the underlying statistical analysis for NHTSA’s October 25, 1995, announcement (which I did obtain) concerning the Chrysler rear-latch safety problem. I regret this shortcoming in my reporting, but find nothing in the NHTSA document or the above correspondence that warrants a retraction.

## DATELINE DOES, TOO

After reading your October cover story, “Consumer Alert,” we imagine a great cheer went up upon its publication in the halls of the charlatans, hustlers, and liars’ lobby. As the producer and correspondent of one of the stories you panned as “unfair” [“Hype in a Bottle”], we can say with some authority that you impugned a lot of good journalism in that article.

Take the example of MET-Rx, the company examined in the story we produced. You suggest we should have used a study that, at the time, was unpublished in a peer-reviewed journal and considered unscientific by the expert nutrition researchers we asked to review it. You suggested we should now update our story because the study has been published.

Are you aware that the study still hasn’t been accepted by any professional body and still remains unpublished? When confronted with this after your magazine had gone to press, your reporter then said it was being reviewed for a journal. In fact, the “study” had

not even been received by the journal. And so far, no one—not your reporter, not the study’s author, and not MET-Rx—has let us see the finished study. Sounds fishy to us.

Was your reporter taken in by MET-Rx’s accusations against *Dateline*, or did she just assume we were wrong? In any case, how come no one bothered to check the facts?

If you’d done your homework, you would have learned that Dr. [Robert] Demling’s proposition that there is a different, less stringent scientific standard in nutritional sciences is absurd; that the conclusions we reported are widely held among independent sport-nutrition scientists; and that the FDA has issued several warnings about dangerous sports supplements based on consumer injuries.

[*Brill’s Content* magazine states in every issue “it should be no surprise that our first principle is that anything that purports to be nonfiction should be true.” Our story was true. Was yours?

And then there is the helpful “fairness rating” you applied to the consumer stories you reviewed. Again, our story was fair, both to MET-Rx and to the millions of unwitting consumers of its products. Was yours?

TIM PEEK, producer  
LEA THOMPSON, correspondent  
*Dateline NBC*

**Abigail Pogrebin responds:** Mr. Peek and Ms. Thompson are correct that one of the two studies he ignored in his story on MET-Rx has yet to be published. It is under consideration by the *International Journal of Obesity*. I regret the error.

On the issue of Dr. Demling’s assertion that the results of nutrient products can’t be measured or “proven” the same way drug results are: We did—contrary to Mr. Peek and Ms. Thompson’s assertion—do our homework and found that other independent experts in nutrition seconded that opinion.

Mr. Peek and Ms. Thompson also assert that *Dateline*’s conclusions “are widely held among independent sport-nutrition scientists.” But even *Dateline*’s own consultant, Dr. William Evans, said he was surprised that *Dateline* came out so unequivocally against MET-Rx, when it isn’t absolutely clear that the product has no benefits.





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## CIRCUS ACT

\*Your October article "Elephant Tales [The Notebook]," which attempts to denigrate actress Kim Basinger's concerns about circus elephants has committed the crime of which she was accused—misinformation.

I find it disconcerting that your reporter ignored the volumes of documents that I sent substantiating every statement Ms. Basinger has ever made about elephants in circuses and [instead] naively accepted Ringling Brothers' claim that no abuse occurs within the circus community, no proof necessary.

As I explained to Ms. Lesly Stevens, it is difficult to distinguish between circus-elephant training and zoo-elephant training if the training involves performance. Many circus trainers consult and contract to do shows for zoos, and zoo trainers often gravitate to the circus. Ringling Brothers circus employs a trainer who has worked in many zoos. Indeed, the Elephant Managers Association, a zoo subsidiary, has members who are circus elephant trainers. Ringling Brothers circus spends millions of dollars promulgating P.T. Barnum's theory that "there's a sucker born every minute." They only object when someone lifts the curtain and reveals the truth behind "The Ugliest Show on Earth."

PAT DERBY, director  
Performing Animal Welfare Society

**Elizabeth Lesly Stevens responds:** The story does not accept any claim by Ringling Brothers regarding its treatment or mistreatment of elephants. It focuses on a powerful videotape that purports to show routine circus-elephant training techniques. The tape has been used by PAWS and Ms. Basinger with great success in their campaign to have elephants banned from circuses and traveling shows. The story discussed the fact that the tape was made as many as 15 years ago at a zoo, not at a circus, and that the elephants on the tape had never appeared in a circus. Ms. Derby did not produce "volumes" of documents substantiating her claims regarding this particular tape. She said the trainer worked for circuses, and provided a clipping from another animal-rights group publication that made the same assertion, unsourced, as proof. I did review the documents and tapes Ms. Derby provided.

## WHY NOT TELL THE TRUTH?

\*I watched most of Patricia Derby's PAWS appearance on *The Montel Williams Show*, including the videotape of the abused elephant. I was appalled and dismayed to be told that such treatment should be considered standard circus operating procedure.

Since you say neither the elephant nor the trainer so graphically illustrated had no circus connection, I am angry. Derby and Kim Basinger should own up and publicly apologize for the lie.

JUNE JUREK  
Brockton, MA

## BURNED UP

I write in response to the article in your October issue questioning the veracity of certain aspects of my book *Burn Rate* ["The Truth About *Burn Rate*," *The Notebook*]. Your contention that the America Online executive described in my book *Burn Rate* is a composite character is false. The executive portrayed in the book is an actual person who continues to hold a senior-level position at AOL. Each meeting at which I describe the executive being present happened; every conversation occurred; all of the incidents involving the AOL executive in the book have third-party witnesses.

I call your attention to the following e-mail to me from Kara Swisher, the *Wall Street Journal* reporter who wrote the recent book *AOL.COM* and who is obviously widely versed on the personalities within AOL: "I got a call from [a] *Brill's Content* fact checker and was disturbed when she said: 'You agree that Michael Wolff made up characters in the book, like the AOL exec.' I was like, 'Noooooo, I do not and that it was clear to me that the AOL exec was always [deleted].'"

Your reporter, Noah Robischon, refers to "many other apparent factual errors," but then describes only two (one can fairly assume he could not substantiate any others). In the first instance, he says that David Thatcher (not named in the book), then the [chief financial officer] of the Magellan search engine company, was not job hunting. As I told Mr. Robischon, Mr. Thatcher was unquestionably being interviewed for a job with another company (First Virtual Holdings,

Inc.; I can identify who interviewed him). I allowed that there might be a "technicality" in that Mr. Thatcher could have first been approached by a headhunter rather than having "hunted" the job himself. But, as I said to Mr. Robischon, Mr. Thatcher was interviewed for the job and told members of our management team that he was actively looking to leave the Magellan company.

In the second factual error cited by Mr. Robischon, he disputes my characterization of Michael Goff, the founder of *Out* magazine, as neither a journalist nor a gay activist prior to launching *Out*. Since Mr. Goff worked in a junior-level position on a project which I was heading as he developed the *Out* concept, I feel particularly able to characterize his journalism experience. Like most other 24-year-olds, he had very little. As for his gay activism, I suppose he was no more or less active than any other gay man in New York in the late 1980s. My point was that he was significantly more interested in his future career prospects than he was in gay-oriented politics. At any rate, this is clearly an issue of opinion rather than fact.

Mr. Robischon then spends the remaining third of his article outlining the various people with whom he spoke in order to write the first two thirds. Six of 13 sources, he says, refused to speak for attribution. One assumes that the remaining seven, whom he names, agreed to speak for attribution, but then he fails to attribute anything to them. In other words, we have no idea what they said.

I am aware of at least four additional people with whom Mr. Robischon spoke who are knowledgeable about the events described in the book and who assured him of the book's accuracy and truthfulness—and of their willingness to speak for attribution. Mr. Robischon does not mention his conversation with these people.

As for Mr. Robischon's notion that I should willingly surrender my notes to *Brill's Content*, I'm confident this hubris is astounding and galling to journalists and nonjournalists alike.

MICHAEL WOLFF  
New York, NY  
(via e-mail)

**Noah Robischon responds:** If it's so obvious who the AOL executive is, why does his



The beauty  
of Benedictine embraces  
the edge of fine French cognac



One sip reveals how a blossom of **B**ougainvillea  
makes **B**arbed wire

rather inviting.

**B&B. THE COGNAC LIQUEUR**



name remain undisclosed? That Kara Swisher correctly guessed the executive you claim to portray does not make that person real. In fact, executives at AOL argue convincingly that what you did was take distinguishing characteristics of other people—the leather boots, for example—and morph them onto the character on whom you seemed to be focusing, thereby making the result a composite. The profile was confusing enough that Swisher told me the research assistant who worked on her AOL book for a year thought you were describing a different executive.

That you now characterize the Thatcher error as a “technicality” and the Goff error as an “issue of opinion” is ludicrous. You presented the information as true and it was not.

Finally, on the issue of asking for your notes, it was indeed an unusual request. But after talking with 14 people who said they were misquoted and that they had never seen you taking notes, it was perfectly reasonable to ask for proof that those allegations were false. You still have not presented any evidence to support your claims.

## ON MEDICAL FLACKERY

\*My decision to do a profile on Fred Brandt [“Doctors With Flacks,” *The Notebook*] was in no way predicated on maintaining “access” to other beauty clients handled by [the] Behrman/Tractenberg [public relations firm]. Although it is among the largest outside agencies in the beauty business, many a Behrman/Tractenberg pitch has fallen on deaf ears when I felt it did not serve *W*’s purposes.

As for [staff writer Katherine] Rosman’s position that my story “is tantamount to free advertising for Brandt,” I’d venture to say that any story on any marketer of any product, be it a movie, an album, or even a magazine dedicated to the media, is a mix of reportage and commerce.

Finally, I take issue with the accompanying photo caption (“*W*’s story about Dr. Frederic Brandt makes him the man to see for Botox treatment”). Fred Brandt was *already* the man to see for Botox treatment. That’s why I did the story in the first place.

DANA WOOD, beauty director  
W magazine  
New York, NY

## TAKE SPECIAL CARE

\*Measured biases will always be part of reporting. The trick is to keep those predispositions and editorializing urges in check—reporters and editors alike. Unless one is writing for the op-ed page, minimum journalistic standards should apply to reliable general reporting. Health and science seems to be one of those areas where special care needs to be taken. Reams of supporting and opposing facts abound in published journals. Therefore, getting it right should be less of a gamble because of those paper trails. [The] *New York Times* and Gina Kolata’s editorializing and selectiveness seems apparent, not from the story, but from her own damning words [“Flawed Science At The Times”]. Even with written questions, from which to fashion accurate responses, she could not answer those inquiries with forethought and correctness.

SAMUEL BOWLBY  
Perris, CA

## NEWSDAY DISAGREES

\*It’s interesting to note your description of Gina Kolata of *The New York Times* as “the most influential science writer in the country.”

Is she more influential or provocative in her coverage of infectious-disease issues, for instance, than *Newsday*’s Laurie Garrett, a Pulitzer Prize winner and finalist, and author of a book being used as a textbook by many aspiring doctors? Has she been as far ahead of the crowd in her reporting on cancer research as Bob Cooke of *Newsday*?

REG GALE  
Health, science & technology editor  
*Newsday*  
Melville, NY

## HE BACKS KOLATA

\*As a scientist who is often called upon by Gina Kolata to comment on news stories in my own area of expertise, I am writing to express my utter disappointment with the character assassination passed off as investigative reporting by Sheryl Fragin in your October issue. My own view of [Ms.] Kolata, based on extended personal experience, bears little resemblance to the caricature portrayed in this piece.

Never once has [Ms.] Kolata mis-

quoted me, taken my comments out of context, or tried to imply that I said something that I did not say. Indeed, what [Ms.] Kolata does so well, so often, is capture scientists saying what they really feel, occasionally to their subsequent dismay.

One final point concerns the secret agenda that Ms. Fragin assumes to be behind [Ms.] Kolata’s stories, but can’t quite figure out. If [Ms.] Kolata were pro-industry, why would [she] write any stories that were anti-industry? Perhaps Ms. Fragin can’t figure out [Ms.] Kolata’s agenda because she is looking for secrets when there are none.

LEE M. SILVER, Ph.D.  
Princeton, NJ

**Sheryl Fragin responds:** I never said that Gina Kolata has a “pro-industry” agenda or any other political philosophy that influences her reporting. In fact, I made a particular point of disputing those who do believe that.

## MORE ON KOLATA

\*I read with great interest the article “Flawed Science At The Times” in your October issue. The July 6 issue of *The Nation* carried a cover story entitled “What’s Wrong with *The New York Times*’s Science Reporting?” by Mark Dowie, which I edited. The similarities between your piece and ours were striking—not only did your article cover the same ground, but it even had a similar sidebar on corrections. We encourage your readers to take a look (and perhaps compare the two) by visiting our website: [www.thenation.com](http://www.thenation.com).

KAREN ROTHMYER, managing editor  
*The Nation*  
New York, NY

**S.F. responds:** After reporting on this story for three months, I turned in the completed manuscript to my editors on May 19, a month before *The Nation*’s story even came out.

## CREDENTIALLED

\*Thank you so much for your informative section “Credentials.” It answered a lot of my questions about these people that we all frequently see on talk shows.

DONNA TURIANO  
West Palm Beach, FL  
(continued on page 138)



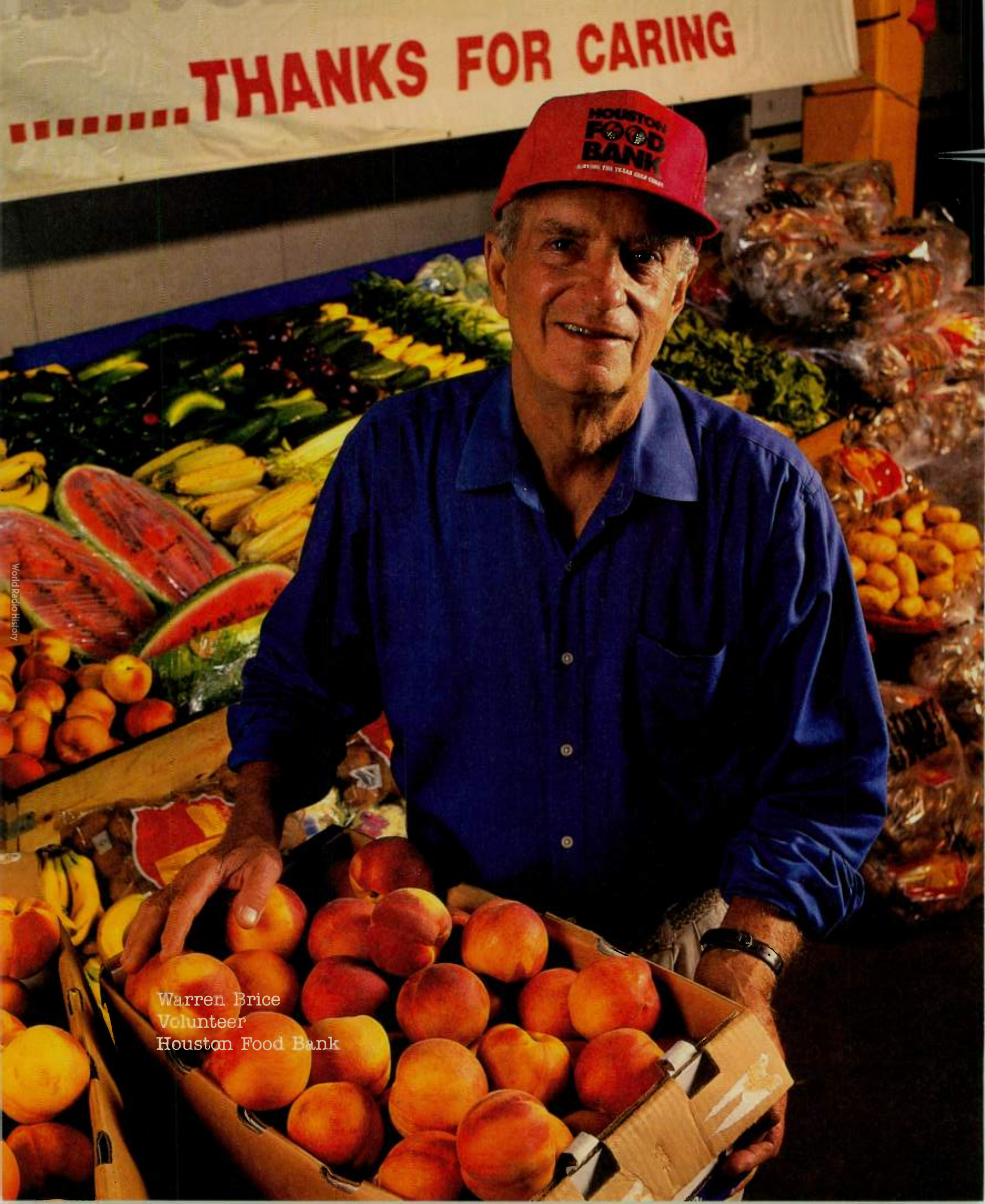
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## [ REPORT FROM THE OMBUDSMAN ]

BY BILL KOVACH

**L**ABELS AND MEANING. IF THERE WERE A CONTEST FOR the consumer's most frequent complaint against journalists, a leading candidate would be the use of labels that imply motives to describe a person.

That's the issue raised in an e-mail from Dr. John S. Sergent, professor of medicine and chief medical officer of the Vanderbilt University School of Medicine. He complains about the label "hired gun" that was applied to him in the article in the October issue on Gina Kolata, a science writer at *The New York Times* ["Flawed Science at the Times"]. Dr. Sergent cites a section of the article in which the author, Sheryl Fragin, focused on Ms. Kolata's habit of referring to experts with whom she agrees on the controversy about the safety of breast implants as "real scientists," and those who disagree as "hired guns."

"Curiously," Ms. Fragin wrote, "the first of those real scientists turned out to be a hired gun for implant manufacturers, though Kolata never mentioned it." The scientist referred to in this sentence was Dr. Sergent.

"I wish to set the record straight," he writes.

"I was asked to serve on the FDA Advisory Panel on silicone breast implants. At the time I was president of the American College of Rheumatology, but had done no research nor made any public statement regarding the possible connection between implants and any rheumatic disease. In fact, my personal views at the time were that there was probably something to it because, like most rheumatologists, I am always suspicious of possible environmental triggers for rheumatic diseases.

"The hearings themselves turned out to be a media circus and, in my opinion, a travesty. Virtually all the 'new information' Dr. [David] Kessler had purported to receive turned out to be anecdote, and not a shred of scientific evidence was presented. I objected strongly, pointing out that for a fraction of the cost of the panel the FDA could have answered the major question of the day, that implants caused scleroderma, merely by tapping into the extensive databases on the disease already available at Johns Hopkins and the University of Pittsburgh. Incidentally, that study was later done, showing no relationship.

"The news media, including *The Washington Post* and several TV programs, picked up on my objections, and some

time afterward I began to be contacted about being a defense witness in what was now an exploding amount of litigation.... Over the next three years I gave three or four depositions and testified in person three times....

"I hate any kind of legal work, whether it is medical malpractice or product liability. The time required to prepare for the myriad possible questions is an enormous drain, and the work is by necessity done on weekends and at night. In addition, the stress of being attacked and of having friends attacked is no small issue as well. For those reasons, my regular fee for such work is \$500/hour.

"In the old West a hired gun was someone who would kill anyone for money. While journalistic lingo may have altered the meaning a bit, it clearly implies that one is being paid to give someone else's views. In my case that simply isn't true. The views are mine. The payment is for my time."

Dr. Sergent ended by writing that in no year did his income from such work "amount to more than a small percent[age] of my total income," and that he had turned down "many more" requests than he accepted.

In this case the writer seemed to have been led onto this spongy ground by the focus of her article. The story examined the way Ms. Kolata constructed her reporting in a manner that might lead some to

believe she had a personal ideological bias on some highly controversial stories such as the Dow breast implants. As an example of such reporting, Ms. Fragin noted how often Ms. Kolata and the scientists with whom she agreed referred to other scientists as "hired guns."

"In her lexicon," Ms. Fragin said when I asked her about the label, "he [Dr. Sergent] would have been a hired gun. I found it incredible that she didn't mention he was a paid consultant. I wanted the reader to make the connection."

Because of limits on time and space, the journalistic art depends on the shorthand of quick sketches, limited context, and labels. If labels are the consumer's most frequent complaint, they are also the spongiest ground on which a journalist can walk.

The most important thing a copy editor can do for a writer and the publication in which the writer's work appears is to question any use of labels, especially those with a pejorative connotation. In this case it was clear that Ms. Kolata meant the term to be pejorative. If the label was wrong for Ms. Kolata to use, it was just as wrong for Ms. Fragin to borrow it for her own use. No person's actions can adequately and accurately be captured by a label no matter how clever.

### HOW TO REACH HIM

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People and their actions are too complicated for that.

A final point on this particular label suggests that a half-century of use may be undermining its applicability in the ways intended.

The opening lines of a popular novel by Graham Greene *This Gun for Hire* ("Murder didn't mean much to Raven. It was just a new job.") reinforced the old West image early in this century.

As the world has become more complex and maybe more callous to venality, the term seems to have lost much of its sting. At least it has in the *Dictionary of American Slang*, edited by Robert L. Chapman, where the hired gun is described as "an employee or agent, especially in some aggressive capacity." Were it universally understood in that way, the term might very well apply to paid-expert testimony in court. But then it would hardly be the kind of useful shorthand Ms. Fragin borrowed from Ms. Kolata.

**How Much Is Enough?** Tressa Whalen e-mailed from St. Petersburg, Florida, a question that also arises out of journalism shorthand. She wonders why the magazine's September issue raised ethical questions about station WFLA-AM, which conducted an on-air telephone interview with a hostage taker while police were trying to reach the man ["Killer on Line One"], and didn't mention that fact in an article in the October issue about Jacor Communications, Inc., the company that owns WFLA-AM ["Talk Radio's Master of Patter"].

"Curiously," Ms. Whalen wrote, "a media ethics question against a Jacor station in one issue and a kudos piece in another."

The October article was not, in my opinion, particularly laudatory of the company. It was not judgmental. It simply pointed out that the company's ability to corral some of the top talk-show hosts had made it a highly profitable and successful company. The article was relatively short (1,527 words) and examined Jacor Broadcasting's national programming but did not look at the behavior of its local stations.

But Ms. Whalen's question is an important one because the magazine has no formalized structure to deal with the question of continuity between issues. If one purpose of *Brill's Content* is to elevate the standards of journalism, maybe there is a need to identify some threads that are too important to be dropped between issues. In this case it would be the question of quality of journalistic standards. These critical threads could form the basis of an ongoing process that would have asked the question Ms. Whalen asked about the continuity of the magazine's inquiries. ■

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# At Last, A Leakless Investigation

Crimes have been alleged—perjury, suborning perjury, a cover-up. A probe has been launched. So where's the press?

**D**EPRESSED ABOUT THE BEHAVIOR OF THE PRESS IN the Clinton-Lewinsky scandal? Fed up with leaks, screaming headlines, and incessant speculation? Cheer up. There's hope. Indeed, there's real evidence that the press has cleaned up its act.

It turns out that there's an investigation going on targeting a supremely powerful, high-profile federal official who's accused of breaking the law and then maybe committing perjury and suborning his staff's perjury in an effort to cover up the original transgression. The press knows all about the investigation, but such is the media's newfound respect for the rights of the accused that there has been almost no publicity about it. And although here, unlike the scandal involving President Bill Clinton and Monica Lewinsky, a federal judge has actually declared publicly that there is a *prima facie* case of crimes being committed, there hasn't been a single leak. Nor does there seem to have been much effort by reporters to find leaks.

It may be that the person and the conduct under investigation has something to do with the press's newfound restraint. The target of this probe is Kenneth Starr. What he's being investigated for is violating the federal law against leaking grand jury information to the press and then filing a false affidavit and causing his subordinates to file false affidavits denying the leaks—in other words the now-familiar charge of committing perjury to cover up an indiscretion (although in this case, unlike the more famous one in the news having to do with consensual sex, this indiscretion—leaking—is also a crime).

On August 3, the U.S. Court of Appeals for the District of Columbia let stand a decision by Judge Norma Holloway Johnson, the District of Columbia federal judge presiding over the grand jury in the Lewinsky case. In her decision, Johnson found what she called a "*prima facie* case" that Starr and his office had violated federal criminal Rule 6(e) by leaking grand jury information to the press on multiple occasions. In letting stand the decision by Johnson to launch an investigation into the leaks in which Starr now has the burden of proving that he did *not* break the law, while overturning the part of her ruling that would have allowed President Clinton's lawyers to take depositions of Starr and his staff, the appeals court made Johnson's previously secret ruling public. In fact, Johnson had actually rendered her decision on June 19, but perhaps because this was the one grand

jury event that the Starr people didn't want known, not a word of it had leaked until Friday afternoon, August 7, when the appeals court released it.

Under the law, the simple fact that even a single news article containing leaks of grand jury information attributed some of the information to unnamed sources in Starr's office would have mandated Johnson's finding of a *prima facie* case, even if it turns out that the article lied about its sources. But Johnson's decision deliberately—and angrily—went much further than that threshold finding. She painstakingly set out multiple

incidents of leaks and went out of her way to eviscerate Starr's legal arguments regarding what Rule 6(e) covers.

The decision received substantial news coverage the day it was made public. But after that first day's headlines in early August, this became a nonstory in almost all the media outlets that have pounded away at anything related to the Clinton-Lewinsky investigation. As of late October (when this is being written) there have been only a handful of articles that have done anything more than mention the existence of the investigation.

A judge's ruling that Starr seems to have broken the law (and that he may have lied or misled the judge about it in a subsequent sworn affidavit) and the launching of a process in which he has to rebut that presumption is not as important a news event as the strong evidence that the president committed perjury, let alone anywhere near as important as an impeachment inquiry. Starr is not the president of the United States. Nonetheless, his conduct is news. And the near-blackout of the investigation of Starr and his staff for alleged wrongdoing that so closely mimics the charges against the president is stunning.

The press's amazing restraint has prevailed despite the fact that in Johnson's public decision and in related documents



Independent counsel Kenneth Starr has hardly been dogged by the press over possibly illegal leaks.



released that day by the Court of Appeals, there was all kinds of fodder for follow-up. For example:

•Johnson cited a statement by Starr on camera to newsmen assembled in his driveway confirming and praising a sealed ruling she had made, charging it was a clear violation of the secrecy law. Because it was a public, on-camera comment, this seems like a slam-dunk criminal violation, though arguably a minor and understandable one. But however minor and understandable,



Judge Norma Holloway Johnson cited convincing evidence of illegal leaks by the independent counsel's office.

how come no one has asked ubiquitous George Washington University Law Professor Jonathan Turley to square that with his consistent defense of Starr? Isn't Turley the guy who keeps telling us, when rebutting—appropriately, I think—the lies-about-sex-are-different defense of President Clinton's apparent perjury, that the law is the law? MSNBC

recently gave Republican pundit Laura Ingraham her own one-hour morning talk show, and she seems sometimes when I've watched to be having trouble filling the time. Why not fill it with this delicious sound bite of Starr breaking the law, with Johnson's ruling about it scrolling underneath, while Turley solemnly condemns him to the slammer or disbarment?

•Noting what she calls "the serious and repetitive nature of disclosures to the media of Rule 6(e) material," Johnson cites six specific articles or telecasts that demonstrate a prima facie case of illegal leaks. In any other situation this would be a road map for reporters to try to get the goods, but in the months since her ruling was made public, I've not seen a single article attempting to follow up on what the judge says are these apparent acts of official lawbreaking. Where are the ambush cameras asking these reporters if it's really true? Where's the *Crossfire* debate over who got what from whom?

•The judge reveals that (after the president's lawyers had first complained about leaks) Starr filed sealed papers with her, maintaining that leaks of information given to him or his investigators by witnesses before they actually testify before the grand jury was *not* covered under Rule 6(e). But, as the judge notes, Starr declared in his 19-page letter of complaint to this magazine about the "Pressgate" article published in our first issue that I mischaracterized his position when I said that he told me exactly that. His letter to this magazine, which came after legal experts who were interviewed in the press and on television opined that Starr really couldn't have meant to be claiming such a loophole, said that on the contrary, he, indeed, thinks such information is covered and that he'd never leak it.

Relying on that February court filing by Starr to substantiate this magazine's report of Starr's position, and then relying on a May Court of Appeals decision that defined Rule 6(e) in those broader terms, the judge declared, "The Independent

Counsel's...statement to Mr. Brill that Rule 6(e) does not apply to 'what witnesses tell FBI agents or us before they testify before the grand jury' bolster[s] the Court's findings of prima facie violations of Rule 6(e)."

In other words, the judge found that Starr has taken conflicting positions on how the law applies to him—one in public when he was under fire after our article was published, and another in his interview with me and, as it turns out, in a sealed court document.

How come no editorials or talking-head debates about the independent counsel's legal gymnastics?

•Picking up on that legal hairsplitting, the judge noted that when Starr and his staff submitted affidavits (under penalty of perjury) in February, swearing that they were not leaking, 96 of the affidavits said that they had not disclosed "any...information...that is subject to Rule 6(e)." This, the judge found, was too cute, because "the affidavits disavow disclosing only material that the OIC deems to be 'subject to Rule 6(e),' not what this Court holds to be protected by Rule 6(e)." (Underline added by the judge.)

Then, to drive the point home, the judge included affidavits from two other people assigned to Starr's staff—apparently a pair of straight-arrow FBI agents—who had objected to this weaselly wording and crossed it out. In place of that "information...subject to Rule 6(e)" language, they substituted in handwriting the more inclusive "information acquired by me during my assignment to assist the OIC [Office of Independent Counsel]."

Accordingly, Johnson ruled that those other 96 sworn affidavits from Starr and his staff denying the leaks "fail to rebut the prima facie" case against them that they violated the leaks prohibition—which is a nice way of saying that Johnson did not believe these affidavits. That means she could end up deciding that if the deceit she suspects is deliberate, those affidavits are perjurious—a point punctuated by a footnote in a later order she issued in which the judge says she is reserving the option of referring her finding to the appropriate authorities for possible *criminal* charges.

How come no *New York Post* headlines about Starr going to the slammer?

This is all hilariously akin to Bill Clinton's rewriting the definition of sexual relations to negate its commonsense meaning (though in the president's case, the judge in the Paula Jones suit arguably helped him with her own ridiculously narrow definition). But as best I can tell, there has not been a single report anywhere of Judge Johnson nailing Starr for this Clintonesque effort to redefine the law in order to avoid being charged with breaking it.

•Did you notice a fun fact a few paragraphs up? The judge noted that when Starr's staff had to submit affidavits, there were 98 of them. That seems to mean there are 98 lawyers, investigators, or staff support people working on the president's case. Call it incredible, outrageous, or just plain funny ("How many prosecutors does it take to nail a president for lying about sex?"), but it's news. Yet there's been not a single article or TV report that I know of talking about these staff numbers since the information was first made public back in early August.

•In papers submitted by Starr to the Court of Appeals





THE BOMBAY SAPPHIRE MARTINI. AS ENGINEERED BY DAKOTA JACKSON.

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that were also released on August 7, Starr uses a strange point to argue that the president's lawyers should not be involved in any investigation of the leaks and that instead the leaks should be investigated in camera (in secret, with the defense not even present).

Sharing information with the defense about all of his staff's contacts with reporters (which is what the substance of the investigation is to be about) would be bad, Starr argues, because: "The informer's privilege serves important individual and societal interests in protecting the anonymity of citizens who cooperate in law enforcement."

It's impossible to tell exactly what Starr means because parts of his brief just above that line were redacted by the judge to keep them confidential. But Starr seems to be saying here (and in a similar passage with similar redactions in another filing also released that day) that some of the reporters with

the first place; it's about press leaks and the prosecutor.

Any other investigation of such a high-profile official, let alone an official whose credibility has at least some bearing on a presidential impeachment process, would get all kinds of press attention. So, too, would what is now known to be an investigation by the Office of Bar Counsel, the Washington, D.C., body that handles complaints about alleged lawyer misconduct, which is looking at whether Starr and his deputies violated local bar ethics rules against prosecutorial leaks that are far broader and more stringent than Rule 6(e). The bar counsel's office is made up of lawyers and staff members and other possible leakers for the press to pursue. But where are those "Starr Faces Possible Suspension Or Disbarment" headlines?

This is, of course, a tricky story to tackle. Any reporter who has promised anonymity to a source—even, or especially, a source who may be breaking the law by leaking—should keep that promise, which means that even if other reporters went around asking their colleagues about their sources of the leaks they'd have a tough time.

But in all other circumstances the best scoops often start with information from people who breach expectations or promises of confidentiality. News organizations are likely to be no different (and some weren't when I went looking for leaks for the "Pressgate" story). Surely, in news organizations as large as *The Washington Post*, ABC, or *Newsweek*, someone who knows something and is disgruntled or has some other good or bad reason to spill the beans (reporters never worry in other circumstances whether it's a good reason) would do so if asked. Nor is there any evidence of a hunt for the other potential sources—a potential whistle-blower among the 98 prosecutors and investigators, former prosecutors and investigators, friends of the reporters who've received the leaks, copy editors, or anyone else who'd be in the press dragnet were this any other story of equivalent importance.

Another problem here is that those who would write those reports are the ones who already know the source of the leaks. Many of the same people who wrote or broadcast the one-day stories in August about the release of Johnson's decision about the leaks investigation are the reporters whom the judge suspects of receiving the leaks in the first place. But if their editors really wanted to do the same kind of aggressive journalism that has marked their coverage of the charges against the president while also preserving any promises to Starr's people of confidentiality for their leaks, they could have assigned a reporter who has had nothing to do with the story to cover this beat on an entirely separate track and try to find the source of leaks to other publications. That simply hasn't been done. (Reporting on leaks to one's own news organization would be impossible, because reporters who receive leaks typically promise that the organization will protect its sources.)

"There is zero interest in any story about Starr and the press and the leaks investigation," says a reporter for one of the major television networks that has been a leader in Clinton-Lewinsky scoops, who says he has wanted to approach the story with exactly that clean-slate approach. "People who try get swatted down. Or they get cold stares." ■

## A supremely powerful federal official is under investigation. Doesn't the press have a responsibility to pursue that story?

whom he and his office had contact were informants. It's a charge that I heard whispered by some of the president's supporters when I first reported on "Pressgate," and it's happened before that reporters give information to prosecutors in return for getting back some or simply because they share the prosecutor's zeal for getting the target. It's also a clear step over the line for any reporter who does it, and even the hint of it in this brief by Starr should have had explosive repercussions when it was made public. But if anyone at any major news organization has been out there searching for reporters who actually joined the prosecution team, you can't tell by anything that's been published or televised since August.

**T**HE COURT OF APPEALS OVERRULED JOHNSON ON HER decision that the Clinton lawyers should be able to participate in the leaks investigation by questioning witnesses, including Starr and his deputies, and decided that the investigation should indeed proceed in camera. That was on August 3, and since then, whatever investigation there has been has been going on in secret.

The only news since has been reports in the Associated Press and *The New York Times* that Johnson appointed a lawyer to be her special master to help conduct the investigation. We don't even know his or her name, or even that the report of his or her appointment is true. (The judge routinely refuses all comment about anything having to do with the Lewinsky case.)

This makes for one of the great ironies of the entire Clinton-Lewinsky-Starr saga: In the wake of the document-and-tape dump by Starr to the House of Representatives and the House's subsequent release of that material, the only material from this grand jury that is now still secret isn't about intimate sex acts, or reluctant witnesses, or the allegations of criminal conduct that the jury was supposed to be investigating in





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# Who's Vicious Now?

Sidney Blumenthal's former press colleagues are thrilled at the chance—legitimate or not—to watch him squirm.

IT ISN'T EASY—INDEED, SOME WOULD SAY IT'S IMPOSSIBLE—TO conceive of Sidney Blumenthal as a victim. The famously partisan White House assistant known for his take-no-prisoners defense of Bill Clinton evokes a range of emotions among his former journalistic colleagues, but sympathy isn't one of them. This, after all, is no Richard Jewell-like innocent. This is a fellow who's earned his way to the first family's side by slamming any and all who dare say nay—or even boo—about the president's performance and behavior, public or private.

Yet there exists a near certainty that "Sid Vicious" (as he is known to many, including some of his friends) has been unfairly maligned by the media.

The matter in question involves Henry Hyde, the House Judiciary Committee chairman recently exposed as having had a five- or seven-year extramarital affair (it depends on who's counting) that by all accounts ended almost 30 years ago. The tale of that dalliance was revealed by a Florida retiree named Norman Sommer, a friend of the man who was married to the woman with whom Hyde was involved.

In mid-June, according to Sommer's memory and written records, I was number 24 on a list of 57 journalists and news organizations Sommer contacted in an effort to interest someone—anyone—in the sordid story. Sommer was frank about his motivation. As a lifelong Democrat and avid Clinton supporter, Sommer said he was appalled by Kenneth Starr's investigation of the president's sex life and believed that revealing Hyde's wandering would level the playing field. I told him we are in the business of covering how the media deals with such issues and were therefore not interested in breaking the news ourselves.

Finally, on September 16, the on-line magazine *Salon* published the Hyde story (a saga in itself heatedly addressed at page 54 by *Salon's* editor and the reporter who resigned because he objected to the story's publication).

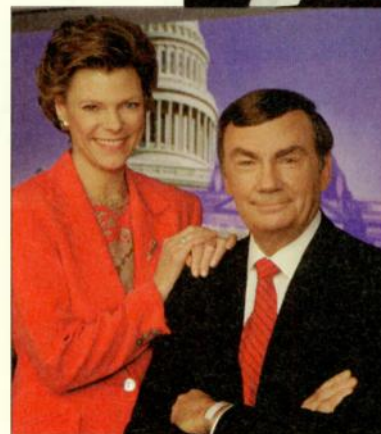
In what seemed like a nanosecond, Republican congressional leaders, including House Speaker Newt Gingrich, claimed that Blumenthal had surreptitiously arranged for the Hyde story to surface and demanded an FBI investigation of Blumenthal's actions. They had no proof—and said as much—but their certitude was breathtaking and their charge spawned several weeks of Blumenthal-bashing (a highlight of

which was a page 1 *New York Post* headline that tagged Blumenthal BILL'S DIRT DEVIL). Not surprisingly, those reporters and columnists charmed by a chance to tar Blumenthal offered no proof either, just—you guessed it—some anonymous sources who supposedly knew for a fact that Blumenthal's denials were bogus.

Which left—and still leaves—Blumenthal facing the hardest question possible for a press victim who denies an allegation put forth by those hiding behind anonymity: "How," he asks, "do I prove a negative?"

The answer Blumenthal concocted was simple: Through the September 20 appearance of his lawyer, William McDaniel, on ABC's *This Week with Sam Donaldson & Cokie Roberts*, Blumenthal released from pledges of confidentiality all those who may have claimed that he was the source of the Hyde story. But before considering the outcome of that tactic, it is useful to appreciate how the portrayal of him as the culprit ricocheted through the press corps, the sum of the unproven stories leaving no doubt as to Blumenthal's guilt, despite Sommer's insistence that he alone was responsible for revealing Hyde's secret and his contention that he "never spoke with Blumenthal."

"We were the first to out Sidney about this," says *Weekly Standard* editor and publisher William Kristol, proudly. In the magazine's September 14 issue, which circulated on the weekend of September 5, opinion editor David Tell, writing "for the editors," asserted that "a reporter we know got a telephone call from a high level White House official who suggested that the reporter take a look at the sexual practices of [a] prominent congressional Republican." In the next paragraph, Tell wrote: "The man who called our reporter acquaintance was Sidney Blumenthal." But



White House aide Sidney Blumenthal (top) probably wasn't smiling after being named on the ABC show hosted by Cokie Roberts and Sam Donaldson as the source behind the story about Congressman Henry Hyde's extramarital affair.

VIVIAN RONAVITZ/ABC (BLUMENTHAL); CRAIG SJODIN/ABC (ROBERTS/DONALDSON)



who was that prominent congressional Republican? "It was Hyde," says Kristol today, adding that "everyone I know" knew as much when the story appeared. On September 6, columnist George Will connected the dots during his regular gig on *This Week*: "...we have the experience recently of...Sidney Blumenthal calling journalists in an attempt to smear Henry Hyde."

That assertion—again with no proof offered—was echoed moments later by Kristol, himself a *This Week* regular, who said, "It is a fact that Sidney Blumenthal has called members of the press to try to get them to look into congressmen's private lives."

Shortly after those charges, *Salon's* September 16 publication of the story, and another ABC report (also on September 16), which didn't name Blumenthal specifically, the GOP congressional leadership laid into Blumenthal—with House Republican Whip Tom DeLay invoking the ABC reports as evidence for the veracity of his attack. The frenzy hit its peak on September 20 with the *This Week* broadcast in which cohost Sam Donaldson grilled Blumenthal's lawyer, McDaniel. By then, Blumenthal himself had issued a statement saying, "I was not the source of, or in any way involved with, this story on Henry Hyde," and McDaniel tried mightily to reinforce his client's denial.

In his statement, Blumenthal did admit to discussing the Hyde story with several reporters but insisted that it was they who initiated the conversations. This is a crucial distinction—and it's supported by two reporters who agreed to share their Blumenthal encounters with me. "I had heard rumors...that the White House was going to go after members of the judiciary committee," says CNN's William Schneider. "I asked [Blumenthal] about that and he said 'I don't want to hear anything about it.' Sid's right. I initiated asking about Hyde. He didn't confirm anything." In all material respects, *Newsweek's* Jonathan Alter had a similar experience. "One day I was at the White House and I was trying to explore whether Sidney was one of those putting out stuff about the Republicans and he wouldn't even answer," says Alter. "He wouldn't engage. The fact is that I gave him every opportunity to talk about Hyde. In fact, you could say that I tried to entrap him. I failed."

ABC's intense pursuit of the Blumenthal-Hyde connection generated four letters between Blumenthal's lawyer, McDaniel, and two ABC executives, including ABC News president David Westin, an exchange so full of definitional arguments that even Bill Clinton would be envious. Noting that "we all have seen how far the careful parsing of language can take us," Westin on September 21 answered a September 17 McDaniel letter (in which the lawyer wrote, "Your carefully worded response avoided addressing Mr. Blumenthal's concerns") with these words: "But you do not deny that Mr. Blumenthal discussed such matters with journalists."

Well, of course McDaniel didn't deny that. His client had consistently admitted discussing Hyde with journalists. It's what Blumenthal *said* that matters, a point Kristol's magazine explored with relish. But what does "this" mean? wondered the *Weekly Standard* in a September 28 article, referring to Blumenthal's denial that he was the source of "this story"

about Hyde. "Does he mean that he was the source for, or in some other way involved with, *other* stories on Henry Hyde?" And what does Blumenthal mean when he says he didn't "urge or encourage any reporter to investigate the private life of any member of Congress?" the magazine went on to ask. "Perhaps Sid's role...is merely to play matchmaker between friendly reporters and friendly private investigators" who in turn dished the dirt on Hyde.

The hole in which Blumenthal finds himself stems less from his involvement with *Salon's* Hyde story—an involvement for which, again, there is no evidence—than from his reputation as a mudslinger. Listen to *The New Republic's* Dana Milbank, who also wrote about Blumenthal and whose underlying distrust of him (the notion that he is guilty until proven

**It's the hardest question possible for a press victim who denies an allegation made anonymously: How do you prove a negative?**

innocent) mirrors the views of six other journalists with whom I spoke. "I want to believe [Blumenthal] and in my heart I think he probably didn't do this," says Milbank, "but I have no evidence that he didn't do this."

Which goes back to the question of how you prove a negative. Well, if the assumption going in is that you are somehow a bad guy, and if powerful journalists feel your comeuppance is long overdue, it appears that your choices are, to say the least, limited. Kristol, for example, says it is "unfortunate" that no one has come forward to finger Blumenthal by name, despite Blumenthal's invitation to do just that. Besides, adds Kristol, signaling his disinterest in the possible exoneration of someone wrongly accused, "I don't know what purpose it would serve." Personally, says Kristol, "I think it's quite likely that Sidney didn't do anything illegal in exercising his free speech rights." But that, of course, glosses over whether the charge against Blumenthal is true, which is "the purpose" that could be determined if the journalists supposedly having proof of the allegations would come forward.

What of the other players in this drama? George Will didn't return four calls seeking comment, and *This Week's* Cokie Roberts says she can't add anything because she was "just there," meaning it was Sam Donaldson who carried the anti-Blumenthal water on their show. But neither Donaldson nor ABC Washington bureau chief Robin Sproul (whom Roberts says was "very involved with all this stuff") will comment. "They have nothing more to say about Blumenthal," says ABC spokesperson Su-Lin Nichols.

Why not? Because, says one of the journalists involved in dissing Blumenthal who won't talk for attribution, "You don't have to square all the circles to get the picture. The feeling is that Sid's spent a lot of time screwing a lot of people. So now that he's in trouble over this, with the White House saying they'll fire whomever has been involved in whacking at Hyde, let Sid squirm as he's caused so many others to do." And that, folks, is the kind of justice only a jaded journalist could love. ■



# the notebook

## CONTROVERSY

# THE REST OF THE STORY

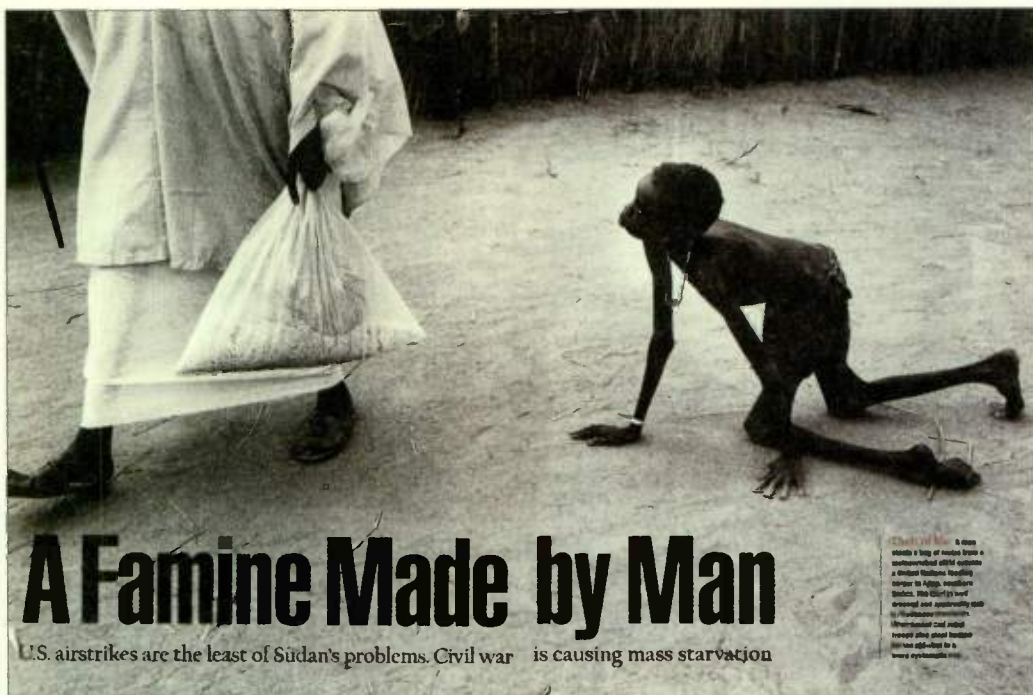
A captivating photograph from Sudan raises questions about the role of photojournalism

**T**HE PHOTOGRAPH IS ARRESTING: An emaciated child on his hands and knees stares up at a well-dressed figure who has stolen food the boy was given by aid workers in famine-plagued Sudan.

The image seems to have captured the imaginations of magazine and newspaper editors around the world, many of whom made it the lead photo in a package purchased from veteran photojournalist Tom Stoddart. The series of photographs from Sudan was reprinted in top publications throughout Europe—*The Guardian* in England, *Stern* in Germany, *Le Figaro* in France.

In the United States, *U.S. News & World Report* devoted five pages to Stoddart's photos in its September 14 issue, with the stolen-food picture taking up a double-page spread at the outset of the report.

While the photograph is disturbing on many levels, it has raised an age-old question that goes to the heart of photojournalism. As one reader wrote in a letter to *U.S. News*, "The photograph...certainly tells a powerful story. A better story, however, would have been about a photographer who gave up his photo opportunity to help a starving child retrieve his stolen food." Another reader echoed the same sentiment in an unpublished letter to the magazine, which *U.S. News* shared with *Brill's Content*: "Your introductory photo in the article 'A Famine Made by Man' has photocopied itself to my brain and haunts me constantly. Please tell me that after shooting this picture, the photographer put down his camera and beat the thief senseless."



But the photographer did no such thing. Stoddart, who has twice received the prestigious Visa D'Or photojournalism award for his work in Rwanda and Sarajevo (where he was seriously injured in 1992), and has covered conflicts in Lebanon, the Persian Gulf, and Northern Ireland, staunchly defends his nonintervention in the scene in Sudan. The question of what role, if any, a photojournalist (or any journalist) should play in a horrific situation unfolding before his camera is one that professionals like Stoddart face all the time.

"How can you stand there with a camera when people are at their weakest?" Stoddart asks rhetorically, in a telephone interview from his home in

When this photograph from Sudan ran in *U.S. News & World Report* in September, it touched a raw nerve among readers.

London. "That is a question that I've asked myself. If you do start getting involved in situations like that, you run the risk of forgetting why you're there. You're there to document.

"You're not shooting for today. You're shooting for history. You're [providing] proof," the 45-year-old photographer explains. "You're not there as a voyeur....You're there to make photos that magazines have to run and people have to respond to."

Stoddart, who works for the London-based Independent Photographers Group, went to Sudan on his own initiative. He felt there was a story there that needed to be publicized.

He spent six days in southern Sudan

TOM STODDART/IPC-MATRIX



last July, camping out in a compound set up by Médecins Sans Frontières (known in the United States as Doctors Without Borders). When Stoddart spotted the child who appeared in the now-famous photograph, the boy—who had polio—was in line at the compound's feeding station. He was with a friend, who was carrying the bag of grain for him.

"I was photographing the child anyway on the ground because it was obviously very emotive," Stoddart recalls. "Out of the corner of my eye, I saw the man come and take the bag." At that moment, Stoddart snapped the picture. "The man walked into the frame."

The child then followed the thief on his hands and knees, as he entered an unsecured area where hundreds of people were milling around. Stoddart went after them, all the while taking pictures. Dressed smartly and carrying a walking stick, the man looked well-off by Sudanese standards. He noticed Stoddart photographing him.

Perhaps because of that, Stoddart guesses, the man slowed down, and the child eventually caught up with him. The man placed the bag of grain on the ground. "There was a standoff," Stoddart says, and he waited for a few minutes to see what would happen. Nothing did, and Stoddart left the scene to continue shooting elsewhere. "Whatever happened when I left, I don't know.

"I'm sure you'd like a happy ending," where the photographer steps in and returns the food to the child, "like Sir Lancelot," says Stoddart ruefully. "But the real world is not like that.

"In the scheme of things, there was horror all around," and this scene was by far not the worst he saw, the photographer says. "The day before, I witnessed a skeleton of a man dying while a woman was giving birth to her son.

"You're faced with this kind of situation all the time. If you feel you're influencing events or might make the

situation worse, you back off and put the camera down," Stoddart explains. At the same time, he adds that there are limits to remaining uninvolved. "If the man had been beating the boy, I would have intervened."

During the course of his stay at the feeding compound, Stoddart took approximately 45 rolls of 36-exposure film, documenting the effects of the civil war. "I don't know why this image has caught so many people's imaginations. Perhaps because it is iconic of Africa as a whole: a rich man stealing from someone who is weak and defenseless."

He also feels that the photo captures the essence of a horrible situation without numbing the viewer. There is sometimes "a split second, a moment when it all comes together" that allows a single shot to convey the heart of the story, Stoddart says.

"I believe this photograph is as close as it can get to that. The reason it works is that it's not a typical famine picture" of, say, a mother holding a sickly baby, Stoddart says. This picture is different. Instead of victimhood, "there is sheer disdain in the boy's eye. Plus, you can actually see the food. And you can see the way [the man] is striding out."

The strong reaction from readers of the magazines in which this photograph has appeared is good, says Stoddart. When the spread ran in *The Guardian* on August 12, a credit-card hotline number at the end of the story received approximately 1,300 calls and raised 40,000 British pounds (about \$60,000) in a single day for Médecins Sans Frontières. This kind of response validates the work of a photojournalist, he believes. "We do make a difference. It's more of a drip, drip thing," Stoddart says.

"I'm not a policeman. I'm not an aid worker. I'm there to bring back the truth of what is there," says Stoddart. "You're [t]here to help, but in a different way."

—Rifka Rosenwein

## BOOKMARKS

### OF NEWSPAPER PUBLISHERS

#### Arthur Sulzberger, Jr. The New York Times

- ✎ Take a Free Trip on AutoPilot ([www.freetrip.com](http://www.freetrip.com))—For best driving routes
- ✎ Rock 'N Road ([www.rocknroad.com](http://www.rocknroad.com))—A rock-climbing site: "When I travel, I can make choices of places to climb."
- ✎ Excite ([www.excite.com](http://www.excite.com))—A search engine
- ✎ Barnes & Noble ([www.barnesandnoble.com](http://www.barnesandnoble.com))
- ✎ American Mountain Guides Association ([www.amga.com](http://www.amga.com))
- ✎ Dogpile ([www.dogpile.com](http://www.dogpile.com))—"A great search engine."
- ✎ NYToday ([www.nytoday.com](http://www.nytoday.com))—A venture of *The New York Times*
- ✎ BMW Motorrad ([www.bike.bmw.com](http://www.bike.bmw.com))—He used to ride motorcycles and still loves them.
- ✎ Feed Magazine ([www.feedmag.com](http://www.feedmag.com))—A webzine

#### Peter Kann The Wall Street Journal

- ✎ The Wall Street Journal Interactive Edition ([interactive.wsj.com/edition/current/summaries/front.htm](http://interactive.wsj.com/edition/current/summaries/front.htm))
- ✎ SmartMoney Interactive ([www.smartmoney.com](http://www.smartmoney.com))
- ✎ The Pouch ([pouch.dowjones.com](http://pouch.dowjones.com))—The Dow Jones & Co. internal web site
- ✎ Disney's Blast Online ([www.disneyblast.com/Preview/index.html](http://www.disneyblast.com/Preview/index.html))—"For when the kids come to the office."
- ✎ American Express Travel ([www6.americanexpress.com/travel/index.html](http://www6.americanexpress.com/travel/index.html))—"The perfect companion to the platinum card."
- ✎ Intellectual Capital ([www.intellectualcapital.com](http://www.intellectualcapital.com))

#### Alberto Ibarguen Miami Herald

- ✎ La Nación Online, Buenos Aires, Argentina ([www.lanacion.com](http://www.lanacion.com))
- ✎ El País Digital, Madrid, Spain ([www.elpais.es](http://www.elpais.es))
- ✎ Paintings by Stuart Davis ([www.astro.nyu.edu/astro/staff/erics/art/davis.html](http://www.astro.nyu.edu/astro/staff/erics/art/davis.html))—"He is one of my favorite painters."
- ✎ Florida Philharmonic Orchestra ([mwm.net/phil](http://mwm.net/phil))—"I'm chairman."
- ✎ Wesleyan University ([www.wesleyan.edu](http://www.wesleyan.edu))—"He's an" "alumnus, parent, and former trustee."
- ✎ AltaVista ([www.altavista.com](http://www.altavista.com))—"I use it much more than I use any of the other search engines."
- ✎ Volumen Cero ([www.volumencero.com](http://www.volumencero.com))—A local Latin rock group

—compiled by Amy DiTullio



# SINS OF OMISSION

**F**ORMER GOVERNMENT OFFICIALS often grace the nation's op-ed pages, furnishing their columns with credibility drawn from their onetime posts.

But the opinion pages don't always tell the whole story. Some op-eds—and their identifying “taglines,” the papers’ brief descriptions of the authors, which appear beneath such columns—suffer from selective disclosure. Former government work is often allowed to stand alone, even when a writer’s current ties might indicate another set of allegiances.

“With government officials wandering in and out of the revolving door, people ought to be upfront about their current affiliations,” says Larry Makinson, executive director of the nonpartisan Center for Responsive Politics. “After all,” he notes, “op-eds are now part of campaigns.”

Three examples follow.

**THE AUTHORS:** Brent Scowcroft and Arnold Kanter

**THE OP-ED:** “What technology went where and why,” June 5, 1998, *The Washington Times*

**WHAT THE OP-ED SAID:** Scowcroft and Kanter weighed in on the Chinese technology-transfer scandal, in which two American satellite manufacturers were accused of handing over classified technical data after a failed launch in 1996. The writers labeled the charges “melodramatic.” If federal transfer safeguards are determined to be sound, then “the imposition of blanket prohibitions on satellite launches by China would largely miss the point,” they argued, adding that such prohibitions would hurt U.S. industry and “our critically important relationship with China.”

**THE TAGLINE:** “Brent Scowcroft, president of the Forum for International Policy, was national security advisor under Presidents Ford and Bush. Arnold Kanter, a senior fellow at the Forum for International Policy, served as under

secretary of state for Political Affairs from 1991 to 1993.”

**WHAT'S LEFT UNMENTIONED:** Scowcroft is president and Kanter is a principal of The Scowcroft Group, a consulting firm that helps its corporate clients land overseas business, including in China. The Forum for International Policy is a nonprofit entity Scowcroft established in 1993 that shares the same suite of Washington offices. Scowcroft also sits on a number of corporate boards, including Qualcomm Incorporated, a telecommunications firm. Qualcomm,

Bentsen called on their former congressional colleagues to “take collective action” on the passage of fast-track legislation that would allow the president trade-negotiating power. “Although we are currently well positioned to compete,” they wrote, “other countries have recently been negotiating trade agreements that will allow them to move ahead of us into developing markets—even in our own backyard in Latin America.”

**THE TAGLINE:** “Bob Dole, the 1996 Republican Presidential nominee, is the former Senate majority leader.

## What technology went where and why

By Brent Scowcroft and Arnold Kanter

The last few weeks have seen an avalanche of melodramatic charges about American “technology transfer” to China and claims that

responded by adopting a policy that opened the way for U.S. commercial satellites to be launched on Chinese space boosters. By the way, all proposed laws to ensure

He sits on the board of Qualcomm, a founding partner in a major satellite consortium led by one of the accused firms discussed above.

and The Scowcroft Group, an international consultancy with business in China

Brent Scowcroft, president of the Forum for International Policy, was national security advisor under Presidents Ford and Bush. Arnold Kanter, a senior fellow at the Forum for International Policy, served as under secretary of state for Political Affairs from 1991 to 1993.

and principal at The Scowcroft Group

which does substantial business in China, is a founding partner in the Globalstar L.P. mobile-communications-satellite consortium, led by one of the two accused firms.

**THE WASHINGTON TIMES RESPONDS:** “There is such a thing as over-disclosure,” says editorial page editor Tod Lindberg. “If you run a piece by [former Secretary of State Henry] Kissinger, a situation roughly parallel to” Scowcroft’s, he adds, you operate under the “assumption that he has clients and interests, but retains credibility.”

**THE AUTHORS:** Bob Dole and Lloyd Bentsen

**THE OP-ED:** “‘Fast Track’ Issue Deserves Fast Action,” September 17, 1997, *The New York Times*

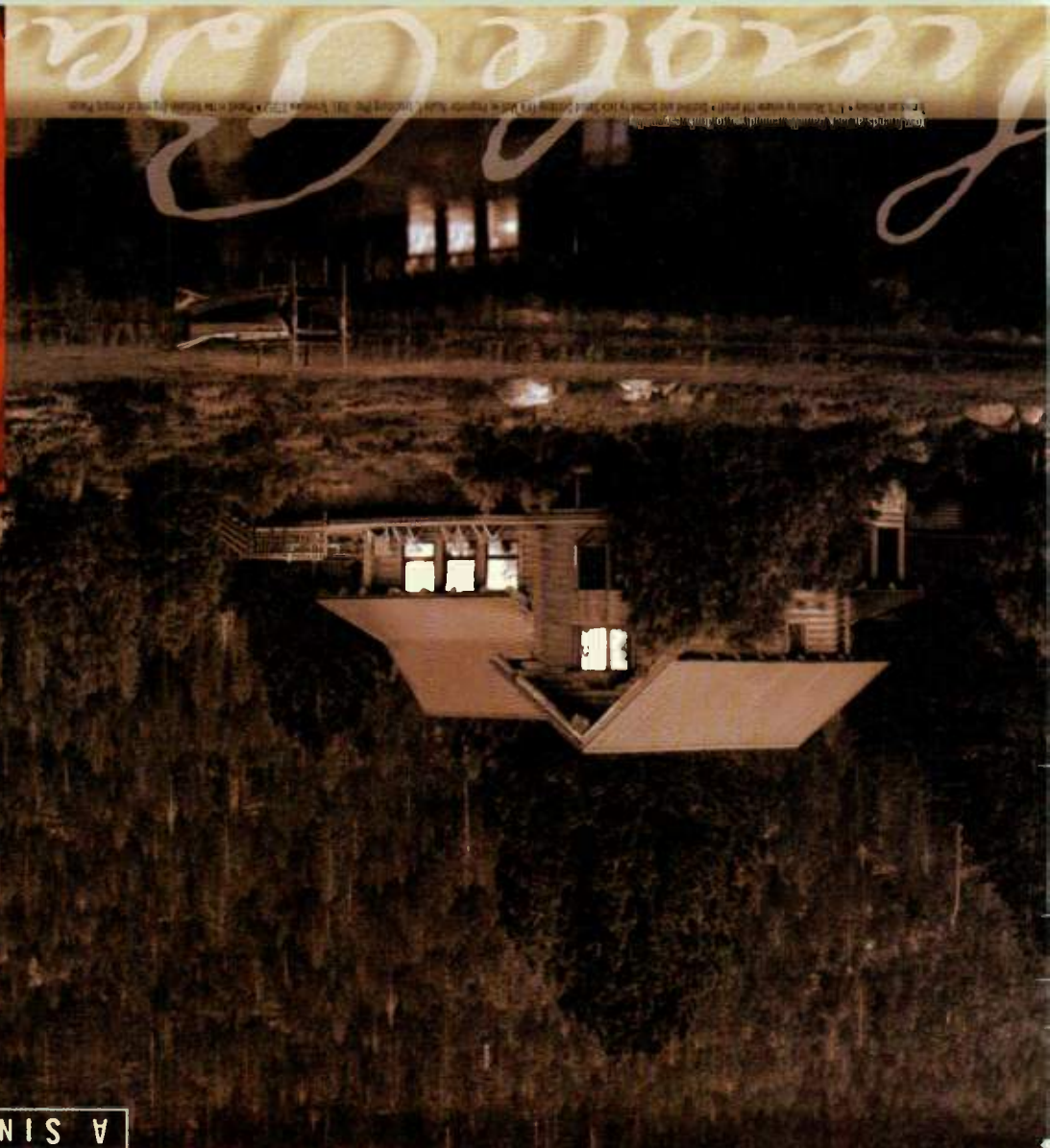
**WHAT THE OP-ED SAID:** Dole and

Lloyd Bentsen, the former Treasury Secretary, is a former Democratic Senator from Texas.”

**WHAT'S LEFT UNMENTIONED:** Dole and Bentsen are employed by the high-powered, top-grossing Washington law firm Verner, Liipfert, Bernhard, McPherson and Hand. Verner, Liipfert represents Chile on trade issues, and Dole himself is credited with helping to secure the business; Chile’s foreign minister met with Dole before

(continued on page 42)





JACK DANIEL'S SINGLE BARREL WHISKEY  
A SINGULAR EXPERIENCE



IT'S NOT WHAT YOU GET AWAY FROM.  
IT'S WHAT YOU GET AWAY TO.





(continued from page 40)

announcing his decision to retain Verner, Liipfert just before the op-ed was published.

**THE NEW YORK TIMES RESPONDS:** "Our practice is to try to identify contributors in a way that establishes their background as credible authorities," says *Times* spokesperson Nancy Nielsen, who concedes that "in retrospect, we probably should have highlighted" their current affiliations.

**THE AUTHOR:** Bob Dole

**THE OP-ED:** "Get Back to the Fast Track on Trade," November 3, 1997, *The Washington Post*

**WHAT THE OP-ED SAID:** Dole

argued again that the "decision to give the president fast-track authority is urgent and must be made now....Our nation's future prosperity—the good jobs that will provide a living for our children and grandchildren—will be created through international trade." Dole spent three paragraphs warning of other countries' efforts to secure trade agreements with Latin America.

**THE TAGLINE:** "The writer is former Senate majority leader and the Republican nominee for president in 1996."

**WHAT'S LEFT UNMENTIONED:** By the time the op-ed appeared, Dole had already traveled to Chile with Verner, Liipfert colleagues; they met there with

President Eduardo Frei. The former senator visited Chilean salmon farmers, who were then the subject of a complaint before the U.S. International Trade Commission brought by Maine salmon farmers. Dole aides insisted he only represented an American freight carrier in the trade dispute, but other members of his firm worked directly for Chile.

**THE WASHINGTON POST RESPONDS:** "People called that to our attention," concedes the *Post's* deputy editorial page editor Stephen Rosenfeld. "I think it's a good question." Rosenfeld says that the *Post* tries to "identify the financial and professional interests of op-ed writers."

—Jeff Pooley

## IT'S ON THE PRIZE

# THE I-MAN GIVETH

Everyone knows Don Imus has a mouth—now he's got a prize, too.

**F**OR MOST PEOPLE, "IMUS" IS just the surname of one famously surly radio personality. But could "Imus" soon become synonymous with literary success, worthy of mention alongside such career-makers as Pulitzer and Nobel? The chances are better than you might think. Curmudgeonly morning radio man Don Imus has formalized his penchant for touting unheralded authors by starting his own book prize. He named his "goofy idea" the Imus American Book Award. But when the first winners are announced in February, they will receive some very serious cash—as much as \$100,000. That instantly makes the "Imus" one of America's most generous literary prizes.

Like many revolutionary concepts, the "Imus" began as an act of dissent. Last

year, Imus dedicated plenty of airtime on his syndicated radio show (which is simulcast on MSNBC) to praising Sam Tanenhaus's biography, *Whittaker Chambers*, which was nominated for a 1997 National Book Award. When the judges instead awarded the prize to Joseph Ellis for his biography of Thomas Jefferson, Imus began his on-air musings about a rival award. Imus's people then convinced the A&E Television Networks and bookseller Barnes & Noble, Inc. to sign on as sponsors and, with their cash as contest booty, the "Imus" was born.

Barnes & Noble customers will play a role in the selection process—a populist step that may make ballot-stuffing an important part of the competition. The radio man will award one winner \$100,000, while three others will receive

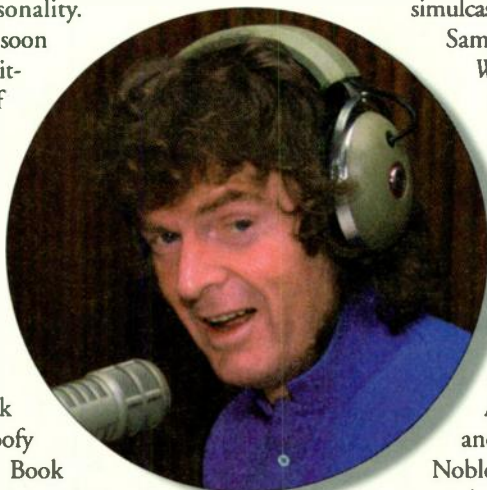
\$50,000. (By comparison, National Book Award and Pulitzer winners receive \$10,000 and \$5,000, respectively.)

Imus hopes the money will be an added reward for lesser-known writers. "They write great books, and they don't get big advances," Imus told *Brill's Content*. For publishers, the new award is another opportunity to grab attention for their titles. Patricia Eisemann, vice-president and director of publicity for Scribner, sent Imus a box of books; she says winning an "Imus" could make a significant difference in a book's sales. "People like that credential," she says.

With a Barnes & Noble merchandising plan accompanying his award, the I-Man is entering an arena of celebrity book endorsement previously dominated by one name: Oprah. But Imus dismisses the notion of any competition and speaks warmly about the matriarch of talk shows. "I think what she does is great," says Imus. "She gets fat women who watch TV to read books."

—Ted Rose

(continued on page 44)



Radio curmudgeon Don Imus breaks into the ranks of the literary elite with his new prize.



THE  
REVOLUTION  
ISN'T OVER,  
IT'S JUST  
BEGUN.



What do you get when you cross a bunny with a mouse? All the news that says to hell with the rules and gets right to the heart of the matter of what men want to know. Reporting, reviewing and some of the hottest pixels around. It's Playboy.com that puts it on the line and continues to open your eyes. Point. Click. And see for yourself. **Playboy. In print. On television. And on the web.**

Life,  
liberty  
and the pursuit of dreams.





(continued from page 42)

## ETHICS

### HOW WOULD YOU HANDLE THE DILEMMAS THAT JOURNALISTS FACE?

Here's how 7,159\* visitors to the Newseum, the museum of news in Arlington, Virginia, said they'd handle a hypothetical situation based on Civil War photographers' frequent use of a technique they called "stagecraft," in which they moved corpses, muskets, and other objects for dramatic effect.

**C**IVIL WAR RAVAGES THE United States. You're a photographer trying to show what it really means to die in a bloody battle. You've arrived at a battlefield. Dead soldiers lay scattered, hidden in ditches. You can barely tell they are bodies. If you move them, you can get the dramatic pictures you need. Do you move the bodies?

#### WHAT DO YOU DO?

30%

**A YES.** It's important for people to understand the horror of war.

69%

**B NO.** It's better to show things exactly as they are.

\*Numbers current as of Oct. 21, 1998.

## QUIZ

### Can You Match The Tag To The Mag?

**W**ITH HUNDREDS OF NEW MAGAZINES launching each year, more and more look for ways to set themselves apart. Tag lines are an important part of a magazine's identity—one line that tells readers why they should, or shouldn't, shell out three or four dollars. "In many ways it sums up the philosophy of the magazine," says Jenny Barnett, executive editor of *Marie Claire*, of its tag, "For Women of the World."

But coming up with that perfect line isn't so easy. "You sweat blood and you have a lot of meetings with your editors," says *Modern Bride* editor in chief Stacy Morrison. "Generally, you hope that you hit it, you get it, and you never have to change it."

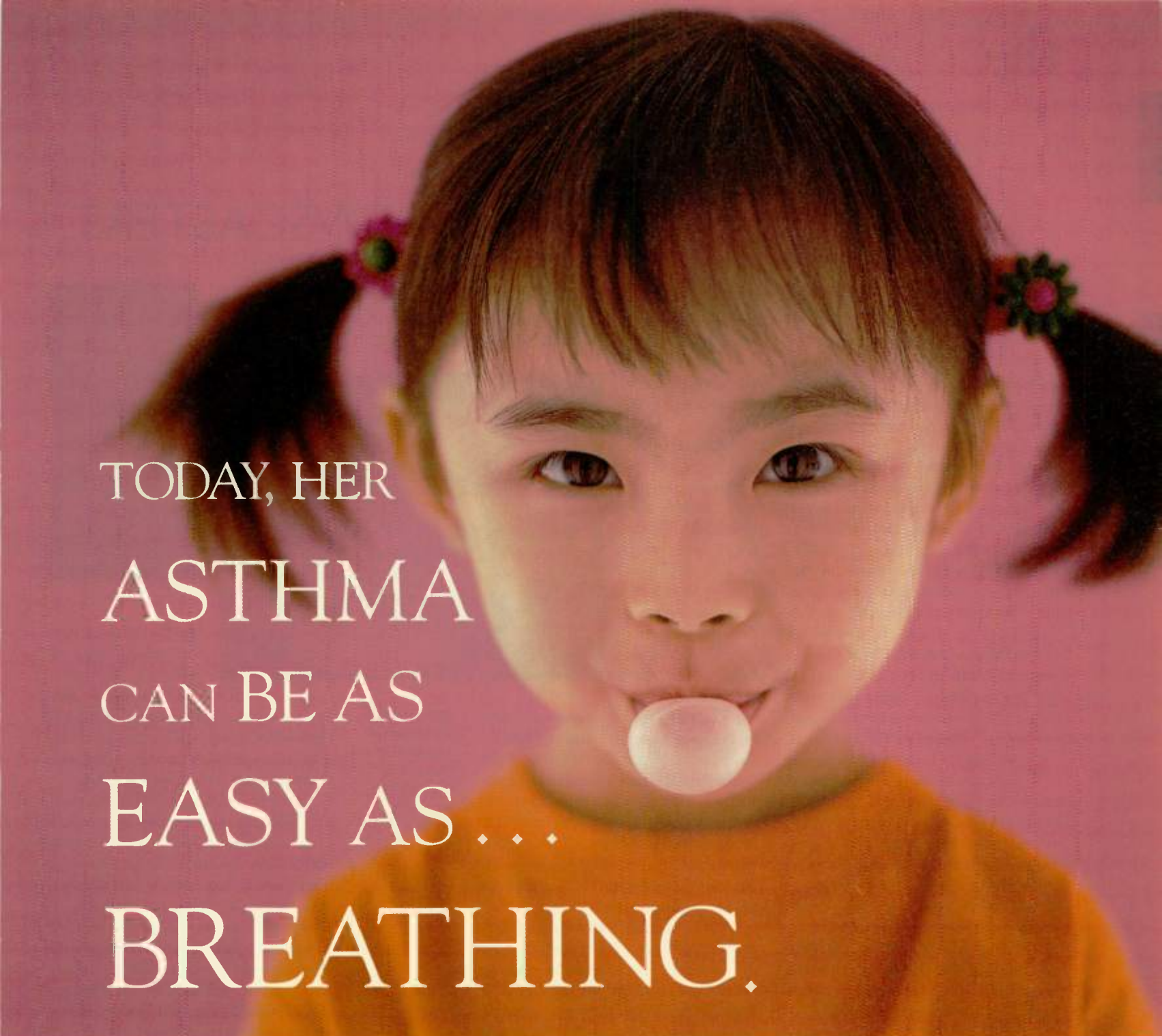
Below are some popular titles along with their tags. Can you match the tag to the mag? If you can't, it may mean the line doesn't work so well, after all. —Dimitra Kessenides

- |                        |  |
|------------------------|--|
| 1. GLAMOUR             | A. Celebrity + Lifestyle + Beauty + Fashion  |
| 2. INC.                | B. America's Food and Entertaining Magazine  |
| 3. MADEMOISELLE        | C. Building The Future   |
| 4. BON APPETIT         | D. Incorporating Charm   |
| 5. DETOUR              | E. How Smart Business Works  |
| 6. WIRED               | F. A Sign of the Times   |
| 7. CONDÉ NAST TRAVELER | G. The Magazine of Good Living   |
| 8. COSMOPOLITAN        | H. The Independent Guide to Personal Computing                                     |
| 9. FAST COMPANY        | I. The Newsmagazine of Fashion, Beauty, Q&A, Sex, Work, Men, Relationships, Health |
| 10. GOURMET            | J. Fun Fearless Female   |
| 11. ESQUIRE            | K. The #1 Bridal Magazine  |
| 12. WORTH              | L. Savor a World of Authentic Cuisine  |
| 13. ELEGANT BRIDE      | M. Mind, Body, Spirit for Women  |
| 14. IN STYLE           | N. The Best Thing To Happen To Men Since Women                                     |
| 15. MAXIM              | O. The Magazine Of Food And Fitness  |
| 16. FITNESS            | P. Financial Intelligence  |
| 17. BRIDE'S            | Q. America's Finest Bridal Magazine  |
| 18. COOKING LIGHT      | R. Truth In Travel   |
| 19. SAVEUR             | S. The Magazine for Growing Companies  |
| 20. PC MAGAZINE        | T. Man At His Best   |

Answers: 1d; 2s; 3i; 4b; 5f; 6c; 7r; 8j; 9e; 10g; 11t; 12p; 13q; 14a; 15n; 16m; 17k; 18o; 19i; 20h

(continued on page 46)



A close-up photograph of a young girl with dark hair in pigtails, wearing a bright orange shirt. She is blowing a large, translucent white bubble. The background is a soft, out-of-focus pink.

# TODAY, HER ASTHMA CAN BE AS EASY AS . . . BREATHING.

For 15 million people with asthma, breathing doesn't always come easy. An asthma attack begins with a tightening of the chest and difficulty inhaling, and can leave sufferers gasping for breath with the overwhelming feeling of suffocation.

Severe attacks can require an emergency trip to the hospital. But in recent years, pharmaceutical company researchers have discovered and developed new breakthrough medicines that allow patients more effective control over their asthma—and even help prevent an attack before it happens. So, for the millions of people with asthma, an attack isn't as frightening as it used to be.

Today, asthma is more controllable, but we won't rest until it's cured. Then we'll *all* breathe easier.

**America's Pharmaceutical Companies**

*Leading the way in the search for cures*

[www.searchforcures.org](http://www.searchforcures.org)



TRICKS OF THE TRADE

# HAMBURGER HELPER FOR NEWSCASTERS

**W**HEN PFIZER INC.'S impotence drug Viagra secured Food and Drug Administration approval in March, the national media pounced. From the start, Viagra was a made-for-TV story, with an almost-providential pairing of consumer-friendly health news and sex.

But most viewers didn't know that the story literally was *made* for TV, pre-packaged as a "video news release" by a public relations firm representing Pfizer. D S Simon Productions Inc. distributed a pretaped news story—complete with real doctors and patients endorsing the drug—via satellite to more than 800 stations. Pfizer's investment paid off: Douglas Simon, D S Simon's president, claims that more than 210 million viewers have seen portions of the video news release.

VNRs are the little-known offspring of a marriage between TV journalism and its well-heeled cousin, public relations. PR professionals describe VNRs as the television version of a press release: Stations are free to excerpt or ignore the simulated news coverage just as they might treat a printed, quote-packed corporate announcement.

VNRs—which *USA Today* once described as "Hamburger Helper for newscasters"—are a boon to cash-strapped newsrooms, which rarely identify the source of the footage. Most often, the releases are packaged in two parts. The first is a polished news segment, complete with voiceover and graphics. The second, known as the "B-roll," consists of raw footage for producers to use when building their own stories, and is often accompanied by a script. Medialink Worldwide Inc., the main release-distributor, beams them via satellite to news directors across the country, while sending actual tapes to selected stations.

A 1993 Nielsen Media Research survey of 110 TV newsroom decision

makers found that all had used video releases in the past year. Stations typically use the ready-to-air version

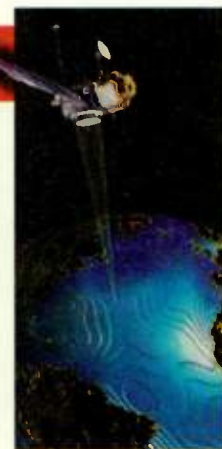
to familiarize themselves with the story and then add their own fonts and announcers' voices to reworked B-roll footage. Stations air unedited VNRs only "very, very occasionally," says Gregory Jones, vice-president for marketing communications at Medialink, which also produces VNRs.

The subjects of the tapes vary widely, ranging from the Lockheed Martin Corporation F-22 *Raptor's* first flight (seen by a claimed 41 million) to the Neiman Marcus 1997 Christmas Catalog (reportedly seen by 91 million). Nielsen Media Research tallies VNR appearances by tracking an invisible electronic code on the screen, which its meters pick up.

VNR producers carefully avoid blatant promotional pitches—which, they say, would never be aired—opting instead to earn broadcast time for their client's message through genuine "news hooks": story angles that might appeal to TV news directors. "We have to think like newsrooms," says Jones. His firm's promotional literature asserts that its video releases are "produced in broadcast news style with scripted story and compelling video that appeals to newsroom decision-makers as well as to your corporate client or manager."

When Electronic Media Communications set out to promote California Tan, a tanning-lotion company, the firm pitched its release as a report about "truth in labeling" on lotion bottles. The

MEDIALINK



producers made sure to include shots of products by competitors, along with

interviews of a dermatologist, company spokesmen, and people on the street. The report concluded that only California Tan's products were properly labeled.

Despite the near-universal embrace of VNRs, the phenomenon has received scant media attention, which critics claim is no accident. "It's obvious why they don't flag VNRs because the minute they do, this myth that they're doing this creative, well-produced story completely falls apart and becomes nothing more than a medium for regurgitating film provided by the Fortune 500 PR firms," says John Stauber, editor of the newsletter *PR Watch*.

Simon counters that many VNRs—such as one made by the Energizer battery company to promote smoke detectors—actually "save lives." And some VNRs are produced for nonprofits: The World Wildlife Fund recently released one on fish poaching. Still, the vast majority of VNRs are produced for commercial clients.

The Radio-Television News Directors Association policy stresses that stations must clearly identify the source of VNR footage. Most, however, never do.

—Jeff Pooley

(continued on page 48)





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(continued from page 46)

## BAIT AND SWITCH

# Getting In SHAPE

**W**HEN SUBSCRIBERS TO the magazine *Living Fit* opened their mailboxes this September, they got a nice surprise from Weider Publications: an issue of *Shape* magazine. Only problem was, they didn't get an issue of *Living Fit*. The company had ceased publishing the fitness magazine, which was geared toward women over 35, with the July/August issue.

So Weider Publications, which also produces such magazines as *Muscle & Fitness* and *Men's Fitness*, decided to finish fulfilling subscriptions with *Shape*, which pitches itself to women ages 18 to 34 with headlines like, "Will you ever like your body? Start now with our hands-on guide" (October) and "Sexual Bliss: Why true intimacy is a must and how you can have it" (August). Subscribers hadn't

been given a clue about the change, save a brief postscript at the bottom of the September publisher's letter in *Shape*.

This miffed many readers, who complained that they hadn't been given a choice in substituting the spunky *Shape* for the more moderate *Living Fit*. One perturbed 35-year-old subscriber from San Diego, contacted through the magazine's on-line forum, says that when she saw the cover of *Shape*, she thought "it was humorous. There was a girl in a bikini or something." A Seattle reader commented on the forum: "I am a fit 48-year-old and will never look like that girl on the cover again!"

Louisa Liss, a spokeswoman for Weider Publications, says that "a business decision was made in June 1998 to discontinue *Living Fit*" because revenue pro-



Readers were miffed when their subscriptions to *Living Fit* were replaced with the more youthful *Shape*.

jections weren't being met (circulation was 320,000, versus 1.3 million for *Shape*). She explains that the Audit Bureau of Circulations allowed Weider to transfer subscriptions to a "homogenous and logical fit."

Readers who don't want *Shape* (or who already receive it), Liss says, can simply call the subscription hotline and request *Natural Health* or another Weider magazine or ask for a full refund. That's not good enough for a 37-year-old reader from North Carolina (also reached through the on-line forum), who says, "It is bad business to switch magazines on a person after they have paid for it and are expecting it." —Kimberly Conniff

## FACE TIME

# NOT SO SLY FOX

**W**ITH THE 1998 WORLD series as a highly rated backdrop, Fox Sports brought the world the next frontier in product placement—people.

Instead of relying solely on conspicuously placed banners and between-at-bat sitcom promos, Fox executives put their hottest commodities—stars who attract the coveted twentysomething demographic—right in the camera's eye. Calista Flockhart of *Ally McBeal* fame played ignorant during a close-up that caught her with a Yankees cap sitting awkwardly atop her head. The network also spotlighted Luke Perry, who, as an announcer proclaimed with half-hearted enthusiasm, has returned this fall to Fox perennial *Beverly Hills, 90210*. And fellow *Ally McBeal*-er Lisa Nicole Carson was tapped to sing the national anthem prior to Game 4.

The opportunity to stage such plugs

is "why we pay for high-profile sports events—for the promotional platform they allow us," says Vince Wladika, a spokesman for Fox Sports. The spots are coordinated, he explains, by the sports and entertainment divisions—a process made simple by David Hill, who oversees both. Representatives from the two divisions, says Wladika, conferred to decide which products—er, celebs—should bathe in the glow cast by a fairy-tale baseball season. Plans were made with the actors, camera operators were informed of who would be where when, announcers were given their lines—and candid, made-for-television moments were born.

Other Fox ventures arranged for some sun to shine on their stars, too. The network's roving camera just happened



Calista Flockhart and Luke Perry at the World Series: consummate baseball fans, or human advertisements?

upon Bruce Willis and Denzel Washington, who just happened to be starring together in a new movie, *The Siege*, which just happened to be produced by Twentieth Century Fox. The twosome noticed the cameras and mikes and struck up a canned, publicity-friendly conversation.

Shots of other planted actors in the stands, like Rob Estes and Kelly Rutherford from *Melrose Place*, so clearly reflected Fox-centrism that, when the cameras panned to superstar comedian Billy Crystal, announcer Joe Buck clarified for the viewers that, in fact, Crystal "does not have a show on Fox." Crystal's appearance, says Wladika, was evidence that "we'll show who's ever there." But it doesn't hurt if your zip code is 90210.

—Katherine Rosman



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# The Coin Of The Realm

The current White House scandal is manna for those bent on slipping new phrases into the lexicon, but the author can't seem to capitalize.

IN A TIME COLUMN LAST MARCH, I REFERRED TO THE Washington pontificators of Sunday morning television by a term I'd been using for some time at home whenever I spoke of them: the Sabbath Gasbags. When one of the Sabbath Gasbags seems about to unburden himself of some views on what the Gasbags like to call The American People, I said, you would be well advised to hit the mute button.

Starting around Super Bowl Sunday, for example, the Sabbath Gasbags told us roughly every ten minutes that The American People would demand to know precisely what went on between Bill Clinton and Monica Lewinsky. As it turned out, The American People, according to every survey taken, never demanded to know precisely what happened between

Bill Clinton and Monica Lewinsky; to this day, in fact, The American People could be described as somewhat irritated at having been told precisely what went on between Bill Clinton and Monica Lewinsky. It was the Sabbath Gasbags who wanted to know precisely what went on between Bill Clinton and Monica Lewinsky; as a subject for learned Sunday morning commentary, it was obviously going to be preferable to the budget debate.

I was quick enough in analyzing the agenda of the Gasbags, but it has since occurred to me that I may not have looked carefully at my own motives. Could it have been that I was gently laying the phrase "Sabbath Gasbags" on a soft breeze in the hope that it might float into the language? I'm not above that sort of thing.

A desire to sneak a word or a phrase into the language—even if it's just that tiny corner of the language used mainly by political

junkies—is a common affliction among scribblers. It's a desire that can lie dormant for years and then be energized by something like the current White House scandal. Witness the desperate attempts of my fellow jackals of the press to tag the scandal itself with a term so palpably apropos that others are forced to use it. The on-line magazine *Slate*, for instance, appears to have promulgated a policy of always referring to the scandal as "Flytrap"; *Slate* uses the term over and over again, like parents addressing their little darling as Millard at every possible opportunity in the hope that he and his friends will thus get it through their heads that his name is not Stinky.

I rather like the term "Flytrap." It's evocative, and it's evenhanded. Just saying it is a reminder that the scandal exists partly because Clinton is a man who, as they say back home, can't keep his fly zipped and partly because he walked into a trap laid by what Hillary Clinton referred to hyperbolically as "a vast right-wing conspiracy"—a phrase that I said at the time would have been more accurately expressed as "creepy little cabal." Still, "Flytrap" has not been accepted into the language. Neither, alas, has "creepy little cabal."

Was I trying to sneak in "creepy little cabal?" Could that be why I repeated it in this very space last month? Okay, I wouldn't have been sorry to see "creepy little cabal" become the shorthand to describe Richard Mellon Scaife and Linda Tripp and Lucianne Goldberg and that little nest of dorky lawyers from The Federalist Society. I realize that it is not evenhanded, but neither is "sexual McCarthyism," the only phrase from the scandal that seems to have much chance of still being with us at that blessed point in the next millennium when someone might actually say without irony, "What ever became of Monica Lewinsky?"

People do say "vast right-wing conspiracy," of course, but only sarcastically, as a put-down of Hillary Clinton. What I have in mind is more on the order of slipping a phrase into the language with no identifying mark, the way John Alsop, whose brothers were the journalistic Alsops, is said to have slipped in "egghead." It isn't a word you see much anymore, but when I do run across it I like to imagine John Alsop smiling with pleasure

*Contributing editor Calvin Trillin is the author of Family Man, published in June by Farrar, Straus & Giroux. He is also a columnist for Time, a staff writer for The New Yorker, and a contributor to The Nation.*





## THE WRY SIDE

as he reads a column that dismisses some intellectual who's dabbling in politics as an egghead.

Some time in the early seventies, when I was traveling around the country to do a series of reporting pieces for *The New Yorker*, I began to write about an affliction I had isolated and named rubophobia—not the fear of rubes but the fear of being thought of as a rube. A lot of American cities, I thought, were controlled by rubophobiacs, intent on pointing out to any visitor that they lived in a major-league city that had a symphony orchestra and an international airport and a domed stadium and the sort of restaurants I referred to generically as La Maison de la Casa House, Continental Cuisine.

When I used the word in a *New York Times* op-ed piece in 1976, the copy editor insisted that it was spelled with an "a" rather than an "o"—rubaphobia.

"But I made it up," I said. "It seems to me that if I made it up, I should be able to spell it any way I want to."

"Sorry," the editor said. "We spell it with an 'a.'"

"But you've never spelled it before," I said.

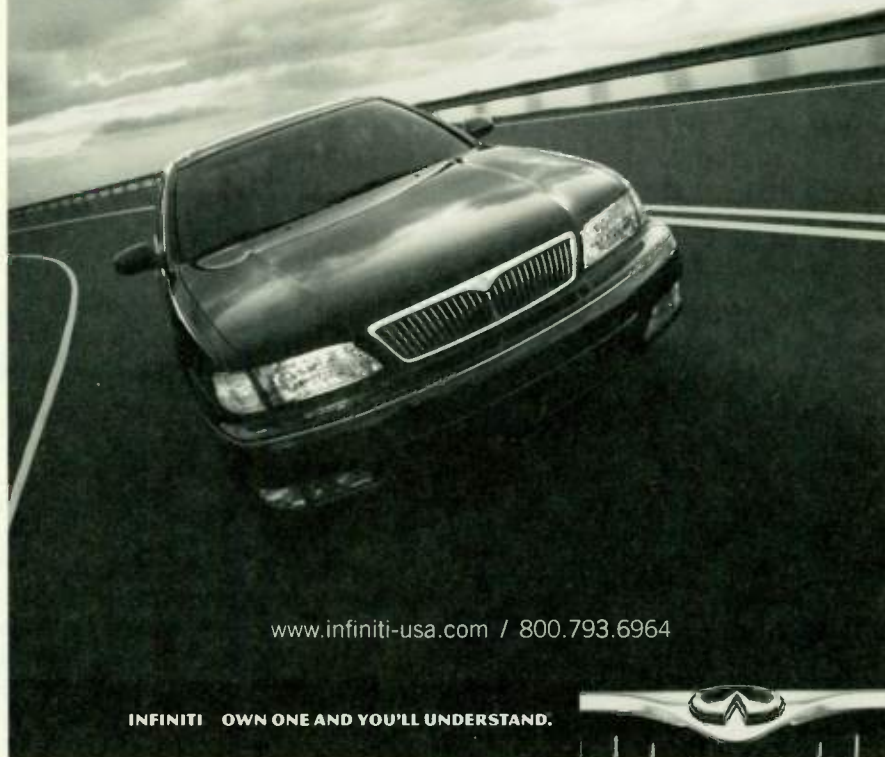
"This is *Times* style," the editor said, ending the conversation.

This summer, more than 20 years after that op-ed piece, I finally saw the word used by someone else in print—in the *Times*, in fact. It was spelled rube-aphobia—not, I have to point out, *Times* style. It was identified as a term that was heard around Texas in the eighties and meant fear of being taken for a rube. I don't doubt that it was heard around Texas in the eighties. In places like Houston and Dallas during that era, rubophobiacs were thick on the ground. I was, of course, proud to see the word, but I would have been a lot prouder if it hadn't required an explanation.

And what are the chances of seeing "Sabbath Gasbags" in the *Times* 20 years from now? I'm not optimistic. After I used the term again in a *Time* column in October and then on the Imus show, Frank Rich mentioned it on the *Times* op-ed page—but with an explanation and my name attached. That's a long way from picking up a newspaper and reading something like "Despite the Washington meetings, there was little talk of the Middle East among the Sabbath Gasbags yesterday..." or even "This is not the first time someone has gone from being a White House aide to appearing on television as a so-called Sabbath Gasbag..." Yes, the more I think about it, the more I think I'd settle for "so-called."

51

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# Ugly Tactics Indeed

Salon's former Washington bureau chief explains how he lost his job by loudly objecting to "ends justify the means" journalism.

*The on-line magazine Salon was the first news outlet to publish the details of an extramarital affair House Judiciary Committee chairman Henry Hyde had more than 30 years ago. Questions about reporting that story so long after the event caused a major dust-up at Salon, where Washington bureau chief Jonathan Broder, who argued against publication, resigned. The following exchange between Broder and Salon's editor and CEO, David Talbot, illuminates the controversy.*

Jonathan Broder says he tried—and failed—to prevent the on-line magazine Salon "from plunging deeper into the muck of sexual disclosure and partisan posturing."

## JONATHAN BRODER

A FRIEND FROM JERUSALEM CALLED ME RECENTLY to commiserate. Surfing the Web, he learned that I had been forced to resign as Salon's Washington bureau chief after publicly questioning the on-line magazine's exposé of an affair that House Judiciary Committee Chairman Henry Hyde had conducted with another man's wife more than 30 years ago.

"You're the Crispus Attucks of the Lewinsky scandal," he joked, grandly comparing me to the first American to die in the Revolutionary War. The irony, of course, was that I had become the first journalist to lose his job in the Lewinsky war—not for journalistic excess, but for my futile attempt to prevent my publication from plunging deeper into the muck of sexual disclosure and partisan posturing.

But there is more than irony to the story of my ouster. It's a cautionary tale, a lesson about what happens when one tries to apply old-fashioned journalistic brakes to the competitive new world of web reporting and to a runaway story of sex and power that has deeply divided the nation—and the media. When I first heard about the Hyde affair from a friend of the woman's ex-husband early this summer, I, like many other reporters whom he contacted, decided to pass. My reasons lay in the questions and judgment calls that responsible journalists are obligated to consider in such situations:

•Was there a public issue involved? No. Hyde's lover was not on the public payroll, was not a foreign agent, had not gone public with the affair herself, and had not slapped Hyde with any kind of suit.

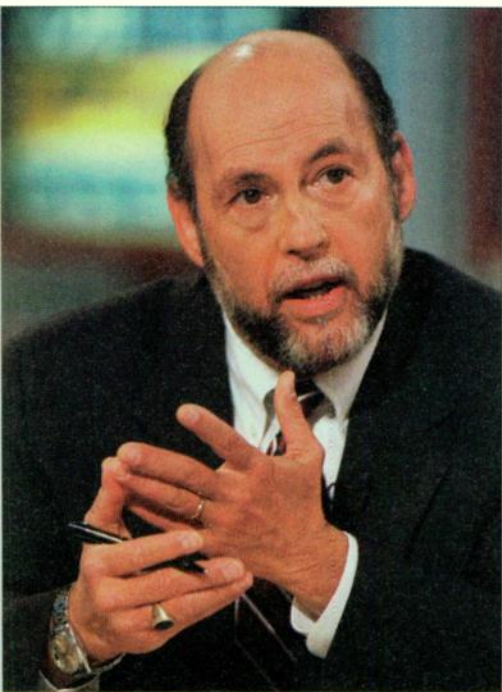
•Was there hypocrisy on Hyde's part? Again, the answer is no. Unlike Rep. Helen Chenoweth, the Idaho Republican whose sexual exploits, dug up by reporters, made a mockery of her public moralizing about President Clinton's behavior, Hyde had maintained a gentlemanly silence about Clinton's private life. To be sure, Hyde has moralized about family values, but usually in the context of his strong stand against abortion. On the issue of Clinton's sexual behavior—the issue at hand—there was no sanctimony on Hyde's part.

•Lastly, was the Hyde story relevant? Hyde's affair had occurred more than 30 years ago. Once again, the answer is no.

In short, the Hyde story simply did not cross the journalistic threshold and I therefore brushed it off.

At the beginning of September, I learned that the source of the story had called Salon's editor, David Talbot, and that Talbot had bitten down hard. In conversations with the managing editor, David Weir, and with Talbot himself, I strongly advised them to leave the story alone. When it became clear that Talbot was going ahead, I sent him a lengthy memo that outlined not only my journalistic reservations but also my concerns for Salon's reputation. As a result of Salon's stories last March about alleged payments by President Clinton's political enemies to key Whitewater witness David Hale, some on the right had tagged the magazine as a carrier of White House water. "Deservedly or not, Salon already has a pro-Clinton reputation," I wrote.

"With the story you are now planning to run, which I do not believe meets the journalistic threshold, Salon will be indelibly stained as a vicious Clinton attack dog," I said. Moreover, I reminded Talbot, Salon's editorial line had consistently decried Ken Starr's use of Clinton's sexual past to destroy his presidency. Should Talbot run the Hyde piece, "there is no way in the world that you and Salon will escape broad censure as hypocritical thugs," I wrote. I also raised a practical argument on the phone. Already I was having trouble getting my calls returned from far right groups and individuals like the Christian Coalition, Paul Weyrich, and Gary Bauer. If the Hyde story ran, I cautioned, Salon would have difficulty getting any Republican member of Congress to return its calls.





With an impeachment inquiry coming up, *Salon's* Washington bureau would be severely limited in its ability to report. I also raised the possibility of similar problems down the road if a Republican won the presidential election in 2000.

Talbot did not reply, but I received a memo from Weir. "Thank you for your concerns, all valid and well reasoned," he wrote, adding that they had decided to publish the Hyde piece anyway. "In the end, we are acting out of a high sense of obligation, not to any source, nor to any political idea, nor with any attempt to unnecessarily harm anybody. We have no ill will. Our obligation as journalists is only to the public, and we intend to meet that responsibility."

Asking me not to speak to anyone about the piece, Weir noted that *Salon* would run an "editor's statement" alongside the Hyde story that would explain why it was appropriate to publish it. "I would appreciate you studying [the statement] in order to be able to represent *Salon* and explain our action—even though you have deep reservations," he wrote.

I did not receive an advance copy of the Hyde story or the editorial statement.

I read both after they were posted on *Salon's* website on September 16. The story recounted Hyde's affair in the 1960s with a beautician named Cherie Snodgrass. The black-and-white photo that ran with the piece—a 41-year-old Hyde, dark-haired and slender, with Snodgrass in a beehive hairdo—only underscored the time that had passed since the affair.

But the accompanying editor's statement—my "talking points," if you will—took *Salon's* decision to publish the story to another level altogether. After Weir had assured me of *Salon's* absence of malice and its "high sense of obligation," the statement, taking a family-values remark by Hyde out of context, painted him as a sanctimonious hypocrite. Then came the real corker. "Aren't we fighting fire with fire, descending to the gutter tactics of those we deplore?" the statement asked. "Frankly, yes. But ugly times call for ugly tactics. When a pack of sanctimonious thugs beats you and your country upside the head with a tire-iron, you can withdraw to the sideline and meditate, or you can grab it out of their hands and fight back."

The editor's statement only compounded the damage *Salon* had caused itself, as well as my own dilemma. These remarks were not the measured thoughts of a journalist; they were a populist rant, one that easily could have been penned by a partisan political operative like James Carville or the late Lee Atwater. Talbot and *Salon* had clearly and defiantly crossed the line into new, journalistically forbidden territory.

But I held my tongue, neither promising *Salon* I would keep silent nor sharing my real anguish when reporters first began to call me for comment. I spoke out when I received a call from *The Washington Post's* media writer, Howard Kurtz, and only then after Kurtz informed me that Talbot, in an earlier conversation with Kurtz, had referred to my reservations about the Hyde piece to underscore how torn *Salon* was about publishing it. With my name already in the public arena, I felt I had to answer truthfully when Kurtz asked me why I had objected to the story's publication. "I objected to it on journal-

istic grounds, on grounds of fairness and because of the way *Salon* would be perceived," I told him.

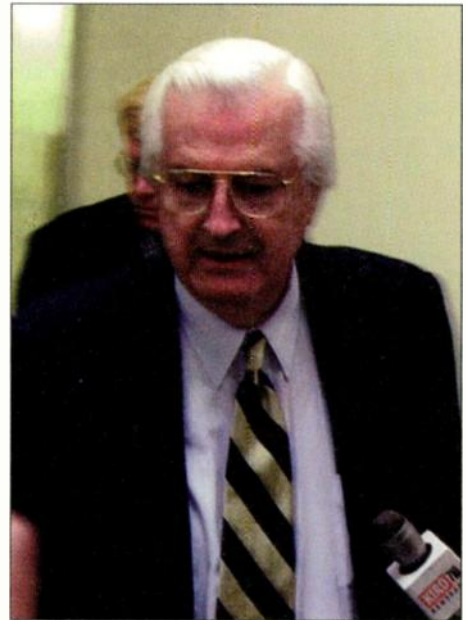
The next day, Talbot left a blistering message on my voice mail. He said he was so angry about my remark to Kurtz that he wanted to "strangle" me. If I ever spoke that way again, he warned, I would be fired. I called *Salon*. Speaking to one of the magazine's vice-presidents, I offered to resign. This executive ordered me to take a few days off to cool down and think things over. The following Monday, September 21, I suggested I fly out to *Salon's* San Francisco headquarters to see whether Talbot and I could work out our differences like professionals. Ultimately, I said, that may not be possible, but we owed it to each other, and to *Salon*, to try.

The meeting never took place. Talbot called the next day. "I

**David Talbot offered a severance package if I kept quiet about the Hyde affair. Never one to like the taste of a gag, I refused his bid to buy my silence.**

understand you offered your resignation, and I've decided to accept it," he said. I asked if there were any point in trying to discuss our differences, or if his decision was final. "It's final," he said. Talbot offered a severance package on condition I speak no further about the Hyde affair. Never one to like the taste of a gag, I turned down Talbot's bid to buy my silence and resigned. Since then, Talbot has justified his decision to oust me by saying I was disloyal by speaking to Kurtz and that I violated the fundamental trust between employer and employee at a time when *Salon* was coming under heavy fire. To that I can only say: If you can't stand the heat, get out of the kitchen. Surely, if Talbot was ready to absorb the opprobrium that he knew would result from his publication of the Hyde piece, then one more criticism—even from inside *Salon*—should not have mattered. That he turned it into a firing offense makes him appear thin-skinned and authoritarian—an odd image for the editor of a liberal magazine that touts its divergence of views.

But there is one more issue here. The trust that Talbot holds so dear is a two-way street. In journalism, a reporter, particularly one who is on his own, far away from the home office, also must be able to trust the fundamental news judgment of his editors. I'm not referring to minor judgement calls, but to core issues of journalistic fairness, ethics, and objectivity. For *Salon* to have ordered me to defend the Hyde piece publicly when the editors knew how strongly I objected to it was



Broder says he felt *Salon* should steer clear of reporting on Henry Hyde's 30-year-old extramarital affair. Broder's boss disagreed.



unfair itself. But to have expected me to demonstrate my loyalty by echoing their misguided “ends justify the means” rationalization was to ask me to lie. At that point, it became a choice between my loyalty to *Salon*’s “ugly tactics” and my loyalty to my own credibility. I decided to go with myself. If that’s disloyalty, then I plead guilty with no remorse.

Meanwhile, colleagues and friends have been calling to offer their thoughts. Though some disagree with my opposition to the publication of the Hyde piece, there seems to be general agreement that Talbot overreacted by demanding my resignation. Colleagues reminded me of spectacular newsroom blowups at *The New York Times*, *Newsweek*, *The New Republic*, *The Nation*, and CBS News, where reporters publicly disagreed with their editors over journalistic issues and survived. CNN’s Candy Crowley told her network’s media show, *Reliable Sources*, on October 3, that “we shouldn’t...have our jobs on the line because we say, ‘Look, that was a wrong decision.’ I think that’s what journalism is all about.”

Perhaps the biggest surprise, however, is that few have seen fit to address publicly the fairness of the Hyde story. At first, many journalists tried to prove that the White House was behind the story, but when that failed, they quickly lost interest. Meanwhile, liberal columnists—the kind of writers one would hope to hear when low blows are landed and when a fellow scribe gets axed for saying so—have been oddly silent.

On second thought, it’s not all that odd. I now understand that my fatal error was to view Hyde as an individual, entitled to the same journalistic considerations that are applied when

editors weigh stories about the private lives of other individuals. I did not understand that in the deeply polarized and politically supercharged atmosphere now surrounding the impeachment debate, those considerations would be no match for the need to portray Hyde as the gander to Clinton’s goose. Shame on me. I should have known better. After all, I’ve covered enough wars to know that in the heat of battle, truth is the first casualty.

One last thought: Many people have asked me why Talbot decided to run the Hyde piece, given the predictable firestorm that followed. On one level, an answer to that question lies in *Salon*’s now-notorious editorial statement. But I suspect there’s another reason. In addition to his title as editor, Talbot is also *Salon*’s CEO and a major stockholder. Last March, when *Salon* was gaining attention for its investigative reporting, the *Online Journalism Review* asked Talbot how he was building *Salon*’s brand name to distinguish the magazine from other on-line publications. “I think your editorial operations can get you news, as we’ve been doing lately with the stories we’ve been breaking,” he said. “It’s free PR in a way.”

With the Hyde story, Talbot the businessman proved himself right. *Salon*’s readership has increased greatly. In the view of many journalists, Talbot has damaged *Salon*’s journalistic credibility, but he can cry all the way to the bank.

I realized Talbot had won as I sat beside a stranger on a plane a few weeks after my ouster. When I told her I had worked for the on-line magazine *Salon*, her eyes flickered with recognition. “Oh yes, *Salon*. I’ve heard of that,” she said. “Didn’t you have some big story recently?” “Not me,” I replied.

## DAVID TALBOT RESPONDS

JONATHAN BRODER CLEARLY SEES HIMSELF AS THE EMBODIMENT of journalistic principle. And as such people do, when they have major differences of principle with their employers, they offer to resign, as Broder did. But Broder is now put out by the fact that, after some deliberation, I accepted his offer. His wounded self-righteousness strikes me as odd and disingenuous. Why would Broder even *want* to stay with *Salon* given how deeply his journalistic integrity had been offended by our Henry Hyde story?

Broder is conveniently imprecise. At times he has said that I fired him, at other times that I demanded his resignation, and at still other times that he proudly and defiantly offered his resignation. He should stick with his proud and defiant resignation story, which is the correct version.

Broder is slippery in other ways as well: Here he tells us that when he was contacted by Norm Sommer, the friend of the man whose family was wrecked by Hyde’s affair, he deemed the story beneath his standards. But this is not what he told Sommer or *Salon*’s editors. What Broder told us was that he was waiting for the proper time to pursue the story. Broder also fails to mention that despite his supposedly deep convictions against running the Hyde story, he eagerly offered to pursue rumors of another Hyde affair after his falling out with *Salon* editors. (*Salon* declined the offer.)

Broder withholds another key fact. Before proceeding with

the story, I had a lengthy phone conversation with him, in which he enumerated his objections to the story. After hearing him out, I told him that I was still going to run the piece, but that since he was a conscientious objector, I would report and write the story myself. I would personally take the heat—his name would not be attached to the piece in any way. I emphasized to Jonathan that *Salon* would not hold his sharp opposition to the story against him. But, because I knew the exposé would spark a firestorm around *Salon*, I asked him not to fan the flames against the magazine by talking to other publications about his objections to the piece. Broder agreed to keep our differences within the family.

After Broder violated this pledge a few days later by attacking *Salon*’s decision in an interview with *The Washington Post*’s Howard Kurtz, I did indeed leave a blistering message on his phone machine. I was angered not by the fact that a reporter would disagree with his editors over a story—*Salon*’s staff is made up of highly opinionated people who routinely make their views loud and clear. What infuriated me was the way Broder broke his promise to me and vented to a newspaper that has taken a very different view of the Starr investigation and the “venerable” Henry Hyde’s role in the impeachment process. In the weeks before the *Salon* exposé, the *Post* and *The New York Times* had taken great pains to build up Hyde as a 1990s version of the honorable Sam Ervin, a statesmanlike congressional figure above moral reproach. *Salon*’s Hyde article inconvenienced the *Post* and the



*Times*; it presented a facet of Hyde they'd rather not have had surface.

By spilling his feelings to Kurtz, Broder was clearly signaling the Beltway press club that he was one of them and should not be blamed for *Salon's* rash behavior. He made it clear that his true allegiance was not to his colleagues at *Salon*, but to his comrades in the salons of Georgetown and Capitol Hill. America's fin de siècle Clinton-Starr-Lewinsky tragicomedy has brightly revealed the yawning chasm between the insular Beltway media elite and the rest of the country. San Francisco-based *Salon* has maintained a feisty and independent perspective on Washington politics, zinging Clinton for his follies while shining the kind of intense light on Starr's probe that the media giants should have been doing long ago. While our refusal to join in the media's Clinton-lynching fever might have alienated some news sources in Washington, that's a price we'll pay for our independence.

Instead of unburdening himself to the *Post*, what if Broder had asked to publish a dissenting opinion about the Hyde story in *Salon's* own web pages? Would I have agreed to run it? Yes—and in fact *Salon* did run two pieces after our Hyde story that bitterly attacked the magazine's decision, one by our conservative columnist David Horowitz; the other was by Washington reporter Harry Jaffe, who rounded up a variety of negative comments from Democrats as well as Republicans.

Would I run the Hyde story if I had it to do all over again? Yes, though not for the mercenary reasons Broder suggests. I'm not aware of any executive who would gleefully put his company through the tempest *Salon* was forced to weather—bomb and death threats, computer hacker attacks, GOP attempts to

sic the FBI on us, and campaigns to stampede our advertisers.

The reason I'd do it again is simple: The public has a right to know about the private lives of those political figures sitting in judgment of the president's private life. For nearly a year now, the relentless Starr probe and an equally relentless media mob have joined forces to strip every last shred of privacy from President Clinton, supposedly all in the public interest. But when *Salon* dared to apply a bit of the same scrutiny to Clinton's chief judge in the House, the press suddenly suffered an attack of sanctimony and scolded *Salon* for its shamelessness. Does the press now want to restore discretion to public life? If so, *Salon* is all for it. But if the president is to be subjected to an endless strip search, the same methodology should be applied to his principal inquisitors—even those charming, white-haired rogues beloved within the Beltway culture, like Henry Hyde.

Independent web publications like *Salon* have a duty to think—and act—outside the Beltway box or the midtown Manhattan box; otherwise there is little reason for us to exist. I'm proud of *Salon's* fearless spirit. That's what a free press is all about.

Broder's true allegiance was to the "Beltway press club," says *Salon's* David Talbot.



## BRODER'S LAST WORD

AS THE FEISTY AND INDEPENDENT EDITOR THAT DAVID Talbot claims to be, he would be well-advised to get his facts straight. His claim that I told *Salon* I was waiting for the proper time to pursue the Henry Hyde story is untrue, as is his claim that I eagerly offered to pursue rumors of another Hyde affair after my falling out with *Salon's* editors. Here's what really happened:

In early summer, I received calls from two different people peddling two different stories about Hyde's sex life—one from Sommer, the other from a source who claimed to have knowledge about a more recent allegation involving a public issue. At the time, I informed my editors about both tips, concluding that Sommer's story didn't pass journalistic muster. The second allegation, I said, would be valid journalistically if it could be established that it was true, relevant, and that a public issue was indeed involved. Over the summer, I tried to reconnect with the source of this allegation but was unsuccessful.

In September, when it became clear that Talbot was going to run with Sommer's story, I sent him a memo arguing against its publication. In that memo, I wrote: "If we could get the second part of the Hyde story...then I would say we have a story that meets the proper journalistic thresh-

old." Contrary to Talbot's sneering suggestion that my loyalties belong to my "comrades in the salons of Georgetown and Capitol Hill," I was not trying to protect Hyde but *Salon's* journalistic reputation. By the way, my memo was sent on September 15, the day before *Salon* broke its Hyde story. In the acrimony that followed, I made no offer whatsoever to pursue the other Hyde allegation. Indeed, managing editor Weir asked me to provide details of the source so that *Salon* could pursue the story.

Lastly, Talbot dresses himself in borrowed robes, claiming that he would have gladly run a dissenting piece about the Hyde story by me. The fact is he never suggested such a piece in response to my arguments against its publication. In fact, Talbot never responded at all. The only response I received was from Weir, and his instructions were clear: Toe the line, defend the Hyde piece, even though you disagree. That's a far cry from Talbot's after-the-fact attempt to portray himself as open-minded. One more thing: I never promised anyone at *Salon* I would toe the party line.

It is now clear that Talbot's sorry credo, "Ugly times call for ugly tactics," also extends to anyone who challenges his brand of below-the-belt journalism. "Why would Broder even *want* to stay with *Salon* given how deeply his journalistic integrity has been offended by our Henry Hyde story?" he asks. I can answer that one. I don't anymore. ■



## And Protection For All

We need to protect individuals from unwarranted media intrusions. But we also need to secure the media's right to engage in legitimate muckraking.

**T**HE BIG MEDIA STORY IN THE NEWS THIS SUMMER WAS the Time/CNN mea culpa for reporting that America used nerve gas during the Vietnam War. That story, which appeared at about the same time as reports about various journalists fabricating stories, led to a torrent of articles on the need for greater media accuracy and accountability.

Meanwhile, away from the limelight, Dan Troy, a lawyer for both the National Association of Broadcasters and the Radio and Television News Directors Association, was singing a different tune. He spent the morning of May 11 arguing to the U.S. Court of Appeals for the D.C. Circuit that it should require the Federal Communications Commission to vote on abolishing its "personal attack" and "political editorial" rules. Those rules require broadcasters to provide rebuttal opportunities to candidates whose opponents are endorsed in televised editorials, and to individuals who wish to respond to attacks on their character that occur during televised discussions of public issues.

In short, Troy was arguing for less accountability on the part of the single most powerful member of the fourth estate.

At first blush, it appears that Troy was suffering from a case of unlucky timing. As television news increasingly seems to be adopting the values and priorities of tabloid journalism, does it really make sense to diminish the rights of those who feel unfairly treated by television coverage?

No. But at the same time that we want to strengthen the rights of those mistreated by broadcast TV coverage, we should also want to strengthen the rights of broadcast journalists who report aggressively. Unfortunately, our current policies do neither.

The two rules attacked by the broadcasting establishment grew out of the "fairness doctrine," a rule that required broadcasters not only to cover issues of public importance but also to provide "balanced" coverage of such issues. The FCC repealed this rule, one of the *bête noirs* of the political right, during the Reagan era. The FCC did not take this action because it found that balance had actually been accomplished, but instead relied



on the assumption that the proliferation of media outlets assured that both coverage and balance would be achieved.

Even during the remainder of the Reagan and Bush administrations, the FCC never repealed the political-editorial and personal-attack rules, leaving that battle for another day. Today, the commission is deadlocked 2–2 on the issue, with its fifth member, Chairman William Kennard, unable to vote because 17 years ago, as a young lawyer, he worked on the issue on behalf of broadcasters.

So now the fight moves to the courts. But while this battle continues, the reality is that there are virtually no instances of enforcement of these rules by the FCC, and there is no public concern about the impact of these rules on TV stations.

Rather, there is justifiable concern about how we can protect individuals from unwarranted and factually groundless allegations that can wreck lives. And there should be similar concern about how we protect the media when they engage in serious muckraking.

Most would agree that, on the print side, two glories of our country are *The Washington Post* and *The New York Times*; in each case the owning family balances market values with a strong sense of responsibility to the country.

Indeed, print journalism generally has a richly developed sense of ethics. It has letters to the editor, ombudsmen, and other traditions that generally support the strong First Amendment protection given to print media.

The broadcast business, on the other hand, has few of these

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traditions. One might think greater government oversight of broadcasters would inspire more ethical standards, but it appears the traditional FCC reluctance to enforce these rules has given us the appearance of ethics mandated by rules and the reality of no living ethical standards.

So let's start anew. The first principle: a clear and absolute commitment that government should never reward or punish any broadcaster for the content, point of view, or opinions expressed by that broadcaster.

Second, we could agree that for broadcast television, which as a matter of law is a public medium and not merely a private voice, we need policies that make it more likely that news is broadly and fairly communicated. The best way to do that would be for the broadcast industry itself to adopt and enforce its own fairness policies.

But industry self-regulation, while good in principle, is unlikely to happen. Since the Justice Department eliminated the broadcasting industry's voluntary advertising code in 1982, the industry has consistently opposed calls for self-regulation. So the FCC shouldn't feel shy about encouraging broadcasters to adopt fairness practices by, for example, offering enhanced protection against claims of unfairness to broadcasters who employ an independent ombudsman to review complaints and who make broadcast time available when the ombudsman determines that fairness so dictates.

A third principle would be to ensure that the law protects TV journalists from liability for actions undertaken in gathering and reporting the news. This would deter libel actions and the various other suits that hinder vigorous TV journalism.

For example, after ABC's newsmagazine *PrimeTime Live* ran an unflattering piece on Food Lion, the grocery chain sued. But it didn't sue the network for libel, which would have required proving the broadcast was false. Instead, it focused on the investigative techniques—such as the journalists faking résumés and using hidden cameras—and sued for fraud. The jury imposed \$1,402 in actual damages and \$5.5 million in punitive damages, later reduced to \$315,000.

An example of the chilling impact of such suits occurred in November 1995, when CBS news executives pulled a 60 *Minutes* segment on the tobacco industry that featured an interview with Jeffrey Wigand, a former Brown & Williamson Tobacco Corp. executive. CBS explained that it pulled the interview—which eventually aired—out of fear of potential liability for “tortious interference” with a contract, because of Wigand's nondisclosure agreement with his former employer.

Many critics lambasted CBS, accusing the network of letting its liability concerns overwhelm its journalistic responsibilities. After all, they said, the legal theory behind the Brown & Williamson threat was fairly arcane and remote.

That might be the case for the print media, but broadcast executives in fact have reason to fear such suits. That's why the government should adopt the rule suggested by some commentators that the tort of interference with contract not be applicable to print or TV journalists. The public good may be served by getting certain information out in the open; that

interest, however, can easily clash with the interests of a party to an agreement that is aimed at keeping information hidden. At the very least, First Amendment principles should protect routine reporting techniques such as asking questions and getting voluntary answers—including those that involve confidential or restricted information—so that news gatherers need not fear contract tort actions.

Further, the courts should set a higher burden of proof for plaintiffs challenging news-gathering activities, as advocated by ABC in its appeal of the Food Lion case. Courts, recognizing the importance of the First Amendment, could require plaintiffs to demonstrate that their interest in redressing a reporter's actions substantially outweighs the public's interest in gathering the news. While there can't be any outright ban that would elimi-

## Courts should recognize that journalism requires behavior that when done by others would be actionable.

nate any threat of a suit, courts should recognize that journalism requires behavior that when done by others would be actionable.

A fourth principle would be protection of sources. Thirty states have enacted shield laws to protect journalists from having to testify or produce materials obtained in confidence. We need to strengthen these laws to protect whistle-blowers and other sources who don't currently enjoy protection from the discovery process.

In short, First Amendment protections should be applied to cover the way news is gathered in addition to what news is published. But instead of heading in the direction of more protection for responsible news investigation and reporting, at least one court is forcing the FCC to take a more hostile stance toward broadcast journalism.

In early 1995, a U.S. citizen of Ukrainian ancestry alleged that a 1994 60 *Minutes* segment intentionally distorted the truth by giving the impression that all Ukrainians harbor a strongly negative attitude toward Jews. The plaintiff asked the FCC to block the sale of a television station to CBS, questioning the network's fitness to hold the license. Instead, the FCC threw the petition out without holding a hearing.

This past summer, the U.S. Court of Appeals for the D.C. Circuit reversed that decision and ordered the FCC to hold a hearing if the petitioner raises “a substantial and material question of fact.” A hearing in this case clearly deters newsmagazines from reporting on this kind of story, even though it's an important way to cover the issue of prejudice in America.

The FCC should be able to throw the case out quickly. Instead of focusing on nitpicky procedural reviews, the FCC and Congress should take every opportunity—and the courts should help—to protect responsible TV news gathering.

But broadcasters should realize that if they did more to assure the public that its concerns about fairness were being addressed, the regulators might have greater discretion to stay out of journalism's way. ■



# Killer Columnist

From behind bars, a murderer takes readers into a world they hope never to know firsthand.

**T**WELVE YEARS AGO, WE SET OUT TO EXPAND THE *CONCORD Monitor's* reach into the community through a board of local contributors. In those years, we've had a poet, a pro-gun lobbyist, a former state supreme court justice, teachers, farmers, activists, and environmentalists write for our editorial pages. But Exhibit No. 1 for the success of the board is a murderer.

Ray Barham is now the *Monitor's* most beloved columnist. His beat is New Hampshire State Prison, where he is more than 17 years into a sentence of life without parole for killing a man who slept with his ex-wife.

Ray began writing for the *Monitor* in 1987 after a prison-needs committee bought him a Sharp word processor. On the basis of a sample column, I selected him to be one of 15 to 20 local people who would each write four or five times a year. The prison is in Concord, and Ray's initial aim was to put a human face on life behind bars by showing readers that, as he put it, "most convicts in New Hampshire were ordinary native sons with regular skills and talents." But his fertile mind soon took the column in diverse and surprising directions. Five years ago, he became a columnist for the *Sunday Monitor*, and—except for spells when he has been depressed or has run short of ideas—he has written every other week since then. Competing against free-world professionals, he has won several regional writing awards.

More important, he has won the hearts and minds of hundreds of *Monitor* readers. Ray is 69 years old and suffers kidney and prostate problems. In late August, he was called in for a random drug test and could not produce urine in the allotted three hours. He faced sanctions, including the possibility that he would be forced to give up his word processor. Over the next two weeks, you'd have thought from reading our letters to the editor that an epidemic of bladder and kidney failure had struck New Hampshire's capital. "I for one know how hard it is to provide a urine sample on demand," wrote one reader. "How many of you go to your doctor for a routine physical, are given the little jar and told give me a sample immediately?" wrote another. "It is not easy." The letter writers' intervention made a difference, too, pressuring prison officials to reconsider. A prison doctor has exempted Ray from drug testing.

Early last year, Ray's work had been absent from the *Monitor*



for several months, and I wrote a column explaining that he had stopped writing because he was ill and downhearted. In the next week, Ray received 42 letters from readers, many long, articulate, and personal. "When I read about you in the *Sunday Monitor*, I felt sad to know that you are ill and have lost hope," one woman wrote, "but I have not lost hope for you." A retired English teacher instructed Ray to recognize that writing had become the essence of his life. "You are what you are because you can tell us about yourself," the man wrote. "Please, write again, soon!"

This extraordinary rapport with a readership he cannot see in a world he will never again inhabit has given Ray something to live for. Through his words in the newspaper, he has reconnected with a society that banished him for his crime. Still, part of Ray would just as soon die. He sometimes calls his sentence "life without hope," and he is no stranger to suicidal thoughts.

What pulls him back is an almost boyish wonder that his columns have moved readers to look beyond his status as a pariah. In his early days of writing for the paper, Ray saw himself as a novelty. "No one's going to convince me that in my old age I became a great writer," he said shortly after his first columns appeared. "What I am is a dog who can play poker. It isn't how well I do it that counts. It's that I do it at all." He long ago transcended the novelty stage. He is now a community asset, with a large and loyal following.

Of course, this feeling is not universal. Each time Ray is in the news, at least one writer seizes upon the opportunity to bash the newspaper for publishing his columns. "Showing any

Convicted killer Ray Barham offers *Concord Monitor* readers a truly inside perspective.



mercy whatsoever to someone convicted of murder is a slap in the face to victims' families everywhere," a reader wrote after Ray's recent drug-testing story. "This guy should have nothing but misery for the rest of his days."

Before Ray became prisoner No. 14474, he lived a rich and varied life. He is a native of Maine who was raised in Boston. His boyhood heroes were Ted Williams and the curator of the reptile house at the Bronx Zoo. He played the trumpet and ran away to New York at 15 to become a jazz musician. He was a reluctant infantryman in the Korean War, and his résumé sounds like a casting call for a Humphrey Bogart movie: piano player, corporate executive, commercial fisherman, hotel keeper, broker, insurance salesman, newspaperman, disc jockey. He traveled widely and learned languages easily. He loves classical music and has composed choral pieces. He has written a novel.

Ray is a master storyteller, writing with humor and warmth, and over the years he has told the story of his life in the *Monitor*. But primarily he has told another story, shining a light into the forbidding darkness of prison. In 1994, a week after the arrest of O.J. Simpson, Ray's column began: "How was your first morning in jail, O.J.? I think I know." By that time, for *Monitor* readers, the insight behind these words was well established. Ray had introduced readers to honest career crooks and helpless screwups. He had given them an inside view of murders and a riot behind bars. He had taken them into solitary confinement, shared with them the prison's Christmas menu, explained to them the lowly place of sex criminals ("skinners") in the prison social order. He had profiled a Bible-thumping corrections commissioner whom he came to respect. And he had written about the cruelty of his sentence.

"A day marked off against something—no matter how remote—isn't the same length as a day marked off against nothing," he wrote in 1993. "[It's a] situation you can't improve, no matter what you do. An existence where virtue and excellence count for nothing."

That year, Ray wrote a column on the death penalty. No one has been executed in the state since a hanging in 1939, but New Hampshire people overwhelmingly support capital punishment. Ray speculated on why:

"Because they hunger for a security imperfectly remembered from their youth and denied them in a nuclear world no matter where they live. Because they want vengeance for outrages yet to be committed. Because they want a blood atonement for unchecked progress and for the changing values of today's society. Because they believe the fiction that all is serene once you pass Amesbury on the way north; that violence in New Hampshire is imported."

Ray knew how O.J. Simpson felt on his first morning behind bars for reasons other than his familiarity with prison linen. The murder that cost Ray his freedom was a crime of passion. His wife took up with another man, and he couldn't stand it. His rage did not end when they divorced. On a Sunday morning after church in August 1981, Ray shot the man in cold blood before his ex-wife's eyes. After the killing, he drove to a secluded road and prepared to carry out the second part of his

plan: suicide. By chance, a police officer he knew pulled into the road. Ray decided he was less interested in killing himself than in finding out what would happen next.

In part because Ray was a 52-year-old man with no criminal record before the murder, prosecutors offered him plea deals. He insisted on going to trial, and a jury convicted him of first-degree murder. The sentence—life without parole—was automatic.

**His extraordinary rapport with a readership he cannot see in a world he will never again inhabit has given Ray Barham something to live for.**

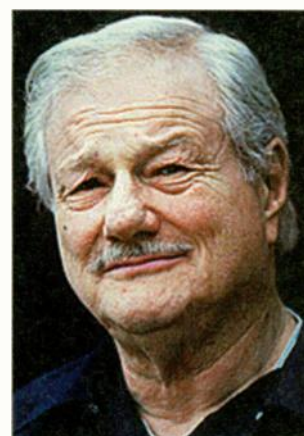
As much as writing for the *Monitor* has made Ray's sentence more bearable, it has also made it more difficult. His exercise of his First Amendment right is fraught with peril. He treats inmates with humanity in his column, but at heart, he is a law-and-order man wise to the prison chorus of bogus claims of innocence. Although some guards appreciate his intelligence, friendliness, and good manners, others make no exceptions in their animosity toward prisoners. Both inmates and guards resent his celebrity, and they are more likely than most people to act on their jealousies.

Prison administrators are aware of these fissures. Ray causes them headaches, but his column has humanized the prison. They go by the book, which says they can't show him favoritism, but they also know Ray is no garden-variety killer. The public feels a protective impulse toward him, and the infirmities of advanced age have made him even more human and sympathetic.

This power of the written word to penetrate the barrier between the prison and the public is, to me, a remarkable feat of community journalism. One goal of newspapers is to take readers places they themselves cannot go. By opening up the *Concord Monitor's* opinion pages to voices from the community, we have given readers perspectives that our reporters touch on only in passing. Ray's columns are the epitome of this broadening of the newspaper's reach into the community.

But the truly remarkable feat is the way the columns have transformed Ray. I have been his editor for 11 years, and we have become close friends. During Ray's darkest hours, I have reminded him repeatedly how much his writing means to *Monitor* readers. Of equal weight to me is what writing means to Ray.

His crime converted him into the writer he always was while consigning him for life to the world that became his subject. He once said that his goal was to win a Pulitzer Prize so that he could change the lead on his obituary. With or without the Pulitzer, he needn't worry about that. In this world, a murderer cannot be redeemed, but while paying the price for his crime, Ray has moved beyond it in the public's eyes as well as his own. Although he will never draw a breath as a free man, his writing—not the murder—is the defining fact of his life. ■



Barham's fertile mind has allowed him to take his column in diverse and surprising directions.



# clickthrough

## SAVING PRIVATE E-MAIL

The messages you save—and even those you delete—  
can come back to haunt you. • BY MICHAEL KADISH

IN TWO OF THE YEAR'S BIGGEST news stories, e-mail privacy played a small but crucial role. Some of the more salacious details in Kenneth Starr's report were drawn from e-mail that investigators recovered from Monica Lewinsky's office computer. And in Microsoft Corporation's anti-trust trial, the company intends to use a competitor's private, interoffice e-mail as evidence. What both cases demonstrate is what many people have already come to understand—personal e-mail written or received in the workplace ultimately may not be private. To assume that the law or technology protects e-mail privacy is a mistake. In fact, technology makes it difficult ever truly to erase e-mail from hard drives. And employers, law-enforcement agents, and others can legally lay claim to an individual's e-mail.

In many cases, an employer legally owns an employee's office e-mail. According to David Banisar of the Electronic Privacy Information Center, office e-mail is a business record; courts have ruled that there is no legal constraint on employers going through employee e-mail, or even voice mail, because both are considered the employer's property.

Under the rules of the Electronic Communications Privacy Act of 1986 (ECPA), an amendment to the 1968 wiretap statute, law-enforcement agents can intercept or recover any kind of e-

mail without the sender or recipient's knowledge by obtaining a court order within 180 days of the message's receipt. After that period the act allows law-enforcement agents to obtain a subpoena to tap e-mail, but a subpoena can be challenged in court by the e-mail recipient. The ECPA provided the means for Starr's office to obtain Lewinsky's e-mail. As a consequence of the ECPA, it's easier for your boss to play Big Brother than for the government to tap the e-mail of suspected drug dealers and terrorists.

E-mail is also vulnerable in civil suits. During a civil case's discovery process, attorneys are generally entitled to examine e-mail that belongs to opposing parties. In the Microsoft antitrust case, Microsoft's lawyers sought posts from Netscape Communication Corporation's internal private forums, where employees post complaints or criticism on topics ranging from cafeteria food to products and management. The lawyers may have been hoping that the e-mail would show that Netscape's own engineers believe their product is inferior.

How can investigators recover deleted e-mail from computers? Because of the mechanics of most operating systems, including Microsoft Windows and Mac OS, deleting a file rarely actually gets rid of it. In addition, many computer programs are constantly creating temporary backup files that experts can later recover. Andrew Rosen, founder of the computer-forensic company ASR Data, explains that files are stored on most operating

systems, much as books are stored in the library. A virtual card catalog reveals if the file's in, where it's located, and some information about the file. Deleting a file from a computer disk is akin to taking a card out of the card catalog: The book is still on the shelf. Computer-forensic experts don't need the card catalog to pull the book down. The file, says Rosen, "is just obscured from the normal view of the operating system in a somewhat trivial way....The file still exists where it was saved to the disk. Virtually without exception," Rosen continues, "deleting a file does nothing to the data. It just tells the computer to ignore the space."

Investigators can search for e-mail in a variety of places within the computer. Frequently, copies of e-mail or other files are automatically made by the operating system when printing the file or saving it on a floppy disk. One thing working in favor of privacy is that hard drives have a limited amount of space. Although a computer almost never *immediately* erases a file, it does overwrite old deleted files when it needs the disk space. So it pays to be productive. Filling the drive's memory means that the oldest deleted files are continually being overwritten. The flip side: Deleted e-mail can have a long shelf life on larger, underused hard drives.

A growing number of companies specialize in computer-crime investigative techniques, such as recovering evidence that has been deleted, hidden, or secured with a password. There are even software programs available, such as Norton Unerase (part of the Norton Utilities program), that anyone can use to try to recover deleted files. Companies like ASR Data and Computer Forensics Inc. help businesses secure or remove sensitive data stored on computers.

In Lewinsky's case, she lost any control over her old e-mail once her hard drive was in the hands of others. Users should know how to protect or clear old e-mail from their hard drive while it's still in their possession.

Assistant editor Michael Kadish wrote about security on America Online in the October issue.





A good way to clear a hard drive completely is by low-level formatting—or “zeroing out” the disk—accomplished by activating a kind of self-destruct button that eradicates the file-allocation table (or card catalog), according to Joan Feldman, founder of Computer Forensics Inc. “There is now no way to locate a particular file. It’s like looking for a specific grain of sand at the beach, making it pretty impossible to recover files,” she says. The drawback: The process is so thorough that nothing can be found again. It’s like the atom bomb of data removal.

For more selective erasing, programs such as Shredder by Infracore Corporation, Quarterdeck’s Cleansweep, and Norton Utilities will also help clean out your hard drive, but they are by no means perfect. They actually mask over old data, making it difficult or impossible to recover, but they can also leave evidence of their use, which will suggest to forensic investigators that someone is trying to hide something.

A more time-consuming but cheaper way to reformat your drive is to install, delete, and reinstall a massive application (i.e., Adobe Photoshop or Microsoft Excel) onto your drive again and again until all the space on the drive is filled with copies of that program. Divide the amount of memory the drive contains by how much the program takes up. Then simply install that many times.

Perhaps the most straightforward way to keep e-mail on a hard drive private is to keep the hard drive itself. When leaving a job, offer to buy the desktop computer from the company.

**B**ECAUSE THE ECPA SOMETIMES allows employers and law-enforcement agents to intercept e-mail as it’s transmitted, the best way to protect e-mail as you send it is by encrypting it. Encrypting an e-mail scrambles the file into an unintelligible mess of symbols, digits, and letters that can be understood only by using a corresponding decrypting program. The

technique is not new; messages in World War II were encrypted and understood with decoding machines. But computer encryption is a more complicated science.

Current encryption programs use “keys”—mathematical algorithms that scramble data—that can be so complicated they are considered unbreakable. The typical key size is 40 bits (which means that the number of encoding combinations is 2 to the 40th power, meaning that there are more than a trillion possible combinations—a figure that can be cracked by a good computer using the right program within a half hour). There are keys as large as 56 or 128 bits and higher. Because the size of keys grows exponentially, the amount of possible combinations rises rapidly. For example, a 56-bit key is equivalent to a 40-bit key multiplied by 2 to the 16th. Put in other terms, the trillion possibilities of the 40-bit key have just multiplied by 65,536. The same computer and program that needed only a half-hour to crack the 40-bit key now needs three years and nine months to crack the 56-bit key. The U.S. military reputedly uses a 128-bit key, which is theoretically unsolvable in anyone’s lifetime.

Various encryption programs can be downloaded on-line for free. Other programs are available commercially. One popular free program is Pretty Good

Privacy (PGP), which can be downloaded at [www.nai.com](http://www.nai.com). Most encryption programs are easy to download, install, and match up with a variety of e-mail programs; remember that the person receiving the e-mail generally needs the same program to decrypt it.

Encryption can also protect copies of office e-mail that may exist on an office server. Depending on the system in place and the skills of the MIS staff, e-mail on a server can be recovered. Another concern is that copies of e-mail may remain on the other computers and servers that make up the electronic mail route lying between the sender and receiver of a given message. This chain may stretch as long as dozens of computers and is only as secure as its weakest link. If a hacker breaks into that domain, he can see the list of files on it and read them unless the e-mail is encrypted.

“Generally e-mail is like a postcard—a typed postcard at that,” says Banisar of the Electronic Privacy Information Center. “Anybody can read it along the way and anybody could modify it, so we definitely recommend using encryption.” ASR’s Rosen agrees that people should be cautious about what they write in an e-mail: “If it’s not something that you would want to see on the six o’clock news, don’t send it through e-mail.” ■

# SURFING THE SKIES

By offering info once reserved for travel agents, travel sites have become a big business. ● BY NOAH ROBISCHON

**N**EEED A FLIGHT, A ROOM, A car? One in four American adult Internet users logged on between July 1997 and July 1998 to find one, according to Cyber Dialogue, Inc., a consumer research firm. As a result, on-line air, car, hotel, and travel package bookings reached \$654 million in 1997, according to a guesstimate by Forrester Research, Inc. (Different survey methods produce different results: Jupiter Communications, LLC, put the number at \$911 million; Cyber Dialogue says it was \$540 million.) A joint Nielsen Media Research/CommerceNet study found that 1.2 million people bought tickets or made travel arrangements on-line last year, and that 2.8 million did so in the first six months of this year (the results are based on a random phone survey of 5,000 people over age 16). Forrester estimates that 1.3 million American households bought tickets from on-line travel sites in 1997.

Forrester will not divulge which travel website is making the most money, but one popular Web-based travel reservation and booking service, Preview Travel, Inc., generated \$49.5 million in bookings during the second quarter of 1998 alone, more than double the amount it took in during the same period in 1997, according to the company's filings with the U.S. Securities and Exchange Commission.

These figures are impressive for an on-line business. Last year, travel was second to computer hardware in total on-line sales, according to Cyber Dialogue. This year it will take the No.

1 spot, according to Forrester. Even so, total Internet travel bookings accounted for less than 1 percent of the \$126 billion in domestic travel-agency sales last year, according to the American Society of Travel Agents. And research from Cyber Dialogue, based on random phone surveys of 1,000 Internet users and 1,000 non-Internet users, shows that eight times as many consumers look for travel information on-line as actually purchase a ticket. Fears about the privacy and security of on-line transactions are keeping consumers from booking more travel, and from shopping on-line in general.

The travel category includes four kinds of sites. All-in-one sites, such as

Expedia, Travelocity, Preview Travel, and Internet Travel Network, help users find the cheapest fares, reserve hotel rooms, and rent cars and also provide "destination guides." Airline sites, including those run by American Airlines, Delta Air Lines, and Northwest Airlines, also help users book flights (albeit only on one airline and its allied carriers), and, unlike the all-in-ones, check their frequent-flyer accounts. Some airlines, such as Delta, even allow customers to rent cars and book hotel rooms through their website. The third kind of site serves the needs of business travelers searching for convenience more than cheap fares. Finally, there are sites belonging to travel magazines and guidebook series that focus on editorial content.

But editorial content is often the second priority for the on-line travel market. Selling tickets is the first. Spokesmen for the all-purpose sites say that right now they make more money from commissions on travel bookings than from advertising. (Preview Travel's on-line advertising revenue was 12 percent of its total revenue for the first quarter of 1998 and 18 percent for the second quarter.) The majority of visitors to airline and all-in-one travel web-



(continued on page 64)



IT IS BETTER TO GIVE  
THAN RECEIVE.

IT IS BETTER TO GIVE  
THAN RECEIVE.

IT IS BETTER TO GIVE  
THAN RECEIVE.

JUST KEEP TELLING YOURSELF THAT.



ALL VODKA. NO PRETENSE.



(continued from page 62)

sites are looking for cheap tickets rather than destination information. Finding the cheapest fares is no easy matter.

In order to book an airline ticket, on-line travel services connect to a computer reservation system (known in the business as a CRS) a repository for available seats and fares on all major airlines. When travelers log on to the Web to search for a flight, they are usually using the same system as travel agents, but it is presented in a more user-friendly form. The all-in-one on-line services use the systems provided by a handful of companies.

Because airlines can sell the same seat for a range of fares depending on the date of booking, time of flight, destination, and number of seats available, a CRS's domestic-fare listings can change at least 50,000 times per day on peak days, according to the Airline Tariff Publishing Company, a clearinghouse for pricing data from approximately 500 airlines worldwide. A traveler looking for a fare at 9 A.M. may find a different fare for the same flight when he looks 30 minutes later on the same CRS. Furthermore, smaller airlines don't appear on every CRS. For example, Travelocity, via Sabre, is the only all-purpose, on-line booking service that sells tickets on Southwest Airlines.

For airlines, the Internet provides a great opportunity to cut costs by selling directly to consumers, thereby avoiding the middleman. Like travel agents, all-purpose, on-line travel services such as Expedia earn money from commissions

paid by the airlines. Traditional travel agents sell 80 percent of all airline tickets; individual airlines are responsible for the other 20 percent. But on the Internet, airlines book up to 65 percent of all tickets, according to Forrester Research; on-line agents—Travelocity, Preview Travel, and Expedia—are booking the other 35 percent. (The U.S. Department of Transportation is looking at complaints from on-line travel services that airlines are stifling competition by giving those sites lower commissions than their off-line counterparts, limiting the kinds of service, like

advance reservations, that can be offered on the Web, and threaten to ask the services to release personal information about users—which the on-line travel sites regard as an

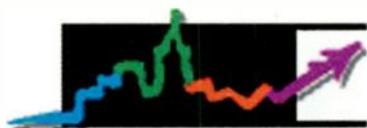
invasion of the users' privacy.) Airlines have balanced the scales by offering bonus frequent-flier miles and last-minute discount fares via e-mail or directly from their websites. A traveler could therefore be quoted significantly different fares by an airline website, an on-line booking service, and toll free airline number.

One way to find a cheap airfare is to use an on-line discount service such as Priceline.com, Inc., where travelers can choose the price they want to pay for a ticket. Priceline.com has an agreement with 18 domestic and international airlines to offer last-minute tickets for empty seats (there are approximately 500,000 on domestic flights alone each day) to travelers at reduced prices.

Airlines are willing to take deep discounts in order to fill seats that are likely to remain empty otherwise. The service works best for leisure travelers who don't need to plan ahead. It's intentionally inconvenient for business travelers with little flexibility in their schedules and on whom the airlines rely to pay premium prices for last-minute convenience.

Each of the all-purpose sites offers different travel content. For example, Preview Travel, an independent company that has produced segments for TV news shows since 1985 and that became the primary source for travel content on America Online in 1995, licenses the Fodor's Gold Guides. Preview Travel offers guides for 86 cities and is planning to provide up to 120 more destinations. Fodor's Gold Guides, which have been published under different titles since 1936 for travelers with above-average incomes, also publishes guides to 99 cities on its own website. The difference is that Fodor's publishes only the hotel and restaurant information from the Gold Guides while Preview Travel publishes much more of each guide, including information about culture, history, and points of interest. Preview Travel also offers well over 100 video clips selected from its library of 6,000 hours of travel programming produced for TV.

Travelocity, 80 percent of which is owned by the parent company of American Airlines, uses information from two sources, the *World Travel Guide* and *Lonely Planet* guides. The 1,100-page *World Travel Guide*, published by London-based Columbus Press Ltd., provides basic background and contact information for airlines, hotels, government offices, and car-rental agencies in nearly every country, but lacks a restaurant guide and hotel-room price list for



Some of the websites that cater to leisure and business travelers.

## WEBSITE LOCATOR

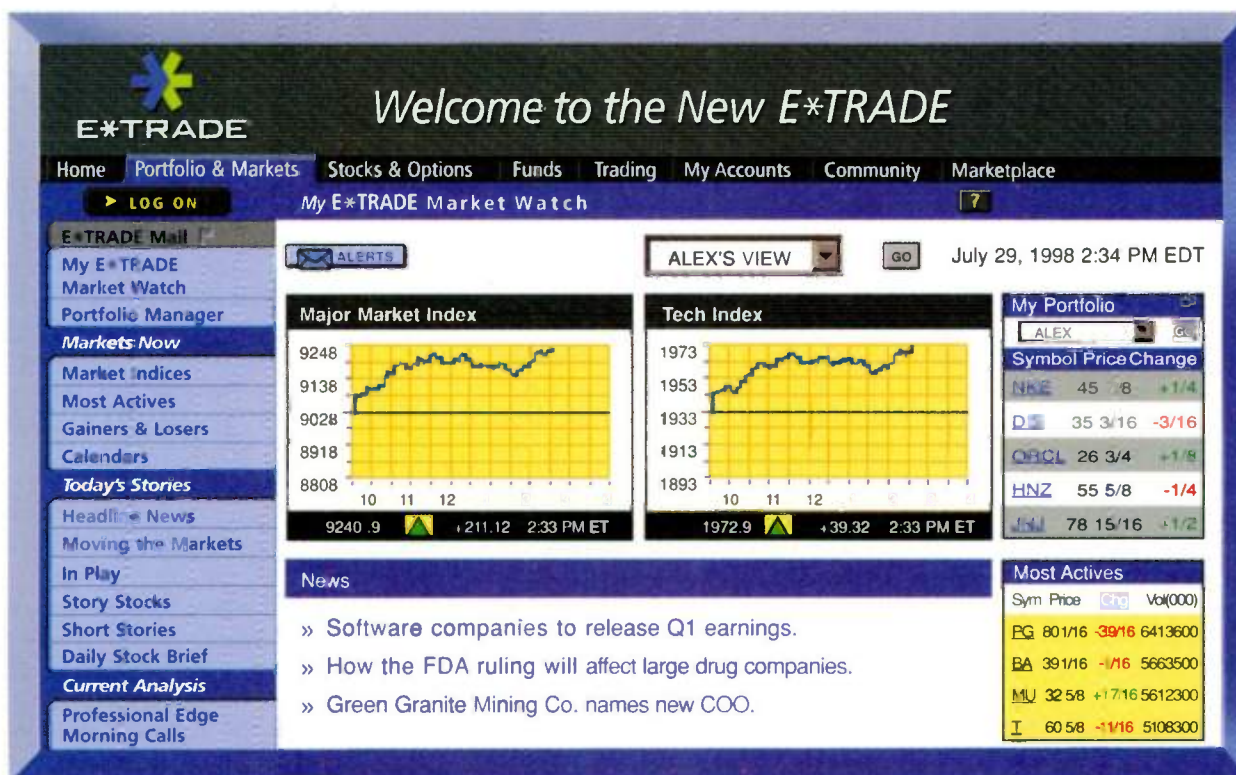
Expedia.....	www.expedia.com	Lonely Planet.....	www.lonelyplanet.com
Internet Travel Network.....	www.itn.com	Rough Guides.....	www.roughguides.com
Preview Travel.....	www.previewtravel.com	World Travel Guidebook.....	www.travel-guides.com
Travelocity.....	www.travelocity.com	Epicurious Travel.....	travel.epicurious.com
Priceline.com.....	www.priceline.com	Travel & Leisure.....	www.pathfinder.com/travel/
Biztravel.com.....	www.biztravel.com	Wanderlust.....	www.salonmag.com/wlust/
TheTrip.com.....	www.thetrip.com	National Geographic Traveler...	www.nationalgeographic.com/traveler/
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(continued from page 64)

its destinations. Lonely Planet Publications, a 25-year-old guidebook company based in Australia, caters to budget and adventure travelers.

Microsoft's Expedia is the only major on-line travel reservation and booking service that creates all of its own guide material. *Expedia Magazine*, which is paired with the World Guide covering more than 300 destinations, highlights a different destination every two weeks. The articles appeal to the well-heeled as well as to the budget traveler, but overall the magazine lacks breadth—the archive contained just one feature on Japan and one on the Middle East. One highlight is a health column written by a doctor who recently advised travelers how to avoid contaminated drinking water and how to remedy “traveler’s tummy.” The editors modified their content after studying usage on the website to “facilitate the purchase process,” says product manager Suzi Levine. For example, they discovered that destination information is more popular than thematic features on topics such as romantic getaways.

The Internet Travel Network focuses mainly on licensing its travel-booking technology to corporate clients, who use it as a way for employees to book their own travel arrangements, and to other websites such as CitySearch, which offers travel bookings to users of its city guides. It also

runs a consumer website that includes destination information from Rough Guides, which are targeted to budget tourists.

**W**HILE ONE-STOP TRAVEL sites such as Travelocity, Expedia, Preview Travel, and Internet Travel Network are useful for buying tickets, they aren’t necessarily the best source of information for deciding where to vacation. Epicurious Travel is one good starting place for vacation planners. The site incorporates feature writing from *Condé Nast Traveler* magazine and destination information from the Fodor’s Gold Guides. Since Epicurious Travel has partnered with Expedia, visitors to the site are only one or two clicks from booking a plane or car on-line.

*Travel & Leisure* magazine, available from Time Warner’s Pathfinder website, features a currency converter and restaurant listings and reviews for 39 U.S. cities from the Zagat Survey, which rates restaurants based on consumer response. It offers a weekly e-mail newsletter listing a selection of travel deals from a variety of sources on and off the Web. *Travel & Leisure* is not affiliated with an on-line travel booking service, but the site does include pointers to airline, car-rental, and hotel websites.

Business travelers who book on-line can find websites tailored to their spe-

cific needs instead of using a leisure-travel site. Biztravel.com, Inc., automatically maximizes frequent-flier bonuses by taking a user who has just booked a flight to hotel and car-rental services that participate in that airline’s frequent-flier program. Biztravel.com even sends a free “bizAlert” page to a user’s beeper an hour before departure with flight status, gate information, and a weather report on the destination. The site also publishes useful columns with tips on how to manage a business trip with children in tow, for example.

Another site for business travelers, TheTrip.com, offers many of the same services but isn’t as easy to use. (It does feature one application not found on Biztravel.com—a currency converter.) The site also publishes *Complete Traveler* magazine, with columns on topics such as how to deal with missing luggage (“Rule No. 1: Don’t check anything you can’t do without...”).

Nearly every major website includes some kind of travel content. Newspaper websites from *USA Today*, *The New York Times*, *The Washington Post*, the *Chicago Tribune*, and the *Los Angeles Times* all publish travel sections on-line. Magazines such as *National Geographic Traveler* and *Outside* are also available on the Web. And there are good sources of travel information available only on the Web, such as *Salon* magazine’s “Wanderlust” section and the Traveloco site, a forum for budget travelers and students.

Although the Internet has had little financial impact on the travel industry thus far, travel agents are being told by the American Society of Travel Agents to embrace the Internet or face obsolescence. Cyber Dialogue, which has been tracking on-line travel spending since 1995, is predicting that consumer travel purchases will grow to between \$5.5 billion and \$6 billion by 2002. Forrester predicts that combined consumer and business Internet travel sales will jump from less than 1 percent in 1997 to 12 percent of all domestic travel sales, or \$29.5 billion, by 2003. This figure is derived from interviews with 120,000 consumers. If Forrester’s estimate is wrong, says research analyst James McQuivey, “it won’t be because of consumers, it will be because suppliers can’t meet the demand.” ■

(continued on page 68)

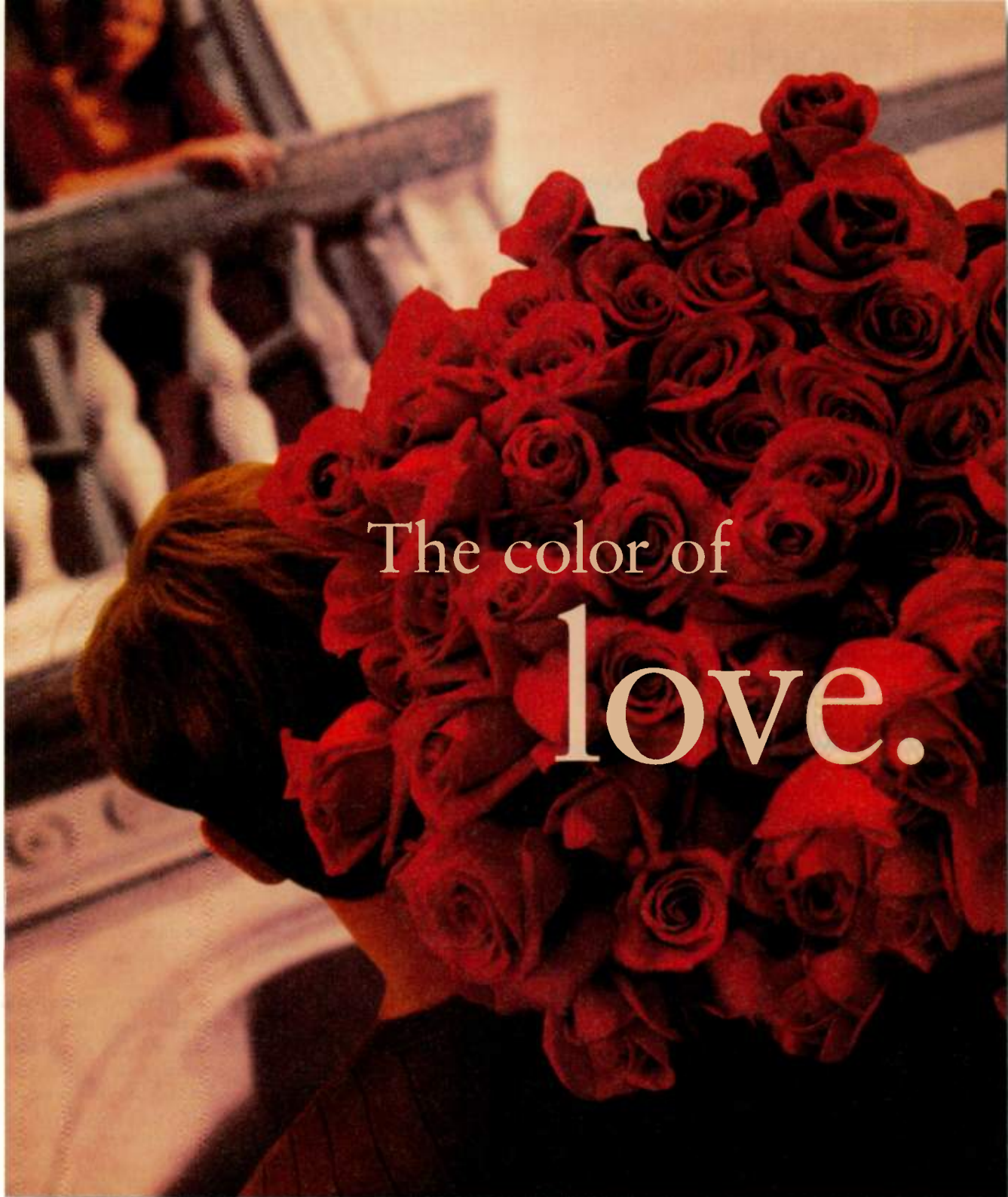


## COMPARING ON-LINE TRAVEL SERVICES

SITE	TICKET SALES PER WEEK	GUIDEBOOK	NUMBER OF DESTINATIONS LISTED	RESTAURANT REVIEWS	HOTEL REVIEWS
Expedia	\$6 million	World Guide	300 countries and cities	Yes	No
Internet Travel Network	\$3.8 million(1)	Rough Guides	31 countries	No	No
Preview Travel	\$5 million	Fodor’s Gold Guides	86 cities	Yes	Yes
Travelocity	\$7 million(2)	World Travel Guide Lonely Planet	220 countries 50–60 cities	No No	No No
Biztravel.com	Not available(3)	Fodor’s Gold Guides	73 cities	Yes	Yes
TheTrip.com	Not available(3)	Weissmann Travel	55 cities 22 countries	Yes	Yes

(1) This figure is derived by taking the projected total dollar amount of transactions on ITN this year and dividing by 52 weeks. Since the “run rate” includes service and handling fees, the final number is inflated. (2) This figure combines ticket sales on Travelocity and more than 30 of its partner sites. (3) Each of these privately held companies declined to release sales figures.





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# THE INTERNET'S INDIE FEST

The Web is a great place to find information on independent films. • BY DIMITRA KESSENIDES

IN THE WORLD OF INDEPENDENT FILMS, Park City, Utah, is mecca. For ten days starting January 21, 1999, hundreds of filmmakers, actors, producers, and distributors will gather there for the Sundance Film Festival, the indie film world's most important showcase. Filmmakers come looking for distributors, and distributors come looking for the next *Metropolitan*, *Clerks*, or *Shine*—all independent-film hits that found distribution at Sundance. For movie buffs who can't make it to Park City or to the dozens of other film festivals that follow, the Web is a great source of information on the indie scene.

"In some cases, the Internet is the best place to find out about [independent] movies," explains Eugene Hernandez, cofounder and editor in chief of indieWIRE.com, a daily news service covering independent film. For filmmakers, the Web is an affordable way to promote their wares—an important consideration in the low-budget world of indie film.

Beyond affordability and global access, the independent-film community's antiauthority sensibility is right at home on the Internet. "The Web and independent film have really taken off in the last few years," says Adam Pincus, writer-producer of the Sundance Channel's website. "It points to some of the same desires and inclinations that people have, something that's not part of a formula."

Here are some of the most interesting and useful sites produced by film festivals, cable channels, theaters, news organizations, and filmmakers.

Associate editor Dimitra Kessenides has contributed to indieWIRE, Cineaste, and Moving Pictures.

## FESTIVALS Sundance Film Festival: [www.sundancefilm.com/festival99](http://www.sundancefilm.com/festival99)

This site offers the complete program for the Sundance Festival, including a schedule of screenings, plot synopses, and interviews with filmmakers and actors. Sundancefilm.com's coverage of the festival's award ceremony is a great tipsheet to the films most likely to make it to cable or your local art house.

## Toronto International Film Festival: [www.bell.ca/filmfest/98](http://www.bell.ca/filmfest/98)

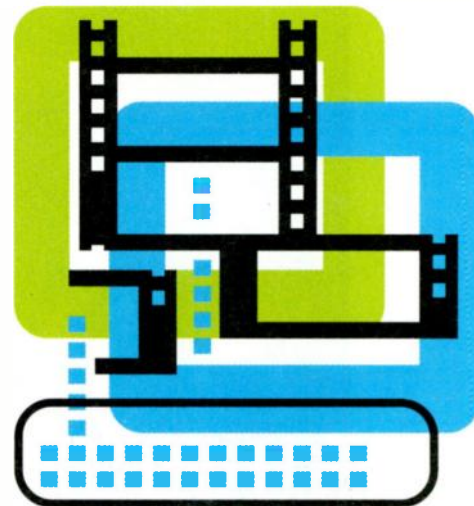
This is a goldmine for foreign film lovers. (There are other good foreign film sites, like those from the Cannes International Film Festival and the Berlin International Film Festival, but this is the best option in English.) The site lists details about the hundreds of movies shown at the festival, which takes place every September, and includes RealVideo clips of selected films.

## TELEVISION Sundance Channel: [www.sundancechannel.com](http://www.sundancechannel.com)

Sundancechannel.com serves as a program guide to the cable channel, but, like its cousin, the Sundance Festival site, it also works as a stand-alone resource offering in-depth coverage of major film festivals and an archive of articles about films and filmmakers dating back to 1996. This site is more comprehensive than the one belonging to the Independent Film Channel, the other cable channel devoted to indie films.

## THEATERS Film Forum: [www.filmforum.com](http://www.filmforum.com)

This site from a nonprofit theater in New York is the best example of what local art-



house sites can offer. It goes beyond the basics of movie times and theater location, featuring a chat room and a directory of various film websites.

## VIDEO facets: [www.facets.org](http://www.facets.org)

This Chicago-based distributor and video merchant offers a catalog of 35,000 titles available for sale or rent. You can search the catalog by title, director's name, actor's name, subject, or country.

## NEWS iPOP: [www.iPopmag.com](http://www.iPopmag.com) Film Threat: [www.filmthreat.com](http://www.filmthreat.com)

These two weekly on-line magazines cover the independent, alternative film world. Both sites include reviews, features, profiles, and reports from film sets, premieres, and parties.

## FILMS $\pi$ : [www.pithemovie.com](http://www.pithemovie.com)

Unlike many movie sites, this one devoted to the movie  $\pi$ , a psychological portrait of an obsessed mathematician that opened in theaters last summer, serves up more than the usual synopsis and credits. The site is more of a primer for many of the film's themes, with pages devoted to the Cabala, migraines, the New York Stock Exchange, and chaos theory.

**CHERRY:** [www.cypressfilms.com/cherryweb/](http://www.cypressfilms.com/cherryweb/)  
"Making *Cherry*" (as the site is named) gives an insider's view on making an independent movie. Visitors can read daily dispatches covering the first three months of production, or turn to reports on the post-production phase. A romantic comedy starring Shalom Harlow, *Cherry* is scheduled to hit theaters next spring. ■





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### TWO FAT LADIES

No one watches *Two Fat Ladies* (on cable's Food Network) for the recipes. Jennifer Paterson and Clarissa Dickson Wright, the proudly oversize stars of this British import, prepare the kind of food for which the English are justly infamous. Their show on breakfast was especially memorable, featuring "Jugged Kippers," "Deviled Kidneys," and "Kedgeriee" (a concoction of smoked haddock, rice, fried onions, and chopped eggs). The show's draw is its campy irreverence. Paterson and Dickson Wright scoff equally at haute cuisine and diet scolds. In the kitchen, they're apt to waltz by one another waving pans and spouting doggerel. Out of the kitchen, they tool around the countryside in their Triumph Thunderbird, Jennifer piloting and Clarissa stuffed into the sidecar. —Amy Bernstein

### "THE BIG PICTURE"

Financial columns are a dime a dozen. But Joseph Nocera's "The Big Picture," which began appearing in *Money* magazine in June, offers trenchant observation and snappy writing. Nocera has reported for *Fortune* on subjects as disparate as breast-implant litigation and the state of business affairs at Condé Nast magazines. In his September *Money* column, Nocera poked holes in the hysteria over the alleged year 2000 computer crisis. And he's willing to challenge the verities of his own publication. In a magazine whose stock-in-trade is mutual-fund recommendations, Nocera wrote in his October column that the constant changes in fund managers mean "you really have no basis at all on which to judge a fund beyond blind faith. Last I heard, blind faith is not viewed as a sensible investing strategy." —Nicholas Varchaver



### MIKE LUPICA

Even diehard Red Sox fans like me marvel at the 1998 New York Yankees. So along with the genetically hobbled who root for the Bronx Bombers as a steady diet, I wondered how George Steinbrenner's latest collection of overpaid young adults stacks up against past giants. For guidance, I turned to Mike Lupica, the cantankerous New York *Daily News* sportswriter. Compare the Yanks with the 1970 New York Knicks, he wrote. Why? Because, like today's Yankees, it was the collective effort—not the monumental contributions of one or two megastars—that produced a basketball dynasty. That insight is why Lupica is emerging as a worthy successor to the *Los Angeles Times*'s Jim Murray, the late stylist who raised sportswriting to an art, much as Raymond Chandler proved that mystery writing can be literature. Lupica isn't Chandler, but at 46, he's not done yet, and he keeps getting better. —Michael Krumer



### COLD WAR

CNN's reputation as a news organization was on life-support earlier this year after it retracted a *NewsStand* report alleging U.S. nerve-gas use during the Vietnam War. Into that credibility gap steps *Cold War*—an ambitious documentary covering the East-West conflict from its origins after World War I to its end with the dissolution of the USSR. In addition to canvassing political luminaries, the documentary focuses on regular folks, who talk about the day-to-day realities of the era. CNN is airing the 24-hour series in one-hour segments most Sundays through April 1999. *Cold War* is also available on video.

—Ted Rose

### BOOK TV

Book TV, which premiered on C-SPAN2 on September 12, devotes all 48 hours of weekend programming to nonfiction (this is C-SPAN, after all). Regular series such as *The Business of Books* and *History on Book TV* are interspersed with author interviews and such fascinating oddities as coverage of the Focus St. Louis Bridges Book Group meeting in Clayton, Missouri.

—Dinitra Kessenides



### GOSSIP CENTRAL

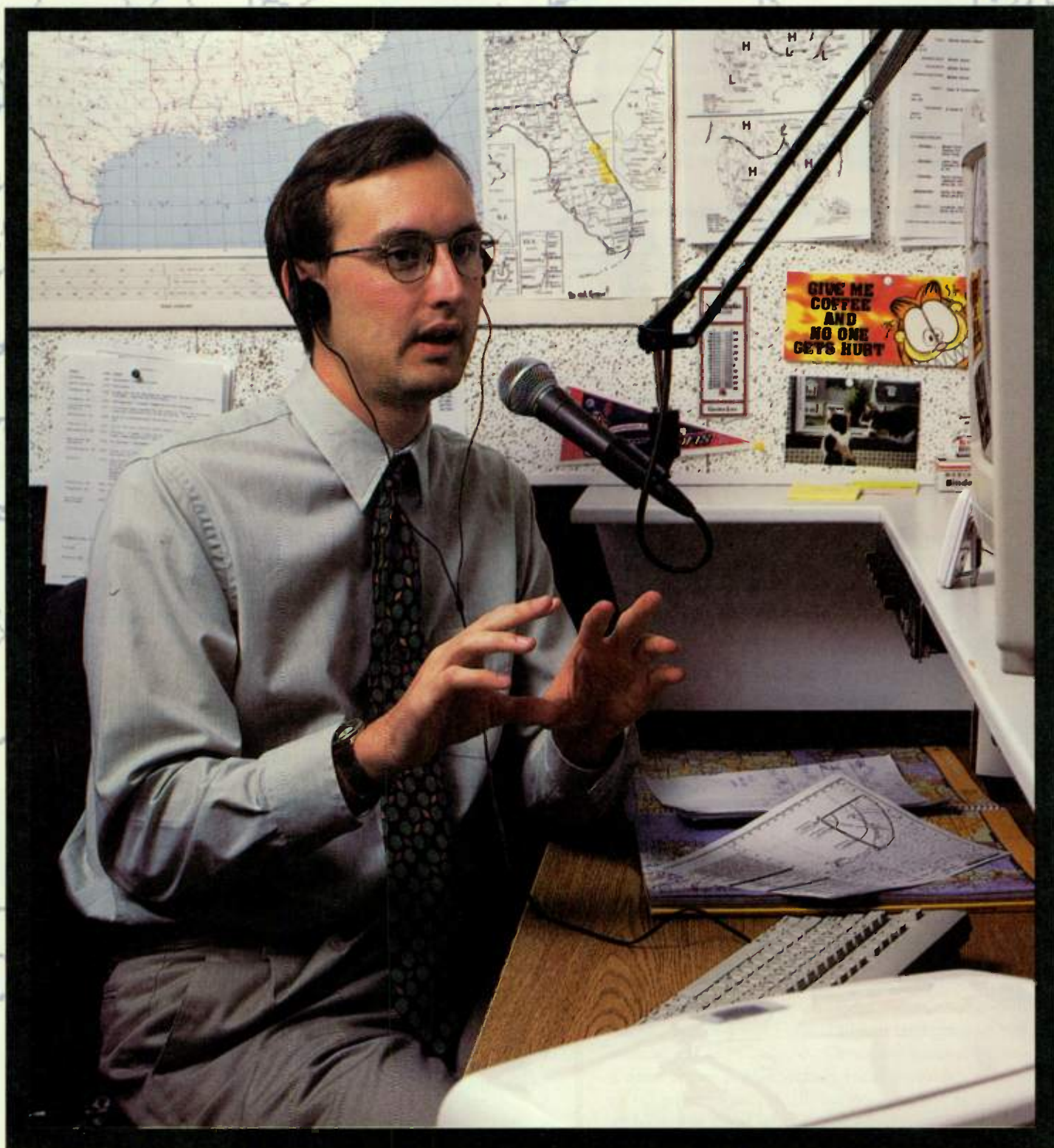
Inquiring minds ought to know about Gossip Central ([www.gossipcentral.com](http://www.gossipcentral.com)), a page of links to the Web's whisper circuit. The site collects 17 of the best gossip sheets in the business, including columns from dish legends Liz Smith and Army Archerd, and publications such as *People* and the *Hollywood Reporter*.

—Katherine Rosman

### "TUNE IN, TURN ON...TO WHAT?"

In a September 10 story, "Tune In, Turn On...To What?" *Wired News* ([www.wired.com](http://www.wired.com)) examined the programming now being enhanced for high definition television sets and found little to watch. One reason: Programming enhanced for HDTV is expensive to produce and broadcast. Networks are loathe to spend the money on HDTV production until there's demand, and there won't be much demand until local stations spend \$10 million apiece to upgrade their broadcast equipment. For now, upgraded stations plan to air series from the 1960s and 1970s, which were filmed and can therefore be converted for HDTV more easily than more recent series, which were videotaped. It's a good reason to put off buying that expensive new television set. —Noah Robischon





Meteorologist Mark Tobin goes on the air to deliver a forecast for one of his 11 client radio stations.



# MEET YOUR WEATHERMAN

Think your local weatherman is just around the corner? Actually, he's probably holed up in a sound booth in a little town called State College, Pennsylvania. • BY TED ROSE

IT'S SUNNY AND WARM OUTSIDE IN CENTRAL PENNSYLVANIA, but right now, Lisa Moldovan is indoors, in a radio booth, talking into a microphone about the weather in Charlotte, North Carolina. "Rain could be heavy at times, causing some flooding; tonight's low, seventy," she says in a low, smooth, unmistakably professional voice. "I'm meteorologist Lisa Moldovan with 1110 WBT's exclusive AccuWeather forecast." Moments later, Moldovan is recording a forecast for a radio station in Dover, New Hampshire. "We are going to have a mixture of clouds and sun for the afternoon; the high, seventy-eight," she reports. "Weather is a priority throughout the day on WTSN talk sports and news. I'm WTSN AccuWeather meteorologist Lisa Moldovan."

From her 6-foot by 6-foot radio booth, decorated with a picture of her cats, a collection of photocopied satellite images, and a huge map of the U.S., Moldovan is skipping across the country telephonically, delivering forecasts at every stop. Now she's giving the weather for an easy-listening station in Metropolis, Illinois. "I'm Lisa Moldovan for E-Z 105.5." Then it's out to LaCrosse, Wisconsin, for a travel forecast: "I'm meteorologist Lisa



AccuWeather's satellite dishes cover the top floor at company headquarters.

PHOTOGRAPHS BY DAVID GRAHAM

World Radio History



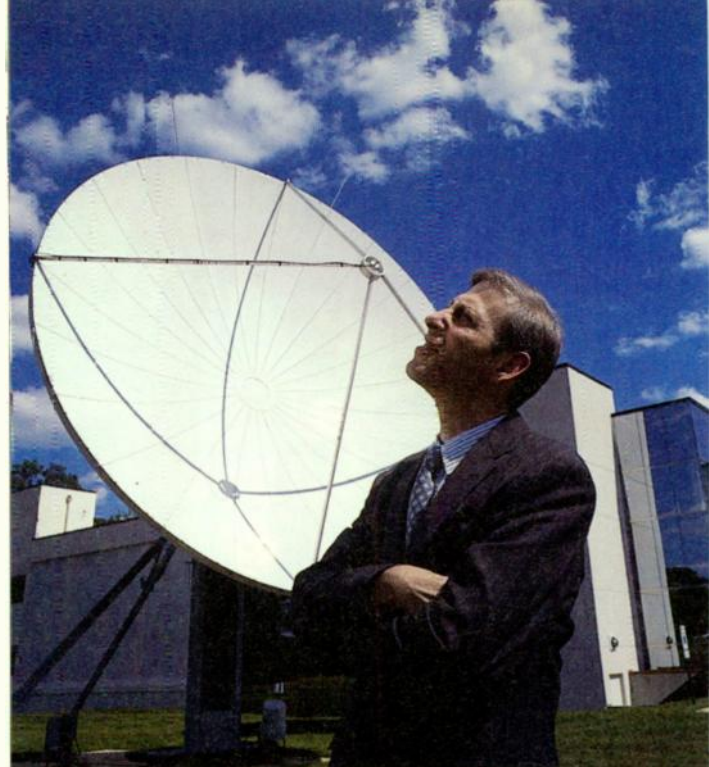
Moldovan with your COW 97 AccuWeather forecast."

There's a good chance you've heard Moldovan read the weather in your area; she's the morning weather forecaster for roughly 30 radio stations in 30 different areas across the U.S. and Canada. Or maybe you've heard AccuWeather meteorologist Mark Tobin on your drive home. He's the afternoon forecaster for 11 stations across the country. In each instance, the voice—and the forecast—is coming from State College, Pennsylvania. Moldovan and Tobin work for AccuWeather, Inc., one of the world's largest private weather-information providers and one of the best known, yet least examined, media brand names.

If you haven't guessed by now, here's the news update your local radio station probably won't deliver: Your AccuWeather forecast is not homegrown. Those AccuWeather meteorologists from your radio station don't live in your hometown, unless you happen to live in State College. If you have a television weatherman who mentions his "exclusive AccuWeather forecast," that, too, is a product of central Pennsylvania. The person you are watching may be a local, but the forecasting expertise, and often the very words used to deliver it, are imported. If you live in northeastern Indiana and watch ABC affiliate WPTA-TV, for example, you should know that your meteorologist is not Curtis Smith—the WPTA weather anchor who delivers the "exclusive AccuWeather" forecast every night—but Bob Larson, an AccuWeather meteorologist back in Pennsylvania. Like many television weather forecasters around the nation, Smith is not a scientist (although he is now pursuing a meteorological degree via correspondence course). So, like Cyrano de Bergerac, Larson feeds Smith his forecast each night. The viewers' only clue to this hidden transaction is one catchy word: AccuWeather.

**A**CCUWEATHER IS A PRIVATE COMPANY WITH 93 STAFF meteorologists and observational technology that allows its forecasters to see almost any atmospheric activity, anywhere in the world, at any time. That sounds impressive, but the federal government, through the National Weather Service, already provides general forecasts to the public—and to the media—for free or for a nominal charge. Which raises an important question: If dependable weather reporting is available for so little, why do media companies choose to spend more on their weather reporting? The answer is simple: As with so much else involving the delivery of news these days, good packaging may be more valuable than accurate forecasting. The government distributes "no frills" weather information—none of those fancy storm graphics or colorful charts. Yet media organizations have discovered that news consumers love those gimmicks and will gravitate toward stations that use them. "You can't ask [viewers], 'Do you like pretty colors?'" explains Donald Bradley, WPTA's news director and Curtis Smith's boss. "But research indicates that [weather presentation] is something people do care about."

As a result, news outlets interested in competitive weather reporting have two choices. They can hire their own in-house meteorological staff to produce attractive local weather coverage. Or they can hire a company such as AccuWeather, the purveyor of customized, prepackaged weather that offers a



The head "weather weenies": AccuWeather senior vice-president Michael Steinberg (left) and president Joel Myers (right).

wide range of ratings-friendly options with none of the management hassle.

For television, AccuWeather creates forecasts, writes scripts, and provides weather graphics and radar images. For radio, it offers customized forecasts delivered by in-house meteorologists like Moldovan. If another radio station in the market has the "Exclusive AccuWeather" service already, that's no problem. The company will deliver the same weather using a different trademarked name. For newspapers, AccuWeather provides a weather page, laid out to the client's specifications. Need some weather for your Internet site? Just choose between three-day forecasts for 75 cities or five-day forecasts for 150 cities. Compared with an in-house staff of meteorologists, the service is cheap; it costs just dollars a day. It's reliable, customized weather—and it's priced to sell.

AccuWeather claims to have more than 2,000 media clients, but don't try asking too many questions about them. The company is secretive about its client base and finances, making it hard to measure its true size. We do know the company has clients in the country's four largest television markets: New York (WABC-TV), Los Angeles (KNBC-TV), Chicago (WBBM-TV), and Philadelphia (WPVI-TV). While AccuWeather is only one of 37 members of a national trade organization for private weather companies, Allan Eustis, industrial meteorologist for the National Weather Service, confirms that, as far as forecasting is concerned, AccuWeather is "the big boy on the block."

THE MAN BEHIND THIS WEATHER MACHINE IS JOEL MYERS, 58, the company's founder and president. On this August day, eating lunch outdoors in New York City, Myers is feeling a bit under the weather; he's ordered hot chicken soup on a warm, muggy afternoon. "Served at just the right temperature," he marvels, sipping the broth. "That's the key with soup." Myers's interest in temperature—and business—goes way back. Myers says he first fell in love with weather forecasting when he was 5 years old; his entry in the *Encyclopedia of Entrepreneurs* reports

Staff writer Ted Rose coauthored October's cover story on network newsmagazine consumer reporting.



***"If there's a storm, you'll see thirty people with their noses pressed against the window," says the vice-president of sales. "They'll come outside to walk through the parking lot in the rain. It's amazing."***



that at age 11, Myers wanted to end his career as a paperboy to begin a business predicting weather. Just over a decade later, as a graduate student in meteorology at Pennsylvania State University, Myers started selling his forecasts, first as a consultant for a local gas company. While his company eventually developed its brand name serving media outlets, AccuWeather's client base still is dominated by nonmedia customers such as ski areas and energy companies—businesses that require specially tailored weather information to make important decisions. "My dream was to get one hundred clients," Myers recalls. "I never thought I'd be sitting here with 15,000."

Accuracy is the company's main selling point, says Myers. But sometimes the selling part overwhelms the accuracy part. Take one of Myers's favorite claims: His company will deliver a more accurate forecast than the government. Myers points to his company's comparison of its forecasts with those of the National Weather Service in the Washington, D.C., region, one that supposedly measures which forecaster misses the actual high and low temperature by more degrees each day over the course of a month. In head-to-head forecasting, Myers claims, AccuWeather has beaten the government 125 out of 127 months.

But Myers admits that he stacks the deck against the government: AccuWeather sees the government's prediction and then modifies its own forecast to increase the chance of beating the government. If, Myers explains, "the National Weather Service...is predicting sixty [degrees] tonight and we think it's going to be fifty [degrees], we may not predict fifty." Instead,

Myers explains, the company might predict 54 degrees. Like a baseball team always playing with a home-field advantage, AccuWeather uses its perennial last at-bat to hedge its own forecast, thus minimizing the chance of "losing" to the government. This strategic revision helps assure a promotable comparison, but it also sacrifices AccuWeather's best forecast of the temperature in Washington, D. C.

"He's a tough businessman," explains Eustis of the National Weather Service, which provides the public with raw weather data and is the only official source of domestic storm watches and warnings—information that AccuWeather depends on to produce its forecasts. As the government's liaison to private weather forecasters, Eustis is diplomatic about Myers's gambit. "Most weather forecasters out there in the private sector aren't about to bite the hand that feeds them," Eustis says. "Sometimes I think AccuWeather forgets [which] hand is which."

Some local meteorologists—those on-air weatherpeople who actually understand the science of meteorology and can interpret data without AccuWeather's help—say the company cannot forecast a specific area's weather patterns as well as they can. Donald Paul, chief meteorologist for Buffalo's WIVB-TV, argues that this is true in his region, where he competes against a station using AccuWeather. Paul says AccuWeather does "a pretty good job on large-scale events" but fails, for instance, to forecast "lake-effect" snow off Lake Erie as well as local forecasters.

"That's a bunch of crap—that's a technical term for it!" says Michael Steinberg, AccuWeather's senior vice-president. "The fact is that if you have someone who has a degree and training and experience in meteorology...and has spent some time really looking at a place and learning about those local effects, they can do just as well or better than someone who has been there their whole life." AccuWeather's clients appear to agree. The company "could literally be in Fiji," says Mark Mason, executive editor of WINS, an all-news radio station in New York and AccuWeather's most prominent radio client. Given the state of modern communication, says Mason, experience and technical capability, not location, are the key factors he looks for when evaluating a weather company.

**A**CCUWEATHER MOVED INTO NEW DIGS THIS SPRING, a 52,000-square-foot, mirrored-glass building with about two dozen satellite dishes perched atop it in an industrial park outside State College. The building is just down the road from Penn State, which one broadcast meteorologist calls "the Harvard of meteorology." (Like Myers, many of the company's meteorologists studied there.) AccuWeather's headquarters is dominated by a giant hall on the main floor called the operations room. It's a bright space dotted with computer workstations, each

Weather can be delivered in any language for any part of the world.





## ***Accuracy is the company's main selling point, says founder Joel Myers. But sometimes the selling part can overwhelm the accuracy part.***

displaying colorful radar images or numerical data. The room looks part newsroom and part Hollywood-style nuclear command center.

Half of the room is filled with meteorologists busy creating AccuWeather's core product: forecasts. Myers boasts that his staff represents the world's largest collection of operational forecasters under one roof. Many of the "weather weenies"—the industry term for the weather-obsessed—who fuel AccuWeather's forecasts are novices in their first jobs out of college. Forecaster-in-training Karianne Chessario, 22, just graduated from Penn State and works at AccuWeather for \$19,000 a year. While salaries in meteorology are generally low, Chessario's starting salary is lower than the base salary, \$19,969, for an equivalent entry-level job with the National Weather Service. According to Chessario, AccuWeather offers young meteorologists better opportunities. "I love to forecast," she explains. "This is the place to be."

While Myers and other managers wear suits, weather weenies can be found in shorts and T-shirts. One of AccuWeather's suits is Paul Jankauskas, the company's vice-president of sales, who spent more than ten years selling ads for the yellow pages before coming to AccuWeather two years ago. Jankauskas sells the weather, but he is no weather weenie. "You ever see [the movie] *Twister*?" he asks. "You see the guys that are driving in the back of the truck? That's them....If there's a storm, you'll see thirty people with their noses pressed against the window. I mean, these guys, they'll come outside to walk through the parking lot in the rain. It's amazing."

Working in shifts, the meteorologists are divided into "forecast pods." Each pod covers a particular geographical region, specific weather phenomenon, or type of client. Meanwhile, the nonmeteorologists package forecasts in a variety of forms. In one cluster of cubicles, graphic artists design images for television clients. The company also produces standard temperature maps and general "weather features"—broadcast-ready "full screens" that highlight a particular weather event. One artist works on a report illustrating how rainfall in Seoul, Korea, in August has exceeded the estimated total rainfall for the entire year. This and other features will be sent to clients via satellite.

A television station also can get a forecast faxed to its weather department, a call from an on-duty meteorologist to discuss the forecast, and the right to label its weather segment the "Exclusive AccuWeather Forecast." To create exclusivity in television, Myers says, AccuWeather only allows one station per market to purchase the company's forecasts. (That doesn't prevent AccuWeather from selling its forecasts to radio stations or Internet companies in the same cities, however.)

Except to confirm that rates vary according to market size, Myers won't say how much he charges clients. Old contracts obtained by *Brill's Content* suggest the prices vary widely. In 1993, for example, AccuWeather charged WRBL-TV of Columbus, Georgia, \$150 a week for two forecasts six days a week and one on Sunday. Each forecast, consisting of a fax and a phone call from AccuWeather, cost the station \$11.50. By



contrast, in 1989, AccuWeather charged WTHR-TV of Indianapolis \$3,231 a month for two forecasts every day—about \$29 per prediction. No matter the market size, the price tags seem surprisingly small. Capitalizing on economies of scale, AccuWeather has created an efficient volume business.

In one corner of the room, the newspaper group lays out the weather page for *The Idaho Statesman* and more than 500 other newspapers. This page is sent electronically to each newspaper on a prearranged deadline. The service is a "money saver," according to Darlene Carnopis, the *Statesman's* copy chief. "It saves us a lot of time because we're not having to call the National Weather Service" for information.

In another corner of the room, the Internet group provides AccuWeather's web content for media outlets such as MSNBC and CNN. Five options are available; each level provides access to more information and better graphics. With the lowest tier, level one, clients receive daily, three-day projections for 160 U.S. cities and 75 international cities. (A 1995 AccuWeather contract notes a \$25 charge a month for a similar service.) At level two, clients receive three-day forecasts for 90 additional U.S. cities and 25 additional international cities, as well as national weather and temperature maps, and a local five-day forecast. (In the 1995 contract, the level-two price is \$50 a month.) The options pile on until level five, a fully customized service. "We've been able to craft a special deal," says Joe Perna, director of content for PointCast, Inc., an Internet news service. Perna says AccuWeather's price (which he refuses to discuss) and the company's ability to let him choose the cities and types of weather maps for PointCast's site has





The weather front: Employees in AccuWeather's operations room generate the company's forecasts and accompanying packaging.

made him a satisfied customer.

Along the back wall of the operations room are 19 broadcast-quality booths where AccuWeather meteorologists provide live and taped forecasts for approximately 1,500 broadcasts on roughly 250 radio stations across the country. Unlike television, AccuWeather stretches its definition of "exclusive" forecasts in its radio business. With many more radio than television stations in any given market, Myers sells his forecasts to different radio stations in the same markets under different trademarked names. If, for example, Lisa Moldovan reports the "Exclusive AccuWeather Forecast" in a particular market, other stations in the same market may air the very same forecast using various labels, such as "Weather Source" and "Total Weather."

In the booth next to Moldovan is David Bowers, a familiar name to many New Yorkers. One of Bowers's assignments is to be an AccuWeather meteorologist for New York's WINS, which heavily promotes its extended weather reports every 20 minutes, 24 hours a day. That's 72 reports each day provided by AccuWeather. "No station that does what we do could afford to do it themselves," explains WINS's executive editor, Mason, who says almost every radio station pays a private contractor to provide forecasts. "It's just not cost effective." Along with forecasts, AccuWeather clients can get a personality of their choosing (a sober male voice, perhaps, or maybe a folksy female one).

With the surge in news outlets in the past 15 years, Myers's media niche has turned into a gaping fissure. Private companies claim to supply 85 percent of forecasts in the United States and businesses such as Weather Central, Inc., of Madison, Wisconsin, and WeatherData, Inc., of Wichita, Kansas, compete with AccuWeather to provide services to media clients. But only one company can seriously compete with AccuWeather's brand name: The Weather Channel, the 24-hour cable weather outlet that reaches 70 million households. In 1997, Young & Rubicam Inc., the advertising

giant, identified The Weather Channel as one of the most powerful brand names in television. In addition to its cable presence, The Weather Channel now has begun competing with AccuWeather directly, providing client forecasting for radio stations and newspapers and with a proprietary site on the Internet.

**D**ESPITE THE WEATHER CHANNEL'S SUCCESS, MYERS believes his company will remain formidable because of its own well-established brand identity. "The name means accurate weather," explains Myers. "That's why it's a great name." Indeed, some suggest that the company's name is its greatest value. "The general talk in the weather industry is that the name 'AccuWeather' is worth more than their company," says John Bosse, sales manager for Weather Services International Corporation, one of AccuWeather's competitors. "You can say to your mom, 'Have you ever heard of AccuWeather?' and she'd say, 'Yes.'" And "Weather Services International"? Bosse says he'd be lucky to find one of 100 people on the street who recognize the name of his company.

At WKBW-TV in Buffalo—the AccuWeather station Donald Paul competes against—meteorologist Andrew Parker says he appreciates the company's forecasting abilities but that his station keeps the service primarily for its name. "[The station] value[s] the brand name, because people feel they recognize the name, AccuWeather," says Parker.

Myers says that although some news clients mention that AccuWeather is in fact a company, many capitalize on its anonymity. It's rarely AccuWeather of State College—it's just AccuWeather. "It doesn't contribute anything to let people know it's a company," says Myers, discussing WABC-TV's AccuWeather report in New York. But now, Myers's desire to expand his business may rob his company of that valuable anonymity.

Myers's August trip to New York is aimed at promoting a high-profile relaunch of AccuWeather's website ([www.accuweather.com](http://www.accuweather.com)). He's hired a new public relations company and is meeting with computer reporters to crow about his consumer-oriented website. At no charge, any web user can gain access to AccuWeather's forecasts for 55,000 locations around the world without having to open a newspaper or turn on a radio or a television. For \$4.95 a month or \$39.95 a year, consumer "weather weenies" can gain access to other goodies, including Doppler radar images and customized features. Myers's goal is to sell AccuWeather directly to consumers.

But, in the process, the illusion of AccuWeather as home-grown weather with a catchy name may suffer. Lisa Moldovan's voice won't seem so local, and Myers could end up sacrificing the company's relative obscurity, one of the ingredients that made it successful in the first place. The rise of The Weather Channel suggests that the public is willing to rely on national weather providers. But The Weather Channel is primarily a cable entity supported by advertisers and distributors; AccuWeather is a service company that depends on delivering content to a large number of media clients. Will local television stations, radio stations, and newspapers still pay to present "the AccuWeather forecast" once their audiences learn that the phrase is synonymous with "import"? AccuWeather's Joel Myers is about to find out. ■



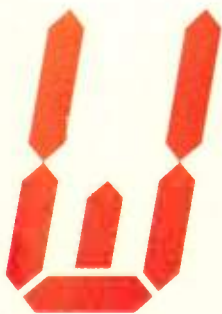
# ALTERNATE

12:00 AM - 1:00 AM - 2:00 AM - 3:00 AM - 4:00 AM - 5:00 AM - 6:00 AM - 7:00 AM - 8:00 AM - 9:00 AM - 10:00 AM - 11:00 AM



# REAL

## WHAT'S NEWS? IT DEPENDS ON WHICH ALL-NEWS ACCOUNT OF HOW CNN, MSNBC, AND FOX NEWS



WHEN TED TURNER'S CABLE NEWS NETWORK launched in 1980, skeptics questioned the need for a 24-hour all-news outlet, citing a finite amount of compelling news and the entrenched position of the three broadcast networks' evening newscasts. The naysayers were proved wrong, of course; CNN is now a firmly established global brand name. Still, the same arguments were raised in 1996 with the debut of all-news rivals MSNBC and Fox News Channel:

Was there really enough news for *three* 24-hour news outlets, and why should viewers abandon CNN for the upstarts? After all, the three cable

news channels are working with essentially the same raw material, the same nation, the same world, the same scandal-plagued president, the same rocky stock market.

Two years later, the business prospects for the three networks are still shaking out. And during a major news event, many of the same talking heads are on tap, no matter which channel is on, broadcast or cable.

But a *Brill's Content* comparison of one 24-hour period of CNN, Fox, and MSNBC reveals that the same raw material yields markedly different products. Competition in the 24-hour-news cable business hasn't brought us more news, but rather, three different versions of reality. You get a different impression of your world depending on which network you choose—and how long you stay tuned in.



# TE



2:00 p.m. - 1:00 p.m. - 2:00 p.m. - 3:00 p.m. - 4:00 p.m. - 5:00 p.m. - 6:00 p.m. - 7:00 p.m. - 8:00 p.m. - 9:00 p.m. - 10:00 p.m. - 11:00 p.m.

# ITIES



NETWORK YOU CHOOSE. A MINUTE-BY-MINUTE  
SHAPE YOUR WORLD. BY ELIZABETH JENSEN

Total **MINUTES** devoted to specific news stories from 9 A.M.–6 P.M. on August 27.  
Does not include time for headlines, commercials, or promotional material.

	CNN	MSNBC	FOX		CNN	MSNBC	FOX
Hurricane Bonnie	77	33	88	Resignation of U.N. weapons inspector	21	0	5
President Clinton	48	235	51	Medical stories	3	2	7
Wall Street/Russia	42	27	92	Other stories	52	5	55
Gore investigation	40	5	18				
Kenya bombing suspect	75	28	30				





**Hurricane Bonnie: 11 MINUTES.** Reports from field correspondents, National Hurricane Center, MSNBC meteorologist.

**Clinton: 19 MINUTES.** Two pundit debates ("What do you think is behind his trip to Worcester?" and "Starr's Strategy"). First story at 9:13. Possibility that the president will talk about Lewinsky in his morning speech raised seven times.

**Wall Street/Russia: 2 MINUTES** at 9:55, plus headlines at 9:17 and 9:37. At 9:42, screen carries "NBC News Bulletin: Dow Down Over 100 Points"; anchor Chris Jansing promises a "report coming up," but goes instead to a live report from Washington and a debate about Starr's strategy before going to a Wall Street report at 9:55, 13 minutes later.

**Janet Reno media briefing: 4 MINUTES.**

**Other: NONE**

**Headlines and news updates: 5 MINUTES,** twice during hour; on-screen headlines, twice. Main topics: Gore investigation (labeled "The Money Trail"), suspect in Kenya bombing en route to New York, Wall Street, Mark McGwire home run.



Blown away: Fox viewers were given storm-eye view of Bonnie.



**Hurricane Bonnie: 20 MINUTES.** Reports from field correspondents, National Hurricane Center, Fox meteorologist; 1-minute photo montage with music.

**Clinton: 7 MINUTES.** One pundit debate ("Could the Democrats be turning their backs on Clinton?") First story at 9:50. Possibility that the president will address Lewinsky situation raised twice; correspondent David Shuster says there is a "small chance."

**Wall Street/Russia: 3 MINUTES.** First raised at 9:42 in news update; 3-minute report at 9:47.

**Janet Reno media briefing: 9 MINUTES,** plus 1 minute of commentary.

**Other: NONE**

**Headlines and news updates: 2 MINUTES,** twice during hour. Main topics: Gore investigation, Texas floods, President Clinton.



**Hurricane Bonnie: 19 MINUTES.** Reports from field correspondents, CNN meteorologist, Federal Emergency

Management Agency, 4-minute interview with North Carolina Governor Jim Hunt.

**Clinton: 2 MINUTES,** first report at 9:27. Possibility that the president will address Lewinsky situation raised once (correspondent John King: "We're told by aides not to expect the president to say anything about Monica Lewinsky.")

**Wall Street/Russia: 4 MINUTES;** Dow problems first raised as a possibility in 9 A.M. headline and again at 9:13, before market opened. First report 9:42.

**Janet Reno media briefing: 8 MINUTES,** plus 2 minutes of commentary.

**Other: 4 MINUTES** (sports, 3 minutes; allergy forecast, 1 minute.)

**Headlines and news updates: 6 MINUTES,** three times during hour. Main topics: suspect in Kenyan bombing, Gore investigation, Wall Street, McGwire home run.

On the same day, you could watch CNN and see a noose closing in on terrorists worldwide. You could watch Fox News Channel and fret about the falling stock market. If you had tuned in to MSNBC—which some critics have pegged "all Monica, all the time"—you would have been exposed to practically every conceivable nuance of the presidential sex scandal. Or you could time your viewing to the

headlines and miss most of the spin altogether.

As the accompanying chart shows, at many times throughout the chosen day, August 27, viewers of the three networks who watched for any length of time got starkly different versions of what they supposedly needed to know. We focused on four representative hours of daytime programming, during which all three networks offer high concentrations of what might be called straight news.

In prime time, the most-watched hours when the networks earn a substantial chunk of their ad revenue, hard news

*Senior writer Elizabeth Jensen contributed to October's cover story on consumer reporting by television newsmagazines.*





**Hurricane Bonnie:** 14 MINUTES.  
Reports from field correspondents, CNN meteorologist, FEMA.

**Clinton:** 3 MINUTES. Issue of no Clinton apology raised once.

**Wall Street/Russia:** 4 MINUTES.

**Gore investigation:** NO SEGMENT.

**Other:** 7 MINUTES (4 minutes on suspect in Kenya bombing, 3 minutes on sports.)

**Headlines/updates:** 11 MINUTES, six times during hour. Main topics: Gore investigation (followed by report of an agricultural company fined for making illegal contributions to Republicans), Clinton speech, Tel Aviv bombing.



**Hurricane Bonnie:** 13 MINUTES.  
Reports from field correspondents, Fox meteorologist, FEMA, and an academic expert.

**Clinton:** 6 MINUTES. One pundit debate ("Will president apologize again?" Discrepancy between views of political and media elites and the public). Issue of possible Clinton apology raised three times.

**Wall Street/Russia:** 2 MINUTES.

**Gore investigation:** 2 MINUTES.

**Other:** 12 MINUTES: 6 minutes on the one-year anniversary of Princess Diana's death; 6 minutes on the possible trial of two Libyans for an airliner terrorist bombing, including interview with a victim's stepmother.

**Headlines/updates:** 7 MINUTES, twice during hour. Main topics: Gore investigation, suspect in Kenyan bombing, Texas floods.



**Hurricane Bonnie:** 16 MINUTES.  
Reports from field correspondents, MSNBC meteorologist, FEMA. Feature on what it feels like to be in a hurricane

(reporter Len Cannon, strapped into a harness in a laboratory wind tunnel, screams: "I've got a harness, but without it, no way baby, no way.")

**Clinton:** 17 MINUTES. One pundit debate ("Whether Bill Clinton will help or hurt his party in the months ahead.") Issue of no Clinton apology raised three times.

**Wall Street/Russia:** NO SEGMENT.

**Gore investigation:** 3 MINUTES.

**Other:** NONE.

**Headlines/updates:** 7 MINUTES, three times during hour; on-screen headlines, twice. Main topics: Gore investigation, Hurricane Bonnie, suspect in Kenyan bombing.



For talk about Clinton-Lewinsky, MSNBC was tops.

has given way to interviewers such as CNN's Larry King, and anchors with attitude, such as MSNBC's Keith Olbermann. Fox's Hannity and Colmes don't debate the day's news so much as shout it. At 10 P.M., four nights per week, CNN has its *NewsStand* series, produced in conjunction with sister Time Inc. publications *Entertainment Weekly*, *Fortune*, and *Time*.

In the morning, MSNBC and Fox have gone the entertainment route—MSNBC with a simulcast of Don Imus's irreverent New York radio show, and Fox with the frothy *Fox and Friends*. The news sometimes has a hard time breaking

through: For instance, neither network broke format August 7, when massive explosions rocked U.S. embassies in Kenya and Tanzania at around 5 A.M. Instead, MSNBC and Fox limited their reports to occasional updates until 9 A.M., when they joined CNN in providing extensive coverage.

August 27 offered lots of news from which producers could choose. Hurricane Bonnie continued to blow for a second day. The stock market dove 4.2 percent, driven by swirling rumors about the future of Russian President Boris Yeltsin. Attorney General Janet Reno opened a 90-day investigation





**Hurricane Bonnie: 12 MINUTES.**

Reports from field correspondents, Fox meteorologist, insurance expert (replay from previous night's business report).

**Clinton: 7 MINUTES.** One pundit debate ("Will he be able to shake off the scandal and effectively lead the country for the next two years?")

**Wall Street/Russia: 6 MINUTES.**

**Gore investigation: 1 MINUTE.**

**FBI news conference on arrest of Kenya bombing suspect: 15 MINUTES.**

**Other: NONE.**

**Headlines/updates: 8 MINUTES,** twice during hour. Main topics: Wall Street/Russia, Clinton speech, Gore investigation.



Fox offered extra coverage in response to the tumbling Dow.



**Hurricane Bonnie: NO SEGMENT.**

**Clinton: 20 MINUTES.** Pundit debate ("We're debating what, if anything, the president can do to regain the public's trust." Need for further Clinton apology examined, along with the gap between the political and media elites and the general public.)

**Wall Street/Russia: 8 MINUTES.**

**Gore investigation: NO SEGMENT.**

**FBI news conference on arrest of Kenya bombing suspect: 16 MINUTES.**

**Other: NONE.**

**Headlines/updates: 5 MINUTES,** twice during hour; on-screen headlines, once. Main topics: Wall Street/Russia, Clinton speech, Hurricane Bonnie, Kenya bombing suspect, U.N. weapons inspector Scott Ritter's resignation.



**Hurricane Bonnie: 9 MINUTES.**

Reports from field correspondents, CNN meteorologist, psychologist/expert in disaster stress.

**Clinton: 4 MINUTES.** Possibility of another Clinton apology raised once.

**Wall Street/Russia: 10 MINUTES.**

**Gore investigation: 1 MINUTE.**

**FBI news conference on arrest of Kenya bombing suspect: 16 MINUTES.**

**Other: 10 MINUTES** (Kenya bombing suspect, 4 minutes; possible trial of alleged Libyan terrorists, 1 minute; U.N. weapons inspector Scott Ritter's resignation, 4 minutes; explosion of Boeing rocket, 1 minute.)

**Headlines/updates: NONE.**

into Vice-President Al Gore's fund-raising. A Kenya bombing suspect was flown to the U.S. And President Clinton gave a speech, his first major public appearance since admitting to an improper relationship with Monica Lewinsky.

How did the news play out? Pretty similarly on all three networks when it came to live press conferences and speeches by public officials. But the three diverged sharply after that. MSNBC took the most sensational road, in both news coverage and self-promotion, devoting the majority of its time to the troubles plaguing the White House, even though there was little actual news to report. CNN took the more serious route and actually broke news about Libya that other news outlets followed. As for Fox, it bounced all over in an unpredictable mix, moving from hard news to political punditry to light features.

Janet Reno's weekly press briefing made the cut on all three; she got four minutes on MSNBC, eight minutes on CNN, and nine minutes on Fox. A press conference by FBI, State Department, and National Security Council officials trumpeting the arrival in the U.S. of the suspect in the Kenyan bombing got 22 minutes on Fox, 25 minutes on MSNBC, and 35 minutes on CNN. President Clinton's speech on school safety merited 23 minutes—just his speech with none of the enthusiastic introductions and loud applause—on Fox and CNN. MSNBC viewers saw a full 33 minutes' worth of the event.

During the day, MSNBC gave over much of its time to political pundits with short fuses, many of them culled from the ranks of talk radio. "One at a time. We're going to have





**Hurricane Bonnie:** NO SEGMENT.

**Clinton:** 24 MINUTES. Pundit debate ("Can President Clinton do something to show he can still lead this nation?")

Debate over whether the president should apologize again.)

**Wall Street/Russia:** 2 MINUTES.

**Gore investigation:** NO SEGMENT.

**Continuation of FBI press conference on arrest of Kenya bombing suspect:** 9 MINUTES.

**Other:** 2 MINUTES. (Kenya bombing suspect.)

**Headlines/updates:** 5 MINUTES, twice during hour; on-screen headlines, twice. Main topics: Hurricane Bonnie, Wall Street/Russia, Kenya bombing suspect.



**Hurricane Bonnie:** 10 MINUTES.

Reports from field correspondents, Fox meteorologist.

**Clinton:** NO SEGMENT.

**Wall Street/Russia:** 10 MINUTES.

**Gore investigation:** 4 MINUTES. Pundit debate.

**Continuation of FBI press conference on arrest of Kenya bombing suspect:** 7 MINUTES.

**Other:** 8 MINUTES. (Kenya bombing suspect, 2 minutes; repeat of fishing feature, 6 minutes.)

**Headlines/updates:** 4 MINUTES, once during hour. Main topics: Wall Street/Russia, Gore investigation.



**Hurricane Bonnie:** 1 MINUTE.

**Clinton:** NO SEGMENT.

**Wall Street/Russia:** 5 MINUTES.

**Gore investigation:** NO SEGMENT.

**Continuation of FBI press conference on arrest of Kenya bombing suspect:** 19 MINUTES.

**Other:** 26 MINUTES (Kenya bombing suspect, 6 minutes; interview with Libyan leader Moammar Khadafy, 20 minutes.)

**Headlines/updates:** NONE.



CNN scored a bona fide scoop: an interview with Khadafy.

a civil conversation the rest of this afternoon," anchor Ed Gordon said after one shouting match. But, of course, they didn't. The pundits routinely interrupted each other, rolled their eyes, and screamed over one another.

On August 27, the topic was, surprise, President Clinton. Between 9 A.M. and 6 P.M. (E.T.), MSNBC devoted 235 minutes to the president, the overwhelming majority to reports and debates about his problems and prospects. Hyperbole abounded. President Clinton is "the worst thing that's ever happened to the Democratic Party," asserted Mark Braden, former general counsel for the Republican National Committee. The president "is beloved by the people," said talk-radio host Lynn Samuels.

Talk-radio host Victoria Jones was an MSNBC guest in the 9 to 10 A.M. hour and again from 5 to 6 P.M., but she didn't

have to come up with fresh thoughts for each appearance. At 9:23, she said President Clinton must apologize again for the Lewinsky situation before going to Russia, "otherwise you're gonna have two leaders of the free world, the adulterer and the drunk, standing together. That doesn't look good." The line was so good that it resurfaced at 5:18: "I don't want Bill Clinton [and] Boris Yeltsin standing together, two leaders of the free world, adulterer next to a drunk, and him having to answer questions about this," Jones said.

Virtually every discussion got a label. "The White House in Crisis," "Investigating the President: What Does He Need To Do?" "NBC News @ Issue: Rebuilding his Image?" and "News Chat: Clinton Back to Business: Effective Leader—or Lame Duck?" were just some of MSNBC's relentless on-



screen headlines trumpeting the White House's woes as conversational fodder—and creating an impression of anti-Clinton bias simply by the sheer volume of coverage, though the debaters were carefully balanced among the pro- and anti-Clinton camps. That impression was heightened by periodic reports from an MSNBC Internet correspondent, conveying the overwhelmingly anti-Clinton comments from the MSNBC chat room.

Of the three networks, CNN had the least Clinton coverage, with much of it—particularly the insider analysis that appeals to political junkies—confined to the 5 P.M. show *Inside Politics*. Instead, CNN made use of its international strengths. Its Nairobi correspondent reported insightfully on the Kenya bombing suspect brought to the U.S. for trial. Its reports on the Moscow crisis had more depth than those aired by its rivals. And from 2:30 P.M. to 2:50 P.M., CNN pulled off a live interview with elusive Libyan leader Moammar Khadafy. It wasn't great television—Khadafy rambled, and there was lots of sitting around waiting for an unseen translator to finish—but it was real news; what Khadafy said on CNN made page A3 of the next day's *New York Times* (See article below).

As for Fox, its approach was a hybrid of the two, straight news updates punctuated by brief—about five minute—pundit debates between a conservative and a liberal. On August 27, Fox jumped the hardest on the biggest story of the day, the decline of the Dow, doubling economics editor Neil Cavuto's 5 P.M. stock market wrap-up to two hours.

For viewers who use all-news cable as a headline service during the day, CNN and Fox provided the most straightforward coverage. On August 27, CNN and Fox viewers followed the Dow down, with regular reports starting in the 9 A.M. hour. By contrast, MSNBC viewers got two early reports

between 9:30 and 10 A.M. and then were left largely dependent on the ubiquitous stock ticker in the corner of the screen until the next in-depth report at 12:35 P.M.

Mixed in with their news reports, CNN and Fox offered high doses of “news you can use.” Fox had medical updates three times during the day, and Cavuto frequently stopped to explain the implications of the stock market drop to non-Wall Street insiders; CNN broadcast an “allergy report” that morphed into an ad for Tylenol Allergy Relief, with the news and the commercial tied together with music. Fox had more frivolous features, including a lengthy report on renegades who fish illegally in the public reservoir in Holyoke, Massachusetts. With so much time to fill, Fox got double duty out of guest Richard Branson, chief executive of travel and entertainment company Virgin Group. From 3:20 P.M. to 3:27 P.M., he talked about the death of his friend Princess Diana. From 4:20 to 4:27, Cavuto grilled him about business strategy in the wake of the market turmoil.

On this day, at least, Fox showed little sign of the right-wing bias that many suspect. Fox launched in 1996 with a promise to be “fair and balanced,” but few were convinced, given the conservative leanings of its owner, News Corporation chairman Rupert Murdoch, and Fox News chairman Roger Ailes, who had a long career advising Republican political candidates.

But with more straight news on August 27, Fox came across as less biased than MSNBC, with its nonstop scandalmongering. Still, Fox often finds ways to slip in little zingers, whether for bias or publicity value is unclear. The weekend lineup includes anti-Clinton gossip Matt Drudge. A summer news poll asked the question: “This weekend, President Clinton will attend a fund-raiser hosted by movie stars Alec Baldwin and Kim Basinger. Given the opportunity, how likely do you think

## MEANWHILE, AT THE NEW YORK TIMES...

**O**NCE UPON A TIME, IF IT WASN'T IN *THE NEW YORK TIMES*, it wasn't really news. In the new world of 24-hour cable news, however, the *Times* sometimes seems to be in a world of its own.

Here's how the August 28 edition of *The New York Times* compared to the previous day's cable fare:

Most dramatically, the *Times* ran no fewer than four front-page stories on the political turmoil in Russia and its international impact. While all three cable networks took the Russian situation seriously, many cable viewers would have been caught off-guard by the heft of the *Times*'s approach.

A story about the Kenya bombing and two regional news stories completed the front page.

On some other stories, the *Times* played catch-up. Page A3 carried a story about CNN's interview with Libyan leader Moammar Khadafy, and one on brutal

killings in the Congo, accompanied by photos from a government video that Fox had broadcast.

The *Times*, meanwhile, downplayed several stories that the networks followed in detail.

President Clinton's Worcester trip, which got a big buildup in cable-land but turned out to be only modestly newsworthy, merited a medium-length story on A14, with a large picture and a small headline. The president's failure to apologize again for his conduct in the Lewinsky matter—a major theme running through the cable networks' coverage of his speech—wasn't mentioned at all in the *Times*'s piece.

As for Hurricane Bonnie, which also dominated the cable day, the storm only earned two A20 stories, one on how it wasn't as bad as feared. The other? It was about the theatrics used by local stations and cable news channels covering the storm.

—EJ



## ALL THREE NETWORKS USE EXCESSIVE HYPE. BUT AT MSNBC—WHOSE PARENT NETWORK NBC HAS MASTERED THE ART OF TURNING ORDINARY SHOWS INTO “EVENTS”—HYPE INFLATION HAS SET IN.

it is that Clinton will make a pass at Kim Basinger?” A spokesman notes that Fox also aired the results, in which 68 percent said they thought it not at all or not very likely.

News judgment isn’t the only difference among the networks. As competition has intensified, so has the pressure to add grabby packaging to keep viewers from hitting the remote. For a network that has been on the air almost two decades and is in a tight competitive fight, CNN has surprisingly low-rent production values, although an on-air makeover in early October added some viewer-friendly cosmetic changes. On August 27, a report from Moscow was illustrated by a shot of a Russian newspaper, not held by the correspondent, or sitting on the newsstand, but laying on drab gray carpeting as the camera panned slowly over. A screen graphic meant to spice up an interview was downright counterintuitive: the word “hurricane” scrolling very slowly in the background.

Fox’s on-screen look, by contrast, is clean and modern. MSNBC has the formula for debating pundits down cold: they pop up in their own boxes on screen, *Hollywood Squares*-style. On CNN’s weekday *Burden of Proof*, the panelists sit in uncomfortable-looking, straight-backed armchairs in two rows, one behind the other, on a carpeted riser. When MSNBC wants to get on-camera public reaction, it heads to outdoor locales; CNN’s prime vehicle for everyday people-interaction is its *TalkBack Live*, broadcast from the middle of the Atlanta atrium food court that shares a building with CNN headquarters; guests, some engaged, some looking bored, sit in a talk-show style audience. On August 27, an elderly woman waved at the camera from behind host Bobbie Battista, who was talking about terrorism.

Fox works with fewer resources than the other two organizations; on August 27, it showed. All three channels had live reports out of Russia; most of the day, CNN and MSNBC had their correspondents live on camera, while Fox’s correspondent was on the phone. And in the middle of Cavuto’s live interview with JCPenney chairman James Oesterreicher, the satellite went “kaplooeey,” as Cavuto inelegantly put it, jumping to a picture of a boxing match before fading altogether. The interview was abandoned.

On top of the look, there is the hype—the relentless pounding of teasers aimed at keeping viewers tuned in, and the on-screen titles that simplify everything into a “Crisis” or “Scandal”—which can compound the effect of the disparate visions of the 24-hour-news channels.

All three networks use excessive hype. But at MSNBC—whose parent network NBC has mastered the art of turning ordinary TV shows into “events” to grab the attention of

increasingly distracted viewers—hype inflation has set in.

At 9:42 A.M., the stock market was already tanking, just 12 minutes after the opening bell. The MSNBC screen blared: “NBC News Bulletin/Dow Down Over 100 Points.” But viewers alarmed by that headline wouldn’t get an explanation for another 13 minutes. Anchor Chris Jansing promised a “report coming up” on the worrisome trend. But despite the urgency conveyed by the headline, MSNBC first aired a live report from Chip Reid in Washington, who said that independent counsel Kenneth Starr’s grand jury was back in session and discussed whether President Clinton would re-address the Lewinsky situation. Reid’s report was followed by two minutes of commercials and teasers, and then, from 9:47 to 9:54, a pundit face-off on “Starr’s Strategy.” Headlines flashed on screen during the encounter; none mentioned the declining Dow.

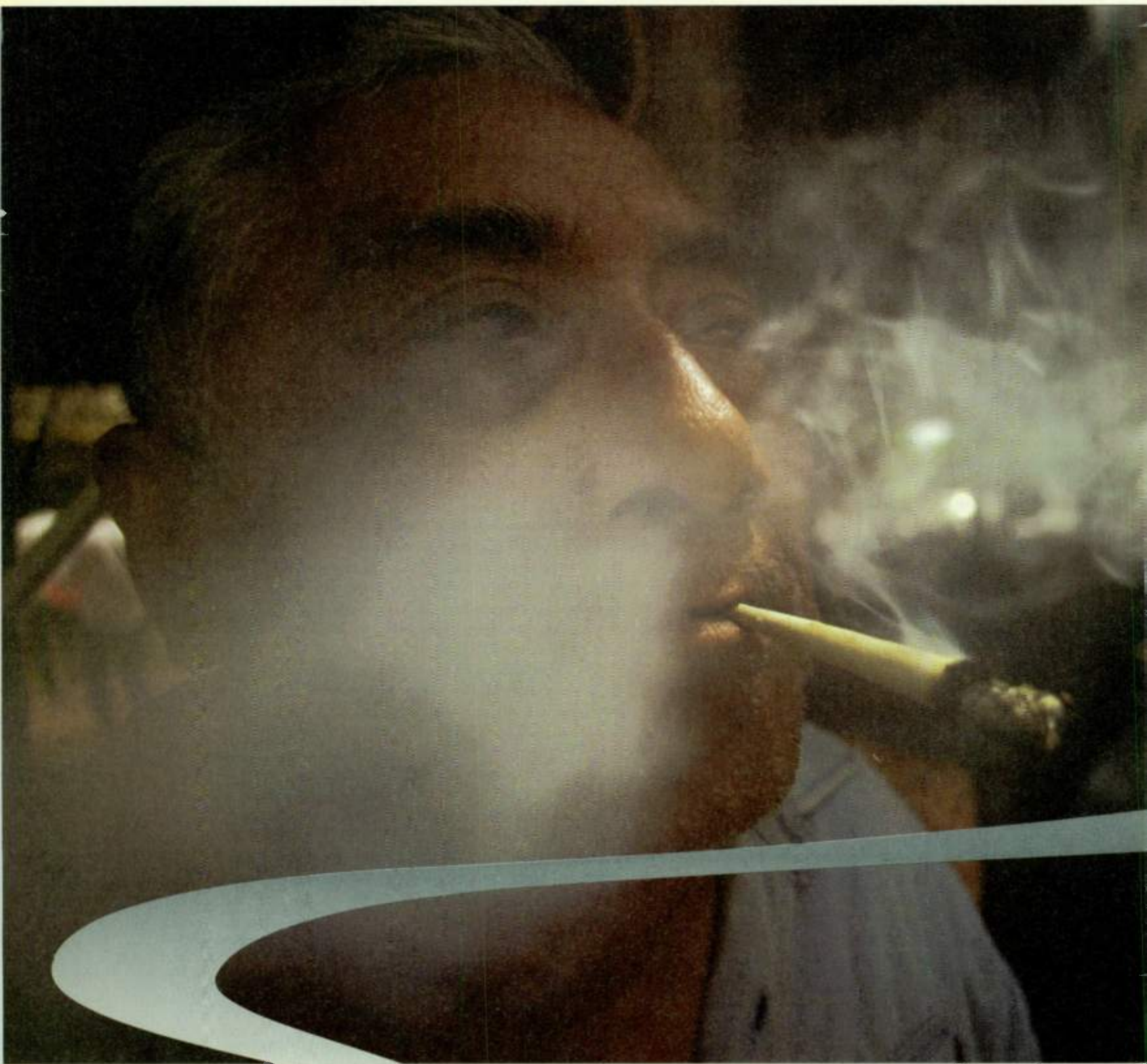
After another minute of commercials and promotions for MSNBC shows, at 9:55 patient viewers finally heard Maria Bartiromo, a correspondent for sister financial channel CNBC, explain live from the floor of the New York Stock Exchange how unrest in Russia was unnerving U.S. investors. The “NBC News Bulletin” logo accompanied her report.

Traditionally, a “bulletin” has meant something specific in the news business. At the Associated Press wire service, whose stylebook tells writers to use the label “judiciously,” spokeswoman Tori Smith says “bulletin” material is generally “Stop the presses, scrap page-one type news.” In the AP hierarchy, a “Bulletin” ranks above “Urgent.” On August 27, between 9 a.m. and 6 p.m., MSNBC used the “Bulletin” label five times.

CNN, even at the risk of being dull, is the most honest with its viewers—or else it just has better reporting. At 9:27 A.M., White House correspondent John King said, “We’re told by aides not to expect the president to say anything about Monica Lewinsky.” MSNBC didn’t impart that knowledge until 10:13—after telling viewers seven times between 9 and 10 A.M. that President Clinton just might say more about her in his upcoming speech. As for Fox, it kept up the suspense right until the noon speech, raising the possibility 11 times between 9 A.M. and noon.

Still, CNN on August 27 misled viewers with an incessant promotion for its 10 P.M. *NewsStand* show that night, which had a fantasy segment on who would make good casting for a movie on the White House scandal. “Monica, the Movie?” teasers, many implying that the movie was real, aired more than one dozen times during the day; they also gave the network an excuse to show over and over the video of the president hugging the adoring intern. ■





**By Nicholas Varchaver**



# WARNING: SECONDHAND SMOKE MAY NOT KILL YOU

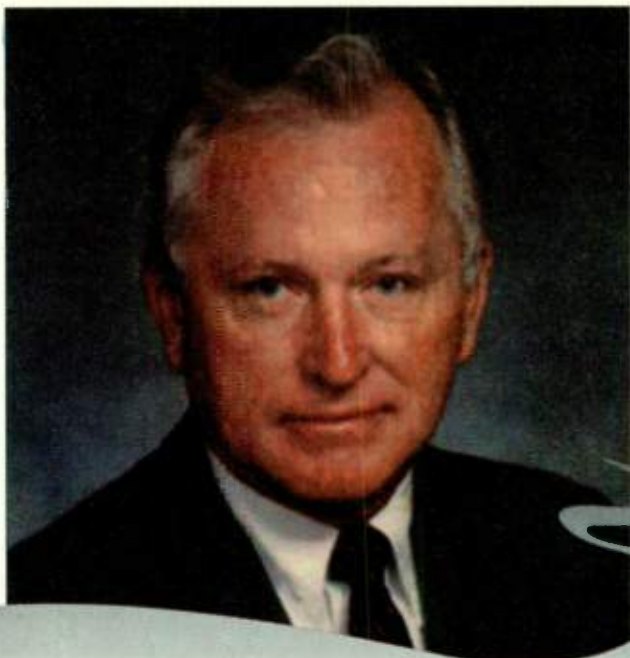
**Virtually nobody doubts that smoking causes cancer. But the press has created the impression that the science is as certain on the issue of secondhand smoke. *It isn't.***

**W**HEN FEDERAL JUDGE WILLIAM OSTEEN THREW OUT the Environmental Protection Agency's 1993 report finding that secondhand tobacco smoke causes lung cancer, the reaction was swift and strong. Editorials in newspapers big and small, north and south, blasted the July 17, 1998, decision. The headlines told the story: "This ruling stinks," wrote *The Herald* in Rock Hill, South Carolina. "Big

tobacco blows smoke—again," the *St. Louis Post-Dispatch* complained. The *Deseret News* in Salt Lake City dismissed the decision as "Another tobacco smoke screen." And *The Morning Call* of Allentown, Pennsylvania, pleaded, "Don't abandon the non-smokers." Even the minority that praised the judge, such as the *Boston Herald*, weren't overwhelming in their endorsements: "Smoke is still irritating," the tabloid grouched.



Federal judge William Osteen overturned the EPA's findings on secondhand smoke.



**The judge accused the EPA of “adjust[ing] established procedure and scientific norms to validate” its predetermined conclusion that secondhand smoke causes cancer.**

Most of the editorials expressed a mix of anger and betrayal that the judge had gutted the EPA findings—which he did not only for procedural legal reasons but also because of what he concluded was faulty science. But beneath that was a fundamental surprise, a sense that a judge—a nonscientist, after all—was questioning the unquestionable. Most editorials dismissed Osteen as they would a medieval religious figure blindly clinging to his belief that the earth is flat. The *Deseret News*, for example, branded the judge's findings as “ludicrous,” and wrote, “The danger is that Osteen's ruling will be taken seriously.” The editorial implied that the judge was callous about the human consequences of his action: “Fortunately, his profession allows for appeals—something not available to the estimated 3,000 who die annually from ingesting exhaled smoke.”

But the media shouldn't have been shocked by the judge's criticisms. If news organizations had made more of an effort to look at the EPA study, they wouldn't have been surprised by Osteen's views. The judge was merely expressing doubts about the EPA study that had been raised repeatedly by credible critics in the five years following the report's release—doubts that had been ignored by most news outlets.

In fact, members of the public can be excused if they still harbor the certain belief that, like smoking itself, exposure to secondhand smoke can kill you. After all, for the most part, the media—with ample reason to be skeptical of any tobacco industry claims—have downplayed any doubts about the dangers of secondhand smoke, while parroting the scariest available statistics about its effects.

The fact is, while proving a link between passive smoke and

cancer has been a tricky business for scientists, reporting on the issue has been even harder for the media, which have tended to take the grays that often characterize the scientific process and portray them in strong blacks and whites.

“Nobody goes and looks at these studies,” says Richard Kluger, who won the Pulitzer Prize for his 1996 book *Ashes to Ashes: America's Hundred-Year Cigarette War, the Public Health, and the Unabashed Triumph of Philip Morris*. The majority of journalists, Kluger says, merely “took what they were given.” Instead of trying to assess the quality of the studies, most reporters merely repeated their conclusions. That was important because, as Kluger's book noted, the only element more characteristic than “the inconsistency of the results” in the decades of secondhand-smoke studies was “the weakness of the associations [between passive smoke and cancer], where they were found to exist at all.”

Despite their flaws, the secondhand-smoke studies have helped change the social consensus. In particular, says Kluger, the EPA report was a watershed event. Hundreds of companies, organizations, and cities issued smoking bans. “The secondhand-smoke issue, more than any of the surgeon general reports [on direct smoking], has changed the political debate,” Kluger says. Where once tobacco was seen as an issue of personal choice, now it's seen as an infringement on others' health.

Anti-tobacco activists pooh-pooh the importance of Osteen's decision, asserting that subsequent studies, including recent ones by the California state EPA and the *British Medical Journal*, have confirmed the link between what is officially termed environmental tobacco smoke (ETS) and cancer. “In many ways, the issue is moot scientifically,” says Dr. Stanton Glantz, a professor of medicine at the University of California, San Francisco, and coauthor of *The Cigarette Papers*. “A lot of water has gone under the bridge.” According to an article earlier this year in the *Journal of the American Medical Association*, 106 studies have now been published on secondhand smoke, with 63 percent finding that passive smoking causes cancer or has other negative effects on health.

It's true that the vast majority of scientists consider secondhand smoke a carcinogen. But the difficulties of testing exposure to secondhand smoke means there are still doubts on the subject. With scientific proof lacking, the questions loom: Why did it take a court decision rendered five years after the fact to raise doubts about the EPA's study? And where was the press?

“Some people tend to talk about passive smoking as if it's as certain an association [with cancer] as active smoking,” says Dr. Geoffrey Kabat, an associate professor of preventive medicine at the State University of New York at Stony Brook. Even if you accept the EPA numbers, a male faces 100 times more risk of cancer if he smokes than he would from passive smoking. That makes active smoking perilous indeed. But what does that mean for the cancer risk of secondhand smoke? According to a 1995 Congressional Research Service study, the odds that a nonsmoker will die from secondhand-smoking-induced lung cancer are about the same as those for dying from electrocution or by drowning. Even nonsmokers who live with smoking spouses are more likely to be killed in a homicide than they are to die from lung cancer caused by somebody else's smoking.

Senior writer Nicholas Varchaver wrote about Time's coverage of a Tulane University medical professor's alleged faked death in the October issue.



AS CRITICAL AS JUDGE OSTEEN WAS OF THE EPA'S SCIENCE ON secondhand smoke, it's worth noting several things that he didn't do in his ruling: challenge the EPA's claims that secondhand smoke is responsible for 150,000–300,000 lower-respiratory infections a year in children or disagree with the EPA's findings that passive smoking worsens the asthma suffered by hundreds of thousands of children. And he certainly didn't question what is now considered immutable truth by all but a handful of people on tobacco company payrolls: So-called direct smoking, as opposed to secondhand smoking, causes lung cancer and heart disease. (As often happens in anything relating to tobacco, Osteen's background has been an issue. Osteen sits as a judge in North Carolina and is typically described in news articles as a onetime tobacco lobbyist in "the heart of tobacco country." Charges of conflict of interest, however, were blunted in 1997, when Osteen ruled in another case that the federal Food and Drug Administration could regulate tobacco as a drug, a critically important anti-tobacco decision that has since been overturned on appeal. Osteen declined to be interviewed for this story.)

But, to put it mildly, when Osteen examined the EPA's conclusions on the link between passive smoking and lung cancer—the element of the EPA study that has been most often cited by the press over the years—he was appalled. His criticisms were pointed and varied.

Osteen found that the EPA had "publicly committed to a conclusion before research had begun; excluded industry by violating the Act's procedural requirements; adjusted established procedure and scientific norms to validate the Agency's public conclusion, and aggressively utilized the Act's authority to disseminate findings...to influence public opinion. In conducting the ETS Risk Assessment, EPA disregarded information and made findings on selective information; did not disseminate significant epidemiologic information; deviated from its Risk Assessment Guidelines; failed to disclose important findings and reasoning; and left significant questions without answers."

The 93-page opinion charged the EPA with statistical hanky-panky. The EPA did not conduct original research; instead the agency used "meta-analysis," which involved blending the results from 30 previously completed studies, each of which tracked nonsmoking wives of smoking husbands. Though controversial, the use of meta-analysis is generally accepted among statisticians. But the methods used by the EPA to select and combine the studies, which had been conducted independently, were found by the judge to be lacking. For example, the authors of the EPA study had lowered their so-called confidence interval, a statistical term that assigns a percentage value to represent how likely it is that a result occurred purely by

**Editor's Note:** *Brill's Content* accepts paid advertising from tobacco companies. But the controversy surrounding this practice prompts us to state our position clearly: We recognize that smoking causes cancer, a fact that tobacco companies lied about for decades. Our policy is to accept advertising for legal products, as long as the ads do not make claims we perceive to be false. Our rationale, or rationalization, is that we believe that cigarette advertising in publications read by adults is meant to affect market share and brand loyalty and that, in any event, adults have had fair warning they shouldn't smoke.



chance. After the authors found themselves unable to obtain statistically significant evidence that secondhand smoke causes cancer within a 95 percent confidence interval (i.e., a 5 percent possibility that the results were due to chance), the scientists rejiggered the confidence interval. That maneuver gave them a statistically significant figure, but raised the likelihood of a random result to 10 percent.

"That seemed like a cheat, an unconventional thing to do," says Kabat, who served on the panel that reviewed the EPA risk assessment (and who has never been paid by the tobacco industry). "And it made the difference between the summary relative risk being significant and not significant." (A senior scientist on the team that put the report together notes that the review panel approved numerous revisions, including the changed confidence interval. He asserts that it was appropriate to use the lower confidence interval given that the EPA hypothesis—that secondhand smoke was carcinogenic—precluded the possibility that the smoke would have a positive effect on health.)

The adjusted confidence interval may have helped the results pass muster, but only barely. Fewer than one third of the 30 studies used by the EPA were statistically significant. Of the 11 studies conducted in the United States that were used to reach the EPA's conclusion that passive smoking increases one's risk of lung cancer by 19 percent, just one reached the statistical threshold even using the lower 90 percent confidence interval. In other words, the margin was razor thin.

Finally, the judge assailed the EPA group for "cherry picking" studies. For example, three large—but uncompleted—new studies were submitted to the EPA while the risk assessment was being prepared. (Most of the studies already being considered were small in size and thus less statistically powerful.) The EPA scientists decided to use the one that supported their theory, and excluded the other two—one of which

The Environmental Protection Agency drew the wrath of a federal judge, who found its report on secondhand smoke deeply flawed.



showed no overall link between secondhand smoke and lung cancer—on the grounds that they had been submitted too late. “Here was this big study—and it didn’t find any effect,” says Dr. Jane Gravelle, an economist who assessed the EPA study for the nonpartisan Congressional Research Service. “So why didn’t EPA sort of stop the presses for a study like that?” (The senior EPA scientist asserts that, among the late arrivals, only the study they included had data that was deemed usable.)

For all of the EPA’s maneuvers, the results were relatively meager: a 19 percent increased risk of getting cancer if one is exposed to secondhand smoke. By contrast, a male smoker faces 2,000 percent of the normal risk for cancer.

“The problem with secondhand smoke—the real prob-

**According to the Congressional Research Service,  
the odds that a nonsmoker will die from secondhand-  
smoking-induced lung cancer are about the same as  
dying from electrocution or by drowning.**

lem—was the difficulty in measuring dosage,” says author Kluger. If one is testing an actual smoker, for example, it’s pretty easy to get a rough sense of how much smoke that person has inhaled. A typical smoker knows how many cigarettes he or she smokes per day and can generally figure out how many years he or she been consuming cigarettes. A few minutes of simple multiplication can give you a rough lifetime cigarette total.

But it’s nearly impossible to arrive at a comparable figure for a passive smoker. Even if you take the surveys used by the EPA that involved nonsmoking wives of smoking husbands, and assume that the husbands know how often they light up, how does one determine how much smoke the wives had been exposed to? Most husbands and wives aren’t around each other every waking hour. A wife might breathe her husband’s smoke in the living room, the kitchen, the backyard, or the family car. Each of those settings can be drastically different in exposure and ventilation. It all adds up to a headache for scientists.

Those sorts of concerns were minimized in the EPA study. “There was a large element of politics in this document,” says Kabat, the former EPA panelist, who charges that the agency “started out to marshal the evidence to show that passive smoking was a cause of lung cancer and other lung disease.” Kabat, who adds that he isn’t impugning the integrity of any of the participants, says the EPA was driven by policy goals, as laudable as they might be, at the expense of science. “It was viewed as something that the people who want—for good reasons—to lessen the impact of tobacco-related disease could use as a tool in the progress of reducing smoking.” Kabat made both verbal and written objections to the EPA risk assessment, but ultimately joined the unanimous vote in favor of the study. “I had the option to dissent and file a minority report, but I guess I had done what I could do. Rightly or wrongly, I had expressed it and it was recorded. So I went along with a good deal of the report.”

**S**OME SCIENTISTS OUTSIDE THE EPA HAD DOUBTS at the time, too. “I was concerned [in the parts of the report that I read] about an appearance of bias in the way the data were selected and reported,” says Dr. John Bailer, who heads the health studies department at the University of Chicago and previously spent 22 years at the National Cancer Institute. “I thought there was insufficient attention to the weaknesses of the research studies that were used. They are not good studies for the most part.” Even today, says Bailer, who believes smoking causes cancer, “The evidence regarding [secondhand smoke and] lung cancer is suggestive—but the case isn’t yet proven.” (Bailer says he has never taken money from a tobacco company.)

Bailer’s views on this issue put him in the minority among his peers. “The certain consensus within the scientific community is that this causes lung cancer,” says Dr. Thomas Glynn, director of cancer science and trends at the American Cancer Society. But, he acknowledges, “it does look like EPA at least cut some corners” in its risk assessment. A second American Cancer Society scientist, Dr. Michael Thun, its vice-president of epidemiology and surveillance research, says, “There’s quantitative uncertainty, but there’s no qualitative uncertainty.”

That notion is echoed by Donald Shopland of the National Cancer Institute. “My interpretation of a lot of that is that they should not have come out with a number,” he says, referring to the percentage that the EPA assigned as the increased chance of getting cancer from secondhand smoke and to the estimate of the number of annual deaths. Shopland adds that if it were possible to come up with a percentage for increased risk, he thinks it would be higher than the EPA estimate. (The EPA used a series of statistical extrapolations to arrive at its estimate of 3,000 yearly secondhand smoke deaths among adults over 35. After first estimating the number of nonsmoking women who would die from exposure to their husbands’ smoke, the EPA then “incremented” that figure to adjust for exposure in other settings. After that, the study made a series of statistical assumptions and applied the results to male nonsmokers—noting along the way that “until better...data on males are available, no real sense can be made of the male passive smoking relative risks”—and then made further assumptions to estimate the comparable figures for ex-smokers. “Thus,” the report explained, “the total estimate of lung cancer risk to U.S. nonsmokers of both sexes is composed of component estimates of varying degrees of certainty.” The study described its confidence in the estimated number of deaths as “medium to high.”)

It was that shaky element—the numbers—that most journalists glommed on to. Like most newspapers, *The New York Times* opened its January 8, 1993, article announcing the EPA’s risk assessment with a death count: “Secondhand tobacco smoke causes lung cancer that kills an estimated 3,000 nonsmokers a year and subjects hundreds of thousands of children to respiratory disease, the Environmental Protection Agency said today in a long-anticipated report.”

The *Times* article included multiple comments from government officials, anti-tobacco activists, and tobacco industry



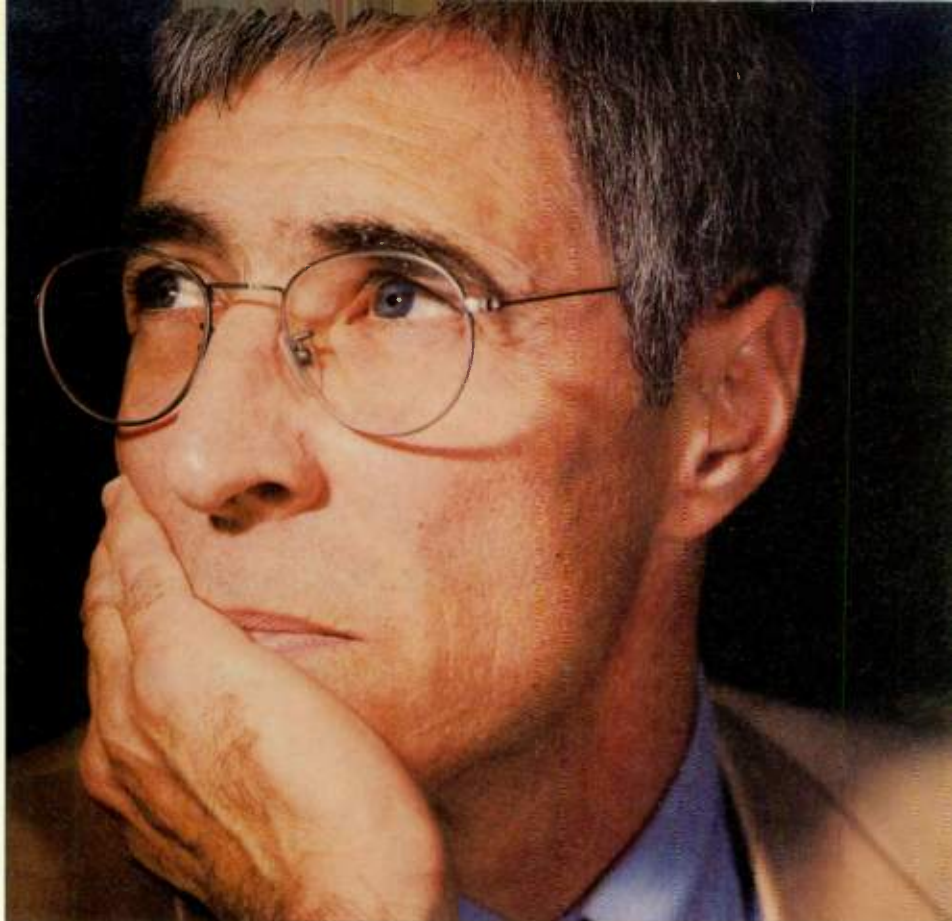
spokespeople. But it didn't include the slightest hint of criticism from anybody other than the paid flacks. The tobacco industry views were relegated to a few quotes that gave no sense of their specific criticisms.

The *Times's* approach was typical. For example, consider the coverage in the *Chicago Tribune*. In many respects the paper is a good proxy for American newspapers on this subject: It's a major, big-city daily that has won two Pulitzer Prizes in the last 15 years for science coverage and it has run dozens of articles about secondhand smoke. The *Tribune* isn't located in an area that relies on the tobacco industry, so it can't be accused of being in the industry's pocket. And its coverage also reflects the American press in general because, like most newspapers, the *Tribune* picks up almost all of its articles on the subject from The Associated Press, The New York Times News Service, and other wire services.

The *Tribune's* article announcing the EPA study was adapted from the AP. Like the *Times* article, it began with a list of numbers, although in this case the first statistics mentioned were "lung ailments in hundreds of thousands of nonsmokers each year." However, this was actually the ninth time the paper had reported these results. Since the EPA study had consumed more than four years, results had been previously announced in dribs and drabs. Four previous *Tribune* stories on the EPA study had led with the estimated death toll; two others had emphasized childhood ear infections. Like the *Times*, the *Tribune's* article about the study's release was uncritical; the *Tribune* didn't even mention tobacco-industry concerns. In its prior articles on the subject, the Chicago paper *had* noted such objections, but tended to do so in a dismissive way. For example, one article explained that Philip Morris had "turned on its public relations machinery in a campaign to discredit the study even before it is finished." (If anything, the *Tribune* articles had seemed more concerned about whether the tobacco industry had too much influence on the EPA panel reviewing the risk assessment. Before the EPA study was released, the *Tribune* ran four separate articles raising questions on that score.)

Since 1990, according to a search on the Lexis-Nexis database, the *Tribune* has published 105 news articles looking at studies or featuring findings on passive smoking. All 105 asserted that environmental tobacco smoke causes serious health problems. Only 26 of the articles included any dissenting voice; all of those came from the tobacco industry. The balance was more equitable in op-eds and letters to the editor. The *Tribune* published 39 items warning of the dangers of secondhand smoke, and 18 letters or articles raising questions on the issue.

**T**HE *TRIBUNE* DID RAISE QUESTIONS ON THE SECONDHAND-SMOKE issue, counters George de Lama, the paper's associate managing editor for foreign and national news. He points to an article titled "Press blew away secondhand-smoke truths," written by *Tribune* staff writer Jon Van, which appeared in the *Tribune's* Sunday "Perspective" section on June 19, 1994. That article did indeed question a passive-smoking study (this one in the *Journal of the American Medical Association*), asserting that it "may be a classic case in which smoke and mirrors overshadow scientific substance." The article, which raised several criticisms that would also apply to the EPA study, argued that "the case for environmental smoke as a cancer threat is weak."



It's a strong article—but one whose points were never mentioned in the 49 secondhand smoke articles that the *Tribune* published after its 1994 story. "Sometimes there's a mentality at newspapers," de Lama says: "Okay, we've done that. We've raised the questions about that. Do we have to repeat it each time?" I don't know if that's what specifically happened here. But I can see that."

Such a seemingly reasonable mind-set means that the news will be heavily influenced by "news events" like the release of a study. But that helps create a false reality: The never-ending stream of new studies creates the impression that there is absolute certainty on this subject. Yet it's precisely the omission of important caveats from those articles that means readers don't find that many of those studies *barely* concluded that secondhand smoke causes cancer.

The same emphasis on news events means the tobacco industry was generally able to air its criticisms in the *Tribune's* news pages only when it took concrete action. For example, most papers, including the *Tribune*, responded with articles when the tobacco companies filed suit in 1993 to challenge the EPA findings. Some newspapers, such as *The Wall Street Journal*, used the suit as a serious opportunity to analyze the industry's claims.

But few publications showed any inclination to delve into the area on their own. For example, when Jane Gravelle of the Congressional Research Service testified before Congress in May 1994 that "the statistical evidence does not appear to support a conclusion that there are substantial health effects from passive smoking," there was no mention of it in the pages of the *Chicago Tribune*, or in most other newspapers, for that matter. A year and a half later, the Congressional Research Service came out with a study of its own, again raising doubts about the science on secondhand smoke. Unlike the EPA, the CRS said "it is possible that very few or even no [lung cancer] deaths can be attrib-

Dr. Geoffrey Kabat says "there was a large element of politics" in the EPA's risk assessment on passive smoking.



uted" to secondhand smoking. Once again, no article appeared in the *Tribune* or in most other papers. In fact, only 15 of the 286 newspapers covered by the Lexis-Nexis database noted the study's existence in the two months after it was released. The majority of those references came either in editorials, commentaries, or in passing references in articles about something else. No newspaper in New York, Chicago, Los Angeles, San Francisco, Houston, New Orleans, Seattle, or Phoenix even mentioned it. ("How much attention does any general Congressional Research Service study get—on any subject?" asks the *Tribune*'s de Lama, asserting that the newspaper typi-

**The belief in the link between passive smoke  
and lung cancer is so accepted that many  
publications simply state it as fact.**

cally doesn't consider CRS studies important enough to cover. "My point is, that might've been overlooked. But it's not because somebody here has an agenda about secondhand smoke or doesn't want to raise an issue that might raise questions about the previous research.")

Some publications have bucked the trend. *Investor's Business Daily* raised questions about the EPA study the month it was released in an article titled "Is EPA Blowing Its Own Smoke?" And Jacob Sullum, a senior editor at the libertarian publication *Reason*, took the media to task as early as 1994 in an article entitled "Passive reporting on passive smoke," in the now-defunct *Forbes Media Critic*. Those articles raised many of the issues addressed by Judge Osteen. Sullum has continued to shine a spotlight on the subject in a new book titled *For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health*.

Sullum discovered the perils of venturing into the tobacco battlefield. "Much of it has been unpleasant," he says. "Anybody who says anything that seems to agree with the tobacco companies gets attacked." Sullum has routinely been dismissed as a shill for the tobacco companies, especially after he permitted R.J. Reynolds Tobacco Company to reprint an op-ed piece he'd written and accepted payment in return. Sullum says he took the money because he had already published the article and didn't think he could be accused of preparing it for the tobacco companies. "I've regretted it ever since," he sighs. Now, he says, he's routinely criticized for having "financial ties to the industry."

Sullum, though, is an exception. The belief in the link between passive smoke and lung cancer is so accepted that it is often stated as fact. For example, in June, in an article about health and geography, *Ladies Home Journal* noted, without explanation, that "secondhand smoke causes lung cancer, too." Last year, in an article looking at the connection between secondhand smoke and heart disease, *Newsweek* asserted that "Experts agree that passive smoking causes 3,000 lung-cancer deaths in the United States each year, while fostering asthma, bronchitis and pneumonia."

Other publications use an even more ominous death toll: 53,000. That figure includes deaths caused by secondhand-smoke-induced heart disease—an area the EPA explicitly declined to explore. Although this figure has never been endorsed by the federal government, it frequently turns up in articles mentioning secondhand smoke. For example, in July, *Essence Magazine* asserted that "secondhand smoke kills more than 53,000 people a year." And in December, *The Orange County Register* noted that "there is no safe level of exposure to secondhand smoke." Passive smoking is "causally linked to lung cancer, nasal sinus cancer and heart disease," the article continued. "Its effects are considered the third-leading cause of preventable death in the United States, killing 53,000 nonsmokers each year."

Such overstatements often appear when the subject is mentioned in passing in articles that focus on something else. When they address the topic in detail, some of these same publications have raised questions about the science of secondhand smoke. And, as the publications point out, those numbers do come from experts.

Should a journalist writing a 300-word "relationship" piece on how to deal with your mate's smoking, as the *Essence* article did, be expected to launch a major investigation into the accuracy of figures they get from the American Cancer Society? Probably not. Still, it's precisely the passing references, the constant drumbeat, that reinforce readers' beliefs that secondhand smoke causes cancer. After seeing it so many times, you might think, how could anybody—other than a tobacco company stooge—doubt it?

**A**LMOST SIX YEARS AFTER THE EPA STUDY, THE TREND in secondhand-smoke studies is to link passive smoking to lung cancer. For example, a meta-analysis published last year in the *British Medical Journal* looked at the existing studies and obtained results similar to the EPA's, this time using a 95 percent confidence interval. And nobody has ever suggested secondhand smoke is actually good for you, or that the tobacco industry—with its history of evasion and deception—should be given the benefit of the doubt. Quite the opposite. The tobacco industry's internal documents suggest the tobacco companies were more interested in maintaining uncertainty than they were in finding the truth. But the media still need to question government studies such as the EPA secondhand-smoke report—even if doing so happens to serve the tobacco industry's agenda.

In fact, it's precisely the industry's reputation for dishonesty—not to mention the fact that most people were already convinced of the evils of secondhand smoke—that made it easy for journalists to accept these studies at face value. "If somebody is saying cigarette smoke is dangerous, we're unlikely to challenge that," says the *Chicago Tribune*'s foreign/national news editor Marshall Froker, who informally oversees much of the paper's science coverage. "Red flags are not raised. And if the tobacco industry comes out and says that's a bunch of hokey, we're probably not as likely to have that spur us into an investigation as [if some other industry was making the same charge]. And that's just the way it is." ■



# Why Our Union Won't Be Giving To United Way This Year.

“Last year, members of Pipefitters Local 602 helped Habitat for Humanity construct five, two-story homes in southeast Washington, DC for low-income families. Apprentice Paul Grant said ‘you always wonder how to give back to the community, and this is a great way to do it.’ His comment typifies the attitude of UA members all across North America.

There is a full-page feature on the inside front cover of every issue of our UA Journal entitled ‘The Heart of the UA’ that chronicles the acts of charity of individual locals around the country. We believe in giving!

That is why it disappoints me to pull our union out of United Way, because since its inception organized labor and its millions of members have been staunch supporters.

The genius of United Way has been its ability to bring every facet of the nation together for united giving—including business and labor.

United Way has never been political, and neither union nor corporate officials who participate in United Way ever endeavored to misuse the organization for political reasons.

That ended this past spring. When United Way’s policy staff issued a stinging rebuke of Prop. 226 in California, (the so-called “Paycheck Protection Act”) anti-union employers supporting the Act were furious. They demanded that United Way repudiate the staff report. And the United Way leadership caved to their demand.

What United Way rescinded was a staff warning that Prop. 226 was so poorly drafted it would “cause a variety of adverse consequences for nonprofits.”

The Chronicle of Philanthropy, the nation’s leading publication on charitable giving, agreed, informing readers that Prop. 226 “is written so broadly that it applies not only to union dues, but also to charitable contributions.”

This was a message anti-union employers didn’t want to hear, so they brought pressure on United Way to deny what every responsible person knew to be true: that Prop. 226 was hazardous to the health of every charity.

United Way took the corporate side on a political issue critical to working families all across America. California voters wisely defeated Prop. 226—no thanks to United Way.

Our union will in no way reduce its charitable giving—we’ll simply give elsewhere, and the new endeavor we are proud to support is the Buoniconti Fund to Cure Paralysis.



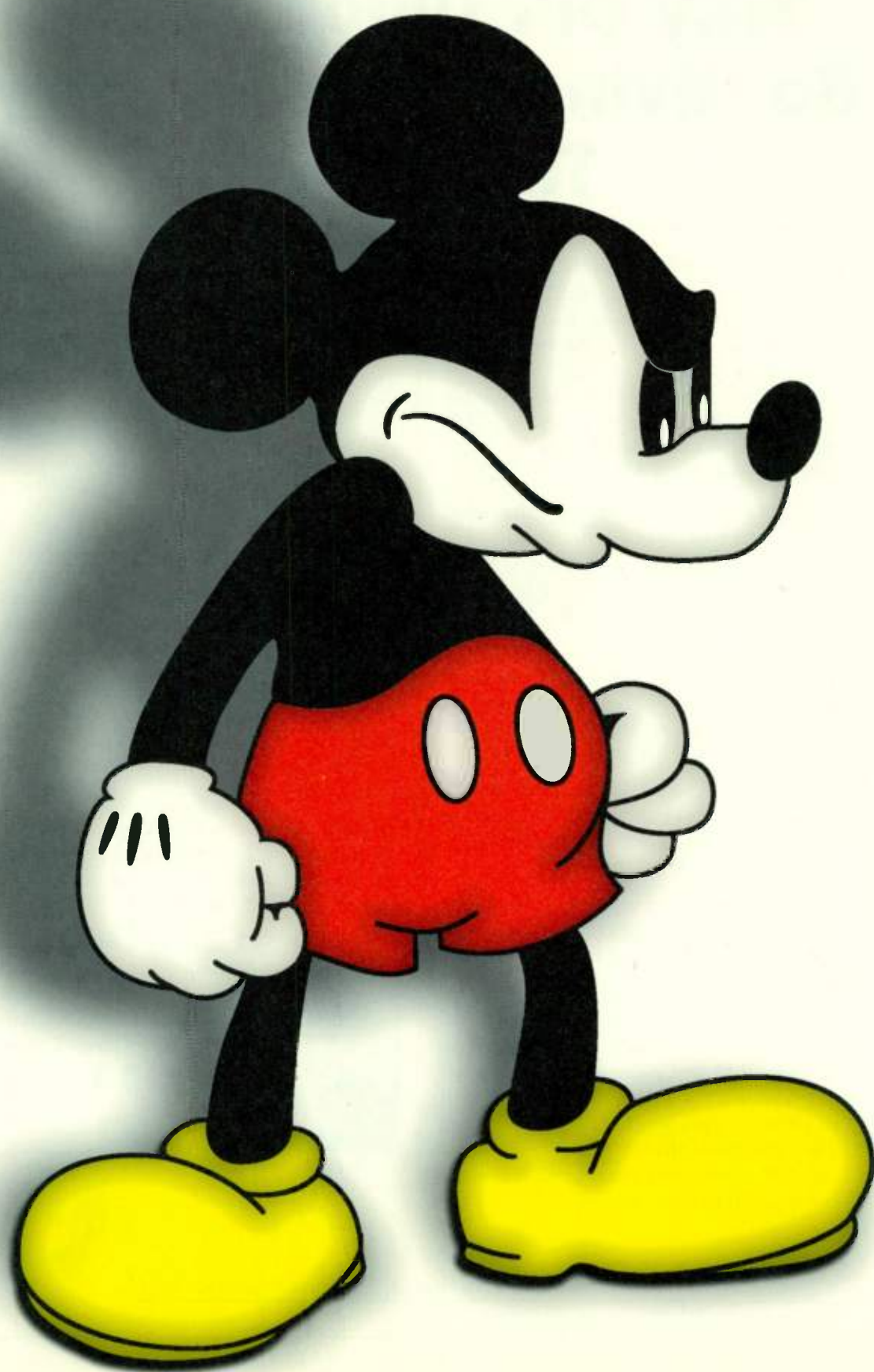
Martin J. Maddaloni  
General President

We will resume support but not until the United Way leaders restore their pledge to the slogan **“Labor Cares-Labor Shares.”**



P.O. Box 37800, Washington, DC 20013 (202) 628-5823







# mouse.ke.fear

There's no proof that Disney honchos ordered David Westin, president of Disney-owned ABC News, to kill a critical report about the entertainment giant. They didn't have to.

BY ELIZABETH LESLY STEVENS

**I**T WAS THE KIND OF SENSATIONAL, HEAVILY HYPED STORY YOU can see on a network newsmagazine show any night of the week. You can almost hear the indignant voice of the anchor—be it Diane Sawyer, Stone Phillips, or Mike Wallace—tantalizing viewers with the hot story to come:

*Disney's Magic Kingdom. Billed as the Happiest Place on Earth. But how safe are you—and more importantly, your children—at Disney's empire in Florida? All theme parks are magnets for pedophiles. But our four-month investigation found that Disney's hiring practices actually allowed the employment of convicted pedophiles at its parks and resorts. And law-enforcement sources we talked to say Disney is less willing to cooperate with authorities battling the problem than are other parks. Is Disney placing its youngest and most exploitable customers—your children—at unnecessary risk? Stay tuned for our ace investigative reporter's troubling report. . . .*

Though this isn't a real promo, this *was* a real story. But it never ran. It didn't because this was an ABC News story, and since 1996, ABC has been a relatively small, financially struggling division of the mammoth Walt Disney Company. David Westin, president of ABC News, killed the story after a bitter clash with the journalists who had nearly completed work on it—igniting suspicions that the story would have been told, but for Disney's ownership of the network.

Especially troublesome is how ABC went about evaluating and killing the story. The whole mess validates the viewing public's worst fears about conglomerate ownership of major news outlets. In this case, an otherwise powerful, prestigious news operation has shown

itself incapable of covering—or unwilling to cover—a major cultural and economic force in American life.

What, exactly, *is* Disney's policy on the question of ABC's coverage of the entertainment giant, which had 1997 revenue of \$22.5 billion?

Just days before the story was killed, Disney chairman Michael Eisner gave the view from the top. In a September 29 interview on National Public Radio's *Fresh Air*, Eisner said, "I would prefer ABC not to cover Disney.... I think it's inappropriate for Disney to be covered by Disney.... [B]y and large, the way you avoid conflict of interest, is to, as best you can, not cover yourself.... We don't have a written policy.... ABC News knows that I would prefer them not to cover [Disney]." Eisner did not answer questions posed by *Brill's Content* concerning the extent to which his sentiments may have guided Westin's decision to kill the story.

It is not much of a stretch to conclude that Westin had those words in mind in October when he told ABC News's investigative bulldog, Brian Ross, and Ross's longtime producer, Rhonda Schwartz, that their story would not air. Westin had by then been at the helm of the news division for only four months. Surely anyone so new to a job that requires skillfully managing both up and down would have been mindful of Eisner's remarks.

But Ross and Schwartz may have had the words of another ABC News executive in mind when they first proposed the story to Westin and other ABC News bosses in June. A little more than a year ago, Richard Wald, ABC News's senior vice-president for editorial quality, was asked about the potential for a network to censor itself when it comes to producing tough stories on its parent company. Speaking at an October 1997 panel discussion titled "News for Sale? Profits vs. the Press" at the Columbia University Graduate School of Journalism, Wald's response, as



recorded on an official videotape, was vehement: "We do not do that. There is no instance in which we *have* done that. There will be no instance in which we will do that....We do not play around with the integrity of the central question of our lives, which is to report fully and fairly what we know."

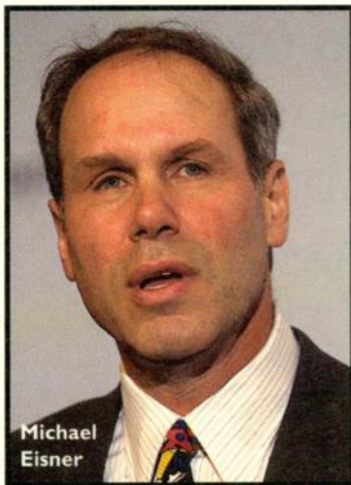
And Westin himself, after granting Ross and Schwartz permission to look into the Disney story—but before he requested and was given a draft of the script in late September—addressed the independence issue in August at a news division "town meeting" moderated by Cokie Roberts. One staffer asked, according to a tape of the meeting, "How committed is ABC News to maintaining its journalistic independence from Disney?" Without missing a beat, Westin responded: "That is almost last on my list of concerns....But let's be honest with each other. There's a large moat built around any news organization. If anybody starts messing with it, then op-ed pieces start being written, columns, and work [is] leaked."

A later ABC statement about how ABC

hypothetical byproduct of a network's loss of autonomy.

In reconstructing the story behind the story, *Brill's Content* has gathered information that lends credibility to Ross's reporting and raises questions about the judgment and editorial integrity of the key ABC officials involved in the saga at every turn:

- This emerges as a well-sourced story, one that, by all available evidence, met the standards of fairness and reportorial backup commonly found in investigative television news-magazine pieces. The aborted Ross report stemmed from a scathing new book about Disney that has its own credibility problems. But the ABC News team conducted substantial independent reporting over a period of four months and uncovered fresh examples of sex crimes being committed against children by workers at Disney. At least two cases in the ABC News report centered on children being sexually assaulted on Disney property.
- ABC News executives repeatedly instructed Ross and his producers to broaden the story by uncovering similar activ-



Michael Eisner

"I would prefer ABC not to cover Disney.... It's inappropriate for Disney to be covered by Disney....ABC News knows that I would prefer them not to cover [Disney]."

—Disney chairman Michael Eisner, September 1998

covers Disney suggests that Westin's "moat" has been drained. "Generally, we would not embark on an investigation focused on Disney," ABC spokeswoman Eileen Murphy told *Brill's Content* on October 19—in effect contradicting three years worth of executives' assurances that ABC News would treat Disney like any other company. What are people both inside and outside ABC News to make of such a jumble? "Neither I nor David would comment on Mr. Eisner's comments," says Murphy. "Our statement that we cover Disney like any other company has been consistent all along. We are all saying the same thing."

**W**HEN EACH OF THE BIG THREE NETWORKS was acquired by large corporations in the 1980s and 1990s, the public was assured that these news organizations would always act independently of any wider corporate interest or agenda. Whether the public believed it or not, journalists certainly seemed to accept those solemn vows that the integrity of what they do would not be compromised, that they could call 'em as they saw 'em, that decades of independent journalism at the country's largest national news outlets was not at risk. But in killing the Disney story, Westin seems to have demonstrated that at ABC, intimidation—whether overt or implicit—of a news organization by a corporate parent is no longer a

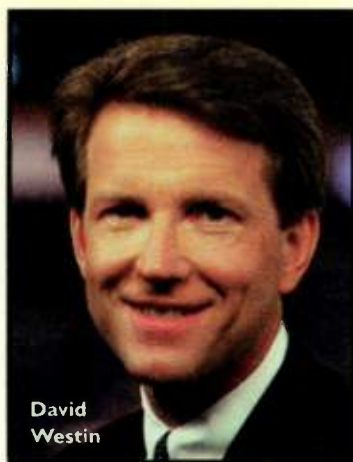
ity at parks that compete with Disney, especially those run by Universal Studios. That's not the kind of guidance typically provided on these sorts of exposés. Further, even after the journalists concluded that the story was largely a Disney story, and that certain management policies at Walt Disney World in Florida may have exacerbated the problem, ABC executives continued to press for the story's focus to be shifted away from Disney and toward its competitors.

- The story was far along in its development when it was killed. Two of the sources interviewed by ABC News say that producers told them that the piece was scheduled to run in late September, perhaps even during the season premiere of *20/20*. When it didn't air as scheduled, one source assumed it was because an ABC producer had made another trip to Orlando in late September to tape footage of a convicted pedophile who the network had been told was working at Universal Studios.
- The story script underwent a routine yet hours-long, pre-broadcast review by two ABC News lawyers who raised no substantial legal objection to its contents, and one of the lawyers later told colleagues that the story had passed muster. (Another odd aspect of this controversy is the notion of ABC lawyers, who ultimately represent the interests of the Walt Disney Company and its shareholders, vetting a story highly critical of Disney.)

How did ABC get into this mess in the first place? ABC News president Westin gave the project the go-ahead in June. That was

Senior writer Elizabeth Lesly Stevens wrote September's cover story on Microsoft's PR machine. Staff writer Ted Rose contributed to this article.





“There’s a large moat built around any news organization. If anybody starts messing with it, then...pieces start being written, columns, and work [is] leaked.”

—ABC News president David Westin, August 1998

just days after Westin—a corporate lawyer who has been faulted for his lack of journalism experience—replaced the legendary Roone Arledge as head of the news division. (Westin was at Walt Disney World, in the midst of his first ABC network-affiliates meeting in early June, when he gave his nod to Ross’s story.)

Ross, a veteran network correspondent with a reputation as a relentless digger whose zealotry at times has caused him to overreach in his conclusions, spent months documenting the story with his team of producers. As a departure point, the investigation used allegations made in a stridently anti-Disney book written by Peter Schweizer and Rochelle Schweizer and issued by conservative Regnery Publishing, Inc. ABC News signed a contract in June to get the “exclusive” on the book, and ABC News executive Wald wrote a letter to Regnery on June 24, promising that the investigation would be handled like any other, even though the subject of the book was ABC’s own parent company. Westin’s only stipulation in giving the green light, according to two ABC sources, was that Ross and Schwartz broaden the story to include what were assumed to be similar problems affecting theme parks generally, including those operated by Disney rival Universal Studios.

To some members of his ABC News staff, it appeared that Westin was simply following an unwritten policy, in part rooted in comments Eisner had made around the time of the ABC acquisition, that ABC News could continue to pursue any valid story, even if it was critical of Disney. (Those comments, of course, are at odds with Eisner’s September 29 remarks about preferring ABC to refrain from Disney coverage.)

It is astonishing in retrospect that, before approving the investigation, Westin apparently failed to ask key questions—questions that may have given him justifiable editorial reasons for taking a pass on it. Westin’s spokeswoman says he was unaware that the story was based on a Regnery book. He was also unaware that the book was stridently anti-Disney. *Disney: The Mouse Betrayed* reads like a 279-page rant, airing every

criticism that could conceivably be linked to the company, which has been demonized in recent years by conservative groups. “Gay Day promotional literature shows Mickey and Donald holding hands,” the book laments. “Officially these images are used without Disney’s permission, but the normally litigious company has winked at the practice.”

Westin wouldn’t be interviewed and it is impossible to know his thoughts at the time he approved the story. But it is unlikely that he would have wanted one of his first journalistic decisions as head of the news division to be the quashing of a proposed story that might embarrass his parent company. Then again, his failure to ask more questions and make an editorial judgment early on may just reflect his being new to the job and his lack of a background in news.

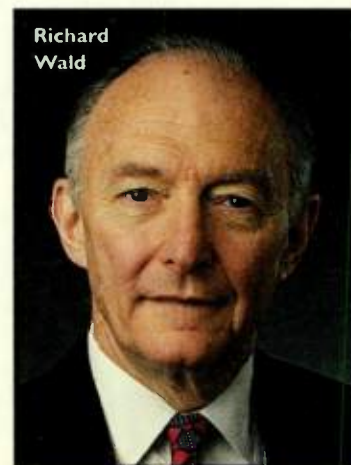
Four months later, in October, shortly after seeing a draft of the story’s script, Westin killed it. According to what Ross has told colleagues, Westin never offered Ross any specific criticism of the draft; instead, Westin only asked Ross repeatedly “Are you crazy?” (One senior ABC news executive confirms this account.) This was just days after Eisner had expressed his view in the NPR interview that ABC should not cover Disney.

**B**Y THAT POINT, OF COURSE, A COLLISION WAS inevitable. Steaming in from one direction were Ross and producer Schwartz, whose broadened reporting scope had only served to reinforce their conclusion that the pedophile problem was more worrisome at Disney properties than at other parks, and perhaps even exacerbated by the company’s management techniques. Steaming in from another direction was ABC and Disney’s policy—whatever it is—governing which stories involving the network’s parent company were indeed fair game for ABC journalists to explore.

By the time the story was squelched by Westin in October, it was clear that neither the story nor ABC News’s freedom to

“There will be no instance in which we will [avoid reporting on Disney]. We do not play around with the integrity of the central question of our lives, which is to report fully and fairly what we know.”

—ABC News senior vice-president Richard Wald, October 1997





Richard C. Wald  
Executive Vice President

June 24, 1998

Mr. Richard Vigliani  
Vice President  
Argentry Publishing  
1 Massachusetts Avenue N.W.  
Washington, D.C. 20001

Dear Mr. Vigliani:

I write this letter to further inform you of our request to gain exclusive access to his investigative materials prior to writing.

ABC News is interested in pursuing a more in-depth investigation and research (which we of course would properly employ) into the possible presence of persons like those in Disney World might be seen at that. While we are early, and have an idea, we would hope to conduct a report.

Brian has asked me to confirm to you that we fully intend to follow ABC's normal news practices in connection with this investigation, and I certainly do so assure you. That is, we do not intend to provide Disney or any other possible subject of this investigation with unusual access to information or materials we have gathered or prepared. We intend to follow those practices in the case of the Disney company as we would in the case of any other corporation about which we gather investigation material.

I trust you also understand that, consistent with our news-gathering, we would include asking the subject of the report on the allegations concerning that his family may not have been present in the early years of his life and others. Our duties to news stories like this is to do just that in this as in other news reporting.

Sincerely,

R.C. Wald  
Richard C. Wald

cc: Brian Ross

After submitting a story draft, Brian Ross (right) was told his resignation would be accepted. Above: Wald's letter to Regnery.



cover its parent company would survive the confrontation.

During the ugly scene on October 2 in which Westin uttered his remark about Ross being "crazy," Westin also said that Ross's resignation would be immediately accepted, Ross later would tell colleagues, and that the story made Westin question the validity of all the work Ross had ever done. Two sources who had worked with ABC News on the story were soon told that the piece had been killed outright. As of late October, Ross and Schwartz had neither resigned nor been fired, though a source within ABC News says relations between the pair and news executives remain tense and strained.

As word of the killed story leaked out, ABC News spokeswoman Murphy said publicly only that the story "did not work," and that the decision "does not reflect badly on any reporter or producer involved."

Westin, Ross, Schwartz, and other ABC News executives and staffers involved have all declined to speak publicly about the incident. On October 23, however, Westin did submit the following written statement, which, after explaining his general reluctance to discuss internal editorial deliberations, says:

*"I can tell you that Brian prepared a script for review that involved theme parks, including one owned by the Walt Disney Company.*

*In reviewing the script, I applied basic principles of*

*journalism—neutral principles—without regard to either the reporter or the companies being reported on. I concluded that the script did not meet ABC News editorial standards. I consulted with some of the most senior and respected journalists here at ABC News, who concurred in the judgment. That the Walt Disney Company, among others, was involved in the story did not influence the decision in any way. I remain entirely confident in the decision."*

Westin's statement is at odds with what is known about Ross's report and the process it underwent. First, the script focused on Walt Disney World; it was not a general report on theme parks, "including one owned by" Disney. Second, any review of Ross's script, especially because it was prepared by a correspondent of Ross's stature, would normally have included questions to him about possible gaps in the story and discussion about possible fixes before it was killed. Except for the instruction to include Disney's competitors, this does not seem to have happened. Third, *Brill's Content* was unable to find any "senior" journalist at ABC News willing to say, even not for attribution, that he or she concurred with the editorial judgment that the piece should have been killed. Fourth, Westin's statement here of his principles contradicts Eisner's public remarks in September that ABC should not cover Disney, and it contradicts the more recent statement of Westin's own spokeswoman that ABC should not generally undertake investigative stories of which Disney is the focus. Neither Westin nor Eisner responded to questions about these contradictions.

These conflicting statements and Ross's complaints to colleagues that the piece had been unjustly killed fueled fears both inside and outside ABC News that the story had been quashed because of interference by its corporate parent. Disney officials deny playing any such role. More likely than overt pressure from Disney is another more troubling scenario, one in which Westin moved proactively to avoid grief from his bosses.

One high-ranking Disney executive asserts flatly, and passionately: "The one thing I can tell you for sure is that we...had nothing to do with Westin's decision. Nothing. We knew nothing or heard nothing until reporters started calling us about its being killed....If Westin killed it for good reasons or bad reasons, he killed it on his own."

Unwelcome press scrutiny of the story's demise mounted in mid-October, and for two weeks or so it looked as if CBS's *60 Minutes* would rush to air a piece about the pedophile allegations and the fate of the ABC News story. *60 Minutes* executive producer Don Hewitt even tried to get Ross and Schwartz to come over to CBS to tell their story themselves.



One source familiar with the discussions says that Hewitt invited Ross and Schwartz to participate in producing the piece (which would have meant severing their ties to ABC), but Hewitt's spokesman says that Hewitt was only interested in the pair telling their tale on camera.

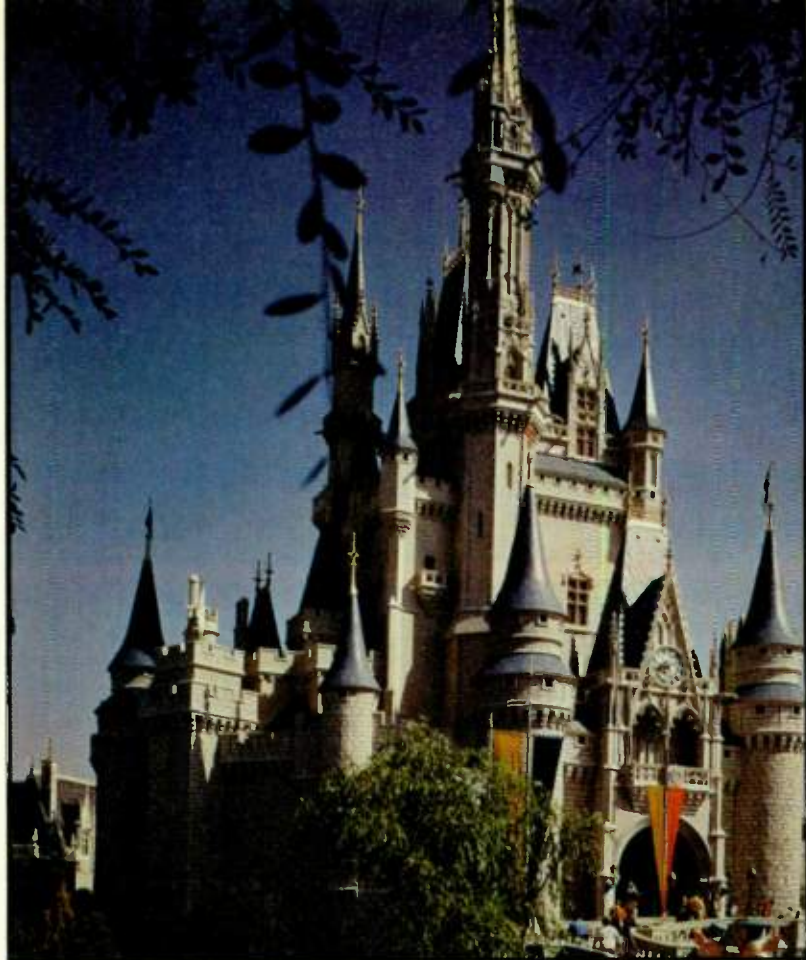
To try to find some way to air a version of the Disney story amid all the criticism and intrigue, Westin, ABC News executive vice-president Shelby Coffey III, and Wald asked Ross and Schwartz in mid-October to rework the piece to focus on theme parks more broadly, mentioning Disney minimally, say three people familiar with the situation. Though at Westin's earlier direction Ross and Schwartz had included other theme parks in their investigation, their reporting had kept leading the journalists to examples at Disney, say these three sources. To refocus the story on problems elsewhere could have been unfair and potentially libelous to the other companies. Ross and Schwartz refused to recast the piece, these sources say.

Without seeing the script, it's impossible to know for sure if the story was a gem or if it contained flaws so severe that senior news executives were justified in spiking it. But the executives never challenged Ross or Schwartz on any aspects of their reporting, two ABC sources maintain. Further, one ABC source says that the piece had already undergone a long, routine vetting session on October 9 with news division lawyers John Zucker and Betsy Schorr. No legal problems in the script had been flagged, something that a second source at ABC confirms one of the two lawyers told him. ABC News spokeswoman Murphy says that the legal review of the story had not been completed, however.

**B**Y RE-INTERVIEWING NINE OF THE SOURCES FOR THE ABC News story, *Brill's Content* has been able to get a fix on its major themes and points of evidence. It looked to be shaping up as a solid, if perhaps overblown, TV newsmagazine story, its scope and tone certainly on a par with Ross reports the network has aired since he joined ABC at a rumored \$1 million-a-year in 1994. Local prosecutors, sex-crime detectives from the state police and two local sheriff's departments, a plaintiffs' attorney, and a child-abuse activist all told the ABC News team, on the record, about specific cases within the past five years involving pedophiles working at a Disney theme park or hotel.

The piece revealed that Disney's policy of not running criminal-background checks on all new hires, as most parks in the region do, allowed pedophiles with easily found records of arrests and convictions to land jobs at the Magic Kingdom. The actual risk to Disney guests, however, could easily have been overplayed (something ABC and other networks often do when their newsmagazine subjects are *not* their corporate parents). *Brill's Content* was able to identify only three cases in which Ross, Schwartz, and field producer Jill Rackmill found that sex crimes had been committed against Disney guests on Disney property.

With 51,000 employees at Disney World alone, background checks for all new hires would be burdensome. But having such a policy in place would likely have kept men like Jimmie Lee Dennis and Daneal Irons off Disney's payroll and out of Ross's story. Dennis, who worked as a seasonal, on-call Disney employee in 1995, 1996, and 1997, had been arrested for



molesting a child at his previous place of employment, a local school, and was awaiting trial while working at Disney, says Linda Drane, the state prosecutor who handled the case. Dennis's job at Disney World was to wear a Tweedle Dee or Tigger costume and mingle with children, the ABC News team found; Dennis maintained his employment status after local police in 1996 tried to track him down through Disney security to serve an arrest warrant. In May 1997, Dennis was back at work as a Disney character, but was terminated for reasons not connected with his criminal record.

Irons had already served time in prison for armed robbery (the incident also allegedly included the attempted rape of a minor) when Disney's Contemporary Resort at the Magic Kingdom hired him as a cook in May 1998. Within weeks of starting work for Disney, Irons was a suspect in the rape of a Disney employee at the hotel. In July, he was arrested for allegedly raping a 16-year-old tourist staying at the hotel with her family, says Matt Irwin, the detective in the sex-crimes unit of the Orange County Sheriff's Department who handled the case. Irons has pleaded not guilty in the case.

Beyond Disney's human-resources department not running criminal background checks to keep all such employees from joining the payroll, Disney's 1,250-employee security force could not always be relied on to assist official

The aborted ABC News story used as its departure point a book about Disney that alleges, among other things, lax security practices at Walt Disney World (above).





## COMMENTS (AND NO COMMENTS)

We asked 21 ABC television news employees the following question: Would you be comfortable continuing to work at ABC News if Brian Ross's story about Disney was killed because of Disney's connection with the story? Here are their answers.

**Jackie Judd**, ABC News special assignment correspondent: Spokeswoman Su-Lin Nichols says Judd has "no comment."

**Sam Donaldson**, coanchor, *This Week with Sam Donaldson & Cokie Roberts*: Spokeswoman Su-Lin Nichols says, "He's not available."

**Cynthia McFadden**, ABC News correspondent, 20/20: "You're not gonna entice me [to talk]."

**John Donvan**, ABC News correspondent: "To be honest, I'd rather not comment."

**Hugh Downs**, coanchor, 20/20: "There's nothing I know of at this point that cuts across the integrity of ABC News, which Disney promised not to interfere with. It would be terrible if it were what it seemed to be, but I have no evidence that it was engineered by the parent company. I'm not concerned about it. It's always possible there were sound journalistic reasons for not using the story. It may seem awkward to the people who made that decision [not to run the story], but that's a position of better integrity than to yield to something because it looks bad [to have killed it]."

"Would I quit over it? No. It would have an effect, but no, I wouldn't up and flounce out. I don't expect to find any reason to even be upset about it."

**Chris Wallace**, chief correspondent, 20/20: "I'm real busy. I really can't talk to you about it today, and in general I don't comment on other reporters' work."

**Cokie Roberts**, coanchor, *This Week with Sam Donaldson & Cokie Roberts*: "I'd have to know a lot more about it. One of the things about being 54 is that very seldom are the things black and white."

**Bob Woodruff**, ABC News correspondent in Washington: "If somebody at Disney made a call and said, 'Kill this,' there's not a person in this building who counts themselves as a journalist who would be comfortable with that."

**Morton Dean**, ABC News national correspondent: "Other than what I read in the paper I don't know anything, and I'd rather not comment."

**Forrest Sawyer**, substitute anchor, *Nightline* and *World News Tonight*: Spokesman Robert Pini says Sawyer has "no comment."

**Bill Redeker**, ABC News correspondent: "Nothing that has occurred has impacted my ability to report and I don't expect that it will."

efforts to investigate crimes on Disney property, three of ABC's sources alleged. In another case he investigated about a year ago, Irwin says that Disney security improperly handled and rendered useless crime-scene evidence before calling police. Summing up, Irwin says he told ABC News: "It might make one believe they don't really care or aren't concerned about what is going on out there."

Another of the cases unearthed by Ross and his producers included allegations made by the family of one young victim that Disney security tried to avoid bringing in local police when a pedophile was caught in the act at a Disney park. The family asked that the child not be identified, and Orlando attorney Mary Ann Morgan told the family's story to both ABC News and *Brill's Content*.

In January, a 7-year-old British girl was molested by a man working for a Disney vendor, selling wearable puppets of Disney characters on the grounds of the Disney-MGM Studios theme park. Jeffrey Bise, the puppet vendor, while appearing to help the girl fasten the cumbersome puppet around her waist and legs, repeatedly fondled her genitals. The girl ran and told her mother, who was shopping just a few feet away. Her uncle, a British policeman, confronted the puppet vendor, who denied everything. The family immediately reported the incident to Disney security. The Disney security team filled out an official park incident report, and gave the girl and her young brother an autographed photograph of Minnie Mouse and a pair of Mickey Mouse mugs.

What Disney security didn't do, says Morgan, the family's attorney, was call the police. When the uncle insisted that the police be called, Disney security "questioned his wanting to do that," says Morgan. After more than an hour, the Orange County Sheriff's Department finally appeared. Bise was then confronted and immediately confessed. On October 20, Bise pleaded no contest to a charge of committing a lewd act upon a child and was sentenced to 21 months in jail.

Orlando-based child-abuse activist René Bray, who says she worked closely with Schwartz for months, says that the amount of evidence Schwartz was amassing that showed the producer's parent company in a bad light was taking a toll on the seasoned journalist. Bray recalls Schwartz coming to her home one evening in late July. "She sat down; she was so shocked at all these cases they had found," Bray recalls. "She was here for hours. She went through example after example with me. These are ones [Bray and

## The amount of evidence producer Rhonda Schwartz was amassing that showed her parent company in a bad light was taking a toll on the seasoned journalist.

her organization] had not known about. They did try to do a broader story. She'd say, 'What about the other parks?' It was a constant question. I felt she had a genuine concern to getting to the bottom of the story. She has a daughter of her own."

Schwartz and Ross also found at least one law-enforcement source who maintained, on the record, that Disney did less than other theme parks to combat any problem with pedophiles. "Disney has an extreme reputation in the local law-enforcement community that they really don't want law enforcement involved in what goes on at their park; they want to absolutely control everything," says Douglas Rehman, who retired in April from the Florida Department of Law Enforcement, where he was a special agent concentrating on sex crimes involving children. Rehman worked with other law-enforcement agencies in Florida to establish the Central Florida Child Exploitation Task Force in 1995, and says that every theme park except for Disney agreed to work with the group.



Disney World spokesman Bill Warren, who won't discuss his own dealings with the ABC News team, says Disney began running background checks on all new hires "this summer," but declined to say whether the ABC News inquiries during the summer played a role in the decision to do so. He also denies that Disney does not cooperate fully with law-enforcement agencies, or that it has a pedophile problem at all. "We ask for and invite law enforcement to participate in fighting crime on our property," Warren says. "And we have never been advised by the [nearby] Orange County Sheriff's Department leadership of a pedophilia problem on our property, at least in the memory of our current security director." Warren also said that the company has no record of a formal invitation to join the Central Florida Child Exploitation Task Force.

This, as journalists might put it, is all "really good stuff." And it appears that Ross and Schwartz were not inclined to soft-pedal what they had discovered. They wrote a draft script and roughly edited some videotape. The piece struck an ABC colleague who saw portions as "tabloidy." One part showed footage of a park employee in a Tigger costume hugging children, with Ross's voice-over saying, "This is Tigger." Then the piece cut to an image of Jimmie Lee Dennis, whose mug shot and record have been available for all to see on a Florida state website that catalogs sexual predators and offenders. "And this is Tigger," Ross continued, as viewers were invited to get a close look at Dennis.

Surely such a juxtaposition indicates an overall tone in which the facts at hand were pushed to make attention-grabbing conclusions. But this has been a feature of Ross's reports, and many of the stories on all network magazine shows, for years. "Brian is very good at what he does," notes Carl Stern, a former newsman who worked with Ross at NBC News for years. "He's a very brave and courageous person. And he is the consummate merchandiser. But he is also the kind of guy who sees the worst in people, implies the darkest things about story subjects. He has a wonderfully dramatic, sort of clipped style, full of rectitude, that works very well for the types of stories he does."

**R**OSS AND HIS NINE-PERSON TEAM OCCUPY A SPECIAL SPACE WITHIN ABC News. The unit doesn't report to any particular program or executive producer on a regular basis, but instead reports directly to Wald, the senior vice-president for editorial quality, and Coffey, the executive vice-president. This unusual arrangement may have contributed to the muddle over the Disney story, since Ross has a reputation for needing a strong editor to rein in his conclusions.

"His reputation is that of a serious investigative reporter with good law-enforcement contacts, whose work had to be reviewed by serious editors," notes former ABC News correspondent Bob Zelnick, who left ABC earlier this year after a run-in with Wald and Westin over a biography of Vice-President Al Gore that Zelnick is writing. And Ross's reports required an extra level of scrutiny because, as Zelnick noted, "Ross, in a long and distinguished career, has had one or two instances where his reporting was challenged."

Aggressive reporters can expect to be involved in litigation, and Ross is no exception. But the plaintiffs in two suits filed over Ross stories while he worked at NBC News from 1976 to 1994 make a common allegation: Ross's stories went farther than the facts justified. In his only statement for this story, Ross defends his work: "It is a given that investigative reporters are often covering people and companies who would prefer no attention at all. It should be noted that no damages were ever paid by my company in any lawsuit in which I was a defendant."

In 1980 and 1981, Ross filed three reports for NBC News that explored possible connections between singer Wayne Newton and reputed mobster Guido Penosi, according to news reports at the time. Newton sued NBC, Ross, and his producers for libel, and a Nevada jury agreed, awarding the singer \$19.3 million. "I will never live down what those people did to me," Newton told ABC News's Judd Rose in a 1989 *PrimeTime Live* profile. The judge subsequently reduced the award to \$5.2 million, and an appellate court later overturned the decision altogether, finding that Newton had failed to prove that the network knowingly broadcast falsehoods about Newton.

Reporting for *Dateline NBC*, Ross got himself in hot water over a May 1993 piece alleging questionable practices at some eye clinics. One of the clinics, Southeastern

**Peter Jennings**, anchor, *World News Tonight*: "He's not interested in participating in this piece," says spokeswoman Eileen Murphy.

**Dean Reynolds**, ABC News national correspondent: "I'll fall back on one of the time-honored responses I always get when I ask a hypothetical question, which is: I don't answer hypothetical questions....When I read the story [in the newspaper], immediately I had a problem with Regnery [Publishing]....I don't think we did ourselves any favors by saying [the report] wasn't up to snuff. That just doesn't ring true. I think Brian Ross has pretty much made a career that is up to snuff."

**Barbara Walters**, coanchor, *20/20*: Spokesman Chris Alexander says Walters has "no comment."

**John Martin**, ABC News national correspondent: "I can't comment on the specific case because I don't have the details, but I have great respect for Brian Ross."

**Terry Moran**, ABC News correspondent: "I challenge the premise of the question. I have no evidence and would be surprised—perhaps I'm naive—if the reason the story was killed was because of corporate pressure. If it were true, I'd think long and hard about it. It would be disturbing, but I have no evidence that it's true and I think you should get the full story, whatever that is, before you decide that something happened."

**Ted Koppel**, anchor and managing editor, *Nightline*: Spokeswoman Su-Lin Nichols says Koppel "declines your request for an interview."

**Tom Bettag**, executive producer, *Nightline*: "In response to that specific question, Tom is going to decline to comment," says spokeswoman Su-Lin Nichols.

**Diane Sawyer**, co-anchor, *20/20*: Spokesman Robert Pini says she has "no comment."

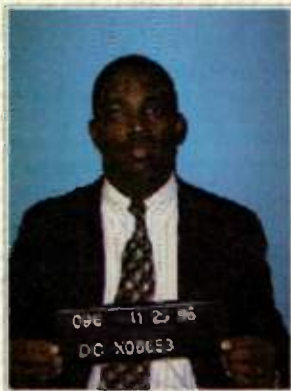
**Aaron Brown**, anchor, *World News Tonight Saturday*: "We work for a big company that has a lot of interests, and what I know from my experience is that I haven't seen an example of how Disney ownership has affected one way or another the editorial policy in the broadcasts I'm involved in. Does that mean it won't happen, can't happen, didn't happen? I don't know. Of course, anyone would be concerned if what is driving editorial policy is the parent company's concerns, but I don't know if that's true. Would I continue to work here? That's a very complicated question....I work here, I'm under contract here, I'm proud to work here. Spike a story of mine over reasons like that, I'd feel differently."

**Jeffrey Toobin**, ABC News legal analyst: "No comment."

—Compiled by Jennifer Greenstein and Ted Rose







Date of Photo: 12/4/97

**Jimmie Lee Dennis**

Alias: Jimmie Dennis

**Status: Supervision**

DC Inmate #: X06653

Date of Birth: 7/2/66

Race: Black

Sex: Male

Height: 5' 08"

Hair: Black

Eyes: Brown

Weight: 170 lbs.

**Last Reported Address:**

901 Ferguson St., Orlando, FL 32808

County: Orange

Date Address Entered: 10/6/98

**Qualifying Offense(s):**

LEWD, LASCIVIOUS CHILD U/16

LEWD, LASCIVIOUS CHILD U/16

**Victim(s):** Unknown (minor), Unknown (minor)

Jimmie Lee Dennis was able to work at Disney World despite his record as a sex offender.

Eye Center, sued the network for \$8 million. "He's probably a pretty smart fellow, but, I'll tell ya, his ego makes stories that the truth can't cash," says Mark McDaniel, president of Central Carolina Surgical Eye Associates, which runs the North Carolina clinic. According to news reports, one portion of the segment included undercover video of a woman (secretly cooperating with NBC) being examined for possible surgery at the Southeastern Eye Center. Even though a doctor twice informed the woman she did not need an operation, a nurse gave her conflicting information about her diagnosis. At NBC's behest, she signed up for the procedure. Ross told the audience that the woman was "only a few tests and a half hour away from the operating room when we revealed who we were."

McDaniel argues that this line ignored the doctor's recommendations and glossed over a rigorous evaluation procedure that would have weeded out any unnecessary procedures. McDaniel is a state senator comfortable with talking to the press, but he says he never has dealt with a reporter like Ross. "You could tell the first time he was in there that he had absolutely no regard" for the facts, charges McDaniel. "He wasn't in there to do the story; [he] wanted to do somebody [in]." The clinic dropped the suit after NBC News stated publicly that the piece had alleged no wrongdoing at the eye clinic.

AS THE DISNEY PIECE WAS BEING REPORTED, TWO ABC NEWS sources say that Ross and Schwartz were giving Wald regular updates over the course of the summer on how their piece was

shaping up, and that Wald was supportive and gave no indication that the direction the piece was taking would pose a problem. Wald and Ross go way back; Wald hired Ross in 1976 when both were at NBC News. "Wald was the most informed," says one of the ABC News staffers, "It was Wald's job to inform Westin." (As for the division's new number two executive, Coffey, formerly the editor of the *Los Angeles Times*, insiders relate that he said little amid all the controversy.)

In fact, Wald had been intimately involved in the story from the early stages. In June, in the letter to Regnery, the publisher of the anti-Disney book that formed the launching pad for the Ross unit's investigation, Wald promised that the ABC News story would not be influenced or affected by the fact that Disney owned ABC. "[W]e fully intend to follow ABC's normal news practices in connection with this investigation," Wald wrote. "We intend to follow those practices in the case of the Disney company as we would in the case of any other corporation about which we gather investigative material.... Our desire in news stories like this is to be tough and fair, and we intend to do just that in this as in [our] other news reporting."

Wald, a seasoned news veteran scheduled to retire in December, did not respond to repeated requests for comment.

But if he was indeed behind the project, while Westin, who has no journalism experience, was the one who would kill it, this reinforces the impression that the problems with the piece were not *journalistically* fatal.

At the same time, it is surprising that Wald would make such an agreement with Regnery in the first place, especially since at least part of the trouble with Bob Zelnick's book just months before

sprang from the fact that the conservative Regnery was his publisher, Zelnick maintains, and that alone made the book editorially suspect to ABC.

Even ABC News spokeswoman Murphy stresses that Ross and Schwartz were not simply parroting the Regnery book's findings. Any material from the book that was to have been included in the ABC News report had been rereported from scratch; all the examples of ABC News's findings reported above, with the exception of the Jimmie Lee Dennis case, were discovered by the ABC News team and do not appear in the Schweizers' book.

As they pressed ahead on their story, it appears Ross and Schwartz were counting on a general impression that no valid story involving ABC's parent company would be off-limits. Indeed, at a get-acquainted meeting with ABC News staffers around the time of the Disney-ABC deal, Disney chairman Eisner responded to questions about ABC News's editorial independence with reassurances that "there should be no fear on the part of ABC News" when it comes to covering Disney, according to ABC News spokeswoman Murphy. Shortly after the deal was announced in the summer of 1995, *The Wall Street Journal* reported that Eisner told ABC News employees: "I wouldn't screw around with news, especially ABC News."

But by mid-October, when the dustup over the killed





Ross story had made the pages of *The Wall Street Journal*, *The Washington Post*, and *The New York Times*, ABC News was clearly narrowing the scope of what sorts of Disney stories the network would cover.

In contrast both to Eisner's stated desire that ABC not cover Disney at all and to Wald's promise of fierce independence, a third approach was being articulated. Part of the argument for not airing the Ross piece, the official line went, was that ABC News would naturally never consider running any major piece focusing exclusively on its parent company.

"We certainly cover them when news breaks," ABC spokeswoman Murphy says. "We don't have a written policy of how [Disney is covered]. Generally, we would not embark on an investigation focused on Disney."

Many companies would certainly welcome such an exclusion.

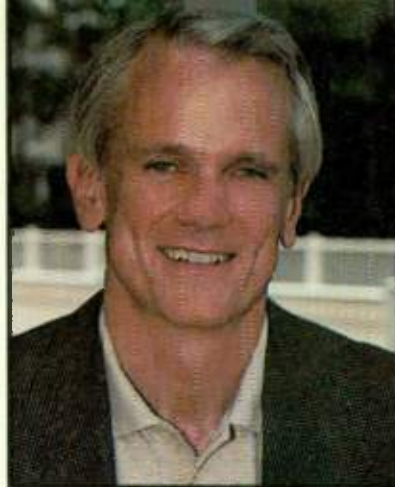
**I**N 1997, ABC NEWS WAS FIGHTING A JURY VERDICT THAT faulted undercover reporting methods used in a 1992 *PrimeTime Live* report alleging improper food-handling at the Food Lion supermarket chain. (The case is under appeal.) At the time, then-ABC News chief Rooney Arledge argued that the reporting techniques were justified by the journalistic need to inform viewers that a large company's practices and policies, however isolated, threatened the welfare of the grocery-buying public. During a February 12, 1997, special edition of *Nightline* dedicated to the Food Lion story, Arledge responded to questions about fairness with this observation: "[W]e feel our ultimate responsibility is to be

fair to our audience, not to a company, and you're asking us to put fairness to Food Lion or whomever ahead of what we consider to be our primary responsibility, which is to tell the truth to our audience."

That difference in outlook between how ABC treats a company like Food Lion and how it treated Disney is the only absolutely clear point to emerge from this story so far. There is no evidence that Eisner or anyone else at Disney had a hand in killing the story. And although there seems to be convincing proof that Westin quashed a well-reported, interesting story, no one can know what was in his head when he made the decision. But what is clear is that Westin, in judging the Disney pedophile story fatally flawed by some unspecified measure of editorial quality, committed at the very least the sin of being more "fair" to Disney than other companies and public officials ABC has subjected to harsh inspection.

A little over a year ago, when asked about the possibility of ABC making editorial decisions in Disney's favor, Wald had strong views about how serious such a breach would be.

"We are not in this to ruin the reputation of ABC News..." Wald said at the journalism school panel. If such selective coverage of the parent company were to occur, he continued, "Nobody who works at ABC News would stay there." ■



ABC News executive Shelby Coffey III is said to have kept mum about the controversy.



Disney chairman Michael Eisner (left) and Thomas Murphy, then the chairman of Capital Cities-ABC, announced that Disney would acquire ABC at a July 31, 1995, news conference.



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# Putting It All In Context

It's not the economy, stupid, or Asia. It's stock prices themselves that are the problem. ● BY BEN STEIN

## REPORTING MEANS LITTLE

without measurement or context.

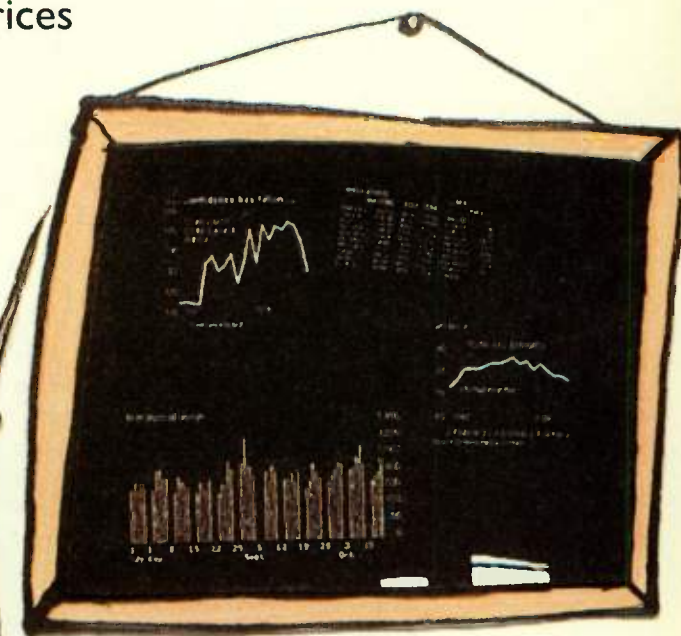
This is well recognized in most fields (especially sports reporting), but in economic and financial news there is a depressing lack of context attached to reportage, especially on TV. This missing context is not just discouraging—it's actually dangerous. The recent flood of stories about stock-market volatility, economic downturns in Asia, and the possibility of a severe recession here in the United States is an object lesson in how *not* to report economic news—or in how to report it to cause the greatest possible financial damage to readers and viewers.

Start with the recent fall in the stock market and its subsequent extreme movements up and down. To report these numbers without placing them in any context borders on the absurd. Yet this happens almost daily in forums as diverse as CNNfn, where there is a drumbeat about the supposed interconnection of Asian recessions, stock-market volatility, and the juggernaut of a domestic recession; CNN, where unsold jet airliners that were once bound for Asia are shown arrayed on an Arizona runway as evidence of a looming recession here; and the *Milwaukee Journal Sentinel* of August 30, where the nations of planet Earth are described as being about to fall "like dominoes" into a worldwide recession.

To understand just how off-kilter this reporting is, you have to have some idea of what a stock is—but this basic

concept is almost never explained in the financial news. A share of stock is basically a legal right to a share in the earnings of a publicly held company. The share gets its value from the expected stream of future earnings of a company, divided among the share-holders. If a General Motors Corporation or a Yahoo! Inc. or a Coca-Cola Company makes more money, the stock is worth more, and vice versa.

The way investment professionals generally calculate just how much each share is worth involves taking the total expected future earnings for the company—or, say, the earnings for the next 50 or 60 years—and "discounting" them back to present value. The discounting is important because a dollar of earnings that the shareholder receives tomorrow or next month is worth far more than a dollar that she receives 30 years from now. This is basically because she does not have that dollar in her bank account earning interest as she would if she got it tomorrow. Then, there is some further discounting because of fears and hopes of losses and profits, takeovers and bank-



ruptcies—the "equity-risk premium," as professionals call it—but the basic model around which the discounting fluctuates is based on streams of earnings and discount rates.

But when the stream of earnings going back to the present is discounted for the fact that you don't get it right away, how much should it be discounted?

This is one of the most basic issues in valuing a stock. If you say that money paid out in the future should be discounted at a high rate of interest, then shares of stock are worth less money now—just as anything discounted at a high rate is worth less. If you say that money paid out in the future is discounted at a low rate, then your ownership of that money is worth more—just as if your house were to be sold and the discount applied to it for wear and tear or a leaky roof were less—and because it does not cost you as much in lost interest that you would have earned if you had that money right now.

*Ben Stein studied economics at Columbia and finance at Yale. His game show, Win Ben Stein's Money, appears on Comedy Central.*



This effect is enormous. Others things being equal, if the rate of interest at which stock earnings are discounted falls by, say, 1 percentage point, from 6 percent to 5 percent, the value of a typical stock would go up by more than 20 percent. A fall from 7 percent to about 5 percent would yield a jump in value of about 40 percent.

This is exactly what has been hap-

pening to U.S. stock markets for the past several years. Interest rates have been falling steadily and rapidly, and the movement has rocketed stocks upward.

It's as if a family that just won the lottery were worrying because the price of bread went up a dime a loaf.

pening to U.S. stock markets for the past several years. Interest rates have been falling steadily and rapidly, and the movement has rocketed stocks upward.

In recent months, the stock market has fallen dramatically—although with big moves up and down. The Dow Jones Industrial Average fell by about 20 percent from July 17 to August 31, and has seenawed since then but has not risen to its old heights.

Here is where context has been notably lacking. The markets have supposedly fallen because of the Far Eastern economic crisis and turmoil in Russia. These events have supposedly cast doubt on U.S. corporate earnings for the future, which would mean a slimmer stream of earnings for shareholders.

But the magnitudes here are wildly misunderstood and misreported.

U.S. exports to Asia account for less than 3 percent of our national production. Russia buys statistically nothing from us. If Asia and Russia stopped buying any of our goods, and if this had a direct effect on corporate profits, there would be some individual pain, no doubt. But the overall effect on U.S. corporate profits would be, very roughly, about a 3 percent drop.

This amount—while impressive if CNN shows it in terms of unsold airplanes on runways and crates of computers and silos of grain—is absolutely trivial compared with the huge kick upward in long-term value that stocks

have gotten since mid-July as interest rates have fallen sharply. Yes, there will be some losses for multinationals and companies that export, and that will affect their stock. But the overall impact of events since July—the sharp drop in the rate of discount applied to earnings—should be of stupendously greater size. Just that drop in interest rates makes stocks as a group worth about 20

percent more than they were before—once temporary hysteria has disappeared, which could take a long time.

It's as if a family that just won the lottery were worrying because the price of bread went up a dime a loaf.

Won't the fall in Asian buying bring about a recession and won't that affect stock prices? Yes, we might have a recession, although the Federal Reserve is working mightily to assure that we don't. The larger stocks were down at one point in this period by about 20 percent and the smaller stocks by far more, which would show fear of a recession where profits fall by about 20 percent for a long time. But there has not been a single recession in the past 40 years where profits fell by as much as 20 percent—or where they stayed down at all for more than three years.

Again, whatever effect a recession has and what its likely magnitude will be are rarely put into the context of history, especially on TV news. And seldom is the small effect of a recession discussed in the context of the immense usual long-term beneficial effect of a fall in interest rates.

Most confusing of all for investors is the whole notion that we have had a stock market “crash” or “collapse” or severe downturn that should terrify or frighten American investors. By any historical measurement, stocks are still extremely high and the enthusiasm that buyers have for them shows an impres-

sive—and perhaps excessive—confidence in the economy.

And here is the rub: Stocks, like apartment buildings or savings bonds, are valued as a multiple of how much they earn. Just as apartments are sold at, say, seven or nine or twelve times earnings, stocks are valued as a ratio of their price to their earnings. In a period of high prosperity, it would be about average for stocks to sell at about 15 times earnings. That is, if the Stein Company earned about a dollar per share this year, its stock might sell for \$15.

But in the spring and summer of 1998, the average large industrial company in America was selling for close to 30 times earnings. This was a stunning, historically unprecedented ratio. When the Asian crisis struck, and similarly highly valued stocks there fell, a tremor went through American markets. Maybe our stocks were overvalued, too. Maybe it was time to sell—the equity-risk premium at work again. But even after the sell-off, the average large industrial company is still selling for more than 27 times earnings—historically an extremely high level for any period at all let alone for a period anticipating recession. For stocks to resume their more usual pricing patterns would involve a fall of about another 40 percent.

The story here then is not that stocks are so low, but that they are still so high. And then, to tie it all together, the story is that investors are still cheered by low interest rates and are not really terrified of a recession, and that stocks still reflect extreme (some might say insane) levels of confidence.

For reporters to explain some of this would not be a wildly difficult job. It would give readers/viewers/investors a better idea of the world in which they live. It would not prompt panics in the middle of the night. It would not tell you how to make a sure profit or how to beat the market. It would just offer some grasp of reality, of long-term trends, and of how the world of money works—and that is worth a great deal.

News without context is dangerous and irresponsible. News about money without context is no exception. ■



# What's Fair?

Fairness in the news media requires a combination of important journalistic virtues.

Public-opinion polls for The Freedom Forum's "Free Press/Fair Press" project have asked thousands of people about fairness in the news media. Here is how fairness adds up for the public:

## Accuracy

**How accurate are news stories?**

68% say they are very or somewhat confident that the news is accurate.

## + Balance

**Do news reports present all sides of a story?**

52% say they think bias is a major problem.

## + Completeness

**Do news reports dig deep enough to tell the whole story?**

39% say they think superficiality is a major problem.

## + Detachment

**Is news content driven by journalists' personal views or preconceived notions?**

73% say they are concerned that journalists don't ask politicians the kinds of questions that are important to most Americans.\*

## + Ethics

**Are reporters ethical in their pursuit of stories?**

88% say they believe reporters "often" or "sometimes" use unethical or illegal tactics to investigate a story.

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## = Fairness

63% say news media coverage is generally fair.

"Free Press/Fair Press" is an initiative of The Freedom Forum to examine fairness in the news media and to build a better understanding between the public and the press. To relate your experiences about fairness, e-mail us at [talk@mediastudies.org](mailto:talk@mediastudies.org).



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Source: Media Studies Center polls, October 1998, February 1997.

\*Results from a survey question relating to media coverage of the President Clinton/Monica Lewinsky story.



# Finding The Story In The Numbers

Tel-Save was a Wall Street darling. Then Alex Berenson began writing about its wild deals and even wilder CEO. ● BY ELIZABETH LESLY STEVENS

**ALEX BERENSON, A YOUNG** reporter at TheStreet.com financial news website, was already on edge and perhaps even a bit paranoid as his car-service limo pulled out of his East Village neighborhood and headed for New York's John F. Kennedy International Airport shortly after dawn on August 23. For days, Berenson had been getting mysterious phone calls—hang ups and the like—at his office and at home. Two days earlier, a muscular thug calling himself Sasha had come to TheStreet.com's Wall Street offices, took a good look at Berenson, and then lurked outside the building's entrance for more than an hour. Finally, Berenson, his editor Dave Kansas, and a well-built third staffer ventured outside to confront the threatening character. Sasha breezily apologized for "rattling" Berenson, Berenson says, and walked off, talking into a cell phone.

Berenson and Kansas suspected the unusual activity might be tied to a string of tough (and at times caustic) stories Berenson had written about Tel-Save Holdings Inc., a publicly traded long-distance service. Just that week, Berenson had written a story decoding horrors lurking within Tel-Save's second-quarter-earnings release. A few days later, he vivisected Tel-Save's planned acquisition of WorldxChange Communications, a small telecommunications company with a convicted former cocaine dealer as its CEO and regulatory troubles so serious that it had been barred from offering ser-

vice in its home state of California. Berenson's story quoted what Tel-Save's chief executive, Daniel Borislow, said to him: "Have a beautiful day and go f--- yourself and never call my company again." Just hours after Berenson's story was published on Thursday, August 20, Reuters reported that the WorldxChange deal was off. Sasha made his appearance the next day.

So it seemed a good time for Berenson to leave town that Sunday morning. But as the car headed toward JFK, driver Martin Friedman noticed that it was being tailed by a black Dodge Caravan that had been parked near Berenson's apartment. Friedman tried to shake the pursuer, speeding over the Williamsburg Bridge and roaring toward the airport at 90 mph, then heading back toward Manhattan on still another highway. Finally, he lost the Caravan in a warren of residential streets in southern Queens. Berenson filed a police report and caught a later flight to San Francisco, where the spooked 25-year-old Yale graduate checked into a hotel under an assumed name.

TheStreet.com hired a private investigator to trace the Caravan's license-plate number and an anonymous late-night phone call to Berenson's home the night before. The investigator found a common thread: Corplex, Inc., a New York-based private investigations and security firm. TheStreet.com tried to hire high-profile Kroll Associates, another investigations firm, to delve further, but top Kroll executive Daniel Karson cut off contact with the news organization when he was told of the Corplex



Alex Berenson  
of TheStreet.com

link; Kroll owns Corplex. (Karson declined to comment; Corplex president Jeffrey Schlanger says, "We have no comment on that. I frankly don't know who Tel-Save is. I have no comment with respect to TheStreet.com.")

In conversations since then with Tel-Save's Borislow, Kansas says that the executive simply won't respond to questions about the skullduggery. Berenson says that when he asked Borislow if he had hired someone to follow him, Borislow said, "No. [But] people like WorldxChange might be upset. We're not the only company you've written a negative story about. You make a lot of enemies." Neither Borislow or World-

Senior writer Elizabeth Lesly Stevens wrote about Dateline NBC's Lea Thompson in the October issue.



xChange responded to repeated requests for comment. Currently, observes Kansas, "there's absolutely no way to link definitively those events to Tel-Save. There are a lot of coincidences, but there's no way to do that."

It is clear, however, that Berenson and his Tel-Save stories have cost the company—and especially Borislow—dearly. In less than a year, Tel-Save's stock has fallen from a high of \$30 per share to about \$5. Before Berenson's first Tel-Save story appeared in April, the company had been on a roll, with a peak stock market valuation of more than \$2 billion in February. By October 8, its value had fallen to less than \$400 million. Borislow, the 37-year-old founder, controls nearly 40 percent of the stock. While the shares of several similar companies that *Brill's Content* examined have also done poorly this year, none has fallen as dramatically as Tel-Save's.

For a long time, the press generally tagged Tel-Save a winner. (Notable exceptions, pre-Berenson, were a short March 1998 piece in *Forbes* and a June, 12, 1997, column in the *San Francisco Chronicle*.) Tel-Save's boost to the big leagues came after Borislow struck a little-examined but attention-grabbing deal with America Online, Inc. in February 1997. Tel-Save paid AOL \$100 million for the right to offer AOL customers discounted long-distance service that could be billed on-line. And throughout the first half of 1998, Borislow bragged in the press that he was negotiating to sell his company at a hefty premium to unnamed corporate suitors.

Indeed, Borislow had been emerging in major publications as an emblem of a new wave of telecom entrepreneurs. In May alone, *Fortune* profiled Borislow as "one of the most talked-about guys in telecom," while *Newsweek* described Tel-Save as a "formerly obscure long-distance service" that had struck a "sweet little arrangement" with AOL. Meanwhile, Dow Jones News Service reported that "scrappy" Tel-Save appeared closer to a deal to be acquired.

Influential Salomon Smith Barney telecommunications analyst Jack Grubman was a big Tel-Save booster.

The handful of other Tel-Save analysts, all of whose firms had at some point acted as Tel-Save's investment banker or underwriter, uniformly carried "buy" recommendations on the stock.

Berenson's coverage of Tel-Save began with an April 16 story that discussed why Tel-Save, despite its relatively small size, was among the most heavily shorted stocks in the market. (When a stock is shorted, an investor is betting that the stock price will fall.)

**Tel-Save's chief executive told Berenson, "Have a beautiful day and go f--- yourself and never call my company again."**

Berenson is sensitive to the fine line one has to tread in such stories; a reporter doesn't want to be the tool of shorts, intent on driving down a company's stock. Similarly, one doesn't want to help a company unfairly boost its stock.

"Both the longs and the shorts have agendas in talking to you. Both sides will push the envelope of the truth," notes Berenson. "Some of the best-known shorts on Wall Street were very passionate about the stock. [And] nothing I got from these guys turned out to be untrue."

Berenson's story examined the potential downside of Tel-Save's AOL deal. Furthermore, the story painted Borislow as a loose cannon, prone to erratic behavior ranging from a weapons-possession rap to a series of public about-faces regarding his plans to sell the company.

Still, even though the story was accurate, some viewed it, as well as Berenson's subsequent stories, as unfair. Berenson "played right into the hands of the shorts. I don't think he printed anything untrue [but he] created a negative aura around the stock," says hedge-fund manager Seth Tobias, who, in addition to serving as a trustee for a Borislow family trust, has known Borislow for 20 years. (Tobias also once worked for hedge-fund manager James Cramer, who is TheStreet.com's largest shareholder and a sometime contributor to *Brill's Content*.) Berenson has "paint[ed] the picture of a personality

that's not capable of running a public company," Tobias continues. "That's entirely a falsehood."

But Berenson was collecting mounting evidence that showed TheStreet.com's subscribers that, at the very least, Borislow, a CEO at the helm of a \$2 billion public company, was impulsive—even reckless. In May, Berenson obtained copies of some interesting correspondence between Borislow and two shareholders of Group Long Distance,

Inc., a telecommunications company that acted as a reseller of Tel-Save's long-distance service to small businesses.

These shareholders raised concerns that Tel-Save had improperly concealed some marketing expenses by shifting the costs onto GLD's books. Berenson pored over each company's Securities and Exchange Commission filings and found material that appeared to substantiate the allegations. (One of the GLD shareholders was Ronald Assaf, chairman of Sensormatic Electronics Corporation, who recently had settled civil SEC charges involving accounting improprieties at Sensormatic.)

But perhaps more extraordinary than any questionable accounting was Borislow's response to the two GLD shareholders. "Your letter is a total misrepresentation of the facts, and is designed to blackmail me," he wrote on his corporate letterhead. "I have been through this before in my life with scum balls like yourself...you are not worthy of being in business maybe life [sic]. Take your letter and shove it up your ass, criminal...You guys are a bunch of ungrateful bastards, go back to the section of hell you came from."

In an effort to get the damaging GLD story killed, Borislow appealed to James Cramer to intervene. Cramer owns 28 percent of TheStreet.com, and earlier this year owned about 35,000 shares of Tel-Save. He bought the stock at \$25 in

(continued on page 111)

# HONOR ROLL

**REYNOLDS HOLDING AND WILLIAM CARLSEN, SAN FRANCISCO CHRONICLE.**

Last April, *Chronicle* writers Reynolds Holding and William Carlsen began a series on a deadly but preventable epidemic. Despite the availability of safe blood-drawing devices, they reported, nurses must often handle dangerous needles, leading to 1 million accidental pricks a year and the transmission of tens of thousands of illnesses nationwide in the last decade.

Holding started looking into the story in late 1997, when a local nurse who contracted HIV from a needle prick sued the needle manufacturer. Soon Holding discovered that "a product was available that could save certainly tens of thousands of lives... and yet this clearly more dangerous, older device was still on the market," he says, noting that while each safety device cost just pennies more to make, the dominant manu-



Reynolds Holding and William Carlsen of the *San Francisco Chronicle*.

facturer charged up to 35 cents more apiece. "[The manufacturer] didn't want to sell it at a reasonable price, the hospitals didn't want to buy it, and the government didn't want to do anything about it." By January, both he and Carlsen were on the story full time.

Their three-part series spurred California's Occupational Safety and Health Administration to draft regulations requiring state hospitals to use safety needles and, on September 29, the governor signed a bill requiring full compliance with the new rules by August 1999. "The investigative work that the *Chronicle* did provided us with data that we needed to make this legislation law," says Alan LoFaso, an aide to assemblywoman Carole Migden, who introduced the bill.

—D.M. Osborne

**LAURA PALMER, NIGHTLINE.**

*Nightline*'s September 18 broadcast opened with a clip of Jay Leno: "Northwest Airlines has rehired that pilot who got convicted of flying the plane drunk....So if you're flying

Northwest sometime and you can't find the beverage cart, check the cockpit."

But just when the viewer was primed for a show blasting Northwest Airlines Inc.'s decision, anchor Ted Koppel turned it around: "[This is] a story of recovery, the story of a man who made no excuses but who set out methodically to redeem himself." What followed was a 21-minute segment that traced Lyle Prouse's journey from convicted felon to wounded hero. In 1990, he was fired by Northwest and sentenced to 16 months in prison for drinking more than 14 rum-and-cokes and flying a passenger jet the next morning. In 1993, Northwest took him back into its pilot-training program.

Most news media simply announced these events. But Laura Palmer, the producer of *Nightline*'s segment, painted a fuller picture, including details of Prouse's flawless 22-year flying record, his months of treatment, and his determination to win back his four pilot's licenses. "Here I am, the guy who flew an airplane full of people, 58 passengers, while I was impaired," Prouse said in the segment, "[I] disgraced my company, my profession, myself, my family, went to prison, lost it all. I've been given all of this back."

Palmer first contacted Prouse about doing a show on his recovery in 1994. At first neither Northwest nor Prouse would cooperate. But over the next four years, Prouse read three of Palmer's books—including the 1988 *Shrapnel in the Heart: Letters and Remembrance from the Vietnam Veterans Memorial*—and came to admire her work.

With Prouse's retirement approaching this fall, Palmer again contacted Northwest and this time, together with Prouse, they agreed to participate in a story. He says his respect for both Palmer and Koppel gave him confidence: "I had an implicit trust...[that] allowed me to become naked and open."

Palmer and *Nightline*'s executive producer, Tom Bettag, declined to comment on the the piece, saying through a spokeswoman, "We feel like our work speaks for itself and we'd like it to stand on its own." Prouse is open with his approval: "What a wonderful way to close the door quietly and be able to walk away," he says, "to leave in the hearts and



CBS News's Stephanie Lambidakis takes on Justice Scalia.

minds of Northwest pilots...something they feel positive about." —Kimberly Conniff

**STEPHANIE LAMBIDAKIS, CBS NEWS.**

Viewers of *The CBS Evening News* on October 5 caught a rare glimpse of Supreme Court Justice Antonin Scalia losing his cool. After *USA Today* published a report on the abysmal minority hiring practices by the U.S. Supreme Court, CBS News reporter and producer Lambidakis waited on a street corner to get a reaction to the report from any of the nine justices.

She went into action when she saw Scalia—who, according to *USA Today*, has never hired an African-American clerk. With the camera rolling, she asked, "The NAACP would like to know why you have never had an African-American clerk." First Scalia continued to walk down the street with his security detail, attempting to ignore the reporter. But Lambidakis and her camera crew scurried to keep up with him.

Then he stopped, turned back to Lambidakis, and repeated four times that her questions had "no basis." Still, she hammered away. "What should people know about the hiring practices of the court?" she asked. "They should know that it is rigorously fair," he thundered back. When called for comment, Scalia's assistant said, "He almost without exception doesn't talk to reporters." (CBS News rebroadcast the taped confrontation the next day on *CBS This Morning* and the following Sunday on *Face the Nation*.)

For most journalists on the Supreme Court beat—a pool known for polite, non-invasive reporting—"no" means "no." But Lambidakis showed that the court lacks accountability. "They're exempt from a lot of laws," Lambidakis says of the high court. "If they were a private company, I don't think they'd get away with" such hiring practices.

—Katherine Rosman



(continued from page 109)

March on the recommendation of Salomon analyst Jack Grubman, whose firm had been retained as Tel-Save's investment banker. He ended up selling the stake at a \$100,000 loss shortly after Berenson's first Tel-Save story appeared in April. "TheStreet.com hammered the thing, and it was horrible. I sold the stock at a bad loss," says Cramer. (Grubman did not respond to requests for comment.) Evidently not knowing Cramer had sold his shares, Borislow "appealed to me as a holder of the stock," Cramer says. "It was incredibly funny. Not only did I have no ability [as a matter of policy] to kill the piece, but the [earlier] article itself had killed my investment in the stock."

The GLD story, published on May 22, was cited by Knight Ridder Tribune Business News and Dow Jones News Service as the reason for Tel-Save's 12 percent stock decline in the following days. In July, Berenson began hearing from colleagues who had received \$50 checks from Tel-Save as part of the company's new and expensive marketing campaign to sign up long-distance customers. He wrote a story examining how difficult it would be for Tel-Save to meet its expected profits this year, given its marketing expenses. The story began, "Lose a little on every customer, make it up on

volume." It noted that Tel-Save's stock had crept up in recent days as Borislow revived talk of an imminent deal.

But by late summer, Tel-Save's stock was falling sharply; others in the press were beginning to note Borislow's characteristics and, more significantly, his seeming inability to stop talking about rich deals that never materialized. Dow Jones Online News reported on July 23 that the

do my job presenting facts whatever my personal opinions may be." Kansas says it would be ridiculous to take reporters off beats simply because they feel personally threatened by an irate subject. "The reporter needs to check emotions as best as he can, but the editor's job is to make sure [such emotions] don't overtake the coverage," he adds.

So how is Berenson doing on this

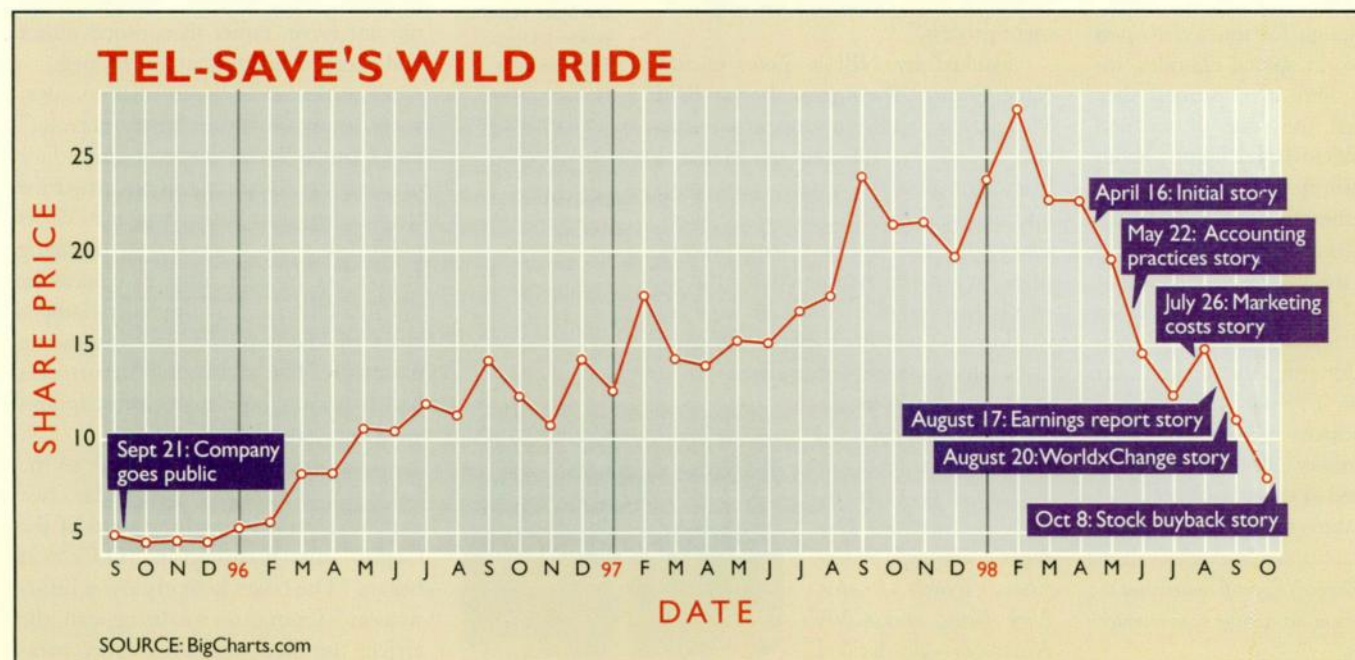
**"I'd like to think I can do my job presenting facts whatever my personal opinion may be," says Berenson.**

company "now appears desperate to sell itself." On August 7, the *Financial Times* entertainingly tracked Borislow's deal talk since February, and reported that investors had grown "exasperated." But these stories appeared after Tel-Save's stock had already lost half its value.

After Berenson's two Tel-Save stories in August and the events that followed—Sasha's appearance, the phone calls, and the car chase—the young reporter remains convinced of his stories' validity. Can he possibly be impartial in future stories about Tel-Save given his own suspicions about Borislow? "The numbers are still the numbers. The facts are still the facts," he says. "I'd like to think I can

score? On October 8, he published his first Tel-Save story since the car chase. Headlined "U-Turn: Tel-Save Set to Sell Stock It Just Bought Back," the piece highlighted how odd it was for Tel-Save to sell millions more shares to the public now that it traded at around \$5, given that the company had bought back shares fewer than six weeks earlier at more than twice that price.

Like Berenson's other stories, this one was edgy and opinionated, and it carried detailed financial data and analysis. But ironically, for all the times Berenson had whipped the competition on this story, he got beat this time. Dow Jones Online News broke the story the day before. ■



# Desexing The Sex Scandal

When the Starr report hit, kids' media couldn't ignore it. Here's how they turned a steamy affair into a benign civics lesson. ● BY KIMBERLY CONNIFF

**THE WEEK AFTER KENNETH** Starr chronicled his investigation of President Clinton and submitted his report to Congress, Nickelodeon conducted a poll to see how the country's youngest media consumers were digesting the news. The study found that fully 100 percent of children ages 8 to 14 were aware of the White House scandal. In the early months of the crisis, while pundits chewed over the subject in endless speculation, children's media could still afford to be conservative in their coverage. After the Starr report was made public, they had no choice but to join the fray.

This was a Pandora's box of sexual references, and children's news shows and publications had to find a way to keep it shut. Their task was daunting: to turn the president's dalliance into something tame enough for teachers to pass on to kids. So, in special episodes, in-depth reports, and cover stories, they skillfully skirted the issue of sex and served the children larger lessons about government, history, and morality.

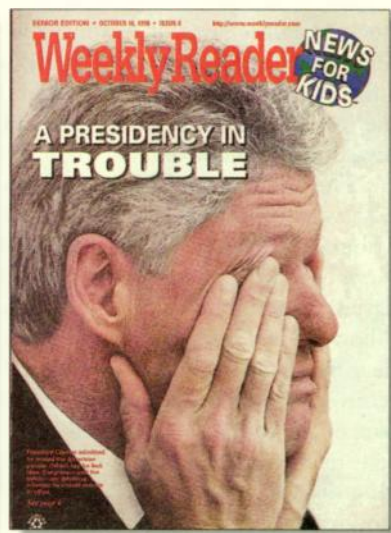
Linda Ellerbee, the host and producer of the weekly kids' newsmagazine *Nick News*, tackled the subject in a half-hour special called "The Clinton Crisis" on September 28. She opened the program by gingerly addressing the affair: "Starr wanted to know if President Clinton had had an intimate relationship with [Monica] Lewinsky....But more importantly, he wanted to know if the president lied about the relationship under

oath and if he had encouraged Ms. Lewinsky to lie about it too."

Those were Ellerbee's only direct references to Monica Lewinsky and the president's escapades. Instead of addressing these controversial topics, the special turned to what parents and kids who had called in to *Nick News* said they wanted to discuss: "The importance of honesty, lying under oath, asking other people to lie; the importance of loyalty to family, forgiveness, and the impeachment process."

Flanked by NBC's *Today* anchor Katie Couric, Washington lawyer Reid Weingarten, and ten outspoken kids ages 10 to 13, Ellerbee moderated a lively conversation interspersed with informative, G-rated tidbits on White-water and the impeachment process. After her sober introduction, during which she promised that the segment wouldn't be sexually explicit, the word "sex" never passed Ellerbee's lips.

Editors and producers interviewed by *Brill's Content* at six children's media outlets—*Time for Kids*, *Channel One News*, *Scholastic* magazines, *Weekly Reader*, *Nick News*, and *CNN Newsroom*—all decided



Newsmagazines for the younger set offered sex-free coverage of the Starr report (above). Linda Ellerbee talks to kids about their perceptions of President Clinton's troubles (below).

to go with stories on the presidential crisis when the Starr report was released. First and foremost, the report was impossible to ignore. It also gave the journalists a significant event, rather than risqué rumor and sexual innuendo, as a news peg.

The decisions about what to cover weren't easy. "We were pretty nervous," says Claudia Wallis, the managing editor of *Time for Kids*, a classroom magazine that teachers distribute to students. Wallis published a story titled "A Troubling Report" in the September 18 edition for fourth-, fifth-, and sixth-graders (atop a chart of the top five ice-cream-eating nations). "The marketing department had a bet on how many subscriptions we'd lose," she says.

The bare-bones article stuck to the facts: "At 4 P.M. last Wednesday, two dark vans pulled up to the steps of the Capitol in Washington, D.C.," it began. "The boxes held explosive information." From this tantalizing lead, the article tumbled into four short para-



Assistant editor Kimberly Conniff contributed to the November story about evening news coverage of the Starr report.



graphs. Only the last mentioned an "inappropriate relationship with a young woman who worked at the White House." The piece concluded neatly: "Now Congress must study the report and decide what to do next." According to Wallis, only one teacher canceled her subscription.

*Scholastic* also put President Clinton and Monica Lewinsky's relationship at arm's length in its elementary and junior-high editions, also calling it "an inappropriate relationship with a young woman who worked in the White House" and "an improper relationship with a White House intern" in two of its September issues. "[Kids] may not have an exact idea what 'inappropriate' means," says David Goddy, editor in chief of Scholastic Classroom Magazines. "But they know it's wrong."

However, the reference was more suggestive in *Scholastic's* two-page spread in the high-school edition, where the liaison became a "sexual affair." This piece even mentioned that President Clinton claims his testimony in the Paula Jones suit was "legally accurate." But the story went no further. By not explaining President Clinton's assertion or the Paula Jones suit in detail, the magazine avoided explicit definitions of sexual activity.

*Weekly Reader* wrote about the scandal for the first time in an October 16 issue, with a distraught president, his head in his hands, on the cover. The piece, which ran under the headline "A Presidency in Trouble," cautiously explained the president's predicament: "Last January, the President told the American people very firmly that he had not had a relationship with the young employee. In August, he admitted the relationship." The article delved into definitions of impeachment, resignation, and censure—but, again, sex was off the radar screen.

*Channel One*, a 12-minute news show broadcast every weekday to 12,000 U.S. middle schools and high schools, dodged sexual content in a unique way. In the September 14 broadcast, a strict editorial policy was announced by anchor Lora Marcus: "As we have since the start of this story, we plan to report only those things we know are beyond dispute. In this case, the legal issues fac-

ing Bill Clinton as he struggles to save his presidency." After quickly mentioning President Clinton's "relationship with Monica Lewinsky" once (and avoiding any details about what that relationship entailed), the show never veered toward off-color issues.

Instead, *Channel One* provided a user-friendly explanation of the impeachment process and its history. "If Congress does go forward with an impeachment inquiry, it will set off a complicated process that could end up with the president on trial, facing the possibility of being removed from office," said teen correspondent Monica Novotny.

*CNN Newsroom*, a commercial-free Turner Learning program, is one of the few youth-news outlets that didn't tiptoe around the more sexy elements of the scandal. The show, which is broadcast on CNN every morning at 4:30 A.M. (teachers can tape it for future use), regularly aired both original reports and footage it borrowed from CNN. In his

**This was a Pandora's box of sexual references, and children's news shows and publications had to find a way to keep it shut.**

September 14 report, for example, network correspondent John King explained, "The President's lawyers do not directly dispute Lewinsky's account that their sexual contact fell well within the definition of sexual relations the President was given when he testified under oath."

But, like the other youth outlets, *Newsroom* anchors Tony Frassrand and Cassandra Henderson tried to deflect the focus from the President's sexual peccadilloes. On September 15, the segment featured a lesson on the history of impeachment. "You don't need to know the details to talk about constitutional issues," explains Dr. John Richards, senior vice-president and general manager of Turner Learning.

After the civics lessons were over, the sexual aspects of the case had not evaporated for children, who were still exposed to racy information about the scandal—if not in kids' media, then

## IN THE NEWS

### A Troubling Report

At 4 p.m. last Wednesday, two dark vans pulled up to the steps of the Capitol in Washington, D.C. Policemen met the vans and began to carry 36 white boxes into a nearby building. The boxes held explosive information.



Clinton says he is sorry.

The boxes contained a historic 445-page report to the House of Representatives that may be the key to President Bill Clinton's future. The report includes a 140-page explanation of possible crimes by the President.

For four years, a government-appointed lawyer named Kenneth Starr has been investigating Clinton. Starr has been gathering evidence that Clinton may have broken the law by lying under oath, trying to get others to lie under oath and misusing his presidential powers.

Last week Starr said that he had found "information that may constitute grounds for



impeachment." Impeachment is a process that lawmakers can use to remove a leader from office. The U.S. Constitution says reasons for impeachment include "treason, bribery, or other high crimes and misde-

meanors [lower crimes]. The President admits that he has made serious mistakes and had an inappropriate relationship with a young woman who worked at the White House. But he insists did not lie under oath.

elsewhere. Many children have wandered onto the Internet to read the report for themselves, according to Ellerbee. "Kids over and over...expressed the idea: 'The Internet's our backyard, and we play there unsupervised,'" she says. When Katie Couric asked the chil-

*Time for Kids* called President Clinton's sexual affair with Monica Lewinsky "an inappropriate relationship with a young woman."

dren on *Nick News* if warnings about unsuitable content turned them away from their TV screens, one boy eagerly responded, "It makes me watch!...If they didn't say anything, I'd probably just turn the channel." Larry Blase, a senior producer at *CNN Newsroom*, also disputes the notion that children are only interested in definitions of perjury and obstruction of justice: "I'm sure they're pretty interested in the sexual nature of it," he says.

According to Blase and Scholastic's Goddy, their responsibility is to deliver curriculum-enhancing news that teachers can use without turning pink. If the only way to talk about the presidential crisis is to extract sex from the equation, they say, then so be it. "We'd love to be using our media to be doing things other than [covering] this story," says Andy Hill, president of programming for *Channel One*. "But we do need young people to be informed." ■



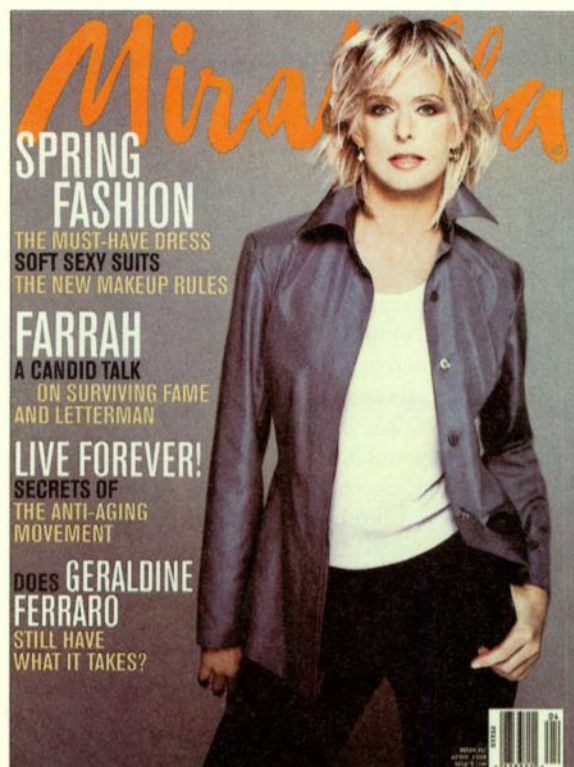
# The Enforcer

How Hachette Filipacchi's Jean Fornasieri protects the business side at *Elle*, *Mirabella*, and *George*. ● BY NICHOLAS VARCHAVER

**THE STAFF OF MIRABELLA WAS** preparing its March/April 1998 issue, according to two editors who worked on it, when Jean Fornasieri told them that Farrah Fawcett would appear on the cover. Staffers were less than enthusiastic. The actress's star had dimmed and she'd been mocked after behaving erratically in an appearance on the *Late Show with David Letterman*.

But Fornasieri made it clear that the decision was final. "She stated that we had to do this cover," says Grace How, who was then *Mirabella's* photo editor. A former editor puts it more bluntly: "No one wanted [Fawcett] on the cover, but we were forced to use her."

Two editors say that Fornasieri "forced" the *Mirabella* staff to put Farrah Fawcett on the cover.



Such an edict wouldn't be unusual—if Fornasieri were *Mirabella's* editor. But Fornasieri doesn't even work in the magazine's editorial department. As senior vice-president and managing director of the Fashion Group at Hachette Filipacchi Magazines, which owns *Mirabella* and 28 other publications, Fornasieri has a business title. In that capacity her responsibilities include budgeting and salary reviews at three of Hachette's highest-profile magazines: *Mirabella*, *Elle*, and *George*. Meanwhile, on the edit side—theoretically insulated from the profit pressures of the business operations—she has an entirely different role, one that consists largely of advocating the interests of Hachette's advertisers and business allies.

The latter was the case with the Farrah Fawcett cover. Staff doubts apparently gave way to a higher force: Fawcett was starring in *The Apostle*, a critically praised new release from October Films. October had entered into a joint venture with a Hachette subsidiary. Sure enough, the two other magazines overseen by Fornasieri, *Elle* and *George*, ran laudatory articles on *The Apostle* the same month as *Mirabella's*.

Editors at all three magazines strenuously deny that Fornasieri influenced these articles. "I wanted the Farrah cover," says Roberta Myers, editor in chief of *Mirabella*. "I personally felt that in terms of newsstand [sales], it would be stronger" than the alternatives. Both Elaina Richardson, *Elle's* editor, and Elizabeth Mitchell, *George's* executive editor, offer similar defenses. Hachette Filipacchi CEO David Pecker was unavailable for comment, according to Keith Estabrook, Hachette's vice-president for

communications and special projects.

Fornasieri also was unavailable to respond to specific questions, according to Estabrook. He insisted that both Fornasieri and Pecker were too busy to be interviewed at any point during the month of October, when this article was being prepared. Hachette did respond, however, in a letter from its law firm, arguing that any suggestion that "Ms. Fornasieri has usurped control of decisions regarding the editorial control" of *Elle*, *Mirabella*, or *George*, is "false."

In an interview for this story conducted this summer, Fornasieri spoke generally about her role. "I'm the link between business side [and edit side].... That doesn't mean you're a dictator in any sense. It just means that there's a sharing of information."

Fornasieri denies any influence over specific articles but says she decides on "investments" in editorial resources. For example, when an editor wants to create a new section in a magazine, it's Fornasieri who decides whether Hachette will pay for it. And Fornasieri says she even altered the basic editorial mix at *Elle*, increasing fashion coverage from 55 to 70 percent of the magazine's edit pages. "What we found by reader research...was that what the readers really wanted, and what was driving the market, was they wanted fashion and beauty information. They wanted to know about products."

The 45 people interviewed for this article break largely into two camps on Fornasieri. The four current Hachette employees interviewed with the compa-

Senior writer Nicholas Varchaver wrote about Time's coverage of a Tulane University medical professor's alleged fake death in the October issue.



ny's blessing praise Fornasieri. "She's a godsend," says *Elle* editor Richardson. They deny that Fornasieri functions as a conduit to advertisers. "Every magazine that's in the fashion and beauty business knows who their advertisers are," says *Elle* beauty editor Jean Godfrey-June. "People who are beauty editors are constantly in contact with advertisers. I hear from them much more than I hear from Jean."

But 25 former and 3 current Hachette employees interviewed without the company's endorsement describe Fornasieri's role in different terms. Almost all of these 28 sources (3 of whom acknowledge being fired by Fornasieri) describe themselves as scared of her and would speak only on condition of anonymity. Yet that is balanced by the fact that these 28 say virtually the same thing: More than any person, Fornasieri, acting on behalf of her boss, Pecker, is responsible for polluting the editorial content of *Elle* and *Mirabella*.

**A**T A TIME WHEN MAGAZINES are seen as increasingly friendly to advertisers, Hachette is viewed as especially accommodating. "Hachette is an easy company for an advertiser to deal with, because they're clearly in the business of selling advertising," says Robert Geller, who buys ad space for Coty Fragrances. "And that supersedes everything."

Of course, advertisers expect something in return. "We like to know that the magazines we run [ads] in are also giving editorial support for our clients," Geller notes.

If an advertiser needs such editorial coverage at *Elle* or *Mirabella*, Fornasieri can get results. "She's accessible," says Laura Wenke, senior vice-president for marketing and communications at clothing manufacturer Anne Klein, which advertises in the two magazines.

Wenke says she called Fornasieri last year when Anne Klein was debuting a new line. "Jean was kind enough to get a couple of editors to come in and pay attention to it," Wenke recalls. "In fact, we got some editorial out of it. It was something we needed to happen." The result: a six-page *Elle* feature in November 1997. Anne Klein's line is "getting raves from retailers," the article noted, although it also

described the company as "troubled." Wenke notes that *Vogue* and *Harper's Bazaar* also ran articles on Anne Klein's new line. (During the fact checking of this article, after Hachette had been alerted to her comments, Wenke repudiated her initial statements. She insisted that she had dealt with fashion director Marin Hopper—not Fornasieri—on the matter.)

Fornasieri routinely tells editors which advertisers to include in stories, say four former Hachette editors. That applies especially to fashion articles and



**If an advertiser needs editorial coverage at *Elle* or *Mirabella*, Jean Fornasieri can get results. "She's accessible," says Anne Klein executive Laura Wenke.**

photo layouts of clothes or jewelry. "If I wanted to do a fur layout," says a former fashion editor, "I did get into contact with her. It was to make sure all the right advertisers were there."

Fornasieri insists that she never forces editors to mention advertisers, a view echoed in a joint letter submitted by Richardson and Myers, respectively the editors of *Elle* and *Mirabella*: "While we are not dictated to by our colleagues regarding [editorial] content, we certainly welcome their suggestions. And we have at times received constructive ideas and suggestions offered by Ms. Fornasieri and others at Hachette." Sometimes, Fornasieri explains, an editor will call and ask, "'Does so-and-so support the magazine?' And I'll say, yes or no. Or 'they support us, but they support *Vogue* more or less or whatever.' That may or



*Elle* editor Elaina Richardson (top); Meg Ryan's belt was added at Fornasieri's request after the photo was taken for *Elle*'s July 1996 cover.

may not impact [the editor's] decision."

Fornasieri's commitment to advertisers isn't limited to engineering positive articles and references. According to one current and two former Hachette employees, not-yet-published articles are occasionally faxed to advertisers at Fornasieri's request. A draft goes out, says a current staffer, and then "it comes back later with handwritten comments that we have to input into the text." This source and a second Hachette editorial source say changes are sometimes made at an advertiser's request after the advertiser reads drafts

of the articles.

That's what happened, say these two sources, with a February 1998 *Elle* article that featured shoe manufacturer J.P. Tod's, a regular advertiser in *Elle* and *Mirabella*. The story was faxed to Diego Della Valle, the Italian company that owns Tod's. The changes requested, they say, were fairly minor, but they appeared to be important to the company. One of the sources says, for example, that a Della Valle official was "furious" that a Tod's "moccasin" was labeled a "loafer" in a photo caption. "There were a lot of threats made [by Tod's]," she says. Sure enough, the captions were adjusted, but the changes happened too late to be included. (A spokeswoman for Della Valle declined to comment.)

*Elle* fashion director Hopper did not return five phone calls seeking comment. But *Elle* editor Richardson, whose authority was expanded to include the



fashion section *after* these stories ran, says she has never heard of articles being faxed to advertisers. "If that happened, I would be beyond furious," she says. And Hachette's lawyer asserts that all of the anecdotes above "are false insofar as they state or suggest that Ms. Fornasieri gave 'instructions' dictating the subjects or content of articles."

**F**ORNASIERI'S BACKGROUND ISN'T what one would expect of a person making editorial decisions. She double-majored in psychology and education at Muhlenberg College in Pennsylvania and got an MBA in accounting at New York University. Fornasieri worked briefly as an accountant before taking a job as a financial analyst at CBS, which then owned a group of magazines. In 1990 she was lured to Hachette as a business manager for *Elle* by Pecker, who had worked with her at CBS.

As business manager, Fornasieri paid freelancers and scrutinized profit-and-loss statements. Her willingness to fight budget battles endeared her to her bosses. She also had another quality that won their favor: She would handle unpleasant chores. Management routinely disposed of staffers at all levels. (*Elle*, for example, is on its twelfth editor in 13 years.) More often than not, Fornasieri was the one who delivered the blow.

Fornasieri began using her budgetary powers to insinuate herself into editorial decisions. "Numbers were used constantly to exorcise something out of the magazine if, for whatever reason, it wasn't liked," says a former employee not on good terms with Fornasieri. "She never really claimed to make those kind of [editorial] decisions. But she would sort of logically snuff them out in that way." (Hachette disputes this.)

No one denies that Fornasieri has contributed to the resurgence of *Elle*, whose growing ad pages have established it as a solid No. 2 to *Vogue*. Although she's known for her tightfisted budgeting, Fornasieri emphasizes she's also made decisions to "invest" in popular new sec-

tions such as "Inside Fashion." In fact, Hachette's lawyer asserts that "Hachette has actually increased its expenditures" on *Elle*, *Mirabella*, and *George*.

Pecker promoted her to managing director and gave her responsibility for *Mirabella* when Hachette acquired it in 1995 and then, last year, for *George*. So far, Fornasieri's role has been most limited at *George*, where she has spent by far the least time. Executive editor Mitchell says Fornasieri has the magazine "running better" and that she has had no involvement in *George*'s editorial. "She's always been really responsive," says Mitchell. (Editor John Kennedy, Jr., did not return two phone calls.)

But Fornasieri continues to wield immense power at *Elle* and *Mirabella*, regularly influencing what readers see. Often it's hard to determine—since only Pecker and Fornasieri really know—whether she is simply carrying out Pecker's orders or acting on her own. (Pecker himself is known for interfering in the editorial process. In one famous 1996 incident, two top editors at Hachette's *Premiere* resigned in protest after Pecker killed a negative story about the restaurant chain Planet Hollywood, with which investor Ronald Perelman, then a co-owner of *Premiere*, had a business relationship. Pecker defended the decision at the time, asserting that *Premiere* readers weren't interested in investigative journalism. This year, though, he told *The New York Times*, "It was a business decision, but it was handled badly. I still feel bad about it today.")

As long as Pecker continues to be CEO and Fornasieri continues to share his worldview, it doesn't make much difference who is calling the shots. "I think he's the smartest person I've ever known," she says of Pecker. "And he has great integrity. And frankly, I'm here because he's here....My career philosophy is this: The most important thing is the person you work for."

Whether on Pecker's behalf or on her own, Fornasieri has repeatedly encroached on the most visible, and most sensitive, piece of editorial real estate—the cover. In *Elle*'s July 1996 issue, for example, actress

Meg Ryan appeared on the cover wearing a Gucci pantsuit. According to two people who worked at *Elle* at the time, Gucci wasn't satisfied with the outfit. So, at Fornasieri's request, a Gucci belt was photographed after the fact and digitally added to the cover. (Gucci public relations director Lisa Schiek did not respond to a faxed request for an interview. Hachette denies the allegation.)

Fornasieri has tampered with the cover even when an advertiser's interest wasn't at stake. One such case involved Amy Gross, who battled with Fornasieri, first when Gross was editorial director of *Elle* from 1993 to 1996, and then during Gross's tenure as editor in chief of *Mirabella* from 1995 to 1997. (Gross, who declined to be interviewed, edited both magazines at the same time for more than a year.)

*Mirabella*, which had been conceived as the mature, thinking woman's fashion magazine, had always struggled financially. So Gross decided to try a cover using a model rather than a celebrity. She picked an artistic photo that featured a model closer in age to the magazine's demographic (about 35 years old) than to the teenage models typical of fashion magazines. *Mirabella*'s May/June 1997 issue was finished in early April and shipped to the printing plant.

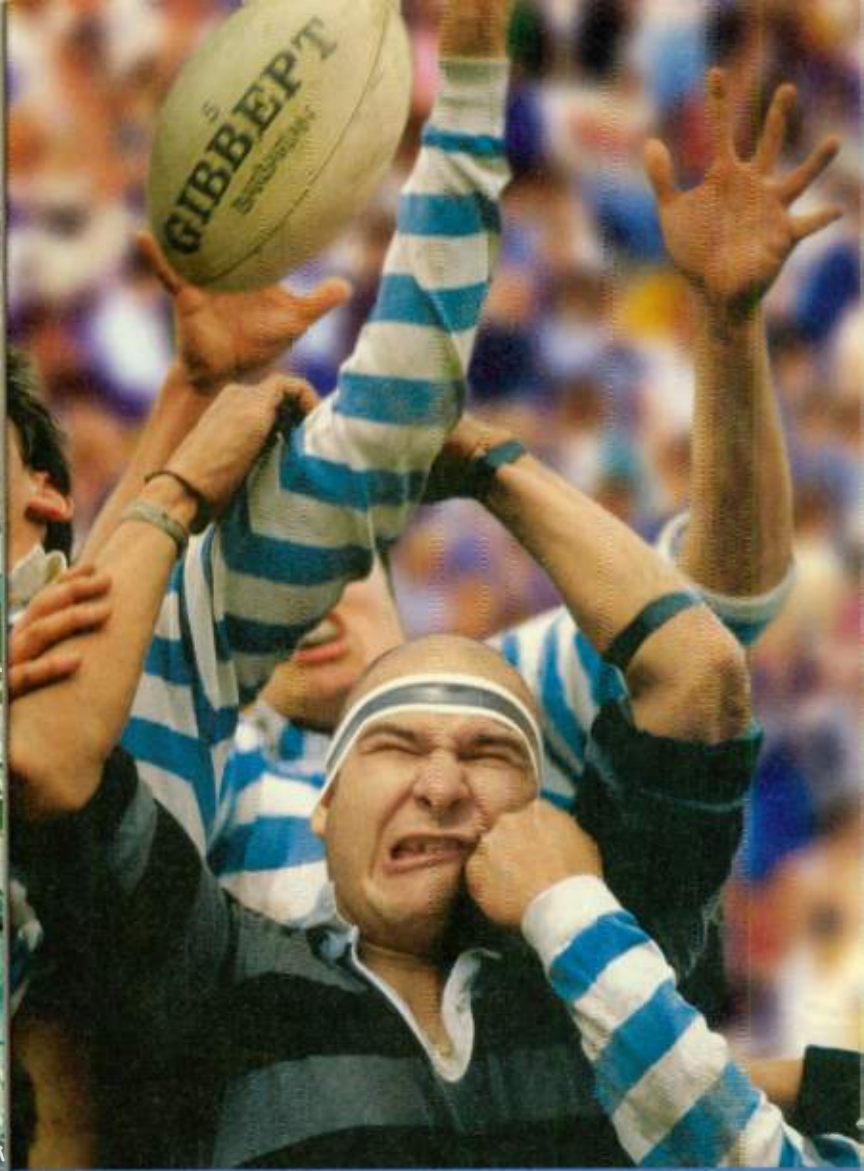
That night, according to one current and three former Hachette employees, Fornasieri walked over to the art department after Gross had left for the day. Fornasieri told the art staffers to replace the previously shipped cover with a new photograph, this one a more commercial shot of a younger model running on a beach. She ordered the art team not to tell Gross about the change. (Hachette's lawyer asserts that the cover dispute concerned whether it was "seasonally suitable" to use a photo of a model in a cashmere sweater. The decision, he writes, "was not made by Ms. Fornasieri." The lawyer described the other details as "false" but declined to comment further.)

The next day, after finding out what had happened, Gross resigned. Having usurped Gross's decision making, Fornasieri immediately made plans to move into the editor in chief's office (albeit after it was reduced in size), which she still occupies nearly two years later.



Hachette Filipacchi CEO  
David Pecker





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# Mugged By The Six O'clock News

The story was astounding: New York's top cop dining out at an off-limits restaurant on the taxpayers' tab. Too bad it wasn't true. ● BY ED SHANAHAN

## NEW YORK CITY POLICE

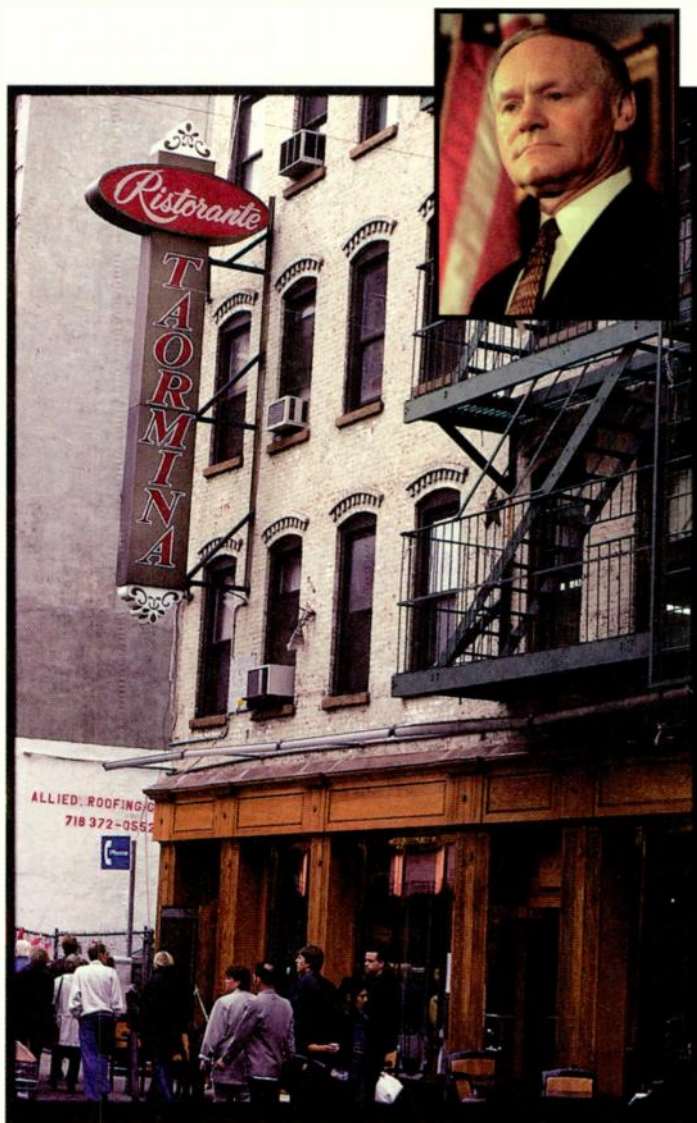
Commissioner Howard Safir has never been considered a big fan of the media, clashing often with local reporters who say his police department routinely denies them access to crime scenes and information. He responds by saying that he considers protecting the public more important than providing information to the press.

It's hard to question those priorities based on what happened to Safir on July 24, 1997. That night, New York's WCBS-TV aired two reports about Safir, repeating the contents of what was for the commissioner an already embarrassing newspaper article and then trying to advance it by adding some scandalous details.

Those details, it turned out, were wrong, a fact that prompted Safir—in a suit filed in March—to accuse the station of libeling him. And even when the station got around to “correcting” the record, it hardly came clean about its own missteps.

The offending report from the 6 P.M. newscast unfolded ominously: “[Safir] was eating at an off-limits restaurant once known as a mob hang-out,” intoned anchor Dana Tyler, “and News Two has learned that you [the public] picked up the tab.”

Reporter Marcia Kramer then delivered what was basically a rehash of a story from that morning's New York



*Daily News:* Safir had dined the previous evening, along with members of a police-booster group called the New York's Finest Foundation, at La Ristorante Taormina in Manhattan's Little Italy. Authorities have long consid-

ered Taormina “mobbed up,” partly because John Gotti ate there regularly when he ran the Gambino crime family. Police officers assigned to the local precinct—but, consistent with department policy, only those assigned to that precinct—have been barred from the eatery.

“Tonight, [Safir's] eating lots of crow because it seems [he] dined at a restaurant that has been officially off-limits to cops for years,” Kramer reported, not distinguishing between precinct cops and the entire force. The distinction is crucial; ignoring it could well leave viewers believing that Safir was prohibited from eating there, when he was not. (That said, it didn't look good for the boss to be enjoying pasta, snapper, and merlot in a place that's off-limits to some of his employees.) The omission was, however, the least of the station's errors.

“News Two learned it was taxpayer money that paid for Safir's meal,” Kramer continued, “and he's a big sport—he tipped fifty percent.” Cut to an off-camera field producer interviewing a man with a thick Italian accent identified as the restaurant's manager.

NYC Police Commissioner Howard Safir and the eatery that was the scene of the “crime.”

*Ed Shanahan is the copy editor of this magazine. He has written previously for various publications about New York crime, politics, and media.*



"Did he pay for everybody last night, or did he just pay for himself?" the producer asked.

"No, no, he pay—I think he pay, uh, some check for the city," answered the manager. "That's New York check, yeah."

"With a city check that he paid for it?" he was asked.

"Yes, it's a New York City check."

The issue of a gratuity was raised.

"How much of a tip did he leave you?"

The man's accent makes it hard to determine whether he is saying 15 or 50 percent.

At this point, Kramer cut in: "In fact, at the restaurant they say, as far as tippers go, Howard Safir and John Gotti, well, they're in a league of their own."

After a brief exchange between the producer and the manager, Kramer closed the report by saying that "about a minute before" she went on the air "Police Commissioner Safir called our newsroom and said it was absolutely ridiculous and that he left the restaurant before the bill came to the table, and that the Finest Foundation paid the tab. I'm Marcia Kramer, News Two."

Safir wasn't the only one who called the station that night. Angela Vitucci, Taormina's bookkeeper, testified during a September deposition taken in connection with Safir's libel suit that, as soon as she saw the newscast, she felt moved to call the station.

"I was furious because I was so upset for Tony because that wasn't the interview Tony gave," Vitucci testified, referring to Antonio Fattorusso, the manager seen on camera. In addition to saying the WCBS news crew never asked to see the city check that allegedly paid for the dinner, Vitucci was stung by the implication that her boss had said Safir left a 50 percent tip. "I remember them asking how much of a tip did the commissioner leave, and Tony's exact words were '15 percent, like any other average American person.' Then they said 'What about John Gotti?' and Tony said, '15 percent, like any other average American person,' and I remember this clearly because of Tony's broken English. I was very impressed with it....It was beautiful."

Safir, of course, didn't think the

story was beautiful, as evidenced by his decision to take WCBS to court. He did not return repeated calls seeking comment for this story but told reporters shortly after filing his suit that "when journalists are irresponsible and defame people and print or publish or cause to be put out over the airwaves something that they know to be false, then they should be held accountable." Safir is seeking \$20 million in damages and, in addition to WCBS, which is owned and operated by CBS Corp., has named as defendants the station's corporate parent, as well as the restaurant's manager and owners.

In its answer to Safir's complaint,

theless, you can bet the next time the commiss has a hankering for pasta, Safir will find a safer place to eat."

And the next time WCBS has a hankering for a big story, perhaps it won't rush onto the air with unchecked facts. In court papers, the station uses standard libel-defense language, maintaining that "the broadcasts at issue are true or substantially true"; that they are "neutral reports of matters of legitimate public interest and concern that were accurately reported by WCBS-TV."

Though acknowledging in its answer to Safir's complaint that "a demand for a retraction and apology was communicated to WCBS-TV," the sta-

**Even when WCBS got around to "correcting" the record, it cast itself as Safir's defender, rather than coming clean about its mistakes.**

the station denies libeling the commissioner, but does acknowledge being contacted after the broadcast by "persons purporting to act on [Safir's] behalf," who offered to send WCBS a copy of the cancelled check that paid for the dinner.

Citing Safir's suit, WCBS news director Bill Carey declined to answer any questions about the story.

It wasn't just that WCBS had aired the story that galled Safir; the station broadcast it again, albeit after making a few changes, at 11 P.M. The second time, the anchor's introduction did not contain any reference to taxpayers paying for the meal. Also, Kramer did not mention the tip, and she clarified that it was only precinct cops who were barred from Taormina.

But nothing was said by Kramer or anybody else during the later broadcast to indicate that there was anything incorrect about the 6 P.M. report. Indeed, the 11 P.M. version stated again that Safir had paid for the dinner, and it repeated the exchange in which the manager appears to claim the police commissioner paid with a city check.

After noting Safir's denials, Kramer closed the 11 P.M. report this way: "Never-

tion never actually produced either. It did, however, return to the story two weeks later, although this time far fewer viewers were on hand, according to Nielsen Media Research.

For its follow-up, WCBS cast itself as coming to the defense of a man done wrong by unnamed enemies.

"Police Commissioner Howard Safir has been accused of using taxpayer money to pay for a dinner in Little Italy," anchor Lisa Cooley announced on the August 6, 1997, 6 P.M. broadcast, "but it's not true and News Two has gotten proof."

Kramer offered what amounted to the station's version of a correction: "Well, here it is, the proof we asked Police Commissioner Howard Safir to provide. It's a cancelled check showing that when he ate dinner a few weeks back at an Italian restaurant that's a favorite mob restaurant, he didn't pay the check. He didn't use city funds or leave a lavish tip, just as he maintained when we broke the story. The commissioner was hoping mad and he had a right to be."

The station, of course, never admitted that it was alone in accusing Safir of spending public money in an organized-crime hangout. ■

# Making Page One

For a newspaper, nothing is more important than what readers see first. Here's how editors at *The Buffalo News* make their crucial choices. ● BY CHARLES KAISER

## RACE, PEANUTS, AND POLITICS.

These are the preoccupations of the top editors of *The Buffalo News* at their daily front-page meeting on Thursday, September 3, 1998.

Each of the 12 editors (nine men, three women) is equipped with two printouts on legal-sized pages—one with the six best local stories produced by *News* staffers, one with the 19 strongest national and foreign stories pulled from the wires. Murray B. Light, the *News*'s top editor since 1969, has imbued everyone here with the same philosophy: The way to survive in the age of television is to be as different from the tube as possible, by printing a front page that offers the kind of analysis that TV newscasts almost never provide.

Unlike editors at dozens of other American newspapers, Light has resisted the temptation to "go soft." His ideal front page carries at least two local stories; articles on the most important national or foreign event—and sometimes both—usually get prominent page-one treatment as well.

The front page is always anchored by what the *News* editors call "the banger," also known as the "focus" or "play" story, and Stanley Evans, the assistant managing editor for local news, thinks he has a strong candidate for tomorrow's paper. It is a sharply reported feature about an interracial family—the mother is black, the father white—that is planning to move because of constant harassment from their white

neighbors. The story is full of raw quotes from anonymous white youths urging the family to leave.

However, Light won't hear of running the story in the next day's paper. He's discussed the situation with James Pitts, the black president of the Buffalo Common Council—the city's legislative body—and he won't print anything on the subject until Pitts's comments can be included. So far, the reporter hasn't located him.

But Light's number two and heir apparent, 41-year-old managing editor Margaret Sullivan, isn't ready to give up. "If we have five stories—I don't know how strongly you feel about this,



Editor Murray Light (center, below) presides over the editorial meeting that decides what appears on the next day's front page (above).

Murray—I wonder if we could have a small start [meaning a few paragraphs on the front page leading to a longer article inside] for the racial story?"

"Absolutely not," Light shoots back. (When the story finally runs two days later, it's on the local page, with the council president's comments in the fourteenth paragraph.)

Without the racial story, the editors consider the next-best idea for the "banger": a story about Betsy McCaughey Ross, the lieutenant governor whose gubernatorial campaign seems to be fizzling because her husband is no longer willing to finance it. It's really a statewide political story, but it's staff written, and the closest thing they have to a local story



DON HEUPEL



suitable for page one. So the Ross article takes over the focus spot, with a big color photo of the candidate, and a headshot of her husband.

Executive news editor John Neville has two other candidates for the page that day; both fit Light's mandate to cover the news with the depth that television can't match. The first is Janet Reno's latest hint that a new special prosecutor may be appointed to investigate election-law violations by the 1996 Clinton-Gore campaign. (In the Buffalo paper, Reno gets 17 paragraphs; on *NBC Nightly News*, she gets four sentences, just two on the *CBS Evening News*, and only one on ABC's *World News Tonight*.) The other obvious page-one candidate is a follow-up on the Swissair jet that crashed two days earlier off the Nova Scotia coast.

That leaves room for one more feature out front, and Light is intrigued by an announcement from the federal government that airlines will have to establish "no-peanut buffer zones" whenever anyone with an allergy to the nuts is booked as a passenger.

"The publisher is allergic to peanuts," says the top editor.

"That makes it more interesting," agrees Sullivan.

But the rest of the editors think it's the wrong day for a fluffy airplane feature. "Don't you think if it gets on the front page tomorrow, people will think we're making fun of airplane crashes?" asks soft-spoken deputy managing editor Edward Cuddihy.

"I want peanuts down at the bottom," says Light. "I certainly don't want to link the peanuts story to the air crash story, but the things have nothing to do with each other. I don't see how anybody can draw the relationship. What the hell does eating goddamn peanuts on the plane got to do with an air crash? If anybody can give me a rational answer..."

"The day that they bar an airplane from putting peanuts on we should put that on page one," says Cuddihy.

"If you don't get it on page one, I want a 'Quickread' on it," says Light, and that's where the story ends up—in the "Quickread" column on the left

that summarizes stories appearing inside the paper.

Without peanuts, they still need another story, so executive news editor John Neville is told to use the best airplane-crash sidebar he can find to fill the bottom right-hand corner of the page. But Sullivan and Light make it clear that's only a "space holder" suggestion—if Neville can find something better, he should use it.

A newspaper's front page is the clearest window into the philosophy of its editors: It showcases the principles,

news editor. In selecting that story, he is supposed to abide by a list of rules provided by Sullivan:

- It should be of real interest to the average reader.
- It should have a sense of importance, significance, "bigness."
- It should be newsy, or at least timely; therefore it is ideally not a feature story.
- It should feature high-quality writing, a compelling headline, photography, and graphics.
- It should feature the digging, depth, thinking that newspapers can do and

**Unlike editors at dozens of other American newspapers, Murray Light has resisted the temptation to "go soft."**

prejudices, and traditions that determine what gets covered, what gets ignored, and what gets buried inside. *The Buffalo News* enjoys the highest penetration of any major daily in America (it reaches 64 percent of its core market on weekdays, 80 percent on Sunday). But the editors are preoccupied with single-copy sales, because the paper's daily circulation has slumped from a peak of 313,000 in 1988 to 267,000 last year. (On Sunday, the latest audited figure is 352,000, down from 378,000).

Another force drives Sullivan's thinking about page one: Reader surveys consistently show that consumers want as much local news as possible.

"I am acutely aware of and very interested in single-copy sales," says Sullivan. "For me it's about connecting with the readers. I want to touch them where they live; you can do that by story selection, you can do it in the words in the headline, you can do it in photo selection. It's a combination of research and gut."

To grab the reader's attention Sullivan invented the banger story that dominates every front page and is always accompanied by a large photograph.

Because the banger is supposed to be local whenever possible, it's mainly the responsibility of Evans, the local

TV and radio generally don't.

- It should tell people something surprising or something they didn't know; it shouldn't be predictable or bureaucratic; there should be a bit of a "wow factor."

"I feel pretty strongly the harder-edged, and the newsier those local enterprise stories can be, the better," says Sullivan. "The best possible local piece is the investigative piece. I'm not interested in soft features. I don't think we generally want them on page one."

That mandate comes from Light, "a very traditional real hardass, breaking-news guy," according to Evans.

Light's success as the paper's top editor has given him unusual independence. He says Stanford Lipsey, the publisher and president, never tries to influence his news judgment. Lipsey did ratify Light's choice this year of Sullivan as his likely successor.

At the *News*, Murray Light has guided the same evolution that has occurred at most American dailies over the past four decades: fewer stories on the front page, more color, and more local coverage. When he worked on the news desk in the '60s, there were usually ten stories on the front page; today there are usually five. And back then, local stories were a rarity out front.

After the afternoon page-one meeting breaks up around 5 P.M., most of the



## [ DECISIONS ]

decisions fall to John Neville, the executive news editor. Around 6 P.M. a contender shows up to replace the plane-crash sidebar: Connecticut Senator Joseph Lieberman has become the first prominent Democrat to denounce President Bill Clinton's sexual shenanigans from the Senate floor. "I originally said I wasn't so interested in Lieberman's comment," says Neville. "After the wire service's thinkers thought about it and put it in a little perspective, then I was interested." He selects the Lieberman story written by Dan Balz of *The Washington Post*, which is available from the *Post's* wire service—one of five newswires the *News* buys for its pages. The story fills three columns in the bottom right-hand corner of the page for the first edition.

The page-one teasers at the top of the page, which promote stories inside the paper, are mostly set by the time Neville comes to work just before the 4:25 meeting, but he makes the final selection of the "Quickreads" on the left: "Clinton cheered in Northern Ireland," "No Peanut' zone OK'd on planes," "[Hurricane] Earl kills at least three," "Ex-arms inspector assails efforts," and "Policy on assassinations asked."

Neville says that routine crime stories—standard fare on local TV news—rarely make the front page of the *News*. "They're almost mutually exclusive—TV and us," he explains. "We probably put a business story on the front page once a week, but lifestyles stories almost never—because they're generally too light in tone."

As one of the last all-day newspapers in America, the *News* prints eight separate editions between 12:30 A.M. and 4 P.M. If the news changes rapidly enough, there can actually be eight different front pages throughout the day. By the time the second edition is ready to roll the next morning, the story about President Clinton has gotten better ("I'm very sorry," the president says from Ireland), and the plane crash has gotten older, so the two stories have been flipped; now the president and Lieberman are at the top of the right-hand column, and the plane crash is below them.



The result is a page that does a good job of covering the major events of the day but fails to deliver on the paper's avowed mission to give the readers at least one local enterprise story. That's because the racial story was held, forcing the Betsy McCaughey Ross story into the banger slot.

Sullivan is asked to assess the day's effort. "I like the writing and the presentation of the Betsy Ross piece, but overall this page is in the bottom third of what we usually do," she says. "Other than the Ross story, they're all from the wire services and that's not the usual mix. We like to have it at least 50-50 [staff-produced versus wire stories] so that's disappointing as well. On the plus side, it's newsy and engaging. However, it's not nearly local enough for my tastes."

The *News* has 70 reporters, seven critics, and a total of 190 full-time slots in the newsroom, some of which are filled by more than one part-timer. The reporters are relatively well paid—a minimum of \$51,209 after five years. (The national average is \$40,678 for reporters who are members of The Newspaper Guild.) But according to *Editor & Publisher*, Buffalo's news department employs only half as many people as the *Sun-Sentinel* in Fort Lauderdale, Florida, which has almost the identical circulation. That's one rea-

son The *News* is so extraordinarily lucrative for its owner, Warren Buffett, whose Berkshire Hathaway, Inc., bought the paper for \$32.5 million in 1977. Last year, the *News* contributed \$32.7 million to Berkshire Hathaway's bottom line, which, according to *E & P*, gives it the highest profit margin (36 percent) of any paper in America. That fact prompts consistent local criticism that Buffett takes a great deal more out of the community than he puts in.

A local politician who insisted on anonymity thinks the *News* does a pretty good job with the front page. But, "the big problem is you have a very rich man from Omaha taking almost \$1 million a week out of the community," the politician continues. (The \$1 million-a-week figure is an overstatement.) "They have some very good people there but there just aren't enough of them to go around. They currently have absolutely nobody doing investigative stuff; they don't have an ombudsman. I'd say it's okay. But given the lock it has on this community and the money they make, it could be and it should be much better."

Sullivan acknowledges that the paper has no ombudsman, but notes that the paper does have one full-time investigative reporter "and there are others who do investigative work as it comes up on their beats."

The paper has five other sources of news to choose from besides its own staffers: The Associated Press, Reuters World Service, Bloomberg, the *Los Angeles Times-Washington Post News Service*, and Knight Ridder/Tribune Information Services. Because the *News* relies overwhelmingly on the AP for its non-New York stories, much of its national and international coverage lacks depth and personality. Nonetheless, the editors do a consistently good job of selecting the top two or three foreign or national stories every day.

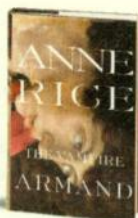
"I think everybody who makes page-one judgments brings all of their own baggage to the process," says Cuddihy, the deputy managing editor. "And I don't mean baggage in a bad way. There are things that are more interesting to them than to somebody else. I think



## DECISIONS

## World Radio History





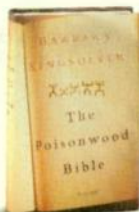
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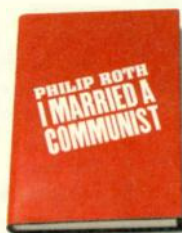
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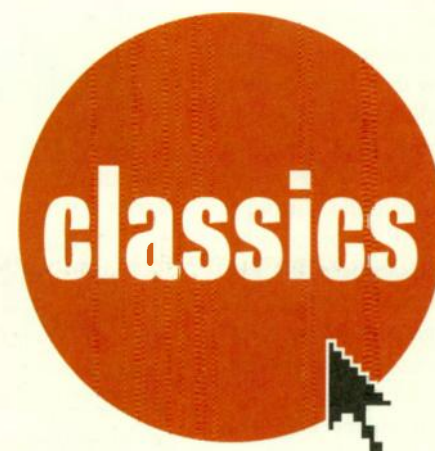
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# Unusual Suspects

From pioneering Alaskan women to the Peace Corps' first volunteers: Eight books earn kudos for their fresh, gutsy approach.

**T**HE ALASKAN-YUKON region contains some of the coldest, most foreboding land on earth, but in the waning years of the nineteenth century, it was a hot destination. Prospectors came by boat and by foot to the northwest corner of North America, hoping to stake their claim to the mineral bonanza that later would become known as the Klondike gold rush.

Getting to the remote area was so arduous that few wives or girlfriends accompanied their men on the journey. Boom towns such as Dawson on the Yukon River became major destinations for an adventurous, eccentric class of women who, as author Lael Morgan puts it in her book *Good Time Girls*, made their living "mining the miners."

Some of these women were simply prostitutes, according to Morgan. Others were dancers who may have sold sexual favors on the side. Drawing from an impressive array of sources, Morgan's book creates biographical sketches of these women and, in the process, offers a glimpse into the social history of the north country gold rush.

Morgan notes the pitfalls associated with prostitution, but her work also suggests that there were considerable social and economic advantages for women practicing the world's oldest profession in this remote area, far away from the social constrictions of late-Victorian mores. Bawdy parties stretched into the



night, adoring miners tossed nuggets of gold onto a stage to celebrate a popular dancer, and others purchased endless glasses of champagne to woo a particular lady.

Morgan uncovers characters like Grace Robinson, who survived a hair-raising passage to Dawson while preserving a fine hat from Seattle, and Mae Field, who survived a ship wreck on the ice-jammed Yukon by jumping from floe to floe until she reached land and arranged passage back to Dawson by mail carrier. Mabel Larose, known as "French Marie," climbed onto a Dawson bar on Christmas Eve 1889 and auctioned six months of married life to the highest bidder, reserving the right to pick the runner-up if she didn't like the winner. "Marie" accepted the top bidder's \$30,000 offer and the couple reportedly lived happily ever after.

Morgan puts a premium on biographical information, even when spare anecdotes may be all that remains of her subjects. As a result, some of the book reads like a frustrating cocktail party conversation, where much of the gossip seems third- or fourth-hand. But the reader emerges with a sense of the subtle relationship between these women and their clients, one that stretched far beyond economic transactions. Prostitutes cared for the "sour-

doughs"—an old-time term for prospectors—by offering meals to miners down on their luck.

In turn, the good time girls often received legal and physical protection from miners and local authorities. Morgan relates how one federal attempt to end prostitution in the seaside town of Seward was foiled by local police who promptly arrested the town's prostitutes and fined them each \$1, thus preventing federal prosecution because of double jeopardy. This action was a testament, Morgan argues, to the warm, symbiotic relationship between miners and these women in the cold north country.

—Ted Rose



**O**N OCTOBER 14, 1960, Democratic presidential candidate John F. Kennedy made a 2 A.M. stop at the University of Michigan at Ann Arbor. From the steps of the student union building, he addressed a crowd of nearly 10,000: "How many of you are willing to spend ten years in Africa or Latin America or Asia working for the United States and working for freedom?" he asked. "How many of you who are going to be doctors are willing to spend your days in Ghana; technicians or engineers, how many of you are willing to work in the foreign service and spend your lives traveling around the world? On your willingness to contribute part of your life to this country will depend the



## [ UNHYPED BOOKS ]

answer whether we as a free country can compete." Kennedy's challenge did not go unheard. Back in Ann Arbor three days before the election, the candidate was asked: "Are you really serious about the Peace Corps?"

He was. In her book *All You Need Is Love: The Peace Corps and the Spirit of the 1960s*, Elizabeth Cobbs Hoffman carefully documents why America was ready to accept Kennedy's challenge to venture beyond the safe and familiar into the "New Frontier" and chronicles the trials, successes, and failures that have ensued.

The best part of Cobbs Hoffman's account lies not in her political history (the bulk of the text) but in the flavor she provides of the lives of volunteers (strikingly supplemented with 18 pages of photographs and early Peace Corps advertisements). Before being accepted into the program, applicants were required to endure repeated psychological tests, during which they were screened for religious or sexual "obsessions." They were asked questions like, "Have you ever talked to God?" and "Do you think your private parts are beautiful?" Most of those subsequently offered admission were recent college graduates who wanted the Peace Corps' two years of "rigorous adventure" before settling on a permanent career path. Those who accepted the challenge then faced intensive training—often six days a week, 15 hours a day. For volunteers headed to Puerto Rico, for example, this entailed "[swinging] through trees on ropes, [scaling] sheer cliffs, and [being] thrown into rivers tied hand and foot."

Still, this was hardly preparation for what was to come. At their sites, many

faced realities brimming with contradictions. Larry Radley, a 22-year-old volunteer in the town of Armenia, Colombia, lived both as a local peasant "sharing a pallet with bedbugs and rats in a campesino's hut" and as a celebrity "drifting to sleep in the soft bed at the home of the president of the university." Tim Wilkinson, a volunteer in Zaire, wrote that, unlike his Peace Corps predecessor, he was not yet fond of dog meat as a meal. He did, however, enjoy "crunchy fried termites." Although Cobbs Hoffman provides substantial feedback from satisfied volunteers (many of whom went on to join the foreign service), others complained that their jobs were not well-defined, that their hosts were not receptive, that their goals were unattainable. There was also the question of safety: A 25-year-old volunteer in Ethiopia was eaten by a crocodile. Indeed, as Cobbs Hoffman documents in great detail, the Peace Corps earned its motto as "the toughest job you'll ever love."

Though the Peace Corps has endured the ups and down of the past 38 years (Cobbs Hoffman devotes three chapters to challenges like President Richard Nixon's desire to phase out the program, the decline in applications, and the concerns of American imperialism prevalent during the Vietnam War years), it is best seen in the context of the 1960s. The Peace Corps was—and

is—a movement with three goals: "First, to help interested countries meet their needs for trained men and women; second, to promote a better understanding of Americans on the part of the peoples

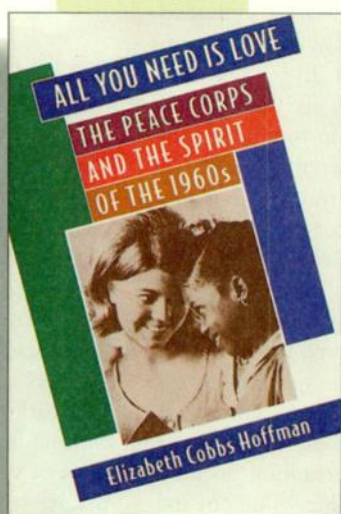
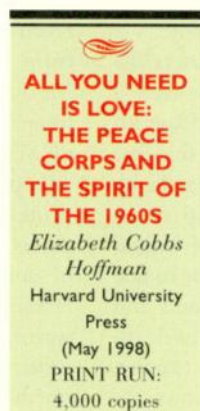
served; and third, to promote a better understanding of other peoples on the part of Americans." —Rachel Taylor



**N**O MORE DIVISIVE figure exists on the African-American scene today than Nation of Islam leader Louis Farrakhan. Some portray him as a venom-spewing bigot, misogynist, homophobe, and anti-Semite. Others hail Farrakhan as a charismatic orator pushing blacks toward an economically self-sufficient existence, one based on family values that even Dan Quayle could love. In *The Farrakhan Factor: African-American Writers on Leadership, Nationhood, and Minister Louis Farrakhan*, journalist Amy Alexander compiles 16 opinionated essays, profiles, and interviews that avoid the overblown rhetoric of interest groups and the stereotypes of much of the media about Farrakhan.

As journalism professor Erna Smith discovered, Farrakhan has been the recipient of more media scrutiny in the past decade than any black leader save Jesse Jackson—and Jackson ran for the presidency twice. Yet the coverage of events like the Million Man March and Farrakhan's tour of African and Middle Eastern dictatorships devoted more space to how white Americans reacted to him than to a consideration of the Nation of Islam's culturally conservative philosophy, inner workings, or inroads into the black community.

Farrakhan, in fact, instills in blacks nearly as much ambivalence as he stirs among whites. Noted columnists Leonard Pitts, Jr., and Stanley Crouch find Farrakhan and his message lacking—Pitts for the absence of a direction for his anger, Crouch for his self-important hucksterism and racist demagoguery. Economist Julianne Malveaux probes the Nation of Islam's much-vaunted economic model and deems it wanting, pointing out that promises of a Million Man March bonanza (from money raised by sales connected to the march for development of black-owned enter-

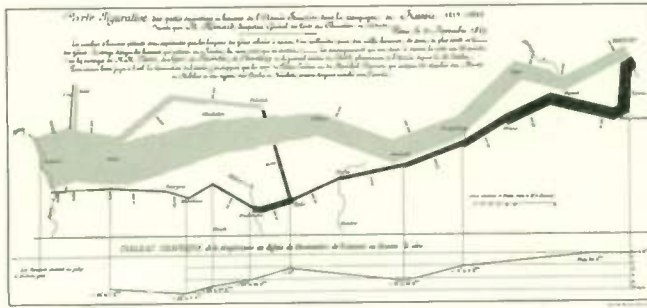




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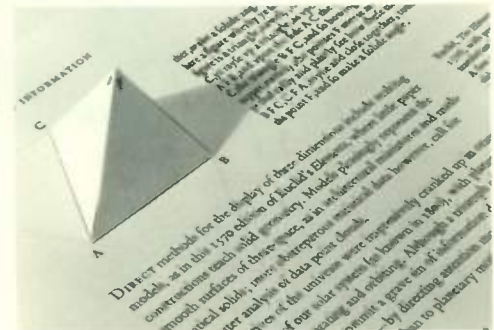


This map portrays the losses suffered by Napoleon's army in the Russian campaign of 1812. Beginning at the left on the Polish-Russian border near the Niemen, the thick band shows the size of the army (422,000 men) as it invaded Russia. The width of the band indicates the size of the army at each position. The army reached Moscow with 100,000 men. The path of Napoleon's retreat from Moscow in the bitterly cold winter is depicted by the dark lower band, tied to a temperature/time scale. The Grande Armée struggled out of Russia with only 10,000 men. Six dimensions of data are displayed on the flat surface of the paper.

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prises) have gone unfulfilled.

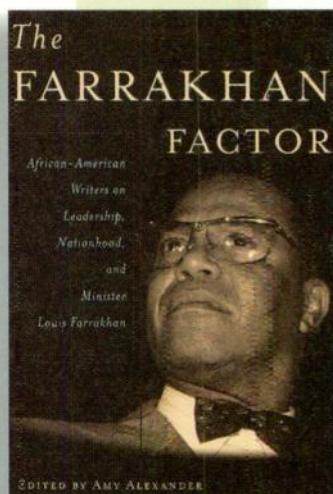
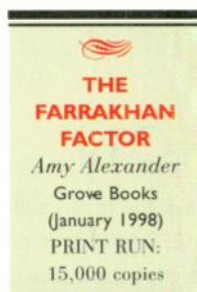
But even those who have departed the organization disillusioned, like *Sacramento Bee* columnist Fahizah Alim and *In These Times* editor Salim Mawakkil, praise Farrakhan for his efforts in reducing crime and for his eloquent messages of self-discipline, hard work, and honesty. The contradictions that make Farrakhan a Jew-baiting racist to some and a savior to others are best summed up in the wonderful essay by Henry Louis Gates, Jr., that begins the collection: "It turns out that there is in Farrakhan's discourse a strain that sounds awfully like liberal universalism; there is also, of course, its brutal opposite," writes the Harvard University professor. "The two tendencies, in all their forms, are constantly in tension."

—Lorne Manly



**L**ITERATURE IS RICH with chronicles that examine the miracles that occur in an infant's first years of life, when the brain is developing at a startlingly rapid pace. Researchers have found that nurturing and stimulating experiences in this period have a significant effect on the adult the child becomes.

The authors of *Ghosts from the Nursery: Tracing the Roots of Violence* take this analysis into darker regions, arguing that the womb and the nursery are also greenhouses for the seeds of violence. In their book, Robin Karr-Morse and Meredith S. Wiley assert that what happens to a child before birth and in the first 33 months of life often crops up in later behavior. "Ironically, babies in our culture are still commonly viewed as living in a twilight zone of unfinished wetness," they write. "[I]nfants have been routinely viewed as irrelevant to policy discussions concerning education, let



alone the prevention of crime...[But] far from the *tabula rasa* of John Locke's view of the human baby, new graphic imaging reveals a riveting portrait of unmistakable complexity taking shape before we know it."

In lucid prose punctuated with jarring statistics, the book outlines the factors that both imprint a child's mental and physical well-being in the primary stages of life and lead to hostile, often criminal, behavior. Karr-Morse and Wiley explore the earliest moments of existence, beginning with conception. Citing case studies and substantial research in child development, psychology, and psychiatry, they make a convincing argument that parents' malnutrition, drug and alcohol abuse, and chronic stress can be sources of later aggression in children.

One case examined is the drama of a 16-year-old boy named Jeffrey. In 1993, Jeffrey, a teen living in the rural Northwest, bludgeoned to death an 84-year-old man in the middle of the night. Jeffrey was sentenced to death; his case is currently being appealed. Through the excerpts from interviews with Jeffrey and his brother John that introduce each chapter in the book, readers learn how early-life influences became one child's reality. "I do follow my impulses...because that was the way I learned to survive when I was little," Jeffrey says in one passage, "Like, if I knew I wasn't supposed to be running from an asswhupping, but I'd be running away. What I was doing was wrong but I would follow the impulse rather than stop and think about the

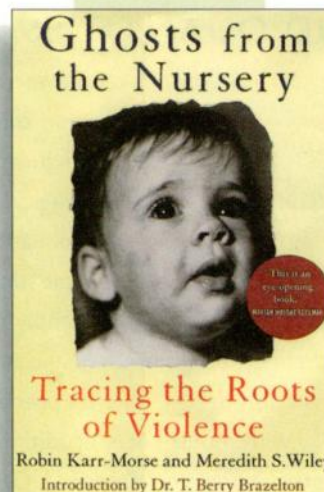
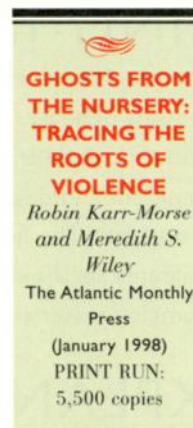
consequences...I just wanted to get away."

From the time Jeffrey was an infant, his mother was highly depressive and neglectful. He bounced between his grandparents' home, shelter care, and foster homes before he was 4 years old, never having a consistent model of nurturing or even simple interaction. While stopping far short of excusing Jeffrey's crime, Karr-Morse and Wiley portray a complex scenario in which absolute blame is difficult to assign.

If, as the writers suggest, it's true that increasing numbers of tomorrow's adults are already on a path to destruction in the first 33 months of life the obvious question becomes: What can we do about it? The last chapters of *Ghosts from the Nursery* are devoted to a discussion of how change can be effected. The current state of affairs is not particularly encouraging. Money for early-intervention programs is scarce, and even the most successful researchers are "frustrated by the chasm that exists between what they know and what they are able to make happen." But the alternative—doing nothing while untended nurseries breed violent children—is much more bleak, the writers insist: "From the waters of the womb, to the arms of the

caregivers, to the walls of the family home, when the shelters in which we harbor our children are inadequate or destructive, the final shelter our society provides will often be the cement walls of a prison cell."

—Kimberly Conniff



**I**N TODAY'S commodity-mad, history-starved culture, eighteenth century Bostonian Samuel Adams may be best known as someone



## [ UNHYPED BOOKS ]

whose face adorns so many bottles of micro-brewed beer. In *Slavery, Propaganda, and the American Revolution*, Patricia Bradley reminds us of Adams's pivotal role in the birth of the nation and takes a hard look at how, in their drive to create a country in which "all men are created equal," he and his fellow patriots managed to ignore—and, in some cases, actively resist—the nascent antislavery movement. By doing so, she argues, they undermined the promise of that five-word slogan.

Bradley's book raises some uncomfortable truths about the media's earliest ancestors. Anyone interested in U.S. history, race relations, or the press will want to read it for what Bradley—a former newspaper and television reporter who now directs Temple University's American Studies department—reveals about the relationship among the three at a time before this country *was* a country.

Bradley's overarching theme: Patriot propagandists, in an effort to win support for their struggle through such organs as the *Boston Gazette*, sought to portray white colonists as slaves to the English monarchy. By rhetorically co-opting the term "slavery" and applying it to the colonists' own plight, the author explains, little room was left for considering the actual slaves—those black Americans being held in bondage. Indeed, Bradley argues that the patriot movement, especially through the newspapers and pamphlets it controlled, demonized slaves (and even, to a degree, free blacks) as a way of frightening colonists into believing they were headed for the same inhuman condition if they did not break free of the shackles of the English monarchy.

Particularly fascinating are the sections of the book in which the author quotes from news stories and slave-for-sale advertisements—in mainstream newspapers, as well as patriot publications—to show how the media of the day played to still-developing racial fears by using the rawest possible language to describe slaves, and how that steady drumbeat of negative attention could have proved effective in shaping colonial notions

that abolition might not be such a good idea. "To Be Sold," begins one *Gazette* ad, "a hearty, likely strong Negro Fellow of about 18 years old, he has some good Qualities, he is sober and good-natured, but is a runaway, a Thief and a Liar." Also illuminating: Bradley's description of how Adams himself downplayed in print the fact that Crispus Attucks—among those to die in the Boston Massacre, which is considered the Revolutionary War's starting point—was a black man.

Bradley notes in her final chapter that this conscious effort by colonial patriots to submerge the issue of slavery in favor of the push for a unified revolutionary movement "served to leave intact an underworld of beliefs that could only shape the course of the republic." Anyone reading this book will find it hard to disagree. —Ed Shanahan



**M**OST WESTERNERS have, at best, only a passing interest in the Arab world—and not even a passable understanding of Islam, the religious and often political force that dominates that world. Popular perceptions of the Arab Middle East paint it as a largely homogeneous region bloodied by centuries of violence and mired nowadays in economic and social backwardness. Terrorism, it seems, is its main export, after oil.

But the West has learned in recent years that it ignores or mischaracterizes Islamic culture at its own peril. More than petrodollars are at stake in conflicts that have ranged from Iran's revolution and the Persian Gulf War to the Arab-Israeli peace talks and bloody strife in Egypt and Algeria.

Milton Viorst covered the Middle East while he was a staff writer and contributor for *The New Yorker* and has published three other books on the subject. His newest work, *In the Shadow of the Prophet*, breaks through the super-

**SLAVERY,  
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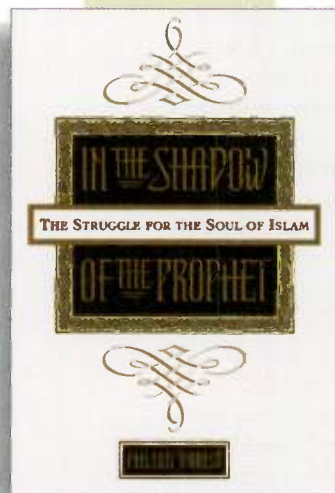
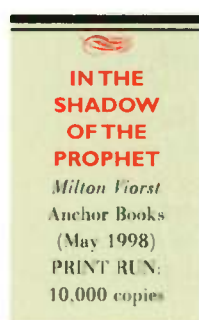


ficality of Western views about Islam. Viorst identifies it as the dominant shaper of Arab civilization and effectively connects contemporary internal conflicts to their ancient roots.

Through numerous interviews with leading Islamic scholars and a comprehensive overview of Islamic history and philosophy, Viorst makes a convincing argument that Islamic orthodoxy—the mainstream branch of the religion—has stifled intellectual and economic development. The movement does this, Viorst contends, through its insistence on closing the Islamic mind to outside forces and holding up the glory days of the prophet Muhammad as the utopia to which every Muslim must aspire. Viorst highlights this approach by contrasting it with the minority of dissenters within the Arab world who argue that Muhammad intended for his followers to look forward and to adapt to the world around them.

Viorst focuses on the four Arab countries—Egypt, Sudan, Saudi Arabia, and Algeria—where the conflicts over the interpretation of the Qur'an and Islam have become "the most tumultuous." He also looks at Islam in Iran, the most important non-Arabic Muslim country, the Muslims in France ("the first major Muslim community within a Christian society"), and Jordan, which Viorst holds up as a model of Islamic forbearance and open-mindedness.

In a crisp, highly readable style, Viorst translates Muslim sensibilities into images and analogies that Westerners can understand. "The Arab world today recalls historians' descriptions of Christian Europe, deeply immersed in religion, in the early Middle Ages," Viorst notes. "The degree to which Western society is permeated by Christianity is arguable; one can have no doubt that Arab society is



profoundly permeated by Islam."

Even so, the unfamiliarity of most of the names and historical events can often make the book difficult to follow. Viorst intersperses brief histories of the Qur'an, Muhammad, and early Islamic civilization with chapters on contemporary politics, a technique that can be confusing. Viorst acknowledges the going may be tough, but he rightly suggests, "I would urge readers to make the effort. The West, I believe, cannot function in indifference to the ideas that drive the Arab world. The stakes are too high."

—Rifka Rosenwein



**T**OO LIGHT TO be black, too dark to be white, Latinos fail to fit neatly into the category of oppressor or oppressed in this country—a nation where racial policies are consistently interpreted only in terms of black and white. So says Roberto Suro in the intelligent and critical *Strangers Among Us: How Latino Immigration Is Transforming America*. Himself the son of immigrants—a Puerto Rican father and an Ecuadoran mother—Suro proves to be a compelling storyteller. The *Washington Post* staff writer soberly discusses American immigration policies, race relations, and barrio life over the last half-century while he chronicles the stories of individual immigrants. Among the most notable are Imelda, the 15-year-old Mexican welfare mother in Houston's Magnolia Park; Juan Chanax, the Guatemalan who estab-

lished a Mayan community in Houston; and Jesús Navarro, a Salvadoran garment worker in Los Angeles.

Almost all of the recent Latino immigration policies in the United States have failed, argues Suro, largely for the same reason: What begin as get-tough-on-illegal-alien rules end up emasculated or compromised by political and economic conflicts. Liberals typically press for civil-rights guarantees for illegals, regardless of existing resources; conservatives, traditional supporters of anti-immigration laws, balk at the governmental intervention needed to enforce them. Meanwhile, local industries that rely heavily on illegal labor look the other way.

Suro minces few words. He calls the 1996 welfare-reform law, which prohibited illegal immigrants from receiving many social services, a triumph of "ambivalence—abetted by political cowardice." A chapter on Puerto Ricans is titled "New York: From Stickball to Crack." Oddly, a reader can make it most of the way through *Strangers Among Us* without knowing exactly where Suro stands on illegal immigration. In the end, while

he gives it some credit for creating unique and rich cultural communities in the U.S., he says that Latino immigrants will be unable to *sobresalir* (excel) until the Latino population and workforce stabilize. The unchecked flow of illegals, he writes, will only hurt the stature of Latinos in the U.S. and force more young Latinos into exploitative working conditions.

By 2010, Suro points out, a Latino baby boom will hit the labor market at the same time post-World War II baby boomers are retiring. The predominance of Latinos in the





next century will help force a reevaluation of social equality issues, currently cast as "white versus black," and allow Latinos to find a unified ethnic identity, Suro predicts. But he warns that "Latino immigration could become a powerful demographic engine of social fragmentation, discord, and even violence." *Strangers Among Us* provides a convincing argument that the hard decisions made—or avoided—today about immigration will determine which of these two possible futures will become reality.

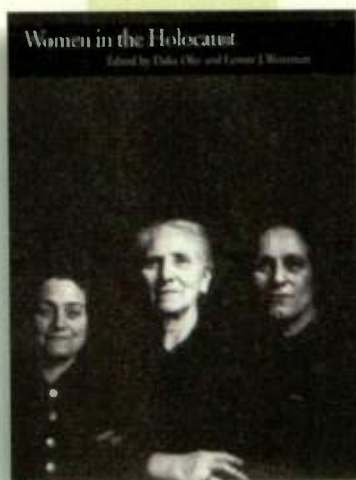
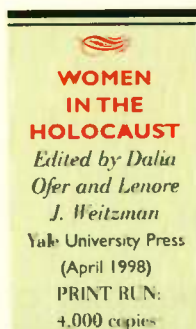
—Ari Voukydis



**I**N EARLY 1943, Bronka Klibanski, a Polish Jew hiding her identity, was waiting for a train when she realized a German soldier had noticed her. In her valise lay the guns she was attempting to smuggle into the Grodno ghetto. Fearing arrest, Klibanski approached the soldier. When he asked about the bag, she told him it contained eggs, butter, and lard—all illegal—and asked with a smile if he wanted to open it. He said no, there was no need, and then he told the train's conductor to find her a seat where no one would bother her. The guns arrived safely in Grodno, where they were soon put into the hands of resistance fighters.

Klibanski's story is one of dozens in *Women in the Holocaust* that demonstrate in vivid, compelling detail how gender affected women's experience of the war. Some women used their feminine wiles to help the resistance movement or to acquire lovers who would shield them from the Nazis. Others, especially at the beginning of the war, took responsibility for protecting their families—pleading with German officials and even offering them bribes—in the belief that being female would spare them from Nazi atrocities. It did not.

Scholars Dalia Ofer and Lenore J. Weitzman have compiled a moving collection that includes personal accounts from



Holocaust survivors and essays exploring how the war turned gender roles upside down. One essay quotes S.S. officer Wilhelm Krueger telling Heinrich Himmler that his women workers "are physically much stronger than the men." Both survivors and scholars suggest that Jewish women were better able to with-

stand the starvation, humiliation, and deprivation imposed by the Nazis. The mortality rate for men in the Lodz ghetto, for example, was almost twice as high as that for women. Klibanski, for one, found the adversity energizing. "I wasn't afraid," she told one of the authors. "I was determined, determined to do something to take revenge for what the Germans were doing to our people."

While a few of the essays are laden with dry academic analysis, the personal testimonies of women surviving day by day in Jewish ghettos, in concentration camps, and living secretly amid non-Jews are transfixing. Particularly affecting is Lidia Rosenfeld Vago's essay on life at Auschwitz, which is filled with one horrific detail after another. Upon arriving at the camp, every part of the women's bodies was shaved and they were forced to stand naked before German soldiers. Later, Vago was given underwear sewn from a Jewish prayer shawl.

The authors say they encountered resistance to their effort to focus exclusively on women's lives but make a compelling case that women's experiences during the Holocaust were significantly different from men's. They reveal numerous examples of women coping with the Nazis in uniquely female ways. One group of women who had been shipped to a small German town to work in a munitions factory celebrated Hanukkah by sharing their favorite recipes. Said one survivor: "Our whole amusement shortened to [telling] each other what kind of soups and meats and vegetables and cakes our mothers used to make."

—Jennifer Greenstein

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# Radio On The Margins

David Isay records the tales of people whose lives play out in the shadows and whose voices are rarely heard in the mainstream media. ● BY D.M. OSBORNE

## "SUNSHINE!" THE GRAVELLY

voice answers. "Give me a 10-4." This, unmistakably, is Nathan Smith, resident-manager of the Sunshine Hotel on New York's Bowery, and narrator of a documentary about the flophouse that aired on National Public Radio's *All Things Considered* in September. In a telephone interview three weeks after the broadcast, Smith is still beaming. "Very nice, very nice," he says, rattling off the states from which he's received complimentary calls: "Mississippi, Texas, Georgia, California, Idaho, Massachusetts." Smith's voice rumbles over a raucous den of men in the background. "Some people didn't believe it. Some people called and they said, how did you do that?"

Fourteen months in the making, "The Sunshine Hotel" was a collaboration between Smith and David Isay, who produced the 25-minute documentary with Stacy Abramson. Last January the producers obtained 24-hour access to the skid row hotel, where they recorded the lives of its boarders—men who pay \$10 a night for a four-foot by six-foot wooden cubicle topped with chicken wire.

The narrative is unnerving. A tenant grumbles about fleas and roaches. An ambulance crew enters a cubicle strewn with feces and then wheels out a senile 80-year-old "dumped here by his son about two months ago," Smith explains. A longtime resident picks out simple

*In November, senior writer D.M. Osborne profiled the Los Angeles Times's Kelly Ann Sole, a business-side manager crossing the ad-edit divide.*



tunes on an acoustic guitar, and Smith introduces men such as Anthony Coppolla, "an orphan who came to the Bowery as a teenager about twenty years ago" and has lived there ever since. Reflecting on lives marred by alcoholism and drug addiction, the characters seem beyond redemption. As Smith says in his narration, "This is the last of the last."

Like much of Isay's innovative work, this production imparts an immediacy that makes it hard to tune out. "It's as though it's all happening live, in front of you," says Fredrica Jarcho of The Greenwall Foundation, which provided \$10,000 for the Sunshine project. "You feel very much like you're really there."

David Isay shares his producer's fee with story subjects such as Nathan Smith (left), who lives in and manages the Bowery's Sunshine Hotel.

"David's work is very rare," adds Richard Madden, vice-president for radio at the Corporation for Public Broadcasting, which since 1991 has been a major funder of Isay's work. "He has a gift, an empathy, and [a] creative skill that make his work some of the hallmark work of public radio."

Indeed, since 1993, when Isay produced "Ghetto Life 101"—so named by the two teenagers he hired to record a week in their lives growing up in and around a Chicago housing project—the 32-year-old producer has won every major prize in broadcasting. But Isay, who shares with his story subjects all of the fees and prize money awarded to his



nonprofit production company, and who pays himself an annual salary of \$50,000, shies from glory. Gentle and earnest, Isay is drawn to people on the margins of society, people whose voices are rarely heard in the mainstream media.

Isay was a 22-year-old New York University graduate gearing up for medical school when he stumbled across his first radio story and discovered his real career calling. In Manhattan, in August 1988, he met some recovering addicts intent on building an addiction museum. "Their passion for this idea," he explains, "and their certainty that they could achieve it" fascinated him. Though he had no radio experience, Isay successfully pitched the addict story idea to New York's WBAI, a Pacifica Radio Network station. He borrowed some recording equipment to augment what he already had and cobbled together a story that aired within a few days.

Gary Covino, then the editor of NPR's *Weekend All Things Considered*, was listening. "I could hear through the roughness and all the bad edits...a talent and an instinct for using the medium of radio to tell the story," says Covino, who took Isay under his wing and reedited the piece for NPR. "His stories create a whole environment. The listener experiences the story as opposed to just being given information. There are very few people who can do that."

Isay produced his first big-canvas work in 1989: "Remembering Stone-wall," audio portraits of people in the 1969 Greenwich Village uprising that sparked the gay-rights movement. A year later, Isay completed "Tossing Away the Keys," venturing behind the bars of the Louisiana State Penitentiary at Angola to profile five African-American men already more than 30 years into their mandatory life sentences—men who wondered what it would be like to bypass cities on a "superhighway," and who equated their lives with being "buried alive." (Six years later, Isay and his New York lawyer Michael Alcamo obtained a governor's pardon for one of those men.)

Isay insists, "There is no grand political plan" in his work. Rather, his goal is simply to draw a connection between his subjects and his audience. "What I'm

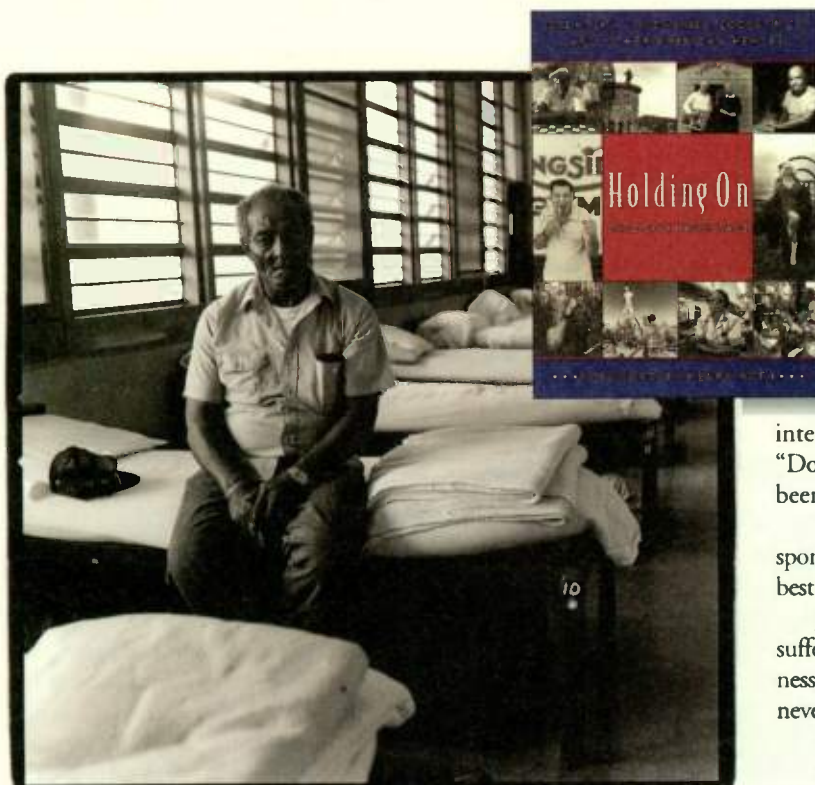
trying to do is bring people together."

In February 1993, Covino asked Isay to produce a segment for a series about race and ethnicity called *Chicago Matters* on the local NPR affiliate, WBEZ. Isay decided to model his assignment after Alex Kotlowitz's 1991 book *There Are No Children Here: The Story of Two Boys*

tape, recording the rowdiness in their classroom, the chaos in their homes, and the blight in their neighborhood, where, Newman observes, "Fifty percent of the buildings is abandoned." As reporters posing hard, blunt questions, they confronted their troubles head-on.

Newman, whose mother died of

**"The listener experiences the story as opposed to just being given information," radio editor Gary Covino says of Isay's documentaries.**



*Growing Up in the Other America.* He hired two 13-year-olds, LeAlan Jones and Lloyd Newman (best friends for seven years), taught them how to use recording equipment, and supervised their reporting as they documented a week in their lives growing up in and around Chicago's oldest public housing development.

Jones's first entry set the tone: "Good morning. Day 1. Walking to school." A door clangs shut and a dog barks as Jones trudges into the cold. "This is my walk every day, so I'm taking you on a little journey through my life. Yes, my life. Yeah."

The eighth-graders filled 70 hours of

Moreese Bickham had been imprisoned for 32 years in the Louisiana State Penitentiary at Angola when Isay profiled him in 1990. Inset: *Holding On*, a book in which Isay and photographer Harvey Wang interviewed obscure Americans.

alcoholism and whose father was incapable of raising him because of the disease, taped his siblings ridiculing their dad, drunk again. "Spell 'fool,'" they jeer, laughing as the man sputters, "l-o-o-f."

Later, in an interview, Newman asks: "Do you think you have been a good father?"

The thickly slurred response: "Yes I have, to the best capability I could."

Jones asks his mother, suffering from mental illness, about the father he has never known.

Q: Who is my father?

A: Your father is a fellow named Toby Slipper.

He say he know you exist. He seen you when you was about two, and I ain't seen him since.

Q: What do you think happened to him?

A: He probably dead.

Q: Thank you.

Though Jones says "it was hard to listen to," in consultation with Isay, he and Newman decided to include their family vignettes in the 30-minute documentary. They also helped choose the music for a soundtrack and recorded a script, which Isay says he wrote "based on their words." "Ghetto Life 101" premiered on Chicago's WBEZ in May 1993, and aired national-



ly on *All Things Considered* in June, provoking strong reactions across the board.

Within NPR, Isay was swept into a bitter debate about how to cover racially sensitive topics. "He was pilloried," says NPR commentator Daniel Pinkwater, recalling Isay's anguish at the time. "People wanted him publicly flogged for going faster than the pack."

*Visionaries, Eccentrics and Other American Heroes*, with photographer Harvey Wang. Isay had previously profiled most of the book's subjects for an occasional NPR series, *The American Folklife Radio Project*. In search of more material, Isay and Wang set off across the country. In Spokane, Washington, they talked with Mackey Brown, a door-to-

door salesman who told how he peddled everything from cookware and shoes to refrigerators and pianos. In Yoncalla, Oregon, they met up with Lydia Emery, a country town's only doctor, who still charged just \$1 for an office visit. And in Greensboro, North Carolina, they interviewed Geneva Tisdale, who had worked at the Woolworth's lunch counter since before the sit-in movement began there in 1960.

Although executives at Woolworth's headquarters in New York had told them to stay away, Isay and Wang persuaded the store manager to give them five minutes with Tisdale at the counter, which was scheduled to close in less than a week. After work, Tisdale granted Isay another interview, and recalled for him how, on the first day of the sit-in, waitresses would pass by the blacks sitting at the counter politely requesting "a piece of pie and a cup of coffee." After a while, Tisdale said, "They took the whole lunch counter...couldn't serve anybody so the store closed down." When it reopened, Tisdale was among three cooks chosen by her boss to be among the first blacks served. Dressed as a customer, Tisdale ordered an egg-salad sandwich, swallowed it, then changed back into her uniform and went back to work. "We were the first! I want it to be known that it was Woolworth's employees who was the first to be served," she said. "I tell you, I never did sit at the counter after that. That was the only time. And I was hoping that one day I'd be able to retire and come back and sit and have lunch. Just sit at the counter and be served."

In May 1994, the cloud that had been hanging over Isay's career since the "Ghetto Life 101" controversy suddenly cleared. At NPR's annual convention that month, "Ghetto Life" garnered three public broadcasting awards. In an acceptance speech, LeAlan Jones invited anyone who wanted to question the piece to come forward. No one did. Now a 19-year-old sophomore at Florida State University, Jones defends Isay's integrity. "He identifies with the people," Jones says. "He doesn't doctor it. He doesn't make it cute. He doesn't make it politically correct. He just puts it all out there and lets you make the decision."

Eighteen months after their public-radio debut, Jones and Newman went back to work with Isay, this time trying to piece together the real story behind an October 1994 murder in their neighborhood. Five-year-old Eric Morse had been dropped out of a fourteenth-story window by two boys, 10 and 11. "Remorse: The 14 Stories of Eric Morse," which aired on *All Things Considered* in March 1996, "captured the raw power of a society in collapse," wrote a listener in an e-mail response. "I could feel the closeness of the hallways, smell the air in the cramped apartments, feel the grass that marked the boy's death, and, oh my God, I could see him fall—shirt over his head, falling, falling—and his brother running to catch him."

Though Isay says he does hope to expose "gaping wounds in our society," his work is less political than it is historical. And his editor Covino predicts that Isay's radio documentaries will have enduring quality. Years from now, people listening to Isay's work "will experience an amazing, still living, breathing portrait...of people in America who were not on the public agenda," Covino says. "People who, at the time, were largely considered irrelevant."

## When "Ghetto Life 101" aired, Isay was swept into a bitter debate within National Public Radio about how to cover racially sensitive subjects.



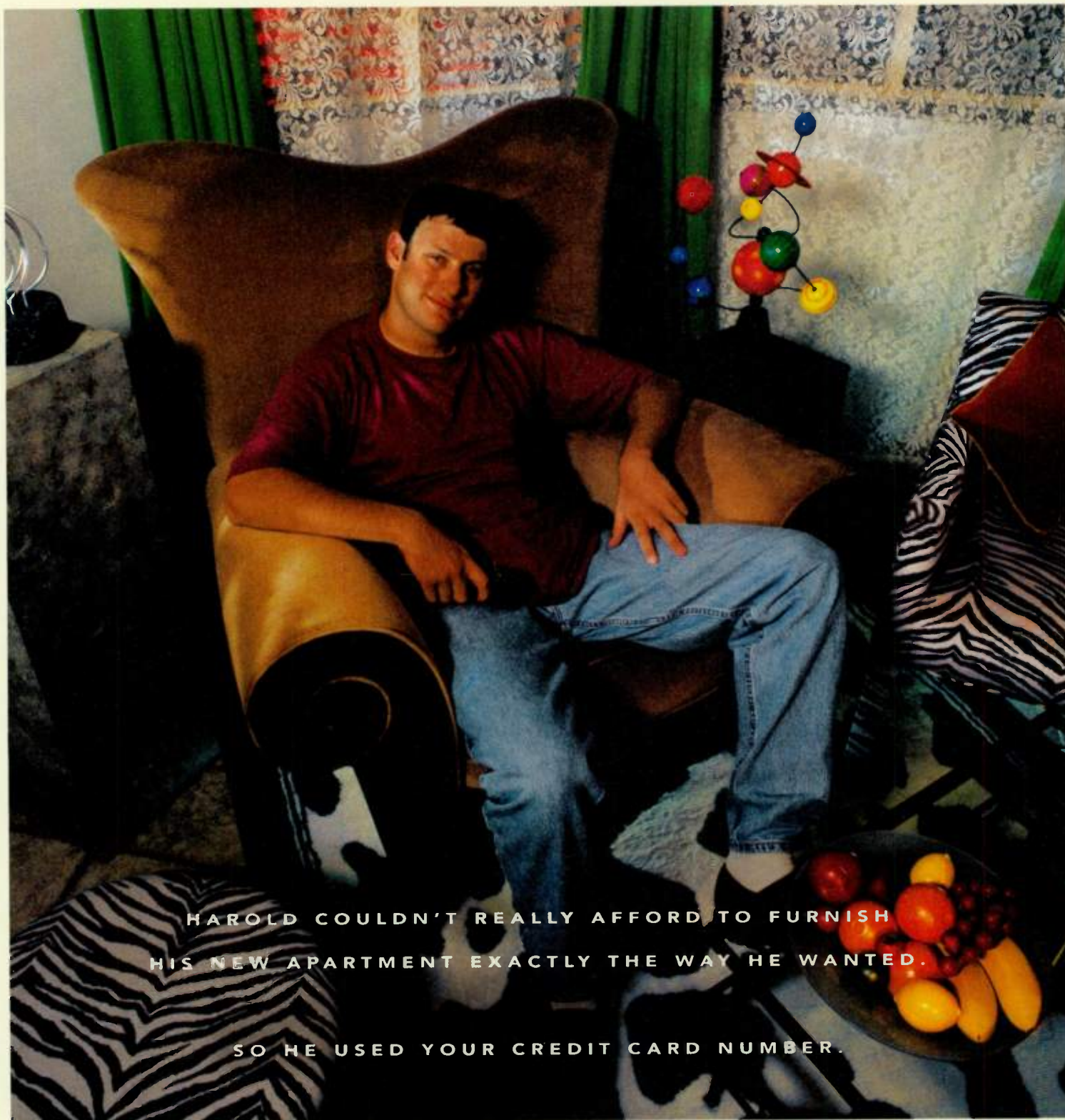
A resident of the Sunshine Hotel on New York's Bowery, where Isay spent six months recording his most recent documentary.

In an angry memo to NPR management, an African-American reporter charged that the executives had "devoted nearly thirty minutes to repeating every negative stereotype of poor inner-city black life...a new low in which arrogant whites use unsuspecting blacks for preconceived notions," according to reports published in *The Washington Post* and the *St. Petersburg Times*. Isay, who is white, says he was "totally traumatized and depressed....I didn't know if I was going to be able to get a story back on the air."

He withdrew to his tiny two-room studio in Manhattan and got to work on a book, *Holding On: Dreamers,*

door salesman who told how he peddled everything from cookware and shoes to refrigerators and pianos. In Yoncalla, Oregon, they met up with Lydia Emery, a country town's only doctor, who still charged just \$1 for an office visit. And in Greensboro, North Carolina, they interviewed Geneva Tisdale, who had worked at the Woolworth's lunch counter since before the sit-in movement began there in 1960.

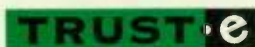




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# How Do They Know?

Where TV business anchors and correspondents learned the business.

## KAREN GIBBS

*Fox News, senior business correspondent*

B.S., Roosevelt University, 1976

M.B.A., University of Chicago, 1978

Pertinent experience:

Chicago Board of Trade, board member, pit reporter, and investigator, 1973–1976; Dean Witter Reynolds Inc., hedging and trading strategist, vice-president and futures strategist, 1983–1992; CNBC, anchor, *Money Wheel* and *Minding Your Business*, covering the credit and futures markets, 1992–1997



## LOUIS RUKEYSER

*PBS, anchor, Wall Street Week With Louis Rukeyser; author, monthly newsletters Louis Rukeyser's Wall Street and Louis Rukeyser's Mutual Funds*

B.A., Woodrow Wilson School of Public and International Affairs, Princeton University, 1954

Pertinent experience: ABC News, covering foreign affairs, politics, and economics, 1965–1973; wrote syndicated column on economics, 1976–1993; author, *What's Ahead for the Economy: The Challenge and the Chance* and *How to Make Money in Wall Street*

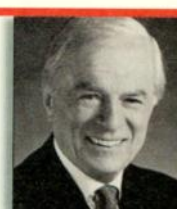


## RAY BRADY

*CBS News, economics correspondent, CBS Evening News with Dan Rather*

B.S., history/economics, Fordham University, 1948

Pertinent experience: *Forbes*, associate editor, 1954–1955; *Barron's*, associate editor, 1955–1956; *Forbes*, assistant managing editor, 1956–1961; *Dun's Review*, editor, 1961–1975



## BETSY STARK

*ABC News, business correspondent*

B.A., government, Smith College, 1978

Pertinent experience: *The American Lawyer*, senior editor



1980–1983; PBS's *Inside Story*, documentary producer, 1983–1985; ESPN's *Business Times*, reporter covering financial markets, 1985–1986; Wall Street Journal Television, correspondent and senior producer, 1986–1996; WBIS-TV, anchor and editor, *Heard on the Street A.M.*, 1996–1997

## MICHAEL JENSEN

*NBC News, chief financial correspondent, NBC Nightly News with Tom Brokaw and Today; appears on MSNBC*

A.B., English, Harvard, 1956  
M.S., journalism, Boston University, 1961



Pertinent experience: *Boston Herald Traveler*, reporter and executive financial editor, 1961–1965; *American Metal Market*, editor, 1965–1968; *The New York Times*, financial reporter and various editorial posts, 1968–1978; author, *The Financiers: The World of the Great Wall Street Investment Banking Houses*



## LOU DOBBS

*CNN/CNNfn, anchor, Moneyline News Hour with Lou Dobbs and Business Unusual; president of CNNfn, executive vice-president of CNN Financial News*

A.B., economics, Harvard, 1969

Pertinent experience: King TV, anchor and reporter covering business, 1976–1980; CNN, anchor, *Prime News*, 1980–1993

## TYLER MATHISEN

*CNBC, coanchor, Business Center*

B.A., government and foreign affairs, University of Virginia, 1976

Pertinent experience: *Money*, reporter, senior editor, assistant managing editor, and executive editor 1979–1997; WCBS-TV, contributor of personal finance advice, 1987–1994; ABC's *Good Morning America*, money editor, 1991–1997



## NEIL CAVUTO

*Fox News, anchor, The Cavuto Business Report and Cavuto on Business; managing editor, business news, Fox News*

B.A., journalism, St. Bonaventure University, 1980

M.A., journalism and public affairs, American University, 1982

Pertinent experience: *Investment Age Magazine*, associate editor covering financial markets and securities, 1980–1981; PBS's *Nightly Business Report*, New York bureau chief, 1984–1988; CNBC, anchor, *Market Wrap*, *Power Lunch*, and *Business Insiders*, 1989–1996



## DEBORAH MARCHINI

*CNN/CNNfn, coanchor, CNN's Business Day; coanchor, CNNfn's Before Hours and In The Game*

B.A., journalism/psychology, George Washington University, 1980

Attended Stern School of Business, New York University, 1983–1984

Pertinent experience: Standard and Poor's *Daily News*, assistant to the editor, 1980–1981; Bureau of National Affairs, correspondent, 1981–1984; ESPN's *Business Times*, reporter, 1984–1985; CNN, correspondent covering Wall Street and Washington financial news, 1985–1989



## MARIA BARTIROMO

*CNBC, chief stock-market reporter; coanchor, Business Center and Market Wrap II; appears on NBC's Today and MSNBC; columnist, Individual Investor and Ticker magazines*

B.A., journalism, New York University, 1989

Pertinent experience: CNN Financial News, producer and assignment editor, 1989–1993



# Radio Talk Ain't Cheap

How much will America's leading talk-radio hosts earn this year? We asked agents and industry reporters to help tag the talkers' 1998 incomes (only hosts Ray Suarez of NPR and Ronn Owens of KGO-AM in San Francisco answered our questions). Because some stars, like Rush Limbaugh, don't earn a salary (he gets a cut of the year's profits) and some, like Howard Stern, supplement their radio income with other ventures (such as movies and television shows), the figures aren't easy to nail down. Ultimately, says Ron Rodrigues, editor in chief of the radio industry newsletter *Radio & Records*, these big talkers are "probably the only [ones] who know how much they make." When income estimates differed, we averaged them. —Rachel Taylor

## ANNUAL INCOMES OF THE RADIO TALK-SHOW HOSTS

**JIM BOHANNON: AMERICA IN THE MORNING  
and THE JIM BOHANNON SHOW**

Syndicated by Westwood One to 300  
and 342 stations, respectively.  
\$200,000

**BOB GRANT: BOB GRANT SHOW**

Syndicated by WOR Radio Network to 58 stations.  
\$550,000

**DON IMUS: IMUS IN THE MORNING**

Syndicated by Westwood One to  
approximately 100 stations.  
\$5 million

**G. GORDON LIDDY: THE G. GORDON LIDDY SHOW**

Syndicated by Westwood One to 218 stations.  
\$500,000

**RUSH LIMBAUGH: THE RUSH LIMBAUGH SHOW**

Syndicated by Premiere Radio Networks, syndication arm  
of Jacor Communications, Inc. Syndicated to 578 stations.  
\$15 million

**STEPHANIE MILLER: THE STEPHANIE MILLER SHOW**

Syndicated by ABC Radio Today beginning in November  
(number of stations not yet determined).  
\$275,000

**OLIVER NORTH: COMMON SENSE RADIO**

Syndicated by Radio America to 70 stations.  
\$250,000

**RONN OWENS: THE RONN OWENS SHOW**

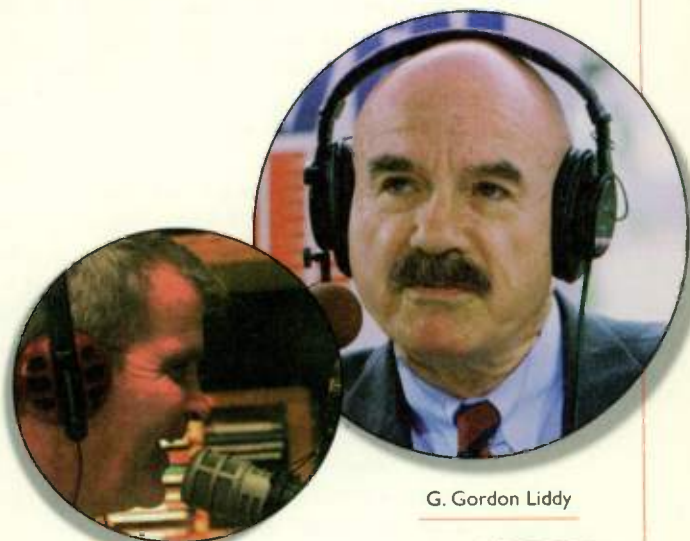
KGO-AM (San Francisco)  
\$620,000

**HOWARD STERN: THE HOWARD STERN RADIO SHOW**

Syndicated by CBS Radio to 50 stations.  
\$17 million

**RAY SUAREZ: TALK OF THE NATION**

Distributed by National Public Radio to 130 stations.  
\$120,000



G. Gordon Liddy



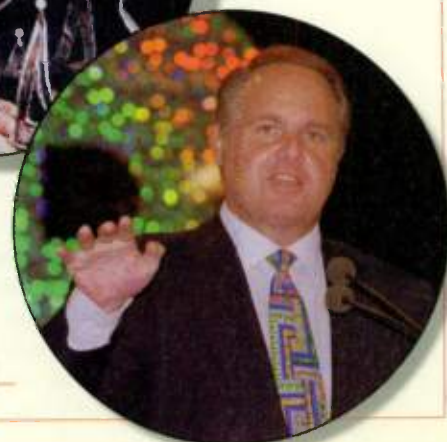
Oliver North



Ray Suarez



Howard Stern



Rush Limbaugh



(continued from page 24)

## INFORMATION, PLEASE

\*I just want to say how thankful I am that you are out there trying to make a difference in fair journalism. I'm so afraid that the giant news organizations will make life, liberty, and the pursuit of happiness nonexistent for you. Today's news reporters are not out necessarily to inform anyone however, they are out to raise ratings and visibility, that's the bottom line. They are arrogant, smug, overbearing, self-righteous, cynical, untouchable, and, yes, even mind readers. They know what someone's motives are by a simple statement. They always have to analyze, theorize, characterize, criticize, speculate, and create. It has gotten so bad, so mean, so unfair, that I find it impossible to watch.

BEVERLY MITCHELL  
Charleston, SC

## THE ERROR IS OURS

Your feature on city web guides ["Digital City Living," ClickThrough], while intriguing and well considered, contains one rather glaring error. The statement "while no single city is covered by all of the guides, Austin, Texas, is served by five of the seven—more than any other city" is erroneous. Austin has never [been served by] more than four city guides: Austin 360 (from Cox Interactive), Austin CitySearch, Yahoo! Austin, and Digital City Austin.

JEFF KIRK  
Austin, TX  
(via e-mail)

**Noah Robischon responds:** Thank you for writing to correct this mistake. The article should have said that Minneapolis-St. Paul, Los Angeles, and San Francisco are the only cities served by five of the seven guides. I regret the error.

## HOW'S THE FOOD?

Indeed, as your ClickThrough article on city guides notes, "Sidewalk's restaurant guide is the easiest to use." But you err in stating that Sidewalk's reviews "don't mention whether the food is any good." Seattle Sidewalk, for instance, rates more than 600 of the 2,000 restaurants we have on-line, with

signed, in-depth commentary about several hundred of these. We publish six fresh reviews each week and carry on lively exchanges with readers about our ratings.

FRED BRACK, restaurants editor  
Seattle.Sidewalk.com  
Seattle, WA

**N.R. responds:** Sidewalk does carry a healthy number of restaurant reviews. But across the network, apart from those on any one city site, the reviews tend to emphasize a restaurant's decor and the presentation of the plate rather than the merits of what was served on it.

## BITTERSWEET FEELINGS

\*As a former associate producer for both *60 Minutes* and *20/20*, I was both happy and sad to see my old industry so exposed in the October issue of [Brill's] *Content*. I left the business in 1995 at age 30, largely because of the issues you bring up, so it's refreshing to see issues of credit and fairness discussed in broad daylight. However, I do feel that your readers are still not getting the whole story.

In the Barry Lando/Don Hewitt discussion ["*60 Minutes* Laid Bare," Talk Back], there is much talk about who really does the reporting and writing on a story. The truth is that segments at *60 Minutes* and at *20/20* are created by an entire team that includes researchers, associate producers, camera people, and editors, in addition to the producer and the correspondent. With each story, the amount any one person contributes changes.

But contrary to what Mr. Lando has said, not every correspondent walks in at the end of the piece and then grabs the glory. For example, when I worked for Steve Kroft at *60 Minutes*, he was certainly involved in all of our reporting efforts and was, in most cases, aware of the ins and outs of the story. If he didn't buy into our reports, he would ask for more information or make the calls himself, as time allowed. At the other end of the spectrum, some of the correspondents I worked with stayed out of it until the very end, showing up only to ask pre-written questions and read "stand-ups" they'd

never seen before the camera was turned on.

JILLIAN BYCK OVERHOLSER  
Marblehead, MA  
(via e-mail)

## GIVE HIM A BREAK

\*Guys like Barry Lando make me sick. For 27 years he pulls down a fat paycheck in a glamorous, prestigious job as a *60 Minutes* producer, but it's only when he leaves that he has the attack of conscience that enables him to denounce what anybody with an IQ higher than a bagel already knows—that the show is more about entertainment than information. And even then, surprise, surprise, it's delivered in the whining tone of somebody who feels he never got enough credit.

PAUL MANN  
York, ME  
(via e-mail)

## PUZZLING PIECE

\*Barry Lando's article "*60 Minutes* Laid Bare" left me with an initial impression that a producer was exposing both jealousy of the star [system] and an underestimation of his former audience. Then I read Don Hewitt's response. Mr. Hewitt addressed none of the core issues. Instead he made fairly personal attacks [on] his own producer of 27 years and leaves unanswered the issues raised in this article about "star power" and potentially compromising stories for theatrical elements. The only direct response is a narrow and unconvincing exception to a single example presented by Mr. Lando.

KEVIN O'CONNELL  
Orlando, FL

## END OF AN ERA

\*Barry Lando's piece on the production of TV newsmagazines shines light on the disparity between behind-the-scenes producers, who do most of the work, and celebrity reporters, who get most of the credit.

But there is a bigger issue at stake. We live in a world where journalists have turned into TV stars, commanding multimillion dollar salaries and \$20,000 speaker fees. In such a world, the era of *60 Minutes* is ending. The



turning point: the 1995 tobacco industry story that Don Hewitt killed after feeling the heat from his CBS corporate bosses. For a democracy to work best, news media need to be independent of political parties and corporate decrees. Unfortunately, many of the star journalists who should be investigating this business story are so heavily invested in or beholden to their multinational corporate bosses that it is no longer in their best interest to tell this tale to the American public.

RICHARD CAMPBELL, director  
Middle Tennessee State University  
School of Journalism  
Murfreesboro, TN

### INDECENT EXPOSURE

\*After reading "Privacy: CNN v. MSNBC" [The Notebook] in the October issue, I am disgusted by the lack of respect and decency that NBC conveyed to the families of Officer Gibson and Officer Chestnut. Who are they to inform the world about the victims while the families were still uninformed? If this were a member of Tom Brokaw or Tim Russert's family, would they like the news broadcast around the world before they had a chance to comprehend it themselves?

KATHRYN MURDOCK  
Westport, CT  
(via e-mail)

### A SHARP EYE

Your last edition features an article questioning the moral values of MSNBC for releasing the two slain Capitol police officers' names before the families knew did not include some important facts.

Having an interest in broadcast journalism, I watched coverage on both MSNBC and CNN the day of the shootings. While MSNBC did release the names of the wounded officers before CNN, they did not release the fact that they had died until they confirmed the fact. I do not know whether the families knew at the time or not. CNN announced the deaths before MSNBC did. In fact, I recall that CNN

had originally had the number of injured and killed incorrect and later reversed their announcement.

MICHAEL HILL  
Bloomsburg, PA

### AT LAST

Finally, I found a magazine I could actually read from beginning to end without getting bored. Please keep up the good work and give consumers the insight we must have. Thank you.

E. Tsegai  
San Francisco, CA  
(via e-mail)

### NO HERO TO HIM

After reading your first issue last month, I was eagerly anticipating the next. Instead I was absolutely shocked to read that you rewarded Alix Freedman ["Let Her Stories Do The Talking," Heroes] for her misrepresentation of the research efforts of two dedicated humanitarians.

I have closely followed the careers of Dr. Kessel and Dr. Mumford for over three decades and find their contribution to women's health an outstanding positive example for all humankind to admire and honor. How can an otherwise brilliant journal join the ranks of anti-family planning by perpetuating this distorted version of what promises to be a lifesaving medical breakthrough?

CHARLES R. AUSERMAN, Ph. D.  
Chapel Hill, NC

### NOT SO POWERFUL

\*I agree heartily with the main point of the disproportionate press coverage given accusations and exoneration ["Accusation 35, Exoneration 2," Rewind], but I note that the article contains one of the sins it is your mission to police, i.e., the facile gross generalization. In this case it is [the statement that] "plaintiffs' lawyers are so powerful financially and politically."

In 30 years of practice in the area of civil litigation, I have come across many "plaintiffs' lawyers," and the vast majority of those I know do not file

frivolous lawsuits, work hard for clients who cannot afford to pay, and do not get rich. Those that are "powerful financially and politically" are only a handful.

GERALD MALTZ  
Tucson, AZ

### LITERAL TRANSLATION

In reading Lea Thompson's comments about not taking the promotional ads for *Dateline* too literally ["To Catch a Thief," Lie Detector], I couldn't help but think of the way President Clinton uses words. He and [Ms.] Thompson would have a real problem communicating with each other.

ROY LANDSTROM  
Cumberland, OH

### THE PREDATOR

The disregard for truth in reporting and unmitigated gall that William Dowell and *Time* magazine have demonstrated concerning his story on the Gerbers' deaths is reprehensible ["Lynching A Dead Man"].

[Mr. Dowell's] use of unsubstantiated facts and his obvious penchant for conspiracy theories is juvenile and paranoid at best and, at worst, a rationale for posthumous defamation of character and libel. He is a journalistic predator and should answer not only for his shoddy reporting but also for his lack of conscience and backbone in not publicly apologizing for his errors with any kind of a retraction or correction. Here's some advice Mr. Dowell: Stick to the facts, try not to editorialize unduly, and remember the adage, "truth or consequences."

SARAH KRUSHINSKI  
New York, NY

**Editor's note:** *Time* magazine managing editor Walter Isaacson tells us that as a result of Mr. Varchaver's article, *Time* has taken a second look at the story involving Dr. Gerber and expects to run a follow-up that states that, to its knowledge, any allegations that Dr. Gerber faked his own death are false.



## [ TICKER ]

**250** Percentage increase in sales for the book *OY VEY! The Things They Say!: A Book of Jewish Wit*, in the two weeks following the release of independent counsel Kenneth Starr's report, which mentioned that Monica Lewinsky gave the book to President Bill Clinton<sup>1</sup>

**500,000** Approximate number of daily pageviews of web magazine *Salon* in September 1998

**1.1 million** Approximate number of daily pageviews of *Salon* on September 17, 1998, one day after it posted its story about U.S. Congressman Henry Hyde's extramarital affair<sup>2</sup>

**1:20** Ratio of Internet users worldwide to number of people worldwide who watch the television show *Baywatch*<sup>3</sup>

**53** Percentage of Americans who say they would be most inclined to trust television if they received conflicting reports of the same news story from radio, magazines, newspapers, and TV<sup>4</sup>

**6.2 million** Approximate number of viewers who watched CBS's coverage of President Clinton's televised grand jury testimony on September 21 (approximately 9:00 A.M. to 2:00 P.M.)

**35** Percentage increase over CBS's season-average rating for that time period

**5.4 million** Approximate number of viewers who watched CNN's coverage of President Clinton's televised grand jury testimony

**1,016** Percentage increase over CNN's season-average rating for that time period<sup>5</sup>

**100** Number of minority-owned FM radio stations in 1997

**116** Number of minority-owned FM radio stations in 1998

**5,591** Number of FM radio stations in 1998<sup>6</sup>

**\$29 million** Net income for Nielsen Media Research during the first six months of 1998

**\$1** Amount a household receives for recording what it watches in a "Nielsen diary" for one week<sup>7</sup>

**574** Number of *Time* magazine issues from 1987—1997

**59** Number of *Time* covers in that period featuring women who were not entertainers, wives of politicians or Princess Diana<sup>8</sup>

**14** Percentage of magazines and newspapers that operate websites and say they allow those sites to scoop their print version "routinely"<sup>9</sup>

**9.5 million** Approximate combined circulation of the three best-selling U.S. newsweeklies: *Time*, *Newsweek*, and *U.S. News & World Report*

**17.1 million** Approximate combined circulation of the three best-selling U.S. women's service magazines: *Better Homes and Gardens*, *Family Circle*, and *Ladies' Home Journal*<sup>10</sup>

**4 in 5** Chance a TV program containing violence did not carry required "V" content rating in the past two years

**9 in 10** Chance a TV program containing adult language did not carry required "L" content rating in the past two years

**9 in 10** Chance a TV program containing sex did not carry required "S" content rating in the past two years<sup>11</sup>

**16 million** Approximate number of U.S. children who use the Internet

**89** Percentage of children's websites that collect personal information from children

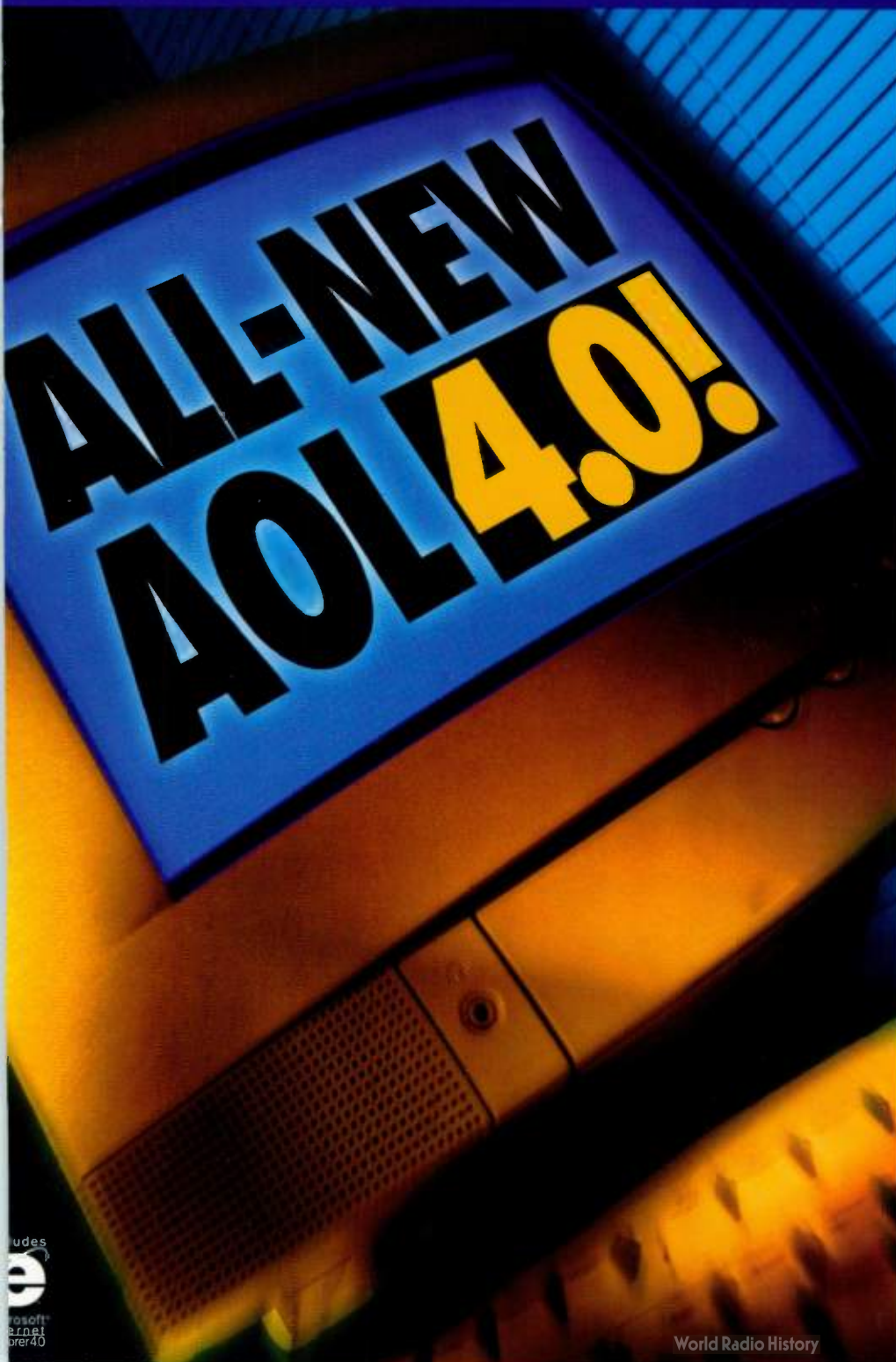
**23** Percentage of children's websites that tell children to seek parental permission before providing personal information

**72** Percentage of parents whose children use the Internet and who object to websites asking children for their name and address during registration, even if the data is used only internally<sup>12</sup>

NOTES: 1. Andrews McMeel Publishing / 2. *Salon* / 3. *Baywatch*; Forrester Report, October 1997 / 4. Roper Starch Worldwide, 1997 survey / 5. Nielsen Media Research / 6. The National Telecommunications and Information Administration / 7. Securities and Exchange Commission; Nielsen Media Research / 8. *Time* / 9. The 1997 Middleberg/Ross Media in Cyberspace Study / 10. *Time*, *Newsweek*, *U.S. News & World Report*, *Better Homes and Gardens*, *Family Circle*, *Ladies' Home Journal*, *Magazine Publishers of America* / 11. Report to the Henry J. Kaiser Family Foundation, September 1998 / 12. Federal Trade Commission



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