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tion, adds that questions should have been asked about the companies' failure to modify West Coast refineries to handle the glut of Alaskan crude, and Shell's and Texaco's excess refinery capacity in California.

Although the *Bee's* McCulloch sees the crisis as just "a consumer story—

though one of some urgency," questions such as these point to the possibility that it was indeed something more. Until the press formulates the right queries, however, the responses it receives are not likely to satisfy these very same consumers, increasingly impatient for more convincing answers. *Richard Parker*

Pulitzers: was the Mirage a deception?

The Pulitzer prizes continue to generate controversy. Last year, members of several nominating juries did a slow burn when the advisory board, which makes the final selections, overturned the juries' judgments in five of the eleven journalism categories. To prevent another rash of hurt feelings this year, the Pulitzer committee changed the rules. Each nominating jury would submit its choices—no fewer than three and no more than five—in alphabetical order to what would now be called the prize board. In short, the juries would sift and cull, but would not rank their final selections. But, once again, there was a flap.

For the most part, the juries disregarded the new guidelines, making recommendations as they saw fit. And, again, the board—whose fifteen members include Benjamin C. Bradlee of *The Washington Post*, James Reston of *The New York Times*, Clayton Kirkpatrick of the *Chicago Tribune*, and Thomas Winship of *The Boston Globe*—overturned their

recommendations in several categories. In the commentary category, for instance, the *Times's* Russell Baker edged out Vermont Royster of *The Wall Street Journal*, while in cartooning *The Washington Post's* venerated "Herblock" was picked over Robert Englehart of the *Dayton Journal Herald*.

Ironically, the most interesting dispute cropped up in the one category whose jury had abided by the new Pulitzer rules. The jury for the special local reporting award sent up four nominees, in the prescribed alphabetical order, to the prize board. One of them was the *Chicago Sun-Times's* "Mirage" series.

From January 8 to February 5, 1978, the *Sun-Times* had rocked the Windy City with articles on corruption among municipal and state agencies. The method used to obtain the evidence was as newsworthy as the disclosures. The newspaper opened up a bar, the Mirage, and reporters Pam Zekman and Zay Smith stood back wiping glasses and

pouring shots while inspectors, accountants, and distributors solicited bribes, offered advice on how to cheat the state, and otherwise revealed their sins.

The series was obviously a strong contender, but the prize went elsewhere. Reporters Gilbert A. Gaul and Elliot G. Jaspin of the *Pottsville (Pennsylvania) Republican* received it for a story about the destruction of a coal corporation by a group linked to organized crime.

Sun-Times editor Jim Hoge called the board's decision an example of "capriciousness and arbitrariness," and, as others wondered why Zekman and Smith had lost out, word spread that a majority of the Pulitzer board had had reservations about the *Sun-Times's* undercover methods.

Posing as a worker in another occupation is, of course, not a new journalistic device. And, in the past, resorting to it has not prevented reporters from winning Pulitzers. William Jones of the *Chicago Tribune*, who won one in 1971, worked as an ambulance driver to gather information for articles that exposed collusion between police and private ambulance companies; and Edgar May of the *Buffalo Evening News*, who won a Pulitzer in 1961, took a job as a social worker to report his story. So what made the board nervous about the Mirage series?

James Reston helped to define the issue when he reportedly drew a distinction between "pretense" and "deception" at the board meeting. Pretense, in this scheme, is a passive act: the reporter allows someone to draw the wrong conclusion about who he is or what he knows. Deception, however, is active: the reporter intends to mislead. "It's biblical, man," says Bradlee of the *Post*, where there is a policy against assuming false identities. "How can newspapers fight for honesty and integrity when they themselves are less than honest in getting a story? Would you want a cop to pose as a newspaperman?" Other board members, however, admit that they have allowed reporters to conceal their identities in the past, and most reserve the right to do so in the future.

Entrapment was another issue that arose in the board's debate. Legally, entrapment occurs when a law enforcement official solicits the performance of an illegal act and then arrests the miscreant. Did the *Sun-Times* encourage the activity it then exposed? Board member Eugene C. Patterson, editor and presi-

The Mirage: was there another way?



Chicago Sun-Times, Jim Frost

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dent of the *St. Petersburg Times*, told *The Washington Post* that the *Sun-Times* story had "an element of entrapment." But most jury and board members say they were impressed by the safeguards the paper took to avoid soliciting the illegal behavior.

Some members, Patterson and Bradlee among them, were critical of the *Sun-Times* for having taken what they saw as the easy, and most theatrical, approach. "This story could have been reported without the dissembling that occurred," says Patterson. "If the *Sun-Times* had interviewed bar owners, that would have been the hard way to get the story." Would it not only have been hard, but impossible? Reporter Zekman says that if a Chicago bar owner came clean about bribing inspectors, "he wouldn't be in business very long." Joseph Shoquist of *The Milwaukee Journal*, who chaired the nominating jury, puts the charge of theatricality in another context: "This was a worthy subject that needed a dramatic presentation to capture the public's attention."

Members of both the nominating jury and the board, even those who thought the *Sun-Times* should have won the prize, tend to see Mirage-like investigations as appropriate only for extraordinary stories. Even here, "it should be used only as the final convincing evidence when there is no other way to get it," says Durwood McAllister, editor of *The Atlanta Journal* and a jury member.

The issue becomes cloudiest when the deception calls for a reporter to commit an illegal act. The Mirage crew did break the law by paying bribes that were solicited by legions of inspectors. But they promptly reported each instance to the Illinois Department of Law Enforcement. Shoquist says he would never assign a reporter to pose as a prostitute. Clayton Kirkpatrick, who disagreed with his colleagues' decision to bypass the *Sun-Times* for the Pulitzer, says that a reporter should never "hold himself out as an F.B.I. agent or a cop." But, says Kirkpatrick, concealing identities "is a fairly conventional device. It's not always necessary to stand up and announce that you're a reporter."

"Undercover work by reporters is an accepted technique," says Smith. "I have no misgivings about it as a tool of last resort. I just hope that the Pulitzer board's decision won't discourage editors around the country who want to do the kinds of stories we've done."

Steve Robinson

Shhh: San Francisco's big press libel case

The six-week-long trial of a libel suit against the *San Francisco Examiner* and two reporters had all the elements of good copy—a Chinatown murder, an alleged police frame-up, a whopping \$30 million claim against one of the nation's most important media corporations, and a witness roster that included such names as Randolph Hearst, William Randolph Hearst III, and Reg Murphy, publisher and editor of the *Examiner*.

But until the jury actually awarded \$4.5 million to the plaintiffs in late April, the local media shunned the story. The

Pulitzers: a staunch defender calls for change

There probably has never been a prize competition devoid of controversy. The more desirable an award (as with a Nobel or a Pulitzer), the more room there is for aggrieved debate, surreptitious scuttlebutt about logrolling, inside leaks, and criticism both on-target and snide.

Firecrackers large and small have always popped around the Pulitzer prizes, whether under the now-eliminated old-guard intrusions of Columbia's trustees or the decisions of the self-perpetuating prize board. The board obviously could stand some modernizing and balancing, and this probably will come about because several of the members are aware of the need for reform.

The 1979 excitement swirls around what has been reported as a "new policy" of not awarding Pulitzers for practicing "deceit" when "pretense" might have worked. Scores of editors I know have cast their eyes heavenward over this tortured rationalizing. For me, the most pungent description was that of *Time*'s Tom Griffith, who called it "Talmudic Calvinism." I suspect it was an ad hoc decision arrived at by split vote and will be subsequently sidestepped.

A perhaps more important bit of board misjudgment is the effort to recast the ju-

rors as "nominators," who will do the crud work of reading every entry, culling the list, and giving it to the board without indicated preferences. Thus far, every year's set of jurors has contained some individuals with more on-line journalistic qualification than some members of the board itself. The jurors receive no honoraria and must pay their own travel, hotel, and meal costs. To expect top-rank editors to come cheerfully to New York to serve in subaltern status is potentially self-defeating. The independent and tough-minded may quietly decline to serve and the board could wind up losing the best of the consultants and inviting for itself evermore drudgery of close reading and appraising.

It is now obvious that the spread of chain ownership is creating jury problems. A large number of newspapers in one group means entries in every category. Since the practice has been that no editor serve on a panel where his news organization has an entry, this means automatic disqualifications all along the line. Major awards call for quality assessment. The reach therefore has to be for as many big independents as can be drawn in.

The first Joe Pulitzer's will hampers

sweeping alteration of the prize and board system. But there is still room for reasonable modernizing. While at this task, the board ought to rethink the jurors' role. It is agreed that the better the jury work the better the final board judgments. I suggest that the most able and sensible editors are likely to continue only to the extent they have some significant role to play. After all, these people are not lesser professionals because they have not been elected to the board. This process is not mysterious and does not automatically bestow either infallible wisdom or total perception on the chosen few.

I offer this not as an external critic but as a stout defender of the Pulitzer system. After all, I am no stranger to the prizes or the process, having been on the board itself at one point and, I understand, having served on and chaired more Pulitzer juries than any other individual. And never once been overruled.

NORMAN E. ISAACS

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