
BRILLS
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HOW THE PHONY BUSH BOOK HAPPENED
FLACKING AT SUNDANCE
NPR'S BOB EDWARDS
HE TRUSTED A REPORTER AND HIS LIFE UNRAVELED
JonBenét, Inc.
Books. Movies. TV. Careers.
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JOHN L STANTON
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This is a story about the

And like most good stories, it begins with one arresting fact: In the year 2000, state-of-the-art eBook technology will become available on PCs, laptops and a variety of handheld devices. That's an installed base of 150 million Microsoft® Windows®-based PCs and laptops, for a start.

The driving force behind this reading revolution is Microsoft® Reader. And unlike any other eBook technology that has come before, it delivers a quality reading experience that begins to rival paper. It gives publishers the power to deliver content immediately, across the web and via other digital media. And it will be available next Spring on the largest installed base of personal computers in the world.

Easy to carry and easy to create.

We're constantly faced with a barrage of information. Yet none of us has enough time to consume all the media available today. To stay informed, we all seek new ways to maximize the benefits of reading. With Microsoft Reader installed on your laptop or on your handheld device, you can take eBooks and other electronic reading with you – hundreds or thousands of titles – ready to read at work, on the road, at home, or while commuting.

Creating eBooks scales from large publishing houses, to small presses, to self-published authors. The text you already have is all that you need. A simple conversion process changes your text into an eBook, ready for reading, distribution and sale.

It all begins here.

The idea behind Microsoft Reader can be summed up in one word: Clarity.

Let's be honest, the computer screen has never been comfortable for reading — especially for books and other long works. Compared to paper, the type is jagged, margins vary, the display is blurry. That's why people tend to print any document longer than a few pages. Poor on-screen reading is the main reason you may have believed that successful eBooks are still many years away.

But Microsoft Reader changes all that. Designed specifically to address the shortcomings of today's computer reading experience, Microsoft Reader brings to the screen exactly what we all love about books: clean, crisp type, traditional layout and an uncluttered format. The result? The first paper-like reading experience on a PC. It turns nonbelievers into true believers. And that's only the beginning.

Paper or eBooks, the choice is yours.

Over the next few years, books, newspapers and magazines will continue to be available primarily as print. We anticipate that eBooks will become an important alternative, a new opportunity for quick, convenient reading. Over time, we expect that books and other content will be available in both print and in electronic formats, letting the customer choose which they will buy. And in the future, eBooks may come to be preferred, especially by younger generations. Who knows, you may soon be able to read this publication with Microsoft Reader.

How will Microsoft Reader revolutionize publishing? Time will tell.

No one can predict the future, but this timeline represents the best estimates of Microsoft researchers and developers familiar with the history of electronic publishing.

Microsoft Reader with ClearType.

2000
Microsoft Reader with ClearType debuts.

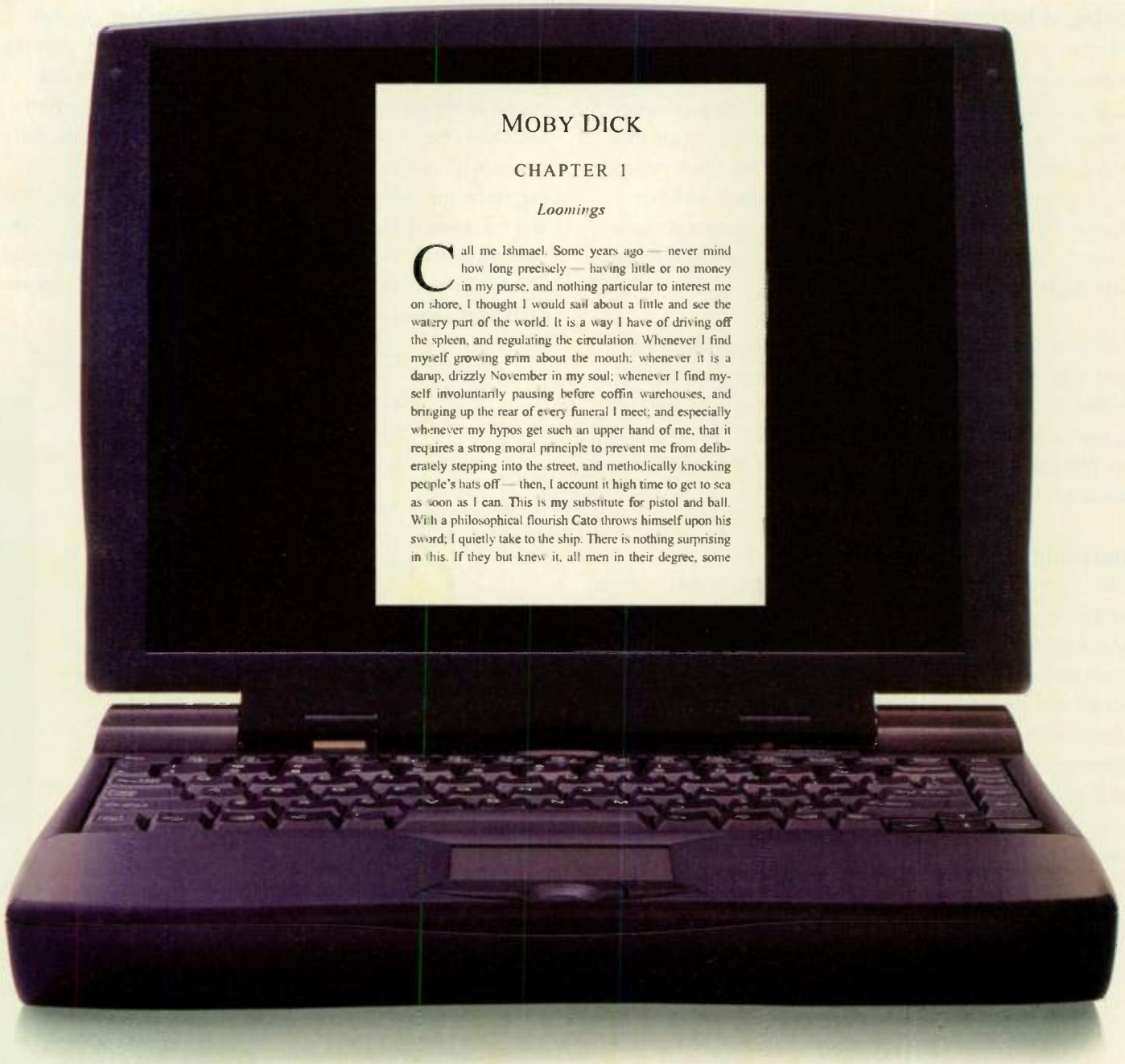
2001
Electronic textbooks appear and help reduce backpack load on students.

2002
PCs and eBook devices offer screens almost as sharp as paper: 200 dpi physical resolution is enhanced even further with ClearType.

2003
eBook devices weigh less than a pound, run eight hours and cost as little as $99.

future of reading.

Microsoft Reader with ClearType



2004

Tablet PCs arrive with eBook reading, handwriting input and powerful computer applications.

2005

The sales of eBook titles, eMagazines, and eNewspapers top $1 billion.

2006

eBook stands proliferate, offering book and periodical titles at traditional bookstores, newsstands, airports – even in mid-air.

2009

eBook titles begin to outsell paper in many categories. Title prices are lower, but sales are higher.

With Microsoft Reader, the

Microsoft Reader with ClearType: Seeing is believing.

At the heart of Microsoft Reader is ClearType,™ our revolutionary display technology that dramatically improves the resolution of Liquid Crystal Display (LCD) screens. ClearType technology delivers a huge improvement in on-screen readability, creating distinct. sharp and clear characters. It provides a truly comfortable, "immersive" reading experience. How good is it? In a Microsoft study conducted in September, 96 percent of those surveyed preferred ClearType to conventional computer display technology in a side-by-side comparison.

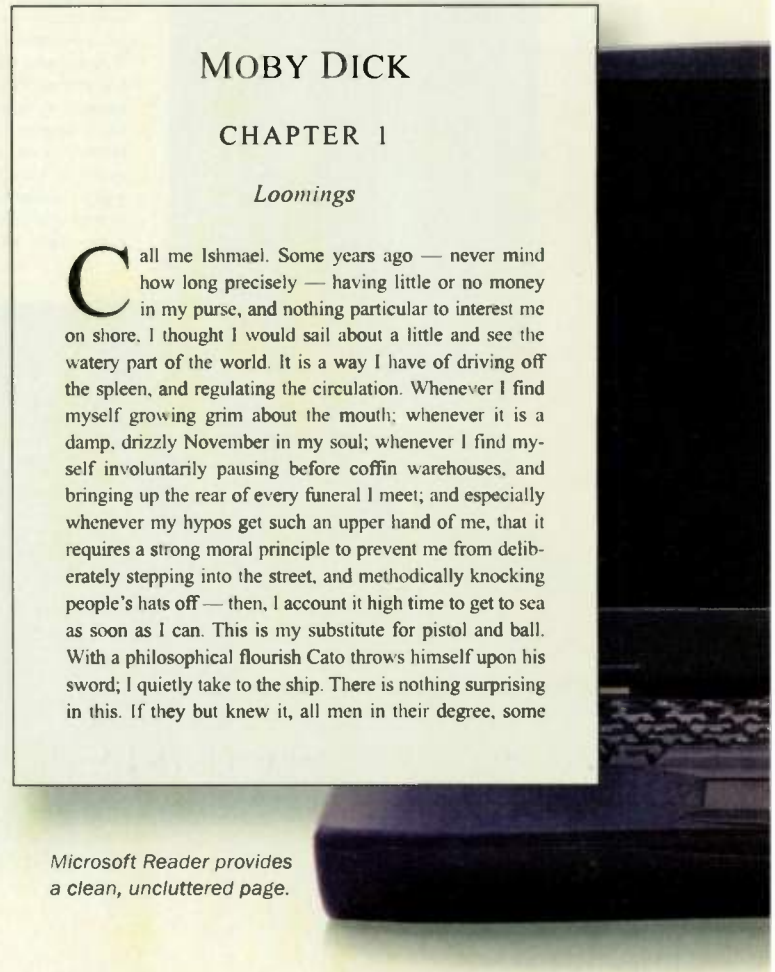
In addition to ClearType itself, Microsoft Reader delivers the finest qualities of traditional typography: ample margins, fully justified text, proper leading and kerning, and a book-like user experience that eliminates the distracting icons, buttons and bars that can clutter computer screens. With Microsoft Reader, eBooks will look as good as they read.

Improving upon perfection.

How did our effort to improve on-screen reading begin? For the past two years, Microsoft researchers have studied the influence of typography on the process of reading. We came to a simple conclusion: the book is a perfect reading machine. Evolved over centuries, the well-designed book frees the mind to focus not on letters and words, but on the story and meaning. A good book disappears in your hands. So when we set out to design the optimal reading software, we didn't dismiss the book. Instead, we embraced it as our blueprint. The result is Microsoft Reader.

Features that outperform paper.

Like paper, Microsoft Reader lets you highlight text. You can mark a place with a bookmark. Annotate at will. And, like print, you turn pages instead of scroll. While the paper book was our blueprint, we found useful ways to improve upon it. With Microsoft Reader, you can search for words and phrases. You can look up unfamiliar terms with the built-in dictionary. You can resize the type to create an instant large-print edition. And use the power of the computer to create a library that stores and manages a large collection of books and periodicals. Microsoft Reader also supports audio: you will be able to listen to spoken-word titles as well as read on screen.



Microsoft Reader provides a clean, uncluttered page.

2010

eBook devices weigh half a pound, run 24 hours, and hold as many as a million titles.

2012

Electronic and paper books compete vigorously. Pulp industry ads promote "Real Books from Real Trees for Real People."

2015

Former high-tech rivals unite to fund the conversion of the entire Library of Congress to eBooks.

future of reading is clear.

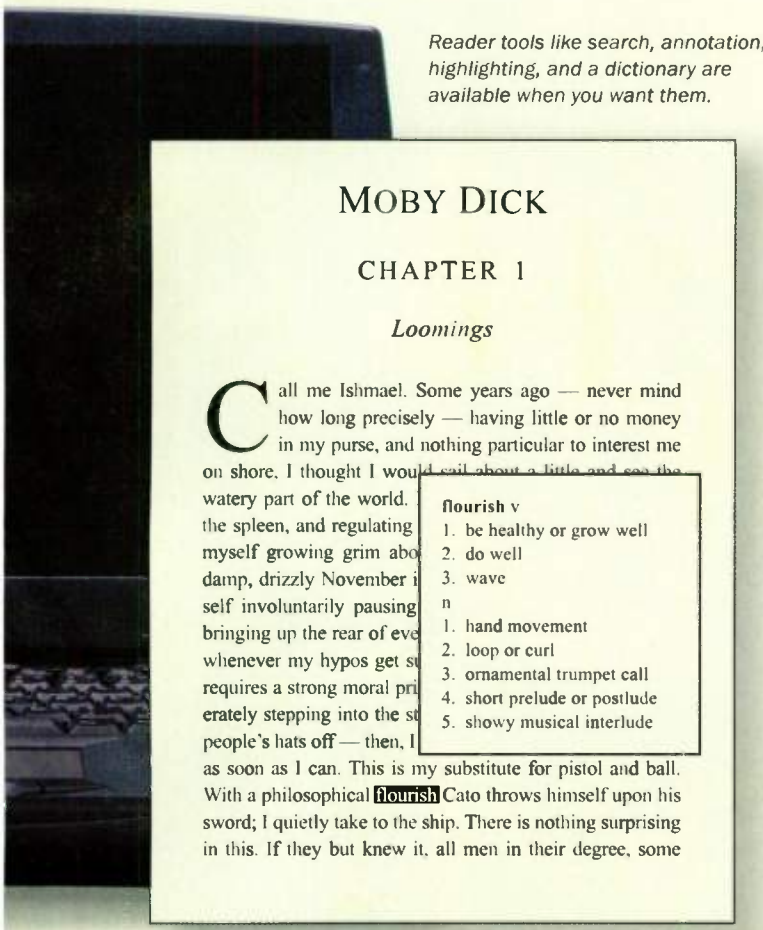
Protecting intellectual property.

Microsoft Reader includes a flexible copy protection system designed to protect the copyrights of authors and publishers. Our Bookplate technology is an unobtrusive method for keeping honest people honest. It electronically encodes the purchaser's name on the title page of their book or magazine to discourage unlawful distribution. We also offer a more sophisticated copy protection system that actively deters illegal copying. Microsoft Reader isn't burdened with copy protection overkill. Instead, it provides publishers and authors with a choice of security options appropriate to the level of protection required.

Based on the Open eBook specification.

Microsoft supports the work of the Open eBook (OEB) organization, which provides publishers with a standard way to format their titles so that they can be read on all compliant eBook software and hardware. Titles that are formatted according to the OEB specification can easily be distributed to the Microsoft Reader. For publishers, that means an incredible benefit: format once and publish anywhere. From desktops to laptops to handhelds, and dedicated eBook devices as well. To learn more about the Open eBook initiative, visit the OEB web site at http://www.openebook.org.

Reader tools like search, annotation, highlighting, and a dictionary are available when you want them.



Microsoft Reader is good news for booksellers too.

Although the Internet is an important new delivery vehicle for eBooks, readers still value the comfortable atmosphere of their favorite bookstore. In fact, the coming of the eBook creates new opportunities for booksellers. eBook titles for Microsoft Reader will be available to bookstores on CD-ROM, as well as via the web. We are also developing in-store facilities that can bring web distribution into the bookstore, enabling booksellers to transfer eBook titles directly onto their customer's reading devices. It's efficient. It's low overhead. And it's profitable.

Talk to us – we can help you get ready.

The story of the eBook is just beginning, and everyone can write their own chapter. Have questions? Need help? Talk to us. Visit our web site at www.microsoft.com/reader/. Or drop us a note at msreader@microsoft.com.

Microsoft® Reader with ClearType™

Microsoft®
Where do you want to go today?®

2018

Major newspapers publish their last paper editions and move solely to electronic distribution.

Book (buuk) n. 1. a printed written work, often stitched or glued at one edge and covered with cardboard panels and paper.

2019

Paper books remain popular as gifts, for collectors, for books of fine art and photography, and for those who prefer a print reading experience.

Book (buuk) n. 1. a substantial piece of writing commonly displayed on a computer or other personal viewing device.

2020

Ninety percent of all titles are now also sold in electronic as well as paper form. Webster alters its 1st definition of the word "book" to refer to eBook titles read on screen.

THE NEXT CLASSIC POLO SHIRT

POLO RALPH LAUREN: NEW YORK CHICAGO MANHASSET SAN FRANCISCO DALLAS GEORGETOWN
PHOENIX PHILADELPHIA HONOLULU PALO ALTO ATLANTA SHORT HILLS BEVERLY HILLS

SKEPTICISM *IS A WEAPON.*

IT DEFLECTS *SPIN*, PROPAGANDA,

P.R., B.S., PRESS AGENTS,

PUBLICITY SEEKERS,

HEARSAY, UNNAMED SOURCES,

AND ANYONE WITH A HIDDEN AGENDA.

Skepticism is that little voice that tells you you'll never be a millionaire with little or no money down.

SKEPTICISM IS THAT SNEAKING **SUSPICION** THAT ALL ASPIRIN ARE ALIKE.

SKEPTICISM IS A QUALITY

shared by truth seekers, freethinkers and realists.

Skepticism Demands that
Proof and Facts
be Unsanitized, Uncensored and Unembellished.

SKEPTICISM MAKES THE WORLD
ACCOUNTABLE.

SKEPTICISM IS A VIRTUE.

FREE CONTENT MAGAZINE

Check stock quotes.
Research companies.
Get up-to-the-minute
financial news. Then
go to the kitchen and
make an omelette.
www.yahoo.com

The world's hottest new financial headquarters.

Yahoo! Finance

Do You YAHOO!?

WHY WE LOOK DIFFERENT

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 NO 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.

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.

SCOTT MENCHIN

A magazine's design—or, in this instance, its redesign—pretty much has to speak for itself. Nothing I tell you about how we chose our color palette, or why we've changed fonts, will determine whether our new design works for you.

But I do want to explain what we think we're accomplishing, and why we've done it.

Put simply, now that we've established our editorial voice as the magazine for enthusiasts of the Information Age, we want to make our look match our attitude. That meant creating a visual presentation consistent with our editorial focus.

Our original design served us well during our first year of life, but as we kept adding features and fine-tuning our offerings it became difficult for readers to navigate and to understand, via our graphics, what we were trying to accomplish with our words.

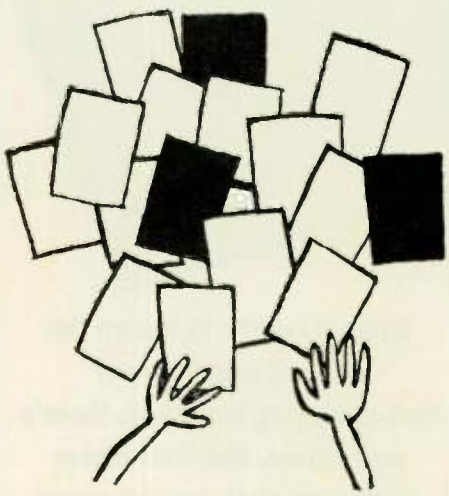
Some of our goals for the new design were intangible. We wanted a look that reflects the skepticism, but also the wonder and enthusiasm, that many of us feel about our media age. So we went for an approach you could describe as being sharp and bright, but not overly slick. Some goals are quite practical: Can you find what you're looking for? Do you know where the various departments are located?

We entrusted this project to Luke Hayman, formerly the design director at *I.D. Magazine* (which is devoted to design, incidentally). Hayman is now a senior partner and associate creative director with the Brand Integration Group at Ogilvy & Mather, which is doing advertising and other work for our magazine as well.

"There's a mature argument going on in the magazine about media, and we were struck by the magazine's feistiness and bluntness. That's what we tried to capture," Hayman explains. "We also wanted to make it easier to navigate. The table of contents, for instance, now has less text than it used to, but more of a clear hierarchy of information."

In the end, a design succeeds only if it serves readers. Naturally, we think it does, but we're counting on you to let us know.

A key element in any magazine design is, of course, the cover. Our cover story by senior writer Katherine Rosman (see page 96) explores the JonBenét Ramsey phenomenon with the aim of understanding why the murder of a little girl more than three years ago continues to captivate the media. By investigating who has cashed in on the Ramsey case, and how, Rosman discovers something important about the tabloid influence on mainstream media.



"When faced with the job of finding the next Big Story to feed the insatiable news machine, journalists will now reach down for material that by any standard is not news and rely on the work of bottom feeders to fill their own pages and airwaves," Rosman writes. "In the end, the purported aim of finding the truth and reporting it fell largely by the wayside as journalists saw their own stars ascend, hitched to a 6-year-old girl famous only in death."

The article is original and significant, and that's why we made it our cover story. Yes, we're writing about media exploitation and putting a picture of JonBenét on the cover. It's just the sort of irony a magazine devoted to understanding our media age must live with. ERIC EFFRON

BRILL'S CONTENT

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Steven Brill

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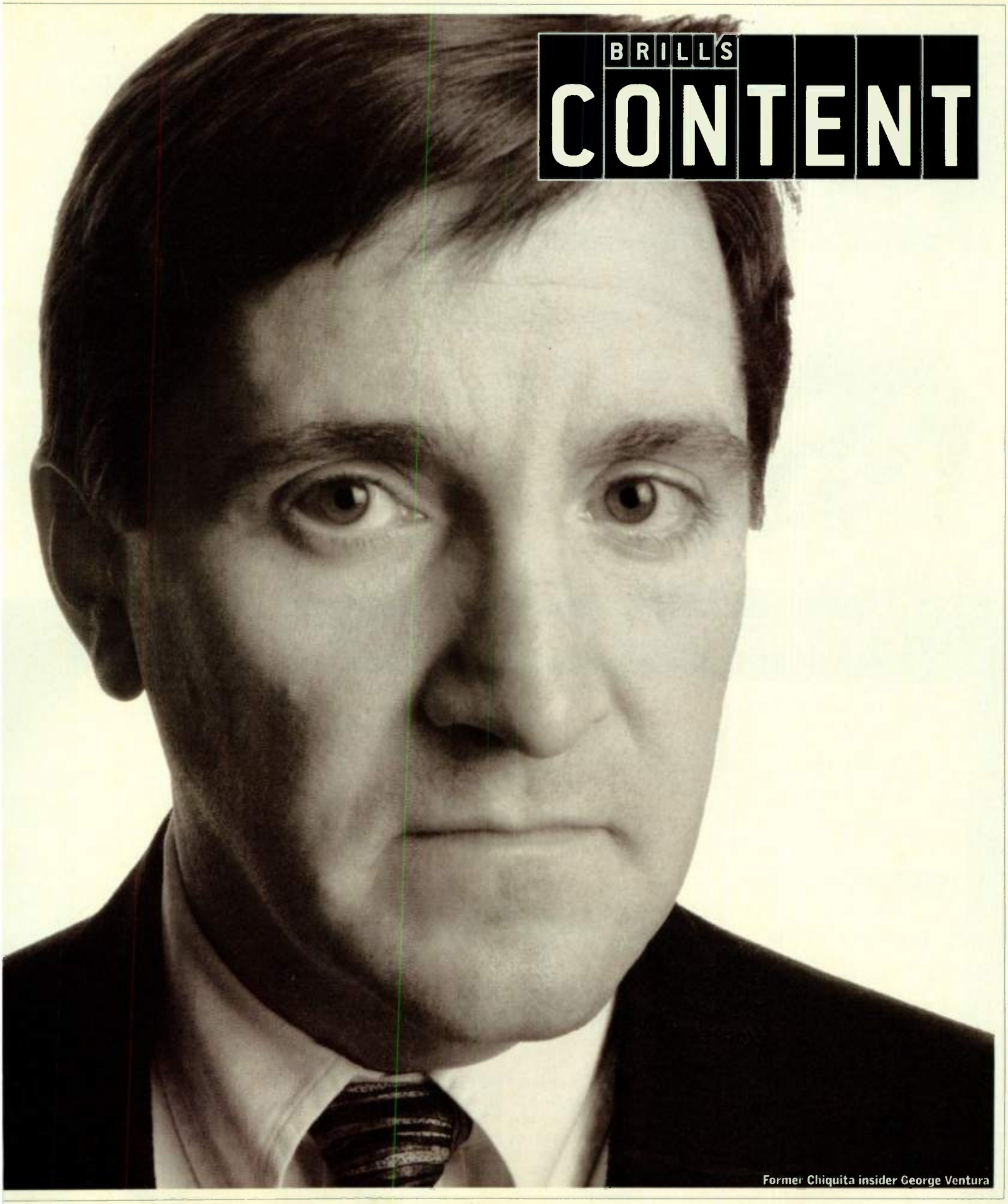
WRH

FEBRUARY 2000
VOLUME 3
NUMBER ONE

COVER PHOTOGRAPH: Simons/Corbis Sygma

"[THE REPORTERS] WOULD BUTTER ME UP....THERE IS SOMETHING AKIN TO A FRIENDSHIP THAT THEY'RE NURTURING, BRINGING YOU ALONG, SEDUCING YOU."
GEORGE VENTURA, PAGE 84

PHOTOGRAPHED BY DAN PEEBLES FOR *BRILL'S CONTENT*, DECEMBER 2, 1999



BRILL'S CONTENT

Former Chiquita insider George Ventura

THE CHRISTIAN SCIENCE MONITOR

A GUIDE TO HOME, FAMILY, AND COMMUNITY.

Home front

Going with the grain
Award-winning furniture-maker John Hein turns exotic woods into masterpieces.
Page 13

An Irish 'fry-up'
A hearty stick-to-your-ribs breakfast in Dublin is a true test of what Irish cuisine is all about.
Page 16

Neighbor to Neighbor

By David Clark Scott

Calculus of chores

Call it the new math of chores. Optimum household harmony won't be achieved by working couples if they divide the chores in half.

Rather, each spouse should do 45.8 percent of the laundry, cleaning, shopping, and dishwashing, says Chloe Bird, a Brown University sociologist. The last 8.4 percent should be handed off to the kids, hired out, or let slide.

The key question: Am I under or over the 45.8 percent mark? (Don't feel compelled to answer, My Dearest.)

Professor Bird says that in dual-income US homes, wives estimate they do about 67 of the chores. Husbands say 36 percent.

To put it another way, married

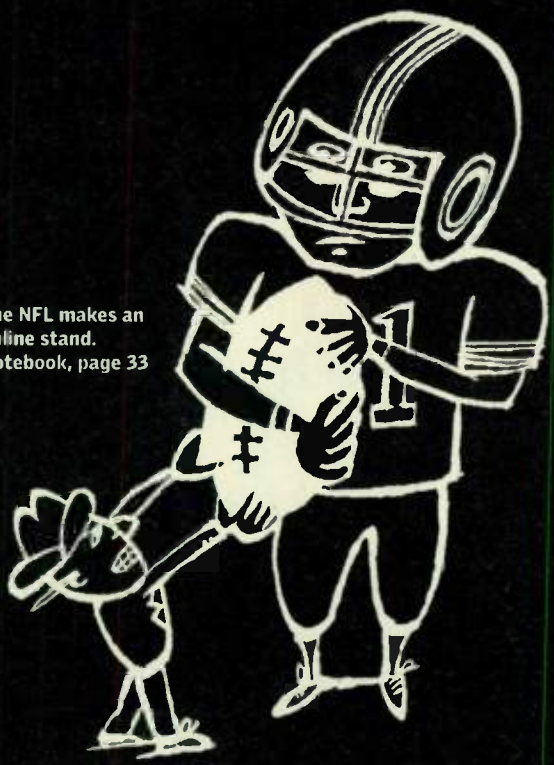
A half-pipe leap into local politics

By Ross Atkin
Staff writer of The Christian Science Monitor

Two years ago, Plymouth, Mass., town meeting member Russ Shirley didn't know a "half pipe" from a "rail-slide." And Adam Drexler, like most teenagers, had never set foot in a town meeting.

But the unlikely union of two worlds – the youthful freewheeling culture of skateboarders and the often-plodding ways

In pursuit of their own park, skateboarders cross a cultural divide for a lesson in civics



The NFL makes an online stand. Notebook, page 33

UP FRONT

COLUMNS

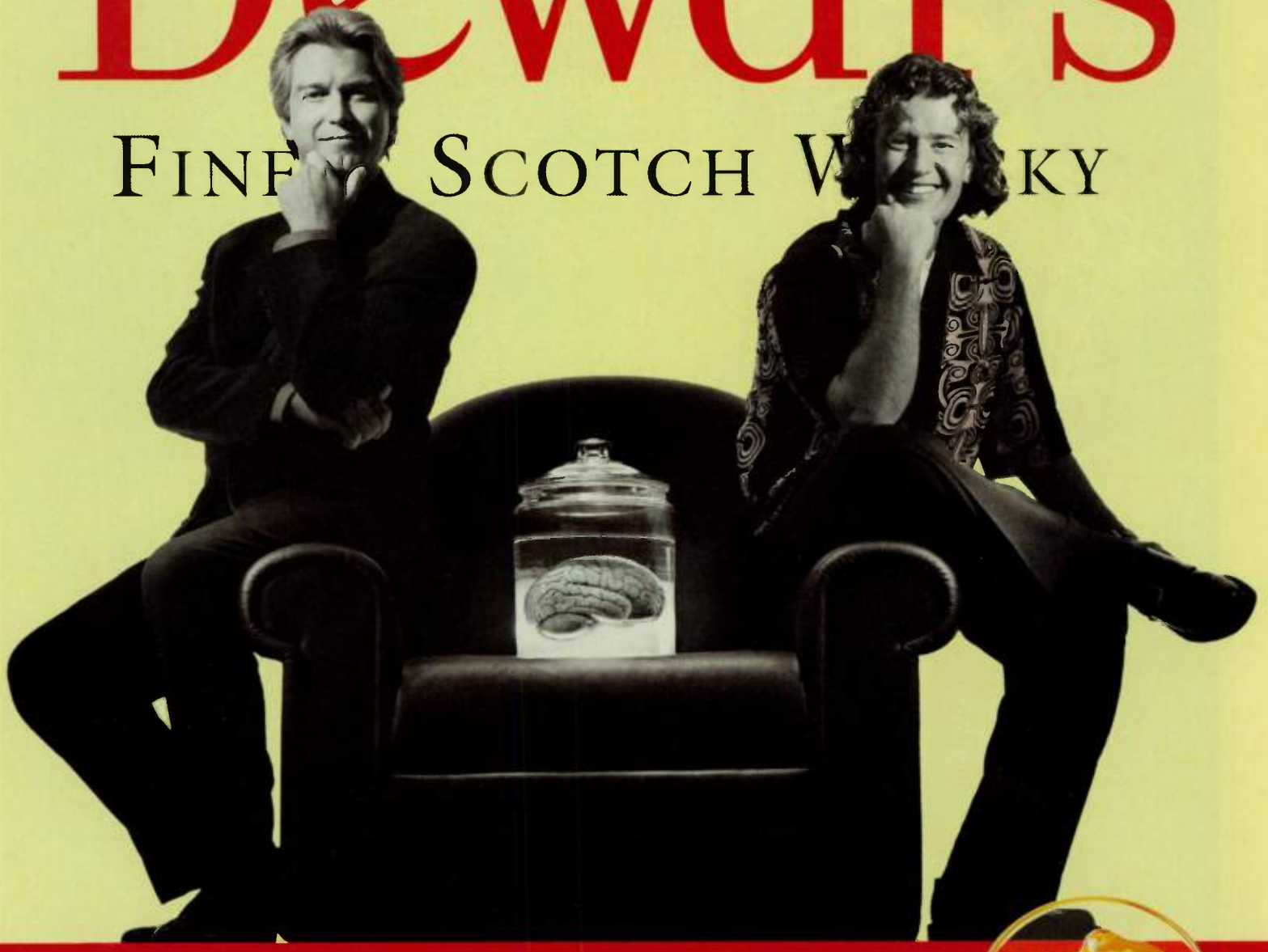
ILLUSTRATION SCOTT MENCHIN. PHOTOGRAPH EILEEN BLASS/*USA TODAY*

"[CATHY] CLEARLY SAW IT AS GOOD THERAPY FOR HERSELF, AND [THE CANCER] WAS ALMOST TOO BIG A THING NOT TO WRITE ABOUT."
DAVID KUPFER, HONOR ROLL, PAGE 112

DEPTS.

Dewar's

FINE SCOTCH WHISKY



They're out of their minds. When Whit and Richard walked out the gates of a major software developer to build a board game, friends thought they'd lost it. But they put their heads together with an art guru, a wordsmith and a talkative mime – and the result was Cranium.® It's the first game designed to use both sides of the brain. It's selling like crazy, and they're looking pretty smart.

They're Dewars.

AN INFLUENTIAL LIST, SPORTSLINE'S WEAK LINKS, AND *THE NEW YORK TIMES* FIRES BACK

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. Only signed letters and messages that include a daytime telephone number will be considered for publication. Letters may be edited for clarity and length. Letters published with an asterisk below have been edited for space. The full text appears at our website (www.brillscontent.com).

CORRECTIONS POLICY

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. He 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@brillscontent.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@brillscontent.com, or by mail at 1 Francis Avenue, Cambridge, MA, 02138.

CAN'T KEEP IT DOWN

*Are we consumers of information and opinion supposed to swallow your list of the 25 most "influential" people in the media ["The Influence List," November]?

The underlying message of this elaborate spread is: Don't think for yourself or develop your own tastes.

BURLING LOWREY, WASHINGTON, DC

SELFISH PHONIES

*I would like to select two people on the list whom I believe have wielded a less positive influence and in my opinion have contributed to a coarsening of our public dialogue: Tim Russert and Rush Limbaugh.

Like all other men with pompous egos, both Russert and Limbaugh are hypersensitive to criticism, as you painfully discovered, Mr. Brill, on a Sunday morning following the publication of your premiere edition, in which you exposed the smarmy relationship between certain members of the press and independent counsel Kenneth Starr.

I can't believe that I'm the only one out here in the wilderness who doesn't see these two charlatans for just what they are: selfish, egotistical phonies out for self-aggrandizement. GARY JACKSON, MONA, UT

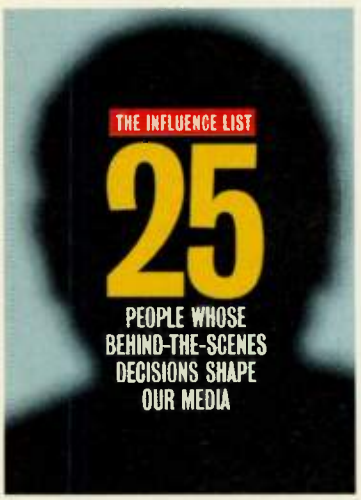
OPENED THE DOOR

*I enjoyed reading the November 1999 issue of *Brill's Content*, which published "The Influence List." Great issue, great selections, except for one category and one person missing from your list.

In the category of government affairs, I wish to nominate Brian Lamb, CEO of C-SPAN. Lamb has given us a bird's-eye view of our government at work during the last 20 years by broadcasting congressional sessions live and, as a result, has allowed us to become better-informed citizens of our democratic process.

He has recently hosted most of the segments on *American Presidents: Life Portraits*, which is a great learning tool for history teachers to use in their social studies curricula.

GEORGE HALO, LINDEN, NJ



NO SALE

*I am surprised that Bob Woodward would counsel anyone to seek closure concerning a celebrity's death [Bob Woodward responds to James Belushi, Letters to the Editor, December/January]. Closure doesn't sell books.

TONY MAREY, WAPATO, WA

A COMMONPLACE

*Twenty-five years ago, Bob Woodward displayed the somewhat refreshing arrogance of a brash young comer on the make. Now he just seems plain old arrogant and egotistical [Rewind, November]. Another sad case of Beltway Brain Blight, with the common symptom of believing one's jacket blurbs (a malady not confined to the Beltway but seemingly endemic there).

CLYDE WILKES, BISBEE, AZ

ONE-SIDED

*To bring the Brill-Woodward exchange [Rewind, November] to a timely end, I suggest your magazine publish a tastefully executed cartoon depicting the two journalists in a cheek-to-cheek posture with a caption reading: "There are two sides to this argument: mine and the wrong one."

FRANCIS LOVETT, WAVERLY, OH

BUMMED OUT

*Having viewed Bob Woodward as a standard-bearer in my youth, I am personally saddened to see that he has come to hurling unremarkable personal insults at Steven Brill in place of the simple truth he once wielded so forcefully.

MARKLEY RODERICK, PENNSAUKEN, NJ

WASTED SPACE

*I have just waded through this Brill-vs.-Woodward "debate." What a waste of time and precious page space. I read the article in its entirety hoping to come across something different or enlightening but was rewarded with a seven-page rehash of "I said" and "He said I said."

JACK JONES, RICHARDSON, TX

THE PUNCH LINE

*Steven Brill and Bob Woodward both have it wrong in the Rewind

LETTERS

column debating *Shadow: Five Presidents and the Legacy of Watergate*.

Monica Lewinsky had neither "Clara Bow syndrome" nor Clérambault's syndrome. She had Clarabell's syndrome, named after the clown (played by Bob Keeshan) who used to go around spritzing everybody with a seltzer bottle on the old *Howdy Doody* TV show. At least that would account for the stain on the blue dress.

NAT SEGALOFF, LOS ANGELES, CA

HYPE THYSELF

"[Senior writer] Jennifer Greenstein's article "Publicize Or Perish" about "unsung author William Doyle" [November] will serve as inspiration to the many who have taken the same alternative publishing procedure as I did—that is, sans publicist—and now have an outline with which to proceed to publicize and market our work.

What luck to have Larry King "catch" Doyle's book, whose subject—"modern presidents and their White House tapes"—Larry could not ignore.

Doyle sent Larry a copy of his book. I will do likewise and hope lightning strikes twice.

EVALINA MARIA VALDES BLECHMAN
WEST HILLS, CA

ONE MORE THING

I enjoyed the story about *Newsweek* editor Mark Whitaker ["The Iceman Cometh," December/January] which highlighted his decision to do a quickie cover piece on celebrity politicians. I would have liked it more if you had questioned whether that story kept *Newsweek* from publishing anything that week about Bill Bradley's health-care proposal, which has prompted the most serious issue debate of the presidential race. I thought that's what *Brill's Content* was supposed to do, even in personality pieces.

AL CROSS, POLITICAL WRITER
THE COURIER-JOURNAL, LOUISVILLE, KY

UNENLIGHTENED

"I guess I shouldn't be surprised that in spite of the economic boost auto racing fans provide to the *Concord Monitor*, Mike Pride still considers them to be in need of enlightenment ["Photo Opportunity," Out Here, December/January].

The impression I have gotten from previous articles in this series is that an injured traffic-accident or crime victim's picture would not be splashed across the *Monitor*'s front page; that in such a case some consideration for the victim is appropriate.

In this case, the victim was a race-car driver, who, apparently in Pride's estimation, was not worthy of such consideration. The decision not to run the driver's picture on the *Monitor*'s front page was a good one, but not for the reasons cited.

If race fans had seen that the *Monitor* is in fact highly contemptuous of them and their sport, they'd quit buying it. In a heartbeat.

ORIN O'NEILL, SEATTLE, WA

FUNNY PAGES

"Funny how Jonah Goldberg ["Beyond Belief," Face-Off, December/January] does nothing more than reinforce the image of conservatives as religiously out of touch with reality. Goldberg's only evidence of any real "bias" in mainstream media is six years old, and all his other examples involve cartoons or fiction, though the comics pages are reviewed mostly by children.

RICHARD C. CARRIER, NEW YORK, NY

SUSPICIOUS MIND

"As a producer at an online media company that prides itself on its journalistic integrity, I was stunned by Stu Schneider's article on CBS SportsLine's deal with the PGA Tour ["SportsLine's Bogey," Talk Back, December/January]. Regardless of whether most of its audience has noticed a change in the tone of the site's content, this type of marketing and editorial commingling is inexcusable. One would hope that SportsLine's pact is an aberration never to be repeated by other online entities, but I suspect this won't be the last time we see a deal of this nature.

JEFF KIRK, AUSTIN, TX

WHICH IS IT?

"I read with great interest "SportsLine's Bogey," by Stu Schneider, because the caption explained that he quit his executive editor's job because he had lost a battle for editorial control with the PGA Tour.

That took [guts], because Schneider's stance showed that he is a journalist who still has principles and ethics, and that he cared more about giving his readers accurate information than cashing a paycheck. However, the story goes on to say that he was told his job was being eliminated. That's not quitting—that's getting fired. And in the world of journalism, that is a big difference, especially when you crusade against editorial interference.

So what is it, *Brill's Content*? Did he quit and therefore become justly admired? Or was he fired because his decisions were being questioned and he didn't like it?

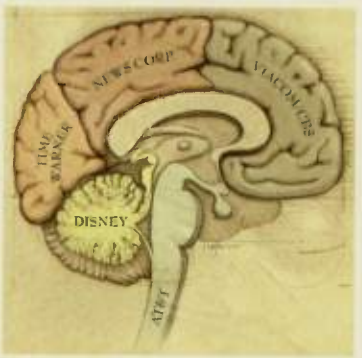
DALE RIM, FORT LAUDERDALE, FL

Editor's note: The caption information in question was incorrect. Mr. Schneider did not quit his job at SportsLine. His job was eliminated. We regret the error.

STORM WATCHER

"[W]e're out of business the day that anybody...feels that we curb or manipulate our coverage to promote corporate interests"—such admirable words from Norman Pearlstine, editor in chief at Time, Inc. ["Big Media Experts," December/January]. Would Pearlstine care to explain *Time*'s cover story on tornadoes from mid-1996, about the time Time Warner released its summer blockbuster *Twister*? Coincidentally, it was also around the time I stopped paying attention to his magazine.

GLORIA HOWARD, NEW ROCHELLE, NY



BONNIE HOFKIN

CORRECTIONS

In The Notebook section in the November issue, two answers were omitted from the "Family Planning" quiz about properties to be shared by CBS and Viacom under their proposed merger. We should have noted that Central Fidelity Insurance Company is owned by CBS and that a majority of Blockbuster Inc. is owned by Viacom.

In "Eyes On The Road At 1,000 Feet" in the December/January Notebook, we misspelled Wethersfield as Weathersfield.

We regret the errors.

ONCE BITTEN

"I was distressed to learn in Report From The Ombudsman in the December/ January issue about the reporting methods used in the article "Curiosity Vs. Privacy" in the October issue. I am left wondering how many others who were listed in the article as having not responded to the survey actually had.

My distress is compounded by [editor in chief] Steve Brill's defense that he was willing to countenance only an unqualified *agree* or *disagree* as a genuine answer. What we do not need more of in the media are insistence on simplified, black-or-white thinking and rejection of nuanced, reasoned positions on issues. I am sorry to see that *Brill's Content* has joined in the worship of the sound (and print) bite.

GLENN GRABER, KNOXVILLE, TN

NOT WHAT WE ASKED FOR

"I read the column about the disagreement between [Portland *Oregonian* editor] Sandra Rowe and Steve Brill, and Brill's indication that Rowe "did not answer" his questions [Report From The Ombudsman, December/January]. Bill Kovach took Brill to task to indicate that she had indeed responded to the questions asked, and that is correct, except that she did not *answer* the questions posed. She *did respond* to the issue, but the *answer* requested was "yes" or "no," not "explain...."

There is a difference, a differ-

[CONTINUED ON PAGE 129]

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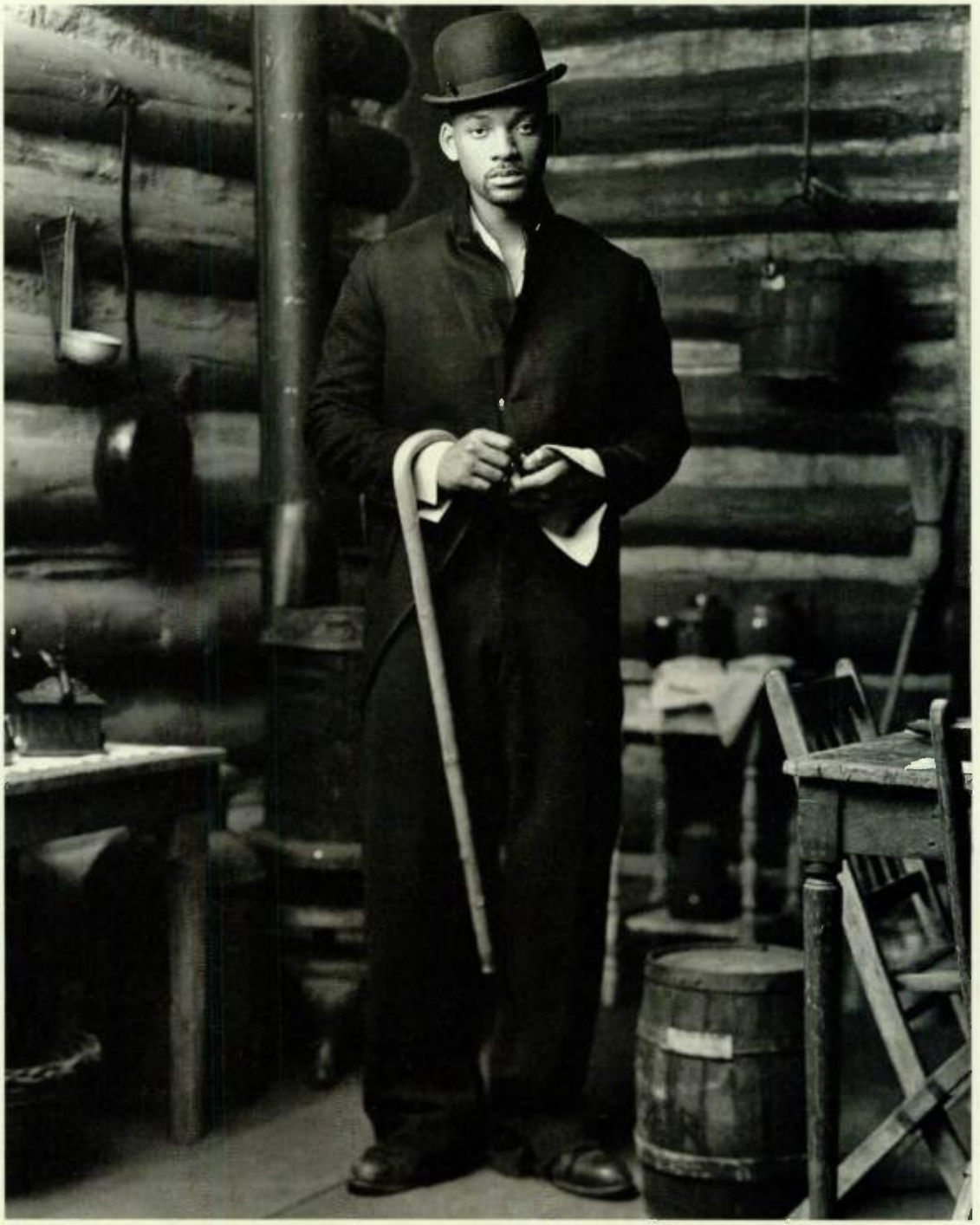

Photographer: Mark Seliger

LET'S GET SURREAL

"I'm a visual entertainer," declares Mark Seliger as he nervously bounces his legs and knocks his knees. Chief photographer for *Rolling Stone* and *US Magazine*, Seliger uses unusual backdrops and bold props to reveal the hidden personalities of the celebrities he shoots. Seliger, 40, says his goal is to "up the ante of celebrity photography so it doesn't become too predictable." His efforts produce images that are whimsical and painful, sinister and innocent. They make you giggle, cringe, and blush.

With his short, dirty-blond hair and wide eyes, Seliger emits a warmth and an innocence that instantly put people at ease. His ability to earn the trust of his subjects is apparent in his photos, which capture the wealthiest, most glamorous Hollywood stars in playful and audacious attire and settings.

The unexpected and often surreal nature of Seliger's photographs is represented here in the black and white portrait of actor Will Smith, published in the August 1997 issue of *US*. Seliger suggested Smith dress in Charlie Chaplin garb because he thought it would make a "nice juxtaposition from the way you see him ordinarily." Seliger hired a design company to create the set in his Manhattan studio.

Seliger finds inspiration for his work in relatively simple and modest pastimes. "It comes from going to libraries and bookstores" and even running along the Hudson River in lower Manhattan, he says. Then, before meeting with a celebrity for a photo shoot, Seliger spends hours jotting down notes and sketching possible poses in one of his many large black notebooks. "It's really a smorgasbord of thoughts and processes and humor and emotion," he says.

In this color image of actress Gillian Anderson, dressed as *The Addams Family*'s Morticia, Seliger uses humor and a sexy pose to create a stunning portrait. Seliger spent 15 hours shooting the *X-Files* star in a variety of costumes for an October 1997 *US* profile. Anderson posed for a host of photos ranging from *I Love Lucy* renditions to this one. "The cigar, of course, is a reference to [Morticia's] husband, Gomez, who likes to smoke cigars," Seliger says with a chuckle. "We had a great time with this," he adds. "She's always up for anything." Continuing to bounce his legs back and forth, Seliger flips through a book of his photos. "It's damn fun stuff," he says. "It's a fantasy. For me, that's what it's all about."

BRIDGET SAMBURG

NO SALARY EARNING, OLD UNDERPANT

CEO

WEARING, BILLIONAIRE ON PAPER

IT'S A NEW GAME. Forbes.com

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STUFF WE LIKE

TELEVISION

WAR'S YOUNG SURVIVORS

From an American point of view, news reports from distant trouble spots can take on a numbing sameness, as ethnic rivalries erupt in violence and refugees are driven from their homes. But the documentary *Children In War* should shake viewers out of their compassion fatigue. The film shows the crushing impact of conflicts in Bosnia, Rwanda, Northern Ireland, and Israel and its occupied territories—through interviews conducted in 1995 and 1996 with children who had lost their homes, families, and innocence to ethnic violence.

Children In War was directed by Alan and Susan Raymond, a married couple whose previous work includes the Oscar-winning documentary *I Am A Promise: The Children of Stanton Elementary School* (1993) and the landmark 1973 PBS series *An American Family*. The Raymonds are deft with atmospheric touches: Samuel Barber's sad, stately Adagio for Strings underscores footage of young Bosnian refugees, for example. But the filmmakers generally avoid sentimentality and let their subjects speak for themselves; the children's accounts make these far-flung conflicts vivid and personal.

Although *Children In War* depicts young people experiencing both profound grief and brutal violence, the film is most haunting when it shows the shell-shocked resignation with which many of the interviewees describe the warfare that has hijacked their lives. The war-weary children look and sound tragically old.

Children In War debuts on HBO on Monday, January 31, and will air throughout February.

MATTHEW HEIMER

(L) ALAN RAYMOND/HBO

Victims of ethnic violence, like these Rwandan boys, tell their stories in the upcoming HBO film *Children In War*.

LEFT BEHIND

Thirty-two years ago, on her 24th birthday, Barbara Sonneborn received a telegram notifying her of the death of her husband, a U.S. soldier fighting in Vietnam. The telegram's opening line is the title

of Sonneborn's documentary, *Regret To Inform*, a stunning record of that war's effect on the widows left behind. This labor of love—it took Sonneborn more than ten years to make the film, and she had to mortgage her house to finance the production—traces her journey through the Vietnamese countryside to the site of her husband's death. The travel footage is interspersed with strikingly candid interviews with American and Vietnamese widows. Their tales, sometimes poignant, often horrific, are always heartrending.

One American woman tells of her husband's prolonged suffering and death, 13 years after the war ended, presumably from the effects of Agent Orange. A South Vietnamese woman describes watching U.S. soldiers gun down her 5-year-old cousin while the child was getting a drink of water. These interviews paint an unforgettable and devastating picture of the war's far-reaching consequences. *Regret To Inform*, a presentation of public television's *P.O.V.* series, will premiere on January 24 (check local listings). JANE MANNERS

STUFF WE LIKE

NEWSPAPERS

BEYOND "SUNSCREEN"

Here's one strange path to becoming a famous newspaper columnist: You write a column that is a mock graduation address of pragmatic aphorisms, beginning with the statement "Wear sunscreen." The column circulates extensively through e-mail and at first is wrongly credited to writer Kurt Vonnegut. Then a film director who happens to read the e-mail decides to license the words as spoken narration for a popular song that becomes an international hit called "Everybody's Free (to Wear Sunscreen)." Such is the story of Mary Schmich, a *Chicago Tribune* columnist since 1992. Fans of the quirky "Sunscreen" will discover the sharp wit in Schmich's topical columns, such as the one mocking Donald Trump's well-known phobia ("Handshaking, in the Trumpean view of life, is on a cultural par with boiling tourists") or the recent focus on smug Seattle natives who must now admit that their "happiest, mellowest" city has hosted an infamous riot. But Schmich also soberly reports on local issues like the bittersweet demolition of Cabrini-Green, a Chicago housing project notorious for crime but still considered home by some hardworking people. Both sassy and sensitive, Schmich's varied oeuvre deserves the fanfare, regardless of the odd circumstances. Find her columns at www.chicagotribune.com/news/columnists/schmich.

MATTHEW REED BAKER

Mary Schmich's *Chicago Tribune* column

HIS SOURCES TALK

Through personal observations and dialogue, Jeffrey Goldberg delivers vivid and revealing accounts of people, places, and contemporary issues. A contributing writer to *The New York Times Magazine*, Goldberg, 34, has tackled everything from the Y2K problem facing Israel to race relations in America. There are also the occasional profiles of such people as Joseph Castellano, whose father, Paul, boss of the Gambino crime family, was allegedly murdered by John Gotti.

In an October 3 cover story, Goldberg focuses on future relations between Jews and Muslims living in Jerusalem. Through interviews with an "archterrorist of the Jewish underground," as well as with the Mufti of Jerusalem, a Muslim religious leader, Goldberg examines how the two peoples are struggling to achieve domination.

In his compelling June 1999 account of racial profiling in state police forces across the country, Goldberg accompanies officers on patrol as they stop a proportionately higher number of black drivers. The officers admit that they question those in run-down cars more frequently than those with newer vehicles.

Goldberg's style of writing is playful yet somber, and the dialogue he establishes with his sources is impressive. A selection of his feature stories can be found at www.nytimes.com (go to Archive, then click into site search and type "Jeffrey Goldberg").

BRIDGET SAMBURG

LEASE ON LIFE

"I never imagined myself on the editorial page," says Daryl Lease, editorial writer and columnist for the *Sarasota Herald-Tribune*. "That seemed like a dull place to be." Not when the wryly funny Lease is on it, in either his unsigned editorials or his Monday column. (A couple of Lease's recent headlines: "Florida Courageously Misses Deadline for Greatness" and "All Protesters Into the Van! We're Going for Burgers!")

Gentle and sarcastic—not unlike fellow South Floridian Dave Barry—Lease has written about big mergers, big government, and Big Macs. Strong without being strident, he has also done no-jest editorials on the New Confederacy and the state legislature's emasculation of an anti-smoking campaign. Find his columns at www.newscoast.com (type "Daryl Lease" in the search field). ALISON ROGERS

A SITE FOR SORE EYES

www.cybereditions.com/aldaily

Searching for intelligent articles on the Web can resemble that proverbial quest—think needle, haystack, frustration. Luckily, the founder of Arts & Letters Daily is not easily intimidated. Denis Dutton peruses more than 100 websites six days a week for the most intellectually stimulating writing available. Then he writes pithy blurbs about his selections and links them to his site. The result is a jam-packed pincushion of news, opinion, book reviews, and notable stories that will spark an interest in even the weariest Web surfer. Dutton's hard work has paid off: He recently fielded offers from a slew of potential buyers including *The Chronicle of Higher Education* and Microsoft Corporation's online magazine, *Slate*—and turned them both down for a bid by University Business LLC, owner of the cheeky academic review *Lingua Franca*. That magazine and his website share an unconventional spirit, says Dutton: "'Prepare to be provoked' would be a motto." LESLIE FALK

INTERNET

FORGET CANNES

www.ifilm.com

Remember that small bit you played in your nephew's first short film? It might be making the rounds on iFILM.com, a kind of Sundance Film Festival for the Internet (minus Robert Redford and the parties). This film haven, in addition to hosting numerous resources for the (unfunded) filmmaker, runs the latest film news, festival updates from across the globe, and box office figures for independent movies. Reviews and feature stories round out the offerings. Visitors can also sample hundreds of movies of all genres, from Claymation to documentary. A broadband connection ensures an enjoyable time. If you're playing with 56k, the quality is slightly fuzzy—but it's still fun. RON KLEIN

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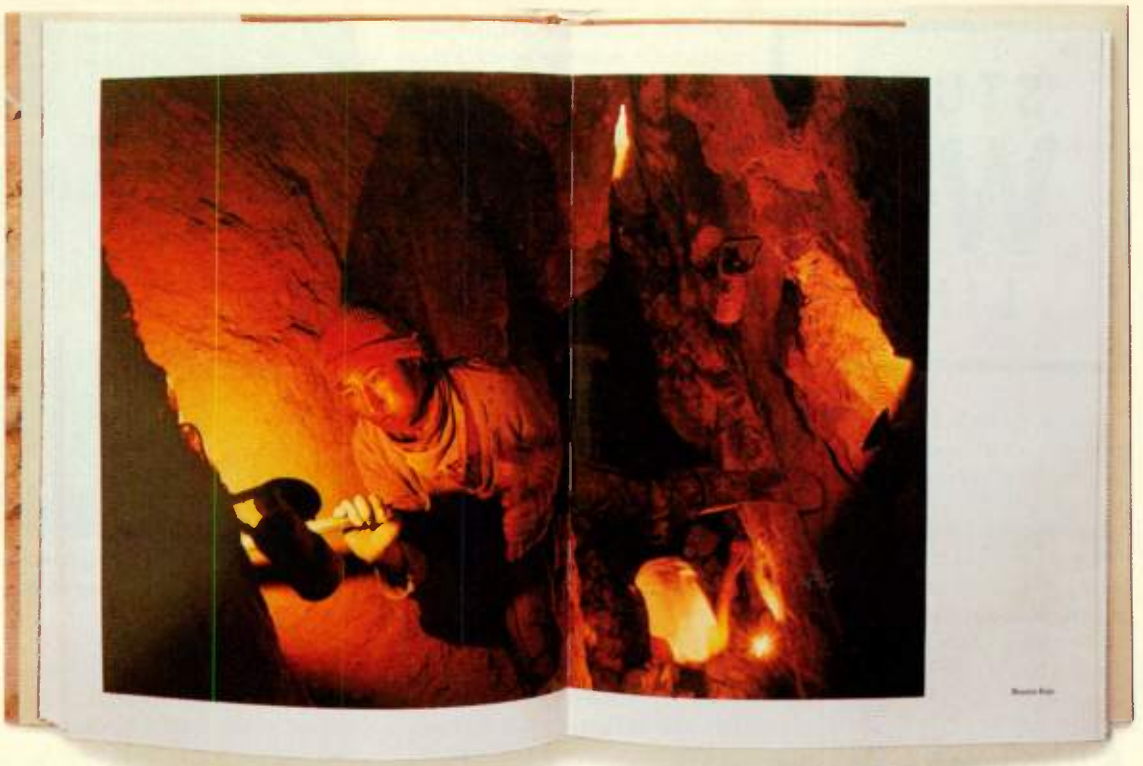
tackle a physical challenge. Named after a mountain in Ethiopia, Asimba.com is an all-inclusive health website loaded with information about sports, fitness, nutrition, and weight loss. The sports section covers everything from cycling to snowshoeing. Users can also find training tips, gear-buying guides, and national sporting events listings. The fitness section features personalized exercise regimens prescribed by top athletes. Online training logs help users track their progress. If you're interested in dropping a few pounds, turn to the nutrition and weight pages to consult with a personal weight-loss coach and to check out the latest diet information and recipes. The site runs original articles on health and sports topics and answers readers' questions on the "Ask the Asimba Experts" page.

STEPHANIE BLEYER



Photographer Stephen Ferry captured miners (above) searching for silver, tin, and zinc in Potosí's Rosario Bajo mine.

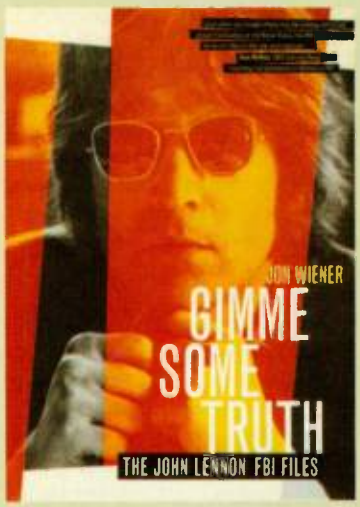
BOOKS

WINDOW ON AN ANDEAN VILLAGE

In 1991, as the 500th anniversary of Columbus's voyage to America approached, photojournalist Stephen Ferry made his way to Potosí, Bolivia, to document the journey's enduring effects on native peoples. Potosí is home to Cerro Rico, or Rich Mountain—which, beginning in 1545 and continuing for more than two centuries, yielded over half of the world's silver. Resource-rich Potosí was a cosmopolitan center in the 16th and 17th centuries, greatly influencing world trade and serving as a source of wealth for its Spanish conquerors. Today it is one of the poorest regions in the Americas. In *I Am Rich Potosí: The Mountain That Eats Men* (The Monacelli Press, Inc., 1999), Ferry, who visited the city annually between 1991 and 1999, presents a contemporary portrait of Potosí and its people. As evidenced in his photos, life in Potosí still centers on Cerro Rico. The vibrant, soulful pictures of Potosí's age-old traditions open the door to a largely unknown yet fascinating historical epic.

LESLIE HEILBRUNN

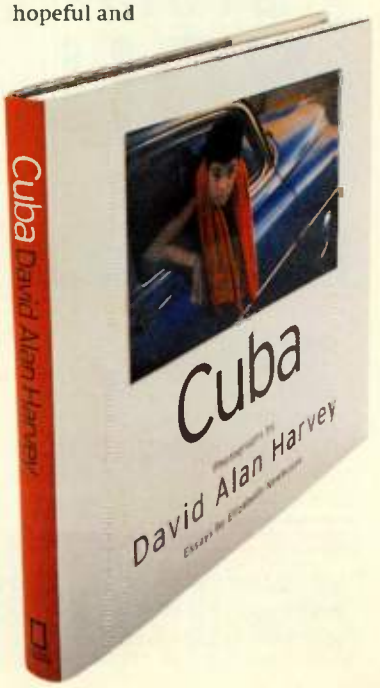
ALL HE WAS SAYING...



In 1981, soon after a deranged stalker killed John Lennon, Jon Wiener filed a Freedom of Information Act request for any files the FBI had on the former Beatle (songs like "Give Peace A Chance" made Lennon a subversive). Of the 281 pages agency staffers dug up, 199 were withheld, many supposedly to protect "national security." So began a 14-year battle with a government bureaucracy portrayed in *Gimme Some Truth: The John Lennon FBI Files* (University of California Press, January 2000) as alternately ridiculous and scary. Wiener, a history professor at the University of California, Irvine, and the author of *Come Together: John Lennon And His Time*, divides his book into two parts: In the first he narrates the court fight he waged to open the Lennon files; in the second, he reprints many of the documents he pried loose. Those documents (flecked with such nonsense as a description of a parrot trained to say "Right on") have high entertainment value. But it's Wiener's recounting of his legal odyssey that is most illuminating, detailing the lengths to which the U.S. government would go to justify a paranoid espionage action that ultimately couldn't be justified. ED SHANAHAN

OUR MAN IN HAVANA

A second-grader, ejected for misbehaving, sulks in the hallway of his Havana school, frowning at his spindly knees. A 13-year-old girl squints as her mother blows cigar smoke into her hair, trying to exorcise spirits. In a bleak examining room, a physician listens to an unborn baby's heartbeat through the brass stethoscope he has lowered onto the mother's stomach. In *Cuba* (National Geographic Books, 1999), veteran *National Geographic* photojournalist David Alan Harvey captures the beat of the island itself, with 150 images that are both serene and sinister. Harvey, who spent a year combing the country, was granted unprecedented access. "I'm drawn to the ballet of street photography," Harvey says. "The way Cubans move, the way light plays with architecture, and the natural theatrical quality in Cuban everyday life is a visual feast." With Elizabeth Newhouse, who wrote the lavish volume's essays and captions, Harvey raises the curtain on crumbling courtyards, ravishing seascapes, and faces both hopeful and



NORMAN

STUFF WE LIKE

haggard. As more and more foreigners fill Cuba's nightclubs and beaches (many are off-limits to locals), Harvey depicts a land slouching toward modernity. "When I first got to Cuba, I wondered why everyone had a TV, but no one watched during the day," Harvey says. "Then I found out there's no TV until 4 P.M."

BOB ICKES

A DIFFERENT BREED

In *A Tribe Apart: A Journey Into The Heart of American Adolescence* (Ballantine Books, 1999), journalist Patricia Hersch chronicles three years in the lives of eight teenagers from her suburban hometown of Reston, Virginia. They are, Hersch says, "regular" kids of the nineties.

The teens are all in middle school and high school. There's Brendan, who takes out his aggression with a can of spray paint or a hit of LSD. There's Courtney, who loses her virginity at 14 in a bedroom with astrology books, a bubblegum machine, pink and white curtains, and lace pillows. Charles, a class president and top student, fights to counter his classmates' overarching stereotypes about black students. And Jessica joins a wild crowd as she searches for her own niche after her teenage sister's pregnancy.

Initially, Hersch chose students who were not attention grabbers but simply average kids growing up in an increasingly complicated world. Over time she found that the teenagers had created a world of their own, one at odds with the one most parents imagine. Today's adolescents are "a tribe apart," Hersch notes, often lacking role models and any real connections with adults. "[W]e can lecture kids to our heart's content," she writes, "but if...there is no relationship between us that matters to them, or they think we are ignorant of the[ir] reality...they will not listen."

KIMBERLY CONNIFF

FILM

BEST DIRECTOR

Forget Kevin Smith and Quentin Tarantino. *American Movie* introduces us to the ultimate Hollywood outsider: Mark Borchardt, a cash-strapped, heavy-drinking Wisconsinite with a burning passion for cinema (of the blood-soaked, *Night Of The Living Dead* school). The documentary follows Borchardt and his steadfast, ex-junkie sidekick for two years as they shoot a horror flick, *Coven*, borrowing money from Borchardt's skeptical, 82-year-old Uncle Bill. *American Movie*, directed by Chris Smith and playing in theaters around the country (check local listings), is surprisingly tender when it's not uproariously funny. Rather than just offering cheap laughs at Borchardt's expense, it shows him valiantly pursuing his own American Dream, proving that sometimes ambition can win out over talent (or, in this case, the lack of it). MICHAEL COLTON

Filmmaker Mark Borchardt (right) and his buddy Michael Schank in a scene from the documentary film *American Movie*.

MAGAZINES

HIP HOMETOWNS

When seeking out American hubs of hipness, the mainstream media tend to oversimplify: New York on the East Coast, Los Angeles and San Francisco on the West Coast, and sometimes Chicago to represent the country's vast center. In response to this geographical tunnel vision, *CMJ New Music Monthly*, a national alternative-music magazine, expands our horizons with its backpage feature, "Localzine." Each month, "Localzine" finds cool scenes in less obvious regions of the country (say, Dallas or Kansas City), in mid-size college towns (such as Charlottesville, Virginia), or in lower-profile international cities (think Stockholm or Budapest). The department details an area's music clubs, record stores, funky restaurants, hangouts. The writers, usually natives, offer more flavor and cultural history than mere listings can provide.

The November 1999 issue showcased Bloomington, Indiana, and its basement music clubs—but not before explaining its history as a birthplace of Midwestern punk rock. And in the following issue, "Localzine" focused on Rockford, Illinois, a place often mocked as Nowheresville. But writer Scott Morrow toured the town with the drummer of the band Cheap Trick—another Rockford native—and explored several hot spots. The lesson of "Localzine": Every town has its underground.

MATTHEW REED BAKER

MARK HORTON

STUFF YOU LIKE

DAVE BREWER, A BUSINESS ANALYST FOR AT&T WIRELESS SERVICES, INC., IN SEATTLE, SENT US THE FOLLOWING:

"The Straight Dope" (www.straightdope.com) started as a column by Cecil Adams in the weekly alternative paper *Chicago Reader* in February 1973. I've been reading it in print (the syndicated column also runs in a number of alternative weeklies, including the *Washington* [D.C.] *City Paper*) for about ten years. I found the website a couple of years ago. On this Q&A site, Adams tackles tough and interesting questions, answering not only with facts but with a healthy dose of humor and personality. Adams, the self-proclaimed "world's smartest human being," writes with style and can explain complex issues fairly succinctly. "Should you cut up six-pack rings so they don't choke sea birds?" is an example of a question posed to him. His answer: "No....Six-pack rings first floated into public awareness in the late 1970s when environmentalists began calling attention to the problem of waterborne trash....Does cutting up six-pack rings do any good? It doesn't hurt, but it doesn't really address the problem either. If you're enough of a pig to discard plastic on a beach, you probably can't be bothered to cut it up first." Adams does his research. "The Straight Dope" is a great place to go to find arcane (and sometimes useless) information.

Is there stuff you like? If so, write in and share your favorite media sources. Send ideas to: Stuff You Like, *Brill's Content*, 521 Fifth Avenue, New York, N.Y. 10175. Or e-mail us at: stuffyoulike@brillscontent.com. Please include your address and contact numbers.

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REPORT FROM THE OMBUDSMAN

This month: Is the practice of disclosing any link between writers and subjects—a *Brill's Content* hallmark—more harmful than helpful to readers? BY BILL KOVACH

Let me tell you something interesting I've learned in the 19 months since I began writing this column for *Brill's Content*. A lot of the country's most important journalists like to complain, but they want to do it off the record.

Not all of them, obviously, because this column—and much of the rest of each issue—is devoted to complaints, corrections, and debates about content.

But every month I receive at least one phone call from a journalist or someone else representing a media organization with a grievance about an article or item in the magazine. The calls, sometimes from old friends, are often pretty hot, ranging from outraged to outrageous. Often the grievances are so general I have to ask for specifics, and a written complaint with those specifics is invariably promised. As deadline approaches and the promised bill of particulars hasn't shown up, I call back to find out what happened. Sometimes I get an answer, sometimes not. Two reasons for the lack of follow-through—which reflect the range of answers I get—have been given more than once by different individuals, journalists, and news organizations.

HOW TO REACH BILL KOVACH
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Mail: 1 Francis Avenue, Cambridge, MA 02138

Reason 1: "Oh, we decided no one reads *Brill's Content* anyway, and we don't want to give the magazine more credibility by responding." Reason 2: "I don't know. Our lawyers swore they were sending it." This column, as a matter of fact, was to be my response to details of a specific written complaint promised after a phone conversation a month ago. It never showed up.

So I turn instead to a *New York Times* reporter who raises a broad question about the magazine's standards but doesn't want to be identified—for an interesting reason.

"I would love to hear your thoughts on this," reads an e-mail from that reporter. "If you would like to pursue this topic in your column, I would prefer not to be mentioned by name. Too many journalists are attacking you guys because you make them uncomfortable. I do not want to be counted among them, or to lend their gripes any legitimacy."

The issue this person goes on to address is the concern that objective journalism is being undermined by the practice of routine disclosure of potential conflict. *Brill's Content*, the journalist writes, "is rife with disclosure. A writer reviews a book written by her former teacher ['Diagnosis Murder,' in the 'Stuff We Like' section, by staff writer Kimberly Conniff, October]. A huge article about Supreme Court reporters ['May It Please The Court,' by senior writer Robert Schmidt, also October] is written by a man with a personal relationship with three of the featured journalists. [Also in October, editor in chief Steven] Brill writes 'Curiosity Vs. Privacy,' a long article about the media pursuit of Caroline Kennedy Schlossberg, whose husband has a relationship with the magazine's parent company....

"In many fields, such as medicine, disclosure has been rejected as inadequate to address conflicts. The problems with disclosure are multifold: It is voluntary and it is meaningless. The writer with the conflict is the person least able to judge the impact that the conflict has on analysis. The reader cannot possibly know.

"Moreover, subtle issues can never be provided to the reader. How far does the conflict really go? In the Schlossberg example, is the conflict that Schlossberg is working on a project that could bring more money to Brill? Are they personal friends? With a disclosure standard, there is no way for readers to ever be confident that they know the truth, because the disclosure has been written by the conflicted person."

I agree with the basic concern of this reader. A declaration of conflict, real or potential, should not become a routine substitute for assigning reporters and writers who have no connection with the people or subject under examination. I think the most important duty of an editor is to protect the integrity and credibility of the report. The journalist's implied contract is that the recipient of the information's interest be served—not that of the reporter or the subject. Not assigning writers or reporters with real or potential conflicts is an obvious first step in fulfilling that contract. But on those occasions when the knowledge that such a conflict might raise would provide a deeper understanding or insight into the report, a good editor may opt for that deeper understanding. In such cases the editor must then balance the potential for conflict with the potential for uncovering information of the greatest possible use to the reader. And in those cases maximum transparency—explaining to the audience how and why you do what you do—is crucial. That is done by disclosure, the more detailed the better.

Having the conflicted person make the disclosure becomes inadequate only if the editor fails. It is the responsibility of the editor to become fully aware of the extent of the conflict and make sure it is adequately described. The reader can then decide how much to credit the content of the report or article. Reluctance by the press to be more transparent about why and how they do what they do, I believe, is one important reason for the decline in press credibility with the public.

As the press and the communications media in which it is embedded become more powerful and more intrusive, a lack of transparency makes the public more dismissive and suspicious.

Greater transparency by journalists about why they do the things they do and how they do them is something to strive for. For that reason, I consider the number of disclosures an attribute, not a problem. The problem would come if the disclosure does not make the potential for conflict transparent to the reader of the magazine, or if it becomes an excuse not to try to find the most objective reporter available to do the job. ■

Bill Kovach, curator of Harvard's Nieman Foundation for Journalism, was formerly editor of the Atlanta Journal and Constitution *and a* New York Times *editor.*


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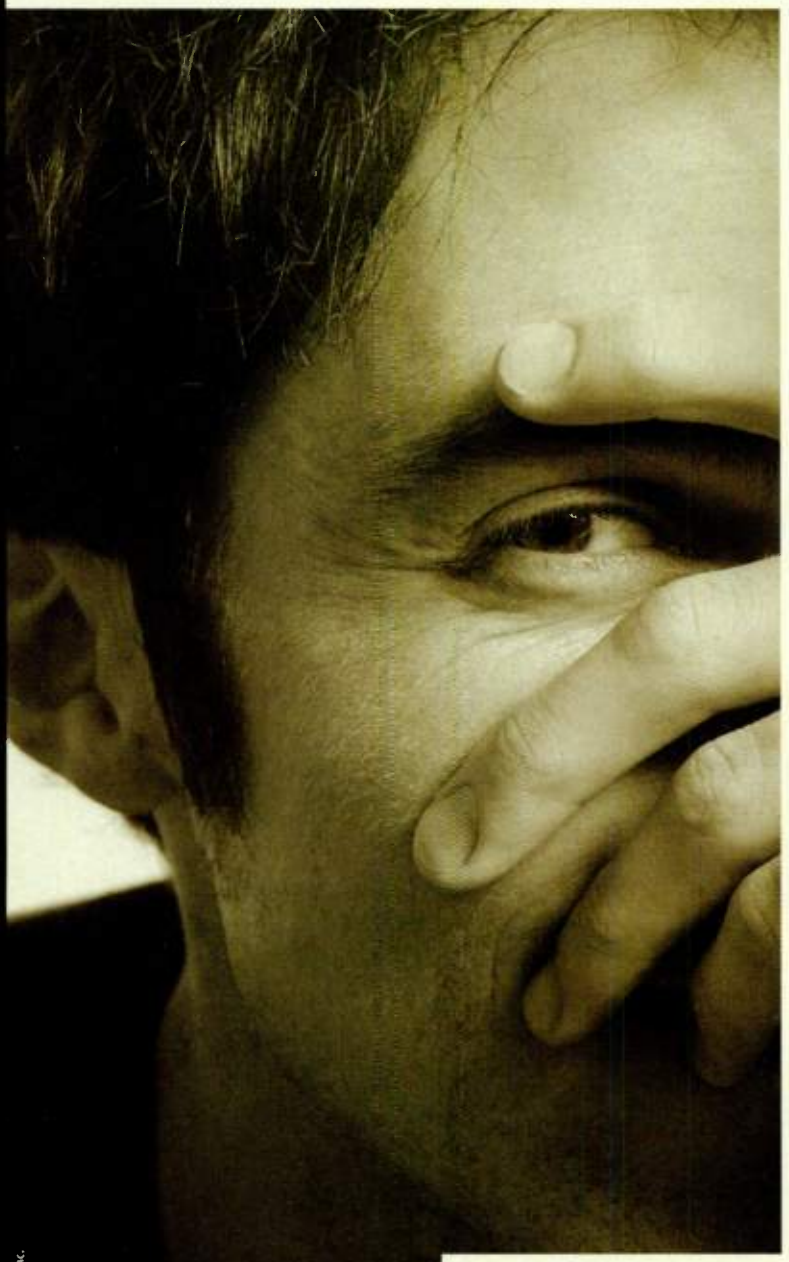

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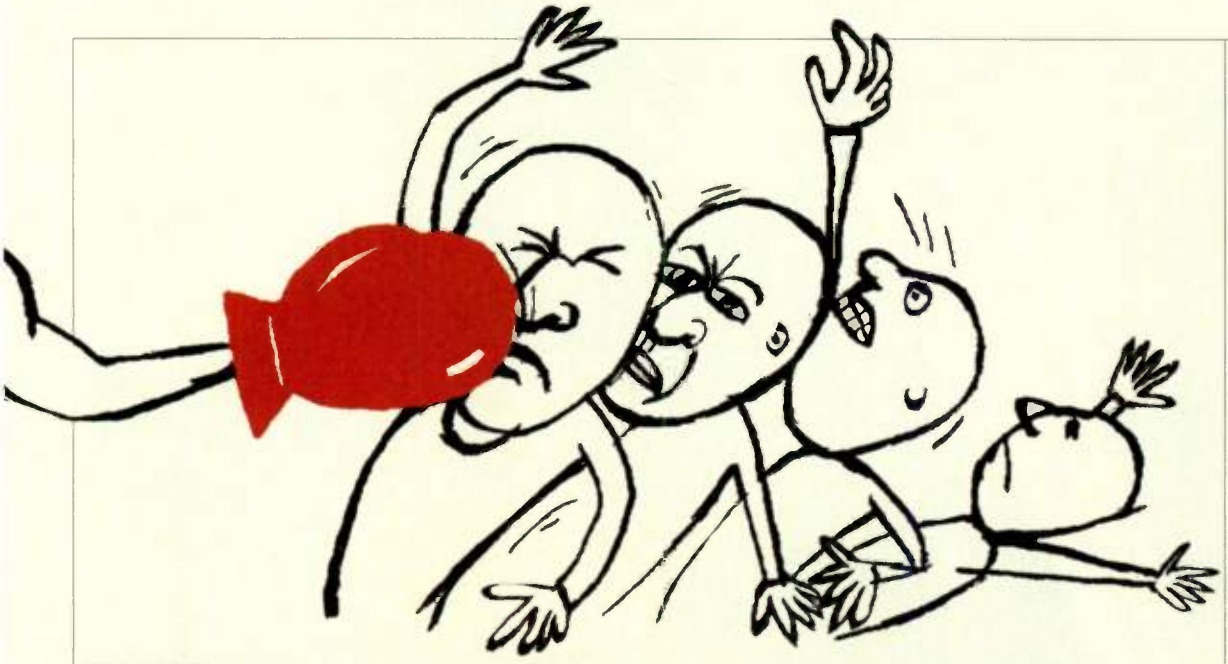


ILLUSTRATION SCOTT MENCHIN

IN DISPUTE

PUNCHING UP THE NEWS

Hollywood Reporter editor Anita Busch pulled no punches in sizing up Twentieth Century Fox's *Fight Club* in an October 12 editorial, calling the film, among other things, "morally repulsive." Busch's piece was so harsh that there was reason to believe *The New York Times*'s Bernard Weinraub when he reported on October 13, citing an unnamed Fox executive,that Fox was yanking all "film advertising" from the *Reporter*.

But on October 14, the *Los Angeles Daily News* quoted Fox spokeswoman Florence Grace as having said, "Our relationship with *The Hollywood Reporter* has not changed or been impacted" by Busch's piece. (Grace confirmed the comment to *Brill's Content* two months later.) It was surprising, then, when Weinraub, again citing unnamed studio executives, wrote about the boycott again on October 18.

A review of *Reporter* issues published two weeks before Weinraub's October 13 article and two weeks after supports Grace. Two ads ran before; two ran after.

Weinraub calls his stories "totally accurate," claiming he distinguished between film studio and general company advertising. But a Fox executive says the four ads cited above, all of which bore the Twentieth Century Fox logo, were movie studio ads. "I'm amazed that *Brill's Content* would print anonymous assertions from a studio owned by Rupert Murdoch and take [them] at face value," says Weinraub, who used his own anonymous sources. (Busch and *Reporter* associate publisher Lynne Segall wouldn't comment.)

Several news outlets followed Weinraub's stories with versions that relied solely on the *Times*. As of mid-December, none had published corrections.

Renee Graham, who wrote in *The Boston Globe* on October 19 that Fox had "pulled all of its advertising in the magazine indefinitely," cited the *Times* as her source. The *Chicago Tribune*'s Julia Keller, whose October 26 story said Fox had "announced" the ad boycott, says she, too, used the *Times* as her source.

Newsweek reported on November 1 that "*Fight Club* has touched a nerve: *The Hollywood Reporter* so brutally trashed it that Fox withdrew advertising in retaliation." Seth Stevenson, who wrote the item, says it came from the *Times* and "many newspapers," adding, "I don't think I called anyone at Fox."

Any lingering doubts about the boycott should have been put to rest with the arrival of the *Reporter*'s December special issue, in which Fox placed the following full-page ad: "Twentieth Century Fox congratulates *The Hollywood Reporter*: 69 Years Young."

AMY DITULLIO

ON THE RECORD:

"It seemed like a sporting event."

—ROBIN ROBERTS, ESPN SPORTSCENTER ANCHOR AND ABC NEWS CONTRIBUTOR, ON SERVING AS THE MASTER OF CEREMONIES AT A NOVEMBER 14 BILL BRADLEY PRESIDENTIAL FUND-RAISER IN NEW YORK CITY. QUOTED IN *THE NEW YORK TIMES*, NOVEMBER 16, 1999.

PRIZEWINNER

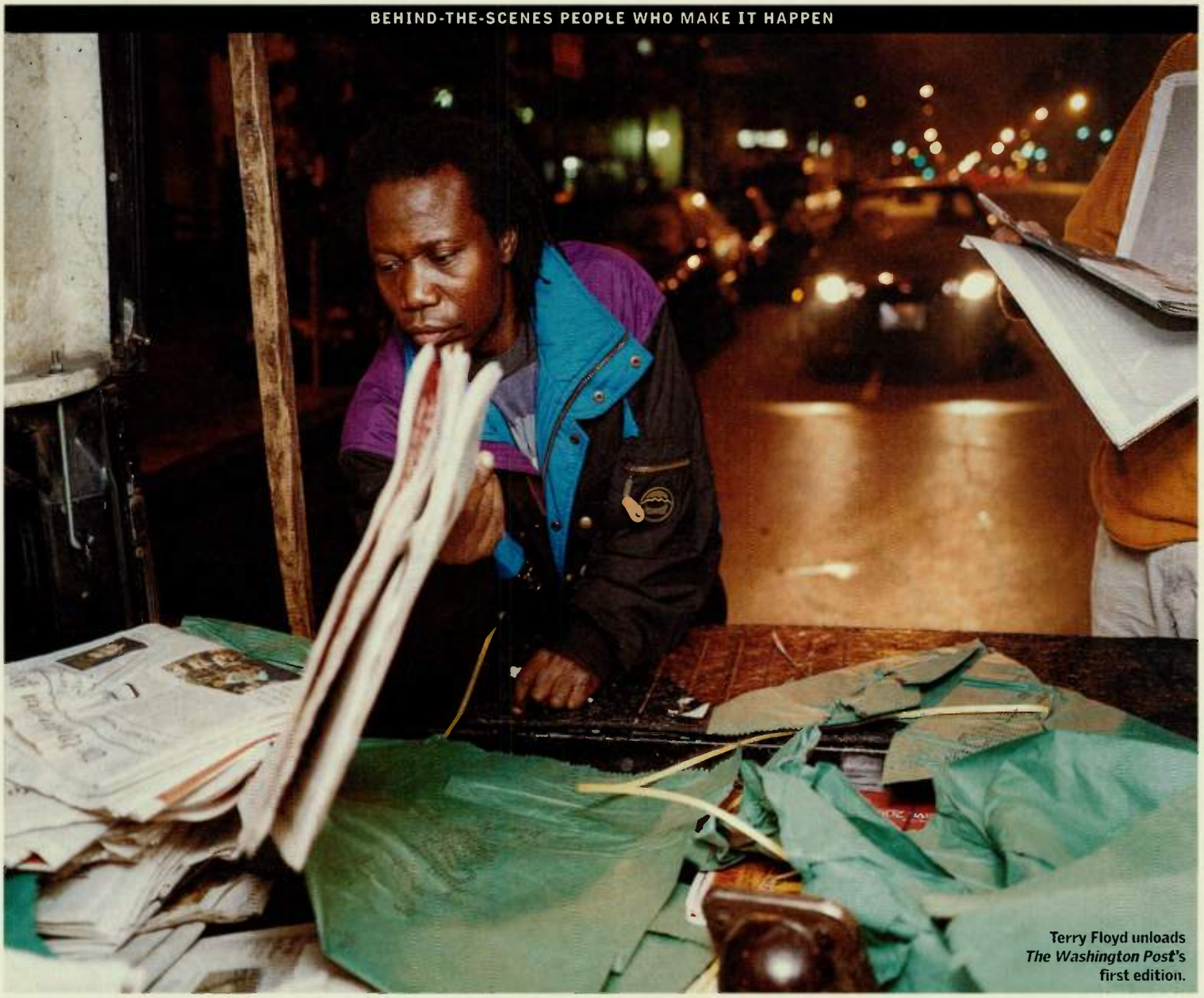
PIN THE TALE

This month we unveil what we expect will become a recurring Notebook feature: the Anonymous Sources Say award. We scanned the front pages of the country's top 25 newspapers by circulation (according to the Audit Bureau of Circulations's most recent figures) from November 15 and tallied the times each backed up a fact with "sources say" or some variation of that vague attribution.

The winner of our first (oh, all right) A.S.S. award is...The Associated Press, for its story about information that emerged from the cockpit voice recorder recovered from the wreckage of EgyptAir Flight 990, which crashed into the Atlantic on October 31. Versions of the story made the Minneapolis *Star Tribune*, *The San Diego Union-Tribune*, the *Houston Chronicle*, the *Denver Rocky Mountain News*, *The Denver Post*, and Newark's *Star-Ledger*. *The Boston Globe* and *USA Today* cited the AP report in their staff-written stories on the subject.

In the story, AP's Pat Milton cited "a source close to the investigation" as having said the plane's pilot and copilot "talk like pals" while trying to fix an unidentified problem after "alarms go off." Milton's story then used "the source said" three more times in quick succession to back up pieces of information, among them that "investigators can probably rule out hijacking, suicide, or a fight between the two [pilots]" as theories to explain the crash. It wasn't long, of course, before the suicide theory became *the* theory. JULIE SCELFO

BEHIND-THE-SCENES PEOPLE WHO MAKE IT HAPPEN



Terry Floyd unloads *The Washington Post*'s first edition.

HOT OFF THE PRESSES

MEDIA LIVES

TERRY FLOYD
Newspaper deliveryman

It's 11 o'clock on a cold November night, and the sidewalk outside *The Washington Post*, in the northwest section of Washington, D.C., is quiet. A few cabs whiz past. Then Terry Floyd pulls up in front of the *Post* in his black Toyota pickup truck, as he does 365 days a year. Stacked in the truck's bed—still warm from the *Post*'s presses in College Park, Maryland—are bundles of the newspaper's first edition, a precious commodity in this city that thrives on news.

It doesn't take long for a small crowd to form as people step from the shadows and jump from double-parked cars. The friendly, Jamaican-born Floyd hops out of the front of the truck and drops its back gate. Within about three minutes, he has sold 80 copies of the paper at 25 cents apiece.

Floyd says his regulars—some of whom he has known since he took on this late-night job, 12 years ago—include employees from NBC News, United Press International, and *USA Today*. Some customers rush off to deliver multiple copies to waiting newsrooms. Others drift away.

Floyd doesn't make much money from stopping in front of the *Post*. "If I had to rely only on selling the paper [at the *Post*]," he says with a laugh, "I wouldn't be here, trust me." It's on the rest of his route, the 42-year-old Floyd says, that he rakes it in, earning more than $200 a night delivering the paper to what he describes as "rich people." He makes nine more stops after leaving the *Post*. At the National Press Building, he drops off 22 copies, mostly to foreign news organizations that pay $6.95 apiece for the paper. The price goes up the further Floyd gets from the center of the city; he charges one suburban Virginia customer—Saudi Arabia's U.S. ambassador—$25 for a copy.

Floyd says one of his busiest nights came in 1995 when the *Post* published the 35,000-word manifesto written by Theodore Kaczynski, a.k.a. the Unabomber. Says Floyd: "That was a very special night. I must have sold 300 papers."

ROBERT SCHMIDT

ANNA CURTIS

UNCHECKED

A *DATELINE* EXCLUSIVE: SHEEHY'S BAD PASSAGE

Gail Sheehy

On November 29, author Gail Sheehy appeared on *Dateline NBC* to offer up some of the juiciest tidbits from *Hillary's Choice*, her new biography of Hillary Rodham Clinton. By the following night, a spokesman for the first lady turned U.S. Senate candidate was labeling "totally incorrect" one of Sheehy's key revelations, forcing the author to qualify her claim. *Dateline*, on the other hand, is standing by the disputed story.

Among Sheehy's most emotionally loaded observations is that Clinton's father, the late Hugh Rodham, was "a very punishing man" whom the first lady "was unable to please" (as Sheehy put it on *Dateline*). So tense were relations between the two, Sheehy writes, that Rodham failed to show up when his daughter delivered the commencement speech at her 1969 graduation from Wellesley College (in fact, Sheehy claims the entire Rodham family was absent).

The missing-father revelation is just the kind of life-defining event around which an armchair psychologist like Sheehy can build an entire profile. On *Dateline*, as in her book, Sheehy did exactly that, using the supposed paternal snub as the prime example of Hugh Rodham's chilliness toward his daughter. Sheehy claims it's that chilliness that explains the first lady's contradictory traits of toughness and insecurity. Fitting Sheehy's thesis as perfectly as it did, the graduation anecdote sounded too good to be true. According to Clinton's aides, it was.

On November 30, Howard Wolfson, spokesman for Clinton's fledgling U.S. Senate campaign, ripped into *Hillary's Choice* on CNN's *Larry King Live* and used the graduation story to shred Sheehy's reporting. "The fact is that Hillary's father was at her graduation," Wolfson told King, adding dismissively, "That's the kind of book [Sheehy's] is." (For more on *Hillary's Choice*, see "Are Books Accurate?" page 74.)

Sheehy calls Wolfson's denial "a so-far-unverifiable challenge." If there was a mistake, she says, Clinton's press representatives are to blame, because they didn't return her calls when she tried to confirm Rodham's whereabouts with them. "I and my Wellesley researchers interviewed any number of people—classmates, professors of Hillary's," Sheehy fumes. "None can remember seeing Hugh Rodham [at the graduation], and they still don't."

One classmate Sheehy didn't interview on the subject is Jan Piercy, who represents the United States on the World Bank's board of directors (President Bill Clinton appointed her to the post in 1994). Piercy tells *Brill's Content* she has vivid memories of watching Hugh Rodham sit at the graduation ceremony and react to his daughter's speech.

Sheehy concedes that she has no sources to contradict Piercy's recollection, and says if she doesn't get proof of Rodham's absence, she'll revise the relevant section when her book enters its second printing. For now, the book states unequivocally that Hugh Rodham was a no-show.

Dateline's Stone Phillips, paraphrasing Sheehy, made the same unequivocal statement on November 29. The show aired a brief follow-up on December 5, saying only that Clinton had disputed the claim. Executive producer Neal Shapiro says that even though Sheehy has backpedaled, *Dateline* plans no further correction.

How did the unproven claim get on the air in the first place? Before the Sheehy segment was broadcast, Shapiro says, *Dateline* producers checked the graduation anecdote with Marsha Berry, the first lady's White House press secretary, who "didn't say it was wrong." But Berry says she didn't say it was right, either. At the time of *Dateline*'s inquiry, she says, she offered a simple "No comment," because she didn't know whether or not Clinton's father was at the graduation. Asked after the *Dateline* segment whether Clinton's father was indeed on hand, Berry is no longer uncertain: "That's what Mrs. Clinton says." MATTHEW HEIMER

TICKER (Source: *Talkers* magazine)

10 Percentage of talk radio listeners who identify themselves as "ultraconservative"

2 Percentage of talk radio listeners who identify themselves as "ultraliberal"

SHEEHY: DANNY CLINCH/CORBIS SYGMA; CHIPPY: ANNE KATRINE SENSTAD

PUNDIT SCORECARD

BLANKLEY ON TOP

In the latest installment of our political-prognostication tote board, in which we track the prescience of TV's weekend savants, *The McLaughlin Group*'s Tony Blankley reclaims the top spot. Among the predictions for which he gets credit: Democrat Bill Bradley "beats expectations" in the October 27 New Hampshire presidential debate with Vice-President Al Gore.

Our house pundit, Chippy the chimp, held on to his spot near the bottom of the pack. His stumbles included picking "yes" when asked whether Matt Drudge would still have a show on the Fox News Channel come the turn of this century. We figured even a chimp would have gotten that one right.

Now, exactly which office was it that Hillary said she might run for?

1	Tony Blankley, MG	(57/89)	.640
2	Eleanor Clift, MG	(76/119)	.639
3	Margaret Carlson, CG	(33/53)	.623
4	Al Hunt, CG	(52/84)	.619
5	Mark Shields, CG	(19/31)	.613
6	Robert Novak, CG	(49/81)	.605
7	William Kristol, TW	(70/117)	.598
8	Michael Barone, MG	(40/67)	.597
9	George Stephanopoulos, TW	(73/123)	.593
10	Cokie Roberts, TW	(24/41)	.585
10	Sam Donaldson, TW	(24/41)	.585
12	Kate O'Beirne, CG	(22/38)	.579
13	Chippy the chimp, unaffiliated	(35/66)	.530
14	John McLaughlin, MG	(51/102)	.500
15	Morton Kondracke, BB	(47/100)	.470
16	George Will, TW	(23/58)	.397
17	Fred Barnes, BB	(44/112)	.393

BB: *The Beltway Boys*; CG: *The Capital Gang*; MG: *The McLaughlin Group*; TW: *This Week With Sam Donaldson & Cokie Roberts*

DATEBOOK

THEY'RE EXPERTS ON EVERYTHING—AND THEY'RE EVERYWHERE

Ever notice how some people's names and faces just keep popping up all over the media landscape? We tracked two of these seemingly ubiquitous talking heads for one month to see which had the highest "expert exposure count."

For the first of these matches, we looked at how presidential historian Doris Kearns Goodwin and former presidential adviser David Gergen spent October. We've color-coded Gergen's movements in black type and Goodwin's in red, and in parentheses we've given a concise description of what was discussed in their numerous appearances in print, on television, and at public events.

Gergen had the initial edge given his regular gigs writing for *U.S. News & World Report* and doing interviews for PBS's *The NewsHour With Jim Lehrer*. But Goodwin proved a formidable competitor. Her secret weapon? Her near fanaticism about baseball in general and the Boston Red Sox in particular. Which, in the end, helped boost Goodwin to victory.

MATTHEW REED BAKER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
OCTOBER 1999	 **David Gergen** 14 sightings		 **Doris Kearns Goodwin** 17 sightings		1	2
3 CNN *Late Edition With Wolf Blitzer* (new Reagan bio) *The Idaho Statesman* (her career as historian)	4 *U.S. News & World Report* (Hurricane Floyd) University of Akron Forum (career and baseball), PBS *The NewsHour With Jim Lehrer* (Reagan bio)	5 *CNN/Time Newsstand* (TV and Nixon), CNN *The World Today* (Gore's campaign) CNBC *Rivera Live* (celebrity pols)	6	7 Town Hall in Seattle (societal progress), *The Scotsman*, Scottish newspaper (new Nixon tapes)	8	9
10	11 PBS *The NewsHour With Jim Lehrer* (female WWII journalists) CNBC *Hardball With Chris Matthews* (Gore campaign)	12 PBS *The NewsHour With Jim Lehrer* (Labor's endorsement of Gore)	13 Ford Foundation's Innovations in American Government Awards competition (led judges panel)	14 Ford Foundation's Innovations in American Government Awards (announced awards)	15 Arianna Huffington's syndicated column (present political chaos) Idaho Humanities Council (compelling history)	16 *The Idaho Statesman* (excerpts from 10/15 lecture)
17 *The Providence Journal-Bulletin* (generational Red Sox fandom)	18	19 Massachusetts State House (public art honoring notable Mass. women, dedication)	20 PBS *The NewsHour With Jim Lehrer* (Marian Wright Edelman) MSNBC *The News With Brian Williams* (Elizabeth Dole)	21	22 Duke University (political leadership past and present)	23 *The Herald-Sun* (Durham, N.C.) (excerpts from 10/22 lecture) *Los Angeles Times* (disgraced bio of G.W. Bush)
24	25	26	27 ABC *Nightline* (Gore/Bradley debate)	28 ABC *Nightline* (GOP debate), National Bank of Commerce (turn-of-the-century presidents) CNBC *Rivera Live* (Pete Rose)	29 Associated Press (excerpts from 10/28 lecture) CNBC *Hardball With Chris Matthews* (presidential candidates)	30
31						

GERGEN: WALLY MCNAMEE/CORBIS SYGMA. GOODWIN: DIANA WALKER/GAMMA LIAISON. GOAT: COURTESY OF COASTAL CASHMERE CO.

MARKETING HYPE

MADE UP OUT OF WHOLE CLOTH?

A supposedly higher grade of cashmere, pashmina was a summer fashion trend that became a fall fashion craze. The craziest thing about this most chic of fabrics? There's evidence to suggest it's not all as chic as it seems.

The price difference between everyday cashmere and its exotic-sounding cousin pashmina is not insignificant: A pashmina scarf can cost twice as much as its cashmere counterpart. Retailers have peddled these soft, colorful garments by saying that they're made from a special form of cashmere.

"Just when you thought cashmere was the very top of the luxury scale, this new shawl goes one step further," reads Lands' End's catalog description of the company's $298 pashmina shawl.

Fashion writers added to the mystique. "Pashmina...is the warmest and most luxurious of legally harvested cashmere," wrote *Women's Wear Daily*'s Wendy Hessen on October 25 in a typical story. "It is found principally on the underside of the Capra Hircus mountain goat."

But Kenneth Langley, a textiles professor at the University of Massachusetts Dartmouth, has compared cashmere and pashmina. "From what I've seen under a microscope," he says, "they're the same." Langley says using the word *pashmina* to sell cashmere represents "a very good marketing technique."

Karl Spilhaus, president of Boston's Cashmere and Camel Hair Manufacturers Institute, scoffs at that technique. "The stuff about [pashmina] coming from the bellies and necks of a special goat is just baloney," he says, adding that what's sold as pashmina is often a blend of cashmere and silk.

On October 15, the *Los Angeles Times*'s Valli Herman-Cohen reported that shoppers should beware of having the wool pulled over their eyes. "In textile dictionaries," she wrote, "the term 'cashmere shawl' and 'pashmina' are synonymous."

Not everyone agrees. Michele Casper, a Lands' End spokeswoman, says the company doesn't plan to adjust its pashmina marketing: "The catalogs have already been distributed."

Some fashion scribes also stood firm. *WWD*'s Hessen, for instance, insists cashmere and pashmina are different and dismisses the skeptics: "I haven't been to Katmandu, so I can't prove them wrong." BRIDGET SAMBURG

And you call it pashmina?

TICKER (Source: *Mediaweek* magazine)

2 Average price in millions of dollars for a 30-second commercial during Super Bowl XXXIV, which will air on ABC on January 30

1.6 Average price in millions of dollars for a 30-second commercial during Super Bowl XXXIII, which aired on the Fox television network last January

The ABC's of Safety: Air bags. Buckle up. Children in back. Outback Limited Sedan shown with optional equipment.

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RECYCLED

POSTMAN WRITES TWICE


Neil Postman

In September, on assignment from *The Washington Post Book World*, I read an advance copy of *Building a Bridge to the Eighteenth Century: How the Past Can Improve Our Future* (Alfred A. Knopf, 1999). This is the most recent book by the cultural critic Neil Postman, who teaches at New York University. Before writing my review of the book, I picked up a paperback copy of *Amusing Ourselves to Death* (Penguin Books, 1985), one of the best known—and most highly regarded—of Postman's 19 other books. I had never read it and thought I should.

But I found myself distracted after reading a sentence on page 51 that seemed very familiar. I had read the exact same sentence on page 149 of the new book. And that was just the beginning. The paragraphs that preceded and followed that sentence—a total of 686 words, almost the length of this article—were also identical in both books.

I then found two other repeated passages—then, in several other Postman books, nine more. The lengths of these text blocks ranged from one sentence to six pages. In one 330-word passage, also lifted from *Amusing Ourselves to Death* and placed in the new book, Postman had changed "records" to "CDs" and "television" to "television and the Internet," a revision that implied he was mindful of the repetition. The examples I found added up to about 15 pages of a 193-page book. None was set off by quotes or marked by footnotes or any other acknowledgment.

On October 25, the *Post* published my review of Postman's book, in which I revealed some of his unacknowledged self-borrowing. I heard nothing; neither did my editor. And so I still wondered: Was this a yawn—or a breach?

According to *Time* managing editor Walter Isaacson, "It's a theological question: Can you plagiarize yourself?" Isaacson, like others I spoke to for this article, could talk only generally, since he hadn't seen the material at issue. But he judged "copying from yourself" to be "lazy at worst, but not major."

"I've only encountered the problem once," says veteran book editor Peter Osnos, the publisher of *Public Affairs*, "and we said to the author, 'You're overrelying on your previous book, and what you need to do is rewrite those passages.' The issue here is the perception that the author is recycling material. I don't think there's an ethical issue here, at least not much of one."

Author James Fallows agrees that this repetition is "not unethical." Most professional writers, he says, would consider it embarrassing, because their primary interest is to be original in material, interpretation, and expression.

It seemed unlikely that Postman would be proud of his repetition. He often asserts in *Building a Bridge to the Eighteenth Century* that technology in general, and computer-assisted education in particular, has sheltered professors "who have run out of ideas, or didn't have any to begin with."

I called Postman and Jonathan Segal, his editor at Knopf, to ask them about what I'd found. Segal responded first and told me he had "absolutely no concern, none whatsoever," that Postman had intentionally done anything wrong. "What I would suggest to you," Segal said, "is that in the normal process of doing your notes, sometimes you forget to attribute things."

When Postman returned my call, he had already spoken with Segal. "My first thought," he said, "was, well, *What's the problem? I'm quoting myself. Should I give myself permission to use it?* Then I thought, *No, maybe because there are a few pages here, probably some acknowledgment should be made.*" He has never repeated passages before, Postman said, but found it appropriate in this book. He intended to discuss with Segal whether or how to acknowledge this, but forgot. Postman says he does not remember how many passages he copied from previous books, or whether I had found most or only a few. He said future editions of the book would carry some note, most likely in the acknowledgments, that parts of the book have appeared before.

Fallows and Osnos agreed that alerting the reader—as is done when books are excerpted in magazines, or articles are folded into books—is the simple solution. At what point does such an acknowledgment become necessary? "I would think the handy guide is when you have to look at something else to re-create it," says Fallows. "A sentence or two sentences that come out of your mind because that's how you think, that's forgivable, though it may suggest you're becoming like a robot. But if you have to physically copy something out, that's another matter."

JOSHUA WOLF SHENK


Millionaire's Regis Philbin amid a blizzard of green

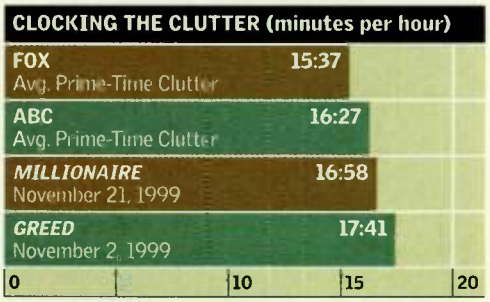
CASHING IN

HOW TO MILK A *MILLIONAIRE*

ABC rode the dramatic success of *Who Wants To Be A Millionaire* to its first November sweeps victory since 1992. That made us wonder whether the network—already the industry leader in packing nonprogram material, or clutter, into prime time*—might try to squeeze more ads and promos into the popular game show than it does into other prime-time offerings.

To find out, we set a stopwatch on a randomly chosen one-hour episode of *Who Wants To Be A Millionaire*. For comparison, we did the same thing with a one-hour episode of Fox's counterpart, *Greed*. Here's what we found. JULIE SCELFO

CLOCKING THE CLUTTER (minutes per hour)



*The 1998 Television Commercial Monitoring Report from the American Association of Advertising Agencies and the Association of National Advertisers, Inc., 1998

POSTMAN JERRY BAUER. BOOK NORMAN. REGIS NEAL PETERS COLLECTION

A.M. "Abe" Rosenthal

TIMES TALK

JUST AX ABE

Adolph Ochs, the patriarch of the family who owns *The New York Times*, vowed that the paper would cover the news "without fear or favor." On November 5, the *Times* covered one story with what looked like a little of both.

On that day, A.M. "Abe" Rosenthal—whose career had included a Pulitzer Prize and stints as managing editor, executive editor, and, since 1987, op-ed columnist—ended a half century at the *Times*. The paper ran three articles on the subject and never once told its 1.1 million readers he had been forced out.

Rosenthal used his November 5 column to sum up his career. The paper ran a farewell tribute to him on the editorial page and a Metro section story. None mentioned what had prompted Rosenthal to leave. The news story noted that "a few weeks ago" it became "clear that his weekly column 'On My Mind,' was near an end." But the story didn't contain comment from anyone in *Times* management.

Those who wanted to know what was really going on had to turn to *The Washington Post*'s "Rosenthal Gets Pink Slip From N.Y.'s Gray Lady" story.

"I thought it was downright strange that the *Times* would make such a big deal about Rosenthal's departure and yet never mention why he was leaving," says Howard Kurtz, who wrote the *Post* story.

Should the *Times* have told the full story? Rosenthal himself wouldn't bite. But, saying "it's very hard to cover yourself aggressively," executive editor Joseph Lelyveld admits the omission was intentional. "We wanted to pay tribute to Abe's career on the paper," he adds, "and leave it at that." JESSE OXFELD

ROSENTHAL: GREGORY PACE/CORBIS SYGMA. NEWSPAPERS: NORMAN

ACCESSIBILITY REPORT

WITHIN YOUR REACH?

You're reading the daily paper and find an article you know is inaccurate, unfair, or incomplete. Does the paper give a clue as to whom to contact? Inspired by a letter from a Portland *Oregonian* reader, we looked at 16 U.S. dailies to gauge their accessibility. Some of the biggest—*The Wall Street Journal*, *The New York Times*, and *USA Today*—give the most meager contact information. Others print e-mail addresses for staff writers of every bylined story. But offering such information goes only so far. As Jeff Dozbaba, deputy managing editor of *The Arizona Republic*, says: "If papers are going to do this, they need to be responsive." AMY DITULLIO

THE (PORTLAND) OREGONIAN A

Ombudsman/reader rep. contact info? Yes, phone, fax, e-mail on page 2
Section editors' contact info? Yes; phone on front-page banner of every section; e-mail information on page 2
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE MIAMI HERALD A

Ombudsman/reader rep. contact info? Yes; phone next to last page of section A
Section editors' contact info? Yes; phone, e-mail at bottom of every section front except page 1
Reporters' contact info? Yes; e-mail at top of every bylined news story

FORT WORTH STAR-TELEGRAM A

Ombudsman/reader rep. contact info? Yes; phone, e-mail on page 2
Section editors' contact info? Yes; phone, e-mail on page 2 of every section
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE ARIZONA REPUBLIC A

Ombudsman/reader rep. contact info? Yes, phone on page 2
Section editors' contact info? Yes; phone, e-mail at top of every section
Reporters' contact info? Yes; phone, e-mail at bottom of every news story

ATLANTA JOURNAL-CONSTITUTION A-

Ombudsman/reader rep. contact info? Yes, phone, fax, e-mail on page 2
Section editors' contact info? Yes; phone, e-mail on inside page in weekly sections
Reporters' contact info? Yes; e-mail at top of every bylined news story

THE SEATTLE TIMES B

Ombudsman/reader rep. contact info? Yes, phone on page 2 for executive editor, who fills this role
Section editors' contact info? Yes; phone, e-mail in Monday business section, Sunday travel, and one of four community supplements
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE VIRGINIAN PILOT B

Ombudsman/reader rep. contact info? Yes; phone on page 2
Section editors' contact info? Yes; in some weekly sections
Reporters' contact info? Yes; phone at end of each bylined news story, as well as e-mail if reporter has it

(MINNEAPOLIS) STAR TRIBUNE B

Ombudsman/reader rep. contact info? Yes; phone on page 2
Section editors' contact info? Yes; sections generally have editors' phone, e-mail info on bottom right of front
Reporters' contact info? Yes; business reporters' phone, e-mail info in Sunday and Monday editions

LOS ANGELES TIMES B-

Ombudsman/reader rep. contact info? Yes; on page 2 in Los Angeles–area editions
Section editors' contact info? Yes; phone, fax, e-mail for weekly sections
Reporters' contact info? Yes; e-mail, but only intermittently in some sections

THE PROVIDENCE JOURNAL C+

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; phone on page B3
Reporters' contact info? Yes; Local editions' reporters' phone, e-mail appear intermittently

THE WASHINGTON POST C-

Ombudsman/reader rep. contact info? Yes; attached to weekly Sunday column
Section editors' contact info? Yes; phone, e-mail in weekly sections
Reporters' contact info? No

SAN ANTONIO EXPRESS NEWS D

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; phone, e-mail for most sections
Reporters' contact info? No

CHICAGO SUN-TIMES D

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; some sections, including business and sports
Reporters' contact info? No

THE NEW YORK TIMES F

Ombudsman/reader rep. contact info? No
Section editors' contact info? No
Reporters' contact info? No

THE WALL STREET JOURNAL F

Ombudsman/reader rep. contact info? No
Section editors' contact info? No
Reporters' contact info? No

USA TODAY F

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; e-mail, but only for sports department
Reporters' contact info? No

TICKER

(Source: Deloitte & Touche Millennium Survey)

91 Percentage of corporate executives who say they expect to turn to the Internet for business news in 2006

50 Percentage of corporate executives who say they expect to turn to a daily newspaper for business news in 2005

35 Percentage of corporate executives who say they expect to turn to television for business news in 2005

NOTEBOOK

TICKER

(Source: CNET, techies.com, "American Views on Technology" poll)

75 Percentage of Americans who believe that parents should encourage their children to study technology over business

72 Percentage of Americans who believe that parents should encourage their children to study technology over medicine

58 Percentage of Americans who believe that parents should encourage their children to study technology over law

UNDERDOGGED

WARNING: *THE WALL STREET JOURNAL* DOESN'T KID AROUND

In October, the publishers of two child-oriented newspapers named the *Small Street Journal*—one in Maine, the other in Mississippi—got letters from a Dow Jones & Company lawyer. The lawyer demanded that the publications change their names. Why? Because, the lawyer wrote, the title was "confusingly similar" to that of the company's flagship publication, *The Wall Street Journal*. Below we compare *The Wall Street Journal* to Maine's version of the *Small Street Journal*. We'll let you sort out the confusing similarities.

Confused? *The Wall Street Journal* is the one on the left.

ISSUE	November 8, 1999	November 1999
PRICE	75 cents	free
CIRCULATION	1.8 million	6,000
SLOGAN	The World's Most Important Publication	The Newspaper Dedicated to Children
FULL-PAGE AD	$149,000	$540
FRONT-PAGE STORY	"Speaking Up: Hastert Finds Leading in House Isn't the Same As Being in Charge"	"Eastern Maine Children's Museum: This is what an artist thinks the lobby of the museum will look like"
NEWS YOU CAN USE	"A federal judge found Microsoft Corp. to be a relentless, predatory monopolist in a harsh and far-reaching rebuke to both the company and Bill Gates..."	"The third annual woolly worm prognostication ceremony in Lewisburg, Pennsylvania, has concluded there will be a harsh winter this year."
LETTER TO EDITOR EXCERPT	"Patrick J. Buchanan defends himself from my charge of anti-Semitism with a fancy display of evasive polemical tactics." NORMAN PODHORETZ	"We think your newspaper is great! It's filled with lots of fun stuff and the contests are really fun." MRS. MILLER'S FIFTH-GRADE CLASS, HOLBROOK MIDDLE SCHOOL

SPORTS ON THE WEB

AN ONLINE STAND

Come the Super Bowl kickoff on January 30, dozens of writers in the press box of Atlanta's Georgia Dome will have their game coverage published instantly on their news organizations' websites. But those who file detailed online reports more than once each time a team gives up the ball face the threat of having the National Football League bar their news outlets from future games.

The Internet allows newspapers to "publish" information instantly. But professional sports leagues consider that "broadcasting," which they've long controlled exclusively.

"[The NFL] owns two property rights: the excitement of being there and the uncertain outcome," says NFL senior vice-president of business affairs Frank Hawkins.

Patrick Stiegman, editor of *The Milwaukee Journal Sentinel*'s JS Online, has tested the NFL's ball control. Between 1996 and 1998, Green Bay Packers fans could get a steady stream of play-by-play, analysis, game statistics, and photos from reporters at the game who were writing for the Packer Plus Online site. Early in 1998, Stiegman says, the NFL "encouraged us to be more editorial and do less play-by-play."

Stiegman complied—because he had to. If he hadn't, the NFL could have pulled his credentials to cover the games, which are privately owned.

The NFL is not alone in engaging in such Net control. Last February, the PGA Tour tried to stop the Jacksonville-based *Florida Times Union*'s plans for online coverage of a local tour event. Editor Patrick Yack says tour officials backed off when he threatened to curtail his coverage of the event.

Money is at stake. The leagues receive fees from the coproducers of their authorized sites, which feature play-by-play or instantly updated game statistics. The NBA is also trying out subscriber-based features. Two years ago, hoop fans could hear free real-time radio broadcasts from various station websites. Now the league requires a $20 audio pass available only on NBA.com. Meanwhile, NFL.com, which offers exclusive play-by-play and real-time stats, gets revenue from such league sponsors as Motorola, United Parcel Service, and Visa.

But the NFL's Hawkins says the league benefits from allowing limited game commentary on newspaper sites—for the same reason it lets radio reporters who don't work for an official network station periodically phone in live game updates to their stations. "It's enough so that if you're listening and you're close to a TV," he says, "you might turn it on."

In addition to the *Journal Sentinel* crackdown, the NFL questioned online coverage by the *Times Union* and the *St. Paul Pioneer Press* in 1998. Those actions led to the current compromise: Online writers can comment once after a team has scored or relinquished the ball.

The *Journal Sentinel*'s Stiegman says that when the NFL stopped Packer Plus Online from publishing play-by-play, he posted a note telling fans who was to blame and then got copies of "20,000 to 25,000 irate e-mails" addressed to the NFL. But three years later, Packer Plus receives 500,000 page views on a game day. Says Stiegman: "Users are not so interested that [Packer running back] Dorsey Levens picked up two yards. They want the big picture." DAVID BRAUER

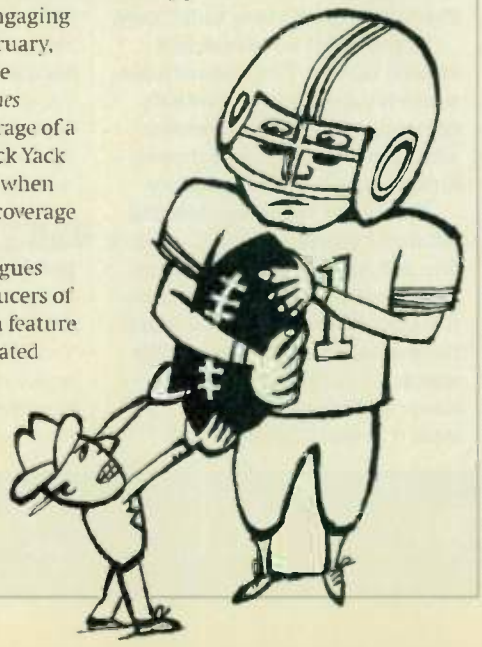


ILLUSTRATION: SCOTT MEDKIN, NEWSPAPERS NORMAN

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WHEN SUBJECTS OBJECT

AND THE SURVEY SAYS...

Last year, *The Kansas City Star* undertook an ambitious reporting project about AIDS and sexual orientation among Roman Catholic priests (as of mid-December, the results of the project had not yet been published).

As part of their reporting, *Star* staffers did something that apparently no newspaper had done before: In October, they sent a survey to several thousand randomly selected priests across the country, asking recipients to answer nine questions about their experiences with homosexuality and AIDS.

"Dear Father," began the letter that accompanied the survey, "[t]he AIDS epidemic has had a powerful effect on society. We have come to understand that the disease also had a devastating impact on groups whose members are unable to speak up about the difficulties they have endured." Among the attached questions: "How would you identify yourself sexually?"

The Reverend Glenn Mueller, a priest who lives in Kansas City, Missouri, and who considers the *Star* a "fair and balanced" newspaper, says he was nonetheless stunned when he received the survey: "What I especially question here is the way in which this research was conducted, having such personal questions asked so impersonally."

William Donohue also questioned the *Star*'s reporting methods. Donohue, the president of the Catholic League for Religious and Civil Rights, decided to give the *Star* a sense of how it felt to be on the receiving end of such invasive queries. Donohue devised his own unconventional nine-question survey, which he sent to each of the *Star*'s 74 editorial employees.

Donohue's letter began: "Dear *Kansas City Star* Staff Person: The AIDS epidemic has had a powerful impact on society. We have come to understand that the disease also had a devastating impact on groups whose members are unable to speak up about the difficulties they have endured....By participating in this survey, not only can you help us more accurately determine the scope of the disease within the journalism profession...." Among Donohue's questions: "Do you know any journalist who doesn't have HIV or AIDS?"

"Of course I was being irreverent," says Donohue of his questions. "I was proving a point."

In November, *Star* editor and vice-president Mark Zieman reported that response to the questionnaire had been impressive. "I can tell you that we've had an excellent dialogue with Catholic priests across the country and leaders in the church," says Zieman. "[I]t's clear that the Catholic League does not represent the church's views in this matter."

And how many members of the *Star*'s editorial staff answered Donohue's survey? "Let me check," he says. "Um—none." BOB ICKES

RULE BENDING

SO WHAT'S A WATCHDOG TO DO?

When some 200,000 of *SmartMoney*'s 612,444 subscribers got their November issues, they may have been surprised to see actor Jerry Orbach smiling out from what looked a lot like the cover. But Orbach was appearing in an ad for the TD Waterhouse brokerage that wrapped around the cover and looked just like the typical *SmartMoney* front. Only the TD Waterhouse banner across the bottom signaled otherwise.

The New York Times reported on November 8 that the wrap had attracted the attention of Marlene Kahan, executive director of the American Society of Magazine Editors. According to the *Times*, Kahan had called *SmartMoney* publishing director Christopher Lambiase to "complain" about the cover wrap, which appeared to violate ASME guidelines related to distinguishing advertising from editorial content. But the *Times* article didn't mention what action ASME planned to take against *SmartMoney*, a joint venture of Dow Jones & Company, Inc., and Hearst Communications, Inc. When *Brill's Content* called Kahan to find out, she was resolutely tight-lipped.

Kahan wouldn't say if the magazine had been sanctioned, citing a board policy barring the public discussion of society members' private conversations. ASME president Jacqueline Leo, editorial director of *Consumer Reports*, would say only, "ASME did have a conversation with *SmartMoney*, and...[e]verybody was satisfied." But the wrap skirted at least three ASME guidelines (online at www.asme.magazine.org), including: "The publication's name or logo should not appear on any advertising pages except when advertising the magazine's own products and services."

SmartMoney maintains that no editorial staffer knew about the ad until after the magazine's release. Calls to Steven Swartz, president and editor in chief, and Lambiase were returned by *SmartMoney* spokeswoman Andrea Kaplan, who says the magazine had "every intention" of using a disclaimer on the wrap. That information, she says, was somehow deleted. Even with a disclaimer, the wrap violated ASME rules because it prominently displayed the magazine's logo.

One potential sanction: expulsion from consideration for ASME's National Magazine Awards. Frank Lalli, *George*'s editor and a past ASME president, says such an action is taken only when magazines repeatedly and willfully flout the group's rules.

The TD Waterhouse wrap was not the first of its kind for *SmartMoney*, which sent 15,000 copies of its August 1998 issue to doctor's offices wrapped with an ad touting Claritin allergy medicine (it was labeled "advertisement"). Kahan wouldn't say whether she knew of that one.

To TD Waterhouse, the cover wrap seemed like a clever promotional tool. "As an advertiser you want to get the biggest bang for the buck," says Jennifer Waterhouse, the brokerage's first vice-president, marketing, "and you always try to think of new ways to do that."

KIMBERLY CONNIFF

TICKER

(Source: Project for Excellence in Journalism)

43 Percentage of local television news stories that are 30 seconds or shorter

70 Percentage of local television news stories that are one minute or shorter

16 Percentage of local television news stories that are longer than two minutes

ILLUSTRATION SCOTT MENCHIN; MAGAZINE NORMAN

COMMENTARY THAT HITS

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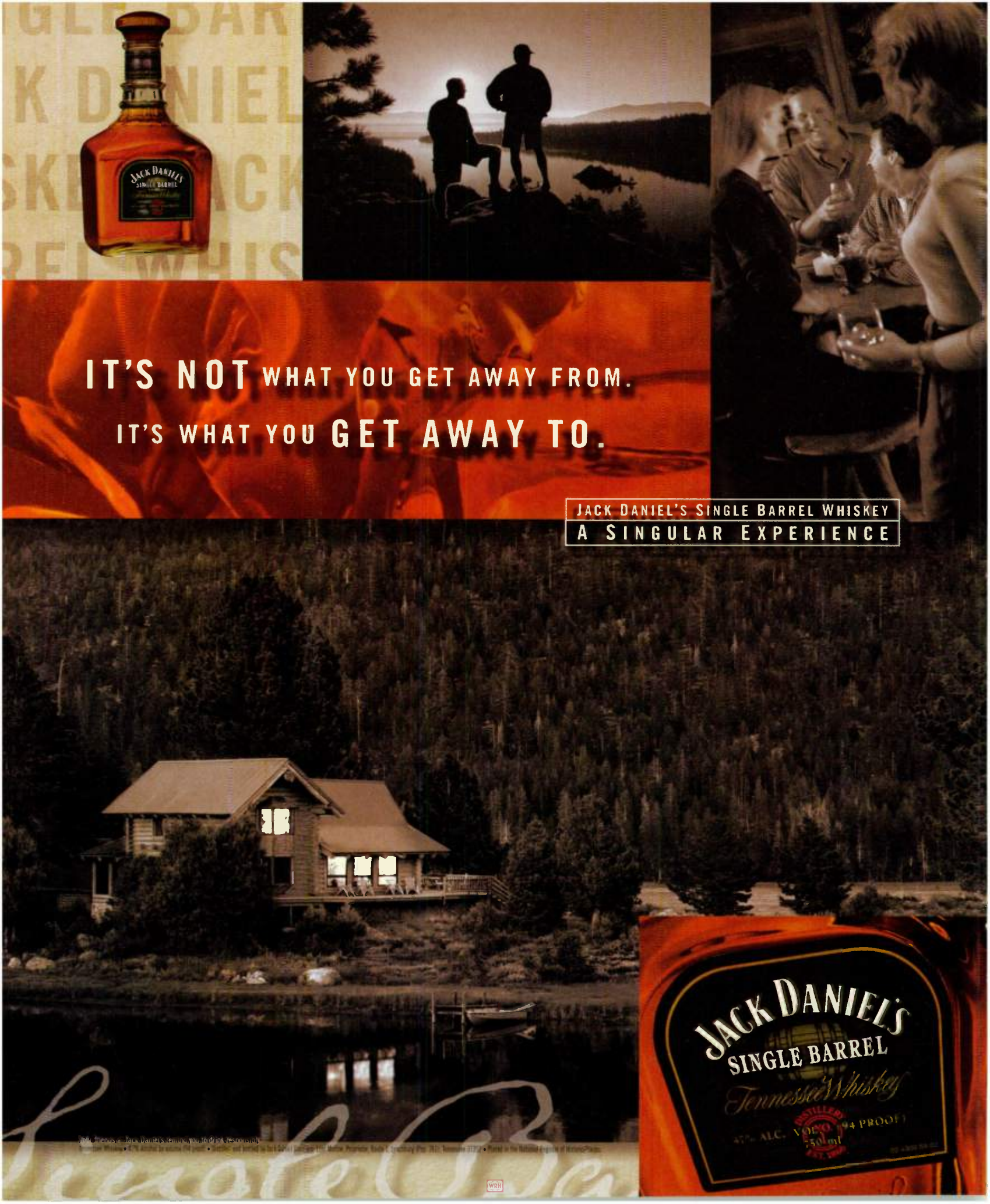
IT'S NOT WHAT YOU GET AWAY FROM.
IT'S WHAT YOU GET AWAY TO.
JACK DANIEL'S SINGLE BARREL WHISKEY
A SINGULAR EXPERIENCE
JACK DANIEL'S
SINGLE BARREL
Tennessee Whiskey

no more virgins

The L.A. *Times* blew it by sharing ad revenue with the subject of a special report, but other news organizations come closer every day to crossing that same hazy line. BY ERIC EFFRON

I remember it, in a way, as the day I lost my virginity. I had recently taken over as editor of *Legal Times*, one of several publications in my company, and the editors were gathered with the company's publishers to talk budgets and the like. At one point in the meeting, all of the editors were asked by our CEO and editor in chief, who is now CEO and editor in chief of this magazine, to rate, on a scale of 1 to 10, how interesting and important we considered various subjects. Then the publishers rated them according to their potential to draw advertising revenue into the papers' special sections. In the end, the topics that had the highest combined scores—ones the editors and the publishers both liked—were given the green light.

Prior to that meeting, I had thought my job as a journalist was to find out what was happening and to tell people. Pretty basic—and pretty naive. But as I found myself engaged in an exercise that involved some compromising of that standard, I started to realize that my job also included contributing to the financial well-being of my publication and of my company. In the case of these special sections, the subjects we decided to pursue were deemed important, and we never did a special section we thought would hold little interest for our readers. But I had to admit that without the added incentive of their advertising potential, we may not have bothered with many of them, or we would have packaged them differently.

I'm telling you this to establish my credentials (chiefly, hypocrisy) to discuss a topic that is generating lots of heat in journalism circles these days, but, I'm afraid, not much light for consumers—the controversy surrounding the *Los Angeles Times*'s business arrangement with the Staples Center sports complex. A furor erupted in late October with the disclosure that the *Times* had established a partnership with the new downtown arena under which advertising revenue from a special October 10 issue of the *Times*'s Sunday magazine—devoted entirely to the center—would be split with the center's owners. When word of the venture was revealed by other publications in L.A., the *Times*'s journalists went ballistic; top executives on the business side, including Times Mirror CEO Mark Willes and *Times* publisher Kathryn Downing, were chastened and contrite; and newspapers and magazines nationwide covered the ordeal in tones steeped in outrage (and laced with superiority).

"Simply put: Journalists are not supposed to have financial relationships with the subjects they cover," declared Sharon Waxman of

JOEL HOLLAND

The Washington Post. (Oh, that's the same *Washington Post* that recently announced a big joint venture with NBC, a unit of General Electric, in which the *Post* and the network will be sharing reporting resources and doing a lot of cross-marketing. *The Washington Post* covers GE and NBC, along with its competitors, of course.)

"It is unusual for a newspaper to share profits with an institution that is the focus of continuing news coverage," wrote Felicity Barringer in *The New York Times*. (Oh, that's the same *New York Times* that gets a cut of any book sold on barnesandnoble.com accessed via the book reviews on the *Times's* own website. The *Times* covers Barnes & Noble and its competitors, of course.)

"To give the subject of the paper's journalism a share in revenues seemed like a dangerous compromise of the paper's objectivity," offered Cathy Booth in *Time*. (Oh, that's the same *Time* that was subjected to criticism last year when it announced it would run a quarterly series on the environment with Ford Motor Company as the sole sponsor. *Time* covers Ford and its competitors, of course. And week after week, *Time*'s reviews of its parent company's movies, music, TV shows, and other products help determine those products' success.)

ALL OF THE SHOCK OVER THE L.A. *TIMES* INCIDENT MASKS A DEEPER PROBLEM: IT'S NOT THAT THE DEAL IS SUCH AN ABERRATION. IT'S NOT. THE TREND IS FOR JOURNALISTS TO WORK WITH BUSINESS-SIDE EMPLOYEES.

My point isn't that the *Los Angeles Times*'s deal with Staples isn't a problem or that the financial entanglements of *The Washington Post*, *The New York Times*, or *Time* are of an equal magnitude. But all of the supposed shock and dismay surrounding the L.A. *Times*–Staples incident masks a deeper problem: It's not that the deal is such an aberration but, rather, that it isn't.

Newspapers, including the great ones, increasingly offer advertising-driven sections on everything from computers to dining out to automobiles. Many papers have entered into promotional deals with the teams they cover. (Tribune Company flat-out owns the Chicago Cubs as well as the *Chicago Tribune*, while the company that owns *The Dallas Morning News* recently invested in the Dallas Mavericks basketball team and in the city's planned new arena.) The trend, exemplified most dramatically by the *Los Angeles Times* itself, is for journalists to work with business-side employees to develop products and marketing campaigns. The picture is even muddier on television, where the major networks are part of huge entertainment conglomerates that see their news divisions as profit centers and as promotional platforms for their many products. The notable thing about a recent CNN report about the new arena in Atlanta was a silent protest by the producers who felt the report was inappropriate. (Both the network and the arena are owned by Time Warner Inc.) As for the blurring of the lines between commerce and content on the Internet: Don't even get me started.

How corrupt was the *Los Angeles Times*–Staples deal and how shocked should we be? It's worth looking at the details so we can come to terms with exactly what the problem was, as well as where we think the lines should be drawn. (Some of the best reporting about the controversy—once the news broke—has been in the *Times* itself, and after some hesitation, the *Times*'s editor, Michael Parks, has assigned the paper's media reporter to do a thorough investigation.)

According to an account in the paper by Michael Hiltzik and Sallie Hofmeister, the brouhaha had its origins in the *Times*'s becoming a "founding partner" of the Staples Center, which meant that after paying the center $3 million a year, the *Times* became one of ten companies with the right to place promotional signs around the arena and use a luxury suite. The arrangement also calls for the *Times* and the arena to pursue additional joint promotional efforts.

Downing, the publisher, got behind a special magazine devoted to the center as such a joint venture, with the paper and the center splitting the profit the publication generated. (By most accounts thus far, the editorial side was not informed about the arrangement until after the magazine was printed, which, ironically, served to protect the editorial integrity of the project. Downing has said it was her decision not to mention the profit-sharing arrangement to Parks, the editor.)

At first, the project was expected to be "advertorial," produced in consultation with the Staples Center and not involving editorial personnel, Hiltzik and Hofmeister reported. "Sources say that the Sunday magazine's business director, worried that the advertorial might drain away magazine advertising, fought for the Staples Center publication to be a regular issue of the magazine...," they wrote. "Despite the transformation of the publication from a promotional vehicle to an issue of the magazine—a production of the *Times*'s editorial staff—the issue inherited its status as a profit-sharing venture with the arena."

So that's how they got into this mess. What should we, as consumers, get out of it?

First, we should be wary when news organizations, including the great ones, cozy up to, let alone go into business with, the powerful interests they're supposed to be covering. Second, the *Times*'s embarrassment shows just how slippery that slope from advertising to advertorial to editorial really is. And third, we should be insisting that when such deals lurk in the background, with their potential for creating conflicts of interest and masking hidden agendas, they should be transparent, so as consumers we can at least try to render some independent judgments about those potential conflicts and agendas.

Journalism cannot be divorced from commerce or commercial considerations; there are few virgins out there. But news organizations that want to distinguish themselves with their integrity, and not just their profitability, need to know that while the owners have every right to care about the latter, their customers care about—and will reward—the former. ■

Keep those blurry messages coming. E-mail me at eeffron@brillscontent.com

IF MONEY IS THE ULTIMATE GOAL, WHY DO BILLIONAIRES KEEP WORKING?

Oliver Lilude Photography for FORTUNE. ©1999 Time Inc

READ YOUR FORTUNE®

code of silence

Teen drinking is on the rise—in part because many parents secretly let their kids drink at home. When the *Monitor* tried to air the issue, the response was sobering. BY MIKE PRIDE

Certain news photographs lodge in the mind, conveying more than mere images. Classic examples include the marines' raising the flag on Iwo Jima, John-John Kennedy saluting his father's funeral procession, and the naked girl fleeing a napalm strike in Vietnam.

This phenomenon can be local, too. When I think of teenage drinking in my community, I'm reminded of a photo that led page one of the *Concord Monitor*, the newspaper I edit, more than three years ago. It was a picture of a mother's anguish as she laid her hands on the casket of her 17-year-old daughter. She seemed at once to need the support of the casket to keep from collapsing and to be pulling away from the daughter she could no longer touch. The woman's name was Ginger Blanchard. Her daughter's name was Brooke. Brooke died when the driver of a car she was riding in lost control at a high speed. The driver was tried as a juvenile so there was no public record of the boy's blood-alcohol level, but Blanchard believes he had been drinking.

This photograph came vividly to my mind recently as I sat down to write a tough editorial in the *Monitor* about a teen drinking debate at the local high school. The immediate issue was confusion at the school over a policy governing student athletes. The policy states that athletes must sign a contract promising not to drink, use tobacco, or abuse drugs. The first offense is punishable by a suspension for a quarter of the team's season. A controversy arose after school officials decided that too many athletes were getting away with breaking the policy and began trying to amend the rule.

To guide the paper's editorial position, I called school officials, who helped me broaden the perspective we took. I found that the issue really was not so much the policy for athletes or the controversy over its latest application; the issue was the secrecy with which teenage drinking is treated in the community and the dimensions of the problem beneath that cloak of secrecy. This problem needed a public airing in Concord, no matter how uncomfortable people felt talking about it.

According to the school officials with whom I spoke, teen drinking is worse now than it has been in a long time. Children are also experimenting with alcohol at younger and younger ages. And parents are sending their teenagers a mixed message, allowing them to drink at home even though it is against the law.

Many student athletes violate the no-drinking contract, but very few are caught. Some parents consider the policy unfair because it excludes nonathletic extracurricular activities. Yet the link between alcohol abuse and high school athletics is strong. As for parents' role in these issues, the key paragraphs of the *Monitor*'s editorial explained their attitudes:

"Once they sign the contract, a great many Concord High athletes violate it at will. Almost none pay the price. Often their parents know about these violations—even observe them—but they prefer to tolerate and even accept this behavior rather than see their children suffer the consequences of breaking their promise.

"The parents' reasoning goes like this: If my kid's going to drink, I don't want him to drive. If I let him and his friends drink at home, I can keep them from getting behind the wheel. Being on the team is important to my kid's self-esteem. Suspension from the team is too high a price to pay, so let's not talk about it."

Ultimately, the editorial called for an open debate of Concord's


Franklin cuts 4 teachers – B-1

Portrait of a tough guy – C-2

CONCORD MONITOR

Concord

Safety board created

Teen crime, domestic violence on agenda

Hopkinton

Tragedy links youth, speed

Parents pray teens will learn

NORMAN

teen drinking problem, and not simply a narrow look at the terms of the contract that student athletes must sign.

Community reaction to the editorial was interesting. I've had sons at the high school for most of the last 14 years, and I coached youth baseball for eight years. Thus I know many of the athletes in Concord and their parents. In the days after the editorial ran, several acquaintances approached me to comment that it had said something that needed to be said. Each person knew of situations in which parents had allowed their teens to drink; they all deplored the practice and wondered how parents could condone their children's breaking the law.

Strangely, however, we did not receive a single letter to the editor. I understood why. It's that code of silence. People are reluctant to speak openly about a difficult moral issue, especially when something as important to them as participation in school sports is at stake.

PEOPLE ARE RELUCTANT TO SPEAK OPENLY ABOUT A DIFFICULT MORAL ISSUE, ESPECIALLY WHEN SOMETHING AS IMPORTANT TO THEM AS SCHOOL SPORTS IS AT STAKE.

Still, we knew public interest was high, and it seemed important for the newspaper to do some aggressive reporting on the subject. This proved to be no easy task.

When the parent-teacher-student organization at the high school scheduled its next meeting, parents were invited to come and share their stories and thoughts about the no-drinking contract for student athletes and the issue of teen drinking in general.

In part because the paper had played up the issue and published a strong editorial encouraging discussion, the meeting drew the largest crowd in at least two years for a parent-teacher-student organization meeting. But the day of the meeting, the organization's president and the high school principal informed our reporter, Ann Marimow, that she would be barred from covering it. They reasoned that if they admitted a reporter, people would be reluctant to speak their minds.

Although I understood this position, it made me angry. I'm afraid that I wasn't as polite as I should have been in discussing it with the PTSO president. But we intended to cover this meeting. We believed that the law was on our side—how can you hold a public meeting in a public building and keep out the press? But the law is, or should be, the last resort in public access cases. When I cooled off, I realized that persuasion is always preferable to coercion.

Speaking with the principal, I went back to our editorial's main point: Teen drinking was an issue that the community needed to discuss. Realizing that the school's position had some merit, we proposed a compromise: For obvious reasons, we seldom grant anonymity to people who speak at public meetings, but it seemed worth bending the rules in this case. Our interest was the parents' experiences, not their names or their children's names. We promised that Marimow would not use the name of anyone who spoke at the meeting without first obtaining that person's permission. The principal relented, and we covered the meeting.

It became clear at the meeting that the contract for student athletes was failing. Only five athletes had been caught breaking it in three years, yet parents acknowledged that some athletes were drinking every weekend without penalty. The meeting did more to define the problem than to solve it, but it was a good start.

As I write this we are pursuing the issue in other ways. One school official told me of a rare case in which a father turned in his son and other student athletes for drinking. Marimow has persuaded that father and another who acted with him to tell their story on the record. In addition, a keg party for the soccer team at another area high school has led to extensive coverage.

We are also hoping that Marimow, perhaps with assistance from other reporters, can penetrate the culture of teen drinking at the high school. This may require more compromises on our part—allowing anonymity in some cases, for example. But we'd like to put human faces on the link between athletes and alcohol, parents' allowing their children to drink in supervised settings, and children's drinking at younger ages.

People often ask what gives a newspaper the right to set the agenda. In this situation, school officials have a relatively narrow mission. They are aware that teen drinking is a community problem and not just a school problem, but their goal is to repair a contract for student athletes that everyone can see isn't working. A newspaper's job is different. It should look beneath the surface of issues to try to enlighten the public about what is really happening. In a case like this, where the subject is taboo, this responsibility is even greater. Besides, in our area—and, I suspect, in many communities across America—there is a haunting picture to remind people of what is at stake in this debate.

The day after we ran the photograph of Ginger Blanchard in the *Monitor*, we received several calls, faxes, and letters from readers who were appalled at what they perceived as an invasion of her privacy. I wrote a column in the paper explaining that our photo editor, Dan Habib, had attended Brooke Blanchard's funeral with her mother's permission. Habib had also described the content of the photograph to Ginger Blanchard the night before we ran it, and she had approved of our using it.

This was the beginning of Blanchard's long and courageous campaign against teen drinking and driving. She succeeded in advocating a law—the Brooke Blanchard Act—allowing juveniles charged with negligent homicide in drunk driving cases to be tried as adults. More important, she traveled across the state telling the story of her loss to high school audiences.

Whether that kind of discussion can happen before a tragedy occurs is the question now before our community. The *Monitor*'s job as a newspaper—in both our editorials and our news coverage—is to encourage the community to face the problem openly, to dig out the facts to inform this discussion, and to provide a forum for the debate. ■

Mike Pride is the editor of the Concord Monitor *in Concord, New Hampshire. His column on editing a daily local paper appears regularly.*

image isn't everything

The author tries to imagine the Donalds and Leonas of the world *before* they hired a reputed PR genius—who has been spinning the unspinnable for 45 years. BY CALVIN TRILLIN

Last fall *The New York Times* ran a long piece on a party given by Howard J. Rubenstein, who is customarily described as the leading public relations man in New York. About 3,000 people had shown up at Tavern on the Green to celebrate Rubenstein's 45 years in the PR game. Praise for his "Solomonic wisdom" and his wizardry as a spinmeister came from such clients as George Steinbrenner, Rupert Murdoch, Donald Trump, and Leona Helmsley. After reading the *Times* story, I was left to ponder a rather obvious contradiction that apparently hadn't occurred to anyone at the Newspaper of Record: If Rubenstein is so devilishly skillful at what the *Times* calls "the art of manipulating the public perceptions of clients," why does the public perceive so many of his best-known clients to be truly dreadful human beings? To put it another way, does the presence of the brilliantly manipulative Howard Rubenstein behind the scenes all these years mean that George Steinbrenner is not actually quite as nice as he seems? Are we really being asked to believe that if it hadn't been for the efforts of Howard Rubenstein we would actually think less of Leona Helmsley than we now do?

DANNY SHANAHAN

During Leona Helmsley's trial for tax evasion ten years ago, the very same *New York Times* talked about "years of scathing press coverage" that had preceded her legal troubles. She was referred to by one lawyer in the *Times* coverage as "uniformly despised by the public." The writer of an op-ed piece in the *Times* said, "New Yorkers I know rub their hands in glee at the thought of her paying dearly." And when she walked out of the courthouse after being given a relatively stiff jail sentence by the judge, a crowd gathered on the sidewalk to jeer her, like Jacobins shouting and spitting at some arrogant old moneybags of the *ancien régime* as the tumbrel passed on the way to the guillotine. If you hadn't been schooled in the art of public relations, it wouldn't have been easy to see exactly how having a wizard like Howard Rubenstein in her corner was making a big difference.

This seems to be true of other Rubenstein clients. We learn from the *Times* piece, for instance, that he has represented not only Trump but virtually all of the most visible real estate developers in New York. If you had ample time for research, you could probably find an occupational group that ranks marginally lower in the esteem of the city's residents than real estate developers. Squeegee men come to mind. I suppose that, all in all, New Yorkers do have slightly less regard for those louts who used to materialize at red lights to intimidate motorists into having their windshields washed with a filthy rag. Is it possible that the city's most prominent real estate sharks would actually rank below rather than just above squeegee men if most of them were not represented by Howard Rubenstein? Was there a time, before they got the benefit of the Rubenstein wisdom, when they not only destroyed pleasant neighborhoods and erected overpriced monstrosities but also carried around dirty rags?

New York real estate being a trade in which Niccolò Machiavelli would have been considered a patsy, it is not inconceivable, of course, that developers actually pay Rubenstein to make certain that everyone thinks of them as greedy and insensitive thugs. In New York, this is called the Roy Cohn Ploy, after the late

sleazebag. There is a theory that what Roy Cohn's law practice really had going for it was his reputation as a vicious and unprincipled hyena who had no regard at all for either fair play or ethics—the sort of person you'd want on your side rather than your opponent's when the eye-gouging started. I once heard a story about a New York television personality returning to his fancy Park Avenue apartment late one evening and informing his wife, who was reading in bed, that he was leaving her for a younger woman. According to the story, the wife didn't say a word. First she went to the closet, took out all of the TV man's staggeringly expensive designer suits, and threw them out the window. Then she went to the telephone and called Roy Cohn.

What I have always treasured about the story was the picture of the suits wafting down onto Park Avenue; I like imagining an investment banker who'd been out for a stroll desperately pawing through the clothes with other passersby, trying to find the trousers that match the blue pinstripe jacket he had managed to grab in midair. For those interested in how lawyers attract clients, though, the story carries another lesson: Someone whose intention is to do serious, below-the-belt damage calls Roy Cohn. Similarly, a real estate developer who has acquired a patch of old residential buildings he plans to tear down may want the elderly tenants who are about to be thrown out of rent-stabilized apartments to believe that resisting their fate would be as futile as resisting a condo plan filed with the Department of Buildings by Alaric the Visigoth.

IF HOWARD RUBENSTEIN IS SO DEVILISHLY SKILLFUL, WHY DOES THE PUBLIC PERCEIVE SO MANY OF HIS CLIENTS TO BE TRULY DREADFUL HUMAN BEINGS?

It also may be, of course, that the sort of clients Rubenstein specializes in are so self-deluded and swollen with ego that they think he has succeeded brilliantly in making them appear admirable to the masses. Not long before the Tavern on the Green celebration, I read an interview in the *Times* in which Donald Trump said that he is loved by "the working man"—presumably a cousin of "the little people," who, in Leona Helmsley's memorable remark, are the only people who pay taxes. And, in fairness to Rubenstein, it should be said that not all of his clients are objects of loathing. Some are objects of ridicule. Among the handful of guests mentioned by the *Times* other than the charm quartet of Steinbrenner, Murdoch, Trump, and Helmsley were the Duchess of York, Dr. Ruth Westheimer, and Michael Bolton—all of whom long ago passed over that line between being known and being known mainly as fodder for the jokes of lounge comics. Dr. Ruth, it turns out, is a friend rather than an official client, but the Duchess of York told the *Times* that Rubenstein's professional help had given new meaning to her life. "With Howard walking by my side, I am very lucky," the duchess said—apparently unaware that John Wayne Bobbitt and Joey Buttafuoco had gained a similar measure of renown with no Rubenstein help at all.

Given the dichotomy between the praise of Rubenstein's wondrous skills and the reputations of most of the people doing the praising, I was led to imagine a big bash given by the leading public relations man of Norway—let's call him Howard Trygve Kulleseid—in 1945. There, chatting at the bar with some of his fellow collaborators, is Vidkun Quisling. This is just before his countrymen arrest him, convict him of treason, execute him, and, presumably, line up to spit on his grave. Approached by a reporter from the Oslo *Herald-Gazette*, Quisling holds forth on the wonders his host has accomplished in damage control. "The man's a wizard," Quisling says. "With Howard walking by my side, I am very lucky." ■

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

FACE-OFF

How do the media report on gun control? Our two critics agree that coverage is skewed—but in opposite directions.

NRA defines debate

JEFF COHEN ARGUES

Last June, two weeks after Rosie "the Queen of Nice" O'Donnell used her TV talk show to confront Tom "I'm the NRA" Selleck about gun violence, she was calling in to *Larry King Live* to promote gun control on CNN. Asked by King if she favored amending the Second Amendment to the Constitution, O'Donnell replied: "I think that we need to seriously consider that. Yes, I do, Larry."

The above may appear to some as evidence that gun bashers are running amok in the media, even favoring a rewrite of the Constitution. I submit it as evidence of just the opposite: how the National Rifle Association and gun lobby have dominated the terms of the media debate on gun control.

Indeed, media bias toward the NRA's view of the Second Amendment (as protecting individual gun ownership) is so pervasive that even many gun-control supporters seem unaware that the federal high courts have never found a gun law to have violated the Second Amendment.

The amendment is only 27 words: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." Although the NRA emphasizes only the last 14 words, the U.S. Supreme Court and appeals courts have focused on "well regulated militia" and "security of a free State" to rule that Second Amendment rights are reserved to states and their militias—nowadays, the National Guard.

The truth is—and one would hardly know it from the mass media—that since the Supreme Court's unanimous *Miller* decision in 1939, all federal appeals courts, whether dominated by liberals or conservatives, have agreed that the Second Amendment does not confer gun rights on individuals. The NRA view, opposed by even such right-wing judges as Robert Bork, has been consistently rejected.

Unlike the average media consumer, Douglas Hickman knows this to be true. In 1991, he invoked the Second Amendment in suing the City of Los Angeles after failing to get a permit for a concealed weapon. In keeping with dozens of cases since 1939, the Circuit Court of Appeals ruled unanimously: "We follow our sister circuits in holding that the Second Amendment is a right held by the states and does not protect the possession of a weapon by a private citizen."

The *Hickman* decision, like most of the other decisions, went unreported in *The New York Times*, which, in a 1992 series on gun control, inaccurately reported that "the Supreme Court has never explicitly ruled" on the Second Amendment's meaning.

My point is not that the high courts are correctly interpreting the amendment (some legal scholars, including liberals, say they're not) or that this unbroken 60-year pattern of decisions will go on forever (a Texas gun owner has found a lower federal court judge who endorses the NRA's view, and that case may one day reach the Supreme Court).

My point is journalistic, not legal: If you have just learned that federal case law says the Second Amendment does not protect an individual's right to own guns, do you feel cheated that news outlets have allowed the NRA to impose its Second Amendment worldview on coverage, while marginalizing the federal courts? You're not alone: Former Supreme Court Chief Justice Warren Burger referred to gun lobby propaganda on this issue as "one of the greatest pieces of fraud...on the American public by special interest groups that I have ever seen in my lifetime."

A SURVEY INDICATES THAT 69 PERCENT OF DAILY NEWSPAPERS SUBSCRIBE TO THE NRA'S INTERPRETATION OF THE SECOND AMENDMENT.

Howard Friel, editor of *Guns and the Constitution*, studied news coverage of the issue for an article that appeared in *Extra!*, the magazine published by Fairness & Accuracy In Reporting. "While the NRA's interpretation of the Second Amendment is repeatedly cited in newspapers and on TV, the federal judiciary gets virtually no coverage," Friel wrote. When reporters matter-of-factly describe a politician as "a supporter of the Second Amendment," the well-established judicial view isn't even in the picture.

In complaining about bias, conservatives point to surveys indicating that most journalists are personally pro-gun-control. But so are most Americans. A more revealing survey—from the anti-gun-control Second Amendment Foundation—indicated that 69 percent of daily newspapers subscribed to the NRA's interpretation of the Second Amendment.

If mainstream journalists were intent on biasing the news in favor of gun control, would reporters be so credulous in accepting the NRA's view of the Second Amendment?

I've found that news coverage of gun control usually includes "both sides." Reporting tends to be balanced, often predictably so—with gun advocates hailing their sacred Second Amendment rights pitted against gun control advocates arguing for incremental reforms like trigger locks and gun-show background checks, [CONTINUED ON PAGE 54]

Jeff Cohen is the founder of Fairness & Accuracy In Reporting. His latest book is Wizards of Media Oz: Behind the Curtain of Mainstream News.

reporters hate guns

JONAH GOLDBERG ARGUES

"It's one of the great political myths," Dan Rather said of media bias. "Most reporters don't know whether they're Republican or Democrat." Maybe so. But they know what they like, and they know what they hate. And there are few things they hate more than guns. I should confess that even though I am a news junkie, I think this attitude is so prevalent and so obvious and, quite frankly, so exhausting that I rarely read articles about gun control and I virtually never watch TV news segments on the topic. And I don't even like guns all that much. Imagine what the real gun advocates think. For them, the gears of media credibility have been stripped clean.

Turn on the television news—especially daytime cable—and you will learn that children are dying in droves because guns don't have trigger locks. You will get the impression that gun violence in schools is worse than it has ever been. You will be told that having a gun in the home will not deter criminals and is far more likely to lead to the accidental death of a loved one. But if you actually look at the data on guns you will discover a reality largely alien to the menagerie of phantasms paraded across your TV.

IF YOU ACTUALLY LOOK AT THE DATA ON GUNS, YOU WILL DISCOVER A REALITY LARGELY ALIEN TO THE MENAGERIE OF PHANTASMS PARADED ACROSS YOUR TV.

Statistically, owning a gun is not that dangerous and in some cases is safer than not having one. About as many small children drown in buckets of water as die in accidental gun incidents. Many more children die from swimming-pool and bicycle accidents than from accidental handgun injuries. Indeed, even though the number of privately owned guns have skyrocketed over the last 30 years, the rate of accidental gun fatalities has declined by one third. Since the NRA has been a primary champion of home gun safety education, it deserves considerable credit for having saved thousands of innocent lives. Have you read that lately? Of course not.

And what about the big Kahuna of nineties hand-wringing, anti-gun coverage? Frequent references to our national "epidemic" notwithstanding, high schools have in fact been getting safer and the number of students bringing guns to school has declined sharply.

A quiet revolution has been taking place in the scholarly world as serious people take a fresh look at the actual evidence. Formerly anti-gun academics have been reconsidering. Indeed, the conventional wisdom of a decade ago—that gun control dramatically reduces crime—is now ridiculed by many prominent scholars. Perhaps an even more shocking reversal has been in the constitutional realm, where hard data are less relevant and elite cultural arguments often cloud judgment. The fight over the Second Amendment is no longer cast as a struggle between slack-jawed yokels and the enlightened. Laurence Tribe, probably the most respected liberal constitutional scholar in America, has recently come under fire for having admitted he thinks the Second Amendment actually protects individuals' gun rights. In the latest edition of his *American Constitutional Law*, a staple textbook in law school classes across the country, Tribe writes that the Second Amendment ensures that "the federal government may not disarm individual citizens without some unusually strong justification."

And yet, just as the scholarly debate is opening up, the journalistic community is closing ranks. In August, *Newsweek* decided to suspend its no-editorial policy for only the fourth time since the sixties to endorse increased gun control. Almost without exception, television news treats every shooting as a de facto argument for restricting guns. This one-sided coverage, according to Yale Law School Senior Research Scholar John Lott Jr., author of *More Guns, Less Crime*, may have the dangerous result of dissuading law-abiding people who should have guns from buying them.

Such a statement sounds a bit loopy, to be sure, but only because coverage of gun issues is so distorted. Lott's complaints have considerable merit. Yes, the horrors of Columbine, Jonesboro, and the L.A. Jewish Community Center are sobering, say Lott and others. But dispassionate, open-minded, and informed people cannot readily accept that they justify prohibiting guns. Consider the 1997 high school shooting in Pearl, Mississippi. The story line there is familiar enough: A disturbed and disgruntled teen came to school with a gun and started shooting students (this was after he stabbed his mother at home). Two students were killed. But the murderer was stopped only when the assistant principal, Joel Myrick, ran to his truck to retrieve his own weapon, eventually subduing the boy at gunpoint (gun control laws prevented him from carrying it onto school property). A school shooting in Edinboro, Pennsylvania, which resulted in the death of a teacher, was stopped only when a local restaurant owner, James Strand, used his shotgun to apprehend the shooter while he was reloading.

One is free to reject these and legions of other examples as less than persuasive cases for a more armed society. [CONTINUED ON PAGE 56]

Jonah Goldberg is the editor of National Review Online, *for which he writes a daily column called "The Goldberg File."*

[COHEN, CONTINUED FROM PAGE 52]
which hardly address the enormity of the problem of firearms violence.

Even though nearly 40 percent of the American public favors banning the sale of handguns, according to recent polls, it's a proposal apparently deemed too extreme for most mainstream media debates. Walter Shapiro, a *USA Today* columnist, dubiously asserted last September that "such a sweeping measure wouldn't pass constitutional muster."

Conservatives complain of media bias against the NRA, especially in editorials and op-eds. In fact, the NRA has many allies among opinion shapers, including some of the biggest voices in talk radio—such as NRA echo chamber G. Gordon Liddy, who told listeners how to kill federal agents.

Given the inflammatory utterances from NRA leaders, toned down after ardent member Timothy McVeigh bombed the Oklahoma City federal building, the NRA has not fared all that badly in the media. One board member wrote that masked federal agents are "scarier than the Nazis" and should be "targets." Another declared: "The purpose of the 2nd Amendment is to threaten the government."

Only after Oklahoma City did the national media notice official NRA rhetoric about the "storm-trooper tactics" of firearms agents, a.k.a. "jackbooted government thugs," who have the green light to "murder law-abiding citizens."

Gun advocates are right to gripe about the sometimes hysterical coverage, especially on television, that follows school, workplace, and other mass shootings. They are wrong, however, to blame a pro-gun-control bias; the real culprit behind overhyped coverage is corporate-driven, ratings-hungry, tabloid-oriented media, which have updated the "If it bleeds, it leads" slogan with a dictum more appropriate to the 24-hour news environment: "If they're dead, we're live."

In fact, given the quantity of coverage devoted to school shootings perpetrated by kids as young as 11, it's startling how little reporting has focused on the efforts of the NRA and the gun industry to market guns to youth.

A Violence Policy Center report, *Start 'Em Young: Recruitment of Kids to the Gun Culture*, offers graphic details of ads, catalogs, and campaigns aimed at attracting kids to shooting. Until 1994, the firearms industry distributed a pamphlet, *When Your Youngster Wants a Gun*, saying that "some youngsters are ready to start at 10" as gun owners.

It's basic journalistic instinct, not bias, that prompts reporters to point out that the gun-related crime and death rate in the U.S. is many times higher than that of any other advanced industrial country (in 1994, there were 142.4 gun deaths per million people in the U.S., 4.1 in England and Wales, and 0.5 in Japan). NRA supporters complain that reporters move too quickly from these stark statistical comparisons to differences in gun regulation—relatively lax in the U.S., very strict in most advanced countries.

Frankly, a correlation between gun laws and gun deaths is too obvious to ignore. Mainstream journalists do often ignore another key factor contributing to our much higher violent-crime rate: poverty. The U.S. is the only advanced industrial country with so much of it. But we'll leave media and poverty for a future debate. ■

JONAH GOLDBERG REPLIES

For several reasons, I am greatly disappointed by Jeff's emphasis on the constitutional rather than public policy aspects of gun control. First and foremost, out of deference to my eternal soul, I decided a long time ago not to become a lawyer. But more important, what an awful waste of time on his part. Tell you what: If the left is willing to be strictly constructionist on all constitutional matters, I will gladly forfeit any notion that the Second Amendment protects individual gun ownership.

But if you insist on all of the penumbras and emanations, if you agree with Al Gore that every new generation breathes new life and new meaning into the Constitution, then you've got to recognize that popular interpretations of the Constitution are relevant—at least politically—no matter what some 1939 case says. As Michael Kinsley once noted, if liberals interpreted the Second Amendment the way they interpret the rest of the Bill of Rights, everyone would be required to own a gun.

As for the string of court decisions ruling that guns can be regulated, so what? That hardly makes the Second Amendment's meaning settled constitutional law. Everyone knows the state can regulate all other rights, including speech. Wisdom, however, lies in determining what regulation is reasonable. On that point Jeff is fairly silent and the media are hysterical.

Indeed, Jeff does the same thing that he accuses the NRA of doing. Like them, he reduces the argument to his own narrow constitutional interpretation and then beats up the press for not supporting him. Behind his smoke and mirrors, his thinking seems of a piece with Rosie O'Donnell's. Jeff believes that the obvious answer to fixing the problem with guns is to get rid of them. And if only he could persuade the press to stop giving a megaphone to the slack-jawed yokels—whose ranks now include Laurence Tribe and Yale's Akhil Amar—who think there is a gun right, we could solve this problem 1-2-3.

I don't want to talk about the law anymore, because I can feel my soul twitching already. So, on the few other points Jeff makes, there's quite a bit I agree with. The NRA distorts the debate, and so do the gun controllers. Poverty—which Jeff brings up by saying he won't bring it up—is of course a problem. Absolutely, tabloid values drive coverage of shootings. I'll even concede that there's an obvious correlation between gun laws and gun crimes—but not the one Jeff believes.

Which brings us to the media's bleating about the peace-loving peoples of England and Japan. In Switzerland every draft-age male is required to have a gun in his home. Israel's gun-ownership levels are stratospheric. Yet both countries' gun mortality rates are significantly below that of the U.S. How come the "correlation between gun laws and gun deaths," which "is too obvious to ignore," falls apart there? You don't hear much about that in the media, do you? More to the point, who gives a rat's ass? Lovely as they may be, we're not Switzerland and we're not England. Citizens in those countries don't have the same constitutional rights we do. And in case Jeff hasn't heard, we fought a revolution to make that very clear. ■

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WRH

[GOLDBERG, CONTINUED FROM PAGE 53]
But that judgment is the right of the public, not reporters. That might come as a shock to Myrick, Strand, and the individuals involved in the estimated 2.2 million instances in which guns are used defensively every year in the United States. Despite the fact that Myrick forcibly subdued the Pearl High School gunman—pretty dramatic stuff, no?—he was almost invisible as far as the press was concerned. According to Lott, there were 687 articles on the Pearl shooting during the following month. Yet only 19 mentioned Myrick at all. Later, Dan Rather did observe that "Myrick eventually subdued the young gunman." After the Edinboro shooting, there were at least 596 stories mentioning the crime, but only 35 mentioned Strand, the heroic restaurant owner, according to Lott. The New York *Daily News* explained that Strand had "persuaded" the shooter to surrender. The *Associated Press* said he simply "chased Wurst [the shooter] down and held him until police came."

Why shouldn't news consumers know this stuff? There was a time when editors thought citizen heroes were newsy. But these days, if Klebold and Harris had been shot down like dogs after only one or two murders, it's likely that Columbine would be as unfamiliar a name as Pearl.

And why should children who die in accidental gun incidents get so much coverage when the numbers of such instances are in all statistical senses extremely small? When ABC's Diane Sawyer and her *20/20* crew placed (inoperative) guns in toy chests for children to play with in front of hidden cameras, they weren't practicing journalism as much as macabre titillation and dishonest editorializing. Who isn't horrified when small children play with real guns? Never mind that the 40 percent of Americans who own guns don't leave them in toy chests and then walk away. Would we salute if Sawyer et al. played Alan Funt as they put little kids in a room full of car keys and (inoperative) electrical sockets? Such an exercise would at least be more responsible. Besides, on a more fundamental level, even though those broadcasts were cited by many as arguments for gun control, the real lesson was that children learn how to use guns not from the NRA but from the media.

In short, coverage of gun issues is bad, pure and simple. You can rely on studies of media bias if you want. One University of Michigan study reveals what you might expect. The NRA's coverage is mostly negative. Gun-control organizations are "advocacy groups," while the NRA is a "gun lobby." NRA-related headlines get disrespectful, puny titles of the "Did NRA Shoot Itself In The Foot?" variety. But studies aren't necessary—the skewed coverage is the most obvious example of how the media stage debates between the extremes rather than between the 40-yard lines.

The blame goes beyond the media, of course. The NRA allowed itself to become a caricature. The gun-controllers irresponsibly manipulate emotions and facts for their own well-intentioned but misguided agenda of eventual gun prohibition (a tactic that has backfired, since polls show that more Americans are opposed to a total ban than they were 25 years ago). But these organizations are dedicated to their own parochial interests, which is why we call them interest groups. It would be nice, however, if the press didn't behave like one, too. ◘

JEFF COHEN REPLIES

Jonah's column mightily implies that gun violence in our country is a problem overhyped by the media. But the United States's gun-related-death rate exceeds that of all other advanced industrial countries—285 times higher than Japan's and 35 times higher than that of England and Wales. It's hard to exaggerate a problem so big (32,000 gun deaths in 1997 in this country). The job of journalism is to rise to the task of sorting out factors that may cause the acute problem in the U.S.—not to shrink before the gun lobby into presenting stale debates.

Jonah writes that "the media stage debates between the extremes rather than between the 40-yard lines." He's half right. Extreme voices of the NRA type are presented in most media debates on guns (Jonah admits that "the NRA allowed itself to become a caricature"). But to represent the opposing side, the media rarely call on extremists—more likely, they'll find a moderate like Sarah Brady from Handgun Control, Inc., who advocates minor regulations.

Usually missing from the discussion is the popular proposal of a ban on handgun sales, supported by nearly four of ten Americans. The media debate on gun control (like many issues) begins on the 40-yard line just left of midfield and extends far into the right-wing end zone.

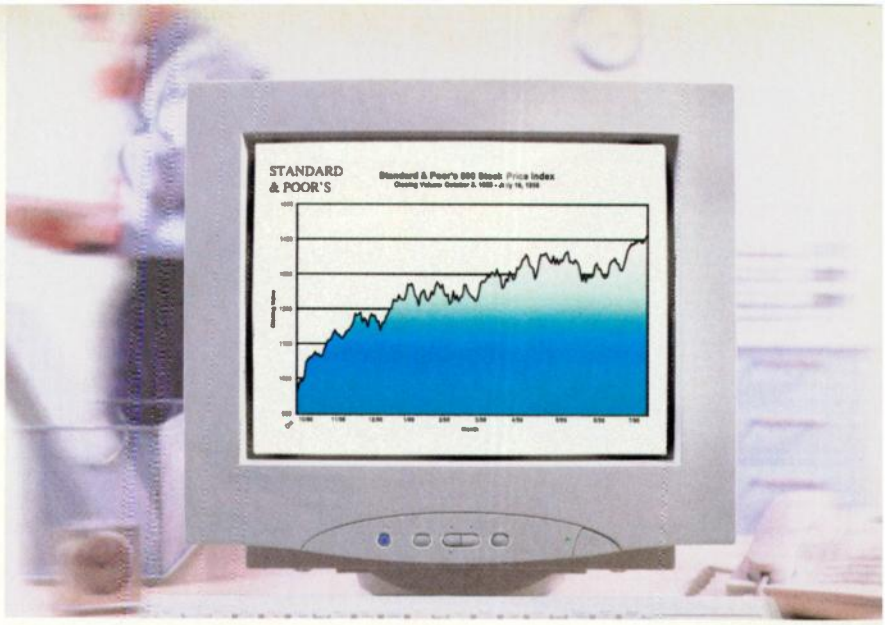
Speaking of end zones, Jonah hauls out as his main expert John "More Guns, Less Crime" Lott, a former John M. Olin Visiting Law and Economics Fellow at the University of Chicago who argues we'd be safer if our society were even more armed than it already is. (There are more than 200 million guns in the U.S.) If Lott sounds "loopy," as Jonah says, he has only himself to blame—since he's a regular TV talking head on the gun issue with direct access, sometimes unopposed, to national audiences. His conclusion that crime has dropped because of relaxed concealed-weapons laws is disputed by prominent social scientists.

It's true that workaday heroes—with weapons or without—get less media coverage than they deserve. But if Jonah were right that television treats virtually "every shooting as a de facto argument for restricting guns," Lott and NRA spokespeople wouldn't be on the tube after each shooting arguing for fewer restrictions and more guns.

Jonah and I agree TV often sensationalizes school shootings. But although Jonah is correct that "the number of students bringing guns to school" has declined, let's not forget nearly 4,000 students were expelled for that in the last school year—still a newsworthy issue.

"Children who die from accidental gun deaths" get excessive coverage, Jonah gripes, since the numbers are "extremely small." Shouldn't journalists investigate why firearm deaths among U.S. children (14 and under) are 12 times higher than among children in 25 other industrialized countries?

Jonah mentions liberal law professor Laurence Tribe. When Tribe opined last year that the Second Amendment confers an individual right of gun ownership, it was widely noted in the press. I'm not sure if Tribe is correct. I am sure that if coverage of the gun debate were less NRA-dominated, Americans would not be so ignorant of the fact that no federal high court in 60 years has agreed with Tribe. ◘



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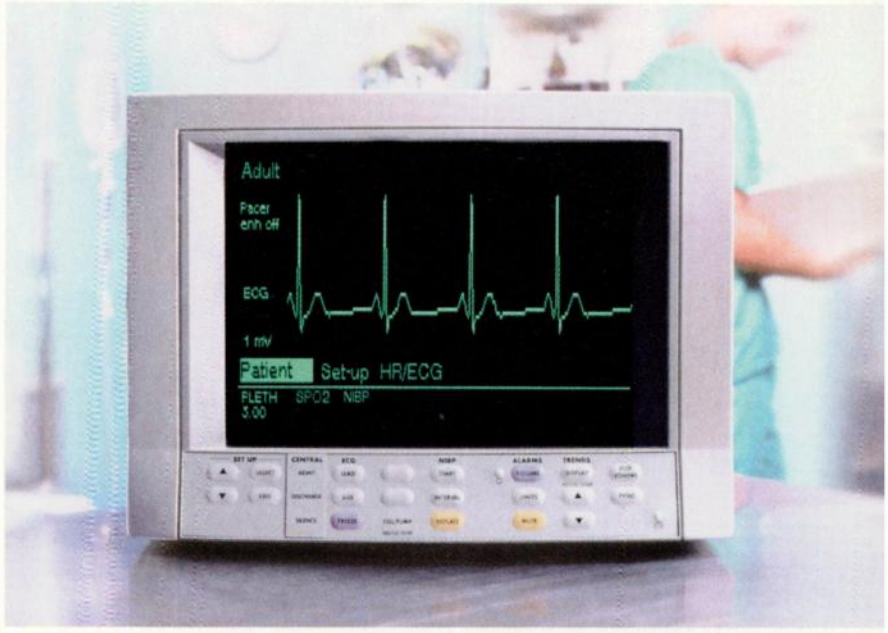

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John McCain's bad press

The Republican maverick has wowed the national media. Reporters who've known him a long time—and have asked him hard questions—aren't quite so giddy. BY TED ROSE

John McCain has a problem with the press. You're forgiven for not having heard about it, considering the chorus of praise that regularly emanates from the national press corps accompanying the Republican presidential candidate as he wanders across the country. Riding in McCain's rented cruiser (dubbed the Straight Talk Express), the boys on the bus can't stop talking about how frank and accessible the candidate is. "The man is naked," wrote Richard Cohen of *The Washington Post* in a post-ride euphoria. "He shows so much of himself."

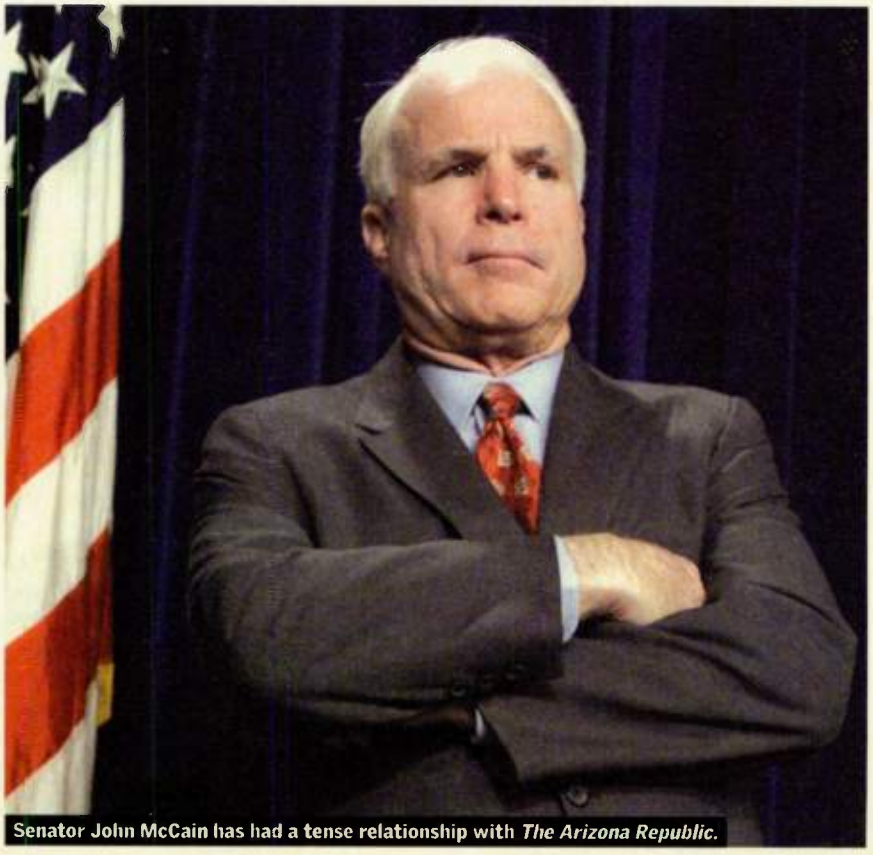
McCain's press problem is on display in his home state of Arizona, and it is embodied by his lousy relationship with *The Arizona Republic*, a Republican-leaning newspaper—and the state's largest. You may recall the *Republic* as the paper that published an editorial at the end of October that raised questions about McCain's now infamous temper. "Does McCain have presidential mettle?" the paper asked. That question helped fuel the issue that continues to follow McCain every day on the stump. In November, he suggested that the editorial was the product of a vendetta by the newspaper, but his response revealed less about the paper than it did about the senator. It was the one comment on the national radar screen suggesting President McCain may not embrace the press as lustily as Candidate McCain has.

Keven Ann Willey has worked at the *Republic* since 1980, about the same time McCain started to make a name for himself in Arizona politics. Willey covered McCain as a political reporter before moving on to cover him as a columnist and, now, as the editor of the *Republic*'s editorial page. Willey says her relationship with McCain has gone up and down over the years. Recently, it was pretty good, she says, at least until the editorial about his temper came out and McCain started talking about a vendetta.

To hear Willey tell it, McCain stopped being readily accessible to the newspaper more than ten years ago, in 1989. At the time, the extent of the nation's savings-and-loan crisis was still being sorted out and federal regulators had shut down Charles Keating's Lincoln Savings and Loan. That closure came two years later than intended because Keating had enlisted political support for his plight; one of the five senators who met with banking regulators on Keating's behalf was McCain.

Two *Republic* reporters worked full time exploring Keating's business practices and his relationships with Arizona's senators. At that point, McCain was claiming that he had attended two meetings with federal regulators as he would have on behalf of any other constituent. Reporters Jerry Kammer and Andy Hall discovered that although McCain was a veritable saint compared with his Democratic counterpart, Dennis DeConcini, he had more than a simple constituent relationship with Keating.

Over the course of two years in the mid-1980s, McCain and his family took nine trips at Keating's expense, including three trips to



JOE MARQUETTE/AP

Senator John McCain has had a tense relationship with *The Arizona Republic*.

Keating's vacation retreat in the Bahamas, for which Keating covered the family's transportation and accommodations. Only after regulators seized Lincoln Savings and scandal was in the air did McCain reimburse Keating for the travel. In addition, the *Republic*'s reporters discovered that the senator's wife and father-in-law had invested in a Keating development.

When the pair called McCain to discuss their story, the senator did not invite the reporters to sit down for a friendly bull session. "His approach was 'I'm okay; you're idiots,'" recalls Kammer. "Even the Vietnamese didn't question my ethics," McCain was quoted as saying. The senator also apparently called the reporters kids. "I was 40 years old at the time," says Kammer. "I wasn't a 'kid.'"

"I thought everything they did was legitimate," McCain says on the campaign trail in New York City, before going on to argue almost precisely the opposite. McCain says he was upset by the newspaper's decision to report the investment in a Keating development: "That was their major, quote, scoop," he says, insisting today that it was an unrelated matter.

To hear McCain tell it, the paper needed to trumpet that news because it was the only fresh news. "The [unreimbursed] trips had been in the national press," he says. (Actually, they had not, according to a search of news articles on the LEXIS-NEXIS database and a *Washington Post* article that credited the *Republic* with the story.)

McCain also remembers thinking that the story's headline was unfair, because it drew too much attention to the unrelated land deal. (The headline: "Kin's Deal, Trips Reveal Close McCain–Keating Tie; Senator Denies Relationship Cast Undue Influence.")

Of course, the story was generally correct, as even McCain agrees. Torie Clarke, McCain's press secretary at the time, says that the relationship between the senator and the paper did not suffer because of the coverage, but Willey, who had occasion to call the senator's office from her post as political columnist, noticed a big difference. "It became much more difficult to reach them," she says. "He and his staff were clearly unhappy."

McCain acknowledges a problem with the *Republic*; he says it began not in 1989 but in 1994. At the time, a reporter from an alternative weekly, the *Phoenix New Times*, was investigating a story about the senator's wife, Cindy McCain. The allegation was that Cindy McCain had stolen narcotics from an international relief charity she headed and that a federal Drug Enforcement Administration investigation was under way. In an attempt at damage control, the McCains invited four local reporters (none of them from the *Republic*) to their home in Phoenix. Cindy McCain told the group about her drug addiction and her theft, she said, to support others struggling with drug addiction.

The first round of stories was sympathetic to the senator's wife. But the McCains hadn't told reporters the whole story: Cindy McCain was being threatened by the prospect of a civil suit from a former employee who had tipped off the DEA. A McCain lawyer had even lodged a complaint with a local prosecutor against that employee, accusing him of extortion. When this news came out, a second batch of stories about Cindy McCain appeared. These stories were more critical, exploring legitimate issues about the extortion charge and the civil suit and questioning whether McCain had received preferential sentencing for her crime. It was during this time that the *Republic* published an editorial cartoon depicting Cindy McCain holding a starved black child upside down as she said, "Quit your crying and give me the drugs."

IT'S DIFFICULT TO SEE THE *REPUBLIC*'S STANCE TOWARD MCCAIN AS A "VENDETTA." THE PAPER HAS ENDORSED MCCAIN EVERY TIME THAT HE'S RUN IN THE STATE, INCLUDING HIS 1998 RACE.

McCain seizes on the cartoon, by Steve Benson, as the root of his problems with the newspaper. "I still am very unhappy about a cartoon they ran," he says. In response, McCain stopped talking to the *Republic*, the newspaper of record for many of his constituents, for a year. McCain prefers not to dwell on the skeptical environment in which the cartoon was published, an environment that was created, at least in part, by his attempt to obscure the full story. McCain chose not to level with the group of journalists he had picked to tell the story. "In the long run," Willey wrote at the time, "people both in and out of the media grow skeptical about the credibility of the manipulators." McCain doesn't express any regret about the way he handled the matter. "I doubt it would have been any different" if the extortion issue had been disclosed more quickly, he says. "All I can say is, the media became well informed" later.

It's difficult to see the *Republic*'s stance toward McCain as a vendetta. The paper has endorsed McCain every single time he's run in the state, including his 1998 race. The McCain campaign makes the point that both Willey and the newspaper's vice-president of news accepted invitations to discuss McCain's temper on national television, which is true. But the campaign doesn't mention that the *Republic* published a 16-page supplement about McCain, an evenhanded portrait of his life and career. All in all, the *Republic* seems to have given McCain a pretty fair shake.

Of course, that hasn't stopped the national media from rushing to McCain's defense. "McCain is no unknown quantity in Washington," writes Lars Erik Nelson, an op-ed columnist for the New York *Daily News*. "We have had ample opportunity to watch him in action." But McCain has been watched and interviewed in the nation's capital as one of 100 senators, one of 535 members of Congress. In that setting, McCain has been the comic relief, the one politician who is crazy enough actually to speak candidly to reporters. But if the Arizona experience is any indication, whether he'll still be as open once he's placed under presidential-level press scrutiny is another question.

It's a point many national reporters may not have stopped to consider. "There ought to be more to our scrutiny of public officials," says Willey, "than how they make you feel like boys on the bus." ◘

GREETINGS FROM HOLLYWOOD:
Satan's L.A.-based whirling knife gauntlet of artistic castration.

By Cintra Wilson I entered the theater with my teeth clenched, expecting to see another thing I love infuriatingly drained into flavorless pulp by insecure Hollywood execu-thugs who need to stick their worthless, soul-killing two cents into everything and don't know when to shut up and let the artists do their work. But incredibly, it seems that for once they accidentally chopped together the right combination of

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fiddling with facts

Miramax Films called *Music of the Heart*—set in a school that I founded—an inspirational true story, but to me it looks like a creative take on reality. BY DEBORAH MEIER

Twenty years ago, I was the director of the Central Park East I elementary school in East Harlem in New York City. We hired a young violin teacher named Roberta Tzavaras—the same Roberta Tzavaras portrayed (as Roberta Guaspari) by Meryl Streep in the recent Miramax film *Music of the Heart*. The film is presented as the true story of a courageous, determined teacher who, against long odds, pushes her inner-city students to unlikely heights.

One would imagine that the film's release would be a joyous occasion for the teacher it celebrates and the school in which she worked. But I received a letter from Roberta not long after the movie's release in which she expressed regret over the "controversy" aroused by *Music of the Heart* within the Central Park East community and tried to explain that she was not responsible for its untruths. Roberta wrote that she had never meant to hurt anyone and that she loved CPE and its two sister schools. All she wanted, she continued, was to promote the cause of music education for all children.

To what controversy was she referring? Elements in the film have been fictionalized or fabricated to make it more dramatic and more simplistic. This is to be expected, of course, with any Hollywood film. But when a fictionalized account presents itself as truth, the falsehoods can do substantial harm to real human beings and institutions: in this case a school—Central Park East I—and the parents, teachers, and kids who created and sustain it. Moreover, by turning the truth on its head, *Music of the Heart* alters the historical meaning of the events it portrays and reinforces some destructive myths about public schools in America. This fictionalized retelling, in which Roberta is the lone voice of high expectations, fits in with a general climate of public-school bashing, but the true story does not.

The true story had already been told in an excellent—and accurate—documentary titled *Small Wonders*. If the makers of *Music of the Heart* had wanted to come up with their own version of that story, they should have more thoroughly fictionalized the institution and individuals involved. They did decide to change many individuals' names, including Roberta's. But they chose to use Central Park East's unique name, its actual address, and various other characteristics of its history that make it unmistakable. Its "realness" plays a central part both in the selling of the movie and in the movie itself. A tiny disclaimer that appears at the end of the credits notes that "some main characters have been composited or invented and a number of incidents fictionalized."

Everything else about the film—from the opening credits to a final addendum urging viewers to send money to Roberta's organization—speaks to its supposed verisimilitude. A Miramax press release claims that "*Music of the Heart* is the true story of Roberta Guaspari," a claim invariably repeated by critics. There's just enough truth to make the claim seem honest: The real names of the two other East Harlem schools where Roberta worked also appear in the movie. Roberta does live in East Harlem, and she did approach the principal (me) with a proposal to run a Suzuki-type music program in about 1980. She did own 50 or so violins, and she did create a successful program for between 30 and 50 children in our school. The program eventually did expand into our two sister schools, where it also served many students. And it's true that school district funds used to pay for the program were slashed in a massive New York City budget cut in 1990, and that a concert organized to raise money for the program was held in Carnegie Hall by a group of New York's finest musicians. These facts were presented in *Music*

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of the Heart, the book *Music of the Heart: The True Story That Inspired The Miramax Film* (published by Talk Miramax books), and—with a couple of exceptions—in the Miramax-distributed *Small Wonders*.

What's not true is what *Music of the Heart* does with these facts. In that film—as opposed to the documentary and the book—Central Park East is shown as a fairly stereotypical inner city school, the kind where one student is killed in a drive-by shooting and another is caught carrying a box-cutter knife (though the killing does not happen on school grounds). The principal (me again, though my actual title in those days was teacher-director), with very few allies and with teachers she'd be happy to get rid of (but for tenure), struggles to turn the school around. Together, the principal and the violin teacher team up to demonstrate what can be done for children if one is willing to defy the odds, care enough, be tough, and have high expectations. The movie portrays, in some detail, as a counterfoil to the heroic Roberta, a particularly mean and lazy music teacher who, apparently protected only by his tenure, ignores the children's musical potential in favor of his own rigid teaching style. With the exception of one character, played by Gloria Estefan, the rest of the school's teachers are nonentities or, in one case, a "bitch." None of the above is remotely true.

THIS FICTIONALIZED RETELLING FITS IN WITH A GENERAL CLIMATE OF PUBLIC-SCHOOL BASHING, BUT THE TRUE STORY DOES NOT.

In reality, Central Park East and its sister schools are famous examples of highly successful alternative public schools. Central Park East was founded in the fall of 1974 to develop a largely staff-run model of school reform. As its founding director, I received a MacArthur Fellowship for my work there at precisely the time this film depicts. There were no drive-by shootings of our students, or children caught on school grounds carrying concealed box cutters, as is shown in *Music of the Heart*. (Amazingly, not even one student from CPE's first six graduating classes had died violently as of 1994, according to a study conducted by David Bensman of Rutgers University.) Meanwhile, only a small percentage of each school's students were ever directly affected by Roberta's stellar work, because she was able to teach only a small number of each school's students. One could claim, as Bensman did in his study, that CPE's regular music teacher, Barry Solowey (an almost comical villain in *Music of the Heart*), was an important factor in the school's eminence. Solowey began working at the school in 1974 shortly after its founding. He soon was the conductor of three large choruses that performed citywide, expertly taught large numbers of children the recorder, produced an annual opera that brought much acclaim to the school, and staged an occasional Broadway-style musical—while at the same time providing regular music classes to all 250 students—year in and year out for 25 years. He's still at it.

In short, Roberta was one star among many. For each student in the school, a particular teacher, program, or experience was the turning point. But it was because of the school's capacity to create so many such possible turning points that so much success was generated. It was the collective strength and sense of mutual responsibility to one another and the community that made CPE and its sister schools unusual—the precise opposite of the movie's point. CPE was a teacher's dream: a largely staff-run school.

What is obscured by *Music of the Heart*—and what made CPE special—is the way the school represented the power of an important idea: When parents and teachers are allowed—and, in fact, supported by the kind of innovative school administrators who opened the door to CPE's creation—to act on their visions, magical things can happen to otherwise "ordinary" people. One of those magical things is that all kinds of otherwise hidden talents—violin playing, for example—blossom. The creation of a setting in which so many people feel a sense of ownership—without worrying much about external regulations—is the ingredient that made the CPE network special and hard to kill. The schools were unusually small (although housed in large buildings that contained other programs), which probably helped. With the support of the teachers' union and the superintendent, they, along with many other schools in East Harlem (and later in other districts in New York City), also had substantially more freedom to hire staff, shape their budgets, and set their own working rules. Parents also had choices among East Harlem schools and therefore felt more ownership and loyalty to the school of their choice. All of this information is absent from *Music of the Heart*, leaving the movie stripped of context that would help explain why Roberta proved so successful.

An even more damaging implication in this reworked version of reality: Tenure (i.e., the teachers' union) was to blame for the threatened extinction of Roberta's program. This kind of oversimplification plays to the worst stereotypes about what's wrong with public education in this country—and downplays that it was actually a local government uninterested in arts education that was Roberta's real enemy.

In the end, Miramax injured the reputation of the Central Park East–River East schools and their 25-year history of success. It also demeaned an extraordinary music teacher (though it changed his name) who took on the bulk of the task of creating the school's musical standards. Real people were thus harmed in order to tell a story that, by confirming prejudices about public schools, Miramax knew it could sell.

CPE created an exemplar for the creation of hundreds of small public schools of choice throughout the nation. I understand that it was easier for Miramax to tell the story audiences expect—a moving tale of a heroic teacher and the power of music to transform. If it hadn't hurt so much to see friends belittled and a school slighted, I'd have enjoyed *Music of the Heart*, as I do so many other familiar but well-told, if not quite true, tales. But Miramax chose otherwise, leaving us with this question: What gives Hollywood the right to play loose with the real lives of real people—and real schools—just to tickle the heartstrings of a sentimental public?

Editor's note: Miramax cochairman Harvey Weinstein, a coproducer of *Music of the Heart*, was given the opportunity to respond to Meier in this space, but chose not to in time for our deadline. ■

Deborah Meier, the principal of Boston's Mission Hill School, founded New York Central Park East I school, the setting for Music of the Heart.

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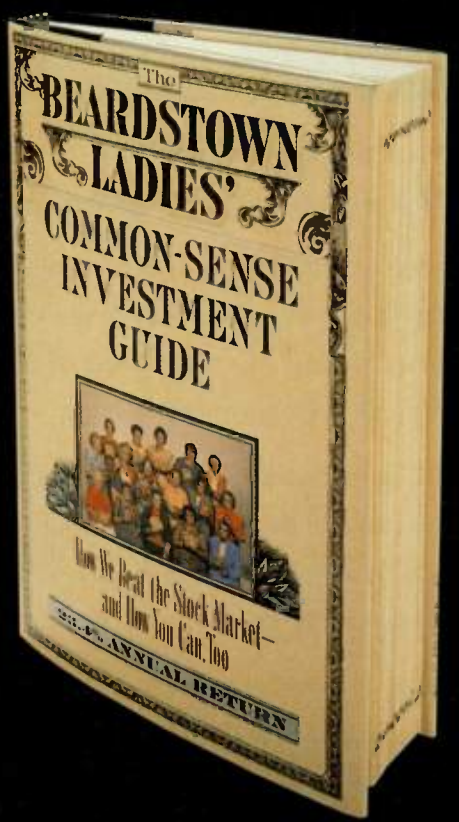

Book publishers say they're not responsible for what they sell us—that even if a book turns out to be bogus and they've used phony claims to advertise it, it's your problem, not theirs. By Steven Brill

THE TROUBLE WITH BOOKS

PART I

Nothing better illustrates the arrogance of big media corporations and their contempt for their consumers than a lawsuit now pending in California.

The case involves a series of books published by a subsidiary of Disney that were ghostwritten under the name of the Beardstown Ladies. You remember the Beardstown Ladies: They're the group of retired women from Beardstown, Illinois, who rocketed to stardom in the early 1990s when they claimed that their quaint little investment club had achieved returns of 23.4 percent per year—a Warren Buffett–level performance that was three times higher than the average achieved by mutual funds and professional money managers during the same period.

Beginning in 1992, the Ladies became folk heroes in the press and on the talk show circuit. They then signed a deal with a book packager who found a ghostwriter for them and sold his product to Hyperion Press, a division of Disney, after which Hyperion began marketing a series of best-sellers with titles like *The Beardstown Ladies' Common-Sense Investment Guide: How We Beat the Stock Market—and How You Can, Too* and *The Beardstown Ladies' Little Book of Investment Wisdom*. There were even videos, such as *The Beardstown Ladies: Cookin' Up Profits On Wall Street*.

All was well until February 1998, when Shane Tritsch wrote an article for *Chicago* magazine revealing that the Ladies hadn't beaten the stock market at all. Their actual return was closer to 9 percent a year for the period that they and the books bearing their name had touted. That article was quickly followed by a front-pager in *The Wall Street Journal* echoing and amplifying Tritsch's reporting, and the *Journal*'s piece was in turn followed by a much-publicized Price Waterhouse audit that found that the Ladies had lagged the Standard & Poor's 500 Index by nearly 40 percent and had beaten the index in only three of the 14 years that Price Waterhouse examined.

In April of 1998, a lawyer in San Rafael, California, filed a novel suit. Ostensibly on behalf of a book buyer named Russell Keimer, lawyer Jeffrey Lerman sued Disney and its related subsidiaries for false advertising. Lerman says he and Keimer, who had once been employed by another lawyer involved in the case and had purchased one of the Ladies' books, were appalled that the book jackets had touted the Ladies' claim of achieving that 23 percent and, in fact, still made the claim after their inaccuracy had been discovered. So he sued—not just on behalf of Keimer but also on behalf of "the General Public." By going for this kind of class action suit, in which he sought to have Disney disgorge all the profits it had made on the falsely advertised books not just from Keimer but from everyone who'd bought them, Lerman hoped to get as his fee a percentage of what the public would recover from the suit.

Even after the Beardstown Ladies' claims were proven false, Disney persisted in selling the books with covers touting their fabulous investment returns.

Put aside any hostility you may have against plaintiff lawyers or class action suits, and think about the basics of this case. Lerman was arguing that a book's cover, or book jacket, constitutes advertising, which it of course does, because it's making a claim in order to get people to buy something. And he was arguing that under a California law prohibiting false advertising, Disney was clearly liable because Disney knew or should have known that the claims on the book jacket were false.

Part of Lerman's argument was that even after the Beardstown Ladies' claims were proven false, Disney persisted in selling the books with covers touting their fabulous investment returns. (To be sure, an attempt was made to insert an errata page into some of the books, but the effort was halfhearted at best; an article in this magazine in August 1998 reported that two months after the *Journal* article, the errata pages were nowhere to be found in books being sold with those false claims on the jackets. And as of this writing, if you go to Amazon.com, you'll still find the Ladies' first book listed with a full picture of the cover touting the 23.4 percent return with no disclaimer. Click to the Amazon.com reviews, and the first one begins, "The Beardstown Ladies' annual average investment return is a whopping 23.4%.") But the crux of Lerman's suit was that even before a magazine reporter had gone to the trouble, Disney itself should have checked the easily checkable factual claim about the 23 percent return before trumpeting the claims on the book jacket.

Disney quickly filed a motion to dismiss the case—and won. The conglomerate's defense: Because the false claims had been taken from the book itself, they were protected by the First Amendment because the First Amendment is meant to protect book publishers from these kinds of legal attacks by not requiring publishers to check the accuracy of what their authors write. Otherwise, publishers would be afraid to publish books or would have to spend too much money on checking to be able to publish profitably.

Lerman appealed the trial judge's dismissal of the case. He argued that book jackets are the publisher's own words, not the author's, and therefore the publisher has the same duty to check out the claims any other advertiser does when making a pitch to get someone to buy something.

It is in Disney's brief defending against this appeal—and in an accompanying brief filed on behalf of all major book publishers by the Association of American Publishers—where we see what big corporate publishers think about their responsibility to protect consumers from shoddy products.

"[I]t is clear," answered the Disney lawyers, "that Disney had no obligation to verify the accuracy of any assertions made by the Beardstown Ladies as to the rate of return on their investments."

Disney's claim of immunity from responsibility was matched by what the lawyers (from a firm that also represents this magazine's parent company in some matters) speaking for the publishing industry had to say in their brief backing Disney:

"[A] book publisher is entitled to rely on its author's factual investigation without need

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or obligation to undertake its own, independent investigation of the same facts," the brief from the Association of American Publishers argued. "Stripping book publishers of the right to rely on authors for the accuracy of book covers and promotional materials that encapsulate book contents would effectively nullify the legal protections afforded book publishers when they rely on their authors...."

In late October, the appeals court decided against Disney and the publishers' association, ruling that advertising on book jackets was not automatically protected from a false advertising claim and that the case could go forward.

Whether the founding fathers intended the First Amendment to protect a publisher trying to cash in on someone's falsely gained celebrity by using advertising that is clearly and objectively false is an interesting legal question that I'll bet gets decided ultimately against Disney. But the bigger issue is the way in which this suit uses consumer protection principles, not traditional libel law, to challenge America's leading consumer product: media. Much of the media we consume today is sold to us by large public corporations. Their highest priority is profit. That's not a criticism; it's an acknowledgment of their duty to shareholders. And one way they maximize profit is to claim as much as they can get away with claiming about their products. Indeed, we live not only in the Information Age but in the age of hype. Unscrupulous authors—be they those with investment returns to brag about or those with scoops to tout—will have the same motivation. The more they claim in their books, the more their publishers will be able to claim, which means bigger bucks for everyone involved.

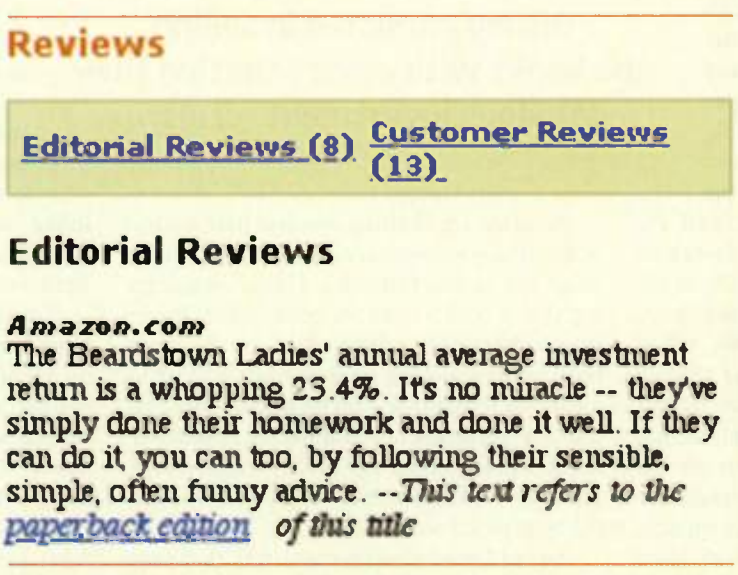
Especially at a time when so much of what these media corporations use their marketing clout to sell is not great literature or trailblazing journalism but self-help guides of all varieties, these corporations become perfectly acceptable, and unsympathetic, targets of consumer claims alleging false advertising or even fraud. It should also make them increasingly subject to challenges in the marketplace, rather than the courtroom, from skeptical consumers.

What you now know from this suit and the publishers' association brief is that the publishers you buy books from—Penguin/Putnam, Random House, HarperCollins, Simon & Schuster, St. Martin's Press, and the rest—don't think they have any obligation or responsibility to worry about the accuracy of the books they sell to you. None. Nor do they think they are even under any obligation to tell you that they don't care. After all, had Disney been truthful on its book jacket for the Beardstown Ladies' books, the jackets would have said, "These ladies say they earned a 23% return, but we have no idea at all whether the claim is true, nor did we lift a finger to find out before trying to sell you this book."

Absent these kinds of false advertising claims, the only way the law now deals with faulty media products is when they hurt someone's reputation. In those situations, a publisher that gets sued for libel has to prove what Disney does not want to have to prove in the Beardstown Ladies case: that in deciding to rely on the author, it used some care—not necessarily by re-reporting all the facts but usually by having a lawyer grill the author and ask him or her to provide notes and other sources to verify what is objectively verifiable. In other words, had the Beardstown Ladies not only said they'd earned 23 percent but singled out some famous money manager as someone whose performance they'd beaten badly, the publisher's libel lawyers would probably have made them show the lawyers the math. But because no one was defamed by what they wrote, the publisher didn't worry about it.

What I like about Lerman's approach is that he's not threatening an author's right to write free of fear of harassment suits (or real suits based on honest mistakes) or even a publisher's decision to publish a book that has material in it that's debatable or even wrong. And he's not using a libel law approach that requires that a victim of what's written undertake an expensive, long-shot courtroom battle. Instead, what he outlined in his legal papers is a structure that allows any consumer to sue but forces that consumer to clear some sensibly high hurdles. First, the material in question has to be factual and objectively wrong. Second, the publisher has to have known that it was wrong or could have discovered that it was wrong if it made a good-faith effort to do so. And third, the material in question has to have been a significant part of the advertising.

Lerman's restriction of his claim to the book's advertising is not simply a clever way to get in under the false advertising statutes; it also makes sense as a public policy matter once we begin thinking of media as a consumer product. For as consumers we get hurt by publishers when we buy books that turn out to be


Reviews

Editorial Reviews (8) Customer Reviews (13)

Editorial Reviews

Amazon.com

The Beardstown Ladies' annual average investment return is a whopping 23.4%. It's no miracle -- they've simply done their homework and done it well. If they can do it, you can too, by following their sensible, simple, often funny advice. --*This text refers to the paperback edition of this title*

Still making false claims: Here's how the Disney-published book was listed on Amazon.com in mid-December.

shoddy; and we decide to buy those books based on the words publishers use to sell them. It's their voice, not the author's, that induces us. For the same reason, we would not want to hold a bookstore liable simply for having sold a book because it decided to stock the book based on what the publisher's salesman had said about it.

Suppose a publisher says on a book jacket, "Smith has a controversial and much-criticized idea for dieting. Some experts even say this idea could kill you. But it's interesting reading and maybe worth trying." We could then hardly blame the publisher if we bought the book and the diet didn't work or even killed us. Nor, given the larger First Amendment values at stake, should we want to punish the author of that controversial speech. But the real point is that no big-media corporation today would be willing to publish a book with that jacket on it, because it wouldn't sell nearly as well as one with a jacket that says, "Smith's miracle diet has worked for 98,000 out of 100,000 people who've tried it." It's no surprise, then, that the view of the publishing trade association is that that bogus book jacket would be perfectly okay as long as Smith made the same false claim in his book.

I agree with the publishers' argument to the court that this case could have ramifications for all kinds of other books that don't make a simple and clearly false mathematical claim intended to induce people to buy them. The difference is that unlike the publishers, I think that's a good thing. For example, suppose a publisher uses a book jacket to advertise a book by Jane Doe as *The True Story of How Jane Doe Cured Herself of Cancer* when, in fact, Jane never had cancer. Why shouldn't the publisher be liable? Or suppose a publisher touts a book as the author's "*Inside story about the mob from a mob captain, with full transcripts of mobsters holding board meetings*" but the author was never in the mob and he made up the transcripts? Or what if a publisher knows that a celebrity didn't write a word of her autobiography and that half the anecdotes in it are made up?

So if the Beardstown Ladies case succeeds, as it should and probably will, I bet it won't be long before we see similar class actions against other books and even against magazines whose hyped cover lines promise something specific that is not delivered inside. (Not all hype, of course, would or should be liable. Simple exaggeration of the type we're used to on many magazine cover lines wouldn't pass the legal test that something is objectively false and is deliberate or could have been checked.)

What if a publisher knows that a celebrity didn't write a word of her autobiography and that half the anecdotes in it are made up?

Indeed, all of us as customers should demand more from those who sell us these products, and maybe even use the implicit threat of these false advertising claims as a lever. For example, suppose you get a direct mail pitch for a magazine that promises you the "straight, honest scoop on the best ski resorts." Why not write back and say you're subscribing based on the publisher's promise in that mail pitch that the magazine's coverage of ski resorts is not in any way linked to advertising. That will put them on notice that there's a class-action case in their future if they're not leveling with you. Ditto a letter questioning the hype of a magazine's cover lines.

Or you could write to book or magazine publishers and ask them how they go about checking basic facts in their nonfiction work or whether the way they rely on authors is akin to the "Don't ask, don't tell" modus operandi that senior writer Jennifer Greenstein describes in her report, beginning on the following page, on St. Martin's Press. Lots of magazines that do attempt independent fact checking would welcome those queries, because their extra effort distinguishes their brands. Other magazines and probably all major book publishers would cringe.

But is our only hope that other lawyers will try to make a killing with more class action suits that can get over the hurdles we should require in a courtroom? Maybe not. It may be that the levers of a competitive marketplace—sensitized by lawsuits like this one and others that are sure to follow—present a better alternative. With suits like this one, and with publicity like that accompanying the fiasco recounted by Greenstein at St. Martin's, which blithely published a book about George W. Bush written by a con-artist felon, maybe there's an opening for a book publisher who promises consumers, "We Check Our Books," and then explains in an introduction how a book is checked. Perhaps there's a name waiting to be made out there for a publisher that wants to brand itself as the home for books—even, or especially, for self-help books—that stands behind what they are asking customers to buy. Indeed, in some areas of publishing, such as travel, there are already brands built on quality and independence (see Matthew Reed Baker's article, "Trailblazers For Travelers," January). And many magazines have already earned respect in the marketplace for their fact-checking processes—and could earn more in a world in which consumers asked more about the care they take.

Book publishers, though, will tell you that their business is difficult enough without imposing this new liability on them. That's true, but it may be that this is because none (with the possible exception of the Alfred A. Knopf division of Random House; Farrar, Straus and Giroux; and some of the academic presses) has carved out a distinctive brand based on quality.

Besides, publishing may soon become more promising financially with the advent of electronic books that can be sold and delivered on the Internet, eliminating the production costs and returns that are the bane of book publishing. In fact, it's also the Internet, with its endless variety of content sources, that should dictate that today's publishers work hard now, before bookselling comes to the Web in full force, to embrace and tout the same standards of responsibility that they've attacked in Lerman's lawsuit. For it's only by taking the consumer's side in matters having to do with quality assurance—and becoming brands that stand for those values—that publishing, like any other business, will survive in a place like the Web, where anyone can sell anything. ■

Written by a felon, *Fortunate Son* smeared a presidential candidate and got pulled by its own publisher. How did a book shot so full of holes get into print in the first place?
By Jennifer Greenstein

snow job

THE TROUBLE WITH BOOKS

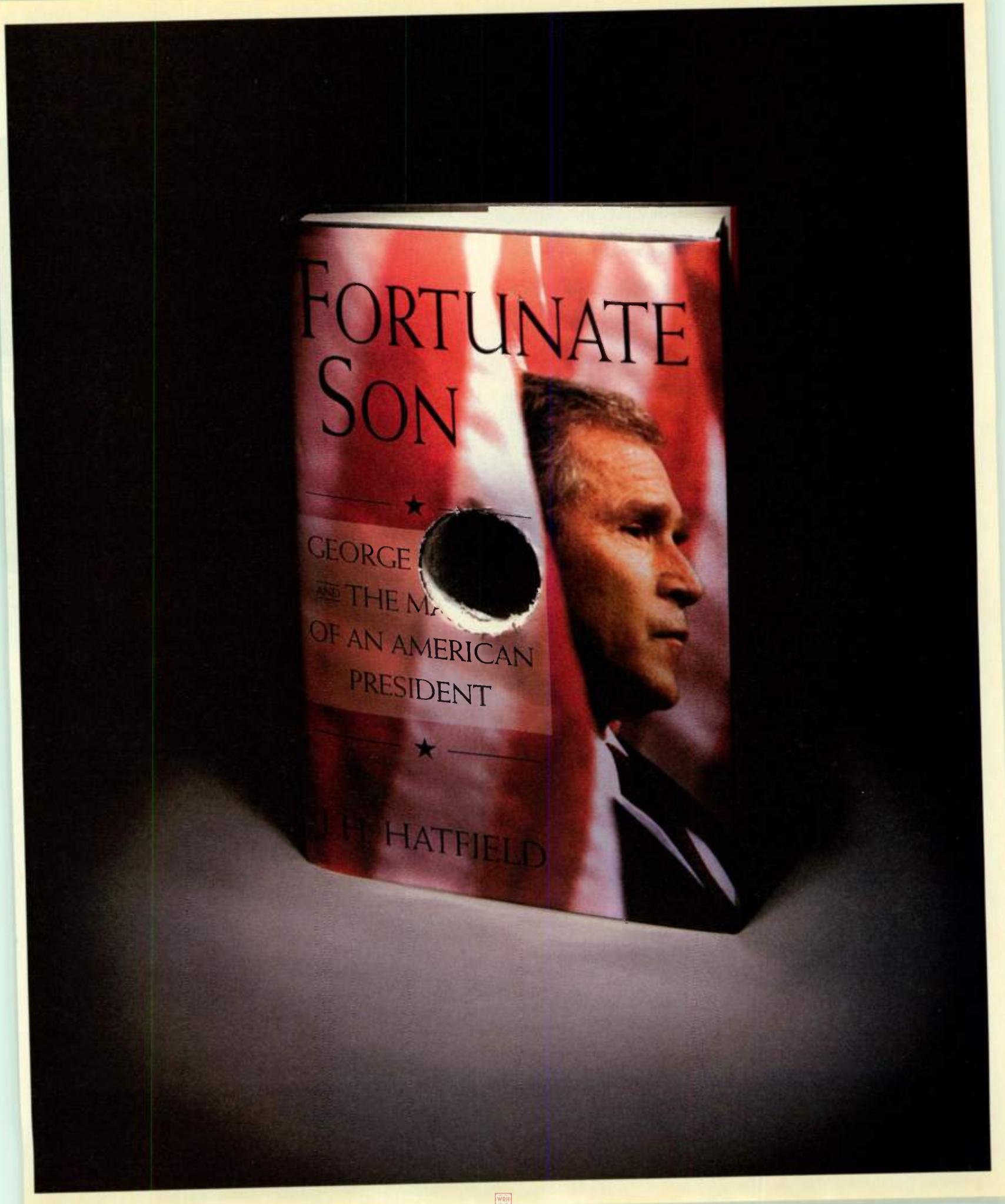
It was set to be one of the hottest books of the year—so hot that it got a secret code name. Neither the publisher's sales staff nor the book's reviewers were given the usual advance copies. The publisher, St. Martin's Press, was guarding the book's big scoop for fear that eager reporters would get wind of it. (St. Martin's wanted to reveal the book's contents with a splash in the pages of *The New York Times*.) Meanwhile, the sales force was instructed to urge top bookstores to make a big buy on the book—even though they couldn't reveal anything about it: not its subject, not its author, and certainly not the explosive story inside. The reps were told that the book, code-named "M.J.," was a newsworthy nonfiction title for which the publisher expected major media coverage, and that's all they could say about it. In fact, that's all they knew: The book was shrouded in such secrecy that even the sales reps themselves didn't know what was in it.

One of the few people entrusted with an early copy was Jim Roberts, the political editor at the *Times*, which had the exclusive right to preview the book, *Fortunate Son*, by J.H. Hatfield, before its official release. Roberts paged through his copy while on jury duty, as three of his reporters chased its allegation that George W. Bush, Texas governor and presidential candidate, had been arrested for cocaine possession in 1972. The book also alleged that the candidate's father, a former president of the United States, had persuaded a friendly Republican judge to expunge the arrest record.

Fortunate Son's account was identical in all but a few details to a tale that had circulated by e-mail and was pretty much ignored by the media, except for a few mentions on Internet sites. But now the allegations were in hardcover, and that interested reporters. Once an assertion makes its way into a book, it acquires an imprimatur of authority. Yet publishers do surprisingly little to check the assertions in the books they print (see "Are Books Accurate?" page 74). A consumer buying a nonfiction book may assume that it's true, but to a great extent publishers choose to trust their authors. This time, that trust came back to haunt St. Martin's.

Journalists, however, scrutinized the book's charges. "It was going to be on the shelves at Barnes and Noble," Roberts says. "We had to check it out first so that we knew how to handle it." The book's afterword, which contained the drug charges, seemed implausible to many reporters. The book claimed, for instance, that one of the three unnamed sources for the drug allegation was a longtime Bush confidant. He is referred to as the "Eufaula Connection" because he

NORMAN


FORTUNATE SON
GEORGE
AND THE M
OF AN AMERICAN PRESIDENT
HATFIELD

supposedly spent three days bass fishing with the author on Lake Eufaula in Oklahoma while serving as a source for the book. "That part struck me as utterly wacky—too high drama, too Deep Throatish," says Roberts.

The *Times* sneak peek expired on Monday, October 18, when the media blitz began. More than 200 preview copies arrived on the desks of journalists all over the country—editors at *Time* and *Newsweek*; producers at the *Today* show, *60 Minutes*, *Dateline NBC*, and *Larry King Live*; reporters at the *Los Angeles Times*, *The Dallas Morning News*, and *The Wall Street Journal*. The St. Martin's PR department gave most of those journalists a follow-up call, reminding them that the author was available for interviews. The publisher had flown Hatfield to New York and put him up at the Intercontinental hotel so he'd be ready for the television networks.

Some reporters poring over their advance copies were struck by the credentials—or, rather, the lack of them—listed for the man who had beaten them to the George Bush cocaine story. J.H. Hatfield was no Bob Woodward. His previous works included trivia books about *The X-Files* and *Lost in Space* and unauthorized paperback biographies of *Star Trek*'s Patrick Stewart and *Star Wars* hunk Ewan McGregor.

In fact, the tale of Bush's drug arrest and under-the-rug absolution came entirely from unnamed sources. There was no date of arrest, no judge's name, no police officer's name, no paper trail. Hatfield claimed that three people close to Bush had confirmed the story. Since that's all he had—just the three unnamed sources—the story's credibility rested on the author's credibility.

After a day of investigating the book's charges, *The New York Times* decided that there was no story. On the Sunday before the book was to be released, Roberts called John Murphy, St. Martin's director of publicity, to tell him the paper wasn't going to run anything. Murphy says that he recalls feeling a twinge of worry when he heard the news. On Monday, each of the network morning shows took a pass. "They were uncomfortable with the unnamed sources," Murphy says.

Author J.H. Hatfield

A *Times* reporter had discovered that one of the only details in the drug allegation—that former President Bush had asked a Republican judge to expunge his son's record—didn't check out. The reason: There were no Republican judges in Houston in 1972. Any good reporter would have zeroed in on this assertion if he were trying to verify an unsourced account. But book publishers aren't investigative reporters—they don't think like them, and they don't act like them.

Another reporter working to verify the book's charges ended up unmasking author James Hatfield's sordid past, revealing how little the publisher knew about its author—and how easy it is for unverified allegations to make their way between the covers of a book. On October 22, three days after the book's release, St. Martin's recalled *Fortunate Son*, saying it could no longer trust Hatfield. Sally Richardson, president of St. Martin's trade division, declared that the copies would be destroyed. (They're "furnace fodder," she told *The New York Times*.) Hatfield says his publisher had no right to recall the book. "There is no 'morals clause' in a publishing contract," Hatfield told *Brill's Content* in an extensive e-mail correspondence.

In this case, the press did its job; it discredited Hatfield and his book. But thousands of readers bought a book they have no good reason to believe a word of. The damage to George W. Bush's reputation was done. A faulty product, costing $25.95, made its way to consumers, and no one at St. Martin's Press was fired.

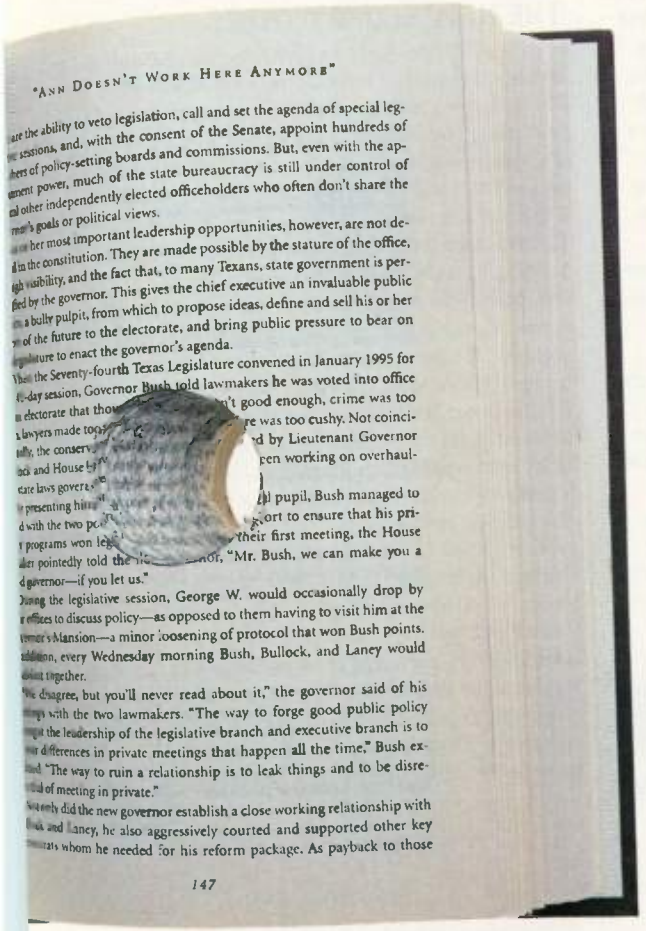
On December 3, 1997, less than
wife, Laura, formally announce
at Sam Houston Elementary, h
(Photo courtesy of the Midland
King, MRT librarian)

On a Sunday afternoon in early March 1999, four months after he
second term as governor and an even longer period of political
unveiled the multicultural and diverse group of high-profile
comprise his presidential exploratory committee.
(Photo courtesy of the George Bush Presidential Library)

In 1995, Jim Hatfield phoned an old friend, fellow Arkansan Ruby Jean Jensen, and mentioned that he had an idea for a book. Hatfield had always wanted to be a writer. He asked for an electric typewriter when he was 12, and he wrote horror and science fiction. Jensen, the author of more than a dozen books, gave Hatfield the name of her publisher. Soon Hatfield and a coauthor were signed up to write an unauthorized *Star Trek* trivia book, and Hatfield the author was born. Over the next few years, he produced several more trivia books and two quickie biographies (paperbacks churned out in a few weeks). In the fall of 1998, Hatfield had six books—all related to science fiction—to his name.

Then he presented St. Martin's editor Barry Neville with a proposal for a book about George W. Bush. Neville was familiar with Hatfield's work—he had signed him up for the Ewan McGregor book at The Berkley Publishing Group, and then left for St. Martin's Press a week later. Hatfield's Bush book was pitched as an evenhanded overview of Bush's life, a clip job that culled information from books and articles, although the proposal specified that Hatfield would also do interviews. "The author certainly led us to believe that he had access to various people who knew George W.," says Thomas Dunne, who runs Thomas Dunne Books, the St. Martin's imprint that purchased the

LEFT: COURTESY J.H. HATFIELD; BOOK: NORMAN



"Ann Doesn't Work Here Anymore"

are the ability to veto legislation, call and set the agenda of special leg- sessions, and, with the consent of the Senate, appoint hundreds of bers of policy-setting boards and commissions. But, even with the ap- ment power, much of the state bureaucracy is still under control of al other independently elected officeholders who often don't share the rnor's goals or political views.

ese her most important leadership opportunities, however, are not de- d in the constitution. They are made possible by the stature of the office, gh visibility, and the fact that, to many Texans, state government is per- fied by the governor. This gives the chief executive an invaluable public m, a bully pulpit, from which to propose ideas, define and sell his or her n of the future to the electorate, and bring public pressure to bear on gislature to enact the governor's agenda.

When the Seventy-fourth Texas Legislature convened in January 1995 for 40-day session, Governor Bush told lawmakers he was voted into office n electorate that thou n't good enough, crime was too lawyers made too re was too cushy. Not coinci- lly, the conserv d by Lieutenant Governor ate and House l gen working on overhaul- state laws govere presenting him l pupil, Bush managed to d with the two pc ort to ensure that his pri- programs won leg their first meeting, the House aker pointedly told the nor, "Mr. Bush, we can make you a d governor—if you let us."

During the legislative session, George W. would occasionally drop by r offices to discuss policy—as opposed to them having to visit him at the rnor's Mansion—a minor loosening of protocol that won Bush points. addition, every Wednesday morning Bush, Bullock, and Laney would eakfast together.

"We disagree, but you'll never read about it," the governor said of his tings with the two lawmakers. "The way to forge good public policy ough the leadership of the legislative branch and executive branch is to ve differences in private meetings that happen all the time." Bush ex- ained. "The way to ruin a relationship is to leak things and to be disre- ectful of meeting in private."

Not only did the new governor establish a close working relationship with Bullock and Laney, he also aggressively courted and supported other key ocrats whom he needed for his reform package. As payback to those

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book. "He led us to believe that he had family connections through marriage to Houston society." St. Martin's paid Hatfield $25,000—more than he'd received for any other book—and planned a first run of about 20,000 copies.

What qualified Hatfield to write a biography of a major political figure? According to the book jacket for *Fortunate Son*, Hatfield was "a syndicated columnist, freelance Texas journalist, and frequent contributor to several Lone Star State newspapers and magazines." But no one at St. Martin's Press had ever laid eyes on any article written by Hatfield. And no one had bothered to see if Hatfield's name was familiar to Howard Swindle, another St. Martin's author and a veteran Texas journalist. Hatfield says his freelance writing consisted primarily of stories "in the entertainment field... (i.e. film reviews, etc.)." The book also touted Hatfield as the 1997 winner of the "prestigious international Isaac Asimov Foundation Literary Award for outstanding biography of an actor (Patrick Stewart) in a sci-fi TV series of [sic] film." The "prestigious international" award—a description provided by Hatfield—turns out to have come from an Internet science fiction fan group. Hatfield says his editor never asked him any questions about the award.

A customer buying a nonfiction book may assume it's true. But publishers do surprisingly little to check their authors' truthfulness.

Publishers have no rigorous, established routine of checking into their authors' backgrounds. Editors give lots of credibility to an author who has an agent—as Hatfield had—but agents admit they don't formally check authors' backgrounds, either. Richard Curtis, president of the literary agency that represents Hatfield, says he never asked to see evidence of the author's credentials. They would be checked "only if the agent suspected something was amiss, which was not the case here," he says. Publishing insiders say top-tier houses would never publish an author without knowing much more of his or her background than St. Martin's knew about Hatfield (see "Are Books Scrutinized?" page 77). But the publishers *Brill's Content* spoke with seem willing to accept an author at his word. Leslie Pockell, associate publisher of Warner Books, says that if a writer or an agent submitted a manuscript claiming that the author was a doctor, Pockell isn't sure that he'd check. "The résumé comes in, he says he went to Yale Medical School—I don't know that we call up Yale and find out that the guy actually graduated," he says.

The issue of whether Hatfield had the credentials to write a biography of George W. Bush—and the investigative skills to unveil a hidden past—came up on the Sunday before the book was to be released, while Hatfield and Neville watched a football game on TV in a New York City bar. (Neville had taken the author out for brunch after he arrived in the city.) "Barry spent the afternoon coaching me [on] what to say," says Hatfield. Neville jotted down two pages of questions that the pair anticipated reporters would ask Hatfield, and the responses he should give. The first question: "Your background doesn't seem to indicate that you'd be capable of writing such a meaningful, provocative biography?" Neville wrote, then suggested the response: "([A]cknowledge question) Yes, I've written several books, and I'm proud of all of them. I've also worked as a freelance journalist for several years, an experience that really prepared me for this book." Neville tells *Brill's Content* that most of these notes were dictated by Hatfield. "I just happened to be the one writing it down," Neville says. "He seemed to have thought a lot about how the media would approach him."

Hatfield says he was so anxious to shed his reputation as an author of sci-fi trivia books that he had asked Neville if he could write *Fortunate Son* under a pseudonym. Of course, he may have hoped a pen name would protect him from revelations about his past. The idea was nixed when Neville pointed out that his track record as a published author and journalist would be an asset in marketing the book, along with his Isaac Asimov award for outstanding biography.

What Hatfield had to offer—and what publishers want—is a track record of selling books. And Hatfield the author was by all accounts professional and personable. "He's never been late with anything," says Laura Tucker, his agent for the Bush book. "If he said, 'You'll have it by the end of the week,' I had it by the end of the week."

Hatfield's editors and agents had never met him in person before he arrived in New York for his media blitz for the Bush book. Their relationship developed through years of phone calls and correspondence. Even though he lived in Arkansas, Hatfield ingratiated himself with the people in New York who were helping to launch his fledgling writing career, sending flowers or a heartfelt thank-you note when a deal was signed. Hatfield came across as a good ol' boy from down South, an image that would serve him well when it came to convincing people that *he* was the man who had nailed the Bush drug story.

When the manuscript for *Fortunate Son* was submitted, Hatfield's editors were impressed. It was "a good, solid piece of work," Dunne

are books accurate?

Fortunate Son **is an aberration in the publishing industry—or is it? In an effort to find out, we took a sample of current top nonfiction books and had this magazine's fact-checking staff give them the same once-over that they would give to one of our articles. Picking a sample chapter from each book, we called the sources to make sure they had actually been interviewed, asked experts whether the books' conclusions were true, and verified names and numbers. Here's what we found:**

SHEEHY'S CHOICE

Gail Sheehy left few stones unturned in finding sources for *Hillary's Choice* (Random House), her new biography of the first lady. But a spot check of "'I Wonder Who Is Me?,'" a chapter about Hillary Rodham Clinton's college years, suggests that Sheehy threw her facts together in a hurry and used them to arrive at some dubious conclusions.

The chapter features a controversial passage that the first lady's camp has denied: Sheehy's widely circulated assertion that Clinton's father didn't attend her graduation (see "A *Dateline* Exclusive," page 35). Sheehy says her statement about the graduation no-show came from "half a dozen" interviews with Clinton's classmates and professors. But by her own admission, Sheehy never spoke to anyone who knew for a fact that Hugh Rodham was absent—her sources simply couldn't recall having seen him.

Apart from people who didn't see Hugh Rodham, one of Sheehy's main sources is a January 1993 *Boston Globe* article called "Hillary: The Wellesley Years." In using this source, Sheehy achieves the difficult feat of combining heavy borrowing with inaccuracy: We found four places in which Sheehy lifted sentences almost verbatim from the *Globe* and four others in which she incorrectly transcribed quotes from the *Globe* article into her piece. In her defense, Sheehy did provide footnotes identifying the *Globe* as her source in each case.

Sheehy also reports that during college, Clinton was scolded by friends from her hometown after she took a black friend to an all-white church. Sheehy attributes this fact to Don Jones, Clinton's youth minister. Jones says Clinton never told him of any scolding.

Asked about her use of the *Globe*, Sheehy is predictably impatient. "Give me a break," she says. "Why are you breaking your neck over these stupid little things? The real story here is that the White House is leaking [disparaging] information about my work" to such outlets as *The Washington Post*, *The Village Voice*, and Arkansas columnist Gene Lyons. All have recently lambasted Sheehy's book.

Factual problems with *Hillary's Choice* extend well beyond the chapter we checked. In a column for the *Arkansas Democrat-Gazette* on December 8, Gene Lyons wrote that he had found 11 errors in a single, three-paragraph passage about Clinton's financial dealings in Arkansas. In a letter to the newspaper's editor that was also forwarded to *Brill's Content*, Sheehy wrote that the passage had been vetted by "my Arkansas fact-checker," Jan Cottingham, who found "no fault with my book's accuracy." But Cottingham, a writer for the weekly *Arkansas Times*, told us that all she did for *Hillary's Choice* was provide raw research material—she never fact-checked Sheehy's manuscript.

Reached by phone while on her book tour, Sheehy puts things in perspective: "There are 5,000 facts in this 350-page book, and of those 5,000 there are about nine in dispute—errors that have nothing to do with my depiction of Hillary's character....Even if they're all wrong, that means only 4 percent of the book is wrong." "It's .4 percent," Sheehy's publicist interjects. (For the record, it's .18 percent.) "I'm not a numbers person," admits Sheehy. MATTHEW HEIMER

THE SCHOLAR AND THE PAPACY

In *Hitler's Pope: The Secret History of Pius XII* (Viking), John Cornwell, a fellow at Cambridge University's Jesus College, advances an incendiary thesis: that World War II pope Pius XII—born Eugenio Pacelli—was instrumental in Hitler's rise to, and grip on, power. The explosive conclusion is backed up by rigorous documentation: Cornwell's 371 pages of text have an accompanying 24 pages of source notes.

Cornwell, who had assured Vatican archivists he was "on the side of [his] subject," even gained special permission to view unpublished sources in closed archives in Rome; ordinarily, the archives maintain a 75-year rule of secrecy.

Cornwell's conclusions have drawn fire. Robert McClory, an associate professor at Northwestern University's Medill School of Journalism and author of *Power and the Papacy: The People and Politics Behind the Doctrine of Infallibility* (Triumph Books, 1997), told *Brill's Content* that Cornwell "skews the facts [to portray] Pacelli in...the most negative way." He also wrote in a review for the magazine *In These Times* that Cornwell overlooks or unfairly downplays examples of Pacelli's strong resistance to Hitler's dominance, such as his effort to help European Jews emigrate during the war.

Despite the heated debate Cornwell's book has sparked, few factual inaccuracies have been noted. When subjected to the processes *Brill's Content* uses to fact check its articles, this book holds up. In "Hidden Life," the chapter we spot-checked (an admittedly limited investigation, because of the secret nature and location of Cornwell's sources), we found only one minor error. JANE MANNERS

THE NEW SLOPPY THING

For a Wall Streeter turned writer, Michael Lewis can be bad with numbers. He goofs up in *The New New Thing* (Norton), his book about Netscape's Jim Clark. For example, he writes in one place that Netscape stock opened its first trading day at $12 per share and rose to $48. Later he writes that its offering was at $18 and that it rose to $171. In fact, the IPO was at $28, the stock started trading at $71, and it closed at $58.25. Lewis says he took the numbers from Bloomberg, a financial information service, and miscalculated a stock split adjustment. In the chapter we checked, "The Boom and the Mast," Lewis bungled the name of Advanced Micro Devices founder W.J. (Jerry) Sanders and called Microsoft "on its way to becoming the most highly valued company on the New York Stock Exchange," despite Microsoft's listing on the Nasdaq. Still, in fairness to Lewis, most of the facts we checked did match up.

Lewis hired a student at the University of California at Berkeley to fact check numbers and names. When contacted by *Brill's Content*, Lewis noted that Clark had read the manuscript prior to publication and corrected three or four errors. He also noted that despite the fact-related criticisms, no one had criticized his more general reporting and characterizations, and that mistakes will be corrected in subsequent editions. JESSE OXFELD

THE 411 ON 911

Perhaps Diane Irons's career as an image consultant and model makes her an expert on what type of fashion choices are appropriate for a "triangle" body type. It's Irons's nutrition tips that are more suspect in her new book, *911 Beauty Secrets: An Emergency Guide To Looking Great At Every Age, Size And Budget* (Sourcebooks), touted as the "behind-the-scenes beauty secrets of the rich and famous."

Irons, who admits she's not a nutritionist, gives nutritional tips on the benefits of various foods, vitamins, minerals, and herbal supplements without any sourcing for her information. When we checked specifics from Chapter Six, "Inside/Out Beauty," with two top nutritionists, they questioned Irons's conclusions. For instance, Irons says that wheat germ gets rid of pimples "quickly and efficiently." Dr. Audrey Cross, associate clinical professor at the Columbia University Institute of Human Nutrition and the Joseph L. Mailman School of Public Health, says that wheat germ is great for its vitamin B and trace mineral content, but that it won't get rid of pimples. "[Wheat germ has] been really effective with young models," Irons responds.

What about Irons's claim that "premature graying may be the result of diet"? Lisa Sasson, a registered dietitian and clinical assistant professor at the Department of Nutrition and Food Studies at New York University, gives a firm no. She says, "[Gray hair]'s a

NORMAN

genetic thing; it has nothing to do with any nutritional property." Cross adds that Irons's statement is "misleading" and that poor diet causes hair to actually lose its pigment—which is different from graying. She says that loss of pigmentation from diet is so rare that she's seen only one case of it. AMY DITULLIO

A CENTURY OF TEXT

The latest offering from Hugh Hefner's empire, *The Century of Sex: Playboy's History of the Sexual Revolution, 1900-1999* (Grove Press) is for those men who really do read *Playboy* for the articles. Indeed, it's an excellent—if slightly prurient—research effort. Author James R. Petersen, a longtime *Playboy* columnist, provides a deeply researched examination of this country's sexual history. (The book is edited by Hugh Hefner.) Petersen relies extensively on contemporaneous sources and gives those accounts the space to tell their own stories. He credits his quotes and observations to their sources, and he gets the quotes right—along with names, spellings, and dates. In the section we examined, "Real Sex," dealing with the sexual-harassment debates of the early part of this decade, everything checked out. In some cases, the first few words or some punctuation was altered slightly to better mesh a quote with its preceding text. That's standard practice at many publications.

In a few cases, Petersen attributed a quotation to "a *Playboy* writer" without mentioning that the writer in question was Petersen himself. In other words, the worst fault of this *Playboy*-produced book is an excess of modesty. JO

WHEN ACCURACY MATTERED

The title of David Maraniss's Vince Lombardi biography, *When Pride Still Mattered* (Simon & Schuster), could apply to his own book. Reviews lauded Maraniss's trenchant portrayal of Lombardi's complicated character; Maraniss's attention to detail is shown in his accuracy with names, facts, and titles. (In Chapter 26, "The Empty Room," all of the names of Packers players, and their positions, check against the Packers' official website, as do the names and years of the coaching staff. Al Treml was indeed the team's film coordinator, and Vernon Biever did really take their pictures.)

W.C. Heinz, the author of an earlier Lombardi biography, *Run To Daylight!* (Prentice-Hall, 1963), says, "It's a biography that should win some kind of an award," and Lombardi's two children concur. Despite Maraniss's less-than-complimentary depiction of Lombardi's home life, Lombardi's daughter Susan calls the book "as accurate as it could be," and his son Vince says it was "a good book, period." As for the picture Maraniss painted of his father, Vince says it was fair and "like all of us, complex: the good, the bad, and the ugly." JM

says. The publisher's lawyer reviewed it, looking for statements that could be libelous or invade someone's privacy, and was satisfied with the notes and articles the author produced to back up his claims.

One incident bolstered the publishing house's confidence in Hatfield's integrity. Hatfield told his editors that he had investigated a salacious rumor about Bush and found he couldn't confirm the story. Without adequate evidence, he told them, he wasn't going to include it in his book. "He wasn't throwing in every possible rumor that had ever come up," Dunne says.

Fortunate Son was already well into production when Hatfield, apparently still thinking about how to improve the book and its prospects, informed his editors around September 3 that he'd reeled in the big fish—he had the George Bush drug story. The publisher boosted the print run fivefold, to 100,000, and began working furiously to get the afterword to press. On August 31, Neville had noted in an e-mail to Hatfield that the book's publication date had been delayed from November to December. But on September 9, Neville wrote Hatfield: "[A]mazing what happens when people sniff out a potential bestseller. There's a big push now to get the book out as soon as possible, which is looking like the end of October at this point."

St. Martin's insists it did not rush the book out. "The accelerated pub schedule had nothing to do with the afterword," says Richardson, the president of St. Martin's trade division. "The pub date was changed for market competition, and to compete with the other George Bush books on the market."

Celeste Phillips, the outside lawyer who reviewed the book, examined the afterword and gave it the green light, Dunne says. (Phillips declined to comment, citing attorney-client privilege.) But the decision to go with the accusations ultimately belonged to the book's editors, not the lawyer. "A libel reading in a case like this is meaningless," says Peter Osnos, CEO and publisher at the nonfiction publishing house PublicAffairs. "The real issue is, What's your proof? That's not a legal question. That's an editorial question." The editors at St. Martin's were satisfied with what Hatfield had given them and were ready to go with it. Hatfield told St. Martin's, "'Look, I have these sources....I cannot reveal who they are. You have to take my word for it,'" recalls Dunne. St. Martin's did.

And why not go with the damning charges? After all, unlike virtually every other company that makes a product, publishers have little legal responsibility for what they produce. In Hatfield's contract with his publisher—a typical author's contract—he stipulated that nothing in the book was libelous. If the publisher were sued, Hatfield would be legally bound by his contract to pay the judgment against the publisher, as well as the publisher's legal costs. Although no publishing house would relish such a lawsuit, St. Martin's had another fact on its side: Politicians rarely sue. The legal standard a public figure must meet to win a libel suit is so onerous, and the likelihood of a presidential candidate exposing himself to the scrutiny of a libel lawsuit so slim, that St. Martin's had little to fear.

As the publication date neared, St. Martin's marketing arm swung into action, ready to use scandal to sell books. Media interest kept percolating, but reporters remained skeptical. An interview Hatfield taped for the *CBS Evening News* never aired because the producers had concerns about Hatfield's credibility. Meanwhile, the book's charges drew strong denunciations from former President George Bush and his son. Several newspapers reported on the book's findings using the Bushes' denials as their news peg.

A few reporters who dissected Hatfield's claims discovered, as *The New York Times* had, that they didn't stand up to scrutiny. Pete Slover, a staff writer at *The Dallas Morning News*, went one step further: He started looking into the author's background. On the afternoon that the book

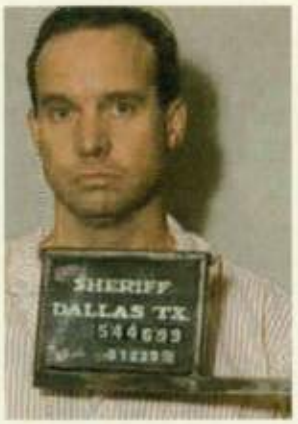
was officially released, Slover dropped his bomb. He called Jamie Brickhouse, St. Martin's associate director of publicity, and explained that someone with the same name as their author—James Hatfield, middle initial H.—had pleaded guilty to solicitation to commit capital murder in Texas 11 years before. "I got a mug shot of this guy," Slover said, "and I think it's your guy."

Hatfield was sitting on a couch in St. Martin's offices eating sushi at the time. Dunne decided to confront Hatfield right away, so he said to him: "*The Dallas Morning News* is running a story that says you served time in prison for attempted murder. Could that possibly be true?"

Hatfield immediately denied it.

"He was adamant, absolutely adamant. I think he said, 'Oh, my God, these people will stop at nothing,'" Dunne recalls. Hatfield went downstairs and repeated his denial to John Murphy, St. Martin's head of public relations. "He seemed absolutely shocked and angry. His eyes just sort of rolled to the heavens," Murphy remembers. "He said, 'They're confusing me; they've got to be confusing me with some other Hatfield.'"

Then Hatfield disappeared. St. Martin's hired private investigators who confirmed the author's criminal past, and the publisher announced it was withdrawing the book. A few days later St. Martin's editor in chief, Robert Wallace, dramatically resigned, issuing a statement saying, "I do not in any way wish to have my name associated with *Fortunate Son* or future books published by Thomas Dunne Books over which I have no control." Wallace complained that he had been looped out of the process. "I had no authority over the book," he told *Mediaweek* online just after his resignation. In fact, Wallace *had* read the afterword before the book went to press—and hadn't voiced any objections. Murphy handed him a copy shortly after the final text was approved. "I asked his opinion on it, his opinion as far as the newsworthiness of it," says Murphy. Wallace agreed that it was a good scoop. When *Brill's Content* asked Wallace about that, he admitted he was consulted. "I saw the afterword, late in the game," Wallace says. "I didn't have any problem with the afterword per se."



Felon J.H. Hatfield: Less than a year after being paroled, the aspiring writer signed his first publishing contract.

Everyone at St. Martin's claimed to be shocked by Hatfield's past. His editors had always taken him at his word, and had never found a reason to doubt him. But they had also relied on the most superficial indications that the product he produced for them was reliable, and they failed to notice the scent of untruth in the book's damning charges.

Dunne says he was pleased with the book partly because "it turned out to be longer than we anticipated," and he cites the length of the source notes—55 pages—as evidence of its merit. In fact, Hatfield's source notes list hundreds of articles and books about Bush but never connect specific statements in the book to specific sources as traditional footnotes do—disguising how much in the book came from other sources and how much came from the author's original research. Hatfield lists the names of more than 100 people he says he interviewed for the book; when *Brill's Content* contacted 10 of those people, all 10 said they had never spoken to him. Hatfield insists he talked to all of them, and offers various explanations for their denials: They are friends of Bush's; they were interviewed 10 or 15 years ago; they had instructed him to use a fake name when calling.

The book strings together quotes from other sources liberally, without indicating their provenance. On page 49 of *Fortunate Son*, three Bush acquaintances offer revealing assessments of the youthful George W. All three quotes were taken from a single page of Robert Draper's 1998 story on Bush for *GQ*. "Hatfield is a fraud, but my real outrage extends to this fraud finding a publisher," says Draper.

Worse still is the inflammatory nature of the afterword, a 13-page narrative that is as implausible as it is theatrical. Hatfield breathlessly announces how he deduced that the months Bush spent working at a community center were part of a deal to get his drug arrest expunged. He describes a phone call to unnamed source No. 1, characterized as "one of Bush's former Yale classmates," who tells him, "'I was wondering when someone was going to get around to uncovering the truth.'" Unnamed source No. 2, described as "a longtime Bush friend and unofficial political adviser," colorfully offers, "'George damn sure wasn't the first rich kid who got caught with a little snow and because of his family's connections had his record taken care of by the judge.'"

But the afterword's crowning jewel is Hatfield's description of phoning Scott McClellan, a campaign spokesman for Bush, and telling him what he'd uncovered. "There was a moment of electric silence," the book says, "and then McClellan muttered an almost inaudible, 'Oh, s--t,' and after hesitating for a moment, finally said, 'No comment.'" Did such a conversation transpire? No way, says McClellan: "I never talked to the guy."

It never occurred to Hatfield's publishers, however, to take the prove-it-to-me stance of journalists, because that's not how they operate. Even after the fact, Dunne isn't interested in hashing out the inconsistencies. The lack of Republican judges in Houston in 1972? "That could be an error," Dunne says. "That wouldn't invalidate it." He dismisses the book's publication as a mistake that was corrected when the book was recalled, and makes surprisingly little of the incident. "There are corrections in *The New York Times* all the time," he says. And besides, says Dunne, the afterword "could still be true." Hatfield's agent, Richard Curtis, still believes the book is reliable and peddled it to another publisher after St. Martin's withdrew it. As for Hatfield's criminal record, Curtis says, "I'm taking a don't-ask, don't-tell position in all of this, because I happen to think it's irrelevant to the truthfulness of the book."

How did sci-fi whiz James Hatfield singlehandedly uncover this secret when dozens of veteran reporters had gone before him and failed? St. Martin's publicist Murphy posed that question to Hatfield. "He said, 'Look, John, I'm from down here. I'm a good ol' boy, really, and I used my good ol' boy connections. And people are a lot more willing to open up to me than, let's say, a reporter from New York.'"

St. Martin's knew nothing of James Hatfield the felon, who pleaded guilty to solicitation to commit capital murder in 1988 after being charged with paying $5,000 to have his boss killed with a pipe bomb. The plot failed. (When *Brill's Content* asked about his criminal record, Hatfield declined to answer.) Hatfield served time at Texas's notorious Huntsville prison, known as The Walls for its looming, 151-year-old brick facade. After serving nearly five years of a 15-year sentence, he was sent to a federal prison in Oklahoma; in December 1994, he was paroled and returned to Arkansas. Soon after, he signed his first publishing contract.

COURTESY DALLAS COUNTY SHERIFF PIO

Why don't publishers do more research into their authors' backgrounds? Because they don't believe they need to. The odds are on their side. More than 65,000 books are published every year, and the number of times that a publisher has been humiliated by revelations of an author's dishonesty is negligible. One example etched in the minds of agents and editors: *Poor Little Rich Girl*, a biography of Barbara Hutton that was quickly withdrawn by Random House after a doctor disputed the book's claim that he had overmedicated Hutton in 1943. (The doctor pointed out that he was 14 years old in 1943.)

One of the most notorious controversies was in 1996, when a biography of Nazi propagandist Joseph Goebbels written by David Irving elicited howls of protest from critics who said the author was part of a clutch of revisionists who claim the Holocaust never happened. The publisher of that book? St. Martin's. The editor? Thomas Dunne.

As with the Bush biography, Dunne appeared to know little about the author's background. When the uproar arose—just before the book was to be released—Dunne explained that he wasn't aware of the author's reputation when he signed the book. "I have been told [recently] that Mr. Irving is at the center of much controversy of late and has been accused—and I do not know if this is true or not—of denying the Holocaust," Dunne said in a written statement at the time. The Goebbels book was finally canceled by Thomas McCormack, St. Martin's chairman then, after he sat down and read it. (McCormack doesn't think Dunne erred in his handling of *Fortunate Son*: "To this moment, nothing in that book has proved to be unfounded or untrue. No charge of carelessness against Dunne or St. Martin's seems to me justified.")

St. Martin's Press is known for its high volume. It churns out 750 consumer titles a year with 28 editors, and Dunne's imprint produces about 175 books a year with nine editors. That means each of Dunne's editors works on an average of 19 books a year, or about one every three weeks. At Alfred A. Knopf, Inc., the prestigious Random House imprint, each editor works on about 11 books a year.

"Tom has always prided himself on the number of titles he produces," says Charles Hayward, a veteran of several publishing houses, including St. Martin's. "St. Martin's does a lot of little books for a lot of little amounts of money." St. Martin's is also seen as a publisher more willing than others to take risks on sketchy books. "This is a big publisher, but not necessarily a publisher with great journalistic tradition," says one publishing veteran. "If this happened at Simon & Schuster or Random House, we would be appalled."

Still, few in publishing feel they're safe from the same kind of deception. "It's easy to point fingers and be sanctimonious about somebody else's problems," says Stuart Applebaum, spokesman for Random House. "[But] none of us is immune from the potential of making a mistake about an author." Hatfield's former agent, Marcia Amsterdam, says "I am so lucky" not to have been involved with this book. Could this have happened to her? "Well, sure, absolutely."

"We would all like to think we'd be more careful about it, but we cannot adopt an air of superiority," says Neil Nyren, senior vice-president and publisher of G.P. Putnam's Sons, a division of Penguin Putnam. "One way or another, these things do happen to all of us." Observes one agent: "I think it sends a shiver around. Everyone feels: 'There but for the grace of God go I.'"

And there goes the reader, walking into a bookstore and picking up a product that hasn't been tested for accuracy. A *second* publisher, New York City's Soft Skull Press, is making noises about reissuing *Fortunate Son*. And in fact, you can walk into a bookstore today and pick up the St. Martin's edition. Despite St. Martin's assurances that the book was furnace fodder, major chains Borders Books & Music and Waldenbooks still carry it, asserting that they have a legal right to do so. St. Martin's says there's nothing it can do about that. ■

are books scrutinized?

The process of checking books for accuracy varies as much as the books themselves. *Brill's Content*'s Leslie Heilbrunn talked with three nonfiction editors from three different publishing houses and asked them about their testing procedures. Here's what they had to say:

LAUREN OSBORNE, SENIOR EDITOR, HILL & WANG, AN IMPRINT OF FARRAR, STRAUS AND GIROUX

(recently edited Leila Ahmed's *A Border Passage: From Cairo to America—A Woman's Journey*):

"[A]lmost all of our books are read by one outside person who is an expert in the field. That process is not designed exclusively as fact-checking; it's designed to look at the scholarship in general and see if it's up to snuff, but it also serves as a fact-checking process because other experts in the field can point out to the author things that are wrong. And then, in the course of editing, there's a two-tiered process that is not explicitly designed to fact-check every single fact in the book, but that ends up catching a lot of stuff....When I edit, I will spot-fact-check. I will pull out an encyclopedia and check a few things as I'm going along."

BOB BENDER, SENIOR EDITOR, SIMON & SCHUSTER

(recently edited Scott Ritter's *Endgame: Solving the Iraq Problem Once and for All*):

"I talk to the author. I want to know who the sources are, and the degree of comfort I have with the material often depends on who the author is. If the author is a published journalist with a reputation, I'm going to rely on him more than if the author is somebody who doesn't have that kind of background and is inexperienced....Frankly, I don't know what defense you have if your author lies to you."

DIANE REVERAND, SENIOR VICE-PRESIDENT AND PUBLISHER, CLIFF STREET BOOKS/HARPERCOLLINS PUBLISHERS

(recently edited George Weigel's *Witness to Hope: The Biography of Pope John Paul II*):

"For me, it's always about my relationship with an author. Especially in most nonfiction, you're not buying a finished manuscript; you're working with it from the time you have a short proposal. So I'll talk with authors all along and I'll also read their source material myself because I'm interested—if I'm publishing the book, I want to know as much as I can about it."

THE BUZZ BUILDER TAKES SUNDANCE

BY DIMITRA KESSENIDES

The mantra of those headed to the best known festival on the country's independent-film circuit: Never go without a publicist. That's where Reid Rosefelt enters the picture.

It's a frosty January 1999 night in Park City, Utah, and Reid Rosefelt is working. It might look as if he's simply mingling at a loud, crowded party. But this bash, in honor of independent-movie guru John Pierson, is among dozens slated for the 11-day Sundance Film Festival, a make-or-break stop on the independent-film circuit. Sundance is a vortex through which virtually all makers of low-budget, art, or documentary films—or, for that matter, any movie that isn't a wanna-be blockbuster—must pass to find out whether their creations have a commercial future. And as one of the best-known publicists working this territory, Rosefelt is paid to mingle at Sundance parties, where this year he will tout the eight movies he's representing.

It's hard to hear much of anything above the din of the 300-odd producers, directors, distributors, publicists, and journalists packed into the two smoky rooms in The Club bar on the festival's third day. But Rosefelt is unaffected by the noise as he makes his way through the throng, stopping here and there to chat, gossip, and, above all, talk movies. He hears the same question over and over: "What've you got this year?" His answer is invariably a pitch, albeit an understated one.

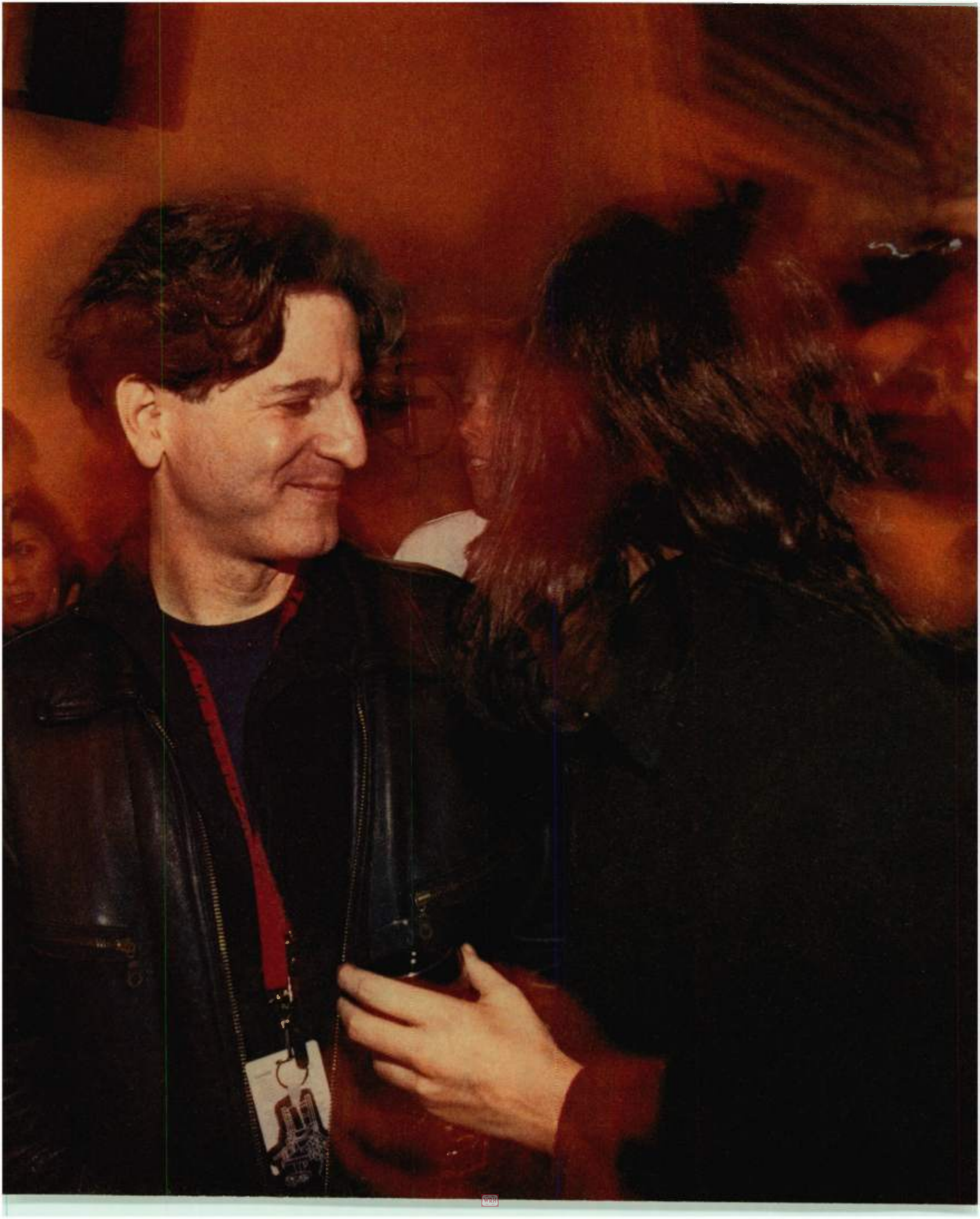
"I've got this great documentary, *On The Ropes*," he raves to one person, referring to a film that traces a year in the lives of three teenage boxers who train at the Bedford-Stuyvesant Boxing Center in Brooklyn. "And this beautiful film, *Judy Berlin*. What a talent that director is."

Rosefelt, 46, steps out onto a balcony overlooking Park City's snow-blanketed Main Street. He banters with a group that includes Karol Martesko, the publisher of the *Silicon Alley Reporter* and indieWire.com, a website devoted to non-Hollywood fare.

"How are things?" he asks Martesko. "What's up this year?" Martesko comments on Rosefelt's "impressive" slate of projects.

KEN REGAN/CAMERA 5 (PHOTO DIGITALLY ALTERED TO ELIMINATE BACKGROUND GLARE)

Reid Rosefelt has some fun—and works the crowd—at a 1999 Sundance party.



Rosefelt takes a quick drag on a cigarette, heads inside, and makes his way toward a staircase. He bumps into Susan Stover, one of the producers of 1998's *High Art*. (The movie, which Rosefelt represented at the festival, rode Sundance raves to critical and commercial success. Rosefelt now counts *High Art* star Ally Sheedy as a client—and friend.)

"I love this guy," Stover says of Rosefelt, hugging and kissing him.

Rosefelt's spirits are high as he pauses at the snack table to munch on carrot sticks. He's enjoying a few minutes away from his makeshift hotel-suite office. Suddenly, two of Rosefelt's clients, Brett Morgen and Nanette Burstein, appear. Morgen and Burstein are the directors of *On The Ropes*, the documentary Rosefelt has plugged a few times since arriving at the party.

"Reid, you got a sec?" Morgen asks while pulling Rosefelt aside.

"Sure," he answers, before turning to the reporter who has been following him through the party. "I think they want to talk in private."

With that, the three turn away. Brows furrow. Hands wave. No one looks very happy.

[redacted]

On January 20, thousands of film-industry types—Reid Rosefelt included—will troop back to Park City for the 16th annual Sundance Film Festival. Filmmakers will be looking to cut deals to have their movies placed before the widest possible audience; distributors will be looking to cut deals to handle what they hope will be the next *sex, lies, and videotape*, *Shine*, or *Hoop Dreams*. The competition to put a film on the Park City block is fierce: In 1999, the festival's programming staff tapped some 115 feature-length films to be screened out of nearly 1,200 submissions.

In 1984, actor-director Robert Redford, along with the board of his Sundance Institute, took over what was then the United States Film Festival, an event that brought together independent filmmakers and gave them a showcase for their work (it was officially dubbed the Sundance Film Festival seven years later). Redford also wanted to support the out-of-the-mainstream movies that had scant hope of being made by Hollywood studio executives bent on landing the next megasmash. Sundance, however, has in recent years been transformed from the U.S. independent-film industry's most important artistic showcase into one of the larger film industry's most important commercial marketplaces. Hollywood's influence has seeped into Park City more and more each January, with multimillion-dollar distribution deals routinely dangled in front of the shoestring auteurs whose first-time efforts generate the most festival heat. The hunt for big money has begun to lend the festival—which started as a haven for those who supposedly prize creativity over cash—a surreal air.

"It's hard for filmmakers," says *Los Angeles Times* film critic Kenneth Turan. "You shouldn't believe your own publicity. Until [general] audiences look at a film, you know, a big question [exists]. It's almost a mad atmosphere, with the buying frenzy. It's a place that's easy to lose your bearings."

Nonetheless, as *New Yorker* movie critic David Denby wrote after the 1999 festival, Sundance affords the best opportunity to see movies that "offer subjects that Hollywood won't touch, made by directors that Hollywood won't hire, who then create images that Hollywood would leave on the cutting-room floor."

Making sure that not only Denby and his fellow critics see those images is where a publicist such as Rosefelt plays a key role. Indeed, the conventional wisdom on the subject is simple: Never go to Sundance without a publicist. Although the good reviews a publicist is hired to attract are crucial for drawing moviegoers, those notices are even more crucial for drawing distributors. What good does it do to get an audience excited about a great movie if the film is headed for only a handful of theaters?

With that in mind, Brett Morgen and Nanette Burstein followed the conventional wisdom last year.

"The only way the film is going to be known is through the press," says Morgen, who, along with Burstein, scraped together the $5,000 that Rosefelt's Magic Lantern Inc. charged to promote the film at Sundance.

To a large degree, the way *On The Ropes* is going to be known to the press is through Rosefelt. Because of the festival's screening crush, in any given two-hour time slot, each of the 720 critics and journalists on hand must choose from among a slate of between eight and ten movies.

"It's very hectic," says Turan. "The couple of weeks before Sundance, you start to feel as if the festival has already started in your own city. You're getting letters and faxes from publicists; you're looking for help to wade through this great dismal swamp. One of the people who can help you is the publicist." Rosefelt is one of those who stand out, Turan says, because he can accurately predict what critics will—and won't—like.

"There are a half dozen people who can get me very easily and make it their business to do so," says Janet Maslin, who stepped down as *The New York Times*'s chief film critic at the end of last year. "[Rosefelt is] one who I trust."

[redacted]

It's the morning after the Pierson party and the start of Sundance 1999's fourth day. Rosefelt, working in his suite at the Shadow Ridge Lodge, takes a call from Morgen. It's clear from Rosefelt's end of the conversation that last night's tension has not eased.

"Hi, Brett," Rosefelt says. "Ken [Turan] called, and he wants to see *On The Ropes*." A moment passes as Rosefelt listens to Morgen.

"You and I will make it happen...if we have to beg, borrow, and steal....We need him to champion this film....I'll send [film critic] Roger [Ebert] an e-mail....As for the press, this film is an audience film, and the critics will come along with that....We'll screen it for people and get enough people to talk about it so that it will have an audience....I'll get a note to Roger....And then what will happen is we'll be going like gangbusters to sign those journalists up. So we get to work, Brett; we get to work."

Hanging up, an exasperated Rosefelt says, "People think that getting into Sundance is going

WHEN I SAID I WANTED A PUBLICIST, EVERYONE SAID: 'REID!'
BRETT MORGEN

Buzz mapping: Rosefelt and clients Morgen (center) and Burstein talk strategy.

Fighting for attention (above): Scenes from Morgen and Burstein's *On The Ropes*

to change everything, that it's the promised land." That kind of thinking, he argues, will "collapse on you later. Success is all about expectations. What do you want from this? I tell the filmmakers, 'Sundance is one step in the process.' My job is not to worry about Sundance, not to see it as my goal...a full theater is my goal."

That goal prompted Morgen and Burstein to hire Rosefelt. The duo won 1 of 16 coveted Sundance slots for feature-length documentaries (out of 210 submissions) with a film that took them two years and an estimated $300,000 to make. They have a modest deal with distributor Fox Lorber Associates (now known as Winstar TV & Video) but can seek a better one that would put *On The Ropes* into circulation beyond Fox Lorber's guaranteed minimum of five cities. A better deal might allow the filmmakers to break even instead of incurring about $60,000 in debt, according to Morgen (Fox Lorber and The Learning Channel, which will show the documentary in April 2000, combined to pay the filmmakers $240,000). It could also mean a publicity budget of more than $100,000 (the amount pledged by Fox Lorber).

Over the past 15 years, the number of documentaries released theatrically has ranged from 6 to 15 a year (including those popularly known as IMAX movies, and Warren Miller's extreme-sports films). The ones that win a theatrical release earn a tiny fraction of the sums taken in by Hollywood features—and generally much less than the most successful independent dramatic features. The top-grossing feature released in 1998, for example, was *Armageddon*, which brought in $202 million. By contrast, the top-grossing non-IMAX, non-Warren Miller documentary to hit the big screen in 1998 was Nick Broomfield's *Kurt & Courtney*, a conspiracy-minded investigation into the death of grunge rocker Kurt Cobain that was scheduled to premiere at Sundance but didn't because of pressure from Cobain's widow, Courtney Love. It brought in about $668,000, according to A.C. Nielsen EDI, Inc., a firm that tracks box-office receipts.

Morgen and Burstein's ambition to reach that modest level of success—and to boost their reputations as filmmakers—led them to Rosefelt. Explains Morgen: "Every person I know, when I said I wanted

(L) KEN REGAN/CAMERA 5

Like most folks at Sundance, Rosefelt won't let a party get in the way of doing business.

All ears: Rosefelt listens as *New Yorker* critic David Denby makes a point.

KEN REGAN/CAMERA 5

a publicist, everyone said: 'Reid.'"

Rosefelt was initially reluctant to handle *On The Ropes*. He was simply too busy. Then he watched it.

"I started beating up on the furniture," he says. "The story was incredibly powerful and emotional, seeing what happens to these kids."

Once Rosefelt commits, he starts working the phones. It often takes only one call to a critic to ensure at least minimal coverage, but many calls must be made between when the Sundance schedule is set (around Thanksgiving) and when the festival opens (late January).

Three days before the start of the 1999 festival, Magic Lantern's Manhattan offices are a welter of activity. Phones ring steadily. Fax and photocopying machines work at a frenetic pace. Rosefelt hops from one room to the next.

The calls never end:

"Reid, John Anderson [of *Newsday*] is on the phone."

"Reid, it's Kenneth Turan calling."

"Reid, Abby Nolan?"

Rosefelt takes Nolan's call. She is the *Village Voice*'s film editor. Despite losing its stature as a cutting-edge weekly, the *Voice* remains a key tastemaker among moviecentric New Yorkers.

"I think the one documentary we have that is spectacularly good is *On The Ropes*," Rosefelt says excitedly into the phone. "There are these three boxers in Bedford-Stuyvesant and their trainer. One has won the Golden Gloves and is going professional, and he's leaving the trainer behind. The other has a problem with motivation and finishing school. The third is determined to win the Golden Gloves in her category and make a better life for herself, and then she is arrested for possession of drugs." By now, Rosefelt is standing away from his desk, his hands waving in the air, as he narrates the story into his headset. Suddenly he pulls back dramatically. "That's the situation. I will say no more. It'll be one of those documentaries people will go to."

At a final staff meeting, Rosefelt and Magic Lantern vice-president Hiromi Kawanishi hand out maps of Park City and explain some of the festival's finer points.

"In the morning, they start serving these cheese cubes in the hospitality suite," Rosefelt says with a chuckle. "The best advice I can give you is stay away from them."

[redacted]

Reid Rosefelt grew up outside Madison, Wisconsin, where he dreamed of becoming a stage actor. He watched movies only to observe accomplished actors practicing their craft. One of those movies, John Cassavetes's *Faces*, changed everything for him. Rosefelt was 16.

"Up until then I was a snob obsessed with music, literature, theater, painting, etc., and didn't really think about film as an art form," he says. "[But] after *Faces* it became an obsession."

Rosefelt majored in radio, television, and film at the University of Wisconsin; after graduating, in 1975, he moved to New York. One of his first jobs was at New Yorker Films, a distributor of foreign pictures. Rosefelt did everything from design movie posters to come up with teaser ads to handle publicity. It was then, he says, that he decided that the publicist's role suited him. He enjoyed championing films that hadn't found an audience.

In 1981, Rosefelt took a job in the New York office of public relations powerhouse PMK. His office was next to Peggy Siegel's. "I remember watching her handle John Travolta and Nancy Allen in *Blow Out* for a story in *Time* magazine," he says. Siegel is still an imposing presence in the entertainment-publicity field, and Rosefelt remembers "the care that she took with everything, with the slides that she chose, and the notes. Ideas had to be really good, and really, really smart."

Less than a year into the job, Rosefelt was fired. "I wasn't what they were looking for," he says. "I wasn't happy and was delighted to be put

out of my misery." He opened his own shop, Reid Rosefelt Publicity. Over time, his client roster came to include foreign films and some small independent productions, pictures that included Jim Jarmusch's *Stranger Than Paradise* and movies made by German directors Ranier Werner Fassbinder and Wim Wenders. Rosefelt's ability to spot and promote such cutting-edge, artistic movies allowed him to make a name for himself. (Rosefelt has also had directors Hal Hartley and David Mamet as clients.)

"[Reid] is a legendary character in the world of independent cinema," says Tom Bernard, copresident of Sony Pictures Classics. "In the late seventies and early eighties, there were a handful of people that were publicists. They were more than just somebody who got movies to the press. They were people who got the film to distributors. Reid...had very high standards, and if Reid chose your movie, you were very lucky."

"Reid was our savior," says Midge Sanford, a producer of *Desperately Seeking Susan*, the 1985 movie that helped transform Madonna into something more than a pop music star. "He knew the New York scene so well. Whatever it was, he knew—he had an instinct for the right places to go, to do teasers, for photo shoots, for stories."

Rosefelt forged relationships during that period that helped make him a major independent film player. One was with documentary filmmaker Errol Morris, also a Rosefelt client at Sundance 1999. (Morris is probably best known for *The Thin Blue Line*; his wife, Julia Sheehan, and Rosefelt were college friends.) Morris and Rosefelt first worked together on *Gates of Heaven*, which Morris made in 1978 but was unable to get distributed until Rosefelt persuaded New Yorker Films to pick it up two years later. The pair worked together again on 1997's *Fast, Cheap & Out of Control*.

At the 1999 festival, Rosefelt is representing Morris's *Mr. Death: The Rise and Fall of Fred A. Leuchter, Jr.*, which is so eagerly awaited that it is having its first public screening in Park City even though it's unfinished.

At the *Mr. Death* screening on the festival's fourth day, the lobby of the 1,300-seat Eccles Theater is packed with filmmakers, journalists, distributors, and festival employees. Morris runs into *The New Yorker*'s Denby, pausing to chat about one of the critic's past reviews. Roger Ebert greets Rosefelt on the way into the theater. Representatives from all the major independent distributors are on hand (because *Mr. Death* is unfinished, none of them has yet scooped it up). Maslin and Bernard Weinraub of *The New York Times* take seats in a row toward the back.

It's the kind of scene that can be disheartening to young filmmakers like Morgen and Burstein, who want their own movie to attract a similar crowd. By the following evening, they can no longer contain their frustration.

"There are certain critics that Reid guaranteed he'd get this film to, and if at the end of this festival not one of those critics has seen the film, I will hold Reid responsible for that, for misleading us," Morgen says. The first *On The Ropes* screening, on the festival's second day, was spectacularly received. "The audience loved it, the street buzz was great," Morgen says. "I'm hearing the buzz on the street, but I'm not seeing it in the press. There's no mention in indieWire, in *Variety*; there's no mention that this is the hot film. The thing is, I could have used any of the other publicists and not paid out of my pocket, and they couldn't have done any worse."

Regardless of what his clients think, Rosefelt is still working. The festival pace is frantic for the Magic Lantern staff, who, like many of the nearly 70 publicists working the festival, have set up shop in the Shadow Ridge Lodge. Suites serve as offices by day and sleeping quarters by night. Rosefelt and his four staffers—Hiromi Kawanishi, senior publicist Sindy Gordon, junior publicist Sara Finmann, and her brother, intern A.J. Finmann—have around-the-clock schedules. They run from press conference to interview to screening, then back to the suite for a photo shoot or a one-on-one between a director and a critic. Meals are occasionally eaten outside the suite, and stops are made at parties to hunt for journalists, critics, and distributors.

At one point on Monday, Rosefelt makes a quick trip through the hotel's first-floor hospitality suite. With its endless supply of free bagels, Balance Bars, Starbucks coffee, and Altoids mints, this is a prime buzz-building spot. Rosefelt pitches *On The Ropes* to a critic from a movie trade publication and to a distributor. Have they seen the documentary? They should, Rosefelt urges.

Rosefelt hustles until the festival's last day. In the end, *On The Ropes* snags a special jury prize for documentary films. Still, Morgen and Burstein leave Park City disappointed; they didn't attract the kind of press attention they wanted. Rosefelt is sanguine about their reaction.

"I've been doing this a long time, and most of the time I'm right," he says. "If you went to a doctor and most of his patients died, why would you go back? I'd like to go to a doctor [where] I know my odds are really good....My patients are films. Other people do the trailers, the posters; they decide when do you open and where, in what theater. Publicity is an important part of the puzzle, but it ain't the whole thing."

[redacted]

"Look at all the press we got," gushes Morgen. It's the middle of August, and *On The Ropes* is opening for a one-week run at New York City's Film Forum. The hoped-for big distribution deal never materialized. (As of early December, the documentary had played in 40 cities and earned the filmmakers about $42,000.) But Morgen and Burstein couldn't be happier. In a Film Forum display case that houses the *On The Ropes* poster, every extra inch of wall space is covered with clips: *TimeOut New York*, *GQ*, *Details*, *Playboy*, the New York *Daily News*, the *New York Post*, the *Village Voice*, and *The New York Times* are all represented.

"It's ridiculous to an extent," Morgen says. "If you add up all the space we got, we could never have paid for this kind of advertising." The filmmaker happily admits that Rosefelt knew what he was doing.

"At Sundance, there were a lot of problems," Morgen says. "We weren't getting the press we wanted to be getting. 'It's what happens down the road,' Reid said [to us]...Ever since then, we've gone on to this whole other level. What I really learned [is that] at Sundance, the publicist can only do so much." ■

PEOPLE THINK THAT GETTING INTO SUNDANCE IS GOING TO CHANGE EVERYTHING.

REID ROSEFELT

By George Ventura

I was arrested on September 17, 1998. That was the day my world changed forever. I was scheduled to participate in a deposition in Salt Lake City. Chiquita Brands International, Inc., my former employer, had issued a subpoena requesting that I be a witness in a civil suit the company had brought against Cincinnati Enquirer reporter Michael Gallagher, who had coauthored an extensive investigative report published that May about Chiquita's activities in Latin America.

At the time, my career was riding high. I had just been made a shareholder of the largest law firm in Utah, and I was living in Lima, Peru, on an assignment involving an enormous amount of responsibility and trust for one of the firm's biggest clients. I felt as if I were the golden boy, the guy who could pull together intricate deals in chaotic Latin American countries.

I had flown from Lima to Salt Lake City for the deposition at my own expense. I tried to be accommodating and even arranged to have Patrick Anderson, my former roommate at the University of Utah College of Law, accept the subpoena on my behalf. I had not been named or identified in any way in the Enquirer stories, but the subpoena asked that I provide details of any communications I may have had with Gallagher or any other Enquirer employee. Waiting for the court reporter to arrive so the deposition could begin, I joked around with Patrick and his partners, Ken Brown and Mark Moffat. We did know that there was some sort of criminal investigation surrounding the Enquirer stories; a man named Perry

EDITOR'S NOTE

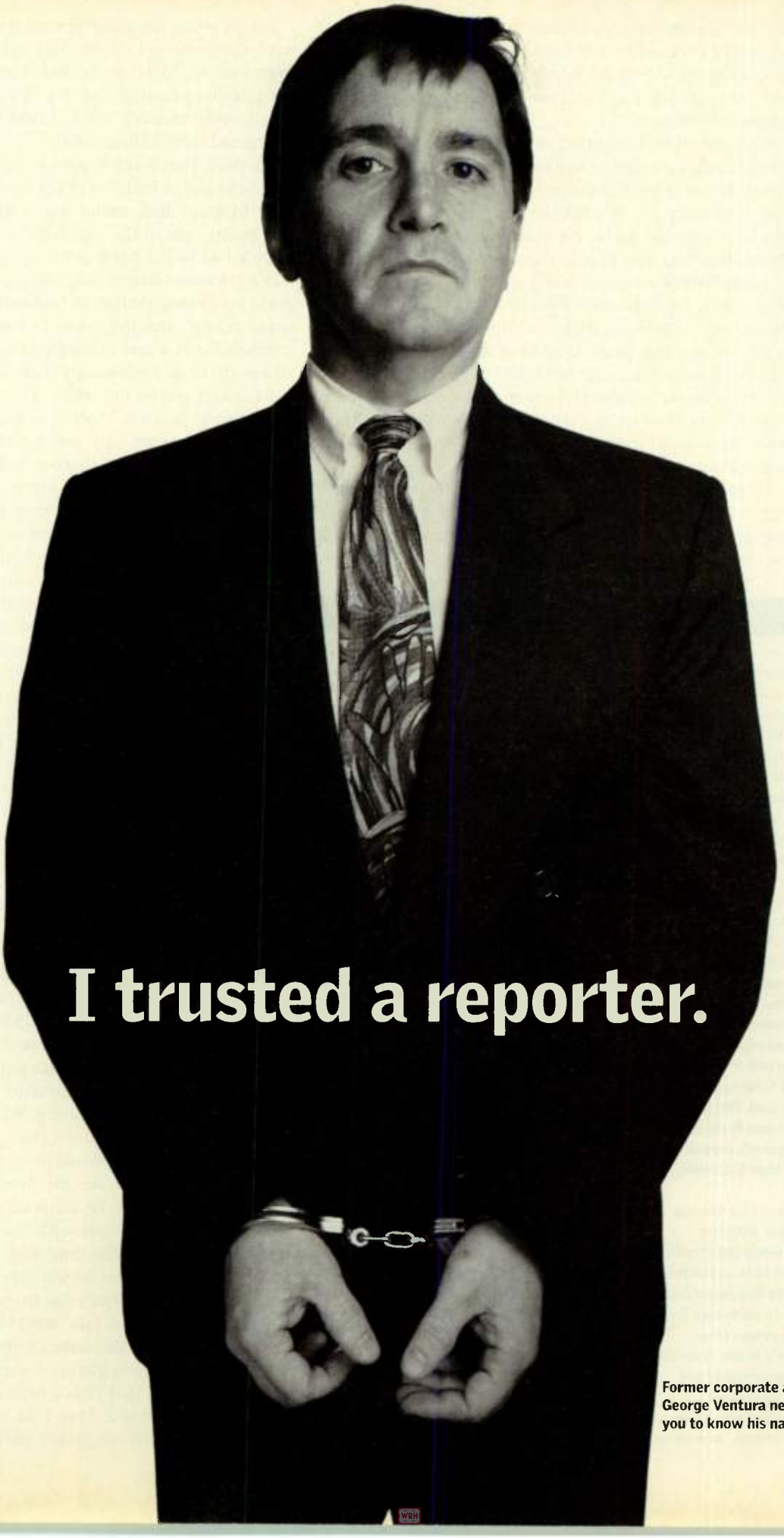
Like most of us, George Ventura is no saint. He had a nice life as a lawyer, corporate executive, husband, and father. In 1996, he left his employer, Cincinnati-based Chiquita Brands International, in part over a compensation dispute.

Disgruntled former employees are among the richest ore for hard-digging reporters to mine, so when *Cincinnati Enquirer* reporters Michael Gallagher and Cameron McWhirter looked into the alleged dark dealings of Chiquita in Latin America, Ventura served as a willing confidential source.

Perhaps foolishly, this attorney, who thought himself savvy and world-wise, entrusted reporters he had never met with information that could destroy his life if his identity as a source were revealed. As do many confidential sources, Ventura told the reporters things he shouldn't have. Usually, no one finds out about such indiscretions, because such confidentiality agreements are honored. That we know Ventura's name at all means that something went very, very wrong.

The *Enquirer* stories, published on

[CONTINUED ON PAGE 86]



Former corporate attorney George Ventura never wanted you to know his name.

PHOTOGRAPHED BY DAN PEEBLES FOR *BRILL'S CONTENT*, DECEMBER 2, 1999

Ancona, an attorney in private practice who had been appointed a special prosecutor for Hamilton County, Ohio, had called my wife at our home in Salt Lake and asked for me. I was in Lima at the time, and my wife informed Ancona of this fact.

Just before the deposition began, the receptionist summoned Patrick. He said he was busy, but she insisted, saying, "You'd better come right now; there's a bunch of people that want to see you." Patrick left and came back a few minutes later, pale and shaken, holding a three-page document. He told me, "You have to poke your head out the door."

I didn't know what was going on. "What do you mean, I have to poke my head out the door?" I said. More insistently, Patrick said, "There are about ten cops out there that want to see you, and they said if they don't see your face they will kick the door down." Still not understanding, I said, "Oh, give me a break," and Patrick cut me off and said, "No, I'm serious. I am dead serious. These bastards want to see you now." He grabbed me firmly and said, "You've got to come now and show your face."

At this point I was starting to get a bit freaked out, saying, "What's going on?" as Patrick yelled, "Just shut up!" He opened the door and grabbed me from behind and thrust me through the doorway.

[CONTINUED FROM PAGE 84]

May 3, 1998, contained allegations that Chiquita had engaged in questionable business practices, including attempted kidnapping, cocaine trafficking, bribery, use of toxic chemicals that led to the death of at least one field-worker, and the bulldozing and eviction at gunpoint of workers on a plantation in Honduras. The stories also contained material culled from thousands of internal Chiquita voice-mail messages.

At first, the *Enquirer* maintained that a source within Chiquita had accessed the voice mail on the paper's behalf. Then, in June 1998, with both state and federal investigations into the breaching of Chiquita's voice mail system under way, the *Enquirer* issued a stunning reversal. Michael Gallagher, the lead reporter on the series, had himself broken into the voice-mail system and then lied to his supervisors about doing so, the paper said. The stories were retracted, Gallagher was fired, and Gannett Co., Inc., the *Enquirer*'s parent company, paid Chiquita more than $10 million to forestall a civil suit.

So what did all this mean for George Ventura, who was a lawyer with the largest law firm in Utah when the stories were published? It meant that an isolated and presumably desperate Gallagher made a deal with prosecutors: In exchange for a sentence that carried no prison time, Gallagher would cooperate in the prosecution of Ventura for having provided the *Enquirer* reporters with voice-mail passwords for three Chiquita executives.

Soon Ventura, like Gallagher, was alone. He had to resign from his law firm. His marriage suffered as his wife discovered he had cooperated with the reporters for months, even after he had promised her he would not. Prosecutors were armed with the information about Ventura provided by Gallagher and tape recordings both reporters had secretly made of him. Ventura faced a ten-count felony indictment and 12 ½ years in prison, and his fate was in the hands of a Hamilton County, Ohio, judge who had received a campaign contribution from a Chiquita executive but declined to recuse herself from the case.

This is Ventura's first-person account of how he came to trust the *Enquirer* reporters, how he was coaxed over a period of months to reveal more and more sensitive information to them, and how his life has been affected by Gallagher's betrayal.

Ventura has filed a civil suit of his own against Gannett, arguing, among other things, that the reporters broke their confidentiality promise by secretly tape-recording their conversations. Gallagher and former *Enquirer* editor Lawrence Beaupre (who now works at Gannett's corporate offices) declined our invitations to respond to the detailed synopses of Ventura's story we sent them. The response of McWhirter (now at Gannett's *Detroit News*) appears on page 91, as does the brief response of *Enquirer* publisher Harry M. Whipple. Citing the pending litigation, Whipple offered Gannett's formal response to Ventura's lawsuit; ironically, the company says it cannot respond to Ventura's detailed allegations because to do so would violate the confidentiality of a source.

Six or seven law-enforcement types awaited me. Some were visibly armed. There were agents from the FBI and from the U.S. Marshals Service. There were officers from the Hamilton County Sheriff's Office, along with the Salt Lake County Sheriff's Office. I later learned that they had positioned more officers at the building's exits and emergency exits. They wanted to make sure I couldn't escape.

"We've got an indictment against Mr. Ventura, and we're here to place him under arrest and take him back to Cincinnati," one of the cops said. The three-page document Patrick had in his hand as he pulled me out of his office was a ten-count felony indictment, charging me with five counts of assisting others in "unlawful interception of communications" and five counts of assisting others in the "unauthorized access to computer systems." If convicted of all counts, I could serve more than 12 years in prison.

My heart was in my throat. I was terrified. I thought I was going to pass out. It was like the outer edges got fuzzy and I was in a dream. This could not be happening.

I didn't know that Gallagher had betrayed me, that he had made a deal with Perry Ancona, the special prosecutor, less than a week before, agreeing to turn over reporting materials that identified at least one confidential source—me—in exchange for a sentence that would not include jail time. But I knew something was up. I remember looking through the windows of the conference room where the deposition was to be held and seeing that Chiquita's attorney showed no emotion whatsoever. No surprise, no amusement, not even minor curiosity.

Patrick and Ken got on the phone with Ancona and negotiated a deal: I would immediately be arrested and processed in Salt Lake City and surrender my passport. Since my law firm had me stationed in Peru, this effectively put an end to my livelihood. I would travel to Cincinnati that evening and surrender to the Ohio courts the following morning.

At that point I called my wife, LeeAnna. I burst into tears and buried my face in my hands. I was very frightened.

There is no way to ease into a disaster, so I just told her, "Look, I'm down at Patrick's office. There are all these people that want to arrest me and take me to Cincinnati." All she could say was "What?" And I said, "You need to get my passport and come down here now, as soon as possible."

She arrived and I surrendered my passport. She stayed with Patrick as Deputy Roy Orton from the Salt Lake County Sheriff's Office and two or three other officers took me to the Salt Lake County Metro Jail.

It was horrible. I was frightened to the point of almost being numb. As we were walking out of the building, I asked Orton, "Look, my law firm is a block away. Could you please not handcuff me? That would be very embarrassing, to have people from my firm see me handcuffed." And he said, "Sure. But you have to be handcuffed before you enter the jail." So I was able to walk with my hands free to a nondescript sedan. I got in the front seat, and Orton handcuffed me behind my back. But he was very nice about it. He did it in a way that kept anybody else from noticing. I never saw a judge. I did not pass Go. I just went right to jail.

We drove to the Salt Lake County jail and entered an underground parking garage. I went through two sliding mechanical doors that closed behind me. I was still handcuffed. I was searched. They took my belt. They took my shoes. They took my suit jacket. Took my tie. They took the

contents of my pockets. They fingerprinted me. They took my photo. They took my blood pressure. The nurse said, "Well, your blood pressure's really high." I remember giving her a look as if to say, "What the hell do you expect?" They asked me a series of questions. Was I HIV-positive, did I have any diseases? And I remember Deputy Sheriff Orton. He came and found me, patted me on the shoulder, and said, "I've done all the paperwork; as soon as your attorneys come, you'll be out of here. Best of luck to you." A tiny piece of sanity and kindness as I lost control of my life.

Six or seven cops awaited me, some visibly armed. One said, "We've got an indictment against Mr. Ventura, and we're here to place him under arrest and take him back to Cincinnati."

I was then put in a cell by myself. I was there for about 45 minutes. It was pretty bad. You start getting even more frightened when you're alone, asking all sorts of questions. How long is this going to last? Why is this happening? What did I do that was so bad that made me end up here?

Meanwhile, my wife had to figure out how to post a bond. Bail was set at $5,000, so she had to put up $500. I was released at about 1 P.M. By then we knew we'd probably have to go through a similar process in Cincinnati, but we had no idea of what bail would be there. So we quickly had to hire someone to appraise our house in case we had to pledge it as collateral. And then we had to arrange to get plane tickets to fly back to Cincinnati that night. Our flight left late that afternoon.


Travel Sampling Tuscany's Treasures
THE CINCINNATI ENQUIRER
Poll: Most oppose Issue 2
Chiquita SECRETS Revealed
Enquirer investigation finds questionable business practices, dangerous use of pesticides, low-paying plantation workers
Chiquita: An empire built on controversy
Ohio
Dash of horses, pinch of mint
INSIDE

The *Enquirer* published its exhaustive exposé of Chiquita on May 3, 1998.

We had to get home to pack and say good-bye to our 11-year-old daughter, who was about to get home from school. I found it very difficult to focus on the drive home. My wife was screaming, "My God, what the hell is going on?" She knew that I had spoken once with the *Enquirer* reporters about Chiquita the previous October, but she had made me promise that I would never talk to them again. She didn't know the extent to which I had been involved with them. And so she justifiably felt extremely betrayed.

It was almost as if my wife were discovering that I had had an affair or that there were another, dark and secret part of my life she had known nothing about.

During that drive home, she asked so many questions. And I didn't know exactly what was going on. I didn't know that Gallagher had betrayed me, or what the special prosecutor actually knew. I certainly didn't think I had committed a crime. So I could give her few answers. I told my wife that I had had more than just the one conversation with the *Enquirer* reporters. I told her, honestly, that I didn't know why I was being charged. The indictment accused me of having accessed Chiquita's voice-mail system on ten separate dates, but the dates in the indictment meant nothing to me.

While at Patrick's office, I had called a friend of mine, Vicki Farrar, an extremely smart and intense litigation attorney in Park City, Utah, to see if she could recommend a lawyer to represent me in Cincinnati. And when I got home there were several messages—all from Vicki. They all said the same thing: "Call me; call me; call me." She sounded frightened, so I called her back even as we scrambled to make the flight to Cincinnati.

"Is there any way you can avoid going to Cincinnati?" Vicki asked me. "No," I answered. "They've got my passport, and I have to go." She sighed heavily and said, "Oh, God, I wish you weren't going. I've heard some terrible things. I've talked to a lot of high-powered attorneys. Be very careful when you go to Cincinnati. Do not be alone at any time. Do not sit in front of windows." I said, "Vicki, you're being paranoid. You're scaring me." She continued, "The people I talked to scared me. You could get hurt. You could get killed. I'm dead serious."

So here I was, sitting at the top of the stairs in my house, trying to comprehend how things had turned upside down in less than eight hours. Just then my daughter came home from school. And she was pretty freaked out when she saw me. "Daddy, what's wrong?" she asked. "Well, we have to go Cincinnati," I said. "Why are you crying?" she said. I answered, "Oh, it's just, you know, I wasn't planning on going." I'll never forget watching my daughter sob uncontrollably as she watched us drive away.

We got to Cincinnati late that night. The next morning, we met Marc Mezibov, the Cincinnati lawyer Vicki had recommended, and I was arrested all over again.

THE SETUP

I was hired by Chiquita in December 1991 to work as its senior legal counsel in Ecuador. My wife's and my decision to accept a position with Chiquita was based, to a large degree, on our sense of adventure and the thrill of the unknown. My father is from Spain, and I lived in Barcelona until I graduated from high school. My own family, however, had never lived abroad, and I felt that my wife and children would greatly benefit from the experience. Our day-to-day life in Ecuador was tough, though. Months-long garbage strikes, water shortages, and power outages made even the simplest tasks a chore.

My family and I remained in Ecuador until July 1993, when I became Chiquita's senior legal counsel in Honduras. Living in Honduras, however, involved hardships that were equally as tough as those my family had endured in Ecuador. In addition, our middle child (we have three), who was then 11, balked at continuing the family's Latin American adventure. After much soul searching, and because I had no other employment options that would take my family back home, my wife and I decided to let him live with relatives in the U.S.

Toward the end of 1995, I had made it publicly known that I would soon be leaving Honduras; during the first week of January 1996, I made an official announcement.

I joined the Salt Lake City law firm Parsons, Behle & Latimer in late January 1996. I provided legal services almost exclusively on behalf of one of PB&L's largest clients—one of the largest gold producers in the world, which was then beginning to construct a large gold mine in northern Peru.

Given the complexity of this project and the size of the client's investment, I was asked in July 1997 to live in Peru and work exclusively for this client for 18 to 24 months.

THE SEDUCTION

In October 1997, I was at my office in Lima, and, having just been connected to the Internet, I began surfing around and found a notice on the website of *The Cincinnati Enquirer*. It said that the paper was working on a story about Chiquita and something like "If you have any information, we'd appreciate being contacted." It listed an e-mail address. So I just sent a little e-mail saying something like "I am a former Chiquita employee and I might have some information that could possibly be of interest to you." I got an e-mail back from *Enquirer* reporter Cameron McWhirter. He gave me a phone number, which I called, and then McWhirter called me back. We chatted and sort of eased into talking to each other. McWhirter said he and Gallagher were doing an exposé on Chiquita. I had never dealt with reporters before—on or off the record. But I did tell McWhirter right up front that I wanted to remain anonymous. McWhirter assured me that "now I know who you are, but I'm not going to...you know, I would never...we would never reveal it. I'd go to jail and never reveal it." Gallagher reiterated those promises to me several times. He said, "We're going to protect your identity" and that "we don't, obviously, even mention your name...or allude to it in any way, shape, or form." Gallagher even told me, "I've sat in a jail cell in Michigan for not disclosing stuff before."


ENQUIRER INVESTIGATION

Power, money & control

Chiquita SECRETS Revealed

Hidden control crucial to overseas empire

Secrets & Lies? The paper spotlighted Chiquita's allegedly unsavory practices.

So we had a deal. Or so I thought. Actually, it's hard for me to say exactly why I talked to them. I remember conferring with my Uncle Jordi ("George" in Catalan) Ventura in Barcelona. He was a well-respected reporter, writer, and professor, and I was named after him. Jordi said that he felt okay about my entering into a quid pro quo with the *Enquirer*. He told me that journalists had a time-honored commitment to protect their sources. He also told me that if there was any good that could possibly come out of my experiences in Latin America, and if there was a story that needed to be told, I had an obligation to come forward.

The sum and substance of my contact with the reporters consisted of about a dozen phone conversations between October 1997 and early 1998. They would butter me up, throwing out comments like "It sure sounds like you had a lot of responsibility" and play to my vanity. I think we all want to talk and brag about what we do. You build up these incremental pieces of trust, and I guess at some point you just get drawn in deeper and deeper. And you feel like you already have an established relationship. I wanted to know what they knew. Everybody likes to talk about what they know, to be able to say, "Yes, I was involved in that or I knew about that." There is something akin to a friendship that they're nurturing, bringing you along, seducing you.

Once I felt sufficiently comfortable talking with the reporters, I discussed with McWhirter the simplicity with which most corporate voice-mail systems can be readily accessed—in any setting or company. I also discussed with McWhirter what I believed to be the passwords for the voice-mail boxes of a few Chiquita executives. To test whether the passwords were correct, I had accessed some of these voice-mail boxes. McWhirter told me he would relay the information to Gallagher. This one telephone conversation formed the basis of the ten-count felony indictment of me. Amazingly enough, I learned at a court hearing on April 5, 1999, that Gallagher had already received the same passwords from another source. McWhirter, at the same hearing, testified that Gallagher had told him earlier that this other source was "within" Chiquita.

It may be hard for some people to understand how I, an attorney, didn't know this was illegal. I have worked outside the United States for more than half my career and am no authority in this area of the law. Gallagher told me early on in our relationship that he and the *Enquirer* editors had conferred with the newspaper's legal counsel concerning the legality of his accessing Chiquita's voice-mail system. Gallagher told me that the *Enquirer*'s legal counsel had given the go-ahead to his activities. At the hearing on April 5, Gallagher admitted under oath that the *Enquirer*'s attorneys subsequently determined that the accessing of Chiquita's voice-mail system was illegal. He also testified that he had not informed any of his sources about this. Gallagher had certainly never mentioned this fact to me.

I dealt mostly with Gallagher. He'd call me at home, at the office, and on my cell phone. He would let me know that he'd found out information. He knew many things from different sources—including, Gallagher said, sources within Chiquita. Initially, it appeared that all he wanted was for me to confirm what he already knew, so I didn't feel as though I was actually providing much information myself. Had I suspected for one minute that I was one of their main sources, I would never have been as forthcoming. Gallagher's way of dealing with me sort of drew me in further. I remember thinking, *Well, he already knows. I'm not the only person he's in contact with; I'm not providing him with anything earth-shattering. He already is aware of different things that are going on. I'm merely corroborating.* And it gave me a sense of comfort, for lack of a better term, that since I wasn't the only person providing information, I wouldn't get into trouble.

The best way to describe our relationship is like a seduction. You think you can trust this person. You slowly provide more and more details, more and more information, and he, in turn, is providing you with more information that he's obtaining from different sources. As you go further along, you almost get a sense of danger and begin to think, *God, I've provided a lot of information.* I kept reiterating, "Please, for God's sake, don't reveal my name. I don't want to be exposed."

I did tell my wife up front that I'd been in contact with these reporters. And my wife said, "Never, ever, talk to them again." And I said, "Okay, I won't talk to them again."

And yet I did talk to them. And that's why I think my wife felt betrayed. She had been so adamant in not wanting me to talk to them. Yet I felt this compelling need over time to continue this relationship. I didn't think that any harm would come out of it. I trusted my judgment rather than hers. She just had a gut feeling that this could lead to trou-

ble, and I thought to myself, *C'mon, it's not going to lead to any trouble. These guys are doing a story. They already know a whole bunch of information, and they have vowed not to reveal my identity.*

At one point, very early on, I did jokingly say to Gallagher, "You're not recording me, are you?" And he replied, "Oh, God, no. We're not recording. Don't worry."

My wife is sobbing, reading through documents, saying, "My God, I can't believe this... what did you do?" It was almost as if she had discovered that I had had an affair...."

The truth of the matter is they taped many of the conversations they had with me. Often both Gallagher and McWhirter would say something like "Look, I'm on a phone where there are a lot of people around. I'm going to put you on hold and transfer you over to a secure phone." I found out later, based on Gallagher's testimony at that April 5, 1999, hearing, that they were lying. Our calls were transferred to a phone that would automatically record our conversations without my knowledge.

Oblivious to this, I slowly began to provide them with a general overview of my living and working experiences in Ecuador and Honduras. As time went on, Gallagher began telling me more and more information that he had obtained from a source within Chiquita. I knew that the source was real and had to be someone in a very high-ranking position, given the type of information that Gallagher was receiving. This led me to corroborate data and to provide the reporters with even more information.

Toward the end of April 1998, I received an e-mail from Gallagher that said: "...a local police investigation [has been] launched, claiming we—or someone inside or outside...working for us—stole their voice mail messages and documents. Complete bull---t, but we have been keeping a low profile while our lawyers handle all of this to protect all our sources. That is why we haven't been contacting anyone. This will be my last message to you for a while until the smoke clears. Sorry if you thought we abandoned you, but what we are doing is trying to protect anyone we've ever talked to, sources or not."


THE CINCINNATI ENQUIRER

An apology to Chiquita

The *Enquirer* apologized to Chiquita and retracted the stories on June 28, 1998.

Now I felt a little scared. But I thought, *Well, if these guys keep their word, I should be okay.* I had no idea that I had been secretly recorded.

THE STORIES APPEAR

When the *Enquirer* stories were published, in a special section on May 3, 1998, I felt relaxed and less vulnerable. I thought that whatever potential there had been for people investigating and trying to find out whether Chiquita's voice mail system had been invaded would be erased because they had now been published. It appeared to me that Gallagher and McWhirter had done a lot of homework. The vast majority of the material in the stories, accurate or not, never originated from me and didn't depend on anything that I had ever related to the reporters.

At the time of the stories' publication, *Enquirer* editor Lawrence Beaupre wrote this introduction: "Reporters Mike Gallagher and Cameron McWhirter undertook a wide-ranging investigation into Chiquita's business practices. After conducting scores of interviews in the United States and reviewing numerous public and internal documents, Mr. Gallagher and Mr. McWhirter traveled last summer to Costa Rica, Honduras, Panama, and the Caribbean islands of St. Lucia and Dominica. They also traveled to Brussels, Antwerp, Vancouver, New York and Washington, D.C. They spoke to a wide range of sources, including farm laborers and managers, environmentalists, government officials, financial experts, lawyers, professors and others."

I thought the stories might get a lot of reaction, but I never got involved in this with any expectations in that regard.

THE STORIES VANISH

The *Enquirer* stories just sort of came and went. Or so it seemed to me. I was still in Lima, and I read the stories on the Internet. I heard only once more from Gallagher, shortly after May 3, 1998. He made me feel that everything was okay. We really ruffled some feathers! he told me on the phone, exultant. He said he greatly appreciated my help.

From time to time, I accessed the *Enquirer*'s website to see whether there had been any fallout. To my utter shock, on June 28, June 30, and July 1, 1998, the paper published huge front-page apologies to Chiquita and retractions of the stories. "The *Enquirer* has now become convinced that the...representations, accusations and conclusions [by Gallagher] are untrue and created a false and misleading impression of Chiquita's business practices," the apology read. It also announced that Gannett had paid Chiquita more than $10 million to forestall a civil suit.

I tried to figure out what the retraction meant. Were they retracting the stories simply because some of the methodology was wrong or because the substance of the stories and their conclusions were wrong? I was dumbfounded. When I would access the *Enquirer*'s website, every time I clicked in to read the Chiquita stories I was greeted with the same front-page apologies. The stories were gone. Vanished. That was pretty amazing. To have something yanked like that—someone has to be wielding a lot of power.

Gallagher was fired. Hung out to dry. Abandoned by those who had paid for and encouraged him to get the stories. Charges were brought against him. Even if it's true that the *Enquirer* and Gannett executives told Gallagher not to access voice mail anymore, I think that was done with a wink and a nod. In any event, they allowed him to continue on with the story for months; he kept coming up with more and more and more and more information that the paper then went ahead and printed. Still, I thought there was no way to connect me to the stories: first, because the vast majority of them didn't depend on anything I had ever related to the reporters; and second, and more important, because Gallagher had promised me I wasn't being taped, and both he and McWhirter had repeatedly promised—on pain of going to jail—to keep me anonymous.

On July 2, 1998, Chiquita filed a civil suit against Gallagher, accusing him of a whole host of wrongdoing: defamation, trespass, conspiracy, fraud, and violations of state and federal wiretapping laws. It appeared to me that because the *Enquirer* and Gannett had retracted the stories,

apologized, and paid Chiquita such an extraordinary sum of money just days before, neither was named in the suit. Gallagher was cast out and was on his own.

I was the only source of Gallagher's to be prosecuted. I found out later, at the April 5, 1999, hearing, that Gallagher had destroyed all his source material just days before the stories were published. But for some reason tapes surreptitiously made of me speaking with Gallagher and McWhirter were preserved and then handed over to the special prosecutor. In the end, the only evidence left pointed to me and only me.

THE BETRAYAL

I knew for certain that Gallagher had betrayed me on September 24, 1998, the day he pleaded guilty to two felony counts of unlawful interception of communications and unauthorized access to computer systems. Though I had been arrested (twice) the week before and faced a possible penalty of more than 12 years in prison, Gallagher's entire official criminal-processing ordeal lasted less than two hours on September 24, at which time he was arrested, released on his own recognizance, appeared before a judge, waived indictment and arraignment, and pleaded guilty. He faced a potential of two and a half years in prison, but his sentencing was put off for six months—part of his deal for avoiding jail hinged on his cooperating with the prosecutors trying to convict me. For me, the special prosecutor sought a penalty five times more severe than what Gallagher faced.

Well, if he struck a deal, I thought to myself, *they're whittling this case down to me and the other sources.* I started to get really, really frightened.

I was in the same Cincinnati courthouse that day for another hearing. There was just so much going on. I remember that my wife and I were reviewing some evidence that Special Prosecutor Perry Ancona had provided to my attorneys. Most of this evidence consisted of transcripts of the secretly taped phone conversations between me and Gallagher and McWhirter. So here I am, being confronted by my wife, who is sobbing, reading through documents, and saying, "My God, I can't believe this...what did you *do*?" She was finding out about all of my discussions, all that I had kept from her, piece by piece.

I was the only source to be prosecuted. Gallagher had destroyed all his source material, except for the tapes surreptitiously made of me.

I was also facing a federal grand jury that was looking into the same charges, though it never acted. State and federal authorities demanded that I provide them with voice exemplars, but in the end they weren't even needed, because the authorities said they were going to bring in Gallagher to say "That's the man I talked to" and point to me.

Until that day, when Gallagher made the deal to identify me to keep himself out of jail, I still did not know for certain that he had named me. I felt a huge sense of betrayal. Later, at the April 5 hearing, Gallagher testified that protecting a confidential source is "one of the highest responsibilities a journalist has." He also acknowledged that he had promised to keep my identity confidential. And then, in open court, Gallagher identified me as his confidential source.

Gallagher said that he had other sources. But officially, he named only me. I think it was safest for him to single me out for betrayal. I'm not from Cincinnati. I had already left Chiquita and wasn't employed by the company. Gallagher had probably met his other sources face to face, and this likely weighed on his conscience. It was a lot easier for him to finger the person he had never met face to face. And since Chiquita had already tried to depose me, it is likely that they already suspected that I may have been one of the *Enquirer*'s sources. Gallagher may try to excuse his betrayal of me by arguing that prosecutors already suspected me, but the only evidence that prosecutors had came from Gallagher. Without his cooperation, I am convinced, I never would have been indicted.

I saw Gallagher in person only once, at that April 5 hearing. He would not make eye contact with me. I tried to look at him, and he just looked away. I felt anger, even hatred, as I looked at him. His betrayal cost me my law-firm partnership, my reputation, nearly all my family's savings; it took an enormous toll on my wife and children.

But now, over time, I feel more pity toward him than anything else. He was employed by the *Enquirer* and Gannett, and they didn't stand by him. They cut him loose, and they left him to hang. I truly don't know if I would have done something different if I had been in his shoes. He faced professional and legal ruin, and a prison term. I'm sure he thought something like, *I've got two little kids; I've got to worry about my family and maybe try to cut the best deal I can.*

Of course it doesn't make what Gallagher did right. But I think ultimately the responsibility lies at the feet of the *Enquirer* and Gannett. If the *Enquirer* had said, "We live by this code, that we will protect sources. A promise was made, and we stand by that promise. You were acting on our behalf," it wouldn't have cast Gallagher out. If the *Enquirer* and Gannett had done that, Gallagher wouldn't have been so desperate, and I don't think he would have been driven to betray me.

In the wake of the *Enquirer* episode, Gannett issued what it termed its Principles of Ethical Conduct for Newsrooms for its 74 daily newspapers. Under the heading "Using unnamed sources," the principles state, in part:

Inform sources that reporters will disclose sources to at least one editor. Editors will be bound by the same promise of confidentiality to sources as are reporters.

Make clear to the reporters and to sources that agreements of confidentiality are between the newspaper and the sources, not just between the reporter and the sources. The newspaper will honor its agreements with sources. Reporters should make every effort to clear such confidentiality agreements with the editors first. Promises of confidentiality made by reporters to sources will not be overridden by the editors; however, editors may choose to not use the material obtained in this fashion.

It appears to me that by adopting the principles, Gannett simply put into writing what was already in practice, and for them not to abide by these principles is reprehensible.

Gallagher took a beating, and I feel sorry for him. His life is a shambles, as is mine, but to be the Judas of journalism is not a nice thing, and he's going to be labeled that for the rest of his life.

In preparation for trial, we filed several motions to dismiss the charges against me. Any one of them—had they been granted—would have caused the entire case to be

KEY PLAYERS' RESPONSES

Comments of *Enquirer* publisher Harry Whipple:
We stand by our previous statements that neither the *Enquirer*, Gannett, nor any of their current employees have disclosed any information that would identify a confidential source. Because there is a lawsuit pending, we won't get into any specifics—except to say that we think Mr. Ventura's claim is without merit and that the allegations are incorrect in many respects. [The text of Ventura's lawsuit and Gannett's reply is available at www.brillscontent.com.]

Comments of former *Enquirer* reporter Cameron McWhirter:
Mr. Ventura's claims, as characterized by *Brill's Content* in a faxed letter to me, are false and libelous as to me. His article in your magazine was written to serve one purpose: to further a frivolous lawsuit by an admitted criminal against a deep pocket, my employer.

Let me set the record straight yet again. While at the *Enquirer*, I was the second reporter on an investigation of Chiquita. During reporting for that story, the vast majority of my work was with on-the-record sources and material. While reporting, we taped many of our conversations with sources for accuracy. I never represented to anyone that I was not taping. Like many states, Ohio has one-party consent to tape-record telephone conversations. Tape-recording conversations is a common and accepted practice in investigative journalism.

While reporting, I had extremely limited contact with one—and only one—confidential source. I made promises of confidentiality to that source. I have kept that promise to this day.

I wish to make it very clear, as I did in court and to other media, that despite tremendous pressure from quarters outside the *Enquirer* and Gannett throughout this ordeal, I preserved my right under the Ohio shield law to protect sources, and I did. I never provided prosecutors with names of sources or tapes or written material from the project. As Mr. Ventura quotes from a tape recording, as is true, I would go to jail before revealing a source.

I also did not destroy material, nor was I instructed to do so. After the series ran, I gave everything in my possession to Gannett's attorneys. It is my understanding that Gannett's attorneys did not provide confidential information on confidential sources to anyone, including special prosecutors.

I have no idea what Gallagher told prosecutors after he was fired or what he did with material in his possession. I stopped talking to him before he was fired. It is my understanding that at his firing, he agreed in writing to turn over all material (tapes, writings, etc.) regarding the investigation to Gannett attorneys. Apparently, he kept material. Later, that material appeared in the hands of prosecutors. Draw your own conclusion.


Michael Gallagher

The court record in both Gallagher's and Ventura's criminal cases is clear: Gallagher lied to all of us about what he was doing. With his deception, he hurt many innocent people.

thrown out. But as we filed and argued the motions it became clear—to me, at least—that the cards were stacked against me. Hamilton County Court of Common Pleas judge Ann Marie Tracey ruled against each and every motion.

In retrospect, I was so naive. Maybe it's because I lived outside the United States for so long. I don't know. You live in Third World countries and you accept the fact that there are often forces behind the scenes that control and subvert the system. You tend to imagine, even hope, that the same isn't true in this country. You expect things to run smoothly. You expect that people aren't unduly or unscrupulously influenced. And now I've come to realize that these are bad expectations to have.

I believe that I ultimately would have prevailed in court; however, after almost a year of defending myself, I had to cut my losses. The ordeal was destroying me and my family. And so, on June 30, 1999, I ended up pleading "no contest" to four misdemeanor counts of "attempted unauthorized access to computer systems." I was sentenced to two years of unsupervised probation and 40 hours of community service.

THE AFTERMATH

While cleaning out the piles of newspaper clippings I had accumulated over the past year, I looked at the May 1999 *American Journalism Review*. In it, the author claims that "both [McWhirter and *Enquirer* editor Beaupre] have paid an enormous price emotionally and professionally." What crap.

Gallagher may have fingered me to save his own skin, but all of those at the *Enquirer* and Gannett who worked with him, supervised him, and counseled him are just as much to blame for what happened to me. Even more so. They still have their jobs, their lives.

Because of the *Enquirer* debacle, I lost my position at my law firm—a prestigious job that provided me with a respectable income. I spent more than $150,000 from my savings and my kids' college funds in my defense. We had to borrow money from friends. And I lost the trust and respect of friends and colleagues, who look at me with doubt and concern.

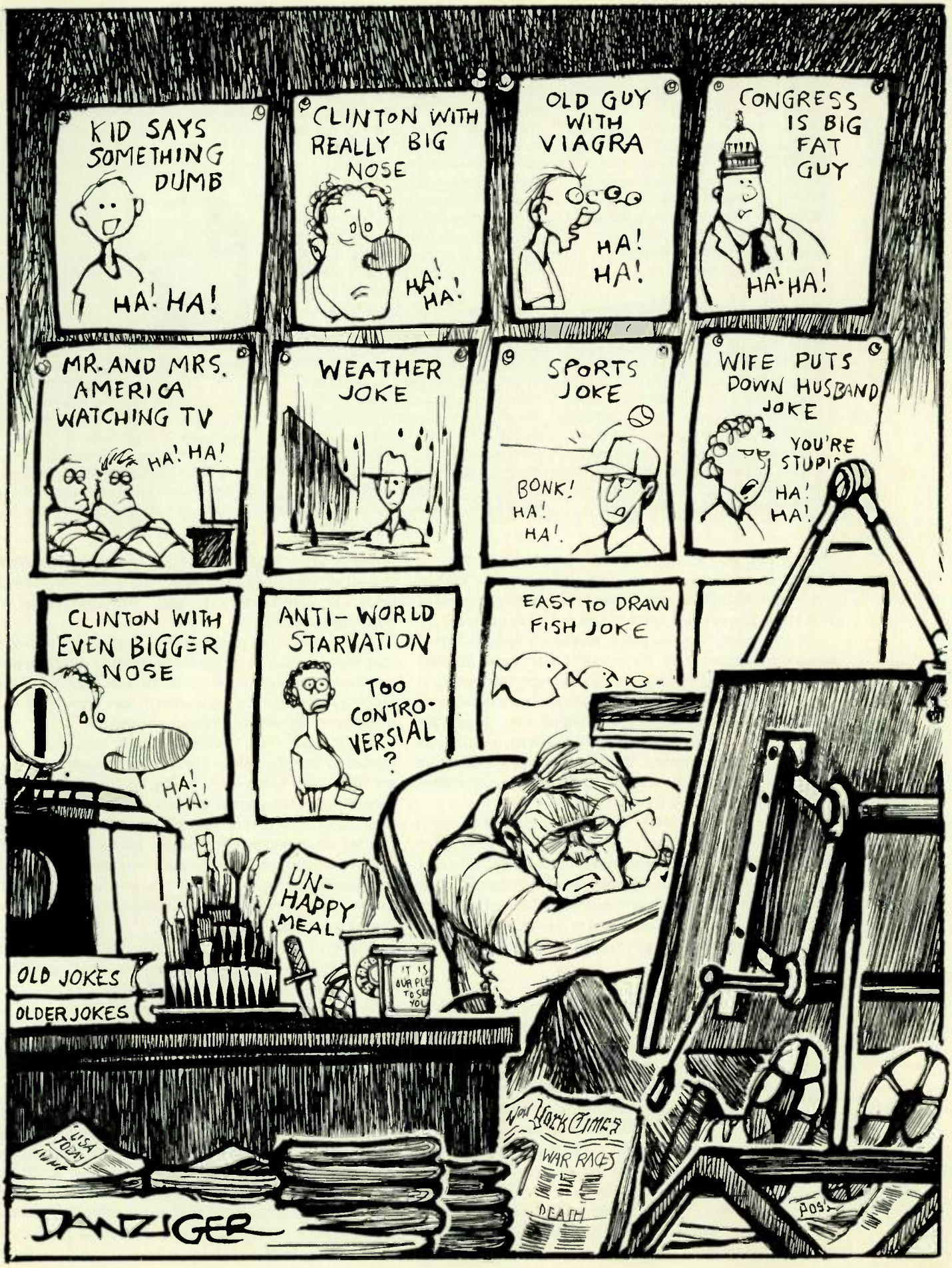
At the beginning of this ordeal, a good friend told me that there would be at least one positive result: I would know who my true friends were. He was right, but I don't know how positive an education it has been. Even some members of my own family have avoided me.

My wife has stuck with me through this, and I'm very blessed to have her. Many spouses would have left months ago. But it has taken a toll on my family—and on me. I've probably aged ten years in the past 12 months. I have always been an extremely confident person; I felt like I could go into any situation and be successful. Professionally, I've literally been airdropped into the middle of nowhere and asked to pull off miracles in Latin America, putting deals together. And you get a sense of extreme confidence doing that. And I think I've lost a lot of that.

I have to rebuild and regain my confidence. I have to earn trust back from so many people, starting with my wife, colleagues, and potential and existing clients. I want to be able to stay in my community, to hold my head high and not feel that I'm forced to leave. There are days when I feel I may have to move somewhere else, but I don't want to have to do that.

My wife and I have just seen *The Insider*, starring Al Pacino, and it was one of the few times I've ever cried at a movie. The parallels were uncanny. Sitting in the semi-darkness of the movie theater, I glanced around at others in the audience and wondered if any of them could possibly understand just how easily their lives could be turned upside down. How they could be manipulated, abused, and discarded. I don't think they understand. I don't think many people do. ■

TOM UHLMAN/AP



NO LAUGHING MATTER

What has happened to editorial cartooning? Its practitioners—not exactly known for their polite reserve—point fingers and let the ink fly.

BY MICHAEL COLTON

Newsweek's "Perspectives" page, with its three cartoons a week, may be the most beloved section of the magazine. Yet the page's picture editor, Guy Cooper, is the most hated man in this room.

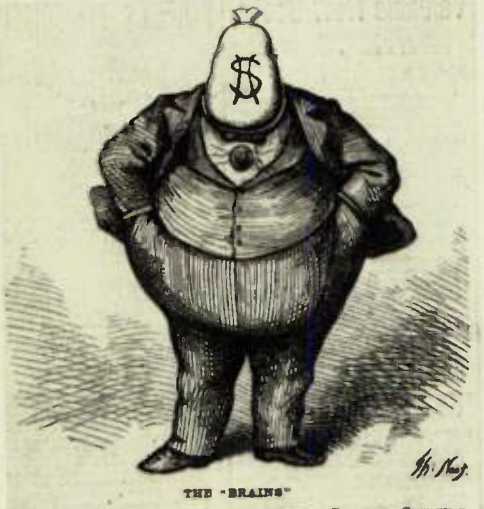
Not that all of these editorial cartoonists, gathered for a symposium in Iowa City, bear any personal animosity toward the bearded Brit, with whom they are hanging out at The Mill, a local pub. They just hate what Cooper represents.

"Perspectives," which reaches 3.1 million readers a week, is easily the most prominent national showcase for those in the diminishing field of editorial cartooning. To *Newsweek* readers, it's the comic relief of the book, and for a young cartoonist, scoring a spot is a coup. Yet to many of the cartoonists here, the page is a travesty, a showcase for cartoonists' lazy reliance on one-note gags rather than thoughtful and aggressive commentary.

"The great cartoons of history—none of them would have made it into *Newsweek*," says *Philadelphia Daily News* cartoonist Signe Wilkinson. "It's detrimental to the profession," says Joel Pett of *The Lexington* (Kentucky) *Herald-Leader*. Introducing Cooper to an audience at the university, Pett describes his friend as the man "wearing the horns and the tail."

Of course, cartoonists have bigger problems than *Newsweek*. There are about 140 full-time editorial cartoonists in the country, and fewer than 100 daily newspapers (out of a total of 1,500) employ full-time staff cartoonists. A century ago, the country had nearly 2,000 editorial cartoonists plying their trade, and it was common for their work to run on a paper's front page.

Local cartooning, the kind most likely to affect change, is largely disappearing as cartoonists draw for national syndicates—which, understandably, don't care about local issues. And the viruses affecting contemporary journalism have not bypassed cartooning: the shuttering of some daily newspapers, the power of politically correct special-interest groups, the minuscule half-life of a news story, the triumph of infotainment over real reporting. Today, most people view editorial cartoons as nothing more than amusing gags with all the deeper meaning of a Jay Leno monologue.



Thomas Nast's 1871 *Harper's Weekly* cartoon infamously depicted William "Boss" Tweed.

BETTMANN/CORBIS

Of course, these laments aren't new—in 1902, cartoonists decried the state of the industry after the death of the legendary cartoonist Thomas Nast, according to historian Lucy Caswell of Ohio State University. "It's never been as good as it used to be," she says.

Still, the concerns are great enough for several dozen cartoonists to gather on an autumn weekend in Iowa to discuss "Political Cartooning Under Pressure." The assembled wits include Jules Feiffer, the venerable cartoonist/playwright/screenwriter who helped reinvent the form in the sixties with his cartoon mini-plays in *The Village Voice*; Steve Benson, the popular *Arizona Republic* cartoonist who made waves in 1993 by publicly splitting from the Mormon church, which his grandfather Ezra Taft Benson had led; and Joe Sharpnack, an eager-to-please local boy who draws for *The Gazette* in Iowa City.

These spiritual descendants of Benjamin Franklin—the first published American cartoonist—know the impact cartooning can have on the nation. Cartoonists invented the Republican elephant and the Democratic donkey and coined the terms "McCarthyism" and "gerrymander." Back in 1871, Nast helped turn public opinion against William "Boss" Tweed and Tammany Hall, the Democratic Party machine that controlled New York politics. And in 1884, some believed that a Walt McDougall *New York World* cartoon put Grover Cleveland in the White House.

Modern cartoonists don't have the same impact, but Paul Conrad has come close. Conrad earned, in 1974, the distinct honor of a spot on Richard Nixon's enemies list. Now a crotchety 75, Conrad didn't have kind words for his brethren in his opening-night address in Iowa City: "I haven't seen a truly powerful editorial cartoon in years." Pett, and many of his colleagues, disagree. Conrad, he tells me, is "full of s--t."

Cartoonists are a rowdy bunch, and when they're together they produce a Friar's Club atmosphere of foulmouthed insults and good-

natured ribbing. Conrad, who quit drinking three years ago, is razzed by one of his fellow cartoonists as no longer a "drunk old moron" but simply an "old moron." Others are cut down by their peers for their weight, their pot-smoking, their egotism, their lack of talent. They play off each other: After Conrad tells an audience that he once received a tin box filled with dog excrement from an angry reader, Pett calls out, "Steve Benson asked me to apologize to you, Paul, for the box of dogs--t." Conrad's retort: "Did he get mine?"

When they're together, editorial cartoonists bitch about their declining profession, calling each other "whores" for sending cartoons to less substantial publications, such as *George* magazine, taking a $450 check for ten minutes of hackish work.

The cartoonists here are mainly white men in their forties; the sole black cartoonist invited to the conference, Aaron McGruder, canceled at the last minute. (McGruder's controversial strip, *The Boondocks*, has appeared on the editorial pages of such newspapers as *The Atlanta Journal-Constitution* and *The Knoxville* [Tennessee] *News-Sentinel*.) Signe Wilkinson is one of only two full-time female editorial cartoonists on a newspaper's staff. "Women interested in satire and visual humor go directly to the Fox network," says Wilkinson. "There's much more money; they reach a huge audience and have a lot more effect on society. If I were younger and smarter, and had any energy left, I would probably do that myself."

By nature, cartoonists are cranky and critical; as Conrad says, "I wake up sort of angry every morning. And then I read the paper and I get furious." When they're together, naturally, they bitch about their profession. They complain about their lack of impact and attention; they call each other "whores" for sending cartoons to less substantial publications, such as *George* magazine, taking a $450 check for ten minutes of hackish work.

As much as the assembled malcontents in Iowa City trade barbs and put-downs, there's a consensus on what sets an editorial cartoon apart from comic strips or the gag cartoons these journalists disdain. (And they are journalists—some, like Wilkinson, were once article-writing, fact-hunting reporters.) "An editorial cartoon ought to have a message, a moral purpose, a sense of right and wrong," says Benson. "Humor is only one of several arrows in our quiver. We are columnists who draw rather than write our opinions."

But too many cartoons today don't fit that criterion. Milt Priggee, the cartoonist for *The Spokesman-Review* in Spokane, Washington, admits that under deadline and other editorial pressures many of his own drawings offer empty opinions. He shows one that depicts the *American Gothic* couple coping with a flood. "What is this cartoon saying?" he asks. "That I'm against floods?"

Joel Pett, a wisp of a man with a slight Southern drawl, is easily the funniest guy here, quick with a one-liner and an insult. Yet his cartoons in *The Lexington Herald-Leader* aren't very funny, especially compared with the work of his contemporaries. They don't make you laugh out loud. If anything, they make you think—and that's how he likes it.

Here's how Pett stereotypes himself: "Mid-career, always-runner-up, embittered, nothing-is-ever-good-enough-for-me, don't-really-get-how-sweet-I-have-it, always-looking-at-the-glass-as-not-only-half-empty-but-polluted, middle-aged-white-guy Joel Pett." If editorial cartooning has a conscience, it's Pett. And unlike such old-guard stalwarts as Conrad and *The Palm Beach Post*'s Don Wright, who rail against the younger generation's values and end up sounding, as Wright says, like "embittered old farts," Pett is still in his prime and much respected by his peers.

Elkanah Tilsdale invented the term "gerrymander" in the *Boston Gazette* in 1812.

"I think I'm the only person in this room dumb enough to send a portfolio full of local cartoons to the Pulitzer [judges] year after year," says Pett, who has never won, perhaps because there is no local category for editorial cartoons, as there is for reporting. "No one would know if local cartooning died." They might in Kentucky, though, where Pett takes on issues ranging from the mayor's bird-eradication program to the governor's defense of tobacco.

"I can screw up some serious s--t in central Kentucky," he says—and that's exactly the problem. When a cartoonist draws a clever gag on a national issue, the rewards are obvious: syndication in *Newsweek* and on the increasingly homogenized cartoon pages of the Sunday *New York Times* and *USA Today*, perhaps even a Pulitzer. But with local cartoons? "The only recognition you get is from canceled subscriptions and canceled advertising," says Pett.

Wiley Miller, the creator of the popular comic strip *Non Sequitur*, blames the bosses. "Publishers are afraid of offending their golfing buddies," he says. "They don't want to deal with the phone calls. Cartooning is a dying art, and the editors and publishers are standing over the corpse with a smoking gun."

It is possible to survive as a local cartoonist, though. Lee Judge of *The Kansas City Star* quit his syndicate in the early eighties; packaged with other cartoonists, he wasn't making big money, and he wanted to draw more local cartoons without the burden of churning out three national ones every week for the syndicate. Without any national exposure or national awards, he seemed, to his colleagues, to have dropped off the face of the earth. But in Kansas City, he became much more

influential. "It sets me apart in everyone's mind," Judge says. "They think, *Oh, he's from here. He's drawing about schools here, or sports teams, or the local government.*"

Still, many papers have dispensed with local cartoonists altogether, relying on the national syndicates, which provide funny cartoons for a much cheaper price. Those syndicated cartoons are not likely to stir things up; editors don't want to deal with angry phone calls, especially not to defend a syndicated cartoonist they don't even know. These days, "local" cartoonists may not be local at all, even if they still tackle hometown issues: Jeff MacNelly of the *Chicago Tribune* is based in Washington, D.C. Mike Peters of the *Dayton Daily News* lives in Florida. "We fax him local stories, and he uses the Internet," says Hap Cawood, the *News*'s editorial-page editor.

"Alas, poor Agnew, Mitchell, Stans, Ehrlichman, Haldeman... I knew them..." **Editorial cartoons such as this 1973 Shakespearean jab in the *Los Angeles Times* earned Paul Conrad a spot on Richard Nixon's enemies list.**

Because the industry has little interest in local cartoons, Pett sees it slipping into the familiar traps of nineties media. "Cartooning is heavily into infotainment, celebrity, and what happened within the last 48 hours, without any scope, breadth, or depth. It's gag-oriented and focused on subjects that won't mean anything two weeks from now," he says. Pett won an award in 1995 for his cartoons on the population crisis but laments that most cartoonists—or at least most editors—won't run cartoons on the subject except during the two-week window surrounding a news event, such as the recent announcement that the world's population had reached 6 billion.

Pett's argument that timeliness should not be a factor for cartoons may be hard to swallow, but he's right that the sexy story of the moment, whether it's Diana Ross's berating airline employees or Donald Trump's toying with a presidential campaign, tends to crowd out more important issues. Pett becomes heated discussing a recent example of cartoon laziness: "Hillary buys a house in Chappaqua, and like eight f--ing cartoonists do the same stupid cartoon about Hillary saying, 'I'll need two doghouses'—making reference to a sex scandal that lasted a year too long *and* has already been dead for a year."

In Iowa City, Pett takes me on a fruitless quest to find a copy of *Newsweek*, which he predicts will contain a sampling of "middle-of-the-road, no-risk" cartoons. (In comparison, *Time* has been practically avant-garde in its choice of cartoonists, employing less-mainstream artists Mark Alan Stamaty and Ted Rall.) The only cartoon of Pett's to have appeared in *Newsweek* featured Michael Dukakis, and Pett knows that he may seem bitter because he doesn't have this showcase for his work and that he isn't a "big media star" like *Newsweek* regulars Mike Luckovich and Walt Handelsman.

Of course, it's unfair to blame the cartoonists who land the *Newsweek* spots. For instance, the *Philadelphia Daily News*'s Wilkinson believes that Luckovich's best work isn't reprinted in *Newsweek*. "He's done hard-hitting cartoons on Lott and Gingrich, but people love cheap jokes. I just did a stupid cheap-shot cartoon about Elizabeth Dole leaving the election with a joke about Bob Dole and Viagra, and a dozen people have told me it's great."

Luckovich believes that the issues have changed: "They're lightweight, more tabloid. I still want to reflect on those things because I don't want to lose my readers, but I wish the media and people were more focused on things like the environment and poverty. I feel like the audience paying attention to those issues has shrunk."

Newsweek's Cooper, who receives 500 to 600 submissions a week, is used to needling from cartoonists. "I'm happy to be the pariah here," he says. Defending "Perspectives," Cooper says it's not intended to be thought-provoking. "Readers want something light," he says. "They're turning to it more for a laugh than an editorial punch." Pett's cartoons, Cooper says, are "usually too cutting, too nasty. Sometimes they're just not funny either."

Reader mail received by *Arizona Republic* cartoonist Steve Benson:

I wouldn't shoot you, but I would sure as hell pay for the shells if somebody did.

Reader mail received by *Los Angeles Times* cartoonist Paul Conrad:

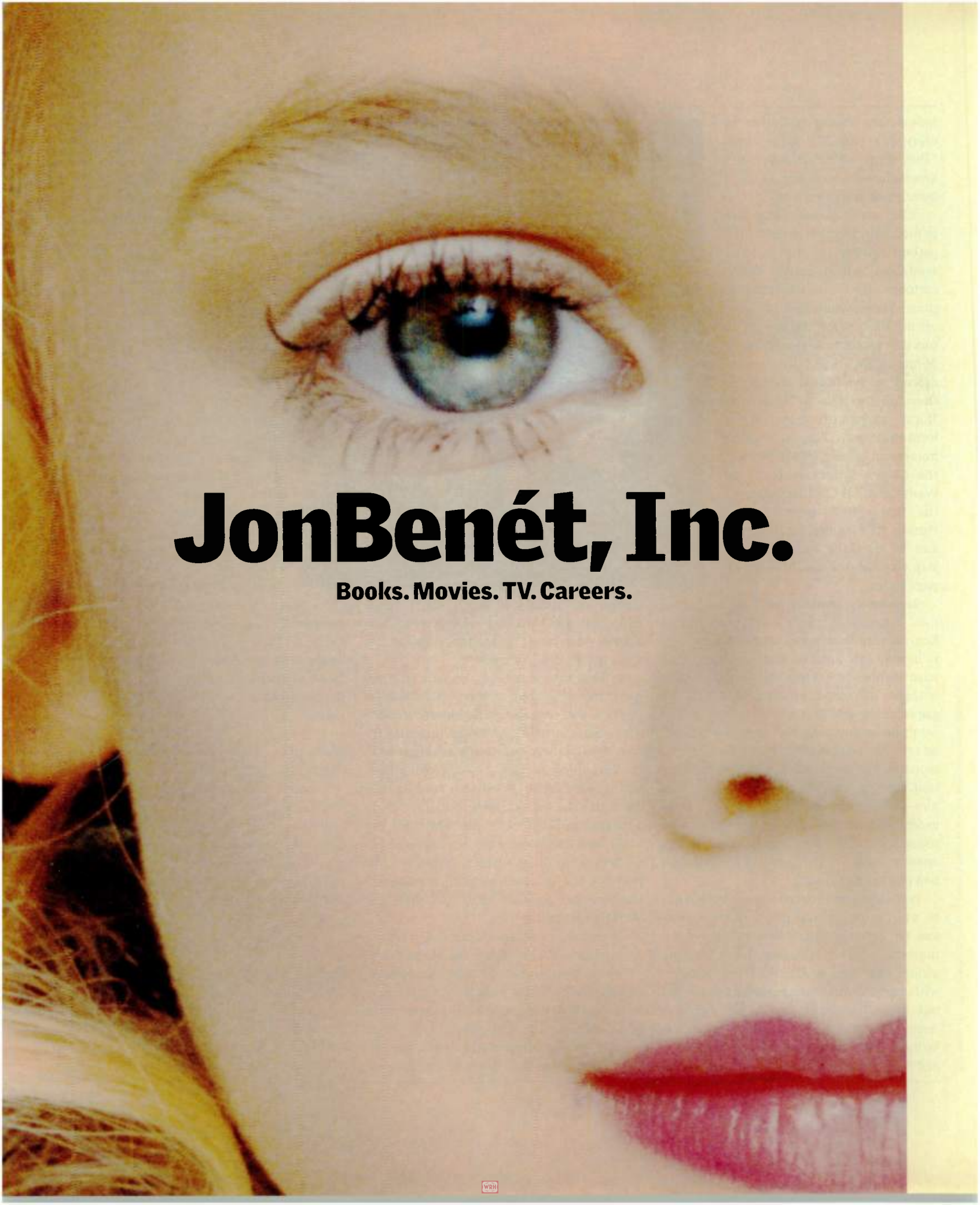
Liver disease is too good for you.

I'd like to deduct the part that goes to that jerk Conrad [attached to a subscription check to the *Times*].

Conrad, you f--ing asshole, how dare you?

Conrad has a face begging for caricature: unruly white hair slicked back, long earlobes, a big, pudgy chin, and thick black-frame glasses. He's a living legend among cartoonists, and well known for his attacks on every

[CONTINUED ON PAGE 126]


JonBenét, Inc.
Books. Movies. TV. Careers.

BY KATHERINE ROSMAN

Take a murder tale that has nothing to it except some alluring video of a little girl dolled up for a beauty contest. Add media hunger to fill the gap between O.J., Monica, and the Next Big Story. What do you get? Lots of local media people cashing in on the ravenous appetite of national news outlets for a story that had only one problem: There was never any real news.

On Tuesday, October 12, 1999, John Ashton, 52, grabbed a few ties and his reporter's notebook and zoomed the 30 miles west on U.S. 36 from his Denver apartment to the mountain hamlet of Boulder, Colorado. Rumors were flying that the grand jury might hand up an indictment in the JonBenét Ramsey murder investigation, and Ashton needed to be there.

He arrived at the Justice Center, on the corner of Sixth Street and Canyon Avenue, at about 1 P.M. The area around the two-story building was already mobbed by reporters, satellite trucks, and camera crews. Ashton elbowed his way to the center of the pack, or "the belly of the beast," as he puts it. He took out his notepad and his pen and waited among the hordes of reporters from newspapers and television stations across the country.

He turned to his left and caught the glance of a similarly dressed man with a microphone in his hand. "Which TV station are you with?" the man asked. Ashton hesitated. "I'm not," he replied. "We're doing a TV movie on that JonBenét thing."

Ashton is not a reporter, but he was hired to play one on TV. The day before, he had got a call from his agent, who told the actor that he had been cast as a reporter covering the murder of the 6-year-old in CBS's rendition of *Perfect Murder, Perfect Town*, based on Lawrence Schiller's JonBenét book of the same name. Schiller, Ashton, and about nine other actors were peppered among the actual journalists. (Schiller is also directing the two-part TV drama, which is tentatively scheduled to air on CBS February 27 and March 1. See sidebar, page 104.)

The crowd waited, wondering when—if at all—an announcement about the jury's conclusions would be made. By 3:30, the reporters had begun to realize that, on this day, no announcement would be coming. So, for lack of anything else to shoot, the cameras swept the crowd, capturing the scene of the sea of reporters and actors.

"It was reporters doing reporting on reporters who are actors pretending to be reporters for an alleged documentary on something that may or may not have happened," says Ashton, laughing. "It was like a bunch of mirrors."

In the year of JonBenét's death, 804 children ages 12 and under were murdered in the United States, according to the FBI's 1996 Uniform Crime Report. Her killing should never have been more than a Denver-area story. In fact, "that JonBenét thing" might not ever have made it to the national stage if not for timing. The 6-year-old beauty pageant contestant died during the slowest news week of the year—the days between Christmas and the New Year, when most businesses and the federal government are in low gear.

Then, for a while, JonBenét stayed in the news because of the now-ubiquitous pageant videos and glossy pictures: *JonBenét as Rockette, JonBenét as cowgirl, JonBenét as glam girl, JonBenét as feather-clad temptress.* With the end of its beloved Simpson epic on the horizon, the All-O.J.-All-The-Time media machine seized upon the eerie but captivating photos of the child pinup and manufactured its next "celebrity" murder trial.

Arguably, between September 1997, when *Newsweek* and *Vanity Fair* published the full text of a ransom note found at the murder scene, and October 13, 1999, when a grand jury announced it would hand up no indictments, there have been no significant developments.

But why let the absence of information get in the way of a good story? From January 1, 1997, until November 19, 1999, *20/20*, *48 Hours*, *Hard Copy*, *American Journal*, *Dateline NBC*, *Entertainment Tonight*, *Extra*, the weekend edition of *Extra*, and *Inside Edition* aired a total of 438 JonBenét

SIMONS/CORBIS SYGMA

Ramsey segments, according to NewsTV Reports, a Kansas-based auditor of television newsmagazines. Geraldo Rivera—on both CNBC's *Rivera Live* and the defunct *Geraldo Rivera Show*—has featured no fewer than 195 JonBenét-related segments. *Larry King Live* has devoted at least 44 segments to JonBenét.

Meanwhile, *Newsweek* has run about 30 JonBenét-related items and stories; *Time* has published about 25. Since April 1997, the *Globe*, *The National Enquirer*, the *National Examiner*, and the *Star* tabloids have published 124, 73, 51, and 38 JonBenét items respectively, according to the Joshua-7 website, a tabloid archive. JonBenét has been pure gold for the tabs. In the year before Ramsey's death, the *Globe*, for example, boasted a total paid circulation of its weekly editions exceeding 1 million seven different times. In the year following her death, that number jumped to 22. One can only imagine the circus that would ensue should anyone ever be brought to trial on this matter. Such a spectacle would make the O.J. trial look like a Department of Agriculture background briefing.

The blizzard of coverage continues to shock John and Patsy Ramsey, who sat down to discuss the press's obsession with their daughter's murder. "We were manufactured to be hated," asserts John Ramsey. "We were the media's product."

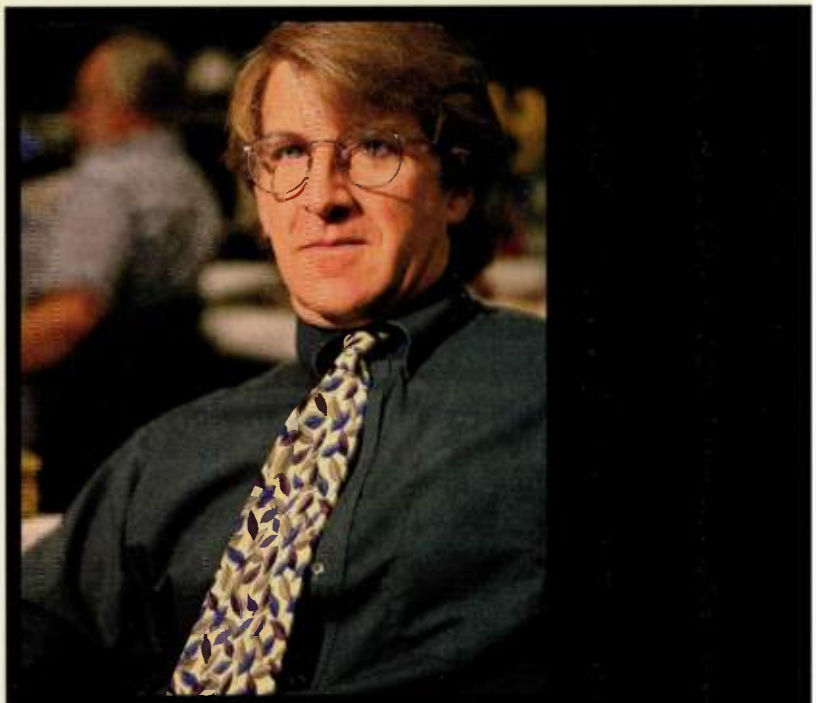
Dan Abrams, NBC News's legal correspondent, defends the media's coverage of the JonBenét murder case. Not only are unsolved murders fascinating in and of themselves, Abrams argues, but the Ramsey case includes substantive legal issues, most notably how a crime scene that is not immediately secured—as in this case—can forever taint an investigation. "There are intricacies of the legal system that can be learned" from this case, Abrams says. "I think there is a legitimate argument that the public has learned something from the coverage of JonBenét's murder."

Patricia Calhoun, the editor of Denver's weekly alternative paper the *Westword*, doesn't buy that. "What *is* the story," she asks, "except that it's a national springboard for a lot of people?" Even those who have leaped from that springboard, like Charlie Brennan of the *Denver Rocky Mountain News*, acknowledge that more than a national tragedy, the Ramsey tale is a career builder for journalists. "I understand that her death is no greater tragedy than the loss of any other child. And I've recognized that from the start," says Brennan, who also toiled as the collaborator on Schiller's *Perfect Murder, Perfect Town*. "But I also recognize that a lot of other people seem to think it's a much bigger tragedy, a much bigger deal, than all the other deaths." Ultimately, Brennan admits, "it has been the greatest opportunity that I have had in my career to carve out a name for myself."

Brennan was joined by a cadre of journalists who made it their business to keep the business of JonBenét alive—which has not been easy, given the lack of information. Many relied on sensationalism, untraditional tactics, and rule bending to keep this nonstory in the headlines. In the process, they and their nonstory became the quintessential symbol of a new age in which journalists, faced with the job of finding the next Big Story to feed the insatiable news machine, will reach down for material that by any standard is not news and rely on the work of bottom feeders to fill their pages and airwaves. In the end, the purported aim of finding the truth and reporting it fell largely by the wayside as journalists saw their own stars ascend, hitched to a 6-year-old girl famous only in death.

FOOTPRINTS IN *WHAT* SNOW?

On March 10, 1997, Charlie Brennan, a 15-year veteran of the *Denver Rocky Mountain News*, was sitting at his desk in the newsroom when a colleague tapped him on the shoulder and gave him a tip about the JonBenét Ramsey case. It sounded like a good one, so Brennan, 44, followed up by calling a man Brennan characterizes as a "law-enforcement source."



Charlie Brennan (above) says his No Footprints scoop is one of his best on this story. The Ramseys' attorney calls it "the greatest urban legend."

The JonBenét story "has been the greatest opportunity that I have had in my career to carve out a name for myself." CHARLIE BRENNAN

The source confirmed the information Brennan's colleague had passed along. The police noted in their initial report that there were no footprints in the snow outside the Ramsey home the morning after the murder. This made it unlikely that an intruder had entered the home. Brennan scribbled down notes, made a few more calls, and hunkered down to write his page 4 report:

> Police who went to JonBenét Ramsey's home the morning she was reported missing found no footprints in the snow surrounding the house, sources said Monday.
>
> That is one of the earliest details that caused investigators to focus their attention on the slain girl's family, police sources said.
>
> Although there was no significant storm just before police went to the house the morning after Christmas, it had snowed lightly several times from Dec. 23 to 25, weather records show.

Brennan's scoop was as close to a smoking gun as anything publicly known at the time. Until that point, a broken basement window on the south side of their home meant an intruder could have gotten into the house and killed John and Patsy Ramsey's daughter. Now a lack of footprints in the snow indicated otherwise.

Brennan's findings made national headlines, appearing in publications such as the *Milwaukee Journal Sentinel*, the *Chicago Tribune*, the

The JonBenét beat reminds *Newsweek*'s Daniel Glick (below) of political reporting. "It's like the old Washington game," he says. "Almost everyone knew where the friendships were."

Lawrence Schiller (above) has parlayed the story into a big-media trifecta: a book deal, a movie deal, and a contract with NBC News.

BRENNAN & GLICK: JEFFREY LOWE; SCHILLER: KATHY AMERMAN

Atlanta Journal-Constitution, and the *San Francisco Examiner*. Even *The New York Times* reported Brennan's findings. (Those papers' combined readership is 2,519,501.) In all, 23 publications and news programs picked up the report, according to a search on the Lexis-Nexis database.

His No Footprints In The Snow scoop solidified Brennan as an important force on the Ramsey beat. When journalists from national publications began parachuting into Boulder to get their share of the action—such as *Vanity Fair*'s Ann Louise Bardach, and Lawrence Schiller, who had been commissioned by *The New Yorker* to cover the Ramsey murder—Brennan was the man they called. In fact, when Schiller decided to expand his *New Yorker* article into a book, he hired Brennan to help with the reporting. (Brennan won't say how much money he made from collaborating on *Perfect Murder, Perfect Town*. The hardcover and paperback editions both reached best-seller lists.)

Although Brennan was beginning to enjoy the national exposure—*The New York Times* was reporting his discovery, *Larry King Live* was calling—his scoop would soon quietly fall apart.

When Daniel Glick heard about Brennan's No Footprints headliner, he thought it was a bombshell. Glick, a former Washington correspondent for *Newsweek* who now writes for the magazine from Boulder County, even went so far as to say on *Larry King Live* that if the Ramseys' claims of an intruder were to be believed, the killer must have had the power to "levitate."

But in mid-June 1997, Glick and his writing partner, Sherry Keene-Osborn, both began to question the story's accuracy. Keene-Osborn said she got a call from an "impeccable source" who warned her that much of what ran in the newspapers and magazines (including *Newsweek*) was flat wrong. Glick says he raised an eyebrow when, while visiting the Ramseys' Boulder house, he noticed that flagstone surrounded its south side.

They started re-reporting Brennan's scoop. Glick says he found a meteorologist at the National Oceanic and Atmospheric Administration who told him that there was little snowfall and that the temperature had been mostly above freezing in the week prior to the murder. Glick says he then deduced that because there were no leaves on the trees to block the sunshine from reaching the flagstone patio outside the broken window, there probably wasn't any snow on the ground outside the broken window—even though there were patches of snow on the lawn. To confirm, Glick says, he contacted a "frost expert" who told him that scientifically one couldn't even determine whether or when frost would have been on the ground outside the window. In other words, the police notation of "no footprints" was meaningless; it certainly did not rule out the entrance of an intruder.

Glick and Keene-Osborn wrote a story that questioned Brennan's reporting. The article was largely ignored by other print outlets, though Geraldo Rivera mentioned *Newsweek*'s report on *Rivera Live* and Glick discussed his findings on two episodes of *Larry King Live*. Given the relatively little play by the media outlets that had so quickly picked up Brennan's No Footprints piece, Glick and Keene-Osborn's piece hardly made a dent in what John and Patsy Ramsey's attorney now calls "the greatest urban legend of the case." In fact, five months after *Newsweek* disputed Brennan's story, *The Washington Post* reported that "from the start, circumstances surrounding the crime focused suspicion on the parents....There were no conclusive signs of forced entry at the home and no footprints in the snow that fell that night."

The importance of the No Footprints story, Brennan contends, is not whether there actually were footprints or not. Rather, he says, his report showed the direction in which the police investigation was heading: By noting a lack of footprints (wrongly or rightly), the police were clearly considering the potential guilt of the Ramseys. "What I reported was that police noted in their reports an absence of footprints," says Brennan. "That's not Charlie Brennan saying, 'Hey, there was an absence of footprints.' I'm saying, 'Hey, the police put it in their reports.' And they did! They did! That was never wrong."

But when *The New York Times* ran its story about Brennan's No Footprints article, the paper didn't play up the aspect of the direction of the police investigation. The *Times*'s headline was "No Sign Of An Intruder At Home Of A Slain Child."

To Glick, Brennan's piece unfairly threw a dark shadow on the Ramseys and forever cast them as the homicidal parents. Again, Brennan disagrees: "The public opinion train was way out of the sta-

The Books

So far, seven publishers have released almost 900,000 copies of books about JonBenét Ramsey. The most successful book is Lawrence Schiller's *Perfect Murder, Perfect Town: The Uncensored Story of the JonBenet Murder and the Grand Jury Search for the Truth*, a veritable sourcebook about Boulder, the Ramseys, the media coverage, and the key figures in the investigation. (Look for the miniseries on CBS in February. See related story, page 104.) And for those who haven't yet had enough, fear not. There are at least two more JonBenét books in the works—including testimonials from one of the former detectives on the case and from the Ramseys themselves.

LESLIE FALK

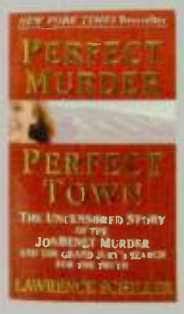
A MOTHER GONE BAD: THE HIDDEN CONFESSION OF JONBENÉT'S KILLER
by Andrew G. Hodges
Village House Publishers, 1998
Andrew Hodges, who owns the publishing house that released this book, is a psychiatrist based in Birmingham, Alabama. Here he offers a "psycholinguistic decoding" of the ransom note and other key Ramsey public communications, which, he says, reveals that Patsy authored the ransom note and was one of JonBenét's murderers. To date, about 16,000 copies of the book have been printed; approximately 14,000 have been sold, says Hodges.

JONBENÉT'S MOTHER: THE TRAGEDY AND THE TRUTH!
by Linda Edison McLean
McClain Printing Company, 1998
Patsy Ramsey's high-school drama teacher, Linda McLean, has been one of the Ramsey family's best friends for more than 25 years. Her book, which includes a foreword penned by Patsy Ramsey, takes a close look at Patsy's life before and after the murder of her daughter. The book also contains more than 60 exclusive photographs and in-depth interviews with family and friends. To date, 5,000 copies have been printed and 3,000 have been sold.

DEATH OF A LITTLE PRINCESS: THE TRAGIC STORY OF THE MURDER OF JONBENÉT RAMSEY
by Carlton Smith
St. Martin's Press, 1997
Carlton Smith is a veteran true-crime journalist and the author of *The Search For The Green River Killer* and *Murder at Yosemite*. He completed *Death of a Little Princess* in mid-1997, when the JonBenét murder investigation was just beginning. Consequently, his book is primarily a summary of the events and details of the crime and the investigation to that point. To date, 75,000 copies have been sold.

WHO KILLED JONBENÉT RAMSEY?: A LEADING FORENSIC EXPERT UNCOVERS THE SHOCKING FACTS
by Cyril H. Wecht and Charles Bosworth Jr.
Signet/New American Library, 1998
Cyril Wecht is a forensic pathologist; Charles Bosworth puts Wecht's conclusions into prose. Those conclusions, however, are slight. Wecht analyzes the forensic evidence—having never examined JonBenét's body—and concludes that JonBenét was sexually abused before her death and that she died due to strangulation. The book never answers the title question. There are 200,000 copies in print, and the doctor has appeared on such talkfests as *Rivera Live* and *The View*.

PERFECT MURDER, PERFECT TOWN: THE UNCENSORED STORY OF THE JONBENET MURDER AND THE GRAND JURY'S SEARCH FOR THE TRUTH
by Lawrence Schiller
HarperCollins, 1999
Lawrence Schiller wrote *American Tragedy*, a best-seller about the O.J. Simpson case. *Perfect Murder, Perfect Town*, which he researched with *Denver Rocky Mountain News* reporter Charlie Brennan, is considered the most comprehensive book on the JonBenét case, offering a detailed account of the events surrounding the murder, a chronicle of the police investigation, and first-person comments from friends of the Ramsey family, members of the media, and investigators on the case. A two-part miniseries based on the book will air beginning in February on CBS; Schiller is directing the docudrama. The hardcover has had seven print runs and has sold 175,000 copies to date. The paperback, which has had two print runs, has sold 350,000 copies to date. As of December 12, 1999, the book had been on *The New York Times* paperback best-seller list for five weeks.



PRESUMED GUILTY: AN INVESTIGATION INTO THE JONBENET RAMSEY CASE, THE MEDIA & THE CULTURE OF PORNOGRAPHY
by Stephen Singular
New Millennium Press, 1999
Stephen Singular is a true-crime writer who also authored *Legacy of Deception: An Investigation of Mark Fuhrman and Racism in the L.A.P.D.* In his highly speculative tome, he advances the theory that JonBenét was part of a children's porn ring and that she was killed by one of her pornographers. The book has 55,000 copies in print, and 43,000 have been sold to date. It made *The Denver Post*'s best-seller list on July 25, 1999.

A LITTLE GIRL'S DREAM: A JONBENET RAMSEY STORY
by Eleanor Von Duyke with Dwight Wallington
Windsor House Publishing, 1998
Eleanor Von Duyke is the owner of ShowBiz USA, a company that organizes children's beauty pageants. Dwight Wallington, the owner of the publishing house that released this book, is also the author of *In The Child's Best Interest*. In addition to discussing the world of children's beauty pageants, the authors of this book claim that JonBenét's brother, Burke, accidentally killed JonBenét and that John and Patsy have been covering for him. According to the publisher and author, there are 20,000 copies in print and 5,000 have sold to date.

JONBENET: INSIDE THE RAMSEY MURDER INVESTIGATION
by Steve Thomas
St. Martin's Press, April 2000
Steve Thomas was among the detectives first assigned to the JonBenét Ramsey case. On June 22, 1998, he resigned from the investigation, citing health concerns. In a letter dated August 6, 1998, however, he amended that statement and declared that his "primary reason" for leaving the case was his "belief that the district attorney's office continues to mishandle the Ramsey case." The publisher will not divulge the contents of the book, which is tentatively scheduled for release in April 2000.

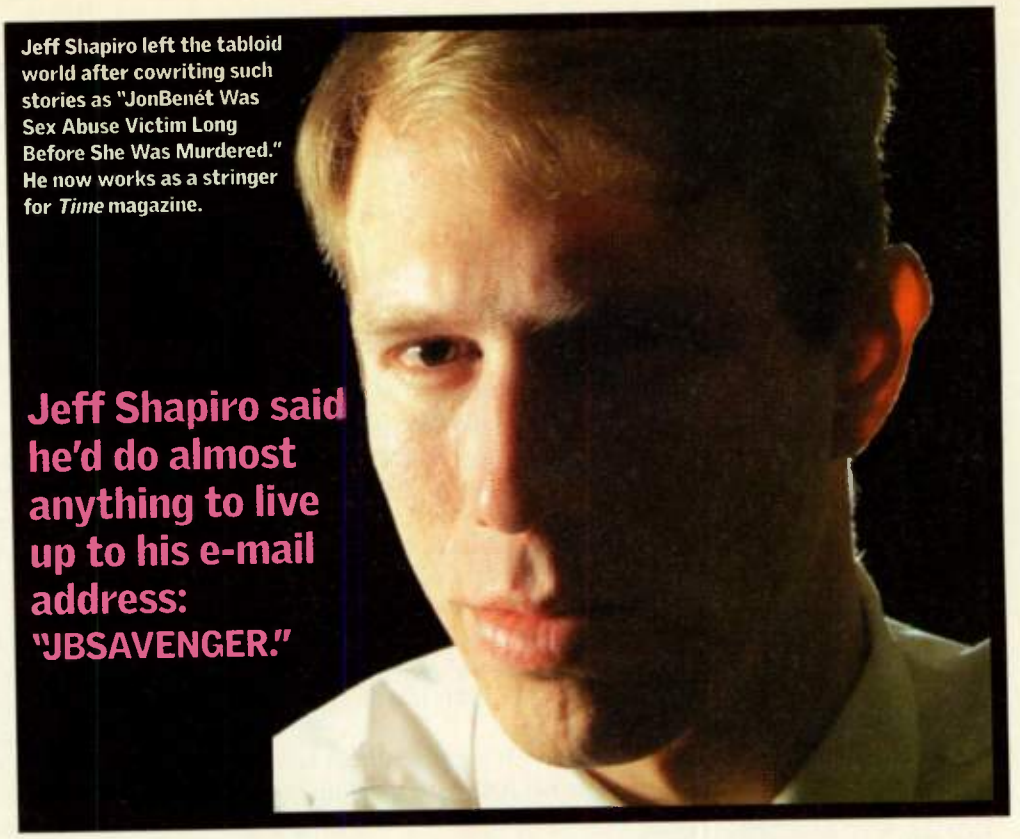
DEATH OF INNOCENCE
by John and Patsy Ramsey
Thomas Nelson Publishers, March 2000
In this upcoming book, tentatively scheduled for release in March 2000, John and Patsy Ramsey plan to "recount [their] experiences in this tragedy," according to a press release from the publisher. "The book...will address many of the myths and falsehoods surrounding the case [and] give the Ramseys an opportunity to write about JonBenét...." Whatever proceeds are not used to pay the Ramseys' legal fees will be earmarked for the JonBenét Ramsey Children's Foundation, according to the publisher.

tion by the time that story broke," he asserts.

For many reporters, getting the story out ultimately became more important than getting it right. And context was hardly the only element missing. Tabloids such as the *Globe*, which kept JonBenét on the front page for three years (and counting), fabricated stories outright, says Jeffrey Shapiro, a freelancer who exclusively reported for the *Globe* from February 28, 1997, to February 11, 1999.

Such a manufactured news bulletin began, Shapiro recalls, over the weekend of August 22, 1998. Shapiro was facing more pressure than usual to find a blockbuster headline. Just a few days before, the *National Enquirer* had landed the biggest tabloid scoop of recent months: "911 Call Nails Brother in Murder Cover-Up—And It's On Tape," blared the *Enquirer*.

Shapiro had been a tireless tabloid soldier. He admits that short of paying his sources and breaking the law, he would do anything to live up to his e-mail address: JBSAVENGER. He pestered people he believed had information; he climbed trees to peek through windows to watch police investigations of the Ramsey home; he even tried to get close to the Ramseys' minister by pretending that he wanted to convert from Judaism to Christianity.



Jeff Shapiro left the tabloid world after cowriting such stories as "JonBenét Was Sex Abuse Victim Long Before She Was Murdered." He now works as a stringer for *Time* magazine.

Jeff Shapiro said he'd do almost anything to live up to his e-mail address: "JBSAVENGER."

Shapiro defends his tactics even as he betrays his lack of perspective about how big of a deal the Ramsey case is. "Do you believe in undercover journalism?" he asks. "If you were a journalist who knew you had to go undercover to break up a big drug ring that was the cause of death to innocent people or to even solve one of the two mysteries—what is on the missing 18 minutes of Watergate tapes or about the grassy-knoll assassin who shot President Kennedy—would you go undercover? I would. I would in a second," he says with complete earnestness.

Days after the *Enquirer*'s 911 scoop, Shapiro's editor had a big lead for him. Late in the night, on August 22, 1998, Shapiro says, one of his editors, Joe Mullens, called him at home to tell him that Mullens had found a source with the perfect juicy nugget. The lead, Shapiro recalls, was that John Ramsey had handed his pilot, Michael Archuleta, a box potentially filled with evidence, such as the cord used to strangle JonBenét and the tape found covering her mouth. (Mullens referred questions on this topic to the *Globe*'s press representative. So did Tony Frost, the paper's editor. The press representative declined to comment.)

Shapiro says that when his editor filled him in on the details of the tip, he questioned the accuracy of the main source, who turned out to be Archuleta's brother. Apparently, in addition to telling Mullens about Ramsey's having allegedly dropped off the murder weapon at his pilot's home, Archuleta's brother gave Mullens another tip that Shapiro knew was demonstrably incorrect—the details of a conversation Shapiro knew could not have taken place.

Mullens defended his source, Shapiro says, telling the young reporter that although the pilot's brother may have been wrong about the conversation, he was sure about the box delivery. Shapiro says he wasn't convinced.

But Mullens assigned Shapiro to look into the tip anyway, and Shapiro went to stake out Archuleta's house. After waiting for hours, Shapiro called Mullens to inform him that nothing was happening.

Just wait. The police are on their way over to Archuleta's, Shapiro says Mullens told him.

How do you know? Shapiro says he asked.

Because we called the police and told them, so we know they'll be heading over there, Mullens replied, according to Shapiro. Shapiro kept at his post.

Meanwhile, inside the house, Archuleta got a phone call from a *Globe* editor. According to the pilot, the *Globe* editor said that Archuleta's brother had told the *Globe* that John Ramsey had given Archuleta a box of evidence. Would he care to comment? The *Globe* editor inquired.

Archuleta told the editor that he had been estranged from his brother for about five months. "If you're taking information from my brother, that shows me how stupid you people are," he recalls having told the *Globe* editor.

Soon after, Archuleta says, an investigator contacted him to tell him that law-enforcement officials were going to come out to his house that night to ask him about information that had just been called in from the *Globe*. The pilot says he had told the investigator that the police knew from extensive prior interviews that he had not been at the Ramseys' house the morning after the murder. Archuleta says he asked, "Why do you guys chase your tail around every time a *Globe* reporter calls?" The investigator told Archuleta that they had to follow up every lead, and if the tabloid press wrote that law enforcement had a tip that they didn't look into right away, the police department could get fried in the mainstream papers. (Mark Beckner, chief of the Boulder Police Department, declined to comment while the Ramsey investigation is still active.)

Sure enough, the police arrived at the pilot's house late in the night, Shapiro was there to capture the moment, and the *Globe* had its headline: "World Exclusive! Cops probe breakthrough charge in Little Beauty murder case...JonBenét: DAD CAUGHT HIDING KEY EVIDENCE. Ramsey hid deathbed sheets, girl's nightie and stuffed animals in box, then gave it to pilot—says source." The article included only one word of Archuleta's comments: "inaccurate."

From the beginning, the story was never based on legitimate sources, according to Shapiro: "They initiated the whole thing...fed it to the police, got the police to react on it so they could write the story."

JON HATCH/EDITOR & PUBLISHER

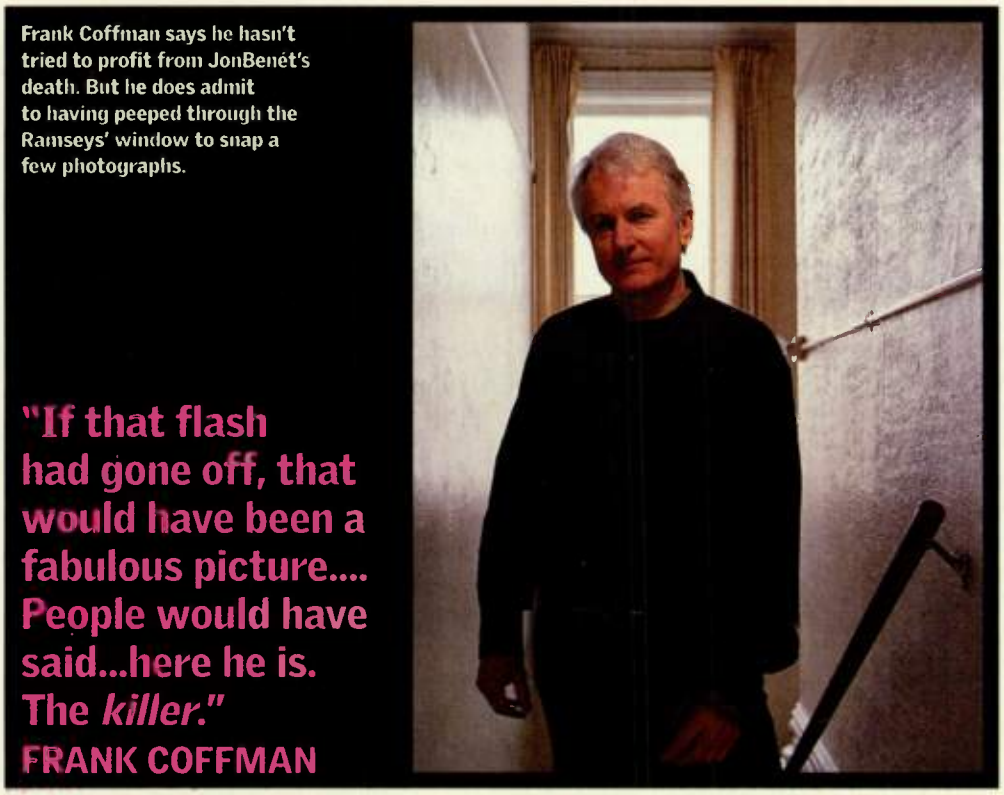
Shapiro has become an interesting sideshow to the JonBenét circus. At 23, he moved to Boulder just two months after the murder—a year out of college with little full-time reporting experience. Suddenly, he found himself near the center of a media frenzy.

The excitement thrilled Shapiro, but after about a year, he claims, he began to question the fairness of the *Globe*'s style of journalism. Most troublesome, asserts Shapiro, was that his editors weren't interested in any scoop that didn't finger the Ramseys as the killers. In case he ever needed proof to substantiate his claims that his bosses at the *Globe* had questionable ethics, Shapiro began tape-recording all of his conversations with his editors. He went public with the tapes on *48 Hours* and in *Editor & Publisher* magazine.

In short order, Shapiro went from being a cub tabloid reporter to a veritable "personality." Shapiro has appeared on *Dateline NBC* and has been profiled in *Newsweek*, which painted him as a pavement-pounding newshound. "Shapiro's a real journalist, doing a lot of old-fashioned shoe-leather reporting," Daniel Glick wrote in *Newsweek*. "His tactics are hard-charging but legal; 'I may have made mistakes,' he says, 'but I've never done anything to hurt anyone....I know in my heart I've made a real contribution to getting justice for this girl.'"

In addition, Shapiro is a major character in Schiller's book and TV movie. (Shapiro says he considers himself the "main" character of the book.) He has also written a first-person account of his tabloid travails for *The Washington Monthly*.

The benefits to Shapiro from his involvement in the JonBenét saga hardly stop with a high public profile. He has pulled off the ultimate coup in bootstrapping: The former tabloid reporter has landed a gig with a paragon of journalism—*Time* magazine.



Frank Coffman says he hasn't tried to profit from JonBenét's death. But he does admit to having peeped through the Ramseys' window to snap a few photographs.

"If that flash had gone off, that would have been a fabulous picture.... People would have said...here he is. The *killer*."
FRANK COFFMAN

Time has not been an important presence on the Ramsey coverage, and bringing Shapiro on as a stringer to cover all matters JonBenét gives *Time* greater access to the sources who have driven the story. But printing the words of a young man whose only formal training in journalism has come from editors of a tabloid publication that runs stories like "Cop Saw Murder in Dad's Eyes" is risky.

On October 25, 1999, 12 days after a grand jury in Boulder announced that it would not hand up indictments in the Ramsey case, *Time* ran an article by Shapiro about Lou Smit, a homicide investigator who worked on the Ramsey case on behalf of the Boulder district attorney's office. The piece was cowritten by Richard Woodbury, but Shapiro conducted the interviews with Smit. In the piece, *Time* reported that Smit believed that a man might have spotted JonBenét as she rode in a convertible in a Boulder Christmas parade, later broke into her house, sexually assaulted the child, and then killed her in a panic.

But Smit says that except for his two direct quotes in the article—explaining that he believes an intruder, not the parents, killed JonBenét—Shapiro embellished and distorted his comments. "It's not right at all," Smit says of Shapiro's *Time* piece. Shapiro defends his work. "I based that story on a dozen lengthy conversations with Smit. I felt and still feel to this day that it's a very accurate representation of what he has said to me," he says. (Walter Isaacson, *Time*'s managing editor, did not return phone calls seeking comment. *Time*'s news director, Marguerite Michaels, declined to comment, because, she says, Smit has not complained to the magazine.)

THE RAMSEYS ARE FAIR GAME

Time is by no means the only mainstream media organization that has looked to those who employ tabloid tactics to get the goods. Outlets such as *Dateline NBC* and *The New York Times* have turned to a Boulder gadfly named Frank Coffman to keep them competitive in their JonBenét coverage.

Coffman, 52, is something of a town crier in the saga. A resident of Boulder for more than 20 years, he once lived a quiet life making Halloween masks and writing occasional columns for a Boulder weekly newspaper. But that was before his town's serenity was rocked by the murder of a little girl. As an accident of proximity, Coffman says, he became entangled in the case.

On December 11, 1998, in his downtown Boulder apartment, which looks like a graduate student's crash pad, Coffman's phone rang. *John Ramsey's standing on a street corner by your apartment right now!* cried the caller.

Coffman took the cue: He snatched a camera and dashed out the door. Coffman saw Ramsey standing on the street corner with his son, a friend, and one of Ramsey's lawyers; with his heart pounding, Coffman raised his camera, aimed, and fired.

Ramsey wasn't pleased to see Coffman with his camera hoisted. "He attacked me," Coffman says, claiming that Ramsey lunged at him and grabbed his jacket before one of Ramsey's attorneys, Michael Bynum, stopped the potential brawl. (Bynum did not return phone calls seeking comment.)

"I was not stalking him," Coffman says without being asked. Still, he adds, it's "kind of weird to take a picture of somebody like that. I wouldn't do it to anybody else...but John and Patsy Ramsey are fair game."

Despite the scuffle, Coffman snapped a few shots, though the camera's flash didn't go off for the one picture that captured Ramsey allegedly lunging at Coffman. "If that flash had gone off, that would have been a fabulous picture," says Coffman. "It would have made him look so damn guilty. Because people would have said, 'Ah-hah!

JEFFREY LOWE

The Santa Scavengers

John and Patsy Ramsey aren't the only people who have been tried and convicted by a JonBenét press horde hungry to turn any scrap of information about the case into "news." Bill McReynolds has his own tale to tell.

In the JonBenét saga, McReynolds is known as Santa Claus. For three years, the Ramseys hired him to play Saint Nick at the annual family Christmas party. His last appearance, during which he was accompanied by his wife, Janet, who played Mrs. Claus, came just three days before the little girl's corpse was found in the basement of her family's house.

This put McReynolds and his wife on the media's short list of those suspected of having murdered JonBenét.

"I'm caught in a spiderweb, and I feel like I'm being eaten alive," the 69-year-old McReynolds says. A retired University of Colorado journalism professor, he talks while sipping coffee in the cramped kitchen of the modest New England condominium he shares with his wife. He wants neither the location revealed nor his picture taken—because, he says, he is being stalked by private detectives anxious to build a reputation on solving the Ramsey case.

What sent the McReynoldses into hiding? When the police approached him, McReynolds says, he was happy to answer questions and provide blood, hair, and handwriting samples, which he believed were meant to exclude him as a suspect. After all, he says emphatically, "there is not one iota of evidence that I or any member of my family had anything to do with the murder of this child."

From a legal viewpoint, the McReynoldses have a less-than-air-tight alibi (they say they spent the night of the murder at home alone). There was also an unsubstantiated story that the girl told friends before her death that she was expecting a "secret visit" from Santa.

From a journalistic viewpoint, the collection of images associated with the couple was impossible for the media to ignore, says Lawrence Schiller, author of *Perfect Murder, Perfect Town: The Uncensored Story of the JonBenet Murder and the Grand Jury's Search for the Truth*. "Santa Claus. A murder at Christmas. A child who everybody called an angel," says Schiller, who mentions Bill McReynolds 21 times in the book, all but three of the references describing McReynolds as an object of suspicion.

McReynolds concedes that he was "very naive" in his initial dealings with the media: At first, he spoke freely with reporters. He even interrupted a vacation in Spain soon after the murder, returning to New York to appear on *The Geraldo Rivera Show*. "All I wanted to do was honor the grief of the Ramseys," he says.

But before long, the media turned unfriendly. In late February 1997, Charlie Brennan of the *Denver Rocky Mountain News* and Daniel Glick of *Newsweek* went to Boulder district attorney Alex Hunter and told him of two odd facts they had uncovered: The McReynoldses' 9-year-old daughter had been kidnapped on December 26, 1974 (she was freed unharmed), and Janet McReynolds later wrote a play based on the 1965 torture killing of an Indiana girl that took place in a basement.

The two reporters then confronted the McReynoldses. Brennan's March 2, 1997, story carried the subhead "Strange Parallels In Couple's Life Lead Police To Take Hair, Handwriting Samples," though he opted not to report that he had a hand in tipping police to the "strange parallels." Among the news outlets to pick up the story: the *Chicago Tribune*, *The Atlanta Journal-Constitution*, The Associated Press, *CBS This Morning*, and the *Today* show. Despite conceding that the two factoids may not be "anything more than unusual coincidences," Brennan still considers the story one of the best scoops he turned up while covering the Ramsey case. (*Newsweek* never ran the story.)

"I'm caught in a spiderweb, and I feel like I'm being eaten alive."

McReynolds and his wife soon faced a full-on media attack. Overwhelmed, the couple finally went on *Larry King Live* to make what they said would be their last public comments about the case. They had had enough.

The media fell in love with the image of Santa and his wife as killers.

Before talking to *Brill's Content*, the McReynoldses gave no more in-depth interviews—except for one, when they agreed to talk at length to Schiller. Schiller, Bill McReynolds recalls, told the couple he was preparing a profile of Boulder for *The New Yorker*. The McReynoldses agreed to discuss the town—and were dismayed at the result.

That interview never appeared in *The New Yorker*. It did appear, however, in Schiller's best-selling book. When the book was released, the couple was shocked at what they read. *Perfect Murder* repeatedly identifies the McReynoldses as suspects, and the McReynoldses are angry that Schiller painted this one-sided portrait in a book that as of December had sold an estimated 175,000 copies in its hardcover edition.

Schiller's book serves as a kind of historical record, one that depicts the McReynoldses as sinister characters. Schiller compounded the offense, Bill McReynolds says, by naming him as a prominent suspect while promoting the book on *Today* and *Rivera Live*. McReynolds is afraid the unfair portrayal will be spread even further by the movie version of the book.

Schiller calls McReynolds a "very nice man" who "lost sight of what the media can do." Nonetheless, Schiller defends his portrayal of McReynolds as a reflection of "the record of the case as it has been told to me by the police and those investigating the case for the district attorney's office."

Schiller has parlayed the book into a big-media trifecta: *Perfect Murder*'s publisher, HarperCollins, is a division of News Corporation; NBC employs Schiller as a JonBénet consultant; and he has licensed CBS to air the movie version of *Perfect Murder* twice over the next four years.

Meanwhile, McReynolds will have to tune in to the miniseries to find out whether it portrays him as a suspect. Even if it does, the police do not—they no longer consider Santa a suspect.

On December 10, Suzanne Laurion, the spokeswoman for district attorney Hunter, told *Brill's Content*, "We do not consider [Bill McReynolds] to be a suspect." Five days later, Laurion made the same statement about Janet McReynolds.

Laurion says she doesn't recall a reporter ever asking her before whether the McReynoldses were suspects. ED SHANAHAN

SCOTT MCKIERNAN/ZUMA

The TV Movie

JonBenét infotainment has been given the miniseries treatment. CBS will broadcast the TV movie version of Lawrence Schiller's *Perfect Murder, Perfect Town*; the miniseries is tentatively scheduled to air on February 27 and March 1. Schiller, who serves as both an executive producer and the director of the project, says he intends to seek movie theater distribution outside the United States after the show airs.

Fox is also preparing a JonBenét movie, though its rendition will air for only one hour. As of December, the film was still in preproduction. ZMC Rocket Science Laboratories, the company in charge of the telepic, has also produced such Fox classics as *World's Nastiest Neighbors*.

As for the CBS-Schiller project, the Ramseys' neighbors have rejected the docudrama's invasive crew. The city of Boulder refused to grant special access throughout the town for filming purposes. So production took place largely in a studio in Utah. An unknown girl of 7 was cast as JonBenét. To shield the youngster from trauma, Schiller's crew created a lifelike dummy of JonBenét for the postmurder scenes, according to a consultant on the project.

A virtual lookalike will play JonBenét.

Rushing production for the February sweeps, CBS has high hopes for *Perfect Murder, Perfect Town*. According to a company that buys advertising time from CBS, the network is selling 30-second spots to air during the movie's first night for $175,000. CBS estimates a 23 percent share of the viewing households that evening (versus a normal 18 percent for Sunday nights). Half-minute ads during the film's second-night broadcast will go for $125,000. The network expects to attract 21 percent of the viewing households, as opposed to its normal Wednesday-night draw of 13 percent. KATHERINE ROSMAN

The film gave John and Patsy Ramsey a chance to criticize the media. "The media has told a lie so many times that people start to believe it as the truth," John Ramsey said.

The Documentary

Despite the swell of coverage surrounding their daughter's death, John and Patsy Ramsey have granted few interviews. So you would think that the four journalists who landed the longest on-camera Ramsey interview to date would have raked in the big bucks. Wrong.

In early spring of 1998, British documentarian David Mills, University of Colorado at Boulder professor Michael Tracey, and *Newsweek* special correspondents Daniel Glick and Sherry Keene-Osborn spent three days videotaping on-the-record interviews with JonBenét's parents for a documentary on the media coverage of the Ramsey case. The British television station Channel 4 funded the project for approximately $350,000, says Tracey.

The big payoff was to come from the fee paid for the U.S. broadcast rights, which was to be split equally among Mills, Tracey, Glick, and Keene-Osborn. The foursome even hired a big-time New York agent to ply their wares. But no one wanted to air the documentary, Tracey says, because it took a critical view of the press's behavior.

ABC, NBC, CBS, FOX, Showtime, HBO, and A & E all passed on the documentary, according to Tracey. "It was like trying to sell a virus," he says—because the U.S. media care only for the Ramseys As Killers story. The documentary "was very counterintuitive," Tracey adds.

Tracey says his agent claimed the major networks had made huge cash offers for the rights to the unedited footage of the Ramsey interviews. Tracey says he and his partners declined to sell the interviews without the promise of editorial control.

They didn't have to. In September 1998, executives at A & E changed their minds and bought the rights to the documentary for about $150,000. Of that sum, Tracey asserts, 40 percent went to Channel 4, 24 percent went to the agent, and the remainder paid for travel expenses and other overhead before being cut into quarter shares. In the end, Keene-Osborn says, she took home about $10,000. Glick characterized his documentary-related earnings by saying, "If I got paid by the hour, I would have been better off working overtime at McDonald's."

A & E fared better. The cable network has aired the documentary as a special two-hour segment of its regular series, *Investigative Reports*. "The Case of JonBenét: The Media Vs. the Ramseys" has run four times on A & E, attracting an average of about 2.5 million viewers. The first showing, on September 28, 1998, earned *Investigative Reports* its highest audience ever, according to an A & E spokeswoman. KATHERINE ROSMAN

LEFT AP/CBS TELEVISION. RIGHT ADRIAN DE LUCCA

Here he is. The *killer*,'" Coffman purrs, adding, "and I don't know that Ramsey killed anybody."

But whether Ramsey killed anyone matters little when you've got an exclusive picture. Coffman says the incident surrounding his photography was reported in an Internet chat room and that once the word was out that he had a few photos of John Ramsey, his phone was ringing like a car alarm in New York City. "*The New York Times* called me," he says. "I didn't try to sell it, but they said, Look, we want to buy this, we want to publish it, so I said, Okay. Why not?"

The *Times* ran one of Coffman's pictures on December 16, 1998, along with an item that described the alleged tussle with Ramsey. Coffman says he made $150 from the sale of the photo. (In addition to getting work from the *Times*, Coffman says, he has peeped through the windows of the Ramseys' former home in Boulder, taken photos, and sold them to Schiller's movie production team. The photos helped the producers properly re-create the crime scene.)

That the *Times* considers it newsworthy that a "stalkerazzi" photographer claims to have had his collar grabbed by John Ramsey indicates how far even the most legitimate of news outlets have gone for a JonBenét story. Asked about the paparazzi-like photo, *Times* deputy picture editor Mike Smith said, "We don't encourage or look for that kind of work."

Coffman says he is not a profiteer seeking to make hard cash off the death of a kid. "I never tried to make money on the Ramsey case," says Coffman. "I never asked anyone to send me money....They just spontaneously—all these people who were so desperate to get information and photographs and whatever on the Ramsey case."

Coffman admits that he now accepts retainers from various media outlets in case he finds himself in possession of information they want, but won't say which outlets. "I'd rather retain my freelance independent status," he reasons.

GETTING IN ON THE ACTION

There is no question in radio-talk-show host Peter Boyles's mind that John and Patsy Ramsey were involved in the murder. Boyles doesn't know what happened to JonBenét, but what he knows is of little importance. That's because Boyles is a part of the "opinion press." On Denver's KHOW-AM, Boyles broadcasts his beliefs nearly every chance he gets. And why shouldn't he? Since JonBenét died, Boyles's ratings have skyrocketed. In the fall of 1996, Boyles had a 4.9 percent share of the morning audience. In fall 1997, that number jumped 31 percent, to 7.1 percent, a share he maintained through the fall of 1998.

Because of the thirst of the national media to keep the JonBenét mill churning, Boyles doesn't have to reserve his comments for his morning show's local audience. When he wants a little national media attention, he comes up with all kinds of clever ways to get it. Take the war of the newspaper ads.

During the last week of July and the first week of August 1997, John and Patsy Ramsey published two full-page advertisements in the Boulder *Daily Camera* seeking public help in finding the killer of their daughter.

After reading the Ramseys' first plea, Boyles took action. For $3,100, he placed his own ad, which ran in the *Daily Camera* the same day as the Ramseys' second ad was printed. Titled "An Open Letter to John & Patsy Ramsey," it outlined Boyles's reasons for thinking the Ramseys are guilty. In part, he wrote, "you are displaying certain characteristics that are totally opposite those of most victim parents....Fred Goldman's behavior exemplifies the true victim parent of a child who has been murdered. You, on the other hand, have led Colorado and the nation on a seven month, low speed, white Bronco chase."

The payoff? In the two days after Boyles's letter ran, he appeared on *Dateline NBC*, *Rivera Live*, and *Good Morning America* to discuss it. Two CBS Sunday night news programs and *CBS Morning News* aired reports about Boyles and his missive.

Boyles says he talks about the case as frequently and as passionately as he does so that JonBenét will not have died in vain. More than three years into the case, Boyles still covers JonBenét regularly. He has even helped produce a CD of parody songs with titles such as "Big Bad John [Ramsey]."

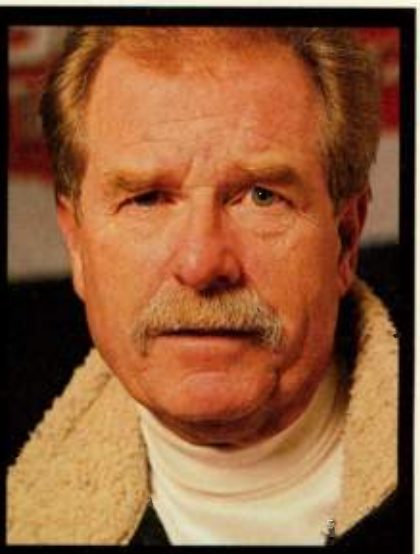
Still, Boyles is just a small part of the Lynch the Ramseys Brigade. Nationally, Geraldo Rivera is similarly committed to giving airtime to those who imply guilt on the part of the Ramseys. On November 24, 1997, Rivera stood before the audience of what was then his nationally syndicated broadcast show (not to be confused with his CNBC talk show), tie adjusted, mustache groomed. "It is entirely possible," Rivera said ominously, "that this murder mystery will never be solved, and that no one will ever be tried for the terrible crime committed against that lovely child—except for today, except for the mock trial we are about to stage for you right here in our studio."

Rivera then gave new meaning to the cliché "trial by media." He presented a two-part mock trial of John and Patsy Ramsey. (Rivera declined to comment for this story.)

The trial's "witnesses" for the prosecution included Tony Frost, the editor of the *Globe*; Cindy Adams, the *New York Post*'s gossip columnist who was introduced by the prosecutor as "the world's greatest authority on everything"; a former Miss America; and Craig Silverman, a Denver attorney with no relation to the Ramsey case. Most of the "testimony" came in the form of clips from past shows.

Highlights from these "witnesses" included a statement from Adams

More than three years into the case, Boyles still covers JonBenét regularly. He has even produced a CD of parody songs with titles such as "Big Bad John [Ramsey]."



JonBenét launched radio talk-show host Peter Boyles (above) from enjoying local reknown to making regular stops on national TV. His ratings have jumped 31 percent.

When Geraldo Rivera (below) aired a mock trial, "expert witnesses" included a gossip columnist and a former Miss America.

GERALDO: ADRIAN DE LUCCA; BOYLES: JEFFREY LOWE

in which she said, "Bit by bit, inch by inch, so slowly that you can't see it, it is closing around Patsy....Everything is pointing to Patsy."

Marilyn Van Derbur Atler, a former Miss America and alleged victim of child abuse and incest, "testified" that because her own mother had forced the pageant world upon her, she believes the Ramseys did the same to JonBenét.

Silverman, the Denver lawyer, "testified" that he wonders whether Patsy killed her daughter in a religious sacrifice. Silverman says his so-called testimony was actually an outtake from a different Rivera appearance during which he floated the religious sacrifice theory. He had no idea Rivera was going to use his comments as part of a mock trial until he turned on the TV and saw it himself.

A former Denver prosecutor, Silverman is a self-styled pundit and paid source for the *Globe* tabloid, according to Jeffrey Shapiro, the former *Globe* scribe. Silverman confirms he is on the tabloid's payroll. "I will take their money when they offer it but only on the condition that they show me my quotes ahead of time," he says, but later adds, "the vast majority of my work has gone uncompensated." Silverman also waxes analytical for *The New York Times*, *Good Morning America*, *Inside Edition*, *Today*, *Extra*, and Fox News Channel.

The "defense," represented by Rivera perennial Linda Kenney, a New Jersey attorney, called friends and relatives of the Ramseys, who said they knew the Ramseys could not have killed their daughter.

A jury made up of six volunteers found the Ramseys liable for the wrongful death of JonBenét. Rivera's studio audience hollered in approval.

Two weeks later, it was reported that NBC News hired Rivera as a full-time employee for $30 million over six years. If NBC hoped to capitalize on Rivera's proven ability to keep the JonBenét coverage going, the news organization got its money's worth. Since going legit full-time on CNBC, Rivera has done about 50 JonBenét segments on *Rivera Live*.

ALL THE NEWS THAT'S LEAKED INTO PRINT

Chuck Green is a 32-year veteran of *The Denver Post* and an award-winning journalist. Green believes that "the evidence points to the Ramseys' being involved in their daughter's death," and he speaks with a preacher's cadence as he makes his argument that a rich couple has gotten away with murder.

As with Boyles, what Green believes—not what he knows—counts, because he writes an opinion column for the *Post* four times a week. Green says he has devoted at least 80 columns to the Ramseys. He admits that's a lot of ink for one murder case but says that morally he has no choice as long as JonBenét's killer walks free. "The system has failed JonBenét," he says. "The system will fail and fail and fail other kids as long as nobody cares how the system failed JonBenét."

Green's not just a talking head, though; he claims to have inside "law enforcement" sources. And he freely admits to having served as a conduit for their leaks.

Journalists on this story have covered the "breaking news" by broadcasting and printing the spin fed to them by sources, Green contends. But the longtime newspaperman is hardly knocking himself and his colleagues for having done so. "I don't care if you're covering city hall or a sports team....You report the spin that your best sources give you and by reporting that spin you get access to that source," says Green. A consulting contract with NBC has helped Green ensure that his brand of reporting isn't limited to a local audience. He has made regular star turns on *Today*.

"That's how journalism works," Green continues. "You report the spin that your best sources feed you and that's how you keep them as sources."

But what about verifying the spin before publishing it as fact? "You try, but you usually can't," he says. "You verify with the guy who's sitting at the next desk to the guy who's giving you the information in the first place. And they're usually working on the same team."

Certainly, reporting often starts with a source's telling a reporter what that source would like to see in the paper the next day. But the job of a journalist usually involves checking the information, especially if the leak comes from a police or prosecution source hoping to test a theory or create the impression that progress is being made on a case. Otherwise, a story may be technically correct—in that the police *do* believe or suspect such and such—but contextually wrong or completely unfair, as is likely with Footprints In The Snow and the tabloid revelation about John Ramsey's pilot.

But anyone who actually thinks that such verification takes place, Green claims, lives in a dream world. The onus is on the consumer, Green says, to decide if he trusts the reporter. "I think this system serves the public," he says.

Ridiculous, answers University of Colorado journalism professor Michael Tracey, who coproduced a documentary that attacked the media's coverage of the case. "Boulder law enforcement put a ring in Chuck Green's nose and led him around on a leash," Tracey says. "Law enforcement used the media to build a case that law enforcement knew it couldn't construct in court. The role of the journalist is to assume you're being used, assume you're being lied to, and to double-check."

That has been an important rule in the Ramsey coverage, says Carol McKinley. Having reported the saga from the onset—first for Denver radio's KOA-AM before making the considerable leap from AM radio to Fox News Channel—McKinley had been fed a fair share of leaks. Back in late 1997, a Ramsey spokesman

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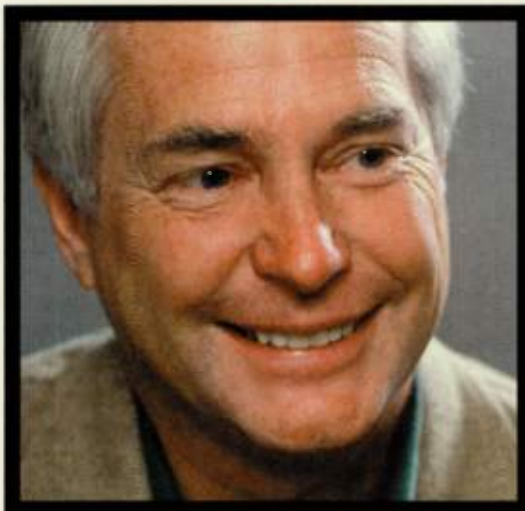


The Denver Post's Chuck Green (above) prints leaks even when he can't verify them. "You try, but you usually can't," he says.

The JonBenét beat catapulted Carol McKinley (above) from a local Denver AM radio gig to Fox News Channel.

"That's how journalism works. You report the spin that your best sources feed you, and that's how you keep them as sources." CHUCK GREEN

MCKINLEY: JEFFREY LOWE

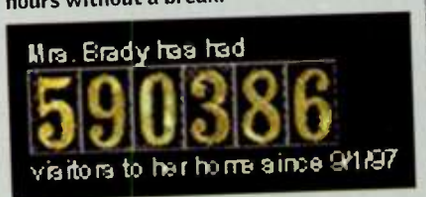
The Websites

"Mrs. Brady" gets up at 3 or 4 every morning to troll through newspapers and television transcripts and write a comprehensive summary of the most recent JonBenét coverage. "Jameson" has spent anywhere from 2 to 20 hours a day updating her blow-by-blow account of what's happening in the investigation, drawing fire for her relentlessly pro-Ramsey position. "ACandyRose" documents the hoaxes, rivalries, and triumphs of those trying to solve the crime.

No, these are not the investigators, lawyers, or even journalists who continually toil over the question of who killed JonBenét Ramsey. These are the Web names of a virtual network of independent cybersleuths for whom the cause of the slain little girl has become a personal mission.

Immediately after the murder, the Internet became a breeding ground for sites dedicated to JonBenét. More than three years later, a search on seven different search engines retrieves 53 sites with "JonBenét Ramsey" in the title. But that's not all: One frequently cited link page connects to 107 different sites about the crime (www.execpc.com/~kopolzin/jbramsey.html); another connects to 144 (members.aol.com/halle8/jonbenet.htm).

Web surfers with a true-crime fetish can visit memorial pages, forums, parodies, links to official court and investigators' documents, and even a page where a user can download a font based on the handwriting in the ransom note. "Mrs. Brady's URL's" (www.joshua-7.com/mrsbrady/), one of the most popular sites, has logged nearly 600,000 visitors since September 1997. And a recent chat sponsored by about.com's Crime and Punishment site right before the grand jury verdict ran for a marathon 8 1/2 hours without a break.



Clearly there is something about JonBenét—whether it be morbid or moral interest—that has captured the cyber-imagination. "Mrs. Brady" (who asked that her real name not be used) religiously checks the counter linked to her site. She says as many as 3,500 people have logged on to her site in a single day, and there are about 2,000 people who visit frequently to get an update on JonBenét happenings. The Pennsylvania housewife and former administrative assistant devotes about four hours a day to making sure the site is updated and the links are fresh, and she's been interviewed by a smattering of print reporters, appeared on the *Leeza* show, and taped an interview with *Hard Copy* (the episode never aired). "If the JonBenét Ramsey case is a three-ring circus, 'Mrs. Brady' is the ringmaster," says Bill Bickel, who runs the Crime and Punishment pages for about.com.

Mrs. Brady's site is the work of a housewife devoted to the case.

"Jameson" is another chat-room junkie who has become a minor celebrity. A 48-year-old homemaker in North Carolina whose real name is Susan Bennett, she says she was shocked at how the Ramseys were being vilified in the press and "wanted to be the voice of reason." She went from posting frequently on other forums to setting up her own site (www.jameson245.com). She says she has met with the Ramseys at least twice, which some of her online rivals cite as proof that she's acting as their advocate.

Meanwhile, a text analyst and Vassar professor named Donald Foster became convinced that Bennett was really Patsy Ramsey's stepson—and JonBenét's killer. The theory was quickly discredited, but Bennett's notoriety (and the ire she has sparked in others) spawned a mention in the book *Perfect Murder, Perfect Town* and a spot on *48 Hours* last April. "In the JonBenét world," says Melissa Hardie, who teaches at the University of Sydney and has studied the online JonBenét community, "if people hear from Jameson, it's like a brush with fame." Bennett claims she has even been involved in the investigation by passing on anonymous tips she receives online to the Boulder authorities.

In addition to the renegade sleuths who are creating their own sites, the mainstream media have also kept the case alive with comprehensive Web coverage. All of the Denver- and Boulder-area newspaper sites have JonBenet pages, and CNN has devoted an entire section to the crime, complete with links to documents, stories, a time line, and an explanation of who's who in the tangle of players. Outlets like *America's Most Wanted*, *Court TV*, *TalkSpot*, and Yahoo! have also fed the frenzy.

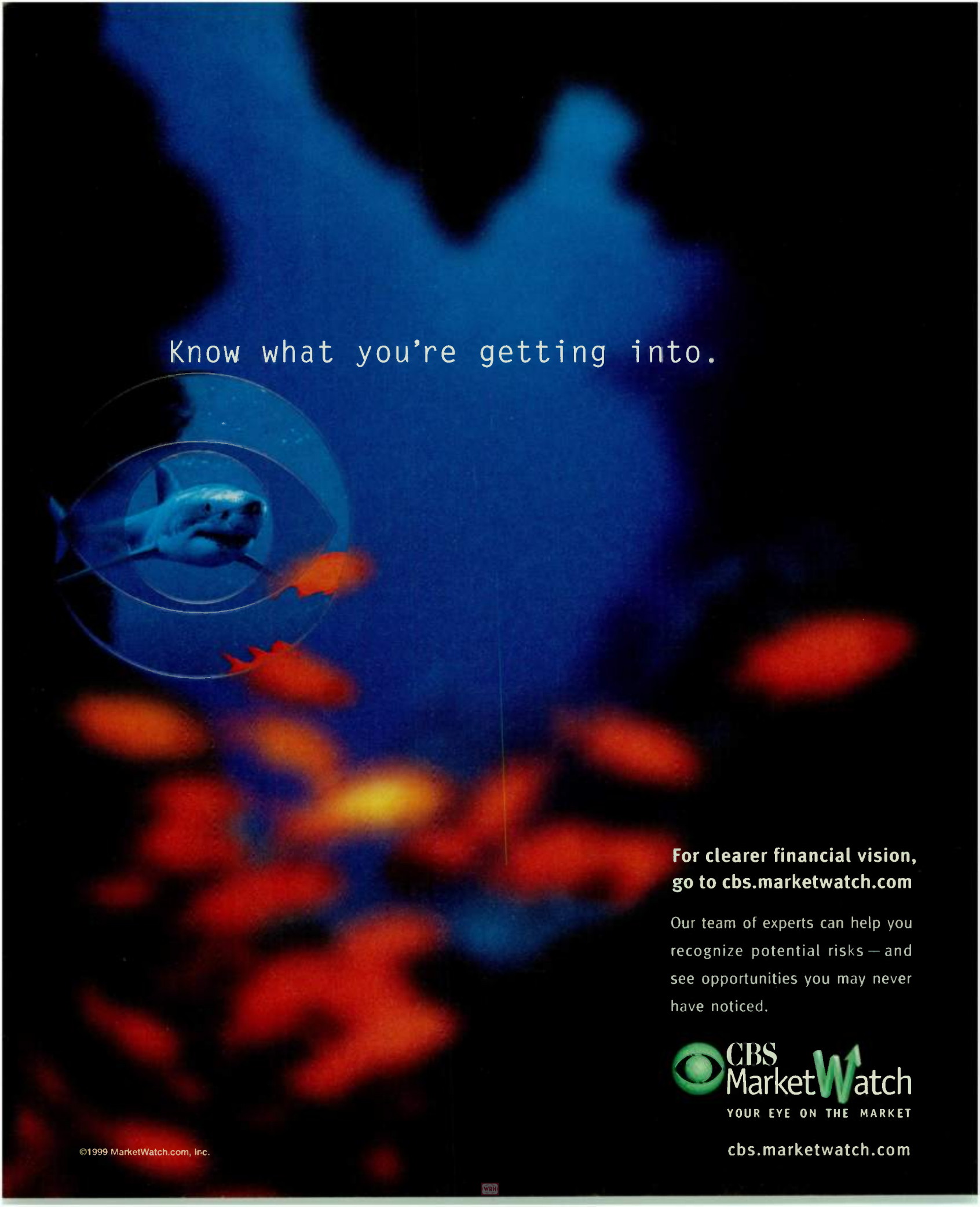
As for the independent sites, those who run them insist money isn't an incentive. "The people who participate have a real aversion to those who make money off the case," says Christine Wheeler (a.k.a. "Catnip"), who owns www.justicewatch.com. Some of the webmasters charge a registration fee to cover maintenance costs: Bennett, for example, charges participants $50 to join her forum, which she uses to pay her $50-per-month server fee (60 people have signed up so far). Others, like Wheeler, accept donations from the people who post on their forums. Many also have links to JonBenét books sold on amazon.com, which earns them a small commission each time the link is used ("Not enough to pay the server fees," says Nancy Osborn, who runs a forum called WebbSleuths).

Ramsey pages that are part of a larger site, like The Smoking Gun or about.com's Crime and Punishment site, usually have advertising and do turn a profit (the owners of the two above declined to reveal how much). Yet "[t]he ratio of the amount of time and money they spend versus the money they would get would be slight indeed," says Hardie of the University of Sydney.

More than anything else, the users say, it's the people who share their passion that keep them coming back online for more. "After a period of time it really did develop into a community of people who care about one another," says Wheeler. This may be a virtual family, but it's a mildly dysfunctional one, with frequent spats and occasional conspiracy theorists (like the recent poster who is convinced that Bill Clinton molested JonBenét and then Hillary killed her).

At a certain point, the JonBenét explosion online ceased to be about the murder of a 6-year-old girl and started to be about the people who had come to discuss it. "It obviously brings people together, but not necessarily over JonBenét," says Hardie. "Everyone says their interest is justice for JonBenét. But the whole thing would collapse if anything was ever solved....People are caught up in the sheer sentiment of it rather than incitement to action."

KIMBERLY CONNIFF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THE MONEY PRESS

GUARDIANS OF THE DOW

Who determines which companies make up the Dow Jones index? It's not some august board or committee; it's two *Wall Street Journal* editors conferring over deli sandwiches. By Kimberly Conniff

At 9:15 A.M. on Tuesday, October 26, Paul Steiger picked up his office telephone in New York, dialed the general number for the corporate headquarters of Sears, Roebuck and Co., and asked to speak with the company's chairman, Arthur Martinez. It was only 8:15 in Chicago, but unbeknownst to the switchboard operator, Martinez was already in the building for an early meeting. When the operator couldn't locate the chairman, Steiger left a simple message: Please call Paul Steiger, managing editor of *The Wall Street Journal*, at this number....

A few minutes later, Ronald Culp, head of public relations at Sears, was nearly halfway through his morning commute when the radio announcer jolted him awake with the news Steiger had been attempting to pass on: Sears had been dropped from the Dow Jones Industrial Average to make room for younger, hipper stocks. Culp, whose car phone had just been replaced that morning and wasn't operable yet, spent an agonizing 20 minutes on the road—with no way of reaching Martinez.

Meanwhile, at 9:15 New York time, news wires across the country started spitting out the information that Sears, Chevron Corporation, Goodyear Tire & Rubber, and Union Carbide Corporation (all Dow stocks since before 1931) were to join the graying population of retired Dow stocks. At the same time, Microsoft Corporation, Intel Corporation, and The Home Depot, Inc. (all founded after 1967), as well as SBC Communications Inc. (spun off from American Telephone & Telegraph Co. in 1984), were to be the new kids on the block.

Making it onto the Dow is no small prize. The roster of 30 blue-chip companies has been a principal barometer of the American economy for 103 years, universally cited in the morning papers and the evening news as an indicator of the health of the stock markets. When the Dow hit 10,000 for the first time, last March, it made banner headlines around the country.

Companies that are added to the Dow often enjoy increased stock prices, and lesser-known corporations benefit from that priceless commodity: exposure. "Look at what it did to our stock performance—seven dollars in five days," says Larry Solomon, an SBC spokesman, shortly after his company was added to the DJIA last fall. "You get more attention because of the Dow....Everything else being equal, customers hear more about you, read more about you, and go with you if you're on the Dow." Being dropped from the index, on the other hand, can signal to investors that a gold-star company is losing its sheen.

CATHY HULL

Granted, given the proliferation in recent years of competing indexes, the Dow has lost some of its own glamour. Some critics, particularly institutional investors, say the Dow is of little use as a benchmark in today's tech-savvy market and already an anachronism in an economy transforming itself at fiber-optic speed.

Even so, the people entrusted with choosing companies for the time-honored average wield considerable power. The Dow is the dominion not of businessmen or professional investors, as many people might assume, but of journalists who cover business—"gnomish editors," as one business writer puts it. Most news reports cite the mysterious "editors of *The Wall Street Journal*," which is owned by Dow Jones & Company, as the keepers of the index, conjuring images of a committee of suits that gathers around a conference table every few months to discuss which changes might be relevant.

In fact, the guardians of the Dow are a very small club indeed—two people, to be exact. For the past eight years, the team has been Steiger,

57, who has been the managing editor of the *Journal* since 1991, and *Journal* markets editor and Dow Jones Indexes editor John Prestbo, 58, who has been at Dow Jones for 35 years. The pair made this year's decision over deli sandwiches in a small room adjacent to Steiger's office on September 30.

As top editors at one of the world's most respected business publications, Prestbo and Steiger are confident they are qualified to determine when the Dow needs a face-lift, says Prestbo. "By being in the business we're in, we feel that we have our finger pretty close to the pulse of the economy all the time," he says. But the changes they make also reflect a century of Dow Jones tradition and are subject to the idiosyncrasies of the two men at the helm.

Less than a month after the two editors chatted over lunch (and on the same morning Steiger attempted to reach Sears), Prestbo was hurriedly dialing Chevron's main number from a borrowed office at CNBC studios, where he was about to do a live interview. Since it was only about 6:15 A.M. at Chevron's San Francisco headquarters, Prestbo punched in D-E-R-R for Chevron's chairman, Kenneth Derr. The phone system, however, twice connected him to Gloria Ferreria, a legal assistant. Time was running short—the opening of the markets, and Prestbo's interview, were just minutes away. He had no choice but to tell Ferreria's voice mail the unfortunate news—that Chevron would be deleted from the DJIA on November 1.

The executives at the departing companies were not pleased with the revelation that they would be removed from the index. "Those are companies in decline, and this is in some ways just kind of getting sand kicked in their faces," says Charles Carlson, comanager of the Strong Dow 30 Value Fund, one of a handful of mutual funds designed to mirror the performance of the Dow. What's more, this was the first time changes to the index had been announced in the morning rather than at the close of the previous trading day, partly in response to an increase in after-hours trading.

Sears dismisses the suggestion that the change says anything substantive about the company's health. But it did walk away from the wreckage with a bruised ego: "I think it's unconscionable the way they let the companies know," says Culp. "It's an inappropriate way to handle a company that's been on the Dow for 75 years."

Prestbo and Steiger say they regret that they can't alert the companies earlier. But they insist it's all in the name of keeping the operation top secret. Leaks have the potential to move markets. "When you're talking about making a change in the constitution of the Dow 30," says Steiger, "you want to be as closemouthed as possible." The editors do consult others about the Dow's composition (although they will not specify whom, beyond saying that they do not talk to analysts or economists). Only a handful of people, they say, are actually let in on the fact that these queries have anything to do with a potential change. Steiger might ask a reporter about a company he or she covers, for example, but since he is the managing editor, his questions hardly raise eyebrows. Virtually no one at *The Wall Street Journal* or Dow Jones—except for chairman Peter Kann, who has the power to overrule any decisions (although Steiger says he never has)—is aware that a change is brewing until minutes before it hits the wires. In fact, Steiger sacrificed a potential exclusive for the *Journal* on October 26 by keeping mum until the morning of the announcement. As for Prestbo, he insists he fishes for information only "off-season," when a company is not under active consideration, and even then his research tends to take place in social settings, so he's not "sending wink-wink, nod-nod signals that something's afoot."

But for all the hoopla, many analysts are asking how much the veteran index really matters anymore. Even though the Dow has been the most cited measure of the economy for more than a century, those who watch the markets closely tend to think of it as an old-fashioned yardstick, slow to react to seismic shifts in the new economy. "[The Dow] is not a very important benchmark at all," says William Meehan, chief market analyst at Cantor Fitzgerald. "Over a very long history of time, the Dow has accurately reflected major trends in the market. [But] I find it of almost no use in the relatively short term to do any technical analysis."

Professional investors insist the Dow has little meaning when they're investing their clients' dollars. That role falls to the Standard & Poor's 500 Index (owned by The McGraw-Hill Companies, publisher of *Business Week*), which has 470 more stocks with which to take the economy's temperature. Created in 1926, the S&P 500 is an index of the market capitalization

On March 17, 1997, Dow Jones & Company replaced four stocks in its famed Industrial Average. On November 1, 1999, it changed another four. How do these changes affect the performance of the venerable index? *Brill's Content* turned to Birinyi Associates, Inc., a financial research firm, which calculated theoretical day-by-day closes for a Dow with a lineup unchanged since the start of 1997. The chart above compares Birinyi's results with the actual performance of the Dow during that time. By November 22, 1999, an unchanged Dow would have closed about 1,000 points lower than the actual Dow. JESSE OXFELD

of 500 companies, so firms with a higher market value have more pull. The Dow, by contrast, is price weighted, so companies with higher stock prices carry greater heft.

Although still called the Dow Jones Industrial Average, the Dow is no longer a true average of stock prices. A special divisor is used to calculate the index to compensate for the wide range of stock prices. But a big fluctuation in the price of a single stock price can still affect the entire index. "It's not an especially reasonable way to compute an average," says Floyd Norris, a *New York Times* columnist who has been covering the stock market since 1983.

Even with the Dow's relatively old-fashioned system, however, there is a 97 percent correlation between the Dow and the S&P over time, according to Dow Jones. Besides, says Steiger, the DJIA was conceived not as a benchmark for investor preferences but as a "simple device for allowing people to know what the market did." The Dow was born in 1896, when newspaperman Charles Dow chose 12 companies, added up their stock prices with a pencil and paper, and divided by 12. The special divisor was introduced in 1928, when the index was expanded to 30 stocks.

The shifting composition of the Dow has become a history book of the American economy—tracking the rise of the auto industry with the addition of Nash Motors Co. and Hudson Motors Car Co. in the 1930s, and the demise of manufacturing companies in favor of entertainment and information giants like The Walt Disney Company and Hewlett-Packard Company in the 1990s. The pace of change has been relatively unhurried—in fact, there were no changes at all between 1939 and 1956. In the 1980s and 1990s, however, the editors scrambled to reflect the new economy, altering the average on six separate occasions. The late 1990s alone saw eight stock switches—the most in a three-year period since the 1930s (the S&P, which has a lot more companies to contend with, changed 48 stocks in 1998 alone).

Westinghouse Electric, Texaco Inc., Bethlehem Steel Corporation, and Woolworth Corporation were tossed in favor of four sleek new stocks in 1997: Travelers Group Inc. (now part of Citigroup Inc.), Hewlett-Packard, Johnson & Johnson, and Wal-Mart Stores, Inc. In 1999, for the first time ever, two stocks were added —Microsoft and Intel—that are listed on the tech-heavy NASDAQ exchange rather than the venerable New York Stock Exchange.

The official reason for changing the components of the index is to insert stocks that are more "representative of the broad market and of American industry," according to Steiger. The editors say that means adding companies that are proven leaders in the industries that make up the current economy and dropping those that have lost their stamina. "It's always been the case that we go for strapping young hunks with power to spare and put the old dowagers out to pasture," Prestbo says.

One thing the editors say they do not consider, however, is a company's stock price. They insist that if they choose solid firms that reflect their industries, the stock price will take care of itself. "One does not know whether putting Microsoft and Intel in and taking other stocks out is going to enhance the performance of the index in the future, or going to detract from it," says Steiger. Even so, some critics accuse the *Journal* of trying to pump up the index, which over the past five years has underperformed both the S&P 500 and the NASDAQ Composite indexes. "If I knew which stocks to put in the Dow to juice it," Steiger responds, "I wouldn't be a scribbling journalist; I'd be a millionaire."

The men behind the Dow: Steiger (left) and Prestbo

ANNE KATRINE SENSTAD (STEIGER); *THE WALL STREET JOURNAL* (PRESTBO)

However, according to split-adjusted stock figures from Commodity Systems Inc., an online financial data service, the prices of the newest additions to the Dow rose 628 percent in the five years before the most recent change, while the exiting stocks rose just 74 percent. Even more telling, if the four dowdy stocks that were dropped in 1997 had stayed in the average and not been replaced by stellar performers, the Dow, while still following the same trend, would have been as much as 1,000 points lower (see chart on page 110).

Whatever the *Journal*'s reasons for giving the index a more youthful glow, many market watchers question what prompted the lords of the Dow to make the changes now. Typically, a shift is made when a company fizzles or is swallowed by another corporation in a merger or an acquisition. But in the past two decades, the *Journal*'s editors have used these catalysts to make the entire index more reflective of a service- and information-oriented economy.

This time around, for example, the impetus behind dropping Union Carbide was the impending merger between it and The Dow Chemical Corporation. Also in the works was a merger between Exxon Corporation (already a Dow stock) and Mobil Corporation, rendering Chevron, another oil stock, superfluous. With these and other developments in mind, Steiger and Prestbo decided over the summer to take a broader look at the Dow's makeup.

The process of adding companies is more of an enigma than the one involved in letting them go. ("This is where I don't want to go," says Steiger. "I don't want to tip our hand for future changes.") Many criticize the *Journal* for being slow to the punch when it comes to reflecting the technology boom. "In recent years, though not in '99, the Dow has been a laggard," says the *Times*'s Norris. "The main reason is that the S&P has more and more weighting in the big tech companies, and they've been market stars in recent years."

A smattering of tech-heavy indexes has appeared on the scene in the past few years to challenge the Dow. Technology stocks now constitute about 25 percent of the DJIA, about the same ratio as the S&P (although the Dow includes more stocks in this category). Among the new indexes are those compiled by *Wired*, *TheStreet.com*, and, ironically, Dow Jones itself (through the Dow Jones Internet Indexes). The newest incarnation is *Fortune* magazine's e-50, which the magazir e promises will be a "modern-day antidote" to the "stodgy" and "antiquated" Dow.

Steiger and Prestbo say they were waiting to add technology companies that are firmly grounded, not fly-by-night ventures with rocketing valuations. Even America Online, Inc., arguably the most seasoned of the burgeoning Internet firms, is considered too young by the *Journal*'s standards. "We don't look at age for age's sake," cautions Steiger. "[But] we want to have a company go through some cycles."

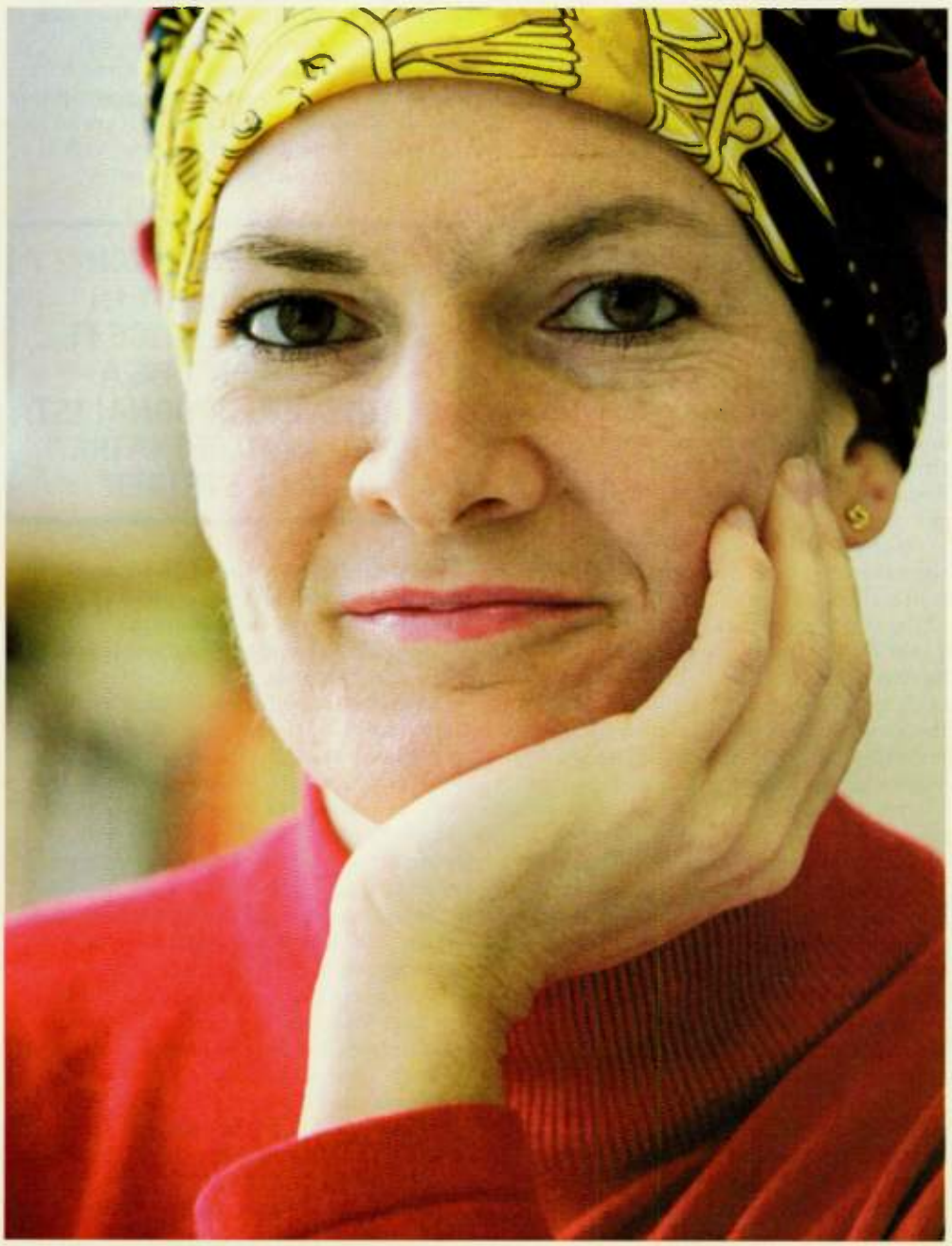
"IF I KNEW WHICH STOCKS TO PUT IN THE DOW TO JUICE IT, I WOULDN'T BE A SCRIBBLING JOURNALIST; I'D BE A MILLIONAIRE." —PAUL STEIGER

So what finally convinced the editors that it was time to bolster high-tech's presence in the Dow? "Technology as an industry has matured to the point where it is a permanent part of the business strategy in this country," says Prestbo. But in a reflection, perhaps, of the Dow's decreased prominence, the promotion of Microsoft to the Dow proved something of a yawn for chairman Bill Gates. "I wouldn't say it's a big deal. It's not something I was thinking about," he told CNN's *Moneyline News Hour*. "I don't think it affects the stock or the products or any of those things."

Beyond mimicking a more vigorous economy, adding "strapping young hunks" like Microsoft and Intel might also be good for the performance of Dow Jones's own stock. Two years ago, the company started licensing the index, a service that allows institutions to create products such as funds, options, and futures based on the composition of the DJIA, and to use the Dow name. When S&P was fighting for the right to license its index in the early 1980s, Dow Jones was arguing its right not to license its own, fearing that the average would be manipulated due to volatile trading. Fifteen years later, it had a change of heart. "When stock [CONTINUED ON PAGE 127]

FIGHTING CANCER ON THE FRONT PAGE

Reporter Cathy Hainer took to the pages of *USA Today* when she learned she had stage IV metastatic breast cancer, chronicling her valiant struggle against the disease and, finally, her acceptance of her fate. By Leslie Heilbrunn



Hainer as she appeared in *USA Today* in February 1998, shortly after being diagnosed with cancer.

EILEEN BLASS/USA TODAY

When *USA Today* travel and feature reporter Cathy Hainer found out she had stage IV metastatic breast cancer, in January 1998, she was stunned. "I'm 36 and in love. How could I possibly have cancer?" she asked her boyfriend of six months, David Kupfer, as soon as the doctor left the office with her biopsy specimen. After the initial shock wore off and the seriousness of her condition became clear, Hainer joined the ranks of many cancer victims who vow they will do everything possible to beat the disease. But unlike most others in her situation, Hainer chose to share her battle in the pages of the nation's largest newspaper. She died on December 14.

Shortly after she was diagnosed, Mark Beavers, an old college friend who had worked in *USA Today*'s marketing department, urged her to chronicle her cancer journey for the paper. He thought writing about it would not only appeal to readers but be therapeutic for Hainer. Although Hainer had herself thought of writing about the experience, she was hesitant. Beavers's prodding inspired her to consider it seriously. "[Cathy] clearly saw it as good therapy for herself, and it was almost too big a thing not to write about," explains Kupfer. (Hainer, who was critically ill when this article was reported, was not well enough to speak to *Brill's Content*.) "Upon being diagnosed as having stage IV breast cancer, it's hard initially to write about restaurants or food trends. That's not to trivialize her work," he says, "but it made so much emotional sense to write about [her cancer]."

Hainer discussed her idea of writing a cancer journal with Linda Kauss, a deputy managing editor responsible for non-entertainment news in the paper's "Life" section. Hainer also suggested that the paper run companion articles with each installment, in which a medical writer would explore the science behind the particular stage of cancer or therapy discussed in her piece. Kauss thought Hainer's project was a great vehicle for the national paper. "Unlike community newspapers, where you go out and you see your readers at the grocery store and you can talk to people and they feel that you're just sitting right there in their community," explains Kauss, "our community is the whole country, and we have to devise ways to reach them in very personal ways and to connect with them." Kauss moved the idea up the editorial chain, and everyone from the editor then, David Mazzarella, on down thought it was a topic that would hit home for most readers.

Hainer's first diary entry unleashed an emotional depth, accented by a lightheartedness, previously undetectable in her work. "I suddenly felt totally separate from the rest of the world," she wrote on the front page of *USA Today* on March 10, 1998. "I was living a reality that no one else could comprehend. The gang at work, my friends, my family were all very supportive, but I felt like it was me, who had cancer, vs. them, who didn't."

When the paper began publishing Hainer's

journal, nobody had any idea that it would take on a life of its own. Hainer's words immediately rang true to the paper's readers, and, according to Kauss, the switchboard went crazy trying to handle all the calls for Hainer after her first entry appeared. Hundreds of e-mails, letters, and phone calls have poured into the paper in response to the series. Hainer received letters from well-wishers; people who are, or have a family member who is, suffering from cancer; cancer survivors; and physicians writing of possible cures.

Writing the journals became an integral part of Hainer's cancer experience, giving her some sense of control in a situation that was uncontrollable, friends and colleagues say. When Hainer lay in her hospital bed recovering from two surgical procedures in mid-November, she made a point of asking a friend to give a health update to the *USA Today* photographer documenting her ordeal, and to let the photographer know that she could come by the hospital to take more photos. Reader response was not only a tremendous boon to Hainer's psyche; it also alerted her to treatment possibilities. Although Hainer declined to follow one reader's suggestion that she could be cured by drinking her own urine, she pursued gamma knife radiation after readers informed her about it, despite her oncologists' opposition.

Hainer's mission to document her struggle also changed the way some of her colleagues do their reporting. Tim Friend, the science reporter who wrote the first two companion pieces to her journal, says that having worked with Hainer, he no longer touts promising yet untested cancer treatments. "I really felt ashamed as a journalist for all of these blue sky stories we had run about cancer," says Friend. "When you're faced with the reality of it, right here, and you see how blue sky all these stories are, it just really hit home to me the responsibility you carry to a reader about providing really genuine information." Hainer's journal also helped spawn a similar first-person chronicle by *USA Today* reporter Scott Bowles, who is diabetic and needs kidney and pancreas transplants.

Hainer's journals were stunning, particularly because nothing in her professional background prepared her for an assignment this tough. Hainer began her journalism career at *New York* magazine in 1987, compiling the movie listings for its "Cue" section. At *New York*, Hainer frequently wrote short items for two of the magazine's columns at the time, "Fast Track" and "Hot Line," and was known as a fountain of ideas. "You'd be out with her and she'd see some new billboard being painted on the wall, and she'd just turn to you and say, 'Fast Track,' " recalls *New Yorker* staff writer Rebecca Mead, who worked with Hainer at *New York* and roomed with her for a year.

Hainer's facility with story ideas and her ability to spot trends caught the attention of *USA Today* senior editor Ron Schoolmeester when he hired Hainer as a researcher for the travel section in 1991. "She was a spark. She was quick, and she brought story ideas to our very first meetings," he says. "They were right on with what *USA Today* is all about, and that's what caught our eye." Hainer rapidly rose to news aide and then reporter, specializing in trend stories, particularly what the latest dining experience had to offer.

Deputy managing editor Kauss knew Hainer was a talented feature writer whose work was "kicky and trendy" but wasn't sure how Hainer would tackle the seriousness of her breast cancer in writing. Hainer's friends describe her as a private person and were surprised by how much she was willing to reveal in her journal. Yet Hainer quickly proved that neither the weightiness of the topic nor its personal nature would prevent her from sharing it fully and eloquently.

"In the first one in the series, she was naked as a jaybird," says Anne Goodfriend, who sat next to Hainer at *USA Today*. As the 13-part series continued, she revealed even more. Hainer did more than describe the clinical aspects of her cancer therapy; she opened up to her readers about her innermost thoughts and feelings, her fears, her hopes, her spirituality, and her blossoming relationship with Kupfer, a clinical psychologist whom she met through a mutual friend in 1997.

"I have thought a lot about what I should do with the time remaining," Hainer wrote last April. "I feel very unglamorous, but I don't have any really big dreams. I feel no need to win a million bucks, spend a month in Paris or write a book. Really, what seems most special to me is enjoying my quiet domestic life." And she did. Despite the chemotherapy and surgeries and ravages of disease, Kupfer and Hainer got engaged in February 1998, one month after she was diagnosed, and bought a house together.

Hainer even managed to infuse humor into her writing. When she started losing her hair after her second chemotherapy session, she told readers how she decided to shave her head completely while a friend, a *Wizard of Oz* fan, sang, "A clip-clip here, a clip-clip there." In true Hainer style, she boldly announced at the office the next day, "Today is my wig debut."

"The writing is a total reflection of this person," says *Vogue* features editor Richard David Story, who worked with Hainer at *New York*. "There was absolutely no attempt to flourish or stylize it beyond the absolute bare necessity." Adds Goodfriend: "She sits you down across the little café table and she holds your hand, and she tells you what's going on in her day."

Although the journal writing increasingly took its toll on Hainer as her disease worsened—to the point where Kupfer had to type for her—she persisted. "It's been an amazing thing to watch her evolve," says *USA Today* reporter Craig Wilson. "I joked with her a while ago and said, 'It's kind of too bad that this had to happen because this is the best writing that you've done.' And she laughed, and she said, 'I know. But you know, it gets to the point where you don't have anything to lose, so the honesty just screams through your words.' " ◘

COURTESY OF POUGHKEEPSIE JOURNAL

SHINING LIGHT ON SMALL TOWN FRAUD

BY DIMITRA KESSENIDES

When the body of a local government official from upstate New York was found floating in the Hudson River in October 1997, editors at the *Poughkeepsie Journal* sensed a major story. Rumors had swirled for years that the Town of Poughkeepsie's Republican Party chairman and some municipal officials had been engaging in corrupt activities, including extortion. The body, which turned out to be that of the town's tax assessor, pointed to something bigger. So the editors put projects editor Mary Beth Pfeiffer on the case. Pfeiffer, a 17-year veteran of the daily, which has a circulation of 43,370, set out on what would become a nine-month investigation.

Mary Beth Pfeiffer

In a series of front-page news stories that ran between October 1998 and May 1999, Pfeiffer, 45, untangled a web of corruption involving the Republican Committees of both the Town of Poughkeepsie (which lies near the larger city of Poughkeepsie) and Dutchess County, New York. The stories raised questions about how the town board granted construction contracts, permits, and related tax breaks. Many of Pfeiffer's articles involved county and town Republican Committee chairman William Paroli Sr. In a January 1999 story, Pfeiffer detailed Paroli's influence in a range of government matters, including the development of a multimillion-dollar police and court facility. Paroli has denied the charges raised in Pfeiffer's account.

Eventually, the series contributed to an overhaul of the town's government. In the November elections, voters swept the Republicans out of power for the first time in nearly a decade. "Because of the reporting, the people in the community learned about the problems their government officials had, and [they] made some tough choices," says William Conners, treasurer of the Dutchess County Republican Committee.

The U.S. Attorney for the Southern District of New York, together with the FBI, had embarked on an investigation in the spring of 1997 into schemes involving construction projects in the Town of Poughkeepsie. So revealing were Pfeiffer's stories that, according to Conners and *Journal* publisher Richard Wager, the federal investigators got a number of leads from them. Spokespersons from the U.S. Attorney's office and the FBI declined to comment, noting that the investigation is ongoing. (Paroli was arrested last May and indicted on charges of conspiracy and extortion. He has pleaded not guilty.)

Pfeiffer says that the more she got into the investigation, the clearer her purpose became: "The thing that was supposed to come from this series was to make the government accountable." ◘

WEB HEALTH CHECKUP

Can you trust the medical information available on the Web? We check the vital signs of five websites to help you assess their credibility. By Jane Manners

Millions of Americans turn to websites for medical and health information. Since many of these sites are for-profit ventures, how can a consumer be sure that the advice a medical site dispenses is reliable and uninfluenced by commercial considerations? To help answer this question, we have evaluated five popular sites based on the following criteria: their source(s) of information, stated policies regarding the separation of advertising and editorial content, how the sites identify advertising or sponsored sections, and other factors that will help anyone sort through the material that's out there.

DRKOOP.COM

www.drkoop.com

The site, which had 3.6 million visitors in November 1999, offers an impressive lineup of features, including: daily news stories; sections on topics like aging and women's health; community chat rooms; and health-related products and services.

INFORMATION SOURCE: Former U.S. surgeon general C. Everett Koop, the site's chairman, has little day-to-day involvement with the site. Koop regularly produces medical advice columns, occasionally reviews articles, and suggests story topics, says Dennis Upah, the site's chief operating officer.

The site's content comes from a range of sources; most of it is produced by a staff of medical writers and then reviewed by Dartmouth Medical School faculty members at least once a year. (Koop is on Dartmouth's faculty.) Other information comes directly from Dartmouth faculty or educators at other medical institutions. Additional material from such government organizations as the National Institutes of Health; wire service reports; and nonprofit groups like the National Council on Patient Information and Education also runs on the site. A partial list of content providers, or "partners," is buried within the "Corporate Information" section of the "About Us" pages.

POLICIES: Last September, *The New York Times* reported that Koop was receiving royalties on every product sold on the site, and that 14 health-care facilities had each paid $40,000 to be included in drkoop.com's list of "the most innovative and advanced health care institutions across the country." Since then, Koop has stopped receiving royalties, and the site openly discloses that hospitals pay a fee to be placed on the list. Also, Koop has become a vocal proponent of establishing self-regulating guidelines for medical websites.

The "Code of Ethics" on the "Message From Dr. Koop" page includes a promise to reveal content sources (which the site does) and to provide timely, accurate, and unbiased information. Its hard-to-find advertising policy promises editorial objectivity.

Like all the other sites we evaluated, drkoop.com says that it abides by the "Code of Conduct" put out by Switzerland's Health on the Net (HON) Foundation, an international nonprofit group that promotes the use of the Internet in the fields of medicine and health. The code stresses the importance of ad-edit separation; any site that agrees to follow the code can display the HON logo. But this stamp of approval carries little weight, says Joel Kahn, MD, of the medical site InteliHealth.com, since anyone can use the HON emblem simply by promising to adhere to the code. HON's own site explains that it relies on "members of the Net community" to alert the organization to any violations.

ADS/SPONSORSHIPS: Ads on the site are unlabeled. They appear either in top-of-the-page banners or in sidebars. Advertisers generally target specific sections for their ads to appear in. "If you're reading about elderly diseases," Upah notes, "such as osteoporosis, you're likely to find [ads for] Geritol...or other products that are of interest to folks in that demographic [in that section]."

Sponsors for everything from online chats to special sections are clearly labeled with a caption, and a note at the bottom of drkoop.com's home page lists all sponsored sections: For example, the "Nutrition Center" is sponsored by VitaminShoppe.com.

Sponsorship does not mean that a company has any influence over editorial content, according to Upah. The site's Mental Health Center is produced "in cooperation with" the mental health site Lifescape.com. This means, Upah says, that material has come from Lifescape.com but that no financial relationship exists.

OTHER FACTORS TO KEEP IN MIND: The American Council on Science and Health (ACSH) occasionally provides drkoop.com with articles. Although the site identifies ACSH as a "public-health, consumer education consortium," browsers should know that ACSH receives approximately half its funding from petrochemical corporations like Monsanto Company, The Dow Chemical Company, and The Proctor & Gamble Company.

Also, drkoop.com promotes clinical drug trials administered by the for-profit Quintiles Transnational Corp.; the site receives a commission on successful referrals. This financial arrangement was revealed in the *New York Times* article; before then, the site heralded Quintiles as "the world's leading clinical organization" without acknowledging that it receives commissions. The nature of the relationship is now disclosed on the site.

INTELIHEALTH

www.intelihealth.com

InteliHealth, a joint venture between Aetna U.S. Healthcare and Johns Hopkins University and Health System, offers daily health news articles and a Q&A section where users can seek medical advice and guidance from Johns Hopkins staffers. The articles are occasionally accompanied by explanatory comments from a Johns Hopkins health professional. InteliHealth's Drug Resource Center includes a searchable drug index, pharmaceutical news stories, and a section that tracks FDA approval of drugs. An online store, InteliHealth Healthy Home, sells health-related products.

INFORMATION SOURCE: Portions of the site are written by Hopkins health-care professionals, while other sections, such as entries in the "A to Z Disease and Condition Guide," are contributed by staff writers. According to InteliHealth executive vice-president Joel Kahn, MD, the content is reviewed by a Hopkins professional before it appears on the site. We checked two items on InteliHealth to see whether the procedure had been followed—and found that it had. InteliHealth also accepts material from other organizations, such as the American Medical Association and The Associated Press, once a Hopkins staffer deems it trustworthy.

Outside sources of news articles are clearly noted at the top of the text. InteliHealth runs a partial list of its outside content providers within the "Disclaimer" section. According to Kahn, all InteliHealth content is reviewed every two years; the last review date appears at the bottom of an item.

POLICIES: Look for the site's self-imposed guidelines (similar to drkoop.com's) regarding editorial independence under "Our Advertising Philosophy," located within the "Disclaimer" page. That page also notes that neither InteliHealth nor Johns Hopkins endorses the products sold by Healthy Home.

ADS/SPONSORSHIPS: Except for banners, all advertisements—even those for Healthy Home—are labeled with captions. Advertisers can target specific audiences for their products. For example, the company that produces Tylenol Arthritis painkiller runs a banner ad across the top of InteliHealth's "Arthritis Zone."

Nowhere does the site post a sponsor list, but it clearly identifies sponsors of individual sections: An icon in the top right corner of the "Drug Resource Center" page tells users that drugstore.com, a pharmaceutical e-commerce site, is a sponsor. Other site sponsors include major pharmaceutical companies like Johnson & Johnson and SmithKline Beecham Pharmaceuticals. According to Kahn, sponsors have no influence over a section's editorial content.

MAYO CLINIC HEALTH OASIS

www.mayohealth.org

"The most important commodity in this

whole Internet era is credibility and authority," says Brooks Edwards, MD, medical editor of this nonprofit site. "It's like virginity: If you lose it, you never get it back." Health Oasis's credibility stems largely from its relationship with Minnesota's venerable Mayo Clinic. Oasis offers a "Headline Watch" of the day's breaking health news; illustrated sections on ailments ranging from asthma to cancer; links to other medical sites; and "Ask the Mayo Physician," a Q&A section.

INFORMATION SOURCE: Most of Oasis's content is written by seasoned medical writers, and every article is reviewed by three Mayo Clinic health-care providers. The site's editors regularly turn to any of the 2,000 Mayo Clinic physicians to submit articles, review content, and suggest story ideas. On average, about 40 medical professionals contribute to the site each month, according to Mayo Clinic spokesperson Suzanne Leaf-Brock. Oasis boasts that Mayo professionals check on the information's timeliness, and they guarantee at least one check every three years. Certain sections are updated regularly, according to Edwards, like "Headline Watch" (updated five times a week). Other stories remain posted for as long as they are relevant.

POLICIES: The "About Oasis" section details the site's advertising policy: Ads are clearly labeled, it notes, and are separated from editorial content. The section explains that Oasis doesn't endorse any products or companies that advertise on the site.

ADS/SPONSORSHIPS: Oasis labels all ads, including banners, using the words "advertisers" or "sponsors." Here, too, sponsorship means companies can fund specific sections but cannot interfere with the section's content.

OTHER FACTORS: The site sells Mayo Clinic publications, and proceeds help fund the site, the clinic, and the research center. Sometime in the spring of 2000, Oasis will be folded into a new, for-profit "supersite," which, according to Edwards, will be more personalized and interactive. The new site will advertise more extensively and will be administered by a new, private company funded by outside investors. Edwards expects that the site's current ad, sponsorship, and content policies will remain the same.

MEDICONSULT
www.mediconsult.com

Mediconsult's notable feature is its in-depth information on more than 60 chronic medical conditions, from prostate cancer to diabetes. For each medical condition, Mediconsult offers journal articles, drug information, medical news, links to relevant sites, and listings of clinical trials. Also noteworthy is its comprehensive drug center, organized by medical condition as well as by brand and generic drug name. Additional features include support groups and live chats. All live events and support groups are "moderated by medical professionals, so every single posting is reviewed before it goes live," according to Mediconsult president Ian Sutcliffe.

INFORMATION SOURCE: Most of Mediconsult's writers have a nursing or medical resident background. Original stories are based on medical journal reports, medical conference news, and news wire stories (wire reports are checked for accuracy against articles in peer-reviewed journals before appearing on the site). Articles are dated and reviewed for currency at least once a year, or when changes in medicine and research affect accuracy. Among Mediconsult's partnerships with outside sources is its deal with the Canadian TV

newsmagazine *Doctor On Call* to post articles from the program on the site.

POLICIES: A "Statement of Editorial Independence" in the site's "About Us" section vaguely declares that Mediconsult accepts only ads that "bring value to" the site community. According to the policy, Mediconsult controls all written and graphic content and discloses all sources of information, and advertisers are clearly identified (the words advertisers and sponsors are used interchangeably).

ADS/SPONSORSHIPS: Mediconsult stopped selling banner ads in October. It now focuses on soliciting sponsorship for pages on the site. All sponsors are listed on a page in Mediconsult's "Site Services" section.

By sponsoring a section, however, companies can post banner and sidebar ads on Mediconsult. For example, ads for Laser Vision Centers and the drug Avandia are prominently featured and unlabeled.

OTHER FACTORS: Mediconsult provides clinical drug trial information from the CenterWatch Clinical Trials Listing Service. Unlike drkoop.com, the site does not receive commissions on successful referrals.

WEBMD.COM

www.webmd.com

WebMD.com resulted from a $4.8 billion merger last November between Healtheon Corporation and WebMD, Inc. Among the consumer services the site offers are daily health news stories; guides to prescription and over-the-counter drugs; information on clinical trials; and an online "community" of bulletin boards and discussion groups.

INFORMATION SOURCE: WebMD's 60 qualified medical journalists write all of WebMD's health news stories. All 60 have passed medical knowledge tests administered by WebMD. Some have passed a similar test administered by the American Medical Writers Association, and 25 are board-certified physicians. They cull their information from peer-reviewed medical journals and papers. WebMD's original stories run with bylines and are reviewed by a physician before appearing online. WebMD also posts information from medical associations, such government agencies as the Centers for Disease Control and Prevention, medical publishers, and educational institutions, like the Yale University School of Medicine. The site's "Medical Library" has a partial list of outside content sources.

WebMD's physicians and outside experts update the site's original material about four times a year. The site does not guarantee the timeliness of content provided by outside sources.

POLICIES: WebMD's "Our Credentials" section includes "The WebMD News Credo of Editorial Independence," which explains that all editorial staffers must disclose any potential conflicts of interest, such as a financial stake in a pharmaceutical company, when applying for a position. The "What We Do" assurance says WebMD clearly distinguishes news from other information on the site. And the "WebMD Advertising & Promotions Policy" claims that "all advertising content... shall be clearly and unambiguously identified as such...."

ADS/SPONSORSHIPS: In April, E. I. du Pont de Nemours and Company, a maker of science-based food products, became the site's exclusive provider of life sciences information. So far, only the site's soy protein section has been developed under this agreement: In the section, which touts the benefits of a diet with a high soy component, a banner explains that it is produced in partnership with Protein Technologies International, a du Pont business. Unlike sponsorship deals on the other sites, Protein Technologies does produce content for the section. So far, du Pont is the only corporation to have sponsored a section, but according to Nan Forté, WebMD executive vice-president of consumer portal and strategic media, the site will have three or four additional sponsors by the end of March. Forté says a site list of all sponsors is in the works.

OTHER FACTORS: News Corporation is a 10.8 percent shareholder in Healtheon/WebMD. Under the partnership, WebMD provides content to, among others, Fox Broadcasting and the *New York Post*. Healtheon/WebMD also has partnerships with Microsoft and Lycos to provide the company's portals with content. ■

dept.

CREATORS

WAKING UP WITH BOB EDWARDS

He can raise an eyebrow with his voice, and imply volumes with just a few pointed words. His style has made him a star to millions of NPR listeners, but he swears he's just another working stiff. By Leslie Heilbrunn

When Bob Edwards does his job well, it can be hard to tell he's doing it at all. It seems that all the avuncular host of National Public Radio's *Morning Edition* has to do is read a few news summaries and ask a question here and there. But consider the following three-minute interview, which Edwards conducted with a stock market analyst in late October. Edwards explained that "the country's biggest pizza chain, Pizza Hut, is suing upstart Papa John's over its ad slogan, 'Better ingredients, better pizza.' Pizza Hut says the slogan is unfair because it implies that its own ingredients are second rate."

Edwards began by asking the analyst why Pizza Hut cared, given Papa John's small market share. The question elicited a hail of Wall Street-speak, the analyst unleashing a barrage of market-share figures and references to "same store sales" and "new unit growth." Edwards immediately shifted to more human language: "But doesn't it look like they're picking on the little guy?" The analyst instantly followed his lead, calling the suit a "David and Goliath" battle.

By his third question, one minute in, Edwards had a conversation going. Then came the Edwards moment: "Well," he continued, "have you tried both?"

"Oh, of course," the analyst responded, "of course."

"*Well*?" Edwards said.

"Actually," the analyst answered, "I prefer a Papa John's pizza better." And, he added, surveys show that customers do, too.

With a well-timed pause and an arched eyebrow "*Well*?," Edwards demonstrated the individual approach that has made him an integral part of starting the day for *Morning Edition*'s 8.8 million listeners.

2 A.M. It's pitch black outside in late July, and Washington, D.C., seems deserted. As he does every weekday, Edwards enters the NPR building, on Massachusetts Avenue, to begin his 10-hour shift. With a face that looks like a grown-up version of the rascal's on Dutch Boy paint cans, Edwards, 52, seems unassuming even at 6 feet 4 inches. His outfit reveals his no-frills philosophy: jeans, a plaid button-down over a green army T-shirt, and brown hiking boots. His only accoutrements are the NPR photo ID hanging from his neck and a travel coffee mug, which appears to have been surgically attached to his hand. Although Edwards has endured this schedule for 20 years, he still isn't used to it. He is bleary.

Edwards trudges silently past four young *Morning Edition* staffers already working at their cubicles and heads to his office to settle in. After a sip of coffee, he scours the Associated Press wires to catch up on the news that has transpired since he went to bed, at 6 P.M. Edwards is always on alert, ready to conduct a live interview at a moment's notice about any breaking event around the world.

With mop-top hair, stained and crooked

teeth, and a low-key demeanor, Edwards lacks the well-groomed star quality of a TV anchor. Though he could cut his hair and fix his teeth—and certainly wouldn't mind the million-dollar salary his TV and radio cohorts rake in—Edwards's aversion to ratings-driven fluff and his dedication to serious, sometimes quirky, news have kept him in the *Morning Edition* anchor chair for two decades. There he still fills out a biweekly time sheet and works every holiday to rack up as much overtime pay as possible to supplement his annual salary of $138,000. The job also allows him to spend afternoons and early evenings with his wife, Sharon, and their 14-year-old daughter, Eleanor. (The Edwardses' other children, Susannah, 19, and Brean, 25, no longer live at home.) Edwards may host the most-listened-to news program of one of the most respected news organizations in the United States, but he still sees himself as just another working stiff.

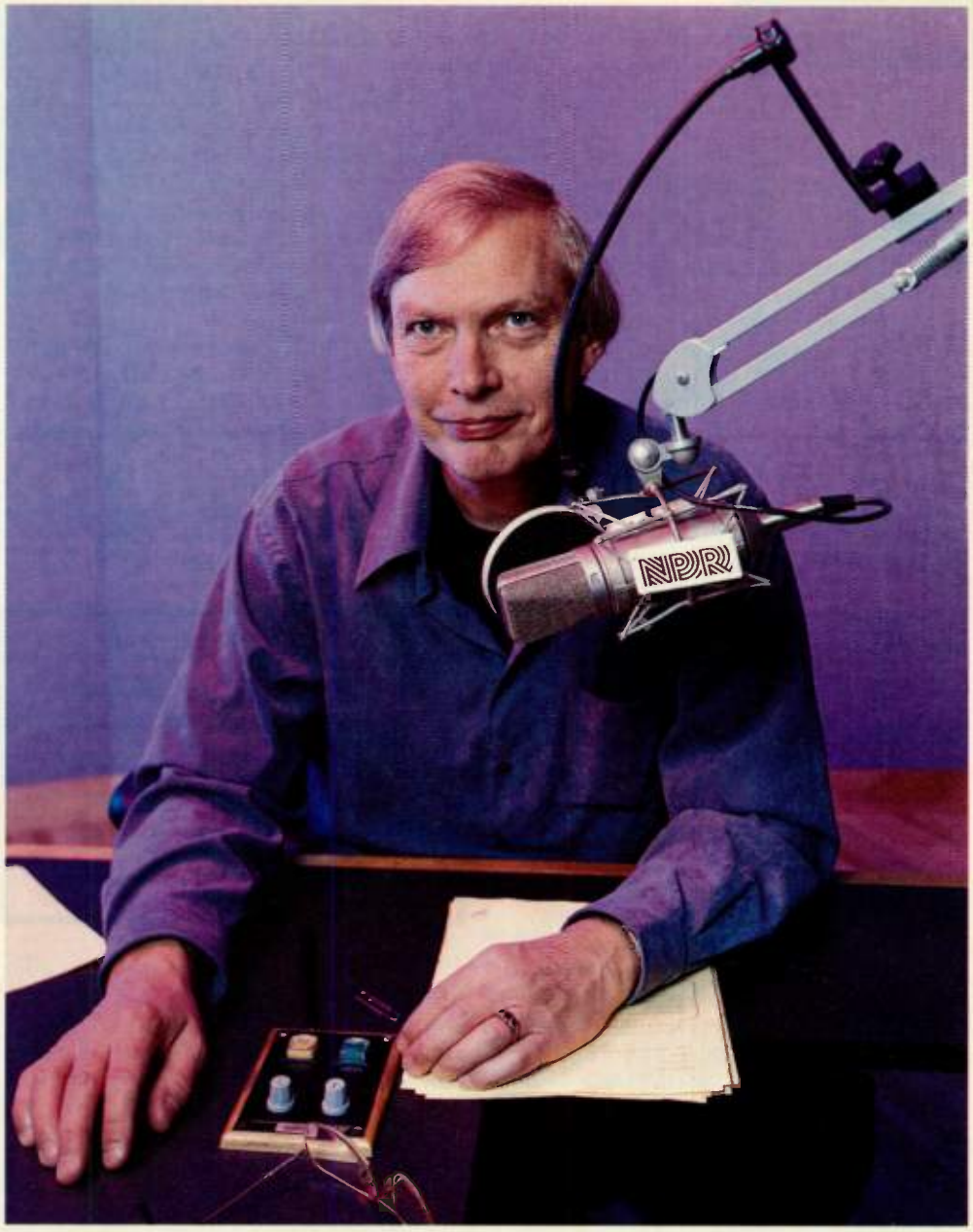
After Edwards arrives at the office, his main task for the first two hours is writing his two hourly introductions, called opens—in which he billboards the main events of the day and a high-profile birthday or two—and his two bottom-of-the-hour, 30-second "returns." A return recounts a whimsical tale that reconnects listeners after local station breaks. Searching for opens this morning, Edwards scans the AP Daybook, which outlines the coming day's public events, such as a politician's speech. Distrustful of NPR's computers—which appear to function perfectly—Edwards immediately prints each article that interests him while jotting its headline on a legal pad. He then performs a similar ritual for the returns, turning to a variety of wire services, including Reuters's "Oddly Enough Report."

3 A.M. Having scanned the news for nearly an hour, Edwards grabs his mug and heads downstairs for a cigarette. A pack-a-day smoker of Benson & Hedges menthol, Edwards has resigned himself to taking his hourly smoking breaks outside the building and pines for the days when he could light up in the studio while anchoring a show. After a coffee refill, he returns to his desk and faces his typewriter, filling it with yellow triplicate paper. Doing a two-fingered waltz on the keys—"Never trust a reporter who uses all ten digits," he advises—he bangs out his opens.

3:15 A.M. Carl Kasell, one of *Morning Edition*'s newscasters, stops by Edwards's office. Two survivors from the show's early days, they shoot the breeze about Edwards's crumbling NPR softball team. He's got a third baseman in the Balkans, a backup third baseman who has just left for Ethiopia, and, he says, a catcher who prefers spending his weekends at Civil War re-enactments. Edwards doesn't know whom he's going to get to play in the upcoming game.

Another cigarette break, and Edwards is back at his typewriter.

4:15 A.M. With his opens and returns written, Edwards heads into the studio. Most of *Morning Edition* is taped in advance; he goes in now to record his opens and tape phone interviews with overseas correspondents. In the darkened studio, Edwards leans forward intently, eyes closed, as he conducts his interviews. Elbows on the desk, arms vertical, and mouth only inches from the microphone, Edwards looks like he's channeling spirits.



Edwards blearily arrives at the NPR building at 2 A.M. each day. After 20 years, he's still not used to it.

5 A.M. Edwards is on the air, reading the segment introductions live. While the taped pieces air, he drinks coffee and reads and edits his scripts as they are delivered to him in the studio. If there's time, he checks the wires and glances at CNN, which is airing, muted, in front of him, or fills in a couple of answers to *The New York Times* crossword puzzle.

Edwards ended up at NPR almost by accident. After graduate school, he worked at two anchor jobs at commercial news radio stations in Washington, D.C. He wasn't particularly successful at either and found himself out of work at the end of 1973. Jolted by reality, Edwards picked up the phone book in early 1974 and called every news outlet that had "radio" in its name. "That's how I found NPR," he says with a chuckle. Edwards was hired on the spot for $15,000 a year. Within six months, he was cohosting its evening magazine program, *All Things Considered*, with Susan Stamberg.

For Edwards, it was the continuation of a lifelong fascination with radio. Born in 1947, the year that television sets began to make their way into American households, Edwards grew up poor in Louisville, Kentucky. He lived in a TV-free home until the age of 7, which made radio his medium from the get-go. "I always wanted to be that voice in the box," Edwards says.

Edwards turned 18 during the Vietnam draft, but he wanted a college education before joining the army. So he worked his way through night school at the University of Louisville.

ANNA CURTIS

BEYOND THE ALLEGATIONS

Much of the reporting about Interior Secretary Bruce Babbitt's brush with an independent counsel probe was shallow. But one reporter got the story right. Here's how he did it. By Robert Schmidt

When independent counsel Carol Elder Bruce announced in October that she was not seeking an indictment of Interior Secretary Bruce Babbitt in connection with a campaign finance scandal involving a proposed Indian casino, the story was old news. That's because Minneapolis *Star Tribune* Washington correspondent Greg Gordon had reported in August that Babbitt had been effectively cleared by the independent counsel.

The scoop was no fluke. Gordon, who covers money and politics for the paper, doggedly pursued the Babbitt story for nearly three years. Part of his interest in the case was local—the proposed casino was to be located near Minneapolis, just over the border in Wisconsin—so beginning in 1996, Gordon's editors let him follow the twists and turns of the case. He ended up writing more than 50 articles on the subject.

Gordon's investigative work on the Babbitt story is an important lesson about scandal reporting in Washington—because he did it right. Unlike almost every other reporter who covered the Babbitt case, Gordon delved into the matter from the ground up. He took the allegations and went out and reported on them, asking countless questions to all the involved parties and spending hours combing over documents.

Gordon's coverage is a bright spot in an otherwise poorly covered story. For the most part, the media did not even bother to dig into the details surrounding the controversy. Most news organizations simply aired the charges against Babbitt (always noting that the secretary had denied the allegations) but without doing in-depth reporting to check them out. In fact, Interior Department press officials assert that they practically had to beg the national media to spend some time interviewing the officials central to the controversy—a claim disputed by the journalists.

Television news was the worst offender. With a story too complicated to tell in sound bites, the networks generally simplified the tale in a way that cast doubt on Babbitt's conduct—when they even bothered to cover it at all. The day Babbitt was cleared, NBC's nightly newscast was the only one of the three major evening broadcasts to report it.

The New York Times and *The Washington Post* did not do much better. When the allegations became the focus of congressional hearings and an independent counsel investigation, the papers reported on the controversy but offered little insight into the underlying charges. Each paper dropped in on the story from time to time, but for them, the Babbitt affair seemed to be just one more Washington scandal. When word got out that there would be no indictment, the *Times* did not even put the story on the front page.

MOST NEWS OUTLETS AIRED THE CHARGES BUT DID LITTLE DIGGING.

"I think [Babbitt] got totally screwed," says Albert Hunt, executive Washington editor of *The Wall Street Journal*. Hunt wrote about the controversy for the paper, which broke the original story about the successful lobbying campaign and generous political donations by the anti-casino tribes. "In a generic way, I thought that the press's performance was pretty bad," Hunt says. "We were in the mind-set that when an allegation is made, just seize on it."

Babbitt, who is still waiting for the independent counsel to issue the report on her investigation, declined to talk to *Brill's Content* about the media coverage surrounding the scandal. One of Babbitt's attorneys, Stephen Sachs, says there was an element of "what I'm tempted to call glee" in much of the coverage. "I had the impression that it was painful for my client," says Sachs. "Here is this respected man of integrity and probity, whose public career was seen as the model of rectitude. There was that element [in the press coverage] of 'Saint Bruce has feet of clay,' which was very unfair."

Before the independent counsel cleared him, Babbitt was in deep political trouble. The secretary was alleged to have allowed political pressure from the White House and the Democratic National Committee to influence an Interior Department decision rejecting the application of three small bands of Lake Superior Chippewa Indians who wanted to build a casino off their reservation at a dog track in Hudson, Wisconsin. The case became the focus of highly charged hearings in both the Senate and House. In March 1998, Bruce was appointed to investigate whether Babbitt had lied to Congress about his dealings with a lobbyist for the Chippewa.

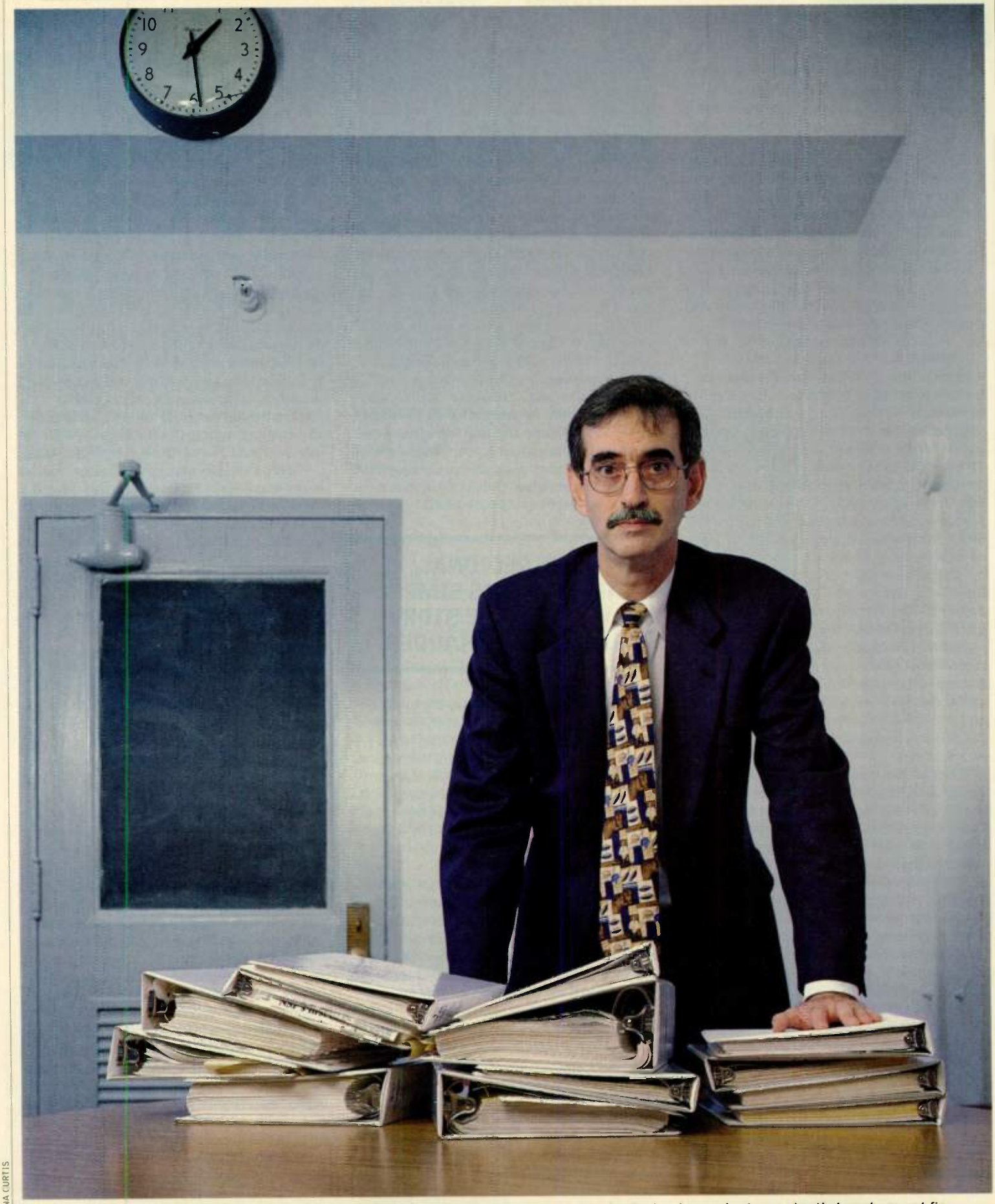
The Babbitt case had a simple story line, but it was actually a complex tale to decipher. It begins in 1993 in Hudson, where the owners of a floundering dog track came up with the idea of joining up with the Chippewa in an effort to build a casino at the track. After the Minneapolis office of the Bureau of Indian Affairs recommended that Interior approve the casino in Hudson, both sides eventually hired lobbyists to try to influence the Interior Department in Washington, where the decision would be made.

The lobbyists for the anti-casino tribes, who were fighting the casino because it would compete with their clients' gaming operations, seemed to be the better hired guns, arguing their case to high-ranking administration officials. The anti-casino tribes even enlisted Donald Fowler, then chairman of the Democratic National Committee, to call Interior on their behalf. Ultimately, the application was denied in July 1995 by Interior Department officials, who mainly cited extensive local opposition.

The losing tribes filed suit in federal court in Wisconsin, charging that the decision had been politically motivated. In an affidavit, a lobbyist for the losing tribes, Paul Eckstein (an old friend of Babbitt's), testified that on the day the denial was announced, Babbitt told him that he was under pressure from Harold Ickes, then the deputy White House chief of staff, to issue a decision in the matter. The testimony caught the attention of congressional Republicans. (In December 1999 the tribes and the Interior Department settled the suit with an agreement that the department would start the approval process over again.)

In the fall of 1997, as a Senate committee held hearings on the casino controversy, it started making front-page headlines across the country. Generally, the media played it as a David vs. Goliath story—three "impoverished" tribes competing against larger, "casino-rich" tribes, as *Washington Post* reporter George Lardner Jr. wrote in several of his stories. But that wasn't quite the case.

Although Lardner was certainly correct that the three tribes supporting the casino were impoverished, his articles did not adequately emphasize the fact that the poor tribes were backed by a wealthy, non-Indian gaming company from Florida. The three tribes already had casinos on their reservations—another fact Lardner did not point out. Lardner says he accurately portrayed the story. "I don't think I depicted it as a David-and-Goliath piece; the fact is, the haves, the tribes with wealthy operating



ANNA CURTIS

Minneapolis *Star Tribune* correspondent Greg Gordon distinguished himself on the Babbitt story by digging deep and not assuming that smoke meant fire.

LESS MUSIC, MORE TALK

No time to read? The devices below play everything from Stephen King novels to *The Economist*—and more. They just might be the Walkman of the future. By John R. Quain

Some 20 years ago, when Sony previewed for journalists a portable audiocassette machine called a Walkman, a colleague of mine said, "No one's going to want that."

I admit to having had the same feeling when MP3 songs began trading on the Internet. The compressed digital audio files (officially named Motion Picture Experts Group-Layer 3) are not of CD quality (no matter what you might have heard), and they take hours to download. Nevertheless, the portable MP3 player has become the must-have gadget for wired music fans.

Largely unnoticed in all this digital music hoopla, however, is that digital audio files, such as those in the MP3 format, can also be used to create the digital equivalents of books on tape. Digital audiobooks are less expensive than cassette tapes, never wear out, and can be downloaded and updated from the Web at any time. And digital audio files can be played on just about any kind of device, turning everything from electronic organizers to cell phones into digital Walkmans.

To test out the brave new world of portable digital books and newspapers (as well as music), I selected three gadgets to see how they would fare playing a range of material, from Edgar Allan Poe stories to the Beastie Boys.

CASIO CASSIOPEIA E-105

The $599 Casio Cassiopeia E-105 is probably the most elaborate of the palm-sized computers out so far. It uses Microsoft's Windows CE software (as opposed to the Palm OS used in Palm Pilots) and is considered the Swiss Army knife of personal digital assistants. Not only does it include a calendar, contact list, calculator, and note taker; it also has a bright color screen and offers stereo sound. The E-105 is also a great gadget for creating that "gee whiz" effect. For example, a $299 digital camera option can be plugged in to record about 200 still images, or about 35 seconds of video. Just remember that the camera will cut the E-105's rechargeable battery time from about eight hours to around 45 minutes.

For playing downloaded books, Casio includes Audible's software, as well as Microsoft's Mobile Audio Player and Mobile Audio Manager for handling music tracks. The unit's mono speaker isn't powerful enough to listen to lengthy digital files, but a mini-jack on the side accommodates optional stereo headphones. To test the E-105 as a listening device, I downloaded a free MP3 book, *The Poe Collection*, from audiohighway.com and a couple of MP3 songs by Spiral from MP3.com. Audiohighway offers a few dozen spoken-word selections, including Associated Press Network News, updated every half hour, and *Newsweek On-Air*, and it plans to expand its catalog with pay-to-play titles.

Getting the material from the Web was relatively painless, but transferring the MP3 files from my PC to the Casio was like chewing tin foil. The Microsoft software for copying audio files to the Casio is clumsy—and slow. A 20-minute audio chapter or three-minute song can take more than 20 minutes to transfer. That's because the MP3 files must be converted to play on the Microsoft software and because the Casio docking cradle uses a serial cable to connect to a PC, an awkward, outdated arrangement.

Once the agony of the file conversion and transfer was over, though, the Casio did splendidly. The sound quality through its headphone jack easily matched that of specialized portable MP3 players such as the Diamond Rio 500, making it perfect for playing not only audiobooks but music as well. Also, the additional compression of the files means you can easily squeeze more than four hours of spoken word or a half hour of music into the built-in memory on the Cassiopeia.

COMPAQ AERO 1530

Compaq's Aero 1530 is quite different from the colorful Casio. This slimmed-down personal digital assistant (PDA) is about half as thick and half the weight of the Casio E-105. Although it's based on the same Windows CE operating system, the Aero uses a slower processor, has half the memory (16 MB versus 32 MB), and uses a gray-scale screen (instead of color).

But what it gives up in features it saves in weight and money. With a 12-hour rechargeable battery, it weighs a mere 5 ounces and costs $300 less than the flashy Casio.

The Aero 1530 has all the basic software and personal organizing features of the Casio model, including a voice memo recorder. But the audio output through the headphone jack is mono, not stereo. The smaller amount of free built-in memory also means that it will hold less than 20 minutes of MP3 music compared with almost 90 minutes of MP3 spoken-word programs. So even though you can download software from the Web to play MP3 songs on the Aero, there's not much point in doing so. I stuck with audiobooks.

Both the Casio Cassiopeia and the Compaq Aero play digital audiobooks downloaded from the Internet.

NORMAN

The Sharp MD-MT 15 Internet Bundle offers superior sound quality for listening to books and other digital audio files.

Like Casio, Compaq includes the Audible software necessary for purchasing and playing digital audiobooks. Audible sells digital spoken-word books, magazines, newspapers, radio shows, and lectures in its own special file format. About 4,500 books are available and 3,500 newspapers and magazines, including *The Wall Street Journal*, *The Economist*, and the *San Jose Mercury News*. The *Journal*, for example, costs $6.95 a month.

You have to install the Audible software on your computer to download files, but the format offers several advantages. The mono sound files, while not nearly as sonically faithful as MP3 files, take up less memory space. One hour of Stephen King stories, for example, can be stored in about 2MB of memory, meaning that the Compaq Aero can hold about five hours' worth of audiobooks in its free memory. Furthermore, digital audiobooks are a lot cheaper than books on tape. Audible sells Frank McCourt's *Angela's Ashes* for $9, whereas the unabridged audiocassettes cost $40.

If used as a portable MP3 music player, the Aero's sound quality is poor, suffering from a distinct tinniness. But it worked well enough for me to listen to audiobooks. And the Audible software proved easy to use. It's designed specifically for listening to audiobooks and newspapers. You can easily stop and start recordings from where you left off, and the program can automatically replace chapters you've heard with new sections. So if you're looking for a slim, budget-conscious electronic organizer that can also play the occasional best-seller, the Compaq Aero is worth auditioning.

SHARP MD-MT 15 INTERNET BUNDLE

If sound is all you want, there are more than half a dozen portable MP3 players on the market. However, they all suffer from the fact that, like the Cassiopeia and Aero, the expensive memory cards they use to store additional digital sound files cannot usually be swapped from one player to the next. The competing memory-card formats as well as complicated copyright schemes prevent you from listening to certain files on anything but your original player.

Recognizing this handicap, Sharp has introduced another option, its $249 MD-MT 15 Internet Bundle. Essentially, the Internet Bundle comprises a Walkman-like MiniDisc player-recorder and a special cable with software from Voquette that hooks the recorder up to your PC. MiniDiscs look like small CDs in a cartridge and can hold about 74 minutes' worth of audio.

MiniDiscs are interchangeable, so you can use them in other MiniDisc models, such as a car player. And MiniDiscs are relatively inexpensive. You can buy a package of ten MiniDiscs for about $25. Compare that to almost $100 for a 32 MB PDA memory card.

To get MP3 and other sound files from your Windows PC to the MiniDisc recorder, Sharp includes the Voquette NetLink. The Voquette software organizes music and audio tracks and can even automatically download Internet broadcasts, such as hourly radio reports, onto your computer.

Voquette's multipronged cable then feeds the sound from your computer out to the MiniDisc recorder. It sounds simple, but it isn't. The cable has to draw power from your computer keyboard connection while it pulls sound from the speaker output on the back of your PC. This can make for an awkward tangle of wires.

Although the Sharp Bundle is strictly for audio, it does have distinct advantages over palm-sized PCs that play sound. It has, for example, additional connections to hook it up to a stereo system so you can, say, dub those old tapes to disc or play back a book over your home stereo system's speakers. And the sound quality of the MiniDisc player is superior to the other devices', even given the fact that the MiniDisc format compresses audio tracks (it's not "CD quality" either).

The fly in the audio ointment is the lack of a standard digital audio format. There are at least half a dozen competing audio file formats, and as of this writing, the record industry's copyright-protected Secure Digital Music Initiative (SDMI) format still isn't finished. Consequently, no one can predict which models will be able to play which future digital audio files. Of course, there is an alternative to this confusing array of digital devices and standards: that old Walkman my friend said no one would ever buy. ■

Contributing editor John R. Quain also writes for Fast Company *magazine and* PC Magazine, *and he appears regularly on CBS News and MSNBC.*

NO LAUGHING MATTER

[CONTINUED FROM PAGE 95]

president since Truman except John F. Kennedy (who, with his brother Robert, is the only politician Conrad regards with reverence). Though officially retired from the *Los Angeles Times*, Conrad produces four cartoons a week for the Los Angeles Times Syndicate, on subjects both local—"I can count on the LAPD about once every six months to beat some poor bastard into submission"—and national. The *Times* rejected a recent cartoon titled "Congressional Bipartisanship," because it featured an elephant humping a displeased donkey. Celebrated as a fine artist as well as an editorialist, he spends much of his "retirement" creating limited-edition bronze sculptures of political leaders.

As are most of the cartoonists gathered in Iowa for the symposium, Conrad is a die-hard liberal. His explanation of the liberal predominance: "Conservatives don't have a sense of humor." (Conrad's successor at the *Times*, Michael Ramirez, however, is a conservative.) Others offer a more nuanced argument: "By nature, cartoonists are anti-institutional iconoclasts, attacking the status quo," says Steve Benson, implying such qualities are more common on the left.

Conrad has plenty of criticism about the state of contemporary cartooning. One year when he was a judge on the Pulitzer panel for cartooning, no award was given. He hates gag cartoons, and much of his work steers clear of the easy joke, or of any joke at all. One of his famous cartoons shows two black children sitting on a city stoop; one says to the other, "What do you wanta' be if you grow up?"

"The problem with younger people is that they don't read," says Conrad about the decline of impactful cartooning. "And cartoonists," he emphasizes, "don't read either." As for the cartoons that are out there, Conrad just doesn't get them. "I saw a recent four-panel cartoon with 235 words. Lincoln's Gettysburg Address had only 227 words."

Actually, it has 271 words, but we get the point. Chances are that Conrad was reading Tom Tomorrow, the wordiest cartoonist around. "To wordy cartoons that don't make it into *Newsweek*!" says Dan Perkins, a.k.a. Tom Tomorrow, raising a glass of wine with his colleagues at a gala dinner. Perkins acknowledges he feels a little out of place at this conference, being the "cynical, urban East Coast outsider," as Pett describes him. Wearing a leather jacket and two earrings, Perkins is easily recognizable as the only cartoonist here who makes most of his appearances in alternative weeklies. At 38, he's considered a Young Turk.

Perkins's Tom Tomorrow strip, *This Modern World*, is text-dense, irony-heavy, gag-free, and political; he self-syndicates to about 130 newspapers and magazines around the country. (By self-syndicating, Perkins holds on to the 50 percent commission that most national syndicates take.) The strip, which employs fifties-style pop art, is worlds away from the simple elegance of Conrad's best, but Perkins would rather be an iconoclast. "I don't believe the single-panel editorial cartoon that became institutionalized in the forties through the seventies is the creative pinnacle of mankind," he says. "I grew up with Jules Feiffer, Mark Alan Stamaty, *Mad Magazine*, Garry Trudeau—there are other ways of expressing your point of view. I never wanted to draw elephants and donkeys."

With his unorthodox style and a business model that doesn't rely solely on that media dinosaur the daily newspaper, Perkins may represent the future of the field, especially now that he's escaping the underground. (He recently became a contributor to *The New Yorker*.) While the old guard like Conrad may not "get" Perkins, they're wrong to dismiss him. Conrad rails against cartoonists who don't read, yet Perkins understands history and contextualizes his strip in a way that few cartoonists do. By relying heavily on text, he brings factual details to his strip: A piece about corporate welfare cited the government's 1992 gift to McDonald's of $466,000 to promote its fast food overseas, and Disney's research into brighter fireworks, which had been subsidized by $300,000 from the Department of Energy. After the Ford Motor Company was lauded for having sponsored *Schindler's List* commercial-free on NBC in 1997, Perkins reminded us that Henry Ford was a notorious anti-Semite.

Kentuckian Joel Pett is one of few cartoonists to focus on local issues, as in this 1993 effort.

Perkins has found an audience on the Web, appearing regularly on Salon.com and on his own free site, www.thismodernworld.com. Many cartoonists talk about the need for making inroads on the Web, but few have done so. Brian Duffy of *The Des Moines Register* (the only big paper that still runs cartoons on the front page, a common practice a century ago) uses his paper's website to animate his cartoons. The effect is crude by Web standards—he's just adding a few moving parts to a static frame—but unlike most of his colleagues, he's spending about ten hours a week experimenting with the medium that may represent the future of the industry.

"Publishers are afraid of offending their golfing buddies. They don't want to deal with the phone calls. Cartooning is a dying art, and the editors and publishers are standing over the corpse with a smoking gun."
Wiley Miller, the creator of the popular comic strip Non Sequitur

Jules Feiffer is more optimistic than others about the state of cartooning. "There's not a decline of cartooning," he says. "There's a decline of politics."

Feiffer is much liked among cartoonists, not only for his body of work but for his demeanor. Bald and round-faced, he looks a little like Popeye. (fittingly, Feiffer wrote the screenplay for the sailor's 1980 film.) During a gala here in Iowa, Feiffer, 70, was the first on the dance floor.

Unlike his friend Conrad, Feiffer thinks an editorial cartoon can take a variety of forms. His own multi-image strips brought interior monologues into newspapers, and his appreciation for innovation extends to cartoonists such as Perkins. Feiffer also thinks the industry follows an ebb and tide. The impact of cartoons depends on the era in which they're created, since cartoons will only be as powerful as the issues they are championing.

"We could use another war, another depression," he jokes. "Disasters bring about the talent." ■

JOEL PETT

THE MONEY PRESS

[CONTINUED FROM PAGE 111]
index futures were first proposed...it was an untried, unknown thing," says Prestbo. "[Dow Jones] didn't wish to risk this based on the behavior of people over whom they had no influence whatsoever." As the years went by, he says, "futures proved their merit for all sorts of purposes." Dow Jones decided to join the party.

Interestingly, the company's foray into licensing the average came just after Wall Street applied considerable pressure on Dow Jones & Co. to turn around its own disappointing stock performance. Prestbo says the timing was nothing more than a coincidence. But analysts expect the sexier tech stocks to drive the average higher, lure more investors to products linked to the Dow, and thus generate more licensing fees for Dow Jones. "Everybody's flogging everything they can to get revenue," says Charles Geisst, a finance professor at Manhattan College and the author of the best-selling *Wall Street: A History*. "And you've got to make [the index] relevant if you're licensing it." Currently, only $40 billion in products is indexed to the Dow, while the S&P is tied to more than $750 billion.

Steiger and Prestbo say they chose to make the most recent changes to the Dow in late October, partly because of potential Y2K problems. "We wanted to be as far away from [January 1] as possible, because people would have to rejigger their computers to take account of different components of the average," says Steiger. "A lot of people are trying to avoid doing discretionary things [at that time]."

Of the changes, the inclusion of the relatively little-known Texas-based SBC Communications furrowed the most brows in the investment community. Adding another telecommunications stock (AT&T has been in the average since 1939) was no big surprise, but why not include an industry giant like MCI WorldCom, Inc.? Carlson of the Strong Dow 30 Value Fund says he believes that the editors waited for SBC's acquisition of Ameritech Corporation—which made it the country's largest regional Bell—to go through on October 8 before announcing the decision.

Beyond noting that he and Prestbo think SBC is a strong company and a "useful addition," Steiger will say only: "When you get a bunch of stocks that are each more or less the same and each terrific, it gets to be like deciding which valedictorian football captain you let into Yale or Harvard....And at a certain point it becomes somewhat arbitrary."

An hourlong meeting between top Dow Jones editors and SBC executives last summer couldn't have hurt, either. Informational meetings between companies and editors are routine at the *Journal*. But giving the editor an "opportunity to learn about the business" (as an SBC spokesperson described the gathering) may have provided SBC with some added name recognition when it came time to choose a telecom firm for the Dow. Steiger says that the meeting had absolutely no influence on his later decision to add SBC to the Dow, and that the company was not under "active consideration" at the time.

Analysts agree that now that SBC is on the Dow, it should quickly emerge from the shadows. This is why, despite some professional investors' indifference, there is no shortage of companies trying to get onto the fabled index. Although it's rare for Dow hopefuls to engage in "Washington-style lobbying," says Prestbo, the editors say executives might occasionally hint that their companies would be good candidates.

"I might have a CEO in for lunch, and they'll say, 'You put so-and-so in, but they don't hold a candle to us,'" says Steiger. And then there are the countless phone calls, e-mails, and letters with suggestions—not to mention the occasional note from an employee espousing the virtues of his or her company. Prestbo insists these entreaties never turn him on to—or off of—a company. "It doesn't affect me one way or the other," he says.

True to character, both Steiger and Prestbo refuse to play guessing games about what kinds of changes might occur in the future. Steiger does say, however, that he expects the pace of change to continue accelerating. Prestbo politely declines to speculate at all. "I just kind of go from year to year and see what happens," he says. "I think I'm doing the greatest service to the Dow by not having those kinds of expectations and trying to see what is going on—rather than what ought to be going on, what I expected to be going on—or any of that stuff." ■

JonBenét, Inc.

[CONTINUED FROM PAGE 106]

leaked her some potential news over lunch.

"There was something in the grass," McKinley recalls the spokesman telling her. "A cord? Some tape? A key?" McKinley says she asked. He wouldn't say, but he implied the news would prove that an intruder had been outside the Ramsey home the night of the murder. This could be a blockbuster, McKinley says the spokesman told her.

After lunch, McKinley returned to her office, got on the phone, and learned that the "something" found in the grass was a kneeprint. A kneeprint? she thought. What in the world does that mean?

She called a forensic investigator, who, McKinley says, shared her skepticism. "'A kneeprint? So what?'" McKinley says the expert told her, who added that without some other indentation nearby—like a footprint or toeprint—such evidence would likely be unidentifiable. He told her that there was no significance in a kneeprint in the grass. So she didn't broadcast it.

Such leaks—and people like Green, who say they let them into the public domain without verifying them—have led to the appearance (if not the reality) of "camps" within the Ramsey case: polarized groups of journalists whose work leans toward insinuating either the guilt or innocence of John and/or Patsy Ramsey. "It's defined by who talks to whom and who doesn't talk to whom," says *Newsweek*'s Glick. "A lot of reporters were happy to have sources in one camp and stopped trying to get sources in other camps."

Glick spent six years in *Newsweek*'s Washington, D.C., bureau, and he thinks the reporting of the Ramsey case mirrors Washington coverage in terms of close and longstanding journalistic relationships between specific political sources and reporters. "It's like the old Washington game," he says. "Almost everyone knew where these friendships were. It's not dissimilar in this situation."

Glick himself has been accused of being part of the pro-Ramsey camp. In fact, no national media outlet that runs news reports has been as castigated as much as *Newsweek* for this type of camp journalism. Consistently, *Newsweek*'s Ramsey stories—usually written and reported by Glick and Keene-Osborn—have espoused a Ramsey-favorable point of view. Most of Glick and Keene-Osborn's "pro-Ramsey" coverage for *Newsweek* has criticized both the case that the police say they have against the Ramseys—and the press's often sensationalized representation of that case—rather than promoting a belief in the Ramseys' guilt or innocence.

The *Newsweek* scribes have taken their reporting multimedia; both acted as associate producers on professor Michael Tracey's British-funded documentary, which maintained that the Ramseys had been wrongly tried and convicted by the American lynch-mob media.

The documentary offers what no nonfiction piece at the time could: John and Patsy Ramsey appearing on camera to answer questions about the case and the media's behavior. *Newsweek* got exclusive rights to the interview and, using outtakes from that on-camera exchange, quoted the Ramseys in a July 13, 1998, article that chastised Boulder's law-enforcement community. The documentary has aired four times so far in the United States on A & E. Glick and Keene-Osborn split half the fee from the U.S. television rights (see sidebar, page 104).

Ramsey critics such as Boyles and Green have denounced the documentary as pure spin. Green labels it an "infomercial"; Boyles prefers "crockumentary." They insist that *Newsweek* and the Ramseys have a symbiotic relationship: Glick and Keene-Osborn get their Ramsey-fed exclusives and the Ramseys get favorable coverage.

To Glick, that kind of criticism shows the inherent flaw of the Ramsey coverage. He says he got access to the Ramseys not because of favorable coverage but because the Ramseys trusted he would not merely follow the spin of his best law-enforcement sources. He says he got access to the Ramseys because they saw that he was "questioning the orthodoxy" and "looking critically" at what law-enforcement sources were leaking. And Glick says that he became skeptical of the police investigation long before he had any access to the Ramseys. Keene-Osborn adds, "During the entire case, most of my sources were within the prosecution. To have labeled me as any kind of Ramsey pawn is laughable."

That Green and Boyles criticize Glick for maintaining a journalist-source relationship with the Ramseys astounds him. "What journalist in the country would say no to three days of on-camera, on-the-record interviews" with the Ramseys? he asks. "If that makes me pro-Ramsey, so be it."

Tracey defends the film against cries of "advocacy journalism" with equal ferocity. "What it was advocating is not being a megaphone for spin, and double-checking leaks from sources," Tracey howls. "If that's advocacy journalism, then, fine."

THE RAMSEYS TAKE A TURN

There are two others with a story to tell who have decided to try to sell it: John and Patsy Ramsey.

In April, the two will publish their memoir of the events of the last three years, called *Death of Innocence*. The Ramseys have chosen a Christian publisher in Nashville to bring their story public.

Once the grand jury announced it would not indict the Ramseys and word spread that the couple planned to pen a memoir, the media vultures began circling for an exclusive interview. "We've received calls from just about every national show," says the book's publisher, Rolf Zettersten, "from *20/20* to *Dateline NBC*, to *48 Hours* and all the morning shows....There's something of a frenzy to get the interview." One weekly newsmagazine, one monthly magazine, one nightly television newsmagazine, and one morning show, Zettersten adds, will probably be awarded coveted Ramsey interviews.

Are John and Patsy Ramsey profiteering? Are they just two more people latching on to JonBenét, Inc.?

Death of Innocence will likely be a bonanza. And so the most obvious questions: Are the Ramseys profiteering? Are they just two more people latching on to JonBenét, Inc.?

No, says the Ramseys' libel attorney, L. Lin Wood (who is representing the Ramseys in a suit against the *Star* tabloid). He says that "the nightmare of the past three years has literally depleted this family's life savings, and they are in tremendous debt for attorneys' fees and other expenses related to the criminal investigation." Proceeds from the book, says Wood, will pay off those debts. Any profit beyond that will go to the JonBenét Ramsey Children's Foundation, which donates money to children's spirituality programs.

The idea that a reporter would ask about profiteering nudges the soft-spoken John Ramsey into a passionate response. "A horrible story has been told about my daughter and my family. And I think we have the right to tell our side without being edited or cut down to a sound bite," says Ramsey. "We are not profiting from this. In fact, I find that repugnant. How dare the media criticize *us* for profiteering? There's so much hypocrisy." ◘

Senior associate editor Ed Shanahan and assistant editor Leslie Falk contributed to the reporting of this story.

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ence that makes—or breaks—what Brill was trying to do. He did not ask for essays or long-winded justifications; he asked a yes-or-no question. He did not get a yes or a no from Rowe, so, in that line of thinking, she did *not* answer the question as posed.

MIKE EXINGER, BOISE, ID

NO ANSWER

Bill Kovach clearly missed a major point in his defense of Sandra Rowe. Your magazine attempts to hold journalists accountable, and in this vein, Steven Brill's article attempted to document whether people in the media were willing to commit to two extremely carefully worded propositions. The article wasn't intended to further the public wringing of hands in which much of the media has already engaged. As far as we know, Ms. Rowe is still not on record in this regard. So she may have responded, but she didn't answer the question.

Her comments, however, should have been posted on the website. They weren't, despite the article's statement that "full transcripts of all the responses" would be.

BILL MACK, BAYSIDE, NY

Editor's note: Mr. Mack is correct in that we erred in not posting the full text of Ms. Rowe's comments on our website. They have now been posted there.

GUNPLAY

I am not a member of the NRA, and I, like Steven Brill, am a fan of *20/20*, but I had a totally different reaction from Mr. Brill's to Diane Sawyer's test of the efficacy of the NRA gun safety video [Stuff We Like, November].

Indeed, the footage of children aiming real weapons at each other and coolly pulling the triggers was chilling. That was the effect that the ABC team was after—sensationalism at its worst. Is it any wonder that when *20/20* hid real guns among toys in a day-care center playroom, the children played with them regardless of what they had been told to do when they come across a gun? How were they to distinguish real guns from the rest of the toys in the playroom?

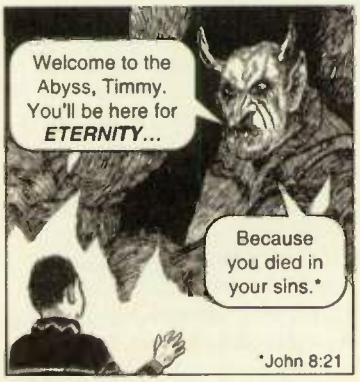
As John Stossel so frequently says on *20/20*, give me a break!

LEWIS MARKS, ALBUQUERQUE, NM

STRONG STUFF

I was handed a Jack Chick tract years ago by a friend who thought they were amusing ["Cartooning For Christ," Creators, November]. Along with the infantile "Yes/No" page in the back, I saw a Web address. On it are pretty much all of his printed materials, so I read through them. I was horrified. This man's worldview is so full of hate and fear as to be sickening. Many kudos to you, *Brill's Content*, for exposing at least some of this!

KATE COLONEY, WILLIAMSPORT, PA



A panel from a Jack Chick comic

THE REAL LOSERS

I find your article on Jeff Gerth's record of investigative reporting profoundly disturbing ["Crash Landing," November].

There are two things that bother me here. First, if Gerth had been investigating for almost any publication other than *The New York Times*, he would have been discredited a long time ago.

Which brings me to the second thing, which bothers me even more. *The New York Times* is too important an institution to subject its standing to the credibility of one of its reporters, especially one whose record is so checkered. *The New York Times* stands between us and some of the most extreme and irrational elements in our society. If *The New York Times* allows itself to be discredited, we are all the losers.

EUGENE SCHNEIDER, HAVERFORD, PA

DEBASERS

Robert Schmidt's definitive article on the "Yellow Peril" lynching by *New York Times* "reporters" is a prime example of why *Brill's Content* was put on earth ["Crash Landing"]. Ever since American journalism began promising a better show in the coliseum than the one last week, media ambition has debased our marvelous country a bit more with each slaughtered gladiator.

CHARLES L. MACK, LEXINGTON, KY

PLAYED A PART

Robert Schmidt's article on *The New York Times* is an important contribution to understanding the Wen Ho Lee espionage case. It will stand the test of time. Stephen Engelberg's objections notwithstanding, in this case *The New York Times* is more than just a daily newspaper that is advancing the story. Gerth and [*Times* reporter James] Risen have made the *Times* an important part of the Lee saga.

ROBERT VROOMAN, GALLATIN GATEWAY, MT

THE TIMES FIGHTS BACK

Your recent article attacking *The New York Times* coverage of Chinese espionage is guilty of the very journalistic offenses it accuses us of committing. Your reporter, Robert Schmidt, chose not to interview a number of people who might have contradicted his thesis, focusing instead on those who held views similar to his own. He quoted selectively from some key documents and ignored other crucial information in the public record. He made much of supposed contradictions between the *Times*'s first articles and its most recent ones—contradictions that vanish under the slightest scrutiny. Your article ignored entirely the single most troubling incident in Wen Ho Lee's government career: his downloading of the computer codes that simulate the results of decades of American nuclear tests.

Schmidt's argument centered on the views of a small number of journalists and scientists who were quoted at length. Your reporter either did not talk to, or chose not to use comments from, a host of other journalists, officials and policy analysts who view the situation differently.

You included critical remarks from Sidney Drell, one of America's most eminent physicists. But you did not mention that Dr. Drell has served until recently as chairman of the University of California committee that manages Los Alamos and other weapons laboratories. That committee is responsible, in part, for security at the labs. You did speak to Notra Trulock, the Energy Department official who led the investigation of Chinese espionage. But Trulock says the interview did not focus on the substance of the case. Instead, your reporter asked several times whether he had been Jeff Gerth's source.

One journalist you did quote on the record, Doyle McManus, the Washington bureau chief of the *Los Angeles Times*, now says your reporter omitted portions of the interview in which McManus praised our coverage. Your story concluded with his observation that *The New York Times* is a "superlative but fallible newspaper" with a disproportionate influence in Washington. McManus's comments seemed to put an exclamation point on Schmidt's thesis that the *Times*'s reporting was deeply flawed. McManus now says that this was not his intention.

Brooke Anderson, U.S. Energy Secretary Bill Richardson's spokeswoman, said she told Schmidt that the *Times* stories were carefully written and fair. Her remarks did not appear in the piece. There was no indication that your reporter even attempted to speak with Richardson.

Then there is the matter of Schmidt's interview with Paul Redmond, the former head of counterintelligence at the CIA. After identifying him in the 49th paragraph as the official who predicted that this case could be worse than the one involving the Rosenbergs, your article included his view that the *Times*'s reporting "had done a great service to the country." But there was more to the interview, and it never saw

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print. Redmond says that he offered to show your reporter evidence that one of the *Times*'s main competitors had performed poorly. Your reporter, Redmond said, "didn't react at all. I never heard from him again."

In short, a lot of people with views that did not neatly fit your thesis say they were not interviewed, or were quoted selectively, or were interviewed in a way that left no doubt about the interviewer's agenda. A cynic might suspect that one or two of the people quoted above changed their accounts after your story was published; why get on the wrong side of a big newspaper? But the pattern of selective and distorted reporting is pretty damning.

The main evidence you used to argue that we had exaggerated the impact of China's spying was a close comparison of William Broad's article on September 7, 1999, with the first piece by Gerth and Risen, on March 6. You asserted that on four main points the *Times* had "backed off." You seemed intent upon arguing that the differences between the two *Times* articles demonstrated reportorial bias, the implication being that the material included in Broad's article had been omitted from Gerth and Risen's piece by choice or through negligence.

Most of the passages you compared in the two stories were not contradictory.

1. Gerth and Risen wrote that "The Los Alamos laboratory...quickly emerged as the most likely source of the leak....This suspect 'stuck out like a sore thumb,' said one official."

Months later, Broad wrote that there was "emerging agreement among feuding experts: that the Federal investigation focused too soon on the Los Alamos National Laboratory and one worker there, Wen Ho Lee, who was fired for security violations. The lost secrets, it now appears, were available to hundreds and perhaps thousands of individuals scattered throughout the nation's arms complex."

What Gerth and Risen reported was completely accurate when it appeared. Federal investigators

had identified Lee as the main suspect. Indeed, the *Times* had agreed to delay publication because top officials at the FBI said they were poised to confront him. What Broad wrote was also correct. Five months later, it was clear that others could have stolen the secrets in question.

2. Gerth and Risen wrote that a Chinese government document, obtained by American intelligence, described "key design features" of the W-88 warhead, this country's most modern. Broad wrote: "Several critics familiar with the Chinese document...said that its description of the American warhead was not by itself sufficient to build a miniaturized warhead." Gerth and Risen never said the document was sufficient to construct a warhead. And Broad's article noted that the Chinese had learned five key aspects of the warhead's design, including two measurements accurate to a millimeter.

3. Gerth and Risen said the government's response to the nuclear theft was "plagued by delays, inaction and skepticism—even though senior intelligence officials regarded it as one of the most damaging spy cases in recent history." Broad wrote that assessing the damage from a spy case is an "imprecise art that mixes inference, evidence and deduction" and that there is often "personal, partisan or institutional bias" that cloud the picture. This is hardly a contradiction.

4. Gerth and Risen began their first article this way: "Working with nuclear secrets stolen from an American Government laboratory, China has made a leap in the development of nuclear weapons: the miniaturization of its bombs, according to administration officials." Broad summed up the case by writing: "Experts agree that spying occurred, but clash violently on how much was stolen and what impact it had on Beijing's advance, if any." There was a difference here. The American officials quoted by Gerth and Risen appeared to be more categorical in their belief that espionage had played a role in the Chinese nuclear advances. The explanation of that discrepancy illuminates a central flaw of your article.

To be sure, the case against Lee is less than conclusive. But as a study by Senators Fred Thompson and Joseph Lieberman, the ranking members of the Senate Governmental Affairs Committee, pointed out, investigators had abundant grounds for suspicion. You asserted that [the committee's report] went "against what the *Times* first reported" because it concluded that "the hunt for a spy focused too quickly on Wen Ho Lee." The report did reach this conclusion. But its main finding was that the F.B.I., Justice Department, and Energy Department had botched an investigation of Chinese spying that was of "enormous importance to U.S. national security." The report noted that Lee had failed a polygraph that included these questions: "Have you ever passed W-88 information to any unauthorized person?" and "Have you ever given [a particular type of classified computer code related to nuclear weapons testing] to any unauthorized person?" The report also said that Lee had acknowledged passing unclassified information to a foreign government. Your article omitted these facts.

Some of your criticism was founded on inaccurate information. The *Times* reported that Lee received a congratulatory hug from a visiting Chinese scientist. Your article declared that the *Times* "didn't note, however, that Lee's gesture was made at an official event, in front of Los Alamos officials." You backed that charge with no document or source. Government officials interviewed by Risen continue to maintain that, in fact, the hug took place at a private meeting.

You criticized the way Gerth and Risen described a 1992 incident in which Lee withdrew $700 from an American Express office while traveling overseas with his family. Your article said: "'Investigators suspect that he used it to buy an airline ticket to Shanghai,' Gerth and Risen wrote ominously."

Your reporter asserted, without attribution, that the FBI's concern was misplaced because Lee used the $700 to pay for his daughter's day trips with a tour group. It is hard to assess this information without knowing where it came from. What is clear is that Gerth and Risen accurately described what investigators knew and what they were speculating.

Finally, your article did not even mention one of the central pieces of evidence against Lee: His downloading to an insecure computer of millions of lines of classified computer code used to model nuclear explosions. Your omission of this incident, one of the *Times*'s major scoops on the subject, is hard to explain unless your reporter was deliberately constructing a polemic. To this day, the downloading remains a

TOM COCOTOS

troubling mystery. Lab officials acknowledge that they have yet to hear a plausible explanation of how it might have related to Lee's duties. [A Los Alamos spokesman tells *Brill's Content* that lab officials have no comment on Lee.]

Your brief sidebar on Jeff Gerth's 1998 China coverage had all the flaws of your larger piece on the espionage articles, with even less pretense of objectivity. In attempting to denigrate a complex, year-long, Pulitzer-winning body of reporting in just seven paragraphs, you simply took the side of interested parties.

You could have written a serious critique of the *Times*'s coverage, balancing this paper's work against the complaints of critics and rivals. Instead, you published a ham-handed piece of "gotcha" journalism, a work of creative omission that shames a magazine supposedly devoted to keeping the media honest.

STEPHEN ENGELBERG
INVESTIGATIONS EDITOR
THE NEW YORK TIMES
NEW YORK, NY

ROBERT SCHMIDT RESPONDS: Stephen Engelberg, who seems to have spent nearly two months re-reporting my story, has found nothing factually wrong in the article. But his lengthy defense of *The New York Times*'s coverage contains many inaccuracies and false charges—and plenty of spin. Engelberg, who charges me with selective reporting, seems to have selectively reported on my reporting.

Before I refute most of Engelberg's claims, I have two overall points.

First, it is absurd that Engelberg still maintains that William Broad's article—which was splashed on the *Times*'s front page five months after the paper first accused Wen Ho Lee of espionage and claimed that China had made "a leap" in the development of nuclear weapons—does not represent a reversal of its previous coverage.

Second, I take issue with Engelberg's implicit defense of Jeff Gerth and James Risen's treatment of Wen Ho Lee—that their journalism was responsible because they were accurately reporting what they had been told by anonymous investigators. Is this really *The New York Times*'s standard? "What Gerth and Risen reported was completely accurate when it appeared," Engelberg writes. And later, Engelberg writes: "What is clear is that Gerth and Risen accurately described what investigators knew and what they were speculating." As I'm sure Engelberg knows, reporters are not supposed to be shills for FBI agents or any other sources. Indeed, that kind of reporting about speculation brought America the McCarthy era, the Richard Jewell case, and, most recently, the treatment of Wen Ho Lee.

Engelberg is wrong when he says I "chose not to interview a number of people who might have contradicted [my] thesis." He has no idea whom I interviewed for the story, many of whom declined to speak on the record for fear of angering the *Times*. However, I spoke to a broad range of people from government, the press, and the scientific community, as well as China scholars—who were all intimately involved in the story or had significant expertise in the area. Most believed the *Times*'s coverage was biased, uninformed from a scientific point of view, and overly hyped. I also quoted prominent people in my story who defended the *Times*'s coverage. And I tried repeatedly to have on-the-record interviews with Gerth and Risen, but they refused.

Engelberg's charge against Sidney Drell is wholly specious. The *Times* made the same complaint to me (not for attribution, of course) before I published my story. I checked with former U.S. senator Warren Rudman (who heads the President's Foreign Intelligence Advisory Board, which wrote an extensive report on the nuclear thefts), who told me Drell's work with the university presented no conflicts with his service on the advisory board. It is important to note, as well, that Drell is one of the most respected scientists in his field. As a member of the advisory board, he was steeped in the entire controversy, and he is one of the most qualified people to offer an assessment of the *Times*'s coverage. And, contrary to Engelberg's claim, the university committee Drell chaired was not responsible for security at any laboratory.

Engelberg tries to imply that I misquoted *Los Angeles Times* Washington bureau chief Doyle McManus. I did not, and, in a conversation I had with McManus in which I read him parts of Engelberg's letter, McManus unequivocally confirmed that he thinks I did not take his quote out of context in any way. It is clear from my article that McManus is talking about the power of *The New York Times* in Washington, not saying that "the *Times*'s reporting was deeply flawed," as Engelberg contends. Nor did I quote McManus selectively, as Engelberg alleges. According to my notes, McManus did not praise the *Times*'s coverage at all when we spoke except to say that Gerth and Risen broke news and were "ahead" on the story. I interviewed McManus toward the end of my reporting process. Of course I had a thesis in mind by the time I spoke with him—the same thesis that ended up in print. McManus said nothing to make me think that my thesis was wrong.

I did interview Paul Redmond, the former head of counterintelligence at the CIA. I fairly presented his view of the *Times*'s coverage of the spy scandal. He did tell me that he thought one of the *Times*'s competitors had done a bad job covering the story. My reporting did not back up that assessment.

Engelberg maintains that Wen Ho Lee "received a congratulatory hug from a visiting Chinese scientist" at a private meeting. My source tells me the hug was made at a public meeting. So what? The point is that the *Times*—in all seriousness—was happy to report that a hug was evidence of spying.

Wen Ho Lee's daughter Alberta told me that the $700 withdrawal her father made in Hong Kong was for her to take day trips with a tour group. Engelberg uses the shoddy defense of we-were-right-at-the-time-because-that's-what-investigators-told-us. Again, reporters should not just print as gospel what they are told by an anonymous investigator. Is this really the *Times*'s standard?

My story did report that Lee had downloaded classified data to an unsecured computer. Indeed, as Engelberg writes, that story was a big scoop for the *Times*. (Of course, the *Times* reported this scoop almost two months after it declared Wen Ho Lee a spy, without this "evidence.") It's worth noting that Lee has been indicted on charges of mishandling classified information, but not on charges that he passed secrets to a foreign power. The indictment shows even more clearly that the government does not have the evidence to label him a spy.

THE BROAD VIEW

Your recent article on the *Times* coverage of Chinese espionage portrayed me as the meticulous hero whose story finally corrected my paper's biased journalism. That distorts the truth. My story elaborated on months of first-rate reporting by my colleagues Jeff Gerth and James Risen. A main finding of my story was that the United States fell victim to espionage by the Chinese government, and it made public for the first time striking new evidence of that spying. Federal investigators may well have focused too quickly on Wen Ho Lee as a suspect in the theft of design information relating to America's most modern warhead, the W-88. But that does not mean the suspicions of Dr. Lee were groundless. You unfairly impugned the work of two fine reporters.

WILLIAM J. BROAD
THE NEW YORK TIMES

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Fame

THE CELEBRITY

Now that he's made it, is he still so driven?[1]

BY A CONTRIBUTING WRITER

It's a brilliant Sunday morning, and he's sitting on a stone step under a great arched doorway, looking out across Tuscany from his hilltop villa. His kids are splashing in a big pool.[2] Upstairs, in the master bedroom, a red Rothko glows next to a glowering black-and-white Kline. There's art everywhere—masterworks hung within inches of other masterworks.[3] He steps into the bedroom. A Jacuzzi beckons in a distant bathroom, but the bed is the real showcase here. It's large enough to humble Larry Flynt.[4]

His name is at the top of every wish list from studio heads to party planners. But that's not what he cares about. "If I am not happy with my work, I am not happy in my life," he says.[5] He is, and has long been, a movie star, and he has used the power of that office to insure he would never have to do anything less than what he wanted to do.[6] Because more than any other contemporary star, he has forged a seemingly inviolable covenant with the multiplex masses. The kind of covenant that allows him to restrict rare interview chores to a duration of no more than two hours.[7] "Look, I don't hate all journalists," he says. "I just hate wasting my time, answering the same old questions all the time."[8]

His career, he supposes, has been something of an accident. He was born on September 9, 1960, in London, into a family he describes as "impoverished gentlefolk."[9] He was raised by a businessman and his homemaker wife in Mamaroneck, a New York suburb of white picket fences.[10] He skipped part of his senior year in favor of a high school equivalency exam and began a career in earnest, onstage in a Clifford Odets play with a respectable San Francisco repertory company.[11] "I am very lucky," he says. "But I was absolutely happy when I was in Madrid living in a *pensión*. Good times and hard times. That's the story of my life."[12] His physical endurance is matched by a level of mental application that, he allows, might come from the "feeling of unfinishedness" that his interrupted schooling gave him. This, in turn, spawned an autodidactic zeal that has proved surprisingly useful over the years.[13]

"My whole life has been about risk and reward," he says. For years, he hasn't spoken publicly. His silence was part of his mystique—another tool used for effect.[14] But get him started on any topic—including love and relationships—and he's virtually impossible to shut up.[15] "From the outside, it looks like I've got everything made, and I understand that. I never want to come off like I'm complaining. But as a human being, I have issues, just like anybody else. And some people look at those and go, 'My God, how are you getting out of bed?' But I'm OK."[16]

He's joking, of course; jokes buoy him above the fray.[17]

He is in an empty suite at the Carlyle Hotel in New York. He is wearing all black—black T-shirt, black exercise pants, black sneakers—and he is munching on a carrot stick from the room-service tray.[18] He is hard at work on the Woody Allen film, for which he has shaved his hairline back around the temples to look older, which he does.[19] The creases that run down his cheeks deepen, and the lamplight sparkles in his eyes.[20]

I wonder whether, having become a sex symbol in the early eighties, he was anxious to try to push his image the other way, to come off as an intellectual as an antidote to being seen as a bimbo.[21] He moved out of Los Angeles, the Sodom of his youth. He hasn't had a drink in nine years. He's aging nicely. "I think this 'pretty' stuff is finally over," says his wife. "He's a man now. He's not a boy."[22] He cycles along the beach with his children. He works out every morning and evening in his private gym.[23]

"I've always thought I'd be a director," he says. "I didn't think I would have this whole acting career."[24] Sunglasses on, hands in pockets and chin tipped to catch the breeze[25] CONTINUED ON PAGE 241

1 *Elle* on Kevin Spacey 5/99
2 *Esquire* on Sting 9/99
3 *The New York Times Magazine* on Michael Ovitz 5/9/99
4 *Rolling Stone* on David Spade 9/16/99
5 *Harper's Bazaar* on Ben Stiller 8/99
6 *The New York Times Magazine* on Warren Beatty 5/10/98
7 *Vanity Fair* on Jim Carrey 11/99
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9 *Esquire* on Hugh Grant 9/99
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11 *Rolling Stone* on Nicolas Cage 11/11/99
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25 *Los Angeles Magazine* on Kevin Spacey 10/99

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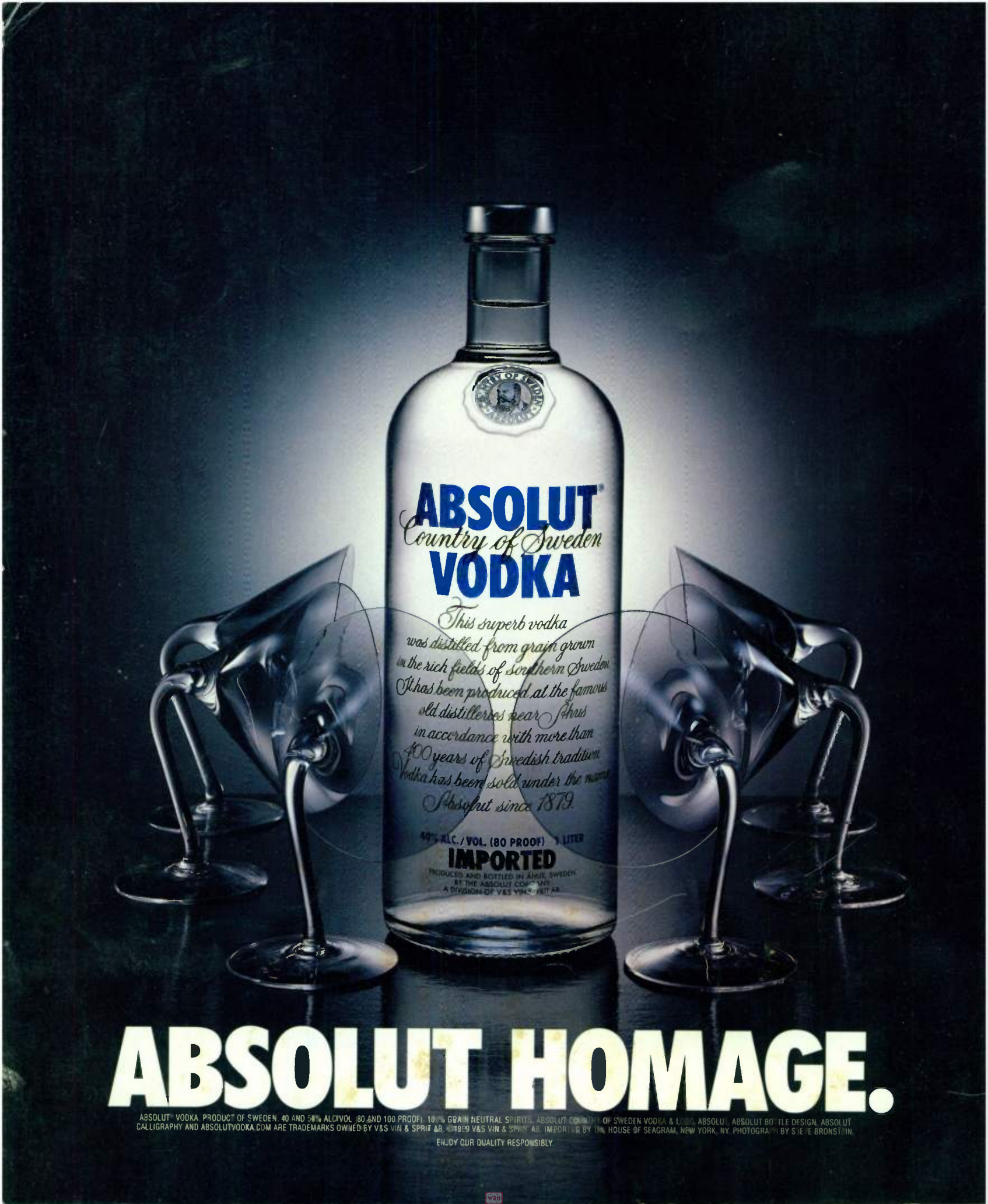

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