



AAJA - Media Institute

Honolulu, Hawaii, June 21, 2006



Follow the money trail in politics

James V. Grimaldi

IRE Board President

- **LOBBYING.** Find lobbying reports at <http://sopr.senate.gov/>. PDFs with amounts of money paid to lobbyists, the issues on which they lobbied, sometimes the agencies they lobbied and who hired them. In addition, the primary place of business in the U.S. and the interests of foreign governments and foreign companies in those clients when disclosed.

DOJ's Foreign Agents Registration Act (FARA) web site is out of date. Unfortunately, that means it is best to go to Dept of Justice to review and copy the files there <http://www.usdoj.gov/criminal/fara/>. The Center for Public Integrity has taken a stab at a comprehensive lobbying web site, <http://www.publicintegrity.org/lobby/>. Includes 2.2 million records from the Senate's Web site from about 200,000 lobbying forms (and amendments) filed since 2000.

The Center for Responsive Politics maintains a lobbyist database:

<http://www.opensecrets.org/lobbyists/index.asp> but it is not as inclusive or as organized as Political Moneyline, , <http://www.fecinfo.com/>. Downside for MoneyLine is that it is duplicative and includes former lobbyists (such as dead people).

Washington Representatives, which also has a web site, www.lobbyists.info offers an up-to-date site of registered lobbyists. Lacks historical data. Paid site but offers free, 5-day trials.

- **CAMPAIGN CONTRIBUTIONS.** Track the political cash flow across several states: This database includes contributions and how the candidates spent their donations. In some cases, it includes money flow to and from political action committees (PACS), candidate committees and party committees. <http://www.campaignfinance.org/> Tips about stories: <http://www.campaignfinance.org/background.html> In addition, some quick sites: We track federal campaign contributions by individual, company or industry at www.opensecrets.org, the Web site of the Center for Responsive Politics. It is free and accurate. CRP codes donations to make them more accessible than they are on the Federal Election Commission site, www.fec.gov. Another site, <http://www.fecinfo.com/> requires paid registrations. Organizes material a little differently than CRP. Generally charges for additional information, but might give free pass or special deal for smaller news organizations or students. FECinfo also has reliable lobbying information. Selected state information at The Institute on Money in State Politics <http://www.followthemoney.org/>
- **PRIVATELY FUNDED TRIPS.** Congressional rules permit lawmakers to take trips paid by private companies, nonprofits, universities and other outside groups as long as legislators limit what they take to what the rules call "reasonable and necessary expenses." Marketplace, American RadioWorks, and a team of graduate students from Northwestern's Medill School of Journalism cataloged every privately sponsored trip taken by members of the House or Senate since 2000. <http://americanradioworks.publicradio.org/features/congravel/> That database is now in use on PoliticalMoneyLine. The hard copies of these reports are kept with the House Resource Center and the Secretary of the Senate. RadioWorks searchable database: <http://americanradioworks.publicradio.org/features/congravel/data.html> PoliticalMoneyLine – [fecinfo.com](http://www.fecinfo.com) – also has analyzed privately funded travel from 2000 to 2006 as disclosed by members and senators.

Recently, the Center for Public Integrity took Medill's database and updated it and added staff travel.

<http://www.publicintegrity.org/powertrips/>

- **CONTRACTS.** Federal Contracts Database on IRE's Campaign Finance Information Center. Search for federal contracts awarded to a particular business: a great place to start when looking at contracts awarded to companies in your area, or work being performed there. <http://www.campaignfinance.org/>
- **TRADE PRESS AND NEWSLETTERS.** Most industries have a trade magazine, newspaper or newsletter covering them and the regulators that regulate them. Many of these can be found on Nexis or Factiva sites, or are kept in agency libraries.
- **PROFESSIONAL ASSOCIATIONS.** Nearly every industry has a trade group or professional association, often based in Washington and state capitals, to represent the industry's interests. Find the group and get their publications. Many are online. The Encyclopedia of Associations is available in libraries and online, but not free, at www.galenet.com The American Association of Association Executives has a Web directory of associations at <http://info.asaenet.org/gateway/OnlineAssocSlist.html> takes you to the site of each association (about 6500 of them), but does not provide a blurb with info about each association like the Encyclopedia of Associations does.
- **LAWSUITS.** Key documents to find a company's disputes with creditors, employees, rivals, etc. Can be windows into a company. For our SunCruz story, "Untangling a Lobbyist's Stake in a Casino Fleet," found at www.washingtonpost.com/abramoff, we looked at thousands of documents in bankruptcy and state court. The SunCruz case led to Abramoff's unraveling.
- **COMPANY OFFICIALS.** The company's public affairs officers and public officials. Outside public affairs officials who represent the company. Use discretion depending on the angle of the story. If you can't reach them at work, you can call them at home. Get company official names from web sites and from SEC (see below). Also, Leadership Directories, publisher of government "Yellow Books," public executive listings. The web site is <http://ldi.bvdep.com> and lists the executives at every company. It's expensive but worth it if you can afford it.
- **FORMER EMPLOYEES AND RIVALS.** Employees who have sued the company, though they have an ax to grind, can often provide inside information. Check lawsuits, get internal directories, get names off web sites and Google searches.
- **LABOR UNIONS.** Often know more about a company than the company officials, where the bodies are buried. But they also sometimes have an interest to keep the secrets secret. Union officials can put you in touch with employees.
- **REGULATORS.** Rule-making, fines, citations, policy agendas -- often everything important runs through the federal, state and local agencies that regulate industries. Check rule dockets, warning letters, enforcement actions, file public-record requests for meetings with officials. e.g., EPA, USDA, OSHA. <http://docket.epa.gov/edkpub/do/EDKStaffCollectionDetailView?objectId=0b0007d480119bf6> All EPA dockets are found at <http://www.epa.gov/epahome/dockets.htm>
- **LEGISLATIVE COMMITTEES.** Find out which legislative and congressional committees have jurisdiction over the industry. Look at legislation, appropriation bills, hearing reports, investigative reports. FOIA lawmaker correspondence with regulatory agencies.
- **NON-PROFITS.** Many lawmakers have close affiliations with nonprofits. The 990 tax forms for tax-exempt, nonprofit organizations are available on Guidestar at www.guidestar.org (free, registration required). Guidestar's arrival in many ways superceded the widely used California AG's Registry of Charitable Trusts site at <http://caag.state.ca.us/charities/>. It is still good at some of the harder-to-find stuff. The Foundation Center www.fdncenter.org has tax returns and financial info on charities/trusts. Click on Foundation Finder, <http://inp.fdncenter.org/finder.html>, which has details and tax returns on 70,000 private and community foundations, or to the 990 search engine, http://inp.fdncenter.org/finder_990.html
- **LAW FIRMS AND LAWYERS.** For a nationwide search, try Martindale-Hubbell at www.martindale.com, useful search engine by publisher of the old Martindale hardbound books.

James V. Grimaldi/Investigative Reporter/The Washington Post/202-334-6000/grimaldij@washpost.com

READ THE STORIES: www.washingtonpost.com/abramoff



AAJA - Media Institute
Honolulu, Hawaii, June 21, 2006



Getting documents using open records laws

James V. Grimaldi

IRE Board President

BEFORE YOU START

Do your homework.

Have a general idea of what you are looking for. Find out how documents are kept, where they are kept and why they are kept. Get blank copies of forms that are regularly filled out. Make sure you have exhausted other avenues to obtain records.

Look for it. Ask for it.

Check web sites. Don't FOIA something you can get by making a phone call or that is already online. Sometimes, the quickest way to get something is just to ask for it -- without filing a FOIA.

THREE STRATEGIES FOR YOUR FOIAS

Ask for exactly what you want

Through reading the law, policies, web sites and interviews, you find out exactly how the system works. What forms do they keep? What reports do they regularly file? Sources can guide you to the reports to request. Key advantage: Reduces turn-around.

Ask for everything

If you make a very broad request, you can then negotiate to scale it back. After all, if you knew what document you wanted and what it said, then why would you have to file a FOIA? You would have it already. Be sure to ask for records as they become available. Then, ask the FOIA officer to deliver the records in bundles. IE, "Provide XYZ documents first, then I'll see if I need more."

Make regular requests.

If you are a beat reporter, you should regularly file FOIA requests on your beat. Ask for key documents, calendars, e-mails, correspondence, inspection reports, audits, budgets, etc.

WRITING YOUR FOIA

The easiest way is to use one of many standard forms found on FOIA sites listed below. But the most basic says, "Under FOIA, I am seeking....." and then ask for what documents you seek, being as specific as you possibly can.

Bells and whistles to include in the letter

A) Ask the agency not to redact. If the agency regards any of the records you seek as exempt from disclosure under FOIA, request that it exercise its discretion and go ahead and disclose them. Further, if the request is denied in whole or in part, ask that the officials justify all deletions by reference to specific exemptions of FOIA, and that you provide all non-exempt portions that are reasonably segregable.

B) Ask that the request be expedited. Note that you are a journalist who disseminates information and then explain why the public has an urgent need for the information. *For example, the need may involve an impending decision to which informed members of the public might contribute through contacts with public officials and in these instances delay would deprive the public of its ability to make known its informed views in a timely manner. Another need could be that possible questions exist about the government's integrity which could affect public confidence.*

C) Ask for a fee waiver. Describe your media organization and say that the records disclosed will be used in the preparation of news articles for dissemination to the public. Point out that the furnishing of information sought by the request is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in your commercial interest.

D) Set a time limit. FOIA requires a response within the twenty (20) working days. Don't hold your breath, but it doesn't hurt to mention it.

E) Include your contact information and how you want to be contacted.

Send the FOIA.

Use email or fax, if possible. In the post-anthrax attack world, electronic means are more reliable. Call and make sure it got there. Follow up.

MANAGING YOUR FOIA

The work has just begun after the FOIA has been mailed, faxed or e-mailed. Records will not magically appear. You have to follow up, be prepared to negotiate, write an appeal, or, in extreme cases, file a lawsuit.

Always call the FOIA officer.

If you know exactly what you want, the FOIA officer might provide some guidance (how long it will take; how to modify the request; whether it is online) to get it faster. They might know if someone has previously made a similar request. This can reduce turn-around time.

After you have made your request, contact the FOIA officer to discuss it. If it is limited in nature, point out that fulfilling it will not take much time. Call at least weekly and ask how the request is going.

Be reasonable.

Consider the point of view of FOIA officers. They want to follow the law, but find the most expedient way to dispose of your request. If they say "you can find that online," ask them to show you. They will -- because it means saving them time. Congress requires reports on the number of requests and how many are filled each year. So if you show them they can quickly dispose of your request, you might get bumped to the head of the line. Know the law and cite it.

Cut a deal.

FOIA officers will ask you to narrow your request. Counter by negotiating for an index to documents, such as a correspondence log or a FOIA log (list of FOIAs requested by others) to see what already has been released. Say that when you receive it you will see if you can narrow your request. You get a really quick turnaround because you're not jumping out of line -- you're just narrowing. And the logs are really valuable.

But don't back down.

Get know the FOIA officers – they are just doing a job. Be cordial and understanding. But don't back down. Be reasonable and make strategic concessions (especially things you don't really need), but don't allow them to exclude what must be released under the law. Make them justify denials.

Always appeal

Whenever appropriate under the circumstances, file an appeal -- even if the story has run. There might be material for a follow. (Don't appeal if your case really has no merit, so as not to jeopardize your organization's long-term credibility.)

Demand media fee waivers

You are engaged in journalism, so you qualify for a fee waiver. Watch for tricks designed to make you go away. One agency has asked Post reporters for extraordinary proof to grant fee waivers commonly given to media. Challenge those fee requests vigorously. Ask for the agency's fee schedule and examples of charges to other media. Ask to *review* – and not copy – records; there should be no charge for that.

Track your FOIA

Keep a file or record of your contacts with the FOIA officer. Some people call the FOIA officer once a week, once a month. Sarah Cohen of the Post always sends her FOIA a "birthday card" on the anniversary. (The National Security Archive recently celebrated the 17th birthday of a FOIA:

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB182/press.htm>)

File a Lawsuit

Don't panic at this subhed. This does not have to be expensive. The Seattle Times is going into court pro se -- one case at a time -- in an attempt to open lawsuit records that were wrongly sealed. Consider recruiting other plaintiffs to sue for public records. The Washington Post teamed up with news organizations -- CBS News and others -- to fund a lawsuit to open up sealed records related to faulty Firestone tires.

SELECTED LINKS: FOIA RESOURCES ONLINE

After Sept. 11, IRE gathered stories and links about government attempts to restrict access to public information. <http://www.ire.org/related/records.html>

University of Missouri Freedom of Information Center offers forms, laws, tips, and a wealth of resources <http://www.missouri.edu/~foiwww/>

Reporter's Committee on Freedom of the Press is a rich legal resource on free speech issues, trends, developments in the law. <http://www.rcfp.org/>

Society of Professional Journalists' FOI site includes an overview to FOI concepts and laws and a handy A-to-Z list on getting records.

<http://www.spj.org/foia.asp>

Public Citizen's FOIA page

<http://www.citizen.org/litigation/briefs/FOIAGovtSec/>

National Security Archives at George Washington University collects and publishes declassified documents acquired through the Freedom of Information Act
<http://www.gwu.edu/~nsarchiv/>

The Right-to-Know Network is part of OMB Watch and provides access to databases. RTKnet has executive summaries of chemical plant risk-management plans filed with the EPA. <http://www.rtk.net/>

The Justice Department has compiled an excellent list of legal references, FOIA guides and publications -- inside and outside of the government.
<http://www.usdoj.gov/oip/basicreferences.htm>

SELECTED GOVERNMENT WEB SITES

Almost every government agency posts online its FOIA handbook, which is a valuable resource for negotiating with FOIA officers. "Your own handbook says..." Here are a few:

Department of Justice list of principal FOIA contacts across agencies
<http://www.usdoj.gov/04foia/>

Defense Department's FOIA site, including the DOD FOIA handbook and list of the different contacts within DOD (Army, Navy, etc.)
<http://www.defenselink.mil/pubs/foi/>

Department of State <http://foia.state.gov/> Department of Treasury
<http://www.ustreas.gov/foia/>

Department of Interior <http://www.doi.gov/foia/>

Department of Commerce <http://www.osec.doc.gov/oebam/FOIAWebsite.htm>

Department of Agriculture <http://www.usda.gov/news/foia/main.htm>

FOIA ELECTRONIC READING ROOMS

After the Columbia shuttle disaster, NASA created a consolidated FOIA web page and posted all documents online. <http://www.nasa.gov/columbia/foia/index.html>

The Commerce Department's FOIA electronic reading room on Enron:
<http://www.ustreas.gov/foia/reading-room/docs/enron-index.html>

The Washington Post

James V. Grimaldi
Investigative Reporter
grimaldij@washpost.com
202-334-4459