

# Drawing Conclusions From Investigative Reporting

*Where should journalists draw the line?*

By Steve Weinberg

Editor, *The IRE Journal*

When Gary Webb started writing what became "Dark Alliance: The Story Behind the Crack Explosion," an investigative project for the *San Jose Mercury News*, he was pretty sure he had something that would attract attention outside his newspaper's circulation area.

An experienced investigative reporter at the *Cleveland Plain Dealer* before joining the *Mercury News*, Webb knew something about attracting controversy as a result of his work.

But little did Webb suspect that the project, about possible Central Intelligence Agency involvement in crack cocaine sales, would attract the kind of attention—both the lavish praise and the severe criticism—it has.

Since the series appeared (Aug. 18-20, 1996, plus follow-ups), praise has come from countless readers, many fellow journalists and some politicians, especially those already suspicious of CIA activities in the United States and other nations. But Webb and his editors have also become the center of unexpected criticism, as skeptical journalists, outraged politicians and accused bureaucrats have questioned their motives, reporting techniques, editing, presentation (especially on the newspaper's Internet site) and the series' conclusions.

Within the *Mercury News*' own newsroom, there was some grumbling about the content and presentation of the series. *The Baltimore Sun* raised questions about Webb's reporting in a Sept. 27, 1996, article on page 2 by a national staff writer. *The Washington Post* published a front-page story (on Oct. 4), reported by four people, and a separate piece (Oct. 2) by its media writer suggesting that Webb's series might be misleading. *The Mercury News*' top editor replied to the newspaper's internal critics by memo and in meetings. He replied to the *Post* findings in a detailed letter, then took the unusual step of assigning a top investigative reporter from within the *Mercury News* to re-report the Webb series. Pete Carey's findings, mostly supportive but partly critical, ran in the *Mercury News* on Oct. 13.

That did not stem the tide of outside scrutiny.

*The Los Angeles Times* published a three-part series (Oct. 20-22) by a ten-person team finding fault with Webb's work. *The New York Times* published a front-page article (Oct. 21) that was partly critical. Some journalism commentators—in magazines, syndicated columns, op-ed pieces and on the air—outside those big three newspapers have joined in the criticism. The Central Intelligence Agency has issued denials.

## Putting journalists on the defensive

The specific controversy over Webb's work is interesting in its own right. But its significance transcends one reporter and his newspaper, especially when considered in conjunction with other controversial investigative projects disseminated during the 1990s. Among the most prominent of those projects are "Smokescreen," the ABC News investigation led by Walt Bogdanich into tobacco company use of nicotine, as well as three series by James Steele and Donald Barlett at the *Philadelphia Inquirer* that blame the legislative and executive branches of the federal government, working closely with multinational corporations, for sabotaging the standard of living for millions of U.S. citizens.

Critics of these and other ambitious investigative projects have tried to place dedicated, talented journalists on the defensive. The debate centers on these questions:

Have the reporters and editors behind the projects:

1. begun their work with suppositions that skewed the findings?
2. drawn conclusions that go beyond whatever expertise they may have developed?
3. caused the credibility of all journalists to decline?

Although it sounds melodramatic, the controversies surrounding the San Jose, ABC and Philadelphia projects are about the soul of journalism in the 1990s. As a result of the attacks on their credibility, the investigative reporters and editors involved have arrived at a watershed: Will they pull back from piecing together hard-to-gather information from a variety of sources on sensitive topics? Will they stop short of drawing conclusions and proposing solutions?

## Lavish Praise, Severe Criticism

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Looked at another way, does Webb, do Barlett and Steele and Bogdanich have an obligation to practice what I like to call "expert journalism," or do they have an obligation to eschew expert journalism and all that term implies?

### The genesis of Dark Alliance

The genesis of Webb's revelations, like the genesis of many journalistic blockbusters, is grounded in an experienced investigative reporter with a prepared mind. The way Webb came to his topic demonstrates, once again, that there might be lucky reporters, but there are no lazy, lucky reporters.

In 1993, the *Mercury News* published Webb's series "The Forfeiture Racket." While reporting that series, Webb ran across the case of a convicted Los Angeles drug dealer, "Freeway Rick" Ross, whose assets had been seized by law enforcement officers. Webb found the Ross case interesting, but could not make room for it in the series.

In June 1995, the U.S. Justice Department released a policy memo on asset forfeiture. Because the policy seemed to conflict with federal court decisions, Webb wrote a story. A woman in Oakland, Calif., saw the story and called Webb. Her boyfriend, a Nicaraguan national, was incarcerated and had been victimized by the local asset forfeiture policy, she said. Webb replied that he appreciated the call, but simply could not write up every forfeiture case that came to his attention.

The woman was insistent. By the way, she mentioned, drug running and U.S. intelligence agencies had inexplicably been mentioned in her boyfriend's case. What was that all about? She said she had a partially redacted federal grand jury transcript about the case. Did Webb want to look at it? Webb, curiosity piqued, said he would meet the woman.

The transcript introduced Webb to Oscar Danilo Blandon Reyes, a Nicaraguan national who had been a cocaine seller in the United States before turning informant for the U.S. Drug Enforcement Administration. Blandon was telling the grand jury what he knew about the Nicaraguans under investigation, including the boyfriend of the woman who had called Webb. Blandon testified that some of his knowledge about Nicaraguans running drugs in the United States came from Norwin Meneses Cantarero, a higher-up in the drug chain. Blandon and Meneses had been unknown to Webb, but he was interested in learning more.

About that time, a judge hearing the case of

the incarcerated Nicaraguans ordered disclosure of the grand jury transcript, so that the defendants could learn more about Blandon, their accuser. The U.S. attorney opposed the judge's disclosure order, saying national security was involved. How about if the government just set aside Blandon's testimony? Then there would be no need to delve into his background or credibility.

Now Webb was really interested. As he called around looking for more information about Blandon and Meneses, he talked to a San Diego lawyer who mentioned a possible link between Blandon and Freeway Rick Ross. Webb could sense his separate pieces of string balling together, as sometimes happens when the pursuit of a story is going well.

Webb wrote Ross in prison. Did he know Blandon? Sure, Ross replied; Blandon was a big supplier of crack cocaine when Ross was selling the substance to Los Angeles' inner-city blacks. Wow, Webb thought. It appeared Blandon has drug connections, national security connections, and connections to the Contras, the CIA-endorsed army that fought Nicaragua's socialist government.

With help from a reporter in Managua, Webb made contact with Meneses, who had escaped prosecution for his drug running in the United States but run afoul of the Nicaraguan authorities. Meneses agreed to talk, partly, Webb suspects, because he felt betrayed by the U.S. Drug Enforcement Administration.

Webb slowly realized what he was uncovering might be linked to the Iran-Contra political scandal during the Ronald Reagan-George Bush administrations. Webb reviewed a 1988 report issued by the U.S. Senate subcommittee on terrorism, narcotics and international operations, chaired by John Kerry, D-Mass. There it was. The committee report said, in part, "It is clear that individuals who provided support for the Contras were involved in drug trafficking, the supply network of the Contras was used by drug trafficking organizations, and elements of the Contras themselves knowingly received financial and material assistance from drug traffickers. In each case, one or another agency of the U.S. government had information regarding the involvement either while it was occurring, or immediately thereafter."

"Dark Alliance" was coming together. As published, the day one headline said: "America's Crack Plague Has Roots in Nicaragua War/ Colombia-San Francisco Bay Area Drug Pipeline Helped Finance CIA-backed Contras."



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### **Key findings**

The day one lead said: "For the better part of a decade, a San Francisco Bay Area drug ring sold tons of cocaine to the Crips and Bloods street gangs of Los Angeles and funneled millions in drug profits to a Latin American guerrilla army run by the U.S. Central Intelligence Agency, a *Mercury News* investigation has found."

Key day one findings:

Blandon and Meneses, the Nicaraguan men supplying cocaine to Ross, the Los Angeles dealer, for resale "met with CIA agents both before and during the time they were selling the drugs in L.A..."

A result of the Nicaraguan-Californian connection was "the first pipeline between Colombia's cocaine cartels and the black neighborhoods of Los Angeles," providing availability of a narcotic "virtually unobtainable in black neighborhoods before members of the CIA's army started bringing it into South-Central in the 1980s at bargain-basement prices."

The pipeline provided "the cash and connections needed for L.A.'s gangs to buy automatic weapons," and eventually "helped spark a crack explosion" in other U.S. cities.

Meneses, the Nicaraguan supervisor of the cocaine sales in the United States, was known to law enforcement authorities, but "the CIA or unnamed national security interests" hampered prosecution, according to sources cited by Webb.

As for foreign policy implications, Meneses and Blandon used cash from sales to Ross "to buy weapons and equipment for a guerrilla army" in Nicaragua that was "the largest of several anti-communist groups commonly called the Contras." The CIA and other elements of the U.S. government hoped the Contras would help overthrow the Nicaraguan socialists who had come to power during 1979.

On the newspaper's Internet site, Webb supplied the text of documents he relied upon, including grand jury proceedings, sworn court testimony, Congressional hearings and investigative files from law enforcement agencies.

### **The big question**

Despite the voluminous documentation, or perhaps because of it, much of the controversy over "Dark Alliance" revolves around this question:

Does the *Mercury News* series say outright that the CIA knowingly sponsored the California-based Nicaraguans in the crack cocaine sales business? Not really, though Webb certainly serves up tantalizing, apparently credible evidence. Consider:

He quotes a federal public defender in Los Angeles as saying police believed the CIA compromised the investigation of one of two key Nicaraguan drug dealers in California.

The same dealer is quoted by Webb as implying, during testimony to a federal grand jury in San Francisco, "that his cocaine sales were, for a time, CIA-approved."

The statement of the lawyer for that dealer is portrayed like this by Webb: "Blandon's lawyer, Brunon, said in an interview that his client never told him directly that he was selling cocaine for the CIA, but the prominent Los Angeles defense attorney drew his own conclusions from the 'atmosphere of CIA and clandestine activities' that surrounded Blandon and his Nicaraguan friends. 'Was he involved with the CIA? Probably. Was he involved with drugs? Most definitely. Were those two things involved with each other? They've never said that, obviously. They've never admitted that. But I don't know where these guys get these big aircraft . . .'"

### **Reactions from journalists**

The reactions from experienced investigative journalists have been all over the lot. Here is a sampling:

In *Newsweek*, Sept. 30, 1996, reporters Gregory L. Vistica and Vern E. Smith said "Webb . . . suggests that the CIA must have been aware of the Nicaraguan connection . . . But that is just his supposition — Webb does not say anyone in the CIA actually knew about the Nicaraguans' cocaine trafficking or that any CIA operative actually took part."

In *Time*, Sept. 30, 1996, columnist Jack E. White gave Webb some credit for good work, then quoted colleague/author Elaine Shannon, "who has covered the war on drugs for so long that she knows as much about it as any narc," as saying "Even sources who are routinely skeptical of the official line on the Contras agree that the idea that the agency was behind drug smuggling by the Contras is fantasy . . ."

On CNN Today, Sept. 20, 1996, Webb and Ron Kessler debated the story, with host Lou Waters moderating. Kessler, a former *Washington Post* and *Wall Street Journal* reporter who has written books about national security topics, slammed Webb's series. Kessler accused Webb of lacking documentation for the gist of the series. Webb shot back that Kessler obviously had failed to do his homework, because the documentation was voluminous.

For what it is worth, I am impressed with Webb's reporting — even after carefully considering the criticisms by fellow investigative journalists I respect.

The newspapers, magazines and broadcast outlets examining the series should be congratulated for their efforts at media criticism. I started publishing media criticism in 1975, with an article in *Columbia Journalism Review*. I am a contributing editor there now. I have also scrutinized the work of fellow journalists in *The Quill*, *American Journalism Review*, the American Society of Newspaper Editors' magazine, *Mother Jones* magazine, numerous book review pages and many other forums. It is prickly work, and certainly no way to make friends in newsrooms.

So while I praise the efforts of those examining Webb's reporting, I found them largely unconvincing. Webb found himself with an important story building after learning the connection between Nicaraguan drug sellers and a Los Angeles customer. He took the story where it seemed to lead—to the door of U.S. national security and drug enforcement agencies. Even if Webb overreached in a few paragraphs—based on my careful reading, I would say his overreaching was limited, if it occurred at all—he still had a compelling, significant investigation to publish.

It looks to me as if many critics of Webb are holding him to a higher standard of evidence than they usually insist upon for their own stories. Their articles that criticize his work rely on sources no more reliable — and, in some cases, perhaps less reliable — than Webb's own sources. Webb's sources were almost all men and women with something to gain or lose by telling less than the whole truth. But the same was true for some of the sources—a few of them unnamed—quoted by the *Washington Post*, *Los Angeles Times* and *New York Times* reporters.

That is why Webb relied so heavily on documents and sworn testimony. What else could he do? Would it have been realistic for him to expect prosecutors, DEA agents and CIA officials to admit their complicity? Of course not. Would it have been realistic for Webb to expect the drug dealers, Nicaraguan or Angelino variety, to tell the whole truth? Of course not.

Webb attempted an investigation with a high degree of difficulty. He uncovered revelatory connections between government national security considerations (which I consider to be overblown, if not entirely manufactured) and the failure to prosecute dangerous drug dealers.

Even it turns out the CIA had no direct complicity, those connections are an important story. In parts two and three of the series, Webb presents the connections compellingly. (My opinion of the presentation in part one is much lower. I had to read it three times to understand it.) Perhaps

most important from my perch, Webb and his editors put a great deal of documentation on the newspaper's Internet site, for any reader to evaluate.

Later findings might erase my praise; I certainly cannot totally discount the skepticism of so many talented colleagues. But I think Webb should receive an "A" for effort, and — until I see convincing evidence to the contrary — an A-minus for execution.

If Webb's work turns out to be shoddy, will that chill investigative reporting across the board, as I have heard some journalists worry? It shouldn't. Every news organization ought to be digging beneath surface events on local, national and international issues. Some never do. Others do it only occasionally. They cannot be chilled because there is little or nothing to chill.

On the other hand, a minority — but nonetheless impressive number — of news organizations do practice investigative journalism regularly. They have withstood many predictions of a chilling effect, most recently during 1995 when ABC News settled a lawsuit brought by Philip Morris tobacco company concerning the "Smokescreen" investigation mentioned earlier in this article. They are unlikely to cut back on investigative reporting because of one series undergoing scrutiny. One interpretation, mine as it happens, is that it is actually encouraging to see the impact of the *Mercury News* series.

*The Mercury News* series drew few outright conclusions, leaving readers to draw their own. The ABC News "Smokescreen" investigation openly came to a few conclusions, which seemed richly justified by the evidence gathered. The three *Philadelphia Inquirer* series by Barlett and Steele mentioned earlier drew lots of conclusions, as well as suggesting solutions.

Is it warranted for investigative journalists to draw conclusions, to hold themselves out as experts? Sometimes, yes. I know of many instances where after a year or more of work, journalists know as much as any source. Furthermore, those sources—no matter how well-intended — usually have hidden agendas and conflicts of interests. Talented investigative journalists generally have no hidden agendas and no conflicts of interests. So who better to act as experts?

Given the knowledge Webb accumulated, I think he had an obligation to practice expert journalism at some level, which is exactly what he tried to do.

**What do you think?  
We at *The IRE Journal* want to hear your thoughts. But, please, contact us only if you have carefully read and analyzed the original *San Jose Mercury News* series.**