

Freedom of Information Training

# FOI Interactive

*Training for JOURNALISTS  
GOVERNMENT OFFICIALS, STUDENTS  
and the PUBLIC*

An ASNE Educational Program Sponsored by the ASNE FOI Committee

Dear Editor:

Our lives as journalists would be far easier if access to public information was blocked only by an obstinate public official or a misguided law.

Unfortunately the public we serve and the professionals we employ often contribute to the problem. The public doesn't always understand the value of openness. Our staffs sometimes need to better appreciate their role in the fight for access. And even well meaning public officials unwittingly become obstacles.



That's why ASNE's Freedom of Information Committee produced this training package. It is designed to help journalists, citizens and public servants develop an appreciation for openness by asking them to deal with life like access problems and to struggle with the answers.

The material was developed by Oklahoman Executive Editor Sue Hale, Detroit News Publisher and Editor Mark Silverman and Washington and Lee Professor Pam Luecke. They wrote the scenarios and the instructions on how to use them and oversaw production of the videos.

Their goal is to give editors tools flexible enough for use in the newsroom, at a homeowners association meeting or at city hall, and powerful enough to awaken the most jaded participant. I think they achieved it

We hope you agree and that you will use it often.

*Doug Clifton, chair, ASNE Freedom of Information Committee*

# FOI Interactive Contents

## **Letter from Doug Clifton (Inside front cover)**

*Clifton is chairman of ASNE's FOI Committee. He explains the need for an educational program on freedom of information to reach a variety of audiences.*

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## **The FOI Interactive Program (Page 9)**

*Key points for conducting an FOI Interactive program are outlined.*

## **Writing Your Own Scenario (Page 10)**

*A way to engage local people with FOI Interactive is to write a scenario that reflects a current issue in your city or state.*

## **Sample Scenarios (Page 11)**

*Members of the FOI Committee wrote these scenarios. Some are based on fact, some are fiction. Each is targeted at a specific audience. We put the scenario, the issues for each group and the interruptions on separate pages so you can easily reproduce the material.*

## **"Disaster in the End Zone" (Pages 12)**

*This scenario was written for high school and college students and is totally fictitious. (Includes video)*

## **"Chemical Spill at River Rouge" Version A and Version B (Pages 18)**

*Based on an incident that actually happened, Version A is written for newspaper staffs. Version B is written for a mixed audience. (Includes Video)*

## **"Coach 1, Students, 0?" (Page 30)**

*The facts have been changed, but this scenario reflects an actual event. This can be used with newspaper staffs or it can be used with a mixed audience. (No video)*

## **"Webbers Falls Bridge Collapse Version A and Version B (Page 36)**

*The first version can be used for either newspaper staffs or mixed audiences and it is totally factual. The second version is aimed at local government officials and the facts are altered to move the incident from the river under I-40 to a local river in the city. (The first version has video)*

## **Frequently Asked Questions (Page 48)**

# FOI Interactive

## Introduction:

FOI Interactive is a training program that uses fictional and real scenarios to show the importance of freedom of information access, stimulate discussion on recent changes in federal and state FOI laws and instruct on how to obtain government records.

Members of the ASNE FOI Committee who have experience in using scenarios for training newspaper staffs, government officials and members of the public, including students, developed the program.

This workbook will explain how to conduct the training for different audiences and in different settings. It offers several examples of scenarios developed by members of the committee. You are also encouraged to write or have scenarios written that apply to specific issues in your city or state.

The CDs included with the workbook contain videos for three of the scenarios included in the material. There is also an instructional video on how to conduct a training session based on one presented by Sue Hale, executive editor of The Oklahoman, for high school and college students.

Response to FOI Interactive has been positive. Most people enjoy role playing. With FOI Interactive, everyone has a role and everyone has an opportunity to express an opinion.

Reporters and editors are given an opportunity to sharpen their knowledge and skills about changes in open record and open meeting laws. Members of the public have an opportunity to learn why openness in government is important to their lives and their responsibility as citizens to preserve access. Government officials, particularly those who have just been elected, learn about the laws.

For newspapers, there can be a side benefit when the scenario is offered to government officials or members of the public and students. The participants may have a better understanding of how news decisions are made and what obstacles photographers and reporters face.

We hope you will find this workbook useful and the subject compelling so you will use it to raise awareness about the importance of the public's right to know and our role as journalists in a free society.

More information about FOI Interactive, including help in setting up a training session, is available by contacting Sue Hale at 405 475-3127 or by e-mail at [shale@oklahoman.com](mailto:shale@oklahoman.com).

# How to use FOI Interactive

## The Groups:

FOI Interactive can be presented for audiences from 12 people to 350. In every scenario, there are at least three sets of issues and therefore, you need to be able to divide the audience into a minimum of three groups. If you have 12 participants, each group will have 4 people for discussion. If you have 350, the way you divide up the audience depends on type of room.\*



## Opening Comments:

Tell the audience they will be divided into different role-playing groups and be given issues to discuss after they either hear or watch the scenario. Remind them that role-playing is similar to many other activities: You get out of it what you put into it.

Suggest participants play their roles according to what they as individuals think is the right thing to do and not necessarily the way they think the media or government or the general public would handle the issues.

Tell them their groups need to reach consensus on the issues, if possible, and be prepared to defend their decisions when they report those decisions to the audiences as a whole. *Do not tell them they will be interrupted with "late-breaking news."\*\**

Also explain that once they are divided into a group and begin discussing the issues, they need to select one person to take notes. That person will be responsible for reporting the group's decisions to the general audi-



ence.

### **Mixed Audience:**

In certain instances, you may have a mixture of government officials, media and public. For that audience, you want to use a version of the scenario that will be of interest to everyone. The first action you will take after introducing yourself is to divide the audience into the government, the media or the public. *Note: Ask who the media members are and then be sure they get put in the government or the public groups. Likewise, government officials should be moved to public or media. The goal is to put participants in roles they are not comfortable in so they will learn a different point of view.*

### **Student Audience:**

With student audiences, you will want to determine if anyone is working for the school newspaper and then put them in a government or public group.

■ See Page 7 ---Setup of Room

■ See Page 9 ---The FOI Interactive Program

If possible, invite experts in media or school public relations or other areas to attend to answer questions from the students. They can clarify issues raised during the discussion or be available to answer questions after the program. This is particularly helpful if the scenario refers to specific laws such as the Patriot Act or Health Insurance Portability and Accountability (HIPAA) and your experts can answer questions about those laws.

## **Newspaper Audience:**

For newspaper staffs, this can be used as a training tool for reporters, copy editors, and photographers all at one time. You could also offer it just for editors or just for reporters and photographers.

How you structure the groups depends on the outcome you want to achieve.

In the sample scenario included in this workbook called “Chemical Spill at River Rouge,” we have divided the staff into two groups: editors in one group and reporters and photographers in the second group.

If the purpose is cross training, you may want to put copy editors into the reporters’ and photographers’ group to increase their understanding of the obstacles faced by their colleagues.

To stimulate questions about how the staff would handle a similar incident in your city or state, you may want to keep editors in the editors’ group and keep reporters and photographers in the group appropriate for them.

In the sample scenario, “Coach 1, Students 0,” we have added issues for a public/government group. This scenario can be used for a mixed audience. If you want to use it for newspaper staff, you will want to assign some staff members the roles of government officials or members of the public.

## **Key Points about Audiences:**

■ Pick a scenario appropriate when dealing with students. You may be asked to have your NIE coordinator present this to a high school group. The sample scenario, “Disaster in the End Field,” is not only educational, it’s fun. Remember, humor is a great teaching tool, especially for young people.

■ The types of audiences can be very diverse. We have presented FOI Interactive to social clubs, civic groups, college classes, leadership classes for professionals, news staffs, public relations professionals and many others. We have never found a group that didn’t enjoy this program.

■ Make sure each discussion group has someone taking notes and they understand that person will be their spokesperson



## Time Allotment for Program:

FOI Interactive can be offered in as little as 45 minutes or extended to 1 and 1/2 hours.

### 45 Minutes

The 45-minute time period works for luncheons or dinners where a mixed audience is sitting at tables seating 8 or 10 at the most. Before the meeting, you can pre-designate each table as media, government or public with tent cards. You can also put copies of the scenarios and issues face down under the cards in the center of the table along with a notepad and pen. When you do your introduction, you can determine if any media are sitting at the media tables and ask them to move to another table.

If you are doing the 45-minute training for a news staff, you can assign them to groups ahead of time.

### Here is how to break up the time:

Introduction and Opening Remarks.....	5 minutes
Reading or watching the Scenario .....	3 minutes
Groups pick note-taker/spokesperson.....	1 minute
Discussion of issues by the groups .....	15 minutes
<i>(During the 15 minutes, you will interrupt them once or twice with "late breaking news. See Conducting the Training, Page ?)</i>	
Reports by the groups on their decisions.....	20 minutes

This is really the minimum amount of time to do an adequate job with FOI Interactive. We don't recommend you do it in any shorter period.



## 1 Hour

You can add more time for the reports to the schedule above or you can add an expert in constitutional law or any area dictated by the scenario.

## 90 Minutes

This is the optimum amount of time because you can add a panel of experts to answer questions at the end of the role-playing. For example, in the sample scenario, “Webbers Falls Bridge Collapse,” a panel was invited that included the Associated Press Bureau Chief, a representative of the State Highway Patrol, the Public Information Officer for the State Department of Transportation and a representative of the Army Corps of Engineers.

## Setup of Room or Auditorium

FOI Interactive can be held in almost any setting as long as there is a way to separate the role-playing groups.

The best setup is round tables that seat no more than 10 or an empty room where 8 to 10 chairs can be put in circles. The more distance between the tables or the circles the better because it can get noisy during the discussion phase.

The program works well in an auditorium where each section can be designated as a group. However, within those sections, you will need to ask people to get with two or three people closest to them for the purpose of discussion. Again, one person needs to take notes and be the spokesperson. (See “FOI Interactive Instructional Video. The example used took place in a tiered college auditorium).

Sometimes, you may just need to improvise. You always need a way for the participants to see the video of the scenario or hear someone read the scenario. You also need a way to divide up the groups. If your audience wears nametags, you can ask the program organizer to put different colored dots on the nametags. You can ask the audience then to sit with people who have the same color dot on their nametags.

## Audio/ Video Needs

Your needs will be determined by whether the scenario you have picked has a video and whether the room is large enough to require that you use a microphone to do the introduction, the interruptions and conduct the reports from the groups back to the full audience.





## Need for Volunteers

If you are working with a large group in an auditorium, you will need volunteers to help distribute the issue sheets. In a smaller room with tables or circles of chairs, you can pre-select the groups and put the issues by each group.

## FOI Interactive Presenter

This is the person who actually presents the program. Qualifications that are helpful is a working knowledge of First Amendment issues and your state's openness in government laws. However, as mentioned elsewhere, experts in these areas can be brought in to answer specific questions. The presenter also needs to be able to facilitate discussion so that one person does not dominate in presenting the group's point of view.

# Sample FOI Interactive Program

- Presenter introduces him or herself and acknowledges any sponsors.
- Presenter makes opening remarks about how the program is going to work: division of the audience into role-playing groups, watching or listening to the scenario, discussion of issues in the groups, reporting back to the general audience the decisions made on those issues.
- Presenter plays the video or reads the scenario, and then calls for the start of discussion.
- About 5 minutes into the groups' discussions, the presenter interrupts the discussions with "late-breaking" news. The interruptions will have different elements for each of the groups and the presenter then tells the groups, they have a time limit of one minute to reach consensus.
- If time allows, introduce a second interruption.
- Presenter gives a two-minute wrap-up warning before the end of the group discussions.
- At the end of two minutes, the presenter shuts down all individual group discussion. This signals the beginning of the reporting of each group on their decisions to the general audience.
- Presenter prompts reports from groups by asking for volunteers. The presenter also reads the issue the group is going to report on for the entire audience.
- Occasionally, the participants in the other areas may have a conflict with how the group made their decision. The presenter can ask for responses, particularly if the decision appears to be controversial.
- Depending on the time, the presenter may want to cover all the issues and the interruptions for each area, or elect to do only two issues and one of the interruptions before moving onto the next group.
- After the groups report, if a panel is being used, the presenter will turn to the panel for its response.
- The presenter then concludes the program.



# Writing Your Own Scenario

Writing a scenario to reflect issues in your city or state is a great way to engage people in FOI Interactive. Freedom of information made personal is one way to gain the support of the public when the government wants to pass more secrecy legislation.

## Elements of a Scenario

- Scenarios can run from 350 to 550 words.
- Conflict between the people's right to know, the media's responsibility to provide information and government concerns need to be illustrated throughout the scenario.
- We suggest your scenario be based on facts but not follow a specific incident exactly unless the incident raises questions of security, media and public access, use of open records, etc. For example, Version A of the Webbers Falls Bridge Collapse is totally factual, including the handcuffing of a reporter by the Webbers Falls police. Most of the time, you will want to add consequences and conflicts that may not have occurred but will stimulate discussion.
- The issues need to address the specific roles of each group. If you are using the media, public and government model, you need to make sure the issues reflect challenges and decisions each of those groups could face. The same is true for news staff version. In addition, in news staff versions you can be more specific about how access might be legally gained, procedures for filing projects regarding records, etc.
- Don't be afraid to put in something "off the wall" or humorous.
- In the interruptions, you can introduce extraneous events related to the scenario but the key is that you are seeking one answer from each of your groups. If you desire, you can frame the questions as multiple choice.



## **Scenario Samples**

The scenario samples included in this workbook can be reproduced and used exactly as they appear here or you can use them as ideas to create your own scenario.

## **Scenario Tips**

If you use one of the workbook scenarios, you may want to copy one set from the workbook as a master set. If the scenario you are using has multiple groups, we recommend reproducing the issues on different colored paper. It will help the presenter keep straight which issues go to which group. For example, in *Disaster in the End Zone*, we reproduced the media issues on red paper, the public issues on yellow and the government issues on green.

It is also a good idea to reproduce enough copies of the scenario to have one for every participant, even if the scenario has an accompanying video. There have been times when video equipment malfunctioned and paper copies were needed in order to conduct the program.

If you want a more elaborate presentation, you can make tent cards or some type of centerpiece for the tables in a luncheon or dinner setting that match with the color you chose for the issues for each group.

The main goal of this program is to educate but it can also be fun, particularly when the participants truly take on the roles they have been assigned.

**SCENARIO:**

## **Disaster in the End Zone**



Everyone is excited about the football playoff game in the Plainville stadium between archrivals, the Plainville Devils and the Johnson City Coyotes. Because of a heightened national security status, random searches are conducted as people entered the stadium. Johnson City has a large Muslim population and it appears to observers that the searches aren't really random but that fans who appear to be from other countries are singled out.

Finally, the crowd settles down to watch the kickoff after hitting the concession stands for hot dogs and soft drinks.

On the first return, Senior Willie Wilson of the Coyotes is tackled hard and stays down after the play ends. The Coyotes fans are on their feet watching as the coach and the team doctor tend to the prone football star. After a few agonizing minutes, a stretcher is called for and Willie is carried off the field. The announcer tells the crowd he can't tell them who was hurt, as if they don't know, or what his condition is because of federal HIPPA rules. The fans are furious and concerned about Wilson and they boo the announcer.

Play resumes, but suddenly small groups of fans on both sides of the stadium get up and hurry to the nearest restrooms. People are throwing up in the aisles. The fans who are not affected are trying to determine what is going on. It is determined later that the hot dogs had not been cooked properly.

Members of the crowd, those who didn't eat the hot dogs, turn their attention back to the playing field. Those who come to every game for both teams notice that one of the referees seems to be favoring the Devils on every call. The other ref argues with him but the first ref is insistent that his calls are correct. The Coyote fans are becoming ugly and yelling abusive things at the ref. Even though some of the Devils fans agree that the guy is making some bad calls, they become defensive and start yelling back at the other side. Name-calling gets out of control and all kinds of stuff is being thrown on the field and play is once again halted as the refs and others try to restore order.

Suddenly, the new bleachers in the end zone where everyone has been jumping up and down collapse. People begin screaming as others rush to try to free those trapped under the debris. The owner of the company that built the bleachers hurries to leave the stadium after making a deal with the high school principal not to release his name. Two ambulances with paramedics arrive but it is obvious more are needed. However, the Plainville City Council met in executive session and decided to cut its subsidy to the ambulance service and the service had laid off most paramedics.

What freedom of information and First Amendment issues are involved in this scenario?

## **VIDEO ON CD:**

### **Disaster in the End Zone**

*Length: 3 Minutes*

## **Disaster in the End Zone: Issues for Members of the Public**

1. You are a Arab-American. You and all members of your family were pulled out of line for extra searches at the football game. How can you prove the searches were targeted at people of Arabic descent and not random? Is there a law that protects from this type of search?

2. You are Willie Wilson's father. How do you feel about the announcer not giving you any information about your son's injuries? Can you get information if you go the hospital? Under what circumstances?

3. You think the referee is favoring the Devils and you are a Coyote fan. You get a little carried away in the name-calling. Are you violating any laws? If you throw stuff on the field, can you be fined? If the Devils start calling you names, do you think they should be evicted from the stadium? What is freedom of speech anyway?

4. As a member of the public, you were not allowed to attend the city council executive session on the ambulance subsidy. You think the council acted illegally. What can you do about it?



## **Disaster in the End Zone: Issues for the Media**

1. How are you going to find out about Willie's injuries? If you do find out, what will happen to you if you write about them in a story or announce his condition over the school intercom?

2. What can you do to check up on the operators of the concession stands to determine if they have had problems in the past with poorly cooked food?

3. One of your sources tells you that the referee is the brother of the Devils coach.

*a. Will you publish that story in tomorrow's editions?*

*b. Will you wait to get another source to confirm this information?*

*c. What other course of action can you take?*

4. How can you find out about the company that built the bleachers? What information is important for a well-rounded story?

## **Disaster in the End Zone: Issues for School Officials and Law Enforcement**

1. Should the school have a policy on how random searches are conducted for security at high school games? What are the most reasonable elements of any search policy?

2. The news media is attempting to find out the condition of Willie Wilson. What can you tell them under the new federal HIPPA rules?

3. You're the high school principal and you've made a deal with the owner of the company that built the bleachers not to use his name. Are you breaking the law? What information are you required to give the public?

4. You're a member of the city council who made the decision to cut the subsidy for the ambulance service. Did the state's Open Meetings law cover the executive session where you made the decision? If so, what can happen to you if you are found to have violated this law?

*a. Nothing*

*b. You can receive a \$100 fine.*

*c. You can be fined and receive jail time.*



## **Disaster in the End Zone: Interruptions**

1. One of the students injured when the bleachers fell was a popular high school senior. During an examination of her injuries at the hospital, a law enforcement officer, a reporter and one of her girlfriends were standing outside the examining room. They heard the doctor tell the nurse that the injured girl is pregnant. For those of you in the law enforcement group, as a law enforcement officer, are you obligated to tell the girl's parents what you heard? As a reporter, will you report this information in your story? As a friend of the girl but also a student, are you required to tell school officials about the girl's condition?

2. A graphic photo of tangled bodies of the injured – and possibly someone dead – has been taken by a free lance photographer and is being made available to the media outlet that offers the most money. As a member of the media, would you run this type of photo in your newspaper or show it on TV? As a school official, can you confiscate the photo because you are afraid it will be used as evidence later in a lawsuit? As a member of the public, do you want see this type of photo published or broadcast?

## SCENARIO: VERSION A

# Chemical Spill at River Rouge



It's 85 degrees by 11 a.m. on what promises to be a scorching Fourth of July in Ecorse, Mich., one of a dozen blue-collar communities perched along the Detroit River just south of Detroit. Ecorse Community Beach is filling fast, and the gently rolling water is filled with the buzz of ski boats and jet skis. Bathers can see wisps of color from sailboats launching from the nearby Wyandotte Yacht Club.

Sailing upstream, a boater sees the dark blue water turning a murky yellow. He dips his hand into the river and smells the oily substance. His fingers tingle. In a few minutes, he feels dizzy.

The Coast Guard gets the first telephone calls at 11:10 a.m. from residents in the community of River Rouge, just downstream from the River Rouge Chemicals Company: Something is spilling into the river. Sirens can be heard going off at the nearby plant.

River Rouge Chemicals sprawls across a mile of riverfront. The complex

harkens back to the days when factories rather than condominiums lined the Detroit River. River Rouge Chemicals remained, making a variety of solvents for clients ranging from Ford Motor Co. and General Motors Corp. to the U.S. Defense Department. No one at the plant is answering telephone calls from the Coast Guard and River Rouge police.

Police converge on the plant. By 11:30 a.m., authorities are attempting to close the beach. On the water, several boaters faint. A 12-year-old boy is pulled from the water screaming, his skin turning red. Panic spreads along the riverfront as the yellow goop seeps southward.

Media outlets, shorthanded because of the holiday, don't initially grasp the extent of the spill. By the time reporters arrive just after noon, the beaches have emptied and are cordoned off by police tape. Reporters get anecdotal information from witnesses and hear initial reports of some kind of spill from police. But the information is spotty and inconsistent. Police are evacuating riverside residents. The Environmental Protection Agency prowls the riverbanks, and the Coast Guard has a flotilla of boats in the water. Hospital emergency rooms are filling with elderly residents having trouble breathing. Nobody appears to be in charge.

Meanwhile, a television helicopter circling River Rouge Chemicals broadcasts a parade of ambulances leaving the plant. Everyone around the plant is wearing chemical protective suits.

Newspapers and television stations call in more reporters and photographers, ending their holiday. At 2 p.m., police and hospital officials impose a news blackout. Word spreads to the more than 200 emergency workers from dozens of agencies now involved in the spill cleanup to refer all media inquiries to the EPA. The EPA refers calls to the Homeland Security Department, which promises to hold a press conference but doesn't set a time.

Police cordon off a wide swath along the river, evacuating residents and barring reporters within a half-mile of the water. Hospitals won't release information on patients and reporters are left to glean what little information they can from relatives in the parking lot.

By 7 p.m., four River Rouge Chemicals workers are dead and two are on life-support; 17 residents are hospitalized with respiratory ailments or second-degree burns from exposure to the spill. The spill has spread eight miles downriver, leaving in its wake thousands of dead fish and birds. The media still don't know the cause of the spill or what chemicals are in the water.

Because the plant has some Defense Department contracts, there are rumors that an act of terrorism might be involved.

Reporters are left to write about the impact of an event they know almost nothing about.

## **VIDEO ON CD:**

### **Chemical Spill at River Rouge**

*Length: 4 Minutes*

## **Chemical Spill at River Rouge: Version A**

### **Issues for Editors**

1. The nature of the chemical spill is largely unknown. What instructions would you give to reporters and photographers who might be working in the danger zone? How far should reporters and photographers go to get the story?

2. Should reporters and photographers obey police lines preventing access to the evacuation area, even if they are in the area before the evacuation is ordered? Should they continue to try to interview witnesses after the news blackout has been imposed?

3. What public records could be tapped to fill out the story? Where could reporters get information on the safety performance of the chemical company? Who could provide information of the possible nature of the chemical spilled based on its smell, color and impact on humans that came in contact with it. What information could be gathered about the federal contracts held by the company? FOIA requests can be filed; while they are needed for continuing coverage, they won't help nail down tomorrow's story. Can you get immediate access to records and reports?

4. What photos might best illustrate the story? Would it be proper to run a photo of a severely burned child on the front page?

5. How much confirmation will you demand before allowing the newspaper to publish information about suspected chemicals used inside the plant and their toxic properties?

6. How can you report the terrorism rumors gripping the community in a responsible way? Is it responsible to ignore the terrorism rumors until an official statement is received, even though radio has been reporting the involvement of the Department of Homeland Security all afternoon?

## **Chemical Spill at River Rouge: Version A**

# **Issues for Reporters and Photographers**

1. Should you obey law enforcement or government demands to clear a public area for evacuation? Would you expect/request a reasonable explanation of the nature of the danger and its duration before complying?
  
2. How would you gather information about the chemical company suspected of causing the spill? What records would be of use? Are there public records that would be relevant?
  
3. An official news blackout has been issued. Would you still make efforts to talk with firemen, policemen, hospital officials, local government officials and local residents? Would it be inappropriate to solicit information from any sources, including hospital personnel?
  
4. How do you address the terrorism rumors, fueled by the involvement of the Department of Homeland Security?
  
5. This is a difficult story to piece together. Does the public's right to know give you leeway to overstep normal boundaries in an effort to get the story? Why or why not?



## **Chemical Spill at River Rouge: Version A**

### **Public and Government Issues**

1. As a resident of the area, what is most important for you to know about the chemical spill?

2. If you were mayor of Ecorse, would you ignore the news blackout if you thought foot-dragging by the federal officials in charge of the disaster area was keeping residents in the dark about the health and safety hazards caused by the spill?

3. If you or a family member had been a victim of the spill, would you talk to a reporter about your experience? At what point would you see reporters' questions as an invasion of privacy?

4. What would you expect and want to read about the disaster in your newspaper the next day?





## Chemical Spill at River Rouge: Version A

### Interruptions

Late breaking news: An employee of the chemical plant who doesn't want to be identified calls a reporter to say he has complained about the possibility of leaks for years but the plant did nothing about it.

If you're a reporter or editor, do you use the information? How do you confirm it? Do you use the information without identifying the source? Do you use the information without knowing whether the spill was accidental or deliberate?

You have one minute to decide.

## SCENARIO: VERSION B

# Chemical Spill at River Rouge



It's 85 degrees by 11 a.m. on what promises to be a scorching Fourth of July in Ecorse, Mich., one of a dozen blue-collar communities perched along the Detroit River just south of Detroit. Ecorse Community Beach is filling fast, and the gently rolling water is filled with the buzz of ski boats and jet skis. Bathers can see wisps of color from sailboats launching from the nearby Wyandotte Yacht Club.

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Media outlets, shorthanded because of the holiday, don't initially grasp the extent of the spill and there is little news on radio. Police are evacuating riverside residents. The Environmental Protection Agency prowls the riverbanks, and the Coast Guard has a flotilla of boats in the water. Hospital emergency rooms are filling with elderly residents having trouble breathing. Nobody appears to be in charge.

A television helicopter circling River Rouge Chemicals broadcasts a parade of ambulances leaving the plant. Everyone around the plant is wearing chemical protective suits.

At 2 p.m., police and hospital officials impose a news blackout. Word spreads to the more than 200 emergency workers from dozens of agencies now involved in the spill cleanup to refer all media inquiries to the EPA. The EPA refers calls to the Homeland Security Department, which promises to hold a press conference but doesn't set a time.

Police cordon off a wide swath along the river, evacuating residents and barring reporters within a half-mile of the water. Hospitals won't release information on patients and reporters are left to glean what little information they can from relatives in the parking lot.

By 7 p.m., four River Rouge Chemicals workers are dead and two are on life-support; 17 residents are hospitalized with respiratory ailments or second-degree burns from exposure to the spill. The spill has spread eight miles downriver, leaving in its wake thousands of dead fish and birds. The media still don't know the cause of the spill or what the chemicals are in the water.

Because the plant has some Defense Department contracts, there are rumors that an act of terrorism might be involved.

## **VIDEO ON CD:**

### **Chemical Spill at River Rouge**

*Length: 4 Minutes*

## **Chemical Spill at River Rouge: Version B**

### **Media Issues**

1. You are a reporter for the local newspaper. You arrive in the spill impact zone before an evacuation is ordered. Do you obey orders to evacuate when confronted by an EPA official? Would you do the same if confronted by a police officer? Would you enter the zone if you did not know the nature of the chemical danger?

2. As a news photographer, would you obey official commands not to take pictures of burn victims? What would you do if your camera was confiscated by a government or police official?

3. Where would you go for information on the chemical company suspected of causing the spill? What records would be relevant to the story? Would information on government contracts or past safety issues be important? Could you accurately mention last issues without more details about today's spill?

4. Would it be appropriate to call various government, law enforcement, hospital and other officials seeking information despite the stated news blackout?

## **Chemical Spill at River Rouge: Version B**

# **Government Issues**

1. As mayor of Ecorse, could you see a scenario under which you would defy the news blackout? If yes, under what circumstances?

2. As the government official in charge of the disaster area, what information and how much would you release? How soon should it be released? What information might you withhold, and why?

3. What agencies should be involved in the investigation of the spill?

4. What responsibility does the government have in communicating information about the spill to the media? What should be the nature of those contacts?



## **Chemical Spill at River Rouge: Version B**

### **Public Issues**

1. As a resident of the area, what information about the spill is most important to you?
2. Would you expect government or law enforcement officials to provide you with details of the spill danger and duration of its adverse effects before agreeing to evacuate your home? If such details were not provided, would you refuse or resist?
3. As a resident of the area, would you talk to the news media about your experience, past spills and the history of the chemical company? Why?
4. What would you expect and want to read about the disaster in your next day's newspaper?



## **Chemical Spill at River Rouge: Version B**

### **Interruptions**

Late breaking news: An employee of the chemical plant who doesn't want to be identified calls a reporter to say he has complained about the possibility of leaks for years but the plant did nothing about it.

If you're in the media, do you publish a story about the allegation without further corroboration?

If you are with a civic or community group, how do you respond to this media report attributed to an unnamed source?

If you are a government official, how do you determine the validity of this report?

**SCENARIO:**  
**Coach 1, Students, 0?**





Parents in the small town of Lexington are troubled. Earlier this year, two female students told their parents that Thomas Franklin, a male biology teacher and soccer coach at the local high school, had made inappropriate comments to them and engaged in inappropriate conduct towards some of his other female students. Franklin has been at the school for only three years but has already helped the team improve dramatically. For the first time in the school's history, the team made the state playoffs, although the team lost in the quarterfinals.

After hearing their daughters' charges, the girls' parents immediately talked to the school principal. He told them he was aware of the allegations but thought they were groundless. Nonetheless, he had turned the matter over to the local police. During March and April, the Lexington Police Department conducted an investigation, interviewing more than 20 students. A report was written and given to the school superintendent but the teacher was not charged with any crime and the school district did not take any disciplinary action. Nothing was made public.

The superintendent announced at the monthly school board meeting in early May that Franklin planned to resign at the end of the school year to take a job in another state. Some of the girls' parents were at the meeting and somewhat heatedly attempted to get the superintendent or board to elaborate on Franklin's departure. The school board chairman deflected their questions and said it was simply a routine career decision by an ambitious, successful coach.

The police investigation is closed. The parents of the two students whose allegations had triggered the investigation have asked to see the police department's report. The principal referred their request to the police, saying it wasn't his report to release. The police chief asked the city attorney for guidance and the city attorney saw no reason not to make it public.

Before that could happen, though, Franklin went to court seeking an injunction to block the report's release. The report, he fears, could harm his reputation, cause embarrassment, and damage his career. The circuit court denied the injunction, but granted him a temporary injunction so he could appeal to the state Supreme Court.

## **Coach 1, Students, 0?**

# **Issues for Editors**

1. Your education reporter learned about these allegations in the fall, in an off-the-record conversation with one of the parents. The parent gave your reporter the teacher's name but did not want her daughter to be interviewed. Do you give the reporter permission to ask around about the allegations?

2. What public records would you request from the police department and the school district to report the story? What legitimate objections to your request might they raise?

3. The injunction request that Franklin has filed does not elaborate on the nature of the report he seeks to suppress. How can you fairly describe it in the newspaper?

4. Franklin lives in a city 15 miles away, where there is a larger, aggressive newspaper. Does this influence your aggressiveness on the story?

5. Your managing editor's wife teaches math at the same school where Franklin teaches. Do you let him supervise coverage of this story?  
Education in general?

## **Coach 1, Students, 0?**

# **Issues for Reporters**

1. The paper's high school sports reporter knows many members of the soccer team because of their recent trip to the state finals. He is willing to talk with them informally about their coach, without stating exactly what he is looking for. Is that appropriate? What precautions should he take in his questioning? What ground rules should he establish for his conversations?

2. What concern should you have for Franklin's reputation? In a small town, merely asking questions about someone can start rumors.

3. Your police reporter has good sources in the police department and one person who conducted some of the interviews is willing to talk to her on background. Can that information be used in a story?

4. You have the names of the parents who asked questions at the board meeting and your photographer has their photographs. If you name the parents or publish their photos in connection with a story about possible improper conduct, do you inadvertently implicate girls who might have been victims of improper sexual advances? (If you don't name specific girls, do you implicate the entire team?)

## **Coach 1, Students, 0?**

# **Public and Government Issues**

1. You are the police chief. You investigate lots of crazy tips every week but never publicize the ones that don't lead anywhere. You vehemently disagree with the city attorney's recommendation to make the report public. What will happen if the court rules that all investigations have to be made public, even if they don't bear fruit? Will sources be willing to talk to your investigators any more?

2. You are the school superintendent. You have a tough time attracting top-notch teachers and coaches to your district because your salaries aren't competitive with nearby bigger towns. You worry that Franklin's departure under a cloud will have a chilling effect on hiring. Are you eager to see the police report aired or not? When a reporter calls, how will you respond?

3. You are the parent of a girl in middle school who is interested in playing soccer next year at high school. What do you expect to read in the newspaper about this report?

4. You are the parents of the girls who triggered the investigation. In addition to concern for your own daughters, you worry about students at the new school where Franklin is going to coach. You are tempted to alert parents at his new school about him, via the informal Soccer Mom network. Should you?

5. You are the city attorney. You believe government is by and for the people and they have a right to know what its agencies are up to. You think public oversight of the police department's activities is healthy. Defend to the police chief and the school superintendent your position about releasing the report.

## **Coach 1, Students, 0?**

# **Interruptions**

(Some months later.) The state Supreme Court has upheld the lower court's ruling that the police report may be released to the parents and the press. The city attorney plans to release the report this afternoon at 4 p.m.

1) You are the editor and your reporter cannot locate Coach Franklin because he no longer lives in the state. Do you run the story without his comment?

2) You are the city attorney, planning to release the police report now that the high court has seen things your way. The police chief asks that the names of all the students who were interviewed be removed from the report before you release it. You don't think that's necessary; everyone in town knows who was on the soccer team that year and most of the students told police only things that were done and said in plain view of many other people. Still, you like to keep peace in city government. Do you comply?

3) You are the parents who initiated this investigation and you are elated by the court's ruling. You want to hold a press conference at 6 p.m. so the matter will get maximum attention on the local television station. But parents of several of the other team members prefer that the matter not be re-opened. Their daughters are now in college and want to put this chapter behind them. Do you honor their request?

**SCENARIO: VERSION A**

# Webbers Falls Bridge Collapse



It's a typical Sunday morning in Webbers Falls, OK, a tiny resort town of less than 1,000 population along the Arkansas River which serves as a navigation channel for barges from the Port of Catoosa near Tulsa. The only difference is that it is Memorial Day weekend and the town is bulging with visitors enjoying the first three-day holiday of the summer.

At 7:45 a.m., the police dispatcher receives a 911 call from a crew member aboard a tug boat pushing two barges up river. "We've hit the I-40 bridge. It's down. There are vehicles falling into the river. We need help," the frantic crewman said.

Quickly, members of local law enforcement and emergency personnel converge on the scene. Fishermen involved in a tournament near the bridge rescue four people from the water but after the first hour, there are no more survivors.

The death toll will eventually be confirmed at 14 after 10 vehicles including three tractor trailer rigs dropped 60 feet into the river below.

Almost immediately, word goes out to Oklahoma and Arkansas media outlets who scramble to find reporters and photographers, many of whom are also on vacation. Within a couple of hours, TV news helicopters hover over the site, transmitting the first shocking pictures of a 500-foot span of bridge down in the water. Part of the debris has pierced one of the barges being pushed by the tugboat. Reporters and photographers also arrive and start their rounds, interviewing police officers, witnesses and trying to interview survivors.

Suddenly, all public access begins to close down. Reporters and photographers relay reports to their editors about national guardsmen, highway patrol officers and sheriff deputies running them out of any area near the river. Photographers are threatened with arrest if they go into Webbers Falls with a camera. The highway patrol sets up a media pool and arranges for a few media representatives to go to the scene, but when they get there, all rescue work is ordered stopped. One reporter who goes to a public park in hopes of being able to interview a survivor is handcuffed by the Webbers Falls police. She is later released.

Meanwhile, families from all over the United States are calling media, the Red Cross, and law enforcement trying to determine if their loved ones are involved in the bridge collapse. Conflicting reports are circulating about whether this was a terrorist attack, whether there is some type of toxic material now in the river or whether the son of someone really important has died in the incident. Many of these reports are generated because of the actions of law enforcement in keeping the media and the public away from the scene. Even people who live along the river are forced to leave their homes.

## **VIDEO ON CD:**

### **Webbers Falls Bridge Collapse**

*Length: 3 Minutes*

## **Webbers Falls Bridge Collapse: Version A**

### **Government Issues**

1. Local agencies and federal agencies are arguing over who has jurisdiction for securing the scene and dealing with the media. As a state government official, how are you going to handle the dispute?

2. How are you going to handle getting information to the public about what has happened? How do you determine how much information you will share?

3. What public records are available to you to determine more information about the barge captain, what cargo the semi-trucks were carrying and the navigation schedules for the river?

4. You are the governor of Oklahoma. You have learned that the Oklahoma Highway Patrol is withholding information about possibly hazardous material in one of the trucks. Can you order them to release the information about possible contamination of the river?



# **Webbers Falls Bridge Collapse: Version A**

## **Public Issues**

1. As a resident of the Webber Falls area, what do you want to know about this incident? List the top five questions you want answered.

2. You live along the river near where the bridge collapsed. Law enforcement is asking you to leave your home but won't tell you why. Can law enforcement force you to leave without giving you a reason? What recourse do you have if you leave under protest?

3. You think you may have a family member who was traveling over the bridge at the time of the collapse. How do you want to be treated by law enforcement? Do you want to talk to the news media about your loved one? How would you react if the media wanted to talk to you but law enforcement was keeping members of the media away?

4. As a news consumer, what do you expect to be able to see on TV and read in the newspaper?

## **Webbers Falls Bridge Collapse: Version A**

### **Issues for Media**

1. How do you behave if law enforcement officers in a public area confront you? What do you do if they threaten to confiscate your cameras? What do you do if you are arrested and taken to jail?

2. Where are you going to find the records about the barge company? What public records will you have access to? What other information do you expect to get from public records?

3. What will be your approach to finding survivors to talk to? Who else will you interview? If someone has been told by law enforcement not to talk to you, but they want to talk to you anyway, is that privileged communication?

4. What are the ethical considerations you should be aware of in covering this type of story? How do you weigh these considerations with your mission of protecting the public's right to know?



## **Webbers Falls Bridge Collapse: Version A**

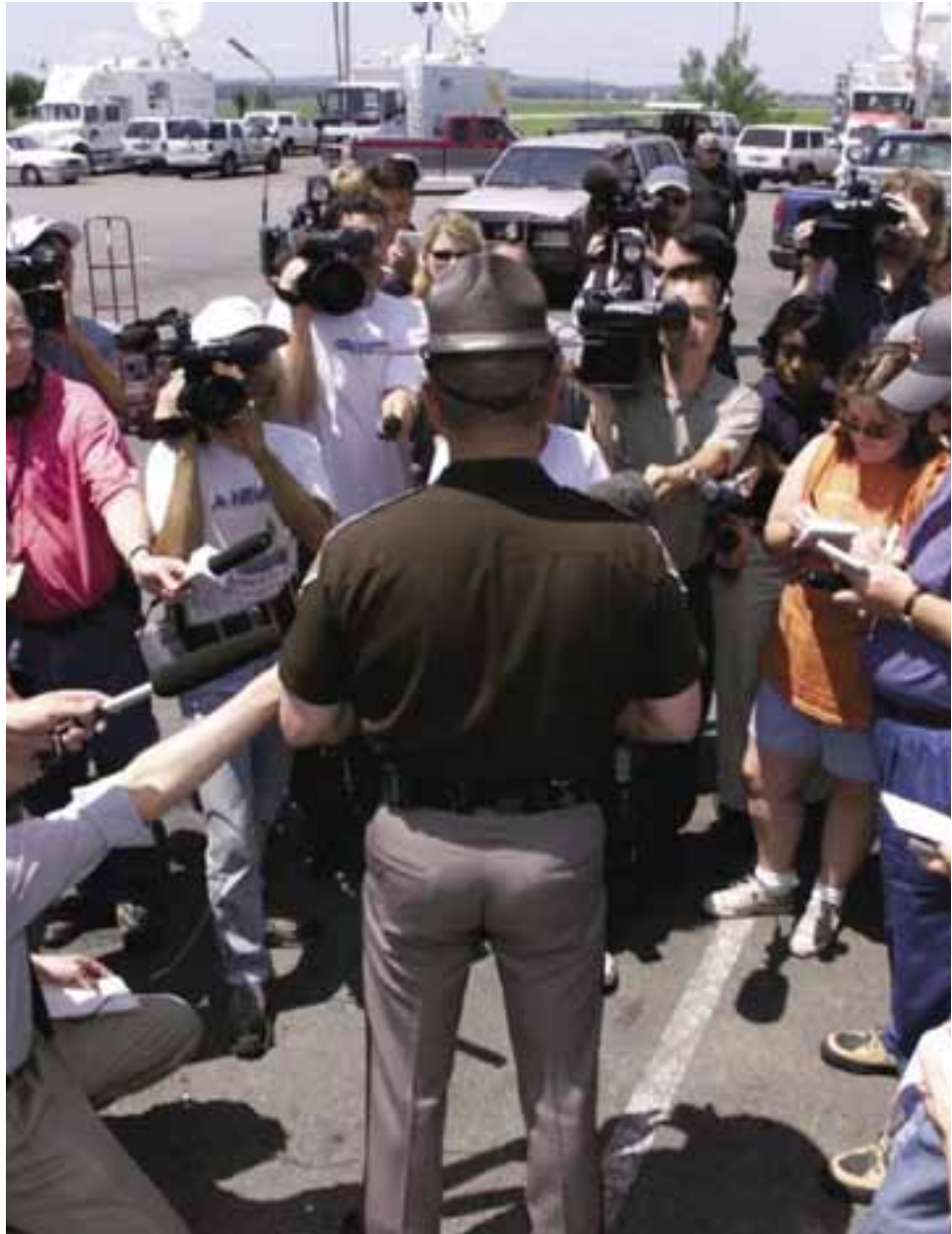
### **Interruptions**

A rumor is rapidly spreading through law enforcement and the media that one of the victims is a CIA agent who was leading an investigative team looking at an alleged local terrorism cell in the area. If you are the government, how are you going to determine if this rumor is true? If you are the media, are you going to publish or broadcast this rumor without additional confirmation? If you are the public, what do you think the media should do? You have one minute to decide.

One of the local newspapers has gotten access to an area not restricted by law enforcement. Their photographer has a photo taken during the rescue effort which shows a car being pulled out of the river with a dead person hanging partially out of the window. As a member of law enforcement do you try to get the newspaper not to run the photo, as the newspaper's editor, do you run the photo, and as a member of the public, do you want to see the photo. You have one minute to decide.

**SCENARIO: VERSION B**

# **Webbers Falls Bridge Collapse**



It's a typical Saturday morning in Bricktown and many Oklahoma City area residents have come down to enjoy the Bluegrass Festival and the recently opened section of the North Canadian River that joins the Bricktown Canal.

At 7:45 a.m., the police dispatcher receives a 911 call from a citizen near the Byers Street Bridge over the North Canadian. There has been an accident on the river. "The bridge has been hit. It's down. There are vehicles falling into the river. We need help," the frantic citizen said.

Quickly, members of local law enforcement and emergency personnel converge on the scene. Rowers involved in a rowing competition near the bridge rescue four people from the water but after the first hour, there are no more survivors.

The death toll will eventually be confirmed at 14 after 10 vehicles dropped 60 feet into the river below.

Almost immediately, word goes out to media outlets who scramble to find reporters and photographers. Within a few minutes, TV news helicopters hover over the site, transmitting the first shocking pictures of the bridge down in the water. Part of the debris has pierced the barge that struck the bridge. Members of the media start their rounds, interviewing police officers, witnesses and trying to interview survivors.

Suddenly, all public access begins to close down. Reporters and photographers relay reports to their editors about national guardsmen, city traffic officers and Oklahoma County sheriff deputies keeping them out of any area near the river. Photographers are threatened with arrest if they go into Bricktown with a camera. The highway patrol sets up a media pool and arranges for a few media representatives to go to the scene, but when the media gets there, all rescue work is ordered stopped. One reporter goes to the Bricktown Ballpark in hopes of being able to interview a survivor and she is handcuffed by the police. She is later released.

Meanwhile, families from all over Oklahoma are calling media, the Red Cross, and law enforcement trying to determine if their loved ones are involved in the bridge collapse. Conflicting reports are circulating about whether this was a terrorist attack, whether there is some type of toxic material now in the river or whether the son of someone really important has died in the incident. Many of these reports are generated because of the actions of law enforcement in keeping the media and the public away from the scene.

As members of the Oklahoma City Council, the media and the public, you must now resolve the conflicts that arise between the public's right to know, the media's mission to acquire information and the government's role in providing security for its citizens.

## **Webbers Falls Bridge Collapse: Version B**

# **Issues for the City Council**

1. What role should the members of the City Council play during an incident of this type?

2. If law enforcement is not handling the investigation properly, does the council have any recourse? If so, what should the council do? And, what happens if the council can not agree on what action to take? Does the mayor make the decision?

3. Should the City Council appoint a media spokesperson?

4. Are City Council members personally liable if the city is sued over this incident?

## **Webbers Falls Bridge Collapse: Version B**

# **Issues for the Media**

1. What recourse does the media have if law enforcement is blocking access to the site?

2. There is a rumor that the barge was not supposed to be on the river. How are you going to find out what the barge was doing there? Are the records for river traffic public? Why or why not? Should they be?

3. Your photographer has a picture of one of the cars being removed from the river and there is a man's arm hanging out the car window. Overall, it's the best picture you have from the site before the police shut the site down. Do you use the photo?

4. How will you react if a law enforcement officer has told you not to interview a witness? What if you see other members of the media interviewing witness?

## **Webbers Falls Bridge Collapse: Version B**

### **Issues for the Public**

1. What are the first five questions you want answered by the media in regard to this incident?

2. If you know the media has a photo of a car being pulled from the river with a man's arm hanging out the window of the car, do you think the media should go with that photo?

3. Do you think law enforcement should keep the media away from the accident site? If so, why? If not, why not?

4. What role would you expect members of the City Council to play during this incident?



# Webbers Falls Bridge Collapse: Version B

## Interruptions

### **City Council Interruptions:**

A source has informed you that the Mayor was behind putting the barge in the river. He wanted to do a campaign speech from it and he didn't want the council or anyone else to know before he was ready to alert the media. He hoped it would demonstrate to voters how he could get things done for the city. Do you confront the mayor with this information or do you call the media?

Law enforcement officials are telling you that the river is contaminated by biochemical material that was found in an SUV that went into the river. They recommend you do not allow the public to find out about this unless someone becomes ill. Do you follow that recommendation?

### **Public Interruptions:**

There is late-breaking news that biochemical material was found in one of the SUV's that fell into the river. Law enforcement officers are telling members of the City Council not to release this information unless someone becomes sick. As a member of the public, do you think you are entitled to that information?

You were a witness to the accident. A law enforcement officer has told you not to talk to the media but you think you have important information that law enforcement is overlooking. What do you do?

### **Media Interruptions:**

You are a photographer and have heard that one of your reporter colleagues has been arrested even though she was on public property. You still don't have photos for tomorrow morning's edition. Do you risk arrest and try to get close to the scene?

You are a TV reporter and you have overheard a law enforcement officer say the son of the mayor is one of the victims. If you cannot get confirmation, do you a.) go ahead and contact the mayor or b.) run the story without confirmation as a rumor?

# Frequently Asked Questions

## **1. What is the optimal size for a discussion group?**

If you want to give everyone a chance to participate, each group should have no more than 8 to 10 people.

## **2. How many groups in the media or public or government should you have?**

It doesn't matter. Try to scatter the groups so two groups that have the same issues are not located right next to each other. If you are using an auditorium, you can designate each section to play one of the roles such as media, public or government. Then in each row, you ask people to get together with two or three around them to discuss the issues for that section. You might have 20 or 30 or more small groups in the section.

## **3. If you write your own scenario, how important is it to have a video created for it?**

The video helps to focus the audience's attention on the incident and the issues involved. However, particularly with a small group, you can be just as effective with reading the scenario. Keep in mind a video does not have to be an elaborate production. If you have photos but do not have access to video equipment, you can put the photos with the text into a slide production.

The best of all worlds is to team up with a TV station that has footage of an incident you want to use to the scenario and the equipment to add a voice-over for the scenario.

## **4. Is FOI Interaction appropriate for any audience?**

Yes. You may achieve different goals with different audiences. If you are providing a program for a civic group, your goal will be to raise awareness about the public's right to know. If you are working with a group of elected officials, your goal will be to educate about openness laws.

## **5. Is this material copyrighted?**

No. We encourage you to copy the material for presentation. If you are working with educators, you may want to have them purchase extra copies of the workbook so they will have all the details of how to conduct their own program for their students.

## **6. How can you use experts to supplement the material?**

Ask the experts to sit on a panel at the end of the program to answer questions from the audience. Or you can have experts sitting in the audience to answer questions during your presentation.





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