BRILL'S CONTENT

THE INDEPENDENT VOICE OF THE INFORMATION AGE

OCTOBER 1998

FLAWED SCIENCE AT THE NY TIMES PAGE 104

20/20 ANCHORS HUGH DOWNS AND BARBARA WALTERS

DATELINE ANCHORS STONE PHILLIPS AND JANE PAULEY

WARNING:

THESE TV MAGAZINE SHOWS MAY SCARE YOU ABOUT PRODUCTS YOU SHOULDN'T FEAR.

Here's how to watch them—and our grading of 20 of their consumer products. Page 130

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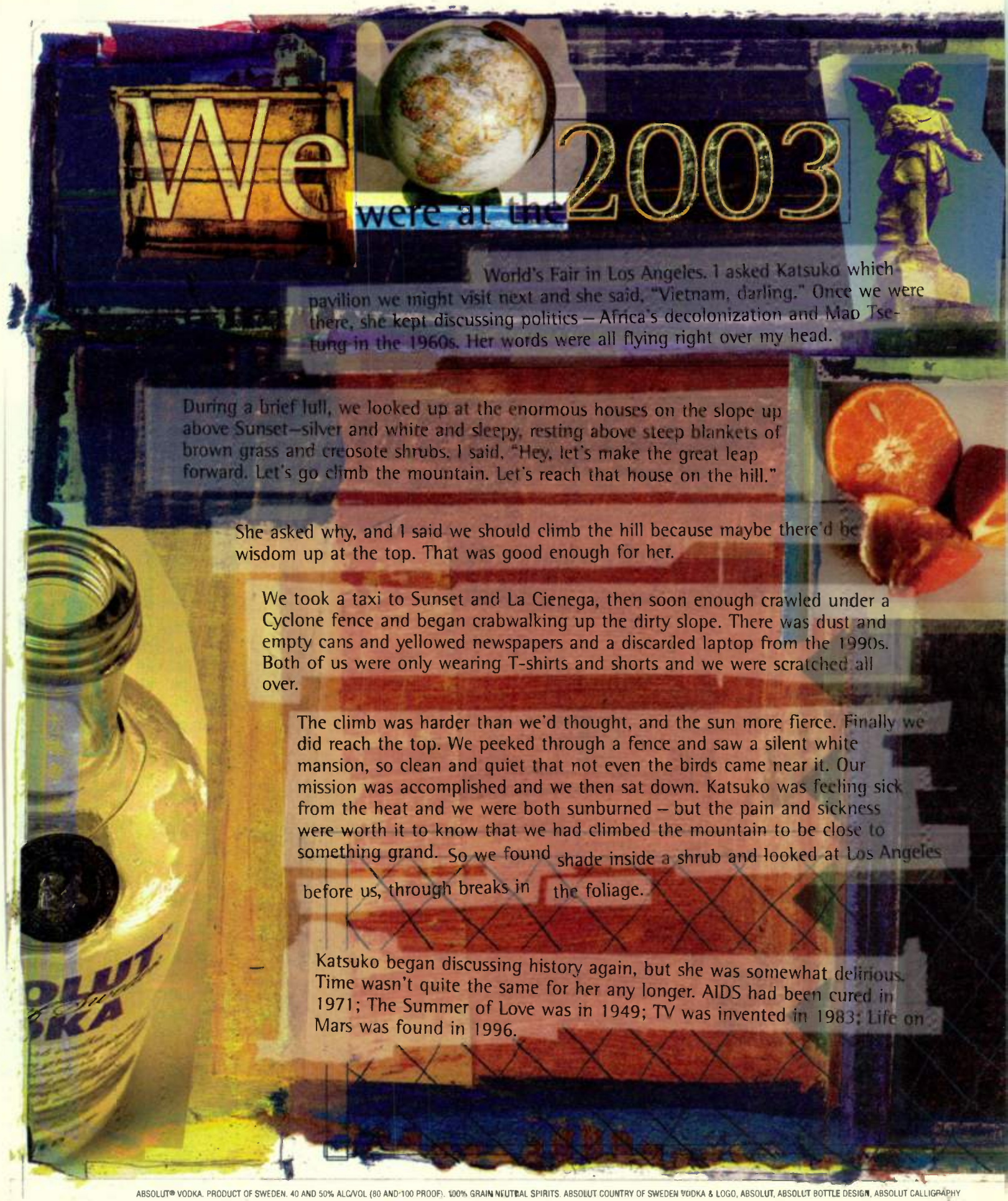

While Katsuko unraveled time I thought about the smells and objects of day as the heat tickled memory cells in my brain. I remembered the fabric softener in the morning's laundry; the scent of the

tangerines we squished into glasses of Absolut at the Vietnamese Pavilion. There was an 18-wheeler that belched smoke at us on the freeway, and there was a dusty, woman's Dynel wig we saw in a thrift shop.

Sometimes a day can seem random. And then five years later you realize the day wasn't random at all. And as for Katsuko as well as myself, time really hasn't felt the same ever since that day we climbed the hill.

end

ABSOLUT COUPLAND.

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WHAT HAPPENS WHEN THE SUBJECTS OF STORIES COMplain? Most who feel aggrieved are dissatisfied with the recourse traditionally available to them—a letter to the editor. At the least, proportionality is rarely achieved. Letters published on the editoral page never seem to "catch up" with the slights (real and imagined) visited elsewhere. As a result, the system of complaint and redress is often dispiriting—and feeds the perception that the media can't be trusted.

What to do? Sometimes, the best remedy consistent with balanced journalism is simply to offer ample room for comment. At page 104, in our story on Gina Kolata's science reporting for *The New York Times*, we asked Kolata questions—in writing—that covered every significant aspect of the piece. Kolata's written answers have been accommodated both in the body of the article itself and in a separate sidebar because her responses require rebuttal.

But sometimes, when the subject is essentially a single person or place—and the article represents opinion susceptible to varying interpretations—those who buy ink by the barrel, as the saying goes (which in this case is us), should do what we have done with Barry Lando's observations about *60 Minutes*. After 27 years as one of the program's producers, Lando holds strong, negative views about how the show is made. So rather than wait for *60 Minutes* to reply in a letter we could publish only in a subsequent issue, we asked the program's founder and boss, Don Hewitt, to respond directly. Lando's permission was secured first, and Hewitt (and Mike Wallace) agreed to keep his submission confidential in exchange for responding in the same space. Their heated exchange, at page 85, represents a methodology we hope to replicate as often as possible.

A collateral issue involves accusation and exoneration. Especially when a celebrity is involved, the media often yield to the temptation to splash charges on the front page, while relegating subsequent, exculpatory developments to the journalistic equivalent of Siberia. The travails of talk-show host Montel Williams illustrate this travesty, as Steven Brill details at page 27.

Our cover story on a staple of the TV newsmagazine shows—their highly charged consumer reports on products and businesses—explores the problems of fairness and accuracy when short broadcasts deal with complex issues. At page 130, we dissect 20 of the roughly 100 segments that aired during 1995 and 1996. We judge most to have been fair, but eight were not—and one reason for their failure tracks with the instances of media abuse mentioned above: those slammed by the shows were denied a sufficient opportunity to defend themselves.

Unfortunately, some of those maligned by the media have no recourse at all—because they're dead. Learn how *Time* magazine lynched a dead man at page 63. And then there are those with pockets deep enough to fire back—as Sears did when a *Wall Street Journal* graphic mischaracterized the company's net income (see page 74). And, in our "Heroes" department at page 68, we applaud a different *Journal* effort—the thorough, nuanced work of reporter Alix Freedman. She performs as all journalists should.

For a wide-ranging look at TV news—and an appreciation of why fear rules its production—see our Q&A with CBS anchor Dan Rather at page 116. To understand why Bertelsmann, the German conglomerate, is expanding its book-publishing business when others are fleeing it, see page 122.

The law (yep, it's been legislated) says broadcast television stations must show our kids three hours of educational shows each week. At page 81, we look at the programs that the networks claim meet that command. Meanwhile, at page 90, get to know the man responsible for much of what we hear on talk radio. In "ClickThrough," our section on matters high-tech that starts at page 50, learn which "city site" services provide real service—and how hackers trawl our supposedly private e-mail.

That's just some of what you'll find inside this month—and, as always, I think you'll find it a stimulating mix.

MICHAEL KRAMER
EDITORIAL DIRECTOR

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

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

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

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

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OCTOBER 1998 • VOLUME ONE • NUMBER THREE

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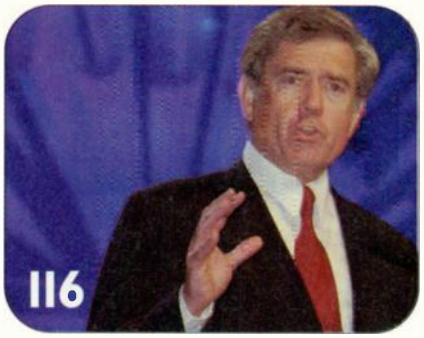

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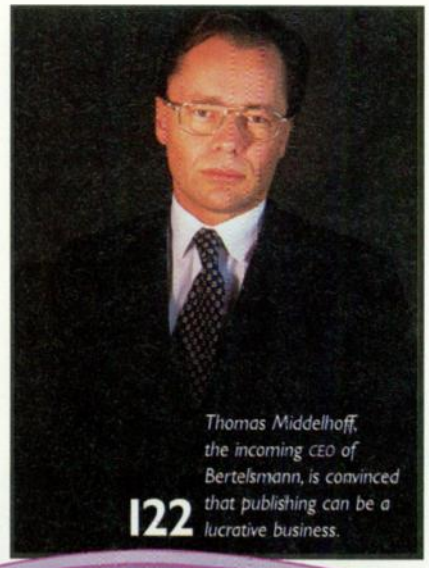
At a time when media heavyweights are struggling with the book business, or exiting it altogether, Bertelsmann's incoming chief executive officer Thomas Middelhoff and the rest of the German conglomerate's leaders are convinced they can make big money selling good books. Here's how.



Thomas Middelhoff, the incoming CEO of Bertelsmann, is convinced that publishing can be a lucrative business.

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Getting buzz has become the Holy Grail for many magazines.

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LENNOX MCLENDON/AP/WIDE WORLD (RATHER); EVAN KAFKA/LIAISON (MIDDELHOFF); ILLUSTRATION BY ROBERT DE MICHIELL

When traveling, always make sure to pack the essentials.

If you have to do a lot of traveling like me, this makes a pretty handy carry-on. It was custom made for me by a fellow in Louisville, Kentucky, and it holds all the essentials: a tooth-brush, nail clippers, a razor and of course, the world's only handmade bourbon, Maker's Mark.

As you can imagine, I get quite a lot of comments about it. Especially when they ask me to unzip it at that x-ray thing in the airport.

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COLUMNS AND DEPARTMENTS

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TV stations are legally bound to provide three hours of educational programming for kids each week, but just how good are the shows? Also: We talk to Joan Ganz Cooney, cofounder of the Children's Television Workshop, about the benefits TV can have for kids.

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CORRECTIONS POLICY

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

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

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

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

5. Information about corrections or complaints should be directed to editor Steven Brill. We may be reached by mail at 521 Fifth Avenue, New York, NY, 10175; by fax at 212-824-1950; or by e-mail at comments@brillscontent.com.

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

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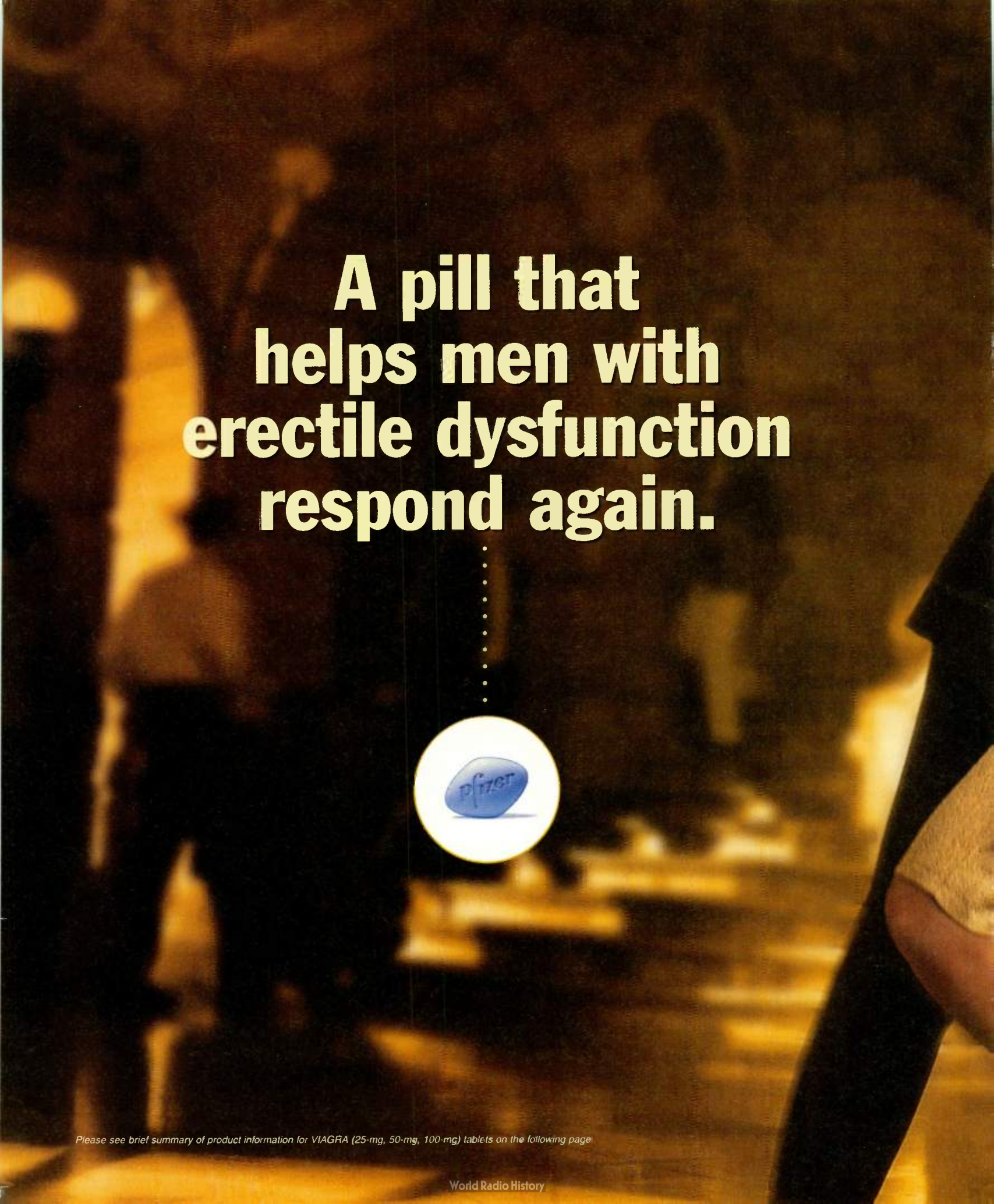

Please see brief summary of product information for VIAGRA (25-mg, 50-mg, 100-mg) tablets on the following page

Now there's a simple new pill for the treatment of erectile dysfunction (a common medical problem also called impotence).

VIAGRA® (sildenafil citrate) is a prescription pill that may help you achieve erections the natural way—in response to sexual stimulation.

Naturally, the response has been positive.

With VIAGRA, you may be able to respond naturally once again—with the ease of a pill. Ask your doctor if VIAGRA is the right step for you.

VIAGRA should not be taken by men who use drugs known as nitrates (most often used to control angina) in any form, at any time. Nitrates can reduce blood pressure to unsafe levels if used with VIAGRA. Be sure to talk to your doctor about any medications you take.

In clinical trials, VIAGRA was well tolerated. Some men experienced side effects, including headache, facial flushing, and upset stomach. A small percentage of men experienced mild and temporary visual effects. (See product information for more details.) ***For more information, call 1-888-4VIAGRA or visit www.viagra.com.***

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Brief summary of prescribing information

VIAGRA®
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INDICATION AND USAGE

VIAGRA is indicated for the treatment of erectile dysfunction. The studies that established benefit demonstrated improvements in success rates for sexual intercourse compared with placebo.

CONTRAINDICATIONS

Use of VIAGRA is contraindicated in patients with a known hypersensitivity to any component of the tablet. Consistent with its known effects on the nitric oxide/cGMP pathway (see CLINICAL PHARMACOLOGY), **VIAGRA was shown to potentiate the hypotensive effects of nitrates, and its administration to patients who are concurrently using organic nitrates in any form is therefore contraindicated.**

PRECAUTIONS

General

A thorough medical history and physical examination should be undertaken to diagnose erectile dysfunction, determine potential underlying causes, and identify appropriate treatment.

There is a degree of cardiac risk associated with sexual activity; therefore, physicians may wish to consider the cardiovascular status of their patients prior to initiating any treatment for erectile dysfunction.

Agents for the treatment of erectile dysfunction should be used with caution in patients with anatomical deformation of the penis (such as angulation, cavernosal fibrosis or Peyronie's disease), or in patients who have conditions which may predispose them to priapism (such as sickle cell anemia, multiple myeloma, or leukemia).

The safety and efficacy of combinations of VIAGRA with other treatments for erectile dysfunction have not been studied. Therefore, the use of such combinations is not recommended.

VIAGRA has no effect on bleeding time when taken alone or with aspirin. *In vitro* studies with human platelets indicate that sildenafil potentiates the antiaggregatory effect of sodium nitroprusside (a nitric oxide donor). There is no safety information on the administration of VIAGRA to patients with bleeding disorders or active peptic ulceration. Therefore, VIAGRA should be administered with caution to these patients.

A minority of patients with the inherited condition retinitis pigmentosa have genetic disorders of retinal phosphodiesterases. There is no safety information on the administration of VIAGRA to patients with retinitis pigmentosa. Therefore, VIAGRA should be administered with caution to these patients.

Information for Patients

Physicians should discuss with patients the contraindication of VIAGRA with concurrent organic nitrates.

The use of VIAGRA offers no protection against sexually transmitted diseases. Counseling of patients about the protective measures necessary to guard against sexually transmitted diseases, including the Human Immunodeficiency Virus (HIV), may be considered.

Drug Interactions

Effects of Other Drugs on VIAGRA

***In vitro* studies:** Sildenafil metabolism is principally mediated by the cytochrome P450 (CYP) isoforms 3A4 (major route) and 2C9 (minor route). Therefore, inhibitors of these isoenzymes may reduce sildenafil clearance.

***In vivo* studies:** Cimetidine (800 mg), a non-specific CYP inhibitor, caused a 56% increase in plasma sildenafil concentrations when co-administered with VIAGRA (50 mg) to healthy volunteers.

When a single 100 mg dose of VIAGRA was administered with erythromycin, a specific CYP3A4 inhibitor, at steady state (500 mg bid for 5 days), there was a 182% increase in sildenafil systemic exposure (AUC). Stronger CYP3A4 inhibitors such as ketoconazole, itraconazole or mibefradil would be expected to have still greater effects, and population data from patients in clinical trials did indicate a reduction in sildenafil clearance when it was co-administered with CYP3A4 inhibitors (such as ketoconazole, erythromycin, or cimetidine). It can be expected that concomitant administration of CYP3A4 inducers, such as rifampin, will decrease plasma levels of sildenafil.

Single doses of antacid (magnesium hydroxide/aluminum hydroxide) did not affect the bioavailability of VIAGRA.

Pharmacokinetic data from patients in clinical trials showed no effect on sildenafil pharmacokinetics of CYP2C9 inhibitors (such as tolbutamide, warfarin), CYP2D6 inhibitors (such as selective serotonin reuptake inhibitors, tricyclic antidepressants), thiazide and related diuretics, ACE inhibitors, and calcium channel blockers. The AUC of the active metabolite, N-desmethyl sildenafil, was increased 62% by loop and potassium-sparing diuretics and 102% by non-specific beta-blockers. These effects on the metabolite are not expected to be of clinical consequence.

Effects of VIAGRA on Other Drugs

***In vitro* studies:** Sildenafil is a weak inhibitor of the cytochrome P450 isoforms 1A2, 2C9, 2C19, 2D6, 2E1 and 3A4 (IC50 >150 μM). Given sildenafil peak plasma concentrations of approximately 1 μM after recommended doses, it is unlikely that VIAGRA will alter the clearance of substrates of these isoenzymes.

***In vivo* studies:** No significant interactions were shown with tolbutamide (250 mg) or warfarin (40 mg), both of which are metabolized by CYP2C9.

VIAGRA (50 mg) did not potentiate the increase in bleeding time caused by aspirin (150 mg).

VIAGRA (50 mg) did not potentiate the hypotensive effect of alcohol in healthy volunteers with mean maximum blood alcohol levels of 0.08%.

No interaction was seen when VIAGRA (100 mg) was co-administered with amlodipine in hypertensive patients. The mean additional reduction on supine blood pressure (systolic, 8 mmHg; diastolic, 7 mmHg) was of a similar magnitude to that seen when VIAGRA was administered alone to healthy volunteers (see CLINICAL PHARMACOLOGY).

Analysis of the safety database showed no difference in the side effect profile in patients taking VIAGRA with and without anti-hypertensive medication.

Carcinogenesis, Mutagenesis, Impairment of Fertility

Sildenafil was not carcinogenic when administered to rats for 24 months at a dose resulting in total systemic drug exposure (AUCs) for unbound sildenafil and its major metabolite of 29- and 42-times, for male and female rats, respectively, the exposures observed in human males given the Maximum Recommended Human Dose (MRHD) of 100 mg. Sildenafil was not carcinogenic when administered to mice for 18-21 months at dosages up to the Maximum Tolerated Dose (MTD) of 10 mg/kg/day, approximately 0.6 times the MRHD on a mg/m² basis.

Sildenafil was negative in *in vitro* bacterial and Chinese hamster ovary cell assays to detect mutagenicity, and *in vitro* human lymphocytes and *in vivo* mouse micronucleus assays to detect clastogenicity.

There was no impairment of fertility in rats given sildenafil up to 60 mg/kg/day for 36 days to females and 102 days to males, a dose producing an AUC value of more than 25 times the human male AUC.

There was no effect on sperm motility or morphology after single 100 mg oral doses of VIAGRA in healthy volunteers.

Pregnancy, Nursing Mothers and Pediatric Use

VIAGRA is not indicated for use in newborns, children, or women.

Pregnancy Category B. No evidence of teratogenicity, embryotoxicity or fetotoxicity was observed in rats and rabbits which received up to 200 mg/kg/day during organogenesis. These doses represent, respectively, about 20 and 40 times the MRHD on a mg/m² basis in a 50 kg subject. In the rat pre- and postnatal development study, the no observed adverse effect dose was 30 mg/kg/day given for 36 days. In non-pregnant rats the AUC at this dose was about 20 times human AUC. There are no adequate and well-controlled studies of sildenafil in pregnant women.

ADVERSE REACTIONS

VIAGRA was administered to over 3700 patients (aged 19-87 years) during clinical trials worldwide. Over 550 patients were treated for longer than one year.

In placebo-controlled clinical studies, the discontinuation rate due to adverse events for VIAGRA (2.5%) was not significantly different from placebo (2.3%). The adverse events were generally transient and mild to moderate in nature.

In trials of all designs, adverse events reported by patients receiving VIAGRA were generally similar. In fixed-dose studies, the incidence of some adverse events increased with dose. The nature of the adverse events in flexible-dose studies, which more closely reflect the recommended dosage regimen, was similar to that for fixed-dose studies.

When VIAGRA was taken as recommended (on an as-needed basis) in flexible-dose, placebo-controlled clinical trials the following adverse events were reported:

TABLE 1. ADVERSE EVENTS REPORTED BY ≥2% OF PATIENTS TREATED WITH VIAGRA AND MORE FREQUENT ON DRUG THAN PLACEBO IN PRN FLEXIBLE-DOSE PHASE II/III STUDIES

Adverse Event	Percentage of Patients Reporting Event	
	VIAGRA N=734	PLACEBO N=725
Headache	16%	4%
Flushing	10%	1%
Dyspepsia	7%	2%
Nasal Congestion	4%	2%
Urinary Tract Infection	3%	2%
Abnormal Vision*	3%	0%
Diarrhea	3%	1%
Dizziness	2%	1%
Rash	2%	1%

*Abnormal Vision: Mild and transient, predominantly color tinge to vision, but also increased sensitivity to light or blurred vision. In these studies, only one patient discontinued due to abnormal vision.

Other adverse reactions occurred at a rate of >2%,but equally common on placebo: respiratory tract infection, back pain, flu syndrome, and arthralgia.

In fixed-dose studies, dyspepsia (17%) and abnormal vision (11%) were more common at 100 mg than at lower doses. At doses above the recommended dose range, adverse events were similar to those detailed above but generally were reported more frequently.

No cases of priapism were reported.

The following events occurred in < 2% of patients in controlled clinical trials; a causal relationship to VIAGRA is uncertain. Reported events include those with a plausible relation to drug use; omitted are minor events and reports too imprecise to be meaningful:

Body as a whole: face edema, photosensitivity reaction, shock, asthenia, pain, chills, accidental fall, abdominal pain, allergic reaction, chest pain, accidental injury.

Cardiovascular: angina pectoris, AV block, migraine, syncope, tachycardia, palpitation, hypotension, postural hypotension, myocardial ischemia, cerebral thrombosis, cardiac arrest, heart failure, abnormal electrocardiogram, cardiomyopathy.

Digestive: vomiting, glossitis, colitis, dysphagia, gastritis, gastroenteritis, esophagitis, stomatitis, dry mouth, liver function tests abnormal, rectal hemorrhage, gingivitis.

Hemic and Lymphatic: anemia and leukopenia.

Metabolic and Nutritional: thirst, edema, gout, unstable diabetes, hyperglycemia, peripheral edema, hyperuricemia, hypoglycemic reaction, hypernatremia.

Musculoskeletal: arthritis, arthrosis, myalgia, tendon rupture, tenosynovitis, bone pain, myasthenia, synovitis.

Nervous: ataxia, hypertonia, neuralgia, neuropathy, paresthesia, tremor, vertigo, depression, insomnia, somnolence, abnormal dreams, reflexes decreased, hypesthesia.

Respiratory: asthma, dyspnea, laryngitis, pharyngitis, sinusitis, bronchitis, sputum increased, cough increased.

Skin and appendages: urticaria, herpes simplex, pruritus, sweating, skin ulcer, contact dermatitis, exfoliative dermatitis.

Special senses: mydriasis, conjunctivitis, photophobia, tinnitus, eye pain, deafness, ear pain, eye hemorrhage, cataract, dry eyes.

Urogenital: cystitis, nocturia, urinary frequency, breast enlargement, urinary incontinence, abnormal ejaculation, genital edema and anorgasmia.

OVERDOSAGE

In studies with healthy volunteers of single doses up to 800 mg, adverse events were similar to those seen at lower doses but incidence rates were increased.

In cases of overdose, standard supportive measures should be adopted as required. Renal dialysis is not expected to accelerate clearance as sildenafil is highly bound to plasma proteins and it is not eliminated in the urine.

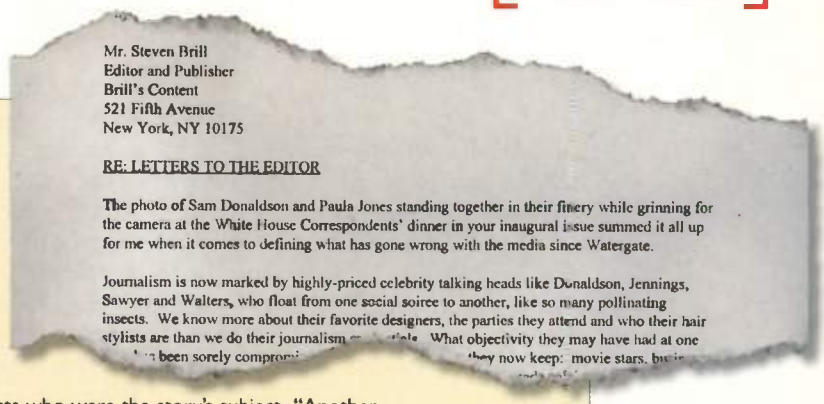
HC150R98

VIAGRA®
(sildenafil citrate) tablets

XC614A97

Pfizer U.S. Pharmaceuticals

Wake Of The Flood



Mr. Steven Brill
Editor and Publisher
Brill's Content
521 Fifth Avenue
New York, NY 10175

RE: LETTERS TO THE EDITOR

The photo of Sam Donaldson and Paula Jones standing together in their finery while grinning for the camera at the White House Correspondents' dinner in your inaugural issue summed it all up for me when it comes to defining what has gone wrong with the media since Watergate.

Journalism is now marked by highly-priced celebrity talking heads like Donaldson, Jennings, Sawyer and Walters, who float from one social soiree to another, like so many pollinating insects. We know more about their favorite designers, the parties they attend and who their hair stylists are than we do their journalism [illegible] What objectivity they may have had at one [illegible] been sorely compromi[illegible] they now keep: movie stars, bu[illegible]

Because this issue of *Brill's Content* went to press before our second issue was publicly available, the letters below represent the spillover of reader response generated by our debut. The initial deluge has subsided, but the mail has continued at a steady clip, electronically and through more traditional means. Not surprisingly, much of it remains focused on "Pressgate," an article that aroused strong feelings among the media consumers we aim to serve—and even stronger feelings among the journalists who were the story's subject. "Another showbiz display of attention grabbing," wrote one dissatisfied reader. "Hang in there as long as you can," wrote someone more favorably inclined. "I will buy lots of subscriptions for my friends," the author added. Meanwhile, we have included letters from two people critical of how we covered them or their business practices; their complaints may be addressed in the future by our ombudsman, Bill Kovach, who did not file a report this month. And, on page 24, we reveal the winner of our premiere issue's "Sources Say" contest.

SHE'S BEEN THERE

Your inaugural-issue articles "Quality Control," by Steven Brill, and "Slipping Past the Fact Checkers," by Paul Tullis and Lorne Manly, were right on the mark.

Some media outlets today care more about a scoop and sensationalism than they do about accuracy. I know. When I was the U.N. spokesperson in Somalia—and later, when I was the Department of Defense spokesperson for Gulf War illnesses—I was often misquoted. Worse yet, I was quoted by a writer whom I never had the occasion to speak with but who was able to quote me because he knew what position I was in and how to spell my name.

Thanks for a publication that exposed some media outlets for what they really are—untrustworthy.

MAJ. LEANN SWIECZKOWSKI
(via e-mail)

STRONG MEDICINE

I applaud your magazine. Hopefully it will be a good dose of antacid poured into the "Belly of the Beast." My only fear is that you won't be around for long because nobody really cares about the health of democracy's watchdog. Most people think any old junkyard dog will do, even if it bites a child now and then. Hang in there as long as you possibly can. I will buy lots of subscriptions for my friends.

I have a question and a comment on the inclusion of the lengthy letter from [independent counsel] Kenneth Starr that was included in the issue I purchased. Was that letter printed at his request? My one impression when I read it: "He doth protest too much."

ROBERT R. TITLEY
Nashville, TN

NOT ALL RIGHT

I must say that after an initial flurry of enthusiasm that there may be someone out there who would take an objective view of the "news scene," it seems to me that *Brill's Content* is even worse than the so-called mainstream media.

You say that you are going to be "objective" (whatever that means) and then proceed to handle "the Clinton situation" in a very biased way.

I am not naive enough to think that all is right on the independent counsel's side, but, on the other hand, there is no question that the [James] Carvilles of this world have some pretty rotten agendas on the government side. At least if you pretend to [practice] objectivity, you could take as hard a look at both sides of issues as you did on Kenneth Starr.

GARY REID
(via e-mail)

COUNT HIM OUT

I heard about and read your "Pressgate" attack on Ken Starr. To say the least, it was a grand publicity stunt to grab media attention, plus get yourself a head-of-the-class reputation.

This vomit ("Pressgate") is the same old media line that has been smelling up the channels of official sleaze for years. This is just another display of unsupported accusations, clever two-faced language, and twisted verbiage. Yours is not a display of truth, but another showbiz display of attention grabbing.

This letter is evidence of my distaste; I reaffirm it by my refusal to pay your invoice or accept any more issues, plus my demand to be stricken off your "suckers list."

JAMES TOPOLEWSKI
Detroit, MI

WHAT DO THEY FEAR?

In the many well-crafted, well-edited (what, no typos?) pieces I read in the premiere of *Brill's Content*, a dominant and disturbing element appeared.

It was the number of persons, high, middle, and low on the totem pole, who refused to answer *Brill's Content* questions, wouldn't return *Brill's Content* phone calls, reacted negatively to *Brill's Content* requests, passed the query on to underlings, or generally were uncooperative. What are they all so afraid of?

BIRCH STORM
Clay City, IN

DOUBLY OFFENDED

We would like to bring to your attention some mistakes you made regarding *Seventeen* in your premiere issue. In your story "Making up the Truth," it seems that it was [*Brill's*] *Content* rather than *Seventeen* that actually made up some truths.

In your story, you write, "Six beauty staffers from *Elle*, *New Woman*, *Mirabella*, *Harper's Bazaar*, and *Seventeen* agree that cosmetics cited are rarely those actually used." Au contraire, at

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

least when it comes to *Seventeen*.

When our beauty director, Elizabeth Brous, was interviewed for your story, she was asked about *Seventeen*'s approach to crediting beauty products. She responded that *Seventeen* reports on beauty in a variety of ways: We use photographs of models wearing certain makeup looks, then mention a product—or sometimes a choice of several products—that a reader can use to get the look (as is the case with covers and some of the images that accompany beauty stories inside the magazine); we also write about and picture new beauty products or trendy shades and use captions or notations in the text to identify those products.

Elizabeth continued to inform the *Content* reporter that when we're writing about a makeup look shown on a model, if we say the model is wearing certain products, then those are the products that were used. When we use a phrase like "to get a look like this, try..." it means that either a) the makeup artists couldn't identify all the shades he/she used from his/her kit, or b) he/she blended together too many shades to list all of them, or c) the shades used came out of the makeup artist's own kit and aren't available in the U.S. Sometimes we use words like "try" or "check out" to provide the reader with several product choices that will achieve the same shade/effect, so she can have a few options with regard to price, availability in her region, or simply her own product preference.

After informing the *Content* reporter of all this information, Elizabeth was surprised to read that she—along with five other beauty staffers from other magazines—"agrees that the cosmetics cited are rarely those actually used." This is not true—she never agreed with any statement made by your reporter about anything. For the reasons stated above and told to your reporter, it is not our aim to give our readers a laundry list of every single product a makeup artist blends together on a shoot to create a look on a model. And we use clear language to communicate to our readers. Our readers know when a product or products are actually used, or when we're suggesting they use products to deliver a certain look. If this language is what *Content* referred to as "delicate phrases that stop just short of outright fabrication," we beg to differ. There's nothing delicate in our phrasing. I think if the article was reported in an accurate way, you'd realize there was nothing "imprecise" in what we do.

Then there is the story of "Signed, Whoever." The quote I gave *Content* was signed Meredith Berlin, but only one sentence of the written quote we sent your reporter was included (and included without any indication that I sent you a much longer quote that I think would have added context to the story).

To remind you: We let your reporter up to *Seventeen* to compare the letters sent to our magazine with the way we print them...they are printed accurately in the magazine. We get hundreds of letters each week—we don't need to make up letters. But when your reporter wanted the e-mail addresses of our mostly underage readers, I felt that was a terrible intrusion of their privacy. My statement to your reporter read: "*Seventeen* magazine has a special relationship with its readers. We reprint their letters in our magazine the way they appear when they are e-mailed to us. They write to us hoping we will help them find options and solutions to their problems, options they may not have thought of. These letters are written in confidentiality and we certainly don't think we would be honoring that confidentiality by giving out their e-mail addresses to *Content* magazine or anyone else." I might add that an editor who would give out that information to you is exactly the kind you should be investigating.

MEREDITH BERLIN
Editor in chief, *Seventeen*
New York, NY

Katherine Rosman ("Making Up The Truth") responds: Meredith Berlin is right: Elizabeth Brous never told me *Seventeen* used "imprecise" credits. Another editor, who spoke on the condition that her name not be used, did. (Brous wasn't mentioned in the story.) I described to the spokesman for Primedia, *Seventeen*'s parent company, exactly what I had been told by this source. The spokesman's only response was that the company stood by the process of crediting employed by *Seventeen*. I also made it clear that, unlike magazines such as *Vogue* and *Elle*, *Seventeen* "stops short of outright fabrication by using delicate phrases like 'to achieve this look, try....'"

Rachel Taylor ("Signed, Whoever") responds: The statement read to me over the telephone by Ms. Berlin's spokeswoman (it was never sent to *Brill's Content*) was indeed longer than what we published, but the portion we published did not in any way alter the meaning or context of that longer version. We did distinguish *Seventeen* from magazines like *YM*, which clearly seem to have had a practice of making up letters, though we did note that *Seventeen* adds "kicker" sentences to real letters, a practice Ms. Berlin does not deny.

MODEL CONTRACTS

I just finished reading the first issue of *Brill's Content*, and I found it amazing.

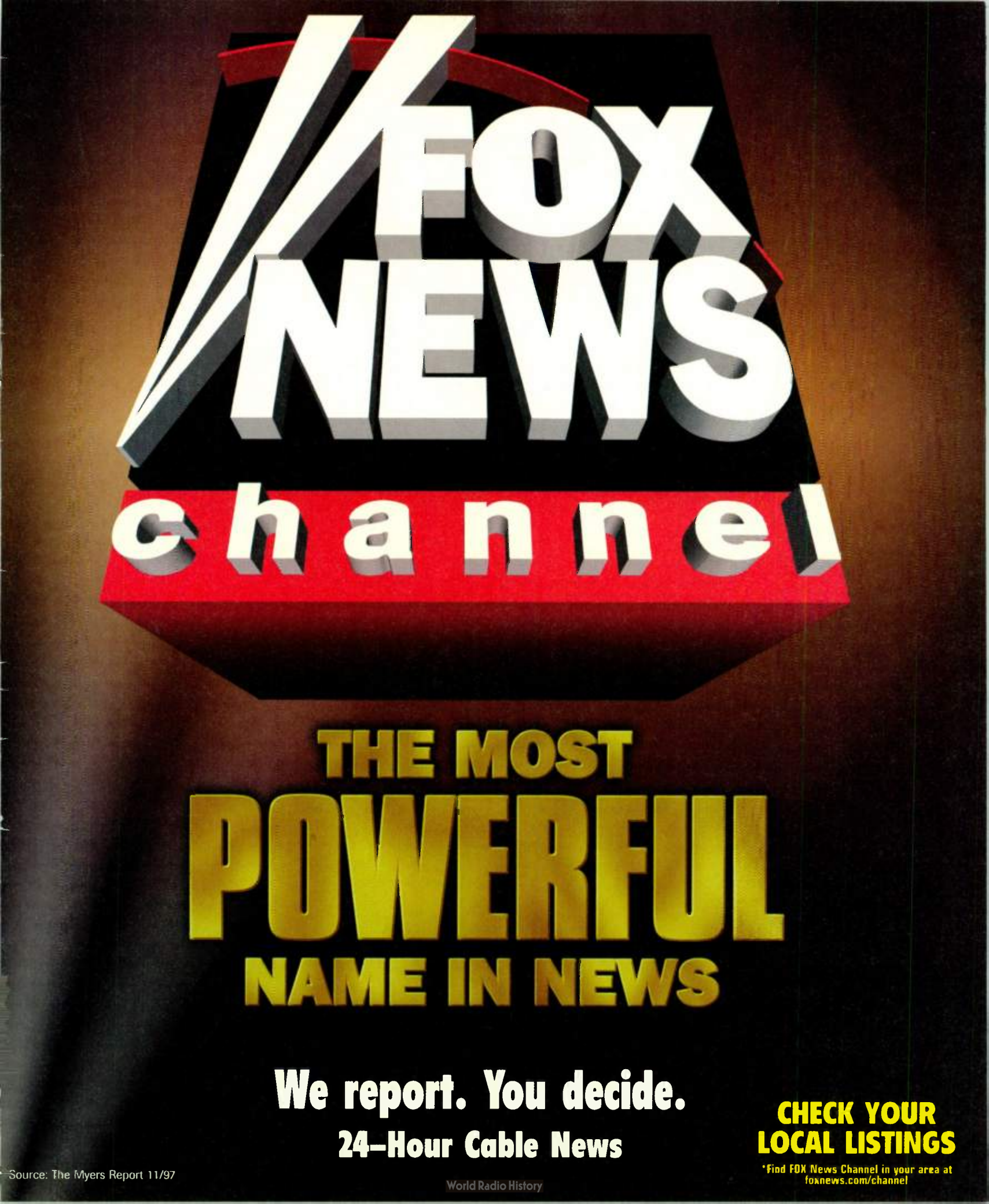
I do have a comment regarding Katherine Rosman's "Making Up The Truth." Rosman covers the confusing issue of cosmetics credits well, but in getting to the truth, she misses the obvious. Like many top models, Amber Valetta has an exclusive, multimillion-dollar contract with a cosmetics company, namely Elizabeth Arden. One part of these contracts (the meatiest part) typically states that the model can never be credited [by a magazine] wearing any other product than said company's. It's a much subtler message to consumers than advertising. So, regardless of what product [makeup artist] Pat McGrath actually used at the shoot, the reality must be glossed over.

CONOR KENNEDY
(via e-mail)

UNMASKED MAN

Congratulations to Steven Brill for unmasking what the *Arkansas Times* has called "Starr's Tong." Keep it up; I'm already a satisfied subscriber.

CHARLES HAMILTON
Vancouver, BC, Canada



TRASHED

Thanks for the complimentary inaugural issue. It now reposes in the county landfill with the rest of my garbage. Your generosity has saved me the $15 I might have otherwise sent you.

While I realize it is rather late to get my two cents in on the subject, your lead article ["Pressgate"] read like one of Sid Blumenthal's right-wing fantasy/nightmares. I will keep an eye out for your subsequent attempts and may eventually be lured back if you ever decide to roast the Clinton cheerleaders (Cliff, Geraldo, Dan, et al.) and/or Blumenthal in the same vein in which you attacked Mr. Starr.

Again, thanks for saving me some money.

STEVE CAZAD
(via e-mail)

GOOD FEELING

Refreshing.

That is the best thing I can say as I read your magazine. I get the feeling that I am reading the truth.

BOB BOYLAN
Excelsior, MN

BRAVO FOR CLOONEY

Last September, George Clooney called a press conference to publicly address the paparazzi and their unacceptable role in the life and death of Diana, Princess of Wales. For this action, I truly, sincerely admired George Clooney.

After reading his article featured in the "Talk Back" section of your premiere issue ["Just Tell Us The Truth], I felt the same admiration for his integrity. We all know that old cliché, actions speak louder than words. By his example, Clooney has established himself as one of the heroes of journalism. I support the ideas and share the beliefs in this article.

I also support the mission of your new publication. It is good to see ethical journalists take responsibility and pride in their work (and also make it enjoyable). I commend you.

KATHY ESPER
(via e-mail)

LET THE CUSTOMERS DECIDE

Your reporter asked to interview me as the gatekeeper at Barnes & Noble ("The Power Behind The Stacks"). I told her that she had the wrong person; at Barnes & Noble, our customers are our gatekeepers. I agreed to meet with her to explain how we operate. After reading her story, she still has it wrong. Let me explain once again.

More than 1,000 booksellers involve themselves in the decisions to purchase the 50,000 new titles we buy each year. New York and regional buyers, almost 40 people, buy about half of these new books. My role, along with other buyers, is to help market some of these books, both those by name authors and unknown writers.

The customers in our more than 1,000 stores across the country decide the other 25,000 titles. Each of our stores has a budget to order titles and quantities based on customer requests. I play no role in these decisions.

On another matter, co-op money for Barnes & Noble's "Discover" section ranges from zero to a top of $1,500, depending on what a small publisher can afford. It is not, and never has been, $3,000, as mentioned in the article.

I hope these facts set the record straight.

ROBERT J. WIETRAK
Vice-president, merchandising
Barnes & Noble Inc.
New York, NY

Rifka Rosenwein responds: While the public's tastes help direct Robert Wietrak and his staff in their buying decisions—a point made quite clearly in the article—somebody ultimately has to take responsibility for those choices. With all due respect to Mr. Wietrak's modesty, interviews with 17 publishing industry executives convinced us that Mr. Wietrak was that somebody, at least with regard to the books in most of the mainstream categories.

The article states that there are many other buyers at the chain, and uses the same statistics that appear in Mr. Wietrak's letter regarding the fact that so many of Barnes & Noble's sales come from publishers' backlists and from small and medium-sized publishers.

As to prices for the "Discover" program, the $3,000 figure was given to us by a publisher, John Oakes, who is quoted in the article as saying that this was how much he was asked for by Barnes & Noble in order to get a book into that program.

PRESS PRIMER

I subscribed to your magazine out of a vague sense of curiosity, wondering if it would carry enough interesting subject matter to warrant more than a casual skim-through.

I just finished the first issue and have my answer: It's great.

I can't say I read it cover-to-cover (who has time for that?), but there were far too many stories that I was drawn into and from which I couldn't escape. In particular, your feature story, "Pressgate," was not only compelling reading, but it could be used as a primer for journalism students.

Keep it up.

BOB MENDES
Monrovia, CA

ON SECOND THOUGHT

I received the initial issue. It was so thick that I decided I wouldn't be able to read all of that each month, so I wrote cancel on the bill and sent it back. What a big mistake.

Now I have read every article and wish [the issue] had another 50 pages. So if I eat enough humble pie, can I get the original subscription price that included paying for the first issue?

JAC WYMAN
(via e-mail)

WEST VIRGINIA SAYS THANKS

How appropriate that Steven Brill has launched his new magazine with an [article] on *The Washington Post*'s vilification of Senator Robert Byrd of West Virginia ["Quality Control"]. For too long, media watchdogs have ignored the fact that the *Post*'s "well-earned" reputation for journalism (as Brill puts it) has turned the paper into a bullying eight-hundred-pound gorilla that reports whatever it wants.

Brill was surprised that the *Post* printed untruths about Byrd and failed

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RANGE ROVER

to correct their misdeed after the senator pointed out their errors. What should be most shocking about the *Post*'s attack on Senator Byrd is the paper's hypocrisy. Whenever *The Washington Post* needs to reach for a lowest common denominator, it always reaches for West Virginia, making reference to the state as "Third World."

In the winter of 1994, the *Post* held a contest wherein its readers were to submit a fifty-word-or-less précis of "good things" about West Virginia. Of course the *Post* set the tone with a grotesque hillbilly cartoon, and with a promised prize of a toothless hillbilly mask for the contest winner. The submissions printed were fraught with bigoted stereotypes and degrading humor. The *Post* stated in a caveat that the paper had the right to "alter entries for taste, appropriateness, or humor," but completely missed the irony of such a remark. Of course the paper received countless letters of complaint from West Virginia, but not only were they unprinted, they were further mocked with additional prejudicial comments. Only a letter from West Virginia Senator Jay Rockefeller was printed in the state's defense, which is the *Post*'s definition of equal coverage.

If Senator Byrd has disavowed the New River train station project, then his words should be heeded. Byrd has never made a secret of his work to restore what was taken from his state, largely because West Virginia has been cut out of an American Dream its citizens have paid for in literal blood, sweat, and tears. The question Brill should be asking isn't Why did *The Washington Post* ignore Byrd's corrections to their sophistry? but—given all the unchecked abuses heaped on his state—Why should Byrd have to defend his actions at all?

DAVID S. MARCUM
Huntington, WV

WHICH IS IT?

Nice first issue. One problem, though. On one page you—justifiably—castigate Nielsen Media Research's antiquated and undependable methodology. A few pages later, you rely upon Nielsen numbers to make a key point in your criticism of market share claims by ABC News. Should we trust Nielsen numbers or not? You can't have it both ways.

RUSS NELSON
(via e-mail)

BUSINESS BEWARE

I've just enjoyed reading every word of your July/August issue. Great launch. I'm a business editor and [*Brill's*] *Content* has redoubled my awareness of my responsibilities to readers and to the industry I report on.

"Pressgate" is a great piece. After I'd read it, I had to smile at the Fox News ad on page 34, in which the bar graph showing "who's on top" in coverage of the Lewinsky allegations (what a cheap headline) is built with the same video clip that's blasted in the article. Way to keep the distance between ad and edit. I hope Fox News and their creative people feel sheepish, but I'll bet they don't.

Looking forward to seeing the next issue.

LEA PAUL DAVIS
(via e-mail)

PUT THE READERS FIRST

I was quite disappointed by how unfairly we, your subscribers, were treated during the launch of your magazine. Like all commercial media outlets, you attempted to create as much hype around your launch as possible. I expected this. What I did not appreciate was the five-day wait between that splash and my receipt of my first issue in the mail. For a publication proclaiming its primary motto, "that consumers of news and information in this Information Age should know how what they watch, read, or log on to is produced, and how much they can rely on it," I already feel as if I cannot rely on you.

The launch strategy that put copies of your magazine in the hands of pundits, critics, and other media outlets before it put copies in the hands of subscribers shows a whole different type of bias. What matters most—serving readers or serving the masters of public relations and hype? The consequences of this strategy ultimately backfired and left you looking sanctimonious and as impeachable as those you criticize.

There is a desperate need for oversight of mass media. I only hope that you can recover from your initial mistakes, focus on the needs of your readers more closely than the needs of pundits, and be a real watchdog. Forgetting about subscribers and pandering to the Sunday-talk-show cabal only set you

AND THE WINNER IS...

Results are in from our "Sources Say" contest. (For those who missed it in our premiere issue, editor Steven Brill offered a one-year subscription to the reader who submitted the "news article or transcript of a television or on-line newscast that has the most uses per 100 words of the specific phrase 'sources say.'")

We received 20 submissions; the offending publications ranged from *The Jerusalem Post* to the *National Enquirer*. The winner: Benjamin F. Kuo, of Moorpark, California, who offered a 1,025-word *Los Angeles Times* story dated May 3 and headlined "Hot Property: Pasadena's in His New Mix." The article used the phrase "sources say"—or the variants, "other sources said" and "a source said"—a total of 14 times, or 1.35 incidents per 100 words. One particularly absurd example: "[Silent movie actor Harold] Lloyd built the house in the 1920s and maintained it through the 1960s without air-conditioning or a pool, which were added later, *sources say*." (The italics are ours.)

Many contest entrants forwarded articles or transcripts that did not rely on the phrase "sources say," but were nonetheless riddled with information attributed to various anonymous sources. In this category, an honorable mention goes to Don Snell of West Hollywood, California, who submitted a *Vanity Fair* profile of presidential adviser Sidney Blumenthal, written by Michael Schnayerson and published in May. Though Schnayerson didn't use the term "sources say" in the six-page feature, it contains five "former colleague[s]," five "ex-colleague[s]," "three stylish women," one "old friend," one "friend," three "[*Washington*] *Post* reporter[s]," three "editor[s]," one "*New Republic* colleague," one "former Clinton operative," two "former Clinton team member[s]," "one of the meeting's participants," one "White House insider," and one "Beltway insider."

Finally, touché to the two readers who submitted the same article from—that's right—*Brill's Content* (Howard Kurtz's "Fast & Flawed"). Though Kurtz eschewed "sources say," he did rely on unnamed sources. "Please note that I admire Kurtz's work," wrote Stephen Advokat, of Kansas City, Missouri. "I also, however, enjoy irony, and found some in this column. Getting beneath the surface while demanding that all information be 'on the record' can be, at times, a Sisyphean challenge."

off on the wrong direction. Let's hope you can find your compass.

DAVID T. KINDLER
(via e-mail)

STILL HUNGRY

Eight years ago I stopped reading the papers, unplugged my TV, and refused to allow mainstream media to enter my psyche. Its flavor had become false and its reportage questionable, if not outright corrupt.

About two years ago, I began the slow process of reconnecting to media, through the outlets of *Utne Reader*, *Tricycle* magazine, and *Scientific American*. On rare occasions, I would read *The Christian Science Monitor*.

This magazine of yours, *Brill's Content*, has so completely illumined the media structure as to almost make it safe for perusal. I thank you greatly for its creation and commend you highly on your achievement.

I work as a key grip in the motion picture industry and so help to produce the fantasies on which people feed. At long last, an outlet of reality on which I too can be nourished. Having devoured this first issue, I'd like to say I'm full. But in honesty, I'm starving for more.

JUSTIN T. KEITH
Charlestown, MA

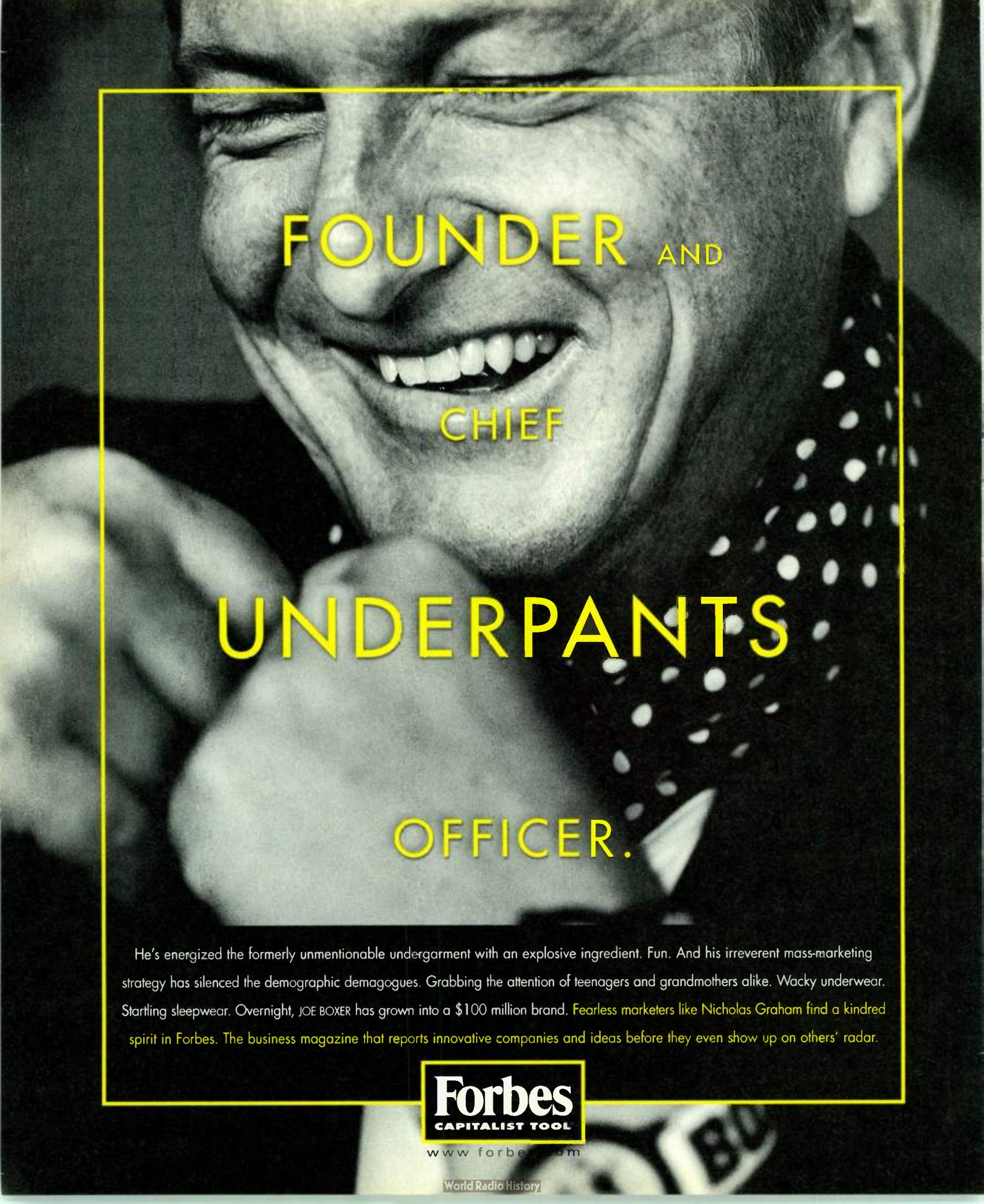
A SECOND OPINION

I was surprised to see the usually insightful Noah Robischon pick Ellen Ullman's *Close to The Machine* as an unhyped book in your debut issue [From Selma To Silicon Valley, Supernaturally]. Somehow a book that, in a single one-month period, was reviewed by *The New York Times Book Review*, *Wired*, the *Village Voice*, *Newsweek*, and others, doesn't seem to me in danger of being overlooked. God bless her publishers! I mean, they even sent me an unsolicited review copy, and I am, like, nobody.

But it was more unsettling to read Robischon's review, which I felt unfortunately bought into the hype of the book. He writes, "Ullman is among those rare programmers who can passionately portray the writing of computer code and then give serious consideration to the consequences of the resulting programs." Ullman does indeed wax lyrical on her own coding process, but her "insights" are routinely self-serving, elitist, and lacking any sense of the social consequences of the industry she works in.

MIKKI HALPIN
(via e-mail)

Noah Robischon responds: This is a good point—*Close to The Machine* was reviewed by many publications. But compared to other Silicon Valley writers who win lengthy book excerpts and flattering profiles in some of these same magazines, Ullman's work has been virtually overlooked.



He's energized the formerly unmentionable undergarment with an explosive ingredient. Fun. And his irreverent mass-marketing strategy has silenced the demographic demagogues. Grabbing the attention of teenagers and grandmothers alike. Wacky underwear. Startling sleepwear. Overnight, JOE BOXER has grown into a $100 million brand. Fearless marketers like Nicholas Graham find a kindred spirit in Forbes. The business magazine that reports innovative companies and ideas before they even show up on others' radar.

Forbes
CAPITALIST TOOL

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Accusation 35, Exoneration 2

When sex charges were filed against Montel Williams, it was big news. But when the cases disintegrated in court, the news was buried.

EVER WONDER *EXACTLY* HOW MUCH MORE PLAY IN THE press a lurid accusation gets compared with an exoneration in court two years later? Even if the person accused is lucky enough to have a good PR firm; even if the charges turn out to be highly suspect and rejected on their face by two judges; and even if the plaintiffs' lawyer gets fined for filing a baseless suit, the answer is 35 to 2. At least that's what happened when talk-show host Montel Williams, who had been charged with sexual harassment in a series of suits all brought by the same lawyer beginning in June 1996, was cleared of most of them (with the two remaining suits barely hanging on) in a series of court decisions culminating this past July.

Thirty-five general-interest newspapers across the country whose archives are in the LEXIS-NEXIS data bank carried the story after two fired staffers on the Williams show filed their suit against him on June 7, 1996. (The numbers cited in this article are for newspaper stories found in the NEXIS data bank. The actual number of newspapers carrying a given story on a given day could be many more, because NEXIS does not include all daily newspapers. However, the ratios for the number of stories for each news event described, such as 35-2, should be valid.)

The New York *Daily News* headlined the charges on the front page in classic tabloidese: "MONTEL HIT IN SEX SUIT; Talk show host groped us, charge ex-employes."

Inside, the story ran on page five under a headline that all but declared that the jury had already spoken: "Talk Hosts Who Sexually Harass Their Employes." (Get the joke? It's a play on segment titles for shows like Williams's.)

Across the country, 34 other daily newspapers—from Dayton to Austin to Los Angeles—reported slimmed-down versions of the same story. All dutifully reported Williams's denials, usually at the end of their pieces and always in about a fifth of the space devoted to the details of the accusations. They indeed made great reading: Williams—whose background as a straight-arrow, up-from-the-ghetto, former naval intelligence officer was usually described in a way that drove home the irony—had groped the women, called them "bitches" and "hoes," had grabbed and smacked their buttocks, had conducted meetings in his underwear, and had generally created an environment that female workers compared to a "battered women's shelter." In short, a great black hope was just another trash-talking sexual predator.

On television, most of the local New York channels, as well as the syndicated tabloid and entertainment news shows, carried similar stories, usually with a camera shot of the official-looking lawsuit and excerpts from its seamiest charges. Often the story was introduced with a crack about how this would make a great talk-show topic.

Two years later, when a Manhattan judge threw out what is arguably the last of the significant cases against Williams, there were no television stories. The *Daily News* article ran on page six at 220 words instead of the 950 words that had run reporting the allegations. Among all the other newspapers across the country in the NEXIS archive, only the *New York Post* ran any story at all. *Time* magazine, which had nailed Williams as a "Loser" in its chatty "Winners & Losers" column the week after the charges were filed, didn't make him a "Winner" two years later when he won.

It gets worse when we look more closely at the litigation trail and the journalism that accompanied it.

ON MAY 17, 1996, W. RANDOLPH KRAFT, A PLAINTIFFS lawyer with a solo practice in Jersey City, New Jersey, sent Williams a letter saying he represented Stacy Galonsky and Mahri Feldman, two former staff members of Williams's show. The two, who had worked on the program for 17 and 14 months respectively, now claimed that they had been sexually harassed during that time. Kraft described the alleged harassment with details similar to those that later appeared in his complaint. He closed the letter by telling Williams that Galonsky and Feldman's "enormous emotional distress, trauma, psychological damages, pain and suffering, as well as humiliation, loss of self respect and esteem, and adverse effects upon their daily personal, social, and business life" could be compensated without litigation. All that had to happen was for Williams to pay Feldman $1.3 million and

Read all about it: How the *Daily News* covered sexual charges against Montel Williams. His exoneration was buried inside the paper.

Galonsky $1.6 million within ten days.

Kraft calls this a standard pre-litigation demand letter, which it is. Williams has called it "extortion" by two disgruntled ex-employees, which would be what it would seem like to any defendant such as Williams, who sees himself as an innocent target with deep pockets.

On June 7, Kraft filed his suit in state court in New Jersey, which is where Galonsky and Feldman live. But because Williams and his production company are in New York, his lawyers were able to get the case moved to federal court in New Jersey. (Federal courts are supposed to handle cases involving parties from different states.)

Federal courts are generally known for moving cases faster and taking a tougher stance against frivolous litigation than state courts. That point was driven home to Kraft almost immediately. Referring to what Williams's lawyers had called the "sensational, tabloid-friendly" verbiage in Kraft's suit, the federal judge who got the case told Kraft during a hearing in July that he agreed that it seemed to him like a "larded-up" complaint. So, within three weeks, Kraft had voluntarily withdrawn *that* suit and had gone back to state court with a new one that included three new plaintiffs who, conveniently, lived in New York—two former domestic employees of Williams and a former producer named Laura Marini. (By having New York plaintiffs in a suit against New York defendants, Kraft now hoped to keep the case out of federal court.)

Time nailed Williams as a "Loser" in its "Winners & Losers" column after the charges were filed, but didn't make him a "Winner" when he won.

The domestic employees claimed Williams's wife and mother had walked around their home unclothed, charges that hardly seem to violate any law—and that definitely don't violate any laws against employment discrimination, because those laws are aimed at businesses that have at least 15 employees. Marini, the new ex-producer in the case, claimed the same kind of on-the-job abuse as Galonsky and Feldman.

The filing of this suit resulted in 12 more newspaper stories across the country, typically with a headline like this one in the New York *Daily News*: "Three More Women Join Montel Sex Suit."

Marini told me in a July interview that, although she maintains that Williams was abusive "to others and sometimes to me" during the year that she worked on the show, "I didn't want to be a plaintiff....I had just called them [Galonsky and Feldman] to tell them I supported them and the lawyer called me and told me there was strength in numbers and that we would get a settlement...Settlement was the only thing on his mind. It is all he talked about. He said there would never be a trial or any publicity." Kraft calls her account "completely false."

Research assistance by Sarah Berger.

KRAFT WAS NOW BACK IN STATE COURT. BUT FOR REASONS that neither Kraft could explain clearly nor Williams's lawyer can guess, Kraft filed yet another complaint in federal court in August 1996—but this time in Manhattan, where he could avoid the same skeptical New Jersey federal judge who had called his initial complaint "larded-up." And Kraft added a sixth plaintiff, another former producer named Lisa Mogull.

This defensive, redundant move by a lawyer who was afraid of the one judge who had taken a look at the case nonetheless resulted in still more bad publicity for Williams. It produced three newspaper articles about a sixth woman having joined the litigation against him. On the other hand, the *Daily News* ran a story headlined "Montel Accusers Shop For A Judge." The article described Kraft's forum-shopping and even added a paragraph quoting a former Kraft paralegal as charging that Kraft and "at least one of the plaintiffs" would "sit around the conference room and figure out bad things to say about Montel whether they happened or not."

According to ex-producer and plaintiff Marini, by spring 1997, once she, Mogull, Feldman, and Galonsky saw that Kraft was not producing the quick settlement they had hoped for, they fired him and got another lawyer. But the other lawyer soon told her she had no case and Marini dropped out.

Thus, by March 1997, with no quick settlement in sight, Kraft had been fired by everyone except the domestic workers—whose case, in terms of its allegations and failure to state a violation of any law, was absurd. Moreover, in late March and April, all but one of the four plaintiffs who had worked on the TV show—Mogull and Galonsky, as well as Marini—had not only dropped Kraft as their lawyer, but also voluntarily had dropped their claims. They neither sought nor received any money, any apology, or anything else. They just walked away. Galonsky and Mogull could not be reached for comment. But Marini told the judge when she dropped her case that she had been "coerced" into filing it in the first place. And she told me that not only did she drop out when she realized there was no quick settlement in sight, but that she believes Galonsky and Mogull also "were disgusted that they were going to have to go through a long process and maybe get nothing...We all thought there would be a quick settlement."

How many stories ran when the three plaintiffs dropped their cases? None, according to NEXIS. How much TV time did Montel Williams's victories get? None, as far as anyone involved in the case remembers.

In May 1997, left with just the two domestics and their clearly doomed case, Kraft asked the judge in federal court in Manhattan if he could amend his suit to add another plaintiff—the brother of the domestics. This Kraft client had worked as a personal assistant for Williams on the show for eight months from 1994 to 1995. After getting a sense of what the new plaintiff would allege, Judge John Martin told

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Kraft not to try to amend the suit. Nonetheless, in May, Kraft filed a suit attempting to add him to the federal case in Manhattan. The claim: Kraft's new client was gay, and Williams had ridiculed him and grabbed him, thereby creating a hostile work environment. (But not, apparently, an environment hostile enough for him to have remembered it so that Kraft could have included him in the case when Kraft had filed the original claims or the subsequent claim for his sisters the year before.) Then in November, again to hedge his bets, Kraft did the same thing in state court in Manhattan, adding the gay personal assistant to the case he'd also brought there on behalf of the domestics.

The day he filed the amended federal case, Kraft held a press conference at a New York hotel with his new client. And shortly before that, according to Williams's lawyer, Orin Snyder, Kraft had called Snyder to say that, unless a settlement was quickly negotiated, Kraft was going to add a client to the case who would cause Williams great personal embarrassment.

One TV station headlined "yet another" suit against Montel, never mentioning that three of his first four victims had dropped their cases.

Lawyer W. Randolph Kraft (right), at a press conference with one of his clients in the Williams sex suits.

Among newspapers in the NEXIS data bank, 28 articles appeared across the country covering this new, gay twist to what had now become the parade of accusations against Williams. There were local and national TV stories, too, some featuring a compelling sound bite from the somber-looking Kraft at his press conference alongside his victim-client talking about the horrible pain and humiliation he had suffered. The local CBS news in New York, for example, headlined "yet another" suit against Williams, making him sound like a serial sex abuser and never mentioning that three of his first four "victims" had dropped their cases.

But this new suit was more than the federal judge involved would tolerate. In August 1997, Judge Martin threw out the federal suits brought by the domestic workers, as well as this new one brought by the gay personal assistant. As best as one can tell from NEXIS and the memories of those involved on Williams's side, there were no newspaper or television reports of these dismissals.

As he dismissed the cases, Judge Martin also said he was considering fining Kraft for having filed the suits in the first place. He ordered Kraft to file papers explaining why he shouldn't.

Laymen may think that the courts are filled with frivolous suits brought by lawyers for their harassment value, and the law is such that in theory such baseless suits can result in judges fining lawyers. But it's the rare case that is extreme enough for a judge actually to exercise that power. This was one of those cases.

In December, Judge Martin lowered the boom on Kraft. First, he declared that the claims of the two domestics "had no support in law" because domestics are not covered by the employment statutes, nor for that matter is anyone working for an employer with less than 15 employees. Besides, the judge ruled, these charges, even if true, would not "give rise to a hostile work environment claim," anyway, because "walking around barebreasted in one's home" isn't the kind of conduct the employment discrimination laws were designed to punish when hostile work environments are the problem.

As for Kraft having added the gay brother to his collapsing case, Judge Martin called the new charges made by the new plaintiff "baseless." And, citing the press conference Kraft had held before filing the claim, he declared that "Mr. Kraft filed these baseless claims as part of a public-relations campaign in order to embarrass the defendants and thereby coerce a settlement." He then fined Kraft $15,000.

Kraft, who is appealing the fine, seems to believe it's all part of the job: "They filed five different sanctions motions against me, so losing one isn't really that bad."

The unusual sanctions decision, publicized aggressively by Williams's PR firm, yielded six news articles, though there were apparently no television stories. (Williams's lawyer and public relations man say they don't remember any, and the local television news stations say they have no record of any such stories having aired during the week of Judge Martin's decision; the national tabloid and entertainment-oriented syndicated shows such as *Extra*, *Entertainment Tonight*, and *Hard Copy*, all of which ran stories about the accusations, say they have no record of any shows about this decision.)

But Kraft wasn't finished. He still had that suit in New York State court in Manhattan on behalf of the domestic workers.

That case was summarily thrown out by a judge this past July, which is the decision that resulted in two news stories among NEXIS-covered general-interest newspapers that yield our 35-2 ratio. There were also apparently no television reports.

Importantly, the Associated Press, the wire service that was the source of many of the 35 articles about the original accusations, did not run anything about this Williams victory. (An AP spokeswoman declined comment on why no story was written.)

If publicity begets publicity, the converse is also true. "The way we would typically learn about something like [the Williams case] is from the wires," says *Time* magazine managing editor Walter Isaacson. That, says Isaacson, is probably how Williams ended up as a "Loser" in the magazine's "Winners & Losers" column when he was sued, but didn't become a "Winner" when he won. (On the other hand, AP had run a story when Kraft was fined.)

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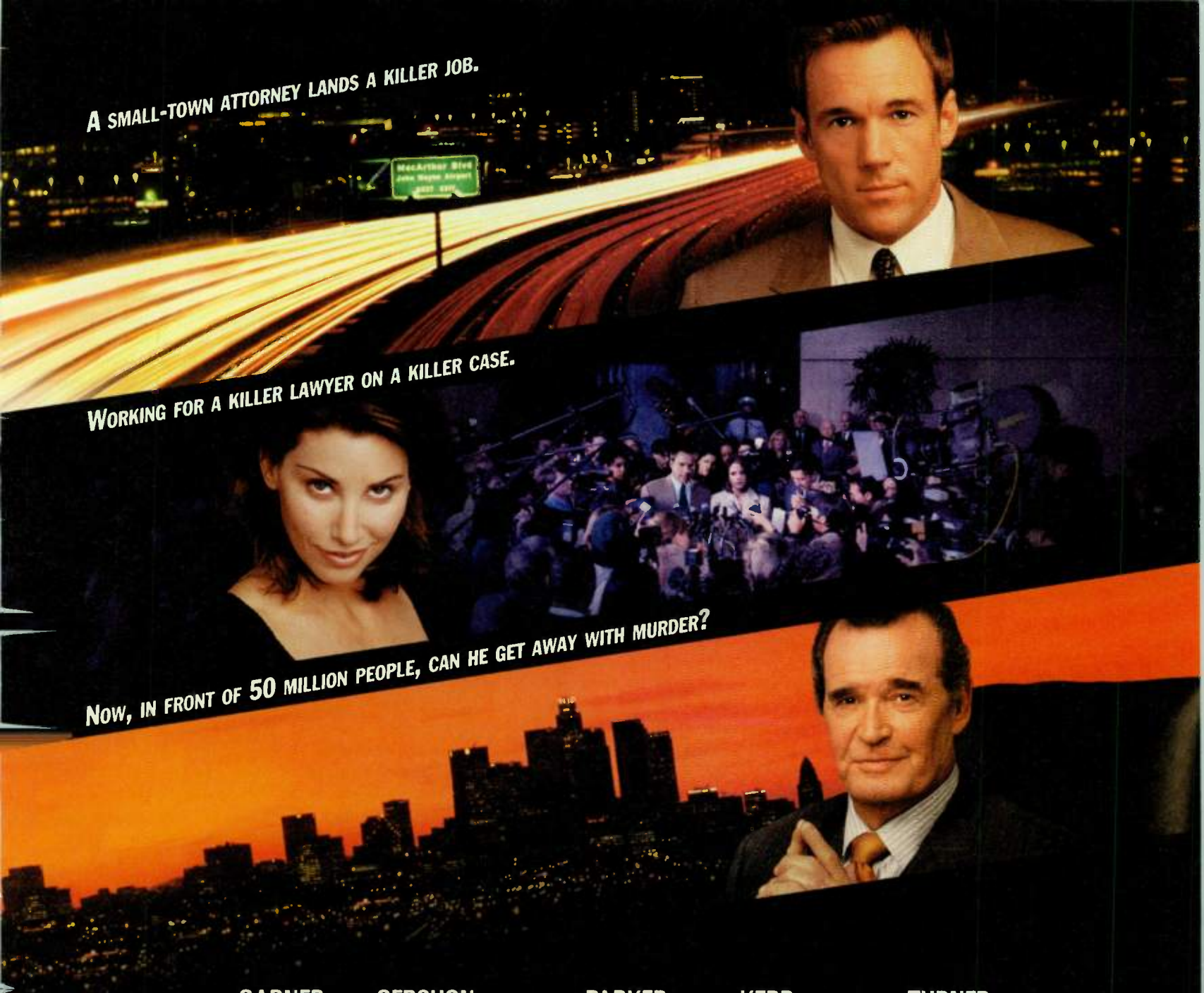

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SO, WHAT'S LEFT OF ALL THIS AS OF THIS WRITING IS ONE sexual harassment suit brought by Mahri Feldman, one of the original two plaintiffs who had worked on the TV show. She is on her third lawyer. There's also the gay man, the brother of one of the domestics, who worked for Williams for eight months. That case, which Kraft still has—and which the federal judge threw out after fining Kraft for bringing it—is for now in a state court in Manhattan. Williams's lawyer Snyder says it is "totally dormant, and we expect to get it dismissed before long." Kraft maintains, "it's my strongest case."

Williams has won everything he could win so far, but you'd never know it by watching television or by reading most newspapers and magazines.

Finally, believe it or not, Kraft sued Williams for libel and slander for calling the case against him extortion; Williams has a motion pending to dismiss the claim, which I'll bet he wins.

In short, Williams has won everything he could win so far, and, with the possible exception of the Feldman case in federal court, he stands virtually no chance of losing anything. Yet, you'd never know it by watching television or by reading most newspapers and magazines.

To be fair, it should be noted that in a few media outlets, the coverage of the Williams suit has been less one-sided than the sheer numbers indicate. The New York *Daily News*, which Williams criticized for screaming the original charges across its front page, ran two stories in which Williams charged that he was being maligned, and one in which his current female employees defended his conduct as consistently aboveboard. The paper also covered his courtroom victories more extensively than any other newspaper. Several of the syndicated TV shows, such as the now-cancelled *Day & Date*, and ABC's *The View* afforded the articulate, persuasive Williams lots of time to air his side and to complain about extortionate plaintiffs suits.

"It was relatively easy to get him on," says Sean Cassidy, a partner at the well-connected New York public relations firm Dan Klores Associates, Inc., which Williams retained soon after the initial suit. "He's great on TV and it made for a good second-day story."

Nonetheless, the simple fact is that the accusations against Williams got tons more coverage than the only actual (and official) *news* events in this case—the court decisions in his favor and the formal motions by those defendants to drop their claims. So, despite his victories, Williams's reputation has suffered. And some combination of Williams, Viacom Inc. (the company that distributes his show), and an insurance company are out hundreds of thousands of dollars in legal fees for the privilege of beating Kraft at every turn. (Williams's lawyer won't say who's actually on the hook for what portion of the fees.)

FOR SEVERAL YEARS, I TAUGHT A COURSE AT THE COLUMBIA University Graduate School of Journalism about how to cover law and legal news. The first thing I would emphasize is the temptation to give an accusation in a just-filed suit—be it a criminal indictment or, as in this case, a civil complaint—much more weight than it is worth.

The accusations come in a document that looks "official," because it's typed on legal-looking papers with the name of the court on it. And they always have great quotes charging someone with something awful (and in the case of something like the Williams suits, something awful that's about sex and a famous person). Better yet, the quotes are easy to get right because they're nicely typed up; and you can't get sued for quoting them because they are part of official court papers and, therefore, legally protected from a libel claim.

In short, these stories come on a silver platter, and often, as with Kraft, they're served up by lawyers eager to use the defendant's embarrassment as a settlement weapon. On the other hand, the denial is often boring and almost always perfunctory. And writing later about a plaintiff dropping a case, or about a judge writing some formal opinion in favor of the defendant, is less appealing.

But, again, this official result is indisputably more newsworthy than the accusation because something dispositive actually *happens*.

What can we do about this imbalance?

One remedy would be to change the law and move to what's called the "English Rule." In England, the loser in a civil suit has to pay the winner's legal fees, which means that one of the twin threats (embarrassment and large legal fees) posed by Kraft and his plaintiffs when they come seeking a quick settlement by threatening litigation would be eliminated.

There's a perennial debate about this in the United States, but the reform has never been enacted at either the state or federal level, in part because our tradition is to make our courts as open as possible to all litigants, and in part because plaintiffs lawyers are so powerful financially and politically. The Montel Williams case is about as good an argument as any for the English Rule; for especially when the embarrassment factor of a suit is related to sex, it makes sense to force the plaintiff to think long and hard about the bona fides of a case before bringing it.

What about the press coverage itself? Should we ban lawyers' statements to reporters and most other forms of pretrial publicity (which the English also do)? Montel Williams thinks so. "When I am...completely exonerated, and that should happen soon," he says, "I intend to take this to the American people...on my show...and to Congress [and argue] that if a lawsuit is filed just based on accusations, [it] should not be made accessible to the press, and the press should not be allowed to print it until a decision is made."

True, this would give criminal defendants a fairer shot at an untainted jury, and spare civil defendants like Williams the embarrassment of accusations that don't hold up. But except for

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REWIND

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prohibiting prosecutors from holding press conferences (which I have long supported) such a ban on speech would be unconstitutional.

And it should be; for it is indeed news, and often important news, when people are accused. Would we want to be kept in the dark about an investigation of a public official, especially if the investigation becomes (as initially in Watergate) a whitewash? As parents or consumers, wouldn't we want to know if our children's teacher has been accused of molesting students, if our bank is sued for cheating customers, or even if a talk-show host who sells himself as a model of probity is sued for sexual misconduct? Isn't that news?

Indeed, the question shouldn't be whether we should snuff out news but how we should give it balance. So here's my proposal:

> *There should be a self-imposed ethical standard whereby all news entities would vow that they will give the same coverage to the outcome of any accusation that they give to the accusation itself.*

I mean literally the same. Running the Montel Williams charges for three minutes in the first five minutes of the news means a commitment to run the outcome at the same length in the same place. (So, when one of the first two defendants dropped out, that would merit one and one-half minutes.) Publishing a five-inch story about the domestics and their ridiculous claim on page three would mean a commitment to publish another five-inch story in the same or equivalent place when they get bounced out of court.

When Williams was interviewed early on in these cases on *Day & Date*, he challenged the *Daily News* to put him back on page one when he was exonerated. That would be one result of this rule. The other more likely and healthier result might be that the *Daily News*, thinking about this self-imposed rule, would not have run the first story on page one but would instead have thought about how to run it in the context of how much play it would want to give a more "boring" exoneration story later on. My point is that the real value of this rule would be to tone down the accusations rather than hype the exonerations.

Would the *Daily News* take the vow? "In principle it sounds like a good thing," says *News* managing editor Arthur Browne. "In practice I don't know that I've ever seen anything like that work with the exactitude that you might be thinking about....For us, anything that's in the first seven pages of our paper we consider the front of our paper....It's clearly not going to be equivalent...[to] our front page...There is going to be an imbalance there." Under the equal-space vow, of course, that would simply keep Browne and his colleagues from plastering the accusations on the front page.

How many editors and television news directors will take this vow? Probably not many. Then again, there is a silver lining to the glut of employment-discrimination suits, especially those charging sexual harassment, that have filled the courts in recent years: Lots of executives in the news business, including top editors, publishers, and even television anchors could end up facing such charges. If so, maybe they'll get religion.

Until then, we should try to keep track of the accusation/exoneration balance in what we read and watch—and praise those who do it right, and hold accountable those who don't. If the First Amendment requires that the law can't step in to balance the press, then those of us whom the press counts on to buy its products should feel obligated to force that balance in the marketplace. ■

TRENDS

VOGUE'S FICTION ON HIGH SCHOOL FASHION

FIFTEEN-YEAR-OLD DARIELLE Gilad is dressed to kill. Her black fishnet bodysuit is laced up in front and cinched with a vinyl belt. Her gauzy skirt reveals a glimpse of red fishnet stockings. A dog collar rings her neck, and red eyeshadow picks up the flame-red tips of her hair. This, according to *Vogue*, is how she dresses for school. Next to her photo in the August issue, it says: "From the crypt to the classroom, Darielle Gilad and Marylisabeth Dona wear their Gothic woes in black capelike shrouds accented with corsets, crosses, and fishnet stockings." The subheadline says, "The all-American high school has become a parade ground for looks ranging from the darkly bizarre to the ironically outsize. Robert Sullivan heads to the halls where what you wear is who you are."

But Gilad says she'd never wear that outfit at her New Jersey high school: "No way! They would kick me out." (Maybe she would have worn the top or the dog collar at her old school, she says, but not the skirt or the makeup.) Gilad and her friend appear in a full-page photo accompanying a story in which writer Robert Sullivan examines "the high school fashion situation across America," according to the first sentence.

The two young women were on their way to a Manhattan dance club where people dress "gothic" when casting agent Ned Ambler took their picture and said they might be picked to appear in *Vogue*. Soon the pair was asked to don the same outfits for a photo session with legendary photographer Irving Penn. They say they were never told that the photos were for an article on how kids dress at school. (Unlike Gilad, Dona says she *would* wear the outfit she was photographed in to school—minus the makeup.)

Vogue's story, "Teen Tribes," dissects the prevailing fashions at East High School in Wichita, Kansas, Santa Monica High School in California, and Stuyvesant High School in New York, and explains how kids are dubbed goths, preps, or punks based on their dress. The story is dominated by three-and-one-half pages of photos of leather-clad punks, skateboarders with pierced lips, preppies and the goths. But none of the nine kids in the photos was quoted in the story, and the four we found say they weren't asked whether they wear these outfits to school.

"It wasn't intended to be a story on what students are wearing in high school as much as it was a story on what teenagers are wearing," says *Vogue* spokesman Patrick O'Connell. "It doesn't mean to suggest—and if it's confusing we apologize—that today's high school youth are committed to wearing looks that are this extreme, because the reality is that most high schoolers are probably much more middle-of-the-road. But since we're a fashion magazine, we try to find some provocative trends."

Steven Florio, president of *Vogue* parent Condé Nast, did not return four calls.

"Preppies" Sören du Hoffmann and Stephanie Lyons aren't even in school anymore. Both 19, he works as a model, she as a professional dancer. The couple was selected after Ambler, who was having trouble finding "really preppy kids," helped them pull together the right outfits, he says.

The opening spread of the "Teen Tribes" story, with a photo of two goths supposedly dressed for school.

"The teenagers that were ultimately photographed are like the icons of each look," O'Connell says. All the kids in the photos are New Yorkers and are wearing their own clothes. They earned between $75 and $100.

Ambler discovered the other kids after a two-week search of clubs, concerts, and parks. He scouted Stuyvesant High School first, but finding kids with the right look wasn't easy. When it came to goths, for example, the editors "didn't want T-shirts and a cross," Ambler says. "They wanted the couture goths."

—Jennifer Greenstein

A SHIFT IN EMPHASIS

TWENTY YEARS AGO, NEWSPAPERS AND NETWORK news shows were dominated by straight news—accounts of what happened yesterday. But that emphasis has shifted to a more thematic, big-picture approach. (See table.)

That was one conclusion of a report called *Changing Definitions of the News: A Look at the Mainstream Press Over 20 Years* by The Project for Excellence in Journalism and the Medill News Service Washington Bureau. The study compared coverage in 1977, 1987, and 1997, examining a month's worth of news broadcasts from ABC, NBC, and CBS, the full year of front pages from *The New York Times* and the *Los Angeles Times*, and the full year's worth of cover stories from *Time* and *Newsweek*.

STRAIGHT NEWS AS A PERCENT OF STORIES BY MEDIUM

	1977	1987	1997
NEWSPAPERS	61.6%	33.1%	30.7%
NETWORK TV	51.4	32.9	34.3
MAGAZINES	16.3	20.2	19.2

BULLETIN

PRIVACY: CNN v. MSNBC

NBC chased the wrong chopper: The emergency vehicle that picked up a victim (bottom) was not the one shown delivering a patient to the hospital (top).

WHAT HAPPENS WHEN A family's right to privacy conflicts with the public's right to know? It may depend on which network you're watching. On July 24, U.S. Capitol police detective John Gibson and officer Jacob Chestnut were fatally shot when a gunman opened fire in the U.S. Capitol. Both CNN and MSNBC learned of the shooting before Chestnut's family did, but the two news networks handled the information differently.

Even before CNN was sure of Chestnut's identity, anchor Bernard Shaw hastened to explain that they had a moral obligation not to reveal it. Interrupting correspondent Brooks Jackson, Shaw announced that "apparently one of the wounded officers' family has not been told...and, because of that, it would be obscene for us to be reporting the man's name with his wife and children and relatives not knowing that he has been injured." Later in the same broadcast, Shaw reiterated CNN's position: "We had to back off reporting one name we had because we...had learned that the officer's family had not been notified. So obviously, out of decency, we would not report that name."

Meanwhile, on MSNBC, NBC's Washington bureau chief, Tim Russert, went on the air during Tom Brokaw's "NBC News Special Report" to announce that "a source close to the Capitol Police" had called him to describe what had occurred. Russert relayed the source's description, complete with the identity of both officers. Moments later, as if to drive home the point that information trumps privacy concerns, NBC cut to live footage of a patient being unloaded from a medical helicopter. The cameras followed the patient and paramedics into the hospital emergency room, while Brokaw narrated: "This is the medevac helicopter arriving at the hospital. We believe that one of those gurneys contains one of the officers that was shot, either Officer Gibson or Officer Chestnut...we're looking at live pictures from the hospital."

But it appears that NBC had chased the wrong ambulance. Only one shooting victim had been airlifted from the Capitol; NBC's footage showed an officer being loaded onto a blue-and-white U.S. Park Police helicopter on Capitol Hill; the patient at the hospital, meanwhile, was unloaded from a red-and-white helicopter. Further suspicions were aroused in the ER: as the cameras turned away from hospital staffers treating a patient, a barely audible off-camera voice could be heard saying "that last transport was not a shooting victim. That was..." before the feed abruptly cut out. "We've lost that now," said Brokaw. "They were right in the emergency room."

Through NBC spokeswoman Barbara Levin, Tim Russert, Tom Brokaw, and Beth O'Connell, the network's executive producer of specials, all declined to comment. Through Steve Haworth, CNN's vice-president of public relations, news division, Shaw also declined to comment.

Haworth, however, is less reticent. He doesn't characterize MSNBC's decision as indecent or obscene, but says he believes it is "widespread journalistic practice" to withhold the names of victims until their families are told. Haworth will not comment specifically on NBC's decision to bring cameras into the emergency room. "It seems to me fairly self-evident that there are times when a viewer or reader's right to know must be tempered with other mores," he says. In the case of the Capitol shooting, "you weigh the public's right to know against the right of the family to have some amount of privacy." —*Ari Voukydis*

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ETHICS

HOW WOULD YOU HANDLE THE DILEMMAS THAT JOURNALISTS FACE?

Here's how 9,677 visitors to the Newseum, the museum of news in Arlington, Virginia, said they'd handle a hypothetical situation based on the story of O.J. Simpson.

YOU ARE THE PHOTO EDITOR of a weekly newsmagazine. An African-American celebrity has just been booked for murder. This man is a legend in the world of sports. People are shocked. This is your cover story and your cover must be a real "grabber." You need more than an ordinary picture. The image must tell a story. Readers must be moved.

WHAT DO YOU DO?

13%

A. Commission a dramatic painting of the suspect.

46%

B. Use any one of several never-before-seen photos.

40%

C. Use his police mug shot, digitally enhanced for impact.

Figures current as of August 13, 1998

VIDEO

ELEPHANT TALES

THERE'S A HILARIOUS SCENE IN STEVE Martin's 1979 movie *The Jerk*, in which Martin, playing a well-meaning idiot, is approached for a contribution by a clergyman armed with a film clip. "Cat juggling!" cries Martin as the film rolls, airborne kittens mewling. "Father, could there be a God that would let this happen?"

Life is imitating art as Kim Basinger campaigns to ban elephants from circuses. After seeing scenes of an elephant in distress on a syndicated TV show in 1995, the actress rang up Patricia Derby, whose Performing Animal Welfare Society had made the tape available, and asked to see more of the footage, Derby recalls. Derby's partner drove to Basinger's home with what Derby says is a 14-hour videotape with footage of a circus elephant trainer engaging in brutal "standard industry training."

Basinger, who has said in interviews that she watched all 14 shocking hours, agreed to become the spokeswoman for PAWS's campaign to liberate the approximately 200 elephants that perform in circuses and traveling shows in the U.S. Barbara Pflughaupt, a spokeswoman for Ringling Bros. and Barnum & Bailey, the largest U.S. circus with about 70 elephants, complains that news outlets eager for access to Basinger are allowing her to make unsubstantiated claims about how all circuses brutalize elephants. Worse, she says, the circus industry is often given no opportunity to respond to Basinger's gruesome charges.

Basinger has been busy bagging media coverage for her campaign. In March 1997, she appeared on *Leeza*, a syndicated talk show. In June 1998, nearly three months after winning an Academy Award, she and her elephants were an *Entertainment Tonight* feature story. July brought a full hour on *The Montel Williams Show* and a feature on *Access Hollywood*. Even *Business Week* interviewed the actress and published a short article on her mission in August.

Basinger's most powerful weapon is the PAWS videotape that first attracted her attention. For most of her TV appearances, she came armed with a short excerpt that is identified as a circus-industry training tape. The scene shows a hook-wielding trainer beating a chained and groaning elephant. After airing the footage, talk-show host Williams equated the tragedy of circus elephants to that of African-American slaves. At the end of *Access Hollywood*'s story, host Giselle Fernandez said, "Using star power to make change. Good for you, Kim. Keep up the good work!"

Kim Basinger with an elephant, as seen in a video used as a public service announcement for PAWS.

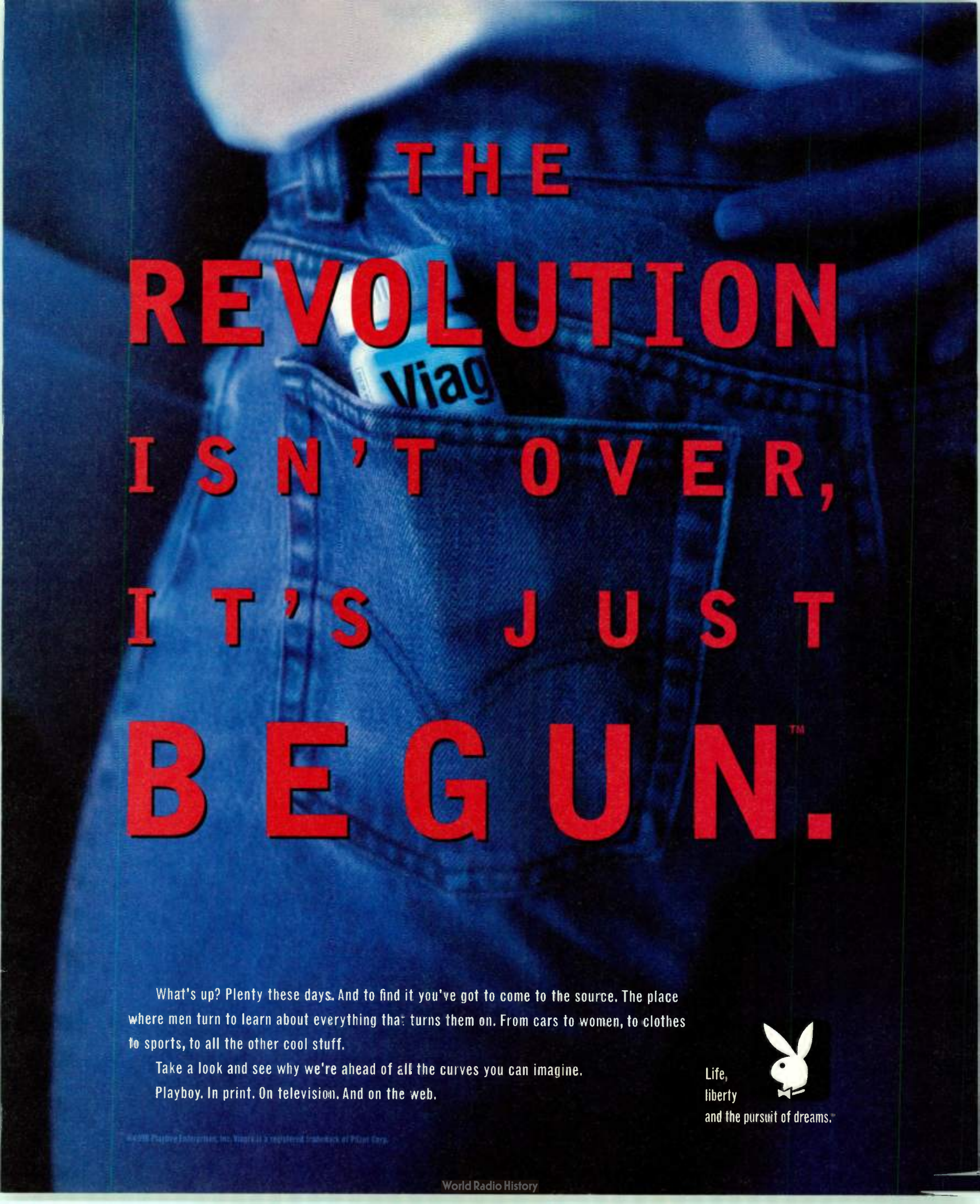
But the tape doesn't show a circus training session at all. When queried, Derby admits that the tape was recorded at the Milwaukee County Zoo, and that it might be as much as 15 years old. The elephant on the tape has never performed at a circus, she acknowledges.

But Derby says it's fair to use the tape as evidence of circus brutality because the trainer on the tape, Donald Meyer, is a "circus trainer; he's very active." Reached at his Wisconsin farm, Meyer says, "I've never worked for a circus for a moment in my life." Now semiretired, Meyer says he has always worked with zoos.

When Basinger and Derby were asked about the misrepresentation, Derby complained, "This is nitpicking," and offered no proof of her claim that Meyer was indeed a circus trainer. Basinger's spokeswoman says that the actress couldn't be reached for comment.

None of the shows that aired the misidentified elephant tape would discuss the matter. "It was just a little segment we did about what Kim Basinger was up to," says *Access Hollywood* publicist Noelle Brown, who adds that her show simply "took the clip from *Montel Williams*." —*Elizabeth Lesly Stevens*

(continued on page 42)



What's up? Plenty these days. And to find it you've got to come to the source. The place where men turn to learn about everything that turns them on. From cars to women, to clothes to sports, to all the other cool stuff.

Take a look and see why we're ahead of all the curves you can imagine.

Playboy. In print. On television. And on the web.

Life,
liberty
and the pursuit of dreams.™

(continued from page 40)

BOOK REPORT

THE TRUTH ABOUT BURN RATE

WHEN MICHAEL Wolff dissects the personality of an unnamed "AOL exec" in his book *Burn Rate: How I Survived The Gold Rush Years on the Internet*, readers surely wonder who he's talking about. The executive is portrayed as a tough-talking recovering cocaine addict with "fidelity issues" who wears dark cashmere suits and half boots, and loves vintage Mustangs.

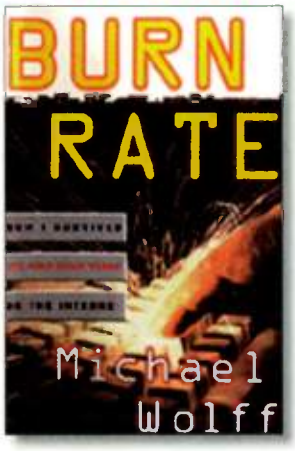
But three America Online Inc. executives claim that the character is actually a composite of three people. They claim that the executive that had a cocaine problem isn't the one who wears half boots, isn't obsessed with Mustangs, and isn't the person with fidelity issues; one of the executives and another person familiar with AOL provide persuasive descriptions of three different people to prove it. When asked to identify the executive, Ted Leonsis, president of AOL Studios, replies via e-mail, "You got me. I have never met him." Wolff says he was portraying a specific AOL executive, but would not name him. "I did not want to make this an issue of this particular person," he says. "And he was acting completely in character with the way that other AOL representatives acted."

It would be easier to believe Wolff if there weren't so many other apparent factual errors in *Burn Rate*. Examples include his story about an unnamed Silicon Valley chief financial officer who goes job hunting at a crucial moment in his company's merger negotiations; the CFO in question, David Thatcher of the the software firm Geoworks, says he never tried to leave the company. Wolff says, "There may be a technicality here in terms of going and looking for a job, but he was involved in a discussion with First Virtual [an on-line financial services company] about the job."

The book's last chapter claims that Microsoft executive Michael Goff had no experience as a journalist or as a gay advocate when he launched *Out* magazine. In fact, Goff had magazine experience as a reporter *and* columnist. One of his columns helped start the red-ribbon AIDS awareness campaign. "Michael Goff is not a gay advocate," counters Wolff.

Wolff, who founded and ran Wolff New Media, and is now a columnist for *New York* magazine and *The Industry Standard*, says, "In addition to being a book about my life, it is a very well-reported book."

But seven of the main characters and six others portrayed in—or familiar with—events in the book, disagree. They say Wolff invented or changed quotes. And none of those quoted recalls Wolff taking notes or recording the discussions, some of which took place three years ago.



Michael Wolff's book has drawn questions about its accuracy.

Six of the thirteen refused to speak for attribution. Three main characters—Thatcher; David Hayden, who appears as the CEO of the McKinley Group, a software firm (and who has since left), and Tom Feegel, former technical director of Wolff New Media—spoke to *Brill's Content* on the record. A venture capitalist, who appears anonymously throughout the book, spoke to us but would not allow us to use his name. The minor characters who spoke on the record are Goff and journalist Gary Brickman. Another person, who says he is the unnamed Wolff New Media executive vice-president in the book, spoke to us but would not allow his name to be used. Jonathan Bellack, a former Wolff New Media employee, who also spoke to us, does not appear in the book but says he witnessed events the book describes.

Wolff says he has notes and e-mail that back him up, but refuses to release them. "I'm sure people are very surprised to see these meetings come back to life," he says. "But that's good writing. That may be great writing." —*Noah Robischon*

Bookmarks of the Film Critics

Joel Siegel
ABC News

DRUDGE REPORT (www.drudgereport.com)—For the Friday night movie grosses.
PK BASELINE.COM (www.pkbaseline.com)—"To get the weekend grosses, find P.R. contacts for films in production."
SISKEL AND EBERT (www.tvplex.com/buensvista/siskelandebert.com)—"To find out if I'm right or not."
Aint-it-cool-news.com (www.aint-it-cool-news.com)—"This is the guy who sneaks into screenings and reports back with, like, the first reactions— you can't call 'em reviews—to *Titanic*."
ESPN.SportsZone.com (ESPN.SportsZone.com)—"I went to UCLA and during basketball season I've been known to log in five or six times an hour to see how UCLA is doing."

Peter Travers
Rolling Stone and CNN

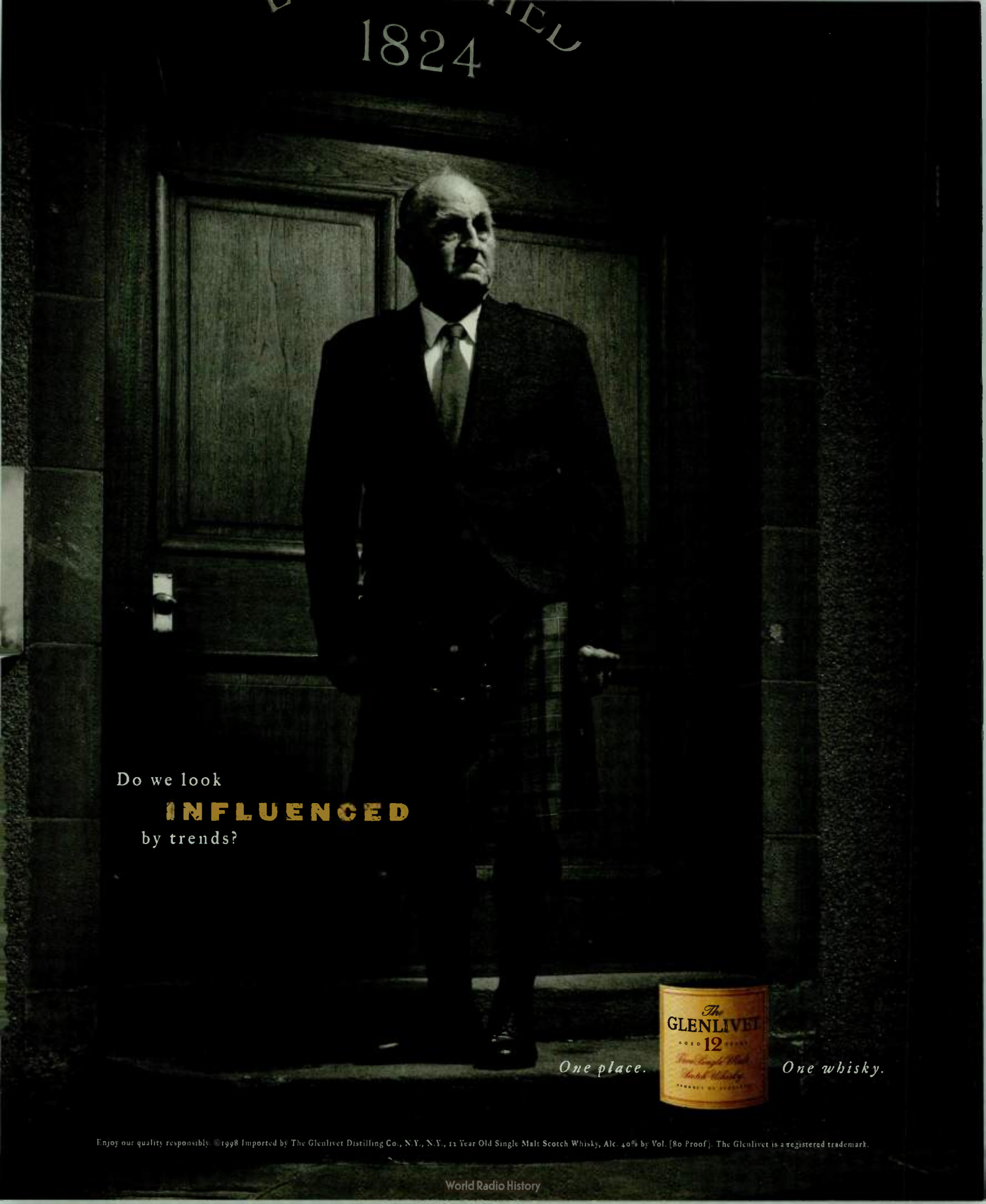
Ain't-it-cool-news.com—"Harry Knowles's site. This is the guy who kind of took up after Matt Drudge began to do these things. He speaks with people who have seen test screenings."
Drudge Report
ESPN.SportsZone.com
Yahoo! games (play.yahoo.com)—"I tend to focus on chess."

Lisa Schwarzbaum
Entertainment Weekly

The Internet Movie Database (imdb.com)— "The one that I use all the time and probably couldn't live without."
Mediarama's 90210 (www.inquisitor.com/~xixax/mediarama/90210)—"Daniel Drennan's absolutely hysterical. He puts *[Beverly Hills 90210]* in perspective."
Corona's Coming Attractions (www.corona.bc.ca/films)—Film industry news.
Surf Park (members.aol.com/scream2now/sp.html)—A *South Park* website.

—*Compiled by Michael Kadish*

(continued on page 44)



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(continued from page 42)

VIEWING

CABLE CLUTTER

ON CABLE TV, NO CHANNEL brings viewers a higher proportion of "clutter," than The Weather Channel. Clutter, or nonprogram material, is defined as commercials, public service announcements, network and station promos, and program credits.

Source: The American Association of Advertising Agencies and the Association of National Advertisers, Inc. Figures are for November 1997.

STATISTICS

HOW MANY VASSAR MEN ARE GAY?

VASSAR, A SMALL, PRIVATE LIBERAL arts school in Poughkeepsie, New York, appears to be a fairly typical northeastern college—until you read Eric Konigsberg's article, "Sex Ed.," in the June issue of *Spin*. In that piece, Konigsberg depicts Vassar as a sexual hotbed where women are downright predatory, and heterosexual men can, for the most part, have their pick because "straight women outnumber straight men nearly two to one."

With odds like that, you can understand why one student quoted in the story says, "I would think Vassar is the only place in the world where as a girl you can just throw herself at someone and be flat-out rejected." But is it true? Where did Konigsberg get that statistic? Vassar's college relations director Susan DeKrey is stumped: "I have no figures. It's a difficult thing to have a figure for," she says. "He didn't work through our office or any office we would send him to for statistics or figures." When asked the same question, Jason Baumgarten, former head of the Vassar Student Association, which oversees and funds all student organizations, gives a brief "beats me." Neither Baumgarten nor DeKrey thought Vassar's gender makeup (of 2,250 students, 60 percent are female; 40 percent male) or its students' sexual orientation was different from other liberal arts colleges throughout the country.

The school does not keep records of its students' sexual orientation, and Peter Pope, administrative chair of the Queer Coalition, Vassar's gay and lesbian organization, says that, while the gay and lesbian community is very visible on campus, "no real numbers are accessible. People are constantly reidentifying themselves and reassessing themselves. It's college....[P]eople are [also] regularly leaving every year, so the numbers change every year." The coalition, which counts heterosexuals among its members, has an active membership of 15, and a continually changing e-mail list of about 90.

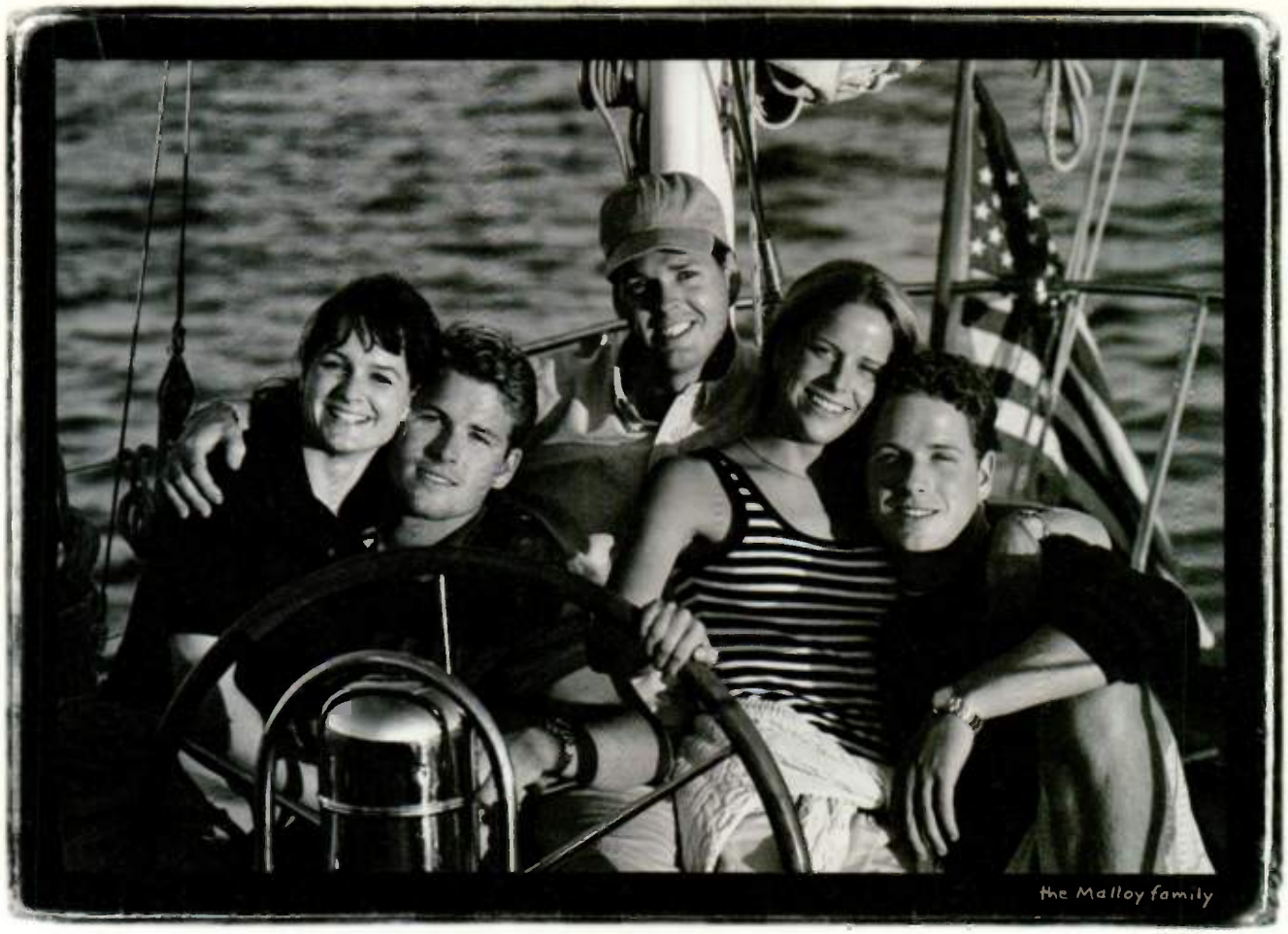
When asked where the figure came from, Konigsberg says, "I'm sure what I was doing was not asserting anything about the breakdown of straight males versus straight females as being anything different from the population of Vassar at large. [It's] just that it is two-to-one roughly women to men and you can probably extrapolate that there is more or less the same ratio of homosexual women and homosexual men."

Main building at Vassar College, the center of campus life. Despite Eric Konigsberg's assertions, no one knows what percentage of Vassar men are gay.

WILL FALLER, COURTESY OF VASSAR COLLEGE

He adds that "the fact checker thought that was fair to say and that's how it got in there; it didn't seem like that much of a leap to suggest that." He does concede that perhaps "it could have been quantified a bit better." One *Spin* researcher familiar with the fact-checking process said it was done by a Vassar alumna who not only is familiar with the school but also confirmed the statistic with students who had been interviewed for the article. —*Leslie Heilbrunn*

(continued on page 46)



So much about a family is revealed in its faces.

The New Family *of* Stainless Steel Watches.

TIMEX

www.timex.com

For retailers US, call 1-800-367-8463 or Canada 1-800-263-0981.

Timex watch with Indiglo® night-light. Indiglo is a registered trademark of Indiglo Corp. ©1997 Timex Corp.

(continued from page 44)

BRANDING

TO GET THE SEAL, ADVERTISE

TO MANY CONSUMERS, THE *Good Housekeeping* Seal is a symbol of reliability, signaling that a product's advertised claims are true. All goods bearing the seal carry *Good Housekeeping*'s "limited warranty" promising consumers "replacement or refund if defective." Understandably, advertisers covet it. "The *Good Housekeeping* Seal is very well recognized and consumers trust it," says Damon Jones, a spokesman for consumer products giant Procter & Gamble.

But the seal comes at a price: Manufacturers who want it must commit to spending $138,975 on ads in the magazine over the course of a year—the amount required for one black-and-white, full-page, national ad. In return, they can use the seal on their packaging and in ads in any publication for a full year.

But it's more than a marketing gimmick. Just to advertise in *Good Housekeeping*, all products must pass muster with the *Good Housekeeping* Institute—the magazine's testing laboratory—to see if they live up to their advertised claims. This means every *GH* advertiser is eligible for the seal (the product and ad still have to pass the *Good Housekeeping* test), but those who spend less than $138,975 on a smaller ad won't get it. *GH* editor in chief Ellen Levine says her magazine gets its own benefits from the Seal: "It's branding. I won't be shy about that."

Levine says *Good Housekeeping* turns away hundreds of thousands of dollars in advertising each year from products that don't do what their manufacturers claim. When a product is close to—but not quite—acceptable, the magazine works with advertisers and manufacturers to adjust misleading promises. Levine refuses to name products that didn't make the cut or those whose claims needed rewording, but she does offer examples: One company wanted to place an ad for a necklace meant to look like the one worn by the heroine in the movie, *Titanic*. The price tag was $19.95 for a piece that *GH* estimated was worth about $5. "It was an inferior product," says Levine. Therefore, the ad was deemed unacceptable. *Good Housekeeping* once tested a washing machine that was supposedly able to handle a 20-pound load, but wasn't up to the task. So the manufacturer agreed to remove the label claiming the 20-pound capacity and the advertising was accepted. While other magazines turn away ads they find unacceptable, Levine says she believes hers is the only one to check an advertiser's every claim. "We're not doing this as a gimmick," she says.

The *Good Housekeeping* Seal; editor in chief Ellen Levine.

Judging by the number of products that carry the seal (about 1,500), advertisers don't mind spending the $138,975. Citing a 1991 study by Roper Starch Worldwide, *GH*'s promotional material says, "If given the choice between two products of equal price and similar type, a 52 percent majority say they would be more likely to buy a product bearing the *Good Housekeeping* seal."

The seal does have detractors. "I think there's a misperception about the real value of the seal," says Andreas Wiele, executive vice-president and chief operating officer of G+J USA Publishing, owner of *Family Circle*—a *Good Housekeeping* competitor. "The misperception is that the *Good Housekeeping* seal tells the consumer that the product is a better product." Counters Levine: "The seal is offering something that the other products are not—the added assurance of a warranty. The risk is gone once the warranty is on it."

But the risk isn't totally gone for *Good Housekeeping* itself. The magazine assumes financial responsibility for the warranty and, says Levine, *GH* has "spent more this year than in a long time" on refunds and replacements (she won't say how much), largely because more people than ever know about the warranty.

—*Bridget Samburg*

WORD WARS

"AFFIRMATIVE ACTION" V. "PREFERENCES"

WHEN THE WHITE HOUSE ANNOUNCED a new plan to help minority-owned businesses bid on federal contracts, the Washington press corps had a complicated story—and a political hot potato. At issue, a long-running debate: the word "preferences" versus the term "affirmative action." Merriam-Webster's Collegiate Dictionary defines "affirmative action" as "an active effort to improve the employment or educational opportunities of members of minority groups and women." "Preference" is "the act, fact, or principal of giving advantages to some over others."

The word "preferences" undercuts affirmative action, says Julian Bond, board chairman of the National Association for the Advancement of Colored People. "People don't like preferences. I don't like preferences. I like fairness and justice." Cognizant of this very criticism, the White House, in its June 24 statement, avoided the word "preferences"; it referred instead to a "promise to mend, not end, affirmative action."

But the *Los Angeles Times*'s headline said, "Clinton to Unveil New Approach on Hiring Preferences." Its story used the word five more times and "affirmative action" only once. News editor Joel Havemann, who worked on the story, was surprised to learn of the debate. "I certainly had no intention to load the story up with a word that the NAACP or Julian Bond felt was a lightning rod," he says, adding that "preferences" accurately describes the plan.

Dallas Morning News reporter David Jackson tends to use both terms. He says a deadline prevented him from doing so in this story—he used only "affirmative action." *New York Times* reporter David Rosenbaum used the terms interchangably, on another reporter's advice, he says. Bond says the reporters are "just covering their ass and don't have the courage to stick for one or the other. They're really weasels."

"Both phrases are loaded," says *Washington Post* reporter Peter Baker who used both. The press needs new, neutral words, he says. Any ideas? "I don't know what the right answer is." —*Ted Rose*

(continued on page 48)

TIMOTHY WHITE

Does the truth really need to be sugarcoated?

We try everything we can to avoid a delayed flight. But when one does happen, we promise you this: We'll tell you everything we know, the minute we know. And instead of "handling" you like some sort of public relations problem, we'll give you a candid, complete explanation. As well as frequent and up-to-the-minute reports on the status of your flight. Let's call it, if you'll pardon us, the plane truth.

Empowered Employees

Regular Updates

Faster Check-ins

Premier® Benefits

Star Alliance

UNITED
RISING

(continued from page 46)

PUBLICITY

DOCTORS WITH FLACKS

WITH HEALTH CARE AN increasingly competitive business, especially in elective medicine, the once-taboo practice of doctors seeking publicity has become commonplace. In the past few years, a new PR specialty focusing on medicine has sprung up. But when doctors appear frequently in the media, they risk their own credibility, says Dr. Jeffrey Blustein, an associate professor of bioethics at Albert Einstein College of Medine. He warns about "a possible conflict between serving the patient's best interest and being led to prescribe or promote a drug or procedure for personal monetary gain."

Take, for example, a story that ran in the May issue of *W*, "The Baron of Botox," about Miami dermatologist Dr. Fredric Brandt. Dana Wood, *W*'s beauty director and the story's author, explains that the article was the brainchild of Behrman/Tractenberg, the PR giant that handles Brandt. "They've been trying to get me to do a story on Brandt for years," Wood says. When the agency guaranteed that Brandt would divulge the names of some of his celebrity clients, she relented. Undoubtedly, the doctor, who Wood reports has treated Madonna, makes for good copy. (Madonna's publicist, Liz Rosenberg, speaking through her assistant, cannot confirm or deny that Madonna has seen Brandt, but does say any implication that the singer has had Botox injections is "completely untrue." Through his publicist, Margo Dwyer of Behrman/Tractenberg, Brandt declined to comment for this article.)


The Baron of Botox

Miami dermatologist Fred Brandt smoothes out the brows of the stars.

W's story about Dr. Fredric Brandt makes him the man to see for Botox treatment.

But Wood's story also served as maintenance for an important business relationship that gives her access to the people and products she covers. "[Behrman/Tractenberg] have forty major beauty accounts. If I were to turn my back on Behrman, I'd be shooting myself in the foot," she says. So, instead, she watched Brandt shoot clients with injections of Botox—the age defier of the moment. A liquid derivative of the toxin in the bacteria that cause botulism, it paralyzes the nerves so that wrinkles smooth out. Misuse of Botox can cause facial paralysis and it is not FDA-approved for cosmetic use—facts noted in Wood's story. But Dr. Wilma F. Bergfeld, a Cleveland dermatologist and past president of the American Academy of Dermatology, says that "in the right hands, in the proper setting, [Botox injections] should have minimal risk." (Bergfeld herself has appeared in publications ranging from *Town & Country* to *The Washington Post*, but says she is a salaried employee with the Cleveland Clinic and therefore does not benefit financially from press coverage.) In *W*, Brandt exalts that with these injections, "I can do things that only plastic surgeons could do before, like elevating eyebrows and lifting the neck."

"The Baron of Botox" is tantamount to free advertising for Brandt. Whenever doctors are quoted talking about cosmetic and plastic procedures like liposuction and face-lifts in magazines like *Vogue*, *Elle*, and *Harper's Bazaar*, they are likely speaking to a readership with money to spend on elective treatments. As Katherine Eban Finkelstein, a Manhattan-based health-care writer, says of these magazines, "The crowd attracted are self-payers who are not limited or hindered by [the regulations of] insurance." Bergfeld understands the temptation of hiring a representative to help garner press coverage (although she says she doesn't have one of her own). She says that because of the restrictive reimbursement policies of Medicare and various HMOs, doctors are making less money on covered treatments. Thus, publicity that brings in patients seeking elective procedures becomes more important. "We're being forced to be a business," she says. For this story, *Brill's Content* interviewed five dermatologists and one plastic surgeon whose names appear frequently in the media: Dr. Patricia Wexler, Dr. Lenora Felderman, Dr. Diana Bihova, Dr. Douglas Altchek, Dr. Karyn Grossman, and Dr. Fredrick Valauri. Five of them deny that the coverage contributes to their bottom line. Only Wexler says that it does—and one publicist who represents doctors agrees: "Publicity definitely helps a doctor's business" by creating "brand-name recognition."

Emily Dougherty, lifestyles editor of *Fitness* magazine, says she is concerned about the quality of information received from doctors who like to see their names in print. She says she always checks a publicity-seeking doctor's background—especially those who have professional PR representatives. "A publicist sends up an immediate red flag," Dougherty says, because it causes her to wonder, "What's this doctor promoting?" —*Katherine Rosman*

Netscape that will make Digital City the exclusive source of local content on Netcenter, Netscape's home page.

To attract advertisers, city guides are generally focusing their energy on creating useful shopping directories and not on original editorial product. Most guides already provide news, sports, entertainment listings, and weather through partnerships with local newspaper, television, or radio outlets.

With city guides trying to become viable businesses, quality varies widely. We have compiled this guide to the guides to help readers steer their way through the good and bad sites.

LOCAL NEWS

Real Cities is the clear leader in local news coverage, largely because it uses editorial content from 28 local newspapers owned by its parent company, Knight Ridder. (There are only 27 city sites; two of the papers are in Miami, *The Miami Herald* and *El Nuevo Herald*, a Spanish language paper.) No other city site covers Detroit, much less Wichita, Kansas, Macon, Georgia, or State College, Pennsylvania. Although there are other, competing newspapers on-line in cities like Detroit (Gannett's *Detroit News*), they don't always define themselves as city guides. And in Kansas City, Missouri, Knight Ridder wins by virtue of owning the only major daily paper in town, *The Kansas City Star*.

The drawback: Real Cities lacks personality. It's a series of newspapers that have been shoveled on-line and organized under a similar facade. It covers only two of the ten largest U.S. cities (Philadelphia and Detroit) because Knight Ridder doesn't own newspapers in the other eight. Given that local news is the number-one reason people go on-line, according to the 1998 Internet User Survey conducted by the research firm Cyber Dialogue, local newspaper sites tend to be relatively popular stops anyway. By aggregating their 27 existing newspaper sites into one network and calling the sites "city guides," Real Cities has attracted more visitors than any of its competitors, according to the June website rankings from RelevantKnowledge.

The runner-up in this category is Cox Interactive Media's CIMNet guides, which are supported by such local Cox media outlets as *The Atlanta Journal Constitution* and the *Dayton Daily News*, as well as by Cox television and radio affiliates. While the 20 CIMNet sites are not as popular as Real Cities, the news presentation tends to be better, with television, radio, and newspaper reports often combined on one page. The notable exception is CIMNet's Tampa guide, which is actually a website for a Cox-owned Lite FM radio station and does not provide *any* news coverage. Like Real Cities, CIMNet's city sites cover only the locales where it owns media outlets and serve just three of the country's ten largest cities (Phoenix, San Diego, and Los Angeles).

Yahoo! Metros, which has teamed with newspapers, television, and radio stations to create its 12 local guides, also integrates the news stories from various news media into the one site. The stories themselves are usually just short summaries.

CitySearch also teams with local news media and some sites are run by partners rather than by CitySearch. This setup leads to uneven quality across the network. One strong offering is the Washington, D.C., guide, which uses technology developed by CitySearch, but which is managed by *The Washington Post* and gets its content from the newspaper. (The *Post*, which has its own robust site, www.washingtonpost.com, is also an investor in CitySearch.) The Austin guide is operated by CitySearch, and gets its breaking news stories from the local Fox TV affiliate. The technology is the same, but the quality of news at Austin's Fox 7 isn't nearly as good as what's offered by *The Washington Post* (or, for that matter, the *Austin American-Statesman*, which is part of Cox's CIMNet guides).

AOL's Digital City has also paired with local media including *Time Out New York*, *The Washington Times*, and *The Boston Globe*. But Digital City doesn't really integrate these news websites so much as provide links to them.

WHERE THEY ARE

Don't judge a city guide by its numbers: the network with the most users or the one that covers the largest number of cities isn't necessarily the best overall.

Sidewalk

www.sidewalk.com

9 U.S. CITIES Boston, MA., Denver, CO., Houston, TX., Minneapolis-St. Paul, MN., New York, NY., San Diego, CA., San Francisco, CA., Seattle, WA., Washington, D.C.

1,062,000 VISITORS

BEST FEATURE: Arts and entertainment listings.

CitySearch

www.citysearch.com

9 U.S. CITIES Austin, TX., Durham-Chapel Hill-Cary, NC., Los Angeles, CA., Nashville, TN., New York, NY., Portland, OR., Raleigh, NC., San Francisco, CA., Salt Lake City, UT., Washington, D.C.

829,000 VISITORS

BEST FEATURES: Community and volunteer resources, restaurant reviews, and getaway ideas.

Digital City

www.digitalcity.com

52 U.S. CITIES Albany-Troy, NY., Albuquerque-Santa Fe, NM., Atlanta, GA., Austin, TX., Baltimore, MD., Boston, MA., Buffalo, NY., Charlotte, NC., Chicago, IL., Cincinnati, OH., Cleveland, OH., Columbus, OH., Dallas-Fort Worth, TX., Denver, CO., Detroit, MI., Grand Rapids, MI., Greensboro, NC., Harrisburg, PA., Hartford, CT., Houston, TX., Indianapolis, IN., Jacksonville, LA., Kansas City, MO., Las Vegas, NV., Los Angeles, CA., Memphis, TN., Miami-Fort Lauderdale, FL., Milwaukee, WI., Minneapolis-St. Paul, MN., Nashville, TN., New Orleans, LA., New York, NY., Norfolk-Newport News, VA., Oklahoma City, OK., Orlando, FL., Philadelphia, PA., Phoenix, AZ., Pittsburgh, PA., Portland, OR., Providence, RI., Raleigh-Durham, NC., Richmond VA., Roanoke, VA., Sacramento, CA., Salt Lake City, UT., San Antonio, TX., San Diego, CA., San Francisco, CA., Seattle, WA., St. Louis, MO., Tampa, FL., Washington, D.C.

1,392,000 VISITORS

BEST FEATURE: It's everywhere.

RESTAURANTS

Sidewalk's restaurant guide is the easiest to use. It is comprehensive and searchable by price, cuisine, or location. Although the reviews discuss price, ambiance, and specialties, they don't mention whether the food is any good. For that information, click over to the entry from the Zagat Survey, which rates restaurants based on consumer response and sometimes has a link at the bottom of the Sidewalk page.

While AOL's Digital City network offers the opinions of professional reviewers in cities like New York, Chicago, and Los Angeles, most of the other Digital City guides depend mainly on readers for reviews. Digital City touts peer-to-peer community interaction as its greatest feature; in this case, it's the biggest weakness. One reader review of a St. Paul, Mexican restaurant found the food too "excentric" (sic).

The least consistent in this category is CIMNet. Both the Atlanta and Austin sites have searchable restaurant databases, but in addition to reviews, the "dining" page on the network's Austin guide has a separate list of "featured" restaurants, all of which have paid to be included. The problem is that the "featured" list is not marked as an advertisement. And when a user searches the database for a particular kind of cuisine, the resulting list puts the "featured" restaurants on top. On the other hand, the Longview, Texas, guide has no reviews at all. What it does have is restaurant health inspection reports.

MOVIES

CitySearch, Sidewalk, and Just Go, the entertainment subnetwork of the Knight Ridder Real Cities guides, provide equally comprehensive movie listings. Users can find movies by title, theater, and show time. Sidewalk and CitySearch even review the movie theaters (according to Sidewalk San Diego's review of the Hillcrest Cinemas, your sneakers won't stick to the floor: "the place is spotless").

Just Go uses movie reviewers who write for Knight Ridder newspapers. Just Go and CitySearch both provide more in-depth reviews than Sidewalk. But Sidewalk wins for personality by breaking its reviews into short, punchy categories starting with a summary in the "Premise" and ending with the "Verdict."

In cities where Cox's CIMNet is paired with newspapers, the reviews are taken from those papers. In the CIMNet cities without a Cox paper, the reviews come from the Cox News Service. But the Longview, Texas, site, which is paired with the *Longview News-Journal*, lists only theaters and show times. It has no reviews of its own, but points to other sites with reviews.

EXCURSIONS

More than any of the other city guides, CIMNet focuses on leisure activities and getaways. A CIMNet subnetwork, GreatOutdoors.com (a joint venture with the Outdoor Life Network), gives information about camping, bicycling, hiking, and a host of other outdoor pursuits.

Both CitySearch's and Sidewalk's listings are reliable and easy to find. While CitySearch's suggested getaways don't tend to go too far out of town (the Austin guide is running a feature on the best local swimming areas), Sidewalk's wander further afield. One write-up of an eight-day narrow gauge railroad excursion outside Denver sounds great. Although it does say that the author also leads the tours, it neglects to mention that the sponsor, Smithsonian Study Tours, pays him $1,000 per trip, which only takes place if enough people register.

Yahoo! Metros simply points to local travel and information websites, which in Key West, Florida, are merely tourist brochures on-line. But the Los Angeles guide leads to websites for the *Town Crier* newspaper in Idyllwild, California, (near Palm Springs) and other valuable local resources.

SPORTS

City guide creators originally thought giving readers a place to gab about local high school teams would prove popular. But research from CyberDialogue shows people are more interested in state and regional sports coverage than high school scores.

Two of the guides, Digital City and CitySearch, have yet to catch up with this news. In larger cities like New York, Boston, and Los Angeles, Digital City offers national sports coverage. In smaller cities like Sacramento, they provide little more than local sports scores and game times. CitySearch is still highlighting college and high school sports above professional sports.

For standard sports news coverage, Real Cities is best, because it pulls

(continued on page 54)

WHERE THEY ARE

CIMNet Local

www.cimedia.com/sites.html
20 U.S. CITIES Atlanta, GA., Austin, TX., Charlotte, NC., Dayton, OH., Grand Junction, CO., Greenville, NC., Longview, TX., Los Angeles, CA., Miami, FL., Orange County, CA., Orlando, FL., Palm Beach, FL., Phoenix, AZ., Pittsburgh, PA., San Diego, CA., San Francisco, CA., St. Petersburg, FL., Syracuse, NY., Tampa, FL., Waco, TX.
919,000 VISITORS[1]
BEST FEATURE: Recreation listings.

Yahoo! Metros

www.yahoo.com/promotions/metros/
12 U.S. CITIES Atlanta, GA., Austin, TX., Boston, MA., Chicago, IL., Dallas-Ft. Worth, TX., Los Angeles, CA., Miami, FL., Minneapolis-St. Paul, MN., New York, NY., Seattle, WA., San Francisco, CA., Washington, DC.
1,234,000 VISITORS[1]
BEST FEATURE: Local website guide—it may lead to a good small-town newspaper.

Real Cities

www.realcities.com
27 U.S. CITIES Aberdeen, S.D., Akron, OH., Biloxi, MS., Bradenton, FL., Charlotte, NC., Columbia, SC., Columbus, GA., Contra Costa, CA., Detroit, MI., Duluth, MN., Ft. Wayne, IN., Fort Worth, TX., Grand Forks, ND., Kansas City, MO., Lexington, KY., Macon, GA., Marathon Key, FL., Miami, FL., Minneapolis–St. Paul, MN., Myrtle Beach, SC., Philadelphia, PA., San Jose, CA., San Luis Obispo, CA., State College, PA., Tallahassee, FL., Wichita, KS., Wilkes-Barre, PA.
1,973,000 VISITORS[1]
BEST FEATURES: News and classifieds.

[1]Unique visitors during July 1998, according to RelevantKnowledge. This under-represents America Online members and traffic to aol.com, and does not reflect usage on AOL's proprietary service.

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COME SEE WHAT THE NEWS IS ALL ABOUT

★★★★

"THIS PLACE IS FUN, FUN, FUN!"
"The hottest new museum for visitors to Washington."
WASHINGTONIAN

★★★★

"NOW EVERYONE CAN TOUCH THE NEWS!"
"...a striking visual and visceral impression."
WASHINGTON WEEKEND

★★★★

"ALL THE NEWS THAT'S FIT TO SEE."
"The Newseum is fun, fast, and informative."
THE TIMES, LONDON

★★★★

"A HOT SPOT FOR KIDS"
"Kids of all ages will find the Newseum a fun-filled day."
NBC NEWS

★★★★

"A MASTERPIECE!"
"This fancy and free journalism showcase is brassy and classy!"
THE WASHINGTON POST

★★★★

"EXTRA! EXTRA!"
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NEWSDAY

The place of the moment in the nation's capital is the Newseum, the world's only interactive museum of news. Find out why this museum is already being called a "must see" for visitors to Washington. The Newseum is the place to have hands-on fun and go behind the scenes to find out how news is made. Be a television newscaster and take the tape of your performance home. Try your hand at being an investigative reporter or newspaper editor, using interactive computer games. Watch a film in our state-of-the art domed theater and relive some of the greatest news stories of all time in the News History Gallery. It's all at the Newseum, just one Metro stop away from Washington.

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(continued from page 52)

national, regional, and local material straight from the Knight Ridder papers.

Sidewalk gives no news coverage of pro sports, but it is the easiest site for finding home-team schedules. It does stand out for its recreational sports listings, giving directions, for example, to a batting cage in the Twin Cities.

COMMUNITY RESOURCES

While community and volunteer resource listings have almost no revenue potential, two of the guides offer original editorial content in this category. The most comprehensive listings are at CitySearch. CitySearch Portland, for example, recently published a brief story on a 53-mile bike trek aimed at raising money for The American Diabetes Association. Each CitySearch site also offers readers a comprehensive list of local volunteer opportunities.

Fourteen of Cox's 20 CIMNet guides also devote original editorial content to community activities. Although less editorially robust than CitySearch, CIMNet has substantial listings of volunteer opportunities, and offers nonprofit organizations a way to publish their own websites for free.

Community events listings are sometimes available from Sidewalk. The "Community Connections" area of the Real Cities Philadelphia site, has just five event listings. While the site does offer free website services for nonprofit community groups, only 13 had taken advantage of the program as of late July.

The guide that most prides itself on virtual community interaction, Digital City, gives no special treatment to real-world community events. The Twin Cities event guide doesn't include community on its main menu, although the site does have a "WebGuide" with links to a handful of local community group websites. Aside from giving Digital City some claim to a local focus, the community listings are not very effective. Indeed, some Digital City attempts at fostering a virtual community are almost laughable. An offer to "hook up New Yorkers who share your passions" by joining a "cigar lounge" club led to an advertisement placed by a local dealer of hand-rolled Cuban cigars. ■

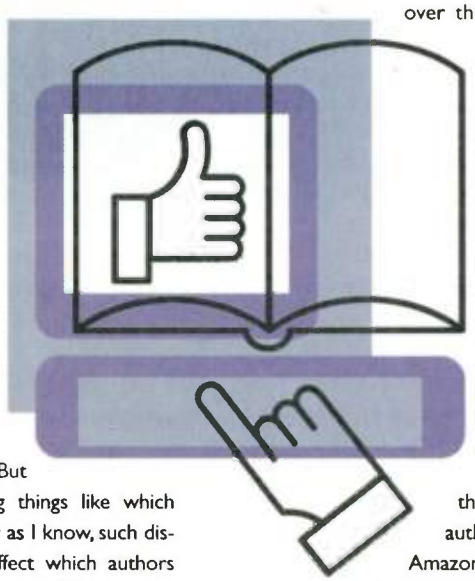
BOOKS

On-line Book Reviews: Know What You're Reading

On Amazon.com and barnesandnoble.com, positive book reviews almost always come first.

MOST BIBLIOPHILES WHO SHOP ON Amazon.com or barnesandnoble.com do so for the convenience. They can buy books without leaving their homes, and, if they need reading advice, the sites offer reviews just below the order forms. But on-line book shoppers should remember that both Amazon.com and barnesandnoble.com are trying to sell books; it is not in their interest to post bad reviews.

There are four distinct kinds of on-line book reviews. The first comes from the service itself. Both Amazon.com and barnesandnoble.com have merchandising teams that write reviews and edit reviews commissioned from freelancers. These reviews tend to read more like jacket copy than criticism and they always run at the top of the review listings so that shoppers will see them first. "We don't encourage our writers to review positively," says Amazon.com's book review editor, Rick Ayre. "But we are always discussing things like which authors people like. As far as I know, such discussions don't directly effect which authors people review." Ben Boyd, director of communications for barnesandnoble.com, says, "The merchandising teams are not pressured to promote a specific title. But if I was responsible for a page, then why would I feature a book that I don't like?"



Both sites also quote "third-party" reviews that come from mainstream newspapers and magazines like *The New York Times* and *The Atlantic Monthly*, and they are both positive and negative. In addition, Amazon.com publishes third-party reviews from publishing trade publications such as *Kirkus Reviews* and *Booklist*. Barnesandnoble.com also publishes *Kirkus Reviews*, as well as summaries from *The Reader's Catalog*, another trade publication. Trade publication reviews are generally more positive than their mainstream newspaper and magazine counterparts.

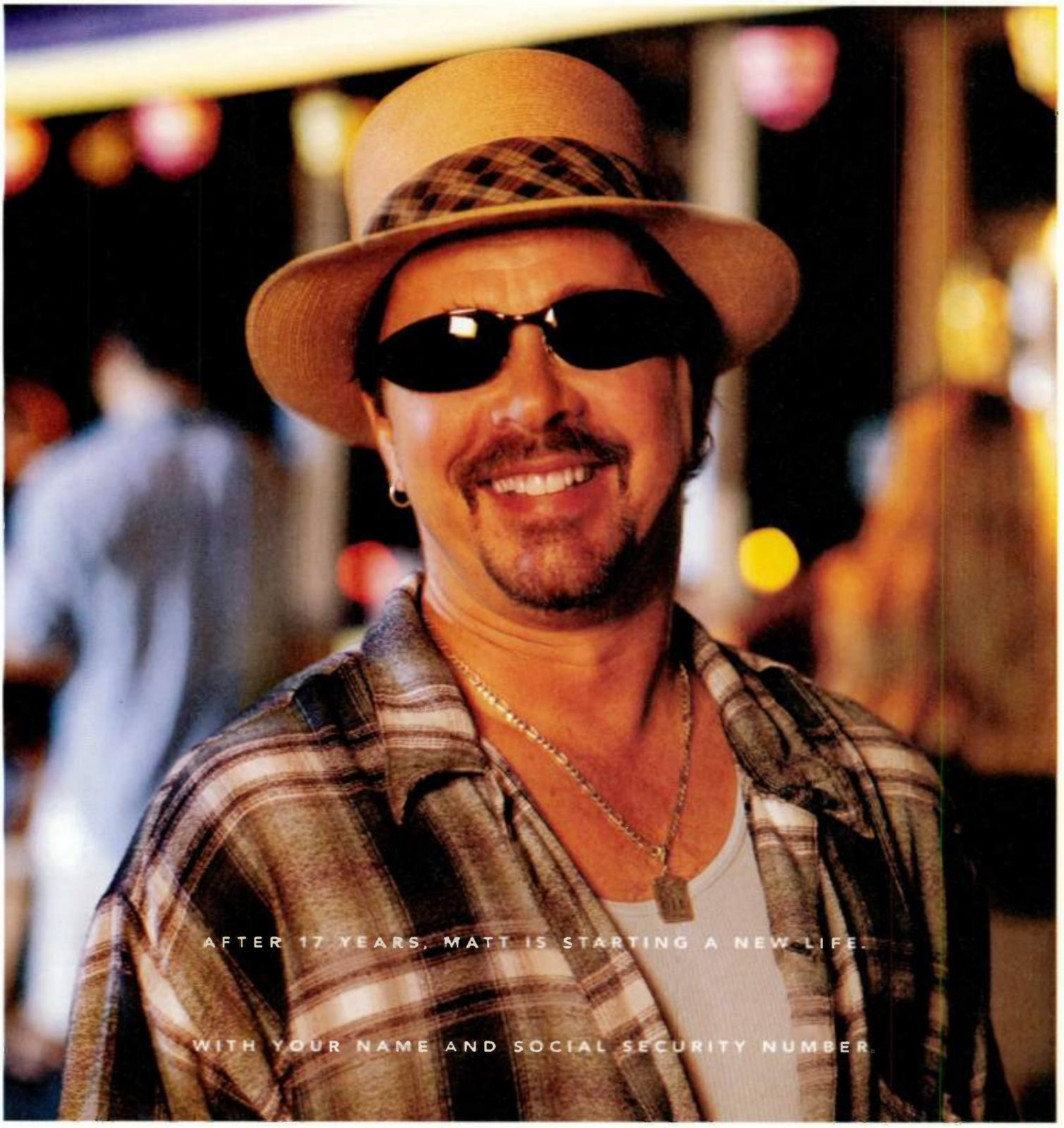
Is either service ever pressured to kill negative third-party reviews? Ayre says that Amazon.com has received a handful of calls over the last year from publishers or authors to complaining about negative reviews or the prominence of their display. But he says that the company will not remove or bury the reviews. Instead, Amazon.com encourages publishers or authors to write rebuttals in the reader response area.

The fourth kind of review is customer criticism. When are customer reviews removed? When they stray from discussing the book to trashing the book's author. Recently, for example, an Amazon.com customer wrote a biting commentary about journalist Michael Wolff and his new media memoir *Burn Rate;* Amazon killed it. "It wasn't a review of the book, but as another user pointed out, a review of the author," says Ayre, via e-mail. "More than one user complained about the vituperative nature of the personal attack." Otherwise, say virtual booksellers, negative customer reviews stay put.

—Rachel Lehmann-Haupt

ANDERS WENNGREN

(continued on page 56)



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Cruising With Sniffers, Phishers And Trojan Horses; How Secure Is AOL?

● BY MICHAEL KADISH

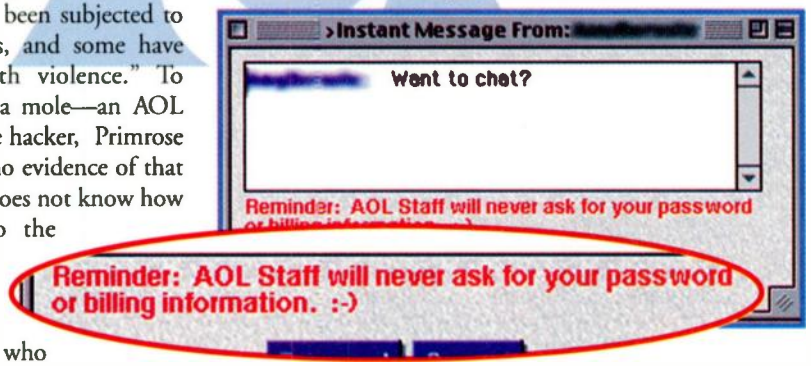
ON JUNE 29, AMERICA Online discovered that an account had been "compromised" (entered without authorization) by a "hacker." To make matters worse, the account belonged to an employee working with AOL's staff of "community leaders," the volunteers who monitor discussions in chat rooms. Once inside the account, the hacker found a list of "screen names," real names, and account numbers of 1,363 of the 12,000 AOL community leaders. The list quickly made its way into cyberspace.

AOL spokeswoman Tricia Primrose says she is unaware of any harassment resulting from the hack, despite a CNET News.com report that "some leaders say they have been subjected to harassing phone calls, and some have been threatened with violence." To CNET's report that a mole—an AOL employee— aided the hacker, Primrose responds, "We have no evidence of that at all. " She says she does not know how the hacker got into the staffer's account, but explains that AOL is now "adding more security" for staffers who oversee community leaders. (Note: *Brill's Content* hosts an area on AOL.)

If AOL's own employees and volunteers can fall victim to hackers, how secure are AOL's subscribers? AOL is the largest on-line service provider with 12.5 million subscribers and close to 10,000 employees. Because AOL is where many novices surf, it's also where many bad guys hunt. If users know what kind of hacks to be wary of, they can better protect themselves. Here are some of the most common scams.

SOCIAL ENGINEERING

Technologically sophisticated hackers (think Matthew Broderick in *War Games*) are rare on AOL. The danger for AOL's subscribers comes mainly from hackers who practice "the social-engineering hack"—so called because it relies on human behavior rather than on computer programming. Social-engineering hackers con others into divulging enough personal information for the hacker to take control of an account, after which they work their anonymous mischief, from engaging in obscene on-line behavior to spreading computer viruses.



AOL warns users never to give out a password, because it's "the key to your account."

One of the simpler social-engineering hacks is to use another person's personal information to convince AOL customer service representatives to reset that person's account password. Customer service is supposed to ask members seeking to change their password to give their name, billing address, phone number, and the last four digits of the credit card or checking account registered with the service. Recently, AOL started sending all password-change requests to a specially trained team of staffers who reinforce the policy.

In a notorious incident last year, a U.S. Navy investigator, posing as a friend of Navy sailor Timothy McVeigh, tricked AOL customer service into confirming that McVeigh was indeed the individual behind the screen name "BOYSRCH" who had described himself as gay in his member profile. McVeigh was tossed out of the Navy, but successfully sued for his retirement benefits and legal fees. AOL also agreed to pay him an undisclosed settlement.

In May, rock star Trent Reznor of the group Nine Inch Nails had his account hacked by a young woman from Georgia named Amber Appelbaum. She reportedly called AOL claiming to be Reznor's wife; once armed with the password, she used Reznor's credit card number to make calls. After the New Orleans Police Department arrested her, AOL created the special customer phone service to deal with password problems.

AOL tries to prevent its members from being hacked by posting advisories throughout the service and sending warning messages.

PHISHING AND CARDING

"Phishers" are hackers who send subscribers instant messages asking for passwords (catching a "phish"). They often pose as AOL employees. "It's always bogus," says AOL's Primrose, "AOL staff will never ask you for your password or billing information." Tatiana Gau, AOL's vice-president for integrity assurance, says, "people don't realize the password is the key to your account." Don't give it to anyone.

Phishers may also ask members for personal information—real name, hometown, phone number, etc.—that they can then use to convince AOL service representatives to reset that member's account passwords.

"Carders" use phishing techniques to get credit card numbers. Some carders and phishers even use programs that allow them to automatically trawl through chat rooms and send messages to hundreds of people in just a few minutes, according to David Cassell, founder of AOL Watch.

Michael Kadish is an assistant editor for Brill's Content.

CRACKING AND SNIFFING

The easiest way to "crack" passwords is to collect user names on-line by jumping from chat room to chat room and then to run a "dictionary attack"—usually a program that automatically plugs in thousands of words and/or numbers until it finds the correct password. The program is effective because many people concoct single-word passwords. "If you guess the top 25 female names you can get a 10 to 20 percent success rate," says on-line security expert Bill Cheswick of Bell Labs, Lucent Technologies Inc.

Even people in the tech industry get hacked this way. Last spring, Michelle Schoenung, a web editor at *NetGuide*, had her account hacked. She blames herself. "I was kind of an idiot because I had an easily cracked password. (Schoenung had used her ex-boyfriend's name, "Simon.") The hardest passwords to crack don't contain actual words; they are combinations of letters and numbers, i.e. R2D24EVA.

Password "sniffing" can be done by using a kind of computer wiretap that records the victim's keystrokes as he logs on to AOL. Called "keystroke recording" by AOL, this method is very difficult to detect. In general, the greater the number of computers and servers that data travels through, the greater the likelihood it can be sniffed. One common way to sniff a password is via a "Trojan Horse."

TROJAN HORSES

A "Trojan horse" is a file containing a hidden program, which upon activation automatically sends the user's password back to the hacker or causes some kind of prank, like erasing the computer's hard drive. It works something like this: A stranger offers to send, say, naked photos of Pamela and Tommy Lee. The victim accepts the offer and opens the file. By doing so, his account has been compromised. AOL has something called a "download sentry" that pops up when subscribers are about to download files. The sentry protects users by asking, "Do you know who sent this to you?" says AOL's Gau. "It's kind of like the real world; you'd tell your child, 'Don't take candy from a stranger.'" AOL has also started providing subscribers with a free 30-day trial of an anti-virus program that attempts to clean their hard drives.

AOL subscribers can learn more about potential scams at the keyword "neighborhood watch." Suspicious activity should be reported to keyword "notify AOL." Another source of information can be found at www.aol-watch.org, a website that tracks hacking on AOL. Above all, be cautious. "My advice to individuals," says Cheswick, "is cruise the Net as if someone were looking over their shoulder." ■

NEWS FEATURES

NEWS SITES AND INTERACTIVITY DON'T ALWAYS MIX

"PAULA GETS A NOSE JOB" PROCLAIMED THE *New York Post*'s July 19 page-one headline. Citing anonymous "sources," the story on page 5 said that the surgery had been performed by a New York plastic surgeon and that an anonymous donor "fronted" the payment. The report soon appeared in the *Los Angeles Times*, *Time*, and The Associated Press, among others.

One of the most creative spin-offs surfaced on July 22 on the front page of the ABCNEWS.com website. "Pin the Nose on Paula" (www.abcnews.com/sections/us/DailyNews/jonesnose980720.html) features a beaming Jones (her old nose firmly in place) framed by five choices: "The Bill," "The Hill," "The Tripp," "The Starr," and "The Monica." Clicking on any one of these will seamlessly graft the nose of a Lewinsky scandal figure onto Jones's face.

Other on-line news outlets didn't find the page very amusing, however. "I just looked at it, and, dear God, this one really crosses the line if you're a legitimate news organization," says Jim Schulte, editor of USA Today Online. Echoes Scott Ehrlich, executive producer of Fox News Online: "Having fun is not necessarily inappropriate. Taking editorial liberties with a game on a news site blurs a line you shouldn't blur."

When asked about the feature, ABCNEWS.com vice-president and executive in charge Jeff Gralnick responds, "We carefully evaluate whether text, video, audio, or interactive features are the best method to distribute the news. We also recognize there is room inside news for a sense of humor."

In fact, many news websites (including ABCNEWS.com) are using a variety of creative interactive tools, including maps and timelines, to walk their readers through news stories. Among the better offerings:

•During the early days of the Lewinsky scandal, MSNBC offered a world map with entertaining pop-up quotes about the situation from foreign newspapers.

•CNN.com features a world map where users click on a country to see its record on nuclear testing. (www.cnn.com/SPECIALS/1998/06/ground.zero/)

•An MSNBC feature highlights U.S. forces in the Persian Gulf. Users can click on "air," "land," "sea," or "troops" to view 25 photos and descriptions of the forces. (www.msnbc.com/modules/gulf/default.asp)

ABCNEWS.com's feature on Paula Jones.

•At ABCNEWS.com, a page called "Baghdad's War Machine," helps the reader locate Iraq's various weapons facilities. (www.abcnews.com/sections/world/DailyNews/iraq1113_iraqweps.html)

Not all of the good interactive features are tied to ongoing news stories. A Fox News Online story on Cochlear implants for the hearing-impaired features audio samples of how a person might hear before and after the implants. (www.foxnews.com/health/features/cochlear/storyindex.sml)

Interactive features are "a way to condense information in one place," says John Hashimoto, senior editor of special projects for CNN Interactive. "But we don't want to interrupt our core goal—delivering the news. There are some truly extraordinary things about [interactivity]. The challenge is to find the right uses."—*by Kimberly Conniff*

(continued on page 58)

GAMES PEOPLE PLAY

Video gaming magazines are sometimes no more than hype.

● BY NOAH ROBISCHON AND JESSICA SHATTUCK

THE AMERICAN APPETITE for video games seems insatiable. It's no wonder: an estimated 30 million gaming consoles—Sony PlayStation, Nintendo 64, and Sega Saturn—are currently in use; then there are CD-ROM games, Internet games, and Nintendo's GameBoy. Sales of video game software reached $5.1 billion in 1997, according to the International Digital Software Association. With at least 1,500 new gaming titles coming to the market each year, gamers face a baffling set of choices. Seeking to help them decide what to buy next are at least 23 computer gaming monthlies and dozens of web publications.

For novice gamers, figuring out which magazine will best help them choose a new game is a challenge. On the newsstand alone, the owner of a new PlayStation console, for example, will find *Official U.S. Playstation Magazine*, *PSM: 100% independent PlayStation Magazine*, and *PS Extreme*. Reviews form the core of these magazines, the reason that people buy them. But which magazines offer reviews that readers can trust, and which are little more than glossy hype?

The distinction is sometimes hard to discern because the magazines' survival is dependent on the success of the gaming industry. Positive reviews create early demand for a new game and help retail stores decide how much shelf space to give it (positive reviews are also excerpted in magazine ads and on posters). Conversely, one negative review in a respected magazine can tailspin a game into the bargain bin.

With this in mind, software makers attempt to entice reviewers with comeons that range from simple product freebies to elaborate fantasy junkets. NovaLogic, which distributes *Armored Fist II*, a tank simulation game, shipped reporters to a California boot camp in the summer of 1997 to test drive a genuine M-1 tank. While the junkets do not guarantee positive reviews, they do assure coverage.

Sometimes, software makers or sellers go straight to the public with their own promotional magazines. There's nothing wrong with that, of course, but those titles often look a lot like independent publications.

To understand the confusing choices, consider the three Playstation magazines mentioned above. All gave positive reviews to *Forsaken*, a futuristic action game. However, *PSM*, published by Imagine Media, Inc., and *PS Extreme*, by Dimension Publishing, Inc., warned that the button action on the controls didn't always translate instantly to the screen. By contrast, *Official U.S. PlayStation Magazine*, published by Ziff-Davis, Inc., gave the game "high marks for control." The difference may lie in the relationship *Official U.S. PlayStation* has with Sony Computer Entertainment, America, which manufacturers PlayStation. *Official U.S. PlayStation* won a six-figure (neither company would divulge the exact amount) bidding war to use the words "official" and "PlayStation" in its title, a licensing agreement that gives the magazine an added interest in Sony's success. Each issue includes a sample CD-ROM of soon-to-be-released games. Not surprisingly, the "official" magazine comes at a higher cover price, $7.99, $3 more than its competitors.

Owners of the Nintendo 64 game console have just two magazine options

ANDERS WENNGREN

Jessica Shattuck was a game reviews and features editor at ComputerLife. *Noah Robischon is a senior writer at the magazine.*

and neither is very good. *Q64*, a quarterly magazine from Dimension Publishing, gives just one game in the entire summer issue a score of less than six on a scale of ten. *Q64* is an unofficial magazine, with no contractual ties to Nintendo. The official magazine, *Nintendo Power*, is actually published by Nintendo and is little more than a free catalogue. Nintendo 64 owners are better off reading a magazine like *Electronic Gaming Monthly* that covers all three gaming consoles (Sony PlayStation, Nintendo 64, and Sega Saturn).

Consider how different magazines reviewed *Mike Piazza's StrikeZone*, a baseball simulation game. The July issue of *Electronic Gaming Monthly* gave a quick, clear explanation of why *StrikeZone* is terrible ("so amateurish that it could almost be mistaken as a bad 16-Bit game"). But *Q64*, the unofficial Nintendo magazine, gave *Mike Piazza's StrikeZone* its version of a gentleman's C, rating it a six out of ten and calling it "a solid entry into the Nintendo 64 sports arena."

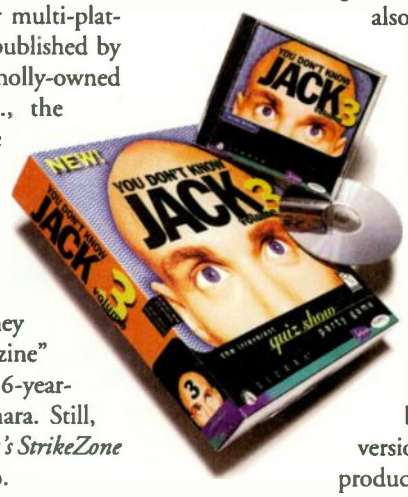
A minor drawback to *Electronic Gaming Monthly*, Ziff-Davis's best-selling gaming publication (circulation: 375,000), is its emphasis on previews. The problem is that previews are usually based on incomplete versions of the games, giving creators the ability to highlight the good—and skirt the bad—aspects of the final product. As a result, the write-ups tend to hype the games. In EGM's July issue, there were 31 pages of previews compared to just seven pages of reviews of games currently on the market. Most gaming magazines tend to offer a more equal balance.

Game Buyer, published by Imagine Media, puts its reviews up front, before the previews. It's review of *Mike Piazza's StrikeZone*: "Don't buy it." The weakness here is that the article wasn't printed until the month after the game was released—too late for readers who had already purchased the game.

Next Generation, an Imagine Media monthly, also covers all gaming platforms except for Sega Saturn, and tries to appeal equally to industry insiders and casual game players. The reviews are quick and accessible (*Mike Piazza's StrikeZone* got one star out of a possible five). What really sets *Next Generation* apart from its competitors are its feature stories, which are geared more toward adults. Every issue, for example, has at least one article analyzing the gaming industry.

GamePro, among the most popular multi-platform gaming magazines (circulation: 468,992—93,993 more than *Wired* magazine), tends to hype every game it reviews and fails to review games that other publications pan (such as Mike Piazza's *StrikeZone*). "I can't say that we hype games more than any of the other magazines," says editor in chief Wes Nihei. "But I do think we try to convey the excitement of the creative aspects of the video game business." He calls *StrikeZone* "awful" and says he decided not to run a negative review of it to make room for reviews of good games.

Game Informer, another multi-platform gaming magazine, is published by Sunrise Publications, a wholly-owned subsidiary of Funco, Inc., the video game and hardware retailer. The magazine was conceived as a vehicle for Funco ads (which ran alongside gaming articles) until someone realized that "instead of having ads they could have their own magazine" and earn ad revenue, says 26-year-old editor Andrew McNamara. Still, it's not all hype. *Mike Piazza's StrikeZone* was rated just 4.25 out of 10.



The distributor of *You Don't Know Jack* also publishes *Interaction Magazine*.

Game Buyer, *Next Generation*, *GamePro*, and *Game Informer* include reviews of games that run on home PCs. There are also four major PC-only titles on the newsstand: *Computer Gaming World*, *PC Gamer*, *Computer Game Strategy Plus*, and *PC Games*. Based on the most recent U.S. newsstand and subscription figures, Imagine Media's *PC Gamer* is the country's number one title with 257,509 in circulation, compared to *CGW*'s 230,772, and *PC Games's* 153,470.

We conducted an unscientific poll of 12 video game reviewers and found that *Computer Gaming World* was the most respected of the three titles. The magazine's editor in chief, Johnny Wilson, got particularly high marks for his coverage of the industry (he's been reviewing video games for 16 years), and the magazine is widely read by industry professionals. *PC Gamer*'s review scores often matched those in *Computer Gaming World*, but the reviews in *Computer Gaming World* sometimes used more technical jargon.

Hardware reviews are another distinguishing feature of PC gaming magazines. Hard-core game players will want to have a monitor with .26 mm dot pitch, a 3D accelerator board and maybe even a ThrustMaster F-22 Pro flight stick. Everyone else will want a magazine that explains what these things are. Too bad none of the three PC magazines do; only *PC Gamer* has a "Tech Q&A" page.

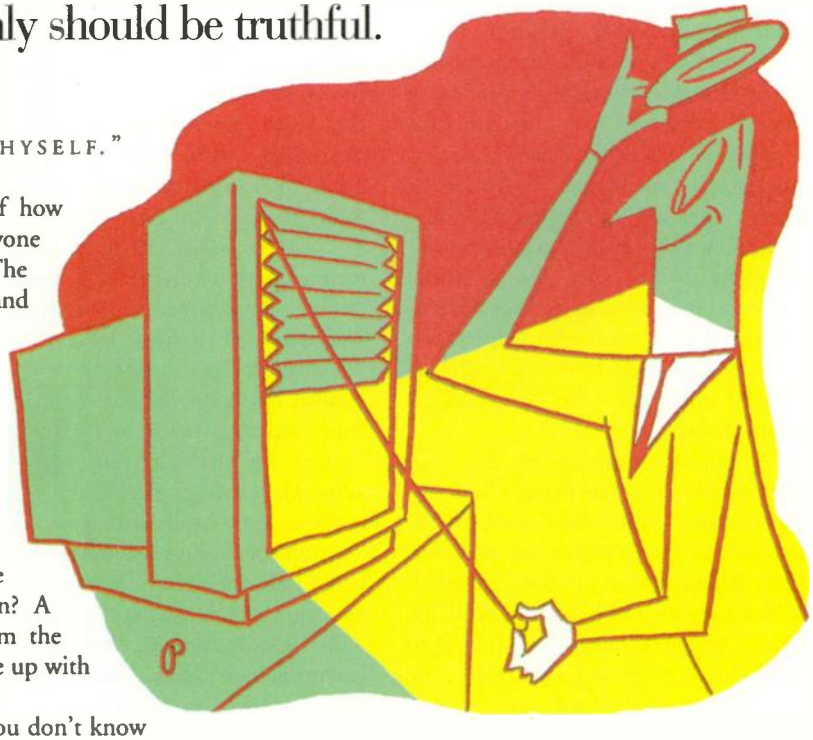
Computer Games Strategy Plus occupies a worthwhile niche among PC gaming magazines with its emphasis on strategy, role playing, and simulation games. It is owned by Yale Brozen, who also owns Chips & Bits Inc., a Vermont-based mail-order electronic entertainment store. Although the magazine is strong, the corresponding website tends to blur the line between editorial content and the retail store. For example, the July issue of the on-line version of the magazine has a good feature explaining what 3D accelerators are, and why a player would want one. At the bottom of the page of the on-line version of this feature, each of the products mentioned in the article can be purchased from Chips & Bits. Linking reviews with the option to buy a product is not uncommon in on-line versions of gaming magazines; the difference is that other magazines aren't owned by the shop that sells the products.

The weakest PC gaming title is *InterAction Magazine*, published and given away by Sierra On-Line, Inc. The company is best known for distributing such PC games as the trivia series *You Don't Know Jack*. What influence the magazine has on the company's game sales is unclear. But the intention is evident right on the box of Sierra's latest release, *Cyberstorm 2: Corp Wars*. It includes a sticker touting it as a four-and-a-half (out of five) star game—as reviewed by *InterAction Magazine*. The publisher of *InterAction Magazine*, Brandon Potter, admits that this was a mistake and says, "You'll never see that again." ■

STEVE WISBAUER

Virtually Honest

Questions asked in the digital world need not always be answered, but if they are, those answers certainly should be truthful.



"LOVE THY NEIGHBOR AS THYSELF."

"One man, one vote."

The first is an idealistic view of how human beings should behave. If everyone loved everyone, all would be well. The second, now updated to include women and minorities—people such as me, Margaret Thatcher, and Colin Powell—explains how democracy *should* work. If everyone voted, and each person's vote counted the same, all would be fair.

Each of these statements is simple and powerful. If everyone followed them, humanity and government would be close to perfect. So what about cyberspace? Is there an on-line equivalent that could foster digital perfection? A friend and I were noodling over this problem the other evening. As a sometime journalist, I came up with "Disclose thyself."

After all, things are murky on the Net if you don't know who people are. On the Net, you don't exist unless you make explicit note of your presence. No one can see you if all you do is watch—or even love. You have to be more active; you have to declare yourself. Take this as an extension of the guiding principle of journalism: Disclose. We believe in disclosure both for what we write about, and for ourselves.

My friend, David Johnson, the founder of Counsel Connect (disclosure: a former Brill property) who was recently described by *The New York Times* as a lawyer-philosopher, reminded me of my commitment to privacy (as I expressed it in last month's issue). After all, in real life we don't traipse around naked. We don't (normally) wear name tags as we walk down the street. We consider things in private before we make decisions. We keep our private lives (mostly) private.

How can we find the happy medium between disclosure and prying, between transparency and overexposure? The last thing we want is a law that requires everyone to disclose everything: vested interests, negotiating strategies, intentions, bank accounts, marital status, whatever. Not only is that not practical, it's not desirable. Nor is a carefully worded law that describes specific exemptions: salaries for those making less than $50,000, bankruptcies after ten years, age above 65…

How can we instead devise a rule that fits the Net's best qualities: decentralization, self-enforcement, flexibility, and responsiveness to individual choices? The idea is to create a culture that *expects* disclosure, rather than a legal regime that requires it. People could decide how much they want to play and others can decide whether or not to play with them. But for a healthy society, there has to be a high overall level of buy-in.

This rule, then, is slightly more complex than the first two, but still pretty general: "Do ask; don't lie."

No, it was not just the wine, or the Aspen altitude. This rule actually holds up pretty well. Let's deconstruct it.

First, it works two ways. It's not for an individual; it's for an interaction. The first person has to ask; the second person should answer truthfully—or refuse to answer.

It drives the responsibility for requiring disclosure to where it belongs—to those most likely to be affected by the

PHIL MARDEN

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disclosure. It decentralizes the requirement and the enforcement to everyone, instead of leaving it in the hands of a few at the top. (That's an awkward use of "requirement," but we don't even have a word for "decentralized command.")

Note too that "do ask" doesn't mean to ask only of the person disclosing; it can also mean asking third parties. "Is Joe trustworthy? Does he pay his bills?" "Is Alice objective, or does she have some vested interest in the products she's recommending?"

As an individual, you are not required to answer; you may, after all, want to protect your own privacy or someone else's. But if you do answer, you must do so truthfully.

Then it's up to the people with whom you're communicating to decide whether to engage—in conversation, in a transaction, in whatever kind of interaction they may be contemplating. The magic of "Do ask; don't lie" is that the parties to any particular interaction can make a specific, local decision about what level of disclosure is appropriate. People who upset this balance—habitual liars, for instance—don't get lied *about* and earn the reputation they deserve.

That helps deal with some of the unique challenges of cyberspace. In the physical world, people are already present. Like it or not, they declare themselves. Their challenge is to hide themselves rather than to reveal themselves. Yet, beyond their physical beings they also declare themselves—through their choice of clothing, where they live, with whom they associate.

By contrast, people in cyberspace are shadowy. That means you have to be more explicit in cyberspace. You can't really exist—or be a member of a community—without actively declaring your presence. In cyberspace, we need to foster greater visibility, so that people will feel comfortable interacting with other people. You don't necessarily need to know who someone is, but knowing their credentials or suitability in a particular context helps you evaluate the dialogue.

What you need to know will vary from situation to situation. You might think that all this asking and telling could become a little tiresome. That's true. But there's a remedy. Just as people form companies to avoid having to negotiate working conditions and other terms and conditions with their counterparts, so will people in cyberspace form communities for more or less the same reasons. Terms and conditions of relationships, assumptions about behavior, many of the things you might want to know about someone before interacting with him—all of these can be incorporated by reference as context rather than contract. The "Do ask; don't lie" routine is probably most thorough at the time a person joins a community, and then can be ignored most of the time. People who flout the rules don't simply get asked about; they get *talked* about—and drummed out of the community if they misbehave too badly.

What we need to help this rule prosper is a parable that makes it seem concrete and relevant. In fact, a real-world illustration of it is staring us in the face in the U.S.: the saga of President Clinton. It's clear to me that most people don't really want to ask Bill Clinton about his sex life. But if he's asked by those with the standing to do so, they don't want him to lie. ■

Lynching A Dead Man

A car accident killed Dr. Michael Gerber. *Time*'s insinuations that he faked his own death destroyed his reputation. ● BY NICHOLAS VARCHAVER

THE IDEA OF A few days out of New Orleans must have felt comforting to Dr. Michael Gerber. Life seemed to be rapidly closing in around the widely respected liver specialist early in the fall of 1997, according to friends and colleagues. Gerber, the head of the pathology department at Tulane University School of Medicine, had watched as a former friend, an associate professor in his department who had recently left after a tenure dispute, launched a series of attacks against him. The doctor, Aizenhawar Marrogi, had sued Gerber for not approving his grant application. After that case was quickly dismissed, Marrogi struck again, charging both Gerber and Tulane with a variety of financial improprieties. Compounding Gerber's woes, the Internal Revenue Service had begun poking into his personal and professional finances.

Time's article wouldn't let the Gerbers (top) rest in peace.

Taking a break from all of the turmoil, he and his wife accompanied their 21-year-old daughter to her college in Pennsylvania. The family headed north up Interstate 75 in the Volvo 740 that Gerber had bought for his daughter. Outside Chattanooga, with his back bothering him, Gerber handed the driving duties to his daughter.

Somewhere near the small town of Athens, Tennessee, on a sunny and dry October day, Gerber's daughter, driving at a speed near 70 miles per hour, apparently dozed for just a few seconds, long enough for her to drift onto the left shoulder. "She panicked and slapped her brakes," says Mark Stephens, who was driving his 18-wheeler directly behind her. The car went into a skid, he says, and when the young Gerber overcorrected the steering wheel, the Volvo careened back to the right, off the road, flying over a ditch, and coming to rest on an embankment. The car's two left tires were left suspended in the air, its right side crumpled around a pine tree.

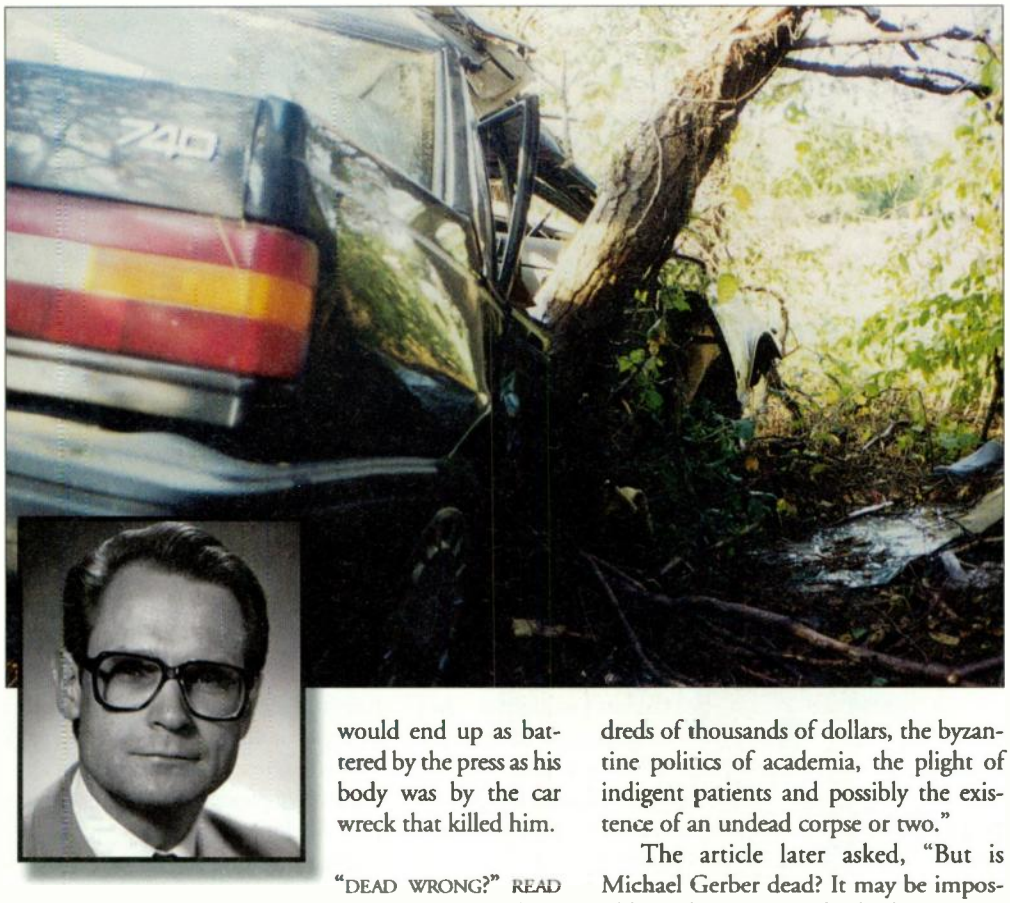
Gerber, 57, and his wife Luviminda, 58, died from what the local medical examiner later termed "multiple trauma." The right side of the Volvo was so badly mangled that the Tennessee authorities had to bring in a "jaws of life" to remove Mrs. Gerber's body. But the auto damage had been confined to the right side. The Gerbers' daughter was untouched, though far from all right. "She was beside herself," says Stephens. "People were having to hold her just to keep her upright." The medical examiner, who arrived within an hour of the crash, checked her into a hospital for observation.

Within days, the procedures and rituals that accompany death were completed. Organs were removed from the Gerbers for donation, the medical examiner filed his report, and family members held a small private service before the Gerbers' bodies were cremated. *The New Orleans Times-Picayune*, the Gerbers' hometown paper, paid tribute to the couple, devoting most of its article to an impressive list of the doctor's credentials.

But the respectful obituary, the traditional press marker of a life's termination, represented anything but the end of Michael Gerber's voyage through the media grinder. In death he would receive the sort of treatment generally reserved for crooked politicians and other scoundrels. Slightly more than two weeks after Gerber's death, the roughly 4 million paying readers of *Time* magazine—as well as the millions of readers of newspapers that ran stories based on the magazine's charges—were treated to a load of innuendo and second-hand information to the effect that Gerber was such a scam artist that he might have pulled the ultimate con: faking his own death to cover up his financial chicanery.

While the allegations about financial skulduggery could yet prove true—accusations that are not the focus of this story and that Tulane officials vigorously deny—it doesn't absolve *Time* of its sensationalistic embrace of a Gerber family conspiracy. First-hand reporting would have revealed the charge to be totally without merit. Instead, thanks to the *Time* article, Gerber's reputation

Senior writer Nicholas Varchaver wrote in the September issue about a gynecologist's libel case against The News Journal *in Delaware.*



The Volvo, post-accident: Dr. Gerber (inset) died of multiple trauma.

would end up as battered by the press as his body was by the car wreck that killed him.

"DEAD WRONG?" READ the *Time* headline, which appeared on Monday, October 27, 1997. The subhead added: "The IRS swoops down on a prestigious university to examine an allegedly colossal fraud scheme and a mysterious accident involving a top pathologist." The 1,505-word, two-page article mixed discussion of Gerber's death with Marrogi's charges of the financial wrongdoing allegedly committed both by Gerber in conjunction with Tulane and by Gerber *against* Tulane. Although those charges made up the majority of the article, the supposedly mysterious deaths dominated key parts: the headline, the opening two paragraphs, and the final 16 sentences.

The article never explicitly stated that Gerber was still alive, but raised the possibility enough times to create the impression that there were serious questions on that count. "Death and taxes, as the saying goes, are life's certainties," the article began. "But, so far, their conjunction has only produced mystery as the IRS investigates the department of pathology at Tulane University's medical school. It is a mystery involving hundreds of thousands of dollars, the byzantine politics of academia, the plight of indigent patients and possibly the existence of an undead corpse or two."

The article later asked, "But is Michael Gerber dead? It may be impossible to know since the body was cremated before anyone outside the family could identify it. At least two private investigators as well as the IRS are looking into the accident. His daughter, who could not be reached for comment, identified those bodies as those of her parents. Nevertheless, Marrogi and his lawyers...say they have tantalizing clues that Gerber could still be alive."

Time then piled on a mound of circumstantial evidence to cast doubts that the bodies cremated were the two Gerbers. "Forget about death," the article concluded. "The only sure thing in life is taxes."

Time's faked-death scenario, though, was fatally flawed. Most of the pieces of information in it came from the investigator for Gerber's nemesis, Marrogi. But *Time* correspondent William Dowell, who reported and wrote the article, did not check the investigator's assertions with their original sources. If the information obtained by the investigator, Ted Hembree, had been rock solid, Dowell's reportorial lapse might have been easy to overlook. Virtually every "fact" that Dowell attributed to Hembree, however, would crumble within days of his article's appearance.

FOR EXAMPLE, DOWELL WROTE that Helen Taylor, the director of the crematorium where the Gerbers' remains were incinerated, "found a hip socket and joint-replacement apparatus when she raked the bones out after the cremation. Neither Michael Gerber nor his wife was known to have had hip-replacement surgery." A scintillating detail for sure, but one that unfortunately isn't true. "I don't know how he [the investigator] came up with such a thing," says Taylor. who was not interviewed by *Time*.

She says she showed Hembree around the crematorium at his request. Lying on a table was a hip replacement apparatus that remained after a completely unrelated cremation. "He just misquoted me is what he did," she says. (Hembree declined to speak to *Brill's Content*, citing his client's wishes. But in deposition testimony he gave in the Marrogi-inspired litigation, in which he details his investigation, Hembree made no mention of a hip replacement apparatus.)

Taylor dismisses any notion that the cremated remains were not those of the Gerbers. "The family viewed the bodies for four hours," she says. "They had the service there [in the funeral home]. They were laid right there for them to see."

The article also cited her husband, William Taylor, who transports bodies for the crematorium. *Time* noted that William Taylor had told Hembree that the body of Mrs. Gerber, who was 58 when she died, looked like the body of a woman in her thirties. In addition, the woman's body was "about the same height as the male victim" even though Mrs. Gerber was "about a half-foot shorter than Gerber."

Yet if Dowell had consulted the medical examiner's report instead of accepting a second-hand version of a hearse driver's passing observations, he would have noted that the bodies had been measured in the medical exam. Dr. Gerber's body, according to the reports, was eight inches taller than his wife's.

Even if these second-hand assertions had turned out to be true—which they

ALVIN SHOEMAKER (CRASH); NEW ORLEANS TIMES-PICAYUNE (GERBER)

did not—*Time*'s insinuations required a leap of faith. You had to believe that Gerber's daughter was a professional-level stunt driver who could intentionally stage a dramatic accident at 70 miles an hour that would total the car without injuring her in the least. You also had to believe that somehow she had gotten a hold of two corpses (which would make her a thief) or two live people who then died in the accident (which would make her a murderer), all in her effort to abet her father's fraud. When asked how the switch could have taken place, Dowell says, "Well, I mean, you've got a pathology professor who has access to dead bodies." As for how Gerber or his daughter could have stolen bodies from Tulane without anybody knowing it—after all, hospitals keep records of dead bodies, and somebody would probably have noticed the missing bodies in the two weeks between the car accident and *Time*'s deadline—Dowell says, "I don't know."

If he had read the medical examiner's reports for both Gerbers, Dowell would have seen that a box is checked off in each noting the absence of rigor mortis, which strongly suggests a fresh corpse. And if he'd spoken to Dr. William Foree, the medical examiner, he would have learned that the bodies were still warm when Foree arrived at the scene of the accident.

THOSE FACTUAL INCONSISTENCIES didn't seem to matter. *Time*'s editors had a juicy story. So the day before the article appeared on newsstands, *Time* sent out a press release that led with the faked-death angle. That night, The Associated Press put a story out on the wire. The AP article was more tempered than the original *Time* story, but was based almost entirely on *Time*'s reporting. The first sentence, which would be reprinted word for word in newspapers across the country, announced: "The Internal Revenue Service is investigating the possibility that Tulane Medical School's former pathology chief may have stolen thousands of dollars before faking his own death, *Time* reported."

In the next two days, versions of that article appeared in the *Los Angeles Times*, *Chicago Sun-Times*, *The Atlanta Journal-Constitution*, *The Baltimore Sun*, and *The Fresno Bee*, as well as in other papers. Some, such as *The Orlando Sentinel*, included comments from Tulane officials denying the various accusations. Others, such as the *Los Angeles Times*, didn't bother.

Some of the accounts got even more attenuated—and inaccurate—as writers, with no knowledge of the actual facts of the case, put their own spin on the story. That syndrome was on display in a spot aired nationally on *The Osgood File*, by CBS radio reporter Charles Osgood. Osgood, who specializes in whimsical slices-of-life, says he was attracted to this darker tale because it "seemed to be almost like a novel." His report started with the Gerbers' daughter's account of the car accident. But then the script noted, archly, "At least that's what she told police," implying that the daughter had lied to the authorities. And the concerns about a fake death were now referred to as "a growing suspicion," as if there were a groundswell of support for this theory.

The basis for Osgood's ominous words: the wire story. "In the re-writing," he says, "I will not add facts, but I will add a point of view." When it's suggested that there were factual problems with the underlying *Time* article, Osgood responds, "We might have done an injustice to [the Gerbers' daughter]."

THE COVERAGE, NEEDLESS TO SAY, infuriated friends and family of the Gerbers. "It was just absolutely horrible," says Barbara Riley, one of Michael Gerber's two sisters. The family considered filing a libel suit, she says, but decided not to because Gerber's daughter was opposed. "She was in such horrible shape that she said she didn't want a lawsuit," says Riley. (Through the family, the Gerbers' daughter declined to be interviewed.)

Gerber's friends, meanwhile, were stupefied by the charges. "Among those of us who knew him, none of us could believe the story," says Dr. Laurence Alpert, the chief of laboratories and nuclear medicine at Northern Westchester Hospital in Mt. Kisco, New York. Dr. Stephen Geller, who heads the department of pathology and laboratory medicine at Cedars-Sinai Medical Center in Los Angeles, agrees: "I was incredulous. It just didn't sound like the same person."

Tulane officials were livid. "I can't tell you how angry it made me," says John LaRosa, the medical center's chancellor. "I mean, I just couldn't believe it....Can you imagine what that family went through?" he says. "I mean, those poor people weren't even cold in the ground and then this awful business comes out."

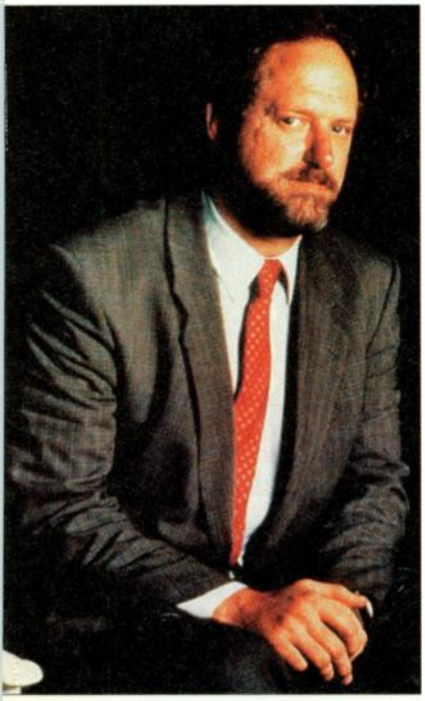
Instead of stewing, Tulane officials took action. They hired a high-profile New York lawyer, Andrew Levander, a former federal prosecutor, to investigate the allegations in the article so that Tulane could formulate an official response. Within days of the *Time* article, Levander and a colleague flew to New Orleans and began looking into the allegations of both the financial misconduct and of the faked death.

By that time, at least one newspaper had begun questioning *Time*'s story. One day after the article appeared, the *Times-Picayune* ran an article titled "Hoax Theory Shaky in Professor's Death." In the article, private investigator Ted Hembree was cited saying that the crematorium's director had recanted and told him that no hip-replacement apparatus had ever been found among the cremated remains of the Gerbers.

And Levander's investigation for Tulane revealed that even some people quoted accurately by Hembree and *Time* didn't think there was much of a mystery. Fred Adomat, an undertaker described by *Time* as asserting that a photo of Michael Gerber did not resemble his corpse, said

Thanks to *Time*, Gerber's reputation would end up as battered by the press as his body was by the car wreck that killed him.

he'd changed his mind once he'd seen the different photograph published by *Time*. Adomat, who notes that he was never approached by *Time*, says now that he thinks Hembree showed him a bad picture. "At this point," Adomat says, "I'm satisfied that that it was Michael Gerber based on the picture that came out in *Time*." ("What the story says is that when he was shown the picture, that's what he said," says *Time*'s Dowell. "That line is still not wrong.")



Time writer William Dowell: He insists the death-faking angle was a minor part in the story.

After Levander had finished his investigation, he submitted the results to Tulane. Medical center chancellor LaRosa used them to draft a blistering four-and-a-half page letter to *Time* managing editor Walter Isaacson. In the meantime, Levander had called Robin Bierstedt, deputy general counsel at Time Inc., while Eamon Kelly, then the president of Tulane University, also spoke with Isaacson.

The two sides agreed to meet on November 5, 1997. Levander and his law partner, representing Tulane, trooped over to the headquarters of Time Inc. in midtown Manhattan. There they gathered in a conference room with a group from *Time*: Dowell, the writer of the article; Howard Chua-Eoan, the assistant managing editor who had edited it; and Bierstedt, the Time Inc. lawyer.

The meeting turned contentious almost immediately. You did not do your homework, Levander barked at the reporter, blasting the article's contention that Gerber had faked his death. The article wasn't about the death, Dowell retorted, it was about the financial scandal. When Dowell said that, Levander recalls, "I just went nuts."

"'That's preposterous,'" Levander recalls saying. He challenged Dowell to walk with him into the hall and show the article to any ten *Time* staffers. Let's ask them what they think the article is about, Levander argued. But Dowell defended the article, and the two went back and forth for another half hour, trading charges as the other three watched mostly in silence.

Although the meeting didn't resolve the dispute, Time Inc.'s Bierstedt says that wasn't its purpose. "The main point of the meeting, from *Time*'s perspective, was to hear Tulane's side." And, as it happens, each side left believing its views had prevailed. "[Levander] just fell apart, basically," Dowell asserts.

The next day, November 6, Levander shot off a revised, shorter letter. *Time* edited it, but Levander balked at this version, which he considered completely toothless. The two sides traded calls over a period of days before finally agreeing on what qualifies in *Time* as a long letter—390 words, less than a quarter of the original letter. It was tenth out of 17 letters in the issue that appeared November 17, 1997.

"Here are the facts," the letter noted. "Dr. Gerber and his wife are dead. Ten people, including nine family members, identified the bodies before cremation. No hip-replacement device was found in the crematorium. The medical examiner states that the Gerbers' bodies match premortem photos of the couple....No evidence of a life-style insupportable by Dr. Gerber's income has been found. The article greatly exaggerated the cost of Dr. Gerber's home. Medical-center accounting records reflected all of Dr. Gerber's professional financial transactions. None were found to be out of the ordinary. No Internal Revenue Service investigation of Tulane took place, although an IRS investigation of Dr. Gerber was undertaken, with which Tulane fully cooperated." *Time* "smeared the reputation of an outstanding physician, traumatized his grieving family and insulted a major academic center. In short," the letter concluded, "your article was dead wrong." The letter ran without any comment—either in the way of a defense or a retraction—from *Time*.

ALMOST A YEAR AFTER "DEAD WRONG?" appeared, *Time* seems to offer mixed messages about the article. Managing editor Isaacson doesn't exactly rise to its defense. "I was not around that week," he says. Asked why the magazine didn't run a correction, Isaacson says, "I don't think [Tulane] demanded one," adding that the university's president was satisfied with the letter. James Kelly, *Time*'s deputy managing editor, who was at the helm during Isaacson's absence, says he has only a general recollection of the editing process. "I thought [the story] was real interesting and told the editor and lawyer to make sure it was all vetted," he says.

Chua-Eoan, who edited the story, says, "I believe in the story as written." "We did go over that story quite in detail," he adds, "especially over the financial parts. I did ask many questions about the accident." He says the article went through numerous revisions and was scrutinized by *Time* lawyers. "We had long meetings," Chua-Eoan recalls, in which he says he grilled Dowell on his sources. In each case, he says, he and the lawyers were satisfied with the answers.

Would this article have been published in *Time* if there had been just allegations about financial wrongdoing and no tantalizing mystery about the Gerbers' deaths? Yes, maintains Chua-Eoan, although he and Dowell recall that the story wasn't assigned until after Gerber's death. "Certainly Tulane is sort of the Harvard of the South," says Chua-Eoan. "So anything that involves it is important. Certainly the mystery of the death made it a lot more attractive. At least it was an easier way of telling the story."

Chua-Eoan, who notes that he has not had an opportunity to refresh his memory about the article, did seem vague on one key point. Asked whether he had any concerns about relying overwhelmingly on one biased source—investigator Hembree—for the account of the "mysterious death," Chua-Eoan responds, "I know we mentioned a second investigator on it. And I know I asked Bill [Dowell] to talk to the coroner and he told me that we did." Informed that Dowell acknowledges not interviewing the coroner (although Dowell did interview him after the article was published), Chua-Eoan was surprised. "He said he had not?...Hmm," he says, pausing. "Well, that's interesting." Asked whether the story should have been changed because of that omission, Chua-Eoan says, "No, I think we

COURTESY OF TIME MAGAZINE

had an important story there. And the important part of the story, as Bill says, was the financial part. And while this was sort of a way of getting people into the story, and it was a mystery, the financial part is the main part of the story."

The biggest defender of the article is Dowell, a veteran of 28 years in journalism, including stints as a foreign correspondent for *Time* in the Middle East and Asia. He says he watched the Gerber situation unfold for months: "We had absolutely everything in cold documentation. And there was no question whatsoever that this was just an incredible fraud that was going on." And, he adds, "We didn't base this on Marrogi." He says he had numerous sources within Tulane and that the idea for the article did not come from Marrogi.

To this day, Dowell maintains that the article didn't imply that Gerber had faked his death. "What I was saying was that you didn't know." But he seems to have a conspiratorial view of some seemingly benign actions. "The whole point that I was trying to make is, you can't tell. Because of the way the daughter handled it, because of the way the university handled it, it's impossible to prove it one way or another." Sure, a Tulane employee viewed the bodies, he says in regard to the latter point. But that person was an ally of Gerber's, and, Dowell says, she "refused to talk about it" with him.

Isn't a medical cover-up a stretch? he's asked. The medical examiner took blood samples from the bodies, and the organs, which could also be used for DNA samples, were removed for transplant. "Yeah," Dowell says, "but can you get any of that blood or do any of the testing on it? Do you know if it's the same blood? In other words, there's no way to verify any of that stuff."

And Dowell doesn't put much past Tulane officials. "They control the newspaper, the local newspaper [the *Times-Picayune*]," he says. "They control everything. And they just don't want an outsider to come in and start probing into what's going on."

Dowell shows little faith in Tennessee officials, as well (although he put a lot of stock in Hembree, Marrogi's Tennessee investigator). "I did not talk to the coroner," Dowell acknowledges, and neither did Hembree, according to the investigator's deposition. "I did talk to him immediately after [the article came out]. In other words, I went back to him and checked through the whole thing and he had nothing really to add. You know, it's really kind of *Deliverance* country. These are small-town people." (Dowell also says he spoke to an officer from the Tennessee Highway Patrol, but did not quote him in the article.)

Four Tennessee officials who investigated the case say they never had any doubts about it. "I don't think there was any way a person could stage this accident scene," says trooper Travis Ryans, the state officer who wrote the accident report. Ryans's supervisor, Lieutenant Sol Reagan, echoes this view. "I've been doing this for about thirty years," he says. "I don't think you could stage something like this."

Ditto for William Reedy, an assistant district attorney in McMinn County. "There was no reason whatsoever to think there was any basis for these accusations, other than a disgruntled former employee," he says. And Foree, who says he has handled 2,000 cases during his 18 years as medical examiner, adds: "We were all satisfied that it was the way we said it was." All four say they were not interviewed for *Time*'s story.

Dowell rejects any notion that his words implied that the Gerbers' daughter was an accessory to her father's fraud by helping him fake his disappearance. "*You're* making the inference," he says. "I was not trying to imply that she's a criminal or anything like that."

More than anything, though, Dowell seems frustrated that he is being questioned about Gerber's death rather than the financial improprieties, which he views as much more important. "The death is only a small part of the story," he insists. "The problem here is that you...can not detach yourself from the sensationalistic aspect of the story."

IRONICALLY, THOUGH, IT WAS THE VERY injection of those sensationalistic elements that obscured the charges that Dowell was purporting to explore. To this day, they remain murky. Dowell says he has documents that prove every one of his claims about the alleged financial misconduct. Tulane counters that he appears to have grossly misunderstood some basic operations at the school and at an associated hospital. And according to three lawyers representing Gerber or Tulane, the IRS has dropped the investigation of Gerber. Citing standard procedures, an IRS spokeswoman would neither confirm nor deny that.

Meanwhile, Marrogi—a key source for both the financial and nonfinancial elements of Dowell's story—continues to wage his legal battle against Gerber, even after the latter's death. In June, Marrogi filed yet another suit, his third, against Gerber. This one is aimed at Gerber's estate (which suggests Marrogi may now be accepting the reality of Gerber's death) and Gerber's department administrator. The suit accuses the two of waging a vendetta that caused him stress, which in turn caused his wife to give birth to their third child 15 weeks prematurely. (Marrogi referred an interview request to his lawyer, who was unavailable to speak to *Brill's Content*.)

> "I don't think there was any way a person could stage this accident scene," says the trooper who wrote the accident report.

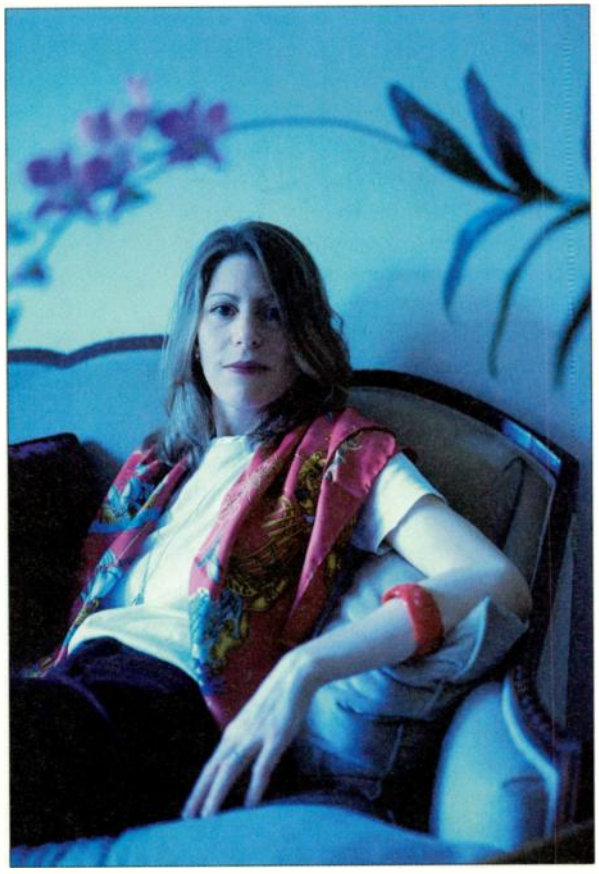
It's unclear how Marrogi's litigation involving Tulane will play out. But one nonissue will soon be put to rest. DNA tests have now established to a 99.999 percent certainty that tissue taken from the bodies of the people who died in the car accident on October 12 came from Michael and Luviminda Gerber. Of course, those tests hadn't been performed when *Time* prepared its article, so the magazine can't be faulted for not knowing that. Dowell's response when told of the DNA tests? "I'd have to look into it." ■

Letting Her Stories Do The Talking

Alix Freedman has scored again, this time with an exposé about sterilizations of Third World women. But she doesn't want to discuss it. ● BY KATHERINE ROSMAN

FOR NINETEEN YEARS, ALIX Freedman, a staff reporter for *The Wall Street Journal*, has made a living asking questions. But at La Boulangere, a downtown Manhattan bakery, Freedman, 40, is the one being interviewed and, as the questions begin, she doesn't seem comfortable. She sits with erect posture at a table in the back of the restaurant in a black shift dress and a red ribbed cardigan sweater tied around her waist; her thin, straight blond hair falls to her shoulders. She picks at a pastry. She sips black coffee. Soon she loosens up, smiling easily and laughing often—becoming less nervous as she deftly evades questions. Asked if she would allow this interview to be tape-recorded, Freedman consents on the condition that she can turn the recorder off when she chooses. In the ensuing one hour and twenty minutes, Freedman exercises that option 17 times.

Alix Freedman, who excels at getting unwilling sources to talk, dislikes discussing her work.



Why is an investigative reporter who has won, among other honors, a Pulitzer Prize for her ability to extract information from unwilling sources, so reticent to talk shop? Freedman answers with an analogy, delivered in slow, deliberate words: "Some restaurants, like this one, have a glass kitchen. They want you to see the way the eggs are being cracked. At the *Journal*, I think the preference of editors and most reporters—certainly me—we just want to present the omelette and leave it at that."

Freedman's latest high-profile "omelette," a story bearing the headline, "Two American Contraceptive Researchers Export Sterilization Drug to Third World," has triggered a firestorm of attention from TV pundits and newspapers nationwide since it appeared in the *Journal* on June 18. In the 4,965-word, page-one story, Freedman reported on how quinacrine, an antimalaria drug, is being used as a sterilizing agent in the Third World. According to her story, more than 100,000 women in countries like Vietnam, Bangladesh, and India, have been sterilized with quinacrine—a potential carcinogen—in some cases "without their knowledge or even against their will." The researchers' stated goal, she wrote, "is to improve the lives and protect the health of Third World women, almost 600,000 of whom die each year from pregnancy-related complications."

In one of the story's most disturbing allegations, Freedman claimed that one of the two American researchers heading up the manufacture and export of quinacrine has strident anti-immigration views and sees the drug as a way to reduce the number of impoverished immigrants coming to the United States. (The researcher, Stephen Mumford, says he resents that characterization. He argues that he is merely one player in a network of health-care providers who seek to increase the availability of quinacrine. He also says that Freedman oversimplified the story, glossing over important details about the drug's use. The *Journal* printed a letter of complaint from Mumford but stands by Freedman's report. "This story is exceedingly complicated," Mumford says. Still, he calls Freedman a "tenacious" reporter.)

"Tenacity" is an oft-used word when describing Freedman. Laurie Cohen, another *Journal* reporter, has seen Freedman's never-say-die approach firsthand. In 1997, Cohen and Freedman worked together on a story about an accountant for Death Row Records in Los Angeles. "We flew out to La-La Land two times" to interview a lawyer for the story, Cohen remembers. "He stood us up two times. I was rip-shit furious and I said [to Freedman] 'Let's

Katherine Rosman is a staff writer at this magazine.

KENNETH CHEN

do the story without him.'" But Freedman wouldn't give up. She boarded a plane one last time, flew to L.A. and got the interview. Freedman won't tell how she did it, and Cohen can only guess: "Persistence, humor, charm, her breathless voice," she says. "She's absolutely tireless." When Freedman called Cohen to tell her the news, she was as even-keeled as always. "Exuberance is not an adjective used to describe any of her emotions," Cohen says.

Suein Hwang, another *Journal* veteran who has covered tobacco stories with and without Freedman, echoes that assessment. Hwang remembers an important day in their partnership: Friday, June 20, 1997. That morning, the tobacco industry announced a $368.5 billion settlement deal—big news for the nation and for tobacco reporters like Hwang and Freedman. Hwang says Freedman took a plane to Washington, D.C., attended a press conference, and hightailed it back to New York to work on a story for Monday's edition. On Saturday morning, Freedman showed up at Hwang's apartment with a bad cold, Hwang recalls. Still, the two went to the *Journal*'s office to hammer the phones. Soon Freedman completely lost her voice, according to Hwang, but she wouldn't be silenced. Hwang called Freedman's sources and asked them the questions that Freedman scribbled on a piece of paper. "I became her voice," says Hwang. The twosome pounded out draft after draft until the story was done. "This is how dogged this woman is," says Hwang.

EXACTLY WHAT ROLE FREEDMAN'S tenacity played in the quinacrine story remains a mystery. She refuses to comment on any aspect of her reporting. Her boss at the *Journal,* assistant managing editor Stephen Adler, is equally close-mouthed. Freedman will say only that she toiled on this story for eight months, spending a total of 23 days in India, Indonesia, Bangladesh, and Vietnam. Mumford paints a picture of a polite, well-informed reporter who takes meticulous and copious notes, demands documentation for any claim made in an interview, and speaks as easily to Third World women as to national leaders. On her trip to Asia, which Mumford says he arranged specifically so Freedman could witness "the progress being made with quinacrine," the researcher says Freedman informed him she was going to take a day to herself to "go into provinces where the procedures were done the most." Mumford didn't realize Freedman was going to hop a plane from Hanoi in northern Vietnam to the southern part of the country to visit a rubber plantation. It was at the plantation that Freedman documented numerous instances of forced and unwitting sterilizations. The Vietnamese government was not pleased when it learned of Freedman's stealth reporting, Mumford says. "She caused quite a stink."

The story's publication provoked immediate reaction. Just eight days after the article ran, the *Journal* reported that Sipharm Sisseln AG, the Swiss company that manufactured quinacrine for Mumford and his colleagues, would stop producing the drug. "It is our moral obligation not to support a project that is now so controversial," the company's president is quoted as saying in Freedman's June 26, 1998 follow-up. About two weeks after that, Freedman reported that the Chilean government had banned quinacrine sterilizations outright.

Still, Freedman offers only a tempered acknowledgement of her story's effect. She explains that it would be naive to believe Sipharm's decision to halt quinacrine production signals the demise of the drug. In fact, Mumford tells *Brill's Content* that "we're well under way" in manufacturing and distributing quinacrine in the U.S.

Regardless, Freedman says she cannot concentrate on maybes and what-ifs. "It's simply my job to shine a light on things that are going on in the world and sort of let other people and the marketplace decide if it's a burning issue." That attitude embodies Freedman's approach to journalism. She is neither looking for the blockbuster detail, she says, nor fantasizing about potential prizes. She says she spends "hardly any time thinking about the impact. I'm so busy making sure—well, getting the story, bulletproofing it, and making sure it really stands up to scrutiny." She believes the best stories—and the stories that can be reported the most fairly—are those without a clear sense of right and wrong. "When I was younger, I tended to view the world as a much more Manichaean struggle between good and evil and now I find I'm much more compelled by stories where, on the surface, there's a clear-cut answer, but when you dig a little deeper…[you] capture the shades of gray and the murky middle." She says both she and Adler look for the "contradictions [and] ambiguity" in stories. Focusing on those aspects, she says, results in an "unassailably credible" article with "texture, nuance."

Freedman believes the best stories—and the stories that can be reported the most fairly—are those without a clear sense of right and wrong.

Her story on quinacrine certainly got to the heart of the murky middle. For, as she told of forced sterilization, she gave fair attention to the need for contraception in the Third World, highlighting the alarming rates of infant mortality, the instances of women dying from childbirth, and the economic hardships faced by poor couples as their families expand. In one passage about Dr. Naseem Rahman, a Bangladeshi gynecologist, Freedman wrote, "A few feet away from Dr. Rahman, a whimpering woman clutches a dead baby to her breast. The doctor declares: 'First, let these women be accepted as humans and then let's talk about human rights. As it is, they're going to die, so what do the long-term

HONOR ROLL

GLAMOUR MAGAZINE. In a comprehensive report in its August issue, *Glamour* magazine examined the public health crisis of sexually transmitted diseases—and the alarming lack of (money) the federal government allots to test for and treat them. Contributing editor Leslie Laurence, 46, a National Magazine Award–winning health writer, explained how and why the government has ignored the staggering number of people with chlamydia, syphilis, and gonorrhea, all of which are curable. Left untreated, they can lead to sterility and a greater susceptibility to HIV. Few people, she said, speak up on behalf of those afflicted with STDs because the diseases are so stigmatized. Public health workers, she noted, fear that they'll lose their jobs if they take their funding complaints to the press—an act that could be seen as a violation of a law limiting lobbying by federal employees. So, Laurence said, they were reluctant to speak publicly and "put this issue on the front burner."

Leslie Laurence of *Glamour* tried to put STDs on the front burner.

In an accompanying story, *Glamour* staffers, led by senior editor Cynthia Leive and writer Jennifer Gonnerman, convinced ten women with STDs to allow their photographs to run with their accounts of what it's like to live with an STD. Lieve says the idea was to make the political personal: "I wanted politicians to look at these pictures and say, 'Hey, she looks like my daughter, my sister, my twenty eight-year-old legislative assistant. And she has an [STD].'"

—Katherine Rosman

RENEE FERGUSON, WMAQ TV. Sometimes the best way for a reporter to unearth more information about a story is to put what she's got on the air or in print and see what happens. That's the approach Renee Ferguson took last March after a woman called her newsroom at Chicago's WMAQ-TV to complain about being strip-searched for drugs at O'Hare International Airport. The woman, Denise Pullian, told Ferguson she thought she knew the reason she had been searched: She is black. Ferguson filed a story in which Pullian described the strip-search in detail, and then Ferguson left for vacation. While she was away, 11 other women left voice mail messages for her, claiming they had had similar experiences at the same airport and had the same suspicions about why they were singled out.

Ferguson's May 7 follow-up presented nine black women who told of customs agents feeling their breasts, ordering them to remove tampons or sanitary napkins, and forcing them to bend over while naked. When the station asked the U.S. Customs Service for the total number of pat-downs and strip searches at O'Hare for five years and copies of records on all 1997 strip-searches, they were told that the bill would be $33,360. "It was obviously a ploy to get us to go away," says Ferguson, who turned to U.S. senators Richard Durbin and Carol Moseley-Braun for help.

The senators met with customs officials and, a few weeks later, customs turned the records over to Ferguson free of charge. Ferguson revealed her findings in a July 13 broadcast: Of 104 strip searches conducted at O'Hare in 1997, 77 were performed on women, and 47 of those women were black. Of the 15 women who were caught concealing drugs, eight were black, six were white, and one was Latino. Cherise Miles, public affairs officer for the Customs Service, denies that inspectors target black women and says that WMAQ's report did not adequately explain the process for selecting people to be strip-searched. As a result of Ferguson's reports, the General Accounting Office, Congress's investigative branch, has launched a probe into strip-search procedures at airports around the country.

—Jennifer Greenstein

Renee Ferguson (left) revealed black women are more likely to be strip-searched at O'Hare.

KENNETH CHEN (LAURENCE)

complications of quinacrine matter?'"

If Freedman seems a throwback to a time when dogged reporting rather than leaked rumors earned front-page billing, it's because she learned from a man who lived and breathed those values. Her father, Emanuel Freedman worked at *The New York Times* for 36 years, serving as the foreign editor and as an assistant managing editor. (He died in 1971.) "Journalism is for me the family business," she says. (Her husband, Scot Paltrow, is also an investigative reporter at the *Journal*.) Her father taught her to remain planted behind the scenes. "My father belonged to sort of a journalistic tradition where he basically believed that reporters shouldn't outshine their stories, and I firmly believe in that."

FREEDMAN'S CAREER BEGAN IN 1979, a few months after she completed her undergraduate studies at Harvard University, as a news assistant doing research for the business section of the *Times*. ("I was a beneficiary of nepotism," she admits.) After three years, she moved to Cleveland to become a reporter for *Business Week*.

But she had always wanted to work at the *Journal*, she says. It was a dream not easily realized. She applied at different times to the *Journal*'s Houston bureau chief, San Francisco bureau chief, New York bureau chief, and the editor of the paper's European edition—all of whom rejected her. Her persistence paid off in 1984 when Frank Allen, the *Journal*'s then-Philadelphia bureau chief, hired her to cover the chemical industry.

Allen says he saw in Freedman an inquisitiveness that convinced him to let her wander from her beat. That freedom led to stories about a college for square-dance callers, the lost elitist sport of rabbit hunting, and a homeless artist in Chicago who stowed her work in a locker at a bus depot. (Allen says Freedman "staked out" the depot for two days to land an interview with the woman.) These were stories that were "therapeutic to the readers of *The Wall Street Journal* who lead such serious lives," he says. In one such article, called "Harmful Habit," Freedman conducted research and provided docu-

mentation that showed smokers were less likely to be hired for jobs or win promotions. The story got the attention of the *Journal*'s rivals. "Harmful Habit," Allen recalls, "ruined the breakfast of several editors at *The New York Times*."

Shortly thereafter, she got called up to the majors—the *Journal*'s then–managing editor Norman Pearlstine summoned Freedman to New York. Pearlstine, now the editor in chief of Time Inc., says he could relate to Freedman because he too worked early on for the *Times*'s business section and began following her work when she arrived at *BW*. Pearlstine says he brought her to New York when it became apparent that "when you saw her byline on a story, you knew the depth of reporting was not typical," he says. Pearlstine continues to follow Freedman's byline and says he would love a chance to hire her a second time. "I've tried," he says. "She turned me down."

Freedman's transfer to New York was "the mark of my formal education in journalism," she says. Assigned to the tobacco, liquor, and food beat, Freedman reported on some of the more important business stories of the eighties—like the merger of General Foods Corporation and Kraft, Inc. "It was kind of daunting," she remembers. "But I think I owe a lot to having been trained as a beat reporter."

Not surprisingly, Freedman declines to elaborate on just what skills she picked up. But Adler will. He describes her as an indefatigable reporter, and calls that doggedness her greatest asset. He says he remembers that in one investigation, Freedman obtained a large company's internal roster of "several hundred" employees. "She called every person in the company," he says. "She checks facts like a maniac. She's absolutely obsessed with factual accuracy. She's the real thing."

In 1996, Freedman won the Pulitzer Prize in the national affairs category for her series of articles on the tobacco industry. It was her work that uncovered internal tobacco company memos detailing how ammonia was added to cigarettes to increase nicotine delivery and boost the chances that a smoker would become addicted.

Even Freedman admits that winning a Pulitzer ranks among the most exhilarating moments of a journalist's life, but she still shrinks from reveling in the glory. "Obviously, [it's] a thrill," she says. "I heard my eulogy many times. I was the face and the name out there, but it [the series that won the prize] was the work of almost a dozen reporters and editors at the *Journal*. So, it was a very collaborative effort."

The coverage—at the very least—was a tremendous public relations blow to the tobacco industry. Gary Black, a tobacco analyst with the investment firm Sanford C. Bernstein & Co. Inc., says Freedman's tobacco stories had "no long-term effect" on tobacco company stock prices, but that her findings provided powerful ammunition to tobacco foes.

The story certainly had political impact as well, says Mary Aronson, the president of Aronson Washington Research, a Washington, D.C–based firm that studies government policy and litigation related to the tobacco industry. She says Freedman's tobacco chronicles most likely fueled the effort that ultimately "forced the industry to the table" to negotiate what became the $368.5 billion settlement of June 20, 1997.

In the centerpiece exposé of her Pulitzer-winning series, "Impact Booster," Freedman revealed that spiking cigarettes was a common practice among the nation's biggest tobacco companies. One of them, R.J. Reynolds Tobacco Company, Freedman reported, "appears to ammoniate its tobacco sheets in certain brands, most notably Winston." (R.J. Reynolds, Freedman wrote, considered the ammonia additions benign, calling the ammonia compounds "'processing agents,' not 'additives.'") But even if R.J. Reynolds was unhappy with the public disclosure of its internal workings, the nation's second-largest tobacco company recognized Freedman as a stellar reporter. After she was awarded the Pulitzer, R.J. Reynolds sent Freedman a congratulatory bouquet of roses—with tobacco leaves in the place of rose petals, says Jan Smith, an R.J. Reynolds spokeswoman. An accompanying card read, "Congratulations Alix! You couldn't have done it without us! [Signed] the R.J. Reynolds Tobacco Co. staff." Freedman confirms that the "flowers" still sit on her desk at the *Journal*. Clearly, Freedman has won respect from even the most unlikely sources.

"She checks facts like a maniac. She's absolutely obsessed with factual accuracy," says Freedman's editor. "She's the real thing."

Other stories of hers were also nominated for Pulitzers, including her exposé of the usury rates charged by rent-to-own merchandisers, her comprehensive look at malnutrition suffered by people in inner cities, and her searing report on companies marketing malt liquor to minorities. Her reports cover a broad range of subjects but seem connected by a moral thread one might not expect to find in a daily financial newspaper. Freedman credits Paul Steiger, the *Journal*'s managing editor, for pushing her to pursue the type of stories she deems "noble." She remembers going to Steiger's office during an "arid period" when she wasn't investigating a major story. She pitched him an idea (she says she doesn't remember what it was) and sat calmly waiting for the red or green light. Steiger, she says, "looked me straight in the eye and he said, 'That story lacks moral force.' I really don't know how many editors in America today are talking about stories in terms of their moral force."

Perhaps too few are. But fewer still are the reporters who dedicate months to a story that may or may not pan out—pulling back the layers, looking for the murky middle, exploring nuances, and aiming for unassailable accuracy rather than personal recognition. ■

It's The Buzz, Stupid

It used to be that magazines were published with the expectation that people would merely want to read them. What a quaint concept.

IT'S PROBABLY IMPOSSIBLE TO PINPOINT precisely when magazines became more interested in being talked about than read. They're products for sale, of course, so it's not surprising that they would always have had *some* interest in being talked about. Years before magazines became desperate to be the subject of what is now called "buzz," they were hoping to be spoken of as "hot books." In midtown Manhattan, you'd occasionally hear someone remark, "*Esquire*'s now a hot book" or "I hear *Cosmo*'s a hot book." Just how the designation came about was unclear; it was as if certain magazines had been tapped by some secret society that never reveals its criteria for membership. I always imagined magazine publishers standing on busy corners of Madison Avenue, repeating over and over again, "This is a hot book! This is a hot book! Wow! Is this book hot! Whew! Talk about hot!"

The week the Monica Lewinsky saga broke, in January of this year, I figured that the transition to being talked about rather than read had been completed. So many *Newsweek* editors and reporters and writers spent so much time on television describing how they had managed to put together the story of a sex scandal in the White House that a viewer began to wonder how there could be enough people left behind to put out a magazine. It wasn't at all like the unfolding of the Watergate story, when careful newspaper readers gradually realized that most of the fresh information about the break-in and the cover-up seemed to be provided by the same two young reporters at *The Washington Post*. *Newsweek*'s ownership of the story was instantaneous. As the *Newsweek* editors took their victory lap around the track, it was sometimes difficult to keep in mind that the story they took so much pride in had not actually appeared in their magazine.

The Florio brothers, both of whom failed to make money off of *The New Yorker*'s high buzz, surely engaged in those backseat sibling squabbles over who was only the second-dumbest kid in the class.

ROBERT DE MICHIELL

That's right. It wasn't in the magazine. If a tourist who'd been on a canal trip in France for a week had picked up the American newsmagazine as he arrived back in Paris that Tuesday, he would have found that *Newsweek* carried precisely what *Time* carried on Monica Lewinsky: nothing. A *Newsweek* reporter had indeed gotten the story before anyone else, but his editors had decided against running it. From listening to the week's public discussion, you had to conclude that it didn't make any difference whether they'd run the story or not. Pure "talked about" had arrived—although I suppose you could argue that pure "talked about" will arrive only when *Newsweek* gets an award for a story that didn't appear in the magazine.

Three months after *Newsweek*'s ghost scoop, *Time* came back with its own triumph. A long piece on the front page of *The Washington Post* "Style" section carried this quote from Joe Klein: "I don't think *Newsweek* could pull this off." What had drawn the admiration of Klein, a former *Newsweek* columnist, was not a story but a party—*Time*'s 75th birthday party, which attracted so many luminaries that the *Post* said, "for one night at least, it was possible to believe that *Time* was the most important publication in the world." How many editors would *Newsweek* take off the television chat-show circuit to

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

plan a 75th that would prove Klein wrong? You could imagine *U.S. News*, playing a subtle form of catch-up ball, deciding to celebrate its 75th by having the Pope over for tea.

For magazines, buzz is now not just a goal but a subject. In July, *Newsweek* ran a long piece called "The Buzz Machine." The same month, the title of *Fortune*'s piece on Condé Nast by Joseph Nocera and Peter Elkind was "The Buzz Factory." As "buzz" settles into the language, I think of it as meaning not just word of mouth but word of mouth among those who matter. Magazines that are particularly interested in being part of the buzz tend to write a lot about celebrities. If you want celebrated people to notice and talk about your magazine, after all, it makes sense to run pieces about them and their friends. Why should they care about nobodies? The celebrities who have been written about can then be asked to the magazine's parties, and their presence means that the magazine is talked about even more.

> As the *Newsweek* editors took their victory lap around the track, it was sometimes difficult to keep in mind that the story they took so much pride in had not actually appeared in their magazine.

Yes, I understand that as someone who has concentrated his reporting on people who aren't ordinarily mentioned in the newspaper, I am in danger of sounding like some steelworker bitter about an industry adjustment that seemed to make his furnace-stoking skills irrelevant—some guy who during Tina Brown's glittering-party years at *The New Yorker* spent his time hunched over a scotch in a dingy saloon making wisecracks about being too old to be retrained to write puff pieces about Barry Diller. In my defense, I'd like to say that I attended a number of those parties myself.

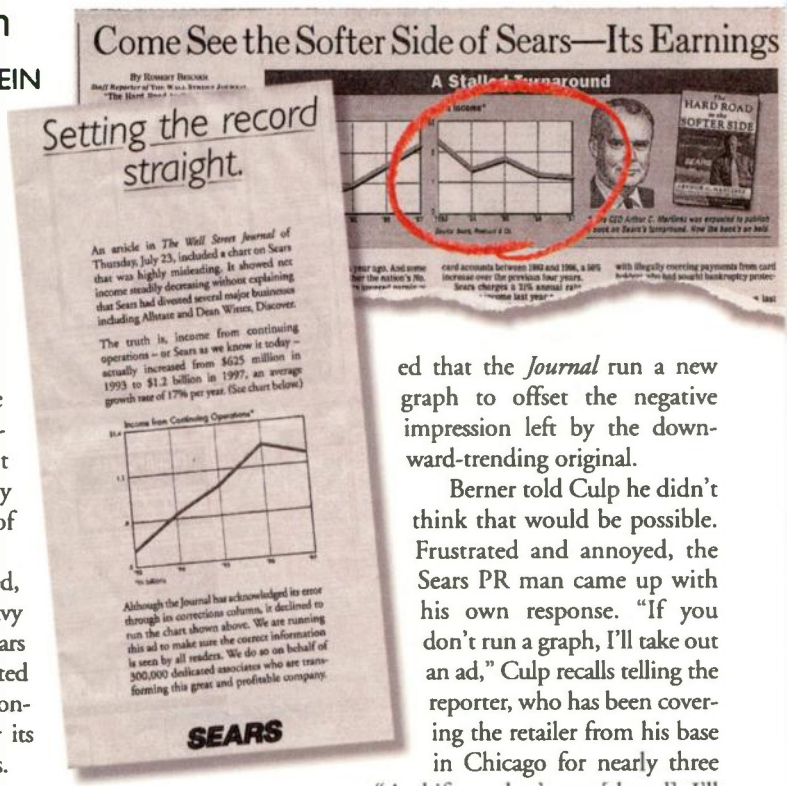
What interested me about the coverage of Tina Brown's departure from *The New Yorker* was the notion, repeated constantly, that even someone as gifted in getting a magazine talked about as she is could not stem the magazine's losses. In fact, there is no indication that insufficient buzz had anything to do with *The New Yorker*'s financial problems. After its first few years of struggle, *The New Yorker*—a magazine that never threw a party in Beverly Hills or Washington, a magazine whose editors did not pursue awards (and therefore almost never got any), a magazine edited for years by a man who never went on television and rarely even granted interviews, a magazine so reticent about blowing its own horn that for decades it irritated its readers by making do without a table of contents—made a profit almost every single year for about 60 years. Then it was purchased by professional magazine operators.

The next year it lost money. As described in detail in the *Fortune* piece and in a piece by Robin Pogrebin in *The New York Times*, Steve Florio, the Condénastarian installed as president by the new owners, tried a combination of cheap subscriptions and higher ad rates that proved instantly disastrous. (He was succeeded, disastrously, by his brother, Tom; the two reportedly became estranged eventually over the question of who was responsible for losing the most money for *The New Yorker*. I couldn't help thinking that when the Florio brothers engaged in those childhood squabbles that siblings always carry on in the backseat of the car, they must have argued about who was only the second-dumbest kid in the class.)

Tina Brown, as everyone knows, recently left to launch a new magazine connected with the entertainment industry, and in announcing her departure she invited some members of *The New Yorker* staff to suggest a name for the new publication. The first one that came to mind, of course, was *Buzz*—the *Newsweek* piece on buzz, after all, had called her "The Queen Bee"—but that name was taken several years ago by a breezy, forthrightly named Los Angeles monthly. The magazine *Buzz* was, in fact, much talked about in Los Angeles and threw splendid parties in the garden of the Chateau Marmont Hotel (I made it to a few of those, too). Then it folded. ■

Off The Charts

Why Sears decided to buy a correction in *The Wall Street Journal.* ● BY RIFKA ROSENWEIN



Uptrend, downtrend: The chart the *Journal* ran to show declining net income at Sears (upper right) left the retailer fuming. It paid $143,000 to fix the mistake.

FOR MOST PEOPLE, GETTING a major national news organization like *The Wall Street Journal* to admit a mistake is victory enough. But what happens when an individual or company feels that even the correction does not truly rectify the wrong? Well, if they're a huge, Fortune 500 outfit (1997 revenue: $41 billion) and they're angry enough, they might try what Sears, Roebuck and Co. did this summer.

On July 23, the day Sears was to announce its second-quarter earnings, the *Journal* ran a prominent article that warned of looming problems for the retailer. The piece ran atop the front page of the paper's "Marketplace" section, with the headline "Come See the Softer Side of Sears—Its Earnings," a play on the company's advertising slogan.

Illustrating the article were two prominent charts; a rendering of the company's chairman and chief executive, Arthur Martinez; and a picture of his proposed book on Sears's turnaround. One chart showed steadily increasing revenue over the past five years; the other showed declining net income during the same period. No footnotes with the charts explained this discrepancy, nor was there anything about it in the text of the article itself. The charts, in fact, were sourced to Sears, Roebuck and Co.

The explanation is that the two charts did not compare the same sets of operating results. The revenue chart was based on Sears as primarily a stand-alone retail operation; the net-income graph included major businesses, such as The Allstate Corporation and Dean Witter, Discover & Co., that were part of Sears at the beginning of the five-year period but were later sold. Net income for the parent company obviously declined as a result of those divestitures.

The day the article appeared, Sears shares fell $5.375 on heavy trading to close at $51.3125. Sears had posted better-than-expected earnings, but analysts were concerned about the prospects for its credit-card and retail operations.

After he saw the two charts that morning, E. Ronald Culp, vice-president for public relations at Sears, called the *Journal* reporter, Robert Berner, to demand a correction. The paper immediately admitted its error and ran the following in its regular corrections column on page A2 the next day: "Sears, Roebuck & Co.'s net income declined in 1994 and 1996 because of the divestiture of significant subsidiaries. A chart with the Corporate Focus article in yesterday's editions failed to provide that explanation. Income from continuing operations rose strongly during those years."

Sears had no quarrel with the correction. But it believed firmly that a chart was worth a thousand words—especially among time-pressed and numbers-sensitive *Journal* readers. The company insisted that the *Journal* run a new graph to offset the negative impression left by the downward-trending original.

Berner told Culp he didn't think that would be possible. Frustrated and annoyed, the Sears PR man came up with his own response. "If you don't run a graph, I'll take out an ad," Culp recalls telling the reporter, who has been covering the retailer from his base in Chicago for nearly three years. "And if you don't run [the ad], I'll run it in *The New York Times* and really embarrass you." After some silence, Culp says, Berner replied, "You wouldn't."

"That just came off the top of my head," Culp recalls with a laugh. "When I got off the phone [with Berner], I had to have someone call to find out if we could even do it." Sears rarely advertises in the *Journal*, he explains, because "they don't have our customers."

Yet the following Monday, July 27, a full-page ad from Sears appeared on the back of the "Marketplace" section. "Setting the record straight," read the headline. The ad continued: "An article in *The Wall Street Journal* of Thursday, July 23 included a chart on Sears that was highly misleading." In the middle of the page was a large chart with its income line moving upward.

In September, contributing editor Rifka Rosenwein wrote about reporter Gary Craig, whose stories helped free a woman wrongly imprisoned for murder.

The ad's text also gave some indication of what went on behind the scenes between the company and the newspaper: "Although the *Journal* has acknowledged its error through its corrections column, it declined to run the chart shown above. We are running this ad to make sure the correct information is seen by all readers."

Richard Tofel, vice-president for corporate communications at Dow Jones & Company, which owns the *Journal*, emphasizes that the paper's only error was in not including a footnote with the net-income chart to explain why it declined in those years. The *Journal* was under no obligation, says Tofel, to run the graph that Sears would have preferred—the one showing income from continuing operations.

But Jan Drummond, director of media relations at Sears, argues that the story was about Sears's continuing operations. And because the revenue chart the *Journal* also ran depicted results from continuing operations, the income graph next to it should have done the same, she says.

Sears is the subject of thousands of stories a year in all sorts of news outlets around the country, notes Drummond, but this was the first time anyone at the company could recall that it took a step like this to address a perceived wrong. "We don't ask for corrections very often," she says. "We're a big company. You have to live with it."

Placing a full-page ad in the *Journal* is not a step to be taken lightly; the ad cost Sears $143,000. "Obviously, we felt it was worth it," says Drummond. "A graphic is a very compelling device. And this was right at the top of the page, under the headline. We believe a fair correction should be as eye-catching and compelling as the original" error.

When Culp first called *Journal* reporter Berner about the chart, the reporter told him he had sent the correct information to the art department, which prepares the graphs for publication. "So I asked, 'Don't you approve the art?'" recalls Culp. "Berner replied, 'Well, it's complicated.'" Later in the day, when Berner called back Culp to read him a proposed correction, the reporter made a point of admitting the error was his responsibility.

Calls by *Brill's Content* to Berner, his bureau chief, Kevin Helliker, the editor of the "Marketplace" front page, Michael Miller, and the reporting assistant for that section's graphics, Joshua Harris Prager, were all referred to Tofel.

Tofel confirms that these individuals were the ones involved in the original story as well as in the correction. Byron Calame, a deputy managing editor of the paper, and Paul Steiger, managing editor, joined the process when the correction was brought to their attention.

When queried by *Brill's Content* about the graph, *Journal* editors met to reconsider the paper's policy of not discussing its inner workings with the press, but decided in this case to keep mum. "We have to be careful about not letting our reporters in the newsroom discuss how they do things," says an editor.

Tofel declined to discuss the specifics of how the graph mistake was made and why the *Journal* would not run a new one. "We made a mistake. We admitted it," says Tofel. "We thought the correction was prompt and full and fair."

There is no policy at the paper that says a chart can't run with a correction, Tofel insists, but he acknowledges that it would be highly unusual for the *Journal* to run a corrective graphic. (He could not cite an example.) "What we say when we run a correction is an editorial decision," Tofel explains. "We thought that fairness [in this case] didn't dictate a graph, so we didn't run one. If we thought it did, we would have run one."

The resulting ad, says Culp, was "a challenge to the policy of the *Journal*." After it appeared, he says, "there were a certain number of high fives" at Sears.

Culp wanted his message to be seen by readers of the original story. "We wanted to reach any person who might want to invest" in Sears, says Culp. The ad was also "a dramatic way of telling our employees" that management recognized their accomplishments of the recent past.

And despite Culp's assertions that the company was not too worried about Wall Street analysts being put off by the incorrect graph—because they ostensibly knew Sears's real numbers—he suggests that the high volume of activity in the company's stock and the price drop on the day the article ran could have been influenced by the *Journal* article and the misleading graph.

"I attributed a small part of that [drop in share price] to the article," says Culp. The stock market in general and the retailing industry in particular sagged that day and in subsequent days anyway, he says. "If there's any uncertainty in the market, that kind of story doesn't help."

There's still more to the story. When Culp called in the text for the Sears ad, he found that even a paid ad is subject to editorial changes. He says that in his dealings with the *Journal*'s advertising reps, he sensed they were in contact with editors or lawyers, who seemed to be dictating changes to his text. The *Journal* asked that the ad say the chart–not the article–was misleading. The paper also wanted Sears to acknowledge in the ad that the *Journal* already had admitted its mistake in its corrections column. Culp complied with these requests.

> "A graphic is a very compelling device," says a Sears official. "We believe a fair correction should be as eye-catching and compelling as the original."

Tofel confirms that Calame and Steiger were involved in amending the ad. "As with all ads that relate to news content of the *Journal*, senior editorial people at the *Journal* see it to make sure people are not misled as to what was published in the *Journal*," says Tofel.

Business is back to normal between Sears and the *Journal*. Culp says the *Journal*'s coverage of his company has generally been fair and he will continue to work with Berner and the paper. And, although he didn't want his correction "buried on [page] A2," he says, "now, that's where I start the paper every day. I want to see who else has been treated to this." ■

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Here Comes The Superwire

The proposed AT&T/TCI deal is more than a giant business combination; it signals the end of the old order.

THE MAGICAL ERA IN COMMUNICATIONS KNOWN as convergence has had at least two distinct phases. The high-water mark of Convergence I was the proposed 1993 merger of Bell Atlantic and TeleCommunications, Inc. In that two-lane model of the information superhighway, the telephone and cable giants would each continue to supply their own wires into the home. On its East Coast turf, Bell Atlantic would compete against non-TCI cable operators by sending television channels along its phone lines; in the rest of the country, TCI would take on Bell rivals by delivering phone service over its cable wires. This combination was supposed to herald a two-wire world.

The ostensible benefit for consumers? Movies on near-demand and bundled packages of telephony and video services. Yawn. The deal collapsed, and top telco executives consider its failure a providential interruption (as witnessed by their wish now to merge with one another instead of with cable systems). Everything about it was wrong: TCI's cable operation lacked sufficient upgrades and capacity to provide phone connections; switched video was hideously expensive; and the proposed bundles were of mild interest, at best, to the consumers.

So don't let the recently proposed AT&T acquisition of TCI confuse you. It's not the same idea as Convergence I; it's the manifestation of the new thinking of Convergence II. The new model of the info highway is a kind of laneless, high-speed freeway. The big change between then and now is the emergence of the Internet as a commercial and cultural force. The implications are, as is so often the case, that government regulation is out of date, out of sync, and, in significant part, deserves to be thrown out the window.

Washington loves the AT&T/TCI deal. Why? Because it will give AT&T a wire to compete against telephone companies in TCI's markets—another option for residential phone service that would partially redeem the much-delayed promise of the 1996 Telecommunications Act. Lobbyists on all sides of the convergence industry tend to support the deal as well, because it gives them ammunition to argue for any acquisitions or mergers they might propose.

From the simplest business perspective, AT&T will gain the opportunity to offer to about one third of its customers—those whose homes are passed by TCI cable systems today—all telephony services, from local to long-distance. But even that isn't the transaction's most interesting point.

What AT&T plans to do with its TCI acquisition is more than just deploy the "last mile" wire into the home it has so far lacked. TCI's network, coupled with AT&T's Internet business, is not just a second wire in the making. It's the long-awaited superwire into the home.

That superwire is what every cable and telephone company (and, for that matter, satellite venture) in the world will be building as the full impact of the Internet—in content and in two-way communication—is realized. The Internet, after all, doesn't require two wires, only one capacious tube that links the consumer to cyberspace.

This superwire radically accelerates change in the nature of content and redefines the rules of mass media. In the 1950s and 1960s, the three broadcast networks were the gatekeepers that controlled television content; by the 1980s, TCI's John Malone had achieved control over much of cable distribution and, directly and indirectly, cable programming. Long-distance competition soared when the old AT&T was split up, but the regional Bells maintained their iron grip on local calls.

In the converged Internet era, no one has the exclusive ability to foreclose access to content or services. The portals of AOL, Yahoo!, and Excite have yet to become a metaphor for content, in the way the technology of broadcasting did. And while it's too early to do more than guess at how these

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TIM GRAJEK

portals may alter entertainment and programming habits, some trends are already clear. For instance, network TV truly is on the wane. Take news. While the proportion of Americans over 18 who regularly watch nightly television news dropped from 60 percent in 1993 to 38 percent in 1998, the ranks of those who went on-line to get news jumped from 4 percent in 1995 to 20 percent in 1998. As for today's kids, who will be the main content consumers in the decades to come, it's no contest. They are habitually on-line—for chat and entertainment, if not yet much for news.

This extraordinary potential for satisfying demand is understood by all communications carriers. Delivered over the high-speed, two-way superwire, content becomes much more enriching, for both the consumer and provider. It can be enhanced with targeted advertising, inbound and outbound messages, and other electronic commerce and communication options. With these features, high-speed Internet access has become the honey pot, and all the carriers want in.

The consequences of the Internet and the superwire are still being worked out. They include the increasing irrelevance of most current FCC regulations.

The consequences of the Internet and the superwire are still being worked out. They include the demise of analog broadcasting, the undercutting of telcos' universal service subsidies for residential phone service, and the increasing irrelevance of most current FCC regulations. The broadcast affiliates, for example, should be expanding their platforms instead of lobbying to merge with one another in local markets (a sure sign of defensively responding to a techno-threat). They could form joint ventures with Internet service providers, start newspapers to take on entrenched monopolistic publishers, and cooperate to sell digital TVs. But they're like canaries in the mine: When they're silent, you know it's all over. And most broadcast affiliates are mum about their plans for the digital era.

As for the broadcast networks, they are still burdened by the one-way, narrow-bandwidth medium of analog broadcasting. Of course, there will always be "event" programs to be disseminated widely and to serve as platforms for brand creation and massive opinion-shaping. Examples are the NBA finals, the Super Bowl, and the final episodes of enormously popular sitcoms. (Expect in a season or two our nominee for Convergence III: a combined reprise of *Seinfeld, Cheers,* and *M*A*S*H* featuring one wild night in which Hot Lips woos Jerry while Norm watches.) These events could draw people to drive-in theaters. They will survive any technological revolution. But they already don't—and never again will—provide sufficient support to prop up the old order of broadcast TV's dominance hour to hour, night to night.

In Convergence II, where content floats like milkweed in the cool air of cyberspace, the gatekeeper's importance diminishes. That's why cable companies should long ago have created their own web portals—and why they should now be buying into the best of the lot as fast as they can. (The networks are already investing in Internet brand names: NBC with CNET and Disney/ABC's stake in Infoseek.)

Meanwhile, in the ancien régime, Washington maintains its chronic concerns about the rules separating broadcast and cable, long distance and local phone service, newspapers, and satellites. Cable companies and newspapers can't buy a TV station in their own markets. Broadcasters claim a right to commandeer channel capacity of cable companies. Satellites are forbidden from retransmitting broadcast TV signals when and where they want.

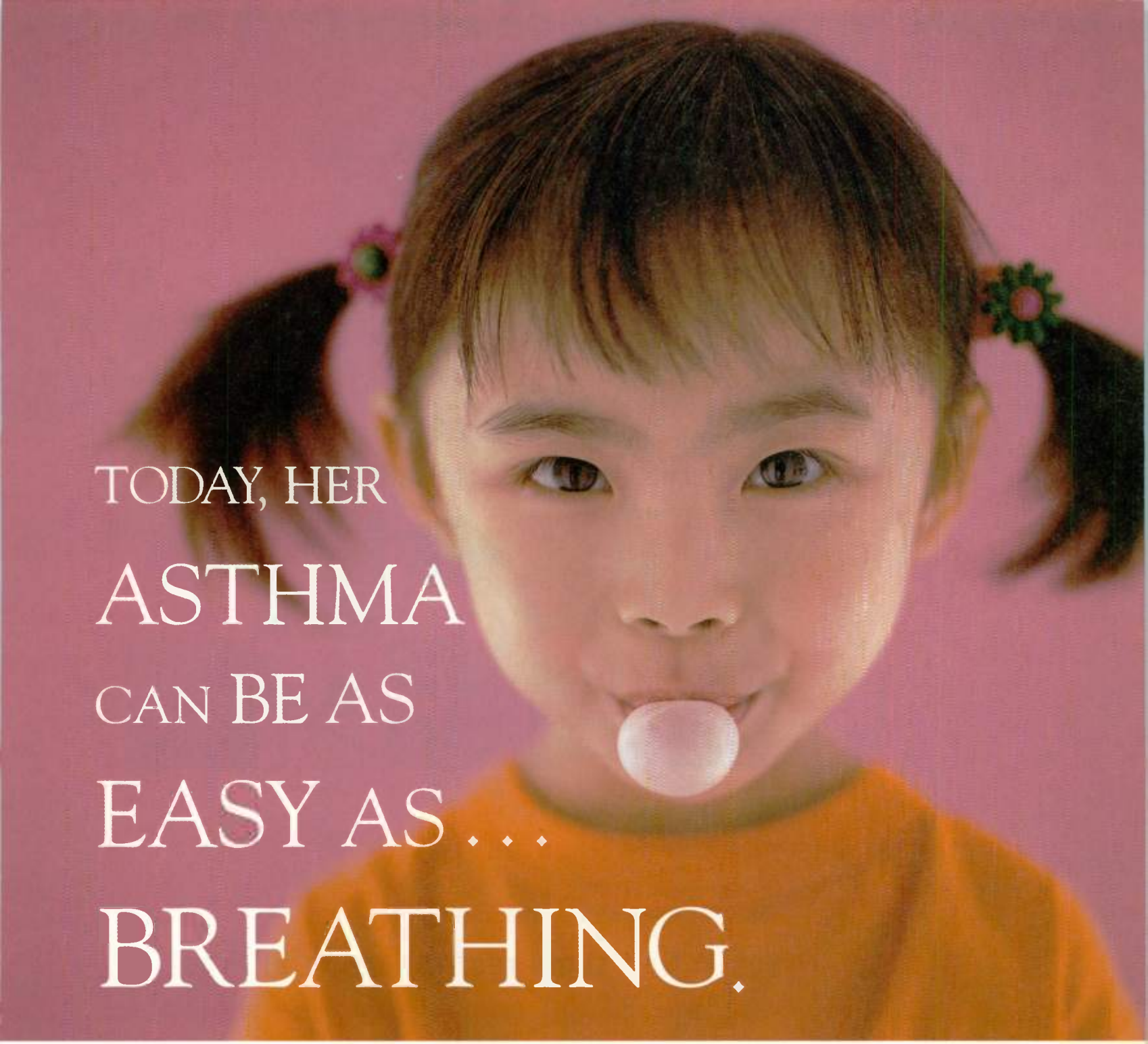
If the Internet had a god, it would be Shiva: the creator and the destroyer. Government should now be clearing away the old order lickety-split. This is not to say that no law is the right law for the Internet. Monopoly over access to the Internet by browser or service provider ought to be, for example, proscribed, assuming it is even possible.

How about starting by repealing the ban on cable companies buying broadcast stations in the same market? Broadcast could naturally complement the two-way interactive cable connection to the home. If a cable company owned a broadcast group, it could more quickly garner ad revenue, which in turn would accelerate Internet access build-out. Should Time Warner be able to deny its cable capacity to all competing broadcasters in a market where it owns a broadcast station? No, but that's an example of a good rule for the Internet world. On the other hand, should a Time Warner–owned cable company be precluded from buying a broadcast station in its market, while the government gives that station the right to demand cable capacity from Time Warner? That puts government in the position of reversing the correct order of market power relationships, in the hope of promoting yesterday's one-way broadcast technology.

As for the public interest, its most urgent application in the new paradigm is the issue of access. The overwhelming majority of middle-class homes (and almost all schoolkids in their classrooms) still lack Internet access.

A new congressional idea is to repeal the 1996 Telecommunications Act's mandate that all classrooms be connected to the Internet. The Republican majority wants instead to trickle out, on its own terms, the dollars to schools, with numerous riders requiring "moral" software interfaces installed on school web servers; other rules would make cash-poor schools testing grounds for the agenda of the Religious Right. This is what has happened to Speaker Gingrich's erstwhile plea to give every child a laptop. Oh, Newt, how far you haven't come!

For the communications revolution to fulfill its potential, we need a new regime of sensible deregulatory rules. The message from Convergence II should be "Let's allow broadcasters to buy—or be bought out by—cable, telephone, or newspaper companies." That, finally, would foster competition in content markets. Such new economic rules need to be coupled with a clear statement about how access to the superwire will be provided for all Americans. ■



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That's Edutainment

TV stations have to provide three hours of educational programming for kids each week. How many of them deserve a passing grade? • BY RACHEL TAYLOR

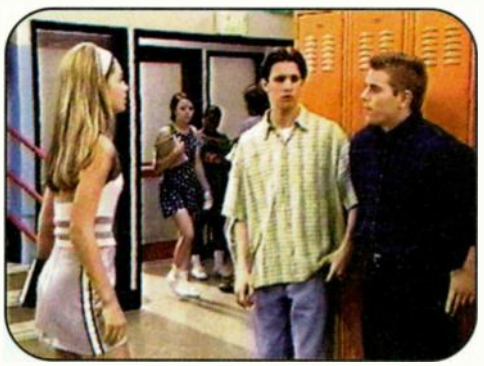
EARLY MORNING. GROUND ZERO for kids' television. What's in store for them? How about a show that encourages "tolerance of differences" and "peaceful conflict resolutions and global awareness"? Or a program that "give[s] teens a useful perspective on many of the tough issues they have to face...in their peer relationships"? Or an episode that deals with "the trials and tribulations of childhood joys and fears"?

As the kids settle in for such invigorating fare, here's what they actually see: pro basketball stars muscling for rebounds. An attractive girl dating two brothers. A father trading in his old clunker for a shiny new car.

These shows, while hardly offensive, are in fact the programs cited in the first paragraph, as described by the stations that air them. *NBA Inside Stuff*, which runs on most NBC affiliates, is the conflict-resolution teacher. *Saved By The Bell: The New Class* is another NBC-carried show that purports to address "tough issues" faced by teens, such as the dilemma of two brothers fighting over the same girl. ("We can't let it come between us," one teen tells his love-struck sibling. "After all, we're brothers, man!") And the animated Fox show *Life with Louie* is based on the working-class childhood of comedian Louie Anderson.

The high-minded language describing these programs is written to pass muster with the Federal Communications Commission, which since 1996 has required broadcast stations to air at least three hours a week of programming that "serv[es] the educational and informational needs of children as a significant purpose." That rule is a step forward from the Children's Television Act of 1990, which itself was a response to the vast wasteland of toy-infested features and violence-spattered cartoons that once filled kids' programming hours.

Under that loophole-ridden act, the Center for Media Education reported in 1992, one local TV station insisted *Leave It to Beaver* was educational because "Eddie misunderstands Wally's help to girlfriend, Cindy, and confronts Wally with his fist. Communication and trust are shown in this episode." Another station claimed that G.I. Joe cartoons were educational because "the Joes fight against an evil that has the capabilities of mass destruction of society. Issues of social consciousness and responsibility are show themes." Perhaps strangest of all was a station's insistence that weekday morning episodes of *Donahue* and *The Jerry Springer Show*—which explored topics such as "Parents who allow their teenagers to have sex at home" and "How does a kid become a killer?"—qualified as educational programming.



A familiar ring: NBC stations air the popular *Saved By The Bell: The New Class* (top) to attract teens with its "social" messages; ABC's *Science Court* takes a witty, animated route to explain scientific principles.

The new statute is supposed to remedy the old act's mushiness. And even children's advocates say the so-called three-hour rule has helped promote better programming for kids. "It's a good idea in theory, and we're better to have it than not have it," says *Sesame Street* originator Joan Ganz Cooney. *(See page 82 for Cooney's views on kids and television.)* But the television landscape has changed dramatically in the 1990s, and children's programming—and the rules regarding it—have gotten tossed around in the tumult.

Most notably, kids are no longer stuck with waiting for Saturday mornings or after-school hours to find programs for them on the network affiliates. Kid-themed cable networks, especially Nickelodeon, have drawn huge numbers of youngsters with daylong fare. Even on Saturday mornings, when the networks trot out their main kids' shows, Nickelodeon leads the pack. So the broadcast stations are left fighting over a much smaller audience, with consequently less potential advertising and merchandising tie-in revenue to support their shows.

That economic reality is one reason CBS has scrapped last season's kids' lineup, replacing it entirely this fall with animated programs such as *Flying Rhino*

Staff writer Rachel Taylor wrote about the competition among grade-school news and educational magazines in the September issue.

Junior High and *Mythic Warriors: Guardians of the Legend.* "The live things are always much better for children," but much more expensive to produce, admits Dorothy Singer, a Yale University psychology professor who serves on CBS's advisory board for its children's shows.

The shift in the kids' TV playing field is not lost on network executives. "Since kids' television is largely defined by cable services," says Jonathan Barzilay, ABC's senior vice-president and general manager for children's programming, "it's ironic that the three-hour rule does not apply to cable services." The reason, of course, is that broadcast stations are licensed to use public airwaves, unlike cable networks. So some form of children's programming will continue to be required as part of the FCC licensing process.

Technically, it's the local broadcast stations that must submit reports about how they comply with the rules for educational and informational shows. (They're known as E/I programs and are identified that way with an icon at the start of each program.) But the networks still supply virtually all of the kids' programming, through shows they produce themselves or buy from syndicators.

To assess the networks' E/I offerings, *Brill's Content* interviewed programming executives, academic advisers, and children's advocates and has analyzed the shows and the descriptions provided to the FCC. The consensus: Most shows do make an effort both to inform and entertain, with a few offenders missing wildly.

"The majority of shows that are out there that claim to be educational...actually do have some enriching, redeeming value to them," says Amy Jordan, a senior research investigator at the Annenberg Public Policy Center who evaluated the 1997–98 E/I lineups. "About seventy-five percent of the shows we looked at were, in fact, educational; twenty-five percent weren't."

The definition of "educational" is a bit slippery for parents used to the creative methods of *Sesame Street*, let alone to teachers lecturing in front of a blackboard. "Education is not just your cognitive skills—reading, writing, and arithmetic," says Yale's Singer, "but really how to socialize with other kids—cooperation, sharing, caring." Karen Jaffee, exec-

C Is For Cooney

IN RECENT YEARS, CHILDREN'S shows have proliferated across network and cable television, and quality kid-friendly fare has poured forth from Nickelodeon and Disney. But the benchmark against which all educational programming is still measured is *Sesame Street*, the PBS series in which Ernie, Bert, Big Bird, Cookie Monster, Elmo, and Oscar use engaging lessons about letters, numbers, sharing, caring, and helping to prepare preschoolers for life.

As the originator of *Sesame Street* and cofounder of the Children's Television Workshop, Joan Ganz Cooney knows educational TV better than perhaps anyone in the business. She says she is not familiar with the kids' shows on the networks, other than *The Magic School Bus* (thumbs up) on Fox and two ABC offerings, *101 Dalmatians* and *Winnie the Pooh* (entertaining, but not so educational).

Sesame Street originator Joan Ganz Cooney and pal: What's good for kids today?

Despite her avoidance of the commercial networks, Cooney is a fan of television for kids. Parents who ban the set are misguided, she says. Contrary to popular wisdom, television can be a positive force in childrens' lives: While it's "smart to restrict [viewing] to programming that's going to help the child," Cooney says, watching the right shows can actually increase a child's performance in school.

Citing a study by University of Kansas researchers, Cooney explains that "children who watched educational programming on television did better in school than children who watched no television at all or [who watched] any other kind of television. These shows really do have impact." On a personal note, Cooney relates that she can already see TV's positive mark on her 19-month-old granddaughter. "She watches *Sesame Street* every day and she's starting to count now," Cooney says. "She loves letters, loves to see them dance on the screen. And all of that will make some difference in her life."

Cooney also takes issue with critics who insist television discourages kids from reading. Although heavy television viewing does take time away from other activities, she admits, well-designed programs such as *Arthur* can help spur an interest in reading. "Even for adult programming, books sell like hotcakes after there's been a television series," she says. "That's the same with children."

So how does the Children's Television Workshop make shows that are truly educational? "Having a curriculum aim is what we mean when we say educational," Cooney says. "The curriculum is really laced in to and integrated with the production right from the beginning, from the conceptual work on." Because CTW's method is expensive, she says, other networks haven't followed suit.

The real test of a show, says Cooney, is whether it can both educate and captivate a young audience. "Being educational per se is not what turns kids off," she points out. But if the program is not "entertaining enough or compelling enough, [children] are obviously not going to watch.... If it's not appealing, forget it." —*RT*

ANDREA RENAULT/GLOBE PHOTOS

utive director of KidsNet, a Washington, D.C., group that studies children's TV and radio programming, says that while many E/I shows "certainly don't provide any cognitive instructions, they do provide social messages."

The highest marks tend to go to ABC's programs. "I think the people who put that [lineup] together seem to care," says Peggy Charren, founder of the advocacy group Action for Children's Television. "There's a way of thinking about children in that place that's better than it has to be." Susan Ness, an FCC commissioner, has cited ABC as a network that "has achieved critical success—and high ratings—for their innovative children's educational programming."

This success, not surprisingly, comes in part from ABC's ownership by the family-geared Walt Disney Company. ABC offers its stations a three-and-a-half-hour block of educational programming each Saturday, including the Disney-labeled shows *101 Dalmatians, Doug, Recess,* and *Pepper Ann.* The programs are aimed at different age groups and sexes: The animated *Doug* tracks the questions, conflicts, and changes in the life of a 12-year-old boy; *Recess,* targeted to 8 to 12-year-olds, follows the adventures of a group of fourth-graders on the school playground; *Pepper Ann* is an animated show that depicts the growing pains and joys of a seventh-grader.

Not all of ABC's shows are universally praised. Cooney cites *101 Dalmatians* and *The New Adventures of Winnie the Pooh* as programs that "are certainly constructive entertainment for children, but are not educational because they don't really have curriculum aims."

On the other hand, ABC's *Science Court* is a witty, entertaining, and enriching series in which scientific principles are explained to a target audience of 8 to 12-year-olds in a humorous courtroom setting. Consider "the falling idol" episode: Under the heat of spotlights, a brass plaque, made to honor a self-adoring movie star, falls out of its wood frame. When the star takes the plaque's creator to court, witnesses explain how heat causes particles to speed up and thus expand objects—explaining why the brass plaque became too big for its frame. A chorus in the courtroom sings, "It's our understanding heat will cause expanding."

NBC's Saturday-morning lineup draws the highest ratings among teenagers. Playing off some well-known TV brands, such as the National Basketball Association and *Saved by the Bell* (a version of which had a prime-time run on NBC), the network considers itself well in compliance with the kids' rules. "It's taken us years to get this [lineup]...so that we're qualifying [for E/I], our audience likes us, and the academics are happy," says Robin Schwartz, NBC's vice-president of Saturday-morning programs and prime-time series.

> "Education is not just your cognitive skills—reading, writing, and arithmetic—but really how to socialize with other kids," says a CBS adviser for kids' TV.

NBC's offerings—geared toward teens 13 to 17—include *City Guys,* which explores the pressures faced by teens at urban Manhattan High; a new multiethnic family show called *One World;* and two new high school-themed shows, *The New Class* and *Hang Time,* from *Saved By The Bell*'s producer. Although popular with teens, the latter programs are often given low marks by kids' advocates.

"NBC is sort of lazy," charges Charren, who says *Saved by the Bell* and *Hang Time* "look like they have the same cast and they're doing the same thing, except one set of them is doing it with a surfboard." While *Bell* does offer some valuable messages, says Annenberg's Jordan, it "epitomizes the discomfort we have with labeling shows that are prosocial about relationships and dating and friendships as educational."

The most scorn is directed at *NBA Inside Stuff,* "a half-hour of basketball commercials for the NBA," complains Charren. The weekly basketball wrap-up, says Jordan, "seems more interested in talking about the latest basketball trades and who is winning and losing, rather than providing kids with anything they could use outside the viewing situation." NBC's Schwartz says the producer is "working to make it a better qualifier" for E/I standards and that a new educational consultant is on board.

CBS, as noted, has scrapped its 1997-98 lineup in favor of all-new, all-animated fare. The CBS shows finished last among children ages 2–11 last season, so the complete makeover is a normal part of the television business. But critics say that CBS detracts from whatever kids' programming it chooses to air on Saturdays by breaking it up with a two-hour news block. Says Charren, "Kids learn not to turn on CBS because for two hours it's going to be a news show."

This year's shows will still have the news block in the middle. Lucy Johnson, CBS's senior vice-president for daytime and children's programming, did not return calls for comment about the news programming or the shows themselves. CBS academic adviser Singer says it's not possible to judge the shows' educational value before they air. But she says the advisory board "is really paying very close attention to what the educational objective is of every script that we review in the fall lineup."

At Fox, the kids' three-hour rule is met by programs aired on weekday mornings. "Kids are offered many more choices, and they're experimenting with those choices," says Donna Mitroff, vice-president of educational policies and program practices at Fox Kids Network. To go along with *Life with Louie* this season, Fox has picked up Scholastic Inc.'s *The Magic School Bus,* a show praised by critics that had been carried by PBS. Meanwhile, Fox launched a cable network, Fox Family Channel, in August to go after more of the children's audience.

If the networks want to keep their share of kids, they'll have to put on better shows, say the optimists—prodded by the three-hour rule and E/I standards. "The momentum is heading in the right direction," says the FCC's Ness. "We have every reason to think that it will continue to build." ■

Get the *Real* Story On America's 'Untrained, Uneducated' Workforce.

"Gimme a break! I'm sick and tired of reading the complaints of corporate executives who whine that the biggest problem they face is the lack of skilled workers.

In every craft and trade, business can find the best trained and educated workers in the world by simply giving the job to union contractors.

Over the years, a union/management partnership has resulted in a constant flow of superbly trained workers.

Our union is a good example. We not only train new workers, but offer training programs to update the skills of older workers in state-of-the-art techniques.

Last year $90 million—not a penny of it from the Federal Government—was spent on training programs that turned out thousands of the best educated and qualified plumbers, pipefitters and sprinklerfitters in the industry.

Reporters should take a closer look at those business executives who blame all their troubles on unskilled workers. *And shareholders might question the CEO excuse that cost overruns were 'unavoidable' because the contractor couldn't get skilled workers!*

Getting the job done right—on time and on budget—requires trained craftspeople who take pride in their work. And that means *union.*

If you want to hear more about how we work with industry to train America's most competent workers, give me a call. You may be surprised at the high-tech capabilities of today's pipe craftspeople."

Martin J. Maddaloni

THE PLUMBERS, PIPEFITTERS & SPRINKLERFITTERS UNION
UNITED ASSOCIATION

60 Minutes Laid Bare

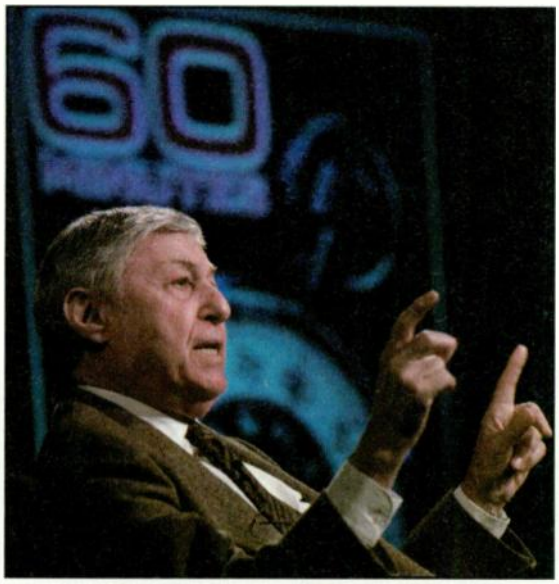
A veteran producer and his ex-boss knock heads and swap barbs over who deserves credit for how TV's longest-running newsmagazine gets made.

When Barry Lando submitted an article about the inner workings of 60 Minutes, *we knew it would cause a ruckus at his former shop. So we asked Lando to permit Don Hewitt, the show's founder and executive producer, to respond immediately, rather than in a letter that would appear in a future issue. Lando agreed, and Hewitt conceded the last word to his former colleague—and Mike Wallace chimed in too.*

CONFESSIONS by Barry Lando

NOTHING SETS OFF THE media as much as a good scandal within its own ranks. Take CNN's embarrassing retraction and apology over its broadcast report that the US military had used nerve gas on a 1970 mission in Laos. CNN employees demanded to know why their top managers retained their posts. Also under fire was Peter Arnett, who had delivered the report, lending his authority to the program's impact.

It was only after loud calls for Arnett's resignation, along with the producers who had supervised the report, that it turned out Arnett might really not be responsible for the debacle. True, he had conducted three of the on-camera interviews, but he had not participated in the months of careful investigative reporting that supposedly went into the exposé. That task, Arnett announced, was performed by others: producers, associate producers, researchers—not the star. By the time he was brought in to do a few key interviews and read the script, he explained, the basic thrust of the broadcast had already been determined.



Don Hewitt calls his show the first to give producers their due.

DJANSEZIAN/AP/WIDE WORLD

Barry Lando spent three decades at CBS. For 27 of those years, he was a producer for 60 Minutes. *He left the program in August 1997 and is now traveling around the world with his wife and six-year-old child.*

Arnett, then, was more actor than reporter. His role was to give the story a certain imprimatur, which, it now turns out, it didn't remotely deserve. But before the rest of the media trounces Arnett and CNN for such dishonesty, or, at best, surreptitious practices, let's make it clear that CNN did not invent this devious system. For decades it has been part and parcel of the way that TV documentaries and newsmagazines go about their business. They take their cue from the preeminent show of them all, *60 Minutes*, where I was a producer for 27 years.

On the ninth floor of the BMW Building at 555 West 57th Street in New York are some of the most powerful people in the media: the producers of *60 Minutes*. But you wouldn't know how powerful they are. Their names appear over the right shoulder of each of the correspondents at the beginning of each *60 Minutes* piece, after the words "Produced by." Probably 99 percent of the viewers have no idea what "produced by" really means. Which is just the way the people who run *60 Minutes* and CBS News want it. You'd think that the show that prides itself on revealing hypocrisy and cant, on uncovering deception, would be all for truth in packaging when it comes to itself. It's not. It's like all the rest of the magazine shows.

If a *60 Minutes* producer does five pieces a year he's considered good; more than that, he's a wunderkind. Including vacation time off, that works out to two months per report, with about three or four weeks just for research. Each star *60 Minutes* correspondent, on the other hand, appears in more than twenty pieces a year.

Most of the correspondents were top network reporters before they went to work for *60 Minutes* and have all the necessary skills. Mike Wallace, when he gets his teeth into a story, is

first-rate. The problem is that once elevated to stardom, the correspondents usually don't have the time—nor often the inclination—to dig into the complex subjects they regularly purport to tackle. The producers and associate producers do the bulk of the reporting on most stories. The correspondents are tightly scheduled, parachuting in for a few days to do the key interviews before jetting off to join another producer.

The unavoidable upshot is that the producers are thoroughly familiar with the story and the correspondents often are not. They're obliged to rely on the producer and his assistants for the reporting, even though they do their best to master the briefing material they're given. The taped interviews are often pure shadow play. The producers usually preinterview every character, often several times. They usually prepare a set of questions for the correspondent, often including, in brackets, the answers that will be given. And they continue to add questions as the interview unfolds. Mike Wallace, who justifiably takes pride in his interviewing skills, insists on writing his own questions when profiling one individual, but when doing a normal report he is the first to admit he relies on the producer.

For instance, a few years back we were in Jerusalem doing a report on the circumstances that led to the deaths of 17 Palestinians shot by Israeli police during a stone-throwing riot on the Temple Mount. The most moving of the interviews was that of a Palestinian nurse still lying in her hospital bed. She had been shot when the police fired at the ambulance in which she was tending the wounded. After having preinterviewed her a couple of times, we were not only able to provide Mike with questions and her likely answers, but were also able to predict precisely when she would break down and start sobbing.

THE TRICK FOR THE SKILLED CORRESPONDENT IN SUCH circumstances is to express just the right degree of surprise or shock ("You mean your own father did that to you?") to make it appear that he is hearing the interviewee's appalling tale for the first time, when in fact he has already been briefed ad nauseam by the producer. Sometimes, the correspondents may already have heard the story two or three times from the interviewees themselves, but keep asking the questions until the interviewee has managed to deliver just the response they are looking for.

Of course, the best interviews usually occur when the lines are improvised, when an astute correspondent picks up on an unforeseen answer and heads off into uncharted terrain. But there are also many cases in which good producers carry the correspondents, salvaging interviews by judicious editing or by aggressively stepping in as the cameras are being loaded to demand additional questions.

But you'll probably never see the role of the producer acknowledged on the program. That wouldn't sell. Each week, on *60 Minutes*, 20 million Americans tune in not to watch the latest investigative reports from producers Lowell Bergman, Rich Bonin, and Jeanne Solomon Langley but the ongoing adventures of Mike, Morley, Ed, Steve, and Leslie. You can almost hear *60 Minutes* executive producer Don Hewitt's pitch. "Look, I've got this great concept. It's a TV adventure series. You've got these four guys and one gal who work for this TV magazine show. Each week they're into something new, digging up dirt about corruption, talking to some famous film star, wandering in their safari suits around some exotic country. It can't miss! And best of all, except for the reporters themselves, we don't have to lay out big bucks for any of the other people who appear. They're all doing it for free! We can't lose!"

In fact, the stars on *60 Minutes* are as much actors as reporters, with Hollywood-sized salaries to prove it. Even if the correspondent is on the scene for only 24 hours, the producers use every cosmetic trick in the book to make it appear as if he were there for the duration. In 1993, for instance, *60 Minutes* did a profile of MIT economist Lester Thurow by correspondent Steve Kroft. It was about Thurow's views on why the twenty-first century might belong to countries like Germany and Japan, not the United States. A vital subject, one might think. But after we spent several weeks thoroughly researching the topic and had arranged for Thurow to hopscotch around Germany—and with Thurow now already en route to Europe to meet us—Steve called to say that Woody Allen had finally agreed to talk about his relationship with his stepdaughter. Obviously, the fate of the U.S. economy versus Woody Allen baring all was a no-brainer.

To look at the final report, however, you would never know that Kroft was finally able to show up for only a few hours and at only one of the three locations we had originally planned. The person interviewing Thurow at the Airbus factory in Hanover and racing through Germany aboard the sleek high-speed train was not Kroft, but the producer. That fact was hidden by using pictures of the train or factory when it was necessary to cut away from Thurow's face. Another artifice is to use narrative questions to hide the fact that the producer rather than the correspondent conducted the interview.

Watch carefully the next time the correspondent relates how "We spoke with so-and-so," "We got a hold of the documents," or "We managed to tape him as he was sneaking out the back door of his office one night." The "We" usually does not include the correspondent.

And this, mind you, occurs not just with magazine shows and documentaries, but often also with the dramatic appearances of evening news anchors, such as Dan Rather and Peter Jennings, who suddenly show up in situ to explain to us what is really going on at one of the globe's current flash points.

Two-camera interviews have become a must for the news stars: one camera for the correspondent, the other for the person being interviewed. In many cases the cameramen use special, more flattering lenses to shoot the correspondents, and often fuss much more over lighting the correspondent than the subject. After all, it's the correspondent, not the interviewee, who can decide whether or not they'll be called upon to shoot another interview. Those analysts who have bothered to dissect such reports discover what everyone already senses: the star usually appears more often on camera than the people they're supposedly reporting about. And why not? The correspondents are national celebrities, most of them much more famous and recognized than the people they're interviewing.

According to one producer, Ed Bradley is best in his on-camera mode: Ed walking along a Manhattan street holding hands with Lena Horne ("Hey, who's that woman with Ed

Bradley?"); Ed in a château in Bordeaux, quaffing a glass of Château Lafitte with Baron Rothschild; or sitting in a sauna in the Russian hitherland, wrapped in a towel, throwing back vodkas with a Russian general. The scene adds nothing to the editorial content of the piece, but who's talking editorial content?

Ed was on his way to do a report about Russian missiles still aimed, despite all the talk about the end of the Cold War, at the U.S. It was a very good story, but much of the piece was spent chronicling Ed's adventures getting to the missile site. So much time, in fact, that the reporter never got around to asking the most important question of all: Why are the Russians still targeting the U.S.? And why did they decide at this particular time to let the American public see those missiles? What's the message? We got the medium instead.

Or take Mike Wallace in the hills of Tuscany, clinging to the back of a motor scooter driven by Luciano Pavarotti, supposedly showing Mike around his country estate. A down-home guy, this corpulent Pavarotti, joie de vivre incarnate, right? In fact, according to the *60 Minutes* team that spent weeks dealing with the tenor, he was anything but charming. "Very difficult, very selfish, altogether disagreeable," one of them put it. But he made for good theater. So did Dan Rather back in 1982, when he went into Afghanistan in mufti to cover the war. A few years later, I suggested a story to Mike about famine in West Africa. Mike wasn't interested. But Diane Sawyer had just begun at *60 Minutes*, and she was. "Barry, take Diane to Africa," Hewitt told me. "I want to see her down in the mud with her face all dirty." We did just that.

In short, it's usually the producers—along with their associate producers—who do the bulk of the reporting and also frequently write and, as often as not, find the stories that are seen each week on *60 Minutes* by 20 million Americans.

Who elected them? No one. Who supervises them? CBS News in theory, but in practice, much less than you would think—certainly less when compared with organizations like *The New York Times* or *The Washington Post*. To a very great degree, they oversee themselves, torn between their own professional consciences on the one hand and their usually desperate hunger to produce a report that will catapult their boss, Don Hewitt, from his seat in the screening room yelling, "Sensational!" Of course, in going after sensation they make mistakes.

"The Deeper You Dig, Any Story Collapses." That maxim is attributed to Cy Romanoff, who ran the local news wire in the city of Chicago many years ago. What it means is that most investigative reports on CNN or *60 Minutes* or anywhere else are usually painted starkly: black and white, the bad guys and good guys. In fact, most of life is played out in shades of gray. When you start digging into any supposed scandal you usually find that the bad guy is not all that bad; the good guy not all that good, and often the supposed villain is not really a villain at all. Such subtleties, though fascinating to uncover, don't make for the kind of clear-cut morality plays that are the staple of programs like *60 Minutes*.

The producer frequently finds he no longer has "a story." Usually producers and correspondents recognize when they arrive at that point and drop the project. But not always. It's when the revelation occurs after you have already committed several weeks and tens of thousands of dollars to a report that the process is most painful, and the temptation to continue, in spite of what you have uncovered, is greatest.

In the past few years, one of the senior producers on *60 Minutes* was given the task of going over the transcripts of every interview that had been taped for a piece. She was supposed to review them to see if the interviews follow the CBS editorial "guidelines," rules such as not being allowed to telescope together the answers to two different questions. Such mechanical rules are easy to police but are not always enforced. In any case, reviewing transcripts for "balance" is a much more sensitive, more sophisticated task; in reality, it just doesn't work. Also, the senior producer has no chance to learn what people said who never were interviewed on tape. She has also at times been overruled by Hewitt and the star correspondents. The fact is there is no first-class editorial person at *60 Minutes* who supervises the producers in any serious way, asking for sources, constantly probing for weaknesses. Temptations to distort abound.

Correspondents Christiane Amanpour and Mike Wallace—two of the on-camera *60 Minutes* stars who rely on plenty of off-camera help.

Most taped interviews, for example, run at least half an hour in length. But it's rare that the producer uses more than a couple of minutes of any particular character; usually its only twenty or thirty seconds. The choice of those sound bites is critical. They're simple to manipulate; it's easy to delete bothersome denials or qualifying phrases.

I once suggested to Mike Wallace the following idea: Two *60 Minutes* producers are to be assigned to go to the same city to report the same story. It could be a classic controversy, like a pulp and paper mill trying to set up in a town. The local environmentalists are battling the project, claiming the mill would lay waste to the nearby marshlands. On the other side, the blue-collar workers in the community desperately need jobs. The two producers use a correspondent to interview six people representing different points of view in the conflict. Then, making use of the same original interviews and pictures, the producers turn out two diametrically opposed reports. By just selecting different sound bites, the producers would totally and convincingly change the thrust. Such an exercise, I argued, would show how duplicitous television reporting could be. Wallace was intrigued; Hewitt was not. "People would lose faith in our broadcasts," he said.

What would be wrong with revealing that the star correspondents are not journalistic supermen, that others are responsible for much of what they appear to have accomplished? That revolutionary idea was actually suggested in 1981. It came in the aftermath of the report Mike Wallace and I broadcast questioning the Vietnam war crimes of Lt. Col. Anthony Herbert. Mike credited me by name in his opening. I appreciat-

COURTESY OF CNN/REUTERS (AMANPOUR); DURIKA/AP/WIDE WORLD (WALLACE)

ed the gesture but felt that such credits shouldn't be exceptional.

Shortly after that, a number of us asked for a meeting of *60 Minutes* producers with the correspondents and Hewitt to discuss the question of credit. I made my pitch that as part of his on-camera introduction to each report, the correspondent should say something like, "For the past six weeks producer Norm Gorin has been looking into this story, and here is his report." Joe Wershba, an ebullient, crusty producer, was even more vehement on the subject. Tempers flared. Sensing mutiny, Hewitt announced that he, Mike, Harry, and Morley would discuss the issues in private, and all four stalked out.

When they returned a few minutes later it was to toss down the gauntlet. "You've already got the best credit in television," Don informed us, and he went on to warn that if we were not satisfied at *60 Minutes*, there were plenty of others in the world of television who would love a crack at working on the show, with or without a credit. That ended the meeting. Not surprisingly, there have been few such assemblies since.

DON HEWITT RESPONDS

WITH THE PROLIFERATION OF NEWSMAGAZINES ON television, there is probably nothing that deserves another look more than the invaluable contribution of "producers" to the stories that make their way to *60 Minutes*, about which Mike Wallace wrote so glowingly some 13 years ago in his book, *Close Encounters*.

In that vein, *60 Minutes* was the first broadcast ever to make sure the "producer" was credited at the beginning of the story (not the end), with his name frequently displayed prominently for as long as a full minute and sometimes displayed again at the close of the story.

Barry Lando knows that as well as anyone, but he refuses to acknowledge it, prompted, no doubt, by his pique at the audacity of *60 Minutes* in bringing to a close his 17-year sojourn in Paris after Mike Wallace and I concluded that he would be more productive and better earn his keep (far in excess of what other journalists get for five stories a year) by coming home and working out of New York as his other colleagues do. That's when Barry threatened a lawsuit if CBS dared exercise its right to assign him to a location other than Paris. What this arbiter of the rules of broadcast journalism refuses to acknowledge is the age-old rule that foreign correspondents do not "own" the cities to which they are assigned and the editors have the right to call them home or reassign them at any time.

What journalists do own, or should own, is a desire to tell the truth. So, why oh, why, would anyone who prides himself on his journalistic acumen as much as Lando does, come up with a whopper as big as the one he tells about an Ed Bradley report from a missile base in Russia—about which Lando writes: "The report never got around to asking the most important question of all: Why are the Russians still targeting the U.S.?"

The plain unvarnished *truth*, as opposed to Lando's varnished *untruth*, is that prominently featured in that report was this exchange between Ed Bradley and the three-star general in charge of all of Russia's land-based missiles:

Bradley: "If there is no threat from the United States, why are there Russian missiles targeted on American cities?"

General Sergeyev: "I agree with you. There's no threat. If there's no threat we should stop targeting each other. Let's do it. I'm ready to do it."

While he saw fit to include in his piece a completely *untrue* story about Ed Bradley, what he saw fit to leave out was a completely *true* story about himself, i.e. the ultimatum he issued that he absolutely and unequivocally would not leave Paris to go to any dateline he considered unsafe...and then proved that he meant what he said by refusing to go to Afghanistan with Christiane Amanpour on a story about the Taliban. Afghanistan may have been unsafe for him, but it wasn't for his associate Scott Bronstein, who was more than happy to go on the story and do Barry's job for him. Barry also flat-out refused to go to Bosnia with Amanpour.

Lando may think otherwise, but it's simply not possible to be everything he contends a "producer" is and a "correspondent" isn't when the "producer" is in Paris and the "correspondent" is in Afghanistan or Bosnia.

No *60 Minutes* "correspondent" has ever claimed that he could do what he does without the help of a producer. And no "producer," save Barry Lando, has ever claimed that a *60 Minutes* "correspondent" is not a vital part of that process. Whatever the relationship was between Peter Arnett and his CNN producers, it is not the way we operate, and no one knows that better than Barry Lando, who has been reaping the rewards of being *60 Minutes*'s longest-running producer for almost as long as I can remember.

Barry, old friend, if you were so unhappy and everything you say about us now is true, why did you hang around for 27 years and threaten to sue us if we didn't let you continue in a job you now claim was so distasteful?

MIKE WALLACE CHIMES IN

MY FRIEND BARRY LANDO HAS WRITTEN, TO SOME degree accurately, on the relationship between correspondent and producer on *60 Minutes*. I wrote virtually the same scenario 14 years ago in my book, *Close Encounters:* "Ever since *60 Minutes* first went on the air, field producers have been an integral part of our reporting process. Indeed, it is no exaggeration to say that the symbiotic relationship between each correspondent and his team of producers has been a decisive factor in the program's success. But it's also true that a producer's contribution varies a great deal from one assignment to the next. For example, when I do a story that is structured almost entirely around

FRANK VERONSKY

an interview...most of the burden falls on me. I prefer to do most of my own homework in preparing for those encounters. Interviews are my department, and the people who work with me understand that. Hence, on that kind of assignment, a field producer may come up with a separate list of questions from mine. In addition, he'll handle the logistics and supervise the camera crews and the editing of the film. But delivering the essence of the story—the interview itself—is basically my job.

"In constructing long investigative reports, however, I must rely on my producers to carry the ball most of the way. One reason is simply because they have the time and I don't. During the regular season, when the *60 Minutes* schedule is in full swing, I have to go on the air almost every week with a fresh story of one kind or another. This means that I can't just drop all other projects and spend several weeks, or even months, doing the kind of intensive spadework that an investigative piece requires. But my producers and researchers do have that kind of time, so it's up to them to develop those stories from scratch and to guide them through the crucial stages."

And for the record, what Barry fails to say in his piece is that each of the correspondents for *60 Minutes* has done exactly what our producers do currently—back in the days when each one of us covered our own individual beats for CBS News without the benefit of any producer's help.

BARRY LANDO'S LAST WORD

DON HEWITT SETS UP A STRAW HORSE BY CLAIMING that I refuse to acknowledge the credit given to *60 Minutes* producers. I made it very clear in my article that producers are given a written credit. In fact, I even repeated Hewitt's pat phrase that they've got "the best credit in television." The problem is that the viewing public has no idea what "produced by" really means. Mike Wallace's crediting of producers in his autobiography was much appreciated, but that has absolutely no bearing on the fact that *60 Minutes* and CBS—and Don Hewitt—customarily ignore the key reporting role played by producers and associate producers on *60 Minutes*.

In his reply, however, Don Hewitt avoids dealing with this question. He does attempt to rebut the point I made about Ed Bradley's report on Russian missiles, but the general's one-sentence answer that Hewitt cites is just too facile an out. It cries for follow-up questions or commentary. Though General Sergeyev agreed that the U.S. presented no threat to Russia, others in Russia obviously disagreed; otherwise those missiles would still not be targeting U.S. sites. So who had the power? Those others or the general? Can one general really produce such a dramatic shift in strategic planning on his own? And please, Don, do tell us: What did pictures of Ed having a steam with a Russian general have to do with all this? Again, this is not to single out Bradley, who, in his own right, is a top-notch reporter. It's the show business that's entered into the profession that I'm talking about.

Unfortunately, rather than dealing with the points I raised, Don chose an easier tactic, impugning the messenger rather than dealing with the message. I am therefore obliged to answer. Beginning with the Taliban report in Afghanistan, it was I who suggested the report to Christiane Amanpour and Hewitt—and I was fully planning to join her and my associate producer in Kabul and bring a camera crew with me. At that point, my wife, who had seen CNN's coverage of rockets hitting near Kabul, threatened to end our marriage if I went. Still, we finally decided not to go only after Christiane informed us that because of the fast changing situation in Kabul, any report we did might well not hold till that Sunday. I was on the phone with Hewitt three or four times a day during this period. He agreed with our decision not to go to Kabul.

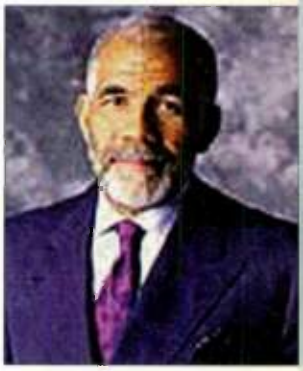
It was only after Hewitt discovered that Diane Sawyer was on her way to Kabul that the Taliban story suddenly became vital to Don. It would be the first face-off between Diane and Christiane, the new star of *60 Minutes*. I flew to London to meet Hewitt and Christiane and spent the next few days closeted with editor Steven Milne, editing and writing much of the report, as well as producing another interview with Christiane to flesh out the story. The upshot was a report that the New York press acclaimed, contrasting Christiane's substance to Diane's fluff. I was given no producer's credit for that report, nor did I expect one. I felt miserable about not having gone to Kabul. But after it was all over, Christiane thanked me and an ecstatic Hewitt said, "I owe you one."

When Hewitt asked me to return to work in New York after almost 20 years in Paris, I told him it was impossible. It was not a simple question of refusing a reassignment. For one thing, my French wife has an on-going French business. There was no way, I told Don, we could just pick up and move. I naturally felt I had the option to find out what my rights were under French law. I never heard from Hewitt again—and I worked out an amicable settlement with CBS.

But Don, if you think that the way you handled my leaving *60 Minutes* somehow sparked this article, think again. The fact is that 90 percent of this piece was written four years ago. It was part of a book that I wanted to write about *60 Minutes*. You may remember, Don, that when CBS News refused to give me permission to write such a book, you backed them 100 percent.

Finally, certainly I enjoyed my years at *60 Minutes*. I would be the first to admit I had a great job—though I do get a kick out of someone like yourself, who is probably earning upwards of $6 million a year these days, grumbling about overpaid producers. But there are ways that *60 Minutes* could improve. No show is perfect, Don, not even yours.

I'd like to thank Mike for endorsing most of my views and I'd like to know when Hewitt and CBS will formally come to recognize the situation. ■



According to one *60 Minutes* producer, Ed Bradley is at his best on the street (or in a sauna or perhaps a château).

Talk Radio's Master Of Patter

Besides acquiring radio stations at a rapid clip, Jacor's Randy Michaels is the leading collector—and originator—of talk-show talent. • BY LORNE MANLY

EVERY WEEKDAY, RUSH Limbaugh enthralls his 18 million "dittoheads" with a fiery brand of political talk and call-in rabble-rousing. Five times each week, Dr. Laura Schlessinger browbeats nearly 18 million rapt listeners about their neuroses, relationship woes, and emotional dilemmas. Day after day, Dr. Dean Edell dispenses common-sense medical advice to 3 million fans.

These wildly different—and wildly popular—radio personalities share one common bond. They all work for Jacor Communications, Inc., a radio conglomerate you likely haven't heard of that is based in Kentucky, across the Ohio River from Cincinnati. The company is run by Randy Michaels, a sharp-tongued, intuitive chief executive who revels in the trench warfare traditionally waged between local radio stations. Over the last 18 months, however, Michaels has maneuvered on a much grander scale, shelling out more than $320 million on a shopping spree for top radio talent.

Jacor now owns the two highest-rated national talk-radio programs, *The Rush Limbaugh Show* and *The Dr. Laura Schlessinger Show*, and the company syndicates the programs of such other well-known hosts as Leeza Gibbons and Michael Reagan. Tapping into Americans' apparently insatiable appetite for tales of alien abductions and other sorts of *X-Files* intrigue, Michaels acquired Art Bell's two paranormal-themed national radio shows, *Coast to Coast* and *Dreamland*, in early 1998. Using a strategy of turning successes on Jacor's local stations into regional shows—as Michaels has done with Cincinnati gardening expert Denny Mckeown—the 46-year-old go-getter expects to grow the next crop of talk-radio stars.

Michaels is a rare breed in the executive suites inhabited by today's radio giants. He came up through the programming ranks, not from sales or finance. Both of his parents were on-air hosts in his hometown of Clarksburg, West Virginia; Michaels would often stay up late transfixed by the music and talk beamed toward him from distant stations. "My dream as a kid," he recalls, "was to visit a radio station and see how it all worked."

While attending college in upstate New York, Michaels found jobs as a station engineer and announcer. He even traded his given name, Benjamin Homel, for the more radio-friendly Randy Michaels, and eventually dumped his quest for a physics degree to become a full-time radiohead. In the late 1970s and 1980s, Michaels flitted around the Midwest and Southeast as a program director and talk-show host before moving into management and investing in radio stations.

In 1986, Michaels joined Jacor at its Covington, Kentucky, headquarters as senior vice-president for programming and operations; ten years later, he became its chief executive. Jacor is now one of the industry's heavyweights, owning 204 stations in 57 markets around the country. Its stations compete against other giant networks like those held by CBS Corporation, which has its own stars in Howard Stern and Don Imus, and Chancellor Media Corporation, which owns Casey Kasem's Top 40 music countdown shows. Even so, Michaels is never happier than when he's tinkering with his toys. "He's like a kid still playing with his radio stations, and he's having a ball," says Katy Bachman, editor in chief of *Radio Business Report*, a weekly industry magazine. "He really gets in there and scrapes competitively."

In May, for example, Michaels inserted himself into a station battle in Cincinnati, disrupting a live televised remote promotion for one of Jacor's rival stations by brandishing a placard

Scanning the dial for the next Rush Limbaugh or Dr. Laura: Randy Michaels has bought their top-rated shows, along with many others. His strategy: Find potential stars in local markets and avoid dull homogeneity.

PAULA NORTON, COURTESY OF JACOR

Senior writer Lorne Manly wrote in the premiere issue about disgraced former New Republic *associate editor Stephen Glass.*

that poked fun at the station. Such small-town antics mirror the company's larger strategy. Michaels wants his stations to cut through the clutter of the crowded radio spectrum. The best way to accomplish that task, he argues, is through original programming.

"The harder [the programs] are to duplicate, the better it is," says Michaels. A music station can brag about its ten-in-a-row, commercial-free playlist, he notes, but an upstart competitor can swiftly come along and trump it with 12-in-a-row. On the other hand, if stations can find hosts and shows their audiences cannot hear elsewhere, they'll create a strong connection with loyal listeners—a bond that can prove highly profitable.

"Salesmanship certainly makes a difference at the margins, but audience levels—in quality and quantity—that's what determines what you can charge advertisers," says Michaels, who points out that the highest-grossing radio station in the country is a sports-talk station, WFAN-AM in New York, which is now owned by CBS.

Talk radio happens to be particularly suited to Jacor's radio-station lineup. In the deregulatory wake of the 1996 Telecommunications Act, which unleashed a frenzy of consolidation in the marketplace, Jacor has emerged as the biggest buyer of local AM stations. Seventy-three of its stations are on that often-discredited dial, where they suffer from poorer sound quality than its FM counterparts. "You have to find something that will get people to get to [AM stations]," says Michaels. "Talk radio is the answer. That's the way to make money with them." Michaels then adds: "We make tremendous money on AM."

By buying up or creating popular syndicated shows, Jacor fills the pipeline, particularly for its smaller AM stations, with high-quality, durable programming, says Paul Sweeney, broadcast analyst for Salomon Smith Barney. "I think they have been great acquisitions for them," says Sweeney of Limbaugh and Dr. Laura.

Michaels and his programming team are constantly scouring the United States for new talk talent to add to their big-name stars. Each spring and fall, Jacor executives track every talk show on every station in the country, searching for programs that outperform the average rating in a particular time slot. Then they gather tapes of those shows, attempt to divine whether syndicating them would fill needs elsewhere, and decide what to bid for.

The company spends $5 million to $10 million a year researching consumers' radio tastes, Michaels notes. "We caught Dr. Laura on the way up, we caught [sports jock] Jim Rome on the way up, by noticing shows that are spiking," he says.

Jacor is not alone in combing the radiowaves, of course. But its aggressive buying spree under Michaels, and the trophy names it has locked up, have given it a dominant position as a negotiator. "The Holy Grail of the radio industry right now is where the next Rush or Dr. Laura is coming from," says Frank Murphy, a former head of programming at CBS Radio Networks.

Michaels and his programming team scour the country for new talk talent, spending up to $10 million a year researching consumers' radio tastes.

That can be a tall order. Radio remains a stubbornly local medium. "What's hot in Cincinnati—where to build the new baseball stadium, what to do with [Reds owner] Marge Schott, violence in Over-the-Rhine—nobody gives a crap about that in Cleveland," Michaels admits. "Anyone who tries to put together cookie-cutter programming will soon find why national networks rarely work."

In addition, the desire for a big payoff has often led syndicators and station owners astray in their programming choices. "In the past, they've pushed them into a national format prematurely, and the shows have fallen flat," says Betty Pat McCoy, a vice-president and director of national broadcast for Texas-based ad agency GSD&M, whose clients include MasterCard and Chili's. "But they'll keep on doing it, because eventually one will hit it big."

Jacor has a better chance than most radio players in making the aspiring national talk jocks a reality. Because it ranks third on the country's total-stations chart, Jacor has a built-in distribution network for its syndicated fare. To avoid costly missteps, it can test shows regionally before rolling them out to a national audience. And it can use the clout of its stars to sell advertising time on its up-and-coming shows carried by its own stations and non-Jacor outlets across the country.

This year, Michaels has taken *The Truckin' Bozo Show*, an overnight mix of talk and country music originating from a 50,000-watt AM station in Cincinnati, and placed it in five markets that range from Rochester, New York, to Casper, Wyoming. Jacor is also trying to build a radio counterpart to TV's Bob Vila in home handyman Gary Sullivan, whose *At Home with Gary*, is drawing listeners in Lexington, Kentucky and Toledo, Ohio, and is about to debut in two Iowa markets. A cooking show is in the works as well, says Michaels, as are more acquisitions of independent syndicators. But his talks about a megadeal—a potential merger with Chancellor—have collapsed.

Despite his tenure and clout in the radio business, Michaels does not pretend to be a Delphic oracle in determining future hits. The coast-to-coast success of Dr. Laura—who takes a hard-line, old-school approach to morality—astounds him. "I thought it would be big in the heartland, where people are in touch with family values more," he says. "But it's big in New York and Los Angeles. I guess people like to be scolded."

Michaels is sure of one thing in his view of the radio universe. "Something happens out in talk-radio land," he says. "The hosts end up sounding homogenized." On Jacor stations and on syndicated programs, rest assured that you'll never hear that smooth-talking, easy-listening FM jive. ■

SEXUAL HEALTH

Most men will have an isolated erection problem at some time in their lives, but for others it happens more frequently. If the inability to respond naturally to your partner has become a recurring problem, you may be suffering from a treatable medical condition called erectile dysfunction (E.D.), also known as impotence. The following questions and answers are designed to give you a brief introduction to the causes of E.D. and the various treatment options available. If you believe you are suffering from E.D., or want to know more about the condition, talk to your doctor or other healthcare professional.

ERECTILE DYSFUNCTION: WHAT EVERY MAN SHOULD KNOW

WHAT IS E.D.?

Erectile dysfunction is the consistent inability to achieve and/or maintain an erection sufficient for satisfactory sexual activity. That means not just an occasional problem, but one that has been occurring repeatedly for a period of time. It's a widespread condition, shared by approximately 30 million men in the United States.

WHAT CAUSES E.D.?

It was once believed that E.D. is all in your head, or just an inevitable result of getting older. Actually, the majority of E.D. cases are associated with physical conditions or events, including some that are age-related. The most common risk factors for E.D. include:

- *Diabetes, high blood pressure, hardening of the arteries, or high cholesterol*
- *Injury or illness, such as spinal cord injury, multiple sclerosis, depression, stroke, or surgery for the prostate or colon*
- *Medications that may bring about E.D. as an unwanted side effect*
- *Cigarette smoking or alcohol/drug abuse*
- *Psychological conditions, such as anxiety and stress*

If you want to know more about E.D., talk to your doctor.

CAN ERECTILE DYSFUNCTION BE TREATED?

Yes. The good news is that, regardless of the cause, the vast majority of E.D. cases are treatable. Patients have a variety of treatment options from which to choose, including oral medication, hand-held vacuum pumps, self-administered injections, pellet suppositories, and surgical implants.

CAN ANYONE USE THESE TREATMENTS?

It's important to remember that these treatments are not for everyone, but only for men diagnosed with E.D. You and your doctor can determine the appropriate treatment for you.

HOW DO I KNOW IF I HAVE E.D.?

If you have erection problems, you probably already know it. But before your condition can be treated, you need to get a diagnosis from your doctor. There is no need to be embarrassed or ashamed when discussing E.D. with your doctor. He or she has probably diagnosed and treated E.D. many times but may not have discussed it with you out of respect for your privacy. Your doctor can provide you with understanding, support, and best of all, information.

To diagnose E.D., doctors typically ask a few specific questions and give a routine physical exam. This should help your doctor arrive at a diagnosis.

Based on this information, you and your doctor will decide on the treatment that is best for you.

REMEMBER:

E.D. is a common medical condition.

It's not an inevitable result of growing older.

E.D. is treatable with a variety of methods.

Only your doctor can prescribe the appropriate treatment.

Paying Respects

When Hollywood's two leading trade papers want to laud studios and stars, they make a "special" offer the industry can't refuse. ● BY D.M. OSBORNE

THIS PAST FEBRUARY, WHEN *The Hollywood Reporter* began soliciting advertisers for a special *Seinfeld* farewell issue, the salespeople who work for the entertainment industry newspaper appealed at once to the vanity and insecurity of everyone on their list. The pitch, backed up by the show's production company, was almost impossible to resist: Take this opportunity to commemorate the most popular TV show of the 1990s—by buying a full-page ad for as much as $8,700—or risk looking like the odd man out.

Robert Dowling, the *Reporter*'s publisher and editor in chief, had been planning an editorial tribute long before *Seinfeld*'s much-celebrated finale. He first proposed the idea to Alan Horn, chairman of the show's production company, Castle Rock Entertainment, at a television programming convention in January. The two men were well acquainted, having worked together just six months earlier on a special issue marking Castle Rock's tenth anniversary, and in 1995 on a "salute" to *Seinfeld*'s 100th episode.

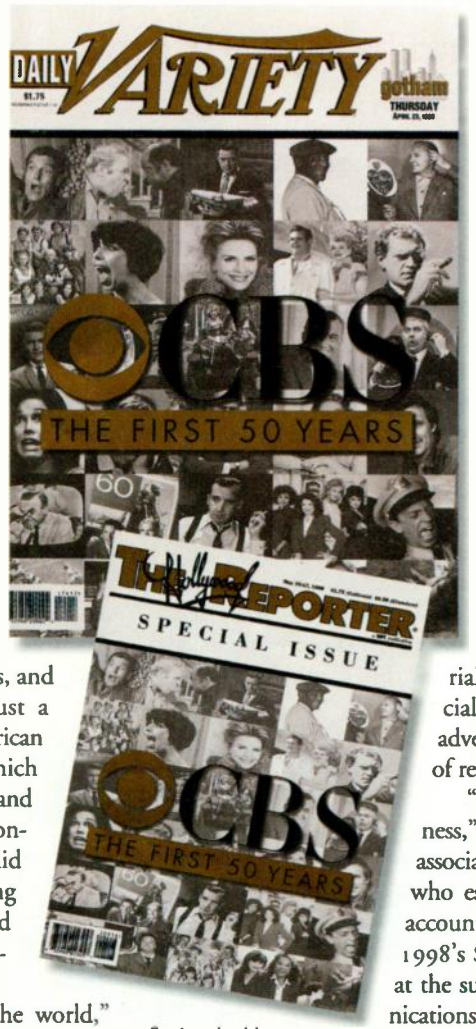
For the show's finale, Dowling, who has headed the *Reporter*'s editorial and business sides since 1988, suggested an even bigger tribute—something akin to his proposal for a 150-page collector's issue that appeared in May 1992, when Johnny Carson retired after 30 years as the host of *The Tonight Show*.

After discussing the idea with Jerry Seinfeld, Horn told Dowling they had agreed to work with the *Reporter*. "I thought, 'Oh, here's an opportunity where the people at Castle Rock will be willing to cooperate in creating a nice commemorative issue that recognizes the show's contribution, offers everyone involved an opportunity to say thanks, and gives them something they can keep in their stack of mementos,' " explains Horn. "And *The Hollywood Reporter* gets to make some money."

The paper's 25-person sales team then contacted just about everyone ever associated with the show, pushing ads to talent agents, animal trainers, film suppliers, and costume shops, to name just a few of the targets. The American Express Company, for which Seinfeld stars in television and print ads, bought a full-page congratulatory message. So did Clairol, whose hair coloring Julia Louis-Dreyfus has pitched in TV spots. NBC took a two-page spread.

"It's the easiest sell in the world," shrugs a senior executive at a major studio, who says his company frequently feels compelled to buy ads in tributes produced by the *Reporter* and its rival, *Daily Variety*. "If it's someone you do business with who is being honored, then there's no question, you buy an ad."

"It's a shakedown in a way," asserts Max Alexander, a former executive editor at *Daily Variety* who is now a senior editor at *People*. "I call it the buy-an-ad-or-feel-bad syndrome."



Seeing double: Both *Daily Variety* and *The Hollywood Reporter* ran tributes to CBS this year, using the same art on their covers.

In a business built on close relationships and fueled by lavish publicity, the entertainment industry's trade press have hit on a highly profitable formula—one that capitalizes on the Hollywood tradition of bragging and backslapping in their pages. Leveraging the success of stars, shows, and studios to their advantage, the papers use the editorial content of so-called specials as a springboard for advertising that is a vital source of revenue.

"It's a very lucrative business," confirms the *Reporter*'s associate publisher, Lynne Segall, who estimates that specials will account for close to one-third of 1998's $35 million in ad revenue at the subsidiary of BPI Communications, Inc. At *Variety*, owned by Cahners Publishing Company, U.S. publishing director Charles Koones says that specials publishing "has grown from a $5 million business to a $20 million business" over the past five years.

These numbers are even more important when considered in the context of the publications' profits. Because the spe-

Senior writer D.M. Osborne wrote in the premiere issue about the decision by some local Los Angeles TV stations to broadcast a suicide live.

cials are typically cheap to produce and their ads relatively easy to sell (in part because many of them are printed with thousands of "bonus" copies circulated at key industry events), much of the revenue they generate falls to the bottom line. For both the *Reporter* and *Variety*, such extra income can greatly contribute to the overall 20–25 percent profit margins a healthy trade magazine enjoys. No wonder, then, that hardly a day goes by that one or the other paper doesn't publish a package of articles labeled as some sort of "special."

Although their subscription bases are small—36,276 for the *Reporter*, 34,141 for *Daily Variety*, and 35,058 for the weekly *Variety* edition—the trades are read religiously by most of the industry's top brass. Their ability to command advertising points up their perceived power and influence in the $134 billion-a-year entertainment business. In the case of the *Reporter*'s *Seinfeld* issue, even the competing networks signed on. "We'll miss you Jerry," declared ABC. "The way George misses his dead fiancée."

Variety didn't want to miss out on such lucrative tongue-in-cheek sentiments and considered packaging its own *Seinfeld* special. But Castle Rock's Horn says he turned away *Variety*'s editors and publishers when they came knocking. "We felt that the implicit assumption was that we had an agreement for exclusivity with *The Hollywood Reporter*," recalls Horn. "We also didn't want to be in a position where those folks around town who were put in a position of buying ads for the *Reporter* might feel that they were being sandbagged."

In another instance, The Walt Disney Company effectively paid *Daily Variety* to *not* solicit advertisers for a special on its 75th anniversary. According to a Disney insider, the studio did not want people and companies with whom Disney does business to feel obliged to buy congratulatory ads. Reluctant to offend *Daily Variety*, either, Disney bought the 24-page special outright. The June 26 insert included stories by *Variety* staffers and had the look of normal editorial content, but it was simply flagged to readers on its contents page as a "Variety Custom Publishing project produced in association with" Disney.

Publishers at both papers acknowledge they ask the subjects of their special issues to provide lists of vendors and other business associates who can be contacted for ad leads. It's not surprising, then, that 16 of the entertainment business officials and journalists interviewed for this article—including senior executives at four major studios—say they regard the trade papers' specials as little more than advertising vehicles. Tucked behind hard news stories and often marked by an overwhelmingly positive tone, the specials "are more advertorial than not," asserts Anita Busch, who has reported on marketing and film at both papers. "I know," she says. "I worked on them."

Yet editors and publishers at both trades maintain that the overlap between advertisers and the people and companies featured in their articles is purely a function of the business in which they all operate—where readers and advertisers are, as Dowling puts it, "all intertwined." Advertising in the specials "is not coercion in any way," concurs *Variety*'s Koones. "What these milestone issues do is they provide a public forum, a conduit, for corporate or personal relationships....It's a service we're providing."

PETER BART, *VARIETY*'S VICE-PRESIDENT and editor in chief, was four years into his tenure at the paper when he decided to move heavily into the specials arena. Although the weekly *Variety* had run specials since its early days of covering vaudeville, at the start of the 1990s the daily was producing only a handful, such as commemorative issues devoted to Frank Sinatra, Bob Hope, and the paper's own columnist, Army Archerd.

In general, says Koones, *Daily Variety* had a "prohibition" against competing with the regular specials in the *Reporter*, which by 1992 was turning out 65 specials a year. But Bart, who has held senior posts at two major studios, says he thought it was "idiotic" not to run specials, which he maintains "have positive editorial value."

Bart envisioned the special reports as a way for *Daily Variety* to present lengthy portraits of entertainment industry players. He also intended to develop in-depth packages of articles on industry conventions and "spotlight" topics, something the *Reporter* had been doing with reports on such disciplines as animation and special effects. In that respect, Bart asserts,

Tucked behind hard news stories and often marked by an overwhelmingly positive tone, the specials "are more advertorial than not," says a former reporter.

The *Reporter* worked with Castle Rock, the *Seinfeld* producer, on a fond—and lucrative—farewell issue for the hit show.

the specials—and the advertising that is integral to them—are no different than what readers might find in a special report published by *The Economist* or *The Wall Street Journal.*

To head up his special reports section, Bart hired as his managing editor Steven Gaydos, who had written and edited specials for the *Reporter* for five years. *Daily Variety* made its official specials debut in December 1993 with a feature package on Steven Spielberg, the first in its "Billion Dollar Director" series.

The goal, says Gaydos, 47, has been to create "an information annex" to the paper's news division. Like Dowling at the *Reporter*, Gaydos staunchly defends the integrity of his work. "We don't tell our writers to dumb it down or to fluff it up," he says.

But they do crank it out. Under Bart, *Daily Variety* and and its weekly sibling have stepped up production to 120-130 specials a year, with roughly one in four focused on industry moguls, long-running shows, major stars, and company anniversaries. Bart says he personally came up with the ideas behind two commemorative issues published in April: a special on the first 50 years of CBS, an issue that pulled in 42 ad pages, and a 120-page stand-alone marking Warner Bros.' 75th birthday, one that garnered 78 pages of advertising. (An executive at a competing studio described it as "a great big valentine.")

Not to be outdone, the *Reporter* packed in six tributes in May, including its own CBS special, the *Seinfeld* farewell, and a 24-page celebration of the tenth anniversary of MovieFone, Inc., a.k.a. 777-FILM. The *Reporter*, which will produce a total of 130 specials this year, including about 40 salutes and anniversary issues, also began running a two-page house ad reminding readers that it—not *Variety*—was the first to stake out the specials market. "Others may follow, but there's only one leader," the ad declares, showcasing the covers of 16 specials.

"The competition is not just bitter, it's enormously personal," observes a Los Angeles publicist knowledgeable about the trades' specials business.

Editors and publishers at both papers insist they go forward with specials even when ads are scarce. As an example, Randall Tierney, 40, editorial director of the *Reporter*'s special issues, points to his paper's work marking the 100th episode of *NYPD Blue.* Initially, Tierney says, executive producer Steven Bochco did not want to cooperate unless the paper agreed to include the president of his production company in its "Women In Entertainment" issue. "We said, wait a minute, we're not going to make any deals on this," recalls Tierney. (Bochco's office declined to comment.)

"If people ever get the impression that we publish anything in this place that isn't editorial driven, that would trouble me," emphasizes the *Reporter*'s Dowling. But the *NYPD Blue* "package" published on January 13 turned out to be a single article over two pages—far shorter than the paper's typically extensive salutes. By contrast, *Daily Variety*'s special on the same subject published on the same day—which had Bochco's cooperation on both the editorial and advertising fronts, according to Koones—contained six articles, seven sidebar stories on the show's stars, and 18 ads.

No one suggests that either of the papers pull punches in their day-to-day news coverage of specials subjects to help attract ad or editorial support. "It's not a quid pro quo," says Larry Bloustein, vice-president of public relations for the William Morris Agency, who is working with *Daily Variety* on a special for the talent agency's centennial that will appear in October. On the heels of its May 14 *Seinfeld* farewell, for instance, the *Reporter* ran articles critical of syndication deals struck by the show's distributor, Columbia TriStar Television. And within a month of *Daily Variety*'s tribute to Warner Bros., Bart cited the studio's string of "superstar failures" in his column, noting that 1997 was Warner's "worst year in a very long time"—a theme the paper picked up again in its top news story two days later. Says Bart: "We've been merciless."

"The volume is out of control," a studio executive says of the specials turned out by the trade papers. "I can't budget for these things anymore."

The Reporter's Robert Dowling (left) and *Variety*'s Peter Bart insist they each publish 120-plus specials every year to meet reader needs.

The same could be said of the constant stream of specials. Four senior studio executives question the usefulness of both papers piling on to so many of the same subjects. "There's been such a proliferation," grumbles one, that the specials "have become an oxymoron, and the only people reading them are the people they are about." Concurs an executive at another studio: "The volume is out of control. I can't budget for these things anymore."

The *Reporter*'s Segall acknowledges that she hears routine complaints about the surge in specials. The heated competition between the two papers may in the long run put a squeeze on profitability. "It is probably going to make it more difficult for both of us," says the *Reporter*'s Dowling. "It will probably mean that both of us get fewer [ad] pages."

Meanwhile, unless studios, stars, and others in Hollywood's self-congratulatory circles cut back their appetites, the trade papers will continue serving them a rich diet of specials. "With special issues, there is a delicate balance between marketing and editorial," says *Variety*'s Koones. "But if the editorial product doesn't make it, it's going to bite us in the ass." ■

BARRETT/GLOBE PHOTOS (BART)

How Do They Know?

TV news shows call in an army of legal analysts to comment on special prosecutor Kenneth Starr's White House probe. Where did those analysts get their experience?

LAURA INGRAHAM
News analyst, MSNBC, NBC, 1996—
B.A., Dartmouth College, 1985; J.D., U. of Virginia School of Law, 1991
Clerk for Judge Ralph Winter, U.S. Court of Appeals, 2nd Circuit, 1991–1992; clerk for Supreme Court Justice Clarence Thomas, 1992–1993; assoc., Skadden, Arps, Slate, Meagher & Flom, 1993–1996; news analyst, CBS, 1996–1998
Estimated number of criminal cases tried to a verdict: 0

JERALYN MERRITT
Lawyer in private practice in Denver, federal and state criminal defense, 1974—; legal analyst, MSNBC, 1997—
B.A., U. of Michigan, Ann Arbor, 1971; J.D., U. of Denver College of Law, 1973
Estimated number of criminal cases tried to a verdict: 50

JONATHAN TURLEY
Professor, George Washington U. Law School, 1993—
B.A., U. of Chicago, 1983; J.D., Northwestern U. School of Law, 1987
Clerk for Judge W. Eugene Davis, U.S. Court of Appeals, 5th circuit, 1987–1988; asst. professor, Tulane Law School, 1988–1990; assoc. professor, Tulane Law School, 1990; assoc. professor, George Washington U. Law School, 1990–1993
Estimated number of criminal cases tried to a verdict: Says he has some, but "limited criminal trial experience." He refused to elaborate.

CYNTHIA ALKSNE
Raising her children full-time in Virginia
B.A., George Washington U., 1982; J.D., U. of San Diego, 1985
Asst. district attorney, Kings County, NY, 1985–1987; asst. attorney general, TX, 1987–1991; prosecutor, Justice Department, civil-rights division, 1991–1995; prosecutor and asst. U.S. attorney, Washington, DC, 1995–1997
Estimated number of criminal cases tried to a verdict: 50

GEORGE TERWILLIGER III
Partner, McGuire, Woods, Battle & Boothe, Richmond, VA, 1993—
B.A., Seton Hall U., 1973; J.D., Antioch School of Law, 1978
Asst. U.S. attorney, Washington, DC, 1978–1981; asst. U.S. attorney, District of Vermont, 1981–1986; U.S. attorney, District of Vermont, 1986–1991; assoc. deputy U.S. attorney general, 1990–1991; deputy U.S. attorney general, 1991–1993; acting U.S. attorney general, January 1993
Estimated number of criminal cases tried to a verdict: 75

RICHARD BEN-VENISTE
Partner, Weil, Gotshal & Manges, Washington, DC, 1991—
A.B., Muhlenberg College, 1964; J.D., Columbia U. School of Law, 1967
Asst. U.S. attorney, Southern District of New York, 1968–1973; asst. special prosecutor, Watergate special prosecution force, 1973–1975; partner, Melrod, Redman & Gartlan, 1975–1981; special counsel, Senate subcommittee on governmental operations, 1976–1977; partner, Ben-Veniste & Shernoff, 1981–1990; chief minority counsel, Senate Whitewater committee, 1995–1996
Estimated number of criminal cases tried to a verdict: 36

JEFFREY TOOBIN
Staff writer, The New Yorker, 1993—; legal analyst, ABC News, 1996—
A.B., Harvard, 1982; J.D., Harvard, 1986
Clerk for Judge J. Edward Lumbard, U.S. Court of Appeals, 2nd Circuit, 1986–1987; assoc. counsel, office of Independent Counsel Lawrence Walsh, 1987–1989; asst. U.S. attorney, Eastern District of NY, 1990–1993
Estimated number of criminal cases tried to a verdict: 11

WENDY MURPHY
Counsel, Brody, Hardoon, Perkins & Kestin (formerly Hardoon & Ball), Boston, MA, 1992—
B.A., Boston College, 1983; J.D., New England School of Law, 1987
Asst. district attorney, Middlesex County, MA, 1987–1992; lecturer, Massachusetts Institute of Technology, fall 1997
Estimated number of criminal cases tried to a verdict: 50

JOHN BARRETT
Assistant professor, St. John's U. School of Law, 1995—
A.B., Georgetown U., 1983; J.D., Harvard Law School, 1986
Clerk for Judge A. Leon Higginbotham, Jr., U.S. Court of Appeals, 3rd Circuit, 1986–1988; assoc. counsel, office of Independent Counsel Lawrence Walsh, 1988–1993; counselor to inspector general, Justice Department, 1994–1995
Estimated number of criminal cases tried to a verdict: 0

WHITNEY ADAMS
Lawyer in private practice in Washington, DC, 1987—
B.A., Randolph-Macon Women's College, 1967; M.A., U. of North Carolina at Chapel Hill, 1969; J.D., George Washington U. Law School, 1975
Asst. U.S. attorney, Washington, DC, 1976–1982; asst. general counsel, Securities and Exchange Commission, 1982–1984; deputy general counsel, Commodities Futures Trading Commission, 1984–1987
Estimated number of criminal cases tried to a verdict: 60

IRWIN GOMEZ (INGRAHAM); ROBERT ISACSON (ADAMS)

The unemployment rate for journalism and mass communications graduates stands at its lowest level since 1986, according to the University of Georgia's 1997 annual survey of aspiring newshounds. With the job market tight, entry-level salaries are rising at TV and radio stations, the report notes. Our survey of beginners' wages also found that on-line news sites are bidding up talent. Why? Because "our cost structure is much smaller than a newspaper or magazine," explains Dave Kansas, editor in chief of TheStreet.com. "No ink. No paper. No delivery. So our cash is devoted more to the most important resources, such as good writers and reporters." —*Rachel Lehmann-Haupt*

STARTING OUT: WHAT MEDIA BEGINNERS MAKE

NEWSPAPERS

CONGRESSIONAL REPORTER
States News Service
Washington, DC
Serves 50 papers
$15,600

REPORTER
Daily Camera
Boulder, CO
Daily circulation: 36,046
$20,800

NEWS ASSISTANT
The Wall Street Journal
New York, NY
Daily circulation: 1,820,186
$27,560

REPORTER
Times Community News
Los Angeles, CA
Serves 17 papers
$23,400

EDITORIAL CLERK
San Jose Mercury News
San Jose, CA
Daily circulation: 297,248
$23,152

MAGAZINES

EDITORIAL ASSISTANT
Texas Monthly
Austin, TX
Circulation: 306,339
$19,000

EDITORIAL ASSISTANT
Hearst Magazines Inc.
New York, NY
16 core titles
$25,000

FACT CHECKER
New York
Primedia Inc.
New York, NY
Circulation: 437,898
$22,000

RESEARCHER
Money
Time Inc.
New York, NY
Circulation: 1,935,402
$30,000

ON-LINE MEDIA

REPORTER
ZDNet News
San Francisco, CA
Monthly unique visitors: 5.5 million
$27,500

REPORTER
CNET News.com
San Francisco, CA
Monthly unique visitors: 1.9 million
$27,000

REPORTER
TheStreet.com
New York, NY
Subscribers: 18,000
$33,000

EDITORIAL ASSISTANT
Slate
Redmond, WA
Subscribers: 23,000
$24,960

BROADCAST TELEVISION

PRODUCTION ASSISTANT
CBS News
New York, NY
Viewership: 6.6 million households
$22,000

ASSOCIATE PRODUCER
WFLA-TV, NBC affiliate
Tampa, FL
Market rank: 15
$21,000

REPORTER
WTOC-TV, CBS affiliate
Savannah, GA
Market rank: 100
$20,000

NEWS REPORTER
KDLH-TV, CBS affiliate
Duluth, MN
Market rank: 134
$16,000

RADIO

ASSISTANT PRODUCER
KCRW-FM, NPR affiliate
Los Angeles, CA
Listeners: 333,800
$20,000

NOTES: Salaries are low end of ranges for entry-level positions and are based on 40-hour workweeks for jobs paid on hourly basis. Audit Bureau of Circulations data for newspapers as of 3-31-98, for magazines as of 12-31-97. Website traffic for entire ZDNet and CNET sites for July 1998 from RelevantKnowledge; subscription figures supplied by TheStreet.com and Slate. Broadcast market rankings and average CBS Evening News viewership from Nielsen Media Research. Weekly radio audience data from Arbitron, spring 1998.

To Catch A Thief

Dateline NBC brags in ads that investigations by star reporter Lea Thompson have sent crooks to jail. It's not true. • BY ELIZABETH LESLY STEVENS

IS LEA THOMPSON, *DATELINE NBC*'s consumer watchdog, herself guilty of a little false advertising? NBC produced four *Dateline* promotional spots that aired earlier this spring and summer touting Thompson's high-impact work for the newsmagazine she joined in 1992. "Lea Thompson: She's one tough consumer reporter fighting for your rights," reads the announcer on one of the spots. "She pounds the consumer beat for *Dateline NBC*, going undercover, exposing scams, and digging for the truth." Thompson herself boasts on the promo that "I'm trying to keep people from getting ripped off.... We've sent some people to jail."

NBC's Lea Thompson claims to have put away criminals ranging from con artists to a murderous mom with her reports.

Has she? To ape a bit of *Dateline*'s rhetorical style: A *Brill's Content* investigation has uncovered the shocking real story—not one person has been sentenced to jail or prison for crimes unearthed and broadcast by Thompson on *Dateline*.

When asked about the claim, NBC asserted that five of Thompson's *Dateline* stories have sent people to jail:

• Three 1996 reports on a South Carolina community of con artists where men illegally marry child brides.

• A 1996 report on contaminated shellfish. "Our surveillance with infrared cameras found two shellfish poachers," NBC claims in a statement provided to us as documentation of the impact of Thompson's stories. "They were arrested, went to jail, and ended up paying fines."

• In a 1994 story on subway pickpockets, one "caught" on *Dateline* videotape was arrested and sent to prison.

• In a 1993 story on the theft of telephone calling-card numbers, *Dateline*'s hidden cameras caught a man being arrested by police.

• In a 1992 investigation of a mother convicted of harming her son, "*Dateline*'s findings convinced Texas authorities to start an investigation of [a daughter's] death," NBC says, adding that the mother was tried on murder charges in Texas and is serving a lengthy sentence as a result of Thompson's report.

Brill's Content examined the five *Dateline* reports and interviewed law enforcement officials about each of the credit-grabbing arrest claims. According to the authorities, in none of these instances did Thompson's reporting lead to an individual featured on camera being arrested and sent to jail for a crime that she uncovered.

In some of these cases, Thompson was merely riding along with law enforcement officials while they made arrests. In others, Thompson argues it doesn't matter that people were later arrested for crimes wholly unconnected to the misdeeds detailed in her reports. "I think you are being too literal," she contends. There is "nothing inaccurate" in her *Dateline* promo claim of sending people to the slammer, she says, adding, "You're setting standards to it that I never even put into my mind when I said what I said."

In three of Thompson's stories—the ones on shellfish, pickpockets, and telephone scam artists—Thompson and *Dateline* cameras essentially accompanied law enforcement officials on routine patrols. Here, Thompson is journalist-as-tourist, passively tagging along as police go about the business of making arrests.

To videotape the 1994 arrest of the New York subway pickpocket, "*Dateline* was given unusual access to the [police] officers' undercover hunt," Thompson says in the segment. Her 1993 story on telephone scamsters in Grand Central Station in Manhattan is similar: She is just on location as the police do their work. In both cases, Thompson simply narrates as the video shows officers nabbing their quarry.

For the 1996 piece on shellfish poaching, Thompson again was only tagging along, although the episode did provide dramatic footage. With NBC's night-vision cameras filming the scene on Florida's Indian River, Thompson told viewers: "We've managed to work our way until we're only seventy-five yards away. We can now clearly make out two poachers in the water.... In case they spot us, we pretend we're also out clamming."

Law enforcement officers who appeared on camera in these three *Dateline* stories say the arrests would have been made regardless of *Dateline*'s presence. "I'm sure we would have" made the arrests anyway, says Kerry

Senior writer Elizabeth Lesly Stevens wrote about the public relations and image campaigns of Bill Gates and Microsoft in the September issue.

Collins, then a Florida Marine Patrol lieutenant. "I would have went out there that night [anyway, and] it's not rare to catch people."

Thompson readily concedes that, for these stories (she terms them "ride-alongs"), she and *Dateline* shouldn't be credited with the subsequent arrests. But she's adamant that two of her *Dateline* stories since 1992 have resulted in the jailing of "numbers of people."

Tanya Reid, the abusive mom Thompson profiled in December 1992, was indeed subsequently tried and convicted in Texas for murder. The piece was one of Thompson's first upon joining *Dateline* that year from from WRC-TV, the NBC-owned station in Washington, D.C. "I feel good about Tanya Reid," Thompson says. "There's no question in my mind that she is in jail in Texas because of our story."

When the *Dateline* segment aired, Reid was three years into a ten-year prison sentence in Iowa for harming her young son. Thompson's report speculated that Reid suffers from Munchausen by proxy syndrome. In extreme cases, caregivers (usually mothers) afflicted with the syndrome surreptitiously harm their own children because they crave the attention of medical personnel called in to revive the young victims.

Thompson reported in the segment that Reid had another child, a daughter, who had died, purportedly of sudden infant death syndrome, years earlier in Texas. State authorities there indicted Reid for her daughter's murder in March 1993; Reid was found guilty and is serving a 40-year murder sentence in Texas.

But Thompson cannot claim credit for Reid's conviction in Texas, says Roland Saul, criminal district attorney of Deaf Smith County, near Amarillo, where Reid was tried. His office had been preparing a murder charge against Reid long before Thompson's report aired, Saul notes. He says Iowa officials had contacted his office with evidence incriminating Reid before her 1989 trial there started. Since Reid wasn't getting released anytime soon, Saul says he was in no rush to file charges and had hoped that Reid would confess to her daughter's murder while in the Iowa prison.

The possibility that Reid would come up for parole in Iowa in 1993 or 1994 is what prompted Saul to file his case, the D.A. says: "I don't recall [the *Dateline* story] being a factor at all, to tell you the truth."

Thompson maintains that the Texas authorities "weren't doing anything with that case....They reopened that case [as a result of *Dateline*'s story]. [Saul] may not want to admit *Dateline* had anything to do with it....The three months [between the story and the indictment] is a real giveaway on that." Though she cannot remember whom she spoke to, Thompson says a staffer in Saul's office called her to ask about some of the information that *Dateline* had collected on Reid. "Having conversations with those people in Texas makes me feel we had something to do with her going to jail in Texas," Thompson says. "Why did they bother to call us if they didn't think our information was valuable?"

Thompson's 1996 reports on the so-called Irish Travelers made for great television but yielded no arrests of individuals for crimes she uncovered and detailed on air. Descended from Irish tinkers and horse traders, the Travelers have a reputation as con artists who specialize in home-repair scams, according to NBC. Murphy Village, near Aiken, South Carolina, is home to a Travelers clan—a group Thompson identified as dangerous and secretive. Most sensational was her report of bizarre child marriages among the Travelers, with 11- and 12-year-old girls married off to older men.

As evidence, *Dateline* showed videotape of tarted-up young Traveler girls dancing seductively. A key on-camera source: Wanda Mary Normile, a Traveler who had relatives in Murphy Village. Normile told of unnamed girls getting married to Traveler men and having babies: "Well, one [girl] that I knew of that had a set of twins, she was eleven."

Although Thompson didn't disclose it in the May 1996 segment, Normile had served time in prison for an elaborate Traveler fraud gone bad. (In November 1996, Thompson did another piece on the con Normile tried to pull off; the segment rehashed the child-bride allegations.) Thompson says that because the story opened with a description of the Travelers as dishonest in general, viewers would naturally assume that any Traveler speaking on camera was suspect.

South Carolina Attorney General Charles Condon organized a task force to investigate the Travelers on the heels of Thompson's May 1996 report. A year later, the task force raided Murphy Village, making 14 arrests in the process; *Dateline*'s cameras were invited along. "Anybody who was arrested by the task force would not have been arrested if we had not done our story," Thompson says.

Says a district attorney who brought murder charges against a woman profiled on *Dateline*, "I don't recall [the story] being a factor at all, to tell you the truth."

That's true, and Condon publicly praised *Dateline* for bringing the child brides and home-repair con artists to his attention. But the arrests had nothing to do with the crimes Thompson alleged in her report. Instead, the charges were for low-level offenses—eight arrests for contributing to the delinquency of a minor (for not ensuring attendance in school), two for food-stamp fraud, three for state tax evasion, and one for writing a bad check. No one received a prison sentence, says Major Jody Rowland of the Aiken County sheriff's office. No one was arrested for an illegal underage marriage; a loophole then in South Carolina common law allowed a 12-year-old to marry with parental consent.

So how does Thompson's claim about sending people to jail add up? She maintains that the *Dateline* investigation did put away Reid. In the Travelers case, she says the promo should not be taken too literally. "When I said what I said about people going to jail, I [was] not talking about an individual case, but the fact that Travelers [generally] are going to jail" on any charge, she notes. "You can't deny that." ■

THE UN-PAPARAZZI

Patrick McMullan, in his Greenwich Village apartment/office, shows off the tools of his photo trade. At right, assistant Jamie McCarthy looks on; Below, Madonna sits pretty in 1984.

Celebrities love to complain about the invasive media hordes. But they need photographers like nightlife chronicler Patrick McMullan, who wields the power to make a wanna-be a star.

IT'S TUESDAY EVENING, JUNE 2 AND A party is raging at Lot 61, Manhattan's current downtown hot spot. Towering women in shimmering skintight dresses and chiseled men decked in black are celebrating the new HBO series, *Sex and the City*. *Sex* star Sarah Jessica Parker shares a laugh with her husband, actor Matthew Broderick. Upstart actress Kristen Davis gets dragged by her publicist from journalist to journalist. Actor Chris Noth, Mr. Big in the *Sex* series, sits in a corner booth surrounded by women drinking champagne. Young stars, would-be stars, has-been stars, and wanna-be stars are everywhere. While studiously ignoring each other, they're clearly focused on a slight, nondescript man with wispy brown hair. "Patrick!" they coo. "Patrick! This way!" The calls come from every corner of the dimly lit bar. "Take a picture of us, Patrick!"

Patrick McMullan steadies his Nikon and aims. As the flash pops, other partygoers scurry into his field of vision. "I feel like I'm watching an episode of *National Geographic*," says a bystander. "It's called, 'This Is How The Species Promotes Itself.'"

Ever since Federico Fellini coined the term in his 1960 masterpiece *La Dolce Vita*, the paparazzi have been considered the lowest life-form among photographers, celebrity-stalkers who hawk their shots to the highest tabloid bidder. They've been blamed for everything from trapping Arnold Schwarzenegger in his car to causing the death of Princess Diana. So bad is their collective image that even Congress has gotten into the act; two bills proposed in the current session would punish overly aggressive camera hounds.

But McMullan is no hunter. In fact, he is the prey, a shooter invited to 30 parties a week for the famous, the infamous, and those who aspire to be either. Publicists, actors, and models with stars in their eyes need to "place," industry jargon for steering a name and picture into print. They will happily smile for McMullan, who turned 43 in August, because he is the "King of Place." With his regular columns in *New York* magazine, *Interview*, *Allure*, *Hamptons Magazine* (which covers the summer playground of the New York rich), and *Ocean Drive* (an upscale Miami Beach glossy), and his monthly contributions to celebrity bibles like *Harper's Bazaar*, *Manhattan File*, and *Quest*, McMullan provides access to all the right pages. Most showbiz types know that without pictures in columns like McMullan's, they are little more than

By Katherine Rosman

PHOTOGRAPHS BY PATRICK McMULLAN • McMULLAN PORTRAIT BY MILES LADIN

former waiters with high-paying day jobs. As Frank DiGiacomo, who covers the celebrity beat for *The New York Observer,* asks, "If a celebrity falls in the woods, and no one's around to see it, does anyone care?"

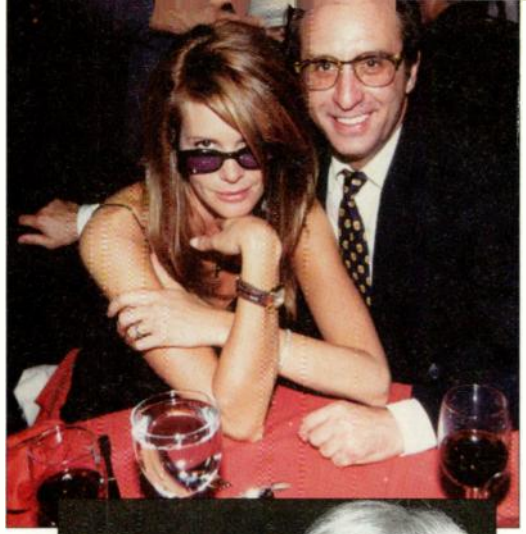
A connected photographer is as important a guest as a superstar at the parties and benefits that illuminate the skylines of New York and Los Angeles every night. "The whole purpose of the event is to document who's there," says publicist Nikkena Crawford, who plans such events for clothing manufacturer Hugo Boss and Tanner Krolle, an upscale accessories line.

"Photographers are getting more and more powerful," because they can transport the glamour of the rich and famous to local newsstands around the world, adds Greg DiStefano, a publicist who also works with Hugo Boss. "People don't read any more. Consumers flip through [magazines] sucking in pictures and captions. It's all about selling an image, selling a lifestyle." So when McMullan or one of his celeb-shooting brethren photograph a star at a Hugo Boss event, and a magazine runs a photo caption mentioning both the actor and the clothing company, "it helps the bottom line," DiStefano explains. "That's why the consumer is willing to spend the money on the brand. In the store, they find themselves gravitating toward a line they perceive as hot."

What works for clothes works equally well for Leonardo DiCaprio or Nicole Kidman. There is a "direct relationship between publicity and big box office," says Los Angeles-based publicist Nancy Kane, who represents actress Kirstie Alley and *Friends* star Matt LeBlanc. Celebrities know "they need to play the game," she says, because "big box office" translates into bigger paychecks in the future.

"Everyone stands to gain," echoes Stephen Eichner, a Fairchild Publications' staff photographer whose photos run in *Women's Wear Daily.* "It's a whole machine really. It's the publicist"—who wants to get the client or the client's product plugged—"the photographer, who wants to make money, and the people in the shot who want publicity."

In a media climate ruled by images, McMullan has established himself as a bona fide force in the star-making machine. Fashion publicist Paul Wilmot says that when McMullan shows up at your party, "it's a tacit endorsement. If Patrick is not at a party, it's a B-party." Kane goes one further: If you had "Patrick McMullan and not one other journalist," she says, "it would still be a successful party."



Top to bottom: Model Elle MacPherson and actor Ron Silver gab at a movie premiere. Pop artist Andy Warhol poses with producer Lester Persky. kd lang and Deborah Harry ham it up at a 1996 Versace show. A Greenwich Village dog struts his stuff.

OUTSIDE THE *SEX AND THE CITY* party at Lot 61, behind a rope that separates her from a small crowd, stands an earnest, young woman clutching a clipboard.

"Name please?"

"Patrick McMullan."

Consulting her list, the woman slides her finger down one page and then the next. McMullan, for once, has to wait.

Within seconds, McMullan sees a familiar face. "Hey, Peggy!" he calls out to Peggy Siegal, the power publicist who helped coordinate the event. "Your people don't know who I am," he says in mock indignation.

"Oh, God," gasps Siegal. And then, in rapid fire: "She's new, Patrick. She's a summer person. She's an intern. I'll take care of it," seeming to imply the intern's days are numbered. McMullan strides past the suddenly ashen doorkeeper and rolls his eyes in a don't-let-Peggy-scare-you look.

The moment reveals the two most prominent and contradictory elements of McMullan's world. He is both acutely aware of and infatuated with the role he plays in the showbiz media, and cognizant of his existence on its margins. He is a quasi-celebrity in his own right *and* the hired help.

"It's important to be a little bit famous" because "then celebrities treat you like an equal," McMullan explains. "It's exhilarating; you feel *visible.* I'm sure it masks some deep psychological burden," he says with a grin, but "it's nice to feel wanted."

McMullan's burgeoning business indicates that he *is* wanted. His regular gigs (from which he says he earns about $110,000 a year) represent only a fraction of his business operation. McMullan is also hired as a freelancer by magazines such as *Harper's Bazaar* to cover fashion shows and glamour lunches. For those shoots, McMullan gives *Bazaar* first dibs, but he retains the copyright, meaning he can—and does—peddle the photographs elsewhere. And, at an hourly rate of $350 ("it's negotiable," he says), McMullan rents himself out to hosts and hostesses who can't bear to let their soirées go undocumented. (You can get a McMullan assistant for $250 an hour. Assistants' photos are usually published under McMullan's name.) In such cases, the host gets a set of prints, but, again, McMullan owns the copyright. It's classic double-dipping, a common practice in the photography business: McMullan gets paid by the party host *and* by the magazines for the use of his photos. Few people mind. The whole reason people hire him, he says, is in hopes of "placing." In fact, when retained, he alerts the publicist or host that there are "no guarantees the pictures will run." This summer, McMullan added another appendage to his picture fac-

tory by opening a downtown studio where he takes posed shots for private clients and glossy magazines.

MCMULLAN'S SUCCESS STEMS FROM HIS UNDERSTANDING of ego and image—his own and those of the people he photographs. "Madonna doesn't freak when Patrick shoots her," says publicist Kane, because the singer can rest assured the shot is "not going to end up in the *National Enquirer.* He doesn't sell his pictures to just anybody." Indeed, McMullan says he has a "no tabloid" policy. Nor will he send out a picture he considers unflattering—"I don't want to embarrass anyone"—which helps explain why he gets the celebrity shots so many other photographers covet. "Gwyneth" (Paltrow, that is) loves him because he only runs photos of her where she "looks pretty," McMullan says. And under no circumstance, he says, will he take a picture without first asking permission. "I feel like being a gentleman," he says. "I like to feel I raise what I do to a higher end."

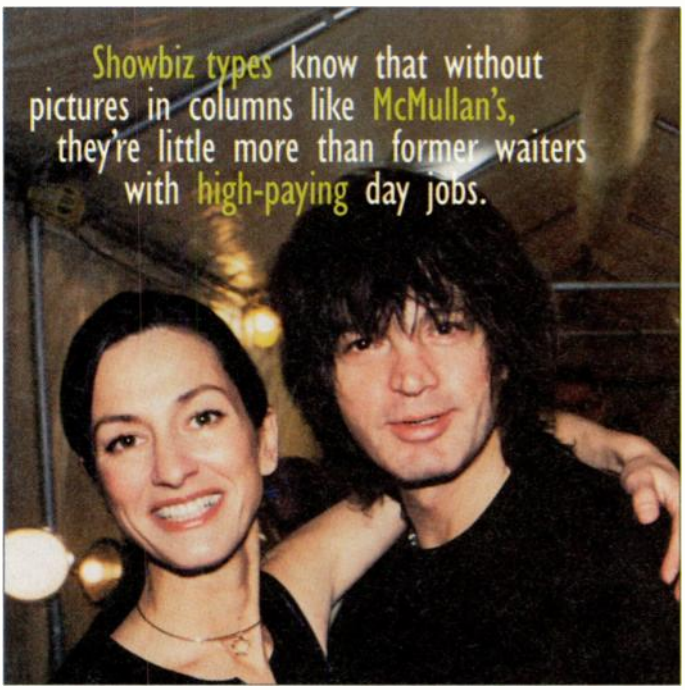
Publicists and photographers agree that McMullan's talent lies in his ability to get diverse people together for shots. "He's the ultimate schmoozer," says Michael Musto, the nightlife columnist for the *Village Voice.* "Hey, do you know...?" McMullan will casually ask a bystander, then he'll make the introductions and shoot the partygoers together. The photographer's favorite impromptu introduction was of Tom Cruise and Dr. Jack Kevorkian, whom he photographed at *Time* magazine's 75th anniversary party. McMullan says Cruise said to Kevorkian, "I really enjoy your work."

Not everyone enjoys McMullan's. Marina Garnier, a freelancer who shoots parties for *The New York Observer,* claims McMullan wants "to corner the market" on celebrity photographs and that he tries to exclude other photographers from events. (McMullan says he lacks the power to freeze out competitors, though he does admit trying to "control" where photographers covering the same events can stand.) Fairchild Publications' Eichner, who is not a direct McMullan competitor, voices similar concerns. Whereas freelancers have to hustle to get access to events and then hustle even more to get their pictures in magazines, McMullan "can take a picture and place it," says Eichner. That makes "a lot of photographers feel like he's got a monopoly."

McMullan's detractors also say he cares more about being in the limelight than getting others in the flash. "The guy's a self-promoter," says Garnier. "He uses photography to be a social climber." Stephen Saban, a founding editor of *Details* and the person who gave McMullan his start in celebrity photography, is even more blunt: "Star f--ker. You ever heard that term?" Saban asks. Then he adds, "I don't want to say anything bad. He has a great sense of humor." Indeed, "Gwyneth" is only one of a handful of famous first names McMullan drops regularly. There's also "Leo" (McMullan shot the publicity stills for *The Basketball Diaries,* a 1995 DiCaprio film) and, above all, "Andy," as in Warhol. "I worshiped Andy," says McMullan, whose early days in New York coincided with the pop artist's social heyday. "It was all about Andy."

McMullan first caught sight of the bewigged painter in the late seventies at Studio 54, where McMullan had begun hanging out just prior to landing a job at PMK, the powerhouse publicity firm. "I absolutely loved that job," McMullan says wistfully of his days opening mail and answering phones. He'd moved to the city from South Huntington, New York, after graduating from junior college in 1975. He took a job as a salesman in the Diamond Exchange (where the lapsed Catholic "learned how to be Jewish," an education that taught him Yiddish buzz words and how to avoid "getting bamboozled," he says). He enrolled at New York University as a night student, then went full time when he'd saved enough money for tuition.

While in school, he began an apprenticeship with Terry Stevenson, a photographer who'd shot such pop-culture icons as Edie Sedgwick. Stevenson taught McMullan the technical skills of photography. Stevenson also gave McMullan his first taste of New York nightlife, taking his young assistant along to swank parties in luxurious downtown brownstones.



Designer Cynthia Rowley and hair stylist John Sahag strike a pose at Rowley's 1996 fashion show.

Then, in 1981, when McMullan was 25, the party came to an abrupt halt. He was diagnosed with embryonic cell carcinoma and told he had six months to live. Over the next year and a half, he had three operations during which doctors removed six tumors (an inoperable seventh remains on his spine). He received monthly doses of chemotherapy and spent more than 180 days in the hospital. "A year and a half is a very long time for a young man to be sick," he says.

Throughout his illness, McMullan found solace in photography. He documented his bout with cancer on film—photographs of himself in wigs and weighing 85 pounds (he's 5 feet 9½ inches), and of visitors who came to call wearing masks for fear of further infecting him.

The cancer "changed the scope of what I was going to do," he says. Using his marketing education to heighten clients' profiles as a desk-bound publicist lost its glamour. He loved photography, he says, but "had the gift of schmooze" and wanted to find a way to parlay both into a career. He admired Stephen Saban's nightlife columns in *Details,* so one day McMullan showed up at the magazine's office, pictures in hand. Saban hired McMullan on the spot. "He got interesting people together to pose," Saban says. "He uses his imagination."

IT'S 8:30 P.M. AND MCMULLAN STOPS AT THE FOUR SEASONS Restaurant. "Oh, thank God, Patrick. You're finally here!" gushes an exasperated young publicist.

"Of course I'm here. Where else could I be?" the photographer answers with a sly grin. A McMullan assistant is covering the event, but the boss is there for a drop-by. In the hall, McMullan adjusts his

Staff writer Katherine Rosman was previously an associate articles editor at Elle *magazine.*

tie, removes his camera from his bag, and strides into the event, an auction to benefit the New York City Opera.

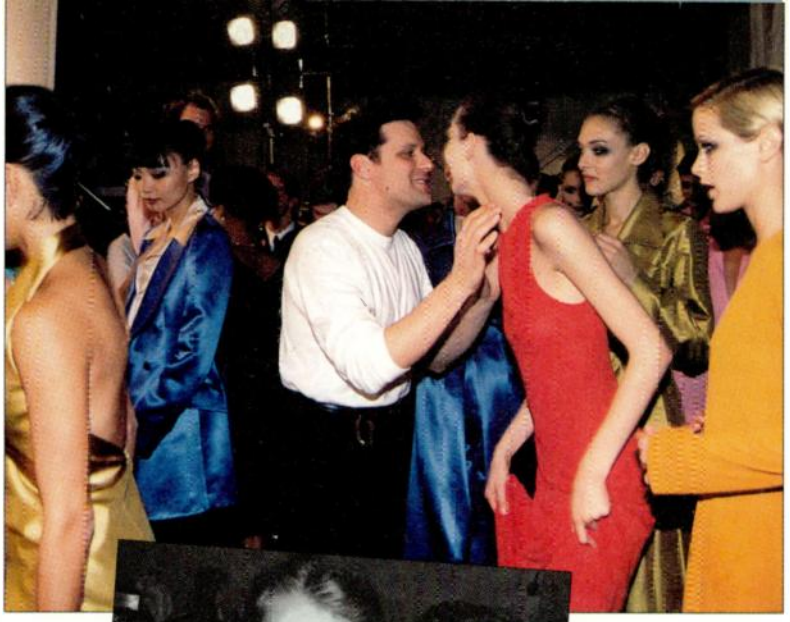
The room is filled with bejeweled, made-up women and dapper men—actors, musicians, and the socialites and financiers who like to hang out with them.

"How *are* you? Are you off to Greenwich [Connecticut] this weekend?" he asks one well-maintained elderly woman. "You look so beautiful. I *have* to have a picture of you."

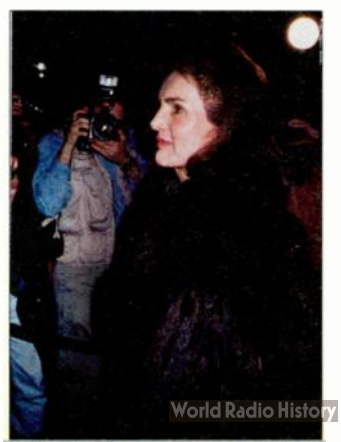
She beams. The camera clicks. McMullan moves on.

Next table. "Peter Duchin? *The* Peter Duchin?" he asks the society orchestra leader with exaggerated awe. It is obvious the two men know each other. Duchin smiles begrudgingly. A woman at the next table lets him know that she—and the massive diamonds hanging around her neck—are ready for their close-up. "Patrick, take *my* picture," she whines. He obliges. Next table. Next table. He gives the room a once-over and takes a deep breath. "My work here is done," he sighs with an affected turn of his head.

He laughs. He takes off.



Top to bottom: Isaac Mizrahi psyches up models before they head down the catwalk. Nothing gets between Brooke Shields and her mom at the *Endless Love* premiere in 1981. Ladies in red (from left) Susan Sarandon, Winona Ryder, Glenn Close, Whoopi Goldberg, Marisa Tomei, Shirley Knight, and Rosie Perez pose at the 1998 Vagina Chronicles. Jacqueline Kennedy Onassis leaves Lincoln Center in 1993.



BECAUSE MCMULLAN'S WORK keeps him going until around 1 A.M., a typical day doesn't begin until 11 A.M., when Anita Antonini, a photographer and McMullan's business manager, arrives at the cramped Greenwich Village one-bedroom apartment that doubles as his office. McMullan emerges from his bedroom, a dark cubbyhole in the back barely large enough for his double bed. He is in his daytime work attire: a white T-shirt that touts the premiere of Disney's *Hercules*, black sweatshorts and flip-flops. It takes him about an hour to fully wake up, so he putters around the apartment. The mayhem of the phones and the faxes and the delivery men and the swirling assistants—about seven in all—help shake away the sleep.

McMullan's apartment looks more like a graduate student's digs than the office of a successful media player. Magazines are strewn everywhere. Scarlet red curtains block out whatever light a ground-floor apartment might get. Colored Christmas lights stay up year-round. Pictures cover every inch of every wall: Jackie Onassis looking wistful, Catherine Deneuve smiling sultrily, Andy Warhol staring agog. Paintings and photos McMullan has bought at auctions or received from friends ("Keith [Haring] gave me this one. Andy took that one") hang in snug proximity. Two bookcases are stuffed—one with photography books by the likes of Weegee and Robert Capa, the other with the finer works of Rona Jaffee, Joan Collins, and other celebrity authors. Against one wall stands a loft, where McMullan's ten-year-old son, Liam, sleeps when he stays with his father. (The painter Laurie Ogle is Liam's mother. She and McMullan broke up in 1990.) Beneath the loft are two computers and a fax machine. File cabinets packed with tens of thousands of slides creep into the hallway. From the center of this chaos, McMullan chooses who will get "placed."

"I'm not a *bad* photographer, but I'm a really good editor," McMullan says as he hunches over a light box examining slides. A week produces hundreds, sometimes thousands, of slides, but McMullan has space for just 150 or so pictures in his various monthly columns. The selection process swallows most of his days.

To one assistant, he says, "Get the one with kd lang and Madonna and [nightclub entrepreneur] Ingrid [Casares]."

To another: "We've gotta get the Kochs [a socialite couple whose last name is pronounced "coke"]." She looks at him blankly.

"David and Julia Koch."

The assistant immerses herself in a box of slides. Ten minutes later, she hands McMullan a slide. "David Koch?" she asks in tempered anticipation.

He leans over the light box. "No," he says, "that's Ed Koch." McMullan tosses aside the photo of New York's former mayor, the current star of *The People's Court*.

"Do we like Mariah Carey?" one assistant asks shyly.

"Not her," says another with resolve. "We're *not* publishing her. Forget her. She's too all over the place."

Like so many pretty pictures, the one of Carey lands on the cutting-room floor.

As five o'clock nears, McMullan hops in the shower. Ten minutes later he's dressed in a conservative dark blue suit, periwinkle blue button-down shirt, and a blue print tie. Except for his black sneakers, which are obscured by his uncuffed pant legs, he looks like a man headed out for the nine-to-five grind. An assistant briefs him before he leaves. Tonight, it's six parties scattered across the island of Manhattan. "This town has me jumping through hoops tonight," McMullan says.

An assistant hands him his bag, packed with his camera, ten rolls of film, a notepad, a cell phone, and the invitations to the evening's events. McMullan sets off for the subway. He doesn't want to be late. His public is waiting. ■

An intelligent writer, Gina Kolata often can define scientific debates with her stories. But many critics, including numerous researchers, question her conclusions.

THE NEW YORK TIMES'S GINA KOLATA IS THE MOST INFLUENTIAL SCIENCE REPORTER IN THE COUNTRY, FROM ANNOUNCING BREAKTHROUGH RESEARCH TO DEBUNKING ALARMIST THEORIES. THERE'S ONE PROBLEM: HER OWN WRITING FAILS SOME KEY TESTS FOR ACCURACY AND BALANCE.

BY SHERYL FRAGIN

FLAWED SCIENCE AT THE *TIMES*

HIS WORDS HIT THE JURY LIKE A DRUG. EVEN on videotape, Donald Bennett was a commanding witness. Four science degrees, an unflappable doctor's demeanor, a top job at the American Medical Association. He also had once been a pharmacologist for the Dow Corning Corporation, which explains why he was testifying in this breast implant case. Because until the mid-'70s he had participated in a variety of Dow research projects on silicone. Because, as he was telling these jurors in 1995, he had quit in frustration with Dow's limited curiosity about the safety of its silicone products.

The suit had been brought against Dow Corning and its parent The Dow Chemical Company by Charlotte Mahlum, a Nevada wife and mother who had gotten breast implants ten years earlier, after a double mastectomy at age 36. Initially, Mahlum was thrilled just to look and feel normal again. But in 1990 an array of baffling symptoms began—blinding headaches, fatigue and aching joints, dry eyes and mouth. At the same time, her implants were behaving strangely. Shifting up near her shoulder one day, under her arm the next. The skin covering them would alternate between a yellowish color and black and blue.

By the time Mahlum had the implants removed in 1993, the left one was ruptured and silicone had spread through her body, embedding itself in soft tissue. Her doctor told her that he had suctioned as much of it as he could scrape off her ribs, but that some would remain inside her forever. Pieces of crystallized silicone started pushing through her pores, like slivers of glass. Still, that wasn't the worst of it. She was diagnosed with an autoimmune disorder that brought on bowel incontinence, tremors, and mental confusion. Now she is forced to

STILL LIFE PHOTOGRAPH BY JENS MORTENSEN; KOLATA BY PRYDE BROWN

Sperm Counts: Some Experts See a Fall, Others Poor Data

By GINA KOLATA

DR. HARRY FISCH, who directs the male reproductive center at Columbia University's College of Physicians and Surgeons, recently gave a talk to men in a support group for the infertile. How many, he said, think that sperm counts are declining worldwide? All raised their hands. And how many, he asked, think the decline is due to some toxin in the environment? Most thought that was true.

Overnight, say many male infertility experts, and largely on the basis of one controversial paper, a conviction has been born. Just as DDT caused birds' eggs to shatter, proponents of the theory say, something in the food, or water or perhaps the plastics people use with such abandon is decimating sperm counts.

But some leaders in the field of [illegible] say that recent studies cast serious doubt upon the declining sperm count hypothesis, and that the best data now available indicate that sperm counts have remained constant for decades.

Others say that every study cited by proponents of the theory had serious methodological problems, including inconsistencies in the selection of subjects, the collection of sperm and the analyses of semen. They say there are therefore no reliable data on the question of sperm counts and so no basis for proclaiming that they are declining.

The paper that first raised alarms about sperm counts was published in The British Medical Journal in September 1992. In it, Dr. Niels E. Skakkebaek of Rigshospitalet in Copenhagen and his colleagues reviewed data from 61 papers published from 1938 to 1991. They reported that the average sperm count had [illegible] 660,000 per milliliter over the last [illegible] markable [illegible]

The variation in sperm counts could be regional, not temporal.

hormone to pregnant women in the mistaken belief that it could prevent miscarriages. Later, it was found to cause genital abnormalities and a rare form of vaginal cancer in women exposed to it while in the womb.

But some leading experts on male infertility take issue with the entire argument linking the synthetic chemicals with falling sperm counts. Dr. Richard Sherins, director of the division of andrology at the Genetics and IVF Institute in Fairfax, Va., argued that the largest, most carefully conducted study of men born to women who took DES in pregnancy showed no decline in fertility. He said the findings indicated that certain animal studies that suggested otherwise did not necessarily predict what would happen in humans.

The study that Dr. Sherins cite conducted by Dr. Allen J. W[illegible] the National Institute [illegible] Science

due to an environmental factor.

The authors of a new book, "Our Stolen Future," argue that the factor is a group of estrogen-like synthetic chemicals that are widespread in the environment, a thesis also favored by Dr. Skakkebaek. Even in minute amounts, they say, the chemicals can disrupt endocrine systems.

As evidence, Dr. Theo Colborn, a senior scientist at the World Wildlife Fund who is a co-author of the book, [illegible] who were ex-

Lipshultz said, is that Dr. Skakkebaek compared data from one country at one time with data from other countries at other times. Most of the data from the early years are from New York City. The later studies were from underdeveloped countries and from Europe.

"That would be O.K. if there were no such thing as geographic variation in sperm counts," Dr. [illegible] said. But, he added, s[illegible] Dr. Fisch of Col[illegible] had found that unknown ra[illegible] much hig[illegible] or place[illegible] apoke [illegible]

Declining sperm? Kolata dismissed the idea, citing certain studies, but she ignored an omnibus analysis that reaffirmed counts were falling.

wear diapers and to get around with a walker or cane. Talking to her on the phone, you'd swear she was pushing 80.

Although Dow did dispute some of Mahlum's ailments, what was really at issue was whether they had any connection to her implants. The jurors listened to four weeks of scientific testimony. They heard about the latest epidemiological studies that had found implants don't raise the risk of connective-tissue autoimmune diseases, like rheumatoid arthritis or scleroderma. They also heard about the limitations of those studies, and the fact that implant manufacturers had helped finance all of them, for the admitted purpose of using them as a defense in these suits. They heard from doctors who had examined hundreds of implant patients with complaints similar to Mahlum's. And, most damningly, they heard about studies that Dow itself had done on silicone—and later kept secret—that showed it to be an effective insecticide, an immuno-stimulant, a cell irritant.

It took the jurors only a few hours to decide unanimously against Dow.

It took the press barely any longer to decide the jurors were too dumb to understand the evidence.

A *Detroit News* editorial, "Greed Triumphs Again," argued that the Mahlum jurors had "rendered meaningless basic principles of science and law." *Newsweek* declared the facts "no match for Mahlum's neighborly appeal." As the *Rocky Mountain News* saw things, "It made no difference to the plaintiff, her attorneys, the judge, or the jury that all of the major scientific studies of the past few years have found not one iota of evidence that breast implants cause connective tissue disease..."

The theme of much of the commentary—greedy plaintiffs, an out-of-control tort system, so-called junk science—had been playing out in the media since the summer. Ever since, in fact, *The New York Times*'s Gina Kolata wrote a 3,300-word piece on June 13, 1995 titled "A Case of Justice, or a Total Travesty?" about what she called the "growing waves of panic whipped up by lawyers eager for huge fees" that dragged Dow Corning, "a large and thriving company," into bankruptcy.

"I think she singlehandedly turned the tide in favor of Dow Corning," says John Byrne, a senior writer for *Business Week* and author of *Informed Consent*, a book about Dow's history with breast implants. "All those years Dow created, sold, marketed these devices and didn't have the studies to prove they were safe. And then you have Gina Kolata contending that Dow has been convicted on junk science."

AS A SCIENCE REPORTER FOR WHAT IS ARGUABLY THE MOST important science-news forum in the country, if not the world, Gina Kolata has tremendous influence. Her stories run verbatim in some of the 350 news outlets that subscribe to the *Times* wire service, and many more adopt her point of view in their own reports or even quote her. That's not counting the doctors and scientists who rely on her summary of a study before their medical journals arrive in the mail, and sometimes after. It's not at all unusual for a scientist to say in an interview, "I never read the study, but based on what I saw in the *Times*..."

Silicone breast implants were suspended from the market by the Food and Drug Administration in 1992, a time when thousands of women were complaining of the kinds of symptoms seen in autoimmune diseases. Two years later, the first of the epidemiological reports began coming out. In May and June 1994, there were two new studies looking at large groups of women to see whether silicone implants cause scleroderma, which can harden the skin and cripple internal organs, or other connective-tissue autoimmune diseases. Both found no evidence of a relationship.

It was at this point that Kolata seemed to begin making up her mind. In her June 16, 1994 piece about the latest study, from the Mayo Clinic, she presented the findings as fairly conclusive, particularly when lined up next to similar results from the universities of Michigan and Maryland. The only voices of disagreement—at least included in the story—were plaintiffs lawyers who "angrily insisted that the evidence that implants cause harm was as strong as ever."

WHAT SETS KOLATA APART IS HER WILLINGNESS TO STAKE

What she also left out was that the Mayo and Maryland studies took funding from the American Society of Plastic and Reconstructive Surgeons Inc., a group that not only funneled more than $1 million from implant manufacturers into grants under its name, but consulted with those manufacturers and their lawyers about which studies to support. The lead scientist on the Maryland study even agreed to alter his research protocol "in response to the thoughtful critique provided by scientists at Dow Corning," as he himself put it in a friendly letter to the company that later came out in court. As for the Michigan study, it was financed by Dow, something Kolata did note in a previous piece but not in this one.

It is important to say here that drug and chemical makers routinely underwrite studies of their own products or relevant issues, and scientists at universities can gratefully accept such funding without selling their souls. But the implant studies were being done in the midst of litigation, making the money trail rather pertinent. And Kolata was scrupulous about pointing out any money a scientist might have taken from the plaintiffs' side.

These kinds of criticisms, implying that she somehow favors one side over another, both offend and irritate Kolata, who believes they come from "people with agendas" who know nothing about the subject matter. "My only concern is

Sheryl Fragin is a contributing editor at New Woman, *specializing in health issues, and has written for* The Atlantic Monthly, Life, *and other publications.*

with whether there is a body of scientific evidence to support an assertion and, if so, what the science says," she explains in faxed answers to prepared questions, the only way she would agree to comment for this article. *(See sidebar, page 109, for an analysis of three of her detailed answers.)* "Sometimes, however, groups who are convinced of a hypothesis in the absence of scientific evidence have tried to make me the issue when I have reported that evidence is lacking."

According to her detractors—and there are many, among scientists, doctors, and fellow journalists covering the same beats—she is precisely the issue. Her opinions seem to color a lot of her stories, particularly those on highly charged topics like breast implants. "I think what happened with Miss Kolata was she began selecting sources who echoed her point of view," says Norman Anderson, an associate professor of medicine at Johns Hopkins University and chairman of two FDA panels that looked into the safety of breast implants. "It's my belief that she began reporting editorials as news. I also was really disturbed when I saw the credence she gave to the spinmakers at Dow Corning, as opposed to the FDA."

THAT SAID, IT IS EASY TO SEE WHAT THE *TIMES* VALUES IN GINA Kolata. She is fast and enthusiastic. She is a facile writer with a gift for translating dense scientific material into everyday language. And she is a thinker—a rarer gift among reporters—who challenges her readers with ideas.

Perhaps what sets her apart even more is her willingness to stake out unpopular positions on contentious issues, sometimes unconsciously, to writing the "Guess what?" story. But that's where editors are supposed to come in—questioning and challenging why their paper's take on an issue is so different.

In Kolata's case, some have suggested that this critical check was missing for much of her tenure at the *Times*, until Wade stepped down and returned to reporting in January 1997. "Nick Wade, I think, in many scientists' opinions and in many science journalists' opinions, also consistently had a tendency to emphasize one side of a story, to almost emphasize whatever side of a story everybody else didn't emphasize," says Barbara Culliton, former news editor of the prestigious journal *Science*, where Wade and Kolata previously worked as reporters. "It's almost like he wanted to be contrary for the sake of being contrary."

Culliton, now editor in chief of the *Journal of Investigative Medicine*, remembers Kolata as "very quick to make up her mind" without doing the necessary legwork. "It was not uncommon for me to say something like 'This story is very one-sided; you've only got quotes from these people,' " she says, adding that Kolata was then equally quick to remedy the situation, and that the two had a good relationship. "My own experience as a science journalist...left me skeptical of conclusions she drew. It's not that I doubted that her quotes were correct; I had doubts about the overall credibility of a story. It was a question of judgment and context." For her part, Kolata says she doesn't recall any such problems with her reporting at *Science*, and that at the *Times*, many editors besides Wade reviewed her work.

Like anyone who synthesizes information for a living, Kolata brings something of herself to the table. As she told

OUT UNPOPULAR POSITIONS ON CONTENTIOUS ISSUES.

thing her superiors have admired and encouraged. "From an editor's point of view, Gina is a delight to work with," says Nicholas Wade, the *Times*'s science editor from late 1990 to 1997. "She's very original and very willing to challenge orthodoxy. The fact that she took on difficult tasks that other reporters wouldn't touch is all to her credit. She's sure enough of her own judgment that she frames and runs with a story no matter whom it may offend."

Kolata is not without fans outside the paper who share that sentiment. There's no question that the medical community could use some shaking up, and she sometimes turns over just the rock that no one else has noticed. This February she wrote a tough story about an annual cardiology convention where manufacturers of expensive, high-tech devices aggressively peddle their wares to doctors. At least one cardiologist in that piece, who has enjoyed working with her on other stories, was particularly impressed that she threw out his juiciest quotes because he insisted on anonymity. "I don't think I can ask any more of a reporter," he says. "I really believe in what you guys do. I believe in the dialogue. And for that dialogue, we need the Gina Kolatas of the world. The fact that she is proactive and searches out the story behind the story is very important."

Where it becomes tricky is when reporters get addicted to standing out on that limb alone. Most struggle with a powerful urge to seek out the contrarian angle, not only to distinguish themselves from their peers, but also because they're trained to be suspicious of dogma. Few reporters haven't succumbed, some-

William Powers in the *National Journal* in January, "People have this idea that when you do a news piece, you give this side and you give the other side, and the truth is in the middle. I don't agree." Neither do many other good reporters, who consider it their job to lead the reader through the muck, deciding what facts to use, who to interview, what the real issues are.

Throughout Kolata's controversial decade at the *Times*, there has been endless speculation about her "motives" for leading readers down the particular paths she chooses. She has been accused of propping up the medical establishment and drug companies (in a recent article in *The Nation*), of hyping stories to promote her own book projects, of carrying out this or that political agenda. None of this really holds up against her body of work or the obvious sincerity she has for her craft. If Kolata can be accused of any allegiance at all, it is to a narrow and traditional view of scientific evidence, where nothing is real until documented by large epidemiological studies or lab experiments.

"As I've said before, I have no agenda," she repeats like a weary mantra. Her criteria for stories is simple: "I distinguish between anecdotes and case reports, which are hypothesis-generators, and controlled studies, which are hypothesis-testers." Her stand, though, ignores that some of the most important public health discoveries of this century—those that connected thalidomide and birth defects, DES and vaginal cancers, vinyl chloride and liver cancer, aspirin and Reye's syndrome—came from scientists open-minded enough to

Kolata as she appeared on the *Charlie Rose* show in January: "I have no agenda," she says, although her selection of sources and lack of disclosure about some of their affiliations has been attacked.

take case reports seriously and to follow their own common sense.

THINGS REALLY GOT ANTAGONISTIC ON the breast-implant front in mid-1995, when Kolata wrote five major articles between May and September, all painting the same black-and-white scenario: scientists and truth in one corner, lawyers and innuendo in the other. Typically she would frontload a story with quotes from scientists attesting to the strength of the epidemiological studies, follow that with a dismissive "But plaintiffs insist..." sentence, and only toward the end of the piece allow rebuttal from a lawyer or activist or dubious doctor—anyone but a leading scientist with an opposing viewpoint.

For example, in "Legal System and Science Come to Differing Conclusions on Silicone" on May 16, 1995, Kolata spent several paragraphs establishing that "scientists" no longer believed implants were dangerous. Pitted against them were "medical experts summoned by the plaintiffs" (also scientists, but never referred to as such) waving evidence from mouse experiments. If that weren't ridicule enough, she noted that the scientists "regard the medical experts who testified for the plaintiffs as hired guns...."

Curiously, the first of those real scientists turned out to be a hired gun for implant manufacturers, though Kolata never mentioned it. John Sergent, whom she described as a professor of medicine at Vanderbilt University and former president of the American College of Rheumatology, was also a $500-an-hour consultant and/or expert witness for Baxter Healthcare, Dow Corning, 3M, and Bristol-Myers Squibb, according to court papers. In June 1995, he was featured in her "Justice or Total Travesty?" piece, again without mention of his connections. None of the newspapers who picked up his quotes from Kolata's stories mentioned them either.

"ON THE BREAST IMPLANT ISSUE, I THINK SHE HAS AN AGENDA."

Although Kolata has chosen not to answer questions about Sergent, she insists she "specifically sought out scientists who were not expert witnesses on either side." And Wade, her editor at the time, calls such scrutiny of her work nitpicky and irrelevant. "Even if [her omissions] happened exactly as you've described, these are second-tier attributes of these stories," he says. "The bottom line is I believe she was right on these stories."

That Sergent was paid to give his opinions on a subject he seemed to care deeply about should not necessarily discredit what he had to say. But that kind of uneven reporting—which epitomized Kolata's breast-implant coverage after 1994—left the impression that the science was clear-cut, and that only doctors who chose to sell themselves could still say implants were risky.

In fact, there were many scientists and doctors who kept pointing out the flaws in the epidemiological studies, which by 1996 also included two Harvard studies. The chief objection: All of the studies focused on classic connective-tissue diseases, like rheumatoid arthritis, lupus, or scleroderma, even though most of the women's complaints fell into a new category that didn't typify any known disease. What you don't look for, critics argued, you won't find. The other major problem was that all but the second Harvard study were too small for such rare diseases to show up anyway.

As for that larger Harvard study, it had "so many problems," says Sander Greenland, a professor of epidemiology at UCLA who is currently working on a new silicone study funded by Dow. "The response rate was so low, something like twenty-five percent. We don't know who responded—whether women who had problems were overrepresented, or whether their lawyers advised them not to respond....What do you make of such a study? You certainly can't say there is no effect."

FDA scientists, including then-commissioner David Kessler, echoed those objections in a report published in the *Annals of Internal Medicine* in April 1996. Reviewing all of the breast-implant literature to date, they documented the flaws in each study, concluding that none was adequate to rule out a link to either classic or atypical diseases, although there probably wasn't a large risk of the classic ones.

Kolata, on the other hand, reported on every new study as if it were unassailable, arguing today that none of them would have passed peer review if they were so troubled. When the first Harvard study came out, she called it the most "definitive" one yet—so "compelling" and "consistent" with the others that some leading rheumatologists believe the issue "can now be considered closed." (In case there was any doubt about Kolata's influence, a *Chicago Tribune* columnist, Joan Beck, had this to say three days later: "The results are so definitive and consistent with earlier research that many health experts now consider the case closed.")

By contrast, Thomas Burton's June 22, 1995 story in *The Wall Street Journal* pointed out the study's limitations, including a caveat written by the Harvard authors themselves: "our study cannot be considered definitively negative." Burton also saw fit to note that Dow Corning had retained one of the authors as a consultant and subsidized the tuition of a second and the salary and benefits of a third. Kolata only mentioned funding from the National Institutes of Health, even though the Dow connection was spelled out on the front page of the study. In fact, that link was even stronger: Brigham and Women's Hospital, Harvard's partner in this and the larger study, had received $9.7 million in research grants from Dow Corning in 1994 and a $1.2 million gift in 1992.

Kolata will not address the details she left out, except to repeat that "the study was financed by the National Institutes of Health." And once again, her editor at the time isn't bothered by her reporting choices. "I didn't study [Burton's] stories carefully, so I can't comment specifically," says Wade. "But one would expect the *Journal* would put more emphasis on the

(continued on page 110)

A KOLATA SAMPLE ANALYSIS

Given a set of questions about specific stories she has written, Gina Kolata faxed back several brief answers, ignored a few subjects, and in some cases went into considerable detail. Those longer replies, as discussed below, may be apt examples of the problems critics say pervade her work. —*Sheryl Fragin*

On why, with all that she's written disputing that sperm counts are dropping, she ignored a report by Shanna Swan that disagreed with her position—although Swan had been asked by a National Academy of Sciences committee to get to the bottom of the controversy:

KOLATA

"If Shanna Swan had been asked by the National Academy of Sciences to review the sperm data, that would indeed have been a story. But she was not; she did her analysis on her own, and sent out a press release that erroneously implied that she was a member of the National Academy....[O]ur decision was to reject the report because it was not published in a major peer-reviewed journal...and because of her own reputation as a scientist whose analyses have not held up to scrutiny. For example, she was cited by three courts, including the U.S. Supreme Court, as someone whose analyses were not scientifically credible. Most recently, when she wanted to testify as an expert witness on breast implants in Oregon, Judge Jones, on the advice of disinterested scientists, barred her testimony...."

THE FACTS

- Swan is a member of the National Academy of Sciences' Committee on Hormonally Active Agents in the Environment and was indeed asked to do the review, according to Carol Maczka, a project director for the committee. It is intended to be part of a major report on endocrine disrupters, which are chemicals that mimic the body's hormones. As was her prerogative, Swan chose to publish her research for that report in a scientific journal first.
- The press release was put out by the National Institute of Environmental Health Sciences, part of the National Institutes of Health, which published Swan's report in its monthly journal, *Environmental Health Perspectives*. The release doesn't mention the academy.
- *Environmental Health Perspectives* is an important, peer-reviewed journal whose articles are routinely covered in the press.
- In the 1993 Supreme Court case Kolata refers to, the question was whether a circuit court was correct in not allowing Swan and seven others to testify in a birth-defects case. The Justices ordered the lower court to reconsider, noting the "impressive credentials" of the banned expert witnesses. Writing for the majority, Justice Blackmun even singled out Swan for praise: "For example, Shanna Helen Swan, who received a master's degree in biostatistics from Columbia University and a doctorate in statistics from the University of California at Berkeley, is chief of the section of the California Department of Health and Services that determines causes of birth defects, and has served as a consultant to the World Health Organization, the Food and Drug Administration, and the National Institutes of Health." In any case, the issue was always about the nature of the experts' testimony and not about their expertise.
- Judge Robert Jones ruled that no woman in Oregon could bring a case claiming systemic disease, since he felt the science wasn't strong enough to put to a jury. That meant *no one* could testify. It was a highly controversial decision—not least because the judge's own wife has a breast implant, which she and her husband apparently consider safe enough to leave in her body. "[I]f she had problems, she is the type who wouldn't complain about them...," Jones said about his wife at a 1996 hearing, before declining to recuse himself from implant cases.

On a remark by J. Routt Reigart, director of general pediatrics at the Medical University of South Carolina, that she sought out scientists who agreed with her (like Stephen Safe and Bruce Ames) for a story about endocrine disrupters:

KOLATA

"Ames and Safe are among the most knowledgeable and the most respected scientists in the field. I did not know what they would say before I called them. To my knowledge, Dr. Reigart, a pediatrician, has no apparent expertise in this field."

THE FACTS

- Safe is a chemist and Ames a molecular biologist, which certainly qualifies them to talk about one piece of the debate—the carcinogenicity of chemicals. But the heart of the endocrine disrupter issue is how these chemicals affect hormonal control of fetal development. Neither Safe nor Ames has an expertise in endocrinology, epidemiology, or reproduction. They are far from the best sources on this matter.
- Their impartiality on environmental issues has consistently been challenged. In 1996, when Kolata wrote the story in question, Safe's research was being subsidized by the Chemical Manufacturers Association. Two years before that, he was hired by the National Cattlemen's Beef Association to rebut an Environmental Protection Agency draft report on dioxin.
- Any reporter following these issues knows where Safe and Ames stand and what they'll say. Their comments are as predictable as C. Everett Koop's on smoking.
- Reigart is a past chairman of the committee on environmental health at the American Academy of Pediatrics and has published many articles on the effects of chemicals on children. He was qualified to say whether the story was slanted.

On why, in a 1994 article about silicone implants, Kolata left out the fact that studies from the Mayo Clinic and the University of Maryland received funding from implant manufacturers—funneled through a plastic surgeons group—and that a University of Michigan study was financed directly by Dow Corning:

KOLATA

"There are numerous factors that enter into such decisions. The studies were not designed by the plastic surgeons society or by Dow Corning, and both funders [were] kept at arm's length, with no influence on what the researchers did or how they reported their results. Dow Corning was ordered by the FDA to pay for legitimate studies, and the company stipulated that the results be published no matter what they said. The studies you mention were reviewed by medical experts and their results stood up to scrutiny."

THE FACTS

- Members of the plastic surgeons group met with implant manufacturers and their lawyers on July 10, 1992 to discuss which studies to fund. As Dow general counsel James Jenkins later admitted in an affidavit, the winning research proposals were specifically chosen for their usefulness in litigation: "Each external scientific study that Dow Corning funded was only after consulting with legal counsel to determine its impact on the breast implant litigation."
- In at least two cases, manufacturers subsidizing the studies were sent a research protocol to review and suggest changes. The author of the University of Michigan study even sent his completed manuscript to Dow for comment.
- The Michigan study was neither published, nor peer reviewed, by a journal when Kolata wrote about it in 1994, but was being promoted by Dow. The follow-up to that study, which found a connection between silicone and non-specific connective-tissue diseases, was *not* promoted by Dow and was ignored by Kolata. ■

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money side of an issue, and we would focus on the science."

Sticking strictly to the "science," there was another issue that got lost in the smoke. Didn't the opinions of doctors who actually examined these women count for anything? All of the epidemiological studies were done from records and questionnaires, and researchers often don't see patients or hear the litany of familiar complaints: joint aches and fatigue, dry mouth and eyes, thinning hair. Nor do they see the masses of silicone that harden in up to 70 percent of the women's chests over time. "Any physician who's seen a dozen of these women knows there are illnesses caused by implants," says Gary Solomon, associate director of rheumatology at New York University's Hospital for Joint Diseases Orthopaedic Institute.

Solomon sees a lot of women with implant problems, often by referral from lawyers, which landed him in a September 1995 story by Kolata and Barry Meier about doctors and lawyers cashing in on implant suits. Ironically, Kolata had written about Solomon eight years earlier—that time as a hero who solved an AIDS medical mystery. "In the breast-implant litigation, it was mandated that if you wanted to file a claim, you had to see a rheumatologist," he says. "Then anybody who has seen them in that situation is painted as biased. Some of the people they consider to be experts have never seen patients with the illness."

Needless to say, Solomon wasn't pleased to find himself lumped in with doctors running diagnosis mills, his name juxtaposed against the "large numbers" of patients he'd seen and the "lucrative" nature of the business. "I included him because he was so well-known as a doctor whom the lawyers relied on to help make their cases," explains Kolata.

"I want to be fair; I've read Gina Kolata's stories for years and she's been an excellent and capable reporter," Solomon says. "She's done a very good job in stories that aren't politically charged. But on the breast-implant issue I think she has an agenda, and her stories are all geared toward proving it. She has consistently failed to present any of the science behind the problems with silicones and instead has chosen to focus on abuses in the legal and medical systems."

The debate over whether implants are health hazards is still raging, and readers of *The New York Times* might never guess that there's more to it than courtroom shenanigans. Last year the Mayo Clinic team published a follow-up to its 1994 study, showing that nearly one in four women with implants needs additional surgery within five years because of a rupture or other complications. Kolata, who frequently cited the first Mayo study, didn't cover the follow-up. Then, this July, she wrote yet another story about the opposing agendas of science and the courts, where she quoted a legal expert "who has no connection to the implant litigation" about the greed that's driving the implant suits. The supposedly impartial expert, Bert Black, actually has been representing the Chemical Manufacturers Association—of which Dow Chemical is a prominent member—in recent product liability cases.

Due out next year are the results of the most extensive study to date, a five-year investigation by the National Institutes of Health that was ordered by Congress. It is the first designed to examine long-term effects, the first to focus on atypical disease, and the first to avoid special-interest money. "I think it's still an

THE MOUSE THAT ROARED

Gina Kolata's front-page story on a potential cancer cure caused a frenzy this spring—but the news was old and a cure far away. By Abigail Pogrebin

On May 3, cancer patients across the country woke up to a seeming miracle. *The New York Times*, not known for jumping to hasty conclusions or overblown pronouncements, was trumpeting on its front page (and above the fold) that a promising cancer cure was within reach, from the lab of Boston scientist Dr. Judah Folkman. The reporter was Gina Kolata, the *Times*'s noted science writer of 11 years. It was tremendous news except for one problem: It wasn't news. Folkman's research had been reported by another *Times* science writer six months earlier, to no hoopla and with much less prominence.

Kolata did get the science right. Folkman had been working for more than 30 years to prove his hunch that two proteins, angiostatin and endostatin, can eradicate cancer in mice by cutting off a tumor's blood supply, without drug resistance or side effects. And Kolata made it clear that the drugs had been successful thus far only in rodents. But that caveat was lost amid the article's optimism and its placement.

The story's splashy play in the Sunday *Times* sent the world's media into apoplexy. It was picked up by virtually every U.S. news outlet and reverberated abroad under headlines like "Cancer Cure." Cancer patients flooded hospital lines begging to be part of the drug trials. Memorial Sloan-Kettering Cancer Center's president, Dr. Paul Marks, recalls the fever. "We had to increase the number of personnel taking the calls because we felt we had to deal with their anxiety," he says of the hopeful patients. "My sense was that it was not a responsible article...It definitely wasn't news. Not to the scientific community."

That didn't stop the drug maker's stock price from exploding. Shares in EntreMed Inc., a small pharmaceutical company that funds Folkman's research and owns the license to market any treatment he develops, rose 308 percent the next day, surging from $12 to $51, with 23 million shares traded.

Almost as quickly as the frenzy began, so did the backpedaling. Kolata's subjects publicly disputed the quotes she had used in her story. Nobel Prize winner Dr. James Watson, codiscoverer of the DNA double helix, had offered the article's showstopper: "Judah [Folkman] is going to cure cancer in two years." The hitch? Watson maintains he never said it. "When I read her article, I was horrified, because it said something I didn't believe," says Watson. The *Times* published his letter to that effect. "My recollection of the conversation, however, is quite different," wrote Watson, who says he chatted with Kolata at a "lighthearted" dinner party six weeks before her article appeared. He says she did not take notes or call him afterward to confirm his comment. Watson adds that after his letter appeared, he heard from many colleagues claiming they had been similarly misquoted by her.

Kolata, who would only answer questions in writing, says "I don't wish to be in the position of quarreling with a respected source and authority. As I've said before, I am confident in the accuracy of my story, and I'm glad we were able to let Dr. Watson further explain his view in a letter to the editor."

Dr. Richard Klausner, director of the National Cancer Institute, had been quoted by Kolata as calling Folkman's drugs "the single most exciting thing on

open book," says Louise Brinton, the study's lead investigator and chief of the environmental epidemiology branch of the National Cancer Institute. "I don't think the previous research was defined enough to answer the big questions."

THE CONTROVERSY SWIRLING AROUND KOLATA STARTED NEARLY ten years ago, when she was writing about AIDS. At the time, one of the hottest issues was "parallel track," a new FDA policy that allowed an AIDS patient access to experimental drugs while they were still being tested. Kolata, who has degrees in microbiology and mathematics from the University of Maryland, sided with the traditionalist position, which warned against messing with the system for drug approval. In a November 21, 1989 article, for instance, she focused on researchers "in despair" over losing potential volunteers for their clinical trials—since parallel track guaranteed they wouldn't wind up in a control group not getting the drug—and ended with a provocative quote about the new program: "Nobody ever said it was logical. It was a matter of acquiescing to political pressure."

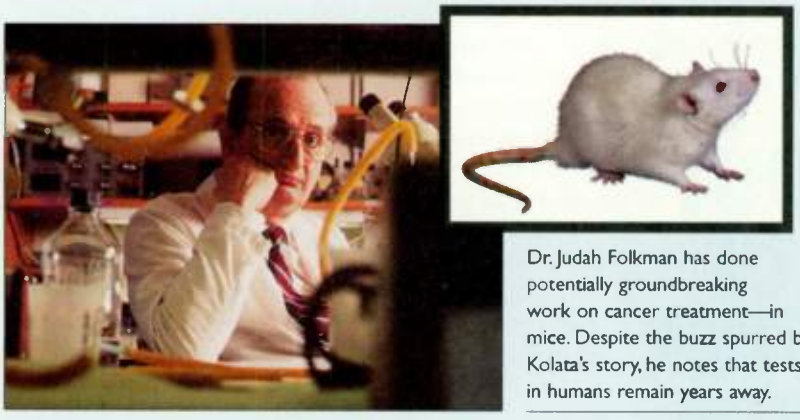
Her piece, while raising a significant issue, had an oddly combative tone. A lineup of researchers was brought in to argue against parallel track, with only a lone AIDS activist to defend it. There was no real discussion about the patients who couldn't qualify for the clinical trials and would have been out of luck otherwise. Kolata's stand won her the wrath of ACT UP, the militant AIDS group, which plastered stickers all over New York saying she was the worst AIDS reporter in America.

On March 12, 1990, Kolata seemed to have the proof that she had been right: Patients taking the first drug released under a "new and controversial distribution system" were dying at ten times the rate of patients in the standard clinical trials, she wrote. According to a Harvard research administrator quoted high in the story, the 290 deaths on parallel track were "an absolute disgrace" and "a painful way to learn the lesson." (The researcher happened to be a pioneer of randomized clinical trials, but readers weren't told about that bias.)

Kolata's alarming numbers stood out against the *Los Angeles Times*, *The Wall Street Journal*, the *Chicago Tribune*, and *The Washington Post*, which all reported six or seven deaths. That's because her colleagues counted only those attributable to the *drug*, not to AIDS-related infections. Patients on parallel track were vastly sicker than their counterparts in the clinical trials, and many more deaths were to be expected. While Kolata alluded to that in her story, she buried it ten paragraphs inside and gave it so little credibility—from the mouth of a drug-company flack—that it didn't register. "At the time I wrote the story, it was not clear which deaths were attributable to the drug," she says now, even though other reporters were able to get the figures straight.

Panic broke out almost immediately. Patients started dropping out of the trials and abandoning the drug. Mathilde Krim, the AIDS researcher and cofounder of AmFAR, shot off a protest letter to the *Times*, as did several physicians and activists. Other papers did stories about the scare set off by "a published report." Only through a tremendous public relations effort by Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, was the drug trial salvaged. The drug, DDI, is now one of the standard choices for AIDS treatment.

"In general, there was a sense that Gina was viewing things



Dr. Judah Folkman has done potentially groundbreaking work on cancer treatment—in mice. Despite the buzz spurred by Kolata's story, he notes that tests in humans remain years away.

BILL GREENE/BOSTON GLOBE (FOLKMAN); CHICAGO TRIBUNE (MOUSE)

the horizon....I am putting nothing on higher priority than getting this into clinical trials." Four days later, the NCI issued a press release clarifying that "this research is by no means the only promising research currently under way. There is no one 'top priority' of the NCI." The institute also contested the story's news value: "Was there new information in the news article? No."

Even Folkman was perplexed by the frenzy. "I'm puzzled by the response, because this is five months old," he told *The New Yorker*. And he stressed that the drugs he is developing are years away from being tested in humans.

As cancer experts and science reporters questioned why an old story was suddenly front-page news, the *Times* stood by its placement. "I don't think there was any question that the story was a page-one story," says science editor Cornelia Dean. She says the article was never intended to focus on Folkman's research, which she concedes had been covered earlier by reporter Nicholas Wade. It was, explains Dean, an article about the growing *excitement* over Folkman's research: "Gina was at a science meeting on another subject, and she started hearing a buzz among scientists about Judah Folkman and his work....Her story was about the burst of optimism and enthusiasm as they learned about this work."

Dean points out that *Times* editors actually held the story for a week precisely because they feared the significance of the research would be overblown. "We were trying very hard to make sure that while these results are very exciting, they are results in mice, not people," says Dean. "We held the story because we thought maybe we have not done this adequately....The fact that there was such hoopla over it shows that on some level we did not succeed."

"I have to say, the reaction to the story was startling," *Times* executive editor Joseph Lelyveld told *The New York Observer*. "Were we to do it over again, I think we still would have put it on the front page. But the caveats which were in the story probably would have been more forceful and marshaled higher."

Kolata agrees. "If we could have foreseen the reaction the story received from Wall Street and the media," she writes, "we would have underscored [the caveats] even further. In the future, we will work doubly hard to keep people from finding inappropriate meanings between the lines."

And what about the cancer patients who found those "inappropriate meanings" and became convinced Folkman was a messiah? Dean says the *Times*'s power to inspire false hope cannot sway its news judgment. "Somebody said to me, 'Cancer patients can't take this; they're not strong enough emotionally to take this news.' If we start putting into the calculation 'Are the readers strong enough emotionally?' I think that's a dangerous path to travel down....There were people who said, 'You should never have run that story.' I disagree." ■

with a very different perspective than I was, or most of the other reporters covering it," says Laurie Garrett, a Pulitzer Prize-winning science reporter for *Newsday*. "It seemed her reporting was filled with a high index of suspicion—at the very time the leadership in the AIDS community was beginning to develop a coalition or shared mission with the scientific community. As a biologist trained in immunology, I realized this thing was going to be a monstrous problem to solve. I didn't see how anyone would be served if I searched for scandal."

Replies Kolata: "It is a reporter's job to be skeptical, if that's what she means by a high index of suspicion."

IT WOULD HAVE BEEN IMPOSSIBLE FOR *TIMES* EDITORS TO MISS the noise around Kolata. AIDS activists continually sent angry letters to then-executive editor Max Frankel. The *Village Voice* ran a feature story in May 1990 that ripped apart her reporting with quotes from scientists and colleagues. Even her own fraternal organization, the National Association of Science Writers, published an unflattering analysis in its newsletter that summer, after which she resigned from the group.

The obvious question is: How did she hold on to her beat, not to mention her job? Philip Boffey, who was the *Times*'s science editor until late 1990, was concerned enough at the time to have conducted a review of her AIDS work, according to someone with direct knowledge of it. But no action was ever taken, and the issue eventually faded away. Kolata claims she never felt any pressure from above to stop writing about AIDS.

"The *Times* is an institution that's completely cut off from the world, so it's very easy to be defensive," says one science reporter for the paper. "There wasn't a sense of worrying about whether Gina was right or wrong, but whether they wanted to protect the *Times* from criticism."

Of course, it is almost an axiom of the profession that the louder the outcry over a story, the more likely journalists are to believe it is dead-on accurate. Someone is always complaining, often just because the reporting exposed some secret, flaw, or lie. So it probably wasn't that hard for *Times* editors to reassure themselves that the protests were coming from people with their own agendas.

One thing they couldn't explain away was the number of mistakes Kolata made in her reporting. She is famous for mixing up states, schools, hospitals, and affiliations. From 1990 through this April, the *Times* ran 62 factual corrections on her articles—not counting another 15 in charts or editing—with 12 correcting two mistakes at once. One corrected five in a single story, and wound up being lampooned in another science writers' newsletter. In fact, Kolata made roughly five times as many errors as her colleague Natalie Angier did during that same time period. "I write more stories than most reporters," Kolata says, "many of which are written under extremely tight deadlines."

Sloppy mistakes would worry any editor; "Seattle" not "St. Louis," "Berkeley" not "Stanford" does little for credibility. But the ones that really should have raised flags were those that hinted at an intellectual bias. In June 1996, for example, Kolata wrote back-to-back page-one stories dismissing all forms of alternative medicine, equating acupuncture and chiropractic treatment with coffee enemas. Her second piece went after the Office of Alternative Medicine at the National Institutes of Health, particularly what "some academic scientists" called its "questionable standards" for awarding grants. Contrary to usual NIH practice, she wrote, these grant applications weren't reviewed by outside experts but by staffers and advisers who either practiced alternative medicine or were already true believers.

KOLATA FRAMED THE DEBATE

Two weeks later the *Times* corrected itself: Not only do alternative-medicine grants undergo review by outside experts, but they also must pass an advisory board at an NIH division—all before reaching that board of "believers."

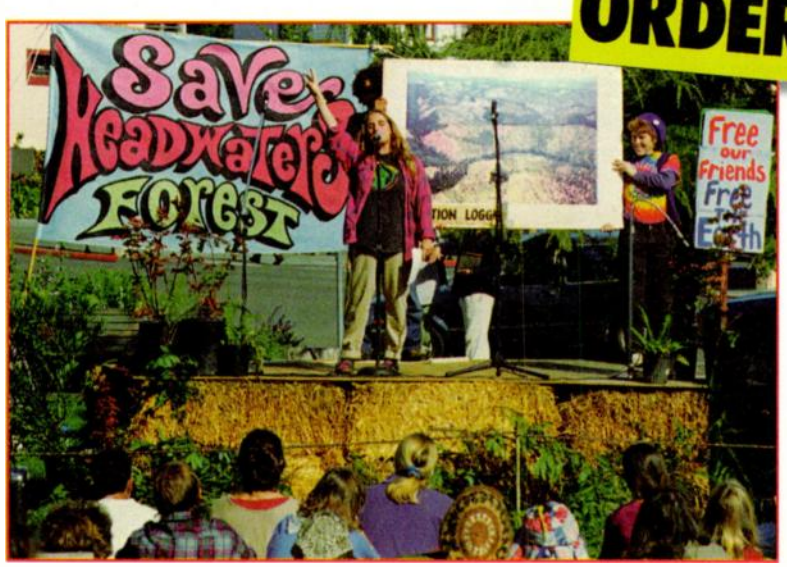
There is no doubt where Kolata stands on the subject. All five of her stories on alternative medicine have been about hoaxes, hazards, and quack doctors, in stark contrast to health columnist Jane Brody, who recently urged readers to consider some of the same therapies Kolata ridicules. It's hard not to question, then, whether her mistake was a result of straining to make the evidence prove a point.

"She's a very enthusiastic person and has a lot of good ideas for stories," says the *Times* science writer. "But when she gets on a story, she's unable to change her mind as she goes along. Whatever she starts out with, she enthusiastically sets out to prove. She's capable of letting someone take apart her thesis and then ignoring it."

Perhaps that was the case in April 1992, when she made a mistake that triggered one of the strangest mea culpas in *Times* history: a page-one story by Kolata attacking her own reporting from the day before, and even quoting her editor, Wade, for elaboration. The subject was DNA fingerprinting, something she had frequently criticized in the past. This time she wrote that an expert panel of the National Academy of Sciences, in a highly anticipated report, had suggested barring DNA evidence from trials "unless a more scientific basis is established."

Actually, the panel made the opposite recommendation and *endorsed* DNA fingerprinting as a powerful tool for solving

Family feud: Kolata's sister Judi Bari (speaking on stage) was a strident environmentalist who died of breast cancer. In New York, AIDS activists plastered anti-Kolata stickers, like the one at the right, on newspaper boxes of the *Times*.



PAUL SAKUMA/AP/WIDE WORLD (BARI); COPY ART BY AL FRENI (ACT UP STICKER)

crimes. Making this whole episode even more bizarre, after starting out her apology story with "Contrary to a report in *The New York Times*...," Kolata then went on to defend her original interpretation. At one point in the article she gathered several lawyers to plumb the subtext of what the panel *really* said—much to the frustration of the panel chairman, who apparently wasn't entitled to have the final say on what his own words meant.

ON MARCH 19, 1996, KOLATA STEPPED INTO YET ANOTHER FRAY. A new book was creating a buzz with its frightening premise: Many common chemical products, even ones as seemingly innocuous as plastic wrap and dental sealants, were capable of mimicking our natural hormones and causing profound health problems. Until then, the press on the book—by zoologists Theo Colborn and John Peterson Myers, and science reporter Dianne Dumanoski of *The Boston Globe*—had been mostly favorable. Articles in *Time*, *Business Week*, *The Wall Street Journal*, and *U.S News & World Report* treated *Our Stolen Future* as an important if controversial work, often comparing it to Rachel Carson's *Silent Spring*. The National Academy of Sciences took the subject seriously enough to devote a two-day conference to hormone mimics, also known as endocrine disrupters, just before the book was released.

Kolata, on the other hand, saw it as more junk science. In the lead paragraphs of her first of two stories about the book that day, she framed the debate as activists and celebrities versus credible scientists, a technique she used to great effect in her breast-implant stories. Although she granted that the book was endorsed by "several" biologists and toxicologists, she never allowed any of them to speak. Instead, she handed most of the story over to critics, introduced as "leading scientists."

If the intent was to present an impartial review, these particular scientists weren't the obvious choice. *(See sidebar, page 109.)* The most inflammatory remark in the piece—"It's a political movement and it's based on lousy science"—came from Bruce Ames, a biochemistry and molecular biology professor at the University of California at Berkeley and a board adviser at The Advancement of Sound Science Coalition. That coalition has itself been accused of being a "political movement," run by a lobbyist for the EOP Group, whose clients include Dow Chemical and the Chlorine Chemistry Council, according to a 1997 directory of registered lobbyists. There's no question that Ames is a respected biochemist. But his views on this subject are extreme and emphatic enough at least to have warranted a disclaimer.

The same holds true for another of Kolata's sources. Stephen Safe, whom she identified simply as a toxicology professor at Texas A&M University, sits on the advisory board of the American Council on Science and Health, which was the subject of a scathing *Consumer Reports* profile in 1994—"Forefront of Science, or Just a Front?" As the magazine pointed out, the group has been kept afloat by the generosity of corporations like Union Carbide and Dow, and by industry-backed foundations. At the time of Kolata's piece, Safe's own research was being subsidized by the Chemical Manufacturers Association.

"The story was very slanted, and it was one of those not-so-unusual situations where someone goes seeking people who agree with their belief, and then quoting them in order to bolster what they thought upfront," says J. Routt Reigart, director of general pediatrics at the Medical University of South Carolina. Reigart, who the *Times* once quoted in a story as a medical expert, sent a letter to the paper protesting Kolata's piece. It never ran. In frustration, the Environmental Information Center, an advocacy group that helped promote *Our Stolen Future*, bought an ad on the op-ed page to criticize Kolata's reporting. *(See sidebar, page 109.)*

Endocrine disrupters had been a hot issue before the book came out, ever since alligators and fish heavily exposed to hormone-mimicking chemicals wound up crossing gender,

AS ACTIVISTS AND CELEBRITIES VERSUS CREDIBLE SCIENTISTS.

becoming sterile, having babies without sex organs. No one disputes that the threat to wildlife is real. The big question is whether small quantities of these chemicals can affect humans as well, since our natural hormones are thousands of times more potent than any one of the imposters. Then again, we're typically exposed to chemicals in combinations, which changes the equation a bit.

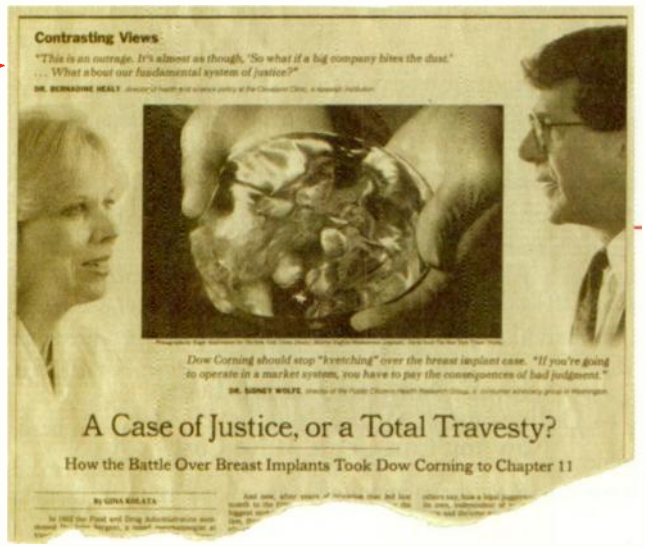
"A lot of the stuff around endocrine disrupters is very, very subtle," says Richard Jackson, director of the National Center for Environmental Health at the Centers for Disease Control and Prevention. "They are things that make scientists very uneasy, because they're very difficult to quantify." Jackson, who calls *Our Stolen Future* "a seminal book," created a special research group at the CDC to study endocrine disrupters. Last year the group *was* able to quantify a possible effect: The number of boys born with hypospadias, an abnormality of the penis, had doubled in the U.S. since the 1960s. "A very powerful finding," he says. "I find there is something real here. It is an important and reasonable thing for people to be looking at."

KOLATA DEVOTED A SEPARATE STORY ON MARCH 19 TO WHAT is by far the most contentious piece of the debate—whether sperm counts are falling, and whether it has to do with hormone-mimicking chemicals. The issue was first raised in 1992, when Danish researchers concluded that sperm counts had dropped significantly over the past half-century, based on data from 61 studies in various countries. This was followed by local studies in France, Scotland, and Belgium that came up with similar results.

In her piece, "Sperm Counts: Some Experts See a Fall, Others Poor Data," Kolata again collected some "leaders in the field" to dispute the reports in *Our Stolen Future*, and again neglected to contact any scientists in defense. Her introduction was withering: "Overnight, say many male-infertility experts, and largely on the basis of one controversial paper, a conviction has been born. Just as DDT caused birds' eggs to shatter, proponents of the theory say, something in the food, or water or perhaps the plastics people use with such abandon is decimating sperm counts."

As her experts correctly pointed out, none of the studies was ideal. Working with sperm isn't like analyzing blood; the only places to find samples are places that can bias the study.

In a 1995 story, Kolata declared Dow Corning a victim of junk science, even though implant studies then were not conclusive....


Contrasting Views

"This is an outrage. It's almost as though, 'So what if a big company bites the dust.' ... What about our fundamental system of justice?"

DR. BERNADINE HEALY

Dow Corning should stop "kvetching" over the breast implant case. "If you're going to operate in a market system, you have to pay the consequences of bad judgment."

DR. SIDNEY WOLFE

A Case of Justice, or a Total Travesty?

How the Battle Over Breast Implants Took Dow Corning to Chapter 11

By GINA KOLATA

Sperm banks, for instance, don't keep many specimens from infertile men. But the new studies that Kolata countered with were also flawed, though this time there was no mention of "serious methodological problems."

Her first expert, Richard Sherins, a former NIH endocrinologist, was brought in to refute a connection in the book between infertility and DES, a potent estrogen mimic. DES was widely prescribed to pregnant women in the '50s and '60s to prevent miscarriage. Not only didn't it work, but it later caused vaginal cancers in their daughters who had been exposed in utero. Now it is often held up as a warning against other estrogenic chemicals. But Sherins pointed to research on men whose mothers took DES—"the largest, most carefully conducted" study of DES sons, as Kolata put it—that showed no drop in their fertility.

Actually, that study had problems, too. The men were simply interviewed about children they had fathered, which said nothing definitive about their sperm levels. In addition, their mothers were part of a DES trial group that took the drug later in pregnancy than usual, according to Shanna Swan, chief of reproductive epidemiology at the California Department of Health Services. But never mind the sons' sperm. The study also found that they had three times as many genital deformities as men whose mothers didn't take DES, a fact that Kolata left out of her story and that made Sherins's example a less-than-shining defense of estrogenic chemicals.

Next, she called on Larry Lipshultz, a urology professor at the Baylor College of Medicine, to comment on the Danish study that started the debate. Though readers would never know it, Lipshultz already had published an analysis of that study the year before, where he concluded the Danes were wrong. The author address on his report? The Dow Chemical Company, Midland, Michigan.

Lipshultz, Sherins, and other experts saw no "reliable" evidence that sperm counts were dropping. In fact, Kolata noted, "that was also the consensus" among scientists who had met in Houston a few months earlier to discuss the issue. But as the trade magazine *Chemical Week* reported about that conference, it was "entangled in controversy," none of which Kolata brought up. First, it was sponsored by the Chlorine Chemistry Council and seemed timed to blunt the publicity for *Our Stolen Future*. Second, one of the dissenters—Niels Skakkebaek, leader of the Danish study—complained that any consensus was meaningless since the organizers controlled who was invited.

Over the next two months, April and May 1996, Kolata wrote two more stories with the same message and cast of characters: Sherins, Lipshultz (in one of them), and another urologist, Harry Fisch, who had just completed a study of three U.S. cities that showed no change. All three men were on the list of recommended scientists put out by the Chlorine Chemistry Council to rebut *Our Stolen Future*.

"I never pick experts solely from a list handed to me by a special-interest group," Kolata says. "Instead, I select scientists who know the data and who are experts in evaluating it. It may be that a special-interest group also recommends those scientists—in fact, it is to be expected if those scientists are among the best and if they happen to support the interest group's point of view. But that does not mean that the scientists' views have been bought."

Among the scientists who have never appeared in any of Kolata's pieces are Skakkebaek, the authors of the other European studies, and Swan, who was asked by a National Academy of Sciences committee to make sense of all of the contradictory evidence. *(See sidebar, page 109.)* Swan went back to the original data from the Danish report—all 61 studies—and set out to control for every criticism ever raised. To address the biggest concern—that most of the early numbers were just from the U.S.—she mapped separate curves for the U.S., Europe, and elsewhere.

In her preliminary report to the Academy, Swan suggested that Skakkebaek was wrong. "I thought the criticisms that were raised were reasonable, and that probably the criticisms would explain the decline," she says. But what Swan found surprised her. In both the U.S. and Europe, the declines were even steeper than in Skakkebaek's report. As for other areas, there wasn't enough data to say.

When Swan published her analysis last November, *The Washington Post, Newsday*, the *Chicago Tribune*, and other newspapers ran stories. Kolata, who has had more to say on this issue than almost any other reporter, never mentioned it.

KOLATA KEEPS TRYING TO FORCE A CONCLUSION ONTO STORIES

IT IS JUST THIS KIND OF SEEMINGLY SELECTIVE REPORTING THAT convinces critics Kolata has an agenda. Because, even though she claims only to care about distinguishing between anecdotal evidence and controlled studies, she very often ignores controlled analyses like Swan's that don't support her point of view.

And yet her ideology sometimes appears to be rooted more in personal antagonism than in anything truly calculated. There is an underlying anger in her stories on breast implants, on the environment, and on alternative medicine that is especially striking in contrast to her gentle demeanor. On the *Charlie Rose* show in January, for example, where she discussed cloning, Kolata was charming and girlish, sparring playfully with the host. In initially turning down an interview for this article, she

called back promptly and politely because she "didn't want to be rude." So it's hard to know what to make of the loaded, caustic words she chooses for so many of her stories.

Last October Kolata reviewed an HBO film, *Rachel's Daughters*, that followed seven breast cancer "detectives" as they searched for the cause of their own disease. The concept was gimmicky, but the filmmakers brought together an impressive group of scientists and surgeons—from Harvard, Stanford, Tufts, Berkeley, and the National Cancer Institute—to discuss the role chemicals may play in rising breast cancer rates. Some of them were scientists that Kolata had used in her own pieces; one was a coauthor of her favorite breast-implant study. But this was not a subject she has had much patience for, so here's what she told her readers about *Rachel's Daughters* and a related show on Lifetime:

"The women on these television programs are far removed from the universe of scientists and others who make distinctions between hypotheses and evidence, who believe that speculation is not proof and that when evidence fails to support a hypothesis, the hypothesis should be abandoned. The women on these programs believe none of the above. Their universe is emotional and scary, filled with corporate bogeymen and toxic wastes and young women dying of a dread disease."

Seven months earlier, Kolata's sister Judi Bari died at 47 of breast cancer, which Bari believed might have been triggered by chemicals and toxic wastes. In fact, she was a leader of the radical environmental group Earth First! and held many of the same

THAT ARE STILL UNFOLDING.

opinions that Kolata has attacked so ferociously in her reporting. As a 1991 article by Bari, "Why I Hate The Corporate Press," asked: "Who needs a virus to kill humans when the real mad scientists have given us nuclear holocaust, toxic waste, deforestation, ozone holes, and the greenhouse effect?"

"I remember one thing Judi would say was that she and Gina were put on earth to cancel each other out," says Bari's ex-husband, Mike Sweeney. The sisters, he claims, had endured a stormy relationship since childhood. To the point where one of Bari's last requests was that Kolata not attend the funeral, according to friend Darryl Cherney. Kolata did nonetheless attend, and, understandably, will not discuss her sister or their relationship.

A review like the one of *Rachel's Daughters* is the rare opportunity for a *Times* reporter to sound off in her own voice. But there are always ways to steer a news story. One way, clearly, is to present scientists with extreme views as if they were in the mainstream. On the subject of breast cancer and pesticides, Kolata returned to Texas A&M's Safe and Berkeley's Ames—who had appeared together or separately in four other stories—despite their links to the chemical industry.

This time they showed up in her article on a new Harvard study, released a few weeks after *Rachel's Daughters* aired, that found no evidence of a link between DDT or PCBs and breast cancer. Safe, who was given a lot of space in Kolata's story, had written an editorial in *The New England Journal of Medicine* that accompanied the study. It was, to say the least, unusually provocative: "Chemophobia, the unreasonable fear


In Implant Case, Science and the Law Have Different Agendas

By GINA KOLATA

A tentative accord is reached in a long legal battle, but the conflict continues.

... and in a 1998 story, Kolata held to that view—even though the most extensive study ever, ordered by Congress, is still to be completed.

of chemicals," Safe began, "is a common public reaction to scientific or media reports suggesting that exposure to various environmental contaminants may pose a threat to health."

Some scientists were more shocked by Safe's editorial than by the study results. "He's making very, very strong political statements about the whole field, that, given the amount of information out there, I find astonishing," says Frederick vom Saal, a biology professor at the University of Missouri who studies endocrine disrupters. "To call this chemophobia? To say that in a medical journal is not just a trivial use of the term. Those are statements that you don't typically see a scientist making." As *The Boston Globe* reported, the journal took some heat for running Safe's editorial without a word about the money he'd been getting from the Chemical Manufacturers Association. Yet somehow that wasn't an issue at the *Times*, and Kolata has chosen not to explain her thinking.

A big part of the problem is that she keeps trying to force a conclusion onto stories that are still unfolding. In the "Week in Review" section after the Harvard study came out, Kolata wrote, "One more environmental scare bit the dust last week..." Did it really? There have been a number of breast cancer studies, some finding an association with DDT, some not, and some still in progress. Possibly we will learn that DDT is not a chemical related to breast cancer, since, as vom Saal suggests, it breaks down in the body to a metabolite that may actually be protective. Either way, we don't know enough yet to be so dismissive.

"It's a deep-seated human prejudice; they just don't want to believe there is a problem," says Greenland, the UCLA epidemiologist. "They're ready to close the books now. The whole history of science is marred by that." Greenland likes to tell his students about the nineteenth century scientist who warned against making "nonsense correlations"—like assuming that people got typhus from lice on immigrant ships just because the two things coincided. That, of course, turned out to be exactly how immigrants were getting it. "Epidemiology isn't rocket science," he says. "It's just that these people get up in public and in the press and in court and are so sure of what they're saying."

It's ironic that it was Kolata who created such a fuss in May with her excitement over Judah Folkman, the cancer researcher who came up with the ingenious idea to focus on a tumor's food supply rather than the tumor itself. *(See page 110.)* For most of his career he was ridiculed, rejected by scientific journals, denied grant money. Now he's being mentioned in the same breath as Charles Darwin. As big as the cancer story is, maybe Folkman's bigger contribution to science reporters like Kolata would be to persuade them to keep an open mind. ■

Q&A

DAN RATHER ON FEAR, MONEY, AND THE NEWS

DAN RATHER HAS BEEN ON THE NATION'S COLLECTIVE RADAR screen for 35 years. He is the longest-serving of the three network anchors, having succeeded the job's gold standard, Walter Cronkite, in March 1981. His tenure spans the regimes of CBS's three leaders, founder William Paley, financier Laurence Tisch, and Michael Jordan, whose Westinghouse Electric Corp. bought CBS in 1995. After stints as a print reporter and at local television and radio stations in Texas, Rather joined CBS in 1962. Twenty months later, on November 22, 1963, Rather broke the news of President Kennedy's death. He covered the civil-rights movement, the Vietnam War, and the 1968 Democratic National Convention, where cameras caught him being punched out by a security guard. During the Nixon administration, he was known as "the reporter the White House hates." Once, during a 1974 press conference, Nixon asked if he was running for something. "No sir, Mr. President," Rather replied. "Are you?" On August 4, editor Steven Brill interviewed Rather in New York. Edited excerpts of their discussion follow.

STEVEN BRILL: What will the evening news broadcast be like five years from now? With all the other news outlets out there, with people in their offices being able to tap into on-line news sites all day, with people at home being able to watch 24 hours' worth of cable news all day, why would someone five years from now make an appointment to watch 22 minutes of news at 6:30 at night?

DAN RATHER: First of all, I hope it will be an hour of news, rather than a half hour. In parentheses: (I take your point, that in the half hour of news, we have fewer than 22 minutes. I believe it to be true that we have 30 seconds more news than either of our major over-the-air competitors.) I think there is a real possibility of that happening. But I am the only person in this building that I know of who believes that there is a real possibility of that.

BRILL: Have you read [former *MacNeil/Lehrer NewsHour* coanchor Robert] MacNeil's new book, a novel that is about to come out, *Breaking News*?

RATHER: No, but I have heard about it. I haven't had a chance to read it.

BRILL: In there, he paints a scenario where a network gets the idea to get rid of its dedicated half hour of evening news and put it in the front of one of its now very successful magazine shows. This is a novel. It takes place a little in the future. But it is the gradual disintegration of the evening news as we know it, because it doesn't make money for that time slot the way a magazine show can. So they attempt to do it so that the public doesn't really go through the shock of seeing the elimination of the news by announcing that, instead of the news being when it is at 8 o'clock or 9 o'clock at night in prime time, they are going to have a news report that comes at the beginning of their magazine show. Given the economic trends and given the ownership of each of the networks, isn't that a likely scenario?

RATHER: This is certainly a plausible scenario. I would not at all be surprised if one or more of the current television networks went to some version of that. We, certainly for 15 years, have been seeing it as a possibility.

BRILL: How long do you want to stay in this job?

RATHER: As long as I am healthy, as long as I enjoy it, and as long as they let me do it.

BRILL: When is your contract up?

RATHER: I am pausing because I am not sure that I want to talk in detail, but my contract is up in 2002.

"THE ANSWER IS FEAR"

BRILL: Let me shift to the actual content of your report. If Nielsen went on strike or suddenly broke down and you knew that there would be no possibility of any ratings at all, how would your newscast be different?

RATHER: It would be different. It would have a much higher percentage of international news than it does now. We are the market leader in international news. The *CBS Evening News* has more pieces filed by correspondents from outside the United States than either one of our major competitors, almost twice as many as one.

BRILL: Twice as many as NBC?

RATHER: Yes, for the most recent year I have seen the figures, running twice as many, and a third more than ABC. That is not a criticism. They are doing their broadcast for what they believe will attract the largest audience. In this hypothetical time, it would be a lot more. We don't run as much international news as I think we should run, and there is no joy and certainly no pride in saying this, because the prevailing belief through-

out network journalism is if you run foreign stories, you lose. The companion to "if it bleeds, it leads" is if you lead [with a] foreign story, you lose.

BRILL: Do you believe that?

RATHER: No. I particularly don't believe it to be true for the core audience of the *CBS Evening News.* I suspect your next question is "Why don't you act on your beliefs?"

BRILL: It says at the end of the credits that you are the managing editor. What does that mean?

RATHER: But it does not say I am the dictator. This is a collegial process. I lead a group of other very dedicated journalists. I work for some dedicated journalists.

BRILL: Is the decision technically yours? If you, Dan Rather, decide tonight we are leading with that and everyone in the room, including the executive producer, says, "No, we should lead with something else," who would make that decision?

RATHER: I can and I do make that decision and that sometimes happens. We were the first—and this predates my being in here, that if you want to know in the final analysis who is responsible for this broadcast, in CBS history, the tradition has been, you are looking at him. That is the anchorperson, that is the managing editor. In recent years some of the others have given a title to their anchors and I don't know if it is true in fact. But here it is true in fact.

BRILL: So you are the guy who decided on July 29 that the demolition of O.J. Simpson's house at Rockingham was more important than thousands of people being killed on the Yangtze River?

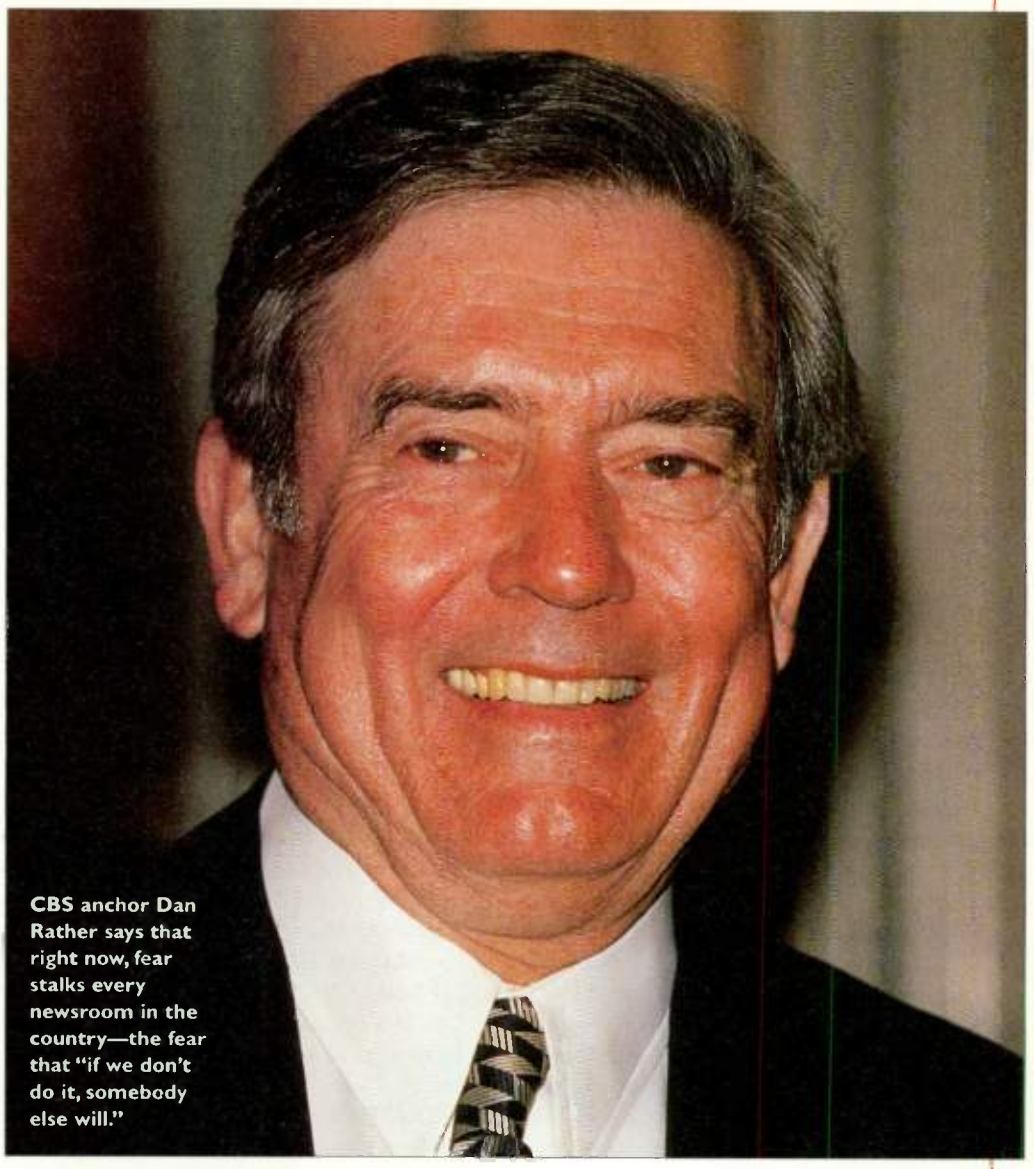
RATHER: We had both in the broadcast.

BRILL: You had both in the broadcast but China was [after] Rockingham.

RATHER: Look, it was my responsibility, I am responsible, and the answer to your question is yes.

BRILL: Tell me how the decision got made.

RATHER: I will tell you how the decision was made. I was double-checking myself that Yangtze was in. While we are on the air we try to stay right on the balls of our feet, move with the news, not lock ourselves in. So frequently we make changes when we are on the air. My recollection that day is that we had Yangtze up higher in the broadcast. There was a question of time: Could we give it 15 seconds or give it 25 seconds, something that was a time question. We said, "Well, let's shift it later in the broadcast to see how we are doing for time," because sometimes we pick up a few seconds, sometimes we lose a few seconds. So while we were on the air, the executive producer of the broadcast told me in my ear on the set, we will drop the Yangtze down and hopefully we can pick up more time to get the whole thing in. If we don't, we will give that 15 seconds rather than the 20 or 25 that we have. However, I think those decisions are less critical than what to [actually] include in the broadcast.



CBS anchor Dan Rather says that right now, fear stalks every newsroom in the country—the fear that "if we don't do it, somebody else will."

EVAN AGOSTINI/GAMMA LIAISON

BRILL: Why include the demolition of Simpson's former home at all? Why not take all 40 seconds for the Yangtze River? You also put at the back a story about the Serbian forces in Kosovo.

RATHER: By the way, we have run more about that story than both of our major two competitors combined. But the question you asked is fair, which is why run the demolishing of the house at all. The answer is fear.

BRILL: Fear?

RATHER: Yes. And this happens fairly often. I have talked to myself about it, I have talked to my colleagues here about it, and yes, I have tried to talk about it on the outside. Fear runs strong in every newsroom in the country right now, a lot of different fears, but one fear is common—the fear that if we don't do it, somebody else will, and when they do it, they will get a few more readers, a few more listeners, a few more viewers than we do.

The Hollywoodization of the news is deep and abiding. It's been one of the more important developments of the last 20 to 25 years, particularly the last 10 to 15, that we run stupid celebrity stories. I think we run less than our competitors, but that's a very weak excuse. In fact, it's no excuse at all. [But] it has become persuasive, the belief that to be competitive, you must run a certain amount of celebrity news, and I have been told over and over again "Dan, these are the 1990s, these are not the 1960s, they are not the 1970s, they are not even the 1980s. These are the 1990s, and in the modern, national newscast, to survive—you are always telling us, Dan, you don't want to just survive, you want to thrive, you want a reputation for excellence, and you want to lead

Q. You fantasized about becoming the anchor, socking away the money for a few years, and then going back, quote, "to what I do best—reporting." What happened?

in circulation. Dan, you can't lead in circulation unless you run at least a bare minimum of celebrity news." Now I am afraid that that may be true.

BRILL: Don't you ever get tempted to try to go the other way and begin a broadcast one night by saying, "Listen, we have thought all of this through"—basically just repeat the conversation we just had—"but we have decided that we are going to try something different, we are not going to do celebrity news, we are going to do the news we really think you should know. We are going to make believe that Nielsen doesn't exist. We are going to try this for a month and see if we can attract not only the audience we have, but even a larger audience." What would happen if you did that [on] the newscast tomorrow night?

RATHER: It is not a bad idea. Maybe we should do it. Let's discuss that for a minute. We have already done a version of that. We have made that sharp turn. We made a sharp turn a couple of years-plus ago, which was to say we want to put on a hard-news broadcast and we want the reputation for being the hardest of the three. This is something different than what you just described. You said, "Why not go all the way?" The answer is fear.

"EVEN SLEAZING UP DIDN'T WORK FOR US"

BRILL: Also, I am saying, why not just unabashedly sell it that way?

RATHER: I am more encouraged now that we could do that. Two and a half years ago it was considered very high risk and perhaps suicidal. But for whatever it is worth, we have tried nearly everything else and nothing [has] worked. Two things we found: Dumbing down, even sleazing up, didn't work for us. One reason it didn't work is we are not staffed. This place is not put together to do that kind of news and we weren't as good at it as some other people. I take some pride in that. But nonetheless, we just reached the point [where] we said, "Look, we better do what we do best, what we believe in." But it is true that we still run in the evening news some softer material than I would like. We run more celebrity news than I would like, more "news you can use" than I would like. But it is a collaborative process. These are my opinions. I can't stay in there and not play team and I shouldn't stay in there and not play team.

"TO SURVIVE, WE HAVE TO EXPAND"

BRILL: Wouldn't you have more cover, more ammunition, more resources, and a better ability to take risks if CBS had amortized its costs across a broader range of news products the way NBC clearly now has, with MSNBC and CNBC, with *Dateline*—just spreading the cost of the news division across a broader range of things as NBC is now doing? If CBS had the franchise—the Tiffany network, the news operation—didn't you blow it at a certain point in the late 80s and early 90s, by not doing what your friends at NBC have done?

RATHER: I am not sure.

BRILL: And NBC has a one-hour newscast, the newscast you are talking about. It happens that it is on MSNBC and CNBC, but it's there.

RATHER: Not too many people watch it, but I compliment them for having it. And do I wish we had it? Yes. There are certainly things that I wish we had done.

BRILL: Can you give me an example?

RATHER: In the early 1980s, we had a cable channel and the decision for [CBS founder William] Paley was to go with an all-news channel, which CBS almost desperately wanted to do, or to go with a "cultural channel," in quotation marks. The call was to go with a cultural channel. Looking back on it, this was a tremendous mistake.

We have made mistakes along the line. Yes, I wish we had a full-time 24-hour cable operation. I think we could do it better than some, maybe better than all who are doing it now. But let's talk about today and what we do tomorrow. I said to you, when you first asked about five years down the road, I think to survive, we have to expand.

We have a presence on the Internet now, and quite a good one. We have to continue to develop that. I would like for us to have a broader reach of cable. And yes, we have to develop more prime-time programming to attract an audience. Please do me the favor of pointing out I say this with a smile. I am not telling anyone how to run the company, but you asked me what could be done and should be done. I think these things should be done.

"I GOT ADDICTED"

BRILL: You said at one point in your book, *The Camera Never Blinks*, that you fantasized about becoming the anchor, socking away the money for a few years, and then going back, quote, "to what I do best—reporting." What happened?

RATHER: What happened is I got addicted. News, particularly daily news, is more addictive than crack cocaine, more addictive than heroin, more addictive than cigarettes. I love news. I love daily news. The difference between 1977, when *The Camera Never Blinks* came out, and a few years later is that I realized that for me it was hopeless, that I love news and I love covering news. That was written before I became anchor and managing editor of this broadcast.

BRILL: The question is not whether you would be in news. The question is coming off of the anchor desk and going back to reporting.

RATHER: The question that nags is anchoring as opposed to live reporting, and I have continued to think about that quite a lot. Sometimes I try to do too much and sometimes I think I can do too much, and so the answer to your question is, well, why not do it now? It is because I like it all and I am trying to have it all. It may be a mistake, but that's it. I have learned to like anchoring. I am not addicted to anchoring. I think I have gotten better at it. I hope I have. I certainly should have; I have been doing it for this long. But the opportunity to make a difference, a difference of the sort that we discussed earlier as to whether we lead with a foreign story or how much international news we put in the broadcast, whether we do or don't specialize in celebrity reporting and soft news, is a great opportunity to contribute, and I am reluctant to give it up. And for that, I have no apology.

THE CNN TEMPTATION

BRILL: I read in *The New Yorker* and I have heard this, that you were sorely tempted to go to CNN.

RATHER: That's true.

BRILL: What was the appeal?

RATHER: There was a point, when if I could have gotten to CNN, I would have gone. The opportunity to reach an international audience on an hourly and daily basis, albeit a small audience in the great scheme of things, was very attractive to me. The opportunity to do a full one-hour news broadcast every day was very attractive to me, and there were other factors. [So] it is true that I very seriously thought about going.

BIG MONEY

BRILL: One of the things that you have said in the past, and I think you said it here, is that there is a tension between news as a business and news as a responsibility and as a profession. One of the things that makes it a business is the big money, including the big money that the anchors get.

RATHER: Yes.

BRILL: Couldn't it be argued that if everybody really cared that much about it, they would all say, "Listen, we are in this for different reasons." So how many extra reporters could you hire if you cut your salary in half?

RATHER: If the money would go directly to hiring extra reporters, I am prepared to talk about that very seriously.

BRILL: Why?

RATHER: Because I care that much about it. As corny as it may sound, that's true. And I once offered to do that some years ago.

BRILL: Really?

RATHER: I don't want to go back over that ground, but I did do that.

BRILL: Go back over that ground.

RATHER: I was told at the time—and this is not verbatim, but it is pretty close—"Dan, it doesn't work that way."

BRILL: Who told you that?

RATHER: The next-to-top decision maker at CBS at the time.

BRILL: Was this in the Tisch era?

RATHER: Yes. It was "Dan, it doesn't work that way." And by the way, while I went personally and talked with the decision maker about the possibility of doing it, I knew that there were several others among the highest-paid people at CBS News who were prepared to at least consider it. I was told at that time, and this was 10, 12 years ago—maybe not quite that long—that "it doesn't work that way. Nobody can guarantee you that dollar for dollar it's going to go for that." I believe it is a little like saying, well, when the Vietnam War ended, we said we are going to take all of the money we spent on the war, it is going to help the needy in society. It doesn't work that way. Not only do I think this is a fair question, but it is something I think we need to keep asking ourselves, and this includes myself. Let's not confine it to myself, but there are plenty of people in the upper income tiers of journalism, and let me just speak about broadcasters we have had in the past, who are prepared to make financial contributions to [ensure that] responsible network news survives and thrives. What happens with most of them, but let me just speak for myself, is that it gets terribly confused and muddy as you try to effect it and nobody wants to be a sucker.

And I have also learned in this discussion, I hope, that the people who own and operate networks, and this includes cable as well as broadcasting, that one of the ways they get respect is money. Therefore, if you are to keep their respect, you sometimes have to consider very carefully what you ask of them in the way of compensation.

A CELEBRITY BUSINESS

BRILL: In *The Camera Never Blinks*, you wrote, "I fear the consequences if this becomes a celebrity business." The money that people like you or Bryant Gumbel are getting here at CBS, isn't that in part because you are celebrities?

RATHER: Yes.

BRILL: How do you feel about that?

RATHER: I don't like the word "celebrity," but the answer is yes. It's in part because one is, quote, "a star." I am very uncomfortable talking about this to this day, but we are trying to talk candidly about what the problems are, but the answer to your question is yes, a lot has developed, a lot has changed since I wrote that in 1977. I had hoped at that time and believed at that time that we could hold the line on celebrityhood. I was wrong and I will bear my own fair share of responsibility for it.

BRILL: Well, people like your agent, Richard Leibner, have probably had the opposite hope, because if you can create a group of people or help to make a group of people who are so much in demand because they are—to use your words—stars, you have started to change the economics of the business pretty fundamentally, because it seeps down to the local newspeople and everybody else.

RATHER: And it sounds reasonable, but I can't blame Richard Leibner, a lifelong friend of mine in addition to someone with

Rather sets up in front of the White House. He decides when the choice is death along the Yangtze versus the demolition of O.J.'s house.

DIANA WALKER/GAMMA LIAISON

A. I got addicted. News, particularly daily news, is more addictive than crack cocaine, more addictive than heroin, more addictive than cigarettes.

Q. Do you worry about someone saying, "Dan, we know you believe in this newscast...but, for better or worse, we need a 35-year-old sitting here?"

whom I am in business. I am responsible for my own actions, too.

BRILL: It is not to say you should begin a one-man crusade here, but the dynamics of the marketplace are, it seems to me, if you have businesspeople, pure businesspeople suddenly running these organizations, it is a lot easier for the agent to convince that person that someone like Bryant Gumbel is a star and there is an auction and there is a bidding process and that bids the price up. Don't you think that that is right, and that the news value isn't somewhere in that equation?

RATHER: I think that is correct. I don't have any apology for what I am, because a service—a thing, a person—is worth what somebody else is prepared to pay for it. That's point number one. Point number two is that there are plenty of people who work for CBS who make a whole lot more than I do. Some of them are stars, celebrities. I didn't create the marketplace. The marketplace developed and when they were prepared, that is CBS, NBC, ABC, CNN, whatever, to pay a certain price, I don't think anybody would argue with it. There were news stars before I came into this job. I have absolutely no complaint about it and I was happy to get it, but I was a line reporter for 20 years and for a lot of that time, I was not a star. I was paid well but not astronomically. And that's the third point, that whatever the top money is, I think I have earned it. Now, I hope that won't be read as any fault of mine. But if the top pay now was a fraction of what I am now making, and everybody else was paid on a scale that way, I would be happy. But I don't think it gets very far to talk about it, because it isn't going to change. The more important thing is the effect that it has, which is probably where you were going with this.

BRILL: Exactly.

"CORROSIVE" MARKET RESEARCH

RATHER: It has been corrosive in a lot of ways, and among the ways is that now more than ever one in television news is frequently judged not by the quality of one's work, not by the quality of the body of one's work over a long period of time, but where one stands in the constellation of stars, where one stands in the celebrity sweepstakes. When the market researchers go to the malls, and they do, they don't say, "We are going to talk about great reporting. I am going to show you the pictures of some people who have reported in television and I want you to rate them as journalists, one through five. Do you recognize this person and do you think this person is a great reporter?" What they say is, "Do you recognize this person and do you have a positive or negative reaction to this person?" So that is celebrity research, if you will. It has long been applied in the celebrity business and now in the news business.

BRILL: Do you do that research about your own reporters?

RATHER: It exists and there are people who look at it very carefully. Now, the point here is, this is something you worry about if you care about quality journalism. We have decisions in which a young reporter, who is a terrific reporter, is up for promotion and is sometimes competing against somebody who is not as good a reporter, not as good a writer, may not even be a better broadcaster—points we can differ about—but is a more attractive person. That happens far less at CBS News than it does anyplace else in what I will call the major leagues, but it does happen here. [And] another little piece of us goes every time the decision goes for number two, as opposed to number one—that is, the more attractive person over the person who is the solid reporter. We are always looking for the ideal, a person who is an attractive person and a hell of a reporter.

AGE AND "THE REALITY OF THE JUNGLE"

BRILL: I wasn't going to ask you this, because I did not think I should, but now you have made me ask this.

RATHER: Oh, damn.

BRILL: There is a passage in this [Robin] MacNeil book, and again, it's a novel, but a lot of it sort of reads as if he is thinking about you as the anchorman who stands for news the way it should be, fighting the forces of news the way maybe it's going to be. I am summarizing, probably unfairly, but it is an interesting novel. In the book there's a lot about this anchorman approaching the age of 60 or getting past age 60 and the talk is, well, this newscast's audience is older than the television experts like it to be, than the advertising people like it to be. And sooner or later they are going to show everybody the research that says the way to attract a younger audience is to have someone who's really a lot younger sitting in that chair. And it stands the merits of news on its head because everybody says, "This guy's the best, he cares about this stuff and he is hands-on, making the decisions about his newscast every day, vetoing bad things, pushing good stories up." Do you think that's going to happen? Do you worry about that? Do you worry about someone saying, "Dan, we know you believe in this newscast and if we want to get the next generation of people to make an appointment to watch the show—for better or worse, it's not us, we are just reading the numbers, but for better or worse, we need a 35-year-old sitting here who maybe looks 40."

RATHER: No, I don't think it would be wrong. It's the reality of the jungle. I would like to beat that happening, which is to say that if I hear the whisper of the ax, I would like to beat it. So would everybody. Have I thought about it? Yes. Do I worry about it? No. It's impossible that you have met anybody who believes stronger than I do that yesterday is dead and gone, tomorrow is out of sight, and today is what I have to deal with. But demographics are a reality. I know that. I also know that I am on borrowed time in here, that I am practicing in a profession that I love deeply. I have been on borrowed time for a long time. I am 66 years old.

BRILL: Why is that borrowed time?

RATHER: Up until now, it hasn't [been], and I think that speaks well for CBS and I hope it speaks well for me. But when you say the reality, when one stops and thinks, and occasionally, I stop and think [about] how many anchorpeople, anywhere in America, not on network news but anywhere in America, how many anchorpeople are doing a daily news broadcast and a weekly prime-time series, *48 Hours*, at age 66? The answer is not many.

The reasons are many and varied, including that some people decide they don't want to do it anymore and, God bless, I am not one of those people. Another reason is demo-

graphics. A couple of things about that: I can be dumb as a fencepost about a lot of things, but I am at least smart enough to know that anytime they become convinced that somebody else would draw a larger audience for them and/or a larger audience of the kind of people that advertisers want, they would come to me. I understand that. As of right now, we are doing pretty well. Amazing comes to mind. We are not only competitive, we are very competitive. We are competitive enough to have our competitors worry. So that's today and that's what I deal with today.

NBC LITE

BRILL: Make believe someone is arriving from Mars. What is the difference between the three networks?

RATHER: CBS News is clearly the first in hard-news broadcast of the big three. NBC News has what they call—this is a direct quote from them, I think—"a rich mix," unquote. I did not originate the phrase, but there are those who call it "news lite." They don't like it and I can understand that. As best I can understand the strategy, it is to mix softer, consumer-oriented news with some of the day's hard news. I think that's NBC. I think they are [a] hybrid mix. ABC is in a period of transition and it is hard for me to figure out how they are positioning themselves in the marketplace. Both the executive producer and the anchor of ABC News are very experienced journalists, and my hope is that they will go the hard-news way, but I don't know where they are now. So if you are a visitor from Mars, the *CBS Evening News* is, well, it's the rock. It's hard news. NBC is something else. It's a blend of softer stuff; and ABC is in a period of transition.

LOSING "THE SHARED NATIONAL EXPERIENCE"

BRILL: If you just looked at all of the newscasts, the overall audience has gone down in the time you have been anchor, not just at CBS, but at ABC and NBC. Are Americans losing what is called their shared national experience of watching the news and watching three people, you being one of them, give them their daily news? What is the consequence of that?

RATHER: Once you decide those days are gone forever, never to return, yes, something has been lost. In the overall context of our multiethnic, multireligious country, I have always believed that it is very important for the country to have widely shared experiences, everything from the World Series, which by the way is not as widely shared as it once was, to military service, which is no longer mandatory, so you don't have that. But for us, the United States of America, it is very important to have shared experiences, and yes, there was a time when the evening news, particularly when it was a bipolar world, the world of newscasts, CBS and NBC at one time were the only two national network newscasts, and I think that was of some national value.

I think there was also a national value at the time when the networks had 90-something percent of the audience at nighttime that were present in the United States, who if they wanted to talk about war and peace and some other subject, wanted to make a phone call, you could be pretty sure of reaching every American. That is no longer possible. When George Bush was, in effect, declaring war on Iraq, I switched around on the dial and of all of the over-the-airwaves and cable outlets, only a distinct minority were hearing George Bush.

But while something has been lost, I think a great deal has been gained. That is, I think there is a great deal more variety of both news and analysis, commentary, opinion on the air now than has ever been and that is something that has value. When we move from the PC, the personal computer era, to the tablet era, which we are now in the process of doing, we will have yet another expansion, and when that is complete, and it will take several years, but when that is complete—I am talking about a postmodern electronic tablet—then the dissemination of news will be diffused even further. But it will be broader and deeper than ever. I am not smart enough to figure out what that does to the fabric of the country.

BRILL: What does it do to a brand name like Dan Rather in the the future? Does it make you more important or less important?

RATHER: For once, at least, I would like not to deal with the egocentricity of anchordom, but a brand name like CBS—I think it makes it more valuable. Any brand name in news, like any brand name in cable and television, becomes of greater value because of the following reasons. It is harder to establish a brand name now than it's ever been with, what do you have in New York now, 75 or 76 cable channels, going to 500 soon. It's much harder to establish a brand name. It's much harder, once you have a brand name, to drive home for the public what that brand name stands for. So I think a brand name like CBS, and this is one reason that Merrill Lynch has just, as we speak, moved it to a buy, because I think that once again, in the marketplace, there will be recognition, that the brand name is of increasing value. So yes, I think in terms of people who are known newspeople that the price will continue to go up, not go down.

"PARACHUTING IN"?

BRILL: One other question I forgot to ask you on the subject of *48 Hours*. You anchor the [*Evening News*] every day, and *48 Hours* is a weekly show. How do the viewers know that you personally have the time to be involved in this as opposed to just parachuting in, because you are the big star?

RATHER: I think the discerning viewer will recognize that on the *Evening News*, because I am the anchor and the managing editor of the *Evening News*, that I am actually involved in those responsibilities. In *48 Hours*, I am the anchor. I am not the managing editor on *48 Hours* in name, although I am, in fact—because the executive producer, the great Susan Zirinsky, wants me to be, and because Andrew Heyward, the president of CBS News, wants me to be. But I serve there as a managing editor without the title, and I take that seriously, [yet] I can't and don't spend the amount of time on that that I do on the evening news. What I have to do, and what I *do* do, on *48 Hours* is build a different system to satisfy myself that the quality goes in before my name goes on.

BRILL: And you feel satisfied that you have done that?

RATHER: I do. But it is something that I worry about each and every day, each and every week, each and every month. ■

A. No.... It's the reality of the jungle. I would like to beat that happening, which is to say that if I hear the whisper of the ax, I would like to beat it.

Balancing the books: Thomas Middelhoff, soon to be chief executive of Bertelsmann, insists that book publishing can thrive as a core business.

BOOK PUBLISHING IS THE TOUGHEST MEDIA BUSINESS AROUND, WITH HEAVYWEIGHTS LIKE RUPERT MURDOCH, SUMNER REDSTONE, AND SI NEWHOUSE CUTTING BACK OR GETTING OUT. BUT BERTELSMANN IS MOVING IN. THIS IS ITS PLAN FOR MAKING MONEY—AND SUPPORTING GOOD BOOKS.

Is He CRAZY?

HERE'S A GLOOMY VISION OF THE FUTURE OF THE BOOKS WE BUY. Walk into a Barnes & Noble or a Borders bookstore a few years from now. In tall piles are lavishly promoted copies of the latest celebrity tell-alls, John Grisham and Stephen King potboilers, and New Age self-help tomes. The few clerks on hand scratch their heads when you ask about a challenging work of history, a serious novel, or an esoteric essay collection. Only a handful of global conglomerates—obsessed with the bottom line and driven by merchandising and entertainment tie-ins—remain in the book-publishing trade anyway. The customers in the store are there for the coffee or free Internet terminals.

But here's an alternate vision. Stroll into that same bookstore, sidestep the crowds milling around the shelves, and you'll find the books that rarely sell more than 10,000 copies—the history of the Khmer Rouge, the first novel from the next Cormac McCarthy, the debate over the critical legal studies movement. Even if that obscure title is out of stock, don't worry. Slip your request to an employee and, a minute later, the book will be printed and bound for you. Or plug your "electronic book"—a paperback-sized digital recording device—into the store's main computer and download the work instantaneously. The term "out of print" will have been banished from the publishing lexicon.

It's not just overly optimistic bookstore owners or 23-year-old Silicon Valley fantasists who envision the latter future. So do Thomas Middelhoff, 45, and the other middle-aged, buttoned-down types at Bertelsmann A.G., the German company whose name sparks little recognition in the United States outside of media circles, even though it's the world's third-largest media outfit. By no means reckless with their cash, Bertelsmann executives are investing in new technologies to publish and distribute their wares. The Internet, in particular, is seen as a marketing dynamo; Bertelsmann's attempt to follow Amazon.com Inc., called bol.com, will soon debut on the Web. More important, the company is convinced that old-fashioned, ink-on-paper books—even those that don't hit the commercial mother lode—are here to stay.

Bertelsmann's brain trust is so confident about the prospects for book publishing that it was willing to pay an estimated $1.2 billion for Random House, Inc., the most prestigious English-language publisher in the world. Media giants such as News Corporation and Viacom Inc. have struggled to make money in publishing, while Edgar Bronfman, Jr.'s Universal

BY LORNE MANLY

PHOTOGRAPH BY EVAN KAFKA

GAMMA-LIAISON

Studios, Inc., and the Newhouse family's Advance Publications, Inc. (which owned Random House), exited the field altogether. So Bertelsmann's deal, which shocked the industry when it was announced in March, provoked a recurring refrain among the literati: What could they be thinking? Are they, indeed, crazy? Or just smarter than the rest of the publishing crowd?

To find out, you'd have to travel far from the New York-centric book business, to the small, dreary town of Gütersloh in northwest Germany. On an overcast and chilly April morning, Thomas Middelhoff is already an hour into his typical 15-hour day. The incoming Bertelsmann chief executive addresses the question of the book industry's travails in the pedagogical manner of the Ph.D. student he once was.

"Everybody is now in discussions about the future of the book-publishing business; I don't understand why we have this discussion," Middelhoff says, the beginnings of a sly grin appearing at the corners of his mouth. "We have this discussion because...[News Corp.'s] Mr. [Rupert] Murdoch and [Viacom's] Mr. [Sumner] Redstone both are not so happy with their book-publishing activities. But why are they not so happy? Because book publishing is not their core business.... And I believe that if you are focused on this core business, you can manage this very profitably also in the future."

Bertelsmann's headquarters in Germany: The company will soon launch its bol.com Web site to sell books in many languages worldwide.

Middelhoff's bullishness appears counterintuitive, if not wholly wrongheaded. Consumer spending on books—the hardback titles that fill bookstore shelves, the paperbacks stocked in airports and supermarkets, religious titles, and book-club editions—has been flat in the U.S., at around $14.5 billion annually, for the last four years, according to the Book Industry Study Group. Returns of unsold books from stores to publishers remain a knotty and costly problem. And outrageous advances paid to celebrities to "write" their life stories continue to pour forth, even as many such contrived books end up pulped.

Nonetheless, Middelhoff worked assiduously to get Random House into the fold. Unlike other media conglomerates, his company still looks to print as a key profit engine. Books, book clubs, magazines, and newspapers contribute more than half of Bertelsmann's $14 billion annual revenue. The company also owns music labels such as RCA and Arista, Europe's biggest TV network, and half of America Online, Inc.'s European and Australian services. (It's sticking to media properties these days; diversification efforts into chicken and pig farms are long gone.) The book group, with the Random House deal completed on July 1, now accounts for a bigger share of Bertelsmann than any other division. Book publishing, company executives vow, will remain the company's financial and spiritual core.

So what did Bertelsmann get for its estimated $1.2 billion? To start, an esteemed publishing house whose authors, including Norman Mailer, John Irving, Martin Amis, and Toni Morrison, have won more than half of the Pulitzer Prize awards for fiction and nonfiction given out in the past four years. The deal also bolsters its literary, international, and children's book lists, and plugs weaknesses in Bertelsmann's English-language publishing lineup, which in this country includes Bantam Doubleday Dell. And the acquisition locks up one of the world's most prestigious and lucrative "backlists"—books more than a year old that aren't out of print.

Expansion in the U.S. is critical to Bertelsmann, given the vastness of the American book market (even if it is currently in the doldrums), the great efficiency and robust competition of book distribution here compared with Europe, and the country's deep pool of writers and editors. Middelhoff intends to spend a week each month in the U.S.; the executive he will succeed, Mark Wössner, is more of a stay-at-home type. When in New York, Middelhoff will rely on Peter Olson, the 48-year-old chairman and chief executive of the combined Random House/BDD, for insight and direction. "I like the momentum in this town," says Middelhoff. "It flies."

That's about as flashy as Bertelsmann gets. Olson, who has business and law degrees from Harvard University, carries himself much like the banker he once was. "Peter's way of dressing casual is to wear a light-blue suit," jokes Markus Wilhelm, head of Bertelsmann's English-language book clubs and bol.com, its planned website. "And it's just a shade lighter than his dark-blue suit." Olson is at times mistaken as hailing from Germany, not his actual Midwest birthplace, notes Robert Riger, an Olson friend and former Bertelsmann executive now at Penguin. "He has this inscrutability. He keeps his cards close to his vest."

Like Middelhoff, when Olson decides to play his cards, he makes huge, well-calculated bets. Middelhoff was tapped to be chief executive in part because of the stunning payoff he earned on an early, risky investment in America Online. *(See story, page 128.)* Similarly, Olson's rapid rise at Bertelsmann—he joined the company in 1988 and spent two years in Gütersloh—was fueled in part by his gamble on buying its U.S. headquarters building in Manhattan's Times Square. Olson convinced his bosses to pay $119 million for a new but vacant office tower during the early '90s recession; the neighborhood's turnaround and the booming economy have tripled the building's value, according to Olson.

As a chief financial officer, Olson obviously knew how to reap profits and watch costs. He is unsentimental about some of publishing's harsher realities. "The market doesn't owe a livelihood to someone who writes books that no one wants to

Senior writer Lorne Manly wrote the "Off the Record" column for The New York Observer, *where he was a media reporter.*

read," he says in an interview in his spartan twenty-second-floor office that overlooks Times Square.

But Olson knows that the straight lines of finance must live with the artistic and intellectual jaggedness of book publishing. He carries both elements in him, a disciplined combination that is one key to Bertelsmann's confidence in the trade. "He chooses to remain in this business because he really cares about books," says David Gernert, a former Doubleday editor in chief who runs his own agency for such clients as John Grisham. "He may be a corporate suit. He also happens to be a reader." One hundred or so books a year, according to Olson, who ordered a full set of Random House's Modern Library Classics for his office's anteroom after the deal was announced.

Such books are not merely for display purposes or for Olson's private reading. They represent a key part of Bertelsmann's desire for Random House and its gilt-edge backlist. If you want to buy good editions of the works of Gabriel Garcia Marquez, Eugene O'Neill, William Faulkner, John Updike, Thomas Mann, or W.H. Auden, for example, you will have to rely on Bertelsmann's continued interest in such authors. And Bertelsmann has both economic and reputation-enhancing reasons to care. Such books offer a guaranteed stream of future revenue, with relatively modest marketing costs and no need for advances to the writers.

Bookstores will continue to make room for those established classics. At the same time, Bertelsmann will push sales though two other critical outlets—book clubs and the Internet. Worldwide, the company claims more than 25 million members in its various book clubs, including the Literary Guild and Doubleday Book Club in the U.S. and their counterparts in Germany, where direct-sales book clubs historically have played strong roles in publishing.

It's in the latest version of direct selling and "community"—the Internet—that Bertelsmann plans a huge advance. Later this year, the company will launch its much-anticipated competitor to virtual booksellers Amazon.com and the websites of retailers Barnes & Noble and Borders Books & Music. Given Bertelsmann's deep experience in tailoring its book clubs to readers' interests, its on-line site, bol.com, should be a powerful force right from the start. "Amazon will be the second, let me say, AOL in the e-commerce world," says Middelhoff, sizing up the on-line brands with the biggest sales potential. "And I believe the only one who could compete with Amazon is Bertelsmann."

SO BERTELSMANN IS BIG, AND GETTING MUCH BIGGER, on all fronts in the publishing business. Is that good for readers? And authors? And just how will it succeed where others have struggled or failed?

Despite the dire warnings of critics, Bertelsmann's acquisition of Random House may be the best assurance that classic writers remain in print—and that their yet-to-be-discovered successors are nurtured in the marketplace. Thanks to its private status, lack of debt, and almost Calvinistic cultural ethos, Bertelsmann can afford to take a longer view of an industry undergoing wrenching change. Other big media companies demand profit margins of 12 percent to 15 percent from their book-publishing divisions, according to analysts, to help achieve corporate earnings goals and keep investors happy.

Bertelsmann, by contrast, expects an overall operating profit of about 8 percent to 10 percent from its publishing units,

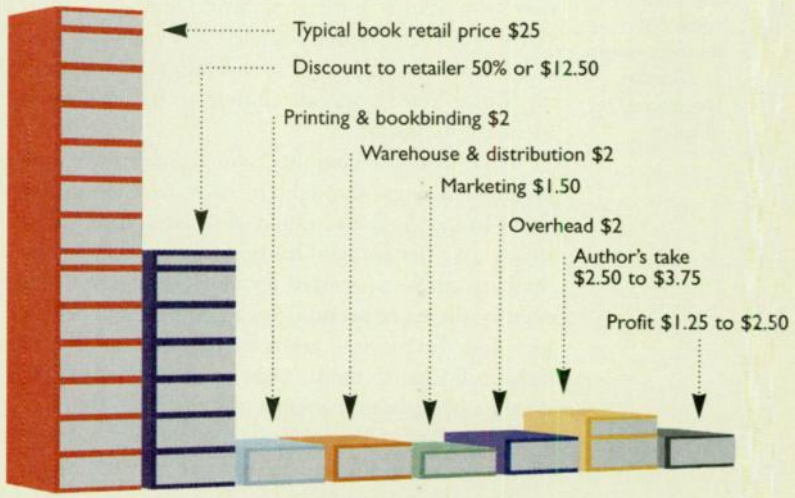
BOOKONOMICS 101

WHEN THE NEWHOUSE FAMILY ANNOUNCED THAT it was selling Random House, many authors, agents, and literary observers mourned what they viewed as the departure of the last of the Medicis from the publishing business. The future of the novel or biography that might sell only 10,000 copies seemed imperiled. "The odds have always been stacked against an unproven writer's work finding its way to bookstore shelves," Paul Aiken, executive director of The Authors Guild Inc., wrote in a letter to the Federal Trade Commission as part of the group's unsuccessful attempt to block the merger. "Without robust competition among the major trade publishers, those odds would increase unacceptably."

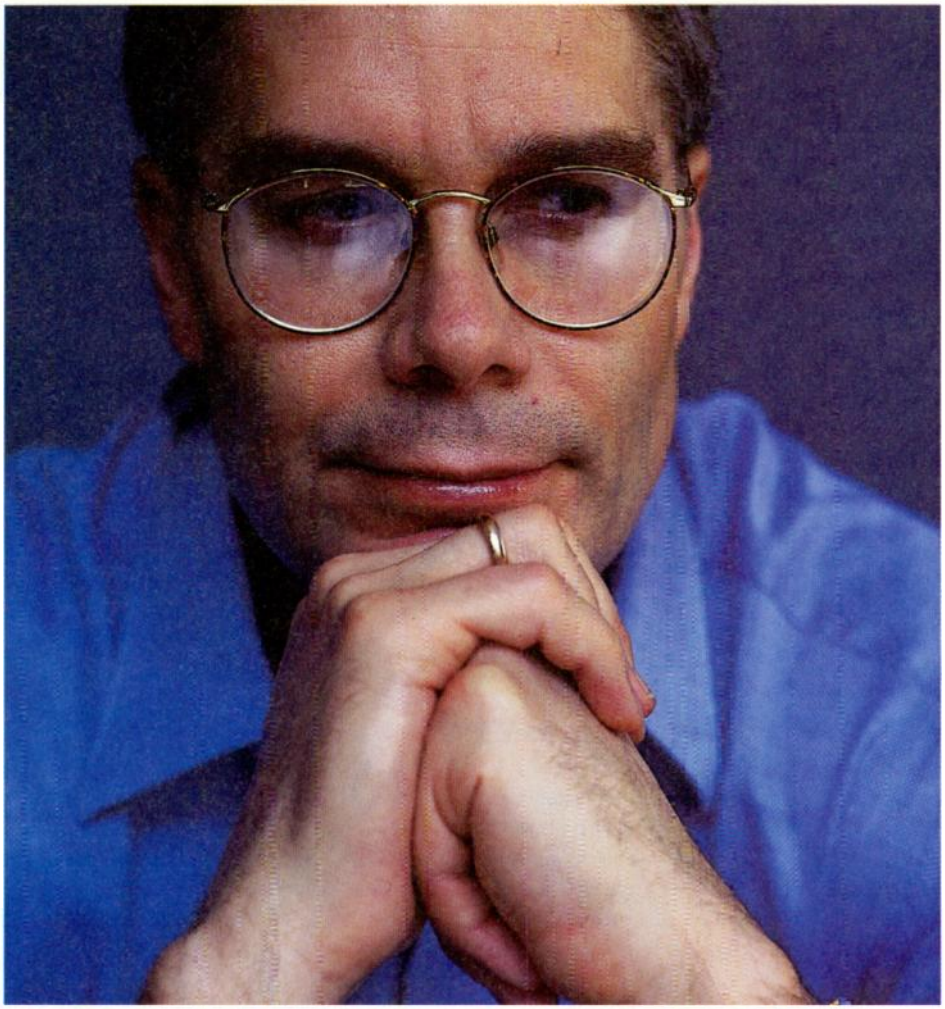
But Bertelsmann executives insist that they are committed to less-commercial works—and that they can make money on such books. Even so, the cost structure for a so-called mid-list book allows scant room for profit. Consider a 256-page book that retails at $25. The average discount to the retailer or wholesaler is about 50 percent, or $12.50. Out of the remaining $12.50, the publisher has to deal with its own costs. Printing and binding a book eats up about $2; warehousing and distribution accounts for another $2. Marketing the book, through advertising and promotions, takes out $1.50, while overhead—rent, salaries, expensive lunches—adds yet another $2.

Then there's the author's take. Upon signing a book contract, a writer gets an upfront payment against royalties of 10 percent to 15 percent of the book's cover price, depending on how many copies are sold. On a $25 book, that works out to $2.50 to $3.75 for the writer. All of the above leaves the publisher an apparent profit of $1.25 to $2.50 per book. But if the publisher misjudges demand, even those slim earnings can be wiped out. The author doesn't have to return the advance if the book fails to match sales expectations. So publishing 25,000 excess copies can mean more than $50,000 in printing costs alone that will never be recouped.

Bertelsmann publishers declined to provide specifics about their cost structure. But Erik Engstrom, president of the newly merged Random House, says that Bantam Doubleday Dell had overhauled its terms of sale in recent years. Because book retailers get full refunds for unsold copies, they can be lax or overzealous about the size of their orders. To combat unprofitable returns, the Bertelsmann units arrange distribution deals that encourage retailers who sell more efficiently, rather than those who order the most. The company also allocates copies on a staggered basis tied to weekly sales results, instead of shipping a full order to the retailer when a book is released. The result: BDD's return rate is below the industry average, which was 36.3 percent for hardcover trade books in 1997, and is continuing to decline, notes Engstrom. —*LM*



Why the odds are stacked against serious book publishers: The money left for profit is slim and constantly threatened by unsold returns, poor promotion, and limited shelf space.



Their man in the U.S.: Peter Olson oversees the newly combined Random House and Bantam Doubleday Dell divisions.

NIGEL PARRY

according to Olson. (The company, which does not break out its results, had cash flow of $1.1 billion on its 1997 sales of $14 billion, consistent with Olson's claims for books.) Such returns may seem skimpy in the 1990s world of go-go media conglomerates. But Bertelsmann, founded 163 years ago as a publisher of hymnals and prayer books and shut down by the Nazis during World War II, appears content to follow its own rules for surviving in business.

For one, it shuns another favored ambition of today's media moguls—synergy throughout its varied enterprises. Forget about seeing the book version of its latest $200 million special-effects epic; Bertelsmann has no Hollywood presence. "Because Bertelsmann does not have any movie-studio connection in this country, there's no pressure to start doing bogus tie-ins of hoped-for wonderful movies," says Irwyn Applebaum, the president of Bantam Books. In the six years in his current job, Applebaum says he's never been the target of a cross-promotional push—as he was at Pocket Books under Paramount, where the parent company spun its studio cash cow *Star Trek* into multiple books.

Even as it expands in the U.S. and worldwide, Bertelsmann intends to travel a vastly different route than the well-worn paths taken by its media rivals. The likes of Time Warner Inc., The Walt Disney Company, and News Corporation are largely driven by movie, television, and cable interests. At Bertelsmann, books and print—those supposedly dying media breeds—are the motors. Middelhoff insists that attempts to rev up sales by forcing a product or talent from one division onto another are futile. "It's unbelievably complicated to generate synergy in only the book segment," he says. "To create and generate synergies between books, music, and film is quite impossible."

Disney's lucrative merchandising of *The Lion King*, or Viacom's move of *Beavis and Butt-head* from TV into print and film, would suggest otherwise. But other strains of corporate "synergy," in the political sense, worry book veterans as well. The most notorious example is Rupert Murdoch, who, while trying to gain a Chinese satellite license for Star TV, printed the English-language version of a bland hagiography of Deng Xiaoping written by his daughter. And earlier this year, Murdoch ordered HarperCollins Publishers to drop the memoirs of Christopher Patten, the outspoken former governor of Hong Kong, reportedly because of Chinese fury over Patten's views.

Bertelsmann's Olson maintains that no such outside pressure will bend his publishers. At a Random House sales conference held this past April in Scottsdale, Arizona, he spoke up at a presentation for Patten's book, which Random House imprint Times Books is bringing out in the U.S. "He said, while Bertelsmann had some significant business interests in China, the publishing programs of all the imprints would never be affected," says one attendee. "It was basically a rebuke to Rupert Murdoch."

The theme of editorial independence is an issue Olson emphasizes, even before the question is asked. "That is so deeply ingrained in our culture that the mere thought of [interference] would send shudders throughout Germany, the United States, and all our other markets," he says. "We don't in any way...dictate to publishers what they should do and what they shouldn't do." In fact, as Bertelsmann executives are fond of pointing out, one of their German publishing houses released *Hitler's Willing Executioners*, a controversial book that charged ordinary Germans with complicity in the Holocaust. There's no political orthodoxy to which Bertelsmann adheres. In Germany, its magazine division publishes both *Stern*, a left-leaning newsweekly, and *Capital*, a decidedly right-wing business magazine.

"It's essentially encouraging to me personally that a company that has a reputation for being businesslike but is very serious about books is taking this much of a position" in U.S. publishing, says Peter Osnos, a former Random House executive who now runs PublicAffairs, a small publishing house that specializes in serious nonfiction books.

But make no mistake: Bertelsmann's executives are hard-nosed realists about publishing economics. Already running one of the industry's leanest companies, they will be able to slash staffing and systems costs as Random House is combined with Bantam Doubleday Dell, trimming their information processing, accounting, human resources, legal, and other departments. Competitors put the expected savings at upwards of $50 million.

NO ONE BEGRUDGES BERTELSMANN ITS ABILITY to hold down costs in its corporate activities. What critics of its Random House deal fear are potential cuts in its title output and restraints on advances to authors. Since the acquisition was announced in March, publishing-world speculation has focused on how the new owners would exercise their increased clout. The Authors Guild Inc., in its unsuccessful attempt to get the Federal Trade Commission to block the deal, argued that HarperCollins's cancellation of 106 books in the spring of 1997 and Penguin Putnam's November 1997 axing of 25 titles were just harbingers. A Random House-Bantam Doubleday Dell merger, the guild claimed, would create the country's biggest publishing combine, one that would sharply reduce competition. Bertelsmann's previous U.S. acquisitions did little to allay the concerns of authors and agents. When Bertelsmann bought Doubleday in 1986, it eventually cut the annual list of books published from 600-plus to slightly more than 350.

Olson insists that Bertelsmann is not planning to reduce the number of books published by the merged company, or to scale back the different divisions that were at Bantam Doubleday Dell or Random House. "We don't see that there's going to be any change in our publishing policy as a result of this combination, whether with regard to what you would term a best-seller or books of a literary nature," he says.

But Olson admits that the economics of the trade will be scrutinized, especially at the lower end. "There's a point at which...certainly in the lower single digits [4,000 and fewer], where you wonder whether the book really should be published at all, if it's not going to sell and readers don't want to buy it."

Such a sentiment confirms for opponents of the merger that giant publishers bode ill for literary, serious, or unknown writers, the ones whose commercial prospects are usually bleak. And to blame scant sales on the market, rather than on publishers' ill-conceived or nonexistent promotional plans, or on their obsession with blockbusters, leaves critics incredulous. "With the obvious examples of books [publishers] have given marketing support to—[like] the Leno book, the Paula Barbieri book—that argument doesn't cotton very well with me," says Richard Howorth, the president of the American Booksellers Association. (The failed celebrity books by the *Tonight* host and O.J. Simpson's former girlfriend cost their publishers millions in advances and promotional support.)

Many obscure authors, of course, deserve anonymity, as Olson suggests. But literary stars often take years to burst onto the scene, and their initial efforts rarely register on the sales charts. Cormac McCarthy's first novel sold only 6,000 copies; Alfred A. Knopf Inc., considered one of the best publishing houses in the country, stuck with McCarthy, even as his next four novels dwindled to sales of little more than 1,000 copies each. Then along came *All the Pretty Horses*, which sold 150,000 copies. All of McCarthy's previous works immediately became more valuable, and his successive novels went through printings of more than 150,000 copies apiece. Random House, which owns Knopf, suddenly had another lucrative asset.

That kind of publishing involves a different economic model than the one Bertelsmann mastered with Bantam Doubleday Dell. It requires greater patience and a willingness to bring out books that aren't immediate moneymakers. Publishing industry observers wonder whether the Random House divisions will continue to be allowed to stick with worthy writers whose books have yet to catch on (like fiction writer Mike Nicol, championed by Knopf even though his books have yet to crack the 7,000-copy sales barrier).

Although Doubleday is a better publisher today than it was in the last years of the Nelson Doubleday regime, when he seemed to care more about his New York Mets than the books he produced, BDD as a whole is considered mainly a good commercial publisher. Doubleday publishes quality writers such as Ian McEwan, Margaret Atwood, and Alex Kotlowitz, and its three-year-old imprint Broadway Books has writers like Tim O'Brien in its stable. But BDD's strengths—and the lion's share of its list—lie in the popular, mainstream realm. Doubleday turned John Grisham into a superstar author. Bantam made a mint getting comedians like Jerry Seinfeld and Ellen DeGeneres to put their thoughts between hard covers.

While BDD leans to such high-output fare, Random House and its divisions will be watched for how much they support the lesser-known titles that are not best-sellers. Olson says that all Bertelsmann publishers will continue to nurture the literary and serious works of fiction and nonfiction, books that sell a mere 8,000 or 15,000 copies. His argument is simple: It's in Bertelsmann's long-term financial interest to publish these so-called mid-list authors. "We have to publish these books," says Olson. "Not all our best-sellers are profitable."

Random House
will be watched for how much it continues to support the lesser-known titles that are not best-sellers.

The reason: Advance payments in the hundreds of thousands of dollars to successful writers, coupled with the huge marketing expenses their works require, often whittle away the publisher's expected payday to nothing—or even to a loss. Olson argues that a $25 book that sells just 10,000 copies, on the other hand, can yield a profit. There's no secret formula. *(See "Bookonomics 101," page 125.)* Overproduction must be avoided, distribution managed carefully, and markets targeted selectively.

A publisher, Olson notes, must be willing to accept that the real payoff won't arrive with the first book. The biggest profits, after all, often come from "breakout" books, when a publisher can promote an author whose books usually sell 10,000 copies

ing against the established on-line brands of Amazon.com, Barnes & Noble, and Borders—booksellers with whom Bertelsmann still needs to do business for its own titles. Those companies have spent enormous sums to build and publicize their sites and secure exclusive deals with high-traffic web portals; Jupiter Communications analyst Ken Cassar estimates Bertelsmann will

man Stephen Case: "I would be very surprised that in five or ten years if Bertelsmann is not as well known globally as News Corp. and Time Warner and Disney."

If so, Bertelsmann will also be known as the media giant that finally figured out how to succeed in book publishing. ■

(and is paid commensurately) and goose that up to 50,000 copies. "If it takes five novels to make it, that's their call," Olson says, referring to the individual publishing houses in Bertelsmann's decentralized universe. "In the long run, everyone has to invest

directed efforts in new media, such as Bertelsmann's foray into interactive game software. Nonetheless, Middelhoff is moving decisively ahead in the Internet era.

"The big issue, and this is a bit counterintuitive: Technology is working in our favor," says Michael Lynton, chief executive

STEVE FENN (DOWNS, WALTERS); NBC/KRT (PAULEY, PHILLIPS)

Three shows. Twenty stories. They report. You decide.

CONSUMER ALERT

IF YOU SCARE THEM, THEY WILL WATCH. WHEN IT COMES TO CONSUMER reporting, that could be a slogan for the television newsmagazine shows. NBC News's *Dateline NBC,* and ABC News's *20/20* and *PrimeTime Live* regularly run alarming stories about bad products and shady businesses that seem designed to worry viewers into paying attention, and sometimes viewers should be concerned. In fact, we found that, for the most part, these shows *do* provide a public service: in-depth reporting,

BY ELIZABETH JENSEN, D.M. OSBORNE, ABIGAIL POGREBIN, AND TED ROSE

varied viewpoints, and helpful tips. But we also found that the bad products in question were not always quite so bad, the shady businesses not always quite so shady, and viewers were not always getting the information they need to make reasoned decisions on their own.

We decided to focus on two years—1995 and 1996—to give us a slice of the consumer reporting by the major newsmagazines. We went back that far intentionally. The passage of time allows perspective. We looked at 20 stories—an arbitrary sampling of roughly 100 consumer reports aired by the three programs. (We did not look at CBS News's *60 Minutes*, the grandfather of investigative broadcast journalism, because the show had no segments of this type during the years we examined. Executive producer Don Hewitt says, "The people who work for me haven't come up with any stories in the category you're asking about, and if they did, we would do them.")

In every case, we checked the facts presented, attempted to talk to the main subjects, and gauged the overall fairness of the reports. Though ambiguity stalked our inquiry, we forced ourselves to make decisions about whether each story was basically "fair" or "unfair," and then to explain why in detail.

After much debate, we found 12 of 20 to be fair overall, despite a tendency—even in these segments—toward overplaying danger or heart-wrenching footage, the kind of viewer-grabbing hype that can obscure whatever caveats may be offered.

We judged eight of the 20—40 percent—unfair, because in these segments the hype went too far.

The unfair reports shared common flaws. When re-reported by us, stories that seemed solid on their face proved to have distorted or omitted facts or interviews. Had those facts or competing opinions been included, the resulting stories would have been different—not necessarily less compelling but certainly more balanced and thus more accurate. Dissecting these 20 segments gave us new insight into the type of reporting these shows like to trumpet as public-service journalism at its best. For a primer on how to watch these programs—indeed, on how to appreciate the tricks of the trade—see page 133.

Without having scrutinized every segment from these years, we can't draw conclusions about the quality of consumer reporting offered by any one show. In our sample, we determined that three of six *20/20* segments were fair, five of six *PrimeTime Live* pieces were fair, and four of eight *Dateline* segments were fair.

Unlike many—if not most—of the traditional daily national newscasts, these magazine shows generate huge profits. According to ad rates compiled by *Advertising Age*, the average one-hour newsmagazine can expect to gross roughly $2.7 million. That's for a program that costs up to $700,000 to produce—compared to $1 to $2 million in production costs for a standard hour-long drama, according to Tom Wolzien, a media analyst at Sanford C. Bernstein & Co. Inc. It is this economic reality that accounts, in large part, for the recent, phenomenal proliferation of these programs. (As of this writing, there are 12 hours of newsmagazines each week.) NewsTV Corporation, a news monitoring service, reported in August that "the major networks have increased the number of one-hour newsmagazines by 142 percent over the last three years...NBC led the pack with a 129 percent increase."

There's a cynical saying in newsrooms: "Never let the facts get in the way of a good story." There is always a temptation to simplify in order to capture and hold an audience. Toward this goal, newsmagazines strive to present clear heroes and villains, as well as a clear moral to every tale. Too often, what's lost in the process is the kind of even-handed presentation that the subjects of such investigations deserve.

All forms of media risk unfairness and hype in the cause of fashioning simple, catchy story lines. Our own cover headline, ("These TV Magazine Shows May Scare You About Products You Shouldn't Fear,") would be guilty of this if, for example, we ended up reporting inside that only one or two stories were suspect—rather than what we are reporting in detail: that 40 percent of those we examined were unfair, and that even the "fair" segments often presented a too-scary picture.

Some of those responsible for these shows say time and format prevent them from including every opinion and detail. We recognize those constraints, but they cannot and should not excuse burying relevant facts, offering incomplete or exaggerated statistics, or excluding a voice that may challenge preconceptions or change viewers' minds. Too often, when we peeled away the neat conclusions, we found stories that had misled more than they informed; too often, the public service that might have been performed was negated by

Products like apple juice—the subject of one *20/20* segment—are often targets of newsmagazine investigations.

misinformation. And, if a picture paints a thousand words, the well-produced pictures on these programs tended to obscure the words. It's hard to focus on caveats and provisos when viewing a picture of an eight-year-old who was ejected from the family minivan and killed. In fact, it's hard to remember anything but the victims—one tragic tale after another, usually filled with teary survivors, poignant home video, and accident photos that can overwhelm even the most balanced reporting.

We are not suggesting that the makers of this kind of television intend to dupe their audiences. Rather, in the drive to produce gripping television, facts and fair comment too frequently yield to hype and spin. This happens gradually, with compromise after compromise eroding a fair representation of the facts.

Both ABC News and NBC News maintain that their newsmagazine consumer reports are fair. "Sometimes in telling a story, we personalize it by telling it from an individual point of view," says Cory Shields, an NBC News spokesman. "We tell the story and let our viewers come to their own conclusions. The human side of the story makes it much more relevant to viewers, but it's never our intention to overhype."

Says ABC News spokeswoman Eileen Murphy: "We have a strict procedure in place to ensure that the drama and power of a story does not overwhelm the facts." Often, she notes, "We conclude that including the real effects on real people is the only way to tell the story completely and to tell it fairly. All of our pieces should be judged in their context and their totality, the way our viewers receive them." Both news organizations say their reports are subject to strict reviews, including those conducted by network attorneys, before they go on the air. "We are confident in the review process and believe it helps us produce high-quality journalism," says Murphy.

Some corporate press representatives say they have become wary of these shows and often decline to be interviewed. Says one corporate spokesman: "It's like, 'Ready, aim, fire! And, oh by the way, do you have any last words?'" Producers say that that's too bad: If a company believes it has the truth on its side, it should make its best case. These companies say no—cooperating has burned them once too often.

ABC's Murphy says, "It should come as no surprise that some of the companies on whose products we report are not always happy with the attention....We treat all interview subjects fairly, but ultimately it is up to the company to decide what is in their own best interest." NBC's Shields says company response can ensure that *Dateline* gets correct information. "There are numerous instances of, after having done our homework and research, we concluded there was no story there and we just walked away."

Senior writer Elizabeth Jensen was a media reporter for The Wall Street Journal. *Senior writer D.M. Osborne was a senior reporter at* The American Lawyer *magazine. Senior writer Abigail Pogrebin was a producer for Mike Wallace at CBS News'* 60 Minutes. *Staff writer Ted Rose was an associate producer at* Dateline NBC.

THE FOOT DOCTORS 20/20: APRIL 14, 1995

PRODUCER: DONALD THRASHER CORRESPONDENT: TOM JARRIEL

IN OCTOBER 1992, PODIATRIST EDWARD Fischman received a letter from ABC's *20/20* inviting him to go undercover as part of an investigation of "doctors with questionable qualifications." A founder and past president of two boards of podiatric surgery accredited by the American Podiatric Medical Association, Fischman had recently called for a crackdown on "bogus" medical boards, and he leapt at the chance. He ventured to Las Vegas wearing a hidden camera and easily obtained a phony certificate as a "podiatric plastic surgeon."

"I was so excited, because I thought, finally, we're going to get some national attention for this problem," remembers Fischman. But when the *20/20* segment finally aired, he says he was "shocked." Correspondent Tom Jarriel reported that "critics" claimed the nearly 14,000-member podiatric profession was "riddled with doctors who operate storefront clinics, use unsafe medical practices, and make money through insurance claims for unnecessary surgery."

Fischman, who says he was quoted out of context, appeared to vouch for *20/20*'s sweeping claims. "They made it look like I was trashing all boards, including my own," he says.

Officials at the American Podiatric Medical Association say they provided *20/20* with ample information proving that the podiatric field is not full of quacks. The APMA documented the increasing role played by podiatrists in veterans hospitals and in salvaging limbs among diabetics. The group also told producer Donald Thrasher that regulators in 42 states require podiatrists to complete one-year post-doctoral hospital residencies.

But in the March 21 interview at the APMA's Bethesda, Maryland, headquarters, Jarriel had "no interest in showing anything positive about podiatry," says the APMA's executive director, Glenn Gastwirth. "In just about every question he asked, there was a distortion of the facts."

Two days after that interview, APMA's public relations director, Geoge Tzamaras, asked *20/20* for a follow-up meeting to clarify what the APMA perceived as inaccuracies in Jarriel's questioning. According to an APMA April 28, 1995 letter to *20/20* executive producer Victor Neufeld, Tzamaras "made no fewer than 20 telephone calls to Mr. Thrasher's office over the next three weeks and got not the courtesy of a single return call until shortly after 12 noon on April 14, the air date," at which time Tzamaras was told it was too late to make any changes.

Watching the program, Tzamaras says he was horrified. Four scenes featured the same hawker, handing out leaflets and hollering "Free foot exam!" Jarriel pointed to a podiatrist who had relocated to the Chicago area from Nashville after losing two malpractice suits and settling 13 others. The out-of-context comments by podiatrist Fischman compounded the nega-

tive image of podiatry and seemed to support claims made by a New York state Medicaid-fraud prosecutor, who estimated that 75 to 90 percent of all billings by podiatrists and orthopedics were fraudulent.

In his interview with Jarriel, the APMA's Gastwirth disputed the prosecutor's figures as grossly inaccurate. Hiram Shirel, executive director of the New York State Podiatric Medical Association, concurs with Gastwirth. But *20/20* presented the prosecutor's claims without an APMA response.

Indeed, although Gastwirth says Jarriel "asked me about everything in the segment," *20/20* used only two of his comments, which is the main reason this segment fails to meet the fairness test. Both of the APMA's comments were reserved for the very end of the segment—one of them in response to Jarriel's question, "Are you developing a tent of sleaze here with the podiatry business?"

In a cursory exchange with anchor Barbara Walters at the segment's conclusion, Jarriel did describe the APMA as "a good organization." At that point, positive comments carried no resonance. "Of course there are many very good podiatrists," Walters said, contradicting almost everything else in the show.

20/20 offered no response to questions concerning this piece. When pressed on the specific issue of fairness however, a spokesperson says, "We wouldn't have put the piece on the air if we didn't think it was fair." —*DMO*

THE FOOT DOCTORS

A tawdry picture of podiatry, this report could have performed a consumer service by alerting people to the dangers of unaccredited foot doctors. Instead, *20/20* presented an overwhelmingly one-sided and negative story that tarred an entire profession.

RATING ☹ UNFAIR

- Out-of-context quotes created misleading impression
- Industry response limited to two comments at end

TRICKS OF THE TRADE

The consumer reports we viewed often followed a fairly predictable script—and presented an equally predictable cast of characters. Here are nine tips to keep in mind when viewing such reports:

1. Watch for opening bias. Opening statements can establish a false prism through which the rest of the piece is viewed. Often, openers take the form of a provocative question, such as this one from a *20/20* story: "Tonight, a traveler's advisory: is the cabin air you breathe hazardous to your health?" By the end of the program, the answer was still unclear—but the fear had been instilled.

2. Compare the hype to what is actually reported. Even the fairest reports can be over-hyped to attract viewers. Consider *PrimeTime Live*'s piece on the potential dangers of mixing alcohol and Tylenol. The grabby opener states that when Tylenol is "taken by people who drink alcohol regularly, there can be disastrous results." In fact, the potential problem only applies to people who consume more than three drinks daily.

3. Don't let pictures overwhelm the facts. The shows' common injunction: keep viewers hooked. They fear you'll switch the channel if their reports are slowed down by dry testimony from experts. Yet the interviews with teary family members, heart-wrenching home videos, and footage of victims—such as the child disfigured by burns in *20/20*'s piece on flammable plastic—can skew your impression of how safe a product actually is.

4. Beware of critics with an agenda. *Dateline*'s reporter didn't challenge toy cop Ed Swartz on whether he profits from finding faulty toys. Swartz is a plaintiffs attorney specializing in suing companies for their allegedly defective products.

5. Listen carefully for the buried truth. If the problem has been fixed, the story isn't as strong. *PrimeTime Live* dramatized the dangers of sightseeing helicopters in Hawaii before noting that the government had already taken steps to correct the problems there.

6. Beware white hats or black hats. The clearest stories have a victim and a villain—so shows sometimes try to find them, even when they don't exist. *Dateline*'s otherwise worthwhile report about improperly secured child car safety seats pinned most of the blame on car dealers alone, when there were other guilty parties.

Similarly, stories are more compelling if they are black and white, but the truth is often gray. MET-Rx, a protein supplement, had its critics, but it also had a credible supporter with arguably better credentials. *Dateline* ignored him.

7. Listen for questions that have a predictable but dramatic answer. *PrimeTime*'s Chris Wallace is a master at eliciting the kind of dramatic quotes that make segments more compelling, but that are not surprising given the person being asked. A report on the risks of combining Tylenol and alcohol included this exchange: Wallace: "Mr. Benedi, what destroyed your liver?" Benedi: "Tylenol destroyed my liver." Just six weeks later, in a piece on the debate over the safety of the bug repellent DEET, Wallace asked: "Ms. Christensen, what killed your husband?" "The chemical DEET that is used in bug repellents," she answered.

8. Remember that numbers can lie. Or at least they can be made to say anything. *Dateline*'s report about escalators overstated the problem. *20/20*'s report on Chrysler minivans' rear latches was accurate on its face, but didn't mention that Chrysler minivans were safer overall than others.

9. Look for the disclaimer at the end. It is often crucial to watch to the very end, where important balance and perspective lands, as if to absolve the telecast from its previous overstatements. An example: *20/20*'s caveat that not all podiatrists are as shady as those in its preceding report.

THE AIR UP THERE 20/20: MAY 26, 1995

PRODUCER: CALLIE CROSSLEY CORRESPONDENT: DR. TIMOTHY JOHNSON

THE AIR UP THERE

Even the most frequent flyers could have been frightened as Dr. Timothy Johnson reported on the "controversy" over the health risks of recirculated air on planes. Johnson questioned whether airplane air makes passengers sick and spreads communicable diseases like tuberculosis. *20/20* purportedly summarized the findings of an ABC News-sponsored study by Harvard University scientists who sampled the air, carpet, and seat cushions on 22 flights. But an incomplete and misleading use of the data made the show seem more intent on spooking viewers than explaining why airplane passengers might feel ill.

RATING ☹ UNFAIR

- Though clarified later in segment, assertion that airplane air spreads TB was blatantly misleading
- Selective use of study findings lacked important context and painted misleading portrait of dust and bacteria levels found
- Denied airline industry chance to respond to specific scientific findings.

POINTING TO A PASSENGER WHO CONTRACTED TUBERCULOSIS during a long flight, medical editor Dr. Timothy Johnson questioned whether current ventilation systems make plane passengers sick by exposing them to high levels of carbon dioxide, bacteria, and dust. *20/20*'s emphasis on TB was highly misleading: Only at the tail end of the report did the show acknowledge that airplane ventilation systems have no effect in transmitting the disease. (Producer Callie Crossley stands by the show's handling of this issue, explaining that at the time the segment first aired, the Centers for Disease Control had not yet concluded an investigation into four reports of tuberculosis-transmission on planes.)

Johnson presented viewers with seemingly ominous findings from a survey conducted for *20/20* by Harvard University scientists. On newer aircraft, where fuel-saving ventilation systems provide passengers with a 50/50 mix of fresh and recirculated air, Johnson warned that the survey found "high levels of carbon dioxide: These levels indicate inadequate ventilation and may be the cause of symptoms like fatigue and headaches and sinus problems."

The key word in Johnson's report: "may." In the second paragraph of their May 17, 1994 summary of findings—language *20/20* ignored—the Harvard scientists stated, "Even with recirculating ventilation systems, oxygen is not depleted, nor does carbon dioxide increase to levels that interfere with respiration." (Neither of the report's chief authors responded to six separate requests for comment.) And nowhere in *20/20*'s report did Johnson point out that the ailments he described are frequently associated with breathing extremely dry air at pressures equivalent to an altitude of 8,000 feet, the typical cabin environment of planes with or without recirculated air.

In a voiceover accompanying a graphic illustration of a huge dust mite, Johnson announced, "mites—minute disease-causing bugs—were found in dust samples collected from seats and carpets. The levels were high enough to indicate that mites had nested, possibly settling in permanently." He added that "the dust samples also revealed relatively high levels of endotoxins...potentially toxic substances never before linked to airplanes."

Johnson suppressed relevant survey findings that mite and endotoxin levels on the planes sampled were within the same range as those found in typical homes.

"The point was not what's in your house, but what's on planes," producer Crossley responds when asked why *20/20* omitted such contextual information. At home, she adds, people can open windows or go outside. Crossley similarly defends *20/20*'s decision not to disclose a survey finding that bacteria levels on the planes sampled were "within the range commonly seen in public environments."

Finally, Crossley disputes the airline industry's position that *20/20* deprived it of a fair opportunity for comment by refusing to reveal what the Harvard scientists had found. "We were under no legal obligation to tell them what we had found before the piece aired," she says, apparently confusing legal obligation with the professional obligation to be fair. —*DMO*

THE WRONG TRACK? PRIMETIME LIVE: MAY 22, 1996

PRODUCER: DAVID PAGE CORRESPONDENT: BRIAN ROSS

ONE OF THIS SEGMENT'S FIRST images was the fiery hull of a train that derailed in Silver Spring, Maryland in February 1995. A signal malfunctioned and a commuter train crashed into an Amtrak train. Eight passengers and three crew members died in the derailment and subsequent fire. A survivor recounted his escape and described the death of his companions, while dark images of the crumpled train and frantic rescue workers filled the screen. "Get the body bag," one person was heard shouting.

Three months after the Silver Spring accident, *PrimeTime* offered viewers a compelling overview of the state of America's railroads. The piece surveyed what the National Transportation Safety Board says are bona fide safety issues concerning emergency exits on commuter trains, the system of train signals and controls, the long hours worked by engineers, and the reliabil-

ity of government rail inspections. The segment raised valid points of debate among government safety experts and regulators, and offered informative and useful safety tips for riders about how to navigate emergency exits.

Anchor Sam Donaldson mentioned in his introduction that train travel was relatively safe, but never reported statistics suggesting that trains were getting even safer. From 1991 to 1996, the rate of rail accidents fell, even as the number of miles traveled by trains climbed dramatically. The viewer's only clue to this reassuring trend was this comment from Ross: "The railroads say they have an excellent safety record over the past ten years..."

"I don't know how you can have an honest discussion [of railroad safety] without quoting numbers," says John Fitzpatrick, then the deputy director of the office of public affairs at the Federal Railroad Administration. The *PrimeTime* piece, he says, left "the public with a false impression [about a] safety record that speaks for itself."

But producer David Page says the Silver Spring accident did not occur in a vacuum. When accidents and incidents occur, Page says, "people who work in the railroad industry and experts all point to the same problems....I think it's perfectly fair and reasonable to point all of that out." —*TR*

THE WRONG TRACK?

PrimeTime Live used a deadly Amtrak accident as an opportunity to investigate the safety of America's railroads. Byzantine commuter rail emergency exits were criticized. The thoroughness of freight-car inspections and the adequacy of signal systems were questioned. Although some reassuring statistics were not reported, the concerns were justified and the piece performed a solid public service.

RATING ☺ FAIR

- Thorough report on a variety of real safety concerns
- Helpful tips for navigating tricky commuter rail emergency exits
- Statistics not mentioned in piece suggest train travel is becoming safer

SOUNDING THE ALARM 20/20: MAY 17, 1996

PRODUCER: BONNIE VANGILDER CORRESPONDENT: ARNOLD DIAZ

THE INTERNATIONAL ASSOCIATION OF FIRE chiefs, the National Association of State Fire Marshals, and the National Fire Protection Association all challenged the advance hype for this *20/20* segment, which promised to reveal "shocking information about smoke detectors." Concerned that the segment might undermine consumer confidence in the most common type of smoke detectors—ionization detectors—the firefighter groups (none of which had been contacted for interviews), made the same emphatic claim: Both ionization and photoelectric smoke detectors provide more than adequate warning. If *20/20* were to suggest otherwise, the groups warned, the show would unduly frighten and confuse consumers, and spark an increase in fire deaths. Through public relations advisers at Chicago's Golin/Harris International, smoke detector manufacturer First Alert, Inc., tried unsuccessfully to get a clear picture of the upcoming segment. In discussing the detection capabilities of photoelectric and ionization detectors with First Alert's advisers, producer Bonnie VanGilder "repeatedly declined to reveal what the current premise or direction of the story was," asserts executive consultant Stephen Crews, referring to his notes of a March 18, 1996 conversation.

The company believed that the newsmagazine had consulted with plaintiffs lawyers and a Texas A&M University engineer who works as a paid plaintiffs expert in fire cases. Fearful that the piece might reflect a biased perspective about a product that accounts for 80 percent of company profits, First Alert's PR advisers bombarded *20/20* with information, and rallied the firefighter organizations to lodge protests with ABC management.

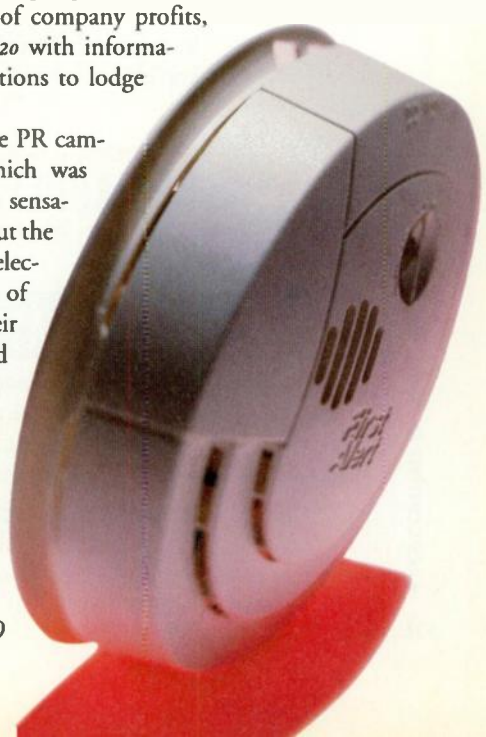
20/20 maintains First Alert's aggressive PR campaign in no way altered its report, which was nonetheless tamer than the promotion's sensationalist headlines. Arnold Diaz pointed out the differences between ionization and photoelectric detectors and presented the accounts of two families who claimed that when their homes caught fire, ionization detectors had been slow to signal an alarm. In February, a Davenport, Iowa, jury bolstered the families' claims. The jury assessed $12.5 million in punitive damages against First Alert after concluding that an ionization detector did not sound in time for parents to rescue their two young sons from a fire that left one dead and the other seriously burned. —*DMO*

SOUNDING THE ALARM

Notably tamer than the promos that had billed the segment as "a rude awakening for anyone who owns a smoke detector," this program offered an admirably even-handed primer on an important consumer good. The nitty-gritty piece contrasted the strengths and weaknesses of two main types of detectors, and pointed up the need for increased consumer education.

RATING ☺ FAIR

- Reporting on product included relevant sales and marketing trends
- Bias of critic clearly disclosed
- Cautious language used throughout



JENS MORTENSEN

MOVING VIOLATIONS DATELINE: NOVEMBER 29, 1995

PRODUCER: JOHN GRASSIE CORRESPONDENT: CHRIS HANSEN

PICTURES OF A MONASTERY'S STAINED glass and the sound of organ music opened *Dateline*'s piece about injuries to children caused by aging escalators, seen partly through the eyes of a nun who became an activist on the issue after an escalator injured her nephew.

Dateline focused on serious entrapment injuries, those caused when clothing and body parts get caught in the gap between an escalator's steps and its side wall. The piece, punctuated by the account of a young victim, also looked at a remedy and explored why it had not been universally adopted.

The piece stated that the nun "found out that, according to the federal government, currently more than 16,000 people a year are sent to emergency rooms because of escalator accidents." In fact, the U.S. Consumer Product Safety Commission estimates that the number of emergency room-treated escalator injuries is about 5,500 annually, based on an average of incidents reported over a 24-year period. (For 1994, the year before the *Dateline* segment aired, the figure was 7,300 injuries.) Moreover, the vast majority of those injuries are falls, not entrapments, according to the CPSC: of 6,500 accidents in 1997, about 800 were entrapment-related. "The statistics that they used on escalator injuries were exaggerated and misleading," says CPSC spokesman Russ Rader. (It should be noted that the commission doesn't have actual figures; it derives its numbers using a sample of hospital emergency rooms.)

Producer John Grassie says NBC's figure was obtained from and verified with three different sources: the CPSC itself, the Elevator Escalator Safety Foundation, and a speech given by an executive with the Otis Elevator Co., a leading escalator manufacturer. But Ray Lapierre, executive director of the Elevator Escalator Safety Foundation, says his organization doesn't track accident statistics. And Otis spokesman Peter Kowalchuk says that when the *Dateline* piece aired "we at Otis were surprised and frustrated because we did not believe that that was an accurate number. It was much too high." *Dateline* stands by its report.

Grassie says that many of the injuries that do happen are "horrific, rather than cursory incidents," and adds, "Any parent, or anyone riding an escalator, should at least have some knowledge" of what can happen under certain circumstances.

Indeed, the issue, if less of a danger than *Dateline* indicated, is real, and had been the subject of an earlier *Boston Globe* investigation. The *Globe* piece, which also looked at elevator accidents, "certainly influenced our thinking," says Grassie, although he notes that the two reports took different tacks. CPSC spokesman Rader says the agency has "been prodding the industry for some time" to voluntarily address the entrapment issue, "and they have not done so." In 1996, the commission's staff began looking closely at the problem, and is expected to make a recommendation to the commissioners this fall about whether to create a mandatory standard to deal with escalator hazards. —*EJ*

MOVING VIOLATIONS

A nun who became an escalator-safety advocate after her nephew was hurt in an accident made a compelling storyteller, but, as *Dateline* noted, her story was 19 years old. There was a bigger problem with this piece, which focused on accidents where children's feet or clothing became entrapped in a gap between an escalator's steps and its side wall: *Dateline* overstated the number of escalator accidents, according to the U.S. Consumer Product Safety Commission.

RATING ☹ UNFAIR

- Entrapment issue is serious, and federal government has been pushing industry to address it voluntarily
- Vastly overstated number of accidents, creating misleading impression

BAD APPLES DATELINE: NOVEMBER 12, 1996

PRODUCER: SANDRA DENNISON CORRESPONDENT: ROB STAFFORD

BAD APPLES

This report jumped on a serious outbreak of E. coli poisoning caused by unpasteurized apple juice, a previously unknown source of the bacteria. In measured tones, it laid out the problem and told consumers what to do to protect themselves.

RATING ☺ FAIR

- Straightforward reporting about potential new consumer risk

DATELINE TOOK THIS REPORT STRAIGHT FROM HEADLINES REPORTING ON a rash of E. coli-related illnesses connected to a previously unsuspected source: unpasteurized apple juice. Billed as a "consumer alert," this short report did just that: In a serious, non-hyped manner, it quickly disseminated to consumers important information about a potential new health risk, highlighting the case of one young boy who was sickened by tainted juice but had recovered.

The threat was later proven to be a serious one; the manufacturer of the juice in question paid a record fine in late July because of the outbreak. That same month, the FDA issued new rules requiring warning labels on unpasteurized juice. —*EJ*

THE SHELL GAME/A RAW DEAL? DATELINE: MAY 15, SEPTEMBER 17, 1996

PRODUCER: JOSEPH RHEE CORRESPONDENT: LEA THOMPSON

THE SHELL GAME/A RAW DEAL?

The two-part report exposed the risks of eating raw shellfish. Report limited the gut-wrenching tales of sick people, emphasizing instead the alarming ease with which poachers harvest and sell contaminated oysters and clams. *Dateline* accompanied shellfish police on two night missions, both times catching poachers in sewage-infested waters. While shellfish supporters now decry a misleading spin on successful law enforcement efforts, other evidence is harder to dispute: Posing as poachers, *Dateline* peddled nine bags of unmarked clams to seafood buyers apparently unconcerned with labeling laws designed to protect consumers.

RATING ☺ FAIR

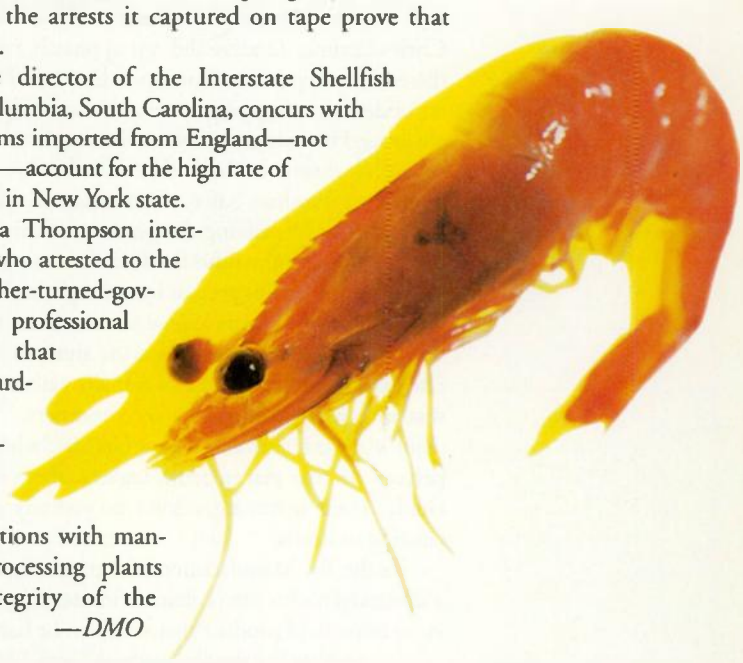
- May have exaggerated extent of poaching problem
- Rich variety of sources attested to problem
- Industry spokesman fairly and accurately presented

MICHAEL VOISIN OF MOTIVATIT SEAFOODS, Inc., served as an industry spokesman for *Dateline*'s shellfish series, and claims the show exaggerated the magnitude of the problem. Three poachers caught red-handed in the segments "weren't major commercial operations," he says, arguing that *Dateline* could have suggested that the arrests it captured on tape prove that anti-poaching efforts work.

Ken Moore, executive director of the Interstate Shellfish Sanitation Conference in Columbia, South Carolina, concurs with Voisin, emphasizing that clams imported from England—not illegally harvested in the U.S.—account for the high rate of illness that *Dateline* reported in New York state.

Still, correspondent Lea Thompson interviewed a variety of sources who attested to the problem, including a poacher-turned-government informant and a professional fisherman who explained that poachers "bring a lot of hardship on the industry."

Thompson and producer Joseph Rhee did take some cheap shots: In-your-face camera confrontations with managers at three seafood processing plants undercut the overall integrity of the segments. —*DMO*



THE REAL McCOY? PRIMETIME LIVE: MAY 29, 1996

PRODUCERS: ANN SORKOWITZ, ELAINE PAPPAS-GRABER CORRESPONDENT: CHRIS WALLACE

NO ONE QUIBBLES WITH THE SCAM brought to light by this piece—the fakes that are increasingly making their way into the fast-growing antiques business and fooling even some dealers, not to mention less-experienced collectors. But the examples used in this report—obtained via dramatic undercover video of dealers misrepresenting what they were selling—were so easy to spot that it was like shooting "fish in a barrel," wrote Samuel Pennington, editor of the well-respected *Maine Antique Digest*, in an editorial following the show. For example, he wrote, "the '1820 chest' was way too narrow, had wrong ball feet and screamed stylistic mishmash."

"They oversimplified things," Pennington recalls. "TV never does anything complicated. Everything is simplified so the lowest viewer can get it." Still, he concedes, the truly sophisticated frauds that are showing up and that the *Digest* points out to its readers, "are probably of interest to less than one percent of the viewers."

ABC spokeswoman Eileen Murphy says the network disagrees with Pennington and believes the report "provided important information to consumers of antiques." —*EJ*

THE REAL McCOY?

The problem of fakes in the burgeoning antique business was highlighted with undercover footage of *PrimeTime* employees buying fraudulent goods. *PrimeTime* concentrated on the easy-to-spot fakes, however, ignoring the highly sophisticated frauds on the market. Also ignored: the majority of dealers who are reputable.

RATING ☺ FAIR

- Fake antiques are a growing problem in an unregulated business
- Report could have delved deeper and made clear that most dealers are reputable

JENS MORTENSEN

TOYING WITH DANGER DATELINE: NOVEMBER 15, 1995

PRODUCER: JOHN GRASSIE CORRESPONDENT: LEA THOMPSON

THE TITLE CLUES YOU IN: THIS report won't give parents peace of mind. It's a high-profile platform for Massachusetts attorney Edward Swartz, plaintiffs lawyer and self-appointed toy cop. Swartz has been making his annual list of dangerous toys for three decades; it's a roster tailor-made for the media at Christmastime. *Dateline* did not approach Swartz's list with any discernible skepticism. Correspondent Lea Thompson went on an undercover shopping spree as Swartz led the way; she never challenged his assertions about what made a toy unsafe.

While Swartz is obviously entitled to his opinions, the U.S. Consumer Product Safety Commission's findings undermine his record in identifying dangerous toys: ninety-five percent of the toys on his annual hit list actually comply with federal laws. "We don't judge our success by the toys that are banned," counters Swartz, who insists federal standards are inadequate.

Producer John Grassie says the show didn't report on how rarely the Swartz-targeted toys actually violate federal law because that isn't what is important to consumers. "To the parent of a child who purchases a toy," says Grassie, "whether it's ninety-five percent or five percent, the issue is the same: safety for the child....These percentages don't do you any good if your kid is choking to death."

To the Toy Manufacturers of America, Swartz is Darth Vader, a doomsayer who sees a disaster in every toy box. "If you took every household product that was firm or hard, you would have nothing but deadly weapons," says TMA president David Miller, who was interviewed in the *Dateline* segment. He says toy companies would be stupid to knowingly market dangerous toys. "Ed Swartz has made a business out of crying wolf for the last thirty years," says Miller. "He's essentially an ambulance chaser; he is in business to sue toy companies."

Although Miller made this point about Swartz's potential self-interest on camera, there was no follow-up by Thompson. Grassie points out that Swartz was identified as an attorney and says viewers know what that means: "If I introduce F. Lee Bailey on camera, do I have to go through a list of his clients?"

Thompson also described Swartz as a "toy-safety crusader," whose "books, lawsuits, and the release of his worst-toy list each holiday season have led to dozens of recalls." (She neglected to mention that many more dozens of the toys he's targeted *haven't* been recalled.)

Swartz says, "Of course I'm a plaintiffs lawyer. If I was a doctor treating cancer, does that mean that I wouldn't want to find a cure for cancer? I'm using my expertise to try to put myself out of business." He suggests the toy companies hate him because "they know damn well I know what I'm doing."

Swartz and the government do agree some of the time; two of the toys singled out in this 1995 *Dateline* segment were ultimately recalled. But other toys he flagged were not so obviously dangerous—the Grand Slam Bubble Bat from Cadaco, for instance. Shaped like a baseball bat, Swartz said "this is a weapon. Running around chasing bubbles with his heavy bat? It's a toy that's just going to cause misery for somebody."

"Any kid can pick up any product and hit another kid with it, no matter what it is," says Cadaco director of marketing Mark Abramson. "It was a sensationalist report." Cadaco felt sandbagged, Abramson says, because Grassie gave the company virtually no time to prepare a written response before the segment aired: "He called the night or the day before." Replies Grassie: "All the [inquiries] went out as per recommendation by NBC's attorneys," an explanation that suggests NBC was more interested in protecting a legal position than in balanced reporting.

Grassie acknowledges that none of the toy companies mentioned were invited to respond on camera.

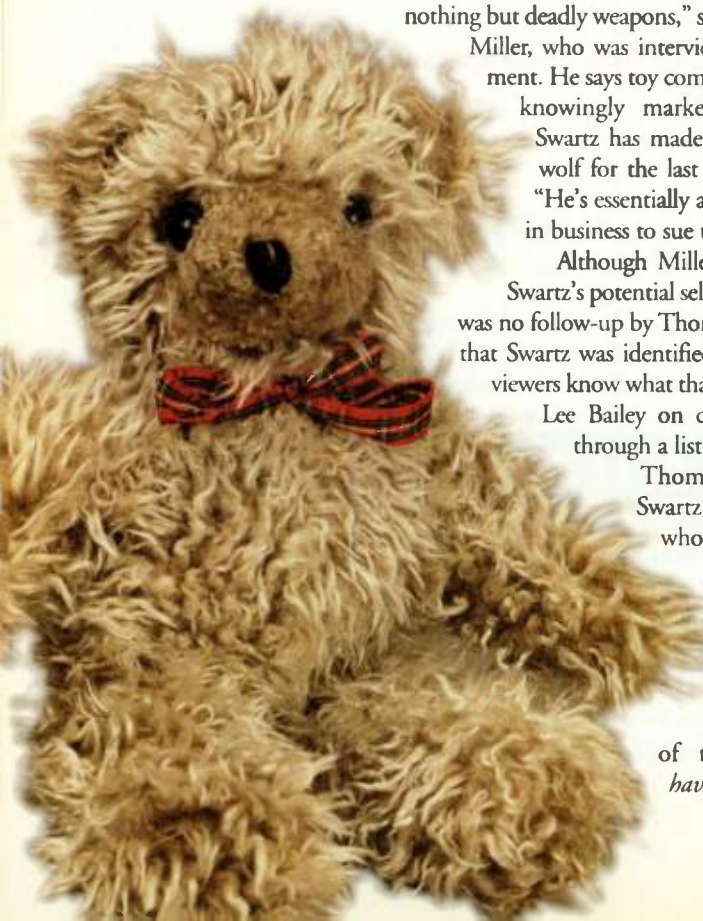
Last November, ABC News's *20/20* killed a similar segment on Swartz's list of shame. ABC spokesman Chris Alexander explained the cancellation this way to *The Boston Globe*: "After conducting our own tests on the toys, we made an editorial decision not to go forward." —*AP*

TOYING WITH DANGER

Dateline presented Edward Swartz's list of terrible toys too uncritically. The show did not explore whether Swartz's profession—he's a plaintiff's attorney who specializes in suing companies over their illegally defective products—might prejudice his findings, nor was there any mention of the fact that most of the toys on his list comply with federal standards. The toy trade association representative was given air time but was arguably not the right person to respond to specific charges about each toy. As for the toy companies, one claims it was given little time to respond; another says it was never offered the chance to rebut Swartz's charges on camera. The producer admits he did not offer any of the companies that opportunity.

RATING ☹ UNFAIR

- Swartz was presented without discernable skepticism. Thompson never challenged his assertions on camera.
- *Dateline* did not tell viewers that government says 95 percent of toys on Swartz's list every year meet federal standards
- *Dateline* did not pursue Swartz's potential financial interest in finding bad toys



JUST SAY NO DATELINE: FEBRUARY 14, 1996

PRODUCER: JOHN REISS CORRESPONDENT: LEA THOMPSON

DATELINE DID NOT BASE ITS REPORT solely on the claims of a federal prosecutor pressing fraud charges against the Quadro Corporation. Correspondent Lea Thompson conducted two tests of the tracking device in Florida with a school security coordinator who had purchased a Tracker to use on the job. "With the help of a police officer," Thompson noted, *Dateline* hid a bag of marijuana—first in a student's locker, then in Thompson's pocket. Guided by the Tracker's free-floating, antenna-like pointer, the coordinator walked right past the contraband both times.

After a Quadro vice-president blamed the poor results on the searcher's training, Thompson conducted another round of tests. This time the hunter had been trained by Quadro. In four out of five cases, the Tracker again failed.

In every instance that someone challenged the Tracker, Thompson and producer John Reiss cut back to the Quadro vice-president, who was clearly responding to specific, direct questions. For example, after a scientist hired by the Justice Department to examine the Tracker explained that his laboratories had found no circuits, no conductors, and no electrical connections, *Dateline* presented a complete response from the company representative: "We're able to read the frequency of a particular substance and recreate that frequency in carbon crystals," he explained. "Then we use our bodies' magnetic field, and our bodies static current to oscillate this frequency to make it communicate with a substance."

"They managed to get in both sides of the story," observes Daryl Fields, a spokesman for the Beaumont, Texas, federal prosecutor at the time of *Dateline*'s report. "It was very fair, so that the individual sitting at home watching the TV set would have all the information necessary to make an appropriate decision."

To be sure, not everyone was convinced the Tracker was a *deliberate* hoax. Although the prosecutor obtained a permanent injunction barring sales of the device in April 1996, he failed to convince a jury that the manufacturer was guilty of fraud. —*DMO*

JUST SAY NO

When a federal judge in Beaumont, Texas, temporarily halted sales of the Quadro Tracker 250G in January 1996, NBC's *Dateline* was among the first national television news outfits on the scene, and in short order had assembled a thoroughly documented "consumer alert." The report explained how police and school security officers eager to wipe out drugs in their communities apparently had been seduced by a company peddling a high-priced, low-tech divining rod. Ample responses from the manufacturer bolstered the story, allowing viewers to weigh the evidence themselves.

RATING ☺ FAIR

- Assertions of magician not verified
- Company commented in direct response to each attack on its product
- After company representatives challenged results of two dismal product tests, *Dateline* re-tested, using someone trained by the company

HOW SAFE A RIDE? PRIMETIME LIVE: JANUARY 18, 1995

PRODUCERS: ABBY HIRSCH, LEO MEIDLINGER, PAUL MASON CORRESPONDENT: SAM DONALDSON

THE SEGMENT BEGAN WITH VIDEO of Melissa and Peter Blake on their wedding day in July 1994. By the time the pair rushed past flying popcorn on their way to a Hawaiian honeymoon, viewers could guess that the trip had not gone as planned. In fact, the tourist helicopter carrying the Blakes crashed into the Pacific Ocean, and Melissa Blake seriously damaged her back. It was an accident that did not have to happen, Sam Donaldson said. A *PrimeTime* investigation, he reported, "uncovered [safety] problems" in the tourist-helicopter industry and "raise[d] disturbing questions about the federal government's supervision of sightseeing helicopter companies."

The segment accurately reported the government's conclusion that the injuries suffered by those involved in the Blakes' July 14 accident (and in a second, unrelated accident the same day) resulted partially from the absence of pontoon devices and accessible life vests on the helicopters, as well as from inadequate passenger safety-briefings on land.

What *PrimeTime* did not report was that the Federal Aviation Administration reacted quickly to the two July 14 accidents, implementing an emergency safety rule for Hawaiian operators. The rule took effect in October 1994—three months after the accidents—and three months before *PrimeTime*'s segment aired.

Donaldson's only mention of the new regulations was this cryptic comment: "Until [the second] crash, passengers on such flights didn't have to wear life vests, and the helicopters didn't have to have pontoons. The FAA now says it must be one or the other, a new rule that applies only in Hawaii."

Instead of giving credit where credit—or at least the benefit of the doubt—was due, Donaldson grilled the FAA's Daniel Beaudette about safety deficiencies connected to the July 14 accidents. When Beaudette noted that one of the helicopters landed just short of a beach, Donaldson interjected sanctimo- ▶

niously, "Well, just short, Mr. Beaudette, cost three lives." You'd never guess that when Beaudette responded, "We have corrected that situation," you actually should believe him.

In a statement, ABC News defends its portrayal of the aviation agency: "The FAA was not responsive, that's why we did the story." Although *PrimeTime* may not have known it when the piece aired, the new rule had an enormously positive impact on the industry, according to Thomas Rea, the FAA's pacific representative. After the Hawaiian rule took effect, there were no major accidents involving tourist helicopters until this June.

After its brief mention of important FAA changes, *PrimeTime* left Hawaii as Donaldson made this sweeping statement: "All across the country, problems with sightseeing helicopters have arisen." One piece of evidence offered to back this up: a 1993 accident in the Grand Canyon that injured 12 people. *PrimeTime* didn't report that this was the only accident to have occurred in the Grand Canyon region since 1986. Two years after that crash, the FAA responded by instituting emergency safety regulations for the area. The Grand Canyon rules were so successful that even the National Transportation Safety Board, the agency responsible for recommending safety improvements, credited them with creating "a safe operating environment over the Grand Canyon." The *PrimeTime* piece made no mention of this finding. Instead, it shifted viewers' attention to New York and its tourist helicopters. "The piece was about unregulated helicopters," ABC News says in its statement. "That's why we mentioned the Grand Canyon incident."

Many of the issues the show raised about New York's helicopter industry were valid. The segment cited concern over inadequate rescue equipment and briefing standards, issues that have long troubled the NTSB, issues the FAA plans to address with new national regulations later this year. The piece also criticized the absence of an instrument-rating requirement for pilots, mentioning the 1994 New Jersey crash of a New York-based charter helicopter that killed three people.

But by focusing on an emotional profile of a young boy killed in a sightseeing accident in New York, the show implied that safety was a major concern in the city. On the contrary, helicopter accidents were rare. Between 1990 and 1994, New York's helicopter accident-rate was eight times below the national average, according to a 1998 draft study prepared by the New York City Economic Development Corporation. In fact, according to the same study, that 1990 case was the most recent fatality in New York at the time the *PrimeTime* report aired in 1995. Tim Forte, the NTSB director of aviation safety when the segment aired, calls New York's accident rate "statistically insignificant." In its statement, ABC News responds: "The New York accident rate is not statistically insignificant to the people involved in those accidents."

Forte says *PrimeTime* may not have presented the most balanced picture. "Alerting the public [about helicopter safety issues] was good," says Forte, "but I am not sure [the show] left the public with the impression that the Grand Canyon was safe." —*TR*

HOW SAFE A RIDE?

PrimeTime Live flew over the topic of leisure-helicopter safety, dedicating plenty of air time to dramatic video of crashes but hardly any to the safety initiatives designed to correct the problems. Government responses to safety issues were virtually ignored. Anecdotes describing dangerous crashes overemphasized dangers to public.

RATING ☹ UNFAIR

- FAA official forced to defend practices already corrected
- Anecdotes suggested dangerous crashes more common than they were

PLUGGED INTO DANGER? 20/20: NOVEMBER 22, 1996

PRODUCER: BONNIE VANGILDER CORRESPONDENT: ARNOLD DIAZ

"THE PROBLEM," ANCHOR BARBARA Walters began, "is plastic, the kind of plastic found in most household appliances " Following this introduction, Arnold Diaz reported on how cheap plastic fuels fires in defective home appliances. Most of the piece centered on problems involving baby monitors made by Gerry Baby Products, and on the emotional story of the Mercer family of Davenport, Iowa. The Mercers blamed Gerry for a fire that killed one young son and left another horribly disfigured. *20/20* began its piece with video of the severely burned boy playing outside his home. A few moments later, viewers watched video of his brother's funeral.

Fire-science expert Patrick Kennedy provided the most graphic demonstration of the problem. With the ABC cameras taping, Kennedy set fire to two Gerry baby monitors, one encased in a flame-retardant plastic no longer used by the company, the other with the cheaper plastic that encased the Mercers' baby monitor. "This is pretty horrendous, dangerous stuff," said Kennedy, as the cheaper plastic melted under heat while the flame-retardant model remained intact.

But plastic is not the main concern, according to Julie Ayres, an electrical engineer in the Consumer Product Safety Commission's Office of Hazard Identification and Reduction. Ayres worries that the story's premise—captured in Walters's introductory claim that "the problem is plastic"—sent the wrong message. The crucial problem, Ayres says, is defective products. Watching the *20/20* segment, she "got the impression that anything in plastic could catch on fire." A fire can only occur if there is a flaw in a product's heating element. Diaz did note that a manufacturing defect caused the Mercer fire, and also said that safety devices had been disabled in a space heater and a coffee maker before they burst into flames during the segment. But some viewers may have missed these disclaimers when they watched the dramatic images. In a

statement, ABC News says it stands by its story.

Near the end of the piece, Diaz reported that the "government is so concerned" about flammable plastic that the CSPC asked the Underwriters Laboratory Inc., a group that sets product-safety standards, to upgrade its requirements. That's true, says the CSPC's Kathleen Begala, but identifying and recalling defective products is a higher priority for the commission. While plastics guidelines are still being hammered out between the CSPC and the UL, the defective Gerry baby monitors were recalled and improved. "If you have to look at one or another, the defects are more important," Begala says. "[They are] more important, because that's the problem." —*TR*

PLUGGED INTO DANGER

Viewers learned about the dangers of cheap plastic in defective home appliances. When a product was defective, cheap plastic could add fuel to fires. Graphic demonstration drove this point home, but at the same time may have left viewers with a distorted impression that plastic was the only problem.

RATING ☺ FAIR

- Identified plastic as safety issue
- Industry representative got his say; post-segment chat noted no real opposition to safer plastic
- Left wrong impression about core problem

A DEADLY MIX PRIMETIME LIVE: APRIL 12, 1995

PRODUCER: RICK NELSON CORRESPONDENT: CHRIS WALLACE

PRIMETIME TOLD THE COMPELLING tale of Antonio Benedi, who almost died after taking Tylenol. But Benedi also drank several glasses of wine per day, and doctors linked his liver failure to the combination of alcohol and acetaminophen, Tylenol's active ingredient, as a jury had found several months before the show aired. (Tylenol still maintains that his illness was caused by a herpes virus.)

PrimeTime highlighted two other cases involving Tylenol users who drank three to six alcoholic beverages daily. That was far less than the 16 drinks per day that Tylenol contended was the average amount of alcohol consumed by those acetaminophen-users who became ill (Tylenol also argued that most of those heavy drinkers had exceeded its recommended doses). Despite the conflicting opinions, *PrimeTime* viewers came away with an understanding of the potential for deadly interaction between the two products.

The report was arguably misleading in one respect. Only at the end was it made clear that the Food and Drug Administration was already on the case; the agency had begun recommending labels warning consumers who regularly consume at least three alcoholic drinks daily to see their doctors before using Tylenol. McNeil Consumer Products Co., Tylenol's maker, had already started using the new labels on its products, as *PrimeTime*'s report eventually pointed out.

Instead, *PrimeTime*'s hype could have led viewers to believe it had uncovered the link between alcohol and Tylenol. In his introduction, anchor Sam Donaldson said: "As chief correspondent Chris Wallace found out, when acetaminophen is taken by people who drink alcohol regularly, there can be disastrous results." Moreover, with its reference to consumers who "drink alcohol regularly," the introduction could well have led viewers to believe that even those who consume a single drink daily were at risk.

McNeil spokesman Ron Schmid takes issue with the tone and balance of the report and says it "scared a lot of people about alcohol and Tylenol" unnecessarily.

ABC News spokeswoman Eileen Murphy says "we're comfortable [that] the introduction accurately reflects what's in the piece." —*EJ*

A DEADLY MIX

When taken by someone who drinks heavily on a regular basis, Tylenol (or more properly, its main ingredient, acetaminophen) can cause deadly liver damage. Tylenol contends that those most at risk are alcoholics who exceed its recommended doses, but this report focused on users who drink far less and still develop serious problems. On the whole, the piece highlighted for the public what seem to be the risks of mixing even moderate levels of alcohol with Tylenol, and in the process illustrated the hesitance of McNeil Consumer Products Co., Tylenol's parent, to put warnings on its products. While bringing the issue to light for a segment of the population that may not have realized they are potentially at risk, *PrimeTime* also made it seem as though it had discovered the link itself. In fact, the government was aware of the issue, and just before the piece aired, Tylenol had begun carrying a warning about its use by those who consume three or more alcoholic drinks daily.

RATING ☺ FAIR

- Opened with clear scare tactic: when Tylenol is "taken by people who drink alcohol regularly, there can be disastrous results," which could apply to someone who has just a single beer per day, not heavier drinkers most at risk
- Overall, correct impression was conveyed: If you drink at level warned against on package, you should be cautious about using Tylenol

JENS MORTENSEN

OPEN TO DANGER 20/20: OCTOBER 27, 1995

PRODUCER: RICHARD GREENBERG CORRESPONDENT: JAMES WALKER

AIRED THE SAME WEEK THAT THE National Highway Traffic Safety Administration confirmed long-standing consumer complaints about a safety problem with the Chrysler minivan's rear latch, *20/20*'s report included accurate statistics and dramatic footage of newly released government crash tests. As of March 1995, NHTSA had received reports that 32 passengers had been killed and 76 injured in accidents in which Chrysler minivan rear latches opened. And in NHTSA side-impact crash tests at speeds of 30 mph (as opposed to actual accidents) Chrysler minivan latches failed more often than those on other vans. But overall accident data showed Chrysler vans to be comparably safer than other minivans, a key fact that *20/20*'s report never revealed. Accident and fatality statistics collected by two NHTSA databases for the 1984–1992 model years—information that Chrysler submitted to the government agency on December 13, 1994—showed that Chrysler minivans had fewer lift-gate openings per 100 crashes than all minivans combined (.9, as compared to 1.3), and a lower rate of ejection fatalities (19.8 per 1 million Chrysler vans, as compared to 39.5 for other minivans). Thus, although 32 deaths are tragic, with 4 million Chrysler vans on the road covering an average of 100 million miles a day, the company's performance is comparatively good, says its manager of consumer media relations, Michael Aberlich.

Correspondent James Walker also may have misled viewers by suggesting that Chrysler latch failures were responsible for serious injuries and deaths in what would otherwise have been relatively minor accidents. Cutting immediately from the testimonials of survivors from three separate accidents, Walker told his viewers: "These accidents which involve Chrysler minivans have something in common. When the vans were hit, even at moderate speeds, [the] rear door latch apparently twisted. The lift gate popped open and passengers...some wearing seat belts, some not, were ejected out of the back." In a statement, *20/20* maintains the description was not referring to all of the accidents recounted in its report. In fact, not one of the accidents on which *20/20* reported involved moderate-speed crashes, which the network says it interprets as 30 mph. Of the five vans, one was hit by another vehicle at 40 mph, two others at 45–55 mph, and a fourth at 65 mph. The fifth ran off the road at 63 mph and rolled over. "There's a very high likelihood of serious injury or death at those speeds," says Dr. Roger McCarthy, a nationally recognized expert in investigating vehicle failures in accidents, adding, "The mere fact that someone is ejected doesn't mean the latch failed."

The program also wrongly implied that everyone harmed was thrown out the rear. In one of the accidents described in the report, an expert retained by the family concluded that one of two children who died was ejected out the right side window, according to deposition testimony reviewed for this article. "If we had been told by an authoritative source, such as the police whom we interviewed or other officials, that only one of the two children died as a result of a rear ejection, we would have reported it," responds *20/20* in its statement. Yet Chrysler, which refused *20/20*'s 1995 request for an interview, disputes that it was ejection rather than crash impact that caused the deaths.

Most damaging for Chrysler was an ex-employee who said he was fired after recommending a latch upgrade in 1993. As it did throughout the piece, *20/20* responsibly informed viewers of Chrysler's position on the issues, in this instance pointing out Chrysler's view that the ex-employee lacked the expertise and training to make design recommendations. The glancing references to Chrysler's denials hardly neutralized the ex-employee's claims. —*DMO*

OPEN TO DANGER

With frightening accident statistics, heart-rending testimonials, and alarming claims by an ex-Chrysler employee, the segment implicated unsafe rear latches for close to 100 deaths and injuries. Chrysler knew the latch was unsafe but ignored recommendations for an upgrade that would have cost as little as 25 cents a pop. Absent any official response from the automaker, audiences were almost certainly convinced. Fell short of fairness mainly because it lacked accident data showing Chrysler vans are overall safer in crashes than other minivans.

RATING ☹ UNFAIR

- Failed to mention government-sponsored data showing van performing comparatively better than other vehicles in terms of passenger ejections and fatalities
- Accident descriptions misleading and inaccurate
- Chrysler's position well-represented without company's input

GOTCHA! 20/20: MARCH 1, 1996

PRODUCERS: RHONDA SCHWARTZ, SIMON SUROWICZ CORRESPONDENT: BRIAN ROSS

"WE BEGIN WITH AN OUTRAGEOUS deception," said anchor Hugh Downs. After benign video of children playing and parents musing about their children's love for apple juice, ABC chief investigative correspondent Brian Ross declared: "But someone's been trying to cheat these children and their parents." A few moments later: "I don't want the kids drinking that," said Dr. Allan Brause, chief chemist of an independent laboratory. Why? Ross asked. "Adulterated," Brause answered ominously.

Adulteration. It's a scary word that Ross never defined—

even though he used it 13 times. And the piece didn't mention until roughly its sixth minute that, while potentially costly to consumers, adulteration is completely harmless. In a statement, ABC News notes the piece was clearly about "consumer fraud, not health risks," adding, "The only reason health was mentioned at all was precisely so that viewers would not be alarmed..."

The piece was an innovative consumer segment, employing a new food-purity technique to uncover widespread problems in America's apple juice supplies. *20/20* commissioned Brause to perform the test, which identified the presence of a cheap sugar substitute in the juice. ABC said its results suggested that six top American companies were selling adulterated apple juice, including Nestlé U.S.A.'s Juicy Juice and The Coca-Cola Company's Minute Maid. Somebody leaked ABC's results to the food industry before the show could broadcast them, says Brause; the response was immediate. The week before the segment aired, the Food and Drug Administration announced an investigation into the sugar additives, and one consumer filed a suit against Coca-Cola. Coke, in turn, sued its overseas suppliers for selling the company adulterated juice. Later, at least three other apple juice distributors were named as defendants in class-action suits.

So who were the "crooks" Brian Ross talked about in the piece? Ross mentioned three times that overseas suppliers were responsible for adulterating food products. But Nestlé vice-president of corporate brand affairs Laurie MacDonald says *20/20* made Nestlé and the food industry out to be villains, too. She points to anchor Hugh Downs's concluding remark in the post-segment chat: "It's amazing what competition can drive companies to." MacDonald argues that juice companies, as well as consumers, had been victimized by overseas adulterers: "The segment implied that juice manufacturers...*knowingly* sold juice containing fructuline [the non-apple sweetener]. That was simply not accurate." However, nothing in the segment, including Downs's comment, states that Nestlé was complicit in the adulteration.

The ABC segment did play a crucial role in forcing the industry to react quickly, according to University of Saskatchewan Professor of Food Chemistry Nicholas Low, who developed the technique used in the segment. Low briefed scientists from Nestlé and Coca-Cola about the methodology that produced the test almost two years before the *20/20* segment aired. The companies, Low says, "claim they didn't know about it. The crucial question is could they have known, and the answer is a resounding y-e-s." Nestlé's MacDonald counters that the company funded Low's research heavily and its scientists reacted quickly once they learned about the new test. Minute Maid says Low's methodology "had not been peer-reviewed and was not accepted by the scientific community."

Michael Jacobson—the executive director of the Center for Science in the Public Interest who was interviewed for the piece as a consumer advocate—says the publicity generated by a segment like *20/20*'s can have an impact. "What we've found," Jacobson says, "is the only way to change corporate practices is to hit 'em over the head." —*TR*

GOTCHA!

20/20 employed newly developed tests to discover cheap additives in apple juice, maple syrup, and red cooking wine. The problem—called adulteration—was real. And *20/20*'s thorough reporting drew attention to the serious consumer issue. While juice companies cried foul, publicity generated by the piece may have helped combat the problem.

RATING ☺ FAIR

- New tests uncovered systematic problems in American apple juice
- Industry and government action followed tests

OPEN AND SHUT CASE PRIMETIME LIVE: OCTOBER 23, 1996

PRODUCER: DIANE DOHERTY CORRESPONDENT: JOHN QUIÑONES

MARK GORMLEY, JR., WANTED THE attention of the mainstream media and was worried he might not get it. In early 1995, Gormley, a pediatric physiatrist at Gillette Children's Specialty Healthcare hospital in St. Paul, and five colleagues completed a survey of automatic garage doors. Their conclusion: many posed a safety risk to young children. Despite reverse mechanisms installed to avoid injuries, Gormley and his coauthors discovered examples of children being killed or seriously harmed after they were caught under closing garage doors. After the group published its findings in the peer-reviewed journal *Pediatrics*, Gormley assumed they would need a press conference to attract media attention. No, Gormley says Gillette's media relations officer told him: Once the story is released, the press will call. "He was right," Gormley recalls. "I mean

OPEN AND SHUT CASE

An appropriate warning for automatic garage door owners—and helpful safety tips—made this piece an example of solid consumer journalism. Segment described the potential danger that the reversing mechanisms on older doors posed to young children. Reporter demonstrated an easy, reliable test viewers could use to test their own garage doors. The only flaw: not until the end did the piece mention that newer doors—those manufactured after 1992—contained safety features that lessen the danger.

RATING ☺ FAIR

- Admirable "news you can use"
- Helpful safety tips and self-test
- Didn't assuage unwarranted concerns of post-1992 garage-door owners until late in piece

the day that story hit, we got inundated by everybody."

PrimeTime's piece stands out as a good example of service journalism. After introducing the danger to viewers through the stories of one child who was killed and another who was seriously injured by garage doors, *PrimeTime* presented the findings and conclusions of the research team's work clearly and concisely. Correspondent John Quiñones spent over two minutes, roughly one third of the segment's airtime, demonstrating how to test a garage door's reversing mechanism (with young children and their parents watching from the driveway) and passing on garage-door safety tips from the *Pediatrics* article.

But viewers did not learn until the piece's last minute that owners of newer garage doors had little reason to worry about their doors' closing mechanisms. In 1993, Underwriters Laboratory Inc., the not-for-profit testing and certification organization, required the installation of additional safeguards (like an electronic seeing eye or edge sensor); such devices reduce the chance that many of the problems discussed in the report could occur. Viewers with newer garages may have been falsely alarmed by the report's conclusions. (In a statement, ABC News says the piece mentioned the improvements to new doors precisely so people with newer doors would not be alarmed.)

But owners of older garage doors needed the warning, says Ken Giles, a press officer with the Consumer Product Safety Commission. "This hazard was a killer," Giles explains. "You didn't get scratches and bruises here." Giles says the doctors and the media did an important service getting the information out to the public. —*TR*

REPELLENT RISKS? PRIMETIME LIVE: MAY 31, 1995

PRODUCERS: RICK NELSON, BONNIE GOLDSTEIN CORRESPONDENT: CHRIS WALLACE

BILLED AS AN "INVESTIGATION," *PRIMETIME*'S REPORT was mostly a broad look at the debate over the safety—particularly when used in high concentrations on children—of the widely used insect repellent known as DEET. The report looked at a New York state legal battle widely chronicled in the local press, and at the dismissal of a government researcher.

DEET's principal defender, Ralph Engel, president of the Chemical Specialties Manufacturers Association, says he was treated "fairly fair" by the show, although several of his points were left on the editing-room floor. The victim's stories, he says, made the piece "totally slanted to the negative side opposing DEET." ABC, noting that it doesn't think it purposely gave the report a negative slant, said in a statement that "it seems quite obvious (and frankly, essential) to us that in reporting these types of stories you go to people who have been impacted."

Engel also cites the ABC example of a child hurt after using DEET, saying he could never verify "whether the instructions were followed, or whether the child had it all over his hands and put them in his mouth." ABC News says it stands by the story.

The medical community remains divided about DEET, weighing the tiny number of people adversely affected by it against the potential risk associated with being bitten by disease-carrying insects. The report reflected this division. *PrimeTime* used some studies from the early 1970s and 1980s, but it also advanced the story slightly, digging up one unreported case of a person who died after using DEET. That case became the foundation for the implication that, even though the reported number of serious DEET reactions was tiny, the number of unreported cases could be higher.

The debate over the safety of DEET stands today largely where it did when the report first aired. In April, after what it called a "comprehensive reassessment" of the chemical, the Environmental Protection Agency concluded that "as long as consumers follow label directions and take proper precautions, insect repellents containing DEET do not present a health concern." At the same time, the agency toughened labeling requirements for DEET-containing products, and said it would no longer allow child-safety claims on labels. The American Academy of Pediatrics still advises parents to use concentrations of 10 percent or less on young children. —*EJ*

JENS MORTENSEN

REPELLENT RISKS?

PrimeTime weighed in on the debate over the safety of a chemical called DEET that is the active ingredient in most bug repellents. Home video of an adult victim, taken just before he died, and an interview with his teary wife set the tone for the piece. Proponents of the chemical's safety got to make their case, and, despite emotional testimony from three families of victims, viewers were left ultimately with the correct impression that there is a sharp division of opinion over DEET's safety. Indeed, the piece deserves special credit for eschewing the TV newsmagazine shows' usual quest for a clear, negative story line and a brand-name villain in favor of a balanced debate.

RATING ☺ FAIR

- Show went after chemical, not specific companies
- Full range of debate aired

HYPE IN A BOTTLE DATELINE: OCTOBER 6, 1996

PRODUCER: TIM PEEK CORRESPONDENT: LEA THOMPSON

WATCHING "HYPE IN A BOTTLE," one would be convinced that MET-Rx, a protein-rich nutrient supplement whose package claims it can "help you lose body fat and increase lean muscle," is a complete fraud—and it might be. But there is at least one reputable physician who says it's effective, and others who say the jury is still out; neither perspective could be found in *Dateline*'s story.

Viewers did hear from Dallas Cowboys' quarterback Troy Aikman, MET-Rx's star endorser, who appeared unable to defend the product's science, and was probably not the right person to ask. MET-Rx's inventor, Dr. Scott Connelly, was interviewed, but says his remarks were edited to make them appear as if he could not support his own product.

Dr. Robert Demling, a Harvard Medical School professor of surgery, says that when correspondent Lea Thompson reported that "there is no scientific proof that MET-Rx works at all," she was simply wrong. "The product's for real," says Demling, who also heads the burn center at Brigham and Women's Hospital in Boston. He says that asking for proof is not so simple with nutrient products, because the science behind such products is in its infancy. "Most of the nutrient science has been descriptive: you give this particular compound and this is what you see....Even the top nutrient scientists aren't clear as to how these nutrients work in the body."

Demling is not on MET-Rx's payroll—he initiated his own independent studies in 1995. However, MET-Rx provided the grant for the study.

Demling, himself a MET-Rx user, found that severe burn patients doubled their muscle mass while taking the product. And when he put 22 police officers on a strict eight-week fitness regimen that included identical weight training, diet, and cardiovascular training, half were given MET-Rx to increase protein intake; the other half got Pro-Score, another commercial supplement. Officers in the MET-Rx group lost twice as much fat and gained twice as much muscle as those in the second group.

Producer Tim Peek interviewed Demling and knew about his research, but says he didn't include it because it had not been peer-reviewed in a medical journal, a valid standard for evaluating science. Demling asserts that his data was compelling enough for *Dateline* to at least have reported its existence, along with the caveat that the studies had yet to be peer-reviewed, adding that it was inaccurate to state definitively that "there is no scientific proof that MET-Rx works at all." (Demling's two studies have since been published in peer-reviewed journals, but *Dateline* has yet to report that fact. Peek says it's unrealistic to expect *Dateline* to run updates whenever new information emerges. "It was a snapshot in time," says Peek, "and an accurate snapshot.")

Dateline's chief on-air critic of MET-Rx was David Lightsey, identified as an "exercise physiologist." Lightsey was asked by *Dateline* to evaluate MET-Rx's studies and Demling's. He says all were "easy" to dismiss because of "inappropriate methodology methods." Lightsey also says burn patients cannot be compared to athletes. Demling concurs, but says his data is applicable to the vast number of nonathletes in the general population who are increasingly sampling products like MET-Rx.

Connelly says Lightsey is a "lightweight" with no biochemistry credentials to challenge what MET-Rx purports to do. He also says *Dateline* didn't mention that Lightsey was a paid witness for MET-Rx's main competitor, Weider Nutrition Group, whom Connelly was suing for trademark infringement when the broadcast aired. Lightsey had not been asked to testify for Weider at the time he was interviewed, but Peek says he wishes Lightsey had told him of this potential conflict before the segment aired. "It caused us great consternation," says Peek.

Peek concedes that Lightsey is not a medical doctor, but says Lightsey wasn't alone in his assessment of MET-Rx. "There was no way we were going to base it on what one person said," says Peek. One of *Dateline*'s off-camera experts was Dr. William Evans, a nationally respected nutritionist. Evans says Demling's studies were flawed because they weren't double-blinded, but couldn't say unequivocally that MET-Rx is a fraud. "I don't have a strong opinion one way or another. I just don't think they've proven their case that MET-Rx is better than another kind of protein. But it could be."

Dateline also suggested that sports supplements can be harmful without offering any evidence that they have been. Thompson acknowledged that MET-Rx hasn't caused any problems, but said, "Lightsey and others at the Food and Drug Administration worry that other sports supplements can harm you." Which supplements? None were named. "I don't think we had any specifically that had caused harm," says Peek.

But Peek says the FDA had flagged as potentially hazardous one ingredient found in some supplements—ephedrine. Thompson said that ephedrine "has been linked to 17 deaths and 600 adverse reactions." Were they caused by sports supplements? No, concedes Peek. "We didn't come across any ephedrine-containing sports supplement that had injured somebody." —*AP*

HYPE IN A BOTTLE

Dateline slammed sports supplements as largely a hoax, particularly the protein-rich MET-Rx. Left out was substantive testimony suggesting that MET-Rx can have positive effects. The main MET-Rx critic was not an established expert in the field of nutrient science, and MET-Rx's creator says he was not given the opportunity to directly challenge that critic's credentials. *Dateline* suggested supplements can be harmful without providing sufficient supporting evidence.

RATING ☹ UNFAIR

- No hearing for most compelling findings on MET-Rx's behalf
- Product's creator given no chance to challenge chief critic's standing
  No comparable independent defender of product interviewed
- Program suggested that supplements can be harmful without single example to support claim

RIDING AT RISK? DATELINE: MAY 31, 1995

PRODUCER: STEVE ECKERT CORRESPONDENT: STONE PHILLIPS

DRAMATIC CRASH-TEST FOOTAGE brought home this serious issue: the injuries that can result from improperly installed child car safety seats. *Dateline* presented the compelling story of a three-year-old car-crash victim, told with heart-wrenching home video and an emotional interview with her uncle, who had gone on to become a safety-seat activist.

But *Dateline* took a strange turn when it set out to fix blame: the show went after car dealers. *Dateline* employees posed as potential car buyers and were given incorrect information about installing child car seats. The main problem: the seats in two of the car models singled out required special parts to be installed properly, something dealers failed to mention.

In the case of the young victim profiled by *Dateline*, the police said her seat was improperly strapped in, a flaw they discovered when they noticed a warning on the seat belt; that warning referred users to the car's owner's manual. The victim's family admitted to never having read the manual completely.

Stephanie Faul, spokeswoman for the AAA Foundation for Traffic Safety (a nonprofit organization funded in part by the American Automobile Association) says the "problem is a serious one." But singling out car dealers is wrong, she says: "It's hard to pin the blame on anyone but the government," for failing to standardize compatibility between cars and car seats.

Douglas Greenhaus, director of environment, health, and safety for the National Automobile Dealers Association, says he doesn't believe his organization was asked to comment for the report. NADA has sent information to its members about proper car-seat installation, he says, but notes that it is unreasonable to expect all dealers to be aware of how to deal with the issue. Greenhaus says solving the problem would require more than merely informing dealers about proper installation. He adds that many used cars arrive on lots without manuals, and parents buy used car seats (without instruction manuals). Ultimately, says Greenhaus, echoing the AAA traffic safety foundation, what's needed is standardization of car seats and the parts for their proper installation.

Producer Steve Eckert says the segment focused on dealers because the main person profiled in the piece—the car safety-seat activist whose niece died—alleged they were the problem. "The underlying point was not to blame the dealers, but to show that consumers weren't getting good information at the point where they had contact with the system," Eckert says. The focus was that "no one has alerted you, Mr. and Mrs. Parent, that this can happen; two, don't automatically count on getting reliable information from the dealer; and three...don't depend on the federal government, because they may have left you unprotected."

Eckert says, "Television stories ought to empower viewers. If I'm a concerned parent, the thing I really need to know to protect my own child is: What's the risk and where can I get reliable information?" —*EJ*

RIDING AT RISK?

Child car seats improperly installed in the front seat of an automobile are a serious problem that can cause injury and death. *Dateline* went after car dealers, who were shown in undercover footage giving incorrect information about seat installation to potential car buyers. In fact, say safety experts, car dealers are only one small part of the problem; equally to blame are parents who don't read car manuals and car-seat instructions, as well as the government, for not mandating universal compatibility standards between cars and car seats. This was an example of *Dateline* clearly groping for a villain, when it could have done a piece that simply warned parents of the hazards.

RATING ☹ UNFAIR

- Important issue deserved attention
- Unfairly cast most blame on car dealers

DATELINE SEGMENTS ON CAR SAFETY:

FENDER BENDERS? NOVEMBER 10, 1996 PRODUCER: STEVE ECKERT

CRASH TEST NOVEMBER 19, 1996 PRODUCER: STEVE ECKERT

IT LOOKS LIKE *DATELINE* CORRESPONDENT Lea Thompson never saw a crash test she didn't want to put on in prime time, and that affinity for bang 'em up, smash 'em up footage has paid off. Her numerous segments on car safety have been formulaic but intelligent—with indisputably dramatic video of mangled dummies and shattered glass; car companies have had little to offer in the way of rebuttal. The manufacturers do offer a general beef—that it's impossible to get a fair hearing from shows like *Dateline* because producers start off with their minds made up. Car makers have therefore decided there is nothing to gain by offering comment. But when we presented them with a yawning opportunity to challenge the accuracy or balance of *Dateline*'s presentations, all except Toyota declined.

General Motors spokesman Kyle Johnson offered no comment. Ford spokesman Terry Bresnihan said through his deputy that he didn't want to "deconstruct" each *Dateline* segment. Chrysler also offered only general remarks on how the company handles requests for TV interviews. George Parker, vice-president of engineering at the Association of International Automobile

Manufacturers, who appeared as the industry's representative in these broadcasts, would not comment on whether he felt he was treated fairly. His spokesman says, "Right now we can't handle that specific issue at this moment....The timing is bad for us."

Similarly, the National Highway Traffic Safety Administration declined to challenge *Dateline*'s repeated assertions that government car-safety standards are outdated and weak.

What could consumers have learned from these car reports? That minivans—the family cars of the 90s—have frail bumpers and poor leg protection in a driver-to-driver collision at 40 mph.

The main resource for these reports was the Insurance Institute for Highway Safety, a research organization funded by the automobile insurance industry that is widely respected and relied upon both by safety organizations and the auto industry. *Dateline* duly reported which car models fared well (few) and which were likely to send their owners to the hospital or the body shop.

The insurance institute's communications director, Julie Rochman, says that *Dateline* has been sending film crews to videotape each of the institute's "crash worthiness evaluations" for the last three years, and has aired a segment on virtually every one.

Rochman insisted that NBC does not have an exclusive arrangement—anyone can attend or videotape the crash tests. But she admitted that, until this year, the insurance institute promised *Dateline* it would not release its crash data until the show had aired its crash-test segment. That may sound an awful lot like an exclusive to some people (in fact that's exactly the word anchor Stone Phillips used to introduce these two segments), and Rochman says the institute recently decided to rescind that arrangement.

Rochman says the insurance institute likes *Dateline*'s stories because they are "careful and accurate." She assumes the reason *Dateline* attends every crash test is because they get "compelling video and important consumer information," but she emphasizes that the institute is an independent research organization that does nothing at *Dateline*'s behest.

There was no clear news peg for these stories—no reported rise in leg injuries or bumper-repair bills—except that the insurance institute had scheduled another test. And there's no magic to the test dates—they're scheduled at the mercy of the organization's budget, according to Rochman, since they have to purchase every car they wreck.

Ford safety spokesman Bresnihan says it's not surprising that Ford did not offer to comment on camera, because shows like *Dateline* don't approach the company in good faith. "They go in assuming we've done something wrong or we're the bad guys," Bresnihan says. "We assume it's probably going to be slanted and we have to assess whether going on camera will do anything to balance the piece. And often we think that it won't."

A Chrysler spokeswoman, Jodi Armstrong, who was not on staff when these segments aired, says the automobile industry has decided it's better to respond as a group with one statement, rather than hanging an individual manufacturer out to dry.

Toyota spokesman Wade Hoyt challenges *Dateline*'s reporting. His company's minivan, the Previa, fared poorly in the insurance institute's 1996 tests—the 40 mph off-set test in "Crash Test," and the bumper test in "Fender Benders?" where the Previa's repair total of more than $1,000 was among the most expensive.

Hoyt says viewers don't realize that those sums represent the total repair cost from four separate bumper crashes, not one individual fender bender. "The bumper bash tests purposely inflate/exaggerate the costs of bumper repairs in order to grab headlines," Hoyt wrote in a fax to this magazine. "They add up the costs for four separate crashes, which would never happen to one vehicle at one time unless the driver made a high-speed K-turn in a blind alley!"

Rochman concedes that one vehicle "is unlikely" to be involved in four crashes and says the institute reports the repair bills for each individual crash as well. If the newsmagazine chooses to report the conflated total, she says, "that's *Dateline*'s choice....If you ask why *Dateline* does it, I suppose it's because it's the most dramatic number." Why does her group offer the total if it's not realistic? "We do it because we know reporters ask for it," says Rochman.

Hoyt also criticized the institute's high-speed crash test, because he says it involves a car using 78 percent more energy than the 30 mph test required by the government, and because it's faster than most real-world crashes. George Parker of the Association of International Automobile Manufacturers maintained in an on-air interview that, in the total universe of crashes (which include the most minor), 40 mph crashes represent less than 1 percent of all accidents. But Rochman points out that her organization is interested in life-threatening crashes, and, in that universe, half of all deaths occur at speeds either higher or lower than 40 mph—so 40 mph is a realistic measure. (Europe and Australia use the same standard.)

Though Hoyt questions the fairness and accuracy of the institute's tests, he acknowledges that when the Previa successor, the Sienna, performed extremely well in institute tests this year, Toyota trumpeted the group's stamp of approval in print advertisements. —*AP* ■

DATELINE SEGMENTS ON CAR SAFETY

These two reports, fashioned out of one crash-test series, had solid if repetitive reporting. The crash tests were performed by the Insurance Institute for Highway Safety, which is funded by auto insurance companies. Few cars fared well in these tests, and fewer manufacturers cared to rebut *Dateline*'s charges, except to say that generally, television newsmagazines approach these stories with a bias. Toyota does criticize some of the insurance institute's methodology, but when Toyota's minivan did well last year, the insurance institute's favorable rating was the centerpiece of its advertisments.

RATING ☺ FAIR

- Crash tests were meticulous and their results largely undisputed. Reports offered public service to any car owner or prospective buyer
- Segment on "Fender Benders" did not make clear that repair bill totals were composite sum from four separate crashes, an unlikely scenario for one car

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[TICKER]

65 million Average number of pages viewed per month on playboy.com

5 million Average number of pages viewed per month on whitehouse.gov[1]

175 Estimated number of hours each American spent reading daily newspapers in 1989

163 Estimated number of hours each American spent reading daily newspapers in 1996

210 Estimated number of hours each American spent watching nonpremium cable channels in 1989

408 Estimated number of hours each American spent watching nonpremium cable channels in 1996[2]

34 Number of new TV programs launched on the six networks in the 1997–98 season

4 Number of those programs returning for the '98–99 season

3 Number of news programs being added in the '98–99 season[3]

$42,432 Minimum salary of a first-year *Wall Street Journal* reporter

$142,861.44 Cost of a one-day full-page ad in *The Wall Street Journal*[4]

1,500 Number of hours per year the average child spends watching television

900 Number of hours per year the average child spends in school[5]

48 Percentage of newspaper editors and publishers who say newspaper news coverage is shallow and inadequate

18 Percentage of newspaper editors and publishers who say press coverage is often inaccurate

38 Percentage of newspaper editors and publishers who say newspapers will be better by 2002[6]

10,000 Estimated minimum number of pages of the "Tailwind" story viewed on *Time* website on June 7, the day story alleging nerve-gas use in Vietnam aired on CNN's *NewsStand*

900 Estimated minimum number of pages viewed of "Tailwind" story on the day it was retracted

250 Estimated minimum number of pages viewed of CNN's retraction[7]

6 Number of authors known to have reached the No. 1 spot on both *The New York Times* fiction and nonfiction hardcover bestseller lists in their 63-year history[8]

18 Percentage of Washington, D.C., journalists who thought President Clinton's 1993 economic plan did not increase taxes on the wealthy enough

72 Percentage of Americans who thought President Clinton's 1993 economic plan did not increase taxes on the wealthy enough

92 Percentage of Washington, D. C., journalists who rated U.S. economic conditions in early 1998 as "good" or "excellent"

66 Percentage of Americans who rated U.S. economic conditions in early 1998 as "good" or "excellent"

95 Percentage of Washington, D.C., journalists (at national publications) with household incomes of $50,000 or more

34 Percentage of Americans with household incomes of $50,000 or more (as of 1996)[9]

24 Percentage of total advertising dollars spent on television in 1997

22 Percentage of total advertising dollars spent on newspapers in 1997[10]

32 Number of Maureen Dowd's columns in *The New York Times* during the last year that focused on President Clinton's personal or political scandals

2 Number of Maureen Dowd columns in the last year that focused on President Clinton's policies[11]

1. Playboy Enterprises, Inc.; White House Press Office / 2. *Hoover's Guide to Media Companies* (1996, citing Veronis, Suhler & Associates; Wilkofsky Gruen Associates) / 3. Starcom Media Services (a division of Leo Burnett Company, Inc.); network reports / 4. *The Wall Street Journal, Agreement between Dow Jones & Co., Inc. and The Independent Association of Publishers' Employees, CWA Local 1096, AFL-CIO, CLC* / 5. *A Parent's Guide to Kids' TV* (Center for Media Education, 1997)/ 6. *Editor & Publisher* / 7. Time Inc. New Media / 8. *The #1 New York Times Best Seller* (1992) [Ernest Hemingway, Dr. Seuss, John Steinbeck, William Styron, Irving Wallace, and Jimmy Buffett] / 9. David Croteau, "Examining the 'Liberal Media' Claim" (*Fairness & Accuracy In Reporting*, June 1998); U.S. Department of Commerce Bureau of the Census / 10. McCann-Erickson WorldGroup / 11. LEXIS-NEXIS search [August 1, 1997–August, 1, 1998]

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