Access to Information, the role of the media and investigative journalism

The theme for this edition of E-NEWS is Access to Information, the role of the media and Investigative Journalism. But what is Investigative Journalism and how do journalist use an Access to Information Act in their work? In *The Reporter's Handbook: An Investigator's Guide to Documents and Techniques*, Steve Weinberg defined it as:

"Reporting, through one's own initiative and work product, matters of importance to readers, viewers or listeners.

As a result of this Act, reporters seeking information through interviews or faxed questions can no longer be promised then invariably be forgotten. So even if Government Officials do not wish to address a specific request they are bound by law to respond whether the documents are embarrassing or not. That said however formulating a request for formerly 'secret' information can be difficult if the reporter is not too sure of the exact information he is looking for. Most Access Officers from experience so far, will not give you more information th

creativeness and imagination in sourcing government held information and presenting "the story behind the story". The Carter Center in association with the Press Association of Jamaica (PAJ), Media Association of Jamaica (MAJ), and Management Systems International (Civil Society Project) held a workshop entitled "Creating a Culture of Investigative Journalism in Jamaica and the Use of Access to Information," in November 2004 to discuss some of these issues. The objectives of the workshop included examining the state of investigative journalism in Jamaica and promoting awareness of, and the use of the Access to Information Act 2002 (ATI) by the Jamaican media. In addition to local speakers, international participants included The Carter Center's Senior Program Associate and Access to Information Project Manager Laura Neuman; Charles Lewis, Founder and Executive Director of the Center for Public Integrity, a non-profit, non-partisan, tax-exempt organization that conducts investigative research and reporting on public policy issues in the United States and around the world; and Paul Williams, Chief Crime Correspondent for the Sunday World who has been a leading voice in investigative reporting done on elements of organized crime in his native Dublin, Ireland. Some of the questions raised at the workshop included:

- 1. Is there a need to focus on investigative journalism in Jamaica given recent statistics from Reporters without Borders showing that Jamaica ranks 24th in the world in freedom of the press?
- 2. Are Jamaicans journalists able to take advantage of this purported freedom of the press to engage in investigative journalism, and if not, why?
- 3. What is the role of the media in using and encouraging the use of the new Jamaican right to information?
- 4. Are owners of the commercial media committed to investigative reporting?
- 5. Are journalists being provided a nurturing environment to do investigative work by media houses that employ them?

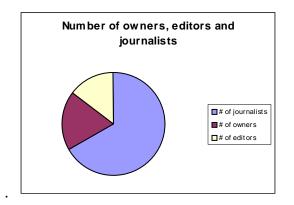
Participants discussed the role of libel, the economic viability of investigative journalism given the human and financial resources required, the time to conduct investigations, the availability of training in investigative journalism and the effect on the profession of high attrition rates. Participants also raised and discussed issues associated with the challenges of the culture of the newsroom, the partisan nature of the Jamaican society, the problems with performing investigative journalism in a small society, and the role of increasingly commercial and advertising interests in media, to understand the extent to which investigative journalism was possible in Jamaica. It was emphasised by the facilitators that although there are a number of obstacles to the development of a culture for investigative journalism these problems should not be seen as deterrents to doing good investigative reporting and that journalists, editors and media owners have to find solutions to these problems and aggressively pursue stories as a commitment to being the watchdogs of democracy.

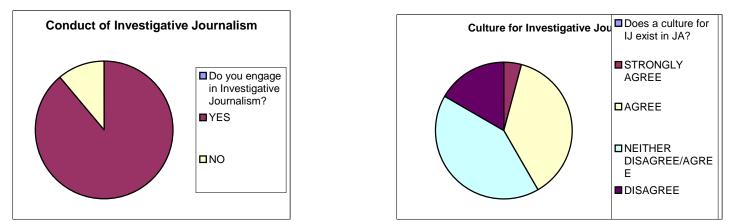
In relation to Access to Information, journalists and editors participated in a case study where they had to go through the steps to do an investigative journalism piece using the Access to Information Act. Case studies were presented and participants were asked how they would develop the story and use access to information to make the story better and ensure impact.

The recommendations from the workshop included:

- 1. Development of specific training in the techniques of investigative reporting and ethics for journalists in Jamaica including rural areas.
- 2. Development by each media house of a formal manual outlining a particular newsrooms policies and standards in regards to the integrity of a story.
- 3. Organisation of follow-up workshops on Access to Information for journalists by the Carter Center.
- 4. The need for the development of a course on investigative journalism at both the University of the West Indies and Northern Caribbean University to increase the capacity of students in this area (no course currently exists).
- 5. PAJ and MAJ to work on establishment of a position paper on current libel laws.
- 6. The need for encouragement of discussion and consensus on media standards.

The Carter Center issued a survey to the participants (media owners, editors and journalists) who attended the workshop to measure their knowledge of the Access to Information Act 2002, its use in investigative journalism and the important role the Act could play in Jamaica. The sample size was small with only twenty-seven of our fifty-one workshop participants responding to the questionnaire but the proportion of respondents to workshop participants is a large enough sample size to suggest the general impression that the workshop attendees had towards access to information and investigative journalism. There were a larger percentage of journalists in the survey sample than owners and editors, which was reflective of the number of media houses in Jamaica.





The results of the survey suggest that the representatives from the media were conflicted as to whether a culture for investigative journalism exists in Jamaica with a higher number of respondents neither agreeing nor disagreeing to this suggestion. This despite the fact that almost 100% of the respondents stated that they had conducted some investigative reporting in the past. Furthermore, all the respondents held that access to information is important to their work, as it is critical for investigative journalism.

Support from media owners to journalists both in terms of time and resources is needed to conduct investigative journalism but also important is independent, creative, hardworking journalists who are dedicated to their role to making a difference with a story. Also important will be technical support for journalists to make use of this valuable

frivolous libel litigation that takes years and costs millions of dollars to defend.

Being despised and frozen out by those in power is an occupational hazard-indeed, a badge of honor-for investigative reporters everywhere. Certainly no one at the nonpartisan Center for Public Integrity harbors any illusions that he or she will ever be invited to dinner at the White House. This is hardly surprising given that the Center broke the Clinton White House "Lincoln Bedroom" fundraising scandal, first revealed that Enron was George W. Bush's top career patron and years later disclosed that Vice President Dick Cheney's former company, Halliburton, is by far the Bush administration's favourite contractor in Iraq. For these impertinent affronts to officialdom, the Center's reports have received 28 awards from respected journalism organizations since 1996.

Public apathy, though, is another matter. Take our 2003 Center report in which we posted and tallied up all of the major U.S government contracts in Iraq and Afghanistan-a project which won the George Polk Award for online journalism. Center investigators found that nearly every one of the 10 largest contracts awarded for work in Iraq and Afghanistan went to companies employing former high-ranking government officials, and **all** 10 top contractors are established donors in American politics, contributing nearly \$11 million to national political parties, candidates, and political action committees since 1990. And on the eve of the Iraq war, at least nine of the 30 members of the Defense Policy Board, the government-appointed group that advises the Pentagon, had ties to companies that had won more than \$76 billion in defense contracts in 2001 and 2002.

The personal financial disclosure forms of those advisers are secret, and much about the entire contracting process is deliberately hidden, and therefore unknown to the public. For example, it took 20 researchers, writers, and editors at the Center for Public Integrity six months and 73 Freedom of Information Act requests, including successful litigation in federal court against the Army and State Department, to begin to discern who was getting the Iraq and Afghanistan contracts, and for how much. Why? What has happened to the principles of accessible information and transparency in the decision-making process in our democracy?

True, there is nothing illegal about such cozy, convenient confluences in the mercenary culture of Washington, D.C. But what does it say about the state of our democracy that, beyond some spot news coverage of the Center's findings around the world, there was almost no reaction or interest by Congressional oversight committees, which are controlled by Republicans loath to criticize the Bush administration? Of course, no official reaction means no second day story, no "hook" for the cautious and sometimes deferential national news media, no mounting public awareness or concern, and no political problem. Welcome to business-as-usual Washington.

Undeterred by what we had found, we plunged even deeper, producing a report entitled <u>Outsourcing the Pentagon</u>, in which a team of 23 researchers, writers and editors examined more than 2.2 million Pentagon contract actions totaling \$900 billion spent over six years. This massive nine-month investigative report profiled the 737 largest Defense Department contractors who, including their subsidiaries and affiliates, have received at least \$100 million in contracts. Once again, the Center found, the largest contractors are among the most lavish spenders on political influence. And, most notably, we found that no-bid contracts like the infamous one Halliburton received to do business in Iraq have accounted for more than 40 percent of Pentagon contracting since 1998. That's at least \$362 billion in taxpayer money given to companies without competitive bidding.

Following news coverage of our findings, what was the reaction? Another Washington yawn. There was barely any sign of an official pulse, let alone government investigative interest or, perish the thought, outrage. And yet most Americans assume and expect-that government contracts are competitively bid, partly because White House, Pentagon and company officials have, year after year, emphasized what they want us to know and, like a circus magician, misdirected our attention away from what would expose them.

Despite the inhospitable landscape and the grim nature of the work-forensically excavating the cold corpus of

unvarnished reality-most investigative reporters would proba

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a short description of the Access to Information Act and how to use it for environmental advocacy. For more information on "It Inna de Law" contact:- Ms. Akilah Anderson c/ o Jamaica Environment Trust, 11 Waterloo Road, Kingston 10 Tel: 960 3693, Fax: 926-0212 E-mail:- <u>aanderson.jet@cwjamaica.com</u>

International Right to Know Day – September 28, 2005: International Right to Know Day was proposed by Freedom of Information Advocates from around the world, in order to symbolize the global movement for the promotion of the right to information. The objective of the day is to raise awareness of the right to information and highlight fundamental human rights. Jamaica celebrated International Right to Know Day by a meeting of a number of civil society groups to discuss what has been accomplished by civil society groups working on using ATI for advocacy and lobbying, how best to work together towards the Review of the ATI Act and how to strengthening the network of groups interested in the Act. If you would like additional

Quote of the month on the Right to Know

"Our privilege and duty as investigative journalists is to defend free speech, inform self-governing citizens, encourage deliberation on public policy and serve the public interest. These duties sometimes require that journalists reveal criminal activity, investigate abuses of power, expose wrong-doing, protecting the public's health and safety and support the open administration of justice and government. Investigative journalism employs special methods that raise ethical and legal issues. The stories of investigative journalism have serious consequences for individuals, organizations and society. Investigative journalism, therefore, has distinct responsibilities".

Canadian Association of Journalists *Statement of Principles for Investigative Journalism* approved at 2004 Annual General Meeting

ABOUT THE E-NEWSLETTER

Volume 5 of the Access to Information Newsletter will focus on Access to Information, Record Keeping and the Archives and we are happy to announce that the Jamaica Archives will assist in its production. We are looking for persons or groups interested in working on Volume 6. Please tell us if you want the newsletter to focus on a specific theme for the month, or if you wish to submit information or articles. We welcome your input, and any information you care to share with us about your special interests.

Jamaicans for Justice is considering the possibility of setting up a list serve for this E-newsletter please give us your views on this and whether you believe this would be beneficial to the work to create this.

If you do not want to receive this e-newsletter please e-mail Carole Excell at <u>cartercenterja@mail.infochan.com</u> or call her at 755-3641. Again, we apologize for any cross postings, and are currently working on a database of e-mails to avoid future duplications.

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