

## Chapter Four

### The *Post* investigation as journalism blueprint

In the years following its 1974 publication, the book *All the President's Men*, and then the Hollywood feature-film of the same name, came to be regarded as a blueprint of sorts for all future investigations. In one sense this is literally true, since there are many techniques and approaches apparent in the investigation that can be identified and utilised in other projects. But, in another sense, to view it entirely as a flawless investigative example would be like attempting a reverse-engineering exercise, which ultimately wouldn't indicate why this project succeeded in the way it did in bringing the White House's illegal activities to the forefront of public attention in the way that it did whilst garnering accolades along the way. The simple conclusion one draws from the *Post's* Watergate investigation was that, in clichéd terms, the whole was indeed greater than the sum of its parts.

The movie is a rollicking good on-screen yarn, helped by the immense talents of brilliant actors and a script that was polished by William Goldman who had also brought outlaws *Butch Cassidy and the Sundance Kid* to earlier audiences, but few who watched *All the President's Men* would be able to completely understand the nature of the crimes committed by the Nixon administration, nor the journalistic significance of the *Post's* investigation over the course of more than two years. Indeed, Barry Sussman, one of Woodward and Bernstein's most influential editors acknowledged this only recently and explained how even readers of the Woodstein stories might have perhaps not realised the sweeping scale of the whole Watergate scandal at the time:

The great oddity about [the] Watergate [story], then and now, is that few people had or have any real idea of what the scandal encompassed. From the moment Nixon took office in 1969, he and several of his chief aides took an us-against-them attitude, with us being the White House and its political allies, and them being everyone else, especially people who might not support Nixon on the Vietnam War. The ‘them’ included the famous enemies list of antiwar leaders, journalists, civil rights activists, labour leaders, academics, entertainers, scientists, a few politicians, and some others.... Nixon angry about leaks, ordered illegal phone taps of government officials and newspaper reporters and columnists. He set up a full-fledged White House spying operation, the plumbers; he approved plans for the FBI and CIA to conduct illegal burglaries, read mail and bug phones of antiwar dissidents... As the investigation grew, Watergate also came to include Nixon Administration or re-election committee bribery, massive campaign finance fraud, and political extortion, perjury and suborning perjury, lying to the FBI, contempt of court and contempt of Congress, destruction of evidence, embezzlement, distributing false campaign literature, slander, libel, malicious use of the courts, IRS audit done for political reasons and the secret bombing of Cambodia (only a handful of members of Congress were aware of it) during the Vietnam war... Looked at in this light, the Watergate break-in was just a routine raid by White House thugs who thought they were above the law and who couldn’t distinguish tough politics from crime... About as bad as anything else was the cover-up. It’s not known whether Nixon was aware of the break-in in advance, but it is clear that he personally directed the cover-up with its hush money payments, fake White House investigations, protestations of innocence, inveigling of the CIA and FBI into compliance (at least for a while), and assistance from members of both political parties on Capitol Hill to block inquiries.<sup>1</sup>

Even the involvement of the ‘Stardust Twins’, as Downie later dubbed Woodward and Bernstein, was, as has been shown above, in many ways a complete fluke.

Yet, in later years they would become journalistic icons, industry role models and independently wealthy men (with Woodward becoming a multi-millionaire by authoring a string of in-depth non-fiction books which became *New York Times*’ bestsellers on no less than ten separate occasions in subsequent decades) culminating in them jointly selling their original Watergate notes to the University of Texas at

---

<sup>1</sup> See ‘Why Deep throat was an unimportant Source and Other Reflections on Watergate’ by Barry Sussman, (Neiman Watchdog, Neiman Foundation for Journalism at Harvard University) July 29<sup>th</sup>, 2005. Available at: <http://www.niemanwatchdog.org/index.cfm?fuseaction=background.view&backgroundid=0051>

Austin for \$5m in April 2003.<sup>2</sup> But back in June 1972, both men were almost at the very bottom of the list of reporters that the hard-driving and ambitious Executive Editor of *The Washington Post* Ben Bradlee might have assigned to the Watergate story had he been able to gaze into a crystal ball and foretell how big it was to become. Bradlee has admitted that:

I suspect if I had known on that June 17 where this story was going... you guys [Woodward and Bernstein] would have been lucky to have a hunk of it. If I had known then what I know today, I probably would have fought tooth and nail against involving either one of you. Sure, I would have been wrong. But there is no way I could have made any other decision.<sup>3</sup>

Having said that, it is important to note that both Woodward and Bernstein were aware of what ‘investigative journalism’ was all about and were certainly aware that that’s what they were doing. One of their closest day-to-day editors, Sussman told the author that, “Woodward and Bernstein knew that they were *doing* investigative reporting.”<sup>4</sup> This suggests that Woodward and Bernstein were combining their keenness as young reporters to a basic game-plan to dig deeper and wider on this particular issue than other reporters who may not have had the faintest idea what investigative reporting involved.

However, it could be argued that the successful aspects of the investigating that Woodward and Bernstein embarked upon in terms of technique and approach were built on already established classic techniques and that the pair were guided as much by experienced editors as their own initiative.

---

<sup>2</sup> Serious work is still to be done using this new facility. An introductory online archive, including scanned images of documents from the original newspaper investigation, drafts of *All the President's Men*, notes from *The Final Days* and memos between the real journalists and their on-screen Hollywood counterparts, Robert Redford as Woodward and Dustin Hoffman as Bernstein, can be found at: <http://www.hrc.utexas.edu/exhibitions/online/woodstein/>

<sup>3</sup> Len Downie, *The New Muckrakers* (New York: New Republic, 1976). p.29.

<sup>4</sup> Interview with Barry Sussman by Eamonn O’Neill, 22/8/06.

The rest of this chapter breaks down the investigative themes which emerge from the Watergate investigation. These build on and contextualise the fifteen points mentioned in the introductory chapter of this study. Case studies from the author's files are occasionally used to illustrate how these themes have been used in practical terms in contemporary published investigative contexts.

### **The use of sources**

Neither Woodward or Bernstein, for example, had high-level contacts in the White House, so they called people low down in the hierarchy (Woodward's high level contact 'Deep Throat' will be dealt with later in this study). This ultimately worked in their favour, since they got material from lots of sources they might otherwise have missed had they got straight to the top tier of command. But in 1972 this was done through necessity rather than planning, yet nowadays it would be considered standard practice. Investigations often show that people who are lower down the pecking order in most organisations, know interesting pieces of information that reveal greater truth when fitted together.<sup>5</sup> Consequently it would be regarded as normal forward-planning to speak to as many people in an organisation being investigated as possible and a call-list would be drawn up at the outset of such a project.

The use of secret sources is debated in greater detail in the next chapter. However, it is important to note that the use of the source known as 'Deep Throat' was central to the Watergate myth. In recent years revisionism, and the 2005 identification of the source as FBI agent W. Mark Felt, indicates that multiple low-level sources also played vital roles in the Watergate investigation. A key lesson from

---

<sup>5</sup> See the author's Hairmyers hospital investigation, for example, which included many testimonies from ordinary nurses, porters and administrative staff, as opposed to a handful of major testimonies from those in charge of large areas of the facility's running.

Watergate would be to identify and cultivate sources on the edge of a story, as much as be open to approaches from central figures.

### **Working patterns**

Another example was the long out-of-office hours Woodward and Bernstein put in when they pursued potential witnesses for testimony. Once again back in 1972, they did this out of necessity rather than design. They were able to work long hours since both men were single and thus available at times that might not have readily suited family men. However, they also had to work these schedules because their sources couldn't possibly talk in their offices during the normal working day. Nowadays, this unorthodox approach would be regarded as normal practice for investigative journalists.<sup>6</sup>In the 21<sup>st</sup> century, the use of email and the internet for research purposes means that the 'normal' working day for an investigative journalist would include use of all twenty-four hours. Online databases, for example, never close, so convenient access can occur throughout the day. Equally, many face-to-face interviews need to be done outside office hours for the convenience of the subject, so journalists carrying out an investigation have to be ready to work flexibly and on occasion spend long periods of time locating subjects and then waiting on them to appear.<sup>7</sup>

Woodward and Bernstein also repeatedly approached unwilling potential witnesses, risking their credibility and sometimes, safety in the process. Despite

---

<sup>6</sup> See the author's numerous stories on the Robert Brown miscarriage of justice case. Especially relevant would be the *Sunday Herald* article 'Freedom Fighter' which explains the aggressive and unorthodox methods required to track down witnesses at their home addresses when other methods failed. This approach also meant long hours and much travel – often proving fruitless – was required from day one of this 11-year investigation. See: <http://www.eamonnoneill.net/freedom.htm>

<sup>7</sup> In August 2005, the author of this study spent several weeks tracking down a retired policeman he wanted to interview. Knowing this individual was a reluctant interviewee, the author tracked him down and then 'staked' out his home address. Eventually, on day two of the stakeout, the author and a photographer approached the home of the subject and confronted him. He refused to be interviewed in person but did call the author within minutes to offer comment in a statement. This doorstep action occurred over a weekend and only after many after-hours of planning and surveillance.

popular portrayals in fictional drama to the contrary, in reality most journalists in ninety-nine per-cent of cases, give up seeking interviews, quotes or reaction, from sources they're chasing after a single approach. Woodward and Bernstein's repeated approaches, would become a routine methodology used by investigative journalists, as would Woodstein's habit of presenting themselves as benign, but interested, listeners who almost went out of their way to appear blank in terms of political beliefs and opinions about the Nixon administration in particular. Again, young journalists hoping to embark upon investigations would be encouraged to appear keen but harmless, yet focused - but never politically partisan or opinionated and they'd be expected to approach the most open and the most reluctant of subjects repeatedly as an investigation developed.

### **Forsaking speed, for accuracy**

Another facet to the Watergate inquiry by Woodward and Bernstein was their ability across the scores of stories they produced to only ever make one serious error.

This error occurred when they wrote a story about a \$350,000 'slush-fund' controlled by the White House Chief of Staff, H.R. Haldeman, an allegation based on the testimony of Hugh Sloan, a Nixon campaign official who had appeared before the federal grand jury investigating the matter. Unfortunately for Woodward and Bernstein, Sloan later denied he'd ever given that testimony. In fact, he had given that *information* about money (it turned out to be an even higher sum, actually nearer \$700,000) but not during his grand jury testimony. So even though technically the *Post* were wrong it might be argued they were right in more general terms. At the time of the error however, both reporters were given an editorial dressing down and the paper's Executive Editor, Bradlee, has stated on the record repeatedly, that the

mistake was the paper's 'lowest point'<sup>8</sup> of the entire two-year plus investigation. Avoiding such errors and aiming for the high degree of accuracy which characterised the rest of the Watergate stories by Woodstein is a standard which investigative journalists still aim for today.<sup>9</sup> Apart from being a worthy professional goal in its own right, this practice often proves useful in 'reeling in' and generally encouraging other sources who read the investigative work and admire its attempts at unearthing the story.<sup>10</sup> If any mistakes were made in print, most publications would correct them as soon as possible. Again this signals to current and potential sources that care and attention is being taken.

### **Working from facts outwards not from thesis inwards**

The essential mission Woodward and Bernstein seemed keen to convey throughout their book of *All the President's Men* was that they were always working from the facts outwards and not simply cherry picking facts to suit a preconceived thesis. But even this approach sometimes fell apart:

Woodward and Bernstein's writing methods also did not always add to their credibility in the newsroom. As they repeatedly rewrote each other's drafts of almost every story – Bernstein to smooth out Woodward's prose and better underscore the story's meaning, and Woodward to try to excise what he believed to be Bernstein's overreaching of the facts in hand – they sometimes

---

<sup>8</sup> Ben Bradlee, *Watergate: The Biggest Story*, Washington Post, June 14<sup>th</sup>, 1992.

<sup>9</sup> BBC journalist Andrew Gilligan's 'error' regarding the quotation of Dr David Kelly saying No10 Downing Street had 'sexed up' the September 2002 'Dodgy Dossier' to make it appear Iraq had weapons of mass destruction, probably falls into this margin of area of error debate: in spirit – if one were being generous – it *could* be argued Gilligan and, for that matter his source, the late Dr Kelly, were accurate. In point(s) of fact, they were also wrong since Dr Kelly denied using that terminology, despite Gilligan's claims to the contrary and No 10 officials stuck to their claim that the dossier reflected the Intelligence-community gathered 'facts' as they knew them to be at the time. We now know the WMD capability in Iraq was quite different indeed, i.e. it never existed.

<sup>10</sup> The author of this study has had numerous examples of this occurring to him personally over seventeen years as an investigative journalism. In early 2006, for example, an investigative article focusing on people carry Hepatitis C as the result of tainted blood products being given to them in the 1970s and 1980s, was published in *The Herald's* magazine: this resulted in the author being contacted by an individual with fresh information about a previously hidden aspect of the subject which led to a follow-up article by the author. See original article at: <http://eamonnoneill.net/articles/Hep%20C%20Herald%20Magazine.PDF>

fell to bickering about what a particular story should really say. It appeared, as Harry Rosenfeld often complained, that Woodward and Bernstein themselves did not fully understand what information they had.<sup>11</sup>

### Editorial oversight

Those who lived through Woodward and Bernstein's daily investigations noted that their editors challenged them constantly about their newsgathering and writing. This has always been the classic role of good editors in any journalism project and remains so today. Where journalistic investigations are being carried out, this role is doubly important.<sup>12</sup> Although the 'stars' of Watergate were Woodward and Bernstein, and to an extent Bradlee,<sup>13</sup> other editors who played a larger role in the day-to-day, week-to-week management and development of the Watergate investigation by the two reporters, were simply not featured on-screen. Sussman, for example, stated recently:

Today few people know that Howard Simons had anything to do with the Post's Watergate coverage. To most, the hero, aside from the reporters, is Ben Bradlee. Bold, authoritative, urging the reporters on, fearless – that's Bradlee in the movie of the Woodward-Bernstein book. The fact is, he was these things. He was an excellent leader. But Bradlee came to the story fairly late. It was Simons from the beginning who saw to it that the Post owned the Watergate story.... Bradlee deserves a lot of admiration for his strength and panache. But there was more than enough credit to go around, and it would have been nice to see a large share of it go to Howard Simons.<sup>14</sup>

<sup>11</sup> See Downie p38.

<sup>12</sup> For the Hairmyers article published in *The Scotsman* newspaper's highly-respected Saturday magazine, the author of this study chose to go outside the editorial circle in the newspaper. I felt that the editor who had commissioned the investigation was not suitably qualified to manage the project as it became apparent that it was becoming more serious and potentially – in legal terms – troublesome. I was handling sensitive information and taking testimonies from senior staff alleging serious fraud. I knew the article might result in sackings – as was the case. Therefore, risking being removed from the investigation, I chose to seek the advice and help of George Rosie, an Edinburgh-based freelance journalist and one of the industry's most experienced and respected senior figures. Rosie guided me through the project and challenged me on evidence, theories and final conclusions. He also urged me in the final phases of its writing, to print the names of the 'guilty' men who were responsible for the mess at the hospital. See <http://eamonnoneill.net/articles/HAIRMYERS%20INVESTIGATION.pdf>

<sup>13</sup> Bradlee, curiously, became famous because of actor Jason Robard's portrayal of him – as opposed to him playing a huge role in the real events. His larger-than-life persona led to *The Wall Street Journal* once describing him as looking like 'an international jewel thief' assured a colourful transition was assured to the big screen. Other editors didn't make the jump as painlessly.

<sup>14</sup> See 'Why Deep throat was an unimportant Source and Other Reflections on Watergate' by Barry Sussman, (Neiman Watchdog, Neiman Foundation for Journalism at Harvard University) July 29<sup>th</sup>,



The importance of this editor-reporter relationship, although not always present (especially in freelance situations where the investigative reporter essentially acts as his/her own editor through sheer necessity) was important to Woodward and Bernstein, yet it is only glimpsed in the movie version. This omission is something of a shame since, to even the most casual viewer, it might have served as a good way of representing how journalism benefits from a good editor-reporter relationship.

Downie explains:

Editors must deal with an investigative reporter's stories in an adversary way, since as investigative reporter does not record an event in an objective fashion. He subsequently presents what amounts to his theory of the evidence against someone he believes has done something wrong. He can be no more impartial about his inquiry than a good police detective or prosecutor, no matter how hard he tries. It is up to the editor to maintain the distance that the reporter has lost and bring to the story the scepticism that the reporter can no longer muster.<sup>15</sup>

Sometimes this relationship can be conspicuous by its absence. Earlier in this study the author explained how working with editors without institutional experience of investigative projects can prove troublesome on a number of levels. One aspect of this can be when an editor who is inexperienced in investigative work finds themselves working with a highly driven, ambitious and perhaps even reckless reporter. In situations like that, the reporter can sometimes manipulate and intimidate the editor. The balance of the professional relationship is disturbed and there's a lack of overview and control in the process, leading to incomplete and flawed articles

---

2005. Available at: <http://www.niemanwatchdog.org/index.cfm?fuseaction=background.view&backgroundid=0051>

<sup>15</sup>See Downie p39.

appearing in print. This can be especially the case when the reporter is the award-winner and the perceived ‘star’ of the news organisation he/she works for.<sup>16</sup>

### **Vernica Guerin and poor oversight**

It is been alleged that this was partially the backdrop to the tragedy which befell Irish crime reporter Veronica Guerin who was shot dead near Dublin on June 26<sup>th</sup> 1996.

Guerin was not a formally trained journalist, but had instead migrated via public relations and a professional background in accountancy. The backdrop to her rise in Irish journalism is often misunderstood by those who only knew parts of her ‘story’. The early and mid-1990s in Ireland were a time of dramatic social and economic change. The power of the Roman Catholic Church was in decline, aided and abetted by newspaper scoops, in just one infamous example, featuring a senior member of the Irish clergy who spent church funds on a secret girlfriend and their ‘love-child’.<sup>17</sup> The Provisional IRA was also using Dublin as a washing machine for its ‘dirty’ money extorted and stolen in Northern Ireland where the first seeds of a Peace Process were just starting. As successive Irish governments loosened tax laws and economic growth restrictions on companies in Dublin and as a part of the city was officially designated as an international growth point for financial firms, the city’s economy suddenly experienced a boom. Property prices and consumer confidence shot up and a burgeoning tourist market helped fund what became known as the ‘Celtic Tiger’ economy. Inevitably, like similar economies which experience rapid growth, often

---

<sup>16</sup> The author of this thesis has been personally involved in one case in Scotland where a ‘star’ reporter was alleged to have wilfully fictionalised elements of an investigative article. The author was asked to privately consult and to an extent, mediate in this matter. So I privately contacted two senior editors on the paper and made them aware of the situation. The journalist in question had personal problems and was ‘rested’ for a while. The individual in question later took leave-of-absence and returned to work afterwards in a part-time capacity.

<sup>17</sup> The Bishop Eamon Casey and Annie Murphy story is just one example. Casey has since returned home but scandalous allegations still haunt him, even in recent years. See: <http://www.independent.ie/national-news/casey-cleared-of-sex-claim-by-gardai-85506.html>

funded by the presence of multi-national companies and finance groupings who enjoy tax-breaks, no interference from host-country's governments and little or no oversight from international bodies, there is a dark side too. Headlines suddenly started appearing in Irish newspapers chronicling a massive growth in drug abuse and the trade in narcotics in general. In the parochial nature of such a small country, tribal criminal groups were well aware of each others strengths and weaknesses and operated accordingly. Violence was meted out regularly and brutally.<sup>18</sup>The stakes and rewards were high and readily available to anyone willing to fight their way to the top of the country's growing criminal empire. It was into this world of allegedly 'colourful' criminal characters that Veronica Guerin launched herself. Newspapers had an endless appetite for almost cartoon portrayal of serious criminals who were given pseudonyms like 'The Penguin', 'The Monk' and 'The Trainer'. A battle broke out between several leading daily and Sunday newspapers to be the first to provide their readers with more colourful insider accounts of the criminal activities of these individuals on a regular basis. The fact that some of the criminals seemed to willingly participate in their own bizarre 'PR' wars only lifted the stakes even higher. Once established, it didn't take long for Guerin to make her mark. One author describes how she went about her work in an energetic, unique and also reckless fashion:

Her style was, had always been, to push and push for interviews with an intensity that bordered on harassment. She knocked on doors and sent letters and waited in gardens, on paths and on roadsides for weeks on end, until her subject was forced to cave in, or, in this case, was provoked into taking direct physical action against her.<sup>19</sup>

---

<sup>18</sup> The author of this thesis had personal experience of threats and physical intimidation during an investigation for a proposed Channel 4 documentary in July/August 1994. I worked with the knowledge – but not protection - of the Dublin police who were aware of my movements within criminal circles in the Irish capital.

<sup>19</sup> Emily O'Reilly *Veronica Guerin: The Life and Death of a Crime Reporter* (London: Vintage 1998) p124.

By the time of her murder, Guerin had been warned numerous times to back off her reporting on the Dublin underworld, had been shot once and physically assaulted too. She was well aware that her life was in acute danger. Her brother later commented that he felt she was under pressure editorially for the next big ‘scoop’ too – even after being shot. O’Reilly comments:

He still cannot believe that her employers took no action other than publicising the beating in lurid detail. ‘They saw it as another fucking story. He beats her up and then they get a solicitor on to him and they get another story out of that when she presses charges. It wasn’t – let’s pull her back; it wasn’t – let’s take another look at all this. To me, that is so unbelievably, fucking wrong.’<sup>20</sup>

The deceased’s brother raises disturbing and important points about what can happen when investigative journalism spirals out of control and when the ‘story’ seems to become more important to the news organisation, than the dangers the reporter producing this work, is facing.

### **Strong editor-reporter relationship**

That was not the case during the most worrying and troublesome periods of the *Washington Post’s* Watergate inquiry. For sure, there was one stage when the two reporters Woodward and Bernstein ‘got spooked’ and worried they were being bugged by unknown government agencies (a fear they conveyed to their editor Ben Bradlee late at night *outside* his home – in case he too was under electronic surveillance) but all three have admitted that at no time did they really think that their lives were in jeopardy.

What’s notable about this example, was the fact that the two reporters – hardly youngsters in relative terms, since both were in their late twenties – felt comfortable approaching Bradlee at home. He exuded a rough-hewn and macho persona but

---

<sup>20</sup> Ibid.

nevertheless spread paternalistic warmth amongst his staff. In turn, he was backed solidly by the newspaper's management and owners in his professional quest to nail down the truth in the Watergate inquiry. This was highly unusual then, and remains so to this day. In that sense, the whole Watergate story is a singular example of investigative journalism supported in terms of time, resources and publisher-support. At some unknown point during the investigation, the editorial team at the Post must have realised they were no longer publishing just another series of investigative news articles but were – to an extent – actually backing a fully-fledged project which had two young reporters working on it full-time. Yet months often went by without Woodstein filing any articles. Although Bradlee later sang the praises of Graham, the doyen of Washington social circles and the steely figurehead for the *Washington Post* media group, he also admitted that she sometimes wondered privately whether extending the youthful Woodward and Bernstein such backing was putting her newspaper too far out on a limb which might break. One press commentator noted in a groundbreaking study that:

The press as a whole did not pursue Watergate – not in the beginning at least. The Washington Post did. From the break-in in June 1972 until after the election in November, the Post frequently felt itself in solitary pursuit of a story that many leading journalists regarded as a figment of active election-year imaginations. Katherine Graham, then publisher of The Washington Post, recalls saying to editor Benjamin Bradlee, “If this is such a hell of a story, where is everybody else?”<sup>21</sup>

### **Maintaining focus in the face of official denials**

---

<sup>21</sup> Michael Schudson, *Watergate: A Study in Mythology*, Columbia Journalism Review, May/June 1992.

Traditionally, newsgathering often involves using sources from government departments. It has been argued that this represents an over-reliance on ‘official’ news.

Horrie also argues that the training provided by some professional bodies in the UK put too much focus on state sources at the expense of other information outlets and alternative versions of events and facts.<sup>22</sup> Investigative journalism is bound to listen to such sources and outlets and then pursue its own course of inquiries.

### **Case Study: Nuclear Test Veterans and Illnesses<sup>23</sup>**

This means that, for example, when a series of veterans from British nuclear tests in the late 1950s, approach a journalist and want to go ‘on the record’ and say that they fell ill immediately after witnessing a nuclear test in 1958 on the South Pacific’s Christmas Island but have been ignored by the government – who deny any such illnesses occurred simply because no records exist to support the claims – the investigative journalist pursues the veterans’ claims with an air of scepticism in the face of government denials.<sup>24</sup> Although this particular investigative project by the author of this thesis did include interviewing denials from the UK’s Ministry of Defence regarding the serious allegations made in the resulting documentary, the weight of evidence supported the veteran’s claims. This meant the traditional ‘balanced’ approach to news reporting in both print and broadcasting which encourages journalists to cite ‘on one hand and on the other hand’ kind of arguments in their material, in order to

---

<sup>22</sup> Chris Horrie ‘The English Freedom of Information Act’ Chapter 7, *Investigative Journalism* Hugo de Burgh (Routledge: London, 2008) 2<sup>nd</sup> Edition pp.130-1.

<sup>23</sup> See Appendix for details of this case study.

<sup>24</sup> See ‘The Truth of Christmas Island’ researched by the author that was broadcast on Channel 4 TV in the UK on January 16<sup>th</sup> 1991.

show readers and viewers they've rigorously pursued information and heard all sides to the arguments, was not suitable for this film. The reality was that there was little material on the government's 'denial' side of the thesis to present; indeed from day-one of this project the overwhelming testimony, pictorial and medical evidence was on the veterans' side. To have presented a rigorous 'balanced' portrayal in the Channel 4 documentary would have been to have skewed and falsely portrayed the 'reality' this journalist found after almost a year investigating the nuclear test veterans' claims.

The roots of this lack of balance in investigative reports can be traced back to the likes of Stead who also decided against the idea of trying to 'balance' his material when the information he'd gathered clearly indicated a terrible wrong – namely, the sexual exploitation by professional middle classes of underage children from the disenfranchised urban poor - in society which needed to be publicised and scrutinised. This is a role that investigative journalists have embraced for some time throughout the world. As Ettema and Glasser explain:

Investigative journalists... can issue a compelling call for public moral indignation. Their particular sort of reporting yields stories that are carefully verified and skilfully narrated accounts of specific injury and injustice but [also] stories with a meaning that always transcends the facts of the particular case. Their stories call attention to the breakdown of social systems and the disorder within public institutions that cause injury and injustice; in turn, their stories implicitly demand the response of public officials – and the public itself – to that breakdown and disorder. Thus the work of these reporters calls us, as a society, to decide what is, and what is not, an outrage to our sense of moral order and to consider our expectations for our officials, our institutions, and ultimately, ourselves. In this way investigative journalists are custodians of public conscience.<sup>25</sup>

---

<sup>25</sup>See 'The Reporter's Craft as Moral Discourse' in *Custodians of Conscience: Investigative Journalism and Public Virtue* by James S. Ettema and Theodore L. Glasser (New York: Columbia University Press, 1998) p3.

In the case of the Channel 4 documentary the claims contained in it regarding ill health amongst veterans, were discussed shortly after transmission during a House of Commons Adjournment Debate which was secured by a concerned Member of Parliament.

The programme claimed that, on 28 April 1958, in the Grapple Y test--the second off Christmas island--the megaton nuclear explosion was at a much lower height than the 8,000 ft officially reported. This lower height would have substantially increased the radioactive fallout because a low-level explosion sucks up material that becomes heavily radioactive. Where that material lands, when it falls back to earth, is a matter of life and death. The programme claimed that a violent rainstorm occurred, and radioactive rain poured on to Christmas island, drenching the men, soaking the ground, and polluting the lagoons...<sup>26</sup>

The MP in question examined the information carefully and concluded that important questions had to be answered by the government in a form that ensured their replies were also on the public record. In that sense the whole project fulfilled the role of attempting to use investigative journalism as ‘custodians of the public conscience’. It also begins the process of kick-starting a series of inquiries which might lead to the ‘wrong’ of the situation which is being examined, being ‘righted’. This may, for example, call for a change in law. Progress towards this meets one area of the criteria set out by De Burgh where he states that: “It is often said that journalism is the first rough draft of history; by contrast, *investigative* journalism provides the first rough draft of legislation. It does so by drawing attention to failures within society’s systems of regulation and to the ways in which those systems can be circumvented by

---

<sup>26</sup> See Hansard record from House of Commons March 20th 1991:  
<http://www.publications.parliament.uk/pa/cm199091/cmhansrd/1991-03-20/Debate-8.html>



the rich, the powerful and the corrupt.”<sup>27</sup> This outcome is the standard which most investigative journalists aim for when they carry out their work.<sup>28</sup>

The Watergate investigation was fed official versions of events by the Nixon administration from early stages of the inquiry. Woodward and Bernstein were denounced, as was *The Washington Post* and its editor Bradlee, by the White House spokesman Ron Ziegler who called the investigation “shabby journalism’ and “a blatant effort at character assassination.” This did not deter the reporters or editors from pursuing the investigation and disputing the ‘official’ material being supplied by the Nixon White House.

This case-study into the claims of links between illnesses and nuclear tests took lessons from the *Post*’s investigation and applied them, including:

- Willingly approaching witnesses repeatedly.
- Ignoring ‘day to day’ news agenda.
- Using available databases.
- Using analytical writing skills.

The major difficulty was defying the official ‘line’ coming from the UK’s Ministry of defence which claimed the participation in the tests and subsequent illnesses were not linked in any way. Whilst the official position was noted and aired during the documentary, the weight of the evidence supported the claims that the illnesses may well have their roots in the exposure to radiation. Being factually accurate and resilient in the face of a constant stream of top-level Whitehall denials of this conclusion was of the utmost importance from start to finish.

---

<sup>27</sup> See De Burgh, p3.

<sup>28</sup> This was certainly the standard I aimed for during the Gair investigation mentioned in Chapter One of this study.

### **Managing delivery timescales in investigations**

With hindsight it is now recognised that the most fruitful investigations in the press are often marathons rather than sprints. At the time however, Woodward and Bernstein's editors weren't particularly happy about their halting and slow output nor were they cheered up by the lack of coverage in competitors' publications. Both of these areas – timescale and output – would be factored into any investigations carried out today. Most serious investigative projects take time to yield results and do not always go according to plan. This has led most serious editors and broadcast commissioners in the UK, for example, to always have a 'development' budget to hand which they use to fund early stages of investigations over an agreed timeframe.<sup>29</sup> This means that no investigation ever begins without serious forward-projection of costing being taken into account by newspaper managers. It also partially explains why newspapers still excel at breaking large stories on a daily or weekly basis – since the cost of the investigative 'project' is by definition already covered by the allocation of a salary to the reporter in question.<sup>30</sup> No extraordinary expenses are really incurred – just the agreement, usually ad-hoc, that the reporter can stay on that particular story as long as it 'has legs'.<sup>31</sup>

### **Desk-skills in investigations**

One of Woodward's most impressive feats was memorizing twenty-three Grand Juror's names and addresses before visiting each personally at home. He had to do

---

<sup>29</sup> These budgets can be ridiculously low however: sometimes as little as £500. Equally, 'in-house' producers at the BBC, for example, while earning as much as that in a matter of days, refuse to take chances on projects which don't have a guaranteed outcome: investigative journalism, by its nature, cannot guarantee anything.

<sup>30</sup> Exceptions to this rule have existed – specially after Watergate – as we will see in the next chapter of this thesis.

<sup>31</sup> A quirky and traditional newspaper term, still in use, which follows on from the early stages of a story which is evaluated as 'standing up'; this progresses to 'having legs' – meaning the story might appear once or twice; 'being a runner' – means, like a horse, it could feature for more than one story, one day or one weekly version of a paper which is regarded as a genuine accolade for any journalist.

this simply because he was allowed to view the jurors' names but because of rules explained by a clerk at the Washington DC courthouse was *not* allowed take notes or write down addresses at the same time. Woodward was reduced to memorising the names and other details in batches and then making a series of fast visits to the gent's lavatory where he then surreptitiously recorded them in his notebook.<sup>32</sup>

This kind of innovate field-work would not be something which normal news reporters would be encouraged to do in 1972, and certainly not in the 21<sup>st</sup> century when many reporters anecdotally report spending more and more time in the office and rarely being encouraged to go out. Pre-internet aided reporting whilst mostly shoe-leather style – meaning lots of plodding around ‘in the field’ - would still not have gone to the lengths Woodward did with his hit list of names of witnesses. Nowadays, it would be almost impossible to find a news reporter and also a news editor, who would allow, never mind encourage such an effort. The objection wouldn't be because it was a physically exhausting exercise, but because it was in the short term an economically inefficient thing to do. Such persistence in investigations is now an accepted and normal expectation from the outset but it would have to be done – more often than not – on the reporter's own time and budget.<sup>33</sup>

---

<sup>32</sup> Woodward was watched during his entire visit to the courthouse by a clerk who was suspicious of his interest in the list of twenty-three names. He visited two lavatories on separate floors of the building in an attempt to avoid detection as he repeatedly memorised names which he then secretly scribbled onto notes in the relative privacy of the toilet stalls.

<sup>33</sup> In the Robert Brown case the author of this thesis spent a whole week, from 9-5pm daily, calling every single person in the UK listed under a certain name in a search for a police suspect to the 1977 murder at the centre of the case. The search was fruitless and the suspect remains at large to this day. In the same case the author attempted to track down a main witness located in Glasgow. Approximately ten different addresses were contacted personally by the author in this search: none were fruitful. The author was also attacked by a person on one occasion and a large dog on another. Later, it emerged the witness had been hiding inside one of the addresses and she voluntarily contacted the author afterwards. The resultant interview fell through at the 11<sup>th</sup> hour and the person, once again, vanished.

The paper-trail exercise embarked on the trace witnesses in the *Post's* investigation passed into legend amongst the journalism community, as much for the famous slow-fade, crane-shot shot in the movie of the Redford and Hoffman as the two reporters sitting in the Library of Congress, as for the actual countless document-digging acts undertaken by the real-life reporters themselves. Yet this is one of the most common aspects of investigative journalism and familiar to any reporters who've undertaken major projects. This is why everything from specialist accounting skills, to Computer Assisted Reporting (CAR) skills, to a simple understanding of how a local library works and where the best place to find a Census Record, are attributes needed to undertake the most basic type of investigative project in any country.

The reality of most investigative projects involves a great deal of hunting down documents and obscure references to projects within larger documents.

### **Case Study: Scottish TV Nazi War Criminal Investigation<sup>34</sup>**

One example of this experienced by the author involved a 1991-2 project carried out for Scottish Television. Peculiarly, this was not a broadcasting initiative but rather a legal one whereby the author and a leading British scholar of the Holocaust<sup>35</sup> were jointly tasked with tracking down documents which incriminated an alleged ex-Nazi based in Edinburgh, Scotland. The individual in question, Tony Gecas, had already been identified as an alleged Nazi in two separate documentaries made by the television company based in Glasgow. He then sought legal retribution through the Scottish court system by suing the broadcaster for £600,000, a not inconsiderable sum

---

<sup>34</sup> See Appendix for details of this case study.

<sup>35</sup> Professor David Cesarani, currently Research Professor of Jewish History at Royal Holloway, University of London.

of money in any era and indeed back in 1986 it was the largest defamation lawsuit in Scottish legal history to date.

In order to successfully defend itself against this legal action the author's employers at Scottish Television seconded him to accompany Professor Cesarani to a Polish state archive in London. Inside this archive, myself and the scholar managed to track down documents which placed Gecas within a group which had entered the UK post-Second World War and were suspected of having carried out mass-killings alongside Nazi death squads in occupied countries situated in Eastern Europe. Whilst these documents were primarily for legal purposes, someone within Scottish Television decided to leak the findings from this research trip to a receptive London-based broadsheet newspaper.

This paper-trail exercise thus proved doubly successful: new documents helping the company's legal defence were sourced; additionally, media pressure was brought to bear upon the legal powers presiding over the case by the publication of a well-timed - and solidly sourced piece of 'investigative journalism' in a respected national newspaper.<sup>36</sup>

### **Contrasting and complimentary skills in investigations**

This kind of research is not glamorous in any sense of the word. It is tedious and requires discipline and strict records of findings from start to finish. The archives of

---

<sup>36</sup> A third unexpected outcome of this paper chase initiative also occurred: whilst the author of this thesis was in London searching through Police military archives with Prof. Cesarani, a senior colleague from Scottish Television was in mid-air on a flight bound for Israel to interview a last-minute secret source who had emerged with new evidence. Scottish Television executives, fearful of alerting Mr Gecas' legal team or anyone else who might be monitoring this volatile and highly-politicised case, did not tell us about this trip until it was completed. Our London-based paper-hunt was therefore, also a ruse to throw interested parties off the scent of another, even deeper, paper-chase being undertaken on the other side of the world.

the Watergate inquiry carried out by Woodstein reveal some journalists are better at undertaking this kind of research than others. Bob Woodward, for example, was known to be something of a professional 'plodder', a reporter who moved from one lead to another, never making any leaps or shortcuts. Bernstein on the other hand, was the opposite, and was someone who didn't proceed in a step-by-step fashion. One account captured their complex, duelling relationship and differing reporting styles:

[A former editor commented] Carl (Bernstein) would focus before, but then he'd go off on some irresponsible tear, and he wouldn't do this and wouldn't do that. The consistency wasn't there ... Woodward, on the other hand, was obsessive with a laserlike concentration. He was the deliberate one; he moved logically. He lived with an unfounded fear of being fired and a need to belong that fuelled his workaholic lifestyle ... There was a certain symbiosis that worked; neither one could have pulled off Watergate. They needed each other; they fed off each other. Each had strengths that supplemented and complimented the other.<sup>37</sup>

Therefore, the challenge for any reporter doing investigative work, is to strive to develop a duality of style in tackling projects: be both logical and creative in approach, planning, analysis and, finally, crafting the final version for public consumption. It is not enough to be the logical detective, without also being the 'out of the box' thinker; and it is not enough to be the 'just the facts' mechanical writer without also being storyteller too.

### **Case Study: Chinook Helicopter Crash<sup>38</sup>**

The investigation focused on the loss of twenty-nine lives in the June 1994 Chinook helicopter crash on Scotland's western coast Mull of Kintyre,

---

<sup>37</sup> Alicia C. Shepard, *Woodward and Bernstein: Life in the Shadow of Watergate* (New Jersey, USA: John Wiley & Sons, 2007). This work is the first serious published study to make use of Woodward and Bernstein's Watergate reporting archives which were sold to the University of Texas in April 2003.

<sup>38</sup> See Appendix for details of this case study.

represented one of the worst losses for British military intelligence since the end of the Second World War.

A series of official investigations and inquiries blamed a combination of poor weather and gross negligence on the part of the two Chinook pilots as causes of the crash. The author was asked to investigate these findings for a major Scottish newspaper in 1999. Because of the heated debate surrounding the issue, competing groups and individuals were keen to press their agendas. Some of these over the course of the previous five years, had become adept at handling the media and were keen to have their side of the story heard.

Before starting this investigation, a plan-of-action was drawn up. Key lessons from the Watergate investigation were identified and utilised from start to finish. These included:

- Use of low-level sources (previously ignored).
- Using multiple sources (previously unidentified).
- Making the article relevant through analytical writing skills.
- Using the circle technique.
- Being self-motivated.
- Approaching unwilling witnesses.
- Avoiding political bias.
- Using desk-skills (tracing witnesses using online databases and repeatedly returning to them for clarification).
- Using one source to lead to the next source.
- Maintaining trust of sources.
- Forensically utilising databases open to the public (but under-exploited for this particular case – in this instance a Fatal Accident Inquiry report).

It was necessary to thoroughly review all available online, broadcast and print material before beginning this project. A checklist of witnesses; relatives; and experts had to be drawn up. A timeline – incomplete and contradictory at times – had to be constructed regarding the events surrounding the crash. All available inquiry transcripts had to be checked against press reports of same (e.g. a Fatal Accident inquiry was held into the crash under Scots Law. Press reports of this inquiry reflected the journalists’ choices of what was pertinent to cover. For the most part this was a solid and professional record of daily events and statements. However, a close-reading of the transcript against these reports revealed a number of areas where forensic detail was missing. Sometimes these details were revealing and open to new interpretation when viewed against the fresh backdrop of other areas of a new investigation). Eventually, a field-trip to the scene of the crash was undertaken by this author. This also meant there was an opportunity to compare weather conditions, on-the-ground actualities and witness statements, against recorded claims and counter-claims. Additionally, the author was accompanied by an eyewitness to the crash who was able to point out physical elements in the surrounding landscape and explain how these played important roles in the events of that day. Throughout the process, it was vital that an open mind was kept.

On the one hand, the Ministry of Defence in the UK was ‘officially’ claiming weather conditions and pilot error caused the tragedy. On the other hand, the pilots’ families claimed the helicopter was not airworthy and this had caused the crash. In emotional terms, it was easy to be swayed by either interested party since their cases were presented strongly, in compelling human



terms (either over the phone by an MoD press officer speaking off the record; or in person by the families of the deceased pilots). Close adherence to facts and focus on accuracy and independent interpretation of facts, led to the eventual published article. New facts emerged suggesting that there were indeed serious misgivings in the RAF about the helicopter in question, in particular its recent renovation and new computer system. Equally, a new witness was identified, previously overlooked at the Fatal Accident Inquiry, whose expanded and highly focused recollection of events disputed central elements in the government's claims regarding the causes of the crash.

The result was an article which sparked considerable attention from both the MoD and the wider Scottish press. It generated several front-page articles on days subsequent to its publication. These focused on the main revelatory facts in the story and some reinterpretations of known facts in the light of fresh material this author had uncovered.

This article was undertaken on a freelance-contracted arrangement between the author and the newspaper. A flat fee and an agreed expenses ceiling was dealt with beforehand. A time-limit was also agreed, since the date-line 'hook' for the article was a June publication-date to coincide with the anniversary of the tragedy. Such diary-led significant date devices are often employed by editors. As an experienced freelance, the author has foreseen this element and included this factor into the initial editorial discussions conducted with the editor. Regular updates were provided to the editor so that she could understand the direction the project was taking. No legal advice was needed during the reporting stage. Only in the immediate days prior to publication was a legal view sought by the magazine editor, to ascertain whether sections of the

reporting and quotes from interviews might be construed as being libellous. These were addressed after consultation with the author who cut and edited comments where required. The commissioning editor did not ask to visually inspect secondary supporting material relating to contentious claims made in the article but did ask about their existence. This was done for journalistic and legal reassurance. Copies were available for inspection had that been sought.

Towards the end of the process, the author was asked to liaise with colleagues on the News desk of the newspaper, to ascertain whether any news pieces could be derived from the 4,000-word article which had been submitted. The key news-values used to test whether elements might be published as a news story at the front of the paper – the location where news stories traditionally run – were broadly speaking:

1. Had any new facts had been uncovered?
2. Did witnesses say anything fresh or whether new witnesses had been found?
3. Had revelatory documentary evidence had been uncovered?

These are in line with news ‘values’ discussed in earlier chapters of this study and a front page story was generated by this process involving new evidence from an individual who had witnessed the crash and who was in a position to dispute claims regarding bad weather conditions on the day itself.

The author actively sought to pursue a ‘facts outward’ process from the outset of this project. Experience and a systematic approach to the entire process meant external pressure was anticipated and evaluated as and when it appeared.

Greene explained a similar approach:

The way we did it [investigative journalism] was through hard reporting, careful reporting, pulling every thread in that sweater until you get all the wool in your hand, being as accurate as you can and giving everybody the chance to put their side of the story, whatever it may be. And always with the idea that if it's not there, then you're not going to run the story – but if it is, then you are. But too many people start out in this business when you get into it, particularly younger people and people who're not better reporters, with the idea, 'Oh, this guy is bad, let me go get him'. Then they pare everything into getting that person and any information that looks the other way then they've a tendency not to pay attention to. So they end up cherry-picking the information they need, to prove their thesis to begin with that this person is bad.<sup>39</sup>

Being ready to approach technical experts regarding computer-related aspects of the story meant that the author didn't have to rely on his own limited electronic knowledge to understand details. Full attribution of comments and remarks were made throughout the eventual piece. Where aspects of the accepted version of events clashed with new facts, the author sought comment from those whom this dispute affected. As much prior notice as possible was given when clarification and comment were sought. This was done deliberately to avoid allegations of waiting until the last minute to perhaps ambush connected parties prior to the article going to press. From start to finish, the author sought to keep all records of interviews, phone conversations, documents, timelines, editorial meetings and expert advice, in a clear and readily-available form. These were stored in a secure locked location and were in both paper and digital form. Only the author had full, unfettered access to them throughout this project.

The next chapter of this study examines the multi-layered impact of Watergate on both sides of the Atlantic and explains how the repercussions of the mythology of

---

<sup>39</sup> Bob Greene interview with Eamonn O'Neill, July 2006.

Watergate, Woodward and Bernstein and *All the President's Men* rippled through the media industry and popular culture, leaving a legacy which is still with us today.

The book itself has certainly come to be regarded as something of a 'handbook' for investigative journalists globally and was one of the first books written about the process of an investigation which hit the bestseller lists. When Hollywood took their work and placed the process of investigative journalism on the silver screen, it catapulted the whole notion of investigative journalism to another plane entirely.