

Investigative reporting can produce a “higher obligation”

By PAUL D. THACKER

“We told you not to write this. You’re now terminated for insubordination.”

It was truly surreal moment, capping off months of turmoil at my job as a reporter for the news section of *Environmental Science & Technology*, a science journal published by the American Chemical Society. I didn’t really know what to say because I had already accepted a new job and turned in my two weeks. I only had two days left.

But a couple of thoughts did flit through my head such as “Can you really fire someone when they’ve already quit?”

At this point, a Human Resources staffer handed me my final check and then followed me to my office to clear out my desk. Avoiding any eye contact, she then escorted me down the elevator and out the front door. It was late September 2006 and I had a week to kill before starting a new job.

But I believe that what led me to resign last September probably was set in motion months earlier. In February 2006, Bill Carroll, an executive with Occidental Chemical, called some of the society’s publishing executives to complain about my reporting. The American Chemical Society is a nonprofit that is run by an elected board and Bill Carroll was the president.

Because of Carroll’s call, my editor, Alan Newman, had to defend me to his bosses. In a three-page letter, Newman, responded to Carroll’s characterization of my reporting as “anti-industry” and “liberal,” and that my articles were “not news” but just “muckraking.” Specifically, Carroll had cited my articles “Hidden Ties” and “The Weinberg Proposal.”

In the first article, I documented a hidden campaign by industry lobbyists and the PR firm Pac/West Communications to undo the Endangered Species Act. Pac/West had previously run a multi-million dollar covert public relations drive to pass President Bush’s Healthy Forest legislation in 2004.

The article on the Weinberg Group, a product defense firm, grew out of a letter written by the Weinberg Group to DuPont that I discovered in EPA’s docket on PFOA, a chemical used to make Teflon and other non-stick products. In this letter, the Weinberg Group detailed a campaign they hoped to organize for DuPont to protect them against lawsuits and federal regulations on PFOA. The Weinberg Group suggested creating studies to show that PFOA was not only harmless but actually beneficial and offered to find expert scientists that could help DuPont to prove this.

Newman bristled at Bill Carroll’s attack on my reporting and ended his memo to the ACS publishing executives by saying he was deeply troubled that some individuals feel that they can “go to the top of ACS” as their way to respond. “This is not a genuine attempt to engage in an open and transparent conversation on issues of national importance,” he stated.

Newman added that we had tried to be transparent in our reporting, posting interviews and documents with the story. He ended by saying he stood behind the stories and they had revealed valuable information to the environmental science community.

Hoping that the issue was settled, I went back to my report-

ing. But more problems soon came. Alan had announced that he was retiring that summer and was tying up some loose ends. However, when he wrote my annual review, he told me that his boss, John Ochs, asked him to insert a sentence in my review stating that I needed further training in investigative journalism.

Newman refused to listen and the review went through without the amendment. “Overall Paul has exceeded his expectations,” my review read. “Paul had an outstanding year.”

But I was already beginning to think it would definitely be my last year at ACS.

After Newman retired, Britt Erickson replaced him as my editor. I told her that John Ochs had complained that I “needed training in investigative journalism” and suggested that I go to the Investigative Reporters and Editors meeting that was coming up in a few weeks. She agreed.

While I was at IRE that June, a producer who had worked with Bill Moyers contacted me about some of the stories that I had written. He was putting together a series on investigative journalism for PBS and wanted to know if I could help. One of his assistants called me a week later at my office and said that what they really wanted was to feature one of the PBS episodes on my reporting.

Of course, I was thrilled. But the next day, Britt sent the producers an email stating that ACS did not want me to appear on PBS.

This was the first of many signals that people were trying to force me to leave. The producer called me later that night and asked why my publication wouldn’t let me appear on the PBS series, “What is going on at your job?” he asked.

When I sent an email asking for clarification and if there was something wrong with my reporting, Britt’s boss responded, “The decision was Rudy’s. He is currently on vacation, and I don’t know whether he wants to revisit the issue upon his return.” Rudy Baum is the editor in charge of publishing at ACS.

Hours later, a producer from MSNBC contacted me to appear that night on the Keith Olbermann show to talk about global warming. Again, I was told, “No” by the people above me. The person who appeared on Keith Olbermann that night was Elizabeth Kolbert, a writer for *The New Yorker*.

Numerous other reporters at ACS had been allowed to talk to the media about their work at places such as NPR. Later that week, I pitched a new story based on documents obtained from a FOIA request I filed in December. After battling with NOAA lawyers for more than six months, I obtained internal emails from NOAA showing that the White House had been clearing NOAA press releases on global warming and approving agency scientists to speak to the press about climate change and hurricanes. One person choosing the scientists was a Republican media operative who wanted to ensure that only scientists who felt there was no link between hurricanes and global warming were allowed to be on television.

But when I pitched the story in a news meeting, Britt Erickson told me that the publishing executives at ACS were not happy with my reporting. “They are not keen about these types of stories,” she said. When I asked if I could freelance it for another publication,

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she said that she had to think about it and would get back to me.

I soon met with Rep. Brad Miller (D-NC) and some staffers from the House Science Committee to discuss the emails that I had obtained. We all agreed that the emails showed a troubling pattern of White House suppression of agency scientists. Staffers with Sen. Joe Lieberman's office also told me that the emails were proof that something fishy was going on at NOAA.

A little later, Britt told me to stop reporting on the NOAA story because Rudy Baum did not want me to write it. He was not happy with the story I had done on the Weinberg Group, she said. "You need training in investigative journalism," she added. A meeting was arranged with Rudy Baum for July 11.

Baum began the meeting by critically examining several stories that I had written. The article "Hidden Ties," he said, was not really a story because it's "not news" that industry would support attempts to roll back environmental regulations. I just don't see what the story is, he said.

He added that he would not have run the story on the Weinberg Group, an article that he characterized as a hatchet job that lacked professionalism. Particularly, he was not happy that I had run a transcript of my interview with Matthew Weinberg. "That does not meet journalistic standards," he said.

I made some slight protests, pointing out that many news organizations such as Frontline regularly run transcripts of their interviews to increase transparency and add credibility to the reporting. But Rudy was not to be dissuaded, adding that I was too immature for investigative journalism. "You are not ready for this type of reporting," he said.

ES&T, ACS officials respond:

The policy of ACS, as expressed in the ACS governing documents, clearly prohibits interference in editorial decisions by anyone on the staff of the society or in its governance structure. Editors of ACS publications exercise complete control over the content of their journal or magazine. Any suggestion by Paul Thacker to the contrary is entirely without merit.

Britt Erickson and I were uniformly unimpressed with Paul's journalistic skills, and we told him so. We said that, especially on his investigative stories, he needed much more editorial supervision than *ES&T* had the resources to devote to him. We did not tell Paul that he could no longer work on such stories, only that he needed prior approval to work on them. As to the specific case of the story on the Weinberg group, it was a hatchet job and running the transcript was embarrassing to Paul and *ES&T* because Paul's questions were almost incoherent.

— Rudy M. Baum, Editor in Chief, *Chemical & Engineering News*

Bill Carroll, former ACS president, wrote to say he did not interfere in the ES&T editorial process, but did question editors about whether the stories were more appropriate for Chemical and Engineering News, another ACS publication, because the stories were critical of industry. Carroll added that he chaired the compensation committee but it does not evaluate or award bonuses to editorial employees.

On Aug. 3, I met with some reporters at NPR to discuss my situation and go over the emails I had gotten from NOAA. I knew that I had a great story, one the public needed to hear. I was considering just giving the emails to NPR or the New York Times. But my friend at NPR told me to hold onto the emails and get ACS to put their refusal in writing. If that didn't work, then he would take the emails and NPR would run the story.

I sent Britt an email requesting to freelance the article, and asked for a written response. A couple of hours later, Britt asked me to come into her boss' office. When I closed the door behind me, Britt said, "We're not going to give you anything in writing. You can't write this article for us, and you can't write it for anyone else. If you want to write this article, you need to go ahead and leave ACS."

I thanked her for the response and left.

At this point I began my job search in earnest, putting out resumes and contacting friends. I also met with a staffer on Rep. Henry Waxman's Committee on Government Reform and gave them copies of the NOAA emails.

About then, I also learned that publishing executives and senior editors at ACS get bonuses based on how well the publishing operation performs. These bonuses are approved through the committee on executive compensation. The chair of that committee, I discovered, was none other Bill Carroll. It was definitely time to leave.

In mid-September, I accepted a job and turned in my two-week notice. Based on the NOAA emails, I wrote a story "Climate-controlled White House" for Salon. The day the article came out, Waxman released one of the emails that I had passed to his committee. That email was covered by six different news organizations including ABCnews.com, Reuters, and the Associated Press as well as dozens of blogs.

ACS terminated my employment that Friday, but I had expected as much. A few weeks prior, Jeffrey Dvorkin with the Committee of Concerned Journalists had warned me this might happen. But he also said the story needed to get out. "You may have a higher obligation that the public has a right to know," he wrote.

In November, a package of stories that I submitted to the SEJ annual awards contest won second place. The package included the stories "Hidden Ties" and "The Weinberg Proposal." The emails I gathered from NOAA have been discussed multiple times in congressional hearings that have examined political interference in government science.

While some may dismiss this as an isolated incident at ACS, I worry that what happened to me is part of a pattern that continues to play out at an "independent" nonprofit that maintains strong ties to industry. In 1995, the *Columbia Journalism Review* reported that *Chemical and Engineering News*, also published by ACS, killed an investigation into Ashland Oil after an executive from the company flew up from Kentucky to meet with executives at ACS. The reporter on that story was Wil Lepkowski.

"What happened to you is very similar to what happened to me," Lepkowski told me.

Paul D. Thacker is a former journalist and member of the SEJournal editorial board. Since writing this article in February he has left journalism to take a job as an investigator for Sen. Chuck Grassley's Finance Committee, investigative and oversight projects.