

H A R V A R D U N I V E R S I T Y
JOHN F. KENNEDY SCHOOL OF GOVERNMENT
JOAN SHORENSTEIN CENTER ON THE
PRESS, POLITICS AND PUBLIC POLICY

THE GOLDSMITH AWARDS

Wednesday
March 17, 2004

John F. Kennedy, Jr. Forum
Littauer Building
Kennedy School of Government
Cambridge, Massachusetts

BEFORE: ALEX JONES
Director
Joan Shorenstein Center on Press
Politics and Public Policy
Kennedy School of Government

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E V E N I N G S E S S I O N

(8:07 p.m.)

1
2
3 MR. NYE: Good evening, I'm Joe Nye, Dean of
4 the Kennedy School, and it's my pleasure to welcome you
5 to the 12th Annual Goldsmith Awards, which recognize
6 excellence in political journalism. The Goldsmith
7 Awards include a prize for investigative reporting, two
8 book prizes and a career award for excellence in
9 journalism. Over the last dozen years, the various
10 Goldsmith Awards have been given to journalists whose
11 work has not only piqued widespread public interest but
12 has contributed to the wider public discourse and, in
13 that sense, they reflect on the larger mission of the
14 Kennedy School, which is bringing together
15 practitioners and scholars to serve the public
16 interest.

17 These awards are named for Berda Goldsmith, a
18 woman who was passionately interested in the
19 relationship between the press and politics in a
20 democracy, and an avid newspaper reader and faithful
21 follower of investigative reporting. She especially
22 loved programs that were in the genre, and "60
23 Minutes", "Washington Week in Review" were among her

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1 favorites. Her legacy is reflected in the Goldsmith
2 Awards.

3 A number of people combined their efforts to
4 establish these awards, including Bob Greenfield,
5 President of the Goldsmith/Greenfield Foundation, who
6 worked together with the Shorenstein Center on Press
7 and Politics to create and to expand this program, and
8 we are delighted to have the Greenfield family with us
9 here tonight. We are also delighted to have with us
10 Walter Shorenstein, whose foresight led to the
11 establishment of the Center as a place that enhances
12 our understanding of the interaction between press and
13 politics and public policy.

14 So, Walter, thank you very much for your
15 invaluable contributions.

16 And it's now my pleasure to introduce Alex
17 Jones, who is the Director of the Shorenstein Center,
18 who will take over from here. A distinguished
19 journalist and a scholar, and he has been a prominent
20 voice through National Public Radio, PBS and the *Times*,
21 a recipient of the Pulitzer Prize and a wonderful
22 Director of the Shorenstein Center.

23 So, Alex.

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1 (Applause)

2 MR. JONES: Thank you very much, Joe. This is
3 a very happy night for the Shorenstein Center, this
4 year marks the 12th anniversary, as Joe said, of the
5 Goldsmith Awards program, and each year, this night
6 really is one of the high moments for the Shorenstein
7 Center. If I may say also, and modestly, one of the
8 high moments for American journalism.

9 You heard Joe's account of how the award was
10 created, now let me tell you what really happened.
11 Gary Orren, who is here, I think, is part of the
12 Shorenstein Center, a professor at the Kennedy School,
13 found himself making a speech at the Harvard Club in
14 Sarasota, Florida and unbeknownst to him, sitting in
15 the audience was Bob Greenfield. Bob Greenfield, a
16 Philadelphia lawyer, a graduate of Harvard Law School
17 and a man, I would say, of remarkable character. Bob
18 had a client, Berda Goldsmith, who had told him of her
19 intent to leave him her entire estate. Bob,
20 remarkably, had decided not to accept that, he decided
21 that that was not appropriate and he had been searching
22 for a good way to use Berda's money for a purpose that
23 Berda would have approved.

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1 She was, as Joe said, passionately interested
2 in both good government and in the news, she followed
3 it ardently, and she was particularly inclined to being
4 outraged at misconduct in people with public
5 responsibility. Bob took the program from that speech
6 that Gary Orren delivered and filed it in his Berda
7 Goldsmith file and when Berda died about six months
8 later, he called Gary Orren. What Bob said to Gary,
9 according to Gary, and this is a direct quote, was in
10 fact Bob called Gary, Gary didn't always return his
11 calls but he got this pink slip and in fact, in this
12 particular case, for whatever reasons, decided to call
13 Bob back.

14 And when he got Bob on the phone, Gary
15 distinctly remembers what Bob said, he said: "I may
16 want to give you a lot of money".

17 (Laughter)

18 MR. JONES: When Gary heard this, he accepted.
19 Actually he said do I have the right place for you,
20 and told him about Marvin Kalb and the Shorenstein
21 Center, and Marvin Kalb, the first Director of the
22 Shorenstein Center and the man I am proud to have
23 succeeded, negotiated with Bob about what would be

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1 created, and what would be created from Berda's legacy
2 was the Goldsmith Awards Program. By the way, Bob told
3 me today that soon after he had spoke to Gary, he also
4 had gotten in touch with the University of Florida.
5 They sent a plane for him.

6 (Laughter)

7 MR. JONES: But the magic of Harvard had
8 trumped the good weather, I'm glad to say.

9 I think that, you know, the way this all
10 happened is something that is remarkable in the same
11 way that the Greenfield family is remarkable, as a
12 group, they are most remarkable and I'm very glad to
13 say that some of them are here tonight. So, in
14 additional, his wife, Louise, also Emily, Claudia,
15 Joan, Lauren, Michael and William Greenfield, and Jill
16 Greenfield-Feldman. It's a family affair, as you can
17 see, and also Deborah Jacobs, the foundation's
18 administrator.

19 For many years, Bob has been the family's
20 representative on the judging committee that picks
21 every year's finalists and winner. This year, his
22 grandson, Michael, succeeded him in that post and
23 Michael, where are you Michael? There you are,

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1 Michael, I want to tell you how pleased we are to have
2 the next generation in place. Without the Greenfield's
3 continued support in good faith, this night would not
4 be possible, and I ask you to join me in saluting Bob
5 Greenfield and the Greenfield family.

6 (Applause)

7 MR. JONES: One of the pleasures of this night
8 is to have the chance to also publicly thank the man
9 principally responsible for the existence of the Joan
10 Shorenstein Center on the Press, Politics and Public
11 Policy, Walter Shorenstein. Walter is 89, he thinks he
12 is 59, he has the drive of someone 39. That's
13 absolutely true, it was that drive that led him to
14 start, right after World War II, with about \$1,000 in
15 his pocket in San Francisco and turn it into a fortune
16 in real estate.

17 But he also is a man with a keen and passionate
18 engagement with the world, and that led him to endow
19 the Shorenstein Center as a memorial to his daughter,
20 Joan, who some of you in this room know or knew. Joan
21 was a highly respected journalist for CBS, and she died
22 far too young of breast cancer. I ask you to join me
23 in a round of applause also in the thanks to Walter

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1 Shorenstein.

2 (Applause)

3 MR. JONES: The first category of Goldsmith
4 Awards are the book prizes, and making those
5 presentations will be my colleague, Tom Patterson, the
6 Bradlee Professor of Government and the Press at the
7 Kennedy School.

8 MR. PATTERSON: Alex, thank you.

9 I would like to add my thanks to Alex's to
10 Walter and to Bob, who have contributed so much to the
11 Shorenstein Center.

12 There are two Goldsmith book prizes given
13 annually, one for the best trade book on press and
14 politics and one for the best academic book. This
15 year, we are giving three awards. The prize committee,
16 vote after vote, was unable to break a tie between the
17 two books that everyone agreed were the best in the
18 academic category, and the wisest among us, Marion
19 Just, said well let's give them both the prize, and so
20 we have co-winners in the academic category.

21 One is Scott Althaus of the University of
22 Illinois for his book, *Collective Preferences in*
23 *Democratic Politics*. Stanford University's Paul

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1 Sneiderman said that Scott's book is arguable the most
2 important in the study of public opinion in the last
3 decade, and it is an important book. As you all know,
4 a lot of Americans have opinions that are not backed by
5 information, and pollsters and scholars have lived
6 comfortably in the belief that it was okay that they
7 didn't, in that the assumption was that their issue
8 preferences were distributed very much like those who
9 are well informed about the issues.

10 Well Scott's book destroys that myth entirely,
11 they are not distributed in that way, they are quite
12 distributed in a different way and systematically
13 biased. And this book, I think, is a warning to
14 pollsters, to scholars, to journalists, that public
15 opinion polls often are not quite what they seem.

16 Scott, it's a great book, please step forward
17 for the award.

18 (Applause)

19 MR. ALTHAUS: Three quick words of thanks,
20 first, to the Shorenstein Center and the Goldsmith
21 Program here, for encouraging scholars and journalists
22 alike to pursue hard work that tries to make
23 governments more accountable to their citizens. And to

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1 Cambridge University Press, who took a chance with me,
2 a first time book author and after tonight, I think
3 their chance has paid off. The popular audience for
4 this one might range 12 to 13 people, I don't know.

5 (Laughter)

6 MR. ALTHAUS: But most especially, to my wife,
7 Ellen, who can't be here tonight, who, over a period of
8 ten years, as I was writing the book, gave daily gifts
9 of time and effort to free me up to focus on this.
10 Thank you.

11 (Applause)

12 MR. PATTERSON: Now the co-recipient of the
13 Goldsmith prize for the best academic book is Paul
14 Kellstedt for his *The Mass Media and the Dynamics of*
15 *American Racial Attitudes*. The very same Paul
16 Sneiderman at Stanford, who praised Scott's book, wrote
17 the following about Kellstedt's book: "Given how much
18 has been written about race in America, you might think
19 there is little new and important left to say.
20 Kellstedt's book may change your thinking, it changed
21 mine. It makes an original, intellectually imaginative
22 and essential contribution to understanding the
23 unfolding politics of race."

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1 In the book, Paul, who is on the Texas A&M
2 faculty, shows that racial attitudes, over the last
3 half century, have gone sometimes in the liberal
4 direction, sometimes in the conservative direction, but
5 usually staying in that direction for some period of
6 time. What's interesting in this pattern is the
7 media's role, it has contributed to these opinion
8 swayings by playing up egalitarianism, layering in
9 things of equality when the swing is in the liberal
10 direction, and playing up individualism when the swing
11 is in the conservative direction.

12 There is another impressive fact too that Paul
13 documents, he shows that the press played a key role in
14 the fusing of race and social welfare issues. In the
15 1950s and early 1960s, race and social welfare were
16 largely separate issues in the public's mind.
17 Beginning in the 1960s, they began to fuse, partly
18 because reporters repeatedly tied them together in news
19 stories and ever since then, opinions on race and
20 social welfare have moved together in a liberal or a
21 conservative direction.

22 Paul, this is an exceptional book, please come
23 up to receive your Goldsmith book prize.

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1 (Applause)

2 MR. KELLSTEDT: I too would like to thank
3 Cambridge University Press for taking its chances on
4 another first time author, like they did with Scott,
5 and I hope they find the payoff to be as enriching as I
6 have. I would also like to add, since I am a former
7 Fellow at the Shorenstein Center, a personal thank you
8 to Walter Shorenstein for being so generous in your
9 support of the Center. Through your support, I was a
10 Fellow in the Fall of 1999 and without that support and
11 without the support of people like Tom Patterson, and
12 Edie Holway and the rest of the staff at the
13 Shorenstein Center, my book wouldn't have been possible
14 and even if it had been possible, it wouldn't have been
15 as satisfying to me as it was, so thank you very much
16 for that.

17 And thank you also to the Goldsmith/Greenfield
18 Foundation for continuing your support and
19 encouragement of work like ours. I'm humbled by this
20 award and would really like to encourage more
21 scholarship in this area that doesn't make the press
22 either a hero or a villain but inserts its role in sort
23 of press/politics relations, sort of in its broadest

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1 and deepest context, where we can really understand the
2 influence that the press has on public opinion and vice
3 versa, so thank you very much.

4 (Applause)

5 MR. PATTERSON: Thank you, Paul.

6 As I mentioned at the outset, we also give a
7 Goldsmith book prize to the best book in the trade
8 category, the type of book you are likely to pick up in
9 a book store rather than read in a classroom. This
10 year's Goldsmith prize in the trade category goes to
11 Bill Katovsky and Timothy Carlson for their book,
12 *Embedded: The Media at War in Iraq*. I have another
13 Paul Sneiderman quote for this book, but I'll tell you,
14 I wish I was smart enough to have thought about the
15 idea underlying it.

16 As you all know, the news coverage of the Iraq
17 war was shaped substantially by the embedded reporters
18 who accompanied the American combat units on their way
19 to Mosul, and Baghdad and Tikrit. For their book,
20 Katovsky and Carlson collected all combat histories
21 from more than 60 embedded reporters, and these
22 histories are a fascinating tale of fear, fatigue,
23 firefights, within the context of the constant pressure

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1 to find the story and meet the deadline.

2 A lot has been written about embedded reporters
3 and there certainly is a lot more to come, but none of
4 it has the raw power of these oral histories collected
5 soon after full scale combat ended in Iraq. It's a
6 fascinating read and I recommend it. One of the
7 authors, Bill Katovsky, was unable to come this
8 evening, but we are delighted that his mother could
9 join us. Lois Katovsky, could you stand so that we
10 could acknowledge Bill's contribution?

11 (Applause)

12 MR. PATTERSON: Thank you.

13 Timothy Carlson is the other author of
14 *Embedded*.

15 Timothy, please come up to receive the
16 Goldsmith book prize.

17 (Applause)

18 MR. CARLSON: I want to thank the Shorenstein
19 Center for their support for serious journalism and for
20 their open mindedness. I suppose, of anyone in the
21 last ten years who has been given an award, we would
22 have to be the longest of longshots. Bill Katovsky is
23 a political science major, from long ago, from the

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1 University of Michigan, and got his Master's at UC
2 Berkeley, but while there, I think one of the
3 instructors told him to get out of the business.

4 And I was fortunate enough to attend Harvard
5 University and be part of the *Harvard Crimson* amidst
6 one of the best eras of student journalism ever. Some
7 of my colleagues went on to become giants in the field,
8 from Jim Fallows, Michael Kinsley, Frank Rich, and
9 loved their work and loved being a small part of it
10 back then. But thanks to another longshot, a small
11 press, Lyons Press, in Guilford, Connecticut.

12 When Bill conceived of the idea and thought it
13 was very important to really examine what's happening
14 with both the new technology of satellite and
15 instantaneous coverage, as well as the shift, after 30
16 years of kind of like a headache after Vietnam, of
17 having kind of like a warfare between the US military
18 and the press, we thought that we should find out, from
19 the people on the front lines, what it meant. And I
20 suppose, from being such outsiders, I actually write
21 for a triathalon magazine and Bill founded about six or
22 seven magazines, one of which was literary and one of
23 which was the triathalon, we were very open minded.

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1 And we wanted to find out what the *Al Jazeera*
2 embedded reporter thought of the whole process, as well
3 as the people from the *Washington Post* and *The New York*
4 *Times*. People, such as Anna Bodkin, John Burns, a
5 great number of other very brave, and talented and
6 wonderful reporters, were the people that really made
7 this book, and that they were so open, so profound and
8 so sensitive, both gave us the universal human
9 dimension of what it meant to cover a war, and what was
10 going on in their minds and what they were trying to
11 present to the people out there. And we also saw, in
12 the details, of how this somewhat masterful stroke of
13 propaganda, some would call it, or public policy,
14 others would call it, played out. And I just want to
15 thank everyone for this, we are totally excited and
16 thrilled, thank you.

17 (Applause)

18 MR. JONES: Thank you, Tom.

19 It's now my pleasure to present the six
20 finalists for the Goldsmith Prize for Investigative
21 Reporting. This is one of my favorite duties as
22 Director of the Shorenstein Center because it allows us
23 here to recognize the kind of reporting that is

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1 increasingly in short supply, and to my mind, the kind
2 of reporting that is crucial to our democracy. The
3 media have come in for a lot of criticism in recent
4 years, it's nothing new, railing against the press is
5 as old as the republic.

6 But what is changing for the worse, in this
7 uncertain and unpredictable digital age, is the
8 willingness of news organizations to spend the money
9 that it takes to do the kind of reporting that we are
10 honoring here tonight. Not only does it take courage,
11 it's expensive, and it takes experienced reporters to
12 do it, it takes a lot of their valuable time. The
13 people who did these stories could very well have done
14 a dozen or more less ones, lesser ones, and made
15 themselves more productive to their employers, if you
16 measure productivity in column inches of publishable
17 copy.

18 My point is that, in honoring these journalists
19 tonight, I want to make sure you keep in mind that we
20 are also honoring the news organizations that sent them
21 to do the job and paid their salaries while they took
22 the time it takes to do this kind of work. The
23 Goldsmith Prize is for a special kind of investigative

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1 reporting in that it honors journalism which, like the
2 Shorenstein Center, is focused on politics and public
3 policy. In creating the prize, the Greenfields wanted
4 it to be an award that had a profound effect on the
5 public and on public institutions, if you will, on the
6 common wheel.

7 This year, we had a record number of entries,
8 I'm glad to say. To sift, and weigh and judge them, we
9 had a distinguished panel of judges that I would like
10 to recognize. This year's Goldsmith judges, in
11 addition to Michael Greenfield, were Walter Robinson,
12 who led the *Boston Globe's* Spotlight Team that won last
13 year's Goldsmith Prize for reporting on sexual
14 misconduct in the Catholic clergy, and then went on to
15 win the Pulitzer Prize for Public Service.

16 Carol Bradley, a Niemann Fellow, and
17 distinguished reporter and senior writer at the *Great*
18 *Falls Tribune* in Great Falls, Montana. Ted Gup, the
19 Shirley Wormser Professor of Journalism at Case Western
20 Reserve University and also a Shorenstein Fellow. And
21 Alex Sanders, former President of the College of
22 Charleston, former Chief Judge of the South Carolina
23 Court of Appeals, an Institute of Politics Fellow here

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1 at the Kennedy School and perhaps most important,
2 unsuccessful candidate for the Senate, who tried to
3 succeed Strom Thurman, as a democrat, and almost won,
4 which testifies to his political skills and also to
5 his, shall I say, informed perspective on press
6 coverage of politics. He will also be a Shorenstein
7 Fellow in the fall, as we focus on the upcoming
8 presidential election.

9 Each year, in January, the judges choose up to
10 six finalists, which are announced publicly, they also
11 choose an overall winner, which is not announced until
12 tonight. I would like to call attention to the fact
13 that, while three of the six finalists are among the
14 nations largest and most recognized news organizations,
15 three other finalists are from medium to small sized
16 news organizations which did distinguished work focused
17 on local and regional issues. This is very much in
18 keeping with the aim of the award, which is intended
19 both to recognize fine work and also to encourage this
20 difficult and vital kind of reporting at news
21 organizations of all sizes.

22 It's now my pleasure to honor the work of each
23 of the finalists, to give them a chance to be

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1 recognized individually before we announce the overall
2 winner because as you will see, they have all done
3 great work. I shall present the finalists in
4 alphabetical order, based on the name of their news
5 organization.

6 There are few icons of public service in this
7 country that can match the Peace Corps, and deservedly
8 so. When I was born, it was, you know, or I should say
9 when it was born, it was born during the idealism of
10 the Kennedy Administration.

11 The Peace Corps, at that time, came to embody
12 the willingness of Americans, and especially young
13 Americans, to do not just something for their country
14 but for the world. It was well known that working as a
15 Peace Corps volunteer was often difficult, dirty,
16 frustrating, it was also accepted that going to remote
17 and poverty wracked places could be dangerous. But it
18 took the work of the *Dayton Daily News* in Dayton, Ohio
19 to bring to light just how dangerous it was in some
20 cases to be a Peace Corps volunteer, especially a
21 female volunteer.

22 In an investigation that included interviewing
23 more than 500 people, travel to ten countries, 75

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1 Freedom of Information requests and ultimately, a
2 lawsuit against the Peace Corps to force some open
3 records, the *Dayton Daily News* team uncovered a
4 disquieting reality, they called their report
5 "Casualties of Peace". The investigation found that
6 violence against volunteers is widespread and has
7 increased dramatically since 1991, and the reporters
8 found that particularly prevalent is violence against
9 women volunteers, who make up a majority of all
10 volunteers.

11 In some cases, the investigation found that
12 women had been sent to isolated, dangerous places with
13 little or no preparation at all or training in this
14 aspect of their work. The overall portrait was painful
15 to those who admire the Peace Corps, and some
16 volunteers have challenged that picture of neglect, but
17 the facts unearthed by the investigation have not been
18 challenged, and the *Dayton Daily News'* work has
19 prompted inquiries and reviews that almost certainly
20 will make Peace Corps volunteers, if not safer, than
21 far more aware of the risks that they run and how to
22 deal with those risks.

23 Representing the *Dayton Daily News*

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1 investigative team is Mei-Ling Hopgood.

2 Mei-Ling, please stand.

3 (Applause)

4 MR. JONES: Those of you who are fans of "The
5 Sopranos" will not be totally shocked to learn that
6 there is corruption in New Jersey.

7 (Laughter)

8 MR. JONES: In an odd way, we who don't live in
9 New Jersey may find it far too easy to nod knowingly
10 that of course every politician in New Jersey is a
11 crook and government there works more like it does in
12 Russia than in an exemplary, non-corrupt place like the
13 Commonwealth of Massachusetts.

14 (Laughter)

15 MR. JONES: In fact, corruption comes in many
16 forms and so does investigative reporting. In New
17 Jersey, there is one major city, Newark, whose
18 newspaper dominates the state, most of the rest of New
19 Jersey is made up of small towns, like Asbury Park on
20 the Jersey shore. The Gannett Company owns a number of
21 these newspapers in these small towns and the *Asbury*
22 *Park Press* is the particular jewel in the crown of
23 Gannett's New Jersey constellation. It was, before

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1 Gannett bought it, a distinguished paper known for its
2 feistiness and independence. The good news is that it
3 remains so.

4 Under the leadership of the *Asbury Park Press*,
5 the Gannett newspapers in New Jersey set out to explore
6 a particularly pernicious form of official corruption
7 that exists all over the nation, they went looking for
8 state legislators who had turned their part time public
9 service jobs, as legislators, into a multimillion
10 dollar money machine for themselves, their families and
11 their political backers. These legislators also write
12 the state's laws, so they had made sure that their
13 behavior was legal, albeit at the expense of taxpayers.

14 What did this joint task force find? That one
15 third of the state's lawmakers hold multiple patronage
16 jobs. For instance, the president of the Senate earned
17 nearly \$2 million in salaries, over the past decade, as
18 an attorney serving various municipalities, this is a
19 no-bid appointed job. This particular senator, who was
20 truly shameless, approved \$15 million in state funding
21 for a township on the same day he became that same
22 town's bond counsel. The corruption was republican and
23 democrat, it included kick backs, no-bid contracts and

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1 an array of bad practices.

2 Essentially, the investigation put on lurid
3 display the power of money and the power of small
4 newspapers acting together to make a difference. Not
5 only did the series make the politicians furious, it
6 also enraged the people of the state. Those papers we
7 honor tonight are the *Asbury Park Press*, the *Courier*
8 *Post*, the *Home News Tribune*, the *Courier News*, the
9 *Daily Journal*, the *Daily Record* and the *Ocean County*
10 *Observer*.

11 Representing them here are, from the *Asbury*
12 *Park Press*, Skip Hadley, the Executive Editor, Paul
13 Ambrosio, the Investigations Editor, and Jason Method
14 and James Prado-Roberts, who are reporters. Would you
15 please stand?

16 (Applause)

17 MR. JONES: Our third finalist is the
18 *Los Angeles Times*, and their investigation was of a
19 related sort of corruption that might be termed legal
20 but odious. In the case of the *Los Angeles Times*, the
21 target was the United States Senate, that most
22 selective club and the elected body that was probably
23 the most revered of all. Over a 12 month

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1 investigation, the team of *Times* reporters highlighted
2 the growing pattern of US Senators who are helpful to
3 certain special interests and who, coincidentally, of
4 course, have family members who earn hundreds of
5 thousands of dollars as consultants or lobbyists for
6 those same interest groups.

7 This is a cynical age but what the *Los Angeles*
8 *Times* showed prompted broad disgust. Was the public
9 shocked, shocked to learn that there was a link between
10 interest groups and financial well being of certain
11 lawmakers; no. But the *Los Angeles Times* series went
12 well beyond showing what had been assumed, the articles
13 connected the dots between compromising financial
14 relationships that shadowed the decision making
15 processes of the Senate. They illuminated that shadowy
16 world of influence and lucrative friendship, a world
17 made possible by their own lax ethics rules.

18 The *LA Times'* revelations prompted editorials
19 in the *Washington Post* and the *New York Times*,
20 something that is not an every day affair, I can assure
21 you, that underscores that depth and quality that their
22 work had. Will it change Washington? One thing is
23 certain, it is exactly the kind of series that is the

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1 only hope of changing Washington. The *LA Times* team is
2 represented tonight by Chuck Neubauer and Richard
3 Cooper, would you please stand?

4 (Applause)

5 MR. JONES: What makes a great investigative
6 series great? The judges ask themselves that question
7 each year, the answer has a certain amount of
8 predictability, the reporting must be thorough, and
9 accurate and fair, the subject must be worthy, the
10 writing and the production value should be first class.

11 But what about that intangible, the degree of
12 difficulty? This is an aspect of judging that is
13 inferred, almost intuitive. And what about what might
14 be termed the surprise factor, the idea that the
15 investigation is of a topic that you had not really
16 considered before?

17 In terms of degree of difficulty and surprise,
18 the joint series by the *New York Times*, "Frontline" and
19 also the Canadian Broadcasting Corporation, that they
20 called "Dangerous Business: When Workers Die", that
21 series, their joint effort, set a very high bar. Most
22 of the people being written about made less than ten
23 dollars an hour, they are not the people that normally

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1 get that kind of attention from major news
2 organizations, their jobs are nasty and dangerous and
3 they usually can't get better ones.

4 When they are told by their bosses, these
5 people, to do something that is obviously very
6 dangerous and often patently illegal, they tend to do
7 what they are told because they believe brightly, most
8 likely, that if they don't, their job will be
9 forfeited. And sometimes, they die, in the case of
10 some employers, in alarming numbers, and with an
11 absolutely horrific indifference from ownership of the
12 business.

13 The *Times*/"Frontline" investigation set out to
14 explore this kind of illegal negligence and what they
15 found was something criminal, in every sense, they
16 found a horrific pattern, and they found it by going to
17 a Texas foundry, and a New Jersey foundry and a
18 construction site north of Cincinnati, and a legion of
19 other out of the way, unobserved businesses where
20 terrible things were happening. For instance, they
21 told the story of Patrick Walters, a 22 year old who
22 was told by his boss to get into a deep and illegally
23 unsecured trench at a construction site in Ohio. He

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1 did as he was told and when the trench collapsed and
2 buried him, he smothered to death in an avalanche of
3 mud.

4 The motivation, time and again, for the risky
5 behavior and the unsafe conditions, money. The mantra
6 of reducing costs was putting people at grave risk,
7 illegal risk and in many cases, mortal risk. To make
8 the story even worse, the companies were rarely held
9 accountable by the law, even when it was clearly
10 illegal behavior that had caused the death. The impact
11 of this series is yet to be fully realized, but it has
12 deeply embarrassed OSHA and prompted what seems like to
13 be reform.

14 Journalistically, the series was a hybrid of
15 cooperative effort of the best kind, between papers,
16 with a great newspaper, the "Frontline" program of PBS
17 and the Canadian Broadcasting Corporation.
18 Representing the *New York Times* and "Frontline" tonight
19 are David Barstow, Lowell Bergman and David Rummell,
20 would you please stand?

21 (Applause)

22 MR. JONES: I would like to also invite to
23 stand my colleague from the *New York Times*, who is in

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1 charge of the *Times'* television project and had a
2 definite hand in shaping this, and I'm very delighted
3 he is here tonight, Mike Oreskes, please?

4 (Applause)

5 MR. JONES: Our fifth finalist is the team at
6 the *Washington Post* that took on the nation's largest
7 private environmental group, the Nature Conservancy.
8 This is an organization that, to many, is a beacon of
9 inspiring advocacy on behalf of us all. I suspect that
10 many of you are like me, you get solicited by the
11 Nature Conservancy each year, more than likely, you
12 write them a check. What the team at the *Washington*
13 *Post* found was that the Nature Conservancy also had
14 become involved in what could only be described as
15 practices that were very difficult to square with its
16 mission and its image.

17 There were partnerships with major polluters,
18 for instance. The Conservancy's board of advisory
19 council included senior officials from corporations
20 that had paid millions of dollars in environmental
21 fines. What's worse, the Conservancy had engaged in
22 deals with those corporate insiders and the companies,
23 also worth millions. The *Post* found things that were

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1 almost beyond belief, for instance, that highly
2 endangered birds had died as the Conservancy drilled
3 for oil under the specie's last breeding ground.

4 The *Post* had set out simply to do a profile of
5 the Conservancy, which has over a million members and
6 is one of the ten largest nonprofits in the country,
7 what they turned up prompted alarming and further
8 digging. Not surprisingly, the Conservancy mounted a
9 counterattack, including a 16 page rebuttal that was
10 sent to each member of Congress and full page ads in
11 the *Post* and other publications. But the *Post* pressed
12 ahead; the ultimate result, a declaration by the
13 Conservancy of far reaching changes and sweeping
14 alterations. My favorite: The Conservancy announced
15 that it would no longer drill for oil.

16 (Laughter)

17 MR. JONES: I was told, over dinner, by one of
18 the reporters, that they also had decided to abandon
19 their strip mine.

20 (Laughter)

21 MR. JONES: The *Washington Post* investigative
22 team was comprised of Joe Stephens and David B.
23 Ottaway, and Joe Stephens is with us tonight and Joe's

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1 editor is also with us tonight. Would you both please
2 stand?

3 (Applause)

4 MR. JONES: Local television is generally not
5 considered the place where you find tough, thorough
6 investigative reporting, unless it's the investigation
7 of the latest sweeps week phenomenon, like the
8 scandalous places people are body piercing themselves
9 these days or the latest Elvis siting. WTVF-TV is
10 based in Nashville, it's Elvis country, but their
11 mission was a much more serious one. Phil Williams and
12 his partner, Bryan Staples, set out to find out just
13 what it meant to be a friend of the Governor of
14 Tennessee, financially that is.

15 The result was a series of reports they called
16 "Friends in High Places, Perks of Power", and their
17 report was devastating. They told, in compelling and
18 vivid form, how one of the governor's biggest
19 supporters was given the state contract to run a job
20 training center aimed at preparing people to reenter
21 the work force, who had been laid off or lost their
22 job. These people needed training, they needed
23 training not only in job skills but also in the whole

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1 procedure and mechanics of getting and keeping a job,
2 it was a good idea, a worthy concept, but it turned out
3 mainly to be a boondoggle.

4 The training was cursory at best and
5 essentially, worthless, the company was little more
6 than a Hollywood set, hastily constructed to look like
7 something it wasn't. And the governor's friend, he was
8 a man who had no apparent qualifications for being
9 given this contract, except for the very important
10 qualification of being a friend of the governor. WTVF
11 found case after case of such shenanigans.

12 They took the probe further to examine the
13 President of the University of Tennessee, he was also
14 enmeshed in a web of abuse of his power and WTVF, among
15 others, went after him with a resolute persistence that
16 is something that television rarely exhibits.

17 The display of journalistic resolve, aggressive
18 coverage and wholehearted commitment impressed the
19 judges greatly and were in the highest tradition of the
20 Goldsmith Prize.

21 Phil Williams and Bryan Staples, would you
22 please stand?

23 (Applause)

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1 MR. JONES: It's now my honor to name the 2004
2 winner of the Goldsmith Prize for Investigative
3 Reporting. Before I do, let me, one more time, offer
4 my sincere respect to all the finalists.

5 This year's winner, the *New York Times* and
6 *Frontline* for "Dangerous Business: When Workers Die",
7 David Barstow, Lowell Bergman, David Rumnell and Mike
8 Oreskes, please come forward.

9 (Applause)

10 MR. JONES: Mike, please. David, please, David
11 Fanning, from *Frontline*.

12 (Applause)

13 MR. JONES: Congratulations. Mike Oreskes and
14 David Fanning, also, is of course the inventor of
15 "Frontline" and its guiding spirit. Glad to have you,
16 please.

17 MR. BERGMAN: Well, first of all, I would like
18 to thank the Shorenstein Center, Walter Shorenstein,
19 who is from San Francisco. I am, myself, from that
20 area and it's nice that we are bringing a little
21 culture to the East Coast.

22 (Laughter)

23 MR. BERGMAN: But primarily, because this is,

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1 as you may know and noticed, it is a collaboration of
2 television and print. They said it couldn't be done,
3 that you could make television as good or better than
4 print, and that print could really inform television.
5 And this is also really about people, it's about David
6 Fanning, who is standing up here, and Lou Wiley who, in
7 television, have dedicated themselves to doing real
8 quality. It's to Mike Oreskes, and Bill Keller and
9 others at the *New York Times*, the departed Steve
10 Engleberg, who went to Portland unfortunately.

11 People who had faith in this kind of project
12 and most of all, to people, like David Barstow who, as
13 a print reporter at the *New York Times*, I think,
14 learned what it was like to be on camera for the first
15 time. And to my colleague, Dave Rummell, both of whom,
16 I think, will say something about what it is like to
17 break in print reporters to television and vice versa,
18 to make us, in television, become print reporters and
19 understand that all of us are working together, thank
20 you very much.

21 (Applause)

22 MR. RUMMELL: I just wanted to say that, for
23 many years, I've always made a point of kind of

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1 checking out who the winners were of the Goldsmith
2 Award and who the finalists were, and actually going
3 back and reading their stuff, and it was always a time
4 for me to draw inspiration going forward into the year
5 to come. And this year, of course I looked at all of
6 the finalists and all of their work, and drew
7 tremendous inspiration from them and felt envious of
8 many of their stories. Nothing would please me more
9 than if tomorrow morning, somewhere out there, some
10 young journalists would look at our work and look at
11 the other work of the finalists and draw some
12 inspiration from that.

13 And the other thing I wanted to just say was
14 that when you do stories like this, it's really great
15 that you can sometimes be fortunate enough to meet a
16 lot of new friends along the way in the people that you
17 are sort of thrown together with and in this case,
18 being kind of a skeptical print guy, I just wanted to
19 say that I found some good, new friends in David
20 Fanning and Lou Wiley, and I really enjoyed that
21 partnership and thank you very much.

22 (Applause)

23 MR. ORESKES: I just wanted to second David,

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1 having spent most of my career in network television,
2 it's an honor to be able to do this kind of work with
3 the *New York Times* and "Frontline", and congratulations
4 to the rest of the finalists here, it's an honor to be
5 among them, thank you.

6 (Applause)

7 MR. JONES: Again, congratulations.

8 (Applause)

9 MR. JONES: Every year, the
10 Goldsmith/Greenfield Foundation and the Shorenstein
11 Center honor a journalist of singular achievement with
12 a career award. My colleague, Fred Schauer, the Frank
13 Stanton Professor of the First Amendment at the Kennedy
14 School and an affiliate of the Shorenstein Center will
15 introduce this year's career winner and present the
16 prize.

17 MR. SCHAUER: Thank you, Alex. On a night that
18 we honor investigative journalism, it's appropriate to
19 note that a key part of the reporter's task is to try
20 to obtain information that official holders of that
21 information do not wish to divulge. Yet, while this
22 obstacle is one that all reporters must confront,
23 reporters covering the courts must deal with government

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1 reluctance to disclose information in a special way.

2 Not only do courts have secret documents and
3 meetings, just like the executive branch; not only do
4 courts do much of their work off the record and in the
5 halls, just like legislatures; but courts, even when
6 they are being public, disguise their reasoning and
7 often even their outcomes in the formalities and the
8 special language of the law, thereby erecting an
9 additional barrier between them and public
10 understanding of the increasingly vital role in
11 democratic decision making the courts play.

12 For example, in a recent Supreme Court case
13 called Ashcroft V. The American Civil Liberties Union,
14 dealing with the Child On-line Protection Act, the
15 result, the opinion of the court started in the
16 following way: Justice Thomas announced the judgements
17 of the court and delivered the opinion of the court
18 with respect to parts one, two and four; an opinion
19 with respect to part 3(a), 3(c) and 3(d), in which the
20 Chief Justice and Justice Scalia joined; and an opinion
21 with respect to part 3(b) in which the Chief Justice,
22 Justice O'Conner and Justice Scalia joined. And there
23 are, if we go back a few years, even more dramatic

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1 examples of the same phenomenon.

2 Yet not only does a Supreme Court reporter have
3 to convey such obscure examples to an interested
4 public, the Supreme Court reporter must be an
5 investigative journalist looking for the inner workings
6 of such a notoriously secretive body and must have the
7 ability to interpret the meaning of judicial outcomes,
8 whose precedential precursors have rarely been news.
9 Tonight we honor someone who has not only taken the art
10 of Supreme Court reporting to a dramatically higher
11 level but has also, as with her Mickeljohn Lecture at
12 Brown University a few years ago, shown the singular
13 ability, rare among journalists, almost as rare as it
14 is among academics, to reflect critically and
15 thoughtfully on the role that she, herself, plays and
16 on the larger issue of courts as communicators and
17 reporters of courts as communicators.

18 Chief Justice Hughes notoriously observed that
19 the Constitution is what the Supreme Court says it is,
20 but with Supreme Court opinions reaching unprecedented
21 length, with the opinions of the justices ever more
22 divided, with the Supreme Court now being asked to
23 decide more than 8,000 cases a year, and with all of

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1 this work being done partly under a veil of secrecy and
2 partly under a veil of legalese, it has become
3 increasingly the case that, although the Constitution
4 may or may not be what the Supreme Court says it is, it
5 is no less true that Supreme Court opinions are what
6 Linda Greenhouse says they are.

7 (Laughter)

8 MR. SCHAUER: For 25 years of not only
9 explaining but scrutinizing and interpreting an
10 increasingly important Supreme Court, and of taking her
11 reporting to unprecedented depth of analysis, we are
12 honored to present to Linda Greenhouse of the *New York*
13 *Times* and not irrelevantly, an alumna of whom Harvard
14 can be most proud, the 2004 Goldsmith Career Award for
15 Excellence in Journalism.

16 Linda.

17 (Applause)

18 MS. GREENHOUSE: Well, Fred, I thank you for
19 putting me in the same category as investigative
20 reporters, because that's really the last thing I've
21 ever thought of myself as, as I thought I would be kind
22 of a lousy one, so thank you for elevating me.

23 And I'm obviously honored to be here and I'm

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1 touched in many ways. I knew Joan Shorenstein Barone,
2 so I'm especially touched to be here. I never met
3 Walter Shorenstein, of course I always heard of him,
4 and it was a treat to meet him tonight and to hear his
5 take on the passing scene.

6 And I am, as Fred mentioned, a product of the
7 Harvard Government Department, which Dean Nye is a
8 product of and his predecessor, Graham Allison, was the
9 Teaching Fellow when I took Richard Neustadt's course
10 on American Presidency so, anyway, there are many
11 connections here. But I felt that I had very little
12 light to shed on investigative reporting, as such, so I
13 thought I would follow the old adage and talk about
14 what I know so, as Fred mentioned, for the past 26
15 years, that has been covering the US Supreme Court.

16 And the court is, at times, a rather singular
17 beat in which a reporter can feel quite isolated,
18 sometimes blessedly so, from the ebb and flow of
19 Washington journalism. But in other ways, I think the
20 challenges that this beat posed are perhaps not so
21 unique, and thinking about them can maybe shed some
22 light on the challenges that all of us, not only
23 reporters in Washington and not only those covering

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1 institutions of government, face these days in a
2 particularly tough and rapidly changing journalistic
3 environment.

4 I said I would talk about what I know, so I'm
5 going to start with a personal anecdote, it dates to
6 the particularly unsettling time just following 9/11
7 when anthrax-laden mail of still mysterious origin had
8 essentially shut down Capitol Hill, pretty much all of
9 the Hill except for the court itself. On a Friday
10 morning late in October, that fall, I was sitting in
11 the Supreme Court press room, reading cases for the
12 coming week and getting ready to keep a lunch date,
13 word came from the press room staff that people were
14 being asked to not leave the building.

15 Soon we were told that anthrax contamination
16 had, not surprisingly, been found in the court's
17 mailroom and the Capitol physician was coming to give a
18 briefing at 2:00, at which time we would learn what the
19 implications of this discovery were, both for people in
20 the building and for the operations of the court, which
21 was about to resume hearing cases. So I canceled my
22 lunch date, I called my husband I called the office and
23 I got ready to go to the briefing.

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1 I joined the press room staff, as they closed
2 their office doors in preparation for going upstairs to
3 the West Conference Room where the briefing was going
4 to be held. As I started to walk with them down the
5 corridor to the staircase, I was amazed to be told that
6 the briefing was only for court employees. My first
7 thought was that they were kidding, this was, after
8 all, quite plausibly a matter of life and death for all
9 of us. At the very least, we shared a common interest
10 that I would have thought transcended our job
11 descriptions and our professional roles. But it was
12 quite clear that they had their instructions and that
13 they seriously intended to follow them.

14 Well I'm here and I'm coming, I said, but these
15 staff people, several of whom I viewed as friends of
16 many year's standing, were unyielding. It appeared to
17 me that the bonds of civility that normally defined our
18 relationship were about to snap. I'm not usually a
19 confrontational person, well some of my editors here
20 might disagree with that but I'm not, and I'm not a fan
21 of swashbuckling confrontation style journalism, but I
22 found myself becoming rather emphatic. I'll clean up
23 my language a little bit here, but the court staff was

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1 quite surprised to hear me say I'm breathing your
2 (blank) air and I'm coming to your (blank) briefing.

3 (Laughter)

4 MS. GREENHOUSE: And so I did. Leaving a
5 handful of equally surprised colleagues down in the
6 press room, I walked alone up the stairs and through
7 the wooden gate that separates the public space of the
8 great hall from the private space of the conference
9 rooms. Another press office staffer was at the
10 entrance to the West Conference Room, you can't come
11 in, she said, looking embarrassed. I positioned myself
12 in the doorway, leaving enough room for the employees
13 to just squeeze by me. I'm not leaving, I said.

14 For some moments, we were at a standoff, many
15 of the dozens of people who came through the door knew
16 me and quickly sizing up the situation, walked by me
17 with their faces averted. Eventually, the Chief
18 Justice's administrative assistant came along,
19 evidently having been briefed on this problem, you're
20 welcome to come in, she said, but the briefing is off
21 the record. And so I, along with everyone else in the
22 crowded room, heard the official word on the anthrax
23 problem, got the Capitol physician's health advice and

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1 learned about the plans to evacuate and close the
2 building that afternoon and to hold the upcoming
3 arguments, for the first time, in a different federal
4 courthouse. Then the Capitol physician, accompanied by
5 court officials, went outside to the plaza and held a
6 news conference, at which he and they said exactly the
7 same things they had said inside.

8 Okay, why am I telling you all this? Because
9 when I tried later to make sense of it, the events of
10 that odd day seemed to me a useful metaphor for the
11 relationship between the Supreme Court and the press,
12 and by extension, between the press and the other
13 institutions it covers. We are all breathing the same
14 air, we do inhabit their buildings, we eat their food,
15 we fly on their planes.

16 We sometimes understand them better than they
17 seem to understand themselves and yet, of course, at
18 the end of the day, despite all the trappings of
19 familiarity, we are not part of their family and any
20 passing illusion that we are is profoundly misleading,
21 if not ultimately debilitating. We can probably never
22 really understand one another's perspective, even in a
23 shared crisis, we remain strangers.

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1 This set of observations raises the question,
2 what should our stance be toward the institutions we
3 cover? I said, at the beginning, that there are ways
4 in which the court beat is both different from and the
5 same as other beats. One major difference, of course,
6 is the relationship of reporters to the individuals who
7 make up the institutions. Justices, at least the
8 living ones, are not sources, nor do they spin, they
9 don't hold press conferences, they don't leak, they
10 don't send messages to one another via the press. They
11 sign their names to what they do, which is more than
12 one can say for many who hold elective office. And
13 although the internal decision making process, as Fred
14 mentioned, is not open to public view, they do own up
15 to the final product and in that way, render
16 themselves, I think, rather refreshingly, accountable.

17 This is all rather liberating for a reporter,
18 there is no question of losing access because there is
19 no access to speak of in the first place. But the fact
20 that the justices themselves don't engage in spin
21 control doesn't mean that reporters who cover the court
22 don't have to contend with spin, it comes from outside,
23 from those who try to shape the public perception of

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1 issues as they reach the court and of decisions as they
2 emerge from the court.

3 The spin machines of both the legal
4 establishment and of interest groups with a stake in
5 Supreme Court cases has grown light years in energy and
6 sophistication, since I've been covering the beat, many
7 major and not so major cases have their own websites.

8 Michael Nudow, the California atheist, who brought the
9 Pledge of Allegiance case that will be argued next
10 week, has a press agent who called me twice in the last
11 couple of days. A huge and very sophisticated effort
12 goes into shaping the public discourse that surrounds
13 such issues as tuition vouchers, or call it school
14 choice.

15 When the court upheld the Cleveland Voucher
16 Program two years ago, Clint Bollock of the Institute
17 for Justice was ready on the court plaza with a press
18 release proclaiming that his victory was second only to
19 Brown V. Board of Education in significance, as a
20 Supreme Court ruling on the future of public education.

21 This was so resonant an image and such brilliant
22 public relations that, although, in my opinion, it was
23 wide of the mark, it became, within hours, certainly

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1 within days, the image that voucher supporters, their
2 political allies and in my opinion, far too many
3 editorials and even news columns reached for in
4 discussing this decision.

5 The result of all of this has been a kind of
6 convergence between covering the court and covering the
7 more overtly political branches, where the spin comes
8 from inside. The demands on the reporter are quite
9 similar, to find one's own center of gravity amid the
10 cacophony, to educate and arm the reader with the tools
11 necessary to make an independent and informed
12 judgement. This is truly difficult, whether the
13 subject is the federal budget, the War in Iraq or
14 whether states have immunity under the 11th Amendment
15 from complying with the Americans with Disabilities
16 Act.

17 It requires doing the homework necessary to
18 achieve the self-confidence that, in turn, is necessary
19 to cut through the fog and free the reporting of the
20 need to rely on the he said/she said model that is the
21 antithesis of useful journalism. For a reporter,
22 knowledge is power, you have to know the issues, at
23 least as well as the advocates do. Lack of knowledge

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1 is vulnerability, you risk becoming a tool of those who
2 understand the needs of journalism very well and who
3 know how to exploit those needs.

4 Not that a story shouldn't let interested
5 parties have their say, often, of course, a story
6 wouldn't be complete without reaction, but I think
7 weariness is the key to preventing reaction from
8 becoming obfuscation, or worse, manipulation. I
9 certainly don't advocate telling the reader what to
10 think but I strongly believe that I have an obligation
11 to give the reader a way to gain a foothold on a
12 complex issue, a safe place to stand amid the
13 rhetorical swirl of competing claims.

14 The worst or at least the least useful Supreme
15 Court stories, it seems to me, are those that give
16 paragraphs of reaction from a panoply of law professors
17 without giving the reader a clue about which reactions
18 are more credible, better grounded, more worthy of
19 belief. Unprocessed he said/she said reaction or
20 purported analysis of this kind is the raw material of
21 journalism but is not a finished product. These
22 experts, so-called experts or, in many cases, authentic
23 experts are not the ones getting paid to write the

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1 story, we are the ones who have an obligation to get
2 beyond coyness, to level with our readers and
3 fulfilling that obligation requires us to know what we
4 are talking about.

5 I'll give just one example, the White House
6 reaction to the Supreme Court's gay rights decision
7 last June, which overturned, as you know, the Texas
8 criminal sodomy law. Asked, at the daily briefing, for
9 the Bush Administration's reaction, Ari Fleisher noted
10 that the administration had not filed a brief in the
11 case and said that, as the result of the court's
12 ruling, "now this is a state matter". The truth, of
13 course, was just the opposite, the court had just ruled
14 that neither Texas nor any other state could make
15 sodomy a crime.

16 So I decided that I had no obligation to let
17 Ari Fleisher hijack my story. Rather, my obligation
18 was quite the opposite, so I did quote him but I then
19 added: "In fact the court took what had been a state-
20 by-state matter and pronounced a binding national
21 constitutional principle."

22 I'm not sure, but I think I detect a maturation
23 process going on across the board now in political

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1 journalism, as well as legal journalism, a moving away
2 from simply transcribing the processed reaction and
3 toward working through competing claims in order to
4 empower readers to understand and judge for themselves.

5 The colorful and clear-eyed analysis of claims in
6 campaign advertising, which many newspapers are now
7 running as regular features, is one example of this
8 change for the better and I look forward to more, to
9 reporting that elevates substance over form and keeps
10 the reader's needs always foremost in mind.

11 I'll conclude with a return to my metaphor, we
12 are all breathing the same air, those who report and
13 those who we report on. Toxins, from whatever source,
14 threaten us both, the best we can do is press on and
15 keep in mind those who read and listen to us and depend
16 on us to help them make some sense of a confusing and
17 dangerous world.

18 Thanks so much for this award, I'm really
19 delighted to be here.

20 (Applause)

21 MR. JONES: Linda has agreed to take a few
22 questions. There are microphones here and there and if
23 you would, line up at the microphone for a moment to

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1 ask.

2 Let me, if I may, take the first question. Is
3 it possible that when there is a new court or a new
4 chief justice, that television cameras will be allowed
5 into the Supreme Court?

6 MS. GREENHOUSE: If you take a very long view,
7 I think it's probably inevitable but I'm not sure it's
8 going to be in our lifetime. The court would only do
9 this by consensus and I think any one justice saying no
10 --. The way the various justices have explained this
11 to me is that they think the court is working quite
12 well right now and nobody wants to take the
13 responsibility for changing anything that anybody might
14 second guess them, in history, and say that was the
15 moment when the court started losing it, losing its
16 public credibility, losing its whatever. So I would
17 not hold my breath for that.

18 MR. JONES: If you would, just identify
19 yourself.

20 MS. MECKLER: Sure. Hi, I'm Laura Meckler, I'm
21 a Niemann Fellow here.

22 My question is what is your response to the
23 criticism that came out after Justice Blackman's files

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1 were opened up that deliberations and information from
2 people, who are currently on the court, should not be
3 made public during their terms, for breaking some sort
4 of, you know, the magic seal about how they do their
5 work and such? Obviously, you wrote about a lot of
6 that.

7 MS. GREENHOUSE: I mean obviously Justice
8 Blackman was familiar with that line of criticism too
9 and most justices do take care to keep their files
10 closed. Chief Justice Berger's files are not going to
11 be opened until 2026, when I think even I will have
12 given up the beat by then.

13 (Laughter)

14 MS. GREENHOUSE: You know, I mean I think
15 Justice Blackman felt, and I certainly agree, that
16 there is a lot of historical interest in these
17 materials and I can't imagine that it did the court any
18 damage to have them opened. People would always like
19 to keep their office secrets, but I think somebody
20 would have been very hard pressed to go through the
21 Blackman files and find something that was, you know,
22 shockingly embarrassing about the court, or personal
23 relations or anything, so I just think it was the usual

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1 bureaucratic pandering that none of us, in our offices,
2 would probably like to see our files open, but it
3 didn't really change anything too much.

4 MR. SMITH: I'm Nick Smith, I'm a junior at the
5 college.

6 And I was wondering what do you think about the
7 duck hunting trip with Cheney and Scalia? And if
8 Scalia refuses to recuse himself on the case with the
9 energy dealings, do you think that the other eight
10 justices will force him to, or should they force him
11 to?

12 MS. GREENHOUSE: To answer your easiest
13 question first, I'm sure they won't force him to. I
14 cannot imagine the court getting itself in a position
15 of judging their fellow justices, that's just not the
16 ethos there. Should he recuse himself? You know, I
17 take a bit of a minority, very un-PC view of this and
18 say, if he doesn't want to recuse himself, don't recuse
19 and let people judge him as they will. This is the guy
20 who, after all, was one of the five votes that put Bush
21 and Cheney in office and after that, I find it kind of
22 hard to be shocked by much of anything.

23 (Laughter)

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1 MS. GREENHOUSE: I hate to sound overly cynical
2 or maybe overly credulous, but Scalia has shown us
3 where he thinks the line should be drawn on recusal,
4 and that is he has recused himself from the Pledge of
5 Allegiance case that is going to be argued next week
6 because he, rather temperately, expressed his opinion
7 of the lower court decision that's under review there
8 so, when he was asked to himself off the case, he very
9 promptly did. He evidently believes that his personal
10 friendships and personal relations shouldn't be seen as
11 standing in the way of his ability to decide a case and
12 others disagree. I mean many lower court judges that
13 I've talked to say, you know, we would have to recuse,
14 and why shouldn't he? I think it's debatable, and
15 people will judge, so that's what it's all about.

16 MR. JONES: Well if I may follow up on that, do
17 you think he will do himself damage or do you think he
18 is indifferent to that? I mean do you think it would
19 be, for instance, if his vote is critical in deciding
20 the case in a particular way, would he be discredited
21 in a way that would be of any consequence or interest
22 to him at all?

23 MS. GREENHOUSE: Well I can't really judge

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1 that, I mean just projecting myself into the mind of
2 Scalia, a dubious proposition to be sure. One could
3 argue that he thinks that there is also danger in
4 blessing a regime under which a justice can't go
5 anywhere and do anything without somebody raising a
6 plausible recusal motion. And when this issue first
7 started, I said to my liberal friends, if you could
8 look me in the eye and say that you would be having
9 just as much a party over this issue if, instead of
10 Scalia and Cheney, it was Justice Ginsberg on a
11 shopping trip with Lynn Cheney, then we might have
12 something to discuss, but it seems to me a little
13 opportunistic for the liberals to be making a bug fuss
14 over this.

15 And sure enough, within a couple of weeks,
16 somebody said well Justice Ginsberg spoke to a now
17 legal defense fund group, and she should recuse from
18 sex discrimination cases, and I said well okay, that's
19 the wagers of sanctimony. Once you go down that road,
20 I think it becomes institutionally disabling and as I
21 say, I'm expressing a minority view and I get into
22 arguments with people over this, but I would just
23 rather let it all hang out there. And as your

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1 question, just as people will judge Scalia for the
2 better or the worse, that's none of my business, and
3 he'll take his lumps and life will go on.

4 MR. JONES: Richard?

5 MR. SOBOL: I'm Richard Sobol.

6 I, among many people, have learned a tremendous
7 amount from you and I just want to say, in terms of the
8 two types of Goldsmith Awards for books that your piece
9 in the *Sunday Times* about the process that you went
10 through in doing the Blackman articles was really quite
11 fascinating, to get caught up in the scholarship of the
12 Library of Congress. Fred Schauer quoted Justice
13 Hughes as saying the Constitution is what the Supreme
14 Court says it is, and I'm curious how often, and if you
15 could give an example, this would be interesting, you
16 feel that a decision has been decided contrary to the
17 Constitution?

18 There are a number of decisions that are going
19 to be coming up now having to do with terrorism, Fourth
20 Amendment decisions, very important sorts of questions.

21 Kathleen Sullivan gave some lectures here talking
22 about the Constitution during the time of terrorism and
23 sort of the flexibility, can you think of a decision

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1 where you thought the Court was just interpreting a
2 different Constitution than the one that you are
3 familiar with?

4 MS. GREENHOUSE: I'm thinking, it's a
5 provocative question. Where I just thought they were
6 flat out completely off the reservation?

7 MR. SOBOL: Or slightly off the reservation?

8 MS. GREENHOUSE: This may sound weird but I
9 have developed, over my years, the sort of capacity to
10 see arguments on both sides of this, and I would have
11 to say no, I probably, there is probably not a case
12 when I felt it was absolutely, again, rephrasing your
13 question in a way that's sort of a cop out, but
14 obviously I don't agree with everything they do, but
15 that's sort of not the issue. By the time something
16 comes up to the Court, it's usually there has been a
17 conflict in the circuits and very smart judges have
18 come out in opposite ways, that's why the Court takes
19 the case.

20 So I can't think of a decision. We'll leave
21 Bush against Gore aside, which is like a bad hair day,
22 but--

23 (Laughter)

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1 MS. GREENHOUSE: But I thought there was really
2 no principled argument on the other side.

3 MR. JONES: Ravi?

4 MR. NAIDOO: My name is Ravi, I'm a Fellow at
5 the Shorenstein Center.

6 The kind of story that the *Los Angeles Times*
7 did on Justice Scalia's hunting trips, or the kind of
8 story about the inner workings of the Court revealed by
9 Justice Blackman's diaries and papers, how come the
10 Court somehow, compared to the other branches of
11 government who are less impervious to such kind of
12 investigative reporting contemporaneously, not when the
13 papers are available but during the working of the
14 Court, do the reporters come across such information?
15 And of course those stories seemed very rare, when they
16 are happening.

17 MS. GREENHOUSE: Well, yes, the stories are
18 rare because the sources of information are really not
19 there. I mean don't forget the most recent case in
20 Justice Blackman's files was ten years old, he retired
21 ten years ago, he said the papers should be open five
22 years after his death and he died five years ago. And
23 the same thing with *The Bretheran*, a book which

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1 revealed the inner workings of the Court and which a
2 lot of the Blackman material validates very strongly.
3 That book came out in 1979 and I think its most recent
4 cases were at least five years old.

5 So to get contemporaneous information of that
6 kind is essentially unheard of because people that are
7 privy to the inner workings of the Court put a very
8 high premium on guarding the confidentiality of those
9 materials.

10 MR. JONES: Linda, by tradition, there is one
11 more thing for you, aside from the plaque and such, and
12 that is a chair. We give you a chair.

13 (Applause)

14 MR. JONES: We even have a plaque with your
15 name on it on the back, and you can pretend that, this
16 is your chair, we are going to ship it to you. Yeah,
17 we are.

18 (Laughter)

19 MR. JONES: We are because we want you to think
20 of us every time you sit in a Harvard chair. No, no,
21 look at the back, look at the back.

22 MS. GREENHOUSE: I always wanted one of these.

23 (Laughter) (Applause)

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1 MR. JONES: Before we end tonight, I want to
2 say a special thanks to the staff of the Shorenstein
3 Center and in particular, to Alison Kommer, who is
4 sitting right over here, she is the one who really has
5 done the labor of this.

6 (Applause)

7 MR. JONES: Alison, excellent job, but really
8 the entire staff of the Shorenstein Center is required
9 to put this all together and I want to thank all of you
10 for that. Tomorrow at 9:00, in the Malkin Penthouse,
11 the place where we had dinner, we are going to be
12 having a seminar with the finalists on investigative
13 reporting. We hope that many of you will be able to
14 come, you are certainly most, most welcome, and we are
15 adjourned. Thank you very much.

16 (Applause)

17 (Whereupon, at 9:22 p.m., the session was adjourned.)

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Before: ALEX JONES, Moderator

In the Matter of:

THE GOLDSMITH AWARDS

Date: March 17, 2004

Place: Cambridge, Massachusetts

Martin T. Farley
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