

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 sheik 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.



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).

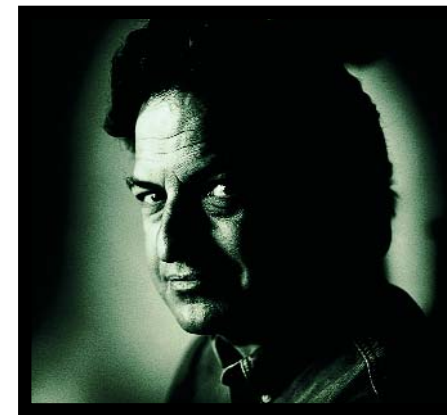
Written and produced by Michael Mann '65, *The Insider* offers a partly fictionalized account of the 1995 confrontation between CBS's "60 Minutes" and the Brown & Williamson (B&W) tobacco company. Bergman produced a "60 Minutes" segment that contained an interview with B&W whistleblower Jeffrey Wigand, 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.

Thanks to *The Insider*, you've probably now heard of Lowell Bergman. But what about Walt Bogdanich '75, who is one of Mike Wallace's current producers at "60 Minutes"? Ever heard of him? Well, maybe in passing back in 1988,

when he won a Pulitzer Prize at the *Wall Street Journal*, but probably not lately.

Or what about Steven Reiner '70, a producer for Morley Safer at "60 Minutes"? Maybe back in the early eighties when he was editor-in-chief of National Public Radio's "All Things Considered." But probably not lately.



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*.



Steven Reiner, a former *Daily Cardinal* editor, says he's "been trying to recreate that sense of intensity, that sense of involvement" in his current work in TV journalism. As a producer for CBS's *Morley Safer*, he specializes in culture, trends, and ideas.

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 newsmagazine 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 what 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 1995 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 pointing 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 journalism, and a \$10 billion lawsuit against ABC from Philip Morris — the biggest in history. The suit singled out Bogdanich 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's legal fees. What Bogdanich saw as a cave-in angered him — and still does. "I naively 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 have to mess with this. 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."

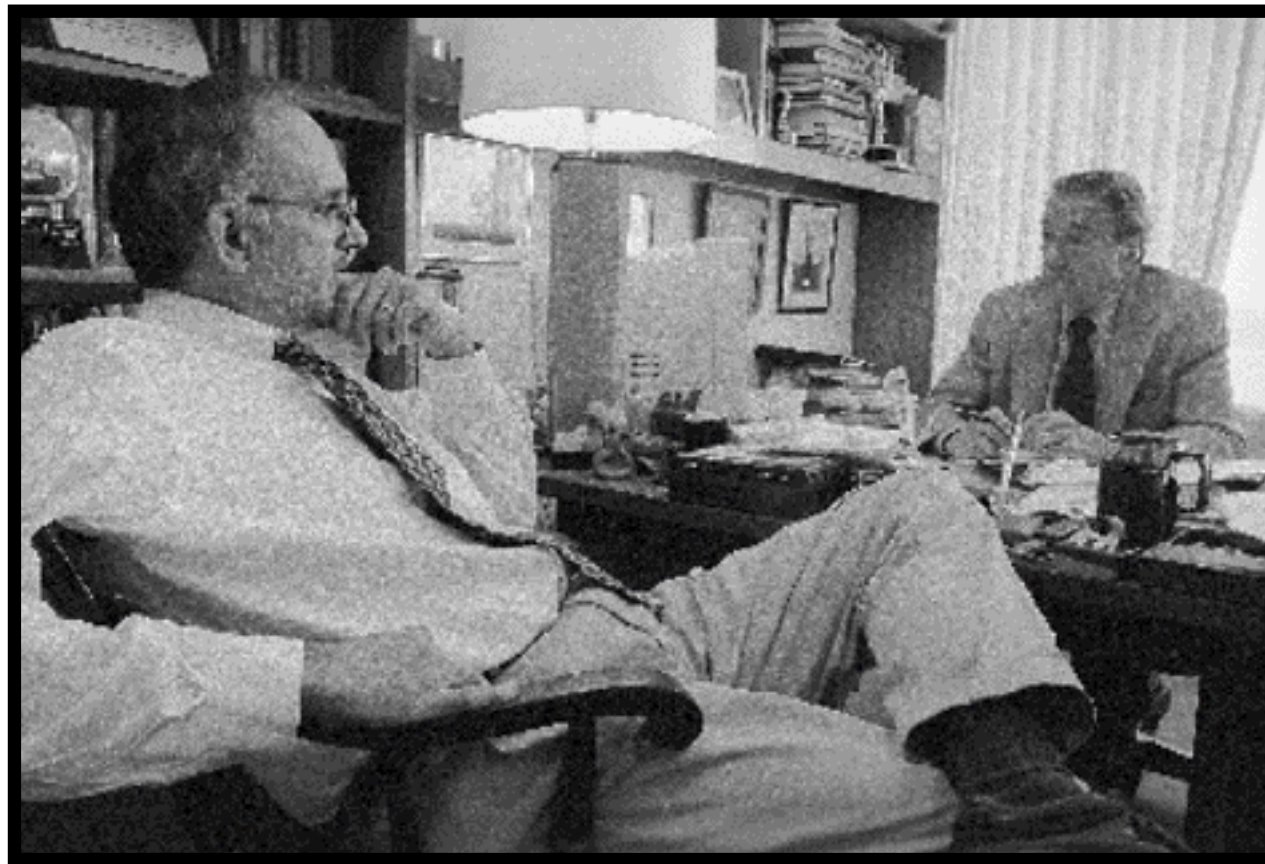
That led to Bogdanich's decision to move to CBS, although he didn't bolt immediately. "I hung around a little bit longer and worked on another tobacco story, just to kind of show the world that they couldn't defeat me. That way I left on my own terms. ABC tried mightily to keep me, which I found flattering and [saw as] the

clearest indication that I had done absolutely nothing wrong and was right on the money."

Although Bogdanich says he harbors no bitterness — "I had great years over there" — he thinks that the management of ABC News "has no backbone when it comes to standing for the truth and fighting for it. Those aren't the folks who should be running a news division."

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.



"I've never found, inside the company, any sense of, 'Don't do this story because company X is an advertiser,' " he says. "The real challenge is that people outside watch what you do very carefully — this is the major league — and when you do a story on company X, you have to be accurate and fair, and there's not much room for error in terms of how we approach a story. Over the last couple of years we've done risky stories — for example, involving cell phones and issues of the safety of plastics in baby toys — so I think we've taken on all sorts of issues."

"And we had a big victory with 'PrimeTime Live' and the Food Lion story," he points out, referring to a suit brought against ABC by the Food Lion supermarket chain after two "PrimeTime Live" producers got jobs at the chain and used hidden cameras and microphones in an effort to show that supermarket employees repackaged and re-dated fish and meat after their expiration dates. The suit alleged trespass and fraud, not libel, a tactic that sent a shiver through the

news media. A 1996 jury finding in favor of Food Lion, however, was modified on appeal, and a huge damage award was dismissed.

"Food Lion came at us from a fraud angle," Tabacoff notes, "but in the end we beat that back. That's critical, because if you go around [the First Amendment] and try to get at us through odd laws, that's dangerous. But I think the courts have recognized that it was basically a First Amendment case, no matter what you call it."

Accountability Is the Issue

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 joining "20/20." A national 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 late eighties and the subsequent federal rescue of that industry, a rescue whose price tag was recently put at \$140 billion by Representative James Leach (R-Iowa), chair of the House Committee on Banking.

At "20/20," Silber is especially proud of his stories that have championed ordinary people who find themselves wronged by powerful segments of society, stories that are united, he says, "by the issue of accountability." One was about

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 consumer demand. The story caught on like wildfire, but it led to a network apology and to what Bogdanich saw as an ABC cave-in to "Big Tobacco." Now a 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.

Icon of an Era

In 1979, when he was an independent producer, Glenn Silber '72 came within an eyelash of receiving an Academy Award for a documen-



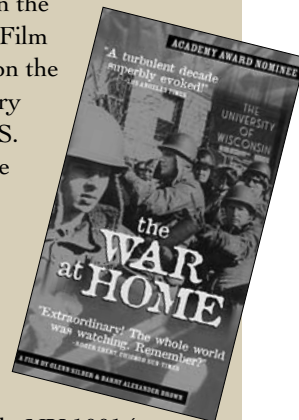
"I don't see myself as any kind of big 'investigative reporter,' " says "20/20's" Glenn Silber, "but I often gravitate toward stories where there has been some kind of injustice" — be it asbestos contamination, the collapse of S&Ls, or the death of an inmate.

tary film he produced and directed with Barry Alexander Brown titled *The War at Home*. The film looks at the upheavals in Madison that swirled around the civil rights and anti-Vietnam move-

ments of the sixties and seventies. Dramatic archival footage of sit-ins, marches, and police confrontations is woven through interviews with students, community leaders, Vietnam veterans, and others who lived through those years.

The film missed out to *Best Boy* for the Oscar in the documentary features category, but it was a blue ribbon winner in the 1980 American Film Festival, and won the best documentary award at the U.S. Film Festival the same year.

Videotapes of *The War at Home* are available from First Run Features, 153 Waverly Place, New York, NY 10014, (800) 229-8575. The Web site is www.firstrunfeatures.com.

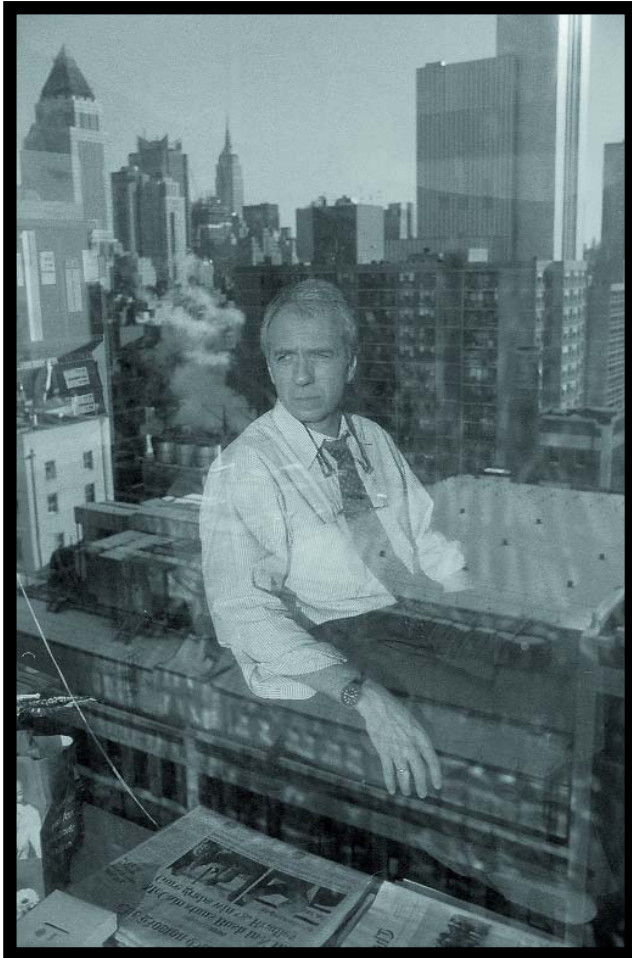


the alleged cover-up of a prisoner killed by guards in the Maricopa County, Arizona, jail. The dramatic video footage included grainy security camera shots of the brutal beating of a nearly comatose prisoner. The cover-up, which started with the sheriff and reached into the medical examiner's office, included destroyed evidence of what looked to Silber 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. These 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 Radutsky '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 packed up their crusades and trotted 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.

CAROLINA SALGUERO



Earning degrees at the UW during the icon-smashing era of the sixties and seventies has given Wisconsin grads an edge in the TV news industry. Says Steven Reiner of CBS: "At Madison in those days, you had a sense of journalism being the route through which you could be involved in what was happening."

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 "screw-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 Dynie Mansfield. "He just called up admissions and said, 'Add one more,'" laughs 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."

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" led 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 neo-realism film by Fellini or Rossellini."

After graduation, he spent several years as an independent film producer in Madison and Los Angeles. He reached ABC by way of CBS, and still appears a little surprised to be working for a news organization. "Madison supported the opportunity to dream a little, to pursue a

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The Real Insider

One 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."

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 newsperson problem," he says. "I'm not Al Pacino, so people who saw the film don't recognize me. And there isn't a lot of recognition of my name."

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.

Filmgoers 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 chain of command at '60 Minutes' — after fourteen years with the show. That turned me into a sort of fulltime 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.

felt strongly that management at CBS didn't understand the implications of its own behavior. It is important that people understand that the management at '60 Minutes' went along with what happened. Even Mike Wallace wavered initially, going along with the

company decision before publicly protesting it. They did not put [the Wigand interview] on the air until after every important fact was published in the *Wall Street Journal*. The media know no limits in reporting on political or entertainment people, but there are stringent limits when they report on Fortune 500 companies or someone of great wealth and power."

As do many other Wisconsin alumni in television careers, Bergman credits his undergraduate experience in Madison as cru-

cial to what came afterward. A history and sociology major, he was heavily involved in the civil rights and Vietnam issues of his era at Wisconsin, including the administration building sit-in of May 1966. And as with others from that time, that involvement whetted his appetite for being at, or near, the center of the important issues of the day.

"Madison," reflects Bergman now, "gave me an intellectual understanding of history." *The Insider* will give millions more the chance to see something of what he's learned. — W.C.



SAN DIEGO HISTORICAL SOCIETY



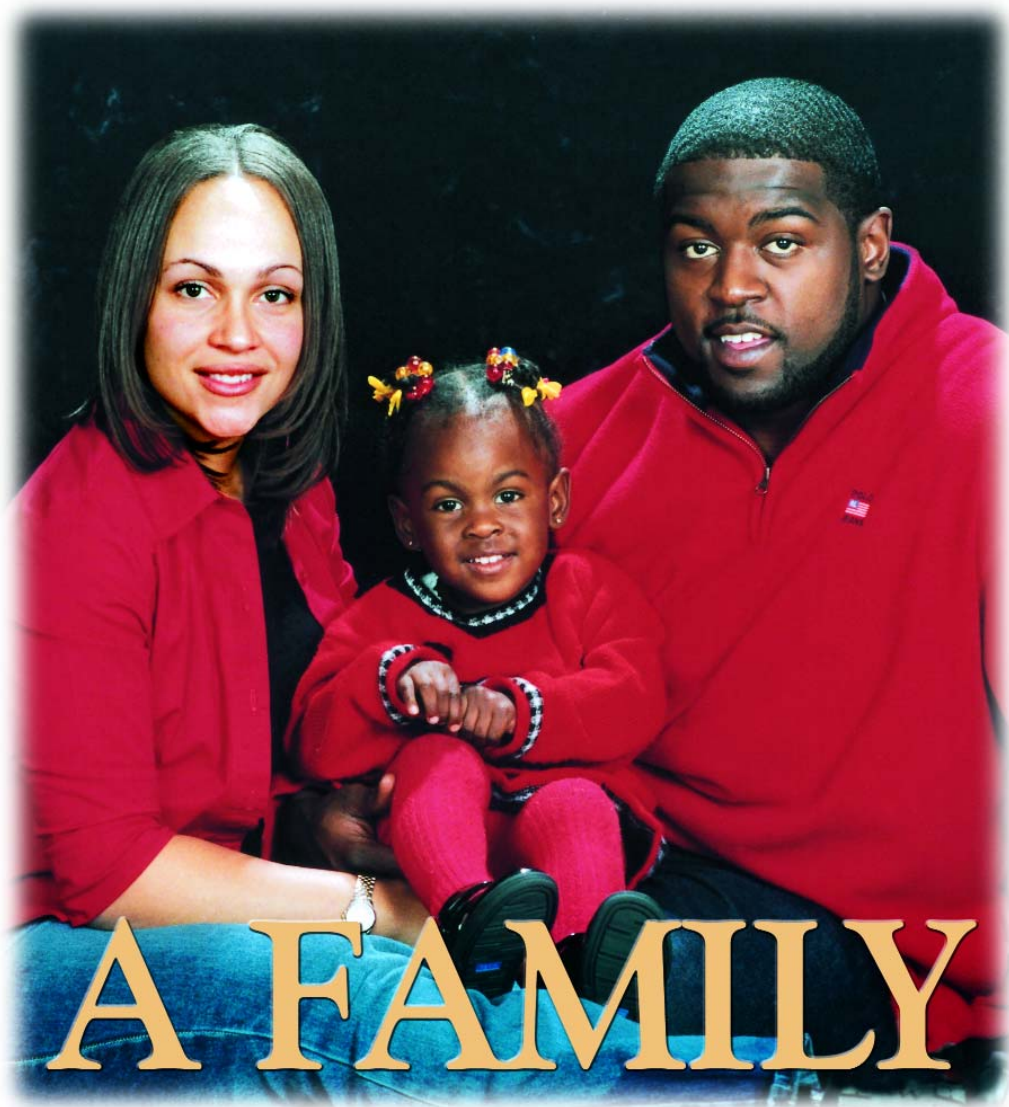
INGEL PARRY

Long before CBS and "Big Tobacco," Lowell Bergman (above) took on important issues. At the UW, he was co-chair of the Committee to End the War, and was active at UC-San Diego (top, at top right, in 1966-67) as well. He's now a teaching fellow and producer at UC-Berkeley.

ship. The film deals honestly with the emotional and philosophical underpinnings of what was going on. I consider it an accomplishment to make a movie without car crashes or gratuitous sex that still can keep people in their seats.

"The reason I got involved in the movie project," he adds, "was because I

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



SAUL WHITE

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 wing. But trips, even the best ones, wear on you, especially when they come during the middle of preparing for final exams and a Rose Bowl.

BY
MICHAEL PENN
MA'97

It had already been a long day. Dayne x'00 had spent the morning in classes and the afternoon in practice before leaving from Madison that evening with teammate Chris McIntosh x'00 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.

Undoubtedly, he would. As hard as it is to tackle Ron Dayne on a football field, getting close to him off of one may be even tougher. There is the side of Dayne that everyone knows — the affable, humble young man with the brilliant, dimpled smile. But there is another side to his

personality that he keeps covetously guarded, sharing it with only the closest circle of confidants who have won his trust. Opening himself to strangers isn't something that comes easily, as Malchow discovered when he first met Dayne as a freshman in 1996. He had called the eighteen-year-old into his office to introduce himself and explain his role with the team,

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part of which is to help players deal with the crush of media attention they receive. "He didn't say one word," says Malchow. "He didn't make one sound the entire fifteen minutes. It was all me talking."

Without fully knowing if he would break through, Malchow decided to bide 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.

Everyone, it seems, has a story about meeting Ron Dayne. Alia Lester x'00 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 x'00, 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, storytelling 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 part of a small circle of his intimates, people who gave him a buffer zone from the increasing pressures of life as an emerging star. Dayne commonly refers to these close allies — such as teammates Eddie Faulkner x'01 and Willie Austin x'00 — 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

Opposite page: Ron Dayne and Alia Lester, with their two-year-old daughter, Jada Dayne.

spiraling into cocaine use. The best came when he found Rob Reid.

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, stoical 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 like a plot synopsis, as if to say, "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 Yasir 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 Dayne 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-



JEFF MILLER

Reporters could sense Dayne's relief as the 2000 Rose Bowl ended. Wisconsin's win and his second Rose Bowl most valuable player award capped off a long season that saw his life turned into a media circus. It had been tiring for Dayne, as he told ABC's Keith Jackson in Pasadena, to have to smile so much.

cere," 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 a real one.

Being a star athlete is a tremendous responsibility. Being the franchise — the guy whom the coach calls

the epitome of his program — brings pressure that few can bear. During his sophomore year, Ron Dayne discovered how heavy that weight can be.

After demolishing just about every freshman rushing record during his stunning debut season, Dayne entered 1997 with his mind on an encore of epic proportions. He had a chance to become the first sophomore winner of the Heisman Trophy and only the second winner in UW football history. Expectations were huge — from fans, from the media, and most of all, from Dayne himself.

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 Dayne and Lester were 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 that daughter," says Malchow. "There is nothing that has happened to him in four years of college that has helped him mature faster than the arrival 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. Lester says they hadn't really settled on Jada as her name, but Dayne's excitement took over. Jada had already stamped a permanent imprint on him.

Having Jada gave Dayne new priorities. Jumping into professional football seemed less urgent. Finishing his degree became significant. (He needs

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.

three or four classes to earn a bachelor's degree, which, because of his current travel schedule, he won't complete this year. He plans to return during summers

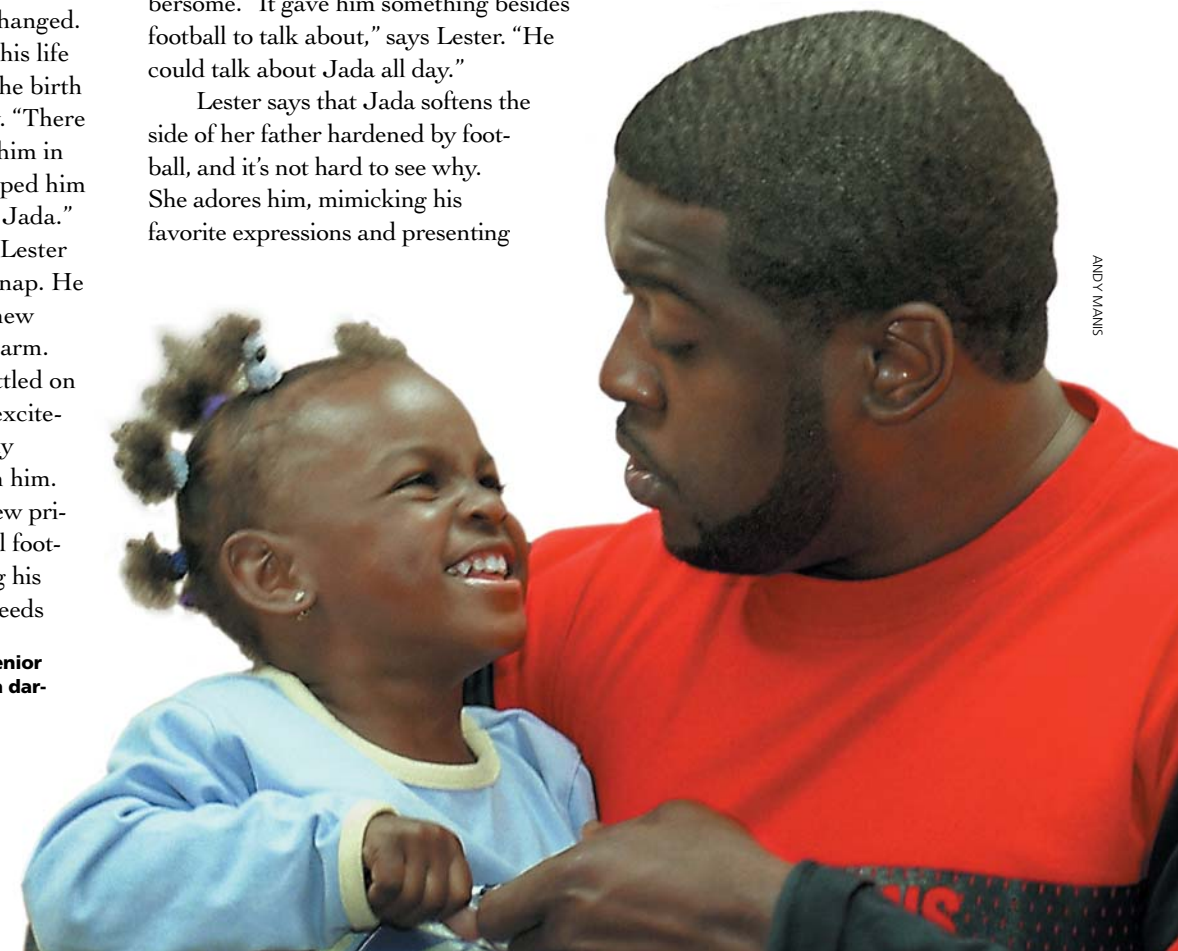
When he's with her, he doesn't have to speak; the love he feels is obvious. She's the ultimate forty-yard touchdown romp of his career. It's hard to watch him with her and not come away with a refreshed perspective on what really matters.

to finish.) Football celebrity began to pale next to the relative comfort of family life. Even talking to reporters grew less cumbersome. "It gave him something besides football to talk about," says Lester. "He could talk about Jada all day."

Lester says that Jada softens the side of her father hardened by football, and it's not hard to see why. She adores him, mimicking his favorite expressions and presenting

him with her favorite toys when he's around. She loves the spotlight as much as he endures it, which not only takes some pressure off of him, but gives him a way to express himself. When he's with her, he doesn't have to speak; the love he feels is obvious. She's the ultimate forty-yard touchdown romp of his career, the best and truest thing he could possibly share with his fans. It's hard to watch him with her and not come away with a refreshed perspective on what really matters.

Malchow felt that way often as he traveled with Dayne on his December awards sweep, seeing how Dayne stopped in every airport gift shop to pick up another little something for Jada or Alia, and how he turned down an opportunity to appear on David Letterman's show so that he could get home one day sooner. On the plane back from New York, he told Dayne, "It's been amazing being around you this year, because I think I've personally learned a lot about love and family and responsibility watching the way that you have accepted Jada and Alia into your life. You've reprioritized some things for me, too." It's not an unrelated circumstance that Malchow is getting married this May.



ANDY MANIS

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 treat 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 chock-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,



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.

"at class." And for her father, it has been a class, in a way. Showing up in Orlando to find a crowd expecting him was the introductory lecture. He's gained an education about just how many people know him and how many lives he's touched beyond the cocoon of his 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 kid supposedly so 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 outlet, but a close and trusted friend. "He's like a brother to me," Dayne 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 primetime 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'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 then 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 hoopla," he said, leaving Malchow to wonder how he'd gone from being like family to the ringmaster of a media circus.

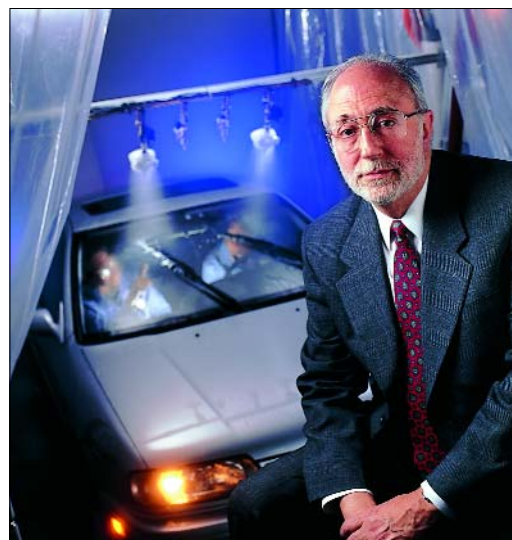
That evening as Dayne settled in for a celebration with Alia, Jada, and his New Jersey relatives, Malchow excused himself, thinking that it was probably time to let Ron be Ron and to get to work on the looming Rose Bowl. Before he left, though, Dayne called him over. He gave Malchow a long hug, and mussed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

Michael Penn, an associate editor of *On Wisconsin*, covered Ron Dayne's last home game in the Winter 1999 magazine.

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?

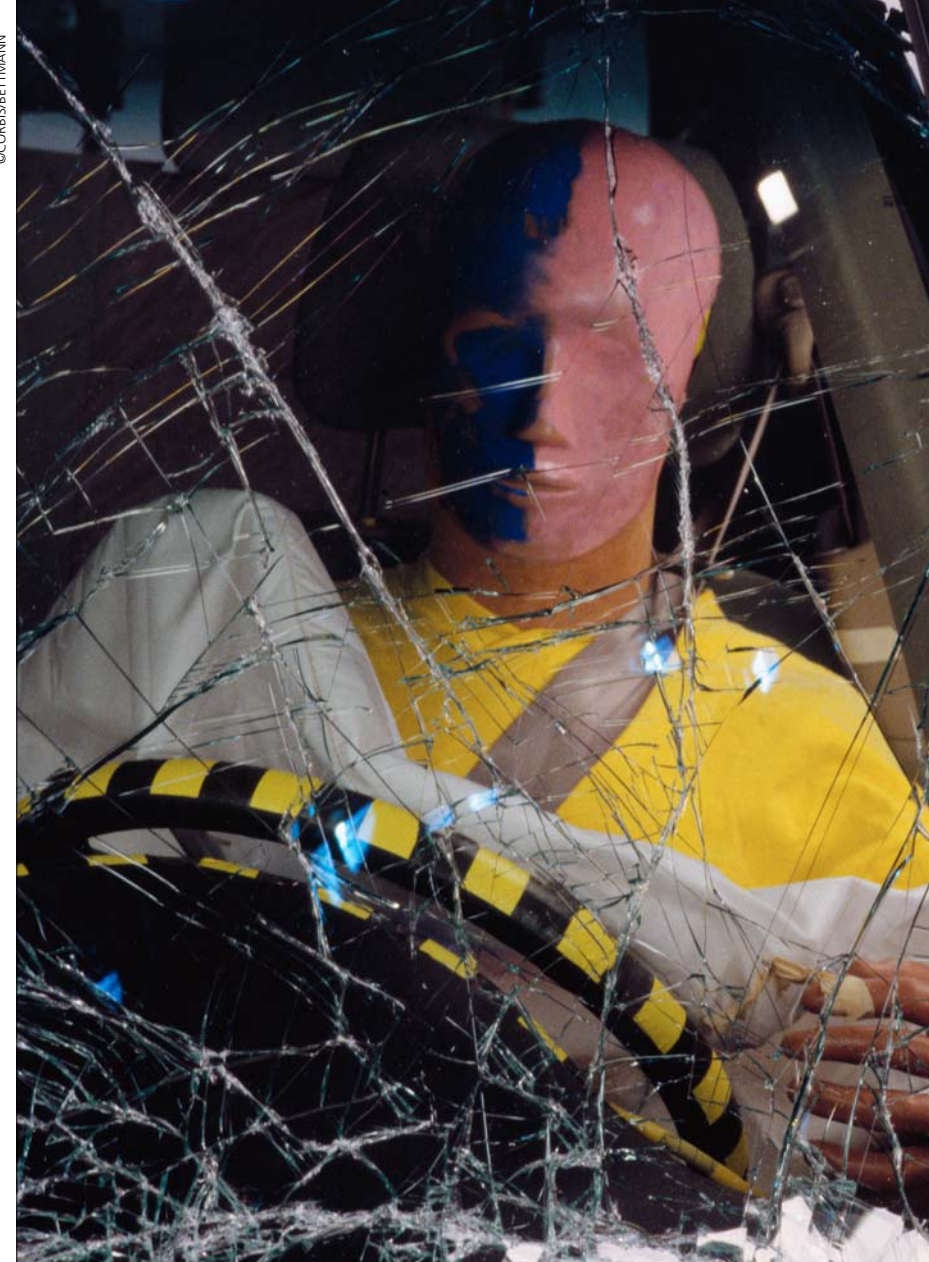
You can thank *Consumer Reports*. The magazine and its publisher, Consumers Union, helped develop the standards for safer lawn mowers. They tested the early models of both car seats and microwave ovens, found them to be dangerously flawed, and helped bring about more trustworthy versions that have become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



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 that the carmaker's 1996 Trooper was susceptible to rollover.

Photos courtesy of *Consumer Reports*.

©CORBIS/BETTWMANN



Chances are this test-crash dummy was an uninsured driver. But real-life car owners can call *CR's* Auto Insurance Price Service at (800) 808-4912 to scope out the best insurance rates. Consumers Union technical director David Pittle (facing page) found "a wide range of prices from reputable companies for exactly the same service."

high-tech toys through their paces, or piling up products in a cluttered electronics lab. And these helpers, while smiling and cheerful, are highly trained engineers and scientists.

The magazine they produce gives you the feeling that the world can be a safe place — that we *can* find help in navigating a sea of increasingly high-tech products — that someone *is* still on the side of the consumer. In a universe of advertising hype and unfounded opinion, where we often don't know what to believe, *Consumer Reports* deals with concrete facts and offers calm reassurance. In a time when even the objectivity 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 dean's list of dishwashers.

A walk through the halls reveals lab after lab. One contains a luggage tumbler that subjects bags to fiendish abuse. Others test wallpaper, mattresses, 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 gad-

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 stereo 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, you get the feeling that you're stepping into another world. This could be Santa's workshop — that is, if the jolly guy were an engineer concerned with product safety, and he sent his helpers to stores around the country to purchase sample items. But this benevolent Santa is the bearded, bespectacled Pittle, and on a typical day, you might find his assistants busily pushing vacuum cleaners, putting

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



gets on display — a sock tester — looks like a contraption out of a Dr. Seuss book. It's obvious that Cat-in-the-Hat ingenuity still reigns at Consumers Union, judging by current gadgets such as Johnny Walker, a mechanized set of eight sneakered feet on a metal drum that has logged more than ten thousand miles on treadmills.

With some 4.3 million subscribers, *Consumer Reports* ranks tenth in the nation in circulation. That's not as much as *Reader's Digest* or *TV Guide*, but more than *Time* and *Newsweek*. The publication is unusual in that it accepts no advertising, and obtains 93 percent of its \$140-million budget from subscriptions. (The rest comes from donations and non-commercial foundations.) From its inception, *CR* has maintained that taking advertising would taint the integrity of its product ratings, and the strategy seems to have worked.

Last May, when *Business Week* magazine published a chart outlining the most trusted sources of product information, *Consumer Reports* was rated first, followed by recommendations from friends. The research, conducted by Wirthlin Worldwide, also maintained that "*Consumer Reports* has successfully positioned itself through the years as an unbiased source of consumer information, and remains the gold standard for credibility." Or, to use another measure of credibility, Pittle says that the publication is the most frequently stolen magazine in the library.

Consumers Union also has one of the Internet's largest subscription Web sites, and it publishes a children's magazine, health and travel newsletters, and books, as well as offering other services.

According to spokesperson Jen Shecter, *CR* subscribers tend to be loyal, and the average reader is a fifty-two-year-old member of the upper-middle class. In general, we Americans are conscientious shoppers, Wirthlin found, with 87 percent of the people surveyed saying that they spend a lot of time researching

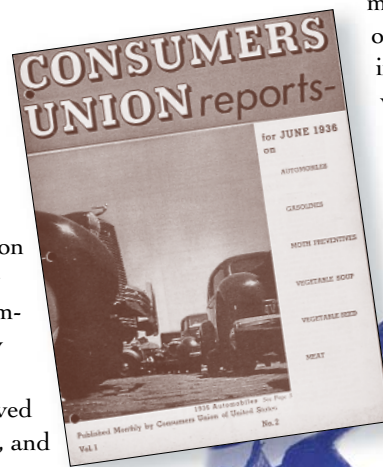


One tester decided to find out if all those vents in newfangled bike helmets are just a gimmick. So he built a wind tunnel, and he discovered that the extra vents do indeed help bikers to keep a cool head — without compromising safety.

brand information before they make a major purchase. Of course, there are still people who don't have time for comparison shopping and who buy whatever is on sale. "They're not our subscribers," says Pittle. "Not everybody cares about the same things, and we don't have any quarrel with that. Nonetheless, they still benefit from our work."

A native of Silver Spring, Maryland, Pittle came to his position well recommended: he was previously one of the five original commissioners appointed to serve on the U.S. Consumer Product Safety Commission (CPSC) by President Richard Nixon. He also served under Ford, Carter, and

Founded in 1936 on a shoestring budget, *Consumer Reports* was forced to test more inexpensive items at first, due to its strict policy of purchasing products rather than accepting free manufacturers' samples. Today's annual testing budget is \$18 million.



Reagan before joining Consumers Union.

The organization's long-time president, Rhoda Karparkin, recruited Pittle, whom she had met in Washington, because "he was dedicated, persistent, an excellent spokesperson, and very fair." She adds that Pittle's background as a federal commissioner has brought considerable prestige to Consumers Union (CU), and has also caused it to become much more active in petitioning the government to act on product safety issues. "David has become, in many senses, 'Mr. Product Safety,'" she says.

It's not just consumers who benefit from CU, but manufacturers, as well. "We're free troubleshooters," says Jen Shecter.

When testers found that some doors could easily be kicked in because the screws holding the lock plates onto the doors were too short, they recommended the use of three-inch screws. The magazine retested the locks a few years later, and most of the major models had three-inch screws and proved to be kick-proof.

At a national appliance industry meeting in 1988, Pittle read a list of product features that needed improvements. Eight years later, when he returned to give another talk, many of the problems on the list had been corrected.

Consumers Union also operates advocacy offices in



Texas, California, and Washington, D.C., that have helped to bring about advances such as lead-free paint and low-income utility rate programs.

Janee Briesemeister '82 works in the Austin advocacy office. "I think I just have the best job in the world — to do good things on behalf of [consumers] all day long," she says. "It's never boring, it's always fulfilling, and it's a wonderful organization that has a terrific sense of its mission." Shelley Curran MA'98, who is based in the San Francisco regional office, concurs: "I came to work at CU because it's a highly respected public policy organization."

But the heart of CU's mission is still product testing. How does the magazine decide which products to test? Over the years, readers have indicated that they especially value ratings on bigger-ticket items such as automobiles, large appliances, electronics, and tires, among other things. Nevertheless, says Pittle, "we find that when we report on ice cream, everybody reads it. People may not always agree with us. They may think their favorite ice cream should be nearer to the top of the list, but there should never be any concern that we're somehow promoting an advertiser's product, because we have no advertisers."

Rating ice cream (see page 35) is not what you'd call a major consumer issue, Pittle concedes. But when it comes to what *CR* staffers refer to as a "sweaty-palm decision" — when products all look alike, when they all cost, say, eight hundred dollars, 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.

And then there are the "Best Buys," wherein the publication highlights merchandise that, while less expensive, still offers high quality. An article on champagnes touted a Best Buy in a \$20 bottle of Domaine Carneros by Taittinger, which rated higher than a \$115 bottle of Dom Perignon. And a recent issue tested facial moisturizers



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

and found that the top two were also the cheapest at \$1.59 and \$1.40 per ounce (L'Oreal and Pond's), outperforming the toney Clarins, which sells for an "incroyable" \$32.35 an ounce.

Of the estimated 25,000 different categories of consumer products, Pittle says, the magazine reports annually on 66 of those categories, in addition to some 40 models of cars. Out of 170 models of dishwashers, they can test 24. From 450 models of microwave ovens, they may rate 25, and from a field of 700 models of electric ranges, they feature 16. If there's one thing about his job that bothers Pittle, it's that the organization can't test more products. "I know what we're able to do, and I just wish we could do more," he says. "There are a lot of things we aren't reporting on because there just aren't the resources. I find that frustrating."

That's about to change, however. Pittle says that CU is working on a new program that will allow it to "vastly increase" its coverage of major products.

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 effect of the ratings can make some companies very popular and others not so popular."

Harv Ebel, who is in charge of testing sporting equipment, is a guy who gets a rush out of devising a good test. For example, when he wanted to find out whether having more vents in bike helmets really keeps bikers' heads cooler, Ebel told his supervisors, "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 it all the way to the top, Pittle would have said, "Listen, if 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 — appeared to compensate for their increased number."

Consumer Reports has always bought its products from the store just as consumers would. Employees religiously ship back all free product samples that manufacturers send, in order to preserve the integrity of their testing. CU has 160 shoppers around the country. Surely, the



No, she's not a space alien. This little girl participated in a permanent rods test in 1938.



"Things that look alike don't necessarily act alike," says David Pittle. Above, reviewers study television sets to see which demonstrate the most exemplary behavior. At left, a 1975 test found that this TV set acted in a most alarming way when its plastic cabinet rapidly went up in flames.



most dedicated of these had to be the man with the assignment of amassing more than twenty thousand condoms, who spent many a self-conscious hour plugging coins into restroom vending machines. This wasn't necessarily one of the studies that had CU employees volunteering to do real-life tests. (Instead, the condoms were filled with air and rated on a burst index). But when Ebel needs some subjects who can give his treadmills a hard run at a pace of six or seven miles per hour, he says, "there are a half dozen people here who fit that bill, and if they

"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 two dozen machines 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 it?" Damaged or unsafe items — wrecked luggage, shredded sheets and towels, mangled car seats — are thrown away. But many other products, such as appliances, generally have some useful life left in them. Some are donated to

local charities, but most are auctioned off to employees. "I've gone through four CU coffeemakers," says Celeste Monte, a director of product information who has been there eight years. She blames it on her own coffee karma, however, adding that most employees have better luck with their auction buys. The work that goes on at CU, says Jen Shecter, is "very wonky in a lot of

ways, and it's very nuts and bolts." This "wonkiness" accounts for a lot of the humor inherent in such an environment. A perfume test had CU staff volunteers blithely interrupting meetings to sniff their arms whenever their timers went off, checking out how long the fragrance lasted. And Harv Ebel takes videos of some of his panelists that could qualify for "Candid Camera." In one test, his volunteers were trying to figure out how to use treadmills, concluding that a green button meant "start." They made comments such as, "Well, I pressed the green button, and no-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 been working at Consumers Union for twenty-eight years. With his training in physics, Boyd tests optics such as sunglasses, cameras, 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, Abbe Herzig MS'99, seconds that enthusiasm. (Another alum, Bob Knoll '53, spent thirty-two years at CU as the head of auto testing before retiring in 1997.) Herzig, who is now in Madison working on a doctorate in

How Does Your Favorite Ice Cream Rate?

Last July, *Consumer Reports* magazine tested thirty-one ice creams encompassing three different flavors: vanilla, chocolate, and coffee. The tasters' favorite was Häagen-Dazs, which it found to have "consistently high-quality flavor and smooth and creamy texture in all three flavors tested."

But they found that Breyers vanilla, at a fraction of the cost, fat, and calories, was also excellent, with "big fresh dairy, notable cream, and distinct real vanilla flavors" and no gumminess. Breyers merited the magazine's "Best Buy" designation, reserved for excellent products masquerading behind bargain prices and less prestigious brand names.

David Pittle MS'65, PhD'69, who is in charge of product testing for Consumers Union, says that he always read the magazine even before he began working there, because "if I read it even a year after the products they reported on were off the shelf, they still gave enough general advice that I was at least equipped to ask intelligent questions."

The report on ice cream was no exception. In this case, the general advice includes the admonition to "think carefully before downing a few scoops of coffee ice cream before bedtime." The magazine found that polishing off a big bowl of certain brands, such as Starbucks, could give you as much caffeine as you'd get from a cup of coffee.

The testers were quite impressed with a newcomer on the chocolate ice cream scene that did not arrive in time for their main testing. But if it had, Godiva Belgian Dark Chocolate would have rated excellent. It also would have been the most expensive, at \$1.06 per serving. And now, for the rest of the run-down on chocolate:

1. Häagen-Dazs	12. ShopRite Premium
2. Dreyer's/Edy's Grand	13. Albertson's Chocolate Chunky Chocolate
3. Prestige Premium	14. Turkey Hill Premium Dutch Chocolate
4. America's Choice Premium	15. Safeway Select Premium Dutch Chocolate
5. Publix Premium	16. Dreyer's/Edy's Grand Light Chocolate Fudge Mousse
6. Sensational Premium	17. Breyers Homemade Double Chocolate Fudge
7. Breyers	
8. Starbuck's Doubleshot Chocolate	
9. Blue Bell Dutch Chocolate	
10. Newman's Own	
11. Dreyer's/Edy's Homemade Double Chocolate Chunk	

curriculum and education, planned to work for one year at CU and ended up staying eight years because she liked it so much. She says it was "filled with very creative people. They had the feeling that they were working on something that mattered, and there was a lot of idealism, which made it fun," she says. 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 cycling 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 Reports* 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 predecessor publication,

Continued on page 53

Safety First

Continued from page 35

Consumers' Research Bulletin, refused to let employees start a union, they 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, Consumers 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 asides about working 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 because they're stupid — it's just because the products are leaping 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 errors," says Pittle. "What it taught me was to go back to first principles on everything." That lesson, he says, has been helpful both at Consumers Union and at 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 carmakers 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.

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 Karpatkin wrote that Isuzu is accusing CU of deliberately causing the Trooper to tip

up in order to sell magazines. CU vehemently denies the charges.

A 1996 issue of *CR* ran a cover shot of the Isuzu Trooper tipping on two wheels, underscored by the bold headline, "Unsafe." Sales of the Trooper took a nosedive after the article ran. If Isuzu had fixed the vehicle, says Pittle, "we could have easily retested 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 curving 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 eliminate the potential for variability by human drivers.

But regardless of disagreements over what Pittle terms "the complex nature of testing cars for rollover," 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 have spent \$25 million, strikes CU 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." Karpatkin's editorial states that an Isuzu document uncovered by CU attorneys contains a reference to "lawsuit as a PR tool." 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." 🖊

Niki Denison had to take a break from writing this story so an intern could borrow her December issue of *Consumer Reports* to go computer shopping.



The Supreme out-of-classroom Experience

By Erik Christianson

Rising high above First Street and Maryland 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. Above the marble columns of this building is an architrave, inscribed with the renowned phrase that elevates the American legal system above all others in the world: "Equal Justice Under Law."

Like the Parthenon, the first up-close glance at the U.S. Supreme Court building is awe-inspiring. And it should be. This is the house that democracy (and former U.S. president and chief justice William Howard Taft) built, the home of the third branch of our government, and the workplace of nine individuals who are arguably the most brilliant legal minds in our nation.

A UW learning project takes journalism and law students to the nation's highest court.

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 handful of UW-Madison journalism and law students, it became their classroom.

The origin of this remarkable experience stretches back to 1995, when a conservative UW law student challenged the university's mandatory student fee system. Scott Southworth '94, JD'97 objected to paying the fee, included on each student's tuition bill, because a small portion of it supported student groups that he opposed. Those groups included the Lesbian, Gay, Bisexual Campus Center; the UW Greens; the International Socialist Organization; and others that

Southworth argued have leftist or liberal leanings.

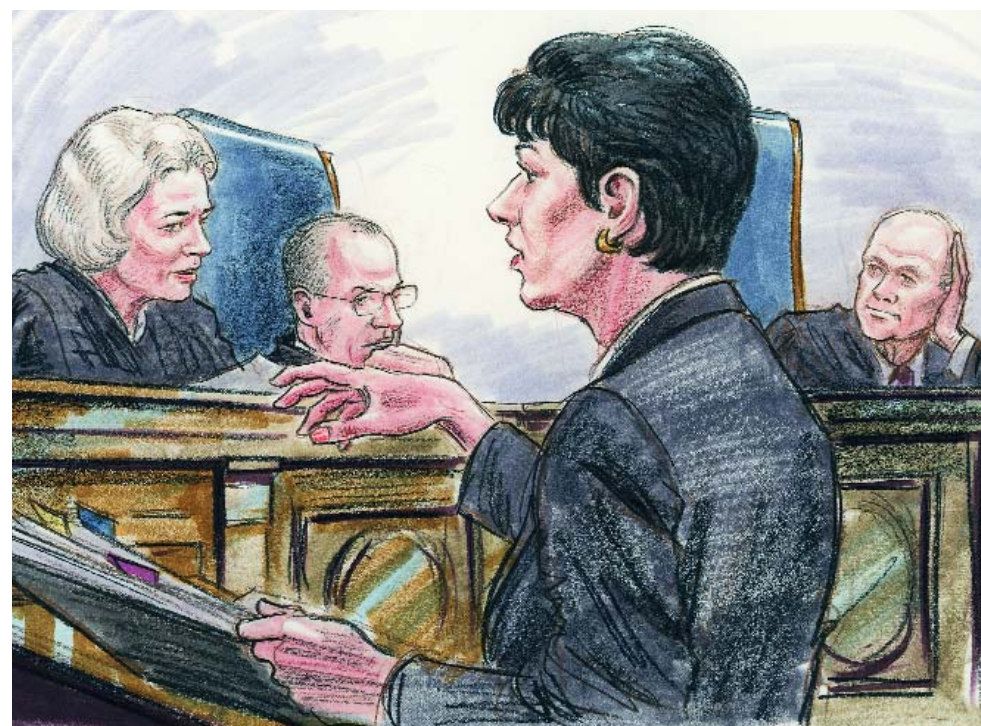
He and two fellow law students sued the university in April 1996, claiming that the segregated fee amounts to compelled speech in violation of the First Amendment. Despite the university's position that the fee system creates a forum that enhances free speech on campus, a federal judge ruled in Southworth's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

Not long after, the Southworth Project was born.

Under the project, UW-Madison journalism and law students worked together to generate in-depth coverage and analysis of the student fee lawsuit before the Supreme Court. This one-of-a-kind collaboration linked the School of Journalism and Mass Communication, the Law School, and the *Daily Cardinal* student newspaper.

"There has always been a close, but not always cordial, relationship between

Not thirty seconds into the opening argument by Susan Ullman, who is representing the university before the Supreme Court, the hour of high drama picks up speed as the justices fire off questions.



With their prized hour before the court over, key players in the case met with news media in front of the court building. As plaintiff Scott Southworth, at left, listened, fellow plaintiff Keith Bannach answered questions. The journey to the Supreme Court began in October 1995, when then-law student Southworth first objected to mandatory student fees by writing to the UW Board of Regents.

practitioners of journalism and law," says Robert Drechsel, a professor of journalism and mass communication who helped to oversee the students' work, along with two other professionals. "It's a useful exercise to get them together and expose them to what the other does before they graduate, and the Southworth case seemed like the ideal vehicle."

The thirteen journalism and law students selected for the Southworth Project last summer received two credits for their work. They spent the summer researching the case and, starting last fall, published news articles and special editions in the *Daily Cardinal* before and after the Supreme Court's oral arguments. The class developed a Web site, and sponsored a public forum on the case that attracted more than three hundred people and national media attention.

Overseeing the students' work were Drechsel; Brady Williamson, an attorney

with the Madison law firm of La Follette Godfrey & Khan who teaches constitutional law at the UW Law School; and Jeff Smoller '68, MS'73, secretary of the *Daily Cardinal* board of directors. Their interests merged with an amazing synergy: Drechsel and court reporting, Williamson and the First Amendment, Smoller and advancing the *Daily Cardinal* as a campus learning tool.

"We started talking, and things happened," says Smoller, special assistant to Wisconsin Department of Natural Resources Secretary George Meyer JD'72 and a former *Cardinal* staffer in the mid- to late 1960s.

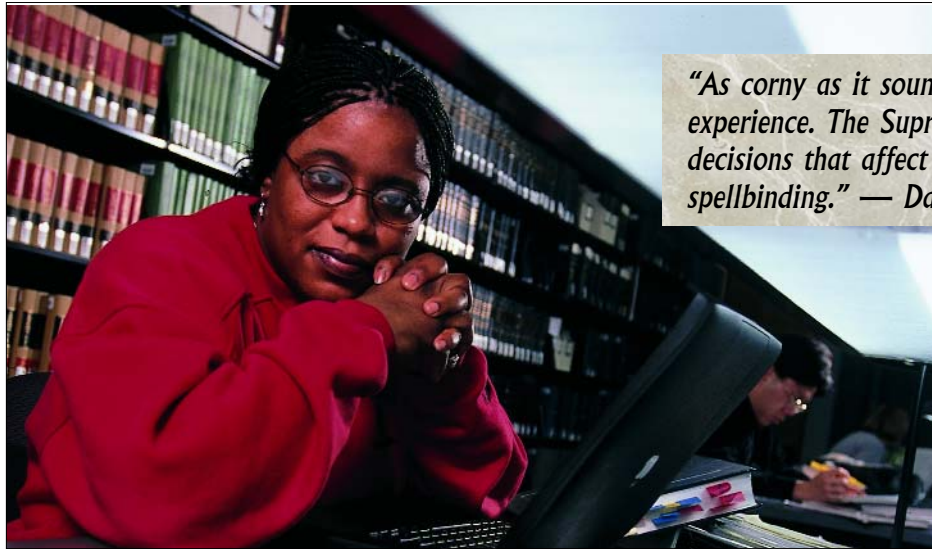
Indeed, most pedagogical models emphasize that a truly valuable post-secondary education should stretch beyond the classroom — to laboratories, music halls, student organizations, agricultural research stations, internships, and field placements. And each year,

thousands of UW-Madison students take advantage of these kinds of learning opportunities outside the lecture halls.

With the Southworth Project, the learning process extended beyond the classroom, beyond the campus, and beyond Wisconsin, to the highest court in the land.

"I think the out-of-classroom experience makes the classroom experience more enjoyable," says Colleen Jungbluth, a senior journalism major from Waukesha and a Southworth Project team member. "It makes the classroom 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



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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 Supreme Court.

Their questions reveal their respective academic pursuits. The journalism

students mainly query Drechsel and Williamson about how to report the story. The law students delve into the minutiae of the legal arguments and possible maneuvering by the lawyers who will argue before the justices.

After answering those questions, Williamson and Drechsel deftly shift to one of the main purposes of the course: conveying to the students that their professions of choice are closer in purpose than they might have imagined.

"The irony is that you are in the same business," Williamson explains, "and that business is communication."

Law schools teach the law very well, but generally do a poor job of teaching aspiring attorneys how to communicate the impact of law to a general audience, Williamson tells his charges. Journalists, meanwhile, are good communicators, but often are more willing to call someone for information than to take the time to adequately research a story, Drechsel says. That lack of research, he adds, can lead to a lack of depth in such complicated legal stories as the Southworth lawsuit.

Southworth Project team member Daynel L. Hooker agrees.

A journalist for eight years before enrolling in law school, Hooker covered the Milwaukee public schools and Wisconsin's thorny school-choice lawsuit as the education reporter for the *Milwaukee Journal-Sentinel*. She wishes she would

have had some legal training to augment her reporting.

"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 lead 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 guide 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

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he noticed the scene and rushed to escort the justice through the small throng. Everyone complied — except Martha "Meg" Gaines JD'83, Master of Laws '93, 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 *USA Today*, 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 *USA Today* 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."



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.

Around 9:15 a.m., the team obtains its press credentials from the court's public information office. The students then stand in line to pass through a security checkpoint before entering the court chambers and taking their assigned seats to the left of the bench and behind the main press gallery, which will soon be overflowing with more than sixty reporters. Some students can see the bench, but some cannot because of six

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 students Keith Bannach JD'97 and Amy Schoepke '94, JD'98 sue the university in U.S. District Court for the Western District of Wisconsin.

November 1996: U.S. District Court Judge John Shabaz rules in favor of Southworth and the other plaintiffs.

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.



Using a computer lab at George Washington University, students participating in the Southworth Project wrote and filed stories about their day in court before catching a flight back to Madison.

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 in the start of the one-hour oral argument in the UW System Board of Regents v. Southworth lawsuit.

"Oyez, Oyez, Oyez [pronounced "o-yea" and meaning "hear ye" in medieval French], all persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the court is now sitting," the marshal proclaims. "God save the United States and this honorable court."

Chief Justice William Rehnquist then proceeds, moving to the key instructional moment of the Southworth Project.

"We will now hear arguments in the Board of Regents versus Southworth case," Rehnquist intones. "Ms. Ullman, you may proceed."

The university, through Wisconsin Assistant Attorney General Susan Ullman, presents its case first. Not thirty seconds into her opening argument, Justice Anthony Kennedy interrupts Ullman with a question about funding for the Wisconsin Student Public Interest Research Group. The hour of high drama picks up speed with rapid-fire questioning of Ullman and Southworth attorney Jordan Lorence during their thirty-minute arguments.

Back in the press gallery, the Southworth Project team members furiously scribble notes on page after page in their reporter notebooks. Those who can see the justices mutter softly the names of those who are speaking for those who can't see.

Later, at a November 15 meeting of the UW-Madison chapter of the Society of Professional Journalists held on campus, Jungbluth explains that team members were forced on the spot to work together while covering the oral arguments because of the obstructed views.

"There was a real sense of camaraderie," she says.

The arguments conclude, and the team files out of the court chamber to the plaza in front of the court building. There, broadcast media have positioned their cameras and microphones for the post-arguments press conference.

With their tape recorders and notebooks and cameras, the team continues its coverage amid the huge gathering. Southworth and his attorneys speak first to the media, followed by UW System President Katharine Lyall. Once the official press conference ends, team members fan out to further interview key sources.

Notes in hand, the students grab a quick lunch, most at Union Station, before proceeding to write their deadline stories. Through a prearranged agreement, the team uses a computer lab at George Washington University to file its stories before catching a 7 p.m. flight back to Madison.

Jungbluth and Hooker, in separate interviews back in Madison, list the oral arguments as the highlight of the Southworth Project.

"It was the court experience, definitely," says Jungbluth, who just finished a stint as managing editor of the *Daily Cardinal*. "Also, speaking with people after the press conference, the conversations afterward, was cool. I enjoyed watching the other team members do the same thing, work the crowd."

For Jungbluth, the Southworth Project helped to sharpen her desire to work in a leadership capacity, although not necessarily in journalism. For Hooker, the experience affirmed her decision to attend law school.

"As corny as its sounds," says Hooker, "it was analogous to a religious experience. The Supreme Court is where they make decisions that affect everything that you do. It was spellbinding."

Gaines, the law school assistant dean, sees the Southworth Project as an ideal prototype for further cross-department and cross-college learning collaborations, a main emphasis of Chancellor David Ward MS'62, PhD'63. She ticks off ideas for future collaborative courses, such as a professional ethics course for journalism and law students, or a journalism, law, and medical ethics course.

"It's the tip of the iceberg," she says.

As the university begins to see more of that iceberg, it's important to remember that this learning opportunity ultimately had its roots in what has set UW-Madison apart as one of the nation's great universities.

"It is significant that this case came from the University of Wisconsin-Madison," attorney Williamson told the Southworth Project team members as they prepared for their trip to Washington. "It is important that Southworth filed his case, and it is important that the Board of Regents appealed the case all the way to the Supreme Court. This university is all about the clash of ideas, and I'm glad the case came from here. I can't imagine it coming from UC-Santa Barbara, or USC, or Texas." ✍

Erik Christianson, a writer for UW-Madison's News and Public Affairs office, has long been interested in law and enjoyed the many rituals he observed while in the Supreme Court chambers.

A SNAPSHOT VIEW OF THE CASE

What are the main arguments?

Scott Southworth and the other plaintiffs argue that UW-Madison's mandatory segregated fee system forced them to support political and ideological organizations with which they disagree. They contend that the mandatory fee payment violates their First Amendment rights of free speech and freedom of association.

The university, meanwhile, maintains that the use of student fees enables it to create a public forum for student speech, an essential part of the education process. Since no one is forced to participate in any of the activities, there is no compelled speech issue in violation of the First Amendment, the university says.

The Supreme Court says it will decide this issue: "Whether the First Amendment is offended by a policy or program under which public university students must pay mandatory fees that are used in part to support organizations that engage in political speech."

What is a segregated fee?

In addition to tuition, all UW-Madison students are required to pay a segregated fee each semester. If students do not pay the fee, they cannot attend classes, obtain their grades, or graduate. When the lawsuit was filed in 1995-96, the fee was \$331.50; currently the fee is \$445.

The fee is broken down into two categories: non-allocable and allocable. Non-allocable fees (about 85 percent of the \$16.3 million total in 1999-2000) cover fixed, ongoing costs of student services, such as University Health Services, the Wisconsin Union, and Recreational Sports, and are not distributed by student government.

The allocable portion of the segregated fees (the remainder of the total, about 15 percent) was developed in the mid-1970s. These fees are distributed to the General Student Service Fund (GSSF), which is overseen by the Student Services Finance Committee. The fees also are distributed to the Associated Students of Madison (ASM), the Wisconsin Student Public Interest Research Group (WISPIRG), the Child Care Tuition Assistance Program, and the Madison Metro student bus pass.

The GSSF distributes funds to organizations, which must first apply for them. ASM distributes funds for events, operations, and travel. The plaintiffs in the

Southworth case are primarily objecting to these funds. In 1995-96, about \$13 from each student's segregated fee bill went to fund student organizations. On average, student groups receive between ten and thirty cents from each student.

Which groups do the plaintiffs object to funding?

Overall, the university has more than five hundred registered student organizations. In their lawsuit, the plaintiffs named eighteen campus-related organizations to which they object on political, ideological, or religious grounds. These groups are:

- WISPIRG
- Lesbian, Gay, Bisexual Campus Center
- Campus Women's Center
- UW Greens
- Madison AIDS Support Network
- International Socialist Organization
- Ten Percent Society
- Progressive Student Network
- Amnesty International
- United States Student Association
- Community Action on Latin America
- La Colectiva Cultural de Aztlan
- Militant Student Union of the University of Wisconsin
- Student Labor Action Coalition
- Student Solidarity
- Students of the National Organization for Women
- MADPAC
- Madison Treaty Rights Support Group

What happens next?

If the Supreme Court rules in favor of the university, the current segregated fee system will remain in place. If the Supreme Court rules in favor of the plaintiffs, public universities nationwide will be forced to re-examine their student fee systems. At Wisconsin, two different plans have been discussed, but neither has been selected by the UW System Board of Regents because of this appeal. The Supreme Court could also send the case back for further proceedings.

— Erik Christianson