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IRE AND THE EVOLUTION OF MODERN AMERICAN INVESTIGATIVE
JOURNALISM, 1960-1990

A Dissertation
Presented to
the Faculty of the Graduate School
University of Missouri-Columbia

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy

by

JAMES L. AUCOIN

Dr. Edmund Lambeth, Dissertation Supervisor

DECEMBER 1993

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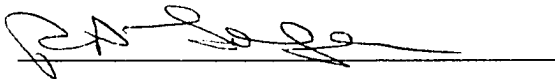
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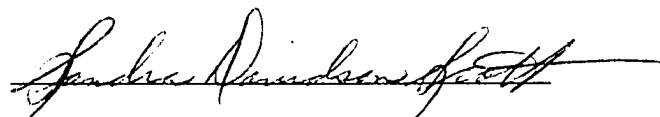
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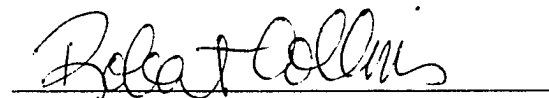
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JOURNALISM, 1960-1990

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Dr. Edmund Lambeth, Dissertation Supervisor

ABSTRACT

This study is a historical examination of modern investigative journalism (1960-1990) with particular emphasis on the manner in which it has developed as a social practice and the role that Investigative Reporters and Editors (IRE) played in this development. It uses a critical historical approach suggested by moral philosopher Alasdair MacIntyre, who has described how a social practice develops and persists over time. MacIntyre uses the term "social practice" in a restricted manner, reserving it for practices that meet certain social, behavioral, and moral requirements. Specifically, this study addresses whether IRE has contributed to or hindered the development of investigative journalism as a "social practice."

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James L. Aucoin

August 1993

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CHAPTER I

Introduction

By the 1990s, investigative journalism had become a distinct genre of journalism. Journalism schools and departments taught courses in its practice, principles and history.¹ Textbooks detailed how to do it.² Writers hailed the practitioner as a modern folk hero.³ Popular books and television programs narrated the adventures of investigative journalists.⁴ Mass communication scholars studied its techniques, its acceptance by the public, its traditions, and its role in society.⁵ Researchers found that investigative journalism was alive and well in American journalism with more investigative journalism being published or broadcast by U.S. news organizations in 1989 than was done one decade earlier.⁶ A national service organization for journalists interested in investigative reporting was founded in 1975 and served more than 3,300 reporters and editors working at news outlets around the world in 1992.⁷

Some journalism historians trace the modern investigative journalist's roots to John Peter Zenger and Thomas Paine in America's eighteenth century.⁸ Others trace them to the great muckrakers who worked at the turn of the twentieth century.⁹ Still others insist that the modern investigative reporter is a breed that evolved from the past, but who are different from the past -- they are linked

to the muckraking Ida Tarbell, Lincoln Steffens, David Graham Phillips and others of their journalistic generation, but they don't have the crusading advocacy central to the muckrakers of the Progressive era.¹⁰

While much has been written on the origins, ideas, lives and impact of the Progressive muckrakers, modern investigative journalism since 1960 has received considerably less study. Some research has been produced on the biographies of individual investigative journalists; and somewhat more limited work has been done on their role in modern society. But there is little written about modern investigative journalism as a practice -- about how it has developed and progressed as a journalistic genre.

And yet, a study of its development as a practice would offer insights not only into investigative journalism, but also into the general craft of journalism.

This study is a historical examination of modern investigative journalism (1960-1990) with particular emphasis on the manner in which it has developed as a social practice and the role that Investigative Reporters and Editors (IRE) played in this development. It uses a critical historical approach suggested by moral philosopher Alasdair MacIntyre, who has described how a social practice develops and persists over time.¹¹ MacIntyre uses the term "social practice" in a restricted manner, reserving it for practices that meet certain social, behavioral, and moral requirements. Specifically, this study addresses whether

IRE has contributed to or hindered the development of investigative journalism as a "social practice."

As the most significant force for organizing and training investigative journalists between 1975 and 1990, IRE was the dominant factor in development of the craft.¹² If investigative journalism has become a social practice under the terms outlined by MacIntyre, IRE was a deciding factor. A social practice as conceived by MacIntyre is facilitated by some type of formal, systematic means of communication among members of the practice.¹³ IRE fulfilled that role within the craft of investigative journalism.

What results from this study is a critical history of IRE and, by extension, insight into the history of the development of modern investigative journalism as a craft distinct from other journalistic genres. However, through this examination, greater understanding of how journalism, broadly defined, develops -- and, indeed, how any social practice develops -- also results. MacIntyre theorizes how a social practice develops, but little has been done to test his theory by applying it to a specific practice. This study provides a rich history of a journalism specialty. It tests whether MacIntyre's theory of social practice offers a powerful heuristic methodology for media historians, as Lambeth (1991) suggests it does.¹⁴

After a literature review, a discussion of methodology, and an in-depth consideration of MacIntyre's theory of

social practice development, this study examines the social and cultural forces that led to a re-emergence of investigative journalism in mainstream journalism during the 1960s and early 1970s. Using the MacIntyrean paradigm, it then reveals the level of development reached by American investigative journalism by 1975. Chapter seven details the founding and early history of Investigative Reporters and Editors, including IRE's Arizona Project.

The Arizona Project was unique in the history of American journalism. Responding to the murder of investigative reporter Don Bolles of Phoenix, Arizona, IRE established a team of reporters and editors from around the country. This team worked for three months in 1976 and 1977 to investigate organized crime and political and business corruption in Arizona -- to finish the work that Don Bolles was doing when he was killed -- and produced a multi-part series that was published in newspapers and magazines and aired on radio and television news programs around the country. Given the unique nature of the Arizona Project and the role it had in establishing IRE as a national organization, chapter eight, using the MacIntyrean paradigm, assesses the handling of the project by IRE.

Chapter nine examines the history of IRE from 1980 to 1990 and the development of American investigative journalism during the 1980s. It finds that by the mid-1980s, investigative journalism had become part of mainstream American journalism. Chapter ten, the study's

conclusion, reviews the findings of this dissertation and assesses the effectiveness of the MacIntyrean paradigm for the study of journalism development.

Notes

¹For example, Paul Williams reports in the introduction to his textbook on investigative journalism that he was teaching a course on investigative reporting at Ohio State University in the early 1970s [Paul Williams, *Investigative Reporting and Editing* (Englewood Cliffs, N.J.: Prentice-Hall, 1978), xi.] Sam Archibald was teaching a course on investigative reporting at the University of Colorado at Boulder in the mid-1970s. And in 1991, Edmund Lambeth at the University of Missouri-Columbia offered a seminar entitled, "The Origin and Evolution of Investigative Reporting."

²See for example Williams, *Investigative Reporting and Editing* and Peter Benjaminson and David Anderson, *Investigative Reporting* (Ames, Iowa: Iowa State University Press, 1990, 2nd ed.).

³See particularly James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976); and John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977).

⁴See Dygert, *Investigative Journalist*; Behrens, *Typewriter Guerrillas*; and Leonard Downie Jr., *The New Muckrakers* (New York: New American, 1976). In television, CBS launched "The Andros Targets" in 1977.

⁵See for example Walter M. Brasch, *Forerunners of Revolution: Muckrakers and the American Social Conscience* (Lanham, Md.: University Press of America, 1990); Louis Filler, *Progressivism and Muckraking* (New York: R.R. Bowker Co., 1976); Warren Theodore Francke, "Investigative Exposure in the Nineteenth Century: The Journalistic Heritage of the Muckrakers," unpublished Ph.D. diss., University of Minnesota, 1974; and John M. Harrison and Harry H. Stein, eds., *Muckraking: Past, Present and Future* (University Park, Pa.: Pennsylvania State University Press, 1973).

⁶David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991) 271-279. See also, Stan Abbott, "A Study of the Status of Investigative Reporting in the 1980s," unpublished master's thesis, University of Missouri-Columbia, 1987.

⁷Interview with Andy Scott, executive director, IRE, Dec. 6, 1991.

⁸Brasch, *Forerunners*; and Dygert, *Investigative Journalist*.

⁹Downie, *New Muckrakers*

¹⁰Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood, 1990).

¹¹Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981) 175-181.

¹²MacIntyre points out that one of the primary responsibilities for a person entering a social practice is to learn the practice's traditions and standards. (MacIntyre, *After Virtue*, 177).

¹³MacIntyre, *After Virtue*, 177-178.

¹⁴Edmund Lambeth, *Committed Journalism* (Bloomington, Ind.: Indiana University Press, 1992, 2nd ed.).

CHAPTER II

Literature Review

The Historiographic Debate

Contemporary historiographic debate among media historians has centered on whether Progressive, social or cultural historical methodology should dominate. A recent contribution by Nord (1991), for example, argues that cultural history, which he defines as a melding of intellectual and social history, holds much promise for understanding the history of journalism, but that media historians should not embrace cultural history before building a firmer foundation of social history.¹ Nord was reacting, in a general way, to a call for cultural histories by Carey (1974) and subsequently debated with vigor by others.² Asserting that the "Whig" interpretation of journalism history -- with its concentration on the doctrine of progress and biographies of notables -- is intellectually exhausted, Carey argued for the "recovery of past forms of imagination, of historical consciousness."³ He stressed that journalism is inherently "a cultural act, a literary act," that interacts with the audience to create a society's consciousness.⁴

McKerns (1977) and others continued the criticism of the Progressive Whig histories typified by the leading journalism history textbook by Emery and Emery (1991).⁵ As

a natural outgrowth, social and cultural histories were written to counter the deficiencies of Progressive histories. These two strains of historical methodology -- social and cultural -- developed along parallel paths through the media history field. Schudson (1978) published a social history of newspapers, Nord (1988) studied magazine readers, and Folkerts and Teeter (1989) published a major media history text utilizing social history methodology, *Voices of a Nation: A History of Media in the United States*.⁶ Covert and Stevens (1984), taking another direction, published a collection of mass media history articles researched and written from a cultural perspective.⁷ In addition, Carey published several cultural history studies between 1970 and 1983, inspiring others to pursue the cultural approach.⁸

Social history methodology sees history as the result of the interactions between individuals and the community, between individuals and institutions, and between institutions and the community. History is the story of how individuals live within cities, states, and nations. Major factors in such an analysis are economies, laws, public policies, institutional structures, and the structure of society. The event is primary to the social historian. Cultural history methodology, on the other hand, gives primacy to the ideologies, the values, the norms, the technologies, the world-views, and the *morés* of a people. For the cultural historian, ideas drive the events.

Histories of Muckraking

Histories of the early muckraking era show this mix of methodological approaches. Weinberg and Weinberg (1964) take a traditional historical approach with Whig concentration on product and biography, as does Chalmers (1974).⁹ Francke (1974) likewise concentrated on biography and product in showing that muckraking existed as exposé long before the muckraking era of 1902-1912 or 1914.¹⁰ Filler (1976) takes a cultural approach when he ties muckraking to the Progressive political movement and the dominance of the middle class.¹¹ Similarly, Miraldi (1990) contrasts the values and ideas of muckraking with the values and ideas of modern objective reporting.¹² Papers on muckraking collected in *Muckraking: Past, Present and Future* (1973) also take a decidedly cultural approach.¹³ However, little from a social history perspective has been done. One exception is the brief treatment of investigative journalism by Schudson (1978) in *Discovering the News: A Social History of American Newspapers*.¹⁴

While early muckraking has been extensively studied, scholarly study of the history of modern investigative journalism has been limited.¹⁵ Harrison and Stein (1973) collected cultural history papers on muckraking that include discussions of investigative journalism up to the mid-1970s, but considering that the papers were the work of several researchers, the overall work lacks breadth and

integration.¹⁶ Lambeth (1983) recounts the life of investigative journalist Paul Y. Anderson.¹⁷

Studying Modern Investigative Journalism

Modern investigative journalism as a practice has been studied to some extent. Christianson (1972) and Mollenhoff (1976) offer contemporaneous, nonacademic overviews of modern investigative journalism's resurgence following Watergate.¹⁸ Miraldi (1990) looks at the phenomenon of muckraking, which he sees as activist-oriented exposé by reformers, and objectivity, which he argues is a modern journalism tradition that collides with the muckraking tradition in the practice of modern investigative journalism.¹⁹ His study contrasts the values, techniques, and ideas of the muckrakers and the modern investigative reporter and attempts to explain why investigative reporting is, as he sees it, ineffective in righting the wrongs of society. Miraldi makes little attempt, however, to show investigative journalism as a developing practice with a cohesive history or to comprehensively provide a history of the practice:

I begin at the turn of the century, follow the muckrakers through their glory days, and then chronicle their decline in the years before World War I. I pick up muckraking again in 1959, when the press -- in print and on television -- championed the cause of migrant farm workers. My next episode deals with the 1974 muckraking crusade of John. L. Hess . . . The chapters are connected by the simple fact that they all deal with muckraking reporting and the principles of objective journalism.²⁰

Miraldi's purpose is to connect values to performance, not to chronicle the history of investigative reporting. Glasser and Ettema (1987) and Ettema and Glasser (1988) study the interaction between the practice of investigative journalism and society, showing that the use of narrative form injects investigative journalism with a moral dimension both in identifying the good and evil of society and in contributing to the society's understanding of good and evil.²¹

Protest, *et al.*, (1991, hereafter referred to as "Protest") adopt a social scientific approach to study the role of investigative journalism within society.²² Testing the agenda-setting model of modern American journalism hypothesized by McCombs and Shaw (1972) and others, the researchers conclude that a consensus model may be more appropriate to explaining the connection between investigative reporting and public policy.²³ The agenda-setting, or mobilization, model assumes that investigative journalism raises an issue and reports on it, stirring up public opinion, which puts pressure on public officials to respond to the social problem at issue. The consensus model, on the other hand, suggests that investigative journalists often work hand-in-hand with public policy-makers and special interest groups from the outset of an investigation in identifying the issue and orchestrating a public policy response to the published report.²⁴ In this

view, investigative journalism has a considerable effect upon public policy in modern American society.²⁵

Ettema and Glasser (1992) suggest, moreover, that investigative journalism, because of the manner in which it has been practiced, has had a negative effect on American society.²⁶ They argue that investigative journalists, through the subtle use of the literary device of irony, have helped create a cynical audience that is no longer interested in participating in American politics.

The benefits of the Ettema and Glasser and Proress studies, and similar ones, include the insights they provide into the methods and motivations of investigative journalists.²⁷ Among the limitations are their narrow focus -- looking specifically at the intersection between investigative journalism and public policy -- and the paucity of evidence they must use to defend their conclusions. The Ettema and Glasser studies and the Proress study are based primarily on a few case studies and, in the Proress study, on before-and-after opinion polls and on a survey of investigative journalists that fails to provide strong evidence for the authors' conclusions.²⁸

Another type of study designed to quantify the role of investigative journalism in society is the public opinion survey. The Proress study includes public opinion surveys in regards to specific investigative projects.²⁹ While the results were mixed, the general conclusion by the researchers was that investigative journalism has limited

impact on public opinion about specific issues under investigation.³⁰ Weaver and Daniels (1992) reported on two public opinion surveys that built on an earlier survey.³¹ They also compared their results to results from a 1981 Gallup survey.³² They concluded that there is strong support nationally for investigative journalism. (Ninety-four percent of the respondents in the national survey indicated that investigative journalism was very important or somewhat important; more than half said it was very important.)³³ However, they also found only lukewarm support for some specific, controversial techniques used by investigative reporters, including hidden cameras, hidden microphones, failure to identify themselves as reporters, quoting unnamed sources, and posing as someone other than a reporter.³⁴

The Ettema and Glasser and Protesch studies, as well as the public opinion studies, provide important insights into the role of investigative journalism in society. Related to these studies of social role and social impact are the numerous studies of individual investigative projects.

Chambless (1987) concentrated his study of Watergate on the work of one reporter, Jack Anderson.³⁵ He identifies the procedures and techniques used by Anderson to report a story and looks at how Anderson's personality affected his presentation of stories.

Anderson (1985) studied the 11 muckraking books by modern American journalists Drew Pearson, Robert S. Allen,

and Jack Anderson -- authors of "Washington Merry-Go-Round," a syndicated muckraking and opinion column.³⁶ He concludes that the books of Pearson and Allen in the 1930s were unique during a time when investigative journalism was not widespread and whetted the public's appetite for investigative reporting. Anderson's books, published from 1952 through 1979, were less popular than Pearson's earlier books, but also received a good response from the public. In a sense, these books, in addition to Paul Y. Anderson's exposé of the Teapot Dome scandal and Drew Pearson's coverage of Washington, D.C., in his weekly syndicated column helped keep the muckraking tradition alive in America when there was little of it being done in mainstream newspapers and magazines.

The importance of books and small, out-of-the-mainstream magazines such as *The Nation* and *The New Republic* in maintaining the muckraking tradition in the United States between 1910 and 1960 is noted by McWilliams (1970).³⁷

Individual cases of investigative reporting since 1960 have been explored by a number of researchers and authors. Harris (1979) studied the reporting of journalist Denny Walsh for *Life* magazine about alleged ties between St. Louis Mayor Alfonso J. Cervantes and organized crime.³⁸ The article, published in May 1970, resulted in a notable libel suit by Cervantes against Time, Inc.³⁹ Harris concludes that investigative journalism has limitations which result from the reporting process when done within a commercial

enterprise -- the profit-seeking publication or broadcast program. He writes: "Journalism is not an exacting thing in which truth will necessarily be ferreted out through painstaking and lengthy investigation."⁴⁰ Many of the best investigative reporters, however, would disagree.

Patterson (1986) offers profiles of several investigative projects.⁴¹ Woodward and Bernstein (1974) provided a text for aspiring investigative journalists in their account of investigations of the Nixon administration and Watergate for *The Washington Post*.⁴² Smith and Zekman (1979) reported on the *Chicago Sun-Times*' Mirage Bar project, when in 1978 the newspaper operated a sting operation out of a downtown tavern to document bribes and other corruption involving city employees and officials.⁴³ Wendland (1988) wrote about the 1976-77 Arizona Project, wherein individual reporters under the direction of Investigative Reporters and Editors investigated corruption in Arizona.⁴⁴ Benjamin (1988) dissects CBS's investigation of General William Westmoreland.⁴⁵ Clurman (1990) examines the same case as well as the case of *Time* magazine's investigation of General Ariel Sharon of Israel.⁴⁶ Weinberg (1992) includes case studies of specific investigative projects to examine how investigative reporters have changed the craft of biography.⁴⁷

Modern investigative journalism has been explored to some extent through biography and autobiography as well. Downie (1976) and Behrens (1977) do separate, non-academic

reporting jobs on the resurgence of investigative reporting from the late 1960s to the mid-1970s, documenting the lives and techniques of investigative reporters.⁴⁸ And James H. Dygert published a book about individual investigative journalists, *The Investigative Journalist: Folk Heroes of a New Era*.⁴⁹ Political reporter Jack Anderson published his autobiography in 1973 under the title of *The Anderson Papers*, emphasizing his solitary role as an investigator.⁵⁰ Reporter Joe Eszterhas profiled investigative reporter Seymour M. Hersh for *Rolling Stone* magazine and called him "the toughest reporter in America," contributing to the portrayal of the investigative reporter as a lone operator.⁵¹

In these biographies and others, there was little reference to investigative journalism as a unique subgenre within the broader category of journalism. Nor was much attention paid to investigative reporting's unique set of standards and skills. Instead, the individual reporter was heralded as a lone hero gunning for the bad guys in the Progressive Whig tradition of concentrating on the journalism product and on journalists' biographies. Little analysis of investigative journalism as a practice is given.

The Study of Process in History

That there has been little research on the evolution of modern investigative journalism and how it has developed coincides with the fact that there have been few studies

that have attempted to show how the craft of journalism in general has developed. Carey (1974) lamented that the Whig historiography has caused media historians to miss what he calls "the central historical story" -- the history of reporting.⁵² And Stevens and Dicken-Garcia (1980) point out that Whig historiography has led media historians to miss the history of journalism as a process which interacts with the larger culture and society.⁵³ Of the histories missed, Stevens and Dicken-Garcia assert, is that of specialized reporting practices wherein questions asked and answered would include "how the duties and perceived functions were understood, how the role was defined, and when the [specialized] reporter gained acceptance, following by an audience, power and status to bargain, and permanency as part of the industry."⁵⁴

Previous studies of the development of journalism have concerned journalism generally and have used a framework of professionalism to show advancement or nonadvancement of the craft. (This is explored further in chapter three.) One notable exception is the recently published *Journalistic Standards in Nineteenth-Century America*, by Hazel Dicken-Garcia.⁵⁵ Journalism progresses or does not progress according to the standards predominant at any given time, according to Dicken-Garcia. Standards are a product of the social role the press fulfills at any given time in history and are culturally derived, she asserts. Dicken-Garcia defines standards as "the criteria, or rules of procedure,

governing the accomplishment of an occupational end -- those 'rules,' for example, that define how information is to be collected, incorporated into a report, and presented in published form."⁵⁶ Standards, according to Dicken-Garcia, also "define the norm of press content, reflecting what is acceptable at any given time."⁵⁷ Because standards are assumed to be culturally derived, the Dicken-Garcia study is primarily exploratory and descriptive, rather than analytical, in its discussion of standards and values. After describing the standards discovered in press criticism published during the nineteenth century and comments by the journalists themselves, Dicken-Garcia hypothesizes a topology of press roles. She asserts that the press's role in the early nineteenth century was to provide discussion of ideas about the emerging United States and, therefore, press content was idea-oriented.⁵⁸ In the mid-nineteenth century, the role of the press shifted away from groups (political parties, social elites, and the commercial class) to the individual and the information individuals needed to participate in a democracy. Content became event-oriented.⁵⁹ In the late nineteenth century, with the emergence of a consumer culture, the press's role became commercial and news began to be treated as a product to be marketed. While press content retained a concentration on individuals and events, it also became highly entertainment-oriented; hence, the emergence of the sensationalistic "yellow press."⁶⁰ While the study is insightful, it is

limited by its description of press evolution as the product of impersonal cultural and social forces. The possibility of individual moral agents acting in community to improve the practice of journalism is never explored.

Journalism as a Social Practice

Lambeth (1990) has suggested that media historians can gain insight into the development of journalism by using the concept of a social practice as defined by Alasdair MacIntyre in *After Virtue*:⁶¹

The past, in this [MacIntyre's] view, is not a nostalgic montage of ill remembered facts and chronicles. It is a living tissue that connects the best of the present with a past from which practitioners can actively learn. Because practitioner communities of the kind MacIntyre has in mind are relatively small and cohesive, a MacIntyrean history is most likely to mean an account of a specialty within the larger history of journalism.⁶²

Nevertheless, few researchers or philosophers except Lambeth have responded to MacIntyre's ideas about social practice. Even fewer have attempted to apply the concept to a particular occupation. Long (1986), in what appears to be a misinterpretation and too cursory application of the concept, concludes that MacIntyre's idea of social practice does not apply to clinical medicine.⁶³ Moreover, no journalism histories have used the social-practice concept. As Lambeth points out, "the kinds of journalism histories implied by MacIntyre's work are largely unwritten."⁶⁴

And yet, it appears that the social practice concept of MacIntyre may in fact be a way to meld together the strategies of methodology advanced by media historians, including Progressive, cultural, and social. If one is to adequately describe a social practice and how it is developing (or not developing), the historian must consider the biographies of practitioners, especially those who have had impact on how journalism is done; ideas held by practitioners about the craft; and the cultural and social setting of the craft.

Notes

¹David Paul Nord, "Intellectual History, Social History, Cultural History . . . and Our History," *Journalism Quarterly*, 67:4 (Winter 1990) 645-648.

²James W. Carey, "The Problem of Journalism History," *Journalism History* (Spring 1974) 3-5.

³*Ibid*, 4.

⁴*Ibid*, 5.

⁵Joseph McKerns, "The Limits of Progressive Journalism History," *Journalism History* (Autumn 1977) 32-33. Michael Emery and Edwin Emery, *The Press and America: An Interpretive History of the Mass Media* (Englewood Cliffs, N.J.: Prentice-Hall, 1991, 7th ed.).

⁶Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Harper, 1978); David P. Nord, "A Republican Literature: A Study of Magazine Reading and Readers in Late Eighteenth-Century New York," *American Quarterly* 40 (March 1988) 42-64; Jean Folkerts and Dwight L. Teeter Jr., *Voices of a Nation: A History of Media in the United States* (New York: Macmillan, 1989).

⁷Catherine L. Covert and John L. Stevens, eds., *Mass Media Between the Wars: Perceptions of Cultural Tension, 1918-1941* (Syracuse: Syracuse University Press, 1984).

⁸See Donald Lewis Shaw and Sylvia L. Zack, "Rethinking Journalism History: How Some Recent Studies Support One Approach," *Journalism History*, 14:4 (Winter 1987) 111-117. Carey's articles were collected in James W. Carey, *Communication As Culture: Essays on Media and Society*, (Boston: Unwin Hyman, 1989).

⁹Arthur and Lila Weinberg, eds., *The Muckrakers* (New York: Capricorn, 1964). David Mark Chalmers, *The Muckrake Years* (Huntington, N.Y.: Robert E. Krieger Publishing, 1980).

¹⁰Warren Theodore Francke, "Investigative Exposure of the Muckrakers," unpublished Ph.D. diss., University of Minnesota, 1974.

¹¹Louis Filler, "The Muckrakers and Middle America," in John M. Harrison and Harry H. Stein, eds., *Muckraking: Past, Present, and Future* (University Park, Pa.:

Pennsylvania State University Press, 1973) 25-41. See also Louis Filler, *Progressivism and Muckraking* (New York: R.R. Bowker Co., 1976).

¹²Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood, 1990).

¹³Harrison and Stein, *Muckraking*.

¹⁴Schudson, *Social History of Newspapers*.

¹⁵Studies of the muckrakers include Walter M. Brasch, *Forerunners of Revolution: Muckrakers and the American Social Conscience* (Lanham, Md.: University Press of America, 1990); Miraldi, *Muckraking and Objectivity*; Francke, "Investigative Exposure"; C.C. Regier, *The Era of the Muckrakers* (Chapel Hill: University of North Carolina Press, 1932); Harold Wilson, *McClure's Magazine and the Muckrakers* (Princeton: Princeton University Press, 1970); LeRoy H. Schramm, "Organized Labor and the Muckrakers, 1900-1912," unpublished Ph.D. diss., Cornell University, 1972; Judson Grenier, "Muckraking and Muckrakers: An Historical Definition," *Journalism Quarterly* (Autumn 1960); David Mark Chalmers, *The Muckrake Years* (Huntington, N.Y.: Robert E. Krieger Publishing, 1980); Peter N. Barry, "The Decline of Muckraking: A View from the Magazines," unpublished Ph.D. diss., Wayne State University, 1973. For a more complete overview of the literature, see Harry Stein, "American Muckrakers and Muckraking: The 50-Year Scholarship," *Journalism Quarterly*, 56:1 (Spring 1979) 9-17.

¹⁶Harrison and Stein, *Muckraking*.

¹⁷Edmund Lambeth, "The Lost Career of Paul Y. Anderson," *Journalism Quarterly* (Fall 1983) 401-406.

¹⁸K. Scott Christianson, "The New Muckraking," *The Quill*, July 1972, 10-15; Clark R. Mollenhoff, "Investigative Reporting: The Precarious Profession," *Nieman Reports*, Summer 1976, 37-40.

¹⁹Miraldi, *Muckraking and Objectivity*.

²⁰*Ibid*, 19.

²¹James S. Ettema and Theodore L. Glasser, "Narrative Form and Moral Force: The Realization of Innocence and Guilt Through Investigative Journalism," *Journal of Communication*, 38:3 (Summer, 1988) 8-26. Theodore L. Glasser and James S. Ettema, "Investigative Journalism and the Moral Order," *Critical Studies in Mass Communication*, 6:1 (1987) 1-20.

²²David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991).

²³Maxwell E. McCombs and Donald L. Shaw, "The Agenda-Setting Function of the Mass Media," *Public Opinion Quarterly*, 36 (1972) 176-187. For literature reviews of the agenda-setting research, see D.F. Roberts and C.M. Bachen, "Mass Communication Effects," *Annual Review of Psychology*, 32 (1981) 307-356; and E. Rogers and J. Dearing, "Agenda-Setting Research: Where Has It Been? Where Is It Going?" in J. Anderson, ed., *Communication Yearbook 11* (Newbury Park, CA: Sage, 1988) 555-594. Investigative journalism and its agenda-setting function is explored in G.E. Lang and K. Lang, *The Battle for Public Opinion* (New York: Columbia University Press, 1983).

²⁴Protess, *Journalism of Outrage*.

²⁵*Ibid*, 249-254. See also, Protess, et al., "The Impact of Investigative Reporting on Public Opinion and Policymaking: Targeting Toxic Waste," *Public Opinion Quarterly*, 51:2 (Summer 1987) 166-185.

²⁶James S. Ettema and Theodore L. Glasser, "The Irony in -- and of -- Journalism: A Case Study in the Moral Vocabulary of Liberal Democracy," unpublished paper presented to the Association for Education in Journalism and Mass Communication, annual meeting, August 1992.

²⁷See also, Philip F. Lawler, *The Alternative Influence: The Impact of Investigative Reporting Groups on America's Media* (Washington, D.C.: University Press of America, 1984); and Lang and Lang, *Battle for Public Opinion*.

²⁸Glasser and Ettema, *Moral Order*, is based on interviews with seven investigative reporters; Ettema and Glasser, *Narrative Form and Moral Force*, involves three case studies, each of which figure prominently in *Moral Order*; Ettema and Glasser, *Irony*, draws on three case studies, different from the cases studied in the earlier research; Protess analyzes six cases of journalistic investigation, four of which are projects by Chicago journalists and researchers. It is my position that the Protess conclusions (like the Ettema-Glasser conclusions) have some validity. However, like many models, the consensus model does not appear to offer a perfect reflection of reality and would require considerably more research for refinement. Even within the evidence presented by Protess, et al., there are contradictions to the final conclusion. The case study of the rape statistics investigation, for example, did not involve direct cooperation between policy makers and investigative reporters. The *Chicago Times* reporters

conceptualized the story on their own and carried out the investigation with no obvious interaction with policy makers. It was only after the reports were published that policy makers, in the person of the Illinois governor, who called a press conference to sign a bill that had been on his desk for months, became involved. Furthermore, it can be argued that the study is hampered by limited and unrepresentative data. Six case studies, most of which originated from Chicago, may not be representative of case studies from other geographical regions. (The researchers acknowledge in the published research the use of limited data.) In addition, survey results included in the study showed that only 49.6 percent of the investigative journalists surveyed said they "very frequently" or "somewhat frequently" contact public officials "to discuss policy reforms that might result from publication of the story." Only 23.6 percent marked "very frequently" for this statement. Almost 50 percent does not seem enough to support a sweeping reconceptualization of the role of investigative journalism in society. And these particular data are further undercut by the fact that it is standard practice (the IRE contest rules encourage it, for example) to contact public policy makers for follow-up stories to see what type of reaction the investigative report has caused. The statement asked by the survey did not ask reporters to indicate at what point in the investigation policy makers were contacted.

²⁹Protest, *Journalism of Outrage*, 84-91, 109-116, 126-132, 150-156, 165-175, 191-200.

³⁰*Ibid*, 244-249.

³¹David Weaver and LeAnne Daniels, "Public Opinion on Investigative Reporting in the 1980s," *Journalism Quarterly*, 69:1 (Spring 1992) 146-155. The study was of 1,002 respondents to a 1984-85 national telephone survey and 735 respondents to a 1989 statewide telephone poll conducted in Indiana. It built on a 1980 study of respondents in the Chicago area [Virginia Dodge Fielder and David H. Weaver, "Public Opinion on Investigative Reporting," *Newspaper Research Journal*, 3 (1982) 54-62].

³²"Investigative Reporting Has Broad Public Support," *Gallup Report*, 196 (1982) 31-37. This survey was based on 1,500 U.S. residents.

³³Weaver and Daniels, "Public Opinion," 150.

³⁴*Ibid*, 150-153.

³⁵Timothy Mark Chambless, "Muckraker at Work: Columnist Jack Anderson and the Watergate Scandal, 1972-

1974," unpublished Ph.D. diss., The University of Utah, 1987.

³⁶David A. Anderson, "The Muckraking Books of Pearson, Allen, and Anderson," *American Journalism*, 2:1 (1985) 5-21.

³⁷Carey McWilliams, "Is Muckraking Coming Back?" *Columbia Journalism Review*, Fall 1970, 8-15.

³⁸Lyle E. Harris, "The Limitations of Investigative Reporting: A History of the Case of Cervantes v. Walsh and Time, Inc.," unpublished Ph.D. diss., University of Missouri-Columbia, 1979.

³⁹*Cervantes v. Time, Inc.*, 464 F. 2d 986 (1972).

⁴⁰Harris, "Limitations," 296.

⁴¹Margaret Jones Patterson, *Behind the Lines: Case Studies in Investigative Reporting* (New York: Columbia University Press, 1986).

⁴²Carl Bernstein and Bob Woodward, *All the President's Men* (New York: Simon and Schuster, 1974). Another "text" for would-be investigative reporters published shortly after Watergate is Jessica Mitford, *Poison Penmanship: The Gentle Art of Muckraking* (New York: Alfred A. Knopf, 1979).

⁴³Zay N. Smith and Pamela Zekman, *The Mirage* (New York: Random House, 1979).

⁴⁴Michael F. Wendland, *The Arizona Project* (Mesa, Ariz.: Blue Sky Press, 1988).

⁴⁵Burton Benjamin, *Fair Play: CBS, General Westmoreland, and How a Television Documentary Went Wrong* (New York: Harper & Row, 1988).

⁴⁶Richard M. Clurman, *Beyond Malice: The Media's Years of Reckoning* (New York: New American Library, 1990).

⁴⁷Steve Weinberg, *Telling the Untold Story: How Investigative Reporters Are Changing the Craft of Biography* (Columbia, Mo.: University of Missouri Press, 1992).

⁴⁸Leonard Downie Jr., *The New Muckrakers* (New York: New American, 1976); John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977).

⁴⁹James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976).

⁵⁰Jack Anderson, *The Anderson Papers* (New York: Random House, 1973).

⁵¹Joe Eszterhas, "The Toughest Reporter in America," *Rolling Stone*, April 10 and 24, 1975.

⁵²Carey, *Communication as Culture*, 4.

⁵³John D. Stevens and Hazel Dicken-Garcia, *Communication History* (Beverly Hills: Sage, 1980).

⁵⁴*Ibid*, 54.

⁵⁵Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century America* (Madison, Wisc.: University of Wisconsin Press, 1989). For examples of professionalism-based studies of development, see Randal A. Beam, "Professionalism as an Organizational Concept," paper presented to annual meeting of Association for Education in Journalism and Mass Communication, July 1988; John Soloski, "News Reporting and Professionalism: Some Constraints on the Reporting of the News," paper presented to annual meeting of the Association for Education in Journalism and Mass Communication, August 1984; Patricia L. Dooley, "The Professionalization Process in American Journalism: the Watchful-Eye Duty of Newspaper Publishers and Editors in Nineteenth-Century Libel Trials," paper presented to annual meeting of Association for Education in Journalism and Mass Communication, August 1991.

⁵⁶*Ibid*, 10.

⁵⁷*Ibid*.

⁵⁸*Ibid*, 30-40.

⁵⁹*Ibid*, 40-51.

⁶⁰*Ibid*, 51-62.

⁶¹Edmund Lambeth, "Waiting for a New St. Benedict: Alasdair MacIntyre & the Theory and Practice of Journalism," *Business and Professional Ethics Journal*, 9:1-2 (1990) 97-108. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: Notre Dame University Press, 1981).

⁶²Lambeth, "Waiting," 104.

⁶³Thomas A. Long, "Narrative Unity and Clinical Judgment," *Theoretical Medicine* 7 (1986) 75-92.

⁶⁴Lambeth, "Waiting," 104.

CHAPTER III

MacIntyrean Social Practice Paradigm

Professionalization Model

Since the early twentieth century, when journalism training moved from the newsroom to the university, the professionalization model has been the dominant paradigm for explaining the development of American journalism. Journalism was among several occupations that saw professionalization as the means to enhanced authority in society.¹ Confronted with the Jacksonian Era antipathy to elitism, the traditional professions of law, medicine, and the ministry sought to reclaim their authority in society through improved professionalization.² Meanwhile, other occupations, including journalism, sought to establish authority of their own by entering the elite realm of the professions.³ According to Christians, et al., (1978) "professional status, over and over again, was claimed to be the best method of improving the reputation and dignity of journalism."⁴ Early journalism educators, in fact, worked towards establishing the recognized attributes of a profession, including the identification of a specialized body of knowledge, specialized training, a regulatory code of ethics championing public service over individual achievement, and licensing.⁵ By the late 1940s, journalism educator Frank Luther Mott could declare that journalism had

virtually fulfilled the requirements of professionalization (with the exception of licensing, which was seen as an impossible achievement since it would violate the First Amendment), and "journalism . . . is today a profession."⁶

Mott's declaration notwithstanding, the issue of the professionalization of American journalism has remained unsettled and even controversial.⁷ Beam (1988), for example, reports that no consensus exists among journalists as to what professionalism means.⁸ Furthermore, media theorists, practitioners, and legal scholars continue to debate the professionalism issue. Merrill and Dennis (1984) engage in a spirited debate about the question and Merrill (1989) argues that professionalization would not solve the ethical issues of journalism and could result in others, particularly if professionalization requires licensing of journalists.⁹ In fact, by the late 1980s, the predominant position among mass communication scholars was the opposite of Mott's: namely, that journalism is not a profession, but is a craft "with professional responsibilities."¹⁰

However, the professionalization model has remained the primary means of describing the development of journalism.¹¹ Bender (1991) used the professionalization model to study the development of trial coverage by the press.¹² And Dooley (1991) studied how libel trials of the nineteenth century contributed to the professionalization of American journalism.¹³ Dooley specifically argued that the development of journalism is a process of

professionalization that contributes to development of standards, social status, and a sense of duty.¹⁴

Likewise, Cronin and McPherson (1992) study the development of a social responsibility ethic among early twentieth century journalists by invoking the professionalization model promoted by press associations.¹⁵ Schudson (1978) uses the professionalization model to explain the emergence of objectivity as a journalistic ideal.¹⁶ Taking a power-relations perspective of professions, Beam (1990) argues that professionalism-based research at the organizational level of the media can help explain how information is shaped by news organizations.¹⁷

Following the ground-breaking work on professionalization of journalists by McLeod and Hawley (1964), numerous studies have attempted to gauge the level of professionalism among journalists and public relations practitioners, based on the assumption that professionalism is a positive goal for journalists and other professional communicators [McLeod and Rush (1969a, 1969b), Menanteau-Horta (1967), Garrison and Salwen (1989), Golding (1977), Janowitz (1975), LeRoy (1972-73), Weinthal and O'Keefe (1974), Linehan (1970), Wright (1976), Nayman, McKee and Lattimore (1977), Nayman (1973), and Bissland and Rentner (1989)].¹⁸

In addition, other studies have investigated the connection between professional attitudes and performance of journalists [Becker, Sobowale and Cobbey (1989), Birkhead

(1986), Coldwell (1970), Graf (1971), Lattimore (1972), Idsvoog and Hoyt (1977), Soloski (1984), and Merrill (1986)].¹⁹

The limitations of the professionalization model, though, require a re-examination of its use and an assessment of alternative paradigms. This study examines the MacIntyrean concept of a social practice as one such paradigm. An effort will be made to show that MacIntyre's approach retains the positive aspects of the professionalization paradigm, but provides a better analytical tool for assessing journalism's development and contemporary performance.²⁰

Limitations of the Professionalization Paradigm

The most obvious shortfall of the professionalization model is that it does not provide a good "fit" for the study of journalism. This results mainly from the fact that journalism, despite the efforts of the early journalism educators, has not fulfilled the traditional requirements of a profession.

First of all, whether journalism has a specialized body of knowledge and theory and requires specialized training remains problematic. While mass communication scholars have produced a growing body of theory and journalism schools and departments offer degrees in journalism, the fact remains that journalism can be and is practiced by anyone with access to a photocopier or other means of multiple

dissemination of his or her reports.²¹ Knowledge of the theory or a degree in journalism is not required. In fact, a recent survey of journalists found that fewer than 50 percent have degrees in journalism and fewer than 65 percent had any journalism education at all.²²

Likewise, journalism has no truly regulatory code of ethics. While codes exist, promulgated by various journalism organizations or by individual news organizations, none have the overarching authority of regulation.²³ In addition, an attempt to establish a national press council to oversee media performance failed, mainly because the major news organizations, including *The New York Times*, *The Washington Post*, and the three major television networks refused to participate, arguing that it would violate the autonomy of the press.²⁴ In short, while many journalists are fired for ethical lapses, no one can be prevented from practicing journalism because he or she has violated journalism ethics even though there are individual cases when journalists are fired for ethical lapses.²⁵

Moreover, licensing of journalists would clearly be a violation of the First Amendment freedom of the press.²⁶ Physicians, nurses, engineers, and lawyers -- all clearly members of professions -- cannot practice their skills without a license. In addition, they must pass a qualifying examination before their licenses can be granted. And if they violate the rules of the profession, their licenses can be suspended or revoked. But to give journalism such

authority would limit freedom of expression and freedom of the press -- cherished rights of a democratic state.

In other words, the definition of a profession includes the ability to regulate who practices the profession, and journalism has no such ability. To give journalism such power, in fact, would violate the First Amendment and the spirit of free expression.

The legal system also has refused to grant journalism professional status. Courts have usually upheld National Labor Relations Board rulings that journalists are not professionals.

The controlling Supreme Court case remains *Associated Press v. NLRB*, decided in 1937.²⁷ In that case, the Supreme Court agreed with the NLRB that news reporters are covered by the National Labor Relations Act. Consequently, in 1948, the NLRB specifically ruled that reporters do not meet the Act's requirements for being considered professional employees.²⁸ That NLRB ruling has stood for 45 years, with few exceptions. For example, in 1976, the NLRB, ruling in *Express-News Corp. v. International Typographical Union No. 172*, reaffirmed its 1948 ruling.²⁹ In 1988, a lower court overturned the NLRB in *Sherwood v. The Washington Post*.³⁰ However, Judge Gerhart Gesell clearly limited his ruling against *The Washington Post* reporters and editors, who wanted overtime pay and therefore argued they were not professional workers. Gesell pointed out that employment conditions at the *Post* elevate its reporters to professional

status, according to the professionalization definition used by Gesell, which was that the journalists at the *Post*:

produce original and creative writing of high quality within the meaning of the [Fair Labor Standards Act] regulations; they have far more than general intelligence; they are thoroughly trained before employment; their performance as writers is individual, interpretative and analytical both in the writing itself and in the process by which the writing must be prepared; and their performance is measured and paid accordingly. A special talent is necessary to succeed.³¹

However, Gesell pointed out that reporters at other newspapers or television stations might not meet the professional definition. And, indeed, another lower court in 1988 specifically rejected the reasoning of *Sherwood* when it ruled that news writers at a Dallas television station were not professionals.³²

But the limitations of the professionalization model for the study of the development of journalism go beyond the fact that journalism is not a sociologically or legally recognized profession. Even if it could be proved that journalism is a profession -- for example, by using altered forms of the traditional definition of a profession -- the professionalization model does not provide the means to answer the questions that need to be addressed when studying its development and evolution.³³

One limitation of the professionalization model is that it is too restrictive to take in all those who engage in a practice. To use the professionalization model, one must accept the notion that to carry out the practice, one must

belong to the profession. To call a reporter a "professional," in other words, assumes that the reporter belongs to the profession of journalism. One of the definitions of a profession, in fact, is that the practitioner makes his or her living by practicing the profession. However, that assumption creates a fiction that does not describe reality, for there are those who report and write journalism who would not qualify under that definition of "professional journalist." Robert Coles, for example, is a renowned psychiatrist who writes investigative books about the social-psychological condition of children.³⁴ Paul Starr, a Harvard sociologist, wrote an investigative book on the social institution of medicine.³⁵ The late Allan Bloom, who was a social philosopher at the University of Chicago, published an investigation into higher education in America.³⁶ Or, to take examples from magazines, scientists write for *The Bulletin of the Atomic Scientists*, and anyone with the necessary credentials and skills can freelance to a variety of magazines. Are we to not call this work journalism, or the writers/reporters journalists? Must we classify them as amateurs?

Others have made this mistake in writing the histories of other occupations. Historians John Higham and Peter Novick wrote separate, but equally brilliant, histories of "the professional historian," using a professionalization model to explain the development of the practice of researching and writing history.³⁷ Their histories are

excellent as far as they go, but the professionalization model limited their explorations to those who earned Ph.D.s in history and taught in university departments of history. Ignored in both studies were the achievements and contributions to "the profession" by scholars with degrees and teaching positions in other disciplines, such as journalism, medicine, or sociology, but who nonetheless practice "the history profession." Examples from journalism alone are instructive. Frank Luther Mott, former journalist and dean of the University of Missouri School of Journalism, earned graduate degrees in English and literature, but taught and became renowned as a historian of magazines, newspapers and books. He was awarded the Pulitzer Prize in history for volumes two and three of his five-volume *A History of American Magazines*.³⁸ Others include muckraker Ida Tarbell, who wrote a biography of Napoleon Bonaparte; journalist I.F. Stone, whose final book was on the trial of Socrates; and British TV reporter Godfrey Hodgson, whose *America in Our Time: From World War II to Nixon, What Happened and Why* is considered one of the better histories of America's experience during the 1960s.³⁹ These were not "professional" historians, but they nevertheless contributed to the practice of history writing.

Moreover, studies that use the professionalization model usually take one of two approaches: the structural-functional approach or the power approach.⁴⁰ The former is predominant and derives from sociological studies. It

generally concentrates on identifying the characteristics of a profession, judging whether an occupation fits the definition, and assessing to what extent members of an occupation are "professionalized."⁴¹ Those who adopt the power approach argue that the structural-functionalists begin with the assumption that professionalization is good, that professions are superior social forms, and that occupations should strive for professionalization. The power approach, on the other hand, is informed by critical theory and argues that professionalization is a process by which occupations gain and maintain power positions within society. Studies using the power approach concentrate on how professionalization leads to inequities in society and how professionalization limits an occupation or the practitioner of an occupation.⁴²

Studies using the structural-functionalist approach are descriptive, rather than analytical. They assume that professionalization leads to better practice, so they describe the improved (or unimproved) practice and on that basis assess the degree to which an occupation has become a profession.⁴³ For example, journalists have been described as "professional" because they write better stories now than in the past, either because they are no longer partisan, because they have mastered objectivity, or because they are better writers.⁴⁴ But the question of how these changes occurred remains unanswered. The process of growth and improvement is assumed rather than analyzed.

Power-approach studies of journalism see professionalization as a negative force separating journalists from their audiences, subordinating the individual journalist to the news corporation by restricting autonomy, or usurping power from the masses or other institutions and occupations in society.⁴⁵ The positive growth of the practice through internal development (the fact, for example, that news reporting has improved) remains unexamined.

Lambeth (1990, 1991, 1992) noted the inadequacies of most scholarship on the development of journalistic standards when he suggested that a new analytic tool was needed to "sharpen the appreciation of how standards of excellence in journalism are or can be established, maintained and raised."⁴⁶ That is to say, the professionalization model has failed to move journalism scholarship forward. Lambeth has been the first to suggest that the MacIntyre social practice model offers an alternative.⁴⁷

This is not to say that the professionalization paradigm has offered nothing to the understanding of journalists and journalism, for surely it has. In fact, given the early journalism educators' conscious attempt to turn journalism into a profession, it would have been neglectful for mass communication researchers to fail to use the professionalization model to study journalism's development. Obviously, the efforts to encourage

professionalization by such early educators as Frank W. Scott and Lawrence W. Murphy, both of the University of Illinois, and Frank Luther Mott of the University of Missouri School of Journalism contributed to the advance of the craft of journalism.

However, for the purpose of this study, the question of professionalization is viewed as less important than the larger question of development of the practice. For journalism is a "practice," using a Rawlsian definition that a practice is "any form of activity specified by a system of rules."⁴⁸ And it has the potential of being a "social practice," using a MacIntyrean definition that a social practice is a coherent, complex, cooperative human activity in a social setting in which its members seek internal goods and carry out activities in pursuit of standards of excellence.⁴⁹ All professions are practices and have the potential of being a social practice; but not all social practices are professions. The social practice paradigm, then, does not supercede the professionalization paradigm; it complements it. And considering its advantages over the professionalization paradigm -- not the least being the ability to step above the continuing controversy over whether journalism is a profession or not -- the social practice paradigm, for the purposes of studying the dynamics and development of journalism, is superior.

Outline of the Social Practice Paradigm

The social practice paradigm has been discussed at length by contemporary moral philosopher Alasdair MacIntyre, but its origin is in the ethics of Aristotle. Good work, Aristotle argued, occurs when a person acting virtuously does the work.⁵⁰ In other words, morality is based in the actor, not the action. The actor must act in accordance with the cardinal virtues of justice, courage, wisdom, and temperance.⁵¹ However, for the actor to develop "practical reason" -- to learn to do right -- the actor *must* act.⁵² There is a symbiosis, then, between the practitioner and the practice. That is to say, the practitioner improves as a practitioner through the act of applying practical reason while doing the practice. Sherman (1989) argues that, for Aristotle, "good character arises through the sorts of judgments, emotions, and actions which approximate to the virtuous person's behaviour. Practice takes place not in a vacuum, but in response to the requirements of highly concrete, practical situations."⁵³ The character of the practitioner improves (i.e., the practitioner gets better at what he/she does) and, at the same time, the product improves through doing the activity. But, as Sherman points out, Aristotle also taught that progress will occur only when the doing of the practice is informed by critical judgment and the teachings of those who are already good at the practice.⁵⁴

MacIntyrean social practice also is informed by the work of eighteenth century moral philosopher Adam Ferguson, who, like Aristotle, argued that progress occurs when virtues are applied in action.⁵⁵ To Ferguson, the "cardinal virtues" were wisdom, goodness, temperance, and fortitude, which correspond closely with the Aristotelean virtues of justice, courage, wisdom, and temperance, as well as those championed by MacIntyre -- courage, honesty, justice, and a sense of tradition.⁵⁶ Ferguson's contribution, however, lies in his argument that morals are founded "in the dynamic interaction and mutual dependence that exists between individuals in society and human institutions."⁵⁷ In paying tribute to Ferguson, MacIntyre argues that the sociology Ferguson practiced "aspires to lay bare the empirical, causal connection between virtues, practices and institutions."⁵⁸

MacIntyre is unabashedly neo-Aristotelean. He argues that "the good life" is achieved through the exercise of time-tested, fundamental virtues in a social setting, that progress in a social practice occurs through the application of the virtues in action. Like Ferguson, MacIntyre recognizes the dependence of social individuals on institutions, but argues that only when virtuous people operate beyond the institutions can progress occur. To MacIntyre, it is the notion of a social practice that offers individuals the ability to separate themselves from the institutions which sustain them.

MacIntyre's concept of practice is anticipated in the early writings of John Rawls. Rawls defines a practice as "any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments."⁵⁹ To Rawls, practices are social activities in which virtues operate.⁶⁰ Moreover, the rules that govern a practice, Rawls says, also *define* the practice. "It is the mark of a practice," Rawls writes, "that being taught how to engage in it involves being instructed in the rules which define it, and that appeal is made to those rules to correct the behavior of those engaged in it."⁶¹ Rules, then, are prescriptive and proscriptive. The rules themselves are developed through application of the virtues.⁶²

MacIntyre expands Rawls' concept of rules. To MacIntyre, a practice is defined by more than the rules that govern its activities. Rules, as defined by Rawls, are supplemented by MacIntyre's category of "standards of excellence." Standards of excellence not only partially define a practice, but, following Aristotle, establish the means for progress, or development, of the practice.

MacIntyre defines a social practice as a coherent, complex, cooperative human activity in a social setting. He says that members of the practice obtain goods that are specific to the practice by carrying out activities in the

pursuit of standards of excellence. These standards of excellence are appropriate to and partially definitive of the practice. He argues that a social practice develops and is sustained through the efforts of practitioners to meet and extend the practice's standards of excellence.⁶³

Rawls agrees that rules that govern a practice are always open to review by the practitioners. But he sees the review process and any progress that results as mainly a rational exercise carried out through dialogue with the affected parties.⁶⁴ MacIntyre splits with Rawls in accepting the Aristotlean concept of progress-through-practice. For Rawls, a practice improves through discussion by its members. For MacIntyre, a practice improves through the act of individual members systematically extending the practice's standards of excellence by doing the practice better than it has been done before.

MacIntyre also differs with Rawls through acceptance of Fergusonian sociology. Rawls does not draw a clear distinction between practices and institutions and does not assign any particular qualities to one or the other.⁶⁵ For MacIntyre, practices are dependents of institutions, but they have the ability to retain their autonomy. "Practices must not be confused with institutions," he states. "Chess, physics and medicine are practices; chess clubs, laboratories, universities and hospitals are institutions. Institutions are characteristically and necessarily concerned with . . . external goods."⁶⁶ While Rawls' later

work, particularly *A Theory of Justice*, is written from a deontological perspective, his earlier work concerning rules presents a rule-utilitarian argument.⁶⁷ And as MacIntyre asserts, "one crucial difficulty for any version of utilitarianism . . . [is it] cannot accommodate the distinction between goods internal to and goods external to a practice."⁶⁸ For MacIntyre, the institutions (where the individual practitioner intersects with social controls) offer the practitioner external goods such as power, status, money and fame. Internal goods relative to doing the practice well and doing it better than it has ever been done before are embedded only in the practice itself and are achieved only when individual practitioners, or practitioners acting in unison, apply the virtues to the tasks of the practice.

MacIntyre recognizes the necessity of institutions, for institutions sustain practices by providing the external goods. But therein lies the ironic tension between the institutions and the practices, between the external goods and the internal goods. A practice, such as journalism, requires the social power, status, and money to be effective in society, but it is those same goods that constantly threaten the integrity of the practice. As MacIntyre explains, "the ideals and the creativity of the practice are always vulnerable to the acquisitiveness of the institution."⁶⁹ And this is where the Aristotelean/Fergusonian virtues come into play: For only

through exercise of the virtues can the practice maintain its integrity. "Without them, without justice, courage and truthfulness [and a sense of tradition], practices could not resist the corrupting power of institutions."⁷⁰

To present the history of a practice, to describe whether a practice has improved or has faltered, one must present the history of the virtues and vices as they relate to the performance of a practice.⁷¹

This melding of ethics and history provides a critical methodology for a systematic examination of a practice that the professionalization model does not provide. For the professionalization model, the acceptance of and adherence to a code of ethics is considered a skill to be acquired among other skills, and to do so presupposes progress. Or, under the power approach, adherence to a code of ethics is not considered adequate to propel the practice outside the corrupting influence of the institution. Under the MacIntyrean social-practice model, a virtue-based ethic becomes the fundamental causal factor and provides both an explanation for how a practice progresses, as well as, through the application of Fergusonian sociology, an empirical means of studying whether progress is occurring.

Characteristics of the MacIntyrean Social Practice Model

MacIntyre defines practice as

any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realised in the course of

trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.⁷²

He points out that under this definition, throwing a football is not a social practice, but the game of football is; bricklaying is not, architecture is; planting a vegetable is not, farming is. Academic disciplines such as history, physics, or communication would qualify as practices, as would the broader notion of community-building. Journalism, the arts, law, and medicine also apparently would qualify.

First, the activity must be coherent and complex, carried out in a social setting and recognized by society as an activity within it. Ferguson listed the general categories of social activities to be the commercial arts, the political arts, and the intellectual arts.⁷³ Moreover, a practice must be cooperative. MacIntyre stresses, in fact, that community holds particular importance for a practice, for only through communal exchange can practitioners develop a shared understanding of the practice: "Goods . . . can only be discovered by entering into those relationships which constitute communities whose central bond is a shared vision of and understanding of goods."⁷⁴

Second, the activity must be such that "goods internal" to the activity are achieved through performance of the practice, as practitioners strive toward standards of

excellence. In other words, there is an integral connection between the practice and its standards of excellence, such that when the standards are met, the values internal to the practice are met. For example, if the making of profit is recognized as a mark of excellence in a practice such as journalism, there would be incongruity between the standard of excellence and the internal values of the activity, which would include such things as telling the whole story, providing a representative view of society, and telling the truth. Hence, news organizations in the United States, which have among their goals the making of money, are not engaged in a practice. Journalists, committed to the values of journalism rather than profit-making, can be said to be involved in a practice.⁷⁵

Finally, the activity must be such that in reaching to meet the standards of excellence, the ability to do the practice better is systematically extended. In other words, improvement of the practice results from performance of the practice. Aristotle and Ferguson both wrote of habituation and repetition that leads to improvement.⁷⁶ Improvement through doing occurs when the practitioner recognizes the ideal action and works to achieve it. As Sherman (1989) explained the concept of critical practice in Aristotle's work, "practice achieves progress" when critical capacities are employed, "such as attending to a goal, recognizing mistakes and learning from them, understanding instructions, following tips and cues, working out how to adapt a model's

example to one's own behavior."⁷⁷ MacIntyre writes of the need to recognize excellence in the work of practitioners who have come before: "To enter into a practice is to accept the authority of those standards and the inadequacy of my own performance as judged by them. It is to subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practice."⁷⁸ One must accept the "authority of the best standards realised so far."⁷⁹

To employ these critical skills, one must be virtuous, MacIntyre argues. Internal goods of a practice can be achieved when practitioners subordinate themselves. "We have to learn to recognise what is due to whom; we have to be prepared to take whatever self-endangering risks are demanded along the way; and we have to listen carefully to what we are told about our own inadequacies and to reply with the same carefulness for the facts."⁸⁰ In other words, practitioners must employ the virtues of justice, courage, and honesty, otherwise the practice is rendered pointless "except as a device for achieving external goods."⁸¹ This tension exists between the individual practitioner and all other practitioners, as well as between the practice and the institution that sustains it.

The Social Practice Model and the Study of History

MacIntyre's concern with standards of excellence goes beyond the professionalization model's concern with the

technical skills of a practice. "What is distinctive of a practice," he writes, "is in part the way in which conceptions of the relevant goods and ends which the technical skills serve . . . are transformed and enriched by these extensions of human powers and by that regard for its own internal goods."⁸² The goals of a practice are transmuted by history, MacIntyre emphasizes. This history is more than a history of technical skill-building for it is in fact a history of changing goals for the practice. And, adding a critical dimension to MacIntyre's model, MacIntyre specifically points out that the change in goals may be an improvement, or a degradation, depending on whether practitioners have been virtuous in their work.⁸³

Practitioners entering a practice must become aware of this history. "To enter into a practice is to enter into a relationship not only with its contemporary practitioners, but also with those who have preceded us in the practice, particularly those whose achievements extended the reach of the practice to its present point," MacIntyre explains.⁸⁴

To write a history of a practice, then, it is necessary to identify the practitioners that changed the conception of the practice's goals, to examine the work of those practitioners, and to explain how the practice has evolved as a result of that work, always recognizing that evolution of a practice involves an evolution of goals and ideals, not just development of technical skills.

Notes

¹Clifford G. Christians, Quentin J. Schultze and Norman H. Sims, "Community, Epistemology and Mass Media Ethics," *Journalism History*, 5:2 (Summer 1978) 38. See also Mary O. Furner, *Advocacy & Objectivity: A Crisis in the Professionalization of American Social Science, 1865-1905* (Lexington, Ky.: The University Press of Kentucky, 1975) and Samuel Haber, *The Quest for Authority and Honor in the American Professions, 1750-1900* (Chicago: University of Chicago Press, 1991).

²*Ibid.* The ascendancy of the common man in the age of Jackson set up a social conflict that initially led to the downgrading of the traditional professions, which were seen as exclusionary, elitist, and authoritarian. This led to a partial discrediting of the traditional professions. State legislatures, which once provided legal protections to the professions, turned against them, removing laws from the books that allowed the professions to require minimum levels of college education, licensing examinations, and other regulations. Proprietary schools flourished, offering medical and legal degrees after reduced levels of training. Theological seminaries turned out ministers without college educations (Samuel Haber, *The Quest for Authority*, 105).

³*Ibid.*

⁴Christians, et al., 39.

⁵*Ibid.*, 39-40.

⁶Frank Luther Mott, *The Professional Element in Journalism* (Columbia, Mo.: Crippled Turtle Press, 1949) 1.

⁷Everette E. Dennis and John C. Merrill represent the two sides of this controversy in their published debate on the issue in Dennis and Merrill, *Basic Issues in Mass Communication* (New York: Macmillan, 1984) 149-160.

⁸Randal A. Beam, "Professionalism as an Organizational Concept," unpublished paper presented to the annual meeting of the Association for Education in Journalism and Mass Communication, July 1988. See also Randal A. Beam, "Journalism Professionalism as an Organizational-Level Concept," *Journalism Monographs*, No. 121 (June 1990).

⁹Dennis and Merrill, *Basic Issues*, and John C. Merrill, *The Dialectic in Journalism: Toward a Responsible Use of Press Freedom* (Baton Rouge: Louisiana State University Press, 1989) 188-189. See also, John C. Merrill, "Professionalization: Danger to Press Freedom and Pluralism," *Journal of Mass Media Ethics*, 1:2 (Spring/Summer, 1986) 56-60.

¹⁰Edmund Lambeth, *Committed Journalism: An Ethic for the Profession* (Bloomington, Ind.: Indiana University Press, 1991) 106-107.

¹¹See for example Mary M. Cronin, "A Master for the Watchdog: The Progressive Era Trade Press' Role in Promoting Professional Values and Ethics Among Journalists," unpublished paper presented to the Association for Education in Journalism and Mass Communication annual meeting, August 1991; Patricia L. Dooley, "The Professionalization Process in American Journalism: The Watchful-Eye Duty of Newspaper Publishers and Editors in Nineteenth-Century Libel Trials," unpublished paper presented to the annual meeting of the Association for Education in Journalism and Mass Communication, August 1991; John R. Bender, "The Free Press-Fair Trial Issue and Journalistic Professionalism: Practices in News Coverage of Crime and Criminal Proceedings, 1891-1980," unpublished Ph.D. diss., University of Missouri, 1991; Mary M. Cronin and James McPherson, "Reaching for Professionalism and Respectability: The Development of Ethics Codes in the 1920s," unpublished paper presented to the annual meeting of the American Journalism Historians Association annual convention, 1992; Stephen A. Banning, "The Missouri Press Association: A Study of the Beginning Motivations, 1867-1876," paper presented to the American Journalism Historians Association annual convention, 1992; and Bruce Garrison, *Professional News Writing* (Hillsdale, N.J.: Lawrence Erlbaum, 1990).

¹²Bender, *Ibid.*

¹³Dooley, *Ibid.*

¹⁴*Ibid.*, 3.

¹⁵Cronin and McPherson, *Ibid.*

¹⁶Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978), particularly chapters 4 and 5, pp. 121-183. Others who have used this approach include M. Janowitz, "Professional Models in Journalism: The Gatekeeper and the Advocate," *Journalism Quarterly*, 52 (1975) 618-626; J.W.C. Johnstone, E.J. Slawski, and W.W. Bowman, "The Professional Values of American Newsmen," *Public Opinion Quarterly* 36:4 (1972-73) 522-540; E.B. Phillips, "Approaches to Objectivity: Journalistic vs. Social Science Perspectives," in P. Hirsch, P. Miller, and F.G. Kline, eds., *Strategies for Communication Research* (Beverly Hills: Sage Publications, 1977) 63-77; and Gaye Tuchman, "Objectivity as Strategic Ritual: An Examination of Newsmen's Notions of Objectivity," *American Journal of Sociology*, 77 (1972) 660-679.

¹⁷Randal A. Beam, "Journalism Professionalism," (1990) 2-3.

¹⁸J.M. McLeod and S.E. Hawley Jr., "Professionalization Among Newsmen," *Journalism Quarterly*, 41 (1964) 529-539; J.M. McLeod and R. Rush, "Professionalization of Latin American and U.S. Journalists, Part I," *Journalism Quarterly*, 46, (1969a) 583-590; J.M. McLeod and R. Rush, "Professionalization of Latin American and U.S. Journalists, Part II," *Journalism Quarterly*, 46 (1969b) 784-789; D. Menanteau-Horta, "Professionalism of Journalists in Chile," *Journalism Quarterly*, 44 (1967) 715-724; B. Garrison and M. Salwen, "Professional Orientations of Sports Journalists," *Newspaper Research Journal*, 10:3 (1989) 77-84; P. Golding, "Media Professionalism in the Third World: The Transfer of an Ideology," in J. Curran, M. Gurevitch, and J. Woollacott, eds., *Mass Communication and Society* (Beverly Hills: Sage, 1977) 291-308; D.J. LeRoy, "Levels of Professionalism in a Sample of TV Newsmen," *Journal of Broadcasting*, 17 (1972-73) 51-62; D.S. Weinthal and G.J. O'Keefe, "Professionalization Among Broadcast Newsmen in an Urban Area," *Journal of Broadcasting*, 18 (1974) 193-209; B. Linehan, "Professional Orientation of Newsmen on State Dailies: A Wisconsin Newsmen Study," unpublished master's thesis, University of Wisconsin-Madison, Madison, Wisc., 1970; D. Wright, "Professionalism Levels of British Columbia's Broadcast Journalists: A Communicator Analysis," *Gazette*, 22 (1976) 38-48; O. Nayman, B.D. McKee, and D.L. Lattimore, "PR Personnel and Print Journalists: A Comparison of Professionalism," *Journalism Quarterly*, 54 (1977) 492-497; O. Nayman, "Professional Orientations of Journalists: An Introduction to Communicator Analysis Studies," *Gazette*, 19 (1973) 195-212; J.H. Bissland and T.L. Rentner, "Education's Role in Professionalizing Public Relations: A Progress Report," *Journal of Mass Media Ethics*, 4:1 (1989) 92-105; and Janowitz, "Professional Models."

¹⁹L.B. Becker, I.A. Sobowale, and R.E. Cobbey, "Reporters and Their Professional and Organizational Commitment," *Journalism Quarterly*, 56 (1979) 753-763; D. Birkhead, "News Media Ethics and the Management of Professionals," *Journal of Mass Media Ethics*, 1:2 (1986) 37-46; W.W. Graf, "Professionalism: A Case Study of Its Effects on Newspaper Performance," unpublished master's thesis, University of Wisconsin-Madison, Madison, Wisc., 1971; D.L. Lattimore, "Professionalism and Performance: An Investigation of Colorado Daily Newspapers," unpublished doctoral dissertation, University of Wisconsin-Madison, Madison, Wisc., 1972; K.A. Idsvoog and J.L. Hoyt, "Professionalism and Performance of Television Journalists," *Journal of Broadcasting*, 21 (1977) 97-109; J. Soloski, "News Reporting and Professionalism: Some Constraints on the Reporting of the News," unpublished paper presented to the Qualitative Studies Division, AEJMC annual meeting, August

1984; J. Merrill, "Journalistic Professionalization: Danger to Freedom and Pluralism," *Journal of Mass Media Ethics*, 1:2 (1986) 56-60.

²⁰This study extends the argument found in Edmund Lambeth, "Waiting for a New St. Benedict: Alasdair MacIntyre and the Theory and Practice of Journalism," first published in *The Journal of Mass Media Ethics*, 5:2 (Summer 1990) and reprinted in *Business & Professional Ethics Journal*, 9:1&2 (1991) 97-108, and in a slightly altered version, in Edmund Lambeth, *Committed Journalism: An Ethic for the Profession*, (Bloomington, Ind.: Indiana University Press, 1992, 2nd ed.) 72-82.

²¹William David Sloan, *Makers of the Media Mind: Journalism Educators and Their Ideas* (Hillsdale, N.J.: Lawrence Erlbaum, 1990). An example of an untrained journalist doing journalism is Frances Mendenhall, an Omaha dentist, who founded the Nebraska Observer in 1983 as an alternative to the Omaha World-Herald. See also John Eisendrath, "Have Mac, Will Publish: Today's Alternative Papers Are Surprisingly Good. Here's Why," *The Washington Monthly*, June 1989, 28-36.

²²David H. Weaver and G. Cleveland Wilhoit, *American Journalist: A Portrait of U.S. News People and Their Work* (Bloomington: Indiana University Press, 1986).

²³The Society of Professional Journalists and the American Society of News Editors, for example, have published codes of ethics. Individual news organizations, such as *The Washington Post* and CBS news, also have published their own. See also, Cronin and McPherson, "Reaching for Professionalism."

²⁴Andrew Radolf, "National News Council Folds," *Editor and Publisher*, March 31, 1984, 9, 28-29; Elie Abel, "What Killed the Council," *Columbia Journalism Review*, July/August 1984, 61.

²⁵David Shaw, "Journalistic Ethics . . . Public Discussion, Private Soul-Searching," *Louisville Courier Journal*, October 4, 1981, D3.

²⁶Mott, *The Professional Element*, 18; Lambeth, "Waiting for a New St. Benedict," 108.

²⁷*Associated Press v. National Labor Relations Board*, 1 Med. L. Rptr. 2689, 301 U.S. 103, 57 S. CT. 650, 81 L. Ed. 953 (1937).

²⁸George Kennedy, "Is Journalism a Profession?" *Freedom of Information Center Report*, No. 359, September 1976, 1.

²⁹*The Express-News Corp. v. International Typographical Union No. 172*, NLRB Case 23-RC-4219.

³⁰*Sherwood v. The Washington Post*, 15 Med. L. Rptr. 1692, 677 F. Supp. 9 (D.D.C. 1988).

³¹Judge Gesell specifically pointed out that *The Washington Post* is not an entry-level employer of reporters and editors. He stressed that to be hired at the *Post*, a reporter or editor has to have considerable experience and to show expertise in journalistic writing skills that meet well-defined criteria of the *Post* management.

³²*Dalheim v. KDFW-TV*, 15 Med. L. Rptr. 2393 (N.D. Tex. 1988).

³³Robert Khowy, "Demythologizing the Professions," *International Review of History and Political Science*, 17 (1970) 57-70, for example, argues that the definition of a profession has been skewed in favor of the traditional professions such as medicine and law, so of course other occupations would have difficulty meeting the definition. In addition, Mott, *The Professional Element*, makes his argument that journalism has reached professional status in spite of the fact that it doesn't meet all the requirements of the profession definition, arguing that those particular requirements are unnecessary for the designation; Penn Kimball, "Journalism: Art, Craft or Profession?" in Kenneth C. Lynn and the editors of *Daedalus*, eds., *The Professions in America* (Boston: Houghton-Mifflin, 1965) argues that professionalization is a state of mind, which journalists have acquired.

³⁴Robert Coles, *Children of Crisis* (New York: Little, Brown, 1964).

³⁵Paul Starr, *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry* (New York: Basic, 1982).

³⁶Allan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987).

³⁷John Higham, *History: Professional Scholarship in America* (Baltimore: John Hopkins University Press, 1983); Peter Novick, *That Noble Dream: The 'Objectivity Question' and the American Historical Profession* (New York: Cambridge University Press, 1988).

³⁸Sloan, *Makers of the Media Mind*, 92; Frank Luther Mott, *A History of American Magazines* (5 vol.) (New York: D. Appleton; Cambridge: Harvard University Press, 1930-1968).

³⁹Ida Tarbell, *The Life of Napoleon Bonaparte: With a Sketch of Josephine, Empress of the French* (New York: McClure and Phillips, 1906); I.F. Stone, *The Trial of Socrates* (New York: Little, Brown, 1988); Godfrey Hodgson, *America in Our Time: From World War II to Nixon: What Happened and Why* (New York: Vintage, 1978).

⁴⁰John Kultgen, *Ethics and Professionalism*, (Philadelphia: University of Pennsylvania Press, 1988) 62-63 and 106-108.

⁴¹Examples of journalism studies using the structural-functionalist approach are Oguz Nayman, "Professional Orientations of Journalists: An Introduction to Communicator Analysis Studies," *Gazette*, 19 (1973) 195-202; Jack McLeod and Searle E. Hawley, "Professionalization Among Newsmen" *Journalism Quarterly*, 41 (1964) 529-588; Oguz Nayman, Blaine K. McKee, and Dan L. Lattimore, "PR Personnel and Print Journalists: A Comparison of Professionalism," *Journalism Quarterly*, 54 (1977) 492-497; J. Johnstone, E. Slawski, and W. Bowman, "The Professional Values of American Newsmen," *Public Opinion Quarterly*, 36 (1972-73) 522-540; and Dooley, "The Professionalization Process."

⁴²Examples of journalism studies using the power approach are Gaye Tuchman, "Professionalism as an Agent of Legitimation," *Journal of Communication*, 28 (1978) 106-113; John Dimmick, "Canons and Codes as Occupational Ideologies," *Journal of Communication*, 27 (1977) 181-187; Warren Breed, "Social Control in the Newsroom: A Functional Analysis," *Social Forces*, 33 (May 1955) 326-335; and John Soloski, "News Reporting and Professionalism."

⁴³Studies of foreign journalists often fall into this classification. See, for example, Jack McLeod and Ramona R. Rush, 1969b, "Latin American and U.S. Journalists"; and Oguz Nayman, Dan L. Lattimore and Manuel Alers-Montalvo, "A Survey of Journalists in Barcelona, Spain: Problems and Expectations," *Gazette*, 20 (1974) 224-232.

⁴⁴John Hohenberg, *The Professional Journalist*, (New York: Holt, Rinehart & Winston, 1973, 3rd ed.); Garrison, *Professional News Writing*; Hiley H. Ward, *Professional Newswriting* (San Diego: Harcourt Brace Jovanovich, 1985); James Carey, "The Communications Revolution and the Professional Communicator," *The Sociological Review Monograph*, No. 13, *Sociology of Mass Media Communicators* (1969) 23-38.

⁴⁵Magali Sarfatti Larson, *The Rise of Professionalism: A Sociological Analysis* (Berkeley: University of California Press, 1977); Soloski, "News Reporting."

⁴⁶Lambeth, "Waiting for a New St. Benedict." I am indebted to Dr. Lambeth for his insights into this issue. While criticism of the professionalization model was implicit in his published articles and book chapter, cited here, it was made explicit during class lectures he gave at the University of Missouri School of Journalism, and during private conversations he had with me.

⁴⁷*Ibid.*

⁴⁸John Rawls, "Two Concepts of Rules," *The Philosophical Review*, 64:1 (January 1955) 3.

⁴⁹Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), 182.

⁵⁰Nancy Sherman, *The Fabric of Character: Aristotle's Theory of Virtue* (Oxford: Clarendon Press, 1989), 178-180.

⁵¹Aristotle, "The Nicomachean Ethics," in Robert E. Dewey and Robert H. Hurlbutt III, eds., *An Introduction to Ethics* (New York: Macmillan, 1977) 279-296; see also Clifford G. Christians, Kim B. Rotzoll and Mark Fackler, *Media Ethics: Cases and Moral Reasoning* (New York: Longman, 1987, 2nd ed.) 9.

⁵²Sherman, *Fabric of Character*.

⁵³*Ibid*, 190-191.

⁵⁴*Ibid*, 179-180.

⁵⁵Adam Ferguson, *Principles of Moral and Political Science*, vols. 1 & 2 (New York: AMS Press, 1973, reprint of 1792 edition, Edinburgh: A. Strahan, T. Cadell, and W. Creech), esp. Vol. 1, 204-208, Vol. 2, 114.

⁵⁶*Ibid*, Vol. 2, 330-332.

⁵⁷*Ibid*, Vol. 1, 1973 preface by Lawrence V. Castiglione, iv.

⁵⁸MacIntyre, *After Virtue*, 182.

⁵⁹Rawls, "Two Concepts of Rules," 1.

⁶⁰*Ibid*, 26.

⁶¹*Ibid*, 24.

⁶²*Ibid*, 24-27; see also John Rawls, "Justice as Fairness," *The Philosophical Review*, 67:2 (April 1958) 164-194.

⁶³MacIntyre, 175.

⁶⁴Rawls, "Justice," 171; This citation is one of the few places Rawls refers specifically to practices and institutions, and it is not clear how he would distinguish between them. He writes:

Since these persons are conceived as engaging in their common practices, which are already established, there is no question of our supposing them to come together to deliberate as to how they will set these practices up for the first time. Yet we can imagine that from time to time they discuss with one another whether any of them has a legitimate complaint against their established institutions.

⁶⁵*Ibid*, 164.

⁶⁶MacIntyre, *After Virtue* 181.

⁶⁷Dewey and Hurlbutt, 258-259; John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

⁶⁸*Ibid*, 185.

⁶⁹*Ibid*, 181.

⁷⁰*Ibid*.

⁷¹*Ibid*, 182.

⁷²*Ibid*, 175.

⁷³Ferguson, *Principles*, Vol. 1, 206.

⁷⁴Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, (Notre Dame: Notre Dame University Press, 1984, 2nd ed.), 258.

⁷⁵Lambeth, "Waiting for a New St. Benedict," identifies internal goods for journalism to be "telling the whole story"; "truth-telling"; "choosing words and pictures for clarity, precision and verve"; reporting that serves the public interest; gathering, writing and editing the news with fairness; keeping the reader squarely in mind; preserving the First Amendment rights of free expression (1991, 98).

⁷⁶Sherman, *Fabric of Character*, 179; Ferguson, *Principles*, Vol 1, 209-212.

⁷⁷Sherman, *Fabric of Character*, 179.

⁷⁸MacIntyre, *After Virtue*, (1981) 177.

⁷⁹*Ibid.*

⁸⁰*Ibid*, 178.

⁸¹*Ibid.*

⁸²*Ibid*, 180.

⁸³*Ibid*, 181.

⁸⁴*Ibid.*

CHAPTER IV

Methodology

Research Questions

The use of Alasdair MacIntyre's concept of a social practice as a theoretical framework for the study of modern investigative journalism injects an ethical dimension into the question, Has investigative journalism changed from 1960 to 1990? It adds a critical edge to the study. The question becomes not only, Is it changing? but, Has it changed *for the better* and if so, why, and if not, why not?

In *After Virtue*, MacIntyre examines the basis for rationally and morally defensible judgments and actions.¹ His concept of a social practice is embedded within a larger work that examines the "good life," or "good society," arrived at through the exercise of time-tested virtues -- honesty, courage, justice, and a sense of tradition.² "The virtues therefore are to be understood as those dispositions which will . . . sustain practices and enable us to achieve the goods internal to practices," MacIntyre asserts.³ That is to say, social practices can only be sustained through exercise of the virtues.

A fundamental question for this study, then, is, Does modern investigative journalism (1960-1990) meet the requirements for being a social practice in MacIntyrean terms? Asked in a slightly different way, Is it appropriate to apply the MacIntyrean social-practice model to a study of

modern investigative journalism? If these questions are answered in the affirmative, then a subsequent, more specific question concerning Investigative Reporters and Editors (IRE) can be asked:

Has IRE contributed to the sustenance and to the development of the social practice of modern investigative journalism?

Methodology

A socio-cultural historical method is used to examine the status and character of modern investigative journalism from 1960 to 1990.⁴ This provides the necessary background for a more intense historical study of IRE itself.

Other researchers have pointed out that investigative journalism experienced a revitalization during the 1960s. Miraldi (1990) asserts that this resulted from media embarrassment over their performance during the McCarthy communist witch-hunts in the mid- to late 1950s, from the social and cultural upheaval brought on by U.S. involvement in the Vietnam War and experiences with the civil rights and feminist movements, and from the introduction of new technology, primarily television.⁵ He and others have noted the increased popularity for investigative journalism during the early 1970s brought on by the successes of Woodward and Bernstein at *The Washington Post* and others in the exposing of misdeeds during the Nixon administration.⁶ Abbott (1987) and Protes, et al., (1991) found a continuing strong

interest during the 1980s in investigative journalism at the news organizations they surveyed.⁷ Another indication of the continued strength of the craft is the membership numbers of IRE, which started with 200 members in the mid-1970s and in December 1991 had more than 3,300 members on its rolls.⁸ Because of the revitalization and continued strength of this craft during this 30-year period, it is appropriate to focus this study on the years 1960 to 1990. In addition, since IRE was founded in the mid-1970s, beginning a study of the craft in 1960 and continuing it through the 1980s provides a study period that includes a block of years prior to establishment of IRE and a block of years following its establishment for comparison purposes.

This study is informed by methodology discussed by Stevens and Dicken-Garcia (1980) and Pauly (1991).⁹ This study looks at what Pauly refers to as *practice*, as compared to studies of product or commentaries.¹⁰ "The term *practice* emphasizes cultural processes rather than products," Pauly explains. "To study practice is to recognize that groups or societies habitually organize and institutionalize the meaning-making process. Any single media product is, to some extent, only one outcome of producers' ongoing practices of meaning-making."¹¹ He points out that a study of practice could concentrate on how practitioners are affected by such things as the quest for profit, bureaucratic hierarchy, and values.¹²

Stevens and Dicken-Garcia assert that researchers should look at the past as a continuous process rather than a series of static frames. "Investigative purposes become not the matching of problem and resolution, name, date, event, but the search for a set of interactive complexities," they write.¹³ The question becomes:

(1) What trends, behavior (sanctioned or not), conditions, and ideologies (2) culminated, competed, conspired, terminated, originated (3) with what results, consequences, implications, repercussions (4) for what individuals, institutions, groups, ideologies, trends, behavior, conditions?¹⁴

Applying Stevens and Dicken-Garcia's methodological ideas to research on modern investigative journalism, this study asks what was the "meaning" of investigative journalism to society and to journalists? What were the expectations of accepted behavior of investigative journalists? What was the history of those expectations? Where did they originate? In conjunction with what other values? How did IRE affect those expectations?¹⁵

Combining Pauly and Stevens and Dicken-Garcia, this study examines the social and cultural aspects of investigative journalism from 1960 to 1990. Special attention is paid to the standards of excellence for the craft and how they developed during the 30-year period and to the recognized internal and external goods of the craft. The study looks at how these standards developed and changed and how the practitioners sought or did not seek internal

and external goods. Given the concern by MacIntyre for the tension between a practice and institutions wherein the practice is maintained, attention is given to examples of this tension. In addition, working conditions of investigative journalists and acceptance or nonacceptance of investigative journalism by journalists and others in society also are explored. This is done through a reading of trade publications, textbooks, autobiographies, biographies, histories, critical writings about investigative journalism, academic studies, prize-winning examples of investigative journalism, interviews with practitioners, and other documentation. A qualitative research methodology using grounded theory is applied.¹⁶

For purposes of this portion of the study, the definition of investigative journalism used is that eventually adopted by IRE: A report generated through an investigation by a journalist or journalists having importance to the public and revealing information that someone or some organization has sought to keep secret.¹⁷ Later in the study, a broader definition of the practice is extracted from an analysis of source materials.

Next, the study narrates the history of IRE, how, why, and by whom it was founded and how it has operated since its founding. Primary sources include news reports in the trade and popular press, press releases issued by IRE, autobiographies, text books, indepth interviews with people associated with IRE, minutes of IRE board meetings, *The IRE*

Journal and other publications of IRE, and other documentation contained in the IRE records at IRE headquarters at the University of Missouri-Columbia School of Journalism and in the Western Historical Manuscripts Collection at the University of Missouri-Columbia. Because of the importance of the Arizona Project to IRE's establishment, special attention is given to that project and its ramifications for IRE and for investigative journalism. Other specific episodes in IRE history that have special relevance include the establishment and maintenance of an official definition for investigative journalism, policies on fund-raising and other financial arrangements, the decision to locate at a university, and discussions over goals and policies of the organization.

During the exploration of the key episodes in IRE history, MacIntyre's definition of a social practice is applied to evaluate the performance of officers and members of the organization. Specifically, it is asked whether IRE during these key episodes fostered the appreciation of and development of standards of excellence, recognition of and appreciation for internal goods over external goods, and recognition of and appreciation for the tradition of investigative journalism.

Finally, the study synthesizes the socio-cultural history of modern investigative journalism with the history of IRE and draws conclusions about the effect of IRE on the

evolution of modern investigative journalism into a social practice in MacIntyrean terms.

Notes

¹Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981).

²*Ibid*, 207.

³*Ibid*, 204.

⁴For a general discussion of socio-cultural historical methods, see E.J. Hobsbawm, "From Social History to the History of Society," and Felix Gilbert, "Intellectual History: Its Aims and Methods," both in Felix Gilbert and Stephen R. Graubard, eds., *Historical Studies Today* (New York: W.W. Norton, 1972); and Jacques Barzun, "Cultural History as a Synthesis," in Fritz Stern, ed., *The Varieties of History* (Cleveland: World Publishing, 1966). For application of the methods to mass communications and journalism, see John D. Stevens and Hazel Dicken Garcia, *Communication History* (Beverly Hills: Sage, 1980).

⁵Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood, 1990) 14 and 19.

⁶Miraldi, *Muckraking and Objectivity*, 81-165; James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976); John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977); Walter Lubars and John Wicklein, eds., *Investigative Reporting: The Lessons of Watergate* (Boston: Boston University School of Public Communication, 1975); Leonard Downie Jr., *The New Muckrakers* (New York: New American, 1976).

⁷Stan Abbott, "A Study of the Status of Investigative Reporting in the 1980s," unpublished master's thesis, University of Missouri-Columbia, 1987, 48-49. David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991) 272-273.

⁸Andy Scott, IRE acting director, personal interview with author, December 1991.

⁹Stevens and Dicken-Garcia, *Communication History*. John J. Pauly, "A Beginner's Guide To Doing Qualitative Research In Mass Communication," *Journalism Monographs*, 125, February 1991.

¹⁰Pauly, "Beginner's Guide," 4.

¹¹*Ibid.*

¹²*Ibid*, 4-5.

¹³Stevens and Dicken-Garcia, *Communication History*, 67.

¹⁴*Ibid*, 67-68.

¹⁵*Ibid*, 56-59.

¹⁶For a general discussion of qualitative methodology and grounded theory, see Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Newbury Park: Sage, 1990).

¹⁷John Ullmann to IRE board members, May 30, 1979, IRE files at University of Missouri-Columbia School of Journalism IRE headquarters and tabbed as "1979 original awards criteria."

CHAPTER V

The Re-Emergence of Modern American Investigative Journalism

Investigative Journalism Gains a Foothold

Journalism historians, textbook writers, and other researchers have commented on the re-emergence of American investigative journalism in the latter half of the twentieth century (e.g. Miraldi, 1990; Protess, et al., 1991; Downie, 1976; Williams, 1978; Glasser, 1987; Schudson, 1978; Patterson and Russell, 1986; Boylan, 1986; Benjaminson and Anderson, 1990).¹ However, there has been little attempt to examine why investigative reporting gained a new foothold in journalism during this time period. A popular explanation is that the success of the Watergate investigations by the *The Washington Post* and others, in addition to the perceived impact of other investigative reports such as Sy Hersh's My Lai massacre exposé, led to the re-emergence of investigative journalism in America.² Boylan (1986) provides the added explanation of the press's break with government, particularly over perceptions of the Vietnam War.³ Baughman (1992) suggests the emergence of television contributed to the rise of investigative journalism in the print media -- an explanation that does not explain its rise in the electronic media.⁴ Lewis (1992) suggests that the Supreme Court decision in *New York Times v. Sullivan* (1964) had something to do with it.⁵ But comprehensive analysis of why investigative journalism re-emerged during the 1960s and

1970s in America has not been done. Reasons given for its re-emergence have not been wrong, only limited, mainly because they have been based on narrow interpretations of the cause of journalistic developments.

Moral philosopher Alasdair MacIntyre (1981) suggests that to understand the progression of a social practice, one must look at not only the development of technical skills, but also the ways in which practitioners conceptualize the goals and internal values of the practice.⁶ Carey (1989) instructs the researcher that "news is a historic reality," in that it evolves at a particular time in history, created by specific people for specific reasons.⁷ And Stevens and Dicken-Garcia (1980) point out that "time boundaries should be treated as part of the context, not as causal variables."⁸ In other words, in order to understand the emergence of a particular news form, one must look at the social/cultural milieu that surrounded its development.

To understand the emergence of investigative journalism into the mainstream American press during the 1960s and early 1970s, then, requires examination of a combination of factors using a multidisciplinary approach. When that is done, it is clear that social and cultural forces (including values, standards, ideas, and technology) shaped the journalistic milieu that contributed to an emphasis on investigatory journalism and ultimately led to the creation of Investigative Reporters and Editors, the organization of investigative journalists, founded in 1975. This chapter

argues that social and cultural developments changed the role of journalism, or at least one aspect of journalism, in America, and that consequently led to new standards for journalists.

This chapter, using a descriptive methodology, will examine three broad, parallel developments that contributed to the emergence of modern investigative reporting in the United States during the decades after World War II:

-- The social and cultural upheaval that included the civil rights movement, the antiwar movement during the Vietnam War, and growth of a general distrust of institutions and government.

-- A demand that the press be more responsible to society and more of a watchdog toward government that grew out of the development of modern press theory and out of a series of press-law rulings by the U.S. Supreme Court.

-- New technologies, particularly television, and new statutes passed in response to the freedom of information movement, both of which encouraged more investigatory journalism.

The Watergate Investigation

Investigative journalism seemingly burst upon America's collective consciousness with the publication in 1974 of *All the President's Men* and the book's production into a popular 1976 movie.⁹ The book and movie chronicled the exploits of *Washington Post* reporters Carl Bernstein and Bob Woodward,

whose persistent digging into what has become known as the Watergate scandal helped keep public pressure on Congress and other Washington institutions and eventually resulted in driving Richard Nixon from the White House.¹⁰ By overemphasizing the role of the press in the resolution of Watergate and the forcing of Nixon's resignation, the book and movie helped foster a myth that investigative journalists were the new American heroes.¹¹

Publication of Bernstein and Woodward's tale and the resulting movie, in which Hollywood stars Dustin Hoffman and Robert Redford played the leading roles, made the term "investigative reporter" a household word in America. It also inspired more newspapers and broadcast news organizations across the nation to do investigative reporting and prompted hundreds if not thousands of young people to go into journalism.¹² But a careful reading of the social and cultural developments from the 1950s to the 1970s shows that the evolution of modern investigative reporting did not start with Watergate. In fact, investigative reporting during Watergate, in many ways, was the product of a natural evolution of journalism over at least 20 years. Bernstein himself recognized this during a seminar on the impact of Watergate on American journalism when he downplayed the uniqueness of his and Woodward's efforts:

. . .I think it's very important that people understand that the reporting that we did was not that extraordinary. In fact, we used the most basic

empirical reporting techniques similar to what you first learn when you go down to police headquarters. We knocked on a lot of doors. We started with sources at the bottom -- secretaries, file clerks, executive assistants -- and we worked up, rather than starting with supposedly knowledgeable people who might have axes to grind or things to hide.¹³

The reporting of Watergate carried on a tradition of public affairs reporting of an investigative nature that most journalists trace to the famous muckrakers of the early twentieth century.¹⁴ It was nurtured by a few reporters, most notably Paul Y. Anderson of the *St. Louis Post-Dispatch* and Drew Pearson in Washington, through a slack period from 1920 to the early 1950s.¹⁵ And it was brought back into some level of popularity among journalists by a host of social and cultural developments that began in post-World War II America. The Watergate reporting, in fact, was in many ways the apogee of a tradition of investigative reporting of a type that would eventually evolve into modern investigative journalism.¹⁶

New Socio-Cultural Demands

A New Role for the Press

Two social/cultural factors dominated America in the 1950s: prosperity and the Cold War. Both affected the role of the press.

The United States emerged from World War II in control of the world militarily and economically. The culture of consumption which had begun by the late nineteenth century reached maturity by 1950.¹⁷ Material abundance appeared to

offer a solution to all of society's ills. Historian and journalist Godfrey Hodgson, author of *America in Our Time: From World War II to Nixon, What Happened and Why*, explains:

The answer to the riddle (of progress) -- or so thoughtful Americans in the late 1940s and 1950s thought with startling unanimity -- lay in abundance: not in mere volume of production but in a system that would perpetuate prosperity and at the same time guarantee political harmony by distributing the consumption of goods so lavishly that it would not seem urgent to distribute them equally. . . . Social conflict could be made irrelevant, obsolete.¹⁸

The American media, principally through advertising but also through their news and entertainment offerings, promoted this idea of progress-through-consumption.¹⁹

In national and international news reporting, the press paid homage to the power structure in Washington, continuing the press-government cooperation established during World War II on behalf of the war effort.²⁰ Speaking on the "ideals and duties of journalism" during a 1943 symposium at the University of Missouri School of Journalism, for example, editor and publisher O.J. Ferguson, then president of the Missouri Press Association, pointed out that

[p]eople must be taught to keep their feet on the ground. Foolish notions, dangerous theories, constantly threaten. . . . In the opportunity for the free interchange of opinion which our newspapers afford lies the chance for welding the American people into a harmonious whole. It is the high privilege of the American press to take the lead in promoting many of those activities without which success in the field of battle would be difficult if not impossible.²¹

He went on to express the hope that the self-censorship and restraint by the press during the war would continue after the war to "force out the unwholesome details of crime,

divorce and scandal" and convince the media that they "are not community mendicants."²² The history of journalism during the 1950s and very early 1960s, according to Schudson (1978), is replete with examples of the press's deference to government and the government's accomplishments at news management.²³

After the Japanese surrender ended the war in 1945, another front immediately opened: anti-communism and the Cold War. The mass political hysteria that ensued during what has become known as the McCarthy era further caused the media to rally 'round the government, if for no other reason than to prove the patriotism of publishers and broadcasters.²⁴ Radio and the emerging television news organizations faced constant oversight by advertisers and government regulators.²⁵ And among print journalists, "relatively few regarded themselves as more than notetakers," according to one observer.²⁶ While the press was concerned about government control of the news, there was little rebellion towards it during the 1950s. "Journalists complained," Schudson notes, "but they did not challenge the routines of government news management and the creation of news events."²⁷

In addition, the news media of the late 1940s and early 1950s worked within a cultural atmosphere that precluded their taking an aggressive stance against government. Emerging from World War II prosperous and secure, Americans were confident of the future and trusting of the existing

power structure that had led them to victory over Nazism and the Japanese.²⁸ Historian Allen J. Matusow points out that "the distinguishing feature of the post-World War II era was its remarkable affluence."²⁹ This abundance of wealth, Matusow asserts, eased social and class tensions, encouraged consumption and "underlay the celebration of American life in the Eisenhower years and the optimistic conviction of liberals in the decade following that most American problems could and would be solved."³⁰ In such a cultural milieu, he continues, intellectuals "rallied to the defense of America" and as they did so, they "retreated from their role as critics of society."³¹ The press, in general, followed.

During this period, reporting of an investigatory nature was rare, kept barely alive by a few mostly iconoclastic or radical muckrakers who stoked their professional fires with memories of Lincoln Steffens, Ida Tarbell and others from the Progressive era, of Paul Y. Anderson, who exposed the Teapot Dome scandal during the 1920s for the *St. Louis Post-Dispatch*, and of the long tradition of crusading journalism that was all but stomped out during the Great Depression and World War II.³² Most failed to find an outlet for their work in the mainstream press. An exception was Drew Pearson, whose syndicated column "The Washington Merry-Go-Round" used rumor, opinion, and leaks to hammer away at those of whom he disapproved within the established power structure in Congress and the executive branch. Some, such as Matthew Josephson and John

Steinbeck (who used fiction for his muckraking in the tradition of Upton Sinclair), were able to work for reforms through books.³³ But most had to seek out the alternative press, or had to start their own small publications. Heywood Broun, McAlister Coleman, Lewis Gannett, Fred J. Cook, and Louis Adamic published exposés in opinion journals like the *Nation* and *New Republic*.³⁴ (Cook, for example, turned to the *Nation* for publication of his exposés after the newspaper he worked for, the *New York World-Telegram*, refused to print them.³⁵) George Seldes and I.F. Stone founded newsletters in order to get their reform messages to the public.³⁶ Most of the mainstream press, on the other hand, maintained a bland observer role for itself with few exceptions.

But the complacency and uncritical trust of government and other social institutions would be shattered during the late 1950s and throughout the 1960s, creating what Matusow has called "the unraveling of America." Several specific events, in addition to more general cultural and social developments, chipped away at the thin facade of consensus cultivated during the Eisenhower era and awakened, in the press, a questioning, often cynical response to the prevailing wisdom of those in power. And as Boylan (1986) remarks, "the great surprise, in retrospect, is the speed with which the bedraggled, victimized press of the 1950s came to see itself as an apparently potent, apparently adversary press in the 1960s."³⁷

A New Perception of Social Affairs

While the 1950s' perception of social harmony -- prompted by America's victory in World War II and by a consumerism culture -- was criticized throughout the decade by leftist intellectuals and the counterculture Beats, it was the civil rights movement more than any other single factor that forcefully challenged the notion that 1950s America was trouble-free.³⁸ The forced integration of the Little Rock, Arkansas, schools in *Brown v. Board of Education*, Rosa Parks' refusal to move to the back of the bus in Montgomery, Alabama, four young black men ordering cups of coffee at a Greensboro, North Carolina, Woolsworth's store, and the Freedom Riders seeking the end of segregation on interstate buses, followed by voter registration drives and other rights-seeking activities throughout the South, changed the relationship between Americans and their governments and also changed the definition of news.³⁹ The civil rights movement not only raised questions about the ability of government to maintain social order and the integrity of American institutions, but also turned social justice issues into daily news stories for both the print and the broadcast media.⁴⁰

A humbling event for journalists during the late 1950s was the coverage of Sen. Joseph McCarthy, the Wisconsin Republican who manipulated the press's commitment to objectivity in order to generate publicity for his demagogic

ends. The media's deference to governmental officials allowed McCarthy to spread lies and exaggerations about supposed communistic influences in American society. McCarthy made good copy for print as well as broadcast reporters and because he was a U.S. senator, editors published and broadcast his accusations. Rarely were the senator's charges challenged. His statements were published without evidence to support his ever-expanding conspiracy theory because of the press's commitment to objectively cover what officials said, and also because of preconceived Cold War notions among editors and publishers that even if McCarthy were exaggerating the issue, the issue was legitimate.⁴¹ Bayley (1981) points out that newspapers often printed McCarthy's charges unchallenged, playing down responses from his critics and the people he was attacking:

There were failures of news judgment that resulted in the omission, or the downplay, of important developments in the chain of events [following McCarthy's infamous Wheeling, West Virginia, address on February 9, 1950, when he first made his charges that suggested there were communists in the government]. Newspapers failed to provide background or continuity in news stories, and the majority of newspapers provided no editorial guidance or analysis. Headline writers exaggerated McCarthy's charges to the point of libel.⁴²

As Boylan (1986) points out, "McCarthy was a news diet of choice."⁴³ Eventually, McCarthy's house of cards collapsed and his lies were exposed. The *coup de grace* may have been Edward R. Murrow's "See It Now" segment questioning the truthfulness and integrity of the senator, but his defeat was more political than journalistic.⁴⁴ McCarthy's attack

on the U.S. Army was a step too far, causing the Senate and the executive branch to marshal their political forces to defeat him. The press was embarrassed by its lackluster performance and angered that it had been duped. The relationship between government and the press was severely damaged.⁴⁵

A Weakening of Trust

Trust in government and other social institutions by the American people generally and by the press specifically weakened during the late 1950s. During the early 1960s, it collapsed. One disillusionment after another culminated by 1968 into a "credibility gap." In 1960, President Eisenhower lied to the American people about CIA agent Francis Gary Powers and the U-2 surveillance plane he was flying across the skies of the Soviet Union. When the Soviets shot down the spy plane, Eisenhower said it was a meteorological flight that inadvertently strayed from its true course. Khrushchev proved otherwise.⁴⁶

In 1961, President Kennedy asked the press to downplay stories of an impending invasion of Castro's Cuba by C.I.A.-trained Cuban exiles and then, after the invasion's failure, confessed that more aggressive press coverage could have prevented the U.S. government from experiencing the international blunder. Even so, a Kennedy administration official, Arthur Sylvester, spokesman for the Pentagon, would argue that a government has the right to lie to its

people to protect national security, expanding the government's credibility problem.⁴⁷

In 1964, corruption by the respected Sen. Thomas J. Dodd of Connecticut, shocked the nation. Dodd was a powerful member of the Washington establishment who used his position to personal benefit. He exchanged favors with industries he was supposed to be investigating as a committee chairman, he accepted contributions and personal gifts from businessmen and other groups in exchange for official services. He diverted campaign funds to his personal use and did not pay income taxes on them. He got government jobs for people who gave him money or non-interest loans. He intervened with government agencies on behalf of his law clients.⁴⁸ His foibles, however, were revealed by muckrakers Drew Pearson and Jack Anderson in a series of syndicated columns, leading to his censure by the U.S. Senate.⁴⁹ The fact that the Dodd scandal was exposed by investigating journalists working with leaked documents, rather than by government investigators, suggested further that the governing establishment could not be trusted to enforce ethical standards on its own members and upgraded the importance of aggressive reporting.⁵⁰

The Dodd affair was a national example of what reporting that dug beneath the surface could do. But it only elevated to the national level a type of reporting that was proving successful locally. While certainly not dominating American journalism, reporting of an

investigatory nature became more common from the mid-1950s to the mid-1960s. While the examples are of a limited nature, they undoubtedly helped create an audience for muckraking by questioning the trustworthiness of politicians. Clark Mollenhoff of the *Des Moines Register* and, later, the Cowles Publications Washington bureau, exposed police corruption in Des Moines in the 1940s and early 1950s, tax scandals in the Truman Administration in the early 1950s, Teamster Union corruption in the mid- to late-1950s, and isolated instances of corruption in the Eisenhower administration.⁵¹ Robert Collins, first at the *Atlanta Journal* and then at the *St. Louis Post-Dispatch*, built a career during the late 1940s and the 1950s of exposing corruption, writing about bootleg liquor sales, prostitution, illegal gambling, and political malfeasance.⁵² And in 1959, the Utica, N.Y., *Observer-Dispatch* won a Pulitzer Prize for exposing political corruption in Utica.⁵³

But the watershed for the nation and for journalism was the Vietnam War and the "years of discord," as historian John Morton Blum calls the 1960s and early 1970s, that ensued.⁵⁴ The war disillusioned Americans about the role of the United States in international affairs and whether politicians in Washington could be trusted to tell Americans the truth about foreign and domestic policies.⁵⁵ It also spawned a counterculture and radicalized a generation.⁵⁶ And it devastated the relationship between the press and government and caused a split between editors and reporters

over the extent to which management should dictate the content of news stories.⁵⁷ The journalistic result was a new appreciation for on-site, behind-the-press-release, direct-observation reporting.⁵⁸

The Impact of the Vietnam War

The impact of the Vietnam War on American society and culture, and on its journalism, has been documented.⁵⁸ Historians' conclusions about the war's effect on U.S. society and culture are stark. The expense of the war drained America's economic resources that were sorely needed at home for social reform programs; the questioned morality and purpose of the war diminished America's moral resources. An observation by historian Jim Heath in his 1975 history of the 1960s summarizes the conclusions of many historians who have written about the war's effects on American society:

[A]fter eight years of Democratic leadership under Kennedy and Johnson, the United States was being rocked by more dissension, tumult, and violence than at any time since the Civil War. Many of the accepted dogmas of American life were seriously questioned: the social and economic system, cultural values, the merit of technological expertise, New Deal-style liberalism, big government, and the whole concept of presidential power.⁶⁰

Journalist/historian Godfrey Hodgson points out that between 1960 and 1972, "the legitimacy of virtually every institution had been challenged, and the validity of virtually every assumption disputed."⁶¹ While the Vietnam War was not the only catalyst for the disruptions of the 1960s, it became the focal point of discontent. The Vietnam

War was a symbol, to those opposed to it, of the deeper ills of American society.⁶²

The counterculture and anti-war movement, including the New Left, that developed during the 1960s spawned a "golden age" of the underground and alternative press in America as leaders of the anti-establishment movements sought communication outlets beyond the mainstream media, which did not provide them an outlet for their radical perspective.⁶³ In addition, these movements brought new readers to small, traditionally alternative magazines such as *Nation* and *New Republic*, which were publishing muckraking and investigative reporting during the 1950s and 1960s. In their zeal to condemn establishment culture and policies, many of these publications, particularly during the late 1960s and early 1970s, turned to a radical brand of muckraking, which mixed fiery reform and revolutionary politics with investigative journalism. *Ramparts* magazine, for example, carried in its May 1971 issue an exposé revealing South Vietnam's Marshal Ky's involvement in heroin trafficking. The investigative story outlined the Southeast Asia connection in the illegal drug trade, but also aided the radicals' opposition to the Vietnam War, the CIA (Ky was on the spy agency's payroll), and the Nixon administration, which had taken a hard-line against illegal drug use. The mainstream press generally ignored the story until Senator Albert Gruening of Alaska opened hearings on the allegations. After coverage of the hearings, the mainstream press dropped the story.⁶⁴ "The

'underground' press is, to some extent, trying to exploit what it regards as the general press' reluctance to engage in investigative journalism," Carey McWilliams, publisher of *Nation*, pointed out in 1970.⁶⁵ *Ramparts* magazine, transformed from a Catholic journal for liberals into a brash muckraking publication by Warren Hinkle in 1964, "was at the forefront of the revival of investigative journalism," according to Godfrey Hodgson.⁶⁶ It specialized in investigative stories about the Vietnam War and the civil rights and student movements. One of its biggest exposés was the revelation in March 1967 that the National Student Association, a group organized to promote liberalism and thereby counter the leftist Students for a Democratic Society, was funded by the CIA.⁶⁷ An alternative news service, the Liberation News Service, provided perspectives and investigative reports about the Vietnam War and underground culture.⁶⁸ It also was the only outlet willing to disseminate investigative journalist Sy Hersh's first reports about the My Lai massacre.⁶⁹

Moreover, the Vietnam War also transformed the mainstream media. Reporters covering the war from Saigon and the anti-war movement in the United States grew disillusioned with American politicians and generals. In Vietnam, what reporters were being told by the military's press agents and what they saw first-hand did not mesh. Faced with the facts, reporters such as Homer Bigart and David Halberstam of *The New York Times*, Malcolm Browne and

Peter Arnett of the Associated Press, Neil Sheehan of UPI, Peter Kalischer and Morley Safer of CBS, and Charles Mohr of *Time* could not substantiate the rosy picture of American success and the survivability of the Diem government that the U.S. government wanted published, and that their editors and news directors wanted to see.⁷⁰ After the Tet offensive in 1968, when a major push by the North Vietnamese and Viet Cong briefly overran American and South Vietnamese troops, the reporters in the field were vindicated, and American news media outlets became skeptical and critical of American policy.⁷¹ The reporters in Vietnam, according to Halberstam, were "finding out the difference between theory and practice, between policy and reality, the difference between what was going on in the field and what the top brass said was going on, and why there was such a difference."⁷² After Vietnam, the reporters who covered the war returned home cynical about institutions and governments to newsrooms more willing to accept their cynicism.

Press Theory, Press Law

The Evolution of Modern Free Press Theory

The civil rights movement, the Joe McCarthy debacle, cases of governmental lying, revelations of official corruption and malfeasance and misfeasance, and the Vietnam War coverage all contributed from the mid-1950s to the late-1960s to a new role for the American press. Instead of being a partner of, or a cheerleader for, government, the

press came to be seen as an antagonist of government. Social and cultural events forced journalists to question basic assumptions about press performance, values, and practices. Significantly, this self-examination was paralleled by theoretical writings about the press and the meaning of the First Amendment that, if their practical implications were recognized, gave further demands for a more aggressive, questioning, and active press.

The discussion of modern free press theory in America was framed as early as 1947 with the publication of *A Free and Responsible Press* by the Commission on Freedom of the Press, headed by University of Chicago President Robert M. Hutchins.⁷³ The free press theory aspects of the commission's report was expanded upon by commission member Zechariah Chafee Jr. in a separate volume, *Government and Mass Communications*.⁷⁴

The commission was concerned that institutions in America, in particular the mass media, were failing to provide adequate information to the country's citizens. It was anxious about the trend of ownership concentration in the media and fearful that unpopular ideas could not get a fair hearing in the media of mass communication.⁷⁵ Hence, the commission -- and Chafee -- asserted that the media had an obligation to serve society and democracy. "Clearly a qualitatively new era of public responsibility for the press has arrived," the commission declared.⁷⁶

To meet its responsibilities, the press, according to the commission, must:

1. Be accurate; and put the facts of events in a context so that they are meaningful.
2. Provide a forum for public discussion, even for ideas with which the media owners disagree. In connection with this, the media must provide "the names and the characters" of the participants in that discussion.
3. Provide information about all groups of society so that the views and contributions of all factions can be assessed.
4. Present and clarify the values and goals of American society as a whole. The media are forces for education, in other words.
5. Offer "full access" to information about public events. Print and broadcast the whole story and all stories.⁷⁷

These are but broad generalities, of course. Neither the commission nor Chafee presumed to instruct the media on how to carry out these responsibilities. And yet, these guidelines suggest demand for a type of reporting that goes beyond the stenographic report of press conferences and rewrites of press releases.

The commission's ideas, while generally opposed by the daily press editors, gradually gained currency, particularly after they were outlined in the influential *Four Theories of the Press*, first published in 1956 by leading mass

communication scholars Fred S. Siebert, Theodore Peterson, and Wilbur Schramm. By 1978, the book had gone through eleven printings and was widely used in journalism classrooms.⁷⁸ Set off against these scholars' interpretations of what they termed the authoritarian, libertarian and Soviet communist "theories" of the press, the "social responsibility" theory proposed by the Hutchins Commission was the clear winner. Throughout the 1960s and early 1970s, then, the idea that the mass media had a *duty* to report beyond the superficial hand-outs of those with social and political power gradually gained acceptance.

Closely related to the ideas of the Hutchins Commission was the position taken by Chafee's contemporary, legal scholar Alexander Meiklejohn, who argued in a 1948 book that the First Amendment should be interpreted to give absolute protection to speech and press of a political nature.⁷⁹ To Meiklejohn, the role of public communication was to help citizens govern themselves. Although Chafee criticized Meiklejohn for limiting First Amendment absolute protection to only political speech, the concept they shared was that public communication had a duty to be of public service.⁸⁰

Theorist Thomas Emerson argued beginning in 1963 for a "system of free expression" interpretation of the First Amendment.⁸¹ Under such an expansive interpretation, the right to speak and write freely, the right of free press in other words, would carry with it a collateral right to obtain information and other privileges, such as the right

to protect confidential sources, that encourage a free press. He argued that it is the obligation of government to maintain a system of free expression in order to guarantee individual self-fulfillment, to provide a means for discovery of truth, to secure participation by the members of society in self-government, and to maintain balance between stability and change in society.⁸² The system of free expression theory, Emerson argued, would necessitate shield laws and open records laws as means of maintaining the system.⁸³ These are tools, of course, that benefit and encourage investigative reporting.

The strongest argument for an aggressive and investigative press, however, came from legal scholar Vincent Blasi, whose "checking value" theory of the First Amendment directly assigns a role for the press as watchdog of government. While the concept was not new -- Blasi himself traced the checking value theory in United States press theory to James Madison and other framers of the U.S. Constitution -- its explication in a systematic way by Blasi gave it contemporary currency.⁸⁴ The role of the press in a democratic society, Blasi counseled, is to be a critic of government, to be a "fourth estate" capable of challenging the ideas and policies of those in political power. To Blasi, the press in a modern democracy is a surrogate for the public and therefore must go beyond reporting what those in power want disseminated. Like Emerson, Blasi argues for shield laws and open records laws. Emerson supported such

laws to facilitate self-government. Blasi demands them so that the "professional critics" of government, including journalists, can have access to information needed to expose corruption by public officials.⁸⁵

Blasi's interpretation of the First Amendment is reflected in the justification investigative reporter Jack Anderson gave in the mid-1970s for doing reporting that concentrates on the wrong-doing of public officials. Quoted in Behrens (1977), Anderson explained: "We must have a watchdog. We must have an independent watchdog, who is accountable to the people. We must have somebody who will keep an eye on government."⁸⁶

The Supreme Court and Press Freedom

The ideas of the Hutchins Commission, Chafee, Meiklejohn, Emerson, and Blasi had at best indirect influence on the working press. References to these theorists rarely appear in the memoirs and reporting of journalists. But the Supreme Court's decisions during this time, many of which quoted these legal theorists to justify rulings, did directly influence the working lives of reporters and editors. And none had more direct impact on investigative journalism than the 1964 Supreme Court decision in *New York Times v. Sullivan*.⁸⁷

The facts of *Times v. Sullivan* are widely known.⁸⁸ L.B. Sullivan, a police commissioner in Montgomery County, Alabama, sued *The New York Times* and four Alabama clergymen

for libel after the *Times* published a full-page, paid advertisement that sought funds to defend Martin Luther King and to carry on the struggle for civil rights in the South. Although not named in the ad, Sullivan claimed he was libeled because he was in charge of police activities in Montgomery County and the ad implied that law enforcement in that county had abused the Rev. King and university students. The court's decision revolutionized press law in America.⁸⁹

The *Times v. Sullivan* decision established a higher standard of proof that made it difficult for a public official to succeed in a libel action, and, more importantly, it gave constitutional protection to political speech. The majority opinion, written by Justice Brennan, reflected the ideas of Meiklejohn and Chafee and presaged the writings of Emerson and Blasi. Kalven (1964), commenting on the case shortly after its decision was rendered, found that the court had used *Times v. Sullivan* to explicate what it believes to be the central meaning of the First Amendment, that democracy cannot function without the people's right and freedom to criticize government.⁹⁰ After *Times v. Sullivan*, Kalven argues, "it is not now only the citizen's privilege to criticize his government, it is his duty."⁹¹

While such commentary by Kalven and others provided academic justification for aggressive investigative reporting, the practical result of the *Times v. Sullivan*

decision was to actively encourage such reporting. While libel remained a concern for publishers and editors, the press was obviously given an advantage. Justice Brennan specifically said in the decision that discussion of public issues was to be protected, even if the discussion includes mistakes, as long as "actual malice" is not involved.⁹² In other words, reporting on public affairs can be critical, and indeed ought to be aggressive, as long as journalists do not publish falsehoods knowingly or that they should have known were false. Legal affairs reporter and commentator Anthony Lewis has argued that without the *Times v. Sullivan* ruling, "the rise of . . . investigative journalism would not have been possible if the old law of libel had still shielded officials from criticism."⁹³ As another author writing about investigative journalism has commented, the *Times v. Sullivan* decision "served to give an additional sense of assurance to newspapers. It began to be respectable and responsible, once again, to muckrake."⁹⁴ Alexander Meiklejohn said the decision was "an occasion for dancing in the streets."⁹⁵

In addition to the *Times v. Sullivan* decision, the Supreme Court during this time period provided a plethora of decisions that effectively made aggressive reporting more acceptable, more protected, and more possible.

In libel law, a string of decisions was used to expand the *Times v. Sullivan* doctrine for further protection of the press. In *Curtis Publishing Co. v. Butts* and *Associated*

Press v. Walker, the court extended the actual malice standard to public figures.⁹⁶ And the court applied the public-figure test to a variety of people, some of whom were public employees and some who had acquired public status through their jobs or through their actions.⁹⁷ In 1971, the court went so far as to apply the actual malice test to private citizens in *Rosenbloom v. Metromedia*.⁹⁸ Although the *Rosenbloom* standard was eventually reversed in *Gertz v. Robert Welch, Inc.* three years later, it for a time signaled to the press that libel would be of little worry to it. *Gertz* pushed back the standard, allowing states to require that private citizens show the lesser standard of negligence to win libel cases.⁹⁹

The growing aggressiveness of the press during the 1960s and early 1970s and its use of anonymous sources to report on anti-war protesters, counterculture figures, and revolutionaries, spawned a series of cases that challenged whether journalists had the right to withhold the identities of their secret sources as well as to withhold notes, tapes, and other materials collected during the reporting process. While absolute privilege has generally been rejected, the court went a long way to encourage news reporters that some protection is accorded their activities. In the controlling case, *Branzburg v. Hayes*, in which three cases were combined for a ruling, the court decided that forcing journalists to testify before grand juries about criminal activities of which they are aware is not unconstitutional.¹⁰⁰ However,

the court explicitly stated that "news gathering is not without its First Amendment protections."¹⁰¹ Indeed, Justice Stewart, in a dissenting opinion, stated that "a corollary of the right to publish must be the right to gather news."¹⁰² He also adopted a three-part test that went far to protect journalists and which, by the early 1980s, had become a widely used standard. He stated in his dissent that before a journalist can be forced to testify, the government must first show that the journalist's information is "clearly relevant" to a criminal case, that the information sought from the journalist cannot be obtained from any other source, and that there is a demonstrated compelling and overriding interest in the information.¹⁰³ The court's actions, while not overwhelmingly in favor of protections for the press, were sufficient to provide some confidence to journalists. In 1972, *The Georgetown Law Journal*, in a survey of First Amendment law, optimistically declared that confidentiality of news sources was an "emerging constitutional protection."¹⁰⁴

While privacy law has become a concern to the media in the 1990s, the Supreme Court's approach to false light privacy suits during the 1960s was beneficial to the press. The primary case was *Time Inc. v. Hill*, decided in 1967.¹⁰⁵ The Hill family had been the victims of a kidnapping in 1952 when escaped convicts held them hostage in their suburban Philadelphia home. Though treated well by their captors, a

novel and a Broadway play based on the incident fictionalized some abuse and depicted the family as being heroic. *Life* magazine ran an article about the play implying heroics by the family, and Time Inc. was sued for invasion of privacy. After losing in the lower courts of New York, Time Inc. appealed to the Supreme Court, arguing that the *New York Times v. Sullivan* actual malice decision should be applied to the invasion of privacy suit. The court agreed. In so ruling, the court extended the actual malice test to discussion of matters other than political affairs so long as the matter under discussion meets a newsworthiness test, which *Time v. Hill* did. In essence, the court established the standard that people's privacy can be invaded for newsworthy purposes, a standard that still carries considerable weight, although it was somewhat diluted by the *Gertz* decision.

The Pentagon Papers

A final area of the law that bolstered the press's position during this time period was the question of prior restraint. The leading case was *New York Times v. United States*, or what has come to be known as the Pentagon Papers case.¹⁰⁶ The Pentagon Papers comprised a classified history of the government's policy-making on the Vietnam War prepared for the Pentagon. A former consultant for the Pentagon, Daniel Ellsberg, leaked the documents to *New York Times* reporter Neil Sheehan in June 1971. The Nixon

administration, after seeing the first installment of the papers published in the *Times*, asked a federal court for an injunction against further publication of the papers. A temporary restraining order was issued by the Federal District Court for the Southern District of New York, which refused to issue a permanent injunction. The U.S. Court of Appeals for the Second Circuit reversed the New York federal court and remanded the case, but continuing the temporary restraining order until further hearings could be held in New York. By then, however, the *Washington Post* had obtained copies of some of the papers and had begun publishing them as well. Government lawyers sought an injunction against the *Post* in the U.S. District Court in the District of Columbia and were turned down, a decision verified by the U.S. Court of Appeals for the District of Columbia. When the *Boston Globe* and the *St. Louis Post-Dispatch* each published an article based on the classified papers, the government sought and received restraining orders against them as well. Publications in the *Chicago Sun-Times* and the *Los Angeles Times* did not result in lawsuits.¹⁰⁷

The *New York Times* filed a writ of certiorari with the Supreme Court to get the restraining order against it lifted. The Supreme Court accepted the case, recognizing the need to quickly resolve the different rulings by the two appellate courts, one which upheld a temporary restraining order against the *Times* and another that refused to reverse

a lower court that had denied a request for one against the *Post*.

The court ruled that prior restraint, under certain limited circumstances, is constitutional. However, it said, the burden on the government to prove the need for such restraint is heavy, and the government had not met the standard in this case. It was a remarkable decision, given that the government had alleged that publication of the papers would endanger troops fighting in Vietnam and would hinder peace talks under way with the North Vietnamese government. Such a ruling meant that the heavy presumption against the government in prior restraint cases would be almost impossible to overcome. In addition, in rendering the decision, Justice Black, with Justice Douglas concurring, forcefully defended the rights of the press in no uncertain terms:

I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment. . . . In my view it is unfortunate that some of my Brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.¹⁰⁸

Justice Douglas, in his concurring opinion, made reference to the works of legal theorists Emerson and Chafee.

Later reflection on the decision by legal scholars and members of the press found less to be enthusiastic about, mainly because the court did not rule out the possibility of prior restraint in the future and also because the Black and

Douglas comments were not supported by all other members of the court.¹⁰⁹ Yet, at the time, it was a heady experience for the press. The newspapers had stood up to the government at great risk and the courts had made the Nixon administration back down.

Although the victory gave the media new confidence in confronting the government, it was their embarrassment at what the Pentagon Papers showed that set the media's resolve to be more aggressive toward government. The classified documents showed how the Kennedy, Johnson, and Nixon administrations had lied to the public about policies concerning Vietnam. As Ungar (1975) explained:

The press had also learned that, if anything, it should be more bold and outspoken in digging behind official policy, both domestic and foreign; the Pentagon Papers showed how little the public really knew about the origins of the war in Vietnam. Newspapers were painfully aware, after the crisis was over, that they had been too cautious about printing government secrets, and the papers now seemed ready to reject the advice of conservative lawyers whose uncritical acceptance of government arguments was often not in the public interest.¹¹⁰

This is not to say that the media won all their battles in the courts from the 1950s to the early 1970s. While winning major concessions in the areas of libel, protection of confidential sources, privacy, and prior restraint, the press also lost many specific cases within each area. Actual malice was ultimately not extended to cases involving private individuals and the costs of libel suits, even when winnable, would soon become prohibitive;¹¹¹ privilege was not made absolute;¹¹² privacy law remained unsettled so that

in later years it would loom as a major threat to press freedom;¹¹³ the possibility of prior restraint was not eliminated;¹¹⁴ and considerable restrictions were placed on broadcasters.¹¹⁵ But in many ways it was an expansive time for the First Amendment. The Warren Court during the 1960s, in particular, extended press freedoms and protections. These advances in mass media law and First Amendment theory gave the press confidence and encouraged it to be more aggressive and investigative. Overall, the legal developments created an atmosphere in which investigative journalism could develop.

New Technologies, New Tools

The Arrival of Television

By 1949, television had moved into the mainstream.¹¹⁶ By the mid-1960s, it was the dominant form of mass communication.¹¹⁷ From 1948 to 1956, the percentage of homes with television sets increased from 4 percent to nearly 65 percent.¹¹⁸ While primarily an entertainment medium, TV also proved to be an effective news communicator, capable of covering some types of breaking news better than the print media. Its live coverage of the Army-McCarthy hearings in 1954, CBS's Edward R. Murrow documentaries and "See It Now" programs, television's vivid portrayals of battles from Vietnam during the 1960s, and its dramatic coverage of the 1963 assassination of President Kennedy, among other programming, made the medium a first-rate

contender in the news business. Baughman (1992) describes the phenomenon:

Whatever TV's social effects, television had in less than a decade upset the republic of mass leisure. Many of those who had gone to the neighborhood movie house now stayed home. Families that in the evening had clustered around the radio now congregated before the home screen. Magazines and newspapers no longer drew the eyes of so many readers. TV was no fad. The light from the sets kept burning as competitors plotted ways to douse it.¹¹⁹

Some in the print media saw investigative reporting as a means of exploiting its primary advantage over television -- the ability to provide indepth, detailed coverage that could be clipped, saved, and pondered. Writing in 1970, *Nation* editor Carey McWilliams reported that "in general, both newspapers and magazines have begun to feel that muckraking or investigative journalism is a useful means of countering network news. . . . As it becomes increasingly difficult for the printed media to compete in 'hard' news, it is not surprising to note a new interest by some newspapers in investigative reporting."¹²⁰ Otis Chandler, the publisher of the *Los Angeles Times*, saw this need for newspapers to change, to adapt to television's impact. Now that newspapers could not compete with television on breaking news, papers had to provide indepth coverage, he argued.¹²¹ Some newspapers began digesting the routine news events in order to invest more heavily in investigative reports. Baughman (1992) summarizes the experience:

Papers could escape the tyranny of news as nothing more than a string of events and analyze information in a more sustained fashion than any TV newscaster could

achieve. . . . The digested format allowed the editors and writers more power to decide what to summarize and what to investigate.¹²²

Obviously, not every newspaper moved in this direction, but television became one more encouragement to investigative journalism.

The Freedom of Information Movement

The technology of television pushed the print media to consider more indepth reporting while other, parallel developments provided the tools for doing such work. One of the more critical was the emergence of the freedom of information movement in the late 1940s, which led by the 1960s to new laws that guaranteed open meetings and open records.

Kennedy (1978) explains that the American Society of Newspaper Editors formed a Committee on World Freedom of Information late in 1948.¹²³ Despite its name, the committee's concentration was primarily on opening meetings and records in the "court houses, the state houses, city councils, school boards" and federal government of the United States.¹²⁴ When the committee started its work, there was no federal open records law and fewer than half the states had such laws, most of which were weak and ambiguous.¹²⁵ In 1953, Harold Cross, an attorney appointed by ASNE to research the status of government secrecy in the United States, published his influential study, *The People's*

Right to Know.¹²⁶ It became the bible of the freedom of information movement.

The work of ASNE in this regard and the efforts of Congressman John Moss from 1955 to 1964 as head of a special House committee (later dubbed the Moss Committee) to push for less secrecy in government led ultimately to passage of the Freedom of Information Act in 1967.¹²⁷ The act codified the belief that federal records should by definition be open to public inspection, unless officials could give specific reasons for their closure. Nine exemptions to disclosure were allowed.¹²⁸ The original act, however, failed to prevent all government secrecy. Bureaucrats found ample loopholes and delaying tactics to thwart inspection of their documents. Consequently, the debate over open records continued into the early 1970s, eventually resulting in 1974 in important amendments to the 1967 law. However, the deficiencies and criticisms of the law notwithstanding, for the first time, probing reporters had specific tools for prying open government records.

In 1977, Congress further endorsed open government when it passed the Government-In-Sunshine Act, which required 50 federal agencies, commissions, boards, and councils to open their meetings to the public and the press.¹²⁹

Though slower to come and somewhat less sweeping, similar open records and open meetings laws were passed at state and local levels.

The work of investigative reporter Clark Mollenhoff, who testified before the Moss Committee on behalf of open records legislation, provides evidence of the benefit of the FOI act. Mollenhoff, Washington bureau chief for Cowles Publications, led a team of reporters during the late 1960s into a series of investigations of grain trading and practices of the U.S. food industry. The probes revealed malfeasance, conflicts of interest, and unethical practices and set off several Congressional investigations. Much of the information for the Mollenhoff team's articles came through skillful use of the FOI to gain access to government records.¹³⁰

Photocopiers and Tape Recorders

Two little-studied and usually overlooked technological developments from the 1950s, 1960s and early 1970s that made investigative reporting more accessible are photocopiers and portable tape recorders. The FOI act, for example, provides for copying of documents, and photocopiers made it possible for reporters outside of Washington to have copies of documents mailed to them. Photocopies of federal, state, and local documents, in addition to business documents, could be added documentation for an investigation and could be used to prove charges if the need arose. The use of documents, in fact, became an important skill developed by investigative reporters by the 1960s and photocopying became an important means of managing the documentation. As

mentioned earlier, one of the more sensational exposés of early modern investigative journalism was Jack Anderson and Drew Pearson's coverage of corruption by Sen. Thomas J. Dodd in 1967. Employees and former employees of the senator photocopied approximately 6,000 pages of documents from the senator's files and passed the copies to Anderson and Pearson. Without the photocopied documents to back up their charges, the reporters and their sources would have had their credibility destroyed by the aggressive counterattack mounted by Dodd and his supporters.¹³¹

The portable tape recorder, which appeared in economically available models during the mid- to late-1960s, allowed reporters to tape interviews without the awkward use of reel-to-reel, desktop players. The recordings improved accuracy and provided a verifiable record of an interview. They also made possible the taping of telephone calls and even surreptitious surveillance of conversations. While few discussions of journalism during this time period make mention of specific instances when a portable tape recorder was used and how that may have helped the reporter, their usefulness was touted in journalism texts and books on interviewing. Anderson and Benjaminson (1976), the authors of one of the earliest texts on investigative journalism, included a chapter titled "Gadgets."¹³² They describe various electronic devices available to investigative journalists by the mid-1970s, including wiretaps, bugs, pocket calculators, and cassette tape recorders. The

authors describe the types of recorders and their possible uses:

Obviously tape recorders can go places where a reporter can't, such as to secret meetings. Some reporters have given recorders to "friends" attending the meeting. . . . When taping a conversation in which the reporter does not have the other's permission -- a practice which is legal in some states -- it may be a good idea to conceal the recording, even if the reporter is acting within the law. There are a number of ways to do this.¹³³

They describe a tape recorder secreted in a brief case and another hidden in a belt.¹³⁴ The text goes on to discuss other eavesdropping devices and points out that "some reporters we know are already beginning to think in these terms."¹³⁵ While the ethics of such surreptitious surveillance remained to be worked out, the possibilities of it inspired some reporters toward investigations.

The Computer's Impact

The most dramatic technological development during this time period, though, was development of the computer. While general use of computers in investigations would wait until development of the personal computer in the late 1980s, there was ground-breaking in computer-assisted reporting in the late 1960s. Philip Meyer, a member of the *Detroit Free Press* Washington bureau in 1967, was a pioneer in the use of social science methodology and computer analysis in the reporting of news. Applying the social science methodology he learned during a Harvard University Nieman fellowship,

Meyer led a team of reporters in uncovering the story behind the story of the disastrous 1967 race riot in Detroit. In a sidebar to his main story, Meyer described the methodology used: "Interviews were taken from a random probability of 437 Negroes living in the main riot areas . . . An IBM 360 computer was used to cross-tabulate the responses and test their relationships for statistical significance."¹³⁶ The story's reporting techniques enabled the *Free Press* to explode the myth that the rioters were Southern immigrants who could not adjust to big city life and to report that participants in the riots cut across all education and income levels. The key to the cause of the rioting, the story was able to say, was alienation. The rioters were alienated from whites, and from other blacks, the study found.¹³⁷ Lambeth (1991) points out that Meyer's reporting systematically advanced the practice of journalism.¹³⁸

Meyer wrote about his methods in a 1971 article for *Columbia Journalism Review* and his journalism text book, *Precision Journalism*, published in 1973, became a handbook for some investigative journalists in the early 1970s.¹³⁹ In his text, Meyer includes discussion of another pioneering use of computers to do investigative journalism. Described was the 1972 computer analysis of Philadelphia criminal court records by investigative reporters Don Barlett and James Steele.¹⁴⁰ This series, which exposed unfair sentencing practices and other irregularities in the handing out of justice, also is considered a classic investigative

project.¹⁴¹ Clearly, computer technology and social science methodology beckoned reporters into more indepth, investigative reporting.

Conclusion

The reporting of Watergate temporarily thrust investigative reporters into the role of pop heroes. But modern investigative journalism started two decades before the Nixon administration scandal was uncovered. Commenting on the renewed interest in investigative journalism in the mid-1970s, veteran investigative reporter Clark Mollenhoff of the Cowles papers called the new interest a "superficial fad" and pointed out that serious interest in investigative journalism by journalists had started in the early 1950s and had steadily risen in intensity.¹⁴² Watergate, he said, only provided a "sharp impetus" for further growth.¹⁴³

The emergence of modern investigative journalism must be tied to socio-cultural developments during the late 1950s and throughout the 1960s, to a dissolution of the uncritical attitude the press had toward government during and shortly after World War II, to legal developments and a call for more responsibility from the media, and to new tools and new challenges, both legal and technological. In effect, there developed new expectations for the press during this time period. In essence, the press was called upon to reassert itself as the watchdog of government, a role originally proposed by the framers of the U.S. Constitution in the

eighteenth century, but which had succumbed to partisanship and commercialism during the nineteenth century.¹⁴⁴ From the mid-1950s, society demanded a more aggressive press and the tools became available to support it. In response, modern investigative journalism emerged.

Notes

¹Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood, 1990); David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford, 1991); Leonard Downie Jr. *The New Muckrakers* (New York: New American, 1976); Paul Williams, *Investigative Reporting and Editing* (Englewood Cliffs, N.J.: Prentice-Hall, 1978); Theodore L. Glasser, "Typewriter Guerillas: The Power and the Glory of Investigative Journalists," *Twin Cities*, February 1987, 100-102; Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic, 1978), esp. 187-194; Margaret Jones Patterson and Robert H. Russell, *Behind the Lines: Case Studies in Investigative Reporting* (New York: Columbia University Press, 1986); James Boylan, "Declarations of Independence: A Historian Reflects On an Era in Which Reporters Rose Up to Challenge -- and Change -- the Rules of the Game," *Columbia Journalism Review*, November/December 1986, 30-45; Peter Benjaminson and David Anderson, *Investigative Reporting* (Ames, Ia.: Iowa State University Press, 1990, 2nd ed.).

²Protess, *Journalism of Outrage*, 3; Downie, *New Muckrakers*, 7; Williams, *Investigative Reporting*, x; Glasser, "Typewriter Guerillas," 100; Schudson, *Discovering the News*, 188-191. Schudson points out, however, that Watergate may have capped, rather than inaugurated, the wave of modern investigative journalism during this time period, yet it is an enduring symbol of the value of enterprise reporting, 191.

³Boylan, "Declarations of Independence," 30-41.

⁴James L. Baughman, *The Republic of Mass Culture: Journalism, Filmmaking, and Broadcasting in America since 1941*, (Baltimore: Johns Hopkins University Press, 1992) 120.

⁵Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Vintage, 1992) 158.

⁶Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981) 180.

⁷James Carey, *Communication As Culture: Essays on Media and Society* (Boston: Unwin Hyman, 1989) 21.

⁸John D. Stevens and Hazel Dicken Garcia, *Communication History* (Beverly Hills: Sage, 1980) 42.

⁹Carl Bernstein and Bob Woodward, *All the President's Men* (New York: Simon and Schuster, 1974); William Coblenz, prod., *All the President's Men*, 1976.

¹⁰Kim McQuaid, *The Anxious Years: America in the Vietnam-Watergate Era* (New York: Basic, 1989) 191-192. Godfrey Hodgson, *America in Our Time: From World War II to Nixon, What Happened and Why* (New York: Vintage, 1978) 381; Leonard Downie, Jr., "The Stardust Twins of *The Washington Post*," in *The New Muckrakers*, 1-53. The role of the press, including *The Washington Post*, in revealing the Watergate scandal also is covered in detail in David Halberstam, *The Powers That Be* (New York: Alfred Knopf, 1979).

¹¹The shortcomings of the press in the coverage of Watergate and the argument that the press did not play a major role in forcing Richard Nixon's resignation, are made in Edward Jay Epstein, *Between Fact and Fiction: The Problem of Journalism* (New York: Vintage, 1975) 19-32; Stanley I. Kutler, *The Wars of Watergate: The Last Crisis of Richard Nixon* (New York: W.W. Norton, 1990); and Michael Schudson, "Watergate: A Study in Mythology," *Columbia Journalism Review*, May/June 1992, 28-33. On the creation of investigative reporters into American heroes, see James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976).

¹²Dygert, *Investigative Journalist*, vii-viii; John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977) xiii-xiv; James Boylan, "Declarations of Independence," 40-41. For an opposing view, see Schudson, "Watergate."

¹³Walter Lubars and John Wicklein, eds., *Investigative Reporting: The Lessons of Watergate* (Boston: Boston University, 1975) 10.

¹⁴For the history of the muckrakers, see Walter M. Brasch, *Forerunners of Revolution: Muckrakers and the American Social Conscience* (Lanham, Md.: University Press of America, 1990); Miraldi, *Muckraking and Objectivity*; C.C. Regier, *The Era of the Muckrakers* (Chapel Hill: University of North Carolina Press, 1932); Harold Wilson, *McClure's Magazine and the Muckrakers* (Princeton: Princeton University Press, 1970); LeRoy H. Schramm, "Organized Labor and the Muckrakers, 1900-1912," unpublished Ph.D. diss., Cornell University, 1972; Judson Grenier, "Muckraking and Muckrakers: An Historical Definition," *Journalism Quarterly* (Autumn 1960); David Mark Chalmers, *The Muckrake Years* (Huntington, N.Y.: Robert E. Krieger Publishing, 1980); Peter N. Barry, "The Decline of Muckraking: A View from the Magazines," unpublished Ph.D. diss., Wayne State University, 1973. For a more complete overview of the literature, see Harry Stein, "American Muckrakers and Muckraking: The 50-

Year Scholarship," *Journalism Quarterly*, 56:1 (Spring 1979) 9-17.

¹⁵Edmund Lambeth, "The Lost Career of Paul Y. Anderson," *Journalism Quarterly* (Fall 1983) 401-406; Carey McWilliams, "Is Muckraking Coming Back?" *Columbia Journalism Review*, Fall 1970, 8-15; Jack Anderson, "Drew Pearson Left Heritage to All Who Knew Him," *United Features Syndicate*, Dec. 13, 1986.

¹⁶Schudson, *Discovering the News*, 191.

¹⁷On the beginnings of American consumerism, see Roland Marchand, *Advertising the American Dream: Making Way for Modernity, 1920-1940* (Berkeley: University of California Press, 1985); Stuart Ewen, *Captains of Consciousness: Advertising and the Social Roots of the Consumer Culture* (New York: McGraw-Hill, 1976); T.J. Jackson Lears and R. Fox, eds., *The Culture of Consumption* (New York: Pantheon, 1983). On the dominance of consumer culture after World War II in particular, see Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York: Harper, 1984); Hodgson, *America in Our Time*; Baughman, *Mass Culture*.

¹⁸Hodgson, *America in Our Time*, 51.

¹⁹Marchand, *Advertising*; Ewen, *Captains*; Baughman, *Mass Culture*.

²⁰Boylan, "Declarations of Independence," 30-31.

²¹O.J. Ferguson, "Ideals and Duties of Journalism," in Frank Luther Mott, ed., *Journalism in Wartime: A Symposium of the School of Journalism, the University of Missouri* (Washington D.C.: American Council on Public Affairs, 1943) 192-193.

²²*Ibid.*, 193. See also, Lewis, *Make No Law*, 158.

²³Schudson, *Discovering the News*, 167-173; Schudson discusses the press management by President Eisenhower's press secretary James Hagerty and instances where the press bowed to government requests that news reports be withheld or altered concerning the U-2 spy plane incident and the impending invasion of the Bay of Pigs. He writes: "Concern about these issues was episodic, not cumulative, and produced no institutionalized responses" (171).

²⁴Boylan, "Declarations of Independence," 31-32; Hodgson, *America in Our Time*, 34-44; Baughman, *Mass Culture*, 52.

²⁵Baughman, *Mass Culture*, 21.

²⁶*Ibid*, 14.

²⁷Schudson, *Discovering the News*, 171.

²⁸Matusow, *Unraveling of America*, 3-13; Hodgson, *America in Our Time*, 17-64.

²⁹Matusow, *Unraveling of America*, xiii.

³⁰*Ibid*, xiii-xiv.

³¹*Ibid*, 5.

³²Martin S. Hayden, "Investigative Reporting: An Assault on the Basic Regime," *Vital Speeches of the Day*, July 1, 1976, 574-576; McWilliams, "Is Muckraking Coming Back?"; Lambeth, "Paul Y. Anderson."

³³Carey McWilliams, "The Continuing Tradition of Reform Journalism," in John M. Harrison and Harry H. Stein, eds., *Muckraking: Past Present and Future* (University Park, Pa.: Pennsylvania State University Press, 1973) 123.

³⁴*Ibid.*, 125-126; McWilliams, "Is Muckraking Coming Back?" 9-12.

³⁵Bruce Locklin, "Digging Without a Shovel," *Nieman Reports* (Spring 1985) 51-52.

³⁶McWilliams, "Is Muckraking Coming Back?" 10; Eric Alterman, "The Ironies of Izzymania," *Mother Jones*, June 1988, 34-37; James Boylan, "Reconstructing I.F. Stone," *Columbia Journalism Review*, Sept./Oct. 1989, 46-47; Nat Hentoff, "A Joyfully Independent Journalist," *Village Voice*, July 4, 1989, 25.

³⁷Boylan, "Declarations of Independence," 31.

³⁸On the left and counterculture Beat movements, see Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam, 1989) 1-77. John Clellon Holmes, "'This is the Beat Generation,'" *New York Times Magazine*, Nov. 16, 1952, 22; Milton Viorst, *Fire in the Streets: America in the 1960's* (New York: Simon and Schuster, 1979) 55-88. On the civil rights movement and its implications for America, see Viorst, *Fire in the Streets*, 93-379; Blum, *Years of Discord*; Hodgson, *America in Our Time*; and Gitlin, *The Sixties*, 127-170.

³⁹Hodgson, *America in Our Time*; Gitlin, *The Sixties*; Viorst, *Fire in the Streets*; Blum, *Years of Discord*; Anthony Lewis, *Portrait of a Decade* (New York: Random House, 1964);

and Taylor Branch, *Parting the Waters: America in the King Years 1954-63* (New York: Simon and Schuster, 1988).

⁴⁰*Ibid.*

⁴¹Boylan, "Declarations of Independence," 31.

⁴²Edwin R. Bayley, *Joe McCarthy and the Press* (Madison: University of Wisconsin Press, 1981) 63.

⁴³Boylan, "Declarations of Independence," 31.

⁴⁴*Ibid*; Hodgson, *America in Our Time*, 34-44.

⁴⁵Boylan, "Declarations of Independence, 31.

⁴⁶*Ibid*, 32.

⁴⁷Schudson, *Discovering the News*, 172-173.

⁴⁸Robert Yoakum, "The Dodd Case: Those Who Blinked," *Columbia Journalism Review*, Spring 1967, 14.

⁴⁹Boylan, "Declarations of Independence, 31.

⁵⁰Yoakum, "The Dodd Case," 13-20; James Boyd, "The Indispensable Informer," *The Nation*, May 5, 1979, 495-497.

⁵¹Behrens, *Typewriter Guerillas*, 160-163.

⁵²Dygert, *Investigative Journalist*, 225-226.

⁵³Tony Vella, "30 Years Later: Utica Remembers Pulitzer Prize-Winning Reporting," *Gannetteer*, March/April 1989, 6-7.

⁵⁴Blum, *Years of Discord*; Boylan, "Declaration of Independence," 33-34.

⁵⁵Blum, *Years of Discord*; Hodgson, *America in Our Time*, 287, 300, 360; Matusow, *Unraveling of America*, 387.

⁵⁶Gitlin, *The Sixties*; Hodgson, *America in Our Time*, 275-287; Matusow, *Unraveling of America*, 377, 305-306; Blum, *Years of Discord*, 270-420.

⁵⁷Boylan, "Declaration of Independence," 33-34; Halberstam, *Powers That Be*, 487-492, 467-485, 449-453; Hodgson, *America in Our Time*, 253-378.

⁵⁸*Ibid.*

⁵⁹Some of the better analyses are by Hodgson, Matusow, Blum, and Gitlin, all cited earlier.

⁶⁰Jim F. Heath, *Decade of Disillusionment: The Kennedy-Johnson Years* (Bloomington, Ind.: Indiana University Press, 1975) 12.

⁶¹Hodgson, *America in Our Time*, 12.

⁶²*Ibid*, 300.

⁶³For general histories of the underground/alternative press in America during this time period, see Laurence Leamer, *The Paper Revolutionaries: The Rise of the Underground Press* (New York: Simon and Schuster, 1972); David Armstrong, *A Trumpet to Arms: Alternative Media in America* (Boston: South End Press, 1981); and Abe Peck, *Uncovering the Sixties: The Life and Times of the Underground Press* (New York: Pantheon, 1985).

⁶⁴Chip Berlet, "Muckraking Gadflies Buzz Reality," *Serials Review*, winter 1990, 89.

⁶⁵McWilliams, "Is Muckraking Coming Back?" 13.

⁶⁶Hodgson, *America in Our Time*, 344.

⁶⁷Armstrong, *Trumpet to Arms*, 303-304.

⁶⁸Peck, *Uncovering the Sixties*, 274; Armstrong, *Trumpet to Arms*.

⁶⁹Seymour Hersh, *My Lai 4: A Report on the Massacre and Its Aftermath* (New York: Random House, 1970) 128-203; Peck, *Uncovering the Sixties*, 201.

⁷⁰Boylan, "Declaration of Independence," 33.

⁷¹Halberstam, *Powers That Be*, 511; Boylan, "Declaration of Independence," 35-36.

⁷²Halberstam, *Powers That Be*, 508.

⁷³Commission on Freedom of the Press, *Freedom of the Press*.

⁷⁴Zechariah Chafee, Jr., *Government and Mass Communications*, Vol. 2 (Chicago: University of Chicago Press, 1947).

⁷⁵Commission on Freedom of the Press, *Freedom of the Press*, 1-5.

⁷⁶*Ibid.*, 125.

⁷⁷*Ibid.*, 20-29.

⁷⁸Fred S. Siebert, Theodore Peterson, and Wilbur Schramm, *Four Theories of the Press*, (Chicago: University of Illinois Press, 1978, 11th ed.).

⁷⁹Alexander Meiklejohn, *Free Speech And Its Relation to Self-Government* (New York: Harper & Bros., 1948). He expanded on his theory in "The First Amendment is an Absolute," *Supreme Court Review* (1961) 245-266.

⁸⁰Zechariah Chafee, "Book Review: Alexander Meiklejohn's *Free Speech And Its Relation to Self Government*," *Harvard Law Review*, 62 (1949) 891-901.

⁸¹Thomas I. Emerson, "Toward a General Theory of the First Amendment," *Yale Law Review*, 72 (1963) 877-956. He expanded his theory in *The System of Free Expression* (New York: Random House, 1970).

⁸²Emerson, "Toward a General Theory," in Kent Middleton and Roy Mersky, eds. *Freedom of Expression: A Collection of Best Writings* (Buffalo, N.Y.: William S. Hein & Co., 1981) 136-137.

⁸³Emerson, *The System*, 300, 672-673.

⁸⁴Vincent Blasi, "The Checking Value in First Amendment Theory," *American Bar Foundation Research Journal* (1977) 521-649.

⁸⁵Blasi, "The Checking Value," in Middleton and Mersky, *Freedom of Expression*, 376-378. For a discussion of the social responsibility connection between the legal theories of Chafee, Emerson, Blasi, and Edwin Baker, see Elizabeth Blanks Hindman, "First Amendment Theories and Press Responsibility: The Work of Zechariah Chafee, Thomas Emerson, Vincent Blasi and Edwin Baker," *Journalism Quarterly*, 69:1 (Spring 1992) 48-64.

⁸⁶Behrens, *Typewriter Guerillas*, xx.

⁸⁷376 U.S. 254 (1964)

⁸⁸See, for example, Lewis, *Make No Law*.

⁸⁹Harry Kalven, Jr., "The New York Times Case: A Note on 'The Central Meaning of the First Amendment,'" *Supreme Court Review* (1964) 191-221; Donald M. Gillmor, *Power, Publicity and the Abuse of Libel Law* (New York: Oxford University Press, 1992) 13.

⁹⁰Kalven, "The New York Times Case," in Middleton and Mersky, *Freedom of Expression*, 101-131.

⁹¹*Ibid.*, 119.

⁹²*Ibid.*, 120-123.

⁹³Lewis, *Make No Law*, 158.

⁹⁴Behrens, *Typewriter Guerillas*, xiii.

⁹⁵Lewis, *Make No Law*, 200.

⁹⁶388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967).

⁹⁷*Tilton v. Cowles Publishing Co.*, 459 P. 2d 8 (Wash. 1969); *Grayson v. Curtis Publishing Co.*, 436 P. 2d 756 (Wash. 1967); *Lloyds v. United Press International Inc.*, 311 N.Y.S. 2d 373 (1970); *Arber v. Stahlin*, 159 N.W. 2d 154 (Mich. 1968); *Old Dominion Branch No. 496, National Association of Letter Carriers, AFL-CIO v. Austin*, 418 U.S. 264 (1974); *Tripoli v. Boston Herald-Traveler Corp.*, 268 N.E. 2d 350 (Mass. 1971); *Time, Inc. v. Johnston*, 448 F. 2d 378 (4th Cir 1971); *McFarland v. Hearst Corp.* 332 F. Supp. 746 (D.Md. 1971); *Tucker v. Kilgore*, 388 S.W. 2d 112 (Ky. 1964).

⁹⁸403 US. 29, 91 S. Ct. 1811, 29 L. Ed. 2d 296 (1971).

⁹⁹418 U.S. 323, 94 S. Ct. 2997, 41 L. Ed. 2d 789 (1974).

¹⁰⁰1 Med. L. Rptr. 2617, 408 U.S. 665 (1972).

¹⁰¹*Ibid*, reprinted in Donald M. Gillmor, et al, *Mass Communication Law* (St. Paul, Minn.: West Publishing, 1990) 354.

¹⁰²*Ibid*, 355.

¹⁰³*Ibid*, 357. By the late 1980s, eight circuit courts plus the District of Columbia circuit recognized the three-part test referred to by Justice Stewart in his dissent. In addition, federal district courts in other jurisdictions apparently recognized it, and at least 14 state courts had apparently accepted it despite the existence of a shield law. In states with shield laws, nearly all applied at least some part of the test (Gillmor, et al., *Mass Communication Law*, 360).

¹⁰⁴The Georgetown Law Journal, *Media and the First Amendment in a Free Society* (Amherst, Mass.: University of Massachusetts Press, 1973) 210.

¹⁰⁵1 Med. L. Rptr. 1791, 385 U.S. 374, 87 S. Ct. 534, 17 L. Ed. 2d 456 (1967).

¹⁰⁶403 U.S. 713, 91 S. Ct. 2140, 29 L. Ed. 2d 822 (1971).

¹⁰⁷For history and analysis of the Pentagon Papers case, see Sanford J. Ungar, *The Papers & The Papers: An Account of the Legal and Political Battle Over The Pentagon Papers* (New York: E.P.Dutton, 1975).

¹⁰⁸Reprinted in Gillmor, et al, *Mass Communication Law*, 97.

¹⁰⁹*Ibid*, 96.

¹¹⁰Unger, *Papers & The Papers*, 95. For a more general discussion of freedom of the press from *Times v. Sullivan* to *New York Times v. U.S.*, see Lucas A. Powe Jr., *The Fourth Estate and the Constitution: Freedom of the Press in America* (Berkeley: University of California Press, 1991) 79-105.

¹¹¹Gillmor, *Power, Publicity*, 165-174. Gillmor argues that the high cost of libel suits makes libel law, in effect, a means of punishing criticism of government and public figures. Also see Lois G. Forer, *A Chilling Effect: The Mounting Threat of Libel and Invasion of Privacy Actions to the First Amendment* (New York: Norton, 1987).

¹¹²In *Branzburg*, 1 Med. L. Rptr. 2617, the Supreme Court stated clearly: "The privilege claimed here is conditional, not absolute . . . The administration of a constitutional newsman's privilege would present practical and conceptual difficulties of a high order." Reprinted in Gillmor, et al, *Mass Communication Law*, 353. Gillmor, et al, also point out that "a journalist who witnesses a crime remains highly vulnerable to subpoena," 371. Also, "reporters who assume that their promises of confidentiality are protected by the First Amendment or by statute are taking a great risk," 393.

¹¹³Forer, *Chilling Effect*.

¹¹⁴*New York Times v. U.S.*, 376 U.S. 254 (1964), allows that while the burden on the government to prove the necessity of prior restraint is large, it could possibly be met in the future. And, indeed, the case did not dissuade the government from seeking to restrain publication of hydrogen bomb details in *The Progressive*. See *United States v. Progressive, Inc.*, 467 F. Supp. 990 (W.D.Wis. 1979).

¹¹⁵The Supreme Court has consistently ruled that the broadcast industry, because it uses public airwaves and a limited resource (channels), can be regulated by the government. See, for example, *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969), in which the court upheld the constitutionality of the FCC's fairness doctrine and personal attack rules. Also see Barry Cole and Mal

Oettinger, *Reluctant Regulators: The FCC and the Broadcast Audience* (Reading, Mass.: Addison-Wesley Publishing, 1978).

¹¹⁶Baughman, *Mass Culture*, 30-47.

¹¹⁷*Ibid*, 91-116.

¹¹⁸*Ibid*, 41-42.

¹¹⁹*Ibid*, 57-58.

¹²⁰McWilliams, "Is Muckraking Coming Back?" 12.

¹²¹Halberstam, *Powers That Be*, 292-293.

¹²²Baughman, *Mass Culture*, 125.

¹²³George Kennedy, "Advocates of Openness: The Freedom of Information Movement," unpublished Ph.D. diss., University of Missouri, August 1978, 24.

¹²⁴*Ibid*.

¹²⁵*Ibid*, 28.

¹²⁶Harold Cross, *The People's Right to Know* (New York: Columbia University Press, 1953).

¹²⁷₅ U.S.C.A. at 552.

¹²⁸The exemptions are national security, if agency rules require nondisclosure, if a statute requires nondisclosure, trade secrets, interagency and intra-agency memos that would not ordinarily be available by law, personal medical personnel records and other private files, investigatory files for a current case, financial information about banks and other financial institutions, locations of private oil and gas wells. Gillmor, et al, *Mass Communication Law*, 465-476.

¹²⁹Gillmor, et al, *Mass Communication Law*, 479.

¹³⁰Dygert, *Investigative Journalist*, 46.

¹³¹Yoakum, "Dodd Case," 13; Donald R. Shanor, "Can a Congressman Sue a Columnist?" *Columbia Journalism Review*, Spring 1967, 20-23.

¹³²David Anderson and Peter Benjaminson, *Investigative Reporting* (Bloomington, Ind.: Indiana University Press, 1976, 1st ed.) 140-147.

¹³³*Ibid*, 143-144.

¹³⁴*Ibid*, 144.

¹³⁵*Ibid*, 146.

¹³⁶Philip Meyer, "The 'How' Behind This Special Survey," *Detroit Free Press*, Sunday, Aug. 20, 1967, 1B, col. 2. Reprinted in *Reporting the Detroit Riot* (New York: American Newspaper Publishers Assn., 1968) 43.

¹³⁷*Ibid*.

¹³⁸Edmund B. Lambeth, "Waiting for a New St. Benedict: Alasdair MacIntyre & the Theory and Practice of Journalism," *Business & Professional Ethics Journal*, 9:1-2 (1991) 100.

¹³⁹Philip Meyer, *Precision Journalism: A Reporter's Introduction to Social Science Methods* (Bloomington, Ind.: Indiana University Press, 1973). Steve Weinberg, an investigative reporter for the *Des Moines Register*, recalled that Meyer's text was one of the few how-to books on investigative journalism when he was learning how to do the craft (interview with author, April 16, 1992).

¹⁴⁰Meyer, *Precision Journalism*, 366-389.

¹⁴¹Steve Weinberg, *Telling the Untold Story: How Investigative Reporters Are Changing the Craft of Biography* (Columbia: University of Missouri Press, 1992) 111-112.

¹⁴²Dygert, *Investigative Journalist*, 53.

¹⁴³*Ibid*.

¹⁴⁴Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century America* (Madison: University of Wisconsin Press, 1989) 30-62.

CHAPTER VI

The Evolution of a Practice:

Investigative Journalism 1960-1975

An Evolving Practice

Social and cultural factors in post-World War II America encouraged the re-emergence and development of modern investigative reporting, which became a distinctive journalistic genre, similar in many ways to conventional news reporting, but also quite different. As MacIntyre (1981) has argued, a practice -- in this case, investigative journalism -- develops as practitioners carry out the goals of the practice.¹ Practices have goods internal to themselves, and these internal goods help define the individual practices.² Practitioners strive to obtain their practice's internal goods and reach to extend the standards of excellence established for the practice.³ In the process, if the practitioners are virtuous (truthful, courageous, concerned about justice, and conscious of tradition), the practice continually refines itself, defines itself, and progresses.⁴ To tell the history of a practice, MacIntyre argues, one must describe the development of its relevant technical skills and its evolution of standards and values.⁵ To understand the evolution of modern investigative journalism during the years 1960 to 1975, then, one must examine the internal development of the practice, paying particular attention to the technical

skills as well as to the standards of excellence and internal goods established by the practitioners themselves. An evaluation of the experience of the practitioners is necessary.

This chapter will use source materials, including published case studies, interviews (published and unpublished), news stories, magazine profiles, and other contemporary accounts of investigative reporting during the 1960s and the first five years of 1970. These years represent the period in which modern investigative journalism emerged. They prefigure, to some extent, the founding of Investigative Reporters and Editors in 1975. An analysis of these materials provides answers to the following specific questions:

-- How did practitioners define investigative journalism during these 15 years? How did the products of the practice contribute to a definition of investigative journalism?

-- What methods were used by investigative journalists in carrying out the practice? What were the relevant technical skills? How were new methods/skills introduced into the practice?

-- What standards of excellence developed during these 15 years? How did practitioners define the internal goods of the practice?

-- How did new practitioners enter the practice? How were they socialized into the practice? How did the

practice elevate and "extend" itself -- to use MacIntyre's terminology?⁶

Defining the Practice

How Investigative Journalism Differs

Modern investigative journalism is a coherent, complex social activity that differs from conventional journalism in its intensified application of traditional reporting methods and in its conception of a reporting project. It is, as Williams (1978) pointed out in a textbook on the specialty, an "intellectual process" as much as a collection of skills.⁷ It grew out of a largely submerged tradition of muckraking, exposé reporting, and crusading that emerged prominently within mainstream journalism from the 1800s to World War I and maintained a viable, but less-central role from 1920 to 1960.⁸ From 1960 to 1975, it once again emerged into prominence in the mainstream media.

The elements of investigative journalism can be discerned from commentaries about the practice and from examples of the craft published from 1960 to 1975.

Investigative Reporting as Exposé

In 1962, John Hohenberg, writing about the 1961 entries for the Pulitzer Prize public service category, isolated a type of reporting he labeled "investigatory reporting."⁹ He said such reporting was produced by reporters who were "digging" specialists.¹⁰ Two such specialists, Hohenberg

said, were Clark Mollenhoff of the *Des Moines Register and Tribune*, who gained national recognition for his exposés of Teamster Union corruption published in the late 1950s, and Jack Nelson of the *Atlanta Constitution*, who was noted for his exposure of gambling payoffs in Biloxi, Mississippi, in 1948 and his coverage of civil rights violence during the late 1950s and early 1960s.¹¹ Included in these examples of investigatory journalism is the element of exposure of graft, corruption, or criminal behavior.

In 1964, this element of exposure continued to dominate the definition of investigatory journalism when Hohenberg described examples of such reporting that included *Newsday* and Robert Caro's exposés of land-sale frauds by Florida and Arizona land-by-mail promoters; the *Cleveland Plain Dealer's* revelations about corruption by the Cuyahoga County, Ohio, recorder; and the *Philadelphia Bulletin's* published photographs of city policemen at a South Philadelphia numbers bank that resulted in a department shake-up and four arrests.¹²

If one examines the types of news stories that investigative journalists saw in the mid-1970s as being investigative stories, the exposure of corruption, graft, and abuse of power was clearly a dominant characteristic. Bill Anderson of the *Indianapolis Star*, for example, talked to Behrens (1977) about a series Anderson did with fellow reporters Richard Cady and Harley Bierce that exposed corruption within the ranks of the Indianapolis police.¹³

Investigative reporter Gene Cunningham of the Milwaukee *Sentinel* told Behrens her most satisfying story was the exposure of a corrupt county board chairman who was indicted after her exposé was printed.¹⁴ Jim Polk, an investigative reporter who had worked for the *Washington Star*, the Associated Press, and NBC News, told Williams of an investigative story he aired on NBC. It was a report about two U.S. senators who accepted a free trip to a ski resort and in turn tried to influence the U.S. Housing and Urban Development Department to speed up approval of a federal sewage treatment grant.¹⁵ The connection between investigative reporting and exposure of public official misfeasance and malfeasance was clearly made. In 1971, Mike Baxter and Jim Savage formed an investigative team for the *Miami Herald*. Their first major story, according to Downie, was an exposé of a U.S. senator's shakedown of construction company executives hoping to get low-interest loans and other advantages from the Federal Housing Administration.¹⁶ Again, the definition of investigative reporting was tied to the uncovering of graft and corruption by public officials.

Investigative Reporting as Revealing Important Secrets

One of the earliest attempts at defining investigative journalism was offered in a 1972 *Quill* article by K. Scott Christianson. An investigative reporter for the *Knickerbocker News-Union Star* in Albany, N.Y., Christianson defined the practice as the gathering of "important secret

information that somebody is determined to keep secret."¹⁷ This definition adds two elements: The subject matter has to be of public importance and the information revealed has to have been previously kept secret from the public. The examples of investigatory reporting offered by Hohenberg in his 1962 and 1964 articles included these elements. Gambling payoffs in Biloxi, civil rights violence in Georgia and Mississippi, public official corruption in Ohio, consumer rip-offs in New York, and dishonest policemen in Philadelphia were serious questions of public concern and the behavior that was exposed by the reporters was being kept secret from the public before the newspapers published their stories.

The Christianson definition, however, is broad enough to include investigative reporting other than that which reveals corruption, malfeasance, or criminal behavior. It would include, for example, the work of Tom Miller of the Huntington, West Virginia, *Herald-Dispatch*. Miller won a Gerald Loeb Award and a John Hancock Award for his 1974 series, "Who Owns West Virginia?" -- an analysis of land ownership patterns in the West Virginia coal country.¹⁸ While there were no revelations of criminal behavior or corruption, the series spurred legislators to revamp the state's tax laws to correct inequities and to discourage land speculation by absentee owners.¹⁹ While investigative journalism primarily is aimed at revealing wrong-doing, it may instead document inefficiencies or inequities in public

policies by undertaking a systemic analysis. *Washington Post* publisher Katherine Graham, in a 1974 speech, distinguished these two kinds of investigative reporting. The first, she said, is the more widely understood definition of exposing hidden illegalities and public official malfeasance. The second, she said, "zeroes in on systems and institutions, in the public or private realm, to find out how they really work, who exercises power, who benefits and who gets hurt."²⁰

In addition to Miller's work, there are other published examples of this second kind of investigative reporting. In 1974, Graham's own *Washington Post* published a detailed study of the U.S. Postal Service that revealed inefficiencies and poor management, not corruption.²¹ Likewise, the *Philadelphia Inquirer's* investigative team of Donald Barlett and James Steele carried out extensive analyses of social institutions and business enterprises, including the Philadelphia court system and the oil industry. Steele explained: "We don't see ourselves as righting wrongs, but merely looking at complicated public issues for patterns that haven't been seen before."²²

Investigative Reporting as Independent 'Digging'

In his 1962 and 1964 articles, Hohenberg identified another key element of investigative journalism -- digging. This element has two dimensions. First, it implies that the reporting process involves lengthy and persistent efforts to

uncover information not generally available to the public. Second, it implies that the reporters themselves do the investigation, rather than simply reporting the results of a law enforcement investigation or the proceedings of congressional investigators. As veteran investigative reporter Clark Mollenhoff explained,

for the most part it [investigative reporting] is hours and days -- and sometimes weeks -- of tedious work in combing records; countless interviews with people who do not really want to talk to you; the running out of endless leads . . . and the impenetrable stonewalling of responsible officialdom.²³

Miller spent a full year compiling information for his series on land-ownership in West Virginia.²⁴ And the *Philadelphia Inquirer's* investigative reporting team of Barlett and Steele spent six months investigating the Internal Revenue Service for a 1974 Pulitzer-Prize winning series on tax law enforcement.²⁵ In addition to the time factor and persistence, a description of Barlett and Steele's efforts also underscores the element of an investigation's being the work product of the reporters themselves:

The two spent most of their time pulling together facts and statistics from several different sources, sometimes computing or estimating new statistics. Besides the 20,000 tax liens they analyzed in New York, Philadelphia, Chicago and Los Angeles, they read published IRS reports, studied 30,000 pages of court records and transcripts in eight states, and examined 5,000 pages of real estate records, probate reports, congressional committee files, medical licensing records, and government agency hearing transcripts.²⁶

Dygert (1976) writes that investigative journalism

"blossomed in the late 1960s and early 1970s into a widely

scattered force for informing the public about misconduct in government and prodding authorities to act against crime and corruption."²⁷ He continues:

The muckrakers of old were crusaders, activists, zealots in pursuit of a particular brand of reform. The new muckrakers are dispassionate professionals who probe soberly beneath the surface of events and conditions to uncover the whole truth about the causes and motivations behind them . . .²⁸

Robert Greene, in separate interviews with Dygert (1976) and Williams (1975), suggested a definition similar to the one proposed by Christianson in his 1972 article; namely, that investigative journalism is the exposure of secret information that someone wants to keep secret. "Pulling out something that somebody or some organization is trying to keep secret is one of the elements of investigative reporting," Greene told Williams.²⁹ Greene, a pioneer investigative journalist who at *Newsday* founded the first permanent investigative team of reporters, added a further requirement -- that the reporting must be the journalist's own work product, not the reporting of an investigation by police or other government or private agency.³⁰ As he told Williams, some reporters with good sources can report on investigations by the police or the Justice Department or the Rand Institute. "That is fine reporting," Greene said, "but it isn't investigative reporting. It is not their own work product."³¹

After interviewing investigative journalists for his book, Dygert concluded that "most investigative journalism

takes aim at wrongdoing . . . to promote reform, expose injustice, enlighten the public, and discourage knavery. . . . It's a matter of applying the usual reporting techniques more intensely, more tenaciously, and of digging deeper than usual."³² In addition, Dygert pointed out, the painstaking collection of information must be done by the reporters themselves. "If it were not for him [the investigative journalist], the facts would remain undisclosed."³³

Investigative Reporting as Reform Journalism

In addition to the elements of exposure, time, persistence, revealing important public issues, and independent "digging," investigative journalism also contains a desire to bring about reform, or what Protest, et al, have referred to as "implicit or explicit normative appeals."³⁴ As Jack Anderson-associate Les Whitten has remarked, investigative journalists have a desire to expose the villains and get them removed from positions of power. Investigative journalists, Whitten said, must maintain "a sense of outrage."³⁵

This reformist element is most pronounced in those who seek a specific connection to the early twentieth century muckraking tradition. Carey McWilliams, editor of *The Nation*, assumed in 1970 that investigative journalism and reform journalism, or muckraking, were the same type of journalism.³⁶ In an article for the *Columbia Journalism Review*, McWilliams used the terms "muckraking," "reform

journalism," and "investigative journalism" interchangeably to describe the renewed interest among the press in stories that aggressively exposed the secrets of the powerful and unjust. After reviewing several developments in investigative journalism from 1960 to 1970, McWilliams concludes: "From all this, it should be apparent that the muckraking or reform tradition is very much alive in American journalism."³⁷ Others agreed with him. Jessica Mitford, who as a freelancer exposed the immoral practices of morticians in *The American Way of Death* in 1963 and problems in the penal system in *Kind and Unusual Punishment* in the early 1970s, published a how-to book on investigative journalism in 1979 and subtitled it *The Gentle Art of Muckraking*.³⁸ She first thought of herself as a muckraker, she said, after *Time* magazine labeled her "Queen of the Muckrakers" following publication of her 1969 article exposing the Famous Writers School as a fraud.³⁹ Likewise, syndicated columnist Jack Anderson readily referred to himself as a "muckraker."⁴⁰ Clark Mollenhoff of the *Cowles* papers saw his reporting as only a prelude to pushing for reforms, often appearing before congressional committees with suggestions for reformist legislation.⁴¹

The degree to which this reformist desire becomes overt, however, depends upon the individual investigative journalist. Ronald Kessler of the *Washington Post*, for example, argued:

it's dangerous for a reporter to think of it [investigative journalism] as a personal campaign or crusade. . . . It's not my business what happens afterwards. What I enjoy is bringing out the truth. In the long run that will bring reform, though it might not happen right off.⁴²

Even for those investigative reporters who agree with Kessler, the hope that one's reporting will in and of itself instigate reform of a bad situation -- if the public deems reform necessary -- is a strong motivator. "The satisfaction is in lifting the corner of the curtain on various activities which a government or an official may at times conceal from the public it serves and to whose judgment it must be held responsible," said investigative reporter Jim Polk.⁴³

Investigative Journalism Defined

In summary, the definition of investigative journalism that emerges from comments by contemporary investigative reporters and from examples of investigative stories has five distinct elements:

- 1) exposure of information;
- 2) about an important public issue;
- 3) that someone or some organization does not want reported;
- 4) that is revealed through the original, time-consuming ``digging'' of the reporter;
- 5) for the purpose of inspiring reform.

The first element was usually interpreted to mean the exposure of illegal or immoral behavior that affects the public in a negative way, but also could include the revelations of inefficiencies or inequities through systemic analysis. In addition, the skills employed by investigative journalists were seen as similar to traditional skills of all journalists, but were seen to be used more intensely, more aggressively, and more systematically.

Methods and Skills of the Practice

Creating a Niche

From 1960 to 1975, investigative journalism was re-emerging and seeking to create a niche for itself within the general practice of journalism. Consequently, it was a time of experimentation in the use of various methods and development of important skills. The methods and skills of modern investigative journalism were established during this initial phase. Methods were tried and evaluated, accepted or rejected. Skills, including interviewing and document searches, were identified and nurtured that would allow the practice to mature and remain viable. Many of the methods used, such as team-reporting and undercover work, were adaptations or refinements of methods used in earlier exposé reporting.⁴⁴ Some, including persistent digging for covered up facts, and organization of an investigation, were evident in earlier muckrakers and reform journalists but were improved on by practitioners of modern exposé reporting. A

few of the methods, including computer-use and polygraph tests, were introduced during this time period because new technologies became available.

Investigative reporter Bruce Locklin has argued that modern investigative reporting differs from the muckraking tradition in that the modern version of investigative journalism involves "systematic investigative reporting," whereas muckraking involved distillation and interpretation of already-known information.⁴⁵ And, indeed, there was an attempt during the late 1960s to develop a systematic investigative reporting methodology. Working at the American Press Institute in Reston, Virginia, in the late 1960s, J. Montgomery Curtis, Ben Reese (former editor of *The St. Louis Post-Dispatch*), John Seigenthaler (of the *Nashville Tennessean*), and Clark Mollenhoff (of the Cowles papers) developed checklists for investigative reporters and blueprints for investigative reporting that could be applied to studies of government or private institutions, offices, or agencies.⁴⁶ Mollenhoff described the system in a 1976 article:

It involves an analysis of the history of the agency, its purposes, and a study of how those purposes are being advanced from a standpoint of possible conflicts of interest and the administration of its laws and regulations. It comes complete with a check list for the investigative reporter, so he doesn't forget any areas of potential mismanagement or corruption.⁴⁷

The system became the basis for a series of investigative reporting seminars sponsored by API beginning in 1968 and

was expanded upon by journalism educator Paul Williams in a 1978 textbook, *Investigative Reporting and Editing*.⁴⁸

After interviewing 99 investigative reporters and editors in the mid-1970s, Williams provided one of the earlier models of investigative journalism methodology. Investigative projects, consciously or unconsciously, proceeded through several stages, Williams observed, from conception to publication. At several points along the way, evaluations were made. The general outline, according to Williams, was:

- Conception
- Feasibility study
- Go/no-go decision
- Planning and base-building
- Original research
- Re-evaluation
- Go/no-go decision
- Key interviews
- Final evaluation
- Final go/no-go decision
- Writing and publication.⁴⁹

This model illustrates what Protess, et al, would conclude more than 10 years later, namely that investigative reporting involves "highly distinctive processes" that take considerable time, include implicit or explicit normative appeals, and involve inductive generalizations from specific facts to larger social issues.⁵⁰ Throughout the process,

investigative reporters and editors constantly re-evaluate their conception of the story. While it could be argued that much of this process is also regularly done during routine daily news reporting, the emphasis on original research, the framing of the story as being a comprehensive look at a public problem, and the delay of key "target" interviews until most of the research is completed separate investigative journalism from routine news reporting.

The Methods of the Practice

A review of four investigative projects that were published or broadcast during the early 1970s serves to explicate the methods of modern investigative journalism. The four projects spotlighted here were chosen because analyses were published about them and because they represent the range of methodologies used from 1960 to 1975. The projects are:

- The heroin trail project published by *Newsday* in 1973. It won the Pulitzer Prize for meritorious public service in 1974.⁵¹
- The investigation of police brutality in Chicago by the *Chicago Tribune* in 1973.⁵²
- The study of the Philadelphia criminal justice system by the *Philadelphia Inquirer* in 1972.⁵³
- The 1972 investigation by the *Chicago Tribune* of voter fraud in Chicago, which won a Pulitzer Prize for local reporting.⁵⁴

Each of these investigations pushed the methodology of investigative journalism beyond previous limits.

The heroin trail project was a triumph for the team-reporting approach pioneered at *Newsday* by Bob Greene. It also expanded investigative journalism into the international arena.

Greene founded *Newsday's* investigative team, the first permanent-assignment investigative reporting team in U.S. history, in 1967. The architecture of the *Newsday* team was copied later by other newspapers and broadcast news operations. The *Boston Globe*, for example, studied the *Newsday* team organization before setting up its Spotlight Team in 1970.⁵⁵ The *Newsday* team has its own office and secretary and members of the team answer to no one in the newsroom except Greene, who closely coordinates the reporting and editing.⁵⁶

To report on the flow of heroin into Long Island, *Newsday* sent Greene and two associates, Knut Royce and Les Payne, to the poppy fields of Turkey in June 1972. They interviewed villagers and opium processors and observed the initial phase of heroin production. From Turkey, team members went to France, to investigate how opium gum was processed into heroin and smuggled out of Europe. Other *Newsday* reporters reported the story from the United States, interviewing law enforcement officials, drug dealers, and drug users.⁵⁷

Before embarking on the fact-gathering portion of the investigation, Greene and other team members spent two months reading extensively about the heroin problem, interviewing selected sources about drug smuggling, and developing contacts for their international visits. They took a crash course to learn the fundamentals of the Turkish language. And they mapped out a detailed plan for the investigation, including devising a cover for themselves as being on assignment to write travel articles for *Newsday*.

Newsday spent more than \$100,000 on the heroin trail investigation. Its reporters did original research, interviewing hundreds of sources in 13 countries in person, examining hundreds of pages of official documents, and presented a complete picture of the heroin problem from the poppy fields of Turkey to the arm of a Long Island addict. The project took six months to complete.⁵⁸ The methods employed included team reporting, personal interviews, document searches, deception (Greene posed as a lawyer while in France), collection of evidentiary photographs (Greene took Polaroid photos of poppy seeds, among other things), identification of drug dealers by name, use of insider informants (in the qualitative research sense of finding someone knowledgeable who can help set up interviews and provide guidance for the researcher), and presentation of massive amounts of evidence to prove their accusations (the final version of the report consisted of thirty-two parts

and was so long it had to be edited down when it was published as a book).⁵⁹

To investigate police brutality in Chicago, the *Chicago Tribune* team of George Bliss, Emmet George, Pamela Zekman, and William Mullen sifted through evidence of more than 500 cases of reported police abuse, eventually selecting thirty-seven to present to the public in their eight-part series.⁶⁰ Spending five months, the team questioned at length hundreds of alleged victims of police violence and hundreds more who claimed to be witnesses of abuse. Thousands of police, court, and medical documents relating to charges of brutality were examined. In addition to talking to the people who accused the police of abuse, the reporters also talked to the police officers accused of the violence. The *Tribune* paid for polygraph tests to be administered to both victims and accused police officers as an additional verification of the veracity of the sources. The result was a series that gave numerous examples of police brutality, often telling the victims' tales as narratives, backed up by stories written in the more conventional expository form. The examination of each individual case amounted to a mini-investigation. Each case was thoroughly researched and documented. Each had its own "key interview" when the offending police officer was confronted with the evidence. At every step, the decision to use the case had to be re-examined. The articles concluded that the police department's internal investigative division was ineffective

and that "police brutality can happen to anyone, that it is not reserved for blacks, the poor, or the so-called radicals."⁶¹

In Philadelphia, reporters Barlett and Steele used a computer to analyze data from more than 1,300 individual criminal cases in order to tell the story about the administration of justice in Philadelphia courts. The reporters, who mastered the skill of document use, scrutinized indictments, bail applications, court hearing summaries, police complaints, prior arrest records, psychiatric evaluations, probation reports, hospital records, trial transcripts, sentencing records, defendant's backgrounds, prison records, and other public records.⁶² They painstakingly collected more than 100,000 pieces of information about the cases and the defendants, had the data transferred onto more than 9,600 IBM computer cards and fed them into a computer.⁶³ After analyzing the data, the reporters interviewed crime victims, judges, prosecutors, defendants, and defense lawyers.⁶⁴ They discovered that in Philadelphia courts, justice was not blind. Building on the innovation of Philip Meyer's computer analysis of survey data for the *Detroit Free-Press*' study of the 1967 Detroit inner-city riots, the success of the *Inquirer* series and its use of computer analysis of public documents became an example for other investigative reporters.⁶⁵

When the *Chicago Tribune*'s team of investigative reporters decided to investigate voter fraud in Chicago in

1972 by going undercover, the paper had already experimented with clandestine investigations. Two years previously, team member William Jones had posed as an ambulance driver for two months to investigate the private ambulance companies in Chicago.⁶⁶ Later, team members Pamela Zekman, Jones, and two other reporters got jobs working undercover inside nursing homes to see first-hand how patients were treated.⁶⁷ In 1971, the team used surveillance techniques to investigate waste and mismanagement in Cook County government.⁶⁸ Building on the experience of these earlier investigations, the *Tribune* task force placed seventeen *Tribune* staff members and eight outside investigators as Republican election judges and poll watchers in order to study voter fraud in 1972. In addition, team leader George Bliss carried out surveillance on one polling place from the outside.⁶⁹ The resulting series revealed multiple voting, voting machine tampering, and cash payments to voters, in addition to other abuses, all to the benefit of the city's Democratic politicians.⁷⁰ Prior to beginning their undercover work, the reporters mailed registered letters to a sampling of 5,495 voters in precincts where voter fraud was suspected and thereby were able to prove that about 13 percent of the registered voters were dead or never existed.⁷¹

Undercover investigations were not new to investigative journalism. In 1971, Clarence Jones of WHAS-TV in Louisville, Kentucky, used a camera hidden in a lunch box to

investigate walk-in bookie parlors and after-hour liquor sales for eight months.⁷² But because the *Tribune's* voter fraud series won a Pulitzer Prize, it became an example for other investigative reporters and temporarily legitimized the controversial use of undercover work. The controversy came to a head by 1978, however, when the *Chicago Sun-Times* was denied a Pulitzer Prize for its Mirage Bar series detailing corruption among city employees precisely because undercover techniques and hidden cameras were used.⁷³

Newsday's heroin trail investigation, the exposé of police brutality in Chicago, the study of the Philadelphia court system, and the revelation of voter fraud in Chicago all serve to show the breadth of methodology applied by investigative journalists by the mid-1970s. These case studies reveal that investigative reporters developed the skills necessary for:

- Conceptualizing stories at a systemic level, concentrating on patterns of abuse, illegalities, and corruption rather than on a few wrong-doers;
- Organizing, correlating, and evaluating massive amounts of information and sifting through thousands of documents;
- Interviewing hundreds of sources for an individual story or series;
- Analyzing with computers otherwise unmanageable amounts of data;

- Persisting in an investigation over months of inquiry, even when faced with what appears insurmountable odds, such as following up hundreds of leads to find information and develop evidence;
- Collecting evidence that people and institutions want to keep hidden, even if collecting it means surveillance or undercover work by the reporters;
- Conducting tough interviews with targets of their investigations;
- Verifying the truth of evidence, such as through the use of polygraph tests in the police brutality series;
- Cooperating in teams to accommodate routine investigations that go beyond the scale that individuals could handle alone.

But the practice of investigative journalism involves more than the application of skills. For a social practice to be elevated and extended, it must be carried out with virtue. Practitioners must apply time-honored virtues in the pursuit of internal goods while reaching for the recognized standards.

Virtues, Goods, and Standards

A Healthy Social Practice

MacIntyre (1981) explains that a healthy social practice is one in which the practitioners apply the virtues of courage, justice, honesty, and a sense of tradition as they reach toward the practice's standards of excellence in

their pursuit of the practice's internal goods.⁷⁴ Lambeth (1992) suggests three time-tested principles for journalists in addition to the MacIntyrean virtues. He adds the principles of freedom, humaneness, and stewardship to the virtues of courage, justice, and honesty.⁷⁵ Internal goods, MacIntyre asserts, are those goods that relate to the virtues and that partially define the practice.⁷⁶ Their achievement is a good for all who participate in the practice.⁷⁷ They are opposed to external goods, which are those goods derived from outside the practice as a personal benefit for doing the practice, and they are the rewards the institutions of a practice strive for and dispense.⁷⁸ For journalists, the external goods include money, fame, social power, and prestige.⁷⁹

Standards of excellence represent the best achievements of a practice. They are established through carrying out the practice over time while attempting to sustain progress and to respond creatively to specific instances.⁸⁰ They establish an objective guide for performance of the practice.⁸¹ "We cannot be initiated into a practice without accepting the authority of the best standards realised so far."⁸²

The application of virtues and the pursuit of excellence as represented by a practice's standards allows a practitioner to achieve the internal goods of a practice. "A virtue," MacIntyre says, "is an acquired human quality the possession and exercise of which tends to enable us to

achieve those goods which are internal to practices."⁸³ Furthermore, MacIntyre says, internal goods "are indeed the outcome of competition to excel. . . . [they] can only be achieved by subordinating ourselves to the best standard so far achieved."⁸⁴

MacIntyrean Moments

Standards of excellence change, however, and internal goods are sometimes redefined. It is in this way, in fact, that a practice either progresses or decays.⁸⁵ The conceptions of the standards and the internal goods are "systematically extended," in other words the practice progresses, in what Lambeth (1991) calls a "MacIntyrean moment."⁸⁶ This is when by applying the virtues and by pursuing goods internal to a practice, the practitioner reaches beyond the accepted standards to establish new standards and through this process causes the practice to reconceptualize the standards of excellence and, perhaps, the internal goods themselves.⁸⁷

Lambeth (1992), for example, argues that when reporters Barlett and Steele of the *Philadelphia Inquirer* used computer analysis in 1972 to study the administration of justice in Philadelphia courts, they pushed the practice of investigative journalism forward by establishing new standards.⁸⁸ After Barlett and Steele's investigation, other reporters wanting to study the administration of justice within a particular court system would have to match

the now reconceived standards of computerization, thoroughness, and documentation. In addition, Barlett and Steele caused the practice to reconceptualize what the internal good of "telling the whole story" means.⁸⁹

In contrast, the *Chicago Tribune's* 1974 investigation of voter fraud in Chicago and the *Chicago Sun-Times*/CBS 1977 investigation of city official corruption through operation of the Mirage Bar did not advance the practice of investigative journalism because in reaching for the internal good of "truth-telling," and in attempting to set new standards of documentation, they did not apply all the virtues. While they were courageous, justice-seeking, and somewhat conscious of tradition, they were not honest. In both cases, undercover reporting and deception were used to collect information for the stories. As a result, controversy and embarrassment resulted rather than an extension of the practice.⁹⁰

The statements of investigative journalists and commentators from 1960 to the mid-1970s reveal the virtues, standards of excellence, and internal goods for the practice of investigative journalism as perceived by those involved in the practice during that time period. What is found by such an examination is that by the mid-1970s there was a certain level of maturity in the practice of investigative journalism. A recognition of the virtues and principles, an understanding of the standards of excellence, and a perception of the internal goods were all in place by 1976,

when the service organization Investigative Reporters and Editors was founded.

A Series on Police Brutality

A close examination of the *Chicago Tribune's* 1973 series on police brutality in Chicago, which won the 1974 Pulitzer Prize for local reporting, focuses the discussion of how virtues, standards of excellence, and internal goods were established within the practice of modern investigative journalism by the mid-1970s.

The *Tribune's* report on police brutality towards citizens of Chicago ran in a six-part series in November 1973. It involved the paper's Task Force investigations team, headed by veteran investigative reporter George Bliss. Other members of the team were Pam Zekman, William Mullen, and Emmet George. Discussing the series after it ran, *Time* magazine described it as "probably the most thorough examination of police brutality ever published in a U.S. newspaper."⁹¹

According to the published series, the *Tribune's* investigation was prompted by a concern that the Chicago Police Department's internal affairs division (IAD) was not adequately responding to complaints of physical and verbal brutality leveled by citizens against individual police officers.⁹² In 1972, IAD had sustained 29 cases of abuse out of 827 it had received. As of November 1973, it had sustained 8 percent of the complaints it had received. At

the same time, the newspaper and numerous community organizations and civic leaders were receiving thousands of complaints that the police department allegedly was not investigating, according to the paper's published account.⁹³ Information about widespread police brutality that the police department was failing to correct would be of public benefit. A statement published later by *Tribune* publisher Stanton R. Cook pointed out that what the paper was after were the "few policemen [who] have abused their powers and the rights of citizens they are sworn to protect."⁹⁴ The paper's position was consistent with Dygert's requirement that investigative journalism "promote reform, expose injustice, enlighten the public" as well as discover "why an institution doesn't do its job."⁹⁵ It also met the test proposed by investigative journalist Gene Cunningham of the *Milwaukee Sentinel* that investigative reporting concentrate on "telling the public something it should know -- it must know -- and otherwise wouldn't."⁹⁶ The purpose of the *Tribune* investigation, in other words, was to achieve the journalistic internal good of reporting on a matter of public importance.

By choosing the subject it did, the *Tribune* team met the standard of confronting the powerful (the police department) and consequently had to display the virtue of courage. The series points out that some alleged victims refused to talk to the reporters for fear of retaliation by the police, and Zekman related in a later interview that

police officers were often aggressively defensive about the questions the reporters would ask.⁹⁷ In addition, getting interviews with alleged victims or with witnesses to brutality also demanded courage, Zekman pointed out. The reporters often had to seek out people who lived in tough sections of Chicago and Zekman said she and others did not know whether "people would quietly submit to questioning or shoot us."⁹⁸ As Dygert observed in his book about investigative journalists in the mid-1970s, "treading on the toes of a community's power structure . . . takes real courage."⁹⁹

The *Tribune* reporters also sought the other investigative journalism internal goods of telling the whole story, truth-telling, originality, and impact. Telling the whole story meant looking at the range of accusations of police abuse -- not just one or two cases, but 37 out of 500 cases selected for investigation to show that abuse was happening to all kinds of people, "that it is not reserved for blacks, the poor, or the so-called radicals."¹⁰⁰ It also meant including the stories of those who were accusing the police department as well as the stories of the police officers who were accused. It meant investigating more than just that abuse was going on, but also what the police department was doing about the allegations of abuse and what was not being done but what could be done to stem the brutality. It meant not writing one article, but a series that included 38 articles and sidebars. As investigative

reporter Jack White of the Providence, Rhode Island, *Journal-Bulletin* told an interviewer in the mid-1970s, "Perhaps the most satisfying thing is that when you're done . . . you are able to say to people: 'This is the whole thing.' When you can give people the whole story in one package or a series, they really understand it."¹⁰¹

By telling the whole story and by giving all sides and looking at the various angles involved, the *Tribune* reporters exhibited the virtue of justice. They were concerned about the injustice of the brutality; and they also were concerned about being just to those on whom they reported. Also, they carried out their investigation employing the virtue of humaneness, wanting to prevent harm to innocent civilians and wanting to prevent harm to those they reported on. And they diligently sought fairness. As publisher Cook explained, a newspaper must be "a spotlight on our system" and it must be both tough and fair, "and at the *Tribune*, we take great pains to be both."¹⁰²

Truth-telling also was a primary objective for the *Tribune* reporters. "We knew that each complaint we used in our series had to be perfect," Zekman recalled later. "If the police department found one hole in any single account they would drive a truck through the whole series."¹⁰³ The reporters acknowledged that some of the people who had complained about police brutality "were lying, trying to mask their own wrongdoing by making false charges against the police."¹⁰⁴ But they found others who were telling the

truth and "what emerged was a pattern of brutality by some policemen that could not be ignored."¹⁰⁵ By exposing that some complaints were bogus, the reporters exhibited the virtue of honesty. "It takes a real gut desire to get at the truth," as investigative reporter Ronald Kessler of the *Washington Post* explained to an interviewer. "It goes beyond a professional interest in getting good stories. It takes a drive to find out what's really going on."¹⁰⁶

By striving for the standards of thoroughness and documentation, they sought to guarantee truth-telling. They met the standard set forth by Lewis H. Lapham, who in 1973 wrote that "the gathering of information can be a tedious process, but the relevant facts can be found if a man will search diligently enough among the available records, if he will talk to a sufficient number of people, and if he will work out the implications of his evidence."¹⁰⁷ As Ted Driscoll of the Hartford, Connecticut, *Courant*, explained to an interviewer in the mid-1970s, accusations by investigative journalists must be backed up by solid research. A reporter must talk to sources on both sides of the issue to verify complaints and must pull together documentation. "When you write that the [paper] 'has evidence of widespread instances . . .,' it must mean just that."¹⁰⁸

Like other investigative journalists who helped set the standard that a journalistic investigation must involve the search of numerous public records and interviews with

dozens, if not hundreds, of people,¹⁰⁹ the *Tribune* reporters examined thousands of documents -- starting with 500 written complaints to the IAD provided to Bliss by an inside source¹¹⁰ -- and interviewed hundreds of people who complained of brutality or were witnesses to brutality.¹¹¹ In a later interview, Zekman relates her experience of trying to document one woman's accusation that a police beating led the woman to have a miscarriage.¹¹² Zekman said she spent considerable effort to get an interview with the woman's doctor, who agreed the beating could have resulted in a miscarriage -- had the woman been pregnant. The doctor explained that the woman had come to him for a pregnancy test, but had not returned for the test results, which were negative. In addition, the *Tribune* team extended the standard of documentation by requiring at the paper's expense that alleged victims and some police officers pass polygraph tests administered by an independent polygraph firm with a national reputation.¹¹³

The internal good of originality also was sought by the *Tribune*. Original work was not clearly established by 1973 as a good associated with investigative journalism, but it quickly became so. *Life* magazine had built a reputation for investigative reporting during the late 1960s and early 1970s, including the exposure of Supreme Court Justice Abe Fortas' acceptance of a \$20,000 annual fee from a foundation associated with a convicted criminal whose case would come before the Supreme Court. William Lambert, the magazine's

chief investigative reporter, also exposed in 1970 Maryland Senator Joseph Tydings' failure to provide full disclosure of his financial assets.¹¹⁴ But the investigations by *Life* were criticized by some investigative reporters. Robert Walters, a freelance investigative journalist, argued that the stories *Life* was publishing were not investigative reporting because the exposés did not result from original work by the reporters, but came instead from leaks by prosecutors who were unable to complete their investigations sufficiently for prosecutions.¹¹⁵

The standard of originality, however, eventually developed through criticism and self-examination by practitioners such as Walters. By the mid-1970s, Bob Greene of *Newsday* could confidently assert that the "essence" of investigative journalism is that it is the reporter's own work.¹¹⁶ Reporters at the *Chicago Tribune* clearly accepted the standard of originality when they set out to investigate police brutality. They did not accept the findings of the IAD that most accusations of abuse were unfounded. And they were not content to simply repeat the accusations of "bar associations, federal study groups, and respected police organizations" who had offered "scathing criticism of half-hearted brutality investigations."¹¹⁷ Instead, showing independence from the police department and other institutions, the reporters carried out their own investigation, interviewing victims, witnesses, police administrators, police department critics, and police

officers, and searching public records for evidence. The reality of police brutality became "clear to the reporters" because the reporters had conducted the investigation.¹¹⁸ Moreover, in carrying out an independent investigation, the *Tribune* editors and reporters were continuing a tradition of the paper and of journalism generally, according to publisher Cook. The brutality investigation "typifies the kind of tough, thoroughly-researched investigative reporting which . . . has won the *Tribune* two Pulitzer prizes in the past three years," Cook asserted. And, he said, it "illustrates the kind of commitment that a responsible metropolitan newspaper should make to its city and people."¹¹⁹

Investigative journalists by the mid-1970s did not agree on the importance of an investigation's having impact on a community. The *Washington Post*'s Ronald Kessler, for example, argued that it was dangerous for a reporter to push for reforms beyond laying out the facts of a problem.¹²⁰ Kessler conducted the investigation and presented his findings. "It's not my business what happens afterwards," he argued.¹²¹ But others clearly saw the need for impact and argued that following up an investigation with questions about whether reforms were being made must be a standard of excellence for the practice. Clark Mollenhoff of the Cowles papers, for instance, always followed his investigations with demands that changes be made. "If you want to be effective in this business, you've got to follow through,"

he argued.¹²² *Boston Globe* investigative reporter Gerard O'Neil told an interviewer that his most rewarding story was an investigation of fraudulent vocational schools because "it did the most good. It brought the biggest response . . . which can be the investigative reporter's best measurement [of success]."¹²³ And Downie (1976) began his book about investigative reporting by admiringly listing the numerous changes that investigative journalism had wrought. Pointing out that Bob Woodward and Carl Bernstein helped topple President Nixon's corrupt administration, that Seymour Hersh helped turn around public opinion about the Vietnam War by reporting on the My Lai massacre, and that William Lambert's reporting on Supreme Court Justice Abe Fortas led Fortas to resign from the court, Downie concludes that "journalists have not had such a telling impact on the country's affairs since the brief golden age of the original 'muckrakers' just after the turn of the century."¹²⁴

At the *Chicago Tribune*, there is no evidence that the investigative team began its study of police brutality with a goal of effecting change, but it can be inferred that impact was a good being sought. For example, the series included interviews with law enforcement experts about how police brutality can be curbed, providing suggestions for change.¹²⁵ The series also provided perspective on the brutality, first by exposing it as a problem, then by suggesting how the police department had failed to control the brutality, including the revelation that a nationally

recognized psychological screening program for new officers had been systematically eliminated by the department.¹²⁶ Further, the paper followed up the series with reports of reactions to the investigation's findings. An afterword included in the paper's reprint of the series listed the various responses from the city, the police department, the state legislature, and other institutions.¹²⁷

The standard of vividness in reporting the findings of the investigation also contributed to the *Tribune's* wanting to make an impact. It was recognized among investigative journalists that the way in which one told the story was an important factor in producing an exposé that catches people's attention. "Major projects are massive and intricate, but they are of little use if the reader can't understand and digest them," investigative reporter K. Scott Christianson advised. "The writer must know how to build and keep the reader's interest, structuring it in a manner which allows it to intensify until the last tumultuous day [of the series]."¹²⁸ The cases of brutality detailed in the *Tribune's* series sought to achieve vividness. They were reported in narrative form, telling short stories of police violence against individual citizens. The stories used a mixture of dialogue, graphic detail, chronological structure, irony, and other literary devices to help tell the individual stories. One of the stories began with ironic detail and observation:

Harold Williams couldn't believe he had violated any traffic regulations when two policemen in a squad car pulled him over at 19th Street and Kostner Avenue.

He was right. They had stopped him because they couldn't see the city vehicle tax sticker on his windshield.

It was 10 p.m. Oct. 16, 1971, and Williams, 44, of 237 N. Long Av., was alone in his car, driving home.

He never got home that night. . . .¹²⁹

Another story added dialogue to its chronological description of events:

Bennye [Moon] screamed at Winfield, "That's my son. Oh, my God, don't hit my son."

[Officer] Winfield swung his revolver and hit Bennye across the face, shattering her lower left jaw. She started to sag to the street and grabbed his lapels to keep from falling. . . .

"Get out of here, bitch," Winfield told Diane [Bennye Moon's daughter].

"That's my momma," she protested, but Winfield pulled her up by her maternity shirt and hit her in the mouth. . . .

"I'm hurt," she moaned. "I'm bleeding."¹³⁰

In addition, the series was complemented with photographs of the victims, some of which showed the effects of the abuse.

Shortly after the series was published, according to City Editor Bill Jones, phone calls and letters poured into the newsroom and did not stop for several weeks. "The series obviously had struck a delicate chord in the public," he said.¹³¹ In addition, several police officers were indicted on criminal charges, new programs and policies were introduced in the police department, and an independent citizens council was created to investigate police brutality complaints.¹³²

Virtuous Practitioners

The *Tribune* reporters and their editors had carried out the investigation of police brutality responsibly, according to publisher Cook, who commented after the series ran in a manner that suggests the principles of freedom and stewardship had guided the paper's work. Lambeth (1992) points out that freedom includes the concept of autonomy, or independence, and stewardship involves acting in such a way that the freedom of the press and America's free society are maintained.¹³³ "Today, more than ever before," publisher Cook said,

a newspaper must be a spotlight on our system because only the press has the resources, energy and staff to examine such wide-ranging and complex stories as this [investigation of police brutality]. . . .It must practice professional investigative journalism, but it must do so in a responsible manner. . . . Fairness breeds trust. And trust, the public's belief that a newspaper makes every effort to be fair, is the life's blood of a free press.¹³⁴

Clearly, the *Tribune's* publisher saw the need for journalists to operate in such a way that social and individual freedoms were protected. In addition to their publisher's observations after the fact, the individual reporters and editors who carried out the investigation and put its findings in the paper applied the virtues of freedom and stewardship during the investigation. They did this by working to achieve the recognized internal goods of investigative journalism (reporting on matters of public importance, telling the whole story, truth-telling, originality, and impact); by striving for the standards of

excellence established by investigative journalists (confronting the powerful, showing independence, documentation, thoroughness, vividness, perspective, and follow-up); and by applying the other recognized virtues and principles (courage, justice, honesty, humaneness, and sense of tradition).

The following chart summarizes these virtues, standards, and internal goods:

Investigative Journalism Practice		
1960-1975		
<i>Virtues (Principles)</i>	<i>Standards of Excellence</i>	<i>Internal Goods</i>
Courage	Confronting the powerful	Telling the whole story
Justice	Showing independence	Reporting on matters of public importance
Honesty	Documentation	Truth-telling
Sense of tradition	Thoroughness	Originality
Freedom	Follow-up	Impact
Humaneness	Vividness	
Stewardship	Perspective	

Maintaining the Practice

A Mature Practice

By the mid-1970s, modern investigative journalism had matured to the point where it was fairly well defined, its skills and methodology were developed, and its internal goods and standards were for the most part in place. In order to understand how it reached that maturity it will be necessary to explore how potential practitioners entered the practice, how they were trained, and how the practice perpetuated itself.

MacIntyre (1981) explains that a social practice evolves and gains sustenance through the practitioners themselves and the work they do, as well as from the social institutions that host the practice. "Every practice requires a certain kind of relationship between those who participate in it," MacIntyre asserts.¹³⁵ There must be a sharing of purposes and standards "which inform the practices."¹³⁶ That is to say, members of a practice must have a means to train new practitioners, recognize and develop standards of excellence, and define internal goods. In addition, institutions play a role because "no practices can survive for any length of time unsustained by institutions."¹³⁷ The institutions provide the external goods -- in the case of investigative journalism, the salaries, the means of publication, the social power to gain information, and the awards and rewards that encourage and allow investigative journalists to carry out investigations.

Jim Savage of the *Miami Herald* pointed out, for example, that "having the power of the *Miami Herald* behind me usually meant that some action would be taken on what I helped uncover."¹³⁸ And from 1960 to the mid-1970s, the evidence shows, the media and other social institutions also provided the means of recruitment of new practitioners and to a large extent the training and development of investigative journalists.

Entering the Practice

From the early 1960s to the mid-1970s, journalists got involved in investigative reporting through self-motivation to expose wrong-doing and corruption or through recruitment by editors who sought out reporters with relevant characteristics to carry out specific exposés. Training was carried out primarily through self-education and one-on-one mentoring. In a few cases, including those of two prominent investigative reporters from this era, Clark Mollenhoff of the Cowles papers and Robert Greene of *Newsday*, training came through education in law and/or employment with congressional committees involved in specific investigations.¹³⁹

Rarely did reporters perceive themselves as becoming the type of reporter that could be called "investigative journalist." Some reporters regularly doing investigative stories, such as Richard Dudman of the *St. Louis Post-Dispatch* and Jonathan Kwitny of *The Wall Street Journal*,

rejected the investigative reporter label when interviewed in the mid-1970s. Dudman said he did not consider himself an investigative specialist, in spite of the fact he regularly used investigative methods.¹⁴⁰ And Kwitny denied there was a specialty of investigative reporting and argued that "every story is an investigation."¹⁴¹ Many entered investigative reporting like Carl Bernstein of the *Washington Post*. Because he had a reputation of being an aggressive reporter, Bernstein was given the nod to help Bob Woodward in the investigation of the Watergate scandal in 1972. Neither Bernstein nor Woodward had the title of "investigative reporter." Bernstein explained in an interview in the mid-1970s:

I've always approached especially long pieces by digging into things. It's what I like to do. Most of the work I've done hasn't been about Watergate-type stories or people who have broken the law or anything of that kind. But it's been about how people live . . . but again I don't think you do such stories any differently.¹⁴²

Ironically, it was Bernstein's and Woodward's book about how they reported the Watergate scandal, *All the President's Men*, that provided one of the few how-to books in the mid-1970s for would-be investigative journalists who tried to train themselves in investigative journalism techniques.¹⁴³ Another available source for self-studiers was Philip Meyer's *Precision Journalism*, first published in 1973.¹⁴⁴ As a text on reporting and the use of social science methods in journalism, *Precision Journalism* offered step-by-step advice on how to carry out indepth reporting through the use

of public surveys, public records, and public polls. It also, significantly, offered three case studies of reporting that made use of social science methods to which aspiring investigative reporters could refer.¹⁴⁵ Other examples were available through reprints of investigations offered by the newspapers that carried them out.¹⁴⁶

Another means of training was through mentoring. Investigative reporter Steve Weinberg, for example, recalls being mentored by Tom Duffy, city editor of the *Columbia* (Missouri) *Missourian*, where he worked as a student at the University of Missouri School of Journalism.¹⁴⁷ Duffy, a former editor of an East St. Louis, Illinois, paper, guided Weinberg in doing investigative projects that were published in the *Missourian*.¹⁴⁸ Likewise, reporter Jim Savage learned investigative skills in 1965 when he joined the Fort Lauderdale bureau of the *Miami Herald* and met Hank Messick, a veteran investigative reporter. Messick allowed Savage to watch and later help Messick's investigation of wrong-doing in local sheriffs' offices. That exposure to techniques and standards allowed Savage to develop into an investigative reporter who went on in the mid-1970s to reveal bribery in the office of U.S. Senator Edward J. Gurney, Republican from Florida.¹⁴⁹

Institutional Dominance

Some communication of standards and methods was offered through articles published in journalism reviews and other

magazines. The *Columbia Journalism Review* carried articles that assessed reporting on congressional aide Bobby Baker's influence-peddling scandal (1964),¹⁵⁰ praised reporting by *Fleet Owner* magazine on drug use by over-the-road truck drivers (1965),¹⁵¹ analyzed undercover reporting by the *Philadelphia Bulletin* (1966),¹⁵² criticized the less-than-aggressive reporting about corruption in the office of Congressman Thomas J. Dodd (1967),¹⁵³ and reported on the general come-back of muckraking (1970).¹⁵⁴ *The Quill*, a publication of the Society of Professional Journalists, carried articles such as investigative journalist K. Scott Christianson's assessment of the "new muckraking" (1972)¹⁵⁵ and former investigative journalist Stephen Hartgen's analysis of investigative journalism (1975).¹⁵⁶ [MORE], a journalism review published during the early and mid-1970s, also published assessments of investigative journalism and case studies of investigative projects.¹⁵⁷ By publishing such articles, the trade press, particularly the journalism reviews, provided a critically informed forum for discussions of investigative journalism techniques, standards, and goals.

From 1960 to 1975, however, the dominant influence on the recruitment, training, and sustenance of investigative journalists were the news organizations and other social institutions interested in investigative reporting. Some newspapers, magazines, and broadcast news organizations saw investigative reporting as a duty of journalism and as a

means of generating readership and viewers. Davis Taylor, publisher of the *Boston Globe*, encouraged investigative journalism during a speech to fellow publishers attending the American Newspaper Publishers Association 1974 annual meeting: "It's a trend -- so far as newspapers are concerned -- that is way overdue. It is something that newspapers can do better than any other medium. . . . I must cast my vote for more aggressive investigative reporting."¹⁵⁸ Katherine Graham, publisher of the *Washington Post*, also encouraged more investigative journalism.¹⁵⁹

By the mid-1970s, there were investigative teams and other investigative reporters at *Newsday* in Long Island, the *Globe* in Boston, the *Philadelphia Inquirer*, the *Chicago Tribune*, the *Chicago Sun-Times*, the *Miami Herald*, the *Minneapolis Tribune*, the *Indianapolis Star*, the *St. Louis Post-Dispatch*, the *Atlanta Journal*, the *Cincinnati Enquirer*, the *Daily Oklahoman*, *The Wall Street Journal*, *The New York Times*, the *Nashville Tennessean*, and many other newspapers.¹⁶⁰ On many teams, including *Newsday's* and the *Chicago Tribune's*, staff reporters were recruited from daily assignments to special assignment on an investigative team or to do individual investigations.¹⁶¹

Carey McWilliams, editor of *Nation*, encouraged muckraking, seeking out reporters who could do stories for the magazine.¹⁶² *Life* and *Look* magazines saw investigative journalism as a means of expanding readership and perhaps

saving the magazines from folding.¹⁶³ Other magazines, such as *Ramparts* and *New Times*, were oriented primarily to investigative reporting, albeit with a muckraking, left-wing reformist agenda.¹⁶⁴

Broadcast news operations also saw investigative journalism as a potential audience-getter. CBS, which had broadcast Edward R. Murrow's documentary investigations on *See It Now* and as individual specials during the 1950s and early 1960s, founded *60 Minutes* in 1968 with a decidedly investigative reporting agenda.¹⁶⁵ NBC-TV had an investigative reporting team headed by Stanhope Gould and including James Polk, a veteran of the Associated Press investigative team, which was founded in 1967, and the *Washington Star*.¹⁶⁶ ABC-TV did investigations through its *ABC News Close-Up* show, which featured former Jack Anderson associate, reporter Brit Hume.¹⁶⁷ Some local television stations also pursued investigative reporting, including WHAS-TV in Louisville, Kentucky, WCCO-TV in Minneapolis, WMAQ in Chicago, and WPLG-TV and WCKT-TV in Miami.¹⁶⁸

Without the demand for investigative journalism from the mainstream media organizations, it would have been impossible to sustain the practice of investigative journalism. They provided the outlets for the products of the investigative journalism practice, hired investigative reporters, recruited journalists to do investigative reporting, and encouraged development of the skills of investigative journalism. The mainstream media's interest

in investigations, for example, led the American Press Institute to organize its series of training seminars on investigative reporting. The two-week-long seminars featured such noted investigative journalists as Clark Mollenhoff and Robert Greene, who used the seminars to tutor other journalists in investigative reporting methods.¹⁶⁹ Five of these seminars were held during 1971 and 1972, during which more than 100 papers sent reporters for training.¹⁷⁰ In addition, a private foundation, the Urban Policy Research Institute of Beverly Hills, California, sponsored workshops on investigative journalism in Orange County, California, in September 1975 and in San Diego, California, in 1976.¹⁷¹

But there was a danger in allowing the media institutions to lead the development of the practice of investigative journalism. As MacIntyre (1981) warns, "practices must not be confused with institutions."¹⁷² Institutions are "characteristically and necessarily" concerned with acquiring external goods -- making money and gaining power and status, and distributing money, power, and status as rewards.¹⁷³ But the care for what MacIntyre calls the "common goods of the practice" or internal goods often come into conflict with the acquisitiveness of the institution sustaining the practice. The result can be a corruption of the practice.¹⁷⁴ Such a conflict developed at the *Boston Herald-Traveler*, which established an investigative team in 1967 headed by Nicholas Gage. But

only months after its formation, the team was disbanded after its investigations began revealing unflattering information about some of the businessmen on the paper's board of directors.¹⁷⁵ The conflicts also were present in the magazine industry. When Jessica Mitford attempted to market her article about the Famous Writers School, she had initial rejections from *Atlantic*, *McCall's*, and *Life* because the magazines did not want to lose hundreds of thousands of dollars in advertising from the school, even though her article proved it was defrauding people.¹⁷⁶ *Atlantic* eventually agreed to publish the piece after *Harper's* indicated an interest in it.

Hank Messick, a member of the ill-fated *Boston Herald-Traveler* investigative team, argued that an investigative journalist "must understand that while his paper wants to look like it is aggressive and crusading, it doesn't want anyone rocking the boat."¹⁷⁷ But the hesitancy of editors and publishers to invest in investigative journalism may have been more complicated.¹⁷⁸ There were also other concerns for publishers. In addition to the possibility of offending advertisers, there were concerns over libel suits as well as perceptions that the public was tiring of investigative journalism and that, perhaps, investigative journalism was having a negative effect on American democracy by undercutting the credibility of government institutions.

Libel was a growing concern, in fact.¹⁷⁹ *The Saturday Evening Post*, for example, faced a libel suit in the late 1960s that damaged its pride and its financial standing. While the decision in the case by the Supreme Court extended the *New York Times v. Sullivan* constitutional test for libel to public figures and thereby continued to expand the freedom of the press, the case still harmed the reputation of investigative journalism because of the sloppiness of the investigation by the magazine's writer and editors. The *Post* was sued by University of Georgia football coach Wally Butts when the magazine accused him of conspiring to fix a game against the University of Alabama.¹⁸⁰ The story was based primarily on information inadvertently obtained by an insurance salesman who overheard a telephone conversation between Butts and Alabama Head Coach Paul Bryant. The Supreme Court ruled against the *Post*, saying the magazine should have shown more care in verifying the accusation. Said the court's majority opinion: "The evidence is ample to support a finding of highly unreasonable conduct constituting an extreme departure from the standards of investigation."¹⁸¹ The high court let stand the \$3,060,000 damage award against the *Post*.¹⁸² The ruling served as a warning to publishers that investigative stories could be second-guessed in the court room and could be expensive.

In addition, while *Times v. Sullivan* and other Supreme Court decisions provided constitutional protections to the press in regards to libel law, the costs of defending one's

self against a libel suit was becoming exceedingly expensive. In the mid-1970s, for example, *Harper's Magazine* spent nearly \$100,000 defending itself against a libel suit filed by a public official, tax assessor George Crile of Gary, Indiana.¹⁸³ Arthur B. Hanson, general counsel for the American Newspapers Publishers Association in 1975, estimated that from 1964 to 1975, 1,100 libel suits were filed against newspapers alone.¹⁸⁴

That the public might be tiring of investigative journalism also was perceived by some editors and publishers. After the first two years of Watergate scandal stories, *Time* magazine reported in 1974, some newspapers were backing off on their coverage out of concern that readers had had enough news of corruption.¹⁸⁵ Indeed, a 1979 poll, just five years after Nixon's resignation, indicated that more than 70 percent of the respondents thought newspapers carried too much bad news and 64 percent thought television news carried too much bad news.¹⁸⁶

Some news executives also saw the trend of investigative journalism as being a danger to the stability of the United States. Howard Simons, managing editor of the *Washington Post*, warned in 1974 that the media may be overreacting in their search for corruption, "that is, looking and seemingly finding scandals everywhere."¹⁸⁷ He continued:

What I mean by this is that I regard Watergate and related stories now as a kind of bloody body in the water and, therefore, an invitation to a shark frenzy

during which reporters will take bites of the body and rather than carefully chew over them, swallow the bites whole. Some of this already has happened, resulting in some loss of credibility as the press has had to correct, retract, refine and recoup.¹⁸⁸

Martin S. Hayden, editor and vice president of *The Detroit News*, argued during a 1976 speech that since 1966 "the American regime has been crippled by a series of tragic events heavily-propelled by *strident, over-simplified, one-sided* American journalism, much of it described by its practitioners as 'investigative journalism.'" ¹⁸⁹

Those were the concerns of news executives responsible for the financial health of their publications. It is clear that the pursuit of external goods sometimes collided with the pursuit of the internal goods of investigative journalism.

MacIntyre points out that practices are always vulnerable to the acquisitiveness of institutions, and it is very difficult for practices to "resist the corrupting power of institutions."¹⁹⁰ And, indeed, there were signs in the mid-1970s that investigative journalism was not healthy.

Writing in *The Quill* in April 1975, Stephen Hartgen argued that the practice of investigative journalism suffered from "serious weaknesses":

Investigative reporting often focuses on easy-to-expose abuses, such as conflicts of interest in the state legislature, and the quality of products and services in the American marketplace. More systematic issues, such as land-use patterns and reform in the criminal justice system, are generally ignored because patterns are difficult to document, and the subjects are too broad to be handled by instant analyses. . . .

The real problem is that much investigative reporting focuses on a one-shot effort to sketch an abuse. It is rarely followed by other reports, and almost never results in substantive change. . . . One of the reasons for this is that the same reporters who cover the daily news are the investigative reporters.¹⁹¹

Hartgen was not alone in his criticisms. K. Scott Christianson argued that investigative journalism needed to refocus on topics of broader social importance and be more selective about who engages in investigative reporting.¹⁹² Investigative reporter Robert M. Smith, who worked in the Washington bureau for the *New York Times*, reflected Christianson's concern about who was being allowed to do investigative journalism. In an article for [MORE], he argued that it must be recognized that it takes sophistication to be an investigative reporter. He also argued that investigative journalism takes time to do. "It is not getting the story one day ahead."¹⁹³ Robert Greene of *Newsday* told an interviewer about his investigative team's attempt to document in 1971 accusations that President Nixon's close friend and business associate "Bebe" Rebozo had ties to organized crime.¹⁹⁴ After spending several months, sifting through 40,000 documents, and conducting 400 interviews, the organized-crime tie failed to materialize. Consequently, it was not included in the series *Newsday* ran about Nixon and Rebozo. However, Greene complained, others "with no more evidence than we had" wrote about the organized crime connection. "But if you can't prove it, it's just innuendo, and publishing it is a

disservice to our profession."¹⁹⁵ But, as Greene's comment shows, some investigative reporting was being published that did not meet the accepted standards of the practice. "There are always too many well-meaning but reckless adventurers in this business and too many scoop-happy opportunists," Clark Mollenhoff pointed out in 1975.¹⁹⁶

These criticisms of investigative journalism made by practicing investigative journalists showed concern about the direction of the practice. They were worried that the practice tended to concentrate on narrow corruption issues because they were easier to prove than more important systemic issues, that there was a trend to require investigative work in addition to regular daily responsibilities, that there appeared to be practitioners who rushed into print with accusations not fully documented, and that some practitioners were not well trained. These types of criticisms -- going after easy targets, lack of training, rushing into print, insufficient resources to carry out investigations -- are the types of criticisms one would expect of a practice that is dominated by the institution supporting it. There was an underlying and largely unarticulated criticism that the news organizations, in attempts to cut costs (and, hence, acquire larger profits), and some practitioners, who were more interested in fame and fortune than in maintaining high standards, were leading the practice into troubled waters. Modern

investigative journalism had matured by the mid-1970s, but there was wide concern about the direction it was taking.

Notes

¹Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981) 175.

²*Ibid*, 176-177.

³*Ibid*, 175.

⁴*Ibid*.

⁵*Ibid*, 180-181.

⁶*Ibid*, 175.

⁷Paul N. Williams, *Investigative Reporting and Editing*, (Englewood Cliffs, N.J.: Prentice-Hall, 1978) 12.

⁸Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978) 187. James Franklin, the less-famous brother of Benjamin, has been credited with conducting the first newspaper crusade in 1721 when he used his *New England Courant* to criticize government plans in Boston to inoculate citizens against small pox [Jean Folkerts and Dwight L. Teeter, *Voices of a Nation: A History of the Media in the United States* (New York: Macmillan, 1989) 21]. Revolutionary writings by Thomas Paine and others regularly stirred up anti-British sentiment by exposing alleged corruptions and abuses by the powerful [Folkerts and Teeter, 52-56, and Charles E. Clark, "The Newspapers of Provincial America," *Proceedings of the American Antiquarian Society*, 100:2 (October 1990) 367-389]. During the early years of the republic, partisan presses aggressively exposed the flaws of political opponents [Hazel Dicken-Garcia, *Journalistic Standards in Nineteenth-Century America* (Madison: University of Wisconsin Press, 1989) 30-40; David Paul Nord, "Newspapers and American Nationhood, 1776-1826," *Proceedings of the American Antiquarian Society*, 100:2 (October 1990) 391-405]. Abolitionist presses criticized the status quo vigorously prior to the Civil War [Folkerts and Teeter, *Voices*, 187-195; Lauren Kessler *The Dissident Press: Alternative Journalism in American History* (Beverly Hills: Sage, 1984) 21-34]. And during the latter half of the nineteenth century, the popular press, including the new mass-audience magazines, provided a frequent diet of crime, corruption, and scandal [Dicken-Garcia, *Standards*, 82-96; Folkerts and Teeter, *Voices*, 237-251; Schudson, *Discovering the News*, 12-120]. For a discussion of the muckraking tradition, see generally Walter M. Brasch, *Forerunners of Revolution: Muckrakers and the American Social Conscience* (Lanham, Md.: University Press of America, 1990); C.C. Regier, *The Era of the Muckrakers* (Chapel Hill: University

of North Carolina Press, 1932); Harold Wilson, *McClure's Magazine and the Muckrakers* (Princeton: Princeton University Press, 1970); David Mark Chalmers, *The Muckrake Years* (Huntington, N.Y.: Robert E. Krieger Publishing, 1980). While World War I and other factors dampened the reformist journalism of the muckraking era, the watchdog press tradition was kept alive by individual journalists such as managing editor O.K. Bovard at the *St. Louis Post-Dispatch*, who encouraged Paul Y. Anderson to expose the Teapot Dome scandal and John T. Rogers to investigate U.S. District Judge George W. English -- investigations that won the *Post-Dispatch* Pulitzer Prizes in 1928 and 1926, respectively [Daniel W. Pfaff, *Joseph Pulitzer II and the Post-Dispatch: A Newspaperman's Life* (University Park, Pa.: Pennsylvania State University Press, 1991), 214; Edmund Lambeth, "The Lost Career of Paul Y. Anderson," *Journalism Quarterly* (Fall 1983) 401-406]. Furthermore, Bent documents numerous examples of exposé reporting during the late 1930s [Silas Bent, *Newspaper Crusaders: A Neglected Story* (Westport, Conn.: Greenwood Press, 1970)]. And while World War II preoccupied the press during the early 1940s, exposés continued to be produced, albeit on a lesser scale. During the late 1940s, for example, the *St. Louis Post-Dispatch* pushed for reforms in the mining industry in Illinois and joined with the *Chicago Daily News* to expose corrupt Illinois journalists [John Hohenberg, *The Pulitzer Prize Story* (New York: Columbia University Press, 1959) 55-65.] This tradition of exposé journalism persisted into the 1950s. Columnist Drew Pearson exposed the misdeeds of the federal government in his "The Washington Merry-Go-Round" column. While Pearson was primarily an opinion columnist and did not follow all the standards modern investigative journalists would demand, he did nevertheless frequently report on scandals and misdeeds [Jack Anderson, "Drew Pearson Left Heritage to All Who Knew Him," *United Features Syndicate*, Dec. 13, 1986]. For a discussion of his revelations concerning Senator Thomas J. Dodd, see Herman Klurfeld, *Behind the Lines: The World of Drew Pearson* (Englewood Cliffs, N.J.: Prentice-Hall, 1968), 255-263; on his coverage of Senator Joseph McCarthy, see Klurfeld, *Behind the Lines*, 165-196.] In addition, individual newspapers such as the *Utica, N.Y., Observer-Dispatch* (which won a 1959 Pulitzer for investigating corruption in Utica) and the *Chicago Daily News* (which won a 1957 Pulitzer for revealing a corrupt state auditor) published isolated, but courageous exposés [For a discussion of the *Utica Observer-Dispatch* investigation, see Tony Vella, "30 Years Later: Utica Remembers Pulitzer Prize-Winning Reporting," *Gannetteer*, March/April 1989, 6-7; for a discussion of the *Chicago Daily News* investigation, see Hohenberg, *Pulitzer Prize Story*, 66-68.]

⁹John Hohenberg, "New Patterns in Public Service," *Columbia Journalism Review*, Summer 1962, 14-17.

¹⁰*Ibid*, 14. During the 1960s and the early 1970s, any newspaper story reported through investigative methods had to be entered in the public service or general news categories because the Pulitzer prize committee had not yet established a separate category for investigative reporting.

¹¹James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976) 50-52.

¹²John Hohenberg, "Public Service: A 1964 Honor Roll," *Columbia Journalism Review*, Summer 1964, 11.

¹³John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977) 15-23.

¹⁴*Ibid*, 83-84.

¹⁵Paul Williams, unpublished interview with James Polk, 1975, Paul Williams Papers; this investigation also is discussed in Dygert, *Investigative Journalist*, 159-160.

¹⁶Leonard Downie, Jr., *The New Muckrakers* (New York: Mentor, 1976), 121-144; this investigation also is discussed in Dygert, *Investigative Journalist*, 138-140.

¹⁷K. Scott Christianson, "The New Muckraking," *The Quill*, July 1972, 10-15. Because of the American press's tradition of exposé reporting, many argued that investigative journalism was not a new type of journalism. When Carl Bernstein accepted an honorary degree from Boston University in 1975 in recognition of his work in revealing the Watergate scandal, he insisted that the reporting he and Bob Woodward had done for the *Washington Post* was no different than conventional police reporting. "I don't particularly buy . . . the idea of so-called investigative reporting as some kind of separate pseudo-science. . . . All good reporting really is based on the same thing, the same kind of work . . ." [Walter Lubars and John Wicklein, Eds., *Investigative Reporting: The Lessons of Watergate* (Boston: Boston University, 1975) 11]. Bernstein's colleague on the *Washington Post*, Robert Maynard, an editorial writer and former associate editor, agreed that investigative journalism was not unique:

My problem here is with the premise: that there is some literal phenomenon floating around in the universe, distinguishable from all other things that appear to be like it, and that this substance is known as 'investigative reporting.' . . . I'd be surprised if anyone . . . can tell me how it differs consistently from all other kinds of reporting. When does it begin

to be investigative, and when does it cease to be investigative? [Lubars and Wicklein, *Lessons of Watergate*, 47]

Former investigative reporter Stephen Hartgen argued in a 1975 article, however, that investigative journalism was indeed different from other reporting. He argued that investigative reporting "involves two talents not found to the same extent in any other kind of reporting. One is the ability to use public records The other is the ability to see and understand relationships between people and institutions" [Stephen Hartgen, "Investigative Reporting: There's More Here Than Meets a Dragon's Eye," *The Quill*, April 1975, 13]. Jack Nelson, investigative reporter for the *Atlanta Constitution* in the 1950s and 1960s and later for the *Los Angeles Times*, told an interviewer in the mid-1970s that investigative journalism is a "specialty" that requires special skills for digging up information, more-than-normal stamina, and tough-mindedness [Dygert, 58-59]. Nelson's contemporary, David Kraslow, who worked in Washington for the *Miami Herald*, agreed that special skills are needed, but argued that all reporters have the ability to apply those unique investigative techniques to routine reporting [Dygert, *Investigative Journalist*, 88].

¹⁸Behrens, *Typewriter Guerillas*, 148-149.

¹⁹*Ibid*, 148.

²⁰"More Investigative Expertise Urged," *Publishers Auxiliary*, Dec. 21, 1974, 1.

²¹Dygert, *Investigative Journalist*, 69.

²²Downie, *New Muckrakers*, 118.

²³Clark Mollenhoff, "Investigative Reporting: The Precarious Profession," *Nieman Reports*, Summer 1976, 37.

²⁴Behrens, *Typewriter Guerillas*, 148.

²⁵Dygert, *Investigative Journalist*, 118.

²⁶*Ibid*, 118.

²⁷*Ibid*, vii.

²⁸*Ibid*, viii.

²⁹Paul Williams, unpublished interview with Robert Greene, 1975, Paul Williams Papers.

³⁰Dygert, *Investigative Journalist*, 116.

³¹Williams, interview with Greene.

³²Dygert, *Investigative Journalist*, 147 and 273.

³³*Ibid*, 273.

³⁴David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991), 215. See also Theodore L. Glasser and James S. Ettema, "Investigative Journalism and the Moral Order," *Critical Studies in Mass Communication*, 6:1 (March 1989), 1-20.

³⁵Dygert, *Investigative Journalist*, 107.

³⁶Carey McWilliams, "Is Muckraking Coming Back?" *Columbia Journalism Review*, Fall 1970, 8-15.

³⁷*Ibid*, 13.

³⁸Jessica Mitford, *Poison Penmanship: The Gentle Art of Muckraking* (New York: Alfred A. Knopf, 1979).

³⁹*Ibid*, 4.

⁴⁰See, for example, Jack Anderson, with James Boyd, *Confessions of a Muckraker* (New York: Random House, 1979), and Jack Anderson, *The Anderson Papers* (New York: Random House, 1973).

⁴¹Behrens, *Typewriter Guerillas*, 155-166.

⁴²Dygert, *Investigative Journalist*, 69.

⁴³Behrens, *Typewriter Guerillas*, 204-205.

⁴⁴For a discussion of team investigations during the muckraking era and earlier, see Warren T. Francke, "Team Investigation in the 19th Century: Sunday Sacrifices by the Reporting Corps," paper presented to the History Division, AEJMC annual convention, 1988, Portland, Oregon. For a brief history of undercover reporting, see Tom Goldstein, *The News At Any Cost: How Journalists Compromise Their Ethics to Shape the News* (New York: Touchstone, 1985), 133.

⁴⁵Bruce Locklin, "Digging Without a Shovel," *Nieman Reports*, Spring 1985, 51.

⁴⁶Clark Mollenhoff, "Investigative Reporting: The Precarious Profession," *Nieman Reports*, Summer 1976, 39.

⁴⁷*Ibid*.

⁴⁸Williams, *Investigative Reporting and Editing*.

⁴⁹*Ibid*, 14.

⁵⁰David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991), 215.

⁵¹The series was reprinted as *The Heroin Trail* (New York: New American Library, 1974). It is discussed in Downie *New Muckrakers*, 262 and Dygert *Investigative Journalist*, 108-113. See also, Robert F. Keeler, *Newsday: A Candid History of the Respectable Tabloid* (New York: Arbor House, 1990), 508-524; and "Newsday Tells How Drugs Get to Long Island," *Editor and Publisher*, February 10, 1973, 61.

⁵²The series, which ran in November 1973, was issued by the *Chicago Tribune* as a reprint, "Police Brutality." For a discussion of the investigation, see Dygert, *Investigative Journalist*, 129-130; and Behrens, *Typewriter Guerillas*, 224-226.

⁵³The series is discussed and reprinted in Philip Meyer, *Precision Journalism: A Reporter's Introduction to Social Science Methods* (Bloomington: Indiana University Press, 1979, 2nd Ed.), 366-389; for further discussion, see Steve Weinberg, *Telling the Untold Story: How Investigative Reporters Are Changing the Craft of Biography* (Columbia, Mo.: University of Missouri Press, 1992), 111-112.

⁵⁴The series, which ran in March 1972, is discussed in Dygert, *Investigative Journalist*, 125-126; Williams, *Investigative Reporting and Editing*, 102; and in "How Voting Frauds Were Uncovered by Chi Tribune," *Editor and Publisher*, May 26, 1973, 55.

⁵⁵Dygert, *Investigative Journalist*, 133.

⁵⁶For details on the *Newsday* team's structure and operations, see Williams, *Investigative Reporters and Editors*, 163; and Dygert, *Investigative Journalist*, 108-117.

⁵⁷Dygert, *Investigative Journalist*, 108-113; Keeler, *Newsday*, 508-524; and "Newsday Tells How Drugs Get to Long Island," 61.

⁵⁸*Ibid*.

⁵⁹Keeler, *Newsday*, 521.

⁶⁰"Police Brutality," series reprint, 2.

⁶¹*Ibid*.

⁶²Dygart, *Investigative Journalist*, 120.

⁶³*Ibid.*

⁶⁴Weinberg, *Untold Story*, 112.

⁶⁵*Ibid*; and Meyer, *Precision Journalism*, 366-689.

⁶⁶Dygart, *Investigative Journalist*, 126-127.

⁶⁷*Ibid*, 128.

⁶⁸*Ibid*, 129.

⁶⁹*Ibid*, 126.

⁷⁰*Ibid.*

⁷¹*Ibid.*

⁷²*Ibid*, 166-167.

⁷³For a detailed discussion of the Mirage Bar investigation and the issue of investigative reporters' working undercover, see Goldstein, *News At Any Cost*, 128-151; for a discussion of the investigation, see Zay N. Smith and Pamela Zekman, *The Mirage* (New York: Random House, 1979).

⁷⁴MacIntyre, *After Virtue*, 175-179.

⁷⁵Edmund Lambeth, *Committed Journalism: An Ethic for the Profession* (Bloomington: Indiana University Press, 1992, 2nd ed.), 23-34.

⁷⁶MacIntyre, *After Virtue*, 178.

⁷⁷*Ibid.*

⁷⁸*Ibid.*

⁷⁹Lambeth, *Committed Journalism*, 73.

⁸⁰MacIntyre, *After Virtue*, 177.

⁸¹*Ibid.*

⁸²*Ibid.*

⁸³*Ibid*, 178.

⁸⁴*Ibid.*

⁸⁵*Ibid*, 177.

⁸⁶Edmund Lambeth, "Waiting For a New St. Benedict: Alasdair MacIntyre and the Theory and Practice of Journalism," *Business and Professional Ethics Journal* 9:1-2 (1991) 103-104.

⁸⁷*Ibid*, and MacIntyre, *After Virtue*, 175.

⁸⁸Lambeth, *Committed Journalism*, 75; see also Meyer, *Precision Journalism*, 366-389, and Weinberg, *Untold Story*, 111-112.

⁸⁹Lambeth, *Committed Journalism*, 75.

⁹⁰See Dygert, *Investigative Journalist*, 125-126, and "How Voting Frauds Were Uncovered," 55. See also Goldstein, *News at Any Cost*, 128-151.

⁹¹"Police Brutality," 45.

⁹²*Ibid*, 2.

⁹³*Ibid*.

⁹⁴"Police Brutality," 1.

⁹⁵Dygert, *Investigative Journalist*, 147.

⁹⁶Behrens, *Typewriter Guerillas*, 84.

⁹⁷*Ibid*, 224.

⁹⁸*Ibid*.

⁹⁹Dygert, *Investigative Journalist*, 273.

¹⁰⁰"Police Brutality," 2.

¹⁰¹Behrens, *Typewriter Guerillas*, 212.

¹⁰²"Police Brutality," 1.

¹⁰³Behrens, *Typewriter Guerillas*, 226.

¹⁰⁴"Police Brutality," 2.

¹⁰⁵*Ibid*.

¹⁰⁶Dygert, *Investigative Journalist*, 72.

¹⁰⁷Lewis H. Lapham, "The Temptation of a Sacred Cow," *Harper's Magazine*, 44.

¹⁰⁸Behrens, *Typewriter Guerillas*, 99.

¹⁰⁹Examples include the heroin trail investigation by *Newsday*; the Philadelphia court study by Barlett and Steele; *Newsday's* investigation of the relationship between President Nixon and "Bebe" Rebozo, discussed in Dygert, *Investigative Journalist*, 114; Carl Bernstein and Bob Woodward, *All the President's Men* (New York: Simon and Schuster, 1974); and the investigation of police corruption in Indianapolis by the *Indianapolis Star*, discussed in Dygert, *Investigative Journalist*, 233-236.

¹¹⁰Dygert, *Investigative Journalist*, 130.

¹¹¹"Police Brutality," 2.

¹¹²Behrens, *Typewriter Guerillas*, 226.

¹¹³"Police Brutality," 2.

¹¹⁴Dygert, *Investigative Journalist*, 172.

¹¹⁵*Ibid*, 177.

¹¹⁶*Ibid*, 116.

¹¹⁷"Police Brutality," 2.

¹¹⁸*Ibid*.

¹¹⁹"Police Brutality," 1.

¹²⁰Dygert, *Investigative Journalist*, 69.

¹²¹*Ibid*.

¹²²*Ibid*, 48.

¹²³Behrens, *Typewriter Guerillas*, 186-187.

¹²⁴Downie, *New Muckrakers*, 7-8.

¹²⁵"Police Brutality," 43-44.

¹²⁶*Ibid*, 2.

¹²⁷*Ibid*, 45-46.

¹²⁸Christianson, "New Muckraking," 15.

¹²⁹"Police Brutality," 12.

¹³⁰*Ibid*, 20-21.

¹³¹*Ibid*, 45.

¹³²*Ibid*, 45-46; see also "Chicago's Rogue Cops," *Newsweek*, April 23, 1973, 48.

¹³³Lambeth, *Committed Journalism*, 29 and 32.

¹³⁴"Police Brutality," 1.

¹³⁵MacIntyre, *After Virtue*, 178.

¹³⁶*Ibid*, 179.

¹³⁷*Ibid*, 181.

¹³⁸Downie, *New Muckrakers*, 134.

¹³⁹Dygert, *Investigative Journalist*, 44-53 and 107-108.

¹⁴⁰*Ibid*, 138.

¹⁴¹*Ibid*, 30.

¹⁴²Behrens, *Typewriter Guerillas*, 29; Bernstein and Woodward, *All the President's Men*; and Downie, *New Muckrakers*, 1-53.

¹⁴³Interview with author, April 16, 1992.

¹⁴⁴*Ibid*.

¹⁴⁵Meyer, *Precision Journalism*, 366-418.

¹⁴⁶Examples include "Police Brutality," *Chicago Tribune*, November 1973; "The Earth and Eric Matus," *The Detroit News*, May 1971; and "The Greening of the Legislature," *Miami Herald*, March 1973.

¹⁴⁷Interview with author, April 16, 1992.

¹⁴⁸*Ibid*.

¹⁴⁹Downie, *New Muckrakers*, 134.

¹⁵⁰Laurence Stern and Erwin Knoll, "Washington: Outsiders' Exposé," *Columbia Journalism Review*, Spring 1964, 18-22.

¹⁵¹Theodore Peterson, "A Trade Magazine That Hit Hard," *Columbia Journalism Review*, Summer 1965, 21-22.

¹⁵²Eugene L. Meyer and Charles Doe, "Infiltration Reporting," *Columbia Journalism Review*, Fall 1966, 47-49.

¹⁵³Robert Yoakum, "The Dodd Case: Those Who Blinked," *Columbia Journalism Review*, Spring 1967, 16-23.

¹⁵⁴McWilliams, "Is Muckraking Coming Back?"

¹⁵⁵Christianson, "New Muckraking."

¹⁵⁶Hartgen, "Dragon's Eye."

¹⁵⁷See for example Brit Hume, "The Mayor, *The Times*, and The Lawyers," [MORE], August 1974, 1; and Robert M. Smith, "Why So Little Investigative Reporting?" [MORE], August 1975, 7-9.

¹⁵⁸Behrens, *Typewriter Guerillas*, 121.

¹⁵⁹"More Investigative Expertise Urged," 1.

¹⁶⁰Dygert, *Investigative Journalist*, 108-145 and 224-242.

¹⁶¹*Ibid*, 114-117 and 126-133.

¹⁶²McWilliams, "Is Muckraking Coming Back?"; Locklin, "Digging Without a Shovel."

¹⁶³Dygert, *Investigative Journalist*, 171-173, 177-183; McWilliams, "Is Muckraking Coming Back?" 13.

¹⁶⁴Dygert, *Investigative Journalist*, 177-182.

¹⁶⁵Richard Campbell, *60 Minutes and the News: A Mythology for Middle America* (Urbana, Ill.: University of Illinois Press, 1991), 1-24.

¹⁶⁶Dygert, *Investigative Journalist*, 159-162.

¹⁶⁷*Ibid*, 162-164.

¹⁶⁸*Ibid*, 156-168.

¹⁶⁹Mollenhoff, "Precarious Profession," 39; Christianson, "New Muckraking," 12; Dygert, *Investigative Journalist*, 52.

¹⁷⁰Christianson, "New Muckraking," 12.

¹⁷¹Urban Policy Research Institute, "Orange County Workshop," transcript of seminar held in Newport Beach, California, Sept. 13, 1975; and "The Public Record and Investigative Reporting," transcript of seminar held at San Diego, California, January 10, 1976.

¹⁷²MacIntyre, *After Virtue*, 181.

¹⁷³*Ibid.*

¹⁷⁴*Ibid.*

¹⁷⁵Downie, *New Muckrakers*, 135; see also Brit Hume, "The Mayor, *The Times*, and The Lawyers" about the troubles investigative reporter Denny Walsh had in trying to publish his investigation of San Francisco Mayor Joseph Alioto.

¹⁷⁶Mitford, *Poisoned Penmanship*, 172.

¹⁷⁷Dygert, *Investigative Journalist*, 245.

¹⁷⁸Smith, "Why So Little?"

¹⁷⁹Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Vintage, 1991) 183-218; "Slander Suit Imperils Investigative Reporting," *Editor & Publisher*, February 2, 1974, 14; David M. Rubin, "The Perils of Muckraking," [MORE], September 1974, 5-9 and 21.

¹⁸⁰*Curtis Publishing Co. v. Butts*, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967).

¹⁸¹Cited in Donald Gillmor, et al., *Mass Communication: Cases and Comment* (St. Paul: West, 1990, 5th ed.) 200.

¹⁸²Lois G. Forer, *A Chilling Effect: The Mounting Threat of Libel and Invasion of Privacy Actions to the First Amendment* (New York: Norton, 1987) 65.

¹⁸³David M. Rubin, "The Perils of Muckraking," [MORE], September 1974, 5-9, 21.

¹⁸⁴*Ibid.*, 6.

¹⁸⁵"Covering Watergate: Success and Backlash," *Time*, July 8, 1974, 68-73.

¹⁸⁶D. Charles Whitney, "The Media and the People: Americans' Experience with the News Media: A Fifty-Year Review," working paper, Gannett Center for Media Studies, 1985, 14.

¹⁸⁷Howard Simons, "Watergate As a Catalyst," *Montana Journalism Review*, 18 (1975), 14, reprint of speech delivered May 16, 1974 at the University of Montana.

¹⁸⁸*Ibid.*

¹⁸⁹Martin S. Hayden, "Investigative Reporting: An Assault on the Basic Regime," *Vital Speeches of the Day*, July 1, 1976, 575, reprint of a speech he gave April 24,

1976, at Pepperdine University. See also Irving Kristol, "Is the Press Misusing Its Growing Power?" [MORE], January 1975, 27.

¹⁹⁰MacIntyre, *After Virtue*, 181.

¹⁹¹Hartgen, "Dragon's Eye," 13.

¹⁹²Behrens, *Typewriter Guerillas*, 75.

¹⁹³Smith, "Why So Little?" 9.

¹⁹⁴Dygert, *Investigative Journalist*, 114.

¹⁹⁵*Ibid.*

¹⁹⁶Mollenhoff, "Precarious Profession," 40.

CHAPTER VII

The Early Years of IRE

A Lack of Community

Although the craft of investigative journalism had matured significantly by 1975, it had not become a social practice, and hence could not envision itself apart from the institutions -- the news organizations -- that published the work of investigative reporters and editors. To be sure, individual projects such as the Donald Barlett and James Steele investigation of criminal justice in Philadelphia for the *Philadelphia Inquirer* and the investigation of police corruption in Chicago by the investigative team of the *Chicago Tribune* pushed the craft forward both in technique and in standards of excellence.¹ However, investigative reporting remained an unfocused commodity and lacked a community structure. Even among journalists, uncertainty remained about whether investigative journalism was different from other forms of journalism; whether, in other words, investigative journalism was a separate journalistic practice or an unnecessary label attached to what had always been just good, solid reporting.² Textbooks and trade books were published on investigative reporting and reporters during the mid-1970s, but while they zeroed in on this particular type of reporting, they usually wavered when they defined the craft. "Investigative reporting differs from routine reporting mainly in degree of thoroughness," one 1978 text insists. "While all reporting utilizes the same

basic tools (questions, interviews, research), these weapons are wielded more skillfully for an investigative piece."³

To use terminology proposed a decade later in the 1980s by philosopher Alasdair MacIntyre, journalists by the mid-1970s were, in effect, asking whether investigative journalism was a distinct "social practice." It is a question that remains relevant in the 1990s and one that can be answered now with more precision because of MacIntyre's work. MacIntyre has not discussed journalism directly, but on a more general level he has discussed how social practices can be analyzed using philosophy, moral philosophy, history, and sociology.⁴

MacIntyre defines a social practice as a coherent, complex, cooperative human activity in a social setting. He says that members of the practice obtain goods that are specific to the practice by carrying out activities in the pursuit of standards of excellence. These standards of excellence are appropriate to and partially define the practice. MacIntyre argues that a social practice develops and is sustained through the efforts of practitioners to meet and extend the practice's standards of excellence.⁵ The key here is the contention that a distinct social practice has goods and standards of excellence that are specific to it, and that individual practitioners cooperate to obtain the goods, meet and extend the standards of excellence, and advance the practice.

Prior to the founding of the service organization Investigative Reporters and Editors (IRE) in the mid-1970s, investigative journalism did not meet MacIntyre's test for being a distinct social practice. The founding of IRE in late 1975, however, in and of itself established the foundation for the development of investigative journalism into a social practice. In other words, to the extent that modern investigative reporting in the United States can be considered a social practice as defined by MacIntyre, the establishment of IRE was pivotal.

This chapter will examine the founding of IRE as revealed through the records, meeting minutes, memoranda, and other materials available in the files of IRE and in the collected, unpublished papers of key participants in the organization's founding, as well as the history revealed through interviews with investigative journalists knowledgeable about the organization's founding.

The Modern Investigative Tradition

An Individualistic Practice

Prior to the mid-1970s, investigative journalism was a solitary, individualistic pursuit.

The extent of this can be seen in the biographies, autobiographies, and other accounts of investigative journalism published in the mid-1970s. Political reporter Jack Anderson, for example, published his autobiography in 1973 under the title of *The Anderson Papers*, emphasizing his

solitary role as an investigator.⁶ Reporter Joe Eszterhas profiled investigative reporter Seymour M. Hersh for *Rolling Stone* magazine and called him "the toughest reporter in America" -- like Anderson, picturing the investigative reporter as a lone operator.⁷ And John C. Behrens published a book about individual investigative journalists, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters*.⁸ In these works and others, there was little reference to investigative journalism as a community of practitioners with its own unique set of standards and skills.⁹ Instead, the individual reporter was heralded as a lone hero gunning for the bad guys.

The myth that developed around the lone investigative reporter is recounted by Benjaminson and Anderson in a text on the craft:

Everybody knows what an investigative reporter is. He's the guy with the dangling cigarette, the grim visage, the belted trench coat, and the snap-brim fedora. He slinks in and out of phone booths, talks out of the side of his mouth, and ignores other, lesser reporters.

He never had to learn his trade. He was born to it. He sprung from his mother's womb clutching a dog-eared address book and his real father's birth certificate. He has an interminable list of contacts. His job consists largely of calling the contacts and saying 'Gimme the dope.' . . . He appears in the city room only every two or three months to drop his copy on the desks of his astonished editors, mumble a few words, and disappear again into the night.¹⁰

Anyone who has watched any television serial about a hero investigative reporter will recognize this description.¹¹

This image is not to say that teams of investigative journalists did not exist. Indeed, Francke documented the late nineteenth-century use of investigative reporting teams by Frank Leslie, editor of *Leslie's Weekly*, and by *The New York Times* and *The St. Louis Post-Dispatch*.¹² And the stars of Watergate in the early 1970s were Bob Woodward and Carl Bernstein, a team some referred to as "Woodstein."¹³ But these teams were individualistic in that each team worked for a single newspaper or news organization and rarely communicated with muckrakers or investigative reporters beyond those on their own staff concerning story leads, background information, reporting techniques, or other issues relating to the craft of ferreting out corruption and malfeasance.

There was some cooperation when two or more reporters happened onto the same story. Jack Newfield of *The Village Voice*, for example, told an interviewer in the mid-1970s of cooperation among himself, John Hess of *The New York Times*, and Steve Bauman of WNEW-TV during an investigation of New York City nursing home operator Bernard Bergman in 1974. The three reporters did not work together, Newfield said, but did exchange ideas. Because stories were appearing on Bergman in three local media outlets at the same time, the findings of Medicaid fraud by Bergman could not be ignored by the power structure, Newfield said.¹⁴ While the benefits of working together were recognized, there was no formal structure to encourage cooperation, and it was not common.

"Too often," Newfield said, "if one paper breaks a story, rival papers will purposefully ignore it, or even make an effort to knock it down."¹⁵

One reporter remembered an isolation among those wanting to do investigative reporting. Steve Weinberg, an investigative reporter prior to becoming director of IRE in 1983, recalled that it was not easy to know other investigative reporters or of their work during the early to mid-1970s:

I'd paid attention in journalism school to some of the contemporary investigative reporters -- I guess you'd call them -- but I didn't know that many, by reputation or otherwise. I mean, I guess you'd put Jack Anderson in that category and Drew Pearson was still alive when I started out. Clark Mollenhoff at the *Des Moines Register* was somebody I'd heard about and occasionally got to read some of his stuff, and some of the stuff coming out of Vietnam, especially the work of David Halberstam, and, later, Seymour Hersh. So I was aware of that, but there weren't very many models. . .

I didn't know very much about broader standards. I just hoped it would be fair and accurate and thorough -- those were kind of elusive words, elusive concepts, but ever since I became a journalist in high school, I followed fairness and accuracy and thoroughness. I don't know where it came from exactly.¹⁶

Another remembered that he saw investigative journalism in a negative light in the early to mid-1970s because of what -- he acknowledged in 1993 -- was a misconception of the craft. Joe Rigert's experience suggests that the isolation of investigative reporters resulted from a lack of communication among those interested in investigatory journalism. Rigert, a reporter for the *Minneapolis Star-*

Tribune, was doing "in-depth" or "project" reporting in the mid-1970s, which essentially was investigative journalism, but Rigert did not realize this:

I had kind of a dim view of investigative journalism. I felt that it was kind of a cult. [I considered them to be] reporters who had a cynical view about society, and they were probably making more out of these things than they were worth. . . . A lot of words about very minor things.¹⁷

This isolation of investigative reporters and the confusion about investigative journalism existed even though there was some attempt by journalism educators and by some journalists to teach the skills of investigative journalism. Some schools of journalism included classes in investigative journalism, and some professional organizations offered workshops on the craft.¹⁸ For example, the American Press Institute, beginning in 1961, offered periodic seminars on investigative journalism.¹⁹

No Clear Genre

But investigative journalism remained defined, like environmental reporting, travel reporting, and political reporting, as a "beat" within journalism, and not clearly a journalistic practice. A conference on public affairs reporting in 1973 was electrified by the investigations of the Watergate scandal, and the speakers preached that investigative reporting was a reporter's "highest calling."²⁰ But the conference participants viewed investigative reporting as an extension of public affairs

reporting, as reporting that beat reporters did while covering the state legislature, the environment, and education.²¹ Two years later, at another conference called to assess the "lessons of Watergate," investigative reporter Joe Heaney of *The Boston Herald-American* suggested that all reporters should be recognized as investigative reporters.²² And Robert Maynard, editorial writer for *The Washington Post*, urged his colleagues not to "get caught up in the business of thinking in terms of investigative reporters and the rest of us. I'm worried about the mystique of the term -- it's what all of us are supposed to be all the time."²³

At the height of the resurgence of investigative reporting after Watergate, even as scholars were rushing to study the work of early twentieth-century muckrakers to unearth the roots of investigative reporting and prove a continuous history of the craft,²⁴ and even as popular writers were declaring investigative reporters as the new American heroes, many journalists drew no clear distinction between what investigative reporters did and what all reporters did.

An Institutional Bias

Lurking beneath this mythic vision of the investigative reporter as individual and folk hero, as well as the seemingly contradictory but ultimately compatible notion that investigative journalism is not a unique genre, was an institutional bias. Investigative reporting was seen as a

product of a news organization staffed by individual journalists, not as the product of those individual journalists. For example, the main theme of one seminar on exposé writing in 1973 that was reported by the trade press is that management is key to investigative reporting.²⁵ Speakers, including the head of investigative teams for *The Los Angeles Times* and *The Riverside (California) Press-Enterprise*, stressed that all newspapers, whatever their sizes, can do investigations if management commits to it and assigns the necessary staff -- any staff -- to it. No special skills, knowledge, or training is required. If all reporters are investigative reporters, then investigative reporters do nothing unique. Investigative journalism is not a genre in this view, but an extension of routine public affairs reporting.

The tension between the dominance of the institution and autonomy of the individual journalist that has been discussed by Boylan and others applies equally to the relationship between management and investigative journalists.²⁶ Without a community of investigative journalists outside the institutional structure of the news media, the fate of the craft remained determined by the institutions, a factor that MacIntyre argues is detrimental to development of a social practice. Without a focus on the practice, without recognition that investigative journalism was in fact a craft requiring specialized skills and producing stories and series of a different character than

other journalism, no sustained, systematic development of the craft could occur.

The Founding of IRE

Frustrations with Isolation

Perhaps the best indication of the lack of community among investigative reporters during the early 1970s comes from the founders of IRE. Records show that frustrations with feelings of isolation and the perception that a national organization could enhance the practice of investigative journalism were key motivating factors in the founding of IRE.

In 1973, Harley R. Bierce and Myrta J. Pulliam were members of the new investigative team at *The Indianapolis Star*. Along with Richard E. Cady and William Anderson, the two other members of the team, they began as their first investigative project for the *Star* a six-month investigation of Indianapolis' police department. The team uncovered bribery, extortion, and thievery by police in Indianapolis and won a Pulitzer and other prizes.²⁷ In subsequent reporting, the team attempted to report nationwide on police corruption. This larger project germinated the seeds for a national organization of investigative journalists that had recently been planted by *Chicago Tribune* reporter Ron Koziol in consultation with journalism educator Paul Williams, himself a former Pulitzer-Prize-winning investigative editor.²⁸

Bierce and Pulliam, while working on the national police corruption story, experienced first-hand the limitations on skill and knowledge facing investigative reporters embarking on a new investigation. The lack of reliable contacts among reporters across the United States proved to be a detriment. They perceived that a network of reporters willing to help one another would simplify the reporting of stories that were not confined to a single locale.²⁹ Consequently, they began discussing the usefulness of a national service organization for investigative reporters.

The Organizational Meeting

That discussion culminated in a \$3,128 planning grant from the Lilly Endowment and a 1975 organizational meeting in Reston, Virginia, on February 22 and 23, 1975. The planning meeting had two goals: to determine whether there was interest for a national meeting of investigative reporters; and to determine whether there was support for establishing a national organization of investigative journalists.³⁰

Present at the meeting as invited participants were reporters, editors, educators, publishers, and others known to have practiced or encouraged investigative reporting: Frank Anderson, associate editor, *Long Beach* (California) *Independent*; Jack Anderson, Washington, D.C., syndicated columnist; Harley Bierce and Myrta Pulliam, both of the

Indianapolis Star investigative team; David Burnham, *New York Times* Washington bureau; John Colburn, executive vice president, Landmark Communications, Norfolk, Virginia; Edward O. DeLaney, Indianapolis attorney; Robert Friedly, director of communications for Christian Church, Disciples of Christ in Indianapolis; Len Downie Jr., metropolitan editor, *Washington Post*; Jack Landau, Newhouse News Service, Washington bureau; Les Whitten, an associate of Jack Anderson; Paul Williams, associate professor of journalism, Ohio State University; and Robert Peirce, *St. Louis Globe-Democrat*. Attending as invited observers and advisors were Donald McVay, acting executive director, American Newspaper Publishers Association; Steward McDonald, executive director, ANPA Foundation; Steve Palmedo, ANPA Foundation staff member; and Malcolm Mallette, managing director, American Press Institute.³¹ The name of the proposed organization -- Investigative Reporters and Editors, or IRE -- was chosen at this meeting.³²

It was quickly agreed that a national meeting and an organization would be beneficial to investigative journalism. "An association could be useful," Jack Anderson remarked during the early discussion. "It's helpful just to know investigative reporters at other papers. An annual meeting would be a good chance to meet people."³³ Participants identified training and maintenance of standards as important needs. "The greatest need is the lack of training," said Jack Anderson. "I see my mistakes

being repeated."³⁴ "There needs to be an upgrading in penetrating reporting across the board," said John Colburn. "We leave too many unanswered questions because we don't know how to find the answers."³⁵ "The real need is a general upgrade of investigative reporting and regular reporters," Robert Peirce added.³⁶

The question of whether to limit the organization to experienced investigative reporters or to open it to all reporters in an attempt to spread investigative techniques into routine reporting became a crucial consideration that ultimately decided the fate of the organization.

There were some participants, particularly those who had already gained notoriety as investigative reporters, who wanted the organization to be an elite association of reporters who had proven themselves. "I suggest we accept only the experienced reporters," said Jack Anderson. "There are very few of the type of reporters I'm talking about."³⁷ The purpose of such a select group, according to David Burnham, would be to publicize investigative journalism in an attempt to change the definition of news from just reporting what the mayor said to reporting what is going on behind the public announcements.³⁸

Malcolm Mallette acknowledged a sympathy for John Colburn's desire to reach out to all reporters, but also saw the benefits of an elite group as proposed by Jack Anderson: "If you want to go Jack's way for a prestige thing, then you

are aspiring to something. There is a ripple effect in this industry."³⁹

"I wonder about being too selective," countered Robert Friedly. "It's the guy in Kokomo who needs this to rub off, but if it's too exclusive, you won't get the ones who need the help."⁴⁰

"How about writing Kokomo and asking the city editor to nominate someone?" Les Whitten suggested. "That's still selective, but you avoid some yo-yos."⁴¹

Clearly, some among the participants wanted to establish authority over the craft by excluding reporters who had not proven themselves as investigative journalists. This position would surface again at a later meeting when it was discussed who would be listed in a directory of investigative journalists. But at Reston, the consensus shifted to openness. David Burnham suggested, for example, that to limit the organization would exclude reporters who are not assigned to investigative beats, but who nonetheless produce tough, investigative reporting.⁴² When publicizing formation of IRE in a trade magazine in March 1975, Harley Bierce reported that the organization would provide services to any reporter handling an investigative assignment. "We want to stress that this won't be an exclusive organization. Good reporters naturally fall into this classification [of investigative reporter]," he said.⁴³

Participants of the Reston meeting agreed to serve on a steering committee. Ronald Koziol, who could not attend the

initial meeting but who expressed an interest in the organization, also was added to the steering committee. Those who attended as observers and advisors, however, were not included. Because of the inclusion of such noted investigative journalists as Jack Anderson, David Burnham, and Jack Landau, the group immediately gained credibility. The steering committee's charge was to further explore interest in a national organization and to plan a national conference, during which the national organization could be established. In addition, the early organizers created an executive committee composed of Robert Peirce, Ronald Koziol, Paul Williams, Myrta Pulliam, Harley Bierce, Edward O. DeLaney, and Robert Friedly.⁴⁴

Among the conclusions reached during the Reston organizational meeting were that reporters on investigative assignment can benefit by sharing their information and ideas and that the channel for this sharing could be through a service organization that would provide an annual national meeting, a national directory, a newsletter, and a databank of published investigative stories.⁴⁵ In an organizational letter sent to prospective members, Harley Bierce elaborated on the goals of the new organization: "We believe an organization providing useful services could be beneficial; it could make us [investigative reporters] more efficient, more successful and reduce costs."⁴⁶ He pointed out that one major goal of the organization would be to find a way to identify and encourage "standards that should be upheld."⁴⁷

There was concern at the Reston meeting that IRE not duplicate services provided by other journalism organizations.⁴⁸ API's seminars on investigative reporting techniques had developed a systematic approach to investigative reporting and encouraged interest in such reporting.⁴⁹ But API's representative at the Reston meeting pointed out that as a service organization, API's priorities could change as interests among its members changed, indicating that there was no guarantee that its seminars on investigative journalism skills would continue.⁵⁰ In addition, other services, such as a directory of investigative reporters, a data bank of investigative stories, and an annual meeting open to all reporters interested in investigative journalism were not being met by the API seminars.⁵¹ Questions of working with Sigma Delta Chi, the professional journalist fraternity, API, The Reporters Committee for Freedom of the Press, and the American Newspaper Publishers Association were raised.⁵² It was agreed, however, that while coordination with other groups was important, independence from them would ensure perpetuation of the organization and also better serve to create a "community of temperament," to use Les Whitten's phrase.⁵³ And, indeed, shortly after the Reston meeting, S.R. Macdonald of the ANPA Foundation raised concerns that ANPA should not be associated with a group such as IRE because it posed the possibility of becoming a reporters'

group which could at times be at cross-purposes to newspaper management.⁵⁴

In the months following the Reston meeting, members of the IRE steering committee met several times to plan a national meeting, write proposed by-laws, and apply for grants to fund the national meeting and a permanent resource center at Ohio State University, where steering committee member Paul Williams was an associate professor. At a March 22, 1975, meeting, IRE executive committee members Harley Bierce, Myrta Pulliam, Robert Friedly, Edward DeLaney, Robert Peirce, and Paul Williams decided to apply for not-for-profit incorporation under the laws of Indiana, apply for an additional \$5,000 grant from the Lilly Endowment, and to seek grants from ANPA Foundation, the Philip Stern Foundation, the Henry R. Luce Foundation, the 20th Century Fund, and other foundations.⁵⁵ The committee set a fund-raising goal of \$20,000, an amount that later was revised upwards to \$100,000, then \$250,000, then back down to \$90,000.⁵⁶

By the end of 1975, IRE had raised \$5,278, including the original Lilly Endowment planning grant of \$3,128. Other donations came from Indianapolis Newspapers, Inc. (\$1,000); the *Omaha World-Herald* (\$350); Capitol Newspapers of Albany, New York (\$200); Bob Bolitho, a newspaper broker (\$200); Eugene S. Pulliam, publisher of the Indianapolis papers (\$100); Muncie (Indiana) Newspapers (\$100); the *Huntington Herald* (\$50); and Les Whitten (\$50). Office and

travel expenses amounted to approximately \$3,290, leaving a balance of \$1,987.92.⁵⁷ Initial plans were to fund the organization through membership dues and grants from newspapers and journalism-related or philanthropic foundations.⁵⁸

By April 10, 1976, IRE's assets had grown to \$18,453.87, reflecting a matching grant of \$14,045 from the Lilly Endowment; membership fees of \$770 (from 68 members); newspaper contributions of \$3,087.50; and other unidentified funds totalling \$3,150.⁵⁹

The First National Conference

The national conference was scheduled for June 18-20, 1976, in Indianapolis, Indiana. The conference was attended by approximately 200 paid participants from 35 states, approximately 30 speakers (who waived their speaking fees), and 40 students. The annual meeting held in conjunction with the conference was chaired by Ronald Koziol, president of the IRE board of directors. Other officers were Paul Williams, vice president; and Edward DeLaney, secretary.⁶⁰ The membership voted to seek funds for establishing a resource center at Ohio State University by July 1, 1977. Rejecting earlier arguments that the IRE directory of investigative reporters should be limited to those who had been nominated to the directory because of outstanding work, the membership adopted a resolution that all members of IRE would be included in the directory.⁶¹ Indicating a concern

for a topical issue of the time, the membership approved a resolution strongly urging any reporter, editor, or news agency under employment to the Central Intelligence Agency, the Federal Bureau of Investigation, or other law enforcement agencies to resign immediately because by "accepting payment from such agencies, news persons demean the principles of American journalistic independence."⁶² The membership also voted to establish an ethics committee "responsible for raising in a continuing way the ethical questions which confront journalists" and to be "responsible for examining the assumptions that underlie" investigative journalism.⁶³ Finally, the membership voted to establish a committee of broadcast journalists to advise the board of directors about problems specific to broadcast investigations.⁶⁴

The first IRE conference and annual meeting of June 18-20, 1976, was the culmination of 17 months of organizing, fund-raising, and community-building. The founders had taken an informal group of interested people through incorporation into a fully constructed organization with by-laws, a board of directors with officers, an established funding structure, an identifiable community of interest, and a clearly established set of goals. Plans were in place for setting up a resource center, seeking funds from foundations and media companies, and providing a communication network among journalists interested in investigative reporting. During the next two to three

years, the officers, board of directors, and members would work to implement, with some alterations, the goals set out during this first national conference and meeting.

The Early Years

A Definition of the Practice

Organizers of IRE expressed early concern that the definition of investigative reporting should be as broad as possible.⁶⁵ Adopting a definition written by Robert Greene of *Newsday*, IRE defined an investigative story as one that results from the initiative and personal work of a reporter (i.e. one that does not result from an investigation by law enforcement or other institutions); that concerns a matter of importance to readers/viewers; and that reveals information that someone or some organization wants to keep secret.⁶⁶ While the definition remains controversial, particularly its emphasis on exposé of secrets, it represents the first time investigative journalists established an official and generally agreed-upon definition of their craft.

A Resource Center

During the first annual meeting, IRE members approved a proposal to locate the IRE resource center at Ohio State University in Columbus, Ohio, where IRE founding member Paul Williams taught journalism. Williams' death in November 1976, however, brought into question the association between

IRE and Ohio State. Consequently, the executive committee sought another site for IRE offices. In addition to Ohio State, interest in IRE's headquarters was shown by Michigan State University, Northwestern University, Indiana University, Boston University, the University of Missouri, and, later, from Arizona State University. Ultimately, in 1978, two formal proposals came to the IRE board of directors: One from Boston University, and one from the University of Missouri School of Journalism.⁶⁷

UMC School of Journalism Dean Roy M. Fisher, in proposing his school as the IRE headquarters, stressed the school's tradition of service to professional journalists, and its 20-year affiliation with the Freedom of Information Center.⁶⁸ He also attempted to quiet the fears of IRE President (later, Chairman) Robert Greene of *Newsday* that IRE would get "overshadowed" by other UMC School of Journalism programs and that locating at Columbia, Missouri, would isolate the organization from urban centers outside the Midwest.⁶⁹ At the June 1978 IRE board meeting and annual meeting, The University of Missouri was chosen over Boston University for the new IRE headquarters site, and investigative reporter John Ullmann was named executive director.⁷⁰ The vote by the membership was unanimous.⁷¹

From 1976 to 1980, IRE established the resource center in cooperation with the University of Missouri School of Journalism, hired a permanent staff, founded a publication (*The IRE Journal*) to communicate with members, held annual

and regional conferences, set up an annual awards program with detailed criteria that represent clearly delineated standards of investigative journalism,⁷² adopted a definition of investigative journalism, and completed the Arizona Project, during which IRE members investigated corruption in Arizona and published a series of articles on their findings.⁷³ The Arizona Project, which was carried out from November 1976 to March 1977, was instigated in response to the June 1976 murder of fellow investigative journalist Don Bolles of Phoenix, Arizona. The project brought IRE national recognition as well as a host of legal and financial problems and internal controversies that nearly destroyed the organization. But it was an integral part of IRE's attempt to establish a community of investigative journalists.

The Arizona Project

Facilitating cooperation among investigative journalists was a primary goal of IRE from the beginning. In a letter to anticipated participants of the Reston, Virginia, organizing meeting, Pulliam and Bierce stressed this goal: "Because areas which require investigative reporting are complex, reporters can save time by learning techniques and procedures used by colleagues. Awareness of outstanding models of investigative reporting can help reporters make their work more reliable and more useful to the public."⁷⁴ They point out cooperation among

investigative reporters could provide a way for reporters to follow leads that require investigation outside their immediate geographical area, could help reporters avoid damaging pitfalls and costly mistakes, and could help reporters learn skills for doing particular types of stories.⁷⁵

The services established once IRE was formed reflect this concern for cooperation: Staff members established a resource file of examples of investigative reports, compiled a directory of investigative reporters and editors, created a newsletter to foster communication among members, and planned annual national and regional conferences as a way for reporters to get to know one another and to exchange information.⁷⁶ Later, the organization published a handbook to share skills information, founded *The IRE Journal* for communicating nuts-and-bolts information about investigations and promote dialogue on ethics and other substantive issues, and established a contest to award the best investigative stories published and broadcast each year to encourage high standards among practitioners.⁷⁷

Moreover, the organization dramatically underscored its commitment to cooperation among journalists in the summer of 1976, when it embarked upon what would come to be called the Arizona Project.

The project, undertaken within months of the organization's founding, was IRE's response to the murder of one of its members, investigative reporter Don Bolles of the

Arizona Republic. Bolles died from injuries suffered when a bomb exploded beneath his car in June 1976. He had been lured to his death by a man with organized crime ties who promised him information about corruption among Arizona's land developers, dog race track operators, and politicians. John Harvey Adamson of Phoenix was found guilty of the crime and sentenced to death. The people who hired him to kill Bolles were never conclusively identified or punished and the reasons behind the killing have never been satisfactorily revealed.⁷⁸

IRE members viewed the killing as an assault on free press rights since it appeared to be an attempt to prevent Bolles from reporting something he knew or to punish him for stories he already had published.⁷⁹ They determined to show organized crime and others that reporters could not be silenced through violence or threats of violence.⁸⁰ The way to show that, they reasoned, was through a joint effort involving reporters from throughout the country.

IRE organized a team of investigative reporters that investigated corruption among politicians and business persons in Arizona -- in essence, finishing the work that Bolles was killed doing. Funded through donations from an organization of Arizona business and industry leaders and from news organizations throughout the nation, the team was headed by *Newsday* editor and investigative reporter Robert Greene. The team also included about 50 reporters and editors from Indianapolis; Detroit; Chicago; Boston; Kansas

City; Denver; Riverside, California; Eugene, Oregon; Washington, D.C.; Miami; and various cities in Arizona, among other locations around the nation.⁸¹ Some worked a week or two, others worked with the team for the duration of the project. After three months of investigation, the team produced nearly 80,000 words of copy detailing corruption in Arizona.⁸²

Never before had reporters from different news organizations worked together in a noncompetitive situation to produce a single report.⁸³ IRE had pioneered a new concept in investigative reporting: direct cooperation among reporters.

In an article previewing the March 1977 series on Arizona distributed by IRE, Tom Collins of *Newsday* called the project "an unusual experiment in collective journalism."⁸⁴ Team members told Collins that the reporters worked closely and without ego clashes. "Cooperation has been tremendous," Jack Driscoll of *The Boston Globe* told Collins.⁸⁵

A Threat to IRE

According to Bob Greene, the team leader of the Arizona Project and later the president and chairman of IRE, the Arizona Project provided the professional recognition to make IRE a national organization.⁸⁶ Prior to the project, the organization was closely associated with the Indianapolis reporters who had instigated its founding.

After the project, it had national stature. The project and its resulting stories captured national attention and two prestigious journalism awards for IRE.

Ironically, the Arizona Project nearly killed the organization, as well. The cost of the project, criticism from prominent media organizations, libel suits filed by targets of the Arizona investigation, and internal dissension over rights to the story of how the investigation was carried out amounted to pressures that were serious enough to threaten the organization's survival.

In essence, IRE's pursuit of the external goods of journalism that promised to result from the Arizona Project was a corrupting influence on the organization. The Arizona Project held out the Trojan Horse promise of celebrity status among journalists and media organizations and of tens of thousands of dollars that could shore up the finances of the fledgling organization. What IRE got was negative publicity along with national attention, and it never received the expected financial gain. In addition, the pursuit of the external rewards led to disagreements and recriminations among the officers and membership of the organization.

At IRE's first annual meeting in June 1976, the membership unanimously approved a resolution authorizing Bob Greene of *Newsday* to travel to Phoenix on behalf of IRE.⁸⁷ He was to consult with editors and reporters at the *Arizona Republic*, a statewide daily for which Bolles had worked. In

a memorandum dated July 19, 1976, Greene outlined for IRE board members the conclusions he had reached after meeting with *Republic* staff members. He reported that a project involving reporters and editors from throughout the country who would investigate Arizona corruption was "better than 50 percent" feasible:

The purpose of such an investigation *would not* have as its direct aim the solution of the Bolles assassination. The point would be to expose the political -- land fraud -- mob structure of Arizona with particular emphasis on Phoenix.

The idea is to exert heavy pressure on every possible pocket of corruption whether it directly relates to the Bolles murder or not. An indirect result could be the solution of the Bolles murder.

. . . The community [Phoenix] and other like communities would reflect on what has happened, and hopefully would think twice about killing reporters. For all of us -- particularly newspapers with high investigative profiles -- this is eminently self-serving. We are buying life insurance for our own reporters.⁸⁸

The project team would work closely with reporters and editors of the *Arizona Republic*, but would maintain its own headquarters. Greene pointed out that the *Republic's* understanding of organized crime in Arizona was cursory, at best.

Cost of the project, Greene estimated, would be \$25,000, not including the salaries of reporters and editors who would participate. The money would be needed to rent rooms for boarding the reporters and for office space, to purchase or rent typewriters and other equipment, to rent cars, to photocopy records, to pay for phones, and to hire secretaries/stenographers.⁸⁹ It was hoped that news

organizations would pay the salary of staff members sent to participate, or the reporters and editors would donate their vacation time to the project. Relying on his experience as a team leader at *Newsday*, where he coordinated that paper's extensive investigation of the heroin trade in 1974, Greene estimated that the investigation team in Phoenix should consist of a team leader, four reporters, two journalism graduate or undergraduate students, and two secretaries/stenographers.⁹⁰ An alternative, which was eventually adopted, would involve two or three permanent team members with additional reporters and editors coming in for short stints. In addition:

Files would be maintained on a daily basis. Relief teams would be arranged on a partially overlapping basis so that there is a continuity of investigation which is also achieved through the files. Deputy team leaders would evolve through each set of reporters.⁹¹

Greene also noted that some newspapers had offered the services of their reporters in their hometowns and in Washington, D.C., for intermittent checking of records and interviewing of sources.⁹²

On July 23, 1976, a letter on IRE letterhead and signed by IRE President Ron Koziol went out to IRE members outlining plans for the project and soliciting help.⁹³

IRE was maintaining an office in Indianapolis during these first months of its existence. Financial demands for that office and other responsibilities, including the purchase of libel insurance to cover the Arizona Project stories, made it impossible for the organization to finance

the Arizona Project. Consequently, fund-raising for the Phoenix effort fell to Greene. Donations were obtained from the Arizona Manufacturers Association, from The Fund for Investigative Journalism, and from individual news organizations.⁹⁴

The project began in September 1976 with plans for publication of its findings by March 1977. The controversies began before the project was finished.

A barrage of criticism was unleashed by some of the nation's more prominent news organizations. *Time* magazine was complimentary, calling the Arizona Project "extraordinary" and "the most remarkable journalistic effort since Woodward and Bernstein."⁹⁵ Others, though, were negative. Charles Seib, ombudsman for *The Washington Post*, called the project and all investigative journalism a "journalistic fad."⁹⁶ A.M. Rosenthal, managing editor of *The New York Times*, said the project went against the tradition of diversity and competitiveness in the media. "If a story is worth investigating, we should do it ourselves," he argued.⁹⁷ Otis Chandler, publisher of the *Los Angeles Times* and an executive of the Times Mirror Company, which owned *Newsday*, said he would resent a team of outside reporters coming into his newspapers' circulation area to conduct an investigation.⁹⁸ Later, in a letter to Greene, Chandler said he was not criticizing Greene, whom he admired, but was criticizing the concept of an outside team investigation.⁹⁹

An Internal Controversy

An internal controversy erupted by December 1976 when it became known that team participant Michael Wendland of the *Detroit News* was writing a book about the Arizona Project, and IRE President Ron Koziol was thought to be a co-author. The Wendland book threatened IRE's own plans for a sanctioned book and possible movie and, Greene argued, violated an agreement reporters on the project signed not to personally profit from their work on the project.¹⁰⁰

At a January 1977 board meeting, Koziol was confronted about reports that he was helping Wendland write an Arizona Project book. He refused to answer the allegations. In addition, controversy flared over a proposal to sell movie rights to David Susskind, a TV producer, without giving Susskind full access to IRE files. Board member Jack Taylor of the *Oklahoma City Daily Oklahoman* resigned in protest over the proposed censorship, and other directors were unhappy enough to threaten resignations as well.¹⁰¹

On Feb. 23, 1977, IRE member Jim Drinkhall of *The Wall Street Journal* published a lengthy article in the *Journal* about the IRE board controversies. The article embarrassed the organization, and Greene and others filed, then withdrew, a complaint with the National News Council.

In March, Koziol resigned the presidency of IRE, and the board, refusing to accept his resignation, voted to oust him from office.¹⁰² Other board members, including David

Burnham of *The New York Times* and Len Downie of *The Washington Post* also resigned.¹⁰³

With financial problems forcing the closure of IRE's office in Indianapolis and delaying the opening of the planned resource center at Ohio State University, in addition to the internal controversies that had become public, IRE was on the verge of failure just as its most memorable achievement, the Arizona Project, was ready to distribute its exhaustive series on corruption in Arizona.

If the Arizona Project's reports were well-received and if book and movie rights could be sold, the organization had a chance of survival, the remaining board members surmised.¹⁰⁴

Selling the Arizona Project Story

The IRE board secured the services of The Sterling Lord Agency of New York to represent it in selling the rights to the Arizona Project story. Magazine rights were sold to *New West* for \$2,000.¹⁰⁵ In April 1977, book rights were sold to Prentice-Hall, from which IRE stood to gain at least \$15,000. Ben Bagdikian, a freelance writer at the time but previously an editor and ombudsman for *The Washington Post*, signed on as author. Prentice-Hall paid a \$10,000 advance, with slightly more than \$2,200 going to IRE.¹⁰⁶ In June 1977, Bagdikian withdrew from the book project after accepting a full-time teaching position at the University of California-Berkeley. Author James Dygert, who had published

a book about investigative reporting in 1976 with Prentice-Hall, was suggested as Bagdikian's replacement. Closely tied to the book rights was the possible sale of movie rights, which could generate considerably more money. But by August, the Prentice-Hall agreement was in danger of falling apart because of a published notice by Sheed, Andrews & McNeel, a Kansas City, Missouri, publisher, that a book on the Arizona Project by Michael Wendland was forthcoming.¹⁰⁷ IRE, through its attorney, Edward DeLaney, attempted to stop the Wendland book by threatening legal action against Wendland and his publisher.¹⁰⁸ DeLaney argued that the IRE series was copyrighted and that Wendland, who had been a member of the investigative team, had not obtained permission from IRE to use its files.¹⁰⁹ However, the threats failed to dissuade Wendland or Sheed, Andrews & McNeel, and *The Arizona Project* was published.¹¹⁰

Prentice-Hall canceled its contract with IRE and Bagdikian, and IRE and Bagdikian returned the book advances they had received. With no book, IRE would have trouble selling movie rights to its story.

Several movie and television producers expressed interest in filming the story of the Arizona Project. From 1977 through 1983, nine producers, including NBC Entertainment, Paramount, Columbia Pictures, and DPL Productions, entered into or attempted to enter into agreements with IRE to produce a movie, a TV special, or a TV series about Don Bolles, the Arizona Project, and IRE.

IRE stood to make at least \$50,000 if production could go forward. But one by one, the producers came and went. Even when advances were paid (DPL, for example, paid IRE \$5,000 and entered into consulting agreements while exploring the possibility of a production), the producers eventually walked away from the story. It appears that in addition to the problems of writing an acceptable script and getting a production contract, producers were concerned about legal liabilities considering that IRE had no book in hand (a book would have run interference should anyone decide to sue over the way they were portrayed) and that the lingering libel actions against IRE made use of the IRE material questionable.¹¹¹ Ultimately, no film or series was produced.

Completion of the Project

The Arizona Project reporters completed their investigation of Arizona in December 1976, and the 80,000-word series was written and edited during January and February 1977. Thirty-seven reporters and editors, representing 28 newspapers and television stations, had worked on the project. Forty thousand memoranda had been collected, filed, and cross-indexed. Hundreds of people had been interviewed and thousands of public and private records had been studied. The cost had overrun Greene's initial estimate of \$25,000 by \$47,000, plus reporter salaries, which were paid by their news organizations as salary or

vacation compensation.¹¹² In March, the series was ready for distribution.

IRE investigators produced a 23-part series outlining the structure of organized crime activity in Arizona; the tradition of land-development fraud in the state; drug-dealing, gambling, and prostitution in the state; the administration of justice in the state; and ties between Arizona politicians and members of organized crime. Getting considerable attention were alleged connections between organized crime members and Arizona Senator Barry Goldwater, his brother, Robert Goldwater, and their business and political associate, Harry Rosenzweig, a former Arizona state Republican chairman. When a Phoenix radio executive asked Greene what the team members had found that so impressed them, Greene responded:

"The senior senator of your state [Barry Goldwater] is up to his ass in association with top organized crime figures. We're impressed with that.

"The Hobo Joe's restaurant operation was a \$3 million mob [organized crime] steal involving Barry Goldwater's brother [Robert]. We're impressed with that.

"There are 550 licensed pilots in Phoenix alone who make their living flying drugs into Arizona from Mexico. We're impressed with that.

"We named 23 organizations that move all the heavy narcotics through your state. Ninety-six percent of the heroin in the U.S. comes from Mexico. The most concentrated corridor of entry comes through your state. We're impressed with that."¹¹³

In the tradition of turn-of-the-century muckrakers Lincoln Steffens and Ida Tarbell, the IRE team presented their evidence not as lawyers building a legal indictment, but as journalists wanting to tell the story of corruption in

public affairs. Consequently, the evidence often is anecdotal, and the series often recounts historical events in order to place the contemporary events into a context.¹¹⁴ To trace the connection between the Goldwaters and organized crime figures, for example, the IRE reporters take readers back to Goldwater's maiden Senate campaign in the early 1950s, when convicted extortionist, pimp, and organized crime associate Willie Bioff, known in Phoenix as William Nelson, was a social acquaintance of Goldwater and a major contributor to his campaign.¹¹⁵ A typical anecdote that illustrates the techniques used to tell the story of Arizona corruption is the following about Barry Goldwater, Harry Rosenzweig, and Willie Bioff:

A month before Bioff was killed [in November 1955], Rosenzweig, Sen. Goldwater and his family and Bioff and his wife took a vacation together in Las Vegas, staying at the Riveria. Rosenzweig made the arrangements. Goldwater and Rosenzweig maintained that at first they had not known Bioff's true identity. But they continued to associate with him after they knew who he really was. Goldwater later said he had used Bioff to get information about labor racketeering.¹¹⁶

This excerpt shows the techniques used throughout the series that would later be singled out for criticism by journalists who disagreed with the project: lack of direct attribution of information, associations made between people showing that they knew each other but not that one endorsed the behavior of the other, and the compilation of considerable information that was history in 1976-77.

The series did not reveal shocking news; its impact comes instead from its framing of the issues. It weaves

bits and pieces of news items -- some many years old, some others gathered or documented by the IRE team -- into a tapestry that "tells the whole story." The fact that organized crime affects the quality of life in any state in the United States is not news to most people. This story of organized crime influence over public affairs could have been told about any state in the nation, only the names and dates would be different (and not always even that). Tom Renner of Newsday, an organized crime specialist and participant in the Arizona Project, pointed out in 1981: "To be successful in this field of investigation [of organized crime], it is necessary to arm yourself with history, names, files and documents that must be preserved to prepare for the inevitable truth -- history always repeats itself."¹¹⁷ The IRE series, however, documented the intricate relationship between crime, politics, and the criminal justice system. It named names; it exposed facts about specific crimes and malfeasances that many within the power structure of Arizona did not want revealed.

After libel lawyers had reviewed the team's work, 26 newspapers, three television stations, United Press International and the Associated Press were sent 10-pound packages containing the stories and artwork to accompany them.¹¹⁸ Each participating news organization paid a \$125 duplication cost for the materials. Debut of the series was set for Sunday, March 13, 1977.

Three participating newspapers declined to run the series, in whole or in an edited version. They were the *St. Louis Globe-Democrat*, which argued that the series was too massive to allow its staff to adequately fact-check it; the *Chicago Tribune*, the employer of reporter Ron Koziol, who had recently been ousted as IRE president; and, surprisingly, *The Arizona Republic*. A statement published by the *Republic's* publisher, Nina Pulliam, indicated that the stories reported much that the paper had already published and the new information could not be verified. The *Republic* and other participating news organizations, however, had been invited to review the IRE team's documentation of allegations in the stories if they had any questions. In addition, *Republic* editors attempted to distance themselves from the IRE team, saying the newspaper had not participated with the investigation. Three *Republic* reporters, however, had worked with the IRE team.¹¹⁹

Public reaction to the *Republic's* decision was dramatic. Some residents of Phoenix expressed outrage that the *Republic* would not carry the articles. Letters to the editor were written in protest while out-of-town papers carrying the series that were sold in Phoenix, including the *Tucson Sun* and the *Denver Post*, were snatched up by eager readers. In addition, some Phoenix residents picketed the offices of the *Arizona Republic* to protest the newspaper's decision. Succumbing to the pressure, *Republic* editors began running the Associated Press versions of the story on

March 18, five days after the first stories had been released.¹²⁰

Response to the Project's Series

In April, one month after the Arizona Project series began running, Behavior Research Center, a Phoenix-based public opinion polling service, surveyed 1,000 heads of households throughout the Rocky Mountain states and found that the IRE series had "strong impact" throughout Arizona and the rest of the states. Awareness of the series averaged 80 percent among Arizona residents and 64 percent throughout the Rocky Mountains states. "The impact of the IRE reports on westerners' attitudes regarding whether land fraud and organized crime problems in Arizona are more or less serious than elsewhere in the nation is unmistakable," the authors of the study reported.¹²¹ Forty-one percent of the Arizonans surveyed and 28 percent of the residents throughout the Rocky Mountain region surveyed said after the series ran that they believed that the problems of organized crime were more serious in Arizona than elsewhere in the country.¹²² Sixty-seven percent of the respondents from Arizona thought that land fraud was more serious in Arizona than elsewhere in the country and 42 percent of all Rocky Mountain area respondents thought it was more serious in Arizona than elsewhere in the country.¹²³ To test whether the perceived seriousness of organized crime activities and land fraud in Arizona was related to the IRE series, the

researchers compared the answers of those who were aware of the IRE series with the answers of respondents who were unaware of the series. They found that those who were unaware of the series took a substantially less serious view of these problems.¹²⁴ "Without question, the IRE reports have had a negative impact on the image of Arizona among residents of the Rocky Mountain region," the researchers concluded.¹²⁵

This "negative impact" led to changes in Arizona, according to Arizona politician Bruce Babbitt. Babbitt had been attorney general when the investigation occurred and, five years later, was governor when he offered an assessment of what the Arizona Project meant to Arizona. When IRE's team appeared in Arizona in October 1976, "the public had gone to sleep, the press was on the sidelines, law enforcement was demoralized," Babbitt recalled. "The citizens of this state were aroused [by IRE's work] to a level of indignation that was truly awesome." He continued:

And public agencies began to respond, [a] county attorney left town, quick. The legislature acted; they picked up an agenda that law enforcement had had in front of them for a long, long time.

The land laws of this state were revised from A to Z. . . . The blind trust laws were amended. We created for the first time in the history of this state, effective state level law enforcement, integrated from intelligence, to police work, to state level prosecution, to the use of grand jury prosecution, to effective immunity laws, careful and responsible use of modern intelligence apparatus.¹²⁶

In the journalism profession, the IRE's work was met with criticism and praise. One of the more scathing

critiques was by noted press critic David Shaw of the *Los Angeles Times*. Shaw wrote that the project "smacked of elitism and vigilantism," that the stories lacked sufficient documentation, were "vague, unproven, filled with innuendo and guilty by association," and "instead of proof, the Arizona team too frequently offered unsubstantiated surmise, syllogistic reasoning and hyperfervid language."¹²⁷

And, indeed, the issue of documentation was controversial. Serious charges were being made about powerful people and, in some cases, documentation had to be abbreviated because of the length of the stories. Robert Greene, in a November 1977 letter to journalism educator Melvin Mencher of Columbia University, explained the team's predicament. Unlike Shaw, Mencher had written a favorable review of the project for the *Columbia Journalism Review*, and Greene was responding to Mencher's review:

I prefer to write an indictment type story. I like to set out my conclusions and then step-by-step lay out the evidence that led to that conclusion. This makes for a long story. It also gives you little room to demonstrate a scintillating writing style. . . . The biggest critics of stories written this way are within the industry . . . They say such stories are too long and that people won't read them. . . . This is precisely the problem we faced in Arizona. The first draft, written entirely in indictment style and citing all of our proof, ran close to 250,000 words. . . . Universally, we were told, papers would not handle stories that long. Tony Insolia did a heroic job of trying to cut some proofs and still hold enough to keep the indictment form.¹²⁸

But even Insolia's editing was not enough, and the IRE editors decided to write the stories shorter, leaving out

much of the detailed documentation. "Part of the rationale justifying the shorter stories was that we constituted an investigative force and as such we had the right to state flatly what we had found," Greene continued. "As such, we could eliminate some of the cliché-type attributions. . . . Much of the criticism came from editors who insist on using: 'police said' at least twice in every lead and four times in every succeeding graph."¹²⁹ The IRE team, in its Arizona Project stories, offered a new standard for documentation evidence included in the text of investigative reports.

The Arizona Project series was nominated for a Pulitzer Prize in 1978 and resulted in IRE's being awarded the Conscience-in-Media Gold Medal from the American Society of Journalists and Authors, and the National Journalism Award from Ball State University.

The response from some of the people reported on in the Arizona Project series was more acrimonious. Senator Barry Goldwater, in a letter on U.S. Senate stationery to Eugene Pulliam, publisher of the *Indianapolis Star*, demanded the names of all reporters who participated in the project and a list of financial contributors to IRE.¹³⁰ He threatened a libel suit, but never filed one. Others, however, did file suits that drug IRE into a morass of financial and legal tangles for several years.

Targets of the Project Sue for Libel

Six suits were filed naming IRE, various media outlets, and individual reporters as defendants. The suits alleged libel, invasion of privacy, and emotional distress. While IRE had purchased libel insurance to cover the organization and individual reporters and editors who worked on the Arizona Project, the insurance policy included a \$15,000 deductible, which initially was interpreted to mean that IRE would have to pay the first \$15,000 of each suit, or a possible total of \$90,000.¹³¹

Suits were filed by:

-- Peter Licovoli Jr., the son of reputed mob leader Peter "Horseface" Licovoli Sr., who moved to Arizona from Detroit.¹³² The series alleged that Peter Jr. was a drug dealer operating out of a Tucson discotheque, The Living Room.

-- Michael Licovoli, Peter Licovoli's brother, who, the IRE reporters said, "is usually found sitting at the bar [The Living Room] in the afternoons, talking to small-time drug dealers."¹³³ That is the only mention of Michael Licovoli in the series.

-- Jaime Ostler Robles, a Mexican national implicated by the IRE series in drug trafficking.¹³⁴

-- Jerry Colangelo, general manager of the Phoenix Suns, who, the IRE report alleged, frequented a Phoenix bagel shop that served as the gathering spot for "much of the gambling fraternity" in Phoenix.¹³⁵

-- Alfred Gay, an Arizona and Alaska businessman that the IRE series implied might be running drugs, but certainly was allowing the town he owned on the Arizona-Mexican border to be used as a haven for drug smugglers.¹³⁶

-- Kemper Marley Sr., an multi-millionaire Arizona businessman linked to the death of Don Bolles by the confessed murderer, John Adamson. The IRE series alleged that Marley had ties to organized crime, as well as to the powerful politicians in the state.¹³⁷

Another person mentioned in the series sought revenge against IRE in a rather unique way. He wrote a novel, *Street Fights*. Attorney Joe Martori's ex-wife wrote the novel for him, which was published under his by-line by a vanity press 10 years after the series ran. Martori paid \$125,000 of his own money to publish the book, which he said showed the sloppiness and unprofessionalism of the IRE reporters.¹³⁸ Martori was mentioned in the series as a business partner of and attorney to Robert Goldwater, Senator Barry Goldwater's brother, and is implicated in some of the questionable business relationships and dealings associated with his and Goldwater's corporation, Goldmar, Inc.¹³⁹

Only one suit, that by Kemper Marley, went to trial. The other suits were settled out of court. IRE paid no damages and claimed victory in each case.¹⁴⁰ Some corrections to the Alfred Gay story were agreed to.¹⁴¹ The Marley trial lasted five months with the jury finding that

the stories IRE wrote did not libel Marley or invade his privacy. The jury did award Marley \$15,000 for emotional distress because of the colorful language used to tell the story.¹⁴² This award was later set aside during out-of-court negotiations.

But the legal victories came with a price tag. The burden of fighting the lawsuits tied up IRE funds and personnel such that progress of the organization was stymied.¹⁴³ The last suit, Marley's, was not concluded until July 1981, four and a half years after the series was published. A saving financial grace came in August 1981, however, when IRE's libel insurance carrier decided that all of the suits arising from the Arizona Project would be considered as a single incident. IRE would have to pay only one \$15,000 deductible instead of one for each lawsuit. The result was erasure of a \$35,000 legal fee IRE still owed and a reimbursement of more than \$25,000 in legal fees it had already paid.¹⁴⁴

The Arizona Project had been the best of times and the worst of times for IRE. It had brought national attention to a struggling organization. That attention had led other journalists to join the organization. From 1976 to 1981, the membership grew from about 200 to 1,029.¹⁴⁵ And yet, it had caused internal dissension and threatened the organization's financial well-being. But IRE survived and came out of the experience stronger and better organized. Its association with the University of Missouri School of

Journalism was in place, membership numbers were up, and finances were stabilized.

Establishment of a Social Practice

Building a Community

During the early years of IRE, organizers and leaders of the association were in the process of building a community of interest to further the practice of investigative journalism. MacIntyre asserts that community-building itself is a social practice and can be assessed like other social practices.¹⁴⁶ When the community-building affects the creation of a social practice, such as with IRE's founding and the practice of investigative journalism, it would seem even more important to analyze the process of community-building.

The fostering of cooperation, to create a cohesion among the nation's investigative journalists, was critical to the development of investigative journalism as a social practice. In addition to the Arizona Project, which provided a unifying cause to rally around, IRE also fostered cooperation by hosting regional and national meetings where investigative reporters could learn from one another and make contacts for future cooperation on individual stories.

MacIntyre maintains that cooperation is central to furtherance of a practice:

. . . [G]oods can only be achieved by subordinating ourselves to the best standard so far achieved, and that entails subordinating ourselves within the

practice in our relationship to other practitioners. . . Every practice requires a certain kind of relationship between those who participate in it.¹⁴⁷

L. Gregory Jones, writing of MacIntyre's notion of community, says this relationship among members of a practice is a "communion that exists through the time spent . . . sharing in practices."¹⁴⁸ Out of this shared communion comes "a shared vision of and understanding of goods," according to MacIntyre.¹⁴⁹

The notion of goods internal to a practice, in contrast to goods external to a practice, forms an important component of MacIntyre's definition of a social practice. In his definition of a social practice, MacIntyre asserts that members of a practice carry out activities "through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are definitive of that form of activity."¹⁵⁰ Lambeth has pointed out that among journalists, internal goods would include telling the truth and telling the whole story.¹⁵¹ Using the definition of investigative reporting established by IRE, one can identify additional internal goods specific to investigative journalism, including the generation of knowledge or information on one's own rather than relying on a government agency or other institution to reveal it; the revelation of information that is important for the public to know, i.e. telling stories that have significant impact on people's lives or on society generally; and the uncovering of

information that has been hidden by institutions or people.¹⁵²

Prior to the formation of IRE, no formal means of identifying and reaffirming internal goods to investigative journalism existed, for, as MacIntyre points out, it is only through communion that goods can be decided upon.¹⁵³ MacIntyre stresses that the central bond of a community -- in this case, a community of investigative reporters and editors -- is a "shared vision of and understanding of goods."¹⁵⁴ He refers to the "cooperative care for common goods of the practice."¹⁵⁵ IRE, through its annual meetings, regional conferences, establishment of a clear definition of investigative journalism, and its annual contest, generates a continuing dialogue among practitioners about the internal goods of the craft. *The IRE Journal*, founded in October 1978, became a sounding board for discussions of the practice and standards of investigative journalism. Early issues carried articles on the prudence of accepting stolen documents, the ethics of cooperating with legal authorities, and the propriety of using deception in news gathering, as well as detailed articles on case studies of investigations, specific investigative tools, and other skills issues.

Without an independent service organization that generates community beyond the institutions -- the news organizations that employ the investigative journalists -- a craft remains susceptible to the trappings of the external

goods which MacIntyre identifies as those goods which inhibit moral development of a craft, goods such as celebrity, power, and money. "Institutions are characteristically and necessarily concerned with what I have called external goods," MacIntyre asserts. "Without justice, courage[,] and truthfulness, practices could not resist the corrupting power of institutions."¹⁵⁶

IRE itself became entrapped in a quest for external goods as it struggled to raise funds for operating expenses. During the early years, the organization was sustained through grants from foundations and individuals that raised questions among IRE members and others. The Lilly Endowment, a foundation established by the pharmaceutical firm of Eli Lilly, provided seed money and first-year matching grants for IRE. When the issue of accepting money from a drug manufacturer came up at the first annual meeting, the membership adopted a resolution to seek funds from noncompromising sources and accepting the Lilly Endowment funds only with the understanding that the money came with no strings attached.¹⁵⁷ The organization also was embarrassed when the *Wall Street Journal* revealed that it had accepted individual contributions from the Louis Wolfson Foundation, whose creator was imprisoned for securities violations; and from attorney Julius Echeles of Chicago, who often represented Mafia clients and who was himself an ex-con.¹⁵⁸ Board members could respond only that it was impossible to know who all the contributors were.¹⁵⁹

In addition, IRE accepted two anonymous donations during its early years. In 1983 and 1984, the IRE board accepted \$5,000 donations from Fiduciary Trust Company of New York.¹⁶⁰ In 1983, when the first donation was proposed, board members contacted the trust company and were satisfied that accepting the money would not compromise the organization. But the danger of such donations were not lost on the board, and the acceptance of such gifts was eventually halted.

MacIntyre also requires of a social practice that it be imbued with a history, a tradition:

Practices of course . . . have a history. . . . We have to learn to recognize what is due to whom. . . . To enter into a practice is to enter into a relationship not only with its contemporary practitioners, but also with those who have preceded us in the practice, particularly those whose achievements extended the reach of the practice to its present point.¹⁶¹

Prior to establishment of IRE, there was no readily accessible depository of investigative journalism reports, both printed and broadcast. In essence, IRE has documented the history of investigative journalism since its establishment through its maintenance of an "investigator's morgue," which contains examples of investigative journalism done in the United States. This library of data, in addition to the educational seminars held during regional and national meetings, and its publications, provides investigative journalists with a continuing dialogue with

the past of their practice. The library and the seminars provides a means to "recognize what is due to whom."¹⁶²

MacIntyre's definition of a practice also requires that practitioners establish and maintain standards of excellence, and when one enters a practice he or she must "accept the authority of those standards" and be willing to have one's own work judged in relation to those standards.¹⁶³ IRE, through its awards presentations, its seminars, and its publications, teaches, assesses, and rewrites the standards of excellence for investigative reporting. Prior to IRE, standards existed, of course, but they were "unofficial" standards in that they were not sanctioned by a national organization dedicated to the improvement and maintenance of the craft.

From the beginning, the identification and promotion of standards of excellence was listed as a goal.¹⁶⁴ At IRE's first national conference in 1976, in fact, the program was designed to educate investigative journalists on standards of excellence as well as on specific skills. Workshops on "The State of the Art of Investigative Reporting," "Doing the Job Ethically," and "Responsible Alternative Media," were provided along with skills-based workshops on "Precision Journalism," "Investigative Interviewing," and "Investigative Teamwork."¹⁶⁵ In addition, creation of the IRE awards program in 1980 further contributed to the establishment of standards by holding up the best work as examples of how the craft should be carried out.

Throughout its early years, IRE worked to bring journalists interested in investigative reporting together in a community of interest. And beyond the community-building was a conscious effort to generate a discussion among practitioners about methods, skills, ethics, values, and, to use MacIntyrean terms, "internal" verses "external" goods. The formation and early efforts of IRE contributed to a self-consciousness among investigative reporters and editors. A sense of the practice separate from the news organizations developed and, instead of looking to the institutions for leadership in skills and ethics, investigative journalists began looking to IRE for leadership as a representative of the practice, not the institutions.

Notes

¹The *Inquirer* series is discussed and reprinted in Philip Meyer, *Precision Journalism: A Reporter's Introduction to Social Science Methods* (Bloomington: Indiana University Press, 1979, 2nd ed.) 366-389; for further discussion, see Steve Weinberg, *Telling the Untold Story: How Investigative Reporters Are Changing the Craft of Biography* (Columbia, Mo.: University of Missouri Press, 1992) 111-112. The *Chicago Tribune* series, which ran in November 1973, was issued by the *Tribune* as a reprint, "Police Brutality." For a discussion of the investigation, see James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976) 129-130.

²Paul Williams related the following story in the introduction to his textbook, *Investigative Reporting and Editing* (Englewood Cliffs, N.J.: Prentice-Hall, 1978) xi: "One of my oldest newspaper friends wrote to me after he heard I was teaching investigative reporting and asked: 'What's the difference between investigative reporting and just good reporting?' I was to hear a dozen variations of his question as I worked on this book."

³Judith Bolch and Kay Miller, *Investigative and In-Depth Reporting* (New York: Hastings House, 1978) 2.

⁴Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1981) 169-209.

⁵*Ibid*, 175.

⁶Jack Anderson, *The Anderson Papers* (New York: Random House, 1973).

⁷Joe Eszterhas, "The Toughest Reporter in America," *Rolling Stone*, April 10 and 24, 1975.

⁸John C. Behrens, *The Typewriter Guerrillas: Closeups of 20 Top Investigative Reporters* (Chicago: Nelson-Hall, 1977).

⁹See also Dygert, *Investigative Journalist*; and Leonard Downie Jr., *The New Muckrakers* (New York: New American, 1976).

¹⁰Peter Benjaminson and David Anderson, *Investigative Reporting* (Ames, Iowa: Iowa University Press, 1990, 2nd ed.) 3.

¹¹For example, in 1977, CBS launched "The Andros Targets," modeled after the exploits of Nicholas Gage of *The New York Times*. The show was roundly criticized, even by Gage, as being unrealistically dramatic. See Jimmy Breslin, "Breslin Walks Andros Beat: Reporter Show Found Lacking By Vet of Saloon Interview. Oh, What the Script Left Out!" [MORE], April 1977, 48-49.

¹²Warren T. Francke, "Team Investigation in the 19th Century: Sunday Sacrifices by the Reporting Corps," unpublished paper presented to AEJMC annual convention, 1988.

¹³Downie, *New Muckrakers*, 1-53.

¹⁴Dygert, *Investigative Journalist*, 35.

¹⁵*Ibid.*

¹⁶Interview with author, April 16, 1992.

¹⁷Interview with author, June 1992.

¹⁸Williams, *Investigative Reporting*, x-xiii; Carey McWilliams, "The Continuing Tradition of Reform Journalism," in John M. Harrison and Harry H. Stein, eds., *Muckraking: Past, Present and Future* (University Park, Pa.: Pennsylvania State University Press, 1973) 129.

¹⁹K. Scott Christianson, "The New Muckraking," *The Quill*, July 1972, 12. API held seminars in 1961, 1963, 1969, 1971 (two), 1972, 1973, and 1974 (J. Montgomery Curtis letter to Harley Bierce and Myrta Pulliam, Feb. 19, 1975, Paul Williams Papers, IRE Resource Center, University of Missouri School of Journalism, hereafter referred to as "Williams Papers").

²⁰Bill Freivogel, "Public Affairs Reporting Assessed at Press Meeting," *Editor and Publisher*, 106, Nov. 3, 1973, 7.

²¹*Ibid.*

²²Bill Kirtz, "Investigative Reporters Relate How They Operate," *Editor and Publisher*, 108, May 3, 1975, 24.

²³*Ibid.*

²⁴See particularly Harry Stein, "American Muckrakers and Muckraking: The 50-year Scholarship," *Journalism Quarterly*, 56:1 (Spring 1979) 9-17; Franke, "Investigative Exposure"; Harrison and Stein, *Muckraking*; Brasch, *Forerunners*; Filler, *Progressivism and Muckraking*; David Mark Chambers, *The Muckraking Years* (Huntington, N.Y.: Robert E. Krieger Publishing, 1980); Arthur and Lila

Weinberg, *The Muckrakers* (New York: Capricorn Books, 1964); Harvey Swados, *Years of Conscience* (Cleveland: Meridian Books, 1962); C.C. Regier, *The Era of the Muckrakers* (Gloucester: Peter Smith, 1957; originally published by University of North Carolina Press, 1932); and Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood Press, 1990) 1-80.

²⁵Campbell Watson, "Size Termed Unessential for Exposés," *Editor and Publisher*, 101, June 1, 1968, 48.

²⁶James Boylan, "Declarations of Independence: A Historian Relects on an Era in Which Reporters Rose Up to Challenge -- and Change -- the Rules of the Game," *Columbia Journalism Review*, November/December 1986, 29-45.

²⁷Dygert, *Investigative Journalist*, 233.

²⁸"IRE-Background," IRE circular handed at first national IRE conference, June 1976; Paul Williams letter to Harley Bierce, Feb. 11, 1975, Williams papers.

²⁹"Investigative Reporters Form Own Service Association," *Editor and Publisher*, March 8, 1975, 10; Harley R. Bierce to J. Montgomery Curtis, Feb. 6, 1975, letter tabbed "organizational letter," IRE files, IRE Resource Center, University of Missouri-Columbia School of Journalism, hereafter referred to as "IRE files."

³⁰Myrta Pulliam, et al., "Report to Charles Williams, vice president, Lilly Endowment, Inc.," March 12, 1975, Williams papers.

³¹*Ibid.*

³²*Ibid.*

³³Notes taken by Myrta Pulliam during Reston meeting, Williams papers.

³⁴*Ibid.*

³⁵*Ibid.*

³⁶*Ibid.*

³⁷*Ibid.*

³⁸*Ibid.*

³⁹*Ibid.*

⁴⁰*Ibid.*

⁴¹*Ibid.*

⁴²*Ibid.*

⁴³"Investigative reporters form own service association," *Editor and Publisher*, March 8, 1975, 10.

⁴⁴Myrta Pulliam, et al., "Report to Lilly Endowment," Robert L. Friedly resigned from IRE executive committee May 28, 1976, "in the interest of IRE's being exclusively a reporter-editor organization and with the understanding that the church's role essentially was that of a repository for funds during the pre-incorporation period. We feel we have fulfilled our role." (Friedly to Pulliam, May 28, 1976, IRE files).

⁴⁵Pulliam, et al., "Report to Lilly Endowment."

⁴⁶Harley R. Bierce to J. Montgomery Curtis, Feb. 6, 1975, IRE files.

⁴⁷*Ibid.*

⁴⁸Pulliam, notes of Reston meeting.

⁴⁹Christianson, "New Muckraking," 12.

⁵⁰Pulliam, notes of Reston meeting.

⁵¹Christianson, "New Muckraking," 12.

⁵²Pulliam, notes of Reston meeting; Paul Williams, notes of Reston meeting, Williams papers.

⁵³Williams, notes of Reston meeting.

⁵⁴S.R. Macdonald, "Memorandum to the files," Feb. 27, 1975, IRE files.

⁵⁵"Report to the steering committee on IRE executive committee meeting held March 22 [1975] at Indianapolis," IRE files.

⁵⁶*Ibid*; "Request for American Newspaper Publishers Association Foundation support for IREG," undated; executive committee report to steering committee, April 25, 1975; and Bierce letter to Curtis, Feb. 6, 1975; all are in IRE files; see also "1977 Budget A" and "1977 Budget B," Williams papers.

⁵⁷"Year End Balance Sheet," Investigative Reporters and Editors group, submitted by Harley Bierce, treasurer, Dec. 31, 1975, IRE files.

⁵⁸"Minutes of the meeting of the membership of Investigative Reporters and Editors held on June 20, 1976," IRE files, 2. The resolution reads, in part, "The board shall seek funding from private, tax-exempt philanthropic foundations: first from those foundations which owe their existence to journalistic enterprise, second from educational or research foundations, and third from such other foundations which due to their political affiliations or the sources of their money are not likely to compromise the integrity of IRE."

⁵⁹Treasurer's Report, April 10, 1976, submitted by Harley Bierce, treasurer, IRE files.

⁶⁰"Minutes of the meeting of the membership," June 10, 1976.

⁶¹*Ibid.*

⁶²*Ibid.*

⁶³*Ibid.*

⁶⁴*Ibid.*

⁶⁵Pulliam and Bierce to Stu McDonald, American Newspaper Publisher's Association, Feb. 13, 1975, IRE files; Friedly to Pulliam, May 28, 1976; Ron Koziol and Bob Peirce, IRE membership committee, draft of membership solicitation letter, undated, IRE files; and "IRE - Background," informational flyer handed out at first IRE conference, 1976, IRE files.

⁶⁶John Ullmann to IRE board members, May 30, 1979, IRE files tabbed as "1979 Original awards criteria."

⁶⁷Jack Nelson to IRE board members, May 28, 1978, IRE files.

⁶⁸Roy M. Fisher, UMC School of Journalism dean, to Robert Greene, May 9, 1978, IRE files.

⁶⁹*Ibid.*

⁷⁰Jack Nelson to John Ullmann, June 29, 1978, IRE files. Harley Bierce of the *Indianapolis Star* was IRE's first full-time executive director. He handled the day-to-day affairs of IRE from office space rented from the *Indianapolis Star*. His position as temporary executive director was eliminated and the office was closed Feb. 11, 1977, when financial problems developed for the organization (Harley Bierce letter to IRE board members, Feb. 3, 1977).

⁷¹*Ibid.*

⁷²The criteria for the IRE annual awards program are:

1. The work must be substantially the product of the entrant's initiative and efforts.
 2. The originality of the topics shall be considered.
 3. The secrecy others wish to impose shall be considered.
 4. It must be about matters of importance to the publication's circulation or broadcast area.
 5. It must be fairly and accurately presented.
 6. The quality and quantity of support and documentation will be considered.
 7. It must be well-written. Clarity and effectiveness of presentation will be considered.
 8. Difficulty, peril, sacrifice and resources of the entrant will be considered.
 9. Actual or potential impact of the story will be considered.
 10. It must meet all the generally accepted craft standards.
- ("Minutes of the Meeting of the Board of IRE held at the University Hilton Hotel, Los Angeles, Oct. 12, 1984," submitted by Myrta Pulliam, acting secretary, IRE files).

⁷³"The Arizona Project: Reprint of a 1977 Series," IRE, 1977. For an overview of the project, see Michael F. Wendland, *The Arizona Project* (Mesa, Ariz.: Blue Sky Press, 1988 revised); Al Senia, "The Arizona Project . . . A Year Later," *The Quill*, July/August 1978, 10-28; and Clark R. Mollenhoff, *Investigative Reporting* (New York: Macmillan, 1981) 339-349.

⁷⁴Pulliam and Bierce to McDonald, Feb. 13, 1975.

⁷⁵*Ibid.*

⁷⁶Gerald B. Healey, "Data Center Established by Investigative Group," *Editor and Publisher*, June 26, 1976; Richard E. Cady, "Investigators Near Goals Despite Controversy," *Indianapolis Star*, April 9, 1978, sec. 5, 1; Jim Polk to IRE President Jerry Uhrhammer, Aug. 27, 1981, IRE files; and see generally "The IRE Front Page" newsletter, particularly vol. 2, no. 1 and vol. 3, no. 3, IRE files.

⁷⁷Ullmann to IRE board members, May 30, 1979.

⁷⁸Wendland, *Arizona Project*; Lake Headley with William Hoffman, *Loud and Clear* (New York: Henry Holt, 1990).

⁷⁹Wendland, *Arizona Project*, 25-36; John Consoli, "IRE Execs Vow: No More Collective Investigations," *Editor and Publisher*, March 26, 1977, 12.

⁸⁰*Ibid.*

⁸¹Wendland, *Arizona Project*, 37-53; and Tom Collins, "Uniting Journalists for a Common Cause," in Brasch, *Forerunners of Revolution*, 170-177.

⁸²Collins, "Uniting Journalists," 171; the entire series was reprinted in tabloid format by IRE as "The Arizona Project: Repint of a 1977 Series," 1977.

⁸³Mollenhoff, *Investigative Reporting*, 340; Collins, "Uniting Journalists," 171. Mollenhoff notes that an informal organization of reporters had been formed in 1950 to foster cooperation for the reporting of information revealed by the Kefauver Crime Committee investigation and others were informally formed around labor racket inquiries by Congress in 1957, 1958 and 1959 (*Investigative Reporting*, 340). However, while reporters shared information, other types of cooperation, including the writing of a single story or series of stories based on cooperative reporting, were not done.

⁸⁴Collins, "Uniting Journalists," 170.

⁸⁵*Ibid*, 172.

⁸⁶Quoted in Maria B. Marron, "The Founding of Investigative Reporters and Editors, Inc., and the Fledgling Organization's Conduct of the Arizona Project: A Time of Trial and Triumph," unpublished MSS, Ohio University, 1992, 14.

⁸⁷"Minutes of the meeting of the membership," June 10, 1976.

⁸⁸Robert Greene letter to Investigative Reporters and Editors Group, Re: Bolles Affair, July 19, 1976, Williams papers.

⁸⁹*Ibid.*

⁹⁰*Ibid.*

⁹¹*Ibid.*

⁹²*Ibid.*

⁹³Ron Koziol letter to membership, July 23, 1976, Williams papers.

⁹⁴Robert Greene letter to Ron Koziol, IRE president, Sept. 27, 1976, Williams papers; Howard Bray of The Fund for Investigative Journalism, letter to Robert Greene, Sept. 17, 1976, IRE files.

⁹⁵"Arizona Invasion Force," *Time*, Oct. 18, 1976, 61.

⁹⁶Melvin Mencher, "The Arizona Project: An Appraisal," *Columbia Journalism REview*, November/December 1977, 38.

⁹⁷Robert Lindsey, "18 Reporters Begin Joint Inquiry Into Arizona Crime," *New York Times*, Oct. 5, 1976.

⁹⁸Tom Lewis, "Have Reporters Become Sitting Ducks?: The Story Behind the Goldwater/Arizona Exposé," *Mother Jones*, June 1977, 42.

⁹⁹Otis Chandler letter to Robert Greene, April 12, 1977, IRE files.

¹⁰⁰"Minutes of Meeting of Board of Directors of IRE held on March 3, 1977," IRE files; "Minutes of a Meeting of the Executive Committee of IRE held March 14, 1977," IRE files.

¹⁰¹*Ibid*; see also Jim Drinkhall, "Conflict-of-Interest, Censorship Charges Jar Unlikely Group," *Wall Street Journal*, Feb. 23, 1977, 1.

¹⁰²"Minutes of a Meeting of the Executive Committee of IRE held March 14, 1977"; see also "IRE Update," *The IRE Frontpage*, 2:2 (April 1977) 1.

¹⁰³*Ibid*.

¹⁰⁴Drinkhall, "Conflict-of-Interest," 24.

¹⁰⁵"Minutes of the Meeting of the Executive Committee of IRE held March 19, 1977," IRE files.

¹⁰⁶Edward O. DeLaney letter to Myrta Pulliam, May 13, 1977, IRE files; Sterling Lord letter to Bob Greene and Edward O. Delaney, Aug. 5, 1977, IRE files.

¹⁰⁷Lord letter to Greene and Delaney, Aug. 5, 1977.

¹⁰⁸Edward O. DeLaney letter to Thomas Gill, Esquire, Sept. 5, 1977, IRE files.

¹⁰⁹*Ibid*.

¹¹⁰Wendland was quoted ten years after the Arizona Project as denying that he had signed any agreement to refrain from writing a book and that he decided to write his

book after it was announced that an "official" book would be written by Ben Bagdikian. "If there's going to be an official version," he said he thought to himself, "there's going to be an unofficial version as well." (Robert McCabe, "The Arizona Project, 10 years later," *IRE Journal*, Spring 1987, 15) Wendland's book was published in 1977 by Sheed, Andrews & McNeel of Kansas City, Mo. It was re-issued in 1988 by Blue Sky Press, Mesa, Ariz. An "Agreement on Publication of Results of Bolles Project" that was presented for signing to participants of the Arizona Project states, in part, that "IRE alone will have the right to use, sell, or rent these files [collected during the investigation] for any purpose consistent with its articles of incorporation. This includes any use for written publication, broadcast or film production in any form."

¹¹¹For details on the film negotiations, see Bob Greene memorandum to IRE board of directors (Aug. 22, 1977); Harley Bierce, executive director, letter to Sterling Lord (Jan. 31, 1977); memorandum of understanding between IRE and Sidney Carroll and David Susskind (January 1977); IRE executive committee meeting minutes, Sept. 6, 1977; Joan Brandt of Sterling Lord Agency, Inc., letter to Bob Greene and attached deal memorandum from Paramount (Oct. 7, 1977); Edward O. DeLaney letter to IRE board members re: Paramount Pictures Corporation (Nov. 3, 1977); Thomas C. Chapman, director of creative affairs, Schick Sunn Classic Productions, Inc., letter to Jerry Uhrhammer, IRE president (Oct. 16, 1980); Jerry Uhrhammer, IRE president, letter to IRE board members (Jan. 3, 1981); Hannah Weinstein of Columbia Pictures letter to John Ullman (sic), executive director of IRE (Feb. 10, 1982); Edward O. DeLaney letter to William Farr of IRE, re: IRE - Film Agreement (July 12, 1982); agreement between IRE and Citco Films (July 1982); Edward O. DeLaney letter to Myrta Pulliam of IRE (July 1, 1982); Bill Farr memorandum to Jerry Uhrhammer, IRE president, and John Ullman (sic), IRE executive director (undated by referring to 1982 negotiations with Hannah Weinstein and Todd Grodnick); Edward O. DeLaney letter to Jeffrey A. Rosen, Esq., re: IRE (Aug. 17, 1982); Harry Jones letter to John Ullmann (Sept. 30, 1982); agreement executed between IRE and DLP Productions (Jan. 11, 1983); James A. Coles letter to Daniel H. Wolff, Esq., re: IRE agreement with NBC (Motion Picture) (Oct. 10, 1985); Layne Leslie Britton, director, business affairs, NBC, letter to Edward O. DeLaney, re: IRE (Oct. 24, 1985); Edward O. DeLaney letter to Joe Rigert of IRE, re: NBC (Sept. 6, 1985); Barbara Gunning, vice president-development, von Zerneck-Samuels Productions, letter to Steve Weinberg, IRE executive director (May 9, 1986). All are in IRE files.

¹¹²Bob Greene, Arizona Project team leader, letter to Ron Koziol, IRE president, Sept. 27, 1976, IRE files; Mencher, "The Arizona Project"; Lewis, "Have Reporters

Become Sitting Ducks?"; Senia, "The Arizona Project"; John Consoli, "IRE execs vow: no more collective investigations," *Editor and Publisher*, March 26, 1977, 12 and 45.

¹¹³Lewis, "Have Reporters Become Sitting Ducks?", 32.

¹¹⁴Mencher, "The Arizona Project," 42, reaches a similar conclusion:

When Lincoln Steffens was asked about his exposures of American cities, which included material already well known in the communities he studied, he replied: "The exposition of what people know and stand for is the purpose of these articles, not the exposure of corruption." Steffens's "what people know and stand for," rather than the mere rehearsal of fact, was an essential ingredient of the [IRE Arizona Project] series.

¹¹⁵IRE team, "Arizona Project" reprint, 6-10.

¹¹⁶*Ibid*, 6.

¹¹⁷Tom Renner, "Investigating the Mob," *IRE Journal*, Spring 1981, 17.

¹¹⁸Robert Greene letter to editors whose news organizations participated in the Arizona Project, Feb. 26, 1977; Edward O. DeLaney letter to editors whose news organizations participated in the Arizona Project, re: Distribution of IRE Phoenix Project Materials, undated; unsigned memorandum to Ed (DeLaney), March 8, 1977; all in IRE files.

¹¹⁹Mencher, "The Arizona Project"; Senia, "The Arizona Project"; Wendland, *The Arizona Project*, 258-260.

¹²⁰*Ibid*.

¹²¹Behavior Research Center, undated press release, "IRE Reports Had Strong Impact in Arizona, Western States," 1.

¹²²*Ibid*.

¹²³*Ibid*.

¹²⁴*Ibid*.

¹²⁵*Ibid*, 2.

¹²⁶Bruce E. Babbitt, "Arizona Report Has Stood Test of Time," *The Arizona Report -- Plus Five*, report of symposium held at University of Arizona Department of Journalism, March 26-27, 1982, 8.

¹²⁷Richard Cady letter to David Shaw, April 14, 1977, IRE files.

¹²⁸Robert Greene letter to Melvin Mencher, Nov. 28, 1977, IRE files.

¹²⁹*Ibid.*

¹³⁰Barry Goldwater letter to Eugene Pulliam, March 18, 1977.

¹³¹Edward O. DeLaney letter to Arthur B. Banson, Esq., re: IRE Deductible, Aug. 5, 1981; Jerry Uhrhammer letter to IRE board members, July 30, 1981.

¹³²Bruce N. Tomaso, "IRE Exonerated of Libel Charges," *The IRE Journal*, winter 1981, 2.

¹³³*Ibid.*, and "Arizona Project" reprint, 39.

¹³⁴*Ibid.*

¹³⁵*Ibid.*

¹³⁶*Ibid.*

¹³⁷*Ibid.*

¹³⁸Deborah Laake, "One Italian's Revenge Against the IRE," *New Times*, June 17-23, 1987, 25.

¹³⁹IRE team, "Arizona Project" reprint, 10.

¹⁴⁰Robert Greene letter to "fellow travellers" (IRE board members), March 2, 1978, IRE files.

¹⁴¹IRE team, "Arizona Project" reprint, 41.

¹⁴²"5 Journalists Are Cleared of Libel In Articles After Slaying of Bolles," *New York Times*, Feb. 21, 1981.

¹⁴³Jerry Uhrhammer letter to IRE board members, July 30, 1981, IRE files. Uhrhammer gave this assessment: "Ever since the Airzona Project, IRE's development as a service and educational organization for professional journalists has been hampered by our commitment to pay off that legal obligation, a task that was necessary but, given our nickel-and-dime finances, one that would seemingly take forever." In a July 16, 1979, letter to IRE board members, Jim Polk

wrote, "We owe \$50,000 in unpaid legal bills, and it's time we made provisions to pay them."

¹⁴⁴Uhrhammer letter to IRE board members, July 30, 1981.

¹⁴⁵"IRE executive committee minutes," Oct. 16, 1981, exhibit E.

¹⁴⁶MacIntyre, *After Virtue*, 181.

¹⁴⁷*Ibid*, 178.

¹⁴⁸L. Gregory Jones, "Alasdair MacIntyre on Narrative, Community, and The Moral Life," *Modern Theology*, 4:1 (1987) 63.

¹⁴⁹Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 1984 2nd ed.) 258, quoted in Jones, "MacIntyre," 63.

¹⁵⁰MacIntyre, *After Virtue*, 175.

¹⁵¹Edmund Lambeth, "Waiting for a New St. Benedict: Alasdair MacIntyre & the Theory and Practice of Journalism," *Business & Professional Ethics Journal*, 9:1-2 (1990) 99-100.

¹⁵²Ullmann letter to IRE board of directors, May 30, 1979.

¹⁵³MacIntyre, *After Virtue*, 177-178.

¹⁵⁴MacIntyre, *After Virtue*, 2nd ed., 258.

¹⁵⁵MacIntyre, *After Virtue*, 181.

¹⁵⁶*Ibid*, 180.

¹⁵⁷"Minutes of the meeting of the membership," June 10, 1976.

¹⁵⁸Drinkhall, "Conflict-of-Interest," 24.

¹⁵⁹*Ibid*.

¹⁶⁰"Minutes of a Meeting of the Board of Directors of IRE," Feb. 24, 1984.

¹⁶¹MacIntyre, *After Virtue*, 177-181.

¹⁶²Steve Weinberg and Jan Colbert, *The Investigative Journalist's Morgue*, (Columbia, Mo.: IRE, 1986). This is an index to the database of stories and is updated regularly. A new edition was published in 1991.

¹⁶³MacIntyre, *After Virtue*, 177.

¹⁶⁴"IRE - Background," 1976; Pulliam and Bierce to McDonald, Feb. 13, 1975; and Bierce to Curtis, Feb. 6, 1975.

¹⁶⁵"The IRE Program," June 18-20, 1976, tagged "First National Conference 1976," IRE files.

CHAPTER VIII

The Arizona Project as a MacIntyrean Moment

A Pivotal Event

The Arizona Project was a pivotal episode in the history of Investigative Reporters and Editors. Its complexity and expense posed a serious challenge to the young organization in 1976. It carried the potential of libel suits, ridicule if it failed, and personal danger to the reporters carrying it out. On the other hand, it offered the possibility of national recognition for the organization and financial rewards if its story could be sold. It was a unique enterprise that could make the reputation of IRE, or destroy its potential for success.

Because of its importance to IRE, the project deserves close attention. Because of its significance as a "MacIntyrean moment" in the history of investigative journalism, it demands careful analysis.

This chapter applies the social practice, moral development theory of Alasdair MacIntyre to the project as a means of assessing the performance of IRE and the reporters involved in the project. Files in the IRE resource center and reports published contemporaneously with the project and during the years immediately following it are relied upon. Moral theory provides the analytical framework to analyze the project.

In June 1976, investigative reporter Don Bolles of Phoenix, Arizona, died from injuries he suffered when a bomb exploded beneath his car.¹ His murder was apparently the act of someone who wanted to either keep him from reporting what he knew, or who wanted to punish him for earlier reporting. It was discovered he had been lured to his death by a man claiming to have information on Mafia activities and political corruption in Arizona.

In response, IRE put together a team of reporters from newspapers, radio and television from throughout the United States that went to Phoenix with the blessing of the Arizona press to finish the work that Bolles had started. The project team began operations in October 1976.

The result was a 23-part, 80,000-word series mailed to participating news organizations in March 1977 detailing the infiltration of legitimate business and Arizona government by organized crime figures. It is difficult to assess whether the project's stories resulted in substantial changes in Arizona. Drug dealers and land schemers mentioned in the series were sent to prison, but whether it was as a direct result of their exposure in the series has not been tested. Probably the most significant effect, however, was to increase public awareness of the need for enhanced law enforcement resources, thereby contributing to public pressure for increased funding of police departments and prosecution offices.²

The leader of the team and an organizer of IRE, *Newsday* editor Robert Greene, denied that the team-reporting effort was an act of revenge. "This is not an act of vengeance," he told *Newsday* reporter Tom Collins. "We did not come to find the killer of Bolles, and we expressly did not work on the Bolles murder. It was a reasoned response to the killing of a reporter by continuing his work."³

Using the Arizona Project as a case study, this chapter examines the ethical dimensions of investigative journalism that results at least initially from individual journalists' sense of outrage at a social injustice. Was the Arizona Project, and by extension is investigative journalism in general, an act of vengeance -- or did it have other, broader and more ethical qualities? Often a sense of vengeance by journalists derives directly from their responsibility to promote justice in society and, more broadly, from their loyalty to freedom and the journalism profession.

The relevance of MacIntyre's ideas to public communications and to journalism specifically has been done by others (Fisher, 1984; and Lambeth, 1991).⁴ This chapter is an exercise in applying MacIntyre's concepts of social virtue to a particular case of investigative journalism.

Duty to Justice

Given that vengeance may have "the power of an instinct" so compelling that it rivals all other human

needs,⁵ and its prevalence as a theme in literature and film,⁶ it is remarkable that moral philosophers have written so little of it. Many, however, have written about justice, in particular retributive justice, which can include vengeance. While vengeance is personal, justice has at its core a societal interest to which the institution of journalism is committed.

The idea of social and political justice as an element of ethics can be traced to Aristotle, who argued that communities strive for goodness and "the state, the political community, aims at the supreme good."⁷ Based on a social contract concept, western liberal democratic tradition has strove for the equalization of political rights to the extent permitted within a realistic political context.⁸ Philosopher Alan Gewirth contends:

Here two principles have been established, one, that the results of the political process may not infringe certain basic equal rights or freedoms of each individual; the other, that the results must tend to achieve, or at least must aim at achieving, certain goods for everyone and for the community.⁹

In this social and political vein, some moral philosophers define justice as equality of rights and speak from a distributive justice perspective (concern for fairness in the distribution of power and goods within a society).¹⁰ It is usually from within this distributive justice perspective that journalists have been urged to promote justice in society. Using a Rawlsian-based concern for the least powerful and consequently most vulnerable

members of society, Christians (1986) has urged journalists to place justice for the powerless at the center of socially responsible journalism and Lambeth (1986) argues that ethical journalists must be committed to seeking justice.¹¹

However, questions of retributive justice (concern for the righting of wrongs or the punishment of wrong-doers) also can be explored within the context of a rights-based social justice theory. Murphy (1990), for example, argues that fulfilling crime victims's desires for revenge may be a legitimate purpose of criminal punishment.¹² Moreover, Hoekema (1980) argues that "first-order" rights (natural or human rights) include within them "second-order" rights to protect first-order rights, with force if necessary.¹³ Likewise, in the nineteenth century, Mill pointed out that "the two essential ingredients in the sentiment of justice are, the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done."¹⁴ Being a second-order right, in fact, punishment can be transferred to society through the social contract, Hoekema asserts. "The state," Hoekema writes, "may be viewed as a system of social institutions which acquires the second-order rights of individuals to protect their rights."¹⁵

As members of one of the social institutions within the state, some within the media have at least indirectly accepted the responsibility to protect the basic, natural rights of individuals -- to promote justice. Moreover, the

social responsibility theory of the press and some media ethicists elevate this responsibility to the level of a duty.

Even before the social responsibility theory was articulated by the Commission on Freedom of the Press in 1947, members of the press promoted justice. One such journalist was Jacob Riis, who reported on the squalor of slum life in New York City and sermonized in his introduction to *How the Other Half Lives* that the "remedy that shall be an effective answer to the coming appeal for justice must proceed from the public conscience."¹⁶ The muckrakers of the Progressive Era dedicated themselves to exposing corruption and social injustices, a tradition that continues to live within journalists today.¹⁷ Silas Bent, writing in 1939 of the press's tradition of crusading for reforms, described newspapers as "champions of reforms, as defenders of individuals, as protagonists of their communities" that have recognized crusading as "a natural function and as a responsibility."¹⁸

When journalists, particularly investigative journalists, have described their motives, they have often argued that they are righting the wrongs of society, in other words seeking justice. Author Sam Acheson, who wrote an early history of the *Dallas Morning News*, has called such reporting "reform-by-exposé."¹⁹ Investigative reporter Jonathan Kaufman of the *Boston Globe* acknowledged that he wants his readers to be outraged by the articles he writes

because he wants to spur them to make Boston the best city it can be. "I think newspapers should write for people who have no voices," Kaufman told researchers Glasser and Ettema.²⁰ "If we're not going to write about homeless people and poor people and people discriminated against, who will?" Investigative reporter William Marimow of the *Philadelphia Inquirer* said the fundamental question for him was whether a transgression -- a breaking of natural law, to put it in Lockean terms -- occurred.²¹ In an earlier article, Ettema and Glasser conclude that "the value of justice . . . is affirmed [by investigative journalists] in stories of outrageous injustice."²²

The Commission on Freedom of the Press in 1947 elevated this tradition of promoting justice into theory when it issued its report on press responsibilities. When discussing freedom of the press, the commission asserted that the press must be "free for," among other things, "maintaining the rights of citizens."²³ More forceful are media ethicists who argue that journalists are duty-bound to promote justice. "I assert the strongest possible mission for the news profession, Does it promote justice?" writes Christians.²⁴ Likewise, Lambeth asserts:

The principle of justice is reflected in the journalist's concern for fairness. That is, the journalist in a free society seeks to know whether and to what extent it is a free society, whether the [U.S. Constitution] preamble's promise to establish justice and promote the general welfare has, in fact, been fulfilled.²⁵

Lambeth further argues that Rawls' *Theory of Social Justice* provides a firm theoretical basis for the press's watchdog ethic. An ethical press, Lambeth argues, will monitor society's institutions to determine whether justice is being served according to the Rawlsian theory, which asserts that "the justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society."²⁶ If social justice is the basic structure of society, "or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation," as Rawls insists,²⁷ then the fundamental role of an ethical press is to identify, expose and publicize the manner in which the major social institutions carry out their responsibility to be just. If journalists detect situations void of justice, they are obligated to expose them, to avenge the wrongs of society, to seek "reform-by-exposé."

The investigative journalists who worked on the Arizona Project, inspired by the murder of a fellow journalist, operated under this duty to expose injustice, to right the wrongs -- by way of publicity -- of institutions operating in Arizona. In a feasibility report of the project before the project began, Greene wrote that "the idea is to exert heavy pressure on every possible pocket of corruption whether it directly relates to the Bolles murder or not."²⁸

The team's targets included organized crime operations in Arizona, narcotics and illegal alien trafficking, political corruption and land fraud.²⁹ Institutions examined included the criminal justice system, the legislature, the state executive branch, and private businesses.³⁰

Duty to Community

The IRE reporting team would not have traveled to Arizona, would not have investigated and reported on Arizona had Don Bolles not been killed. The idea of the project sprung from discussions by IRE members about how they could respond to the killing of Bolles, not from discussions about how crime-ridden Arizona was.³¹ "The minimum effect then," Greene outlined for project participants and sponsors,

would be to give heavy exposure to the corrupt element in a community in which an investigative reporter has been murdered. The community and other like communities would reflect on what has happened, and hopefully would think twice about killing reporters. . . . We are buying life insurance on our own reporters. . . . It would be a concerted statement by the press of America and working newspaper people that the assassination of one of our own results in more problems than it is worth."³²

This element of wanting to punish the corrupt community of Arizona by exposing it in response to the killing of Bolles goes beyond the duty to monitor justice in society. But did the participants of the Arizona Project have moral obligations in addition to the generic duty to promote social justice, ones that would justify their joining

together as a team to investigate and report on social institutions outside their usual coverage areas?

The answer to that question is suggested in the work of Alasdair MacIntyre, who argues that members of a community -- in this case, the community of investigative reporters -- are obligated to sustain and strengthen the living tradition of their community.³³ Sustenance and strengthening occurs through the exercise of the virtues, which MacIntyre defines as justice, truth, courage, and an adequate sense of the community's traditions.³⁴ In each individual situation, one must apply those virtues which are relevant, MacIntyre argues.³⁵

In response to the killing of fellow investigative journalist Don Bolles, the virtues of truth, justice and courage were required. The community -- IRE members -- showed loyalty to truth (Who was responsible for the killing of Bolles? Why was Bolles killed?), to justice (The killing of a reporter is not right and someone ought to pay for it.), and to courage (Members of the team sacrificed personal safety and comfort as well as criticism by respected journalists and journalism scholars to do the work.).

But if members of the IRE team had only concentrated on these superficial aspects of the Bolles killing and their response to it, it would not have been enough. The project would not have risen above the "kind of wild justice" of revenge discussed in the seventeenth century by Francis

Bacon and perhaps they should have followed Bacon's advice to consider "passing it over."³⁶ MacIntyre requires more. He defines virtue as "an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods."³⁷

Discovering the identity of the persons responsible for the killing of Bolles, for example, would have benefitted the telling of truth, but would not have necessarily strengthened the practice of investigative journalism. The police department and the local newspapers could have done as much. IRE leader Paul Williams acknowledged this, according to a conversation reported by a participant of the project: ". . . The intent should not be to bring Don Bolles's killers to justice per se," Williams told IRE president Ron Koziol when they were discussing what the Arizona Project should be. "The cops and the local papers are doing that right now. Instead, we should go into Arizona and describe the particular climate that caused his death."³⁸ That is to say, to extend the practice of investigative journalism, the truth sought had to go beyond the immediate personal concern for Don Bolles. It had to be reporting that could only be accomplished by the proposed team effort, not a duplication of what the local press would routinely accomplish anyway.

The virtue of justice, likewise, had to extend beyond the immediate and personal concern to bring Bolles' killers to justice. To be virtuous, then, the justice sought after had to be the type of social justice described by Rawls, wherein fundamental rights and duties -- the basic structure of social institutions -- are examined. Consequently, the Arizona Project was not designed to ask, "Who killed Don Bolles and have they been brought to justice?" but, rather, to ask, "Are the social institutions operating properly in Arizona?" As Williams suggested, "Let's respond as journalists, the only way we know how. Professionally."³⁹ And Greene iterated the purpose of the investigation before it began: "To uncover intertwined political corruption, land fraud and organized crime activities that existed in Arizona," according to Wendland.⁴⁰ The result was a series of stories detailing the systemic problems facing the state that allowed organized crime and corrupt officials to dominate. Furthermore, by taking a systemic, Rawlsian approach to the question of justice, the team members extended the concept of investigative journalism from a practice that seeks out individuals who have committed crimes and corruption, to a type of reporting that examines the underlying social factors that give rise to social problems such as crime.

And courage must entail more than the endurance of long hours, low pay, and occasional physical risk. It had to begin with the conceptualization of the project, with the

community's willingness to stand up not just to Bolles' killers, but to all who would stifle free expression. Lambeth (1986) writes of a principle of stewardship:

A journalist . . . is in a unique position to help keep the wells of public discourse unpoisoned, if not wholly clean. . . . As a special beneficiary of the First Amendment, the journalist has a material motive to *protect a protection* meant for all. It is his responsibility to do all of this, for he is a steward of free expression (*italics in original*).⁴¹

Recognizing and accepting this responsibility at the outset was application of the virtue of recognizing the traditions of a social practice, but it also took courage -- virtuous courage the exercise of which would strengthen the social practice of investigative journalism, as well as society as a whole. "The killing of a reporter is one hell of a way of depriving him of his First Amendment rights," Greene told the Overseas Press Club in justification of the Arizona Project after the project concluded. And the project wanted to show that "killing a reporter wouldn't stop his or her work."⁴²

Practicing of the virtues turned what could have been a melodramatic crime series into a "MacIntyrean moment," to use Lambeth's phrase, wherein journalists have reconceptualized, transmuted, and extended the goods of the practice.⁴³ The social practice of investigative journalism was strengthened and systematically extended. Editors and reporters who supported the project explained that the Arizona Project expanded the existing tradition of shared

resources such as combined news wires and "is an example of how newspapers can combine their resources for the public good in an investigation that they could not individually afford and which otherwise would not take place."⁴⁴

Ethical Guidelines

But there is a distinction between what motivates people and what act actually takes place. Inspired to act by a desire to avenge the death of one of their own, investigative reporters carried out their obligation to promote social justice in the spirit of Rawls and thereby systematically extended the social practice. They sought the internal goods of truth-telling, justice, courage, and stewardship of free expression. The result was socially and professionally beneficial. But what ethical guidelines can be gleaned from the experience of the Arizona Project that could benefit future journalists facing similar choices? Revenge, in and of itself, is Bacon's "wild justice." But vengeance with a purpose, carried out in an ethical manner, could be justice that is not-so-wild.

The ethical dimension of investigative reporting comes not from the initial decision to be spurred to action by some injustice. In fact, most if not all investigative journalism springs from a reporter's or a news organization's outrage toward some injustice, whether committed against the practice of journalism or against society or some segment of society. The determining factor,

then, is within the nature of the response. As Kant argues, virtue is in the principle of volition, or the principle of the will.⁴⁵

First and foremost, journalists should heed the age-old advice of Bacon: "The most tolerable sort of revenge, is for those wrongs which there is no law to remedy."⁴⁶ The Arizona Project team was not concerned with finding the killers of Don Bolles. The law against murder backed by a system of criminal justice was sufficient to satisfy that need. If the criminal justice system was inefficient or corrupt, that is to say was not carrying out justice in the Rawlsian sense, then there would be occasion to seek Bolles' killers. The IRE team, however, wisely understood that it was the role of the local media to monitor the performance of the local criminal justice system. However, there is no law and no formal system of justice capable of responding to the larger social issue of protecting free expression and none, at least in Arizona at that time, capable of or willing to respond to the social problem of systemic corruption and criminality. It is on these two issues, then, that the team set its sights.

Second, following Bacon's further admonishment, ". . . but let a man take heed, the revenge be such as there is no law to punish; else a man's enemy is still before hand, and it is two for one."⁴⁷ In other words, journalists bent on avenging a wrong must follow other ethical obligations not to cause harm to innocent people (the principle of

humaneness, in Lambeth's terms), and not to break just laws or ethical principles.⁴⁸ As Kant has argued, "Duty is the necessity to act out of reverence for the law."⁴⁹ This understanding was shown by Paul Williams when he urged his fellow investigative journalists to respond "professionally" and as "journalists."⁵⁰ The decision was made to respond to the Bolles killing by doing what journalists do -- report. Reporter Tom Collins pointed out, "The team is aware that the rest of the journalistic world will be watching and judging its performance."⁵¹ He could have added that the whole world would be watching and judging, for surely it was.

Another of the principles that must be applied is truth-telling. Accuracy can never be abandoned no matter what the cause, otherwise trust between news media and the public will be damaged. The Arizona Project team understood this and consequently set high standards for its reporting. Not only did Greene and other editors carefully monitor all reporting and writing, but three attorneys also reviewed the stories prior to publication. One of the attorneys represented *Newsday*, Greene's paper; one represented IRE; and one represented the *Kansas City Star* (IRE invited any participating paper to send its own attorney to review the stories, only *Kansas City* chose to do so). They spent five days combing the stories and their challenges led to one entire story being killed and others being altered. The standard used: Can the facts be proven?⁵² In addition, the

IRE team adhered to the more substantial meaning of truthfulness defined by Lambeth as "social truth."⁵³ Participants of the project sought to tell the whole story, not just a snippet of it. They worked through extensive document searches, in-depth interviews, and other techniques to establish the larger truth of the circumstances in Arizona:

They arrived in this desert city [Phoenix] from newspapers large and small They worked 12- and 14-hour days, interviewed hundreds of people, filed memos They talked at length to politicians, Mafia hoodlums, pimps, prostitutes, bankers and businessmen, sifted through countless public documents, combed through the garbage of individuals who were the targets of the investigation in a search for leads; checked drug-smuggling operations on the Mexican border; and dodged an armed guard on a ranch which employed illegal aliens.⁵⁴

And in the end they produced not one story, but a comprehensive, even exhaustive series in 23 installments.

Journalists also must consider the principle of justice. While what inspired the reporting may be desire for personal justice, what must complete the reporting is a desire for social justice as described by the two principles proposed by Rawls -- the maximizing of liberty and opportunity for all, and arrangement of social and economic inequalities so that they are both in everyone's advantage and attached to positions and offices open to all.⁵⁵ The IRE team members wanted justice for Bolles, but their reporting sought justice for all residents of Arizona by exposing criminal, corrupt, and inefficient practices that benefitted the criminal few rather than all of society. In

other words, distributive justice must be as much a concern as retributive justice.

Reporting that results from a sense of outrage also must adhere to the principle of freedom as described by Lambeth.⁵⁶ The act of reporting must further the protection of freedom of expression. This can be done by adhering to the principles of justice and truth and thereby strengthening the audience's trust in the news organization. This increases appreciation for the First Amendment. In addition and with special emphasis when vengeance is a factor, reporting must be free in the sense of autonomy or independence. This means that reporters must be free of malice and the appearance of malice as well as other compulsions that would color the trustworthiness of the resulting stories. "A free press is free from compulsions from whatever source, governmental or social, external or internal," the Commission on Freedom of the Press counseled.⁵⁷

In a case of journalistic outrage, meeting this requirement is not easy. It requires soul-searching and honesty about one's motives and careful attention to goals. The IRE reporters masterfully accomplished this by refusing at the outset to go after Bolles' killers, but instead sought to protect freedom of expression. As Bacon explained, "a man that studieth revenge, keeps his own wounds green, which otherwise would heal, and do well."⁵⁸

And, finally, in the spirit of Bok (1978), journalists embarking on reporting that is inspired by an outrage at a social injustice must publicize their intentions and motives.⁵⁹ This can be before the investigation begins, as in the Arizona Project case wherein IRE used press releases to announce its intentions and the team's efforts were tracked by several news organizations, including local ones, from day-one, or if it is important not to tip a news organization's hand, it can be done as part of the final reporting. But publicity in which editors and reporters explain their reasons for producing the story is essential. Many investigative reporters include sidebars to their reports describing how they got the story and often why they went after the story. As Bacon warns, "Public revenges are for the most part fortunate . . . But in private revenges, it is not so."⁶⁰

Conclusion

Journalism that reacts to a sense of outrage felt by its practitioners is intrinsically suspect, but actually inspires much of the better journalism, investigative journalism in particular. The search for justice is an enduring ideal for journalists that ought to be nurtured and inspired. Whether reporters and editors are working to avenge a wrong perpetrated against society, or a wrong directed against journalism and the freedom of speech and

press, they are usually working from the ethical perspective that wrongs ought to be righted.

But in an age when much of the public already believes that the media have their own agendas, it is imperative that ethical standards be adhered to and that the reporting and writing of a story is divorced from the initial outrage that inspired it. MacIntyre's melding of virtue with practice can provide the working journalist with a roadmap that directs the journalistic effort away from personal vengeance and toward an ethical route to disinterested social betterment. By expanding the personal journalistic desire for vengeance through the MacIntyrean exercise of the virtues leads not only to a better society, but also to an improvement of and enhanced development of the practice. The journalists who planned and carried out the Arizona Project exercised the virtues from the planning phase through the presentation phase and thereby provided in the best MacIntyrean tradition a stellar example of ethical journalistic practice.

Notes

¹Michael, Wendland, *The Arizona Project*, (Mesa, Ariz.: Blue Sky Press, 1988, rev.; originally published 1977) 1-15.

²*Ibid*, 260-261.

³Tom Collins, "Uniting Journalists for a Common Cause," in Walter M. Brasch, *Forerunners of Revolution: Muckrakers and the American Social Conscience*, (Lanham, Maryland: University Press of America, 1990; originally published in 1977 by IRE, "The Arizona Project: A Reprint") 171. Others, however, disputed that assessment. A team member, Michael Wendland, concluded his book about the Arizona Project with a chapter entitled, "Revenge on Deadline" (Wendland, *Arizona Project*, 252). And media critic Charles Seib of the Washington Post said the project "smacks of vigilantism" (Collins, "Uniting Journalists," 173). Vengeance is defined as "an act or motive of punishing another in payment for a wrong or injury he has committed; retribution" [*American Heritage Dictionary* (Boston: Houghton Mifflin, 1979) 1420]. Pietro Marongiu and Graeme Newman, *Vengeance: The Fight Against Injustice* (Totowa, N.J.: Rowman & Littlefield, 1987) argue that "the initiator of the action [vengeance] is the individual or group that has been wronged, not an external source of authority commissioned to administer justice by inflicting punishment" (p.3). To avenge is an act of vengeance taken to achieve justice and is often taken on behalf of others, whereas revenge stresses retaliation and is undertaken by those against whom the wrong was committed (*American Heritage*, 91). Fromm (1983) defines vengeance as a spontaneous form of aggression, but Marongiu and Newman point out that this definition is too narrow given that vengeance is universal and arises from "an elementary sense of injustice, a primitive feeling that one has been arbitrarily subjected to a tyrannical power" [Eric Fromm, *The Anatomy of Human Destructiveness* (New York: Holt Rinehart & Winston, 1983) 9]. In the case of the Arizona Project, it is reasonable to view the team-reporting effort at least nominally as an act of vengeance. The reporting was an act by those who felt wronged (investigative journalists) calculated to exact retributive justice -- punishment in the form of publicity for those ultimately responsible for the wrong, those who allowed an atmosphere of crime to exist in Arizona. Greene stressed that the Arizona Project series shows that all of Arizona society was indirectly responsible for Bolles' death because it "helped perpetuate an incredible arrogance and an attitude in which all things seemed buyable and in which you could get away with anything" (Collins, "Uniting

Journalists," 177). Journalism spurred by vengeance is not a farfetched concept. Some "revenge on deadline" has been documented by historians, such as when editor James Callender of the *Richmond Examiner* published allegations of infidelity by President Jefferson after Jefferson denied him a postmaster's job [Stephen Bates, *If No News, Send Rumors: Anecdotes of American Journalism* (New York: Henry Holt, 1989) 180]. Other examples are more mundane, such as when a newspaper intensifies its coverage of a local sheriff's department because the sheriff has cut off access to arrest records or otherwise impeded beat reporting of law enforcement activities.

⁴Walter R. Fisher, "Narration as a Human Communication Paradigm: The Case of Public Moral Argument," *Communication Monographs*, 51 (March 1984) 1-22; Edmund Lambeth, *Committed Journalism: An Ethic for the Profession*, (Bloomington: Indiana University Press, 1986).

⁵Marongiu and Newman, *Vengeance*, 1.

⁶Several articles and books have been written on the theme of revenge or vengeance in literature. See, for example, Marongiu and Newman *Vengeance*. The theme surfaces repeatedly in contemporary film, including a film by that name, "Revenge," issued in 1990 and starring Kevin Costner.

⁷Alan Gewirth, "Political Justice," in Richard B. Brandt, ed., *Social Justice* (Englewood Cliffs, N.J.: Prentice-Hall, 1962) 119.

⁸*Ibid*, 127.

⁹*Ibid*.

¹⁰See, for example, John Rawls *A Theory of Justice*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971) and Derek L. Phillips, *Equality, Justice and Rectification: An Exploration in Normative Sociology* (New York: Academic Press, 1979).

¹¹Clifford Christians, "Reporting and the Oppressed," in Deni Elliott, ed., *Responsible Journalism*, (Beverly Hills: Sage, 1986), explains:

I will defend the proposition that justice for the powerless stands at the centerpiece of a socially responsible press. Or, in other terms, the litmus test of whether or not the news profession fulfills its mission over the long term is its advocacy for those outside the socioeconomic establishment (110).

And Lambeth, *Committed Journalism*, adds:

In covering major social, political, and economic institutions, a reporter should ask: Are agreed-upon rules and procedures followed consistently and uniformly? Are some groups or classes of persons enjoying more than their fair share of goods or bearing more than their fair share of the burdens? Do some groups have more access than others to the policymaking process? Do citizens have the minimum requisites of life? On occasion the journalist may thereby stimulate the delivery of justice or the righting of an injustice; regularly he can report debate over competing claims in a society that asserts justice as a value (33-34).

¹²Jeffrie Murphy, "Getting Even: The Role of the Victim," *Social Philosophy and Policy*, 7:2 (Spring 1990) 209.

¹³David A. Hoekema, "The Right to Punish and the Right to be Punished," in H. Gene Blocker and Elizabeth H. Smith, eds., *John Rawls' Theory of Social Justice: An Introduction* (Athens, Ohio: Ohio University Press, 1980) 243-245.

¹⁴John Stuart Mill, "Utilitarianism," *The Utilitarians* (Garden City, N.Y.: Dolphin Books, 1961), 456.

¹⁵Hoekema, "Right to Punish," 245.

¹⁶Jacob Riis *How the Other Half Lives: Studies Among the Tenements of New York* (New York: Hill and Wang, 1957; originally published 1890) 4.

¹⁷See Arthur and Lila Weinberg, *The Muckrakers* (New York: Capricorn Books, 1964) and Leonard Downie, Jr., *The New Muckrakers* (New York: New American Library, 1976) for examples of muckraking articles and, the latter especially, for interviews with muckrakers. See also David L. Protess, et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York: Guilford Press, 1991), especially chapter 2, "The Investigative Tradition"; and Robert Miraldi, *Muckraking and Objectivity: Journalism's Colliding Traditions* (New York: Greenwood, 1990). See Herbert Gans, *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek and Time* (New York: Vintage, 1980); and James S. Ettema and Theodore L. Glasser "Narrative Form and Moral Force: The Realization of Innocence and Guilt Through Investigative Journalism," *Journal of Communication*, 38:3, (Summer 1988) 8-26, and Theodore L. Glasser, and James S. Ettema, "Investigative Journalism and the Moral Order," *Critical Studies in Mass Communication* 6:1 (March 1989) 1-20, for discussion of the continuing Progressive Era values of today's journalists.

¹⁸Silas Bent, *Newspaper Crusaders: A Neglected Story*, (Westport, Conn.: Greenwood Press, 1970; originally published 1939 by McGraw-Hill) 3.

¹⁹*Ibid*, 211.

²⁰Glasser and Ettema, "Moral Order," 7.

²¹*Ibid*.

²²Ettema and Glasser, "Narrative Form," 11.

²³Commission on Freedom of the Press, *A Free and Responsible Press*, (Chicago: University of Chicago Press, 1947) 18.

²⁴Christians, "Reporting the Oppressed," 111.

²⁵Lambeth, *Committed Journalism*, 31-33.

²⁶*Ibid*, 33; and Rawls, *Theory of Justice*, 7.

²⁷Rawls, *Theory of Justice*, 7.

²⁸Wendland, *Arizona Project*, 34.

²⁹*Ibid*, 35.

³⁰The complete series issued by the IRE team was reprinted in 1977 in a special tabloid publication by IRE, "The Arizona Project: Reprint of a 1977 Series."

³¹Wendland, *Arizona Project*, 29-32.

³²*Ibid*, 34.

³³Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: Notre Dame University Press, 1981) 207.

³⁴*Ibid*.

³⁵*Ibid*.

³⁶Francis Bacon, "Of Revenge," *The Essays or Counsels, Civil and Moral, of Francis Id. Verulam* (Mount Vernon: The Peter Pauper Press, 1963) 21.

³⁷MacIntyre, *After Virtue*, 178; Edmund Lambeth, "Waiting for a New St. Benedict: Alasdair MacIntyre & the Theory and Practice of Journalism," *Business & Professional Ethics Journal* 9:1&2 (1991) has provided a useful definition of internal and external goods in relation to journalism:

MacIntyre's definition of a social practice is a promising beginning. He defines it as complex and cooperative human activity that seeks to advance certain 'goods,' or defined ends. . . .Other [internal] goods that define journalism include reporting that serves the public interest; gathering, writing and editing the news with fairness; choosing clear, vivid prose; keeping the reader squarely in mind; and conducting journalism in a way that will preserve its First Amendment rights to free expression. . . .External goods include wealth, fame, prestige and position (99).

³⁸Wendland, *Arizona Project*, 30.

³⁹*Ibid.*

⁴⁰*Ibid*, 34.

⁴¹Lambeth, *Committed Journalism*, 37.

⁴²John Consoli, (1977, March 26) "IRE Execs Vow: No More Collective Investigations," *Editor & Publisher*, March 26, 1977, 12.

⁴³Lambeth, "Waiting for a New St. Benedict," 103-104.

⁴⁴Collins, "Uniting Journalists," 173-174; a few editors who chose to not participate in the Arizona Project took a less favorable view of the project's accomplishments. It is not the purpose of this chapter to prove either side correct, but to show that many within the profession saw the accomplishment cited here. Even if the project could be shown to have been a failure in this regard, as Wendland, *Arizona Project*, eventually concludes (p.266), this failure doesn't negate the fact that the project did indeed extend professional knowledge about the feasibility of such a project.

⁴⁵Immanuel Kant, H.J. Paton, trans., *Groundwork of the Metaphysic of Morals*, (New York: Harper & Row, 1964) 68.

⁴⁶Bacon, "Vengeance," 22.

⁴⁷*Ibid.*

⁴⁸Lambeth, *Committed Journalism*, 351.

⁴⁹Kant, *Groundwork*, 68.

⁵⁰Wendland, *Arizona Project*, 30.

⁵¹Collins, "Uniting Journalists," 177.

⁵²Wendland, *Arizona Project*, 254.

⁵³Lambeth, *Committed Journalism*, 30-31.

⁵⁴Collins, "Uniting Journalists," 171.

⁵⁵Rawls, *Theory of Justice*, 60.

⁵⁶Lambeth, *Committed Journalism*, 34-35.

⁵⁷Commission on Freedom of the Press, *Free and Responsible Press*, 128.

⁵⁸Bacon, "Vengeance," 22.

⁵⁹Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage, 1979) 95-97.

⁶⁰Bacon, "Vengeance," 22.

CHAPTER IX

IRE and the Mainstreaming of Investigative Reporting

A National Organization

The Arizona Project transformed Investigative Reporters and Editors from a small, elite group into a national organization with a positive reputation. The project, because of the manner in which it was carried out, legitimized IRE.¹ The resolution of the financial and internal problems generated by the Arizona Project left IRE in a position to move forward.

This chapter, using source materials including IRE files, articles published during this time period, and interviews, will examine the development of investigative journalism during the 1980s into a mainstream activity within journalism and the role IRE played in shaping this development. The evolution of American investigative journalism during the 1980s was not without setbacks, but, because of IRE's work, it progressed such that investigative journalism showed vitality at the end of the decade, not as a specialty journalism, but as an integral part of many news media's operations.

IRE: 1980-1985

A Working Journalist's Organization

IRE existed during the early 1980s with a membership that fluctuated, but ultimately grew from 900 to 3,000 -- up from 177 after its first national conference in June 1976.² A July 1984 breakdown of the organization's membership affiliations showed:

803 newspaper reporters; 233 newspaper editors; 200 TV reporters; 39 TV producers; 18 radio reporters; 15 radio producers; 6 radio editors; 97 journalism students; 95 journalism educators; 58 freelance writers and editors; 20 magazine reporters; 10 newspaper publishers; 1 magazine publisher; 9 wire service reporters; 1 wire service editor; 1 wire service producer; and 1 book author. The actual membership was higher, but other members had not listed their affiliations.³

Clearly, the organization primarily attracted newspaper reporters and editors, with the next largest category's being television reporters. A membership of 2,000 was reached by the fall of 1984.⁴ And in October 1985, the membership count neared 3,000.⁵ Few, moreover, were full-time investigative reporters. Most were young reporters interested in investigative reporting. While some of the better-known investigative reporters attended the founding meeting of the organization in Reston, Virginia, and they continued to be prominent as speakers at national and regional conferences, many of them found little use for the

organization as members. They had succeeded in investigative journalism; they knew how to practice it. Jim Polk of NBC News recalled trying to interest these prominent practitioners in the organization:

I once sent around letters to all our national speakers who were not members or who had let that [sic] lapse. There were scores. I included personal notes to the ones I knew rather well. The response to that membership appeal was abysmally low. A lot of them, I guess, were people who already had such accomplishments they saw little need to belong to us. Condescending, yes, but also prevalent.⁶

While the failure to attract many of the prominent practitioners of the craft as active members was disappointing, by reaching out to all reporters, rather than to the few journalists who considered themselves full-time investigative reporters, IRE was able to build a larger membership, and, consequently, have impact throughout the journalism industry by spreading the skills of investigative reporting to beat reporters.

From the beginning, IRE founders decided to reject suggestions that it become an elite organization catering to full-time investigative reporters.⁷ And in February 1984, the board of directors reaffirmed this stance when it adopted a proposal to add to all IRE published material the logo: "Every reporter can be an investigative reporter."⁸ This was important for the growth of IRE because few news organizations kept full-time investigative reporters on staff. A survey conducted by IRE and the University of Missouri School of Journalism in 1985 found that 98 percent

of newspaper editors and television producers reported that investigative reporting was either a regular or occasional newsroom activity, but only 19 percent of the newspapers and 21 percent of the television stations surveyed had more than one full-time investigative reporter on staff; and most (64.3 percent newspaper and 43.7 percent television) had no full-time investigative reporter.⁹

Acquiring a Focus

IRE's focus under Executive Director John Ullmann, and after 1983 under Executive Director Steve Weinberg, included the resource center at the University of Missouri School of Journalism; an annual conference held at various locations throughout the United States; regional and student conferences designed to reach more reporters and editors and student journalists; *The IRE Journal*, a quarterly newspaper that carried how-to articles, case studies, and discussions of law and ethics; the annual awards program; and an occasional book or pamphlet of interest to investigative journalists. The thrust of the organization was educational and community-building. Funding came from annual dues, donations from foundations and news organizations, and profits made from registration fees paid by participants at the national and regional conferences.

The resource center, which included a depository of print and broadcast investigative reports, received three to five calls a day from journalists seeking advice or

information.¹⁰ The center was supported through membership dues, grants, and subsidization by the University of Missouri School of Journalism. By the end of 1981, it contained 970 entries with almost 10,000 individual stories.¹¹ The resource center provided a service to working reporters, but it also helped maintain the tradition of investigative journalism by creating a reference library of the practice's work.

Attendance at the annual conferences slowly grew through the years. The first conference, held in Indianapolis, Indiana, in 1976, attracted slightly more than 200 journalists and academicians. The 1980 national conference, held in Kansas City, Missouri, drew 375 attendees.¹² In 1982, 525 journalists and journalism educators attended the annual meeting in Washington, D.C.¹³ Regional and student conferences attracted a widely varying number of participants; some of the conferences proved quite profitable for IRE, while others lost money. For example, a regional conference specializing in agricultural issues, held at the University of Missouri in 1981, earned a profit of \$2,588; but a 1980 conference focusing on broadcasting lost between \$2,000 and \$2,500.¹⁴

The IRE Journal served to maintain communications among IRE members and to disseminate educational articles about investigative journalism. A typical issue would include one or two case studies, a column on a legal issue, book reviews, and information about upcoming conferences and

other news about the IRE organization. Volume 4, Number 1, winter 1981, for example, included news of IRE's successful conclusion of a libel suit filed by Arizona businessman Kemper Marley that arose out of the Arizona Project; a case study of Don Barlett and James Steele's series for the *Philadelphia Inquirer* on how U.S. oil companies manufactured the oil scarcity of the late 1970s; a how-to article on investigating how criminal pardons are administered in a state; a how-to article on how to discover who is responsible for a failed bank; an article on protecting one's self from libel when asking questions during an investigation; a profile of a citizen's group in Chicago, the Better Government Association, which was active in investigating political corruption; a report of a survey on how many journalism schools offer courses that teach investigative journalism skills; an article on how to pry government documents out of an agency; and articles on the upcoming national conference in San Diego, California, and on the recently concluded regional conference in Dallas, Texas.¹⁵

Other issues of *The IRE Journal* carried lengthy discussions of ethics¹⁶, news about what investigative reporting was and who investigative reporters were¹⁷, and profiles of historically important investigative journalists.¹⁸ IRE directors saw the journal as an important service to working journalists and a means of maintaining membership.¹⁹ And it appears that members

benefitted from the journal. A survey of IRE members by Executive Director John Ullmann in 1981 found that 98 percent of the respondents found the journal to be "very" or "somewhat" valuable to their reporting and 99 percent of the respondents found the journal to be interesting.²⁰ In 1980, IRE agreed to a quasi-merger with the University of Missouri School of Journalism's Freedom of Information Center which resulted in *The IRE Journal's* assuming the publication of the FOI Center's state FOI reports and gaining 594 institutional subscribers.²¹

The annual awards program, approved in 1979 and beginning in 1980, provided a means of identifying and holding up as examples the better work of U.S. investigative journalists.²² It also served as a means of collecting important examples of investigative journalism for IRE's resource center collection.²³ While there were other awards programs for journalism, the IRE awards were the only ones specifically directed at investigative journalism. Executive Director Steve Weinberg reviewed the organization's experience with the awards program in a 1988 issue of *The IRE Journal*:

When Investigative Reporters & Editors began its contest at the end of the previous decade, many contests already existed. Why another? As an IRE member at the time, I had my doubts about the wisdom of the contest. But after five years of administering it, I have become convinced that the benefits far outweigh the drawbacks. It is the only contest specifically for investigative work judged under stringent guidelines by experienced investigative journalists. Our definition of investigative journalism is imperfect, but it is specific and more carefully constructed than that of

any other contest. In a sense, the IRE awards are a consumer's guide to authentic, first-rate investigative journalism.²⁴

Establishing a Definition of the Practice

The importance of the IRE awards contest as an arena for a continuing discussion of a definition of investigative journalism is significant. It is the only forum within IRE where a definition of the practice is given and, hence, becomes the standard-bearer for defining the practice. When the awards program was first established, IRE adopted investigative reporter and editor Robert Greene's definition of investigative journalism: It is work that is substantially the product of the reporter's own initiative and efforts that uncover facts or events that persons tried to keep secret. It must be about matters of public importance to the publication's circulation or broadcast area. It must be fair and accurate; it must contain sufficient documentation; it must be well written and effectively presented; it must be followed up. In addition, the amount of difficulty and the resources available to the news organization is to be considered. The impact and scope of the story also is to be considered. And, finally, it must meet "all generally accepted craft standards."²⁵ This definition was the first definition of investigative journalism established through the consensus of practicing investigative journalists. The definition, in essence, outlines the internal goods and general standards of

excellence for the practice. However, a sticking point in the definition, it soon became clear, was the requirement that investigative journalism reveals secrets. At a special meeting of the IRE executive committee in November 1980, this particular issue was discussed. Jim Polk of NBC News asked that the criterion be altered such that revelation of secret facts or events would be considered by contest judges, but such revelations were not a mandatory element of investigative journalism. Norm Udevitz of the *Denver Post*, who had worked with Robert Greene and Jay Shelledy to develop the original definition, argued that he still agreed with Robert Greene. Investigative journalism, by definition, discloses secret information, he argued, and stories on previously unreported subjects are simply enterprise reporting.²⁶ Polk and Shelledy argued against the restriction and ultimately persuaded the executive committee to adopt Polk's suggested alteration in the definition.

This disagreement over the definition of investigative journalism reflected a broad and long-lasting concern among investigative journalists over the issue of uncovering secrecy. The issue had been debated in the mid-1970s and would continue to be debated in the 1980s. In a 1974 speech to fellow publishers, Katherine Graham, publisher of *The Washington Post*, argued that investigative journalism included those stories that reveal secret wrong-doing as well as a story that "zeroes in on systems and institutions,

in the public or private realm, to find out how they really work, who exercises power, who benefits and who gets hurt."²⁷ The *Post* had published a detailed study of the U.S. Postal Service in 1974, for example, that revealed inefficiencies and poor management, not corruption.²⁸ And 10 years later, a judge for the IRE awards contest, University of Missouri faculty member George Pica, objected to IRE's limited view of investigative journalism's being revelation of secret facts and events. In a memorandum to the IRE board, Pica wrote that Donald Barlett and James Steele's series on nuclear waste management failed IRE's definition because of the secrecy requirement, but was investigatory journalism nonetheless:

They invested days and weeks identifying the points in seemingly unrelated documents, then connecting those dots to produce a powerful picture of nuclear waste in America. It is precisely this type of thoughtful, sometimes grueling, analytical reporting that runs the risk of being overlooked by the IRE if the rules as we understand them continue to be the gauge against which entries are measured.²⁹

In response to the concerns of Pica and others, the IRE board altered the awards criteria slightly to reaffirm that disclosure of secret facts and events would only be a consideration, not a requirement. The board also altered the requirement that the work be the reporter's own work effort to read that the work be "substantially" the product of the reporter.³⁰

As it evolved, the IRE definition found strong support among working journalists. When IRE and the University of

Missouri School of Journalism surveyed journalists in 1986, respondents largely agreed with IRE's definition of the practice. Slightly more than 89 percent of the respondents agreed with the IRE definition that investigative journalism is in-depth reporting that discloses something significant that someone wants to keep secret, and is largely the reporter's own work.³¹ The benefit of an officially sanctioned definition of the practice contributed to the cohesion of the practice; it provided a common understanding of investigative journalism to which practitioners could relate. As sociologist Hugh Duncan has observed, "if there are no common symbols there can be no common meanings, and hence no community."³²

IRE's role as a publisher of pamphlets and books began in 1979 with the publication of David Burnham's pamphlet on the interpretation of crime statistics.³³ Then, in 1983, with an advance of more than \$11,500 from St. Martin's Press, IRE published *The Reporter's Handbook: An Investigator's Guide to Documents and Techniques*.³⁴ In addition, the organization published a collection of the best articles from *The IRE Journal*, summaries of IRE award-winning articles, an index to the IRE article collection, and a reprint of an *The IRE Journal* supplement about evaluating electronic data bases.³⁵ These publications provided income to the organization and contributed to the education of journalists.

Financial Struggles

Financing was a continuous struggle for IRE during the 1980s. The organization, which had earlier received grants from non-journalism foundations that brought some criticism to it, resolved to seek outside funds only from news organizations and journalism-related foundations.³⁶ By the mid-1980s, IRE was operating on a budget of approximately \$100,000 to \$125,000 a year, not including subsidization from the University of Missouri School of Journalism, which provided office space, one-half of the executive director's salary, printing of *The IRE Journal*, and other contributions.³⁷ The journalism industry's financial support of IRE was not overwhelming, but was substantial nonetheless. Gannett Foundation, for example, was providing \$5,500 a year for the IRE awards program by 1985. In addition, one-time contributions were routine from individual newspapers and broadcast news operations for regional and national conferences. The *Los Angeles Times*, for example, donated \$1,000 for the 1983 national conference in St. Louis; the Richmond, Virginia, newspapers offered \$500 for a regional conference in their area in 1984; and for the national conference in Washington, D.C., in 1982, the Philip L. Graham Fund donated \$2,500, the *Los Angeles Times*, \$1,000, and NBC News, \$1,000.³⁸

During the early 1980s, IRE carried out educational and community-building activities with honesty, courage, justice, and a sense of tradition in the MacIntyrean meaning

of those terms. Concerned with the maintenance and extension of the practice's standards of excellence, IRE established the resource center, the awards program, and a conference schedule to provide examples of and a forum for discussion of the best investigatory journalistic techniques, methods, and products. It founded the *The IRE Journal* to spread information about skills, ethics, law, and tradition to its members. And it adjusted its fund-raising activities to insulate itself from appearances of conflicts of interest.

Reaching out beyond its immediate concerns of education and community-building, IRE's board of directors in the early 1980s also showed what Lambeth (1992) has called stewardship of the First Amendment.³⁹ In 1981, for example, IRE membership approved a resolution opposing congressional amendments designed to narrow access to government documents under the Freedom of Information Act. Jim Polk was authorized to read the resolution to the House Government Information and Individual Rights Subcommittee on July 14.⁴⁰ And in 1983, the board of directors approved giving testimony to the Consumer Products Safety Commission opposing closed records.⁴¹

IRE: 1985-1990

A Solid Reputation

IRE entered the second half of the 1980s with a solid reputation. On July 4, 1987, *Editor and Publisher*, an

industry magazine directed at management, published an editorial praising IRE for bringing investigative journalism into the mainstream of journalism:

There is no doubt that the organization [IRE] has raised the professional level of investigative reporting. . . . It [investigative reporting] has developed as an accepted, important and responsible facet of newspaper reporting and IRE gets the credit for providing the guidance and the guidelines.⁴²

An important industry observer, in other words, saw IRE as having set the standards for investigative journalism and as having shown journalists how to meet those standards. And, furthermore, *Editor and Publisher* saw IRE's work as elevating the performance of all of journalism. The magazine's editors editorialized in 1986 that

. . . newspaper reporting is getting better. Investigative reporting set the goals. At the start it [investigative journalism] was the epitome of what newspaper reporting should be. It emphasized techniques that had been mislaid in many newsrooms. Once rediscovered they are now having a beneficial effect on all reporting.⁴³

The growth of IRE, according to *Editor and Publisher*, was "symptomatic of the expansion of in-depth reporting throughout the newspaper industry."⁴⁴

And the growth of IRE was substantial. From 1985 to 1990 it became a well-run, relatively financially secure service organization. Its national and regional conferences attracted more and more journalists and became important sources of revenue for the organization. IRE's 1987 national meeting in Phoenix, Arizona, brought in revenues of \$71,451, an additional 223 new members, and turned an \$8,834

profit, plus added \$7,075 in additional membership dues. The next year, its national conference in Minneapolis had revenues of \$73,091, brought in 275 new members, and turned a \$12,172 profit, plus adding \$9,800 to the organization's coffers in additional membership dues. The 1989 Philadelphia national meeting attracted more than 1,000 participants, operated on revenues of \$98,510, and resulted in a profit of \$6,912. It attracted 416 new members and added \$13,425 in additional membership fees to IRE's income.⁴⁵

An additional service -- and money-maker -- that IRE offered during the 1980s was in-service training seminars for individual news organizations. The executive director and/or board members would present a one-day seminar for a newspaper or television newsroom at a cost based on the size of the news organization, plus expenses. In 1987, for example, IRE presented a seminar for the *Christian Science Monitor's* staff for a \$2,000 honorarium. David Winder, assistant managing editor for the *Monitor*, wrote that "the IRE workshop has been one of the highlights of our year. . . . A recurring comment was how much your [Executive Director Steve Weinberg's] background helped . . . [us] learn the finer points of how to really dig into a story. Now we just need to put into practice what we learned." He said he looked forward to another seminar in 1988.⁴⁶ As of June 6, 1990, IRE Executive Director Weinberg had presented 36 newsroom seminars, and board members had presented 12.⁴⁷

Such seminars were presented for news organizations throughout the United States and of varying size, indicating that the organization had national appeal and had generated interest in investigative reporting among a range of publication sizes. Less interest was shown by smaller television stations and radio stations. Among the news organizations for which seminars were presented were the *Memphis Commercial Appeal*; the *Los Angeles Times*; the *Virginia-Pilot* in Norfolk, Virginia; Harcourt Brace Jovanovich magazines of Cleveland, Ohio; the Worcester County, Massachusetts, newspapers; the *Capital Times*, Madison, Wisconsin; the *Birmingham (Alabama) News*; the Jackson Newspapers, New Haven, Connecticut; *St. Louis Business Journal*; ABC News 20/20, New York; the *Macon (Georgia) Telegraph and News*; the *Roanoke (Virginia) Times and World News*; the *Saginaw (Michigan) News*; the *Ft. Lauderdale (Florida) News and Sun-Sentinel*; and the *Columbia (Missouri) Tribune*.⁴⁸ The IRE board of directors was convinced that such activity was "building interest in IRE."⁴⁹

IRE's growth during the late 1980s can also be seen in its operating budget. Total operating revenues, which came mainly from membership dues, conferences, contributions, and sales/services, grew from \$124,893 in 1984 to \$291,157 in 1990, more than doubling revenues in six years. Operating expenses, however, which included personnel and equipment costs for the resource center, printing expenses for *The IRE*

Journal, and the cost of presenting conferences, grew along with revenues from \$122,461 in 1984 to \$312,329 in 1990 and outstripped operating revenues in 1987, 1989 and 1990.⁵⁰

Investigative Reporters and Editors Operating Budget				
1984-1987				
Revenues in Dollars				
	'84	'85	'86	'87
Memberships	30163	44196	53387	52439
Sales/Services	26702	30149	32914	36748
Conferences	53959	121655	105840	126229
Contributions	9225	6518	8900	10883
Other	4744	6136	7908	6600
Total	124793	208654	208948	232899
Expenses in Dollars				
Total	122461	184188	194826	238514

Investigative Reporters and Editors Operating Budget

1988-1990

Revenues in Dollars

	'88	'89	'90
Memberships	66085	67122	77001
Sales/Services	37882	30868	34134
Conferences	152220	145740	166487
Contributions	5500	7258	6475
Other	7739	11184	7060
Total	269426	262172	291157

Expenses in Dollars

Total	238002	323749	312329
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Underscoring the financial stability of the organization, reserves in the operating budget were available to cover the shortfall in the years when expenses exceeded revenues and, according to IRE President Fredric Tulskey, the organization was not in danger of bankruptcy. But efforts to reverse the trend were needed.⁵¹

Digging In and Improving

During the late 1980s, IRE concentrated on improving the services it had initiated during the late 1970s and

early 1980s. It computerized the resource center for better retrieval of information for members; it expanded its services to include electronic data base searches for members; it expanded its skills-training effort by adding to its conferences seminars on one of the few advances in investigative reporting techniques -- use of computers to analyze large amounts of electronic data, which is referred to as computer-assisted reporting; and beginning a minority recruitment program, recognizing that investigative reporting had attracted few minority reporters. To further stabilize IRE's finances, the board in 1988 established an endowment with a goal of \$1.1 million. The purpose of the endowment was to provide funds to offer programs that could increase minority participation and enhance IRE workshops with special attention to science, business, and agriculture; to expand the organization's existing professional education programs; to provide fellowships in investigative reporting; and to possibly establish a distinguished professorship in investigative reporting at a school of journalism.⁵² In addition, it was hoped the endowment could provide funds so that IRE could pay the full salary of its executive director to free the director from teaching duties at the University of Missouri School of Journalism. In 1989, the endowment had garnered actual and pledged contributions from Cox News Service (\$15,000), the *Minneapolis Star-Tribune* (\$50,000), the Knight Foundation (\$75,000), Central Newspapers of Indianapolis, Indiana

(\$22,500), Philip Graham Foundation (\$15,000), the *Chicago Tribune* (\$2,000), the *Tulsa Tribune* (\$1,000), and individual contributions from board members. Total contributions to the endowment by February 1989, including a \$17,000 transfer of funds from IRE's operating revenues, were \$197,900.⁵³ By June 1990, the endowment had grown to more than \$250,000.⁵⁴

In November 1989, IRE's resource center was being courted by other universities. The University of Maryland, Indiana University, and Louisiana State University expressed interest in having IRE move its resource center from the University of Missouri to their campuses. The most tempting offer was from LSU, which offered to raise funds for the IRE endowment to support one, and perhaps two, distinguished professorships in investigative journalism, as well as to match other accommodations and funding being provided by the University of Missouri School of Journalism. LSU withdrew its offer after the IRE board discussed the matter and unofficially agreed to stay at the University of Missouri.⁵⁵

But the offer from LSU and other universities caused some soul-searching by board members that set the agenda for decision-making within the organization as it moved into the 1990s. Fredric Tulskey of the *Philadelphia Inquirer*, president of the board of directors in 1990, sent his fellow board members a letter prior to the meeting at which the LSU offer would be discussed. In it, he laid out the issues confronting the organization. After more than a decade of operation, IRE had offered training in the basics of

traditional American journalism to a generation of journalists. Would it continue training the younger journalists, or should it offer more for the experienced reporters and editors? Tulskey summed up the dilemma:

When I joined the board I thought that we had the conferences, in large part, to introduce ourselves to new members and to retain old members; to get people coming and signing up to be members and, in the process, to teach them what we can about reporting. . . . Are the conferences our most important service? Are the publications? Are newsroom seminars?

Should our main efforts be spent keeping our longtime members, and servicing what they want by new innovations? Should our main effort be to continue doing what has worked, since we continue to attract new members, and to focus on educating the young reporter? Should we make the focus of our efforts innovations, such as a worldwide investigative reporting network? Should we do more to promote investigative reporting within the industry, so that the media treats [sic] us as a force?⁵⁶

These are the questions that confront a mature organization, one that has met its original goals of creating a community of interest, promoting high standards, and pushing for the mainstreaming of a practice that was once thought of as "kind of a cult . . . a lot of words about very minor things."⁵⁷

Investigative Journalism in the Eighties

Mainstreaming of Investigative Journalism

Investigative journalism during the 1980s was marked by the mainstreaming of investigative reporting into American journalism, the expansion and development of computer-assisted reporting, budget cutbacks at news organizations in the latter half of the 1980s that reversed the enthusiasm

for the practice found in the early 1980s, the emergence of the investigative book as a financial and journalistic blockbuster, and several embarrassing libel trials that caused the practice to reflect on its techniques and values.

If the Watergate investigations (conducted, mainly, by *The Washington Post*) and the Arizona Project (conducted by IRE) provided the outstanding events for investigative journalism during the 1970s, it was, perhaps, the collective work of the *Philadelphia Inquirer* that exemplified the possibilities of investigative journalism during the 1980s. It was not any single investigatory project at the *Inquirer* -- although there were several outstanding examples of individual efforts -- but the overall commitment and achievement of the newspaper under the direction of editor Eugene Roberts that accounted for its dominance in the practice during the eighties.

When Knight-Ridder purchased the *Inquirer* from Walter Annenberg in 1972, the paper had the reputation of being one of the worst urban papers in the United States. It competed, poorly, with the *Philadelphia Bulletin*, a paper with a considerably better reputation. Roberts was coaxed from the *New York Times* national desk to head the *Inquirer*, which he systematically upgraded in a number of areas. He improved the paper's hard news coverage by encouraging "take-outs" -- the *Inquirer's* term for long, in-depth, investigative pieces. In the 18 years Roberts ran the paper (he retired in 1990), the paper won 17 Pulitzer Prizes,

several of which were for investigative-style reporting.⁵⁸ Eleven of the 17 Pulitzers were garnered between 1985 and 1990, of which seven were for in-depth reporting.⁵⁹ Roberts and his staff built a national reputation for excellence for the *Inquirer* primarily on the basis of the paper's vigorous in-depth coverage. And the *Inquirer* showed that investigative reporting can be a circulation-builder, and hence, a financial benefit for urban papers. This position was underscored when the *Bulletin*, battered in its head-to-head newspaper war with the *Inquirer*, folded in 1982 after its circulation dropped from 619,113 daily to 397,397.⁶⁰

Roberts, in the 1988 Otis Chandler Lecture Series at the University of Southern California, outlined his philosophy about news reporting:

The finest reporting -- whether short or long -- is always investigative in that it digs, and digs, and digs. . . . At *The Inquirer*, investigative reporting means freeing a reporter from the normal constraints of time and space and letting the report really inform the public about a situation of vital importance. It means coming to grips with a society grown far too complex to be covered merely with news briefs or a snappy color graphic.

Some papers fail their readers by refusing to do any investigative reporting at all.⁶¹

This concept that investigative reporting is a duty of the American press -- a message that IRE had been sending since 1976 -- became fairly widespread among newspaper editors and television news directors by the mid-1980s.

For example, former *New York Times*man Bill Kovach became editor of the *Atlanta Journal-Constitution* with a game-plan similar to the one sketched out by Gene Roberts.

From 1986 to 1989, Kovach worked to make the *Journal-Constitution* "world-class" by adding hard-hitting, in-depth coverage.⁶² Peter Cox and John Cole founded *Maine Times* as an alternative newspaper that would give readers what established dailies in the state were not -- investigative reporting.⁶³ In 1984, a 31-year-old Kansan, Angelo S. Lynn, moved to Vermont and bought the *Addison County Independent* because he "wanted to own a paper that would be far more than a bulletin board" and found success in the community weekly world by introducing investigative journalism to a 9,500-circulaion twice-weekly.⁶⁴

In television, local stations such as WBRZ-TV in Baton Rouge, Louisiana, pushed for aggressive, investigative reporting as well. WBRZ hired investigative reporter John Camp and gave him free-rein to pursue stories, even when they caused advertisers to withdraw their accounts. "WBRZ seems too good to be true," a Louisiana State University journalism professor told a trade magazine in 1988. "I think the only people who are critical are the ones who have been the subject of their exposés."⁶⁵ At the networks, CBS continued strong with *60 Minutes*, ABC countered with *20/20*, NBC started *Exposé*, CNN hired veteran investigative reporters from *The Wall Street Journal*, the Associated Press, the *New York Times*, other publications and local television stations for its *Special Assignment* team, and PBS established the investigative documentary series *Frontline*.⁶⁶ In magazines, *Mother Jones* led the pack in

breaking investigative stories, but others, including the newsmagazines *Time*, *Newsweek*, and *U.S. News and World Report*, weighed in with in-depth investigations as well.⁶⁷ Radio stations such as WTIC in Hartford, Connecticut, and WSM in Nashville, Tennessee, produced documentary and straight news investigations as well.⁶⁸ And book publishers re-discovered the investigative book, providing six-figure (and sometimes even larger) advances for exposés such as Robert A. Caro's *The Power Broker* about New York public works czar Robert Moses and *The Path to Power* about Lyndon Johnson, Seymour Hersh's *The Price of Power*, and Bryan Burrough and John Helyar's *Barbarians at the Gate: The Fall of RJR Nabisco*.⁶⁹

Investigative Journalism as a Duty

Throughout the media industry, investigative reportage came to be seen as a duty and became a standard of excellence for journalism.⁷⁰

A survey of editors and news directors by Stan Abbott, IRE, and the University of Missouri in the mid-1980s concluded, in fact, that investigative reporting had increased "substantially" in newspapers and on television during the 1980s.⁷¹ The study found that 42.3 percent of the newspaper respondents indicated that investigative reporting is a "regular activity" for their papers; 55.3 percent said it was "occasional." Of the television respondents, 47.4 percent said investigative reporting was a

regular activity and 38.6 percent said it was an occasional activity. In addition, 71.4 percent of the newspaper editors said their reporters were using more investigative techniques during routine reporting. Thirty-two percent of the television news directors said their stations had more commitment to investigative reporting.⁷²

In addition, the Abbott-IRE-M.U. survey also found that most editors and news directors saw investigative journalism as a responsibility of the press. Forty-three percent of the newspaper editors said it was "journalism's role," while another 33.1 percent said it was a "community service." Among the television news directors, 31 percent saw investigative reporting as journalism's role and 45.2 percent saw it as a community service.⁷³ Fifty-one percent of the newspaper editors said their newspapers were doing more investigative reporting than they did five years before; 62.5 percent said they were doing more than they did 10 years before. Fifty-six percent indicated they would maintain their current level of investigative reporting in the coming year, and 31.5 percent said they would increase the amount they do. Fifty-six percent of the news directors said their television stations were doing more investigative reporting than they did five years before, and 47.4 percent said they intended to maintain their current level; 35.1 percent said they planned to increase the amount their stations did.⁷⁴

But the institutions supporting investigative journalism -- the newspapers, magazines, book publishers, and broadcast news divisions -- are always susceptible to the pressures of profits. Hence, unlike the practice itself, they cannot be depended on to maintain, nurture, and expand the practice. And in the late 1980s, an economic slump hit the newspaper and television industry, causing some news operations to curtail expensive investigative practices.⁷⁵ While interest in investigative reporting and editing was growing among journalists, as witnessed by the increased attendance at IRE conferences and increased membership in the organization, publishers, editors, and news directors faced budgetary constraints that caused a restriction of the practice at some news organizations. When the *Atlanta Constitution-Journal's* exposés put pressure on the banking industry and other big advertisers in Atlanta, Cox Newspapers pushed Bill Kovach to resign his editorship.⁷⁶ The networks cut back their commitment to investigative reportage.⁷⁷ And some local television stations and newspapers noted for investigative reporting eliminated or cut back investigative efforts as well.⁷⁸

Having become part of mainstream journalism, however, investigative journalism continued to be supported by many news organizations despite their revenue problems. Cutbacks in budgets for investigative projects occurred, but -- in most cases -- they only caused editors to become more selective of the projects they undertook, rather than

eliminating the practice altogether. In fact, one area of investigative reporting saw considerable advancement during the late 1980s. That was the use of computer analyses to produce in-depth, investigatory stories. Computer-assisted reporting matured during the 1980s.

Computer-Assisted Reporting

Donald Barlett and James Steele of the *Philadelphia Inquirer*, with help from Philip Meyer, who pioneered the use of social science techniques in journalism, showed the practice the uses of computer analyses when they published their ground-breaking study of criminal justice in Philadelphia in 1973.⁷⁹ It was the type of innovative, in-depth reportage that Gene Roberts encouraged at the *Inquirer*.

Meyer, who had studied social science methodology at Harvard during a Nieman fellowship, gained experience with survey research and data analysis during his study of the 1967 Detroit riots for the *Detroit Free-Press*.⁸⁰ Barlett and Steele, wanting to study the criminal court system in Philadelphia but lacking the background with computers and social science analyses, enlisted Meyer's help in the design of the study.⁸¹ It was an early journalistic attempt at such a comprehensive study and the methods were, by 1993 computerization standards, a bit primitive. The data had to be gleaned laboriously by hand from thousands of printed documents, then had to be transferred by key-punch operators

onto IBM cards. The cards were then fed into the computer for analysis. The reporters backed their public records findings with in-person interviews of hundreds of people who worked in the justice system or who went through it, either as crime victims or defendants, but it was the computer analyses that set their study apart from previous journalistic efforts.

Meyer, Barlett and Steele set a new standard for investigative journalists, and the practice responded, particularly after the personal computer became widely available in the 1980s. By 1985, the trade press was reporting -- based on a panel presentation at the IRE annual conference -- that computers had become investigative tools and "journalists are crunching numbers to handle data-filled stories that they once considered too complex to tackle."⁸² A year later, *Time* magazine reported that computers were "revolutionizing investigative reporting," quoting IRE Executive Director Steve Weinberg on the computer's impact.⁸³ Computer analysis was used to report on campaign contributions given to local government officials in Alaska, arson prosecution in Rhode Island, inordinately long jail terms for undefended, indigent people convicted of misdemeanors in Milwaukee, and state contracts for highway construction in New York.⁸⁴ By the end of the 1980s, with help from IRE, the University of Missouri School of Journalism, Philip Meyer at the University of North Carolina School of Journalism, and the University of Indiana's

National Institute for Advanced Reporting, computer-assisted investigative journalism was mainstream journalism.⁸⁵ In 1989, the University of Missouri School of Journalism, in collaboration with IRE, founded the Missouri Institute for Computer-Assisted Reporting to train working journalists and selected Elliot Jaspin, who had won a Pulitzer Prize for a computer-assisted investigation of school bus drivers in Rhode Island for the *Providence-Journal*, to head the institute.

Libel Suits Raise Questions of Performance

But, while computer-assisted reporting techniques were pushing investigative reporting forward during the 1980s, a series of embarrassing libel lawsuits resulting from reporting that did not meet established standards for investigative reporting caused the practice to stumble. Four libel suits in particular, filed against prestigious news organizations by prominent people for reports published or broadcast during the late 1970s and early 1980s, drug the press through a decade of high-profile trials that raised serious questions about the techniques and standards of investigative reporters.

William Tavoulareas, president of Mobil Oil Company, sued *The Washington Post* for reporting in 1979 that he had used his corporate position to set up his son in the shipping business.⁸⁶ Las Vegas singer Wayne Newton sued NBC and its noted investigative team of Ira Silverman and Brian

Ross for reporting in 1980 that Newton had ties to organized crime.⁸⁷ General Ariel Sharon of Israel sued *Time* magazine for reporting in 1982 that he had encouraged a Phalangist massacre of Palestinian refugees in Lebanon.⁸⁸ And U.S. Army General William Westmoreland sued CBS, including *60 Minutes* anchor Mike Wallace, for reporting in a 1982 *CBS Reports* documentary that he had ordered his subordinates to cover up the extent of the enemy's strength when he was commander of American forces during the Vietnam War.⁸⁹ The cases, taken together, showed a new aggressiveness on the part of business executives and public figures and officials to counterattack against investigative reporting, and they also showed the vulnerability of the investigative press when its reporting falls short of established standards.

The Tavoulareas case resulted from a November 30, 1979, *Washington Post* report that William Tavoulareas had used Mobil Oil resources and influence to create an opportunity in the shipping business for his son, Peter. William and Peter Tavoulareas, after failing to convince the *Post* to print a retraction, sued the *Post*, its executive editor, Ben Bradlee; its metropolitan editor, Bob Woodward; its reporter, Patrick Tyler; a freelance reporter, Sandy Golden; and Dr. Philip Piro, Jr., the former son-in-law of William Tavoulareas and the *Post's* initial source for its story.⁹⁰

For the most part, the investigative techniques and standards used in reporting the Tavoulareas story cannot be faulted. In fact, Woodward testified at the trial that

Tyler's reporting and the newspaper's editing met established standards for investigative journalism and established "the best obtainable version of the truth."⁹¹ Moreover, IRE Executive Director John Ullmann was hired as an expert witness for the defense of the *Post*, although he was never called to testify. And the story was substantially correct. William Tavoulareas' position with Mobil Oil was at least indirectly responsible for Peter Tavoulareas' being made a partner of the Atlas shipping company, which had an exclusive contract to operate Mobil Oil tankers. However, William Tavoulareas did not use Mobil Oil resources and did not ask that his son Peter be made a partner of Atlas. In addition, Mobil Oil was not required to report Peter Tavoulareas' position with Atlas to the Security and Exchange Commission although the *Post* story said it was.

These relatively inconsequential errors were enough, given the jury's mindset, for a finding of fault and an awarding of a \$2.05-million judgment against the *Post* and the other defendants. The jury was convinced that the *Post* had been unfair to the Tavoulareases, that defendant Golden had surreptitiously tape-recorded conversations with his source Piro, and that Golden was using the *Post* story as a stepping stone to a better newspaper job than the one he held with a Rockville, Maryland, newspaper. In addition, the jury was unimpressed with the revelations in the story - a father helping a son become established in the business

world.⁹² The jury's verdict and award were eventually overturned on appeal. The higher court ruled that the story was basically correct and the errors it contained were not the result of malice.⁹³ However, it left the impression that the *Post* had been unfair and had been mean-spirited, investigating and publishing a story that held little public importance because, as reporter Tyler had suggested to Golden, it was not every day that the press got a chance to "knock off one of the Seven Sisters (oil companies)."⁹⁴

The reporting of the Wayne Newton story by NBC News was more clearly questionable. On October 6, 1980, NBC broadcast Ross and Silverman's report that Newton had made phone calls to mobster Guido Penosi and had denied a relationship with Penosi when he [Newton] testified before the Nevada Gaming Commission. Newton was applying for a gaming license in order to purchase the Alladin Hotel in Las Vegas and the NBC report implied that Penosi would be a secret partner. The facts were correct, the implication was not. Newton showed during the resulting libel trial that he had contacted Penosi not for financing the hotel deal, but for protection after a Penosi associate had made threats against Newton's family. In addition, the NBC broadcast had left out a segment of Newton's testimony to the gaming commission when he stated that if Penosi had mob ties, Newton would sever his friendship with him.⁹⁵ The jury found that NBC had libeled Newton and awarded Newton damages totalling \$19.2 million, the largest libel verdict up to

that time against a news organization.⁹⁶ NBC appealed and eventually the entire damage award was thrown out. The appellate judges ruled that actual malice and damage to reputation had not been proved.⁹⁷

Gaining even more publicity, however, were the libel suits against CBS and *Time* magazine by General Westmoreland and General Sharon, respectively. In 1982, *CBS Reports* broadcast "The Uncounted Enemy: A Vietnam Deception," which argued that Westmoreland had conspired with his subordinates to mislead President Lyndon Johnson, the Joint Chiefs of Staff, the Congress, and the American public about the strength of the North Vietnamese and Viet Cong troops.⁹⁸ Westmoreland claimed his honor had been impugned and sued the network for \$120 million, which he offered to donate to charity if he won. The resulting libel trial and an internal investigation by CBS showed that the documentary producers and reporters had violated CBS's own standards as well as the standards of investigative journalism. The internal CBS investigation by executive Burton Benjamin found, for example, that the broadcast treated witnesses against Westmoreland sympathetically, while it was harsh on witnesses supporting Westmoreland. In essence, the show did not give Westmoreland and his supporters opportunity to refute the charges against Westmoreland. In addition, some of the editing of the videotape misled viewers, the internal study found.⁹⁹ Westmoreland, who received legal help from the conservative Capital Legal Foundation, decided during

the trial he would have difficulty proving that the broadcast contained false accusations and withdrew the suit before the case was given to the jury. In return, CBS issued a statement that the network had never intended to suggest that Westmoreland was dishonorable.¹⁰⁰ But the larger issue for the media and the public, as Benjamin pointed out in his internal report and the book he wrote about the case, was the ethical issue of fairness. CBS had not been fair to Westmoreland. This was not a legal issue, as the judge in the libel trial pointed out repeatedly, but it was a stinging indictment of the CBS producers and reporters given the importance that the practice of investigative journalism places on the value of fairness.

In a New York courtroom in the same building and at the same time that Westmoreland's case was being heard, Ariel Sharon was building his libel case against another media giant, *Time* magazine.¹⁰¹ On February 1, 1983, *Time* published a cover story on the report of a secret Israeli tribunal that had investigated the massacre of more than 500 Palestinian women and children in two refugee camps in Lebanon. Christian Phalangists had carried out the massacre -- during Israeli occupation of Lebanon -- in revenge for the assassination of Lebanon's president-elect, Bashir Gemayel. The *Time* report said that Sharon, who was Israel's minister of defense, had "reportedly discussed" the need for revenge with the Phalangists immediately before the massacre. Sharon, the tribunal had reported, had given the

Phalangists permission to go into the refugee camps to look for armed guerillas. Consequently, the tribunal accused Sharon of "indirect" responsibility for the massacre.¹⁰²

Time correspondent David Halevy, however, reported that an unpublished appendix to the report contained confirmation that Sharon had collaborated with the Phalangists in the massacre. Halevy reported that a confidential source had told him the contents of the secret appendix. During the resulting libel trial, however, Halevy admitted from the witness stand that he had only "inferred" that the damning information about Sharon was in the appendix, that he had no knowledge that it was there. He also was forced to admit under questioning that he had no documentation that Sharon had communicated to the Phalangists that their need for revenge could be acted upon.¹⁰³ The case went to the jury, which had been instructed by the judge to consider falsity, actual malice, and damages separately. The jury concluded during its first segment of deliberations that *Time* had libeled the Israeli general and returned to the jury room to decide whether the magazine had reported the falsehoods "with malice," which libel law required before damages could be awarded. Unsure that malice had been proved, Sharon called off the trial before the jury returned a second time and declared his reputation had been vindicated.¹⁰⁴ The trial was concluded, but the proven lack of fairness in the use of a confidential source and *Time's* lesser standard for documentation left the investigatory press tainted.

The Limits of IRE Influence

Even though the Tavoulaareas, Newton, Westmoreland, and Sharon libel cases were eventually won by the press, from the standpoint that the news organizations did not have to pay damages in any of the cases, the cases left the investigative press shaken. The cost of defending the lawsuits had been high. The *Washington Post* paid more than \$1.8 million in its defense of the Tavoulaareas case.¹⁰⁵ CBS reportedly spent more than \$10 million to defend itself against Westmoreland.¹⁰⁶ And the Sharon suit cost *Time* and Sharon more than \$3 million each.¹⁰⁷ But more than the money spent in defending itself, the press was left battered by allegations that investigative reporting is sometimes sloppy, sometimes done with less-than-pure motives, and often done by an arrogant press.¹⁰⁸ The investigatory press, which had made great strides during the 1980s, particularly with the development of computer-assisted reporting, was forced to confront its tactics and behavior if it was going to protect its reputation.

The facts of the prominent libel cases are indicative that IRE, which may have had influence in the setting and maintaining of standards among investigative journalists, could not police the practice. Unlike a profession, which has disciplinary powers over its practitioners, journalism organizations can only influence through education and peer pressure. During the 1980s, because of the high-profile

libel cases as much as anything, the discussion of ethics became pronounced in the popular and trade press. Television reporters rethought their use of ambush interviews, selective editing, and hidden cameras. And all the press reconsidered its use of unnamed sources, undercover reporting, and the invasion of people's privacy in the interest of getting a story. The increased interest in press ethics can be seen throughout the trade and popular press, but IRE contributed directly to discussions of investigatory press ethics by providing a forum for such discussions in *The IRE Journal* and at annual and regional conferences.¹⁰⁹ By the end of the 1980s, it was clear to IRE that the continued progress of investigative journalism was intimately tied to the work of virtuous reporters and editors.

Notes

¹M.L. Stein, "IRE Continues to Help Teach Investigative Reporters," *Editor and Publisher*, July 4, 1987, 11.

²IRE Board of Directors meeting minutes, July 15, 1984, IRE files, IRE Resource Center, University of Missouri School of Journalism, Columbia, Mo. (hereafter referred to as "IRE files").

³*Ibid.*

⁴IRE Board of Directors meeting minutes, Oct. 12, 1984, IRE files.

⁵IRE Board of Directors meeting minutes, Oct. 25, 1985, IRE files.

⁶Jim Polk letter to Steve Weinberg, undated response to Weinberg letter to Polk, Jan. 31, 1989, IRE files.

⁷"Investigative Reporters Form Own Service Association," *Editor and Publisher*, March 8, 1976, 10.

⁸IRE Board of Directors meeting minutes, Feb. 24, 1984, IRE files.

⁹Stan Abbott, "National Survey Charts Growth of Investigative Reporting," *The IRE Journal*, Summer 1986, 5-7.

¹⁰IRE Board of Directors meeting minutes, Feb. 26, 1982, IRE files.

¹¹*Ibid.*

¹²IRE annual meeting minutes, June 8, 1980, IRE files.

¹³IRE annual meeting minutes, June 27, 1982, IRE files.

¹⁴IRE Executive Committee minutes, Oct. 16, 1981. From 1980 through 1990, IRE held regional conferences throughout the country, including such conferences at Dallas (1981), Minneapolis (1981 and 1985), Palm Springs, Calif. (1983), Richmond, Va. (1984), New York City (1984), Jacksonville, Fla. (1985 and 1987), Philadelphia (1985), Columbia, Mo. (1985), San Antonio (1986), Hartford, Conn. (1988), San Jose, Calif. (1989), Baton Rouge, La. (1989), and Indianapolis (1990). Most of these regional conferences covered a range of topics and in this way were mini-national conferences; others covered special topics, such as the New York City conference, which covered political reporting, the Jacksonville, Fla., conferences, which covered sports

reporting, the Indianapolis conference on computer-assisted reporting, and the Columbia, Mo., conference, which covered agriculture. IRE also held conferences for journalism students, including such conferences in Los Angeles (1983), Ames, Iowa (1983), Columbia, S.C. (1983), New Haven, Conn. (1983), Washington, D.C. (1983 and 1989), Indianapolis (1984), Chicago (1988), Portland, Ore. (1988), Baton Rouge, La. (1989), Columbia, Mo. (1990).

¹⁵Articles in the winter 1981 issue of *The IRE Journal* are: Bruce N. Tomaso, "IRE Exonerated of Libel Charges"; Tom Fitzpatrick, "Marley Comes to Trial Every Day"; Bill Rainbolt, "Harnessing the Energy Anarchy"; Pierre V. DeGruy, "Buyin' Your Pardon, Sir"; Steve Rassenfoss, "When a Financial Institution Collapses, Here's How to Find Out Who Broke the Bank"; Steve Woodward, "Drawing a Paper Profile"; James K. Gentry, "Expensive Handbook Details Methods and Business Sources"; Dale Spencer, "Beware: Your Questions Can Come Back to Haunt You: Suing Reporters for Libel Before Series Even Runs"; Clark R. Mollenhoff, "Some Guidelines for Cooperating with the Law"; Terry Horne, "BGA -- Expanding Operations: Organization Helps Journalists on Investigations"; Bill Kunerth, "Survey Shows Many Journalism Schools Offer Courses in Investigative Reporting Skills"; John Ullmann, "Examples of What Can Be Taught"; Ken Fuson, "Dueling Scribes."

¹⁶"The Ethics of Investigative Reporting," *The IRE Journal*, Fall 1983, 12-21.

¹⁷See Barbara F. Luebke, "How the Public Rates Investigative Reporting" (winter 1982, 7); Rusty Todd, "Media Watchers Gig Reporters" (summer 1982, 6); Charles Burke, "How TV I-teams Are Faring" (summer 1983, 4); David Protess, "How Investigative Reporters See Themselves" (spring 1984), and David L. Protess, "Investigative Reporters: Endangered Species?" (winter 1986), all in *The IRE Journal*.

¹⁸William Cockerham, "At 93, This Journalist [George Seldes] Still Searches for Truth," Summer 1984, 10-11.

¹⁹"June 1983 Membership Figures: An Analysis," IRE files.

²⁰"Survey Gives Profile of Members," winter 1982, 2.

²¹IRE annual meeting of Board of Directors minutes, June 8, 1980, IRE files.

²²IRE Board of Directors meeting minutes, Oct. 12, 1984, IRE files.

²³Steve Weinberg, "The Triumphs of Good Reporting," *The IRE Journal*, spring 1988, 3.

²⁴*Ibid.*

²⁵John Ullmann letter to the IRE Board of Directors, May 30, 1979, IRE files.

²⁶IRE Executive Committee meeting minutes, Nov. 19, 1980, IRE files.

²⁷"More Investigative Expertise Urged," *Publisher's Auxiliary*, Dec. 21, 1974, 1.

²⁸James H. Dygert, *The Investigative Journalist: Folk Heroes of a New Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1976) 69.

²⁹George Pica memorandum to Steve Weinberg, March 1984, IRE files.

³⁰IRE Board of Directors meeting minutes, Oct. 12, 1984, IRE files.

³¹Abbott, "National Survey," 6.

³²Hugh Dalziel Duncan, *Symbols in Society* (New York: Oxford University Press, 1968) 32.

³³David Burnham, "Crime Statistics: How Not To Be Abused," IRE, 1980.

³⁴John Ullmann and Steve Honeyman (eds.), *The Reporter's Handbook: An Investigator's Guide to Documents and Techniques* (New York: St. Martin's Press, 1983); IRE Board of Directors meeting minutes, Feb. 24, 1984, IRE files.

³⁵"The Best of the IRE Journal," IRE, 1983; *The IRE Book: Summaries of Many Top Investigations from 1983* (Columbia, Mo.: IRE, 1984); Steve Weinberg and Jan Colbert, (eds.), *The Investigative Journalist's Morgue* (Columbia, Mo.: IRE, 1986).

³⁶Jim Drinkhall, "Conflict-of-Interest, Censorship Charges Jar Unlikely Group," *The Wall Street Journal*, Feb. 23, 1977; "Investigative Reporters Form Own Service Organization," *Editor and Publisher*, March 8, 1975, 10.

³⁷Board of Directors meeting minutes, June 26, 1983 and Feb. 24, 1984, IRE files.

³⁸Board of Directors meeting minutes, June 22, 1983 and June 26, 1983; "IRE Detailed Schedule of Contributions for the Year Ended Dec. 31, 1982," IRE Files.

³⁹Edmund Lambeth, *Committed Journalism* (Bloomington, Ind.: University of Indiana Press, 1992, 2nd Ed.), 32. Lambeth writes that stewardship concerns "the notion of a commitment to trusteeship which a journalist is free to assume in a constitutional democracy. . . . Journalists -- reporters, editors, publishers, media owners -- are in a unique position to help keep the wells of public discourse unpoisoned, if not wholly clean. . . . As special beneficiaries of the First Amendment, journalists have a material motive to protect a protection meant for all."

⁴⁰IRE Executive Committee meeting minutes, July 12, 1981, IRE files.

⁴¹IRE Board of Directors meeting minutes, Feb. 17, 1983, IRE files.

⁴²"To Better Inform," *Editor and Publisher*, July 4, 1987, 6.

⁴³"Investigative Reporting," *Editor and Publisher*, July 12, 1986, 8.

⁴⁴*Ibid.*

⁴⁵IRE Board of Directors meeting minutes, June 6, 1990, IRE files.

⁴⁶David Winder letter to Steve Weinberg, Dec. 16, 1987, IRE files.

⁴⁷IRE Board of Directors meeting minutes, June 6, 1990, IRE files.

⁴⁸Unsigned, undated memorandum to the IRE files.

⁴⁹IRE Board of Directors meeting minutes, June 6, 1990, IRE files.

⁵⁰Audited IRE financial reports for 1984, 1985, 1986, 1987, 1988, 1989, 1990, IRE files.

⁵¹Fredric Tulsy, "IRE: Planning for 1991 and Beyond," *The IRE Journal*, summer 1990, 3.

⁵²IRE Endowment Board of Directors annual meeting minutes, 1990, IRE files.

⁵³Jan Colbert and Rick Tulsy, memorandum to the IRE Board of Directors, Feb. 20, 1989, IRE files.

⁵⁴IRE Board of Directors meeting minutes, June 6, 1990, IRE files.

⁵⁵Louisiana State University Manship School of Journalism, letter to IRE Board of Directors, Sept. 17, 1990, IRE files.

⁵⁶Rick Tulsy letter to IRE Board of Directors, Aug. 28, 1990, IRE files.

⁵⁷Joe Rigert, interview with author, June 1992.

⁵⁸See Edmund B. Lambeth, "Gene Roberts: A Case for Leadership," *Quill*, June 1991, 14-25; and Paul Taylor, "Gene Roberts: Down Home Editor of the *Philadelphia Inquirer*," *Washington Journalism Review*, April 1983, 35-41.

⁵⁹Lambeth, "Gene Roberts," 17.

⁶⁰*Ibid.*, 16.

⁶¹Eugene Roberts, "The Finest Reporting is Always Investigative," *The IRE Journal*, winter 1988, 12.

⁶²Peter J. Boyer, "Atlanta Burns," *Vanity Fair*, February 1989, 136-141 and 173-178; Bill Cutler, "Trying to Make Atlanta's Papers 'World-Class,'" *Columbia Journalism Review*, March/April 1988, 40-45.

⁶³James P. Brown, "Sauce for the Gander," *Down East*, October 1990, 43-45 and 62-64.

⁶⁴Terry A. Dalton, "Boat Rockers, Please Apply: A Twice-Weekly Commits Itself to In-Depth Reporting," *The Quill*, November 1989, 30-33.

⁶⁵Lou Prato, "Keeping Baton Rouge Honest: WBRZ-TV Reports All the News -- Even When It Hurts," *Channels*, November 1988, 70.

⁶⁶William M. Carley, "As TV News Reporting Gets More Aggressive, It Draws More Suits," *The Wall Street Journal*, Jan. 21, 1983, 1; Doug Hill, " 'You Can't Be Afraid of Stepping on Toes If You Want to Go Dancing,' " *TV Guide*, May 23, 1987; Robert Goldberg, "CNN's Crack Investigative Team," *The Wall Street Journal*, Oct. 29, 1990, A12; "NBC News Is 'Ready For Prime Time' Player," *Broadcasting*, Dec. 3, 1990, 45, 48; Brian Donlon, "NBC's 'Exposé' Will Aim to Dig Up Some Dirt," *USA Today*, Jan. 1991; Dana Kennedy, "David Fanning of 'Frontline': Telling Stories For PBS," *Washington Journalism Review*, November 1988, 39-41; Richard Campbell, *60 Minutes and the News: A Mythology for Middle America* (Urbana, Ill.: University of Illinois Press, 1991).

⁶⁷"Best Magazine For Investigative Journalism: *Mother Jones*, *Washington Journalism Review*, March 1990, 33; Jan Colbert, Bruce Moores and Steve Weinberg (eds.), *Top 100 Investigations: Investigative Reporters and Editors Selected 1989 Contest Winners* (Columbia, Mo.: IRE, 1990), 111-123.

⁶⁸"Murrows Reward Local Achievement," *Communicator*, September 1989, 31.

⁶⁹Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Knopf, 1974); Robert A. Caro, *The Years of Lyndon Johnson*, vol. 1, *The Path to Power* (New York: Knopf, 1982); Seymour Hersh, *The Price of Power: Kissinger in the Nixon White House* (New York: Summit Books, 1983); Brian Burrough and John Helyar, *Barbarians at the Gate: The Fall of RJR Nabisco* (New York: Harper Collins, 1989); Michelle Osborn, "A Million-Dollar Advance for Burrough," *USA Today*, Nov. 7, 1990, 9B.

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⁷¹Abbott, "National Survey," 5. Abbott sent questionnaires to the editors of the 500 largest-circulated newspapers and to news directors of television stations in the 40 primary market areas. Thirty-five percent of the newspapers and 30 percent of the television stations responded.

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⁷³*Ibid*.

⁷⁴*Ibid*, 6-7.

⁷⁵"A Time of Upheaval," *Channels*, November 1988, 87; J. Max Robins, "Network News Sings the Blues," *Channels*, November 1988, 88-91; Neal Rosenau, "After the Cutbacks: What's the Damage to Local TV News?" *Columbia Journalism Review*, September/October 1988, 46-50; Staci D. Kramer, "Investigative Reporting in the '90s: *Wall Street Journal* Managing Editor Sees Tough Times Ahead," *Editor and Publisher*, July 21, 1990, 17 and 41; Ronald Lippincott, "Investigative Reporting: Tighter Newsroom Budgets Are Forcing Editors To Be More Selective In Initiating Long-Term Projects," *presstime*, February 1991, 15-18.

⁷⁶Boyer, "Atlanta Burns."

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⁷⁸Mark Lagerkvist, "Owner Makes Millions, News Takes a Beating: On Quitting WZZM-TV, Grand Rapids," *Washington Journalism Review*, December 1988, 38-41; Rosenau, "After the Cutbacks."

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⁸⁰*Reporting the Detroit Riot* (New York: American Newspaper Publishers Assn., 1968).

⁸¹Meyer, *Precision Journalism*, 366-389; Weinberg, *Untold Story*, 111-112.

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⁸³Extra Bowen, "New Paths to Buried Treasures," *Time*, July 7, 1986, 56.

⁸⁴*Ibid.*

⁸⁵Dorothy Bland, "Computers Can Turn Ordinary Reporters Into Super Sleuths," *ASNE Bulletin*, January/February 1991, 11-15; Paul Eisenberg, "Out With the Paper Chase and In With the Database," *Communiqué*, November 1988, 5; "More Resources on Computer-Aided Reporting," *ASNE Bulletin*, January/February 1991, 13.

⁸⁶*Tavoulareas v. Washington Post*, 13 Med.L.Rptr. 2377, 817 F.2d 762, (D.C. Cir. 1987).

⁸⁷*Newton v. NBC*, 14 Med.L.Rptr. 1914 (D.Nev. 1987).

⁸⁸*Sharon v. Time*, 609 F.Supp. 1291 (S.D.N.Y. 1984); Richard M. Clurman, *Beyond Malice: The Media's Years of Reckoning* (New York: New American, 1990).

⁸⁹*Westmoreland v. CBS, Inc.*, 596 F.Supp. 1170 (S.D.N.Y. 1984); Clurman, *Beyond Malice*.

⁹⁰Steven Brill, "The Lawsuit and the Trial," *The IRE Journal*, winter 1983, 11.

⁹¹*Ibid.*, 14.

⁹²*Ibid*, 11-12.

⁹³Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Vintage, 1991) 200-201.

⁹⁴Brill, "The Lawsuit," 11.

⁹⁵John A. Jenkins, "Newton's Law: How Mort Galane Fought NBC and Won," *ABA Journal*, April 1989, 70.

⁹⁶*Ibid*, 76.

⁹⁷*Ibid* and Donald M. Gillmor, *Power, Publicity, and the Abuse of Libel Law* (New York: Oxford University Press, 1992) 30.

⁹⁸Donald M. Gillmor, et al., *Mass Communication Law: Cases and Comment* (St. Paul, Minn.: West, 1990, 5th ed.), 216.

⁹⁹Burton Benjamin, *Fair Play: CBS, General Westmoreland, and How a Television Documentary Went Wrong* (New York: Harper & Row, 1988) 74-87.

¹⁰⁰Gillmor, *Mass Communication Law*, 216.

¹⁰¹For detailed study on both the Gen. Westmoreland case against CBS and the Gen. Sharon case against Time magazine, see Clurman, *Beyond Malice*, Renata Adler, *Reckless Disregard: Westmoreland v. CBS, et al., Sharon v. Time* (New York: Vintage, 1986), and Gillmor, *Power, Publicity*, 19-22; for an analysis of Sharon's case against Time and Tavoulareas's case against *The Washington Post*, see Lyle Denniston, "When Muckraking Signals Malice," *Washington Journalism Review*, June 1985, 14.

¹⁰²Clurman, *Beyond Malice*, 84.

¹⁰³*Ibid*, 161.

¹⁰⁴Gillmor, *Mass Communication Law*, 216.

¹⁰⁵Lewis, *Make No Law*, 201.

¹⁰⁶Gillmor, *Power, Publicity*, 23.

¹⁰⁷Lois G. Forer, *A Chilling Effect: The Mounting Threat of Libel and Invasion of Privacy Actions to the First Amendment* (New York: Norton, 1987) 23.

¹⁰⁸Many commentators and observers of these four cases accused the press of being arrogant when subjects of the disputed reporters asked for retractions and corrections.

See generally, Clurman, *Beyond Malice*; Adler, *Reckless Disregard*; Jenkins, "Newton's Law"; Brill, "The Lawsuit."

¹⁰⁹Joanmarie Kalter, "TV's Undercover Reporters: The Danger of Going Too Far," *TV Guide*, Oct. 17, 1987, 2-6; "Woodward Nixes Reporter Over Spy Deal," *The Washingtonian*, April 1988, 15; Daniel Charles, "Pulitzer Prize Fallout: Journalists Rethink Attribution," *Deadline: A Bulletin From the Center for War, Peace, and the News Media*, September/October 1988, 5-7; Susan Watters, "Killing Overkill in Green Bay," *Washington Journalism Review*, June 1980, 11; Laurence Zuckerman, "Sticky Issues in Gumshoe Journalism: When Is It Right To Use New High-Tech Spying Devices?" *Time*, Aug. 8, 1988, 72; Jonathan Alter, "Reporters as Stunt Men: Testing Airport Security With Phony Explosives," *Newsweek*, Jan. 16, 1989, 47-48; Theodore L. Glasser, "On the Morality of Secretly Taped Interviews," *Nieman Reports*, Spring 1985, 17-20; Walter Shapiro, "Is It Right to Publish Rumors?: In an Age of Dirty Politics, Alas, Mudslinging Is Part of the Story," *Time*, July 10, 1989; "Investigative Reporting Roundtable: Challenges and Obstacles," *The IRE Journal*, winter 1987, 14-19; Jack W. Fuller, "Can We Be Bold and Not a Bully?: To Be Credible, Depth Reporting Must Meet the Needs of Our Time," *The IRE Journal*, spring 1987, 5-7; Jim McGee, Tom Fiedler and James Savage, "The Miami Herald's Story on Gary Hart: How It Happened," *The IRE Journal*, summer 1987, 12-18; "The Hart Story: Questions and Answers," *The IRE Journal*, summer 1987, 15-18; "The Ethics of Investigative Reporting," *IRE Journal*; Charles Burke, "How We Think About Surveillance Journalism," *The IRE Journal*, winter 1989, 22-23; James Ettema, "Trying to Stir Public Awareness," *The IRE Journal*, summer 1989, 15-17; John Lindsay, "TV's Faltering Vision," *The IRE Journal*, fall 1989, 12-13; Brian J. Karem, "A Different Source of Trouble," *The IRE Journal*, winter 1990, 18-19; Sandra Davidson Scott, "Protecting Your Sources or Protecting Yourself," *The IRE Journal*, winter 1990, 19.

CHAPTER X

Conclusion

A Review of Purposes

This study has had multiple purposes. First, it was to investigate and reveal the history of Investigative Reporters and Editors (IRE), the national service organization for journalists interested in investigative journalism. Second, it was to place IRE's history within the history of modern American investigative journalism, which re-emerged as a vigorous strain of journalism during the 1960s, and to show what impact IRE had upon the evolution of the practice after the organization was formed in late 1975. Third, it was to test the applicability, advantages, and disadvantages of the MacIntyrean paradigm of social practice evolution as applied to a study of a journalism specialty.

Adopting a qualitative methodology for the study of journalism history as outlined by Stevens and Dicken-Garcia (1980), this study has relied upon source materials from the files of IRE and the private papers of participants in the founding of IRE, books and articles published contemporaneously with the evolution of the craft of investigative journalism, interviews with investigative journalists, and secondary materials. Additionally, this study has been informed by the observation that researchers

should "begin to look at the past not as a series of static frames, but as a continuous process," which demands that the investigation not be concerned with "matching of problem and resolution, name, date, event, but the search for a set of interactive complexities."¹

Investigative journalism has been defined for the purposes of this study as reporting that results primarily from the efforts of the reporter, concerns a matter of high public importance, involves the revelation of information not generally known to the public and perhaps has been hidden from the public, requires extensive use of source documents and interviews, and is committed to exposing a social ill.

Study Results

By considering the re-emergence of American investigative journalism as a cultural and social phenomenon, it was possible to expand scholarly understanding of why investigative journalism re-appeared in the United States after a nearly 50-year hiatus. This study reaffirmed the conclusions of previous research by others that found technology advances, including television; social unrest, including reaction to the Vietnam War; and individual journalistic achievements, including the Watergate exposés, as contributing to a renewed commitment to investigative journalism. But this study also has shown that investigative journalism's growth during the 1960s and

1970s was not as much a result of internal journalistic forces as a result of external cultural and social forces. It was shown that the social and cultural upheaval in the United States ignited by the civil rights movement in the late 1950s and early 1960s and the opposition to the Vietnam War during the late 1960s and early 1970s created a social milieu favoring and, indeed, demanding a more investigatory press. Evidence of the external nature of the forces promoting investigative journalism includes the fact that investigative journalism in the form of muckraking became socially and culturally important first in the alternative or underground press of the 1960s, then filtered into urban newspapers and television news broadcasts during the Vietnam War.² Another significant factor uncovered by this study and departing from earlier research is the development of modern free press theory from the 1940s through the 1980s that held up social responsibility, the checking value, and the watchdog ethic as an underlying theory for the press in a democracy.³ In addition, the freedom of information movement during the 1950s and 1960s and the constitutionalization of libel law in the *New York Times v. Sullivan* case of 1964 opened up opportunities for a more aggressive press.⁴ Finally, new technologies, including the emergence of television news but also including the availability of computers for collecting and analyzing data, pushed the press towards a more investigatory posture.⁵

These findings concerning the causes for a re-emergence of investigative journalism during the 1960s complement and extend findings by other researchers and commentators (Miraldi, 1990; Protess, et al, 1991; Downie, 1976; Williams, 1978; Glasser, 1987; Schudson, 1978; Patterson and Russell, 1986; Boylan, 1986; Benjaminson and Anderson, 1990). They elaborate the findings of these earlier researchers and identify additional causes, such as the freedom of information movement, legal theory, and new technologies. Use of the cultural studies approach in examining this particular issue provided a fuller picture of the causes of a re-emergence of the practice.

This study also expands the understanding that modern investigative journalism did not start with Watergate in 1972 and 1973. Prior to the mid-1970s, American investigative journalism had already matured, which in some sense allowed for the successes of the press investigation of the Watergate scandal during the second Nixon administration.

In addition, this study shows that the evolution of modern investigative journalism followed, in general terms, the theoretical outline for evolution of a social practice provided by moral philosopher Alasdair MacIntyre.⁶

MacIntyre (1981) argues that a social practice is "any coherent and complex form of socially established cooperative human activity" which achieves "internal goods" as practitioners pursue standards of excellence "which are

appropriate to, and partially definitive of" the practice.⁷ A practice progresses when the practitioners use the virtues of courage, honesty, justice, and a sense of tradition while carrying out the practice.⁸ Through virtuous practice, the social activity is "systematically extended."⁹ In other words, social practice improvement is a process resulting from practitioners doing the practice in a virtuous manner.

This study builds on earlier work by Lambeth (1991) and provides the first extensive look at investigative journalism's internal goods. As extracted from examples of the work and published analyses, these goods include telling the whole story, reporting on matters of public importance, truth-telling, originality, and impact. Standards of excellence for investigative journalism include confronting the powerful, showing independence, providing sufficient documentation, being thorough, providing follow-up, being vivid in presentation, and giving proper perspective. Virtues important to investigative journalism in addition to the MacIntyrean virtues of courage, honesty, justice, and a sense of tradition include freedom, humaneness, and stewardship.¹⁰ A close examination of the products of investigative journalism published from 1960 to 1975 shows that an understanding of these internal goods and standards of excellence and of the need for the application of the virtues was in place by mid-1970. The evolution of these principles evolved through the work of investigative journalists.

But, while the internal goods were understood and the standards of excellence were in place, investigative journalism was confronted by 1975 with fragmentation, isolation of practitioners, and an unhealthy influence from the institutions which supported the practice -- the news organizations. Investigative journalism evolved like a social practice under MacIntyrean terms from 1960 to 1975, but it was not a social practice until the formation of IRE. Investigative Reporters and Editors, founded by investigative journalists in late 1975, provided the structure of a community of interest for investigative journalists and a forum for investigative journalists to discuss and to learn the internal goods and standards of excellence of the practice.

A sense of community is essential for a social practice, according to MacIntyre.¹¹ And IRE provided that community for investigative journalists. It allowed the practice to be conceived of as a practice, separate from the institutions. It was a separation of identity crucial for the practice to progress. MacIntyre argues that institutions, which are essential for the support of social practices, are necessarily concerned with "external goods," such as profits, prestige, status, and social power.¹² If a practice allows itself to be controlled by the institutions that support it, MacIntyre argues, the practice will ultimately be corrupted by the institutions' pursuit of external goods.¹³ IRE allowed investigative journalists to

see investigative journalism as an activity with goods internal to it and thereby allowed investigative journalism to progress separate from the news organizations' necessary pursuit of profit, prestige, and power. This exploration of the role of IRE in the development of modern investigative journalism runs counter to a finding by Bender (1992).

Bender, using a professionalization methodology, concluded that IRE and other journalism service organizations have had limited effect on the progress of journalism.

IRE was founded at the instigation of two Indianapolis, Indiana, investigative journalists -- Myrta Pulliam and Harley Bierce -- and Ohio State University journalism professor Paul Williams, a former investigative editor.¹⁴ Express purposes for formation of the organization was to protect the standards of investigative journalism, to provide help to investigative journalists in the researching of stories, and to train journalists in the use of investigative techniques.¹⁵ The organizers rejected suggestions that IRE become an elite group of prominent investigative journalists and opted instead to welcome into the organization all journalists interested in using the techniques and methods of investigative journalism.¹⁶ The result was a broadbased organization that grew from 177 members after the first IRE national convention in 1976 to more than 3,100 members in 1990. In addition and more importantly, by reaching out to all journalists, IRE spread the techniques of investigative journalism -- document use,

in-depth interviews, and story conception that goes beyond reporting public official announcements and acts -- to beat journalists and upgraded the standards of journalism generally.¹⁷ IRE pushed journalism that uses investigative techniques and methods into the mainstream of American journalism. Other studies of the history of modern investigative journalism, including Protesse, et al., (1991), Miraldi (1990), and Schudson (1978) pay little, if any, attention to IRE and miss the importance it had for the development of investigative journalism as well as the general improvement of American journalism. No other journalism organization in the country has consistently provided detailed training in basic skills and values within a format that is open to any and all journalists willing to pay a modest fee.

In addition to having a general effect on American journalism, IRE also contributed to the success of individual, important investigative reporting. This is the first extended study to examine this direct effect of IRE on the work of individual journalists. The organization established a resource center stocked with previously published and broadcast investigative reports for reference by working journalists and founded *The IRE Journal* to disseminate information about skills and techniques of investigative reporting and editing and to provide a forum for discussion of craft values. IRE brought reporters and editors together annually to network, to learn new skills,

and to discuss issues important to the craft. Through the Arizona Project, when IRE members converged for three months in 1976 and 1977 on the state of Arizona to investigate political corruption and organized crime following the murder of investigative reporter Don Bolles of the *Arizona Republic*, IRE provided direct training in team investigations to participating journalists and an exemplary role model for the entire craft while establishing itself as a viable organization.¹⁸

The testimony of individual journalists reveals how IRE has helped working journalists. One investigative reporter explained:

I think it's just kind of unbelievable what IRE has done in the way of educating people on how to do investigative reporting. Not just in projects but in everyday reporting. How to get records. What's out there. What the records are. How to get sources. How to develop the sources. How to manage a project. How to maintain your records and index and keep track of your information. How to put the stuff all together into stories and how to write them. I mean just every aspect of it. . . . I periodically ask for articles from the resource center to see what other people have done on the subject matter I'm going to be investigating. I call other reporters around the country from the IRE list to help me on getting some records or asking for advice on something they have done. . . . It's very, very helpful.¹⁹

Other journalists who found IRE helpful include Managing Editor Windsor Ridenour of the *Tulsa (Oklahoma) Tribune*, who learned from an IRE national conference the need for the modern investigative reporter to gain new skills. He returned to the newsroom convinced that his reporter, Mary Hargrove, had to learn how to use public records. Hargrove

attended IRE conferences and learned from IRE regulars about how to research records, a skill that paid off when in 1982 she and her fellow reporters broke the story of how poor management and unsecured loans to high-rolling clients had bankrupt the Penn Square bank.²⁰ Across the country in North Carolina, editors and reporters at the *Charlotte Observer* were pursuing the story of Jim and Tammy Bakker and their PTL Club in 1984 when metro editor Jeannie Falknor and reporter Charles Shepard attended an IRE national conference and returned to their paper "with a determination to push for better use of public records in all kinds of reporting, especially in following the PTL."²¹ The result for the paper was the toppling of a corrupt church empire and a Pulitzer Prize.

In the late 1980s, IRE grew into a financially stable organization firmly established within American journalism. It continued to educate young reporters while at the same time providing more experienced reporters training in the emerging technology of computer-assisted reporting. It continued to carry forth the basic standards of hard-news reporting to journalists throughout the United States and began to reach out to international journalists. Lapses in the standards of investigative journalism led during the late 1980s to embarrassing libel suits, underscoring not that IRE had failed, but that IRE is a service organization, not a policing organization for the craft. Journalism is not a profession. The law has the American Bar Association

and state bar associations and medicine has the American Medical Association and affiliated state organizations to oversee the performance of their professionals. IRE could not develop into a regulator of investigative journalism in the same way the ABA and the AMA enforce standards in their respective professions.

On the other hand, investigative journalism has become a social practice, and IRE has evolved into a clear and convincing standard-bearer and a leading educator for all journalists.

Evaluation of the Social Practice Paradigm

The MacIntyrean social practice paradigm ties together sociology and ethics and emphasizes the connection between the performance of individual practitioners and the health of the practice. MacIntyre acknowledges that internal goods "are indeed the outcome of competition to excel" but stresses that an internal good is an end that, when achieved, "is a good for the whole community who participate in the practice."²² When Donald Barlett and James Steele produced their study of the Philadelphia criminal justice system through the use of computer analysis of court records in 1972, they advanced all investigative journalists by setting new standards of documentation and thoroughness for the practice.²³ When Robert Greene and his *Newsday* team faced down organized crime-connected drug dealers and corrupt government officials to detail the heroin trail that

existed between Turkey, France, and New York in 1974, the public was served and the practice benefited through the advancing of standards for investigative projects.²⁴ In both cases, it was the actions of individual journalists that propelled forward the entire practice. In contrast, when *Time* magazine published reporter David Halevy's unsubstantiated and incorrect report about Israeli General Ariel Sharon in 1983, its failure to require acceptable standards of the practice damaged not only its own reputation, but the reputations of all journalists.²⁵

Use of the MacIntyrean concept of a social practice provided a moral template for the assessment of individual investigative journalism projects as well as an evaluation of the practice of investigative journalism. The research was guided by MacIntyre to ask not only what were the techniques used to carry out a particular investigative report, but to ask whether the report and its techniques systematically extended the practice.

In addition, the MacIntyrean paradigm's important distinction between institutions and practices clarified for the researcher the factors affecting whether a social practice advances or regresses. In this way, the paradigm provides guidelines for evaluating the importance of and performance of IRE and its relationship to the craft of investigative journalism. Without IRE, investigative journalism would have remained dependant on the news organizations for its direction and development. The status

of investigative journalism and its contribution to American society would have been considerably different without IRE.

The MacIntyrean paradigm also offers an understanding of the role of tradition in the continuing progress of a practice. It explains the link between past practitioners and past products of the practice and current practitioners and products. A practice progresses only if it recognizes the standards established by past practitioners when they did their best work and when current practitioners strive to meet and exceed those standards. "For not to accept these," MacIntyre warns, "so far bars us from achieving the standards of excellence or the goods internal to the practice that it renders the practice pointless except as a device for achieving external goods."²⁶

By identifying investigative journalism as a *social* practice, the researcher takes into account the relationship between the practice and what is happening in the rest of society. The MacIntyrean paradigm prohibits the researcher from studying investigative journalism -- or any aspect of journalism -- as though it exists in a vacuum. The history of modern American investigative journalism is the history of the role of journalism in a democratic society. It is the history of social and cultural processes as well as the record of practitioners carrying out the practice, for the MacIntyrean paradigm meshes the practice with what is happening contemporaneously in the society and culture within which it operates.

The MacIntyrean paradigm provides a richer interpretation of investigative journalism's evolution than that provided by the professionalization paradigm, which assumes that progress results as a practice adopts the characteristics of a profession -- a recognized body of knowledge, a code of ethics, licensing, and specialized training. Investigative journalism, the social practice paradigm shows, progressed without these generally recognized professional attributes, but in ways more attuned to the goods internal to the practice.

Limitations of the MacIntyrean Paradigm

That is not to say that the MacIntyrean paradigm is without its limitations. First of all, the MacIntyrean theory of social practice evolution suffers seriously from brevity. It is but a shell of a theory that needs considerable elaboration. MacIntyre devotes but a few pages to social practices in *After Virtue*, which is a larger study of society and moral theory. Moreover, MacIntyre does not deal specifically with journalism. Consequently, a researcher must mine other moral and journalism theories, commentaries and criticisms of the practice, the biographies of the practitioners, and the products of the practice to extract a full and rich understanding of a particular journalistic social practice.

Secondly, it must be remembered that paradigms provide a framework for a study that is restricted by the

assumptions built into the paradigms. MacIntyre assumes, for example, that social practices can and should exist outside the power structure of a society. To MacIntyre, it is the institutions supporting social practices that operate within the power structure. MacIntyre assumes that the relationship between the social structure and a social practice is moral if the practitioners operate with the virtues of courage, honesty, justice, and a sense of tradition. Consequently, the question of whether investigative journalism supports the status quo power structure even when it is practiced by virtuous journalists, which is asked by researchers operating within a more critical framework (Hardt, 1992; Ettema and Glasser, 1992; Protess, et al, 1991; Glasser and Ettema, 1989; Ettema and Glasser, 1988; Altschull, 1984), remains unexplored under the MacIntyrean paradigm. To MacIntyre, questions of power are queries to be asked within the framework of whether the practitioners are pursuing internal or external goods. This may not be sufficient when exploring the power-structure relationship between investigative journalism and society. Internal goods such as truth-telling and thoroughness, for example, are judged by standards that are themselves products of social construction -- a process that MacIntyrean philosophy leaves unexamined. More study needs to be done to explore whether critical theory can be reconciled with the MacIntyrean perspective.

Likewise, more study is needed to explicate the relationship between internal goods and cultural values. It can be argued that an internal good of investigative journalism is the exploration of an important public issue and the virtue of justice requires investigative journalists to examine the ills of society. But Gans (1979) and Campbell (1991) have shown how cultural values affect journalist conceptions of right and wrong, of what is an important social issue and what is not, of what is a social ill and what is not. In this vein, Bannister (1973) has criticized early twentieth-century muckraking for its failure to report on civil rights issues.²⁷ Cultural values-linked research into how and why modern investigative reporters have similarly missed covering important social issues and other significant stories could add to the MacIntyrean perspective as well.²⁸

Notes

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⁶Edmund Lambeth, "Waiting For a New St. Benedict: Alasdair MacIntyre and the Theory and Practice of Journalism," *business and Professional Ethics Journal* 9:1-2 (1991) 97-108.

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¹⁷"To Better Inform," *Editor and Publisher*, July 4, 1987, 6.

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¹⁹Joe Rigert interview with author, June 1992.

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Appendix A

IRE Presidents

Year Elected

1976	Ron Koziol, <i>Chicago Tribune</i>
1977	Ron Koziol, <i>Chicago Tribune</i> , (through March) and Robert Greene, <i>Newsday</i> , appointed as interim president
1977	Robert Greene, <i>Newsday</i>
1978	James Polk, <i>NBC News</i>
1979	James Polk, <i>NBC News</i>
1980	Jerry Uhrhammer, <i>Eugene (Ore.) Register-Guard</i>
1981	Jerry Uhrhammer, <i>Eugene (Ore.) Register-Guard</i>
1982	Myrta Pulliam, <i>Indianapolis Star</i>
1983	Tom Renner, <i>Newsday</i>
1984	Tom Renner, <i>Newsday</i>
1985	Joe Rigert, <i>Minneapolis Star and Tribune</i>
1986	Joe Rigert, <i>Minneapolis Star and Tribune</i>
1987	Mary Hargrove, <i>Tulsa Tribune</i>
1988	Mary Hargrove, <i>Tulsa Tribune</i>
1989	Fredric Tulskey, <i>Philadelphia Inquirer</i>
1990	Fredric Tulskey, <i>Philadelphia Inquirer</i>

Appendix B**IRE Annual Conferences
Dates and Locations**

Year	Location
1976	Indianapolis, Indiana
1977	Columbus, Ohio
1978	Denver, Colorado
1979	Boston, Massachusetts
1980	Kansas City, Missouri
1981	San Diego, California
1982	Washington, D.C.
1983	St. Louis, Missouri
1984	Miami, Florida
1985	Chicago, Illinois
1986	Portland, Oregon
1987	Phoenix, Arizona
1988	Minneapolis, Minnesota
1989	Philadelphia, Pennsylvania
1990	Charlotte, North Carolina

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