Breaking the News

From behind the scenes, UW grads bring forth the stories of the century.

BY WALTON COLLINS

A military-style utility truck hurtles through the streets of an obviously Middle Eastern town, the camera lurching with it as it speeds along, scattering groups of bystanders before it finally screeches to a halt. Armed men roughly hustle a blindfolded occupant out of the vehicle and into a darkened room. A desk enters, his guards menacing, and the terms of an interview for the CBS television show "60 Minutes" are hammered out. After a heated exchange, the negotiator removes his blindfold. The room is eerily empty.

Cut to Mike Wallace: authoritative, self-assured, in control of an interview after a few shouted tests of will. Another dramatic TV magazine show is on its way to American viewers.

This is the adrenalin-pumping opener of The Insider, a film nominated this spring for seven Academy Awards, including best picture, as well as for several Golden Globes. Negotiating for TV magazine interviews in dangerous settings is all in a day's work for the blindfolded character — Lowell Bergman '66, Wallace's longtime producer at "60 Minutes" — who is portrayed in the film by Al Pacino. Christopher Plummer plays the hardened figure of Mike Wallace.

Written and produced by Michael Mann '65, The Insider offers a partly fictionalized account of the 1995 confrontation between CBS's "60 Minutes" and the Brown & Williamson (B&W) tobacco company. Bergman produced a "60 Minutes" segment that contained an interview with B&W whistleblower Jeffrey Wigand, and alleged that the firm had routinely used additives in cigarettes to speed nicotine to the brains of smokers. CBS lawyers, fearing a lawsuit, yanked the interview before the show was aired.

Bergman is one of an influential group of TV magazine producers with University of Wisconsin roots. Only very rarely do these alumni, who work behind the camera, come to the public's attention.

Lowell Bergman's investigations into "Big Tobacco" helped to bring about more than $360 billion in settlements, and inspired the movie based on his experience, The Insider.

TV journalism is at its best when individuals such as UW alumnus David Tabacoff (left, at center, on the set of ABC's "20/20") commit to airing stories for the public good, even when the opposition attempts to bog the networks down in "legal fees and trouble, and maybe a black eye." In the movie The Insider (above), which was nominated for seven Academy Awards, director Michael Mann '65 explores the emotional and philosophical issues of censorship in television news. Here, "60 Minutes" executive producer Don Hewitt (portrayed by Philip Baker Hall, left) discusses one of the program's most explosive stories ever with producer Lowell Bergman '66 (played by Al Pacino, center) and Mike Wallace (played by Christopher Plummer, right).

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CAROLINA SALGUERO
NIGEL PARRY FRANK O'CONNOR
SPRING 2000
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And how about David Tabacoff ’71, senior broadcast producer for “20/20” over at ABC? Or Glenn Silber ’72, another “20/20” producer whose work has enlivened newsmagazines shows for thirteen years.

These names don’t begin to exhaust the roster of Wisconsin graduates in key positions in the TV news industry. But on cut these particular alumni have in common are degrees earned during the heady, icon-smashing era of the sixties and seventies, and the unusual routes they took into TV journalism.

Case in Point

Some of these producers share with Bergman a history of involvement with the long-running “Big Tobacco” saga that has led to multiple state lawsuits against tobacco firms and a settlement that exceeds $360 billion. Bogdanich is one of these. In the late eighties, fresh from exposing faulty testing in unregulated medical laboratories, he went to work for ABC’s newsmagazine “Day One” and started investigating nicotine, learning as much as he could about its effects on health. As summarized in a 1990 article in the Columbia Journalism Review, he concluded that the tobacco industry had both the intent and the ability “to manipulate and control the nicotine content of cigarettes to satisfy . . . consumer demand for nicotine.”

Braced by an FDA statement point- ing to the same conclusion, “Day One” aired a show that had far-reaching results: Congressional hearings into the tobacco industry, the nationally acclaimed George Polk Award for jour- nalism, and a $10 billion lawsuit against ABC from Philip Morris — the biggest in history. The suit singled out Bog- danich as one of the defendants.

Ultimately, ABC apologized — but for only a small part of the broadcast. It continued to stand behind the “Day One” story’s main allegations of nicotine manipulation, yet it paid Philip Morris its legal fees. What Bogdanich saw as a cave-in angered him — and still does. “I naïvely thought truth was the defense,” he told On Wisconsin recently. “The problem was, ABC was being merged with Disney, and they just didn’t want to mess with that.”

Our lawyers were totally confident of victory — we were not going to lose this case, no way, nohow — but our vindication was not going to happen in time for the merger. I never got my day in court, despite the fact that they kept promising me I’d get one.”

That led to Bog- danich’s decision to move to CBS, although he didn’t bolt immedi- ately. “I hung around a little bit longer and worked on another tobacco story, just to kind of show the world that they couldn’t defeat me. That way I felt on my own terms. ABC tried mightily to keep me, which I found flat- tering and [saw as] the

“Counterpoint

As senior broadcast producer at ABC, David Tabacoff has, understandably, a different view. He’s in charge of three weekly broadcasts and a staff of two hundred, and credits Bogdanich as the “key person” in breaking open the “Big Tobacco” story, saying that “he really did the amazing work in that area. In The Insider, they premise it on Jeffrey Wigand’s discovering that nicotine was a delivery system, but that was really Walt’s reporting at ABC.” But he demurs at the suggestion that ABC News runs scared.

“When Walt Bogdanich (left) was with ABC, he was the first to break the news on how the tobacco industry had the intent and the ability “to manipulate and control the nicotine content of cigarettes” to satisfy con- sumer demand. The story caught on like wildfires, but it led to a network apology. And to what Bogdanich saw as an ABC cave-in to Big Tobacco.” New producer for Mike Wallace (right) at CBS, he says he’s “still in it after all of these years” because he has the potential to make a difference.

“One don’t see myself as any kind of big investigative reporter.” “I says “20/20.”” Glenn Silber, “but I often gravitate toward stories where there has been some kind of injustice” — be it asbestos contamination, the col- lapse of S&Ls, or the death of an inmate.

The Wisconsin alumni in TV journalism have tackled topics ranging far beyond food and fraud and tobacco. Glenn Silber at ABC, for example, has covered a wide variety of challenging stories, both before and since the corporation’s panel of media executives and journalists selected him for the prestigious George Polk Award in 1991 for a program he produced with the Center for Investigative Reporting for the PBS show “Frontline.” Called “The Great American Bailout,” it dealt with the savings and loan collapse in the eighties and the subsequent federal rescue of that indus- try; a rescue whose price tag was recently put at $140 billion by Representative James Leach (R-Iowa), chair of the House Committee on Banking.

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“The Insider,” he points out, referring to a suit brought against ABC by the tobacco industry, the nationally acclaimed George Polk Award for jour- nalism, and a $10 billion lawsuit against ABC from Philip Morris — the biggest in history. The suit singled out Bog- danich as one of the defendants.

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Several newspaper jobs and a Pulitzer followed before Bogdanich moved from print to electronic journalism, first at ABC, then at CBS. For David Tabacoff, the road to “20/20” left from Madison to a Fulbright scholarship in New Zealand, an Eagleton fellowship at Rutgers, a job at Consumer Reports magazine, a stint as a temporary researcher with ABC for the 1976 elections, and then to a series of positions at ABC’s “World News Tonight” and “Nightline.”

A political science major at Madison with a master’s degree from Rutgers, Tabacoff admits he was “always in politics and that sort of thing,” and he credits at least part of that interest to his time in Madison. Those very turbulent years were a real eye-opener for people, he says. Suddenly you were thrust into this politically charged, but also intellectually interesting, environment. It really reinforced interests I had in terms of politics and news and history. After reaching ABC, Tabacoff earned a night-school law degree at Fordham, and he even left the network for a year to get a taste of practicing law. “But I came running back,” he adds quickly.

For fellow “20/20” producer Glenn Silber, film was what he found riveting as an undergraduate. “Madison was a great place to learn about film history,” he says. “The campus was almost littered with film societies. On any weekend you could go to a lecture hall and see Citizen Kane or some new Truffaut movie, or some non-realism film by Fellini or Rossellini.”

Although took dramatic

The Insider

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the alleged cover-up of a prisoner killed by guards in the Maricopa County, Arizona, jail. The dramatic video footage included grainy security camera shots of the brutal beating of a nearly comatose prisoner. The cover-up, which started with the sheriff and reached into the medical examiner’s office, included destroyed evidence of what looked to Sillier like a taxpayer-subsidized homicide.

He also did groundbreaking reporting about people who have been misdiagnosed with melanoma. “When you do a story like that, you can hopefully raise awareness of a problem and actually might save some people’s lives,” he says with satisfaction. And early this year, he wrapped up a story that took him to Libby, Montana, where a vermiculite mine operated by W. R. Grace has exposed several hundred workers and their families to asbestos contamination, and has reportedly led to two hundred deaths over half a century. Those kinds of stories appeal to him, he says, because they “offer the chance to wake people up. I don’t see myself as any kind of big ‘investigative reporter,’ but I often gravitate toward stories where there has been some kind of injustice.”

What these alumni share — along with others such as Mike Rudatski ’78 at “60 Minutes” — is a conviction that they were fortunate to attend Wisconsin at a unique moment in the country’s history: the protest years and attendant sea change in Americans’ attitudes toward government and authority in general. But this is not the story of a bunch of campus radicals who piled up their Crusades and trod off to media careers after graduation. Some were politically active in college; some were not. Some were student journalists; most were not. How they got to where they are now is almost more interesting than the fact that they got there in the first place.

Walt Bogdanich certainly never expected to carve out a distinguished career for himself in the media. The son of a Gary, Indiana, steelworker and a self-named “scree-off in high school,” his talents were more compelling on the pitching mound than in the classroom. Bogdanich had already been turned down by the university when his brother, George Bogdanich ’70, showed Walt’s baseball clips to Coach Dwayne Mansfield. “He just called up admissions and said, ‘Add one more,’” laughed Bogdanich.

His appetite for journalism came about almost by accident. “I was going to an anti-war conference in Ohio,” he recalls, “and I had no money to get there. My brother, who was working on the Daily Cardinal, said, ‘Why don’t you propose to do a story for them, and they’ll pay your way?’ And that’s how I became a journalist. I started working for the Cardinal and just fell in love with it.”

But The Insider did turn Bergman’s visibility up a few notches. “Since the movie, more people call me to do things, to give talks and the like,” he says.

Filmmakers were left with some uncertainty about Bergman’s future at the end of The Insider. Here’s what happened next: “In the spring of 1996,” says Bergman, “I began negotiations with CBS management to take me out of the channel — which I did at 50 Minutes” — after fourteen years with the show. That turned me into a sort of freelance person for CBS News, and I did a lot of stories for the ‘Evening News.’ It also freed up the time to make the movie, which I did with CBS’s permission.”

Bergman left CBS at the beginning of 1999, when his contract expired. He is now associated with the Graduate School of Journalism at the University of California-Berkeley as a teaching fellow and producer for “Frontline/West,” a joint venture of “Frontline” and the Berkeley journalism school. His current project is a documentary history of the war on drugs scheduled to air next September.

For people in television who aren’t in front of the camera, such encounters are rare. Even for Bergman, the incident was unusual enough to be amusing. “I don’t have the celebrity newspaperman problem,” he says. “I’m not Al Pacino, no people who saw the film didn’t recognize me. And there isn’t a lot of recognition of my name.”

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O the day not long ago, Lowell Bergman ’66 was checking in at an airline counter when a stranger reacted to his name. The man turned out to be a fan of The Insider — the film nominated seven times for Oscars in 2000 — in which Bergman is portrayed by Al Pacino.

“He said he’d seen the movie three times,” Bergman says. “He asked for my autograph.”

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The Great Dayne is leaving Madison with the trophy he values the most:

BY MICHAEL PENN MA’97

A FEW DAYS BEFORE RON DAYNE RECEIVED THE HEISMAN TROPHY, he touched down in the middle of the night in Orlando, Florida, needing a hotel room, a bed, and some rest. He was beginning a journey that would rank among the great thrills of his young life — a five-day circuit of nationally televised award shows where he would collect enough statues and trophies to outfit a museum — a five-day circuit of nationally televised award shows where he would collect enough statues and trophies to outfit a museum.

He had already been a long day. Dayne ’x00 had spent the morning in classes and the afternoon in practice before leaving from Madison that evening with teammates Chris McNaughton ’x00 and Sports Information Director Steve Malchow. They flew to Detroit, where they caught the night’s last plane to Orlando, hoping to slip into the city late and catch a night of respite before the awards show the next day. Dayne was learning quickly, though, that being college football’s brightest star means that you don’t just slip into anywhere.

As Dayne emerged from the jetway, he froze. “Oh, no,” he sighed. Malchow looked ahead toward the gate to see hundreds of people, creating an impenetrable wall four deep around the gate. They clutched pictures, game programs, helmets — just about anything red and white — and the ubiquitous black felt pens that are the calling card of autograph seekers. How they knew of Dayne’s arrival is anyone’s guess. All he knew was that they were there, always there.

It may be hard to see the hardship in this. But for Dayne, the glamorous life of celebrity is one that takes as much as it gives. To say he doesn’t warm to the spotlight is on the highest order of understatement. Enormously private, he’s developed a near-legendary reputation among reporters for offering abbreviated answers to their questions — responses so brief as to make Calvin Coolidge look garrulous. In one teleconference last season with sports writers from around the country, he finished off twenty-four questions in a little more than twenty minutes. Even though he’s unfailingly gracious, answering every question and doing his best to please every fan, he has the palpable air of a man who’d rather be somewhere else.

Without fully knowing if he would break through, Malchow decided to hide his time and try to win Dayne’s friendship. At the time, it seemed like the only way he might be able to do his job. He remembers promising Dayne, “I won’t try to change who you are.” But it took a long time before he knew what that really meant.

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Everyone, it seems, has a story about meeting Ron Dayne. Alia Lester ’x00 remembers thinking that he was mean. He didn’t think much of her, either, when the two first met at Lester’s eighteenth birthday party in the summer of 1996. Dayne, who hadn’t yet played a down for the Badgers, was spending his first few weeks in a city about a thousand miles from his family and friends. He’d come with a few other football players to the cookout at Lester’s home near campus at the behest of teammate Donnel Thompson ’x00, a childhood friend of Lester. While Lester’s friends mingled with players, Dayne sat quietly on a bench in her back yard.

“I said, ‘Hi, my name is Alia. You’re at my birthday party. What’s your name?’ He said, ‘Ron.’ I was like, okay, that’s the end of that conversation,” recalls Lester.

She was surprised, then, when Thompson told her that Dayne wanted to see her again. But she was also intrigued — Dayne seemed calm and gentle, not what she expected from a star athlete.

The two met for a date in the UW library, and soon thereafter, Lester found herself seeing a guy who couldn’t stop talking.

Dayne regaled her with story after story about his childhood and his family. He told her about football, although at first she didn’t know the difference between a fullback and a tailback.

At that time, the gregarious, story-telling Dayne was one that few in Madison knew. To most observers, he was someone who kept his head down and his mouth shut. Even in New Jersey, when he was a star in both football and track, he didn’t collect hangers-on in the net of his notoriety. “No one that Ron has ever introduced me to as being one of his friends has been even slightly interested in him as Ron the football player,” says Lester.

As she grew to know Dayne, she became a part of a small circle of his intimates, people who gave him a buffer from the increasing pressures of life as an emerging star. Dayne commonly refers to these close allies — such as teammates Eddie Faulkner ’x01 and Willie Austin ’x00 — as his brothers, and with good reason. They became his surrogate family.

Dayne’s desire to build a family around him probably has something to do with his own family history, which is marked by both the worst and the best episodes of his life. The worst came when his parents’ marriage broke apart, fissuring his family and sending his mother
Alone and addicted, Brenda Reid realized she couldn’t take care of Ron and his sister, Onya, so she arranged for her children to live with relatives near her home in Berlin, New Jersey. Ten-year-old Onya joined a family with a cousin about her age, while twelve-year-old Ron moved in with Rob and Debbie Reid, his uncle and aunt, and their three children.

Rob, a social worker at a correctional facility, is a firm, steely man, a former college football player who eschewed showy fits of emotion for discipline and persistence. If it all sounds familiar, it’s no coincidence. From the day Dayne moved in, Reid became the template for his life. Dayne vividly remembers Reid calling his children together on the night that he moved in, telling them that no one would get new clothes until their new brother had as many outfits as they did.

When Dayne began to look like a serious contender for the Heisman Trophy last season, he recalled that night in a letter to Reid. “Uncle Rob, for never making me feel like a nephew, but always making me feel like a son,” he wrote, “for that, Uncle Rob, you win the Heisman.”

Dayne’s placid nature makes it hard to appreciate the highs and lows of his life. He doesn’t bring up his past, and he is bothered when others try to paint him as either heroic or pathetic for having survived rough circumstances. When he met Lester, he laid out the whole story of that daughter, “This is who I am, but it isn’t all I am.”

Still, the past may help to explain why he feels such tremendous responsibility to protect those around him. It may be why, for example, during four years in Madison, he has convinced so many of his friends and family to live here. He convinced Yazer Brown, one of his closest friends from Jersey, to move to Madison, and he promoted UW-Madison like an admissions recruiter to his sister. Onya and Lester now share a house, and Ron loves to play the role of the protector, showering the women with small gifts and making sure they’re secure. “He’s so kind and so sin-

B


ce,” says Lester. “When you’re around him, you just feel . . . safe.”

And the past certainly played a huge role in how Dayne reacted during his sophomore year when he learned he was going to be a father. When Jada Dayne was born in November of 1997, all of the pieces of Dayne’s life came together, and his metaphorical role as guardian became his real one.

It has only come out recently how much the 1997 season wore on Dayne. Injuries slowed him, leading to a performance that, although still impressive on paper, left fans feeling let down. And no one took it harder than Dayne. Although he never said as much publicly, he told his uncle that he thought he’d failed the school and the state.

Yet out of that low time came the galvanizing event of the young athlete’s life. The disappointment of the season crumbled away when Dayne left the stadium and re-entered real life, where he was preparing to be a father.

When athletic department officials found out that Jada Dayne was expecting a child, their reactions were understandably tempered. A nineteen-year-old parent under the best of circumstances faces a challenge. How would Dayne pull it off with school, practice, workouts, and the obligations of a high-profile athlete? The only one who wasn’t worried was Dayne. “His whole theory on life is that everything will work out,” says Lester. While she fretted about balancing school and family, he could hardly wait for the baby to arrive.

When she did, everything changed. “There has not been an event in his life that has shaped him more than the birth of his daughter,” says Malchow. “There is nothing that has happened to him in four years of college that has helped him mature faster than the birth of Jada.”

At the hospital, Dayne told Lester that he needed to go home for a nap. He returned an hour later with his new daughter’s name tattooed on his arm. “I am, but it isn’t all I am.”

During her father’s record-setting senior season, Jada Dayne became a media darling herself. When Ron brought her and Alia Lester to late-season press conferences, Jada stole the show, which was just fine with him.
Lester laughs. “No one has told me how they’ve managed to keep her engaged. When she’s asked about wedding plans, in typewriter, she’s like a voodoo doll to me,” says Dayne, who and Malchow nearly broke down with emotion right then.

Two nights later, Malchow watched “like a proud papa” as Dayne gave the speech to a nationwide audience, which tuned in to the one-hour prime-time awards ceremony on ESPN. Malchow says that she was knocked out by how mature Dayne had become, how far he’d come from that first day in his office when he wouldn’t utter a word. “I realized how great college had been for him, that he’d been able to open up and share some really personal thoughts, knowing where he started and how difficult that was for him,” he says. But Malchow was given a demon

sion of sorts. When Dayne got to the part about Malchow, he stumbled a bit. “Thanks for helping me with all my media hoopla,” he said, leaving Malchow to wonder how he’d come from being like family to the ringmaster of a media circus.

That evening as Dayne settled in for a celebration with Alia, Jada, and his New Jersey relatives, Malchow excused himself, thinking that it was probably time to let Ron be Ron and to get to work on the looming Rose Bowl. Before he left, though, Dayne called him over. He gave Malchow a long hug, and massaged his hair. As Malchow turned to go, Dayne said, “hey, thanks, bro.” No one from ESPN heard it, but that’s probably just how big her father really is.

as an index card to remember the people he wanted to include. When it came time to thank Malchow, he said that the sports information director had become more than a helpful

friend, but a close and trusted friend. “He’s like a brother to me,” he said, and Malchow nearly broke down with emotion right then.

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As Dayne and his family prepare to leave Madison, you wonder what two-year-old Jada will remember from this surreal chapter of her life. Lester says that Jada thinks everyone’s father appears on magazine covers. It may be a while before she realizes just how big her father really is.

Safety First

Continued from page 35

Consumers’ Research Bulletin, refused to let employees start a union, it left and started what was then known as Consumers Union Reports. Early issues reported on cheaper items such as milk and nylon stockings, since the magazine couldn’t afford to buy pricier products. During the McCarthy era, Con-

sumers Union was initially branded as a Communist endeavor, but it has survived and that other students to prevail as one of the few institutions that Americans still trust. The origins of the magazine are still evident in elements such as ads with conditions associated with Persian rugs, and the environmentally friendly factors of featured products. Pittle came by his interest in consumer advocacy while teaching at Carnegie Mellon University in Pitts-

burgh, when he became involved with a consumer advocacy group. He soon shifted his academic focus from the esoteric topic of radio communication in the troposphere to product safety, creating one of the nation’s first college courses on that subject.

His experience with the advocacy group made him realize “the use of technology was beyond the reach of a lot of consumers.” It’s not “sensational and stupid — it’s just because the products are leapfrogging ahead of consumers. It’s a very technical society out there.”

The recipient of a distinguished Service Award from the College of Engineering, Pittle looks back on his days at UW-Madison as the best six years of his life. When he arrived, he says, he had little knowledge about social issues, but “the spirit in Madison directly and dramatically affected my outlook on life. I felt fortunate that Madison was what it was. It was a rough-and-tumble time. I don’t know where I would be today if I hadn’t gone there.”

He attended demonstrations on State Street, took time off from school to work on the Eugene McCarthy cam-

paign, and served as a delegate to the Democratic convention when McCarthy won in ’68. “That just made a major change in my life,” he says. “I went from being an engineer working in technology, to trying to use technology to help solve social problems.”

For several of his electrical engineering

classes, Pittle had Professor T.J. Higgins, who made all of his students go through their textbooks proving every-thing on the page. “We found some mistakes,” says Pittle. “What it taught me was to go back to first principles on everything.” That lesson, he says, has been helpful both as Consumers Union and as the Consumer Products Safety Commission.

Lawsuit Pending

In more than sixty years of publishing, Pittle notes, Consumer Reports has been sued fewer than a dozen times and has not lost a case yet. But that record is being challenged.

The magazine is currently being sued by Japanese carmaker Isuzu and Suzuki. The Suzuki suit has not yet gone to trial, but the Isuzu lawsuit began in February and is expected to be decided sometime in March.

Several observers, including the LA Times, the Washington Post, and “60 Minutes II,” agree that the lawsuits could have broad free-speech implications. Pittle also says that the legal action, on which the two carmakers spent $25 million, strikes CSU as an “attempt to silence an independent and objective evaluator of products. It affects our right to communicate honestly and completely to our subscribers what we think about the products we evaluate.” Karpapkin’s editorial states that an Isuzu document uncovered by CU attorneys contains a reference to “lawsuit as a PR tool.”

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tinue its role as an independent, objective evaluator of products and services,” says Pittle. “It’s not going to shut up.”

At CU’s auto testing facility, a former drag strip in Connecticut, the magazine found that the 1996 Isuzu Trooper and the 1988 Suzuki Samurai were susceptible to rollover, a potential danger with sport utility vehicles because of their higher center of gravity. CU developed its test in 1988 after Pittle was involved in a near-rollover while driving a Samurai. The car companies claim that the test was flawed. An Isuzu spokesperson declined to comment on the case so near to the time of the trial, but in a December 1999 Consumer Reports editorial, President Karpapkin wrote that Isuzu is accusing CU of deliberately causing the Trooper to tip over in order to sell magazines. CU vehemently denies the charges.

A 1996 issue of CR ran a cover story on the Isuzu Trooper tipping on two wheels, underscored by the bold headline, “Ursas!” Sales of the Trooper took a nosedive after the article. If Isuzu had fixed the vehicle, says Pittle, “we could have easily rectified it and reported that it was fixed. We’ve tested other Isuzu products and they’ve done fine, and we’ve said so in the magazine.”

Pittle notes that although there are currently no government tests for rollovers, federal officials do not like CU’s method, which involves driving at increasing speeds through a curved path marked by cones. After years of lobbying by CU and other advocates, the federal traffic safety agency will soon publish its own proposed rules for testing, according to the Los Angeles Times. The Times says that the agency is expected to rely on a computerized steering control to elimi-

nate the need for people to vary variability by human drivers.

But regardless of disagreements over what Pittle terms “the complex nature of testing cars,” several observers, including the LA Times, the Washington Post, and “60 Minutes II,” agree that the lawsuits could have broad free-speech implications.

Several observers, including the LA Times, the Washington Post, and “60 Minutes II,” agree that the lawsuits could have broad free-speech implications.
SAFETY FIRST

As head of product testing at Consumer Reports, the influence of R. David Pittle extends beyond the magazine’s readers to making the world safer — and less annoying — for all of us.

BY NIKI DENISON

Have you mowed your lawn for years without once getting sliced by the grass-gobbling blade yourself? Did you warm up your coffee in the microwave this morning without getting a dose of harmful radiation along with your caffeine?

You say that you strapped Junior into his car seat on the way to day care and it got him through a fender-bender with nary a bruise or scrape?

You can thank Consumer Reports. The magazine and its publisher, Consumers Union, helped develop the standards for safer lawn mowers. They tested the early models of both car seats and microwave ovens, found them to be dangerously flawed, and helped bring about more trustworthy versions that have become part of our daily lives.

And while you’re feeling grateful for the army of lab-coated technicians at Consumers Union, you can also thank R. David Pittle MS’65, PhD’69, a man who just can’t seem to go to a party without having someone ask him about the best kind of car to buy — or the quietest refrigerator — or the top-rated lawn mower system.

For the last eighteen years, Pittle has been in charge of the fifty testing labs and auto test facility that produce the Consumer Reports product ratings. A former electrical engineering major, he exudes a kindly, paternal air, and is tall enough that one former employee describes him as a “friendly giant.” The erstwhile engineering professor doesn’t mind the inevitable questions that arise when people find out what he does for a living. Pittle has purchased a “fair number” of Consumer Reports highly rated items himself over the years, from cars and cassette players to margarine and coffee. “Usually, when I make a serious purchase,” he says, “I read the magazine and talk to the staff, and generally buy what they recommend.”

As you enter the Yonkers, New York, Consumers Union headquarters, the world of academia is sometimes swayed by the need for, and influence of, corporate sponsorship. CR is still methodically churning out objective data on how products perform. Its coveted high ratings are the Academy Awards of the automobile world — the Emmys of electric ranges, the Pulitzers of PCs, the Oscars of kitchen appliances, treadmills, and strollers, child safety seats, kitchen appliances, treadmills, and on and on. The corridors are filled with enlarged photographs of wacky-looking tests from days of old, and one of the original testing gadjets.

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Some 78,000 people a year were injured by lawn mower blades before CR helped set the standard for safer models in 1983.

In one survey, Consumer Reports magazine was rated as the most trusted source of product information, followed by advice from a friend. The magazine’s mission is not without its challenges, however. Its parent company, Consumers Union, is currently being sued by Isuzu for a report that found the carmaker’s 1996 Trooper was susceptible to rollover.

Without its challenges, however. Its parent company, Consumers Union, is currently being sued by Isuzu for a report that found the carmaker’s 1996 Trooper was susceptible to rollover.
One tester decided to find out if all those vents in newfangled bike helmets are just a gimmick. So he built a wind tunnel, and he discovered that the extra vents do indeed help bikers to keep a cool head — without compromising safety.

That's about to change, however. Pittle says that the magazine really earns its twenty-six-dollar, and the consumer can't decide which one to buy — that's when the magazine really earns its twenty-six-dollar-per-year subscription fee.

To rate dishwashers, testers meticulously distribute food on plates in identical patterns. Even new employees are often amazed to learn how much effort actually goes into the ratings. Every article goes through three review processes involving seven or eight reviewers.

Testing Mania

It's no wonder that Consumer Reports isn't already testing more products. The four hundred-plus employees — 158 of whom are directly involved with testing — definitely have their hands full. When Pittle first took the job at CU, he'd been a subscriber for years, but he was amazed to learn how much effort actually goes into the ratings. Every article, he says, involves one or more technicians, one or more engineers, a technical supervisor, a statistician, a shopper, a writer, and an editor. Pittle reviews all the product stories for accuracy and tone.

The articles also go through three review processes involving seven or eight reviewers. “We obsess over accuracy, balance, and fairness,” says Pittle. “With every engineer who does research, another engineer follows in his or her footsteps when it’s finished to make sure that what they did made sense, and was fair and appropriate. And someone else...
checks all the data to make sure that it’s been accurately transcribed, because we know that the numbers can make some companies very popular and others not so popular.”

Hare Ebel is in charge of testing sporting equipment, a job who gets a rush out of devising a good test. For example, when he wanted to find out whether more vents in bike helmets really keeps bikers heads cooler, Ebel tested bike helmets.

“We really should have a wind tunnel,” they said, “Sure, let’s build one.” The engineer is confident that if he’d had to pass all the way to the top, Pittle would have said, “Listen, this means better testing, then let’s spend the money and do it right.” Altogether, Consumers Union spends $18 million annually on testing.

Ebel put artificial heads inside helmets containing instruments that could measure “evaporative cooling effect” as well as the impact of shock. “We were able to find that the helmets with more vents really do cool more effectively,” he says. Now, you might wonder whether having thirty to forty holes in a helmet, instead of the five or six vents typical of early models, would make it less safe. Ebel wondered the same thing. But he found that having additional vents did not necessarily compromise safety, because “the vent design — shape, size, and location — appears to compensate for their increased number.”

Consumer Reports has always bought its products from the store just as consumers would. Employees religiously purchase, among other things, more than $300 containers of moisturizers; about 1,000ints, quarts, and gallons of ice cream; more than 500 bottles of sparkling wine; and nearly 6,000 alkaline batteries. “If we’re testing twenty-five different helmets,” says Ebel, “I need about nine of each helmet for the various tests that I do, so we’re maybe talking about 225 helmets that have to be bought.” For a dishwasher test, some twenty machine may be lined up next to each other, destined to receive plates with exactly the same amount of mashed potatoes, soggy corn flakes, peanut butter, and other foods painted on them in precise patterns.

Which brings up another question that Pittle often hears: “What do they do with all that stuff after they’re done testing?” Damaged or unsafe items — wrecked luggage, shredded sheets and towels, mangled car seats — are thrown hard run at a pace of six or seven miles an hour, he says, “there are a half dozen people here who fit that bill, and if they have the time, they will volunteer.”

Back to those shoppers: in 1998, many would receive a coveted red circle — the magazine’s highest rating symbol. Jim Boyd MS’60, who has served as the magazine’s editor in chief for twenty-eight years. With his ARTICLE is pretty small.”

“Things that look alike don’t necessarily act alike,” says David Pittle. Above, a self-conscious hour plug-in Bambers, who spent many more-o-thing is happening’. It’s hard to laugh when you’re face to face with a panelist and they do something goofy,” Ebel says, “but if you’re sitting there watching the video, it’s really hilarious — people’s frustration and the way they respond to it.”

The Longevity Test

If CU rated its employees for how long they last on the job, many would receive a coveted red circle — the magazine’s highest rating symbol. Jim Boyd MS’60, PhD’67 has served as working at Consumers Union for twenty-eight years. With his training in physics, Boyd tests optics such as sunglasses, camera, binoculars, telescopes, film, and printers. He vividly remembers the first article he ever worked on, a report on astronomical telescopes. “It made me feel good. You’re doing something that you know people are using.” In contrast, he says, “the number of people who read a Physical Review article is pretty small.”

“It’s a special group working here,” says Ebel, “People are very motivated — they’re very bright. It’s an interesting population, very committed to the "Test, Inform, Protect" concept [the CU motto].”

The former head of statistics at Consumers Union, Alpix Herzig MS’59, seconds that enthusiasm. (Another alum, Bob Knoll ‘53, spent thirty-two years at CU.)

When Herzig was working on a bike helmet article, she ran across some statistics showing that children who wore helmets were much more likely to survive bicycle accidents. Although the editors weren’t sure the statistics belonged in the article, Herzig and a project leader pushed to include them. A few months later, an item ran in a local paper about a boy who had survived a bike accident because he was wearing a helmet. The mother was quoted as saying that “he never had a helmet until Consumer Report’s said he should wear one.” Herzig still gets choked up when she thinks about it.

Radical Origins

Consumer Reports was founded in 1936, the product of a union struggle. When the owner of a produce publication, continued on page 53
Dayne
Continued from page 30
But Malchow's impending vows aren't the only ones on Dayne's mind. It may have taken him a while, but he's ready for marriage himself. At Christmas, he proposed to Lester, and the couple is now making wedding plans. In typical Dayne fashion, not many people know about their engagement. When she's asked how they've managed to keep their news out of the press, Lester laughs. "No one has asked," she says.

Not much else is private for Dayne and his family. In the past, he has said that one reason he likes Madison is that people trust him so respectfully; in fact, for much of his career, he has been able to enjoy a surprisingly normal life, free from relentless invasions of his time and space. There aren't many places where the most recognizable face in the city can wander through a local toy store and be left alone.

Of course, that's changed now. Since breaking the all-time rushing record, Dayne and Lester haven't been able to go out to dinner or take a walk with their daughter without drawing a crowd. They haven't seen the beginning or end of a movie in months, Lester says.

What's been the hardest on Dayne by far, though, is the travel. Winning the Heisman and other major awards made him a muscled Miss America, a celebrity who is booked for engagements and banquets from coast to coast. With a January and February check-a-block with all-star games and photo opportunities, Dayne has practically lived out of his suitcase since the Rose Bowl.

The itinerary is beyond the grasp of two-year-old Jada. When she's asked where her daddy is, she often replies, "at class." And for her father, it has been a class, in a way. Showing up in Orlando andNew Jersey relatives, Malchow excused himself, saying he wanted to talk to his family. In the past, he had been called to leave his own family.

It's a theme that emerged in Dayne's Heisman acceptance speech. Once during the season, he had promised that if he won, he would deliver the shortest acceptance speech in history. But when he began to compose it, there were so many people to thank: teammates, coaches, friends, counselors, cousins, aunts, uncles, fans, teachers. For a young lad supposedly as withdrawn, he'd made a lot of friends.

Malchow got a preview of Dayne's Heisman speech in an Orlando hotel room a few days before they went to New York City to deliver the real thing. He delivered it from the heart, using only an index card to remember the people he wanted to include. When it came time to thank Malchow, he said that the sports information director had become more than a helpful, useful friend. "He's like a brother to me," he said, and Malchow nearly broke down with emotion right then.

Two nights later, Malchow watched "like a proud papa" as Dayne gave the speech to a nationwide audience, which tuned in to the one-hour prime-time awards show on ESPN. Malchow says that he was struck by how mature Dayne had become, how far he'd come from that first day in his office when he wouldn't utter a word. "I realized how great college had been for him, that he had been able to open up and share some really personal thoughts, knowing where he started and how difficult that was," he says.

"But when Dayne was Malchow was given a demotion of sorts. When Dayne got to the part about Malchow, he stumbled a bit. "Thanks for helping me with all my media hoops," he said, leaving Malchow to wonder how he'd gone from being like family to the ringmaster of a media circus.

That evening as Dayne settled in for a celebration with Alia, Jada, and his New Jersey suite, Malchow entered himself, thinking that it was probably time to let Ron be Ron and to get to work on the looming Rose Bowl. Before he left, though, Dayne called him over. He gave Malchow a long hug, and mussed his hair. As Malchow turned to go, Dayne said, "Hey, thanks, bro." No one from ESPN heard it, but that's probably just how big his father really is.

Dayne and his family prepare to leave Madison, you wonder what two-year-old Jada will remember from this surreal chapter of her life. Lester says that Jada thinks everyone's father appears on magazine covers. It may be a while before she realizes just how big her father really is.

As Dayne and his family prepare to leave Madison, you wonder what two-year-old Jada will remember from this surreal chapter of her life. Lester says that Jada thinks everyone's father appears on magazine covers. It may be a while before she realizes just how big her father really is.

Safety First
Continued from page 35
Consumers' Research Bulletin, refused to let employees start a union, it left and started what was then known as Consumer Union Reports. Early issues reported on cheaper items such as milk and nylon stockings, since the magazine could afford to buy pricier products. During the McCarthy era, Consumer Union was initially branded as a Communist endeavor, but it has survived that and other struggles to prevail as one of the few institutions that Americans still trust. The origins of the magazine are still evident in elements such as ads elsewhere advertising conditions associated with Persian rugs, and the environmentally friendly factors of featured products.

Pittle came by his interest in consumer advocacy while teaching at Carnegie Mellon University in Pittsburgh, when he became involved with a consumer advocacy group. He soon shifted his academic focus from the esoteric topic of radio communication in the troposphere to product safety, creating one of the nation's first college courses on that subject.

His experience with the advocacy group made him realize that "the use of technology was beyond the reach of a lot of consumers. It's not just "stupid" — it's just because the products are lacking ahead of consumers. It's a very technical society out there."

The recipient of a 1987 Distinguished Service award from the College of Engineering, Pittle looks back on his days at UW-Madison as the best six years of his life. When he arrived, he says, he had little knowledge about social issues, but "the spirit in Madison directly and dramatically affected my outlook on life. I felt fortunate that Madison was what it was. It was a rough-and-tumble time. I don't know where I would be today if I hadn't gone there."

He attended demonstrations on State Street, took time off from school to work on the Eugene McCarthy campaign, and served as a delegate to the Democratic convention when McCarthy won in '68. "That just made a major change in my life," he says. "I went from being an engineer working in technology, to trying to use technology to help solve social problems."

For several of his electrical engineering classes, Pittle had Professor T.J. Higgins, who made all of his students go through their textbooks proving everything on the page. "We found out," says Pittle. "What it taught me was to go back to first principles on everything."

That lesson, he says, has been helpful both as Consumer Union and at the Consumer Products Safety Commission.

Lauretta
In more than sixty years of publishing, Pittle notes, Consumer Reports has been sued fewer than a dozen times and has not lost a case yet. But that record is being challenged.

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Another memo reads, "When attacked, CU will probably shut up."

"I want to tell you that CU will continue its role as an independent, objective evaluator of products and services," says Pittle. "It's not going to shut up."

Niel Derseth had to take a break from writing this story so an intern could finish it. "Let's hope the reader in charge of Consumer Reports will go computer shopping."

Michael Penn, an associate editor of OnWisconsin, covered Ron Dayne's last home game in the Winter 1999 magazine.
A UW learning project takes journalism and law students to the nation’s highest court.

By Erik Christianson

Rising high above First Street and Mary-
land Avenue in Washington, D.C., just
behind the United States Capitol, is the
acropolis of American jurisprudence.

With its classical Greek architecture
and marble columns at the entrance, the
building even bears a resemblance to the
most famous structure of the ancient
Acropolis in Athens, the Parthenon.

The origin of this remarkable experi-
ence stretches back to 1995, when a
conservative UW law student challenged
the university’s mandatory student fee
system. Scott Southworth ‘94, JD’97
argued have leftist or liberal
leanings.

He and two fellow law students sued
the university in April 1996, claiming that
the segregated fee amounts to compelled
speech in violation of the First Amend-
ment. Despite the university’s position
that the fee creates a forum that
enhances free speech on campus, a fed-
eral judge ruled in Southworth’s favor.
What followed was an appeals process
that, in 1999, led to the U.S. Supreme
Court agreeing to hear the case.

The thirteen journalism and law stu-
dents selected for the Southworth Project
last summer received two credits for their
work. They spent the summer research-
ing the case and, starting last fall, pub-
lished news articles and special editions
in the Daily Cardinal.

Important decisions are made in this
building. Really important decisions.
Decisions that can affect everyone in this
country. Decisions that help to clarify
and interpret one of the most important
documents written in the history of
humanity: the U.S. Constitution.

Yet on a day last November, the
Supreme Court became more than the
“final arbiter of the law and guardian of
constitutional liberties,” as it’s described
in the official visitor’s guide. For a hand-
ful of UW-Madison journalism and law
students, it became their classroom.

The thirteen journalism and law stu-
dents worked together to generate in-depth coverage
and analysis of the student fee lawsuit
before and after the
Supreme Court’s oral arguments. The
project takes
A UW learning
project takes journalism and law students to
the nation’s highest court.

And each year,
advantages of these kinds of learning
opportunities outside the lecture halls.

Indeed, most pedagogical models
think the out-of-classroom experi-
ence more enjoyable,” says Colleen
Jungbluth, a senior journalism major
from Waukesha and a Southworth Pro-
ject team member. “It makes the class-
room experience more comprehensible
and more appreciable from the student
perspective.”

The pinnacle of the experience was
covering the lawsuit’s oral arguments
before the Supreme Court on November
9 in Washington, D.C. At a class meeting
held on October 27 to prepare for the
“As corny as it sounds, it was analogous to a religious experience. The Supreme Court is where they make decisions that affect everything that you do. It was spellbinding.” — Daynel L. Hooker, law student

I think the out-of-classroom experience makes the classroom experience more enjoyable ... more comprehensible and more appreciable from the student perspective.” — Colleen Jungbluth, journalist student

The next day, November 9, the sun is shining brightly in the clear blue sky over the Supreme Court building. By 9 a.m., about two hundred people have already lined up for a chance to attend the lawsuit’s oral arguments. This line is twice as long as the previous morning, indicating intense interest in the university’s lawsuit as compared to the cases argued the day before.

The Southworth Project team members, however, are already inside the looming structure, meeting with New York Times Supreme Court reporter Linda Greenhouse, who has agreed to have breakfast with the students to provide her insights into covering the court.

On the trip, the students spend the first thirty minutes discussing practical details: what equipment to bring, where they will stay, how to navigate the nation’s capital. Once the details are shared, Williamson and Drechsel, the project’s main advisers, turn the students’ focus to the lawsuit itself: “I think Southworth will win in principle and lose in practice,” declares Williamson, a nationally recognized First Amendment lawyer who has argued twice before the high court. He predicts that Southworth will likely prevail, on a close vote, with his compelled speech and association argument. However, he suggests that the justices will likely prescribe a remedy allowing UW-Madison students to opt out of paying the portion of the segregated fee that goes to student groups. This would cause Southworth to lose, he says, in practical terms.

A few minutes later, Williamson challenges the students. “What do you think will happen?” he asks. No answer. About ten minutes later, Drechsel takes his shot. “So none of you will tell us what you think?”

Laughter — but no takers. Like good journalists, the students remain objective. They instead spend the next hour discussing legal arguments and the background of the justices, along with story ideas and how to cover the background of the justices, along with an hour discussing legal arguments and the justices. Good journalists, the students remain.

About ten minutes later, Drechsel takes his shot. “So none of you will tell us what you think?”

“Now I finally understand when a lawyer says, ‘The reporter didn’t get the story,’” says Hooker, a second-year law student from New Orleans. “What a case turns on is important to a lawyer, but is not always sexy enough to be the head of a story.”

The Southworth Project team flew to Washington on November 6. The work started on November 8, when students spent the morning touring the Washington Post newsroom.

Lunch at the Supreme Court cafeteria (the specials were spaghetti with Italian sausage, and crab cakes with baked beans) was followed by a private tour of the Supreme Court building. The first stop was the court chamber, where the tour guide allowed the students to take pictures for precisely two minutes (no cameras or recording devices are allowed in the courtroom when the court is in session).

After capturing their mementos, the students sat in the chamber (which seats only two hundred and fifty people) as the justices explained the history of the court and how it works. Each year, he said, the justices receive approximately seven thousand requests to hear cases. Every request is considered by the justices, and it is a rigorous review. Only about seventy cases, dealing with the most important constitutional issues of the day, are accepted each year.

The tour guide then led the group out of the chamber to a conference room in a private area of the court building. En route, they had a brush with greatness, as the students found themselves face-to-face with Justice Sandra Day O’Connor, who suddenly came around a corner.

“Stand aside! Stand aside!” yelled a U.S. Capitol police officer to the group as he noticed the scene and rushed to escort the justice through the small throng. Everyone complied — except Martha “Meg” Gaines JD’95, Master of Laws ‘95, an assistant dean at the law school who accompanied the class. Gaines’s aunt and O’Connor were best friends, and when Gaines’s aunt died of breast cancer four years ago, O’Connor gave the eulogy at her funeral.

Gaines introduced herself, the two women exchanged pleasantries, and the students continued their tour with the new realization that the justices are human after all.

The tour wrapped up as the students made their way to the front steps of the court building for a group photo. And not just any group photo: It was for The Star-Tribune, which published a story about the Southworth Project on November 30 as part of its coverage of the student-fee lawsuit.

The newspaper was not the only national media outlet paying attention to the Southworth Project. The class was covered extensively in the Madison media, and was mentioned in the Los Angeles Times, and the campus forum it sponsored in October was covered by ABC’s “Good Morning America.”

Becoming part of the story was not something the students expected, and it made most of them uncomfortable. But that wasn’t a bad thing, according to Drechsel.

“All journalists would benefit deeply from being sources or subjects of coverage,” the professor said in Madison after the trip.

Following the 10 a.m. photo shoot, the students split up for the afternoon before meeting again in the evening to file their stories for the morning paper and prepare for what the Supreme Court official video calls “an hour of high drama.”

Legal Steppingstones

October 1995: UW law student Scott Southworth ’94, JD’97 and his attorney write a letter to the UW System Board of Regents asking for a refund of student fees paid to groups to which Southworth objects.

April 1996: After receiving no reply from the Board of Regents, Southworth and fellow law student Keith Bannach JD’97 and Amy Schopke ’94, JD’98 sue the university in U.S. District Court for the Western District of Wisconsin.

August 1998: After an appeal by the Board of Regents, a three-judge panel of the Seventh U.S. Circuit Court of Appeals upholds the lower court ruling.

October 1998: The regents appeal to the full 7th Circuit Court, which on a divided vote upholds the lower court ruling.

November 1998: The regents appeal to the U.S. Supreme Court.

March 1999: The Supreme Court agrees to hear the case.

November 1999: Oral arguments are presented before the Supreme Court.

June 2000: The Supreme Court is expected to issue its ruling by the end of the month.
large marble pillars blocking their view. Reporters from the national news media organizations sit in the choice seats in front of the pillars. The team waits anxiously. A member of the Supreme Court marshal's office guarding a nearby door at the back of the courtroom quietly tells a few students that this opportunity to cover the court is a “one-in-a-million chance.”

The justices emerge from behind the bench, take their seats, and at precisely 10:00:00, the Marshal of the Court gavels the bench, take their seats, and at precisely 10:00:00, the Marshal of the Court gavels...