

## *Inside:*

Getting access to computerized information isn't always easy...especially if you are working for a small or medium sized newspaper.

Jennifer Wynn provides some insight. See p. 5.

## Intoxicating project:

*Mainframe director, enterprising reporters conduct high-impact DUI investigation*

*Lisa Touye'*  
**MICAR**

In Ohio, you can drink, drive, be convicted, serve time and drive drunk again as many times as you want. Your driver's license may be temporarily suspended, but with a little time and \$75 you can buy it back.

This is what reporters at the *Dayton Daily News* found as they prepared their series on drunken driving in Ohio.

In their series, Russell Carollo, Sandy Theis and Mizzell Stewart recounted the cases of people in Ohio who had the largest number of Driving Under the Influence violations and how those people said time in jail wouldn't stop them from committing another DUI violation.

One man who has been convicted at least 19 times of drunken driving says that when he gets out

See "Drunk" on p. 6

## *Is government copyright, or wrong?*

**Should Morrela-Rockefeller amendment allow government to copyright software?**

**Elliot Jaspin**  
**Sandra Davidson-Scott**  
**University of Missouri**

On the face of it, an amendment to the Stevenson-Wydler Act to allow copywriting of government-developed software is not something likely to electrify the next editorial board meeting.

In fact, most newsrooms would be hard pressed to see any connection between the amendment and their efforts to cover government.

However, this obscure proposed amendment to an equally obscure federal law illustrates the new challenges facing the press as government shifts from storing records on paper to storing them on computers.

The current version of the Stevenson-Wydler Technology Innovation Act makes it profitable for private companies to use discoveries that are jointly developed with government labs — partnerships known as cooperative research

See "Access" on p 3.

*It's a question*

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**ACCESS**  
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## *TRI working guide still available*

The Environmental Protection Agency's Toxic Release Inventory (TRI) has been one of the most popular databases used by the readers of UPLINK. It has been the source of excellent industrial pollution stories in Florida, California, Connecticut, Ohio and elsewhere.

In June, N.T.I.S. made the 1989 TRI available on computer tape. We have found a way to make using these tapes irresistible. MICAR has produced A Reporters Working Guide to the Toxic Release Inventory.

This guide helps reporters download TRI into their computers, organize the data so that it is usable, and manipulate the data to produce meaningful reports

And because specific SQL commands are included, reporters using the guide will be able to:

- identify the major polluters in their area.
- list the quantities of toxic chemicals discharged by state, county or zip code.

The guide, which is really all you need if you already own the TRI database, costs \$30 by itself. But for \$50, MICAR will also include the NineTrack Express record profiles needed to download TRI.

If you do not own TRI, cannot afford it, or simply do not have a tape drive, for \$350 MICAR will also supply TRI data concerning your entire state on 3.5" diskettes.

Finally, if you wish to purchase the entire TRI database on computer tape, MICAR can supply it for \$500. To order call MICAR at (314) 882-0684.

### *New company reaches E.P.I.C. proportions*

Electronic Public Information Consultants, a company geared towards obtaining, analyzing and reporting on electronically stored government records, has begun operations in Seattle.

According to co-owner Adam Berliant, E.P.I.C. is targeting news organizations, but expects to work for others in the public sector who utilize public information.

"We are able to do far more complex analyses of government data than one is able to do online," Berliant said.

Berliant is joined by Tom Braden and David Hinchman as owners of the new business. All three are recent graduates of the University of Missouri School of Journalism.

To contact E.P.I.C. write to 1932 1st Ave., Suite 922, Seattle, WA 98101, or call (206) 448-0454.

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Computer-Assisted  
Reporting**

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*MICAR is interested in attaining any information, ideas or stories related to computer-assisted reporting for future issues of UPLINK*

*If you wish to contribute, please mail your story or idea to the above address. Or, call us for a fax number.*

*— Robert Jackson, Editor*

and development agreements, or CRADAs.

The law permits the government to obtain patents on inventions, resulting from CRADAs. Federal employees who help develop the innovations share in the royalties, and private industry receives a license on the government's patents to develop commercial products.

While the law allows the government to hold patents, it does not cover copyrights. Current copyright law prohibits the federal government from applying for copyright protection for its works, including software.

One-sixth of the country's scientists and engineers work at the more than 700 government-run laboratories. Rep. Connie Morella (R-Md.) and Sen. John Rockefeller (D-W.Va.) reasoned that by encouraging the private sector to form CRADAs, this country could protect a valuable lead it has in computer technology. Both have submitted legislation that would extend the Stevenson-Wydler Act to include copyright protection for CRADA-produced software. The identical bills are currently winding their way through Congress.

What does this bill have to do with a reporter's access to information?

Everything.

Electronic data is rapidly becoming the dominant form of record keeping in the United States. The Federal government, at last count, had over 30,000 mainframes and mini-computers storing infor-

mation on everything from crop reports to cancer research. This means that if reporters want to do their jobs, they will have to know how to obtain and use electronic records. While electronic information is similar to its paper counterpart, there are significant differences — differences which the bills of Morella and Rockefeller, despite their good intentions, do not address.

When a reporter requests a paper record from a government agency, there is an assumption that is so well accepted that it goes unstated: the information will be in English. Not so electronic information, which has no accepted form for electronic records.

There are two different coding schemes (ASCII and EBCDIC), at least four different methods of recording information on magnetic tape, and a seemingly endless number of record formats. What is crucial to note here is that the form in which information is recorded on a tape is controlled by the software. This makes it exceedingly easy for a government agency to keep its records secret by hiding behind the protection of the Morella-Rockefeller amendment.

With the help of a private company, an agency could develop database software that uses a proprietary scheme for storing information. When reporters ask for a copy of the government's database, the agency would gladly

See "Amendment" on p. 4

**When a reporter requests a paper record from a government agency, there is an assumption that is so well accepted that it goes unstated: the information will be in English. Not so electronic information, which has no accepted form for electronic records.**

### *Amendment: from p. 3*

**You want to check the government's figures, but to do so, you have to use the government's software. In fact, you want to check out the software, not just the figures it produces. That's impossible, you are told. The first time the much-in-demand software can be available is — you guessed it — after Election Day.**

oblige. If reporters complain that they can't decipher the way the information is stored, the agency can say, "Sorry, the copyrighted instructions for deciphering the information are not public."

This is not to say that Morella and Rockefeller are trying to up-end the concept of open government. Proponents of the amendment argue that only the software will be copyrighted, not the data.

Software in this view is the mechanical version of a clerk that retrieves, sorts, counts, indexes and stores information as if it were paper records.

The distinction between software and data is likely to become even more tenuous as increasingly powerful software programs are developed. What do we make of artificial intelligence (AI) software, where the knowledge base is built into the software as a series of general rules? Are the rules software, data, or something else? Even more esoteric is software that "learns," that develops its own rules as it examines information.

Is it likely that government will be working with such exotic software? If the Morella-Rockefeller amendment is passed, that is precisely the kind of software that the bill's proponents envision.

One way out of this thicket is to copyright the software but require the government to provide public access to the information. This rings hollow. The use will be free only if you are using a government computer loaded with the government's copyrighted software

in the government's building. There will be the stand-in-line use, the you-can't-take-it-home-or-to-the-office use. This will be a use devoid of much convenience and solitude.

For the importance of timeliness, imagine this scenario: The government, shortly before an important election, has released new figures on the "negative growth incline" (recession) which show that the economy has turned around to such an extent that the U.S. will have a projected 10-percent positive growth by the end of the year. The government's new, copyrighted software made the analysis possible. Phenomenal figures, you think. Impossible, in fact.

You want to check the government's figures, but to do so, you have to use the government's software. In fact, you want to check out the software, not just the figures it produces. That's impossible, you are told. The first time the much-in-demand software can be available is — you guessed it — after Election Day.

The Morella-Rockefeller amendment should be seen as a signal flare in every newsroom in America. If we do not develop a national policy on access to electronic information, we may wake up one morning to a closed society. "We would love to give you that information," the clerk explains, "but it's on a computer."

**This article was reprinted with permission by Editor & Publisher. Jackson and Jon Schmid contributed search for this article.**



Computer-assisted reporting

# The cost of doing business

Jennifer Wynn  
MICAR

The cost of computerized information may be a stumbling block for some medium- and small-circulation papers interested in doing computer-assisted reporting.

That's the problem that Jane Martin, a reporter at the *Corpus Christi Caller-Times*, encountered while doing a drunk driving story for the 72,000 circulation daily.

"I was laboriously working by notebook going over old (criminal court) files when I realized that we ought to buy the tape," she said.

Martin talked to her boss and he told her to find out how much the nine-track magnetic tape would cost.

The tape, which contained criminal case filings from 1985 to 1989, cost \$784.

"That's when I ran into a roadblock," she said.

Because the county's computer system is older, additional programming was required before the *Caller-Times* could obtain the tapes. The extra programming increased the overall cost of the tapes, according to Martin.

But what happened to Martin doesn't have to happen to reporters at all small papers. Pat Stith, reporter for the *News & Observer* in Raleigh, N.C., said that most tapes acquired by the paper from state and county governments have cost about \$0. "Our most expensive tapes were the Federal Election Commission

tapes for \$417," he said.

"We've gotten some tapes for nothing," Stith said. "(In) some places we've pulled out a few diskettes, popped them into the computer and had the information in minutes.

According to Martin, smaller towns may also be reluctant to provide the information on magnetic tape because they are not familiar with FOIA requests and FOIA law.

"They say no without knowing what they're saying no to," Martin said.

Under the Texas Open Records Law, a judge decides how and in what format government documents will be released.

In Martin's case, she met with the district judge, a clerk and the sheriff to talk about her request.

"I told them I was not looking for subjective information about juveniles or anything else," Martin said.

Once they understood the request, they released the information, she said.

Reporters have to go through that process with every agency they approach, Stith said.

"Each time we've gone to a new agency it's been a new ballgame," Stith said. "We've done very little repeat business so far but when we go back, things go smoothly."

Stith also advises newspapers to look for a central processing agency that handles the computer chores for the city, county or state,

See "Cost" on p. 6

**What happened to Martin doesn't have to happen to reporters at all small papers. Pat Stith, reporter for the *News & Observer* in Raleigh, N.C., said that most tapes acquired by the paper from state and county governments have cost about \$30.**

**Under the Texas Open Records Law, a judge decides how and in what format government documents will be released.**

**Newspapers starting a computer-assisted reporting program should try to get one 486 computer with a gigabyte hard drive, because it will give them the capability to do a large database project and run programs quickly,**

## **Cost: from p. 5**

because it saves time and more importantly cuts costs.

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For Martin's drunk driving story, two computer systems at the *Caller-Times* were used. The 6250 BPI tape was downloaded into three smaller tapes at 6250 BPI. Then programmers downloaded these tapes into a database on a Hewlett-Packard 3000 mainframe. After that they downloaded the information onto a 386 PC with a 100 megabyte hard-drive.

Ray Motta, manager of operations at the *Caller-Times*, said the newspaper leases its equipment—one mainframe, four word processors, five disk drives and four tape drives.

Martin also ran into a cost problem when she tried to get tapes from the U.S. Army Corps of Engineers about shipping ports. They quoted her a price of \$750 to \$1250 to get the tapes.

"As the government puts more and more information on magnetic tape, I'm just afraid the cost is going to knock out the smaller media," Martin said.

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Lisa Touye' of MICAR contributed to this report.

## **Drunk: from p. 1**

of jail that he's going to have a drink and he knows he's going to drive drunk again.

*Daily News* reporters encountered a number of roadblocks while working on the series. The first was the Ohio Department of Motor Vehicles refusal to give them computer tapes of the state's driver's license records, and the records of motor vehicle violation convictions.

## **The price is right...**

"Then they decided they'd sell it to us for an astronomical price," said *Daily News* Staff Writer Mizzell Stewart. "We finally worked out a deal to get the tapes for the cost of the tapes themselves—\$475."

Then they got the tapes—all 67 of them.

They also found that the records were divided into two separate databases—one with the key field, names, addresses and so forth, and the other with all the conviction information, Stewart said. "It could take days to run a simple join," he said.

Then the reporters discovered that the DMV didn't send them all the documentation for the tapes.

"We found a lower-echelon computer guy in the department who helped us find out what it all meant," Stewart said.

Next they approached the local university to see if the people in computing would be interested in helping out by downloading the tapes on their mainframe.

"They said they could write the routines and do it, but they didn't have the time and weren't really interested," Stewart said.

After that snub, they talked with Jack Gaines, MIS director at the *Daily News*, who said he'd do the work on the paper's mainframe in his spare time.

Soon after that, Gaines was bringing printouts of his analyses down to the newsroom twice a week, and Carollo and Theis followed up on the computer findings.

"Reporters don't have to do the computer analysis for it to be good. The key is to keep the analysis in-house and have it done by someone who's trusted," Stewart said.

The mainframe analysis worked so well that now the paper is connecting the newsroom to the mainframe so that reporters can access tapes at any time. Two reporters and an editor will be trained to work on the mainframe as well, he said.