Conclusion: Examining the evolution and contemporary condition of US and UK investigative journalism

Measuring the state of contemporary investigative journalism in the UK is a difficult procedure. The backdrop of evolving new technology and shifting multi-platform publishing formats adds to the complexity.

One measure might be the launching of two Masters Degrees in Investigative Journalism in the UK in the autumn of 2007.[1]Moreover, the 2005 establishment of the Paul Foot Award for Investigative Journalism by *Private Eye/The Guardian* with a substantial annual award budget of £10,000, and the Tony Bevins Prize for Investigative Journalism established in 2008, could also be interpreted as a sign of resurgence in the genre and a cause optimism for the future of investigative journalism in the foreseeable future.

A 21st century understanding of what Watergate is and why its impact on investigative matters, is also not easily arrived at.

In informal studies I have carried out, only 10% of any given undergraduate journalism class at the University of Strathclyde knows where the suffix 'gate' popular in the press to denote pseudo scandals and faux- investigations, actually comes from. The same percentage also knows something about the actual *Washington Post* Watergate investigation. And, bizarrely, more than once, the names Woodward and Bernstein were confused with the musicians, Simon and Garfunkel. Yet, universally, when *All the President's Men* was screened, it was greeted with stunned silence and then awestruck admiration.

Notably, the 2008 Pulitzer prizes produced a slew of awards for articles and projects which all had an investigative thread running through them. *Columbia Journalism Review*

[1] At the University of Strathclyde, Scotland – where the author of this thesis serves as Programme Director – and at City University in London.

writer Dean Starkman's piece 'Pulitzers: A Triumph for Investigations' opened with the line: "The big winners in yesterday's Pulitzers? The investigation."[2]

The Watergate investigation showed that government and its departments were fertile ground for potential journalistic investigations. The 1990 investigation by a range of journalists in the UK – most notably the ailing *Sunday Times* 'Insight Team' – into the so-called 'Arms to Iraq' affair was a clear indication that such a blueprint could still be followed. David Leppard's article in December 1990 that former Minister for Trade, Alan Clark MP, had connived with directors of Matrix Churchill to sell machine tools to Iraq with potential military uses, encouraging the company to obscure their uses in the process. Later pressure by Clark and the government to keep the issue as low key as possible failed and the *Times* in particular stuck with the story. Eventually the Scott Inquiry followed. The initial steps in the investigation were very much the journalist's own hard work, since he actively tracked down company employees and internal memos indicating the culpability of Clark and the government. Later reports focused on the government's public inquiry into the issue. In that sense, whilst not as long an investigation as Watergate nor featuring quite as much original reporting by the Watergate's duo of Woodstein, the scandal did reflect a similar pattern and path in terms of investigative journalism.

It has been noted that the Major government in the UK was an easier target for investigative journalists than the apparently solidly guarded previous administration of Thatcher.[3]When it was on its last legs, and as the polls showed a growing favour with the new Labour leader Tony Blair, numerous investigations into so-called 'sleaze' issues emerged.[4]

Towards the latter half of the 1990s, outlets like *The Guardian* and even *World in Action* which was literally on its last legs, managed to grab every headline in the country with what ended up being a stunning, masterful two-part investigation in 1995 into former Tory

[2] See http://www.cjr.org/the_audit/post_111.php
[3] For example, see De Burgh 'Investigative Journalism' (Routledge: London, 2008) P58.
[4] Ibid. P63 for details of the Neil Hamilton 'Cash for Questions' affair.

Defence Procurement Minister, Jonathan Aitken. The investigation alleged he'd taken gifts in the form of stays in the Paris Ritz in his dealings with Arab businessmen – an act in complete defiance of his position and Parliamentary rules. He denied this and famously declared in a press conference:

> If it falls to me to start a fight to cut out the cancer of bent and twisted journalism in our country with the simple sword of truth and the trusty shield of British fair play, so be it. I am ready for the fight. The fight against falsehood and those who peddle it. My fight begins today. Thank you and good afternoon.[5]

Within four short years Aitken was found guilty of Perverting the Course of Justice and Perjury and was sentenced to 18 months imprisonment. His libel action against the paper collapsed in June 1997, a month after he lost his seat in the General Election, and his reputation was left in tatters. The *World in Action* special: 'Jonathan of Arabia: Act Two – The Dagger of Deceit' was broadcast within days. Sadly, only five more *World in Action* programmes were broadcast before the series was killed by the ITV network centre, a body warned by Paul Jackson of Carlton TV as far back as 1991-2 that the 'new' ITV's current affairs mission was to deliver 10m+ audiences 'not to get people out of prison.[6]

Such projects fitted easily into the classic, almost stereotypical framework of investigative journalism as being the story of villains and innocents; good guys and bad guys as related in the cultural theorising of Schudson.[7] The narrative structure of the Aitken story also played into a straightforward framework of crime; investigation; denial; presentation of evidence; showdown; conclusion. The familiarity of this quasi-moral drama could leave the genre open to charges that it needs to change its approaches and style in order to survive. De Burgh however identifies this adherence to such an approach as strength rather than a weakness:

---

[5] **J**. Aitken, 5pm, Tory Central Office. April 10th, 1995.
[6] *The Times,* May 6, 1992, P5.
[7] See Michael Schudson, *Watergate in American Memory* (New York: Basicbooks, 1992

> Even if investigative journalists are less autonomous in identifying wicked things and inspiring moreal umbrage than popular culture might have us believe they care about, making us think in a certain way about an event or an issue,. Moreover, the claim that they are reaching for 'the truth' is not necessarily rendered absurd by the acknowledgement that there is no truth, in the sense of an absolute hard fact against which to measure their own versions, because what the investigative journalist is after, as with the historian, is a more complete version of the truth.[8]

Investigative journalism during the Blair years fell short of the solid coverage of the Major era. The press seemed to be enamoured by his youthful charisma and early promise. The first stirrings of media watchdog activity came after the revelations connected to the Ecclsestone sponsorship issue. The Blair government promised a ban on tobacco sponsorship of sports. Bernie Ecclestone and others argued this would have an injurious affect on car racing's financial base and employment capability in the UK. Blair decided to exempt it from a ban, but later rescinded. Press inquiries in 2008 discovered he had not been frank with Parliament when he had claimed in the House of Commons his decision had been taken two weeks after Ecclestone's pleas. In fact, he had opted for the Formula One exemption on the day of their meeting.

A mixed picture

This mixed picture has in many ways, been a signature of investigative journalism on both sides of the Atlantic for the past three decades since Watergate and the Woodward and Bernstein phenomenon first came and went.

In earlier chapters of this study, it was posited that investigative journalism tends to rise and ebb depending on, amongst other factors, individual editors in either print or broadcast, supporting the genre. In my personal capacity as a working journalist specialising in this kind of specialised reporting over the past two decades in the UK and USA, this has certainly been the case.

[8] De Burgh *Investigative Journalism* (London: Routledge, London, 2008) 2nd Edition, p16.

The outlets for this kind of journalism have shrunk in the UK in the years I have been pursuing a career in the genre. In the press they are conspicuous by their absence in terms of helping to develop and fund this kind of reporting. One of the few outlets remains *The Guardian.* Other newspapers agreed to publish my investigations but only after I have taken the risk of developing them and finding supporting evidence from start to finish. Often, in recent years, this author has received more support and knowledge-based advice from the newspaper *lawyers* brought in to 'legal' my work, than from the well-paid editors who are meant to understand and usher it into print. In reality, few of the latter, have a genuine understanding of what the genre is or what its potential for readers and sales, might be. Even the old big names in the field *The Sunday Times'* 'Insight Team for example literally no longer exist. Only the on-page masthead 'Insight Team' is real: no such 'team' of reporters actually exists any more. Its mission, and its work, is almost an illusion.

At the outset of my career in the 1989-9 timeframe there existed a raft of broadcasting options for seeking funding for investigative journalism in the UK: *World in Action; First Tuesday; Panorama; Dispatches; Scottish Eye; Scottish Action; Frontline Scotland; Rough Justice.* This is not a comprehensive list but an indicative one. In 2008, this list has been reduced considerably. *Dispatches* is still producing hard-hitting programmes which of late, have tended towards polemical treatments by journalists like Oborne.

Even then, journalists would be required to seek entrée to an established independent production company, before seeking a meeting with a London-Based commissioning editor, before anything in the way of financial support would be forthcoming.

No independent fund for would-be investigative journalists wanting to develop their projects to the stage where they can offer them to editors of broadcasting commissioning editors currently exists in the UK. This certainly inhibits serious ground-work being done in the crucial early stages of potential investigative projects. Plans do exist for a new 'bureau'

which might be able to fund development but the plans, as of summer 2009 are at an early stage.

A decade ago things were different. Looking through the lens of ten years, it might seem that the whole industry was more open to investigative journalism and that an institutional change has since occurred. This conclusion would be both short sighted and incomplete. In fact, as we have already established elsewhere in this study, it usually takes motivated individual editors who value investigative journalism to shape the times they live in. As Jenkins explains:

> Because at the time Gus Macdonald was Managing Director of Scottish [TV], and his early background had been at *World in Action* and Granada TV, and he was therefore heavily committed to the notion of investigative journalism, and the then Head of News and Current Affairs had been an investigative journalist for newspapers and broadcasters. So there was quite a strong investigative ethos and culture at STV which probably peaked between the late 80s and mid-90s and it is probably waned somewhat over the last 10 years.[9]

It seems to this author, that as more and more editors in positions with significant commissioning powers are individuals with zero serious investigative journalism experience or even, at the very least, a sober appreciation of the genre itself, it follows fewer and fewer important investigative projects will reach development, publication or broadcast stage. MacFadyen commented on this scenario:

> On the minus side, the commissioning editors tend to be quite inexperienced. They don't know how major libel cases are fought, how they have been fought. Because they've never been part of it. The result is that they lack the confidence to engage in subjects that are dangerous. The right wing climate is serious and real, in that, unless there is a British-end to the story, then they're not interested. So there are very few foreign stories done unless they're of general interest because they might be important. Unless there is a hard British end, it tends to be not made and you're told to find a British end or don't come back. That's not only offensive to any sense of television justice in a sense, because there are important and wonderful stories that we

[9] Interview with Blair Jenkins by Eamonn O'Neill 20/8/05

> don't get into at all. For example, there is almost nothing in Britain about Latin America. Nothing about the politics of China. There's nothing about the politics of Thailand. There may be a few things about India because there's a big Indian community here. You have a very right-wing climate, an inexperienced commissioning apparatus, which has come from 25 years of not making those kind of programmes, financial constraints that are really serious. I mean the idea of spending 7 months on an investigation is really impossible. At WIA, it was not impossible at all. At This Week people often spent months making sure it was right and getting the right access, on shows that were comparatively sensational. But that's not done now. They claim there's not enough money.
>
> So, the dumbing down process, which people think is some sort of cultural policy, I think is a financial policy. Sadly, what's happening is that it becomes self-justifying, instead of apologising for it, which I can understand – 'Well that's the way it is…' – people say, 'It is wonderful…' And if you have any other idea then you're a cultural elitist. Which is of course, monstrous. To accuse us of elitism is just astonishing.[10]

This is not to say that important work in this field hasn't surfaced in recent years. Channel 4 TV's *Dispatches* series for example, continues to do excellent work. ITV's investigative tradition has all but disappeared and only its barest remnants remain via the glossy, presenter-led *Tonight with Trevor McDonald* programme. One former head of Scottish TV's News and Current Affairs Department is clear why this has occurred:

> I think commercial pressure to be honest. It's an expensive kind of journalism, it doesn't generate advertising revenue particularly, and I think commercial television is under a kind of pressure to deliver profit margins, which mean you are going to look to spend no more on something that you have to and maximise your return on certain audiences particularly a demographic that attracts young males or whoever the advertisers are looking for in that year.[11]

BBC 1 TV's 'flagship' *Panorama* strand remains a frustrating enigma. It was never a full-timer investigative programme from its inception in 1953, and was in fact, on closer inspection, more like an educational current affairs strand that mixed inquiry, analysis, reportage and investigation. But across its years it had garnered a laudable reputation for

[10] Interview with Gavin MacFadyen by Eamonn O'Neill 21/7/05.
[11] Interview with Blair Jenkins by Eamonn O'Neill 20/8/05

producing startling investigative programmes featuring the likes of Taylor and Ware lifting the lid on everything from crime to criminal system abuses in Northern Ireland. When it was announced that the strand was being 'fronted' – for no explicable reason – by presenter Vine, and also cut to 30 minutes from its 40 minute traditional slot, veteran reporter Ware stepped down. His reporting on UK military secret operations in Northern Ireland and in 2004, the death of Dr David Kelly in the lead up to the invasion of Iraq in March 2003 was a master-class in the genre. The programme's internal and structural problems reached a nadir in 2007 when the episode 'Scientology and Me' gained high rating and global publicity for all the wrong reasons. Award-winning investigative journalist John Sweeney's inquiry into the controversial religion featured him – in his own words – 'looking like an exploding tomato' and admitted his on-camera investigation was an example of 'how not to do it'.[12]The programme was notable for two additional factors. Firstly, a heavy emphasis was placed by the makers on the process of reporting, and portrayed Sweeney as a central character in its narrative. Scenes also showed him being aggressively pursued by PR teams from the Scientologists who filmed his every move. This was meant to show the sinister side of the group's activities. I found this surprise at the group's PR techniques, surprising in its own right. I have been shadowed by, for example, PR teams promoting world champion boxer Mike Tyson in Las Vegas, as routinely had my interviews with his staff taped, as I in turn taped the interviews themselves. This occurred a decade ago, and such PR close-management is also a regular feature of coverage during American state and national elections I have reported on. The former Labour Party MP, the venerable Tony Benn, made is standard practice to tape any interviews he held with journalists many years ago. His motive was simply to discourage misquoting in the subsequent articles. Sweeney's investigation arguably focused on this claustrophobic approach more than it deserved, since it perhaps increased the narrative drama as opposed to told us anything new about the image-conscious and PR savvy

[12] Ivor Gaber in *Investigative Journalism,* De Burgh, ed. Chapter 14: 'Panorama –Investigative TV?'

Scientologists. Secondly, the programme also led to the release of both a DVD and YouTube 'documentary' by the Scientologists which chronicled Sweeney's investigations in action. The power of the presentation lay in whether it was accurate or not. The Scientology DVD showed Sweeney apparently hammering on a locked back-door of a church, a sequence which was later cut to show him alleging the church were not answering his inquiries. The BBC never specifically denied this stunt occurred and left interested parties with the impression it may well have been the case. If so, it undercut Sweeney's journalistic authority and seriously damaged him and his crew's professionalism. It also severely damaged the BBC's reputation and ability to handle a reporter like Sweeney and an investigation, seriously. The fight-back by the Scientologists also showed how institutions being investigated will no longer allow the journalists carrying out the project to run the show and indicates that future investigations must take into account aggressive PR tactics in the early stages of planning.

The reduction in investigative journalism during the last decade perhaps plays a role in the lack of memorable projects carried out during the Blair government. Little work on the scale of the investigations carried out in the United States appeared in the UK.

The Andrew Gilligan affair was one of the few eruptions in the pattern which opened cracks into government internal workings and allowed journalists to peer inside the No.10 machine. Oborne and Porter have identified this lack of awareness and investigation by a seemingly compliant media during this period as not only a shame for journalism as a profession but also for the democratic values of a free, UK society.[13]

De Burgh has chronicled the decline of broadcast investigative journalism into claims of miscarriages of justice in the UK media.[14]This unique form of investigative journalism was

[13] Henry Porter's investigation into government surveillance in the 2006 Channel 4 documentary *Surveillance Society* and his exchanges with Tony Blair via email which were published in *The Observer* newspaper, were particularly powerful projects of this kind.
[14] See Hugo De Burgh's *Investigative Journalism* (London: Routledge, London, 2008)2nd Edition. Chapter 19 which examines the 'Rough Justice' series.

one of the high profile areas of the practice in recent memory with the BBc's *Rough Justice* series having considerable impact and standing. The decline of this particular kind of reporting on alleged wrongful convictions has been profound and serious.

Case Study: Robert Brown

In 1991 the author was approached by senior management[15] at Scottish Television Plc. to investigate the claims of wrongful conviction from a man named Robert Brown, then imprisoned in Lincoln, England, for a murder he'd been found guilty of committing in Manchester in 1977. A six month investigation followed for a documentary 'Robert Brown – An Innocent Man' broadcast on Scottish Television as part of their new 'Scottish Reporters' series. The author researched and directed the documentary.

Substantial forensic and fresh eyewitness testimony was gathered in the process of making it which strongly suggested Brown was innocent of the crime. Over the course of the next few years, the author continued investigating the matter.

Scottish Television, however disbanded the investigative series 'Scottish Reporters' and did not replace the strand. The author was forced to take his new findings, again suggesting Brown's innocence, to national Scottish broadsheet newspapers. Unlike Scottish Television, the younger editors at the newspapers had no prior experience of investigations. The progression of the investigation was hampered by this and the author had to contact more experienced colleagues for support and guidance. For the next six years the investigation into the case continued and the same range of difficulties were encountered repeatedly. It was not until the author was supported by a former colleague, now in charge of News and Current Affairs at BBC Scotland, who felt strongly about the value of this project, that it received the

[15] In fact the Managing Director of STV, Gus Macdonald, a former *World in Action* series producer mentioned extensively elsewhere in this study.

backing it required. Within the next two years, three fully-funded BBC Scotland documentaries were broadcast on the case between the years 2000-2.

The findings which were uncovered included:

- Significant new eyewitness testimony concerning police violence.
- Fresh evidence supporting police corruption claims.
- New documentary evidence regarding the veracity of forensic evidence used against Brown in 1977.
- Analysis of the linguistic anomalies in Brown's original 1977 confession document.
- New witness statements regarding Brown's alibi from 1977.

These findings were broadcast in the three documentaries and the fruits of the investigation were sent to Brown's lawyer who immediately conveyed them immediately to the Criminal Cases Review Commission. The CCRC recommended an appeal in this case and Robert Brown was freed on November 13th 2002 by the Court of Appeal in London. The wrongful conviction was overturned based largely on evidence the author uncovered in his eleven year investigation.

Every single one of the fifteen points identified at the outset of the thesis, which are linked to steps taken by Woodward and Bernstein in the Watergate inquiry, were used to measurable effect by the author during every stage of the eleven year project. The dramatic outcome in this case – Robert Brown, an innocent man released after wrongful imprisonment for over a quarter of a century - underlined the potential power such investigations can bring to bear on investigative projects like this.

However, since the Brown case in late 2002, every editor who advised the author has either resigned, taken redundancy or been sacked, in the intervening years. The institutional knowledge and investigative skill-base that left with them is immeasurable. Yet the BBC

remains the only institution in Scotland which regularly and actively remains receptive to projects of a similar investigative nature as part of its public service remit.

A former Head of News and Current Affairs at BBC Scotland stated:

> On news programmes, I think the same technology ought to allow us to, put more cameras and reporters in the field, and that ought to give you the chance to come up with more original stories, so I tend to be fairly optimistic about that. The technology is working in our favour, and what we have to try and address is the culture, because to some extent a culture has evolved in broadcasting newsrooms where people sometimes see themselves as screen workers and people sometimes see themselves as sitting in front of a computer screen and processing information. And we have to get people back into a frame of mind where journalism is something that you leave the building to do and I think that if we get that change in people's mindset then we have every chance of producing a really good, new generation of investigative journalists.[16]

Within 12 months of this interview Jenkins had resigned and the Scottish press cited his reluctance to sack journalists in BBC cost-cutting measures as the underlying reason. BBC Scotland's flagship *Frontline Scotland* series was effectively scrapped within the next 18 months and its series editor was 'let go'.

In late 2007, a new head of investigations was appointed at BBC Scotland and award-winning reporter Mark Daly, who featured in the remarkable *The Secret Policeman* investigation, was hired to work along Liam McDougall, another award-winning investigative journalist from a printed press background. Several well-regarded and thoroughly researched programmes have emerged – albeit infrequently - since these appointments and there seems to be cause for some optimism that this slow, upward trend will continue. However, the BBC team now in place pointedly remind freelancers approaching them that they have no development money or finding of any kind available. In the present climate I doubt the Brown investigation would have happened.

[16] Interview with Blair Jenkins by Eamonn O'Neill 20/8/05

(Scottish Television Plc., where this author produced the first Brown investigative project, no longer engages in any serious investigations at regional news level, national level nor indeed, network level, whatsoever. This is in stark contrast with its position a decade ago when it regularly produced network UK investigations for both the ITV and Channel Four network audiences, including one on the Lockerbie tragedy which won a BAFTA (British Academy of Film and Television) award in 1998).

The picture is not all bleak however, and veterans like BBC investigative reporter Peter Taylor remain with the corporation still producing outstanding work like, for example, his series on Terror post 9-11 and recently in 2008, examining the international roots of modern terrorism.[17]However, at 63, it is difficult to see either how long Taylor can keep reporting at this level, or who is his natural successor in the genre.

Instead the BBC seems to have decided to use the techniques of investigative journalism – undercover reporting; hidden cameras; sting operations etc – as the cornerstone and selling points, for consumer-led programmes looking at everything from sales cams to dodgy builders. Key emphasis is put on the visual aspect of investigations, as opposed to conveying information in multiple forms.[18] Reconstructions are also in vogue, again limiting potential projects.

Consumer-affairs programmes do certainly qualify as investigative journalism but the lightweight nature of their targets imbues them with an unfortunate reputation, which is a shame. Much good and assistance to the wider public is provided by consumer-awareness programmes which utilise investigative techniques. However, they cannot be seen as a replacement for other investigative projects which tackle targets which are more complex, more dangerous and require a longer timescale to bring to fruition. This, is the role, someone

[17] See http://news.bbc.co.uk/1/hi/programmes/age_of_terror/default.stm
[18] Channel 4's *Dispatches* editor Kevin Sutcliffe, commented that "Investigative journalism used to tell you things, now it shows you things." This fundamentally impacts and limits which projects journalists tackle since not all lend themselves to powerful or secret filming techniques.

like Peter Taylor currently inhabits and whilst his series regularly garner praise, awards and excellent critical reviews, neither he, nor they, can continue indefinitely. Investigative journalism does exist elsewhere on BBC schedules, but it tends to appear in the form of consumer-focused series like *Watchdog*.

Studies in the UK of investigative journalism have been few and far between. De Burgh's work and edited collection has been a rare beacon.[19]Whilst containing a range of impressive studies on aspects of the genre, only one chapter essentially looked at the 'practice' of the craft.

In the UK currently no 'How To…' text-books exist for undergraduate or post-graduate students, despite the fact that there are now a growing number of print and broadcast courses on the subject. There are books which look at how journalists can exploit the possibilities presented by the UK's Freedom of Information Act law, but none which explain how anyone from a student, to a local journalist, to a freelancer and a national broadsheet or tabloid journalist, can use the possibilities of everything from new legislation to the 'hidden-web' to identify and carry out new investigative-based projects. This is a pity. Because no such texts exists means that stories go unwritten. Because stories are not being written does not mean the wrongdoing these investigations could uncover is not ongoing.

Nick Davies, an investigative journalist in the UK, published *Flat Earth News,* an investigation into the state of the UK press. Whilst not wholly focused on looking at the state of the UK's investigative journalism landscape, he did provide some startling statistics:

- Results revealed that most articles contained recycled unchecked, second-hand material.
- In total 60% came from such 'second-hand sources/wire-copy/PR-generated' material.

[19] See Hugo De Burgh's *Investigative Journalism* (London: Routledge, London, 2008)2nd Edition.

- A further 20% contained 'wire-copy/PR material' and unverified 'extra' info to spice it up.
- 8% of stories had no verifiable source (i.e. possibly 100% fiction).
- Only 12% of stories were generated by the journalists themselves.

Davies said that:

> This is *churnalism*. This is journalists failing to perform the simple basic functions of their profession; quite unable to tell their readers the truth about what is happening on their patch. This is journalists who are no longer out gathering news but who are reduced instead to passive processors of whatever material comes their way, churning out stories, whether real event or PR artifice, important or trivial, true or false.[20]

Davies' catastrophic analysis went on to cite damaging examples of journalists routinely using convicted criminals to illegally obtain sensitive information; journalists routinely bribing individuals to obtain private material; of journalists routinely using PR material instead of original facts; of routinely using dubious sources and treating their claims as verified fact… and so on. He told the author of this thesis that, "I knew it was bad but not as bad as it was when the figures came back to me."[21]

For experienced journalists like this author, it contained no surprises. For beginning journalists it must have read like a confusing marriage of the career guidebook from hell with a 'Worst Case Scenario' handbook.

It also revealed how far the industry in the UK had moved on from the days when not only was journalism exemplified in Hollywood films like *All the President's Men*, but series such as *World in Action* were considered a training ground for tomorrow's journalists and even, it might be argued based on its colossal viewing figures, part of the country's cultural identity and a contributor to its ongoing national conversation with itself.

[20] *Flat Earth News* by Nick Davies. (London: Random House,2008)

[21] Interview with Nick Davies by Eamonn O'Neill 20/2/08.

Investigative Journalism in the USA now

In the USA, the picture is also complex. It is changing at an even greater rate than the UK but there is more evidence of a sustained effort to encourage the positive evolution of the genre. The situation remains in flux however.

Local 'I Teams', for example, appointed in the 1970s-80s are long gone, both in print and broadcast. The few that remain fight for survival and recognition. One analysis recently argued that the obstacles to this kind of reporting are: financial; conflicting interests of publishers and broadcasters; intimidation from well-financed interest groups with access to robust legal defence.[22]

But, as another commentator in the US also reflected, the essential and fundamental need for such journalism remains strong:

> Investigative journalism contributes to democracy by nurturing an informed citizenry. Information is a vital resource to empower a vigilant public that ultimately holds government accountable through voting and participation. With the ascent of media-centred politics in contemporary democracies, the media have eclipsed other social institutions as the main source of information about issues and processes that affect citizens' lives.[23]

In recent times the homogenous US media landscape has featured robust eyecatching investigations into everything from previously concealed investigations into Vietnam era crimes[24], to articles which pre-empted and were instrumental in causing the downfall of the criminal corporate management of ENRON in the USA.[25]Even the campaigning journalism

[22] See 'Tomorrow's Woodward and Bernsteins' by Russ Baker, www.tompaine.com June 13, 2005.
[23] See 'Why Democracy Needs investigative Journalism' by Silvio Waisboard, Department of Journalism and Mass Media, Rutgers University. (January 15, 2001).
[24] See *The Toledo Blade's* astonishing investigation into a 1967 Vietnam massacre by US troops here: http://www.toledoblade.com/apps/pbcs.dll/article?AID=/99999999/SRTIGERFORCE/110190136
[25] See a CNN archive of her original, groundbreaking article 'Is ENRON overpriced?' here: http://money.cnn.com/2006/01/13/news/companies/enronoriginal_fortune/index.htm

of iconic documentary-maker Michael Moore often contains elements and techniques previously only used in more straight-laced investigative projects.[26]

The momentum generated by these different projects helps keep alive the argument which was increased after Watergate that investigative journalism is both important and relevant and it underlines normative theories about the importance of the genre in times when – apparently – people feel the ballot box is not securing change in democracies or fulfilling a watchdog function.

Woodward has continued to be impressively productive during the Bush era.[27]Uniquely, all his books on Bush administration and its military campaigns have topped national bestseller lists. These were published against a backdrop of incrementally thawing attitudes in the government towards the press. In 2007, for example, newly appointed Defense Secretary Robert M. Gates told an audience that: "The press is not the enemy, and to treat it as such is self-defeating."[28]

A recent series by a leading academic institution's journalism centre's publication, revealed the US investigative sector was both in financial turmoil but still flourishing, almost simultaneously. Harvard University's Neiman Reports into investigative journalism – '21st Century Muckraking'[29] - conducted over a two year-period reveal robust investigations into subjects like the CIA; corruption on Capitol Hill; excessive secrecy in all levels of federal government; racial profiling; missing billions of dollars sent to Baghdad; US cities' water supplies; corruption inside college level sports; and misinformation and corrupt data supplied to consumers and patients by pharmaceutical companies.[30]

---

[26] His various films often use: documents analysis; confrontational scenes with witnesses; undercover filming; and 'sting' type interviews with subjects. All of these were established decades before he used them by pioneering investigative journalists on both sides of the Atlantic.
[27] His investigative publications about the George W. Bush administration are: '*Bush at War': 'Plan of Attack': 'State of Denial': Bush at War Part III': 'The War Within: A Secret History of the White House 2006-8'.*
[28] Speech by Gates to US Naval Academy graduating class of 2007.
[29] See: http://www.nieman.harvard.edu/reportsitem.aspx?id=100053
[30] See http://www.nieman.harvard.edu/reports.aspx

Additionally, the increased use of CAR (Computer Assisted Reporting) as the basis for investigative articles has also breathed new life into the genre. CAR is particularly relevant in the digital age since it uses FOIA (Freedom of information Act) laws to obtain electronic databases, which are then analysed using bespoke computer programmes to extract vital data for analysis. Once the information has been 'cleaned' by hands-on treatment by journalists – often meaning, material is sorted into categories – then it can be studied and scrutinised at length. This has helped produce dramatic articles showing everything from bank 'redlining; of ethnic customers who've been refused mortgages, despite Caucasian clients with the same financial profile being accepted; to irrefutable evidence that the FBI has stopped and searched more drivers of ethnicity than their white counterparts.

But, these initiatives tend to be the exceptions.

Brant Houston, a CAR expert with IRE, recently told a *Washington Post* blogging audience that:

> Investigative journalism is perhaps one of the most over-used phrases for mediocre reporting in the business… Much of what passes for investigative journalism doesn't have the research background for depth and context… Most investigative journalists aren't disciplined enough researchers or academics. Most journalists lack a systematic knowledge of the fields they investigate… Most newsrooms do not have the resources to hire reporters who do have expertise in the beats they cover or to provide time for an investigative reporter to do the work.[31]

Future opportunities for investigative journalism in the UK and USA

There has been a decline in opportunities for investigative journalism in both the commercial broadcast and the printed press sectors in recent years.[32] This follows a general

[31] See 'Investigative reporting today' from *The Washington Post,* online interview Friday, June 3, 2005, with Brant Houston, Director Investigative reporters and Editors, Inc. at the Missouri School of Journalism.
[32] For example, see Blair Jenkins interview with Eamonn O'Neill 20/8/05. Jenkins, then Head of News & Current Affairs, BBC Scotland stated: "[Investigative journalism] has probably waned somewhat over the last 10 years… [because of] I think commercial pressure to be honest. It's an expensive kind of journalism, it doesn't generate advertising revenue particularly."

downturn in advertising revenue in these sectors as a whole and investigative journalism has suffered as a result.[33] However other opportunities have appeared.

For example, a new internet-based initiative 'ProPublica' funded by the philanthropic Sandler Foundation, claims it will provide original, ground-breaking journalism for publications to buy in the near-future. Equally, a new generation of UK and US students are enrolling in specifically-designed university post-graduate courses aimed at the study of the theory and practice of investigative journalism. In the UK, for the last four years, the Centre for Investigative Journalism, has organised Summer Schools and conferences, which have featured notable US-based figures such as Hersh and Bergman. Attendance was high and workshops for CAR classes were packed. The director of the CIJ and organiser these summer events, MacFadyen explained what his view of the future of investigative journalism in the UK, and beyond, over four decades after Watergate, was:

> I am very hopeful believe it or not! Despite all the negative things I appear to have said, I am hopeful. Because a lot of the young journalists that I deal with are excellent. The ones that are tenacious are going to go somewhere. But some haven't learned tenacity yet – and you need to get courage for that. And currently there are no examples in the environment surrounding them, that they can take sustenance from. But that will happen.[34]

In television, the survival of both *Panorama* on the BBC and *Dispatches* on Channel 4 remains a cause for both regret – and a degree of hope. Both strands' producers have told the author of this study that the demand for serious projects from journalists of all kinds outweighs the supply. In other words, audiences still seem to want to want solid investigative journalism on TV but there are fewer and fewer quality journalists able to meet the demand. This is a pity, because recent examples of the work have shown how a combination of press, TV and the internet multi-media platforms, allows complex stories to be told in a 360-degree digital environment. The investigation by both *Panorama* and *The Guardian* into BAE

[33] Ibid.
[34] Interview with Gavin MacFadyen by Eamonn O'Neill 21/7/05

systems showed how a high profile investigative project in the 21st century can be relevant and powerfully presented using modern digital platforms which took viewers beyond the straightforward documentary viewing experience and the written word on the page. Documents, interviews, podcasts and even social-network analysis diagrams can be placed on sites 24/7 allowing readers to avail themselves of the entire investigative experience from the point of view of not only consumers of news, but also the journalists and their sources and even editors as well.

IRE's director, Houston recently stated:

> It's becoming increasingly clear that investigative reporting may be the beleaguered newspaper industry's best franchise for the future. … The worth of investigative reporting is not measured in constant bean-counting, but in how well it serves the public interest. Solid investigative reporting demonstrates the credibility of a vigilant press, as well as the need for one – a need that's greater than ever.[35]

New courses at US universities have emerged, which connect original investigations carried out by students to established publishing outlets and platform accessible to impressive numbers of the public.[36]

Investigative journalism has always existed on the fringes of what's now commonly called 'mainstream' journalism. Even in the 19th century, W.T. Stead had to summon individual will and initiative to undertake his child prostitution investigation. In the 1950s and early 1960s, the likes of Greene transported legal investigative techniques to journalism because of his own initiative – no one helped him. In 1969, Hersh had to establish his own news agency to distribute his My Lai articles. Woodward was the quintessential self-starter in the *Washington Post* who claimed he assigned himself his own stories. One wonders if he would have been half as productive during the Watergate period and in the decades

[35] From 'Brant Houston: Saving the Press' in *The Dallas Morning News*, June 18, 2006.
[36] The New England Center for Investigatiev Reporting, for example. Based in Boston, this allows students to carry out investigations which could be published by *The Boston Globe* newspaper and be carried on a number of TV channels and websites.

afterwards had he not been blessed with this work-ethic? (Bernstein, on the other hand, regarded as the more natural journalist and writer, has experienced self-motivation and financial difficulties throughout his career).

The opening up of the media on the internet has widened access to investigative journalism projects to the general public. This has meant, on one hand, journalists doing in investigative report can now call on 'crowd-sourcing' to track someone down or obtain a first-hand account of an event attracting media attention. However, as with all routes for journalistic inquiry, it is full of pitfalls. Not all blogs are what they seem, and journalistic rules of verification still apply to the claims they make. The fact that a tiny percentage of bloggers are paid for their efforts also calls into questions any-given-blogger's motivations for establishing a blog in the first place. But it is important that the role of 'citizen journalists' be recognised an important and positive part of the investigative journalists' wider story. More and more citizens are going to be able to get their hands onto and their brains engaged with, bloggers and other social network groups. The sooner journalists understand their motivation and methodologies, and the sooner bloggers understand that not all mainstream reporters are brainwashed, the faster they can learn from each other.

Examples from the US suggest that managed blogger-led projects can be organised, producing useful returns and findings.[37]

Davies has conclusively shown that more internet news does not necessarily mean more depth in the news stories presented. The business-model hitherto adopted by most UK and US-based newspapers involved carrying a large percentage of material generated from wire and agency services. This effectively presented readers with generic news that wasn't exclusive to their geographical area, nor gathered by local reporters and was not presented exclusively in the paper they had just purchased. Much material of this kind is now available

[37] See Chapter 5, De Burgh 'Investigative Journalism' for example of the Florida-Press' groundbreaking investigation into utility costs using citizen-journalists, crowd-sourcing and blogging.

online for free and ordinary reporters risk ridicule and sidelining if they cannot dig out their own 'exclusives' for their readers.

Investigative journalism is one of the few ways a news organisation can guarantee its readers that they are paying for one-off, independently-researched and relevant news. Recent examples from the USA underline this point and suggest strongly that investigations might actually save some newspapers from financial disaster. The editor of *The Seattle Times* explained that his sales staff manager pleaded with him: "Whatever you do, please, please, please don't cut investigative reporting!" The editor, David Boardman stated:

> In an age when our critics love to crow that news is an undifferentiated commodity available anywhere, investigative reporting clearly isn't. It's something newspapers do that hardly anyone else can afford to; spending weeks, months and sometimes even years uncovering important stories that powerful people and institutions don't want the people to know.[38]

Small operations, like the Chicago city magazine *5280*, run by Daniel Brogan, use the gap in the market overlooked by other local publications, to springboard their investigations into profitability.[39]

At national level, *The Washington Post* still runs an impressive investigative team on a more organised basis than was ever the case in the era of Woodward and Bernstein. In August 2008 it boldly ran a 12-part series looking at the mysterious death and subsequent investigation into the incident, of a young woman named Chandra Levy who vanished in 2001 and was found dead in 2002. The case itself fired up the imagination of Washington DC journalists and commentators because of her link with a Congressman, Gary Condit. The investigative article shed significant light on the fact that Condit was not a suspect in her death and that the police's investigation into the disappearance was flawed. The project also made extensive use of internet resources in terms of presenting documents; video interviews

[38] See David Boardman Neiman Report Faull 2008 'Making Firm a Newspaper's Focus on Investigative reporting.'
[39] See Daniel Brogan Neiman Report Spring 2008 'Good Journalism Can Be Good Business.'

with the main players from the story; and also providing context in the form of links to previously published articles. The approach, style and form suggest a new blueprint for 21st century projects in multi-platform investigative journalism. [40]

The growth of teaching of investigative journalism in the UK at both undergraduate and post-graduate levels is a cause for optimism. In itself, this begins a debate about how best UK-based institutions tackle defining, analysing and teaching this genre's elements to a new generation of students. It also presents academics studying the genre and practitioners teaching it, with the challenge to make investigative journalism relevant, dynamic and productive. The usage of case-studies by teachers on such courses is vital since it addresses the whole bogus notion of 'Those who can, do; those who can't, teach.'[41]This author has had some positive results in teaching students investigative journalism by directly involving them in real-life cases. They are forced to interact with witnesses; track down new sources; use desk-skills to evaluate documents; know when to call in expert opinion; know when to speak to lawyers; understand where their work fits into a publications business model. This helps prepare them for the difficulties they will face in later months and years in their first professional journalist's job. It also conveys to them the sheer persistence and resilience required to become an investigative journalist.

Investigative journalism remains as a genre with the potential to uncover wrongs in society, to challenge corruption and crime, to free the innocent and jail the guilty, and to, from time to time, change the law of the land. But such power comes at a price. It demands focus, research and discipline from its practitioners. To enter into the ethical debate, it must respect those ethics too. It is something of a compliment to investigative journalism that society and the media industry don't make it an easy calling and professional path to follow. It is filled with pitfalls, obstacles and disappointments. Few professional journalists

[40] See *The Washington Post's* recent series on Chandra Levy here: http://www.washingtonpost.com/wp-srv/metro/specials/chandra/
[41] Traditional.

can live up to standards of digging out information established by Woodward and Bernstein during Watergate. But we can apply their rules to more modest settings we find ourselves working in. Not all editors can be Bradlee, but we should bear in mind the Watergate investigation proved challenging for him too. The great investigative team at the *Post* fell foul afterwards during the Cooke scandal. The power entrenched in investigative journalism is substantial. The skills a good investigative reporter possesses are considerable. Using them sparingly and with due consideration for the price they can exact from the subject of an investigative project, reminds that we should tread warily.

Greene, who defined the term 'investigative reporting', and who carried out national investigations before Woodward and Bernstein, and who headed up the legendary 'Arizona Project' said in an interview with this author:

> I think it's like everything else – I think when it's needed it'll be there. Right now we're going through a thing where people are cutting expenses etc, so we're on a downer right now. But there will always be investigative reporting; there always has been investigative reporting. Sometimes there will be a lot of it, sometimes there will be less of it. Sometimes when the time is needed, when you come up with something that's really big, and really bad, and you nail it, suddenly a whole resurgence comes around and it goes on, and then other times it just dies down.
>
> The press is the court of last resort as it were. And when people can't get justice any place, they still come to the press. And if that's true, then there will always be investigative reporting.[42]

I strongly suspect that Greene was telling a harsh, but arguably hopeful, truth. Investigative journalism has always been something of an outsider in the family of journalism. Its ups and downs have had as much to do with individuals as eras. The Watergate phenomenon was a highpoint for the genre but its perceived power was partially grounded in myth, as well as fact.

[42] Interview with Bob Greene by Eamonn O'Neill 31/7/06

Conclusions

This study charted the unique contribution Woodward and Bernstein's Watergate investigation made to the awareness and development of this genre against a trans-Atlantic backdrop.

The thesis argued that the instantly-identifiable popular-culture profile of the book, movie and linkage to Hollywood, gave investigative journalism an unprecedented impact internationally which no other journalism project of a similar nature has had before, or arguably, since.

The study recounted the on-the-ground practical steps – fifteen in all – which emerge from close study of the techniques used by Woodward and Bernstein. Using the author's case studies from the last two decades, as a journalist specialising in investigations in print and broadcast mediums, these key areas represent lessons and strategies which can be applied in various investigative contexts.

These lessons did not emerge exclusively from the Watergate era however. Through careful study of the history of the genre, it is clear that these approaches were built on practices left in place by others – notably Greene – and even earlier exponents. However, the thesis suggests the careful application of these techniques, the systematic approach to using them and the comprehensive editorial management structure of the experienced *Post* team behind Woodward and Bernstein, meant a useful and timeless code of practice – a blueprint of sorts – for investigative projects has now existed for over three and a half decades.

Recent availability of archive material, revelations from Woodward and Bernstein themselves in light of the passing of Felt, and other interviews in this study and elsewhere, are filling in the gaps in our knowledge of this structural approach too. The duo were aware that they were carrying out investigative reporting and were guided in their work by experienced editors and other colleagues. Their investigations were remarkable but they were

not entirely original. The work of Woodward and Bernstein marks a turning point in the fortunes and future of the genre, but not a fresh starting point.

The study also painted a complex social, political and legal backdrop against which post-Watergate investigations were carried out on both sides of the Atlantic.

The thesis explained the Watergate investigation had profound and lasting impact at many levels on both sides of the Atlantic is borne out alone by the findings charting the Clinton-Lewinsky scandal. The impact on the US media was profound and deep and, as we have seen in this study, surfaced in different ways. The hunger for fame in an era of round-the-clock news, internet coverage from unverified sources, and booming celebrity culture was, in a post-*All the President's Men* era, encapsulated in the sight of reporters openly proclaiming their admiration for Woodward and Bernstein whilst taking professional risks and shortcuts in their own newsgathering techniques (essentially reporting leaks from Starr, the Independent Counsel, without any original investigative input of their own) in ways the *Post's* duo would never have done, nor have been allowed to.

The fact that the Office of the Independent Counsel even existed during the Clinton-Lewinsky scandal again bears out the thesis that the *Post's* Watergate investigation set in chain a series of events which changed the very fabric of the US' political and legal spheres for the next three decades.

The UK was aware, and in some instances, inspired by the Watergate example but the debate visited in this study strongly suggests its relationship with the process and the participants was complicated. The UK had its own investigative tradition and its key exponents were – and remain - culturally and professionally sensitive to the popular notion that Watergate marked the birth and invention of modern investigative journalism. The opportunity to examine the UK's unique investigative journalism story in more depth certainly exists and is ripe for further research.

This work also contains evidence that investigative outfits like Granada TV's *World in Action* series played a previously hidden role in guiding and instructing *The Washington Post's* management in the process of organising its Watergate investigation. This is a surprising finding about a hitherto unknown episode and would merit further exploration to discover the scope and nature of this fascinating trans-Atlantic link.

The study chronicled how the legal and commercial sectors in the USA responded robustly to the newly invigorated media who engaged in post-Watergate investigative projects. Laws were changed and loopholes identified and closed, which allowed the press to be attacked and public opinion to be turned against journalists carrying out this type of journalism. Recent evidence suggests corporate interests in the UK are also willing to challenge the methods of investigative reporting if it suits their agenda.[43] The US and UK legal worlds are uniquely different and therefore comparative analysis of investigative journalism has to be nuanced and selective.

Some of the fifteen lessons from Watergate[44] mentioned in this study cannot be equally applied given the different legal systems which form the backdrop against which journalists of all kinds must work. Having said that, different US states also have unique legal systems, so they're identification and usefulness, are, I would argue, still valuable for reasons mentioned previously.

The recent drop-offs in print sales in journalism adversely impacted investigative projects, more often than not because it is still regarded as an expensive form. In contrast, this study has cited very recent examples from the USA which suggest that investigative journalism in the digital era is now emerging as one of the few potential profit making enterprises journalists can embark upon. In a time of a global glut of free generic 'news' –

[43] A BBC reporter Arifa Farooq was arrested – and later released without charge - in July 2009 after complaints by a private nursing company about her undercover work. The author challenged this move in an article published in the immediate aftermath of the arrest.
http://www.allmediascotland.com/spike/4434/10082009/The_Case_for_Undercover_Reporting

[44] The use of secret sources in either country or matters relating to the UK's restrictive Privacy Laws, for example.

dubbed ‘churnalism’ by one British author – which is freely available online and which now dominates the marketplace, there is a demand for something authentic, transparent and reliable. Growing sales and increased website hits for initiatives pursuing investigative journalism suggests early proof the genre could be due for resurgence.

University projects in the USA and UK, and tie-ups with local newspapers and other national platforms, add fuel to the optimist’s argument that investigative journalism will survive and possibly thrive in years to come. The impact of the Watergate investigation was significant in terms of the genre having its profile raised and entering the new realm of popular culture. A fresh audience potentially might respond in a similar way in the age of digital multi-platform publication.

Whilst the precarious nature of print journalism – and other forms of media – is acknowledged in this study, it seems other evidence examined strongly suggest the investigative sector is evolving, learning and adapting to new economic, technological and social realities.

The reporting of the Watergate break-in and the criminal events which flowed from it, by *The Washington Post’s* Woodward and Bernstein is cited by almost every source in this study as a key turning point in the development of modern-day investigative journalism. There is unanimity of opinion regarding its significance in within the industry and genre of investigations. This study shows this was true on both sides of the Atlantic, although in the final analysis they were different in scale and nature in both places. The impact of the investigation at many levels – including social, political and cultural - remains stronger and more vivid in the USA than it does in the UK, possibly because the setting for the story (i.e. an American newspaper) has more relative resonance. The continued participation of Woodward, and more recently a resurgent Bernstein, within the sphere of journalism in

general and regularly discussing their Watergate work in particular, in the USA and broadcast globally, assures their continued relevance for the foreseeable future.[45]

The important reporting techniques identified and derived from the work carried out by Woodward and Bernstein in the period 1972-4, and their application to case-studies referenced in this study over the last two decades, points to them potentially forming an effective and flexible guide for generations of journalists engaged in this kind of investigative work in times to come.

[45] Woodward is currently and Associate Editor at *The Washington Post*. His most recent book *The War Within* (2008) garnered almost universal critical acclaim and was a *New York Times* bestseller. Carl Bernstein, after a nine year hiatus, returned to hardcover and assisted Woodward with his 2005 book on Felt, *The Secret Man.* Bernstein later published his biography of Hillary Clinton *A Woman in Charge* to excellent reviews in 2007, once again joining Woodward as the author of *New York Times* bestselling investigative book. He also appears regularly on CNN as a political commentator.