

ARGUMENT QUALITY IN PULITZER PRIZE-WINNING REPORTING

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by

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To my family, my friends, and, most of all, to Jenny.

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# **ARGUMENT QUALITY IN PULITZER PRIZE-WINNING REPORTING**

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## **ABSTRACT**

This thesis uses techniques and theory from argumentation, informal logic, and critical thinking to assess the quality of arguments presented by journalists in Pulitzer Prize-winning stories.

Journalists strive to inform citizens about the way their world is, was, and will be. These claims about the world are descriptive arguments, which can be accepted or rejected based on the quality of their reasons and evidence. Argumentation, informal logic, and critical thinking provide tools for determining whether the reasons and evidence given in an argument support its conclusion. So one way to test whether journalists fulfill their goal of informing citizens is to see whether they offer good reasons and evidence to support their conclusions. This thesis carries out such a test on Pulitzer Prize-winning investigative reporting. It finds that the stories frequently presented insufficient evidence in support of their conclusions, while also struggling to justify important assumptions and appeals to authority.

*You haven't got it. Librarian and a secretary say Hunt looked at a book. That's not good enough.*

Ben Bradlee (Jason Robards) to Bob Woodward and Carl Bernstein (Robert Redford and Dustin Hoffman), "All the President's Men."

# 1. Introduction

The purpose of this thesis is to test the quality of arguments advanced by journalists in award-winning reporting. The arguments will be outlined and evaluated with tools from argumentation theory, informal logic, and critical thinking that engage with the arguments' evidence and reasoning. The importance of using argumentation, informal logic, and critical thinking to evaluate journalism will follow from journalism's own theory of its role in a democracy.

## Goals

Journalists are fond of telling audiences why it is necessary that journalists produce journalism. Journalists are also fond of telling audiences why it is important that audiences consume journalism or, lately, from some quarters, that audiences produce journalism themselves (for example, Beckett, 2008; but see Pitts Jr., 2010).

Journalists are less fond of telling audiences when the audiences have consumed a sufficient amount of journalism, or when the journalism on offer simply is not worth consuming. But journalists must have answers to these questions. Their answers need not be dichotomous, yes-no, but journalists must have a point at which they would concede that their profession's output is of such poor quality that the audience would generally be better off doing something else. Otherwise, journalists are stuck in an absolutist, intellectually dishonest position of saying that anything called "journalism" is always valuable.

The success of this thesis can, then, be judged in part by whether it accomplishes two goals. One goal is suggesting a measure along which journalism's quality can be said to pass the low point of no return, as it were. That measure is based in the attention given to reasoning and evidence by argumentation and informal logic. The other goal is testing the measure on the apex of respect in American journalism: Pulitzer Prize-winning reporting.

## **Rationale**

Why is it important to know the strength of evidence and reasoning in journalists' arguments? Because that knowledge helps people confront a core question of living in a democracy, one that journalists themselves attempt to help people confront: What should we do?

People seeking to participate in democracies by answering "what should we do?" need avenues for studying the way their world is and how it should be. Journalists, through their reports, attempt to describe the world — its governance, its economy, its arts and sciences, and so on — and occasionally also contemplate how the world should be. Journalists use these reports to justify their importance in a democracy. As will be discussed, they have created a theory of democracy in which their stories, based on their monitoring of local communities and the wider world, provide information without which democratic citizens could not, and perhaps would not, fully participate in a democracy.

But journalists are only one purveyor of descriptions of and ideas about the world. People could get their fill of descriptions and ideas by, say, studying government reports, or reading philosophy, or talking with their neighbors.

Confronting these options — and also confronting the limited time available to do any of them — one must choose which option to pursue. But how?

One way to choose, if the goal is to study how the world is, is the quality of the arguments available via each option.<sup>1</sup>

Audiences using a quality-of-argument measure will want to know whether they will likely walk away from the journalism, government report, philosophy, or conversation having been convinced of something by means of reasons and evidence, or at least whether they can expect the reasons and evidence to have affected their thinking. Or, is it more likely they will walk away thinking: “That was a waste of time”?

Argumentation and informal logic can aid in measuring the quality of reasoning and evidence, and in turn the quality of arguments, whose target is our beliefs about the way the world is.

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1 This option isn't the obvious choice it might seem to be, as highlighted by the briskly evolving ethical standards of online journalism. In the middle of a conflict-of-interest controversy at the technology blog TechCrunch, M.G. Siegler, a journalist at the site, wrote that “information,” not necessarily arguments, motivate where news consumers gravitated: “Ultimately there is only one thing that matters: information. People don't care how they get it, just that they get it. If they don't think they can trust it from one source, they'll find another way to get it. It really is that simple. The market will decide. All this back-and-forth is meaningless” (Siegler, 2011, para. 26; for commentary, see Anderson, 2011b).

Siegler alludes to another non-argument-based standard by which readers can approach journalism: the broad concept of trust. Polling organizations routinely ask whether audiences trust news media to “[report] the news fully, accurately, and fairly” (Morales, 2010) or whether they “trust information from” news media (“Press Widely Criticized,” 2011, p. 12). Those who trust the media in whatever form might not necessarily consider gaps in a story's reasoning or evidence to be roadblocks to their acceptance of the story's claims. Instead, those readers might simply accept the reporter's statements on authority.

Recently, however, Kovach and Rosenstiel have argued that the expansion of sources and forms of news content forces news consumers to assume some of the responsibility of “the basic sorting out of the facts of events” formerly laid upon journalists: “We relied on mediating authorities — the press — to do much of that for us. How well they did it is besides the point. ... Now, with so many competing news conduits and so many partial accounts, we must adopt some of these diagnostic skills for ourselves, so we can at least identify good journalism from bad” (2010, p. 31).

A source that continually provides substandard arguments such that audiences rarely can adopt the conclusions or have their thinking affected is probably not one deserving of much of their limited time (assuming, at least, that superior options exist).

Says Hitchcock (2005):

information used to arrive at an answer to one's question must be good information, in terms of the conditions previously mentioned for justified premisses [e.g., that appeals to expertise be made only regarding "some subject matter in which there is expertise"]. There is no point in taking bad information into account, still less in devoting time and effort to acquiring it. (p. 383)

Hence, the justification for this thesis is that its conclusions about whether journalism provides sound arguments will help determine whether journalism deserves the time of people who crave knowledge about the world as part of their participation in democracy. It will also test journalists on how well they fulfill their own vision of the role of journalism in democracy.

## **Organization**

To evaluate the quality of journalistic argument and to justify doing so, this thesis uses theory from journalism, argumentation, and informal logic. Journalists generally try to provide information with which citizens in democracies can debate and act on. Argumentation and informal logic provide tools with which journalism consumers can judge how well journalists fulfill their goal. The next chapter introduces the three theories more fully.

Chapter three posits the research questions of this thesis, fills out details of its methodology and sample, and comments on potential challenges to its validity. The

analysis of the sample falls into chapter four, and chapter five will offer some conclusions and suggestions for further research.

## **2. Theoretical framework and literature review**

The description of the theories that follows is somewhat lengthy (or perhaps merely laborious). The length, however, is needed to support the final section of the framework, which defends the application of argument and informal logic to journalism. Following the theoretical framework is a review of relevant literature.

### **Theoretical framework**

#### ***Journalism's theory of democracy***

Nearly all attempts to justify, explain, or critique journalism, at least in the American context, have at their core its necessity in democracy. Journalism's essential place in democracy is an "article of faith among journalists" (Jones, 2009, p. 32).

Journalists can assume several roles in democracies. The concept of role lends itself to two dimensions: the tasks involved in fulfilling the role and of the purpose of doing so (Christians et al., 2009, p. 119).

Christians et al. (2009, p. 125) classified journalists' possible democratic roles into four types: "monitorial," which encompasses reporting on "information of all kinds about current and recent events" (p. 125); "facilitative," in which media "[help] to develop a shared moral framework for community and society" (p. 126; on media and shared frameworks in general, see Schudson, 2003, pp. 24–25); "radical," where media expose and inspire action against corruption and inequality; and "collaborative," which

guides the press when collisions between it and “social events,” particularly in new nations, is unavoidable (p. 127). Exactly which roles of journalism are more prominent than others in a location depends to an extent on the kind of “democracy” found there (for a review, see Cunningham, 2002). Christians et al. (2009) said the prominence of the different roles depended on the strength of ties among community members, the power relationships among the press, business, and government, and who in society can hold media accountable (pp. 127–133).

Norris (2000) was more specific. Following the theories of Joseph Schumpeter and Robert Dahl, she divided democracy into three dimensions: “pluralistic competition” for official power; citizen participation in elections, and the liberty to speak, publish and organize (pp. 22–23). Journalism, correspondingly, has three primary functions in a democracy. It is “a *civic forum* for pluralistic debate, as a *watchdog* for civil and political liberties, [and] a *mobilizing agent* for public participation” (p. 23, her emphasis).

This paper will focus on only one of these roles: that which Christians et al. (2009) call the monitorial role and Norris calls the civic-forum role. Journalism under this role should provide information that helps answer: “Given that we can choose, what should we do?”

The monitorial role is perhaps the most important possible set of tasks and goals that journalists could adopt. Christians et al. (2009) said the monitorial role “is probably the most widely recognized and least controversial in terms of conventional ideas about what the press should be doing” (p. 125). The monitorial role is “required” in each of the four models of democracy their book proposed (p. 133). Norris (2000) emphasized the importance of information in democratic decisions: “What voters need for effective

citizenship, and therefore what news media should provide, is *practical knowledge about the probable consequences of their political actions*” (p. 30, her emphasis).

Gans (2003) has referred to journalists’ own overriding concern for providing information as “Journalism’s Theory of Democracy” (p. 55). The “theory” provides journalists with a role, and therefore with tasks and purposes, in a democracy.

The “task” is “informing citizens,” although the topics in need of reportage are unclear: The theory “does not specify ... what news is and is not essential to advance or maintain democracy” (Gans, 2003, p. 56; similarly, Christians et al. (2009) referred blandly to “information of all kinds” (p. 125)).

The “purpose” is a straight line from information to an improved nation. Following the new leads citizens to be more likely to participate more in politics. Increased political participation *ipso facto* makes America “more democratic” (p. 56).

The strength of the perceived connection between journalists providing information and a successful democracy is exemplified by how the connection remains a part of justifications for journalism, even when those justifications simultaneously critique its mainstream practice.

For example, the “public journalism” movement of the 1990s advocated for an expanded presence for journalists in public life. Its proponents said journalists should not only report facts but also ensure the public can “carry out” its preferences (Charity, 1995, p. 2). By the Christians et al. and Norris typologies, public journalism sought to increase the force of journalists as facilitators and mobilizing agents.

Yet Charity (1995) reported that the journalists who introduced the movement thought “journalism ought to make it as easy as possible for citizens to make intelligent

decisions about public affairs” (p. 2). Charity’s book, itself a quasi-textbook on public journalism, spent many pages on how journalism can give citizens the information they need to act. Even in advocating for a change in journalists’ role, then, public journalism kept a place for monitoring public affairs and providing useful information about the state of the world.

So did Christians, Ferre, and Fackler (1993), who proposed, more radically, that journalism shift its ethical grounding from mainstream values of efficiency and individual autonomy to values at the core of communitarian thought, such as mutuality and justice. But the characteristics of communitarian journalism still include claims about the way the world is — the sorts of claims required of the monitorial role. What is different under Christians, Ferre, and Fackler’s view is merely what part of the world to monitor. They advocate for making claims “that justice requires,” not claims that glamorize “rewards of wealth and power” (p. 93).

Communitarian journalism thus jettisons the Enlightenment view that individuals build knowledge “brick by brick,” but it does not jettison the view that claims about the world are integral to journalism even when the journalism explicitly focuses on justice (p. 90). In fact, the authors highlighted investigative journalism — the concern of the present study — as “a running record of the strategic potential of framing the news narrative in terms of justice” (p. 97).<sup>2</sup>

The work cited thus far has, however, come from before the movement of journalism to the Internet, or from the movement’s early stages. Have more recent

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2 In fairness, Christians, Ferre, and Fackler’s rejection of Enlightenment individualism might also cause them to reject a core assumption of this paper: that individuals, using tools of argumentation and critical thinking, should approach the evidence and reasoning of works of journalism as an “individual.”

developments in online journalism changed the importance of journalists as monitors — as making claims about the world — in a democracy?

No, says Singer (2010). She described journalists as operating on principles related to their part in “a democratic process that survives only through public access to reliable accounts of what is going on in the world” (p. 118). In moving to the “network” of the Web, as Singer calls it, the “rationale” for the ethical stances changes: Online, journalists enter new relationships with their audiences that demand fairness and truth-telling because these qualities are appropriate for any human relationship (pp. 118–119).

But despite these developments in journalism ethics, the importance of the monitorial role remains. Reliable claims about the world as made by journalists, professional or otherwise, remain important. Singer’s approach suggests that the potential for journalists to act in a facilitative role increases online. But the Web enhances the potential for fulfilling the monitorial role as well.

Rosen (2010), for example, proposed a “100 percent solution” for covering a topic of importance to a community, such as a mayor’s race. Mainstream and alternative media, old and new, would combine to “cover *every* event, big and small, involving every candidate ... but also all the events where the candidates themselves may be missing but the campaign is somehow alive and present” (para. 5, emphasis his). Rosen proposed that cooperation in pursuit of a difficult, even undefinable goal such as covering “100%” of anything can, in turn, inspire innovation in online news.

So for both Singer and Rosen, even as they illustrate the need and potential for journalism to rethink its practice, the need for journalism’s monitorial role online is clear.

The link between journalism and democracy is not drawn at only a theoretical level. The link is part of both what journalists tell themselves about what they do and how they justify their work to the public.

What journalists tell themselves and the public about their work is important. It provides a standard that journalists have announced they should meet. So keeping those standards in mind helps ensure that any attacks on journalism from those fields are against actual positions held by journalists and not against straw arguments.

So it is important that, for example, Kovach and Rosenstiel (2007), attempting to describe “the common ground on which journalists [stand],” (p. 257), reported that the “primary purpose of journalism is to provide citizens with the information they need to be free and self-governing” (p. 12). According to their surveys of journalists and “journalism mission statements,” the adherence to the providing-information doctrine is consistent (p. 14–15). Recent international survey data also hints that providing information for political decisions is, in fact, a universal goal of contemporary journalists (Hanitzsch et al., 2011, p. 280).

The conviction that journalism foremost serves information needs in a democracy surely influences mainstream commentators such as Rutten (2009), who went so far as to say that the press acts as the “custodian” of the First Amendment “on behalf of the American people” (para. 7). The conviction buttresses warnings, such as that from the Pew Research Center’s Project for Excellence in Journalism (2009), that the Washington, D.C. press corps increasingly targets elite, niche audiences and decreasingly attends to the interests of the “general public” (p. 1).

There is, however, opposition to the view that journalism's primary purpose is monitoring, facilitating, or anything else related to democracy.

An obvious response comes from the libertarian perspective. One such commentator is Merrill (1974). His view of freedom of the press commands that the press be assigned no social responsibility, but rather that the press have the autonomy to do what it likes. "Obligations and responsibilities are contradictory to freedom ... As a journalist I must do what I think is responsible, not what some other journalist" thinks is (p. 80). Notwithstanding their normative focus, Christians et al. (2009) agreed: "No formal claim can be legitimately be made on a free press to carry out any particular task" (121).

Even the U.S. Supreme Court, which frequently encourages the press to carry out the monitorial role — such as in *Near v. Minnesota* (1931, pp. 717–720) or in *New York Times v. United States* (1971, for example p. 724) — endorsed Merrill's libertarian view, at least regarding newspapers, when provoked in *Miami Herald v. Tornillo* (1974). *Miami Herald* addressed the constitutionality of a statute in Florida that gave some subjects of newspaper editorials the "right to respond" in the same publication. The Court struck down the statute. "A responsible press is an undoubtedly desirable goal," the Court said, "but press responsibility is not mandated by the Constitution and like many other virtues it cannot be legislated" (p. 256). In contrast to the more contentious *Near* and *New York Times* cases, the Court ruled unanimously in *Miami Herald*.

A related critique comes from economics. Fengler and Russ-Mohl (2008) attempted to explain journalism using rational choice theory to determine what journalists do as rational, self-interested actors. Journalists, under their view, seek primarily prestige

and attention, not to serve citizens in a democracy. Baron (2006) similarly suggested that journalists have an incentive to shape their stories to further their career prospects (p. 10).

Boyd-Barrett (2004), meanwhile, argued that some journalists are not uncontrollably influenced by undemocratic incentives, but instead are intentionally compromised. Boyd-Barrett focused specifically on the relationship between Judith Miller and Bush administration officials around the time Miller reported on weapons of mass destruction for *The New York Times* before the Iraq War.

Unlike Barron's focus on abstract economic motivations, in Boyd-Barrett's model some reporters consciously cultivate relationships that influence their writing. Indeed, the Central Intelligence Agency has acknowledged striking covert agreements with reporters to gain their cooperation (Holt, 1995, p. 174).

Admittedly, the critiques of the economists and of Boyd-Barrett take on journalists based on what they actually do, not on what they ought do. But there are at least two ways to view these studies relative to this thesis. One is as fellow travelers in questioning journalism's actual contribution to democracy in the face of journalists' stated goals. Another is as important sources of context, in that these studies address what a fair critique of journalism is. This thesis proposes to critique journalists on how they live up to a standard related to democracy. The above attacks, on what journalists actually do, suggest that this plan unfairly asks journalists to meet that standard.<sup>3</sup>

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3 Just as this thesis wonders whether it's reasonable for citizens interested in learning about their communities to abandon journalism, it's fair to note that it might be equally reasonable for journalists to abandon their monitorial aspirations after reviewing whether democratic citizens do with journalism what journalists hope is done. How might a journalist justifiably react to, for example, the surveys by Hibbing and Theiss-Morse (2002) suggesting citizens might be more satisfied under something like a reasonable, competent dictator than in a democracy?

This section has outlined what journalists' goals are in a democracy. To critique journalism on whether it meets its democratic goals requires a way to actually measure whether journalists accomplish their tasks. One method of measurement uses theories of argumentation and informal logic.

Argumentation and informal logic are dedicated to helping determine the form and quality of arguments such as those put forward by journalists. Citizens using these theories would not want to base their decisions in a democracy on unsound arguments. The next section, then, will turn to an introduction to those fields.

### ***Argumentation theory and Stephen Toulmin***

Argumentation theory is concerned with understanding claims made and defended in the everyday world, where actual people do not always conform to the rules of formal logic.

Van Eemeren, Grootendorst, and Henkemans (1996) defined argumentation as an “activity of reason aimed at increasing (or decreasing) the acceptability of a controversial standpoint ... by putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge” (p. 5). Argumentation theory itself examines “the production, analysis, and evaluation of argumentative discourse” (p. 12).

Modern argumentation theory developed out of ancient Greek work on rhetoric and logic (van Eemeren et al., 1996, p. 29; Benoit, 1992). These Greeks began questioning conventional thought on ethics and metaphysics. Those who argued about the subjects discovered the usefulness of being able to offer both “good” (sound) arguments and “persuasive” arguments in a new climate of competing opinions.

Classical logic, dialectic, and rhetoric developed out of this time of questioning (van Eemeren et al., 1996, p. 31). Aristotle's work on logic is, of course, foundational, but the efforts of supporting characters such as Gorgias, Protagoras, and Hermagoras also shaped logic and rhetoric (Benoit, 1992).

After the Greeks, however, finding the most important work in argumentation requires a millennia-long leap. Only in the last century or so did argumentation theory evolve into its own domain, with goals adjacent but not parallel to its classical origins (see the leap in Benoit, 1992, pp. 56–57, or from chapters three to four in van Eemeren et al., 1996; but see Finocchiaro, 1997, arguing for the importance in argumentation of the French *Port-Royal Logic* of the 17th century).

In the late 19th and early 20th centuries, some educators argued for a more realistic understanding of rhetoric and argument (van Eemeren et al., 1996, p. 51). Yost (1917) and Woolbert (1917) attacked the traditional distinction between “conviction,” a supposedly logical process, and “persuasion,” an emotional process. They argued that the distinction failed in the face of new perspectives of human complexity, with Yost drawing from sociology and Woolbert from psychology. On the backs of these arguments, and propelled by the awful and illogical inhumanity of the First World War, some pushed for a full rewrite of argumentation theory and pedagogy (for example, Rowell, 1932).

Still, van Eemeren et al. (1996) said that the study of argumentation was “dominated by the classical tradition inherited from antiquity” until the 1950s (p. 51), when the contours of modern argumentation theory begin appearing (Gronbeck (1992)

placed the beginning of argumentation's "identity crisis" later, in the mid-1960s, but in either case the point remains).

Modern argumentation theory begins with a particular concern for the way humans actually argue in daily life — how they take stances on issues.

To begin with, humans argue about certain kinds of issues: Generally, controversial ones. "A person is in an argumentative situation when he [or she] addresses himself persuasively to an idea against which objections are likely to be in his audience's minds," said Black (1965, pp. 149–150), in one of the early field-altering works (Gronbeck, 1992, p. 18; on controversy as part of argumentation, see also van Eemeren et al., 1996, p. 12).

The existence of controversy — and hence counterarguments — says something about the kind of situation arguers enter: one in which getting one's way isn't the goal. Johnstone, Jr. (1965) said that to claim that argument is futile because of the persistence of counterarguments misses the point; it would be to claim that argument functions to force something upon another. But argument is a means for exploring the world, not a power grab. Through argument, humans embrace the possibilities for creating consensus and confronting complexity in human affairs through a process by which no absolute force may be applied (Cherwitz & Darwin, 1995).

How can one conduct this process of testing views? On one hand, Perelman and Olbrechts-Tyteca (1965) noted, there already exists a "well-defined science" of demonstrating proof: logic. But on the other hand, they continued, "a great many of the proofs utilized in law, ethics, philosophy, political debate, and daily life cannot be considered relevant to logic in the strict sense" (p. 102). Perelman and Olbrechts-Tyteca,

then, highlight two of the key foci of argumentation: everyday argument and the capabilities of ordinary humans, even those engaged in serious debate.

Subsequent research and theory in argumentation solidified the field's humanistic tendencies (on humanism in particular, see Boger, 2006). Brockriede (1975) began his "search" for argument by immediately stating a bias "that denies an interest in logical systems, in messages, in reasoning, in evidence, or in propositions — *unless these things involve human activity rather directly*" (p. 179, his emphasis). Argument, he says, involves people making an "inferential leap" (p. 180) toward the adoption or reinforcement of beliefs about nontrivial problems in the presence of uncertainty and possible confrontation.

Brockriede (1975) also said argument involves the need to choose among competing claims while restrained "by what [people] know, what they believe ... by how they relate to other people and to situations ... by cause and by chance" (p. 181). This mood of inevitability, the need to get on with it in less than optimal situations, will be important for argument, critical thinking, and the application of both to journalism.

Brockriede's concern for argument as actually practiced led to an important distinction from O'Keefe (1977). O'Keefe said a field dedicated to everyday argumentation must also concern itself with the two everyday senses of the word "argumentation." He called them "argument (1)" and "argument (2)." Arguments (1) are positions. They are arguments "that" something, like "my argument is *that* he's crooked." Arguments (2) are arguments "about" something, like "they argued *about* who would wash the dishes."

O’Keefe’s distinction is so influential that writers in the field are expected to clarify which sense of “argument” they mean to discuss (Burleson, 1979, p. 140; for example, Wangerin, 1993, p. 196). This paper will focus only on arguments (1) — such as the argument of a journalist “*that* the mayor is crooked.”

A hostility in argumentation theory to formal logic has already been noted in Brockriede (1975) and Perelman and Olbrechts-Tyteca (1965). Chittleborough and Newman (1993) also posited that “formal deductive logic” is of “grossly limited applicability ... to arguments as they actually occur in the ‘real world’” (p. 189).

Although the strongest response to the inadequacy of formal logic comes from the field of informal logic, to be discussed *infra*, it is crucial to note that argumentation and formal logic are similarly at odds.

Modern argumentation theorists explicitly distance themselves from formal logic. “Argumentation theorists study the way in which people take up standpoints and defend those standpoints, whereas logicians tend to concentrate on the way in which conclusions are derived from premises” (van Eemeren et al., 1996, p. 6). Through the transformation of everyday discourse into abstract premises, logicians “[disregard] the actual reasoning processes and the contextual surroundings in which they take place,” (van Eemeren et al., 1996, p. 6).

This is not to say that formal logic has no use or that logicians have not attempted to respond to the critiques of argumentation theorists. Rather, “in the view of the many complexities involved in studying argumentative discourse, it seems best to aspire to a sensible division of labor” (van Eemeren et al., 1996, p. 12).

Argumentation is concerned not only with how people actually argue, but also with how consumers of argument ought interpret arguments given the rarity with which they conform to strict logical validity. The answer used in this thesis to the question of interpretation comes from Stephen Toulmin.

### *The Toulmin model*

Toulmin, “perhaps the pre-eminent modern figure in the field of argumentation theory” (Wangerin, 1993, pp. 202–203; see also Loui, 2005), made his seminal contribution to the field in his book *The Uses of Argument* (1958). He proposed a model of argumentation that attempted to account for arguments’ everyday use. After Toulmin, argumentation theorists could no longer understand arguments as a list of P’s and Q’s leading to validity or invalidity. This paper will attempt to place journalists’ arguments into the model, which will be outlined below.<sup>4</sup>

The Toulmin model begins with claims (C), or “conclusion[s] whose merits we are seeking to establish,” and data (D), “the facts we appeal to as a foundation for the claim” (p. 97).

When prodded to answer, “how do the data lead you to the claim?” an arguer turns to warrants (W) — “general, hypothetical statements, which can act as bridges, and authorise the sort of step to which our particular argument commits us” (p. 98).

The skeleton Toulmin model, then — presented with Toulmin’s own sample argument — is:

- **Data** (“Harry was born in Bermuda.”)

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4 The following page numbers will refer to Toulmin (1958) until stated otherwise.

- Since **warrant** (Since “a man born in Bermuda will be a British subject.”)
- So **claim** (“Harry is a British subject.”) (p. 99)

Toulmin then proceeded beyond the syllogism. He noted that arguers assign varying degrees of certainty or force to their claims — they say “likely,” “probably,” and so on. The model accounts for these as qualifiers (Q). Qualifiers, in turn, imply the existence of conditions in which warrants would not lead to the claim. Toulmin represents these conditions as rebuttals (R).

The beefier model becomes:

- **Data** (“Harry was born in Bermuda”)
- Since **warrant** (Since “a man born in Bermuda will generally be a British subject”)
- So, **qualifier** (“So, presumably”)
- Unless **rebuttal** (“Unless both his parents were aliens / he has become a naturalised American / ...”)
- **Claim** (p. 101) (“Harry is a British subject”)

Lastly, Toulmin discussed what happens when the *general* authority of a warrant is challenged, which endangers “the legitimacy of a whole range of arguments” (p. 103). In these situations, arguers refer to backing (B) to defend their warrants. Backing can, in turn, be a new set of facts or arguments requiring defense if attacked, but it is the backing’s purpose of giving authority to the warrant at issue that concerns Toulmin.

Backing completes the model:

- **Data**
- Since **warrant**

- On account of **backing** (“On account of the following statutes and other legal provisions:”)
- So, **qualifier**
- Unless **rebuttal**
- **Claim** (p. 105, in which the model is actually modeled)

Hitchcock and Verheij (2005) summarized Toulmin’s (1958) main ideas as follows:

- Reasoning and argument involve not only support for points of view, but also attack against them.
- Reasoning can have qualified conclusions.
- There are other good types of argument than those of standard formal logic.
- Unstated assumptions linking premisses to a conclusion are better thought of as inference licenses than as implicit premisses.
- Standards of reasoning can be field-dependent, and can themselves be the subject of argumentation. (p. 255)

Points (1) and (2) are contained in Toulmin’s provision for rebuttals and qualifiers; point (4) refers to warrants.

Points (3) and (5) refer to Toulmin presenting his model as a response to what he saw as failings of standard logic, particularly formal validity. Formal validity, according to Toulmin, is “practically irrelevant to the evaluation of the soundness of argumentation, whether in everyday life or in the academic disciplines” (van Eemeren et al., 1996, p. 133).

Moreover, he says, rational judgment is not universal; although the procedure for conducting an argument can follow standard forms (and hence the model), “the specific soundness conditions of the *field* or *subject*” differ (van Eemeren et al., 1996, p. 133, emphasis theirs).

A good argument in political science is not the same as a good argument in physics — or, for that matter, journalism. The standards differ. They are “field-dependent.” The differences in standards manifest themselves in the model primarily as warrants. What constitutes an acceptable warrant (and backing), according to Toulmin, differs by field.<sup>5</sup>

The Toulmin model of argumentation provides a structure for journalistic argument. It has been applied to a range of fields, including mathematics (Aberdein, 2005) and conflict resolution (Simosi, 2003). It has also been applied to fields of communication such as advertising (Ripley, 2008).

Critiques of the model tend to focus on a few shortcomings. One critique is that Toulmin played fast and loose with language, such as with qualifiers such as “presumably” (Verheij, 2005, p. 355) and with more important terms such as “valid” and “validity” (van Eemeren et al., 1996, p. 155). Toulmin’s flabby explication even led Hample (1977) to argue that some of Toulmin’s crucial distinctions, such as that between warrant and backing, lack differences.

Freeman (2006) also discussed limitations of the model stemming from Toulmin’s prose. The examples in *The Uses of Argument*, Freeman said, are singular statements (“x

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5 However, Hitchcock (1996) claimed, without elaborating, that the “field-dependency thesis” has faced “repeated decisive refutation” (p. 275). Also, see Bermejo-Luque (2004) for an appraisal and response to the claim that Toulmin’s idea of field-dependent standards of argument leads to relativism.

is y,” or “Harry is a British citizen”); so the model should be considered applicable to only those statements, and not, say, generalizations — which isn’t to claim singular statements are small potatoes (similarly, see Wangerin, 1993).

A second critique, or set of critiques, comes from the logicians and philosophers whom Toulmin targeted. They “combined their reviews of *The Uses of Argument* often with an almost passionate ‘defense of logic’” (van Eemeren et al., 1996, p. 131; a bibliography of logic’s defenders is at note 3 of that page). Cooley (1959) for example, criticized the “Harry is a British citizen” example that Toulmin frequently uses. “Very little appears to be at stake” in both that example and others ones in the book, Cooley wrote, calling the “level of importance” of the model into question (p. 311).

Third, criticism has been thrust upon the model itself. Hample (1977), as said, criticized some of Toulmin’s distinctions. Ball (1994) said that the model could not be used on complex policy arguments without a specialized computer program (which Ball happened to have at hand). Otherwise, Bell said, tracking the data, warrants, and claims of a complex argument would overwhelm. Willard (1976), meanwhile, laid a general attack on all attempts to diagram arguments on charges of inadequate attention to the psychology of human complexity, as well as an inevitable degree of guesswork in interpretation.<sup>6</sup>

Finally, the Toulmin model has been criticized for lacking a replacement for logical validity as a means of *evaluating* arguments (for example, Ball, 1994, p. 30; van Eemeren et al., 1996, p. 158). Toulmin (1958) did not consider how to react to arguments

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6 Burlison (1979) later charged Willard with presenting a critique applicable to only arguments (2), not arguments (1). Willard might have more of a point against, for example, Canary and Sillars (1992), who attempted to stuff arguments “about” things by married couples into coding sheets and diagrams.

conceptualized using his model, and his later work, which proposed such evaluative criteria, has been called “underdeveloped” (Hitchcock, 2005, p. 373).

This paper will attempt to compensate for Toulmin’s lack of evaluative criteria through a third branch of theory: informal logic and its sister field, critical thinking.

### ***Informal logic and critical thinking***

Informal logic and critical thinking are of even more recent vintage than argumentation as fields unto themselves. They developed earnestly beginning in only the 1970s (van Eemeren et al., 1996, p. 166; Hitchcock, 1996, p. 273; but see Pomeroy, 1983, for clues to informal logic’s philosophical predecessors). Their boundaries — even their names — remain unclear after many decades and attempts at clarification (Johnson, 2006; Scriven, 1987).

Informal logic develops concepts for an ethical appraisal of real-world arguments. It relates to both philosophy and formal logic by way of its concern for epistemology, justification and argument structure (van Eemeren et al., 1996, p. 164).

But as with argumentation, informal logic proudly proclaims its goals to be practical above all:

It is the branch [of logic] that takes argumentation as its focus, particularly the argumentation of nontechnical everyday discourse and discourse about issues in the *polis*. ... [It insists] on taking as its point of departure the natural language argumentation of the “market place” and the political arena. (van Eemeren et al., 1996, p. 164)

Informal logic divides into two broad categories. The first category, which this thesis will not draw on extensively, concerns the proper way to reconstruct an argument for analysis (van Eemeren et al., 1996, p. 175). Such inquiries are related to theoretical

models such as Toulmin's, but focus specifically on dissecting arguments into premises that could fit into those models.

The challenge of dissection at issue in this first category is not merely whether to use numbers, arrows, or some other method to display arguments. The challenge also encompasses how to parse, for example, extended real-world arguments for which an attempt to distinguish and number "premises" would quickly stupefy an analyst (Rothbart, 1983).

More fundamental challenges of dissection include those of interpretation. Informal logicians have energetically debated the proper scope of the principle of charity (van Eemeren et al., 1996, p. 177; for example, Scriven, 1976, p. 71). How should one ethically and accurately (Berg, 1992; Fowler, 2008) translate arguments into premises for analysis? For example, should arguments be interpreted as accurately as possible as they were delivered — that is, warts and all — or should needed but missing premises be inserted on the arguer's behalf to create the strongest argument possible for critique (Hitchcock, 1996, p. 283; Walters, 1994)?

The second category of informal logic study concerns the questions: "How good is this argument?" and "How can we judge the argument without recourse to formal logic?" (van Eemeren et al., 1996, p. 177). Although theory from this second category clearly builds on the first category of reconstructing arguments, it is the second category that will drive the analysis of journalistic argument in this thesis because the quality of journalistic argument is most relevant for someone attempting to use journalism to make decisions in a democracy.

On what standards can “How good is this argument?” be judged? Fallacy theory seeks to provide those standards. Fallacies can be broadly defined as “violation[s] of one of the criteria of a good argument.” They

stem from a structural flaw in the argument, from the irrelevance of a premise, from the unacceptability of a premise, from the insufficiency of the combined premises of an argument to establish a conclusion, or from the failure to give an effective rebuttal. (Damer, 2005, p. 43)

Fallacy theory has yet to determine the shape and scope of fallacies (van Eemeren et al., 1996, p. 181), and quite a bit of research in the field probes “known” fallacies, such as appeals to authority (Walton, 1997) or begging the question (Walton, 2005). For example, it is generally accepted that “fallacious” reasoning is not always harmful to an argument (van Eemeren et al., 1996, p. 181). So, scholars have questioned when, say, appeals to authority are acceptable (Hardwig, 1985; Cederblom and Paulsen, 1988) and the assumptions about expertise inherent in such judgments (Haskell, 1984).<sup>7</sup>

Still other research investigates “new” fallacies or refinements of existing ones. For example, Leddy (1986) concluded that the “fallacy of small sample” was insufficiently complex and should be replaced by a fallacy of “sample too small to be representative” (“The suggestion ... may be minor but it is hardly terminological,” Leddy wrote) (p. 56; see also Damer, 2005, p. 142, Browne & Keeley, 2004, p. 124). Pole (1980) plunged into fallacies of composition and division and emerged with the “camel’s back fallacy,” “flunking student’s fallacy,” and “salesman’s fallacy.”<sup>8</sup>

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7 Fallacies have, of course, been studied for millennia. The more recent investigations of them by informal logicians, though, were prompted by the attack on the ancient “standard treatment” of fallacies prompted by Hamblin (1970). Hamblin “issued a challenge to logicians to rebuild the theory of fallacy, which was taken up by Woods and Walton” (van Eemeren et al., 1996, p. 180).

8 The camel’s back fallacy is an “illicit move ... to or from the whole and *one* of its parts. ... In the [fabel

However, some critique the very concept of fallacy (van Eemeren et al., 1996, p. 180).<sup>9</sup> Finocchiaro (1981) claimed that fallacies usually do not exist as such, but are instead the creation of unfair interpretations of arguments by respondents (pp. 17–18). He did not mean by this that errors in reasoning were uncommon, but instead that there are no common errors in reasoning that could be grouped (p. 15).

Govier (1983) challenged Finocchiaro with not providing sufficient empirical evidence to back his claim, and Jason (1987) later attempted to quantify the frequency of fallacies by examining presidential debates. Govier (1983) has also responded to critiques that fallacies, although technically “real,” are better described as errors in formal logic such that straining to add classifications of fallacy is wasteful.

Even a adherent of fallacy theory, however, must admit that there is no consensus in the field regarding the proper labeling of errors as one fallacy or another. One theorist’s *ad hominem* is another’s red herring. For consistency, then, this thesis will rely on one set of classifications, that of Damer (2005). Damer provides an extensive list of fallacies and examples of their use. He also helpfully suggests constructive responses to someone using any of the fallacies he outlines. These responses might have some pedagogical use for engaging with reporters about fallacies, if any, in their stories.

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of the straw that broke the camel’s back] it was the last straw added to the load blamed rather than the whole load itself.” The flunking student’s fallacy is a “species” of the camel’s back fallacy involving a student asking for a single “good” grade to prevent an overall failing grade. The salesman’s fallacy, a fallacy of composition, is born out of a salesperson’s attempt to showcase the low cost of individual parts of a large purchase rather than the budget-busting total (p. 12).

9 Again, not a novel claim by any stretch (Hamblin, 1970, p. 136).

## *Critical thinking*

Informal logic provides tools for evaluating arguments. Critical thinking, though sometimes seen as synonymous with informal logic, is more precisely an extension of its tools.

Theories of critical thinking provide methods for engaging with a world in which writers in “textbooks, magazines, and on the Internet ... present ideas they want us to accept” (Browne & Keeley, 2004, p. 2). Critical thinking promotes an “intellectual habit and educational ideal” (van Eemeren et al., 1996, p. 187) for answering perhaps the most practical intellectual problem: deciding “which conclusions to accept, which to reject, and which to study further before committing to a decision” given frequent attempts on our beliefs (Browne & Keeley, 2004, p. 2).

In other words: What should I think? What should we do, and based on what reasons?

A critical thinking approach to arguments includes examining them for harmful fallacies. But critical thinking also includes questions such as:

- What are the issues and the conclusions?
- Which words or phrases are ambiguous?
- Are there rival causes?
- How good is the evidence?
- What significant information is omitted?
- What reasonable conclusions are possible? (Browne & Keeley, 2004, p. 13).

Importantly for this paper, Browne and Keeley (2004) also distinguished between “prescriptive” and “descriptive” issues, or arguments. “Prescriptive issues are those that raise questions about what we should do or what is right or wrong” (p. 17). By contrast, descriptive issues and questions are those that “demand answers that attempt to describe the way the world is, was, or is going to be” (p. 17).

The critical questions primarily involved in addressing prescriptive or descriptive arguments differ slightly; in any case, this thesis addresses the arguments offered by journalists about the way the world is, was, or will be — journalists’ descriptive arguments.

The height of applying these critical questions is not in the protection of one’s beliefs against threats to them, but in examining both the beliefs and the threats. “*Strong-sense critical thinking* requires us to apply the critical questions to all claims, including our own” (Browne & Keeley, 2004, p. 10, emphasis theirs).

### ***Putting it together***

Theories from journalism, argumentation, and informal logic and critical thinking have been presented. How do they relate?

One’s beliefs shape one’s choices in a democracy. The information received from journalists should, they say, shape our beliefs. Argumentation, informal logic, and critical thinking are a suite of theories and tools with which one can approach and evaluate the ideas and conclusions of those seeking to alter one’s beliefs, including journalists.

The next section develops a fuller justification of the use of these three fields to evaluate journalism. It is followed by a review of literature that falls at the intersection of argumentation, informal logic, and journalism.

### ***Applying argumentation and informal logic to journalism***

Perhaps the most fundamental assumption of this thesis is that the bulk of what journalists do is to present descriptive arguments. News headlines help illustrate the point:

- “High-end medical option prompts Medicare worries”
- “As many as 1,000 killed in Ivory Coast town, Red Cross says”
- “Budget Battle to Be Followed by an Even Bigger Fight”

These are stories about the way the world is, was, or will be. Some people *are* worried about Medicare; many people *were* killed in Africa; there *will be* a political fight about a particular topic.

If journalism primarily consists of offering descriptive arguments about the world, as these headlines suggest, and if critical thinking addresses descriptive arguments, then journalism can be analyzed and judged using the tools of critical thinking. Applying critical thinking skills to journalism means asking the critical questions sketched above — how good is the evidence? What are the descriptive assumptions? And so on.

Each of these questions moves a critical thinker towards accepting, or rejecting as incomplete, the conclusions in an argument. By accepting only claims that meet a particular standard, the critical questions assist people who have to make decisions while they continually confront information relevant to those decisions.

Citizens in a democracy face many decisions. In a democracy, they get to choose which people and ideas they support. What should they choose?

Enter journalism and its theory of democracy. Under its theory, journalism's *raison d'être* is to provide information vital to this choosing process. Journalists justify their work through its contribution of information relevant to decision-making in democracy.

So the tools of critical thinking theory apply to journalistic discourse — that is, descriptive arguments. Not only that, but journalists themselves should *want* and *expect* critical thinking skills to be applied to their work so that the democratic intentions driving it can be pursued. It is no accident that the early argumentation theorists promoted “argumentative discourse to broaden and secure a more democratic society” (Boger, 2006, p. 152).

Critical thinking draws on informal logic, and so shall this thesis, with an emphasis on fallacies. The existence of errors in reasoning tips off audiences to reasons for which one would potentially, though not certainly, reject a conclusion of a journalist.

Argumentation theory, while not necessarily commenting on the acceptability of arguments, assists in providing a clear statement of them. The Toulmin model is one of many models offered by argumentation as a means of mapping arguments. This thesis will use it because of its ubiquity and apparently broad applicability. There do not, however, appear to be any scholarly attempts to apply the model to journalism, and a secondary goal of this paper is to test the model's fit for journalistic argument.

There is a final reason for thinking argumentation and informal logic apply in particular to journalism: Their explicit focus on analyzing everyday, imperfect

argumentation born out of particular contexts. Argumentation and informal logic utilize ideas that target how real people work and the moments when they must decide and act, in situations where they are expected to use methods other than force to affect their interlocutors.

Concurrently, journalism fashions itself as the “first draft of history.” Its imperfections have perfectly reasonable explanations — deadlines, reticent sources, and the like — but they are imperfections all the same. Comparing the writing of journalism to that of law, Gale (1980) said: “The excellent ... journalistic report, does not eschew the techniques of reason. But it does not require their use, their expression, or their ordering in the same sense” (p. 307).

So applying the complex, exacting tools of formal logic to evaluate journalism would be unfair. Argumentation, critical thinking, and informal logic are more appropriate for evaluating journalism because they agreeably meet journalism on its pockmarked turf and happily play by its pragmatic rules. This probably explains in part why attempts to bring critical thinking into the journalism classroom have been made (for example, Shoemaker, 1993).

The next section investigates previous literature applying argumentation, informal logic, and critical thinking to journalism. Not much literature explicitly applies the theories to journalism, but their concepts and questions are often addressed.

## **Literature review**

Scholars in journalism frequently approach the kinds of questions of interest to informal logicians,<sup>10</sup> and informal logicians comment on those questions in regard to journalism, but both sides often use different language. Studies of journalism and argumentation, however, are less frequent.

This section first notes applications of argumentation theory to journalism and a study of journalism applicable to argumentation. It then reviews several topics of interest to both journalism scholars and informal logicians, including fallacy theory, bias, and objectivity,

### ***Argumentation***

Kruse (2001) studied symbolism in French and German newspaper coverage of an environmental crisis. In language evocative of what might be a framing analysis in mass communication discourse (Tewksbury & Scheufele, 2009), Kruse examines common themes in the stories, in particular their metaphors, to determine the positions on the crisis they evoke in readers. She concludes that the themes of the articles constitute arguments.

Brossmann and Canary (1990) focused more on arguments (2) — arguments “about” something — in their quantitative analysis of “Nightline” debates. They counted the frequency of particular argumentative moves by the moderator and participants, although their classification of the moves was purely descriptive. Richardson (2001)

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<sup>10</sup> For brevity, this section uses “informal logic” to refer to both it and critical thinking except where specified.

employed theories from van Eemeren and Toulmin in the service of uncovering racism within letters to the editor published in British newspapers.

From journalism, Barnhurst and Mutz's (1997) content analysis of changes in what constituted "news" from 1894 to 1994 implicated argumentation. For example, they found that "journalists identified individuals less often by name and more often by demographic group. Fewer ordinary people played roles as actors and victims, replaced by a cast of official sources, outside experts, and commentators" (p. 40). The changes Barnhurst and Mutz discuss affect the arguments journalists present, and the warrants and backing needed to demonstrate them. For example, referring more often to groups increases the likelihood that journalists' arguments will require backing to defend against claims of overgeneralization.

Similarly, Schudson (1982), studying press coverage of State of the Union addresses, found that "the reporting of the presidential message [since 1790] became more interpretative, more divorced from what an ordinary observer could safely assert the message said or that Congress itself heard" (p. 100). Schudson correctly notes that "this has not made reporting less truthful," but it also raises the stakes for journalists: They must appeal to more than their senses to demonstrate the truth of what they write.

### ***Argument (0) and epistemology***

Some years after the initial exchange between Brockriede and O'Keefe, Hample (1985) submitted a challenge to O'Keefe's "argument (1)" and "argument (2)." Hample criticized O'Keefe for neglecting a third form of "argument," which Hample considered "foundational" to both O'Keefe's distinction and argumentation in general (p. 2).

Hample's form of the term "argument" considered the cognitive elements of both giving and receiving arguments. Arguers must, for example, use cognitive processes related to storing and retrieving the data used in arguments, or even noticing the need for an argument at all (p. 2). Hample termed this dimension of argument "arguments (0)" (p. 2; for a fuller introduction to the Brockriede-O'Keefe-Hample exchange, see Benoit, Hample, & Benoit, 1992).<sup>11</sup>

Scholars have asked "argument (0)"-type questions about journalists: How do journalists know when it's time for an article? When is the article ready? When has the story run its course? In other words, how do journalists decide an argument is needed?

Many stories come to journalists through established channels such as press releases, news conferences, scheduled meetings, and the like (Gans, 1980, for example pp. 121–124; Shoemaker & Vos, 2009, p. 54). But the inspiration for investigative journalism often arrives more serendipitously — through chance, an anonymous tip, or, as one journalist interviewed by Ettema and Glasser (1998) put it, "my nostrils dilate or something" (p. 23).

Research and critique on "when is the article ready?" often focus on traditional notions of objectivity and "getting both sides." The story is "ready" when "both sides" have their say. The objectivity doctrine itself today faces increasing scrutiny in online journalism (Singer, 2010; Carr, 2010). But traditionally, objectivity and "both sides" reporting has been criticized for its false dichotomies (Govier, 1988) or its tendency to

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<sup>11</sup> A second clarification sometimes found in works on argumentation is whether the essay intends to study arguments as they are "given" or as they are received and analyzed by audiences (for example, Chittleborough and Newman, 1993, p. 190). The second sense motivates experiments examining, for example, the degree of persuasion brought on by different types of evidence (Hornikx, 2008). This thesis is concerned with the former half of the distinction — how journalism is presented, not how journalism is received.

sap a certain sense of responsibility from reporters such that they feel uninterested in critically examining claims in their stories before publishing them (Glasser, 1992, p. 180).

Additional research has examined how journalists, having decided a story is warranted, attempt to demonstrate their claims. In other words, they look at journalists' epistemology, at the types of evidence used to show they know what they know. For example, journalists' adherence to eyewitness and firsthand accounts, an offshoot of "naive empiricism" (Mindich, 1998, pp. 2–6), has been questioned in light of modern research into cognitive processes (Stocking & Gross, 1989; more generally, Schacter, 1997, 2001).

More recently, journalists have agonized about whether and how to incorporate online communities into their work. The use of experts has generally been seen as a way for journalists to buttress their preexisting conclusions about a story, as well as a way for journalists to hammer out what exactly their conclusions will be (Albaek, 2011, pp. 338–339). Journalists traditionally have seen expertise as emanating from those in "real world" institutions such as government or think tanks (Steele, 1995). The dynamics of online networks, however, create more pressure on journalists to treat contributions from "regular" people on blogs or social networks as equally demonstrative as those from experts. Journalists are adapting to these dynamics at varying speeds (Ingram, 2011a; Jha, 2008).

## **Fallacies**

A few writers explicitly address news and fallacies.<sup>12</sup>

Buss and Hofstetter (1977) analyzed the “logical structure” of political news on television (p. 341). They counted the frequency of fallacies (they called them “idiosyncracies”) used by CBS, ABC, and NBC, including *argumentum ad populum* and *ad hominem*. They stopped at description; their analysis did not comment on whether the fallacies should have led viewers to accept or reject the reports.

Douglas Walton’s long career of studying fallacies also has import for journalism. Journalism might be likely to use some fallacies more often, such as arguments from authority (to be discussed at greater length below) and straw-man arguments resulting from quotations (Walton & Macagno, 2011). Walton’s work investigates the structure fallacies and the situations in which their use might not be improper (or when they are especially harmful).

From journalism, Merrill and Odell (1983) wrote a textbook to introduce philosophical subjects relevant to journalism students, including rhetoric, logic, and epistemology. “No one doubts that many of our journalists reason imprecisely and fallaciously,” they wrote (p. 3). Incidentally, they reject the concept of fallacies, thinking of them as misnomers for formal fallacies, but use the term anyway “only because there is a tradition of doing so” (p. 15). But despite their efforts, complaints persist that journalists allow interviewees to hold forth fallaciously, unchallenged (Stoff, 2008).

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12 The use of “news” is intentional. Discussions of informal logic or argumentation commonly suggest that the fields be tested on newspaper editorials (for example, Scriven, 1976, p. 167; Rothbart, 1983, p. 16; Jason, 1987, p. 22;). That’s fine, but it should be made clear that this study focused on non-opinion-section news content.

Additionally, some fallacies attract increased attention online. Of late, Jay Rosen has attacked what he calls the “linkless hypebuster” — articles supposedly debunking something without linking to any examples of the arguments in question (Rosen, 2011). “Linkless hypebuster” is, of course, another name for a straw-man argument.

### ***Arguments from authority***

Arguments from authority will prove to play an important role in the analysis of stories in this thesis, so the subject merits some additional notes on literature raising key questions about the argument’s use and misuse.

The pervasiveness of authorities in modern life extends beyond their role in democracies. There is no escaping the need for and reliance on them, be it politicians who call on experts in policy choices or scholars-in-training who gratefully hand car keys to mechanics. But there are questions to ask in deciding whether to accept an appeal to an authority.

First, what is an appeal to authority and when is it fallacious? Embedded in the question are two assumptions, of course: that appeals to authority are not necessarily fallacious at the outset, and that it’s possible to determine who is or isn’t an authority.

Walton (1997), who dedicated a book to the matter, defined several forms of arguments from authority (or “appeals to expert opinion”) and questions applicable to assessing them in various contexts. Browne and Keeley (2004), focusing on when the appeal is a fallacy, call “Appeals to Questionable Authority” those that “[support] a conclusion by citing an authority who lacks special expertise on the issue at hand” (p. 90). Damer, similarly focusing on deciding when to challenge appeals to authority,

defines the fallacy of Irrelevant Authority as “attempting to support a claim by appealing to the judgment of one who is not an authority in the field, the judgment of an unidentified authority, or the judgment of an authority who is likely to be biased” (2005, p. 79).

For Walton, Browne and Keeley, and Damer, then, appeals to authority are not necessarily fallacious. Each specifies conditions under which an appeal becomes more problematic or more acceptable. For Browne and Keeley, an appeal to authority is fallacious “unless we know that these authorities have special knowledge about [the] issue” (p. 89). For Damer, an appeal is fallacious if the authority is not actually authoritative, unidentified, or prone to bias.

The *means* of invoking authority are also important. Of particular interest for journalists are the implications of using quotations as support for arguments from authority. Walton and Macagno (2011) argue that the use of quotations in arguments from authority inspires a fresh set of criteria for the recipient to use in evaluation, such as whether the quoted expert’s view is consistent with other experts’. They also cast doubt on the power of anonymous or obscured sources:

The author is concealed and simply defined as “official source”, “scientists”, “knowledgeable”, or with other epithets and attributes that can seem to strengthen the argument. A proper shifting of commitment based on expert opinion requires that the authority be named, and not merely made implicit without any name or institution being specifically quoted. (31)

The question of whether arguments from authority are appropriate is ancient, like so many others in this thesis. Hyslop (1899) provided a different set of criteria for when the argument was acceptable, namely when all sides agreed on the authority of the person

cited (pp. 175–176). Willard (1990), while examining the necessity and role of experts in modern public life, is less forgiving: “the Medieval logicians’ chief reason for seeing the argument-from-authority as a fallacy still holds: to invoke authority is to abort debate” (p. 18).

But the acceptability, or at least the rhetorical effect, of appeals to some authorities depends on more than determining for oneself who qualifies as “experts” or even agreeing with an opponent on that score. The use of someone from the professional class as an authority can require assumptions. According to Haskell (1984), one assumption is that members of a professional class act dispassionately and that they place the common good over their self-interest. Haskell’s essay indicates that different generations will think differently about that assumption. The thinkers he reviews — R.H. Tawney, Emile Durkheim, and C.S. Peirce — believed very different things about self-serving experts than do many people today. Over time, then, whether an appeal to authority “aborts debate” might be more or less true.

Sometimes, though, a non-expert confronts authority not through an interlocutor’s appeal, but via the purported authority herself — such as a journalist claiming authority about a heavily researched topic. The need to examine and act on the argument *of* an authority raises other difficult questions for non-experts. How can a layperson judge an authority’s claim? How can a layperson choose among competing expert claims about a subject? Scholars continue to conjure classifications of experts and techniques for evaluating the claims of each (for example, Collins & Weinel, 2011).

One possible response is to individually try to reduce dependency on experts. Cederblom and Paulsen (1988) advocated becoming generally familiar with as many

subjects as possible. Cultivating a fox-like approach to learning decreases individual dependence on experts from different fields, even if only slightly, and can preserve a degree of autonomy in a process of self-realization.

Another possible response is to accept the limits of individual rationality. Hardwig (1985) approached arguments from authority from a broader critique of individualism. He argued that the notion that individuals should come to their own conclusions about expert authority is romantic but ultimately unrealistic. Trusting authorities to have conducted the research necessary for their claim is sufficient grounds to accept the claim, he said, especially when laypeople could not hope to conduct the research themselves.<sup>13</sup>

### ***Assumptions and bias***

The concept of assumptions — unstated prescriptive or descriptive premises needed for an argument to be true (Browne & Keeley, 2004, pp. 53–55)<sup>14</sup> — is crucial to informal logic and critical thinking. Assumptions are one of the more popular topics in journalism, where they are more commonly called biases.

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13 Somewhat ironically for the purposes of this study, Hardwig concludes that if one accept his views about the need to accept expert claims based on trust, then one must also question more cherished beliefs, including belief in democracy, because of their reliance on individualistic and atomistic assumptions about knowledge.

Of related interest to Hardwig's conclusion is the seminal work by Rosenfield (1949), who described several instances of progressive change taken for granted today — for example, public schools and zoning regulations — but opposed at the time by groups of “expert” professionals. These changes were inspired and carried out always by people outside of the field.

14 Ennis (1982) clarifies three kinds of “assumptions,” as the term is often used, that do not describe the kind of assumptions under consideration in this thesis. Those are “conclusions being called an assumption” (“My assumption is that you are going out, since you are wearing your cap”); “less-than-fully-established proposition[s]” (“That’s only an assumption. You don’t know that”); and “adoption” (“His assumption of an air of humility”) (pp. 61–62).

From informal logic, O'Halloran (2009) argued that news media attune their audiences to implicit premises over time through coverage of a topic. Claims in previous articles, he said, will be internalized by regular audiences and applied to future articles. This turns what might have been "explanations" in news articles into "arguments" in the minds of audiences while simultaneously giving the newspaper plausible deniability against claims of bias.

Also from informal logic, Dorman (1988) criticized American mass media coverage of Iran and the Soviet Union. He found the coverage to use loaded language that contained assumptions about the demerits of those countries and their leaders, and to not question positions of the U.S. government.

Similarly, McMurtry (1988) and Ulrich (1992) discussed unasked questions in mass media about topics such as capitalism, along with mass media's assumptions favoring political centrism, if not conservatism. McMurtry referred to the system of assumptions as an "underlying system of fallacy" in the media (p. 134). Ulrich was more charitable, arguing that the journalists, like all people, must operate under *some* assumptions and that there was nothing particularly egregious about the ones McMurtry noted. Eide (2007) later addressed mass media assumptions from the perspective of how journalists themselves think about the world.

Meanwhile, mass media's general acceptance of capitalism and centrism is a perennial topic of journalism studies. Hallin's (1986) spheres of legitimate controversy, consensus, and deviance are another form of describing unstated assumptions in mass media that must hold for the arguments in those media to make sense (p. 116). And, as

with Ulrich, mass communication scholars note that even non-mainstream journalism must carry at least some assumptions that can be questioned (Atton, 2008).

Scholars spend a great deal of time attempting to explain these biases. Herman and Chomsky's (1988) famous Propaganda Model attributed the news' favoring official positions to journalists' reliance on, for example, the subsidies of government press agents.<sup>15</sup> Baker (1995) argued that the media's reliance on advertising forced them to maintain a "buying mood" in their content (p. 44) and avoid attacking the political (meaning capitalistic) boat.

Steele (1995) argued, in part through interviews with producers, that a preference for "real world" experience leads TV news to favor commentators from think tanks or government, with their attendant assumptions, over academics or left-wing sources. Writers from both informal logic (for example, Govier, 1988) and journalism (for example, Glasser, 1992; Cockburn, 1982) have also covered concepts of objectivity and "both sides" journalism as carrying assumptions or biases.

### ***Language and ambiguity***

Loaded language has been discussed as part of Dorman's (1988) broader critique; ambiguous language in general has warranted discussion on its own in informal logic (Browne & Keeley, 2004, p. 37).

MacIntosh (1988), for example, criticized the media's use of "nuclear war" as immorally masking truths about the nature of nuclear weapons. In journalism, recently Desai et al. (2010) found a decrease in the description of waterboarding as "torture" in

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<sup>15</sup> As it happened, a review of *Manufacturing Consent* appeared in the same issue of *Informal Logic* as McMurtry's essay.

American media after 2004. Neither Desai et al. nor Dorman directly commented on fallacies, but the absence of information about nuclear weapons or waterboarding that might influence whether someone accepts or rejects a journalistic argument falls under the critical thinking question of “What significant information is omitted?” (Browne & Keeley, 2004, p. 165) and, potentially, fallacies of missing evidence (Damer, 2005, p. 141).

An interesting subset of research in argumentation and informal logic of journalism discusses journalism’s tendency to argue “by suggestion.” For example, Marlin (1984) suggested that verbs in newspaper headlines (“fled,” “fouls up”) can be dangerously ambiguous. Such ambiguity communicates by suggestion, acting as a “very effective form of propaganda that [does] not state explicitly what it wishes the hearer to believe” (p. 28).

May (1988) offered a more complete argument. He discussed “invited inferences,” defined as “suggestions or pragmatic meanings” prompted by certain kinds of speech (p. 114). Audiences are invited, even encouraged, May said, to not approach ambiguities in reporting:

Scarcely a day passes without deadpan accounts of words uttered by buildings (the White House, Whitehall, the Kremlin, the Quai d’Orsay), by cities (Beijing, Moscow), by companies (“Chrysler announced ...”), by circles (“scientific circles said ...”), and by other putatively vociferating entities. Although we understand the terms used (and thus do not think of resorting to dictionaries), we are hard pressed to grasp the sense of what is being expressed. And yet we feel that there must *be* a sense, and a *common* sense at that, else the expression would not be used so persistently. This feeling is fortified by the omission of explicit translations of figurative expressions. The resulting insinuation is that translation would be superfluous. (p. 117, emphasis his)

Glasser and Ettema (1993) approached the power of suggestion from the side of journalism in their analysis of the use of irony in news. Irony, which disguises an author's intended conclusion through the use of seemingly opposite language, speaks to savvy, "regular" readers of the news. These readers, through experience, have the skill and familiarity with news formulae to decode the intended meaning of an article through its innocent packaging, such as the use of scare quotes or the straight-news treatment of a ridiculous statement by a public official. As with May's invited inferences, what the ironic journalistic text "means" is not what it explicitly "says" (Glasser & Ettema, 1993, p. 325), and yet somewhere there must be a meaning for those with the proper background.

## ***Evidence***

Last, there is perhaps the quintessential news question: How good is the evidence?

Journalists who offer descriptive arguments about the world demonstrate their claims primarily with evidence. The evidence can be from eyewitnesses, interviews, anecdotes, statistics, or anything else. It is likely the most important ingredient in a journalist's work. But, as discussed, this evidence can be fallacious, irrelevant, or insufficient.

Accordingly, from the critical thinking domain, Johnson (1988) reminded readers that most reporting on polls lack the information required to fully accept or reject the polls' findings (see also Browne & Keeley, 2004, p. 155). Kahane (1980), in one of the

field's early textbooks, dedicated an entire chapter to evaluating the news, including evaluating its use of evidence (p. 222).

From journalism, Rugar (2006), in a study of New Zealand newspaper stories on genetically modified food, found that nearly two-thirds did not give contextual information about how at least some information was obtained. For example, attitudes of actors were paraphrased without giving data about how the information was known; quotes were included without noting how the quote was obtained (interview, press release, etc.) (pp. 131–132). Interestingly, Rugar also provided re-written sample paragraphs to show what little editing would have been required to contextualize information in stories (p. 133).

Media criticism online has been fairly strong in critiques of evidence. Jack Shafer, formerly of Slate, maintained a “bogus trend story” series, which targets stories claiming that, for example, child pornography is increasing but lacking sufficient data to show it (Shafer, 2010; see also Tenore, 2010).<sup>16</sup> Bloggers at both mainstream and personal websites have also long critiqued mainstream journalism on evidentiary grounds (for example, Weigel (2011) and Balcerak (2011)).

Fields that are often the subject of reporting have also provided evidence-based critiques of journalistic content. Pellechia (1997) found that *The New York Times*, *Chicago Tribune*, and *Washington Post* generally omitted methodological details of scientific studies in reporting on them between 1966 and 1990.

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<sup>16</sup> Interestingly, some of Shafer's (2010) critiques involve the transition from claim-in-headline to claim-in-actual-story, which was a complaint of Marlin (1984).

The attention online given to evidence is not coincidental: pushing journalists to post or link to the source material on which their stories are based has been a consistent part of arguments about how journalistic ethics and transparency must change on the web (Singer, 2010, p. 122; Craft and Heim, 2008). Additionally, some newspapers in the last decade have experimented with citing evidence in articles via footnotes. The *Los Angeles Times* won a Pulitzer Prize in 2003 for a 24,000-word series accompanied by 7,000 words of footnotes with sources for quotations, facts, and scenes in the stories (Scanlan, 2003). The series' editor, Rick Meyer, told a reporter that the footnotes "ha[d] everything to do with winning the confidence of those that read your newspaper" (Wemple, n.d.).

### 3. Methodology

This study examines the quality of argument in journalism using standards from informal logic and critical thinking. The ideal form of such an examination would set out a definitive line past which a journalistic argument could be declared “good” or “bad,” “acceptable” or “unacceptable.”

This study does not attempt to provide a line. Whether to accept a journalistic argument is perhaps best left to individuals using their assumptions, evidence requirements, and so on. Instead, this study asks research questions that provide the raw material, so to speak, for choosing whether to accept an argument:

1. What are the issues and conclusions offered in a sample of Pulitzer-Prize winning stories?
2. What reasons and evidence to support those conclusions are offered in the stories?
3. What important ambiguities do the stories contain? Important ambiguities here means undefined terms in stories that (a) could be reasonably defined in several ways and (b) would not support a story’s conclusion under at least one of those alternate, reasonable definitions.
4. What important descriptive assumptions do the stories contain, especially assumptions not addressed by previous research on, for example, journalism’s “bias” toward moderate politics or the economic status quo?
5. What fallacies are present in the stories?

6. Given the reasons and evidence for the conclusions journalists offer, as well as the important ambiguities, descriptive assumptions, and fallacies in their stories, how do Pulitzer Prize-winning stories fulfill or not fulfill journalists' stated goals of telling something about the way the world is, was, or will be, so that citizens can make decisions in a democracy. A shorter version of this question would be, "how well do the reasons and evidence support the conclusion?"

Critical case sampling, a subset of purposive sampling, will be used to select the stories under review. Critical case samples are used to examine unusually important instances of a class. The conclusions drawn from the critical cases can lead to "logical generalizations" that "'if it happens here, it will happen anywhere,' or ... 'if that group is having problems, then we can be sure all of the groups are having problems'" (Patton, 1990, p. 174).

This study will analyze the 2011 Pulitzer Prize winners in the Public Service, Investigative Reporting, and Explanatory Reporting categories, or a total of 28 stories. To minimize the risk of analyzing a different version of a story from the one the Pulitzer committee considered, the analysis of each story is based on the versions available on the Pulitzer Prize website, except where otherwise noted.<sup>17</sup> Each winning series of stories is introduced more fully and its inclusion in this study defended at the end of this section.

The Pulitzer Prizes denote what the profession considers unusually powerful journalism (see Bates, 1991). A Pulitzer Prize should indicate that the reporting will

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<sup>17</sup> Non-text material from each series included on the Pulitzer website, such as illustrations, was also left out of the analysis.

present a strong argument: clear statements of conclusions and key terms, good reasoning and evidence, and few harmful fallacies.

Purposive samples have been used to study Pulitzer Prize-winning journalism at small newspapers (Hatcher, 2007); Pulitzer-winning reporting itself has been previously tested for differences in source diversity and research techniques between it and other investigative work (Hansen, 1990). Critical case samples have been used to study relationships between news media and democracy through editorials (Lee & Lin, 2006), letters to the editor (Nielsen, 2010), and media impact in new democracies (Tworzecki & Semetko, 2010). Critical case studies have also focused on coverage of specific topics, including labor movements (Martin, 2003) and the environment (Lester, 2010; Lester & Hutchins, 2009).

A critical case sample of Pulitzer-winning reporting, then, provides a window into whether audiences could expect everyday journalism to provide quality arguments: If the elite reporting is having problems, then it seems more likely that the everyday reporting has problems, too. And the more certain there are to be problems in everyday reporting, the stronger the argument is for doing something else than reading it.

Both argumentation and informal logic still maintain links to their parent field of rhetoric (van Eemeren et al., 1996, p. 29). Accordingly, this study will draw on rhetorical criticism to study the news articles in question. Rhetorical criticism is appropriate for this study because it shares a concern for human-constructed messages and the way in which those messages can influence the views of the audience (Foss, 2004, p. 4). It also is comfortable with drawing even conclusions — tentative ones — from small samples (Foss, 2004, p. 8). Finally, there does not appear to be any other methodology dominant

within either argumentation or informal logic; indeed, few articles from those fields contain methodology sections at all.

## **Validity**

There are at least three ways to respond to the idea of applying theories of argumentation and informal logic to journalism.

One response is that it is improper to consider journalists as providing “arguments.” Under this response, journalists provide perhaps information or facts, or they relay opinions of others, but they do not offer a coherent “argument,” nor do they mean to. The above sections have attempted to answer this response. They described the ways journalists do actually put forward descriptive arguments, and they described the consonance between journalists’ intent in reporting and the application of argumentation and informal logic.

A second response is suggested by Postman’s (1988) eloquent critique of broadcast journalism.

Postman argued that the nature of television makes its content immune to analysis as propositions, especially regarding the political news that sustains journalism’s theory of democracy. “Exposition, explanation, and argument — the instruments of rational discourse — are less and less used as a means of expressing political ideas,” Postman said. “The use of extended and complex language is being rapidly replaced by the gestures, images, and formats of the arts of show business” (p. 14).

Postman's critique would call into question the validity of this thesis if it could be shown that non-broadcast media now, too, do not express political issues through "exposition, explanation, and argument."

Such a demonstration does not seem implausible. As noted, for example, Barnhurst and Mutz (1997) brought forward evidence of a long-term shift in the nature of "news" in print journalism. More recently, Nick Denton, the leader of the Gawker blog network, told Fallows (2011), "Liberals love to talk about the erosion of logic and the scientific method ... But what if the answer to a false narrative isn't fact? ... Maybe the answer to a flawed narrative is a different narrative. You change the story" (p. 46). The danger of Postman's critique for the present research is that journalism cannot fairly be judged using tools for arguments if journalism has ceased to be argumentative.

The third response to the validity of this thesis was suggested by a note from Scriven (1976):

Reasoning is the best guide we have to the truth. That doesn't mean you should never listen to your "inner voice," your instincts, or to authorities; it just means that you ought to use reason to decide when to listen to them. ... Reason is always the ultimate court of appeal — which is not to say that explicit direct reasoning is always the best basis for judgment. (pp. 3–4)

Just as this thesis argues that journalists need a point at which they would admit that journalism is no longer worth consuming, critical thinkers must know when to concede that their skills are not usefully applied. Journalism might be one such context.

One reason to think journalism and reason are not synonymous was stated just above: Journalism of all sorts might have ceased to offer anything representing

propositions and arguments. Indeed, as noted, May (1988) and Marlin (1984) have argued that journalism attempts to persuade by “suggestion,” not reason.

A second reason to doubt reason’s applicability to journalism is if journalists follow what Richards (1980) called the “received theory of reasoning.” People who hold the “received theory” tend to think that their views are not “positions,” which can be backed by reason, but that instead they are indisputable “opinions.” These proponents, Richards says, inevitably conclude that the only means of persuasion is through empathy. Journalists who hold the received theory, then, wouldn’t think to attempt to convince someone using argument as conceived by this paper.

Finally, a third reason to doubt the connection between reason and journalism is that journalists might be considered experts in their field, and that to accept what they say without much critical thought is merely a reasonable appeal to authority.

To the extent that any of these potential descriptions of journalism check out, the case for using tools of argument analysis against them weakens. But, interestingly, the case for almost *any* critique of journalism based in logic would also have to be abandoned. Who cares if there are more than “two sides” to an issue (Govier, 1988) or that consolidation has restricted access to the “marketplace of ideas” in the press (Barron, 1966) if we are not meant to use reason to approach the content of journalism?

## **The stories**

The *Los Angeles Times*, *Sarasota Herald-Tribune*, and *Milwaukee Journal Sentinel* captured the 2011 Pulitzer Prizes in the three categories under study.

The Pulitzer Prize in Public Service is awarded for “a distinguished example of meritorious public service by a newspaper or news site through the use of its journalistic resources.” The *Los Angeles Times* won the 2011 award for “its exposure of corruption in the small California city of Bell where officials tapped the treasury to pay themselves exorbitant salaries, resulting in arrests and reforms” (The Pulitzer Prizes, 2011c). The paper also won the George Polk Award for Local Reporting and Public Service Award from the Los Angeles Press Club for its work.

In all, the *Times* published more than 200 stories about Bell (Santo, 2011). Sixteen stories dated July 15 to December 28, 2010, were submitted as Pulitzer entries. Whereas each winning entry from the *Herald-Tribune* and *Journal Sentinel* tended to be longer, investigative stories, the entries from the *Times* included shorter, events-driven stories. The range of types of stories available from the *Times* allowed for testing argumentation and critical thinking techniques against complex and simpler forms of journalism.

Paige St. John of the *Sarasota Herald-Tribune* won the Pulitzer Prize in Investigative Reporting. The award goes to “a distinguished example of investigative reporting by an individual or team, presented as a single article or series, using any available journalistic tool.” St. John examined “weaknesses in the murky property-insurance system vital to Florida homeowners, providing handy data to assess insurer reliability and stirring regulatory action” (The Pulitzer Prizes, 2011b).

Although St. John’s stories usually cited an investigation lasting “more than a year,” she reportedly spent three years on the project (Santo, 2011, though Masters (2011) puts it at two years). She traveled to Bermuda and Monte Carlo to report, and used

her computer-assisted reporting training to build online applications that made use of the data on insurers she collected (Masters, 2011).

Lastly, the Pulitzer Prize in Explanatory Reporting, honoring “a distinguished example of explanatory reporting that illuminates a significant and complex subject, demonstrating mastery of the subject, lucid writing and clear presentation,” went to Mark Johnson, Kathleen Gallagher, Gary Porter, Lou Saldivar and Alison Sherwood of the *Milwaukee Journal Sentinel*. They won for their reporting on “an epic effort to use genetic technology to save a 4-year-old boy imperiled by a mysterious disease” (The Pulitzer Prizes, 2011a). Only three stories were submitted to the committee, in contrast to the 16 and nine articles of the Public Service and Investigative categories, respectively.

This study has its basis in journalism’s attempt to benefit democracy, and the benefit to democracy that would result from strong arguments presented in these three series is generally clear.

For the *Los Angeles Times*, an exposure of corruption by local officials seems transparently beneficial to democracy. The *Herald Tribune* series, while nominally about the insurance industry, also has implications for democratic life. It examines the relationship between what is legal for Florida insurers to do and the actions of state elected officials and regulators, both of which St. John often questions.

The *Journal Sentinel* series is trickier to classify, and admittedly much of it consists of a well-written tale about an issue confronting only one family, not one confronting a citizenry. But the reporters provide the link to democracy in their attempt to contextualize the family’s struggle and doctors’ choices. They write, for example, that gene sequencing has the potential to begin a “new era in medicine,” and that “reading

Nicholas Volker's genes could change the way doctors treat patients, especially those whose symptoms don't match any known disease."

The connection of the *Journal Sentinel* series to medicine and health care also provides the key to its democratic importance. Reporting on developments in medicine and health care can have short and long-term effects on life for citizens. Michelle Bachmann's criticism of a cervical cancer vaccine during competition for the 2012 Republican presidential nomination affected the process of selecting the person who could lead the nation, not to mention actual vaccination rates (Grady, 2011). But although political controversies fade, laws tend to stick around, and reporting on medical controversies can help inspire laws. For example, the late-1980s reporting about Alar, a chemical sprayed on apples that was suspected of increasing cancer risk, contributed to the introduction of laws "forbidding libel and slander against fruits, vegetables and food products" that exert a chilling effect on the press to this day (Friedman et al., 1996, p. 2).

The *Journal Sentinel's* coverage of the doctors' techniques, and the resulting laudatory attention from the likes of NBC's "Today" show (Inbar, 2011),<sup>18</sup> could have effects extending much further than the publication of the series. So it has a place in the present analysis' focus on journalism's democratic implications.

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18 Almost too laudatory. The rousing subheadline on the "Today" website, "Groundbreaking DNA sequencing solved medical mystery," is plainly false, according to the *Journal Sentinel*. The newspaper's December 26 story, referring to a transplant Nicholas received "as a result" of the sequencing, read: "It is not clear what the transplant will mean for the mysterious illness that ravaged his intestine."

## 4. Results and analysis

The first section of this chapter will describe some commonalities, or themes, among the arguments in each of the 28 stories analyzed. These themes specifically address RQ2, regarding reasons and evidence; RQ4, regarding important descriptive assumptions; and RQ5, regarding fallacies, particularly Damer's fallacy of Irrelevant Authority.

The description of each theme will focus more on weaknesses than strengths in the arguments from the reporters; throughout the stories, weaknesses that impeded readers' ability to accept arguments were more prominent than strengths. But the first section of the chapter will close by looking for a pattern in the stronger arguments encountered during the analysis.

The second section of this chapter will answer the research questions more thoroughly by providing a full analysis of the quality of arguments in four stories from the sample, two each from the Public Service and Investigative series.<sup>19</sup> One conclusion from each of the four stories will also be visualized with a Toulmin model.

The four stories selected for a full analysis in this section aim to be representative of this thesis's findings regarding each of the research questions. For readers wanting

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<sup>19</sup> The Explanatory series, which relied heavily on arguments from authority, will be analyzed in the thematic discussion of that type of argument below.

additional evidence, the author's full analyses of each story from the Public Service and Investigative series are included in the appendix.<sup>20</sup>

For the sake of reducing monotony, in this chapter the six research questions are usually addressed by their content, not number. Numbers in parentheses refer to paragraphs in the story under discussion, and references to Damer all indicate (2005).

## **Commonalities among the arguments**

### ***Insufficient evidence***

As stated in chapter 2, this thesis set out with a particular focus on fallacies in journalists' arguments. But fallacies were not found to be a common source of weakness. Instead, far more stories than expected showed difficulty marshaling enough evidence to support their claims.<sup>21</sup> Some provided little or no evidence at all.

The kinds of conclusions for which insufficient evidence was presented were not limited to broad or narrow conclusions, or long or short stories.

Sometimes, where more than one claim was presented, the arguably more serious claim was the one left wanting of support, stranding it as not much more than an assertion.

On September 6, the *Los Angeles Times* argued that the city of Bell "went on an aggressive push to increase municipal revenue by impounding cars in the city, police officers say" (1). The police officers quoted by the reporter<sup>22</sup> presented plenty of

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20 The full thesis, analyses, and any errata will also be posted to [argumentinjournalism.wordpress.com](http://argumentinjournalism.wordpress.com).

21 "Claim" and "conclusion" are used interchangeably in this chapter.

22 Although this thesis continually refers to "the reporter" and "reporters" as the progenitors of the

evidence to support the claim that the city “aggressively pushed” to impound cars (4, 16, 18, 19, 21). The city, too, confirmed the impound effort. On the other hand, none of the quotes or paraphrases of the police or of city officials spoke to the motivation behind the increase.

So although the reporter claimed that the impounds were to increase municipal revenue, which is an important claim, nothing she reported police officers as saying confirmed it. The most direct evidence supporting the reporter’s conclusion about the motivation behind the impounds was a reference to another police officer, James Corcoran, who, the reporter said, told “city leaders” in 2009 that the impounds were meant to increase revenue, not seize cars endangering the city. But the reporter did not tell readers anything about the conversation itself, such as what the city said in return, or how Corcoran “complained” to officials. Was it in a meeting? By letter? Readers weren’t even told the source of the reporter’s knowledge about the complaint or its content. It had no attribution.

Meanwhile, the reporter faced an additional problem in not adequately responding to a counterargument offered by Bell Police Capt. Anthony Miranda, “who has helped lead the department since Chief Randy Adams resigned in July.” Miranda “said the goal [of the increase] was to make the city an undesirable place for gang members by cracking down on traffic enforcement.” The reporter did not present any testimony or evidence to counter Miranda’s claim, and even provided some support for it: In transitioning to a second issue in the story she began, “The enforcement policy may have been aimed at

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arguments under analysis, it acknowledges that such characterizations are oversimplifications. The news reports seen by the public are the product of complex interactions not only within newsrooms but among journalists, sources, market forces, and the “public” itself (Gans, 1980). The next chapter addresses this contextual gap in its suggestions for further research.

gang members and undesirables, but it put a heavy burden on others too” (10). At the least, this was tantamount to acknowledging that multiple justifications existed for the increase.

So the reporter in this story easily showed that Bell aggressively impounded cars, but offered little to show that the purpose of the impounds was, as she stated, to “increase municipal revenue.” But although the reporter in this case made some attempt to provide evidence for their claims a surprising number of conclusions in stories for both the *Times* and the *Herald-Tribune* were offered with no attempt at supporting them.

Some of these conclusions were fairly serious ones. For instance, the *Times* wrote in their lede on November 2 that “officials in Bell arbitrarily required some businesses to make payments to the city totaling tens of thousands of dollars annually, in at least one case threatening a business owner with closure if he failed to comply, according to interviews and records reviewed by The Times” (1). The claim that “in at least one case” a business owner was threatened was never revisited or substantiated in the story. A less serious instance of conclusion offered without evidence was found in the *Times*’s story of September 1, which claimed it “highly unusual” that some loans given by the city were made without certain documentation, a claim the reporters never returned to. St. John also committed these omissions, the most prominent will be discussed later in this chapter.

Many other conclusions rested on generic references to “documents” or to a single “expert” of questionable authority. These claims lay somewhere between somewhat-supported and wholly unsupported states. Such claims were found in, for example, the *Times*’ stories of July 15 (about the national ranking of Bell officials’ salaries), August 8

(about the “norm” of compensation packages for city managers) and September 1 (about some characteristics of loans given by the city of Bell)

“Insufficient evidence” is a relative claim, and some readers might find sufficient what this study labels otherwise. But the evidence described above provides a good sense of what is meant by “insufficient” here. Although no attempt at formal quantification was made, evidence problems similar to the above sketches affected roughly half of the conclusions examined for this study. Bearing in mind that single stories usually contained multiple conclusions, 18 of the 25 Investigative and Public Service stories contained at least one such evidence problem.

### ***Problematic descriptive assumptions***

RQ4 asked, What important descriptive assumptions do the stories contain? Although much media criticism focuses on assumptions in stories relating to some sort of political bias, the pattern of note in this study focuses on those descriptive assumptions that are less polarizing, but still capable of instilling doubt in the strength of reporters’ conclusions.

The frequency of key descriptive assumptions in stories was less than the frequency of conclusions with poor evidence, or even instances of appeals to irrelevant authority, discussed below. Instead, what was noticeable, particularly in the *Los Angeles Times*, were key descriptive assumptions embedded in conclusions likely to draw the most outrage from readers.

For example, in the first story of the *Times*’ series, the reporters questioned whether the city manager and other top officials in Bell deserved their salaries, each in

the hundreds of thousands of dollars.<sup>23</sup> Paragraph 2 attempted to justify their concern by noting that the salary of the Bell police chief, Randy Adams, was higher than those of the Los Angeles police chief, Los Angeles County sheriff, and New York City police commissioner.

If readers accepted the descriptive assumption that, usually, pay for police chiefs (or any city official) should be positively correlated with a city's population or square mileage, then the comparison gave them reason to think that Adams's salary was overkill. But readers were given no basis to accept that descriptive assumption.

Even were some basis for it given, the assumption could be easily challenged as oversimplistic, considering other information in the story. The story offered several bases on which city officials' pay might be structured: the job responsibilities, work product, or what residents feel comfortable paying. Readers could also probably think of other ways to calculate that salary, such as past successes.

The discussion of the salary of Robert Rizzo, the city administrator and the *Times's* highest-value target, met a similar fate. His salary was compared to administrators in "a far wealthier city with about 7,000 fewer people," a city "with a population close to 500,000," and the Los Angeles County Chief Executive. Each comparison was packed with a descriptive assumption — that pay for city administrators should correlate with population, citizen wealth, or Los Angeles County. While any of

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23 The reporters did not explicitly say that "top officials in Bell are overpaid." But much of their story consisted of providing evidence that answered the question "Do top officials in Bell deserve their salaries?" in the negative. Kovach and Rosenstiel confronted a similar scenario in analyzing *The New York Times's* reporting during the 2008 presidential race that Sen. John McCain might have had an affair with a lobbyist. Drawing on semiotics — "the study of understanding language and symbol" (p. 113) — they considered it reasonable to say that the story's conclusion was that McCain had the affair even though the report didn't say so outright. The connotation and implication of the words used in the story, though, conveyed it (2010, p. 112).

these assumptions might be justified, the reporters did not provide a reason to think so or a reason against other possible bases for comparison.

One basis on which the salary might be structured that was given in the story, however, is the law. If nothing else, it probably would have been justifiable for the reporters to assume that an answer to “What should Rizzo and Adams be paid?” is that the pay should be legal. But the reporters quoted a member of the Los Angeles County District Attorney’s office saying that the pay *was* legal, so that approach wouldn’t help justify their conclusion.

In another story, the *Times* reporters asked, “How did the Bell City Council get to be exempt from state limits on their salaries?” and answered, “by placing a city charter on the ballot [that passed] in a little-noticed special election that attracted fewer than 400 voters” (1).

A simple reference to differences in the law would have sufficed here as evidence — the law says X under one type of city but Y under charter cities. But the story said that the charter passed in the special election limited council members to “the same salaries as their counterparts in general law cities of the same size. In fact, [Bell City Council members] receive \$150 for serving on the council” (17). The story continued: “The City Charter bypasses the limits that state law would impose on pay for boards and commissions,” and, indeed, members of Bell’s boards and commissions earned thousands of dollars monthly (18).

The evidence offered by the reporters contained a key descriptive assumption, then: that all members of the city council were also members of a board or commission when the new charter was approved. Any council members at the time the charter passed

in 2005 who were not also members of a board or commission would not have been in line for a pay raise made possible by avoiding state salary limits, which contradicts the reporters' claim in the lede referencing the council as a whole. And although it might seem obvious that all the council members would have sat on a board, the reporters never said so, and they later noted that only in 2008 did the council mandated that "commissioners must be council members" (13). So there remains some reasonable doubt as to the strength of the reporters' evidence in powering their conclusion.

All stories must make assumptions, but the descriptive assumptions in these stories are not ones that can be taken lightly. Moreover, they are found in arguments supporting blockbuster conclusions: That officials in Bell took disgustingly high salaries, and that some of the officials, namely those on the city council, did so by gaming the democratic system.

Two other *Times* stories similarly included descriptive assumptions that posed roadblocks to the acceptance of important conclusions. In attempting to show that Bell citizens had a legitimate gripe against their tax rates, on July 30, the *Times* left unstated and unjustified a descriptive assumption that property tax rates should be positively related to citizen wealth. In the same story, the reporters provided alternate bases for property taxes, such as improvements to the city or fulfilling previous commitments, both of which, as reported, would qualify as explanations in Bell. The *Times*'s November 2 story about arbitrary taxation also included a descriptive assumption about the basis on which a particular type of fee was levied that was required for the reporters to show it was levied arbitrarily. That assumption was not only not justified in the story, but was rebutted by a source, whose rebuttal was not countered in turn.

St. John, in the *Herald-Tribune*, also relied on a questionable descriptive assumption in her November 15 story. She attempted to show that hurricane models were “flawed” in part because the models themselves must make assumptions, while leaving unjustified her own assumption that assumptions are not useful. Generally, though, descriptive assumptions did not play as strong a role in her series.

### ***Irrelevant Authority***

Irrelevant Authority, another prominent fallacy, appeared in the two forms described in the previous chapter. One form of Irrelevant Authority consisted of reporters relying on authorities or experts whose weight was questionable. The other form consisted of reporters relying on their own authority to ram a conclusion through to readers. This second form of appealing to authority provided the main justification for nearly the entire series by the *Milwaukee Journal Sentinel* that won it the Pulitzer Prize for Explanatory Reporting.

Although there were plenty of appeals to authority in the Investigative and Public Service series, there was no noticeable pattern of when questionable appeals would appear. In her October 24 story, for example, St. John generically referred to “industry watchers” (81) to support her claim that insurers’ financial reserves were declining. But she named none of the watchers or described why they would have expertise about the situation.

The same goes for Dave Mora, the “West Coast regional director of the International City/County Management Association, and a retired city manager,” who was called upon, along with “experts in city government,” by the *Times* in their initial

story in the series on July 15 (12). The experts were said by the reporters to have been “amazed at the salaries” Bell paid to its officials. None of these “experts” were named or described, no reason was given to think that the “West Coast regional director” of the management association would be a position with expertise or training in paying city officials, and no sense of whether “expertise” in such things could exist was given. Additionally, Mora’s experience as a city manager was questionable in that the reporters did not say where or when Mora worked as a manager or why readers should believe his experience remained relevant today.

There were instances of similarly questionable appeals to authority throughout the Public Service and Investigative categories, but they were not overwhelming. For that matter, it was not clear that the questionable appeals even outnumbered the substantiated ones.

Although the *Journal Sentinel* often cited scientific experts in their stories, it appealed most of all to the authority of its reporters on the subject at hand.

In their three stories and 11,000 words about the effort to save the life of Nicholas Volker, the reporters, Mark Johnson and Kathleen Gallagher, rarely named the source of their information within the text of the story itself. The information lacking such explicit sourcing was both broad and minute, including powerful claims about the importance of medical techniques and details about what people said or thought on a particular day. Within just the first story of the series, on December 19, the reporters included information or made claims about:

- The contents of email sent between two doctors, and the state of mind at the time of both those doctors.

- The frequency of hereditary diseases in America, the implications of reading Nicholas’s genes (which was proposed in the email) for treating hereditary diseases, and how the “sequencing question” presented an unusual “urgency.”
- The “new era in medicine” that would begin if DNA sequencing began in 2014 at the hospital where one of the doctors works.
- Nicholas’s biography and medical history, including results and details of his surgeries.
- Conversations among Nicholas’s family members about his future.
- The composition, opinions, and actions of Nicholas’s medical team.
- Routines and conversations among Nicholas, his family, and the doctors who at one point performed surgery on him daily.
- The dreams (of the sleeping kind) of one of Nicholas’s nurses.
- Conversations had as part of conflicts between Nicholas’s family and doctors.

The reporters presented most details in their stories as omniscient narrators. The words “according to” or anything like them rarely appeared, despite the inclusion of facts dating to Nicholas’s birth in 2004 that the reporters could not have directly accessed.

The reporters, then, must have expected readers to accept claims in the story on their authority. How could readers determine the extent to which the reporters’ authority was acceptable? By studying the introduction to the series, reprinted in full here, where the reporters outlined their methodology:

This series began with a tip in January, two months before the

case became public. Medical College of Wisconsin experts had sequenced the DNA of a young boy at Children's Hospital of Wisconsin. In early 2010 only one other case of doctors sequencing a patient's genes to obtain a diagnosis had been reported in medical literature, and it had received little attention in the popular press.

Reporters Mark Johnson and Kathleen Gallagher received permission from Nicholas Volker's family, the hospital and the Medical College to tell the story of how Nicholas' genes were sequenced and how doctors used the information to treat him. The reporters interviewed more than 60 people, including members of the Volker family, the doctors and nurses who treated Nicholas, the scientists who handled, sequenced and analyzed his DNA sample, and experts in genomic medicine.

They also accompanied Nicholas to doctor appointments. Reporters visited a lab at the Medical College to watch scientists sequence DNA.

A number of written sources were used. The reporters read Amylynne Volker's 500-page online journal chronicling more than three years of her son's treatment. In addition, they read James Watson's "DNA: The Secret of Life," and more than three dozen medical and scientific papers.

Some scenes described in the series were witnessed by the reporters. Other scenes that took place before 2010 were reconstructed based on extensive interviews with the participants and accounts in Amylynne Volker's journal.

The reporters' argument from authority, then, rested on separate appeals to different authorities: to the Volkens, scientists, research papers, and so on.

It seems clear that the reporters' methodology gave them the authority for some of their claims. The thoughts of Nicholas's mother, for example, probably derived from her journal (which is one of the few sources the reporters explicitly referenced in the articles) or from conversations with the Volker family. The conversations and journal, along with

interviews of “the doctors and nurses,” probably made up the sourcing of details about Nicholas’s medical history.

But many of the claims by the reporters remained on shaky ground even accounting for their methodology — in particular, the reporters’ scientific claims, such as those regarding hereditary diseases and the potential “new era” in medicine. These claims regarded developments in medicine and science that would affect the well-being of large numbers of people. Hence, they were likely to influence democratic discussions about, for example, ethical regulations (a topic that appears in the *Journal Sentinel* series — for example, on December 22, paras. 27–34) or public funding of research.

In their methodology, the reporters cited only one book or journal article by name. The rest were unidentified in the methodology and the stories themselves. But more justification from the reporters was needed to show that readers should consider the reporters such authorities on these matters that they need not cite names. As it stands, it’s difficult to see how the reporters do not fall into Damer’s category of irrelevant authorities. Damer wrote:

an unidentified authority is questionable because there is no way for us to determine whether the unnamed authority is in fact a qualified one. ... The testimony of an unidentified authority may have some bearing on the truth of the conclusion, but because it is unidentified, there is no way to know whether it does so. *It must therefore be treated as if it is coming from an irrelevant or questionable authority.* (70, emphasis added)

Given that the reporters did not claim to have preexisting scientific expertise, readers must assume that their knowledge largely came from the sources listed in their methodology. Yet only one of those sources was named.

The rest were labeled generically: “experts in genomic medicine”; “scientists”; “more than three dozen medical and scientific papers”; “participants.” Readers did not know which “experts in genomic medicine” were interviewed, what they said, or whether the experts disagreed among themselves. Readers did not know how many of the “more than 60” interviews were of “experts” and “scientists.” Readers did not know which “medical and scientific papers” the reporters read, how many of the papers turned out to be relevant to the series, whether the reporters understood the papers, or how they resolved their confusion if they did not.

Perhaps most importantly, the methodology betrayed no obvious reason why readers should accept that the interviews and journal articles actually supported the things the reporters claimed. For example, what did the experts think about the reporters’ conclusion about the “new era in medicine” sequencing can bring? The missing warrant between evidence and conclusion affected the scientific claims, but also more specific claims such as those regarding the state of mind of doctors at a particular time.

Ultimately, as said, this thesis attempts to provide only a metric for readers to judge the acceptability of news articles, not an answer key with which readers can mark articles as passing or failing. Whether the methodology provided by the reporters was enough to set a reader at ease would be up to the reader. For some readers, the *Journal Sentinel* articles might have been important for their description of the Volkers’ struggle and hope, a subject about which the reporters provided decent reasons to think they have some authority. These readers might have comfortably ignored the shakier, broader claims in the series. But readers who found themselves captivated by all of the issues and

ideas the reporters presented would have encountered several obstacles between them and a comfortable acceptance of the reporters' claims.

### ***Stronger arguments***

Much has been said about what went wrong in many of the arguments under review, but, of course, some things went well. There was not a clear pattern, however, of when arguments tended to be strong.

Often, as might be expected, the stronger arguments were straightforward. The main arguments in the *Los Angeles Times* stories of September 17 and September 22, for example, were essentially descriptions of new activity by officials, which did not require much to report convincingly. Other times, reporters drew on documents to support conclusions, but would go beyond simply citing "documents." They would provide details about the documents, such as their source or direct quotes from them. St. John's story of April 19, detailing the crash of an unorthodox insurance company, was an example of a story that used documents in this way to its advantage.

Encouragingly, there were also some instances of reporters who arrived at their own conclusions through study and observation, then reported on them with good evidence. One of these stories, from the *Times*, will be discussed at length below. In another, in the *Times*'s story of September 17, the reporters took the hard news of the day, a new investigation into Bell's finances by state officials, and convincingly demonstrated that the investigation "rais[ed] questions" about the city's solvency (1).

Similarly, the most interesting part of St. John's look at the use and abuse of hurricane modeling, on November 15, was its section on the expansion of modeling to

include calculations for “costs for political meddling, government ineptness and even human greed” (13). An array of documents and quotations supported her conclusion; a reader would have needed to engage in some serious contortions to quarrel with it.

That said, instances of strong argumentation were not found frequently. Again, although no formal quantification of the stories was made, the review conducted for this study found only two articles in which all of the arguments were unproblematic (still subject to challenge, perhaps, but not so easily rejected).

## **Individual story analyses**

The remainder of this chapter presents in-depth analyses of four stories from the sample, two each from the Public Service and Investigative categories. Each story will also include a Toulmin model of one of its conclusions.

The stories analyzed below in this section were chosen for two reasons. First, they exemplified the general findings regarding the six research questions. Second, they exemplified the range of the quality of argument found in the whole sample: generally problematic, occasionally successful.

### ***‘336 voters opened Bell’s wallet’ (LAT, July 23)***

This article raised two issues. The first was, how did the Bell City Council get to be exempt from state limits on their salaries? The conclusion offered by the reporter was found in the lede:

The highly paid members of the Bell City Council were able to exempt themselves from state salary limits by placing a city charter on the ballot in a little-noticed special election that attracted fewer than 400 voters (1).

There was some awkward wording in this conclusion. The council probably did not look for special elections that were “little-noticed” and then place the charter in one of them, but instead placed the charter in a special election that happened to be little-noticed. But in either case, the reporter concluded that the council exempted itself from salary requirements by passing a city charter on a special election ballot.

What reasons and evidence were offered to support the conclusion that the charter exempted council members from salary requirements? As outlined earlier in this chapter, the evidence presented could be accepted only by also accepting an important descriptive assumption.

If the conclusion to “How did the council exempt themselves from state limits” was “by becoming a charter city,” the second issue raised by the article was: Why did Bell seek to become a charter city? Much of the article was spent addressing this second issue.

The reporter did not explicitly provide a conclusion on the issue, but it could be inferred that his argument was that the council members passed the charter to increase their salaries.<sup>24</sup> This conclusion could be inferred starting with the lede, which directly connected council members “exempt[ing] themselves from state salary limits” and “placing a city charter on the ballot.” The second paragraph said that “since passage of the measure, salaries for council members ... have jumped more than 50%.” Later, the

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24 This was the second instance in as many stories of having to try to find an unstated conclusion to make sense out of the many paragraphs related to, but not part of, the initial claim of a story. More instances followed as more stories were analyzed. The entire exercise evoked comparisons to May’s (1988) argument that reporters largely argue by invited inference. Readers were invited to infer something based on these extra paragraphs that contain important information. It seemed the paragraphs must serve *some* purpose, rather than loiter as isolated nuggets of knowledge, but readers are rarely told what that purpose was. An inference must be made, which made readers’ task of analyzing the journalism that much more difficult.

reporter also claimed that although some council members “insisted that the ballot measure was not motivated by a desire to increase salaries,” they “did not cite any other ways the charter changed how Bell did business” (9).

What basis did the reporter offer for his conclusion? The main reason was just mentioned: that “some city council members” could not name any other way that Bell “changed how [it] did business” as a result of becoming a charter city. But the use of council members’ absent minds was a clear example of the fallacy of Argument from Ignorance. Damer defined this fallacy as:

arguing for the truth (or falsity) of a claim, because there is no evidence or proof to the contrary *or because of the inability or refusal of an opponent to present convincing evidence to the contrary* (p. 146, emphasis added).

As Damer noted, the argument from ignorance shifts the burden of proof away from the person — in this case, the reporter — attempting to convince the reader of something. However, it was particularly important in this story for the burden of proof to remain with the reporter because of the ambiguity contained in the same sentence: what did the reporter mean by the way Bell “did business”?

The reporter actually cited multiple council members offering reasons in support of becoming a charter city. The reporter said that “the move was billed as one that would give the city more local control” (4); he was told by a then-council member that “the way I understood it, we would have better control of governing ourselves” (12). The reporter also paraphrased as the council members’ “argument in favor of [the measure] that the state had taken \$30 million in tax revenues from Bell over the previous 15 years” (24), although it isn’t clear when that argument was made.

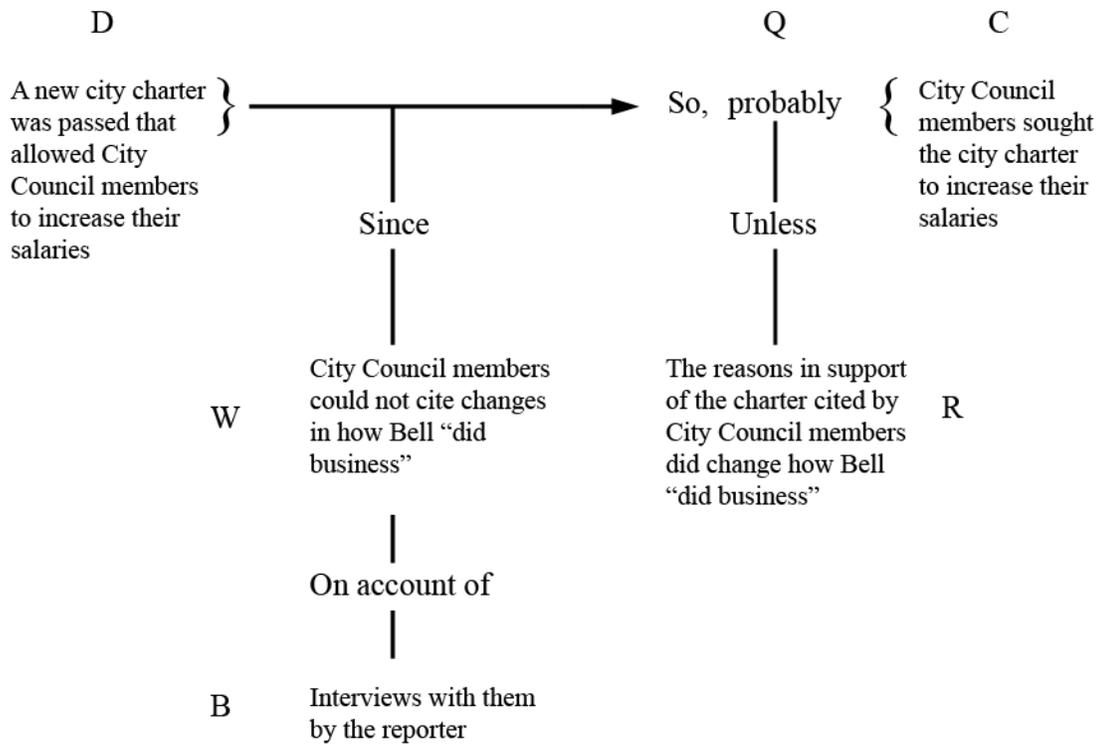


Figure 1: Toulmin model for July 23 LAT story

The reporter’s claim that council members could not state ways in which Bell changed how it “did business” is now in trouble. The phrase was ambiguous, but it seems fair to say that how Bell “did business” could be related to its “independence” or “control” relative to the state, or that it could be related to the amount of tax revenues it didn’t have to send to the state. If the phrase meant either of these things, however, then the reporter’s evidence has been challenged, for council members could indeed cite changes in how Bell “did business” resulting from the adoption of the city charter. Also challenged would be the reporter’s appeal to expert authority in the form of David Demerjian, of the district attorney’s Public Integrity Division, who was quoted as asking, “What explanation is there for why the city becomes a charter city[?]” (11). According to

the reporter's own work, the council in fact had at least two possible explanations — local control and less taxes — which the reporter did not attempt to rebut.

Because these alternative explanations remained in play, it is difficult to allow the reporter to shift the burden of proof to the council to show that salaries did not motivate the switch to charter-city status. The reporter has more work to do first, namely, defeating the counterarguments from the council members. Inside a Toulmin model (Figure 1), these counterarguments would serve as the Rebuttal to the Data that a new charter was passed that allowed city council members to increase their salaries.

But the reporter stated only that “some city council members” could not cite such changes. It could be that those council members were just not the ones he quoted. But this would not assist the reporter. At the very least, it exposes him to charges of being uncharitable to the council members' argument by not focusing on the strongest version of it. The response could also expose the reporter to the fallacy Damer calls Denying the Counterevidence (p. 172). A more charitable approach would have been to ignore the council members who could not cite changes in Bell and instead try to counter those who could.

Another way for the reporter to have approached the story in general might have been to push harder on his second paragraph, which noted that since the ballot measure passed, council member salaries “have jumped more than 50%, from \$61,992 a year to at least to \$96,996.” The obvious issue this statistic raised is, “Why have council member salaries increased?” and the likely conclusion is “for no reason.” Associating the increase in salary with the time since the charter passed would be partially shielded from the Post Hoc fallacy (Damer, p. 160) because the reporter demonstrated that the increase in

salaries could not have happened without Bell becoming a charter city. Additionally, the reporter would have been shielded from the Argument from Ignorance fallacy because he provided evidence to suggest that the boards and commissions responsible for most of the council members' salaries served little purpose: "Board meetings in Bell are supposed to take place during council meetings, although their names seldom appear in council minutes. When the boards held separate meetings, they sometimes lasted a minute" (18–19).<sup>25</sup>

In this story, then, the reporter tried to explain the source of the change that allowed council members' salaries to escalate, and the council's motivation for that change. Each point would be of crucial importance to a citizen in a democracy, and that the reporter alerted readers to questions surrounding the charter switch was undoubtedly valuable. But because of a needless descriptive assumption, along with an important ambiguity and two alarming fallacies, the reporter's own answers to those questions were underwhelming.

### ***'Bell's codes a cash cow' (LAT, December 16)***

The issue tackled in this story, the 15th of 16 submitted to the Pulitzer committee, was probably so familiar to reporters and readers that the reporters felt comfortable waiting until paragraph 12 to mention it:

The program is a prime example of the aggressive efforts that

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25 The lede of the story also hints at a third issue: Why did the charter pass? It's possible to say the story raises this issue because of the headline's and lede's reference to low voter turnout. However, it isn't clear that the reference to low turnout is meant to serve as a reason for any conclusion about why the charter passed — that is, that the charter passed because the election was "little-noticed." If the reporters did mean to link low turnout to the charter's passage, they would also have had to justify their implication that a higher turnout could have led to a different result in the election, and no such justification is given.

officials in one of Los Angeles County's poorest cities were making to raise revenue, some of which was used to help pay the large salaries of top officials.

So the issue was, "What did Bell do to try to increase revenues?" The "program" referred to was one that the reporters tried to show existed through a descriptive argument:

The city of Bell extracted tens of thousands of dollars from plumbers, carpet cleaners, even people scavenging for bottles and cans, by seizing vehicles for alleged code violations and then pressuring the owners to pay arbitrary fines.

In hundreds of cases, city officials created documents that looked like official court papers declaring individuals were making a payment to the city as part of a "civil compromise." Normally, such cases would be reviewed by a judge to ensure that they had been settled fairly. But the vast majority of these cases do not appear to have been presented to a court. (1-2)

The reporters were unusually adventurous in their conclusions: that the city seized vehicles for "alleged code violations," created questionable documents that were then signed by citizens, and, as a result, arbitrarily "extracted tens of thousands of dollars." The reporters didn't even qualify their claims with an "according to" statement. So what evidence did they offer?

The evidence was labeled as "documents" (16) and "records" (2). However, the reporters described the documents and their brethren more clearly than had been seen in previous stories, providing firmer ground on which their claim could stand. For example:

Normally, such cases would be reviewed by a judge to ensure that they had been settled fairly. But the vast majority of these cases do not appear to have been presented to a court. Times reporters reviewed 164 cases, roughly one-third of those located in the city's records, and found only three that were filed. All three were dismissed. (2)

The reporters specified not only the number of cases they reviewed but also provided the additional context of how many cases total they believed the city had. Thirty-three percent of the cases seems like a fair number on which to base a generalization, should the reporters or readers want to say that most of the cases in the city's files exhibited a similar pattern.

The reporters also provided a good amount of detail about the reports:

In each, the person cited for violations signed documents titled "Superior Court of The Southeast/North Judicial District," referring to the courthouse in Huntington Park. Although most of the individuals had been cited for code infractions, the documents stated that they were agreeing to pay a fine to settle a "criminal action."

And while the justification for impounding property was that it was needed as evidence for an investigation, many of the cases reviewed by The Times were settled within hours of the citation, and many of the people cited admitted their violations at the scene. There were no reports showing that any evidence was gathered from the impounded cars. In addition to the fines, the city charged a \$400 release fee and received additional money from the tow yard depending on how long a car had remained there. (17–18)

Additionally, and crucially, the reporters put a copy of one of the settlements online and linked to it in the story. The file showed the fine paid by the citizen, the supposed code violation, and pictures of the van that was impounded.

True, readers would have had to take on the reporters' authority that the remainder of the documents reviewed showed something similar to the online version. Only one "arbitrary" set of fines was listed in the story — two strawberry sellers, one fined \$75 and the other \$200 (8) — and Figure 2 outlines in a Toulmin model how these Data would demonstrate the Claim. The reporters' process of reviewing the cases also

wasn't clear. But the reporters' attempt, anyway, to contextualize and detail these documents gave readers a much stronger reason than had previous stories for accepting that authority.

A second source of evidence came from anecdotes with Bell citizens who said they were victims of the city's code enforcement (9–10, 19–24, 27–31). The reporters did not specify why the three individuals were chosen or how the conversations took place, but they paraphrased each as saying that their vehicles were impounded and that they were fined, in line with the reporters' initial claims. By themselves, of course, the anecdotes were not enough to justify the claims made by the reporters in the story. But fortunately for the reporters the anecdotes combined with the strong documentation to present a fairly convincing story. It also helped the reporters' case that they provided three anecdotes, more than most stories in the series offered.

The reporters on this story, then, presented a generally well-researched and fairly clear argument in support of their claim. But it's worth noting an important ambiguity in the story. Although the statement of the issue referred to a "program" of impounds and fines, and other paragraphs to a "practice" (3, 5), nothing in the statement of the conclusion in the first two paragraphs suggested anything systematic or programmatic took place.

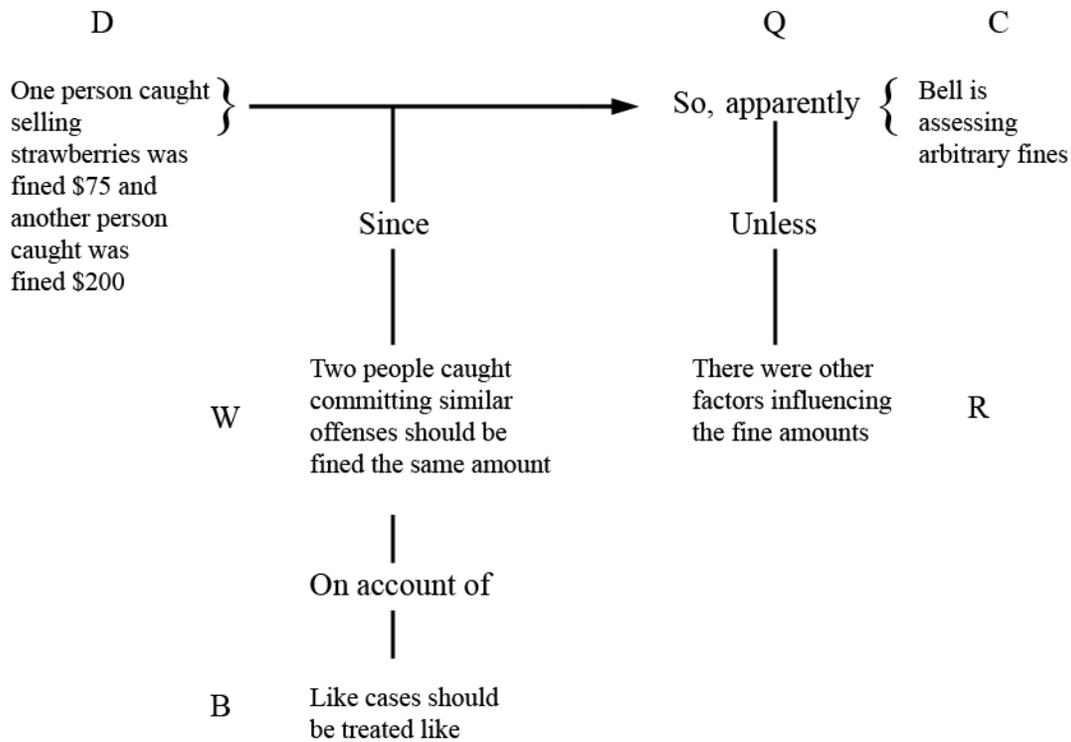


Figure 2: Toulmin model for December 16 LAT story

The conclusion could be reasonably read to say simply that Bell “extracted tens of thousands of dollars” in total from citizens at various times. But perhaps readers are supposed to infer that the “program” meant not just the fines but also the creation of “documents that looked like official court papers.” This second interpretation seems plausible given the reporters’ reference to their review of “more than 450 code-enforcement cases involving civil compromise,” suggesting the fines and suspect documents were meant to be considered jointly. But even that reference seems to suggest something more of a “practice,” something that happened to be done repeatedly, than a “program,” something more formal.

In any case, the harm caused by this ambiguity was not that the reporters couldn't demonstrate what they said about the fines, strictly speaking; rather, the harm was that context of what they described was obscured.

### ***'Weak insurers put millions of Floridians at risk' (H-T, February 28)***

This first story in St. John's series asked a broad question: "Are private insurance companies in Florida equipped to protect homeowners in case of a hurricane?"

She opened with what appeared to be a clear statement of the conclusions she planned to demonstrate:

The Herald-Tribune spent more than a year examining Florida's property insurers, tracing the ownership of more than 70 companies through shell corporations and reviewing the financial filings of each. It found:

- One in three privately insured Florida homeowners relies on insurers that exhibit one or more signs of financial risk.
- More than 100,000 homeowners relied on companies barely capable of paying for house fires, let alone hurricanes. These insurers' reserves come so close to the state's \$4 million minimum requirement that they operate with only a few hundred thousand dollars of their own to pay claims.
- During the 2009 hurricane season, at least 38,000 Florida homes were insured by companies state regulators knew would fail. Homeowners were not told until after hurricane season, when one company was shut down and the other had to sell.
- Lawmakers and regulators have ignored warnings and encouraged private companies to stretch their limited cash further. They have pushed companies to insure more and more homes without increasing the money set aside to pay claims, a practice that put state residents farther out on a limb.

- Larger dangers loom. Despite rising property values, one in three Florida carriers has decreased the cash set aside for storms. (6–11)

St. John provided other conclusions in the story besides the above. For example, her lede stated that “millions of Floridians now bet their homes on property insurers that teeter on the edge of financial failure.” The second section, under the heading “Why upstart insurers dominate in Florida,” was a short argument about that topic. The clarity of the story was harmed, in fact, by the lack of a clear issue statement, leaving readers unsure of how or whether these non-bulleted conclusions were meant to mesh with the neatly listed ones.

This analysis will focus on only the claims in the list, primarily because of the language used to introduce them. It would be disingenuous for St. John to present the list, prefaced by describing her yearlong examination of insurers, and not expect readers to take it seriously. The list screams for a critical examination.

So, starting from the top, what evidence did St. John present to demonstrate that “one in three privately insured Florida homeowners relies on insurers that exhibit one or more signs of financial risk”?

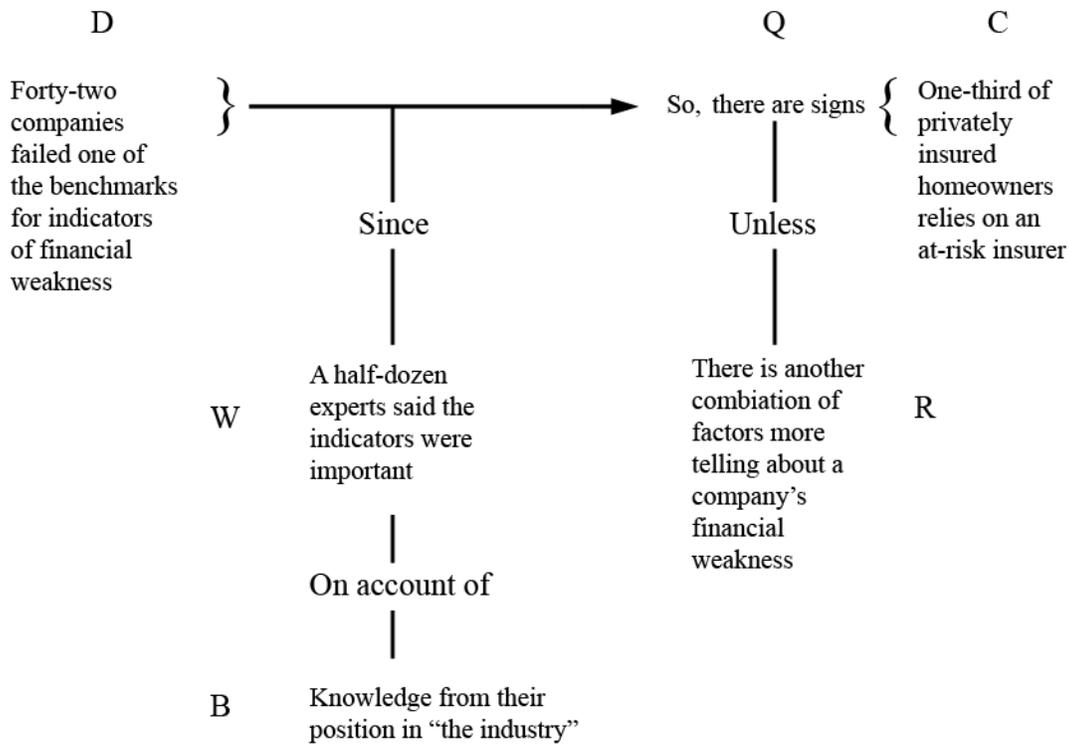


Figure 3: Toulmin model for February 28 H-T story

She was fairly clear in how she defined whether a company was at risk and why she chose that definition. She consulted with “a half-dozen experts” from “the industry” who gave “several important indicators of financial weakness and they provided benchmarks for each” (60–62). She turned to people in insurance, she said, because the state “will not name the companies [‘on the verge of collapse’] or say how many are in trouble” (59). However, she did not specify what records she examined, where she obtained them, or her methodology in examining them.<sup>26</sup>

Reporting the result of her examination, she wrote:

26 To St. John’s immense credit, however, she and the Herald-Tribune compiled an online database of insurers and information about them such as “capital” and “South Florida Risk.” Readers unconvinced or curious about her conclusions can use the database to supplement the information in the stories. As said, however, the potential availability of evidence that would influence the strength of St. John’s written arguments, while important in a larger sense, are not considered in this thesis’s analysis.

The Herald-Tribune found that about 30 companies out of more than 70 reviewed appear fiscally sound. Forty-two failed at least one of the benchmarks.

That means one in three privately insured homes in Florida – some 2 million families – relies upon an at-risk insurer for hurricane protection. (63–64)

Her reasoning, outlined in a Toulmin model in Figure 3, contained two weaknesses that make it difficult for readers to accept.

The first weakness was an unsteady use of terms. Her statement of the conclusion in bullet-point form referred to insurers “that exhibit one or more signs of financial risk.” However, she later said her data “means” that one in three privately insured homes “relies upon an at-risk insurer.”

The latter statement was stronger. It said not that the companies showed a sign of financial risk but that they actually were at risk. It also conflicted with St. John’s statement three paragraphs earlier:

A half-dozen experts consulted by the Herald-Tribune cautioned that no single measure told the strength of an insurer. (61)

Her experts cautioned that “no single measure told the strength of an insurer.” St. John reported that 42 companies failed at least one benchmark, but that only 14 failed two or more (65). So 28 firms of the 42 failed only one benchmark, which, by her previous statement, was not enough to determine “the strength of an insurer” and certainly not enough to show that the insurer was “at-risk.”

So were readers to accept either the stronger or weaker form of St. John’s conclusion, they would be better off accepting the weaker one — which required showing

only what St. John does, that the companies showed signs of financial risk — but they must parse St. John’s flip-flopping prose to get there.

The second weakness concerned St. John’s conclusion that “one in three privately insured homes” relied on (take your pick) an at-risk insurer or one with a sign of failure. There simply were no data offered to indicate the source of the population figure. That 42 of “more than 70 reviewed” companies showed warning flags doesn’t indicate anything about the number of people those companies insured. Presumably she didn’t mean that one-third of insurers showed signs of risk, because even 42 divided by 80 is more than 50%, not one in three, and had she reviewed “more than 80 companies” she probably would have said so. The reader simply must take on her authority that the number of people affected by the “at-risk” companies was what she said.

Moving on to St. John’s second conclusion:

- More than 100,000 homeowners relied on companies barely capable of paying for house fires, let alone hurricanes. These insurers’ reserves come so close to the state’s \$4 million minimum requirement that they operate with only a few hundred thousand dollars of their own to pay claims. (8)

Not enough evidence was presented to support this conclusion, although it came close. Under the heading of “Not enough money to pay off house fires,” St. John discussed the quick rise and fall of an insurance company called Northern Capital Select.

Financial statements and reinsurance contracts show that in 2009 it was operating with barely a \$300,000 cushion above what it needed to meet state solvency requirements – not even enough to cover a handful of house fires. (45)

Assuming that St. John was correct to say that \$300,000 is insufficient to cover house fires, she left out any detail about how she knew that Northern Capital Select

insured more than 100,000 homeowners — a fairly easy fact to include and one that was necessary to demonstrate her claim.

Further in the story St. John discussed the even quicker rise and fall of another insurance company, Magnolia. She did mention that Magnolia was “responsible for the financial security of 100,000 homeowners” by the end of 2008 (98). But throughout her discussion of the financial collapse of the company she never said anything about whether the company’s coffers were falling toward state solvency requirements, as she did with Northern Capital Select, and which she said would put them in house-fires-only territory.

It is certainly possible, even likely, that Northern Capital Select insured more than 100,000 homes or that Magnolia could have covered only “a handful of house fires.” But it was left for readers to assume so. St. John instead omitted simple statements that would have provided the final push in presenting an easily acceptable argument.<sup>27</sup>

Bullet points 3, 4, and 5 can be addressed swiftly: St. John never returned to them. Not a word was said in support of her accusation that “lawmakers and other regulators have ignored warnings,” that “one in three Florida carriers has decreased the cash set aside for storms,” or that “larger dangers loom.”

A person reading her whole series would eventually find that some of these conclusions were addressed more fully in future stories. But no reader of only the first story could know that, especially when the second story in the series, analyzed below, appeared two weeks later.

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<sup>27</sup> Neither Northern Capital Select nor Magnolia were included in the Herald-Tribune’s online insurance company database.

Possibly the most glaring weakness in St. John's story, then, was that it was unclear to readers what she wanted to argue. The problem goes beyond not explicitly stating an issue or conclusion, which happened occasionally in the Los Angeles Times stories. Instead, there were so many of what seem to be conclusions that when they weren't addressed again, readers could be confused as to whether it was they or St. John who missed something.

### ***'How insurers make millions on the side' (H-T, March 14)***

St. John again wrote an extensive story that covered quite a bit of ground. It addressed the issues "How do Florida insurers use affiliated companies to generate profits?" and "Does the arrangement help or hurt consumers?"

The existence and purpose of affiliated companies were not in question in the story. Affiliated companies are companies that run day-to-day business for insurance companies, though they can be found in other sectors, and they are usually owned by the same people who own the insurers. Premiums sent to the insurance firms are often sent on to the affiliates in return for the affiliates' "services." There, the premiums emerge as profit because, as the affiliates aren't formally insurance companies, they're exempt from financial regulations the state of Florida places on the insurance industry.

According to St. John, both regulators and the insurance companies see affiliates as a means of quickly generating profits for insurers that, as startups, have limited revenues. Affiliates thus serve the important function of helping keep a steady amount of insurance available for Floridians when it is not always easy to find after the departure of major insurance firms earlier in the decade.

If the interpretation of the two issues addressed in this story seems broadly drawn, it is. It is broad because this story, like the previous offering, struggled with an opacity of purpose. St. John offered many potential conclusions in her introduction, some of which were eventually addressed and some of which weren't. As with the first article, she sprinkled new conclusions throughout that had a tenuous or unclear relationship to where the article began.

So, for example, the lede contained a descriptive conclusion:

Today, nearly half of Florida's home insurance is provided by companies whose primary profit comes not from insuring homes but from diverting premiums into a host of side ventures.

But no data, or even an explanation of how she got the "half" figure, were presented to back this claim.

Shortly thereafter, she introduced her investigation again:

The Herald-Tribune spent more than a year investigating the Florida insurance industry, including reviewing the financial filings of more than 70 Florida-only companies that now provide nearly three-quarters of the private property insurance in the state.

It found that: (8-9)

Followed by another bulleted list of claims.

Those bulleted claims will be the focus of the examination here, primarily because of, once again, their presentation as a list transitioning into the next section of the article. What's more, the bullet points differed from those in the first article, suggesting that each story meant to cover different conclusions from the investigation.

St. John's first finding read:

- Overhead costs – expenses not related to hurricanes or other disasters – are 50 percent higher in Florida than the

national average. The higher overhead cost Florida homeowners added \$900 million in 2009 alone. (10)

There was evidence presented for this claim. But the evidence suggested that the claim was very poorly written, in the best light, or close to dishonest in the worst. It arrived in the next section:

A yet-unpublished analysis by the Insurance Consumer Advocate, an independent state position created by the Legislature, found that Floridians pay 50 percent more for overhead costs than the national average. (21)

Unless the newspaper conducted an identical study, which St. John did not cite, then clearly the newspaper did not “find” the statistic regarding overhead costs. The state Insurance Consumer Advocate did.

Perhaps all St. John meant to say in her finding was that the investigation found that the Advocate found that overhead costs were high. But that potential meaning did not come across in the actual article. Instead, readers were led to believe the newspaper uncovered the fact by its own elbow grease, as visible most clearly when the three paragraphs are shown together:

The Herald-Tribune spent more than a year investigating the Florida insurance industry, including reviewing the financial filings of more than 70 Florida-only companies that now provide nearly three-quarters of the private property insurance in the state.

It found that:

- Overhead costs – expenses not related to hurricanes or other disasters – are 50 percent higher in Florida than the national average. (8–10)

In any case, the conclusion regarding the state’s high overhead costs was demonstrated, albeit by an argument from authority (details of the report or its

methodology were not revealed). The sketchy wording appeared to be a one-time slip, or perhaps an instance of miscommunication among reporter, copy editors, and news editors. But it was troubling nonetheless. Moreover, the second part of St. John's first bullet point, regarding the additional \$900 million that Florida homeowners supposedly paid, was not substantiated in the story or even cited to the Advocate's report. Readers were not able to tell where the statistic came from, making it difficult to accept.

The second conclusion concerned whether companies "inflated" their overhead costs, where overhead costs referred to the fees that insurers sent to their affiliate companies for managing the insurers' daily affairs:

- In cases where the Herald-Tribune could see both sides of the ledger, the overhead charges were inflated. Of the \$72 million in management fees that Southern Oak paid its affiliate over five years, nearly half – \$35 million – was profit, insurance regulators now say. Three other carriers paid themselves an average 44 percent profit. (11)

There were some data missing that would have helped readers understand this claim. First, "inflated" was undefined, although the surrounding statements seemed to indicate it meant that the insurer simply paid more than what the services cost. Second, readers weren't told how many cases there were in which St. John could "see both sides of the ledger," or exactly what that meant. So readers don't know whether the four carriers mentioned in the paragraph were meant to comprise the only examples of being able to see the ledgers.

St. John discussed three examples of "inflated" overhead charges in greater detail. Her first target was Homeowners Choice, which "paid Homeowners Choice Managers \$24 million (and \$2 million more to others) in 2009 for management services that cost

\$15.4 million” (34). The data appeared to be credited to “financial reports [filed] with the Securities and Exchange Commission,” although it was not clear which documents were used or how they revealed those figures. Her second target was First Home, which was mentioned in one paragraph, and which the state Office of Insurance Regulation had ordered to “return \$1.3 million in management fees” (86). Her third target, in the next paragraph, was Southern Oak, which had recently been

ordered to show why it should not return \$10 million in “excessive profit,” a portion of the \$35 million in profit regulators said the [affiliate company] made off the insurer since its inception in 2004. (87)

These three cases went some way towards demonstrating that some companies inflated their payments to affiliates beyond what the services actually cost. That said, the stronger case would have been to attempt to falsify the conclusion rather than to present examples demonstrating in the end only a generalization. Such a case would have showed that St. John searched for and failed to find a company that did not inflate its costs.

St. John’s third conclusion, that “Some insurers devote so much of their premium to reinsurance and paying related companies they have little left for claims” (12) was not addressed again.

The fourth conclusion received some attention. The conclusion was:

- Insurers have contracted so much of their work to unregulated sister companies that some are essentially shell operations with few employees. Homeowners Choice, for instance, pays one affiliate to negotiate reinsurance contracts and another to manage policies, and buys catastrophe protection from a third. (13)

The second sentence of the paragraph, with data about the roles of Homeowners Choice affiliates but not about the insurer itself, was insufficient to demonstrate the

conclusion, even regarding just Homeowners Choice, let alone “some” companies. Later, St. John reported the result of trying to contact an insurance firm called Hillcrest:

The Herald-Tribune also attempted to reach Smith and his family through their insurance company, without success. There is no Hillcrest office to contact. The company pays the Tower Hill insurance group to run its business.

“We’re what you call a ‘virtual operation,’” said Hillcrest chief finance officer William Thompson, who earns his \$172,000 salary working from Tallahassee. (63–64)

It is unclear how much recounting these efforts helped show her conclusion. Clearly, Hillcrest did contract its work to other companies. But was it a “shell operation[] with few employees”? It was difficult for readers to know — no data on that question were provided. Readers knew it had at least one employee, the CFO. To have him call the operation “virtual” was as ambiguous as it is dispositive: Did Thompson mean that the employees, however many there were, work online or that the company didn’t have much of an existence? The role of this Rebuttal is seen in the Toulmin model for this conclusion in Figure 4. St. John’s conclusion, then, was partially demonstrated, but readers probably would want more data about before accepting it.

The fifth conclusion also received attention, but, again, was plagued by changes in terms.

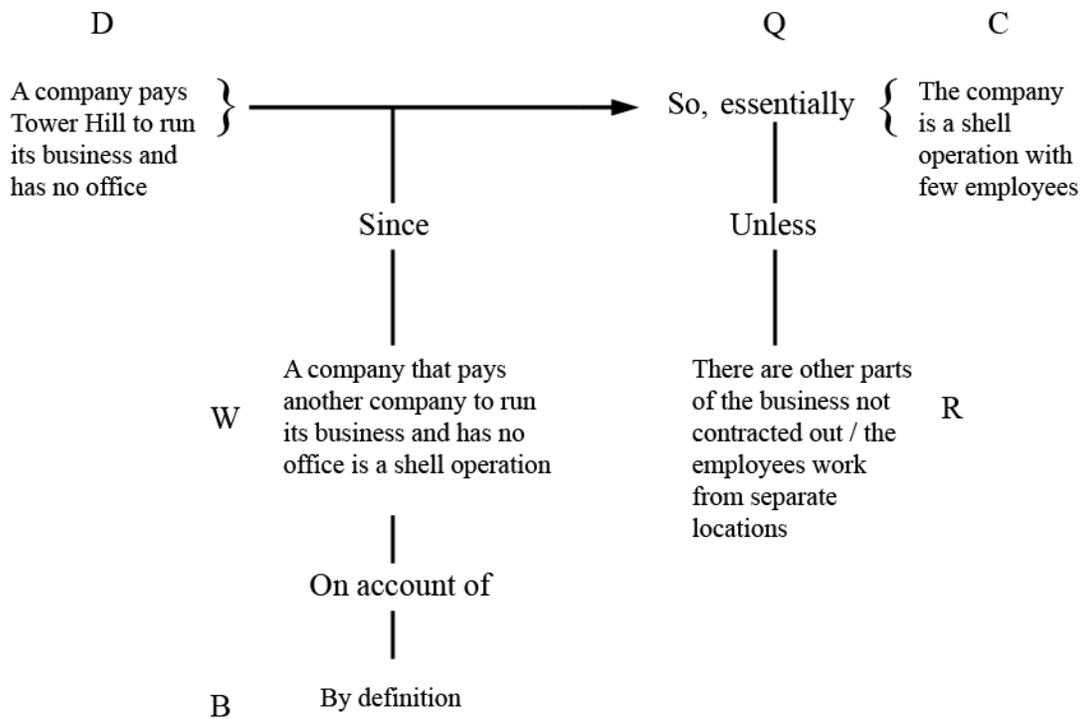


Figure 4: Toulmin model for March 14 H-T story

According to St. John, “Lax state rules encourage executives to pay sister companies as much as possible. The Legislature barred regulators from requiring insurance affiliates to report their finances” (14). There is an unaddressed assumption here about an incentive to move money to where it’s subject to the fewest regulations, but that can be accepted for now. What was more troubling were the reasons St. John used to demonstrate her claim:

Like most states in the mid- 1990s, Florida adopted model laws aimed at regulating how insurers use managing companies called MGAs.

But in Florida, the Legislature added words excluding the most common kind of managing agent in the state, those controlled by the insurance company’s owners.

So there are laws that require managing agents to charge a fair rate and allow regulators to audit their books, and laws that impose penalties for violators.

But those laws do not apply if the insurance company owners form their own MGA and charge themselves for the services. (79–82)

This proved only a weaker version of St. John’s initial claim, which was that regulators were “barred from requiring insurance affiliates to report their finances.” According to her later reporting, only a set of affiliates, albeit the “most common” set, faced “lax state rules.” This dissonance between reasons, evidence, and conclusion could easily have been remedied through an additional word (“*some* sister companies”), but as it stands, readers can’t be sure whether to assume it was a slip-up and accept the weaker conclusion, or to not be able to accept yet the stronger, originally stated conclusion.

Finally, the sixth conclusion:

Even while complaining of losses, Florida insurers from 2006 through 2008 paid \$38 million in bonuses and \$32 million in other perks to 180 of their officers. (15)

was not addressed again. There was no source given for the bonuses data and only one further mention of bonuses in the story, that of “\$525,000” given to one executive “for the past two years” (39). There were no quotations of insurers “complaining of losses.”

## **Review**

This chapter has reviewed the results of an analysis of the reasons, evidence, and conclusions in a total of 28 articles from three Pulitzer Prize-winning series’. The analysis found three common causes of weak argument among the stories: Appeals to

irrelevant authority, particularly in the work of the *Milwaukee Journal Sentinel*; important descriptive assumptions that instill doubt in the strength of a conclusion without any explicit justification; and, perhaps most importantly, a surprising lack of evidence to back many of reporters' claims.

This chapter also provided a full analysis of four stories from the series. These stories highlighted the themes described in the first half of the chapter while also hinting at some other problems found in the stories, such as unclear (or missing) statements of reasons and conclusions. The story-by-story analysis also presented the December 16 *Los Angeles Times* story as an example of an argument excelling.

The next and final chapter, then, presents some additional commentary about the results and concludes with suggestions for further research.

## 5. Discussion and further research

This thesis has attempted to justify and test the application of argumentation and informal logic theories to journalism. Based on a conception of “argument” as an attempt to demonstrate something that is, was, or will be true about the world, this thesis sees much of the work of journalists as arguments capable of evaluation based on the strength of their reasons and evidence in support of a conclusion.

Concepts from argumentation and informal logic were applied to a critical case sample of Pulitzer Prize-winning journalism. As Pulitzer Prizes are generally considered to reward the best American journalism, they should be the source of journalism containing the best of arguments from American journalists. According to the logic of the critical case model, success or blunder in Pulitzer Prize-winning argument provides a basis for inferring the state of argument quality in journalism generally.

Journalism’s theory of democracy assigns journalists an important role: providing information to citizens to use in thinking about issues facing local communities and the wider world. But for people who accept information based on the reasons and evidence accompanying it, this thesis raises serious questions about whether journalism can be relied upon for the information it strives to produce. That is, journalism’s democratic mission cannot be relied on as a guarantor that journalism will be very useful.

That the most prominent feature of the stories studied in this thesis was a lack of evidence was unexpected. Combined with the logic of a critical case sample, it is also alarming.

When a critical-thinking scholar such as Johnson (1988) gently discourages newspaper readers from accepting most reportage about polling at face value, because it omits so much methodological detail, the reaction is a head-nodding “amen,” but also a measure of sympathy. The journalist is probably on deadline, given little space for the story, and working from only a press release. When reading these stories, tools for assessing argument quality are not exactly ignored, but the purpose of using them probably changes. The story could not hope to provide enough evidence to confirm that the poll’s results were “true,” nor is it probably trying to. But it could, at least, alert readers to the existence of new research that might be worth some independent study.<sup>28</sup>

In other words, the most harm that Johnson can cause to our relationship with such day-to-day journalism is probably just to encourage more skimming. If there are weak arguments in these daily stories, they are presumably offset by the value of the stories with more time and effort involved.

By contrast, the reporting studied here is not deadline-driven and is relatively free of space limitations. It is the product of tireless digging, prodding, and questioning that leads to a huge supply of source material to use.

The results were not just any investigative reporting on behalf of the public, but the recipients of the highest honor that American journalism can bestow. The reporters in these stories have had a chance at their best shot, and the profession has confirmed their success. So it is difficult to see why readers’ tools for argument assessment should not be on full-blast when approaching these stories.

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28 However, the high rates of disappointment among scientists regarding the accuracy of day-to-day, “study X concludes Y” reporting about new research (see Pellechia, 1997, p. 50) could justifiably lead to skepticism of journalism’s ability to provide even this “alert system.”

The result of the present attempt at a full-blast analysis creates the alarm. While it's up to readers to decide what kind of reasons and evidence they want to see before accepting a conclusion, they would have pretty good justification to not accept much of what these Pulitzer Prize-winning stories said. Could readers walk away from the *Los Angeles Times* knowing that the Bell City Council sought a city charter to boost its salaries? Could they walk away from the *Sarasota Herald-Tribune* knowing that one-third of privately insured homeowners relies on an at-risk insurer? Could they walk away from the *Milwaukee Journal Sentinel* with excitement about a new era in medicine? In each case and more, readers would have a good case for saying "no."

The logic of the critical case study leads to the conclusion that argumentative blunder is not, then, a characteristic of only hurried, deadline-driven reporting; if it is found in top-quality journalism, it is likely to be found pretty much everywhere. The bind that this conclusion creates is that it nearly defeats the rationale for skimming the day-to-day material. Although, as this thesis found, there are bright spots to be had, in general there is little left to look forward to. And to repeat Hitchcock's (2005) advice: "There is no point in taking bad information into account, still less in devoting time and effort to acquiring it."

So where does all of this leave journalism? Is it worth devoting time and effort to acquire?

It is, admittedly, a little tempting to rebel — to delete one's *New York Times* iPad app, curl up with Thoreau, and never come back. But that would not be justified, at least not by the findings of this thesis. There are too many questions worth pursuing first.<sup>29</sup>

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<sup>29</sup> Rebellion would also entail an assumption that has not been justified here: That the purpose of reading

## Is it really this way?

There is much work to be done to see whether the conclusions drawn in this thesis withstand scrutiny.

To begin, two additional routes of objecting to the validity of this thesis, each with ties to journalism sociology, arose while conducting the analysis.

The first objection aims at the theoretical backing sketched in chapter 2, which argued that journalists intend for their work, especially their investigative work, to provide information with which citizens in democracies can make decisions. In the case of the stories reviewed here, those decisions might be about what to think of public officials in Bell or about how the insurance in Florida should be regulated.

The objection would take the reaction to Johnson (1988) sketched above and advance it further to say that the journalism offered in the *Times* and *Herald-Tribune*, despite its depth, was not meant to contribute to deciding about Bell or insurance. Instead, it too was meant to act as a burglar alarm of sorts, albeit a much more powerful alarm than that provided by the average poll story.<sup>30</sup> The journalism was meant to alert readers to the issues discussed in the stories, but under the assumption that any conclusions readers drew about the issues came from their own research.

The impact of this objection would be to defeat the rationale given in this thesis for applying argumentation and informal logic to the stories. Argumentation and informal logic are designed to help their users decide what to think and do. It would be unfair to

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the news is to learn something beyond the content of “what’s in the news” itself.

<sup>30</sup> See some possible support for this “burglar alarm” notion at the end of the analysis of St. John’s October 24 story, included in the appendix.

the stories to critique them with these tools when the tools would use standards the stories never meant to meet; some other yardstick of “alarm” would have been more appropriate. Sociological research, then, would provide some insight into the ends of the reporters here or in similar situations.

The second objection would challenge the assumption that journalism’s “theory of democracy,” which would have journalists attempting to aid decision-making by the general public, is actually put into practice. This objection would draw on previous research suggesting that journalists shape their writing for an “audience” of political and economic elites, not the general public.

The effect of this objection would be that many the critical comments made in this thesis would need reexamination, in light of needing to consider what sorts of assumptions and prior knowledge about the “audience” the reporters might have made. If the reporters were not trying to explain something foreign to “readers” but instead summarizing, organization, or otherwise synthesizing knowledge already possessed by the target audience of savvy politicos, then the standards for what would have been a “good” argument almost certainly would have changed accordingly. The acceptable warrants, being field-dependent according to Toulmin, might have changed, for example.

Turning to argumentation and informal logic, this thesis chose to not draw extensively from research into fair and charitable reconstructions of arguments (for example, Hitchcock, 1996), but studies into reconstruction of journalistic argument are needed. This need is evidenced primarily by the difficulty faced here in determining what precisely Paige St. John argued in her reporting about the insurance industry. All attempts were made in this thesis to approach her stories fairly, as well as similarly jittery stories

in the *Los Angeles Times*. But a dedicated investigation into the matter, and into journalistic argument generally, would help determine if the negative conclusions drawn about the stories in this thesis attacked legitimate targets. Indeed, part of the justification for argumentation and informal logic at all is the need for tools to assist in understanding and assessing messy, disorganized argumentation.

One potential route of testing the fairness of this analysis would be through the interpretations of ambiguous or suggestive language. As stated, many authorities in the stories reviewed were left unnamed or listed with questionable credentials. Conclusions were hinted at but never explicitly said. These ambiguities might have served simply as “very effective [forms] of propaganda,” as Marlin (1984) put it, or deserved dismissal as an improper “shifting of commitment based on expert opinion” (Walton & Macagno, 2011, p. 31). But following May’s (1988) concept of “invited inferences,” the potential meanings suggested by these ambiguous statements could be examined for other, reasonable interpretations than the ones reached in this thesis.

Kovach and Rosenstiel (2010) attempted to solve the same problem by turning to semiotics, and their attempt was useful in the context of their book. At the same time, they lacked theoretical rigor. Additional research on how journalists attempt to draw conclusions, and how denotation and connotation might mask those conclusions, might also be fruitful.

Research into the principle of charity — interpreting an argument in its best possible light before critiquing it (for example, Scriven, 1976) — could present fascinating insights into how much effort an analyst (or a reader) should put into trying to figure out what a reporter is concluding. For instance, such research could examine what

is known about journalistic routines to allow for more accurate assumptions about what journalists would or would not want to say in their stories. It could also investigate the assumptions about readers' knowledge or beliefs that reporters incorporate into their stories but leave unstated (assumptions that are changing with the development of online metrics — see Anderson, 2011a).

It is also possible that this thesis has not attended enough to how statements made by reporters in stories interrelate to support conclusions. The need for greater insight into reconstructing journalists' arguments also implicates the need for greater understanding of how the arguments work through argumentation theory, such as through various approaches to the structure of argumentation (see Henkemans, 2000).

Indeed, the field of journalism seems ripe for the full weight of argumentation theory to be dropped on it, but without attempting to use argumentation and informal logic simultaneously, as this thesis has. Two reasons suggest a potentially fruitful future for research into argumentation and journalism.

First, although Toulmin's models were useful in this thesis for providing definition to the arguments under study, the depth of Toulmanian studies and their potential application to journalism was hardly explored. A good starting place might be with Toulmin's notion that the force of arguments is field-dependent, particularly in when certain warrants are more acceptable. Future research could examine what sorts of warrants are uniquely acceptable in journalism. Another direction might be to challenge whether Toulmin's models really are all that useful to fairly complex journalistic argument. Is it possible to fit the arguments into the relatively simple model while remaining fair to journalists?

Second, many of the topics in argumentation included in the literature review helped clarify the development of ideas in informal logic, but were not themselves major parts of this thesis's analysis. One option would be for arguments by journalists to receive the quantification given to arguments from others delivered through journalism, such as candidates in political debates (Brossmann and Canary, 1990).

There is also still room to challenge the relevance of argumentation to journalism in the first place. When Ripley (2008) sought to demonstrate that advertising could be considered an argument for the purposes of the field, she slotted her sample advertisement into theories of not just Toulmin but Aristotle, Johnson and Blair, van Eemeren and Grootendorst, and others, a feat that this thesis has not accomplished.

Yet another method for testing the validity of the conclusions reached here is to note that this thesis, despite frequently painting with the broad brush of "journalism," has focused on only the text articles that were part of the Pulitzer Prize-winning series. But journalism, including that of the series' under study here, encompasses photos, videos, illustrations, and mixtures of everything online. Even faults found consistently in text journalism should not lead to a rejection of the profession's whole output. For that matter, faults found in one *kind* of text journalism, that of newspapers, should not impugn other text journalism, such as magazines.

Moreover, the techniques from argumentation and informal logic used to evaluate text journalism might not apply cleanly to journalism in other media. Television remains a dominant news source for Americans; evaluations of it (for example, Buss and Hofstetter, 1997) are perhaps a higher priority for researchers interested in journalism's contribution to democracy than would be further testing on text journalism. Journalists

are also continually experimenting online with new formats that present challenges for the evaluative tools in use here. It is unclear, for example, how to use Toulmin models with journalism produced as a music video (Garber, 2011), or whether to even try understanding such journalism as argument or as something else.

Finally, a comment about fallacies. Although fallacies did not play as large a role in this thesis as was anticipated, they are a core part of analyses using informal logic and critical thinking. For consistency, this thesis leaned on Damer's set of fallacies, but, as said, many such sets exist, each with their own standards for when reasoning is fallacious. The exercise of this thesis should be repeated with these different definitions to see how contentious the labeling (or non-labeling) in this thesis of any "fallacies" might have been.

Additionally, definitions of fallaciousness change over time. One fallacy particularly vulnerable to shifts in meaning is what Damer called Appeals to Irrelevant Authority, which this thesis cited frequently against the journalism under study. But who and what qualifies as expertise experiences shifts in the long-term. What does someone have to do these days to become an expert? What qualifies someone as an expert in the eyes of readers of journalism?

These questions are important because they affect whether the reporters whose stories were studied here, particularly those from the *Journal Sentinel*, could or would be considered "experts." But the questions are important also because some journalists are gaining reputations online as experts in topics through their use of new technology.

Perhaps the most prominent recent example is that of NPR's Andy Carvin. By interacting with his followers on Twitter and "curating" Tweets from around the world

about the Arab Spring, Carvin became a “one-man Twitter news bureau” with “essentially the readership of a small newspaper,” including people with political clout, such as America’s ambassador to the United Nations (Farhi, 2011). Carvin’s specialty can be called journalism, but unlike the research of the reporters at the *Journal Sentinel*, the source of his working knowledge is practically impossible to quantify, and certainly not the product of only his mind. So using informal logic to measure Carvin’s qualifications as an expert probably would require a different set of questions than the ones asked here. And Carvin himself is part of a push, starting in the 2000s, to use the internet to draw on knowledge and expertise from readers (see Gillmor, 2004, p. xxv, for one of the early statements), which has extended to Twitter (Ingram, 2011b).

### **Why is it this way? What can be done?**

Assuming for the moment that the findings of this thesis hold some water, perhaps the preferable route is not to run from journalism but to recognize and try to tap its potential.

This search can begin by attempting to figure out why journalistic arguments turn out the way they do. To be sure, journalists are not typically trained in universities or in newsrooms to think in reasons, evidence, and conclusions, at least not in the way this thesis envisions them. Nor, importantly, are the copy editors, web producers, and desk editors whose decisions play an important role in creating news stories. Sociological research can ask: In what way, if at all, do journalists perceive themselves as giving reasons and evidence towards conclusions, and how does their answer affect their

journalistic output? Do traditional newspaper reporters and online-savvy journalists differ in their perception? Would either group be willing to change their minds?

The views of journalists toward seeing their work as argument could be studied in the manner of Ettema and Glasser (1998). They examined how journalists structured their stories to draw moral conclusions while maintaining the self-perception that they do not draw moral conclusions. In the same way, the differences between journalists' self-perception about their own descriptive conclusions and their actual stories might be worth another in-depth, ethnographic study. Newsrooms themselves, too, are in need of additional study to see whether their routines or the training of other staff besides reporters contributes to the kind of arguments eventually consumed by audiences.

Sociological research can also provide further insights into epistemological and “argument (0)”-type questions (Hample, 1985). Specifically, given that many of the stories found wanting in this thesis were that way because of half-baked offerings of evidence, Hample's concern for the cognitive processes of storing and retrieving information used in arguments is relevant to the study of journalistic argument in at least two ways.

First, how do journalists keep and retrieve information, not just mentally but otherwise, and how do they choose to use it in articles? Why do they post it (or not post it) online? Second, how do journalists answer the “argument (0)” question of when an argument is “ready” for distribution? It is possible that the writers and editors who produced the stories under study here felt perfectly comfortable with the amount of evidence the stories included. The journalists might have felt that they presented sufficient evidence for a persuasive argument. Obviously, this thesis would challenge that

position. The next step might be for both sides to examine more deeply what they consider “evidence” and, reaching back to Toulmin, whether the warrants in play are field-dependent, with the “fields” being something like “journalism” and “informal logic.”

If much of the evidence missing from the stories was sitting in reporters’ notes or desk drawers and, at least from the informal logic perspective, could have made their arguments more persuasive, then further research could investigate why the reporters left the evidence behind and whether they might be persuaded to include it. This concern is similar to that of Mindich (1998), who examined journalists’ “naive empiricism,” but differs in that it is as concerned with the evidence omitted from stories as with the evidence included. Did the evidence not included in stories still help persuade journalists to reach the conclusions they published, and if so, why did they feel that evidence need not be part of their stories?

These questions investigate why the problems exist, but can they be fixed?

One would like to think that there is reason for optimism given journalists’ usual preference for “facts.” They might be more persuaded if they were shown the research by Rugar (2006) suggesting that, often, only minor edits are required to patch up holes in stories. There is also some positive influence beginning to permeate into journalism from the computer science community, as evidenced by a recent budding “show your work” movement among online journalists (Thompson, 2011).

That said, it is fanciful to hope the Toulmin model might one day replace the inverted pyramid as the diagram of choice for journalists. After all, trend stories survive despite Jack Shafer’s best “bogus trend story” efforts. But there are small steps that can

be promoted to encourage adoption of ideas from argumentation and informal logic into everyday journalism.

First, joking aside, a strength of the Toulmin model is its way of forcing the mind to pick one claim and trace its backing, warrant, data, and potential rebuttals. Such mental exercises might come in handy for journalists who, as was seen in this study, struggled to keep their storylines straight. Introducing the model into the field might bring some needed focus to their stories.

Second, the critical questions from Browne and Keeley (2004) might provide a good set of questions for editors to ask of their reporters and for reporters to ask of themselves. This is not to suggest that skill in asking and answering the questions comes naturally, but as with the Toulmin model, the questions provide a useful way to focus the mind. A reporter asking “Are there rival causes?” before releasing an article might have avoided some of the problems found in the *Los Angeles Times* story about the motivation behind Bell’s city charter. Similarly, reporters determining what the issue and conclusion of a story are before writing might add clarity to their work.

Third, every opportunity the internet provides for publishing supplementary materials should be explored. The default setting should be to post the documents reporters relied on for their stories to their websites; ideally, a service such as Document Cloud could be used to annotate stories to direct readers to exactly where the information for a particular claim came from. Additionally, uncertainty about whether reporters omitted information unfavorable to their conclusions from their stories could be relieved by posting transcripts or audio from their interviews online. The problems faced by the *Milwaukee Journal Sentinel* in establishing its reporters’ authority could have been

reduced had they posted full lists of the experts they spoke with and publications they read.

## **Lives well lived**

This study began by noting an interest in determining how to best spend the time we have (and even briefer time with the good fortune of having full use of our faculties). For those seeking to strengthen and question their thinking through the study of arguments, the question remains: Is a life that includes journalism well lived?

The question, of course, requires the work of more than journalists, argumentation theorists, or philosophers. But, despite what was written in the introduction, this thesis will have accomplished a small goal if it inspired some thinking on the matter.

## Appendix: Story analyses

The text of these stories was downloaded from [pulitzer.org/awards/2011](http://pulitzer.org/awards/2011). The three stories from the Milwaukee Journal Sentinel (“A baffling illness,” “Sifting through the DNA haystack,” “Embracing a risk”) were also downloaded from the Pulitzer website; their full analysis is in chapter four. The stories from the *Times* and *Herald-Tribune* that were analyzed individually in chapter four are not included below.

### Los Angeles Times

#### ***‘Is a city manager worth \$800,000?’ (July 15)***

The issue presented by the initial story in the *Times* series appeared to be clear from the headline: “Is a city manager worth \$800,000?” Or, more broadly, “what should city managers be paid?”

The trouble with interpreting the issue this way was that the article never offered a conclusion addressing either form of the question. Nor did the article attempt to formulate ways in which the question could be answered.

However, the journalists could have begun answering the question in several ways. For example, they could have outlined what the responsibilities of a city manager were, or what the salaries of comparable jobs in the private sector were, or what Bell residents thought they should pay for the services of a city manager. It would have been

important for the reporters to clarify how they meant to calculate the worth of a city manager, because different criteria could lead them to different answers.

Explicitly clarifying their criteria would also have changed the impact of some statements made by city officials quoted in the story. For example, the mayor of Bell was quoted as arguing that the city manager was responsible for Bell being “one of the best [cities] in the area,” and that under Robert Rizzo, the current manager, the city improved its finances, cleaned up the streets, and beautified the parks (7–8). If it were the case that the city manager’s effect on the city were a criterion for determining the manager’s pay, then the mayor’s testimony would potentially have helped justify the salary of at least Rizzo, barring any rebuttals offered by the reporters (of which there were none).

Still, rather than offer a conclusion related to the issue presented in the headline,<sup>31</sup> that of what city managers deserve, the story tacitly pivoted to a second issue: “Do top officials in Bell deserve their current salaries?” But here, again, the reporters did not provide a conclusion related to that question. Without even a basic understanding of how one could decide what city officials should be paid and why, as noted above, little of the information about Bell provided in the story was very useful to readers at the outset.

The best readers could do was infer from the story that the reporters were highly skeptical of the claim that the officials were worth the money. This inference could be drawn from various aspects of the story, including the use of loaded language to describe

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31 To be sure, copy editors and web producers, not reporters, usually write headlines. So it could be argued in response that because the reporters probably did not write the headline, we could not expect their story to necessarily address the issue it raised; we should instead evaluate the conclusion in their initial paragraphs.

This critique would protect the reporters to an extent. It would not particularly help readers, though, who would still be left confused about the message of what they read and then additionally confused about whom to blame. Also, even granting the critique, the reporters were still on the hook for ensuring the conclusions offered in their lede paragraphs were substantiated, which will be addressed shortly.

the officials' raises ("Top officials have routinely received hefty annual raises" (3)), discussion of the possible illegality of the salaries (14), and from quoting Rizzo as being "unapologetic" about and "defend[ing] his salary and that of his staff" (26).

What reasons and evidence did the reporters use to show that the officials were not worth the money?

They offered three reasons for skepticism. The first reason was that the salaries were among the highest in the nation. The second reason was that an expert in city governments was not aware of any comparable salaries among city officials. The third reason was that the salaries were higher than those for officials in other nearby cities.

The first reason for thinking that the Bell officials did not deserve their salaries was contained in the lede: "Bell, one of the poorest cities in Los Angeles County, pays its top officials some of the highest salaries in the nation ... according to documents reviewed by The Times" (1). The lede contained two main factual statements: That the salaries were actually what the *Times* said they were, and that the salaries were among "some of the nation's highest."

The evidence for the first statement, that the salaries really were what the *Times* claimed, came from the on-the-record confirmation of them by Rizzo, Bell Mayor Oscar Hernandez (7), and Bell Assistant City Manager Angela Spaccia (2), and that seemed sufficient.

The second statement, that the salaries were among the nation's highest, relied for evidence on "documents reviewed by The Times." However, the reader was never told what those documents were or their source.<sup>32</sup> Because readers didn't know what

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32 Paragraph 3 referenced "documents obtained under the California Public Records Act," but it was

documents the reporters reviewed, they also didn't know how the documents supported the conclusion — for example, were they documents about compensation or documents comparing salaries nationwide?

Paragraph 2 attempted to support the claim by noting that the salary of the Bell Police Chief, Randy Adams, was higher than those of the Los Angeles police chief, Los Angeles County sheriff, and New York City police commissioner. Taking for granted that this was true, the comparison still did not educate readers to the overall ranking of the police chief's salary. It confirmed only that Adams's salary was higher than some other police chiefs', not that it was among the highest of all police chiefs.

If readers accepted the descriptive assumption that, usually, pay for police chiefs (or any city official) should be positively correlated with the city's population or geographic size, then the comparison did give them some reason to think that the salaries of Adams and other Bell officials were overkill. But the reader was given no basis to accept that descriptive assumption.

Even were some basis for the assumption given, the assumption could still be challenged as simplistic given the possible bases listed above on which city officials' pay might be structured — the job description or what residents feel comfortable paying — as well as other possible, reasonable ways to calculate that salary, such as merit or, as discussed above, work product.<sup>33</sup>

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unspecified whether those were the same documents referred to in paragraph 1. Even so, it was unclear why those documents would comment on the salaries of public officials nationwide.

33 The reporters actually hinted at another basis for determining the acceptability of city officials' salaries: the law. If nothing else, readers probably could have said that an answer to "What should they be paid?" is that the pay should be legal. But the reporters quoted a member of the Los Angeles County District Attorney's office saying that the pay *was* legal, so that approach wouldn't have helped justify their conclusion.

Yet, should the journalists still find a way to convince readers that pay for city officials be based on population or size, the evidence presented by the journalists could be used equally powerfully to argue that the officials in Los Angeles and New York were simply *underpaid*, not that Bell officials are overpaid.

Additional comparisons among officials' salaries came in paragraph 13, which provided the second reason to think that the Bell officials were too high. In paragraph 13, Rizzo's salary was noted as higher than city officials in Manhattan Beach, "a far wealthier city with about 7,000 fewer people," and Long Beach, "with a population close to 500,000" (13).<sup>34</sup> The objections to paragraph 2 largely applied here (did readers then know that Rizzo had a nationally-high salary? Were the other officials underpaid?) but, additionally, the reporters themselves were now unclear on the basis they felt salaries should be measured — would the salary have been acceptable if Bell were richer? What if Bell were more populous?<sup>35</sup>

The third reason offered for thinking the Bell salaries were too high came in appeals to expert authority in paragraph 13:

Experts in city government said they were amazed at the salaries the city pays, particularly Rizzo's. "I have not heard anything close to that number in terms of compensation of salary," said Dave Mora, West Coast regional director of the International City/County Management Assn., and a retired city manager.

Mora was the only "expert" quoted or even mentioned in the story. So readers had no way to judge whether the appeals to "experts in city government" were reasonable,

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34 Paragraph 13 also compared Rizzo's salary to that of the Los Angeles County Chief Executive, but this comparison immediately raised questions of a faulty comparison, given that "county chief executive" and "city manager" are different positions for which readers were given no basis to compare salaries.

35 Another way of casting doubt on the comparison with other officials would have been to call them examples of the is-ought fallacy: just because other city officials did have lower salaries than those in Bell need not mean they ought to have had those salaries.

because nothing was said of the number or qualifications of any experts the reporters talked to.

That said, was Mora's expert testimony sufficient for the reader to accept that the Bell salaries were among the nation's highest? The testimony did go some way toward justifying that claim. Readers were told that Mora had a position — with the International City/County Management Association — that sounded like it could be one with special access to knowledge about nationwide city official salaries. But readers needed to assume that Mora himself had such access based on his title. What is a “regional director” and what do they do? No other information about his responsibilities with the association were given. Nor was any reason given to think that having been a city manager would have given him special knowledge in this domain.

Finally, there was one important ambiguity in the story, that of the shorthand “top officials.” The salaries of only the city manager, assistant city manager, and police chief (and, in an aside, the city council) were discussed in the story. The most charitable interpretation of “top officials” would limit itself to those three. However, one could conceive of many potential “top officials,” such as the aforementioned mayor, whose salary was not discussed. If the definition of “top officials” expanded, though, then the evidence in the story would not support the claim that “Bell ... pays its top officials some of the highest salaries in the nation” but only that it paid those three officials some of the highest salaries.

The initial story in the *Los Angeles Times* series, then, gave readers little to accept. It asked a question that it did not attempt to answer or even define how it could be

answered. Readers were left to infer from the reporters a possible answer and possible criteria for that answer, none of which were well-supported.

By not attempting to answer how city manager, or public official, salaries should be calculated, the story's hints that salaries in Bell were too high were also left vulnerable to the counterarguments offered by the mayor and other officials: Rizzo and his staff deserved what they were paid, and you could see the proof by looking out the window.

Readers did not receive any argument about whether the effects of Rizzo's work in Bell should have defined his salary. But if they should have, the reporters would have had much ground to reclaim in arguing that the Bell officials were overpaid.

### *An important aside*

None of the above critique is meant to deny that there was something intuitively wrong about the city manager of tiny Bell, California receiving a higher salary than the President of the United States. For all the apparent flaws in their arguments, the reporters triggered the recoil associated with that intuition, and for that their work deserved praise and attention. But at the same time, when the weak arguments were stripped from their story, all that appears to remain is the journalistic equivalent of a doctor tapping our knee — or, perhaps, a burglar alarm. Was that worthy of the Pulitzer Prize?

### ***'Bell's money flowed uphill' (July 27)***

The headline to this story didn't clue the reader to the issue to be addressed. The story began by describing budget reductions:

At the same time that top Bell officials were receiving some of the fattest municipal salaries in the nation, the city cut spending on police, social services, and parks and recreation, according to

interviews and records reviewed by The Times. (1)

Paragraph 4 linked the reductions to a larger concern: “The cuts underscore questions about how Bell handled its finances in recent years.” So the issue the story addressed was, “How have Bell’s finances been handled in recent years?” The reporters drew three conclusions.

The first conclusion was the descriptive one in the lede: Bell reduced spending in some departments at the same time its officials were highly paid.

The claim that “top Bell officials were receiving some of the fattest municipal salaries in the nation” raised the same difficulties it did in the first story in the series: the ambiguity of “top officials” and the as-yet unknown national rank of the Bell salaries. The present story didn’t add any backing for the claim, but it could be taken as true at least *arguendo*.

What evidence was presented to show that the city cut spending in the categories the reporters listed? The evidence was strong. The reporters clearly cited “Bell’s Comprehensive Financial Report for fiscal year 2009” as showing that “community services, including social services and recreation programs, were cut by 21%, or \$593,438, while public safety took a 3.7% hit, or \$228,888. Police training was whacked by 58%” (6–7).

The reporters’ second conclusion, also a descriptive conclusion, was found in paragraph 9: “The report provides a less rosy picture of Bell’s finances than the one city officials have offered in recent weeks.” What support was given to readers for this second conclusion?

To start, readers needed to know the “picture of Bell’s finances” painted by city officials that the reporters challenged. The paint came from a few places in the story.

Back in paragraph 4, “city officials” were paraphrased as saying the city “avoid[ed] many of the cuts and financial problems surrounding cities have faced amid the recession” (paraphrased as part of their defense of “Rizzo’s high salary”). In paragraph 10, Bell Mayor Oscar Hernandez (again, also defending Rizzo) said the city had “15 years of balanced budgets” and had become a “model of financial prudence.” In paragraph 11, Rizzo was paraphrased as saying “no full-time employees had been laid off and that there were no furloughs,” and “Hernandez, Rizzo and Councilman Luis Artiga boasted about the city’s services, parks and sound financial footing.”

Next, readers needed to know what in the report was “less rosy” than what the city officials were quoted or described as saying. The story, however, cited the report only in the paragraph referenced above, detailing reductions in community service and public safety spending. Was that citation enough to demonstrate that “the report provides a less rosy picture of Bell’s finances than the one city officials have offered”? Hardly.

The city officials did not boast of, or at least were not quoted as boasting of, a lucrative budget or flush coffers. They were quoted only as crediting Bell with “balanced budgets” and “financial prudence.” It seemed, then, that the possibility of spending cuts like those the report described, especially in a recession, was accounted for in what Bell officials told the reporters.

If the reporters still wanted to say the report said “less rosy” things than the officials, they would have to ask readers to accept a prescriptive assumption that balancing budgets should never include spending cuts. To be sure, readers could have

accepted that prescriptive assumptions but the reporters, at least, provided no reason for them to do so.

The city officials also claimed that Bell had “avoid[ed] many of the cuts ... surrounding cities have faced amid the recession.” That claim was not the same as “Bell avoided cuts during the recession,” which *would* have been a rosier claim than the report bore out. But officials said only that the cuts were not as bad as they could have been, which was not disproved by merely showing that Bell faced cuts.

To try to disprove it, the reporters could have, at a minimum, compared Bell’s spending reductions to those of the “surrounding cities.” This request seems reasonable in light of the *Times*’s July 15 story, where reporters compared the salaries of Rizzo and others to their counterparts. That story indicated that comparison was a tool in the reporters’ argumentative kit.

Finally, Bell officials also said the city avoided other “financial problems” faced by surrounding cities. “Financial problems” was not clearly defined by the reporters. But one way the term could be defined is an unbalanced budget or a budget deficit. Under those definitions, the reporters would have had more work to do in demonstrating that the officials were rosier than the report, because, as the reporters noted, “Bell has a balanced budget” (9).

The reporters’ third conclusion was in the sentence just quoted: “While Bell has a balanced budget, it has also faced significant belt-tightening” (9). In other words, the conclusion was “Bell has faced significant belt-tightening.”

This conclusion contained two important ambiguities. The first ambiguity was “significant,” which is a relative term for which no scale was given (and it was the lack of

scale that was problematic, not the use of the ambiguous but lively term “significant”). That is, “significant on what scale?”

The second ambiguity was in the paragraph as a whole, which read:

The report provides a less rosy picture of Bell’s finances than the one city officials have offered in recent weeks. While Bell has a balanced budget, it has also faced significant belt-tightening.

It wasn’t clear whether the reporters’ justification for claiming “significant belt-tightening” could be found in the report or in the other parts of their story as well. But the strongest possible reconstruction of the argument would have come from incorporating evidence throughout the story, and so that is what will happen here.

Evidence for the claim that Bell had significantly tightened its belt came from three places. The first place was, again, the report, which described spending reductions. The reductions certainly qualified as “belt-tightening.” But “*significant* belt-tightening”? Who knows? It was almost as if readers were encouraged to fill in whatever definition of “significant” they would conjure and assume that those were the changes Bell made. Again, a comparison with other cities or a definition of some scale of “significance” would have facilitated acceptance of the conclusion.

The second location of evidence was a description from Gilbert Jara of the Bell Police Officers Association. Jara was paraphrased as saying that “the cuts included layoffs of some non-sworn employees, and have had other ill effects.”

“Every year we are supposed to update our training,” Jara said. “It has now gotten down to where they give us a CD to watch and say, ‘OK, that’s your training.’ We watch a CD for three or four hours and that’s it.”

Officers are supposed to get quarterly firing-range training but “are lucky to get there once a year,” he said. Many of the

department's 24 authorized positions are left perennially unfilled, he said, and officers drive patrol cars "with like 200,000 miles on them." (12-14)

The trouble with accepting this evidence as dispositive was the same trouble as the with report's evidence: belt-tightening, yes. Significant? Could be. Again, a comparison or scale would have helped.<sup>36</sup>

Context would have also strengthened the third source of evidence, which was anecdotes of three Bell workers who were laid off around the time described by the financial report. The frustration of these laid-off workers was authentic and well-captured. Again, they show that Bell tightened its belt. But as sad as their stories were, they simply did not show any "significant" trends, and to assume they did would exemplify the fallacy of Insufficient Sample (Damer, p. 142).

In short, then, the reporters convincingly juxtaposed the salaries received by Bell officials with reductions in the city's spending on public services. But they did not provide enough counterevidence or context to show that the officials didn't effectively respond to the city's budgetary needs or that the city's spending reductions had significantly affected the city.

It could be argued, though, that the above is not a fully accurate representation of the reporters' argument. The reporters flirted with concluding that the Bell's finances had been handled poorly (or perhaps unfairly) because Rizzo, Police Chief Randy Adams, and Assistant City Manager Angela Spaccia, who had by then resigned, earned big

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<sup>36</sup> There was another bit of trouble with accepting this evidence in that the reporters describe "the cuts" as having other "ill effects," including poor training opportunities and unfilled positions. But the wording of the claims — that jobs were left "perennially unfilled" and that cars have "like 200,000 miles on them" — indicated that these were longtime problems. As such, it was not clear that they could support any conclusions about Bell's finances in "recent years," but rather about longtime problems with Bell's management. But, overall, this complaint is not so weighty.

salaries while the city cut budgets. There is reason to think the reporters tried to make this argument by their frequent references to their salaries, often in comparison to other city spending (2, 5, 8, 16), their describing officials as “defending” the salaries (4, 10), and their juxtaposing the salaries with tales of layoffs and cuts (2, 5).

It was true that were some of Rizzo’s, Adams’s, and Spaccia’s salaries garnished they could have made up for the cuts to services the reporters quote from the financial report. But there was distance between this and a larger argument about what the salaries meant about the handling of Bell’s finances. Numerous questions would need answering that the reporters did not — would Rizzo say that he would have done his job poorly with less money? Did Adams in fact “turn around a department riddled with problems” as the reporters say he was supposed to? (5)

Because the reporters did not discuss these questions, which would have gone to questioning the propriety of the salaries in direct relationship to the cuts and budget-balancing, it seemed unfair to try to critique these hints as an actual argument.

### ***‘Bell property tax burden second highest in county’ (July 30)***

The second paragraph of this story described the import of the fact described in the headline (and repeated in the lede):

The records appear to confirm complaints by Bell residents who have expressed outrage that they seemed to be paying excessive taxes at the same time the city was paying its top administrator nearly \$800,000 and council members were paying themselves nearly \$100,000.

From this paragraph there were at least two ways to describe the issue the reporters addressed in the story. The first, broader version of the issue was, “Have Bell

citizens been taxed fairly?” The second version of the issue was, “Have Bell citizens been taxed fairly given that city officials earned high salaries at the same time?”

In other words, it was not clear whether the reporters meant to link the importance of the city’s tax burden with administrators’ salaries. How should readers have proceeded?

First, was there an obvious reason to think that whether property taxes were “excessive,” however that ambiguous term was defined, depended on the salaries of city officials? Only, it seems, if the property tax burden would be lower were the salaries lower. Did the story provide any reason to think this would be the case? Its answer was wobbly.

The question did not come up again in the story until the reporters cited the special election passage of the city charter, which “allowed [City Council] members to get around state limits on their salaries.” But the following sentence continued, “It is unclear what bearing, if any, that had on raising property taxes” (15). So the reporters did not present any evidence to this point to suggest a link between tax rates and administrator pay.

Then, in the next paragraph, they wrote:

Revenue from the tax increases went to designated funds or services and did not directly pay for administrators’ salaries. But by freeing money from the city’s general fund, the higher taxes appear to have made the outsized salaries more feasible for the small city. (16)

Now the reporters claimed that there was a link, or at least that there was more likely to be a link. But they did not pursue any further whether the higher taxes “made the outsized salaries more feasible.”

So again, although the reporters did not appear willing to totally disavow a tie between whether taxes were “excessive” and the salaries of city officials, they did not offer much on which to stake that claim (perhaps understandably — it would be a complex argument to make).

The more charitable approach to the story, then, would have been to conceive of the issue as the broader “Have Bell citizens been taxed fairly?”, and the reporters’ conclusion as “No. Bell citizens are excessively taxed.”

The sentence this conclusion came from was that quoted above: “The records appear to confirm complaints by Bell residents who have expressed outrage that they seemed to be paying excessive taxes...” (2). But it was not clear what “confirm complaints by Bell residents” means.

The reporters probably did not mean to simply confirm that Bell residents did, in fact, have complaints. It seems most consonant with what followed in the story to say that the reporters meant that the complaints were “justified,” or at least had merit. Again for the sake of charity, this analysis will proceed under the weaker version of the claim — not that the residents were confirmed to have excessive tax rates but that they had legitimate gripes about them.

But, in a sense, it was almost irrelevant whether the stronger or weaker version of the claim was analyzed. In both cases, the evidence for the claim was the same: a comparison of property tax rates in Bell and other, nearby “affluent” cities, as well as with average county rates (5, 8).

According to the records cited by the reporters, the county tax average was 1.16 percent, while the rate in Bell was 1.55 percent. The rate in Malibu was 1.10 percent, and

Bell's rate was said to be "nearly 50% greater than those in such affluent enclaves as Beverly Hills, Palos Verdes Estates and Manhattan Beach, and significantly higher than just about everywhere else in the county" (8).

Were these differences enough to show that Bell citizens had a legitimate gripe about their taxes? Only with some descriptive assumptions that the reporters did not address.

For one, the detailed comparisons of Bell to "affluent enclaves" forced readers to assume that that property tax rates should be positively related to citizen wealth. No support for that assumption was given, but the support was needed for readers to rule out other possible justifications for a property tax rate, such as paying for improvements to the city or fulfilling previous commitments (both of which would have qualified in Bell, as will be discussed). Even were readers to grant this assumption, comparing Bell to richer cities would have just raised the question of whether Bell's taxes would be acceptable were the richer cities to raise their tax rates (this is the same problem found in the comparison of salaries in the July 15 story).

But granting the assumption that tax rates and citizen wealth should be positively related, *and* granting the assumption that Bell's rates would be unacceptable no matter the rates of richer cities, would not have entirely solve the problem. It could be the case that the affluent cities raise their taxes to a more appropriate level, under the positive-relationship assumption, but that Bell still taxes too highly relative to other cities with similar levels of citizen wealth. To know whether Bell citizens were excessively taxed, readers would heave needed to know what the tax rates are for similar cities, for, as has been discussed, to say simply that Bell's rates are "significantly" higher was problematic.

How far away were Bell's rates, really, from the no. 3 or no. 4 cities on the list? How far away were Bell's rates from cities of similar wealth?

The difficulty, then, with accepting the evidence presented by the reporters was twofold even if readers accept their assumption that taxes and citizen wealth should positively relate: First, the comparisons to wealthier cities could lead readers to conclude only that the wealthier cities are undertaxed. Second, regardless of what happens to the wealthier cities, the reporters provided little evidence to indicate that Bell citizens are excessively taxed relative to cities of similar wealth.

In the second half of the story, the reporters presented and tackled a second issue: "Why are Bell's taxes the way they are?"

The reporters concluded that the rate is based on a "combination of factors ... among them, bond debt for municipal improvements such as a sports complex now under construction and a 'retirement tax' approved by local voters in 1944 that put property owners on the hook for some of the cost of municipal employees' pensions" (13). It seemed almost trivially true to say that the tax rate comes from a "combination of factors," but the reporters helpfully and clearly described reasons why the taxes in Bell were the way they were. For example, the reporters cited, as quoted, measures the City Council passed that increased taxes to pay for pensions (passed by voters in 1944) (13, 18) and a planned sports complex (which "voters approved several years ago") (20).

Incidentally, the goodwill the reporters built with their well-argued conclusion on this issue was nearly squandered with a flagrant instance of the Argument by Innuendo fallacy. Arguments by Innuendo are defined as "directing another person toward a

particular, usually derogatory, conclusion by a skillful choice of words that implicitly *suggests* but does not *assert* that conclusion” (Damer, p. 113, emphasis his).

The paragraph in question has been quoted:

In 2005, Bell voters approved a measure that adopted a City Charter, a move that allowed council members to get around state limits on their salaries. It is unclear what bearing, if any, that had on raising property taxes. (15)

As Damer might say, the “straightforward” claim here is simply that the reporters don’t know whether the measure passed in the special election affected property taxes — fair enough.

But it was difficult to read the paragraph and not conclude that the reporters wanted readers to think that the special election and property taxes are related, seeing as they inserted the paragraph in the middle of several other, well-sourced paragraphs tracing the growth of Bell’s taxes. Nor did the reporters elect to cast the sentence in a less accusatory way, such as “But there is no known evidence suggesting that the measure affected property taxes,” which would have admitted the absence of evidence currently while maintaining the possibility that some might turn up. Or, of course, they could have omitted the line altogether.

Instead, readers were left with a textbook instance of the fallacy, “in the impression created that some veiled claim is true, although no evidence is presented to support such a view ... The power of suggestion is used in this way to compensate or the lack of evidence” (Damer, p. 113).

The fallacy aside, however, in this story a particularly relevant claim was made on behalf of citizens: that they had a legitimate grievance against their government over

taxes (is there any grievance so salient in American democracy?). Unfortunately, the reporters in this story poorly backed their claims, which would have been a disappointment for readers who hoped to use the story to help them determine their reactions to the ongoing scandal. However, the article did provide important information about the history of their current state of taxes for Bell citizens to come up with some conclusions about it.

### ***'Big benefits boosted Bell official's take' (August 8)***

The headline on this story hinted at the major issue it addressed: What was the true value of Robert Rizzo's compensation package, taking into account not just his salary but also benefits? (Or, "How much was Rizzo really paid?")

The conclusion was a plain and descriptive one: "\$1,540,299.96" (9). The evidence for this conclusion was the *Times's* review of "city records requested ... under the California Public Records Act."

Because the nature of the documents was not described in the story, and the documents themselves were not quoted, readers were more or less forced to take the truth of the reporters' math on the reporters' authority.<sup>37</sup> Whether to do so in this case would be up to the reader. But the reporters described the records in some detail, which lent credence to their argument. For example, although they noted that the documents said Rizzo received "107 vacation days and 36 sick days a year," they also acknowledged that the documents "don't specifically say he would be paid for each of these days" (10).

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<sup>37</sup> Paragraph 3 referenced "documents obtained under the California Public Records Act," but it was unspecified whether those were the same documents referred to in paragraph 1. Even so, it was unclear why those documents would comment on the salaries of public officials nationwide.

Granting that the reporters had a fairly strong case regarding the nature of Rizzo's compensation, they did their position a disservice with their paraphrase of James Casso, then Bell's interim city attorney: "Casso said city officials were still trying to understand the compensation agreement" (10).

The sentence immediately seemed strange. The *Times* reporters apparently had no trouble understanding the agreement, or at least were confident enough in their understanding to make claims about it.<sup>[^hedge2]</sup> Was there some sort of difference between the reporters and Casso that allowed the reporters to understand the documents for their purposes, but that wouldn't have helped Casso? (One is reminded of Toulmin's field-dependency thesis.) Why didn't the *Times* share its analysis with the attorney and report the response? (Or did they share it?) Were the methodologies different? And so on.

These questions are meant to say that whatever claim to expert authority about the compensation agreement that the reporters might have had, based on their study of the documents, was weakened by their inclusion of a more cautious statement by someone almost certainly familiar with such documents and what they said. Including the statement by Casso was undoubtedly helpful to readers because it alerted them that the reporters' understanding of the compensation agreement was not canonical.

In fairness to the reporters, Casso was quoted as saying that "It appears Rizzo was getting an inordinate amount of hours of vacation and sick benefits and being paid for it" (4). But the situation was still a head-scratcher; it might have led readers to wonder why the reporters didn't put forward a slightly weaker conclusion in the first place.

The story also approached a second issue: How did Rizzo's compensation package compare to those of other city managers?

Admittedly, it gets tiresome to continue analyzing these sorts of issues — trying to establish that Rizzo and co were paid unusually highly. Once again, the reporters’ diligence led them to statistics that hit readers like a hook to the jaw. \$1.5 million? Any half-awake reader would likely have known that such salaries were unheard of in this context. Must we continue?

And yet, in this story the reporters practically begged the reader to approach their second issue with a critical eye. They even used the word “evidence” for the first time in conjunction with one of their conclusions: “There is evidence Rizzo’s deal was exorbitant” (15).

So, onward. What evidence did the reporters have to show that Rizzo’s total compensation was “exorbitant”? There were two sources of evidence to support the claim. The first came from comparisons to two other city managers and the changes in total compensation their benefits created:

For example, the total compensation of Arcadia’s city manager went from \$220,000 to \$272,000 when benefits and deferred compensation were added, according to city records. In Redondo Beach, the city manager’s total compensation went from \$211,000 to \$254,000 when benefits were added, according to city records. (16)

But nothing further was said about why these two cities were indicative of anything beyond themselves, as it were. Why were Arcadia and Redondo Beach appropriate places to compare with Bell? Something about their population size? The city managers’ responsibilities or length of service? Without any additional context or reason

to think the situations analogous, these comparisons were practically meaningless. They certainly didn't assist readers in confirming that Rizzo's salary was exorbitant.<sup>38</sup>

The other form of evidence was an appeal to expert testimony in the returning form of Dave Mora. The same qualifications were presented: "West Coast regional director of the International City/County Management Assn. and a retired city manager" (6). Did those positions put Mora in a position to have special knowledge about the relative lucriveness of Rizzo's compensation? It's difficult to say, but that in itself casted doubt on the appeal of the expert. Readers still knew little about his position as "West Coast regional director" or what it entailed.

Having been a city manager did lend weight to his claim that the deal "is extraordinary, it is outlandish and in absolutely no way represents' normal compensation for city managers" (4). But it is still fair to ask: When was he a city manager? Where? It seems possible that, for example, norms for compensation packages have changed since his time in office. Readers simply lacked enough information to decide with much certainty whether Mora had the background required to make the claim.

In sum, readers of this story could walk away from it fairly confident that they had been accurately told about the way something — Rizzo's earnings — used to be. The attempts to also place those earnings into a larger context were more troublesome, however. Readers more forgiving toward the use of expert sources might be more willing than others readers to accept the conclusion presented in the second issue, owing as it did to questionable authority and a weak use of analogy.

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38 The question of whether the city managers in Arcadia and Redondo Beach are simply under-compensated also returns.

## ***'Bell told to reduce property taxes' (August 14)***

This was an event-driven story, and so the first, and primary, issued addressed was: What happened Friday?

The reporters' conclusion was that the state controller, John Chiang, "said" that the city of Bell "illegally raised its property taxes in 2007 and must immediately give up \$2.9 million it has collected since then" (1).

The evidence presented to support this seemingly straightforward claim was reminiscent of what Rupar (2006) called "unexplained." In her research, she distinguished between "explained" and "unexplained" forms of newsgathering:

All articles that clearly described the input of sources behind their stories were categorised as articles that "explained" the news-gathering process (such as "the Prime Minister said yesterday at a press conference in the Beehive that..."). Articles that only stated an opinion or gave quotes without indicating how the news was assembled were categorised as "unexplained" (example: "The Prime Minister thinks..."). (p. 130)

The reporters in this story provided no information to show how they know Chiang "said" anything, let alone that he said what he was paraphrased as saying. Readers probably could have intuited, as Rupar did in her study, that, probably, Chiang "said" nothing but issued a press release to the same effect and dispatched a press officer to discuss it (Rupar, 2006, p. 132). Chiang himself was never quoted, although his spokesperson was quoted several times making comments that would logically follow from the order that Chiang was said to have given (for example, "Taxpayers should not have had to pay that money" (3)).

In short, there was really no evidence presented to support the reporters' claim. And yet, the structure and presentation of the claim looked perfectly normal to a regular

reader of journalism. To take this story, observe its lack of evidence, and exit without accepting the truth of the claim would leave that reader seemingly unable to accept a great many claims made in daily journalism. Meanwhile, experience suggests that most of these daily claims are wholly, or substantially, true.

The conclusion of what Chiang “ordered,” then, might be easily taken as true, perhaps on the basis of the reporters’ authority. That argument would go: These reporters were experts on what public officials say; whatever the reporters said an official did was what happened; therefore this happened. The reason for thinking the reporters were such experts was that in the past their pronouncements about public officials turned out to be true, and so readers should have expected the current one to be true, too. Once the claim was accepted, of course, the use of the spokesperson or anyone else in the story to show a conclusion would cease to be circular.

It was difficult to determine whether the reporters meant to also address a second issue in their story. After presenting the claim by Chiang they jumped to several topics, including details about the tax in question, the reactions to the ruling by citizens, and the ongoing salary scandal. But in all of these topics there was not usually a clear statement of a conclusion to guide the discussion.

The closest to a claim the reporters made is that the finding by Chiang “appears to confirm longstanding complains from Bell property owners that they were being overtaxed” (4). There were a few ways to conceive of the issue that that conclusion would have attempted to address, but the fairest conception probably was, “Were Bell citizens overtaxed?”

This statement of the issue and conclusion left some important ambiguities unaddressed, including “overtaxed relative to what?” and “overtaxed in what time period?” That said, the interpretation was the most charitable because it was the one the reporters most clearly justified. By filling in the “relative to” ambiguity with “the law” and the “in what time” ambiguity with “after 2008,” readers could easily conclude that “yes, Bell citizens were overtaxed.”

Compare this approach to the issue with one that added citizen opinions to the issue, such as “were Bell citizens correct that they were overtaxed?” To interpret this second conception of the issue as that of the reporters’ would have put the reporters on the hook for showing that citizens in Bell actually had “longstanding complaints that they were overtaxed,” and that the citizens would have answered the “overtaxed relative to what?” question in just such a way that the reporters could correctly say that Chiang had “confirmed” the citizens’ beliefs.

But only one citizen was quoted saying anything to the effect that Bell citizens had tax complaints. Ali Saleh was quoted as saying, “This proves all the complaining we have done about the high taxes is true” (9). Saleh’s quote itself was, sadly, not easily interpreted — did he mean “justified” for “true”? Nor did it show that any complaints were “longstanding” or referred to the law.

### ***‘Rizzo’s horse had come in’ (August 22)***

This article was a behemoth by the standards of the series to date, spanning almost 3,000 words and covering several related issues. Once again, the focus was on the disgraced Robert Rizzo.

The first issue addressed was descriptive: “What is Rizzo’s personality?” The reporters indicated that this was the issue they wanted to address in paragraph 5, where they say that Rizzo’s “devotion to the pari-mutuel game helps bring into focus the man they say they came to know.” And throughout the first section of the story, the reporters discussed different aspects of Rizzo’s conduct at work and with colleagues.

The “conclusion” the reporters reached on this issue was really a series of conclusions, each primarily elicited from the testimony of different eyewitnesses. So the reporters have carefully distinguished their conclusion from a stronger form that it might have been read as: not that Rizzo definitely acted in a certain way, but that some people understood him to be that way.<sup>39</sup>

Often, readers facing these conclusions about Rizzo’s personality could have accepted them only as arguments from authority. For example, one conclusion drawn about Rizzo was that he became known to people as a “calculating risk-taker” (5). But no further word was said about who thought so, or why, or how many people expressed this opinion.

Readers obviously could assume that the reporters did actually talk with people. But there was no way for readers to judge whether “people say” Rizzo was a certain way independently of the journalists saying so. Readers would have been able to make that judgment if they were presented with, for example, quotations from people describing Rizzo’s risk-taking (it would have seemed a good time for the journalists to loose an anecdote from their quiver).

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39 There is an exception to this general hedging by the reporters, to be discussed.

A similar presentation accompanied the conclusion that “some former and current Bell officials and business leaders ... say [Rizzo] increasingly displayed the manner and habits of a high-rolling horse player, with a weakness for Cadillacs, expensive cigars and alcohol” (8). The only evidence associated with this conclusion was a quote from the Bell Chamber of Commerce of President: “I always thought he was living beyond his means the last two or three years. ... All of a sudden, this was a person I didn’t know” (9).

Without trying to put too fine a point on the matter, by definition “some” means “more than one.” So quoting one business leader to support the claim that “some former and current Bell officials and business leaders” didn’t strictly cut it. Once again, no additional support was given in the story — for example, another quotation or a citation of “X interviews” — and so readers needed to take it on the reporters’ authority, again under the reasonable assumption that the reporters did talk to people, that some business and political leaders thought that way.

The remaining conclusions drawn about Rizzo’s personality fell into the same pattern: Conclusions acceptable only on an argument from authority because insufficient evidence accompanied them:

Over time, by providing large salaries and other perquisites to his allies, Rizzo gambled that his huge paydays would never come under harsh scrutiny, said people who have worked with him. (12)

The “people who have worked with” Rizzo were not listed or quoted, and the point was not discussed again.

Short and rotund, the 56-year-old Rizzo took to quoting tough-guy lines from “The Sopranos,” and tolerated no challenges to his expanding authority at City Hall, Bell insiders say.

Only one “insider” was quoted — Victor Bello, a former councilor — and by the time of the interview he might have been more appropriately called an outsider. Bella “told of quarreling with Rizzo over [a previously mentioned business deal] and other matters before stepping down last year” (23). Readers might have questioned the use of someone who obviously clashed with Rizzo, and might be disproportionately likely to find him despotic, as an authoritative, “insider” source someone who obviously clashed with Rizzo. Readers must assume the reporters talked to at least one other insider who said what was described before accepting the description as accurate.

The reporters offered another conclusion, albeit a less important one, in their transition from Rizzo’s horse-training interests to his personality in Bell. The conclusion was that an understanding of Rizzo’s equine activities “brings into focus” the person who the coworkers interviewed by the reporters described. Yet the “devotion to the pari-mutuel game” that the reporters demonstrated is far from the kind of devotion that one would expect characterizes a “calculating risk-taker.”

In fact, the reporters summarized the description of Rizzo by people “acquainted with him through racing” as “a friendly and unassuming man who cherishes his horses more than he does the modest purses they win” (25) — which nearly, though not necessarily, contradicted the reporters’ previous characterization of Rizzo as “devot[ed]” to betting on horses (5). Some acquaintances might have seen “the manner and habits of a high-rolling horse player” in him, but according to the reporters, he neglected to display those tendencies at the track. “Track officials and trainers said Rizzo has generally bought relatively inexpensive horses” (70).

The issue in play during the second main part of the article, which attempted to trace “Rizzo’s journey to the genteel Washington countryside” (40), was extremely difficult to glean.

In the simplest form, the section simply described Rizzo’s work history prior to moving to Bell in 1993. But the section was often more complicated. It included quotes and accusations about Rizzo’s demeanor, his attraction to power and his willingness to wield it. It described his efforts to improve the cities he worked for. It also described the controversies surrounding his departure from the job he held before Bell, then some of his first steps after Bell hired him. So the issues involved in the section were more intricate than “where Rizzo worked and when.”

But for the range of old laundry aired — in some cases still reeking — and all the personal traits asserted, readers must have eventually concluded that no conclusion was offered. There was simply no main message, or even set of messages, about the way the world was, to be drawn from the section, except those presented as assertions or tautologies. The only issue relevant to the reporters’ mentioning that “some of [Rizzo’s] underlings [when he worked in Rancho Cucamonga] remember him as intimidating and standoffish” (41) was that some former colleagues found him standoffish. In theory, each of these claims about Rizzo could be taken as mini-issues with conclusion (issue: What was Rizzo like in Rancho Cucamonga? Conclusion: Some people found him standoffish; Reason: They said so). But this would give too much weight to what were essentially isolated assertions.

## ***'Rizzo loaned Bell's money to firms' (September 1)***

This article investigated loans of Bell funds, apparently given by Rizzo to city businesses. The story closely tied its reporting on the specifics of the loans themselves with claims about their propriety.

The reporters spent comparatively little time establishing the existence of the loans compared to the time spent establishing why the loans were unusual. However, there were just enough claims about both topics to divide the story into two issues, although, admittedly, the distinction is fine.

Issue 1 was descriptive: "What was the process by which the two Bell businesses received the loans?" Issue 2 was prescriptive: "Should the loans have been given?"

First, what evidence did the reporters have for what they said about the details of the loans? Information about the first loan, to a car dealer, was sourced with "documents" (1), "court records" (7), "loan documents" and a "promissory note" (21), and "the lawsuit Bell later filed against [the dealer]" (22). This seemed sufficient, although with the exceptions of the lawsuit and promissory note none of the "documents" were described as anything much beyond "documents," requiring the reader to assume the documents referenced are appropriate for the task they were employed for.

There were fewer details offered about the second loan, to "the Steelworkers Old Timers Foundation, a senior citizens group run by George Cole, who was on the Bell City Council then." The reporters wrote that "It is unclear whether the \$72,000 loan was repaid" (4) and later that little is known about the loan" (23). Nothing more about the source of the reporters' knowledge was said, so readers need to once again assume the "documents" described what the reporters said they did (readers might wonder, for

example, what document showed that the loan existed but apparently said nothing else about it). Even a brief description of the "documents," as was given regarding the auto loan, might have helped clear this confusion.

With an understanding in place of where the reporters' knowledge about the loans came from, what conclusions did they draw about how the businesses came into the loans?

The reporters provided a quartet of conclusions about the loans: that they were given "without public discussion, approval from the City Council or collateral to back the loans" (1) and "with no statement of economic benefit to the city" (3).

What evidence did the reporters offer in support of their conclusions? Readers probably should grant some lenience in general when searching for any. The reporters faced an uphill battle on each conclusion, given that each involved proving a negative — "no public discussion" and the like.

Proving negatives is difficult, but readers could detect degrees of grounding available to them for each claim. Toward the "stronger" end of the spectrum would be the reporters' evidence for the conclusion that the loan to the car dealer wasn't approved by the council:

A review by The Times found no mention in council or redevelopment agency minutes or agendas of the May 2008 loan to Sopp [the auto dealer].

Council members Teresa Jacobo and George Mirabal and then-council member Cole said in interviews that they didn't remember approving the loan to Sopp. (14–15)

The reporters were clear in the “records” they searched and provided additional support for their claim with testimony from people who were in a position to know whether the council addressed the loan.

A similarly strong citation was available to support some of the reporters’ conclusion about the loan to the Steelworkers Old Timers Foundation. The claim that there had been no “public discussion” regarding the loan was justified by referencing a search of specific documents, namely “agendas and minutes” (although readers must assume that the definition of “public discussion” is “discussion in public council meetings”) (27). The claim that the council had not approved the loan was supported by paraphrasing Jamie Casso, then Bell’s interim city attorney, as saying he had been “unable to find council approval of the [loan] in a preliminary look through Bell’s files” (26).

Generic references to various “documents” comprised the weaker end of the spectrum of evidence. The reporters’ remaining claims about the loans — that there was no collateral or economic benefit statement — relied solely on these references.

The reporters also claimed that one characteristic of the loans, that they were made without a statement of economic benefit to the city, was “highly unusual” (3). This part of the conclusion about the loans had even less than support than “documents”; it had none. Readers would have had to take the reporters on their authority that such moves were unusual. Readers might have wondered why the assertion was not addressed in paragraph 19, where the reporters noted:

Giving a loan to a car dealer is not unusual for cities, particularly during the recession. Both Victorville and Norco, for example, have approved aid to dealers in recent years.

That seems an optimal time to have cited the economic benefit statements included with those loans, to drive home the point that its absence was “unusual.” That the reporters did not cite such a statement does not disprove the claim that economic statements are commonplace, but it could reasonably cause some second-guessing about the reporters’ accuracy.

The phrasing of the second issue, “should the loans have been given?”, is broad. But the breadth of the statement is useful because it covers the two kinds of reasons the reporters used to suggest that the loans were improper.

One kind of reason was moral; the other was legal. Both reasons were covered by the broad appeal to expert opinion in paragraph 5: “Several experts said the secret loans violated basic tenets of municipal government and appeared to violate Bell’s charter.” So the conclusion was that the loans were improper because they were contrary to practices of good government, and because they were probably illegal.

However, of the “several experts” cited, only one was quoted: “veteran municipal lawyer Michael G. Colantuano.” Said he: “This is a complete breakdown of checks and balances. ... It’s plainly illegal” (6). (Presumably, the first half of the statement goes toward the loans breaking practices of good government, and the second half toward the violation of Bell’s charter.) No additional credentials for Colantuano were given and no other of the “several experts” cited were mentioned.

The other evidence cited in favor of both conclusions was quotes from Casso. He was cited in favor of the illegality thesis when he said he “could find no” council resolution granting Rizzo the unilateral power to give the loans; Rizzo’s attorney was quoted one paragraph previously claiming the existence of such a resolution. Casso was

also paraphrased as saying that “giving the city administrator such sweeping powers would have violated the City Charter” (11), which is plainly illegal. Additionally, Casso was quoted as saying that “a loan of almost any kind to almost anyone of city money is so extraordinary that I can’t understand why it was not taken to the council” (12), which furthers the claim that the actions violated tenets of good government.<sup>40</sup>

Casso obviously would have been in a position to have special access to knowledge about city business and the actions of the council, so his word carried significant weight. However, as his reference to the council as “my client” betrayed (18), Casso was also an attorney working on behalf of the council, which by this point was essentially the same as working in opposition to Rizzo. His expert testimony was somewhat bound, then. Readers have to wonder why the *Times* did not just conduct its own review of the resolutions passed by the city if it wanted to demonstrate a particular point, as it did regarding whether the council had approved the auto loan.

Both issues addressed in this story, then, rely more on arguments from authority than had occurred in previous articles, to mixed effect. Those arguments would have been stronger had more experts been quoted or listed, or had the reporters relied on experts with duller axes to grind. But those weaknesses were not quite as glaring as those regarding conclusions that were left without any supporting evidence.

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<sup>40</sup> Perhaps inadvertently, this quote also forced the reader to assume that a loan to a car dealership falls into the “almost” exceptions of “almost any kind to almost anyone.” Otherwise, the reporting in the story that other cities’ loaning money “is not unusual” would contradict Casso’s claim, which in turn would weaken the reporters’ claim that Rizzo violated tenets of good government.

### ***'Bell assessed illegal sewer fees' (September 3)***

This story was one of the more straightforward of the series — one issue, one conclusion — but also one of the more difficult for readers to accept.

The issue and conclusion were given in the lede:

The city of Bell assessed property owners for sewer fees without getting required voter approval, according to the state controller's office. (1)

So the issue was, "What is the controller's office's view of the legality of Bell's sewer fees?" (This construction of the issue is better than the broader interpretation of "Are Bell's sewer fees legal?" because the reporters draw from and discuss only the controller's views.) The conclusion was that "the office concluded that Bell illegally assessed sewer fees by not 'getting required voter approval'."

The reporters relied on "a letter to the city obtained by The Times," attributed to Controller John Chiang, to justify their conclusion about the views. The reporters first paraphrased the letter as saying that "Bell property owners overpaid \$621,737 in fees that were illegally increased in 2007" (2).

The reporters then quoted the letter directly:

Bell officials initially were "in full agreement with our finding," Chiang wrote. But they later "suggested that the property tax levy in question may not have required a vote of property owners" and requested more time to research it.

"I urge you to quickly complete your review so that, if the increased levy was indeed an unallowable assessment, the City of Bell will have sufficient time to reduce the assessment for FY 2010–11," he wrote, referring to tax bills due in November. (5–6)

Returning to paraphrasing, the reporters wrote that Chiang's letter said Bell would have to prove to the controller that the levy did not require voter approval if the city

concluded so, and that “nothing in the documents from Bell so far would justify the increase” (9).

It quickly became clear that the reporters faced a fairly serious evidence problem. They concluded that the controller’s office believed the sewer fee to be illegal. Their evidence for this claim was the controller’s letter.

But the controller’s letter did not reject Bell’s argument that the rate increase might have not required voter approval, and hence would not have been illegal. The most that could be said was that the controller had not yet seen any evidence that would have demonstrated that the increase was legal. Were the reporters to rely on this statement to justify their conclusion that the controller considered the fees illegal, it would have represented the fallacy of argument from ignorance — arguing that something is true based on an absence of evidence to the contrary.

The controller had not said the tax was illegal, which was the message of the headline and lede. The reporters’ paraphrase of the letter as discussing “fees that were illegally increased” (2) was outweighed by the direct quotation of the controller that “*if* the increased levy was indeed an unallowable assessment, the City of Bell will have...” (6, emphasis added). “If,” not “because.” So the controller did not appear to be certain — yet — that the fees were illegally raised.

In short, the reporters did readers who wanted to learn what was true about the world, especially the controller, a disservice. The reporters appear to have overstated the seriousness of the controller’s letter in both headline and lede.

Alternatively, the controller's letter might have contained the contradiction entailed in the reporting. In that case, it would have been useful for the reporters to clarify.

### ***'Bell impounded cars to boost coffers, police say' (September 6)***

This story addressed two issues concerning an increase in car towing and impounds by Bell's police department. All sides agreed that in the handful of years before the reporter's investigation, Bell police attempted to enforce traffic laws more strenuously. The issues the reporter faced, then, were: "Why did Bell try to impound more cars?" and "What was the effect of the increase in impounds on the community?"

First, why did Bell try to impound more cars? The reporter's conclusion was offered in paragraphs 1 and 2:

As city administrators' salaries were rocketing upward in Bell and council members' stipends were among the highest in the state, the city went on an aggressive push to increase municipal revenue by impounding cars in the city, police officers say.

Officers in this poor, largely immigrant community were pushed to have more cars towed and, at one point, were given what some patrol officers said amounted to a daily quota. Several officers said they were reprimanded when they failed to find cars to tow and were warned that City Hall jobs could be at risk if impounds did not accelerate.

So the conclusion was that the city tried to impound more cars to "increase municipal revenue." The reporter also offered a bit of evidence in the lede by citing the existence of statements of police officers, seemingly in support of the conclusion.

What other evidence did the reporter offer to support the claim that the city increased impounds so that it could increase revenue?

A few paragraphs in, she outlined how much money impounds bring to Bell and what the city expected to “make” from fees for releasing cars. She did not offer the financial details as explicit support for her claim, but in the interest of charity, if the details did provide evidence for it then they should be noted.

The financial data, however, did not show an “aggressive push” to increase revenue. If anything, they suggested a failed push: “In the last fiscal year, the city expected to make more than \$770,000 from release fees, which would amount to between 2,000 and 2,500 impounds per year. The previous year, the department made more than \$834,000” (6) — or a year-on-year decrease in revenue. But more importantly, as the reporter showed, the fees Bell received varied by the type of offense and the number of days the car remained impounded (7, 9). So showing only a revenue amount would not necessarily imply an increase or decrease in the number of cars impounded, which would have more convincingly showed that the city had “aggressively” pushed for more impounds.

Additional possible evidence came from quoting (occasionally paraphrasing) officers who said they were continually pressured to impound more cars (4, 16, 18, 19, 21). But again, these quotes confirmed only what all sides acknowledged: That the city attempted to impound more cars. What was at issue was *why* the increase happened, and none of the quotes spoke to its motivation.

The seemingly most direct piece of evidence supporting the conclusion was a reference to James Corcoran,

a former Bell police officer who has filed a wrongful-dismissal suit against the city, [who] complained to city leaders in 2009 that the department was towing cars to generate revenue. The

majority of vehicles that were seized were not a danger to the community, he said. (23)

The reporter said that Corcoran told “city leaders” in 2009 that the impounds were meant to increase revenue, not seize cars endangering the city. But the reporter did not tell readers anything about the conversation itself, such as what the city said in return, or in what sort of manner Corcoran “complained” to officials — in a meeting? By letter? Readers weren’t even told how the reporter knew about the complaint or its content to begin with. The reference had no attribution.

Readers were told that Corcoran “filed a wrongful-dismissal suit against the city,” but were not given any details about the content or status of the suit. For example, was the suit resolved? What did Corcoran allege was the reason he was terminated? It would be easy to read the paragraph as claiming that Corcoran’s suit was related to his “complaint” about the towing practices, but this would be a lazy reading, as the reporter never actually connected the two.

The reporter did not cite much evidence beyond her initial reference to police officers. But she faced an additional problem in not adequately responding to a counterargument offered by Bell Police Capt. Anthony Miranda, “who has helped lead the department since Chief Randy Adams resigned in July.”

Miranda “said the goal [of the increase] was to make the city an undesirable place for gang members by cracking down on traffic enforcement.” The reporter did not present any testimony or evidence to counter Miranda’s claim, and even provided some support for it: In transitioning to a second issue in the story she began, “the enforcement policy may have been aimed at gang members and undesirables, but it put a heavy burden on

others too” (10). At the least, this was tantamount to acknowledging that multiple justifications exist for the increase; at worst it caused her to contradict herself outright.

So the reporter’s conclusion about this issue rested on, basically, an argument from authority. The evidence for the claim that Bell impounded cars to increase revenue was “police officers say.” But no police officers were listed or quoted as actually saying as such, and none of what might be considered evidence for the claim actually furthered it. Readers would then have to accept the conclusion from that evidence only on the basis of the reporter’s authority.

What about issue 2: “What was the effect of the increase in impounds on the community?” Here the reporter offered two conclusions.

One conclusion was just quoted: The policy “put a heavy burden on others.” The evidence for this conclusion was an interview with Dr. Mary Romo, “who said she witnessed the effect of the aggressive towing practice on the community” (10):

Her patients, some pregnant or in need of medical attention, had their cars towed and impounded so frequently while en route to her office or the hospital that she started keeping track, adding names, dates and ticket information to a folder she kept next to her patients’ medical files. She said she complained to the city but never got an answer.

“This is a real problem. It’s not just my patients, it’s everybody in the community that’s suffering,” said Romo, an obstetrician and gynecologist. “It’s a poor community.”

As saddening and troubling as Romo’s testimony is, it was difficult to discern the “effect of the aggressive towing practices” it indicated. By the plain language of the paraphrases and quotations, Romo said simply she witnessed an increase in towing, which was not an “effect” of the plan but the plan itself. The reader was probably

supposed to make the descriptive assumption (and must, for the argument to check out) that most of the people who were towed near Romo's clinic were wrongly judged to be illegally parked, or that those getting medical attention deserved an exemption from parking rules. Fair enough, but no mention of why these assumptions should be given was accepted.

The reporter also concluded that an effect of the impound crackdown was that the police department became "heavily focused on traffic enforcement, often to the exclusion of other problems." Once again, "officers said" was quickly offered as evidence (13).

Unlike the conclusion offered for the first issue, here the reporter offered some quotes from officers germane to her conclusion. Officer Kurt Owens said that the police "'developed an intuition' for unlicensed drivers" (15), which supported the "heavily focused" part of the conclusion, assuming that officers could not have developed any such intuition without having to spend time on it. Quotes from other officers also supported the conclusion that there was a heavy focus on impounds (18–19, 21).

But the reporter provided no evidence to support the second part of the conclusion, that the focus on traffic enforcement "often" came at "the exclusion of other problems." No ignored problems were cited and no officers were quoted discussing anything they should have been doing (although Sgt. Art Jimenez is quoted making a slightly stronger claim, that "Rather than being police officers and being proactive looking for crime, we were out there looking for vehicles to impound" (4)).

Necessarily, of course, if police officers' focus went up in one area it must go down somewhere else, *ceterus paribus*. But the "down" could be many things, not just "problems" (paperwork, for instance, or some other type of minor offense). Therefore,

readers would have had good reason to conclude that the reporter had not justified all the points of her claim regarding this second issue.

### ***'More illegal taxes by Bell found' (September 17)***

This was a relatively straightforward article dealing with another official opinion by the state controller. The primary issue at stake was: “What is the controller’s office’s view of the legality of Bell’s sewer fees?” (This view of the issue is probably fairer than the broader “Were Bell’s business taxes legal?” as the article addresses only the controller’s views.)

The reporters’ conclusion was that the controller believed the taxes to be illegal, and, as with the Sept. 3 article, the evidence came from a letter from the controller, John Chiang, to the city. According to the reporters, the letter said that “the city had failed to get the required voter approval as it hiked business license taxes by more than 50% over the last decade” (2).

For long-term followers the *Times* series, a second importance piece of evidence was quotes and paraphrases from “city officials” and from Pedro Carrillo, then Bell’s interim city administrator:

City officials said Thursday the latest finding was a financial setback and that they were working with state officials to form “a relief plan” to deal with refunds and the loss of future revenue from lowering taxes that were illegally raised.

“Today’s finding is another potential problem for us,” interim City Administrator Pedro Carrillo said, adding that the immediate effects are unclear. Carrillo said he would consider “any and all means” to balance the budget but declined to say if layoffs or cuts to city services were imminent. (4–5)

These quotes didn't necessarily demonstrate any conclusions about Bell's taxes or the controller's view of their legality, as the city doesn't get to decide whether their taxes are legal. But the quotes would have been important for anyone who followed the series and caught the premature accusation by *Times* reporters on Sept. 3 that Chiang had found Bell's sewer taxes to be illegal. Here, both city and state appeared to be on the same page, so there is less doubt that some important part of Chiang's letter was omitted or glossed over.

So the reporters adequately demonstrated their first conclusion; they didn't return to the issue in the story. They did present a second issue, though: "What is the city's financial position in light of the new findings on illegality?" The reporters write:

State auditors Thursday said they had found a third instance in which the city of Bell collected taxes illegally, bringing to \$5.6 million the amount owed to taxpayers and raising questions about how the struggling town will balance its books. (1)

Fairness dictates that the conclusion (that the finding "rais[ed] questions about how the struggling town will balance its books") be taken more as a bit of journo-speak than as a claim unto itself. Otherwise, the argument would have fallen on its face because no such questions, or even a question mark, appeared in the story. The more charitable reading would have the reporters claiming that the finding "raises the question of how Bell will balance its books." The reporters did offer evidence in the story demonstrating that the latter question became legitimate in light of the controller's finding.

The first piece of evidence supporting the claim that whether Bell can balance its books was an open question came from Carrillo, who was quoted and paraphrased as saying the city "would consider 'any and all means' to balance the budget" (5). This

quote in itself was pretty sufficient to demonstrate that Bell's financial balance in question: Carillo said he didn't know how the city will maintain stability.

It could be said, though, that questions regarding Bell's budget imbalances might have existed even before the controller's findings regarding business taxes. How could the reader know that the budget wasn't already in trouble? If it had been in trouble, the better-justified conclusion from the reporters might have been that the controller exacerbated or added urgency to the budget question, but not raised it.

There is not much for readers to go on here, but the reporters hinted at questions surrounding Bell's budget to be a new one, not an exacerbated one, in paragraph 14:

The city expects to refund the \$2.9 million in overpaid retirement taxes from its estimated \$5 million in reserves. But Carrillo said he hopes to avoid draining that fund by having to also return all \$2.1 million in business tax overcharges disclosed Thursday.

Which suggested that the city had a plan for handling controller-induced shocks to their budget — there were no questions about the matter — that the new finding upended.

But analyzing whether the reporters demonstrated that the question was “newly raised” seems like unnecessarily splitting hairs of what is a minor issue of timing. Regardless of when the question arose it existed by the time of the story. The reporters here served their readers well by alerting them to the existence of illegal taxes and a serious budget problem Bell faced, and the reporters did so with strong and germane evidence.

### ***‘Audit finds Rizzo got Bell funds’ (September 21)***

For a fairly straightforward, hard news peg — the leak of a draft audit from the state controller's office — the reporters presented an unfocused story. An important

ambiguity in the conclusion could cause confusion, and the pogo-jumping narrative never looped back to clarify it. Regardless, not enough evidence was presented to justify the reporters' conclusion under any definition of the ambiguous term.

The issue addressed by the story, as the headline alluded to, regarded the results of an audit by the state controller's office — specifically, the conclusion was “What does the state audit conclude?” There was a frustrating, though not fatal, lack of clarity throughout the story as to what kind of “audit” was conducted. Readers are told only that the controller's office conducted the audit and that it was “based on a review ... of Bell records” (8). The reporters didn't say what else, if anything, the audit concluded.

The reporters' conclusion was offered in the lede:

Apparently acting without City Council approval, Bell spent nearly \$95,000 to repay loans that then-City Manager Robert Rizzo made to himself from his retirement accounts, a draft state audit reviewed by The Times shows.

Rather than claim that the audit “says” or “finds” that Rizzo used Bell's money to repay loans, the reporters wrote that the audit “shows” Rizzo did so, which put readers in a bind. “Shows” is ambiguous. So are “says” and “finds,” but “shows” could be reasonably interpreted in a way that readers would then expect reporters to demonstrate exactly how the auditors “showed” Rizzo did what they allege. “Says” and “finds,” meanwhile, would place on the reporters only the burden of describing the audit's conclusions. The use of “shows” could have also put the reporters on the hook for arguing that the auditors really did “show” what they claim to, much like how someone arguing that a medical journal article “shows” a cure for something faces a different burden than had they claimed only that the article “said” what a cure for something was.

All of the above wrangling is to say that readers faced an important ambiguity in “shows.” Did the reporters mean to claim that audit demonstrated its conclusions? If so, then readers should have expected the reporters to demonstrate how the audit proved what it alleged. Or did the reporters mean to claim only that the report “showed” anything about Rizzo in the sense that the report “said” it?

Although readers might have assumed at first that the reporters meant the weaker version of “shows,” so as to not seem as though they endorsed the audit’s conclusion, the reporters complicated this assumption by quoting Rizzo’s lawyer:

But Rizzo’s attorney said his client had done nothing wrong or illegal.

“Mr. Rizzo was paying off his own loans with his own money, he was not using public funds,” attorney James Spertus said. “I do know, and I confirmed with Mr. Rizzo, the loans were paid with salary and declared as income on his taxes, and it was done with city approval.” (6–7)

The lawyer’s rebuttal spoke to the truth of the report’s conclusions, not just that the report itself and its conclusion existed. Such a response would make sense only if the reporters were indeed arguing that the audit not just “said” but “showed” that Rizzo wrongly received public funds.

So, under which definition could readers proceed?

As it turned out, in either case the reader was left without much to use. If “shows” is understood as “demonstrates,” then the reporters presented only one item of evidence to support that the audit demonstrated what it is said to in the lede:

The auditors found no evidence that council members even knew about the repayments, which occurred in 2008 and 2009. (2)

The reporters thus used an argument from ignorance to demonstrate the first part of the lede, which said that Rizzo “apparently act[ed] without City Council approval.” However, nothing more was said about how the audit demonstrated, or could have demonstrated, its conclusions about Rizzo. Evidence that would have fulfilled this need might have included a description of the “records” that the audit was based on, or any testimony the auditors collected. The report itself was quoted only once on the matter, in paragraph 8:

The report, based on a review by state auditors of Bell records, portrays a different picture. “Public funds were used to repay [Rizzo’s] personal loans, apparently without authorization,” the audit says.

Which simply repeated the paraphrase given by reporters in the lede.

However, the quotation would go some way towards supporting the reporters’ conclusion if readers used the weaker form of “shows” meaning “says.” Clearly readers knew from the quotation that the report alleged most of what the reporters said it did. But no details were given about the audit’s claims regarding the amount of money spent or the source of the original loans, which the reporters also cited in the lede.<sup>41</sup>

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41 The reporters noted that *Times* obtained records under the state public records act detailing \$100,000 that Rizzo borrowed from his retirement accounts in 2004 (13). The reporters did not explicitly say why they mention this fact, but it seems possible that they could be trying to tell readers why Rizzo would have needed to spend Bell’s money to repay his loans in the first place. They could also have been justifying why the audit would have found that Bell spent that particular amount of money. But even if the reporters intended to further their conclusion by referring to the *Times*’s records, the records didn’t benefit the story’s conclusion under either definition of “shows.” The records were evidence obtained outside of the audit, but the story’s conclusions were framed explicitly in terms of the content of the audit itself. At the least, then, this evidence suggested again that the reporters poorly worded their conclusion. At worst it could be called a fallacy of Using the Wrong Reasons: “Attempting to support a claim with reasons other than the reasons appropriate to the claim” (Damer, p. 88).

Without the additional evidence supporting these other parts of the lede, readers would have had to take the reporters' conclusion about the audit on the reporters' authority, which readers might or might not have been willing to grant.

The remainder of the story consisted of the reporters jumping to other bits of context, but most of them were isolated and only a paragraph or two each. None seemed meaty enough to rise to the level of "issue" for which the reporters would be said to offer a conclusion, and so this analysis will stick with just the main issue presented above.

But the reporters have already harmed readers' ability to understand their world through the important ambiguity in story's main conclusion. It was difficult to infer from the story which meaning of "should" the reporters intended, which was especially problematic given that the strength of their evidence shifted on one definition or the other. In any definition, however, the reporters omitted needed justification for their claim.

### ***'Bell leaders hauled off in cuffs' (September 22)***

The lead photograph on this story showed Robert Rizzo, handcuffed and head bowed, led by three police officers across his front lawn. It clearly had been a busy news day for the *Times*. So the main issue this story confronted was, naturally, "What happened in Bell on Tuesday?"

To this issue the reporters presented several conclusions. The first obvious one was in the lede of the story:

Eight current and former Bell city leaders were arrested Tuesday on charges of misappropriating more than \$5.5 million from the small, working-class community as prosecutors accused them of treating the city's coffers as their personal piggy bank.

That is, eight Bell officials were arrested. (Another conclusion to be drawn from the paragraph regards why they were arrested, which will be addressed later.)

The picture of Rizzo in handcuffs provided pretty good support of this conclusion even before readers proceeded. But to ensure the other seven arrests were covered, the reporters also paraphrased Steve Cooley, the Los Angeles County District Attorney, as saying that “Tuesday morning’s arrests were without incident” (19). This paraphrase relied on an appeal to an authority, but no reason is immediately obvious why this authority would have reason to lie about the matter.

A second conclusion was that Bell residents celebrated the arrest. Specifically:

Many city residents greeted news of the charges with joy. (11)

The reporters justified this conclusion with a quote from “a longtime Bell activist”:

“Finally the crooks are going to suffer what the city suffered for many years,” said Carmen Bella, a longtime Bell activist. (12)

They also described a gathering of “about two dozen Bell residents ... outside City Hall.”

One man used a bullhorn to broadcast the Queen rock song, “Another One Bites the Dust,” while others laughed, cheered and applauded. (13)

These scenes furthered the conclusion that residents “celebrated the arrest,” although notably readers weren’t told how the reporters know about the celebrations they described. More importantly, “many” is an ambiguous and relative term (“many” compared to what?). It was difficult for readers to know how many residents the reporters believe celebrated the news. Would “about two dozen” residents qualify as “many”?

Granted, within the larger story the matter was fairly dispensable, but it was not wholly unimportant either. The reporters were trying to give readers an impression of something that was true about the world: The reaction among Bell citizens to the arrests. Readers might justifiably have wanted to have a good sense of whether the arrests were well-received (maybe the citizens would have preferred that Rizzo and co. fled and were never again seen).

Regardless, “many” is also quite likely one of the most popular terms in journalism-speak. It is so popular that the temptation might be to interpret its use as just a transition to be able to talk about the gathering for whatever reason the reporters wanted. The consequence of that interpretation though is that it would break the tie between the event and the larger issue of “what happened Tuesday?” The celebrations would become part of their own, smaller issue — “what was the protest on Tuesday like?” — that isn’t as interesting when it’s unconnected to arrests.

The lede, through its reference to charges and the “piggy bank” accusation, also spoke to a second issue addressed in the story: “Why were the officials arrested?”

Arguably, a strong argument here was more important than a strong argument for “what happened Tuesday?”, assuming that the reporters sought to provide information for citizens in democracy. A government that restricts the liberty of its citizens through arrests without cause is one of the chief evils the American press is supposed to protect against. Readers have cause to want assurances that the Bell officials, though unpopular, were treated according to the law. The accused, in turn, deserve to have their supposed crimes reported accurately by the press.

As with the first issue, it is probably easier to consider the reporters to have offered many smaller conclusions to this issue, each not requiring much evidence, rather than one or two big conclusions. The reporters simply offered too many loosely joined statements on the same issue to try to condense them into single headings for analysis.

So the reporters' conclusions regarding "Why were the officials arrested?" began in the lede: "On charges of misappropriating more than \$5.5 million from the small, working-class community as prosecutors accused them of treating the city's coffers as their personal piggy bank."

Acknowledging its pleasant flair and alliteration, this statement was slightly ambiguous: Was the specific charge "misappropriating money"? Did the "piggy bank" accusation refer to the misappropriation or was it a separate charge?

As usual, Rizzo received most of the attention, as the reporters outlined more of what he was charged with:

Prosecutors accused him of illegally writing his own employment contracts and steering nearly \$1.9 million in unauthorized city loans to himself and others. He was booked into Los Angeles County Jail and was being held on \$3.2-million bail. (3)

Much deeper in the story, the reporters began providing harder details of the charges against Rizzo. Did the specifics of the charges justify the summary given to them?

Rizzo is charged with 53 criminal counts that include misappropriating public funds, conflicts of interest and falsifying public records to keep his lucrative salary secret. ... Rizzo is also charged with giving unauthorized city-funded loans to himself and numerous others, including Spaccia, Hernandez, Artiga and former police chiefs Michael Chavez and Andreas Probst. (40, 45)

For simplicity, each element of the reporters' description of the charges can be reviewed.

First, the group was described as being arrested "on charges of misappropriating more than \$5.5 million" from Bell (1). What listing of the charges justified this description? (Again, ambiguity is a problem here.)

The later paragraphs simply repeated the description, but only regarding Rizzo ("Rizzo is charged with 53 criminal counts that include misappropriating public funds"), which would qualify as the Begging the Question fallacy if it was used as evidence in support of the conclusion.

However, a sidebar included with the story, which also described the charges, said that Rizzo was "arrested on 53 felony counts of misappropriation of public funds, conflict of interest and falsification of documents."<sup>42</sup> This slightly more formal wording indicated that "misappropriation" was indeed the formal charge, which provided some assurance that the initial description is accurate. Similar descriptions of misappropriation were also listed under the remaining seven accused.

Next, the reporters said prosecutors "accused [the group] of treating the city's coffers as their personal piggy bank." The reporters never clarified whether this accusation was related to the misappropriation charge, or indeed what the accusation really meant. Possibly, it referred to the charge against Rizzo of giving unauthorized city loans (45) and, as outlined in the sidebar, charges of illegally receiving the loans brought against three of the arrested officials. But this possibility would be only conjecture on the part of readers. There was thus an important ambiguity in the story in its flowery

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42 The sidebar is included as an image in the version of this story available on the Pulitzer Prize website.

“personal piggy bank” accusation, a perfectly fine claim to make but one that could harm defendants in a serious criminal case and confuse readers trying to make sense of it.

The reporters then began work on Rizzo. They wrote that “prosecutors accused him of illegally writing his own employment contracts.” Was this the specific charge? There seemed to be some connection between the prosecutors’ accusation and the charge against Rizzo of “falsifying public records” (40). The sidebar said that Rizzo was arrested for “falsification of documents, including allegations that he wrote his employment contract without council approval.” But what did “including” mean? Only if readers assumed that falsification charge entailed the allegations of writing his own contracts could a case be made that the reporters adequately justified their description of the charges against Rizzo. Once again, confusing and ambiguous language prevented readers from understanding what exactly happened.

Rizzo was also charged with “steering nearly \$1.9 million in authorized city loans to himself and others.” As described above, the reporters justified this characterization of the charges with their explanation in paragraph 45 and with their additional comments in the sidebar.

The *Times* and its readers had every right to indignation and irritation at the actions of Rizzo and his crew. They could be happy, as was Carmen Bella, that “the crooks are going to suffer.” But when the telling of that suffering contained important ambiguities and confusing descriptions, it failed to provide a solid base on which readers, of all persuasions on the issue, could have a measure of certainty that they knew what happened and could decide what to do and think about it.

## ***'Business owners face big fees in Bell' (November 2)***

The practice by the city of Bell discussed in this article related to a larger issue, which the reporters described in paragraph 2:

The practice, which experts on municipal law say was unprecedented and may be illegal, underscores the lengths to which Bell's officials went to bring in revenue during the last decade, some of which went to pay the unusually large salaries of city officials.

So the issue, one which the reporters turned to repeatedly in this series, was "What did Bell do to try to increase revenues?" (Previous stories addressed Bell's car impounding record and tax increases.) The conclusion offered was descriptive:

For at least a decade, officials in Bell arbitrarily required some businesses to make payments to the city totaling tens of thousands of dollars annually, in at least one case threatening a business owner with closure if he failed to comply, according to interviews and records reviewed by The Times. (1)

As they also often did, the reporters immediately justified their conclusion by citing "interviews and records." And so, again, for readers the next question would become, "What sort of records and interviews do the reporters have that demonstrate their claim?"

The most common form of record referenced were conditional use permits awarded to businesses. The reporters wrote that "in some cases, merchants were directed to make thousands of dollars in annual payments as part of conditional use permits granted by the city" (5). The reporters also said they showed "some of the permits" to Dan Selmi, a professor and former state deputy attorney general.

The permits were the only form of document cited to apparently serve as evidence regarding all of the businesses the reporters said fell into the Bell scheme. But in

discussing the story of one particular business, a tire shop, the reporters also referred to a check stub, a city hall memo, and a copy of “a bill saying [the owner] owed \$16,250 for ‘in lieu of sales tax’ fees” (20). The more detailed substantiation offered regarding the one business did suggest that the reporters had more hard evidence for the “at least 15 businesses” they say were affected by the payments (4). But readers would have had to take the existence of this additional evidence on the reporters’ authority, because the reporters did not clarify further what sort of documents they reviewed.

Similar was the reference to “interviews” cited in the lede paragraph. The reporters cited or quoted from interviews with people involved in only one business said to be affected by the scheme — the current and former owner, and landlord, of the tire shop, and a former city official who said he consulted with Rizzo about a settlement with the owner. Although these interviews were sufficient to back up the reporters’ claims about the one business, readers would have to assume on authority that the reporters had similar evidence tucked away to justify the claim that the payments were part of a broader “scheme” (4).

What about the other parts of the conclusion — the claim that the scheme was “arbitrary,” that it netted “tens of thousands of dollars” in payments to the city, and that “in at least one case [officials threatened] a business owner with closure”?

Technically, by itself the detailed description of the tire shop’s experience was enough to justify claiming that the payments totaled more than \$10,000 (28). But the reporters, again citing “city records,” said “a tire shop owner paid at least \$144,000 over a four-year period,” “Another tire shop owner was required to pay \$13,000 a year,” and an “auto dealer had to guarantee the city \$80,000 a year in sales taxes or pay the

difference” (7). Readers who accepted the reporters’ authority regarding the “records” had more than enough evidence to accept the “tens of thousands of dollars” claim.

What evidence did the reporters marshal for the claim that the payment scheme was arbitrary? They said:

There do not appear to be any city guidelines explaining why certain businesses were targeted or how officials calculated how much to charge.

In one instance, a tire shop owner paid at least \$144,000 over a four-year period, according to city records. Another tire shop owner was required to pay \$13,000 a year. Yet the very next permit approved by the city for an auto repair shop did not require the owner to pay any annual fees, records show. One auto dealer had to guarantee the city \$80,000 a year in sales taxes or pay the difference. (6–7)

To accept these paragraphs as evidence in favor of the “arbitrary” claim, readers would need to accept an unstated descriptive assumption: that the only basis on which the fees might have been levied on businesses is by their product. Given that assumption, it sure would be arbitrary for one “auto repair shop” to have received a fee but not another. However, the reporters provided no reason to think that readers should have accepted such an assumption. In fact, the reporters provided a reason to *not* accept the assumption by quoting James Casso, the interim city attorney:

James Casso, Bell’s interim city attorney, said cities can levy charges on businesses or developers if “there is a clear, quantifiable loss of revenue for the city.” But city records show that the fees were levied on owners who developed vacant lots. In one case, a fee was levied when a business was simply changing ownership. (16)

So there was another possible reason besides type-of-product that might have justified levying a fee on a business: A “clear, quantifiable loss of revenue for the city.”

The reporters countered Casso by saying that “fees were levied on owners who developed vacant lots. ... [or] when a business was simply changing ownership.” But, firstly, there is no obvious reason why the development of a vacant lot would not result in a quantifiable loss for the city (in the form of opportunity costs, perhaps).

Additionally, Casso’s quote, the truth of which was not rejected by the reporters, provided a possible basis on which the fees assessed to some of the businesses would not have been arbitrary. The one auto repair shop might have caused a “clear, quantifiable loss of revenue to the city” in a way that the other shop did not. The reporters didn’t address this possibility one way or another. But their not demonstrating that the businesses under discussion were not charged for such a loss of revenue made it difficult for readers to accept so far that the scheme really was “arbitrary.”

That said, though, if readers assumed that the reporters would have mentioned any explicit denials by Casso, then readers could infer that the thrust of the reporters’ argument was true in that none were printed.

Finally, the claim that “in at least one case [officials threatened] a business owner with closure if he failed to comply” was simply not returned to. Readers would have had to accept it entirely on the reporters’ authority.

### ***‘How Bell hit bottom’ (December 28)***

The final prize-winning story from the *Times* was another monstrously large effort to knot several pieces of the Bell story (see also “Rizzo’s horse had come in,” August 22). As usual, Robert Rizzo was the focus, and even the reporter acknowledged that Rizzo had gained the image of a “greed-crazed, cigar-chomping puppet master”

within “a hydra-headed scandal that ... transformed a forgotten suburb into a synonym for rogue governance” (5).

The story itself could have been called hydra-headed. It was a 2,600-word mix of fresh interviews, references to previous *Times* work, and a history of Bell. Yet the reporter offered a clear statement of the issue he wanted to address and his conclusion.

The issue, composed here by reformulating of one of the reporter’s sentences, was “How did Rizzo evolve from an obscure civil servant into what a prosecutor called an ‘unelected and unaccountable czar’?”<sup>43</sup> While cautioning that an answer “may never emerge in granular focus,” he concluded that “the broad contours are clear” (6); or, put together with the issue statement, he concluded that “the contours are clear as to how Rizzo evolved from an obscure civil servant into the accused criminal he is today.”

Immediately readers faced an ambiguity that was not clarified in the story: What form of “how” did the reporter mean? Generally, “how” can mean “What happened?” or “Why did it happen?” Each interpretation would have required a different set of reasons and evidence from the reporter: The former would have required some sort of timeline, while the latter would have called for a showing of causation. Which did the reporter mean to argue? Did he mean to argue both? He never said.

The reader’s confusion on the “how” matter was compounded throughout the story. The reporter followed his statement that “the broad contours are clear” with:

Ambition and opportunity aligned in a place that allowed him to be both ever-present and invisible.

The normal checks and balances, from a robust local press to

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43 The actual sentence was: “How Rizzo evolved from an obscure civil servant into what a prosecutor called an ‘unelected and unaccountable czar’ may never emerge in granular focus.”

engaged civic groups, had largely vanished before or during Rizzo's long reign as city administrator. And the grim climate in which he arrived made him seem, for a time, like the man Bell needed. (6–7)

These read as attempts at explaining causation. “Rizzo evolved into what he did because normal checks and balances in the city had vanished” and so on. Arriving as they did directly after the statement of purposes leading into a long investigative report, and a few quick paragraphs away from a break into the next section, it would seem perfectly reasonable for readers to have inferred that the reporter was planning to address “why?” not “what?”

If that were the case, then it would be fair to say that in what followed the reporter took every possible advantage his qualifier of “broad” contours. There simply was scant evidence connecting the conditions the reporter mentioned above — no local press, a “grim climate” — with what became of Bell and Rizzo, nor was there much evidence suggesting other reasons for the evolution.

The reporter first detailed the circumstances surrounding Bell's gradual decline beginning in the 1970s, a description that appeared thorough albeit unsourced apart from a few interviews (12–22). This history led into a play-by-play of Rizzo's hiring, on the cheap, and his beginning to implement measures to cut costs and beautify the city (23–25). But though informative about Rizzo's appearance (27), his attempts to improve Bell's image (25), and his relationship with other city officials and fellow city managers (26), no paragraphs provided a link between Bell's history and Rizzo's ascendancy.

It was not until paragraph 37, in an interview with former Bell Police Chief Michael Trevis, that readers learned of Trevis's theory that “the climate of constant

layoffs [referred to in paragraph 23] lent camouflage to Rizzo's steady accumulation of power." Why Trevis believed this was so was not mentioned, however.

The reporter's own clearest statement of a reason in support of the conclusion came shortly after:

[Trevis]'s ouster was followed by a deeper power shift in 2003, as council veterans Janssen and George Bass – pillars of the old guard – left office. In their place came two of Rizzo's future co-defendants, George Mirabal, who ran a mortuary, and Oscar Hernandez, owner of a corner grocery.

Whether by chance or design, Rizzo found himself with an increasingly free hand. More than anyone, it was Hernandez who came to symbolize the new, more manipulable City Council. A former farmworker, he had emigrated from Mexico in his teens. With only an elementary school education, he could barely read the papers that passed across his desk at City Hall. And yet he became Rizzo's go-to man, prosecutors say, putting his signature to complex documents and to papers that obscured the city administrator's increasingly hefty salary. (41–42)

Rizzo, then, was able to gain unrestricted power because he could more easily manipulate the city council than he could have when he started in Bell (or, alternatively, he faced less resistance from the council). By itself, this would have been a reason that supported the conclusion. But the reporter was lacking in evidence demonstrating that the council was as malleable as characterized, and lacked totally evidence suggesting it fought Rizzo before Janssen and Bass departed.<sup>44</sup> Why, for example, did the reporter consider Hernandez symbolic of the council? Did all the members act as auto-pens as Hernandez did? On a council where presumably a majority rules, how did Hernandez become Rizzo's "go-to man"? What did that mean?

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44 Just the opposite, in fact: Janssen was paraphrased as saying Rizzo "put the city on stable financial footing and took a keen interest in its image" (25) suggesting at least an uncontentious relationship.

Lastly, the reporter recounted the “little-noticed” election that turned Bell into a charter city:

Then, on a sleepy day after Thanksgiving in 2005, a little-noticed election was held. The single question on the ballot: whether to turn Bell from a general law city into a charter city. By some accounts, it was a change Rizzo had aggressively pushed.

Passing with just 336 yes votes, the measure lifted salary caps on council members, who went on to approve further dramatic pay raises for Rizzo and for themselves. (44)

The connection between the election and Rizzo’s salaries was driven almost entirely by the Post Hoc fallacy, given that the reporter presented no evidence of an agreed-on quid pro quo regarding the election. Nor was any detail given of whose “accounts” of Rizzo’s support were referred to.

These problems are compounded by the fact that the reporter did not clarify how Rizzo’s salary and his status as “unelected and unaccountable czar” are related in the first place. There was no statement from the reporter that the salary was illegal, which would have gone toward his characterization of the charges against Rizzo as “looting” (5). Even in attempting to discuss Rizzo’s journey only broadly, locating the salary along the path was quite difficult for readers.

The “broad contours,” then, of “how Rizzo evolved” were much more clear to the reporter than they were to readers. The reporter spoke of “ambition and opportunity”, but not a word was written about Rizzo’s “ambition,” and there was not much that was clear in the way of “opportunities.” He said that civic participation in Bell declined long before Rizzo began his “reign” (7), and although there was some justification offered for believing so, it wasn’t enough by itself to demonstrate the larger claim of “why.”

But what if there had simply been a mistake? Perhaps the reporter, though inartful, meant to provide only “what,” not “why” — not an explanation of why Rizzo was able to obtain the position he did but simply the play-by-play of what got him there. How would a reader attempt to critically analyze such an argument?

They were not left with much option besides taking the argument on authority. Unless readers had special knowledge of the situation, they would be in a worse position than the reporter to know how well the “broad contours” in the article actually described the important moments in Rizzo’s rise.

The reporter, to his credit, mentioned from the outset that his was not an all-encompassing account. But at the same time, that qualification made his argument largely immune to criticism, at least based on his timeline. Any charge that he left out an important detail could be dismissed by referring back to the qualifying statement. Readers, for their part, would not be in a good position to try to point out that the reporter should have excluded some other detail.

Whichever version of the claim the reporter meant, that the confusion about the question existed belied the fundamental problem with the article: ambiguity. It would have been difficult, even unreasonable, for readers to know what the reporter wanted to tell them about the world given what the reporter had written. Without a clear sense of what was being discussed, how could readers easily begin working out whether to accept the claim?

## **Sarasota Herald-Tribune**

### ***'How regulators put Florida homeowners at risk' (April 18)***

The issue in this story was the extent to which insurance regulators' policies toward fledgling home insurers helped or harmed consumers. St. John's arguments in this story were some of the strongest offered so far in this series, but also contained more instances of a frustrating lack of evidence.

Both of the main conclusions of the story, foretold by the headline, that at least some of what regulators did harmed consumers, was contained in one paragraph. To wit:

A yearlong Herald-Tribune investigation found that allowing struggling insurers to remain in business has become an alarming part of how Florida regulators cope with the state's ongoing property insurance crisis. (7)

St. John thus offered two conclusions: that "allowing struggling insurers to remain in business" is a new strategy for Florida regulators, and that the strategy is alarming. An immediately noticeable ambiguity was in the meaning of "alarming," and this ambiguity proved vexing, as will be discussed.

Regarding the first conclusion, that of regulators' new strategy, the first question to ask of the story was, "what evidence does St. John offer to show that regulators have allowed "struggl[ing] insurers to remain in business?"

St. John first summarized the charges. In the mid to late-2000s, she wrote, Florida regulators "allowed at least four insurers on the verge of failure to write policies through most of 2009" (8). Regulators also gave insurance licenses to potential insurers "who had no funding" or had "dubious credentials" (9). They "encouraged unproven companies" to accept large numbers of policies and "steered more than 200,000 homeowners" toward

firms who they knew to be bleeding out (10). The state insurance commissioner “took extraordinary steps” to keep the companies alive, accepting “questionable assets” as possible means of paying claims (11).

“The Herald-Tribune found evidence of these practices in five of the seven instances in which companies foundered last year,” St. John wrote (12). What evidence?

The full details of how regulators handled those insurers remain sealed within confidential regulatory records. The exception is Keystone, whose closure is documented in thousands of pages that became public when the company was forced into liquidation last fall. (13)

Indeed, the fall of Keystone was well documented. St. John expertly presented regulators’ meetings, memos, and reports, along with material from her own interviews, throughout 1,700 words that demonstrated fairly convincingly most of her claims about insurance companies and regulators as offered in the summary. There were some key claims not clearly backed up, but more than enough other claims were noted as originating from a report or handwritten note that the unsourced claims could be overlooked.

That said, St. John’s claim went beyond one insurer. She wrote of “struggling insurers.” The evidence substantiating that the regulators’ strategy had become widespread apparently was available to her, but she never specified what the evidence was.

If the “full details” surrounding the other insurers were “sealed within confidential regulatory records,” how did she know about them? If the backing for her claim came from those records, readers were given no way of knowing that she saw them. If she was prevented from disclosing what she saw or who gave her access to the

files, she didn't say so. If her evidence came from somewhere other than the sealed records, the source wasn't mentioned. The stories of the other companies, even their names, were simply forgotten. Consequently readers would have needed to take on St. John's authority that she had seen additional evidence substantiating her claims, or not accept those claims yet.

Similarly, nothing was said to substantiate the "newness" part of her claim. She wrote that the regulators' practice "has become" a part of their coping strategy — as in, at one point it wasn't part of it. But when this time was, or when the shift began, or reasons to believe either date was accurate, were absent from the story.

In fact, at one point St. John wrote that the Office of Insurance Regulation, "which is responsible for protecting consumers from dangerous insurers," "could have quickly stepped in to try to close the company" (62–63). But the office "rarely takes that step," she wrote, without elaboration (63). Reasonably assuming that the OIR was among the "regulators" she referenced in her conclusion, this statement suggested that allowing struggling insurers to press on was actually a fairly regular practice, not a new strategy.

St. John so clearly put forward her evidence for the interaction between insurer and regulator when it came to Keystone that it would not have seemed so difficult for her to provide at least a touch of context or evidence for the other parts of her first conclusion. Unfortunately for readers, little existed, leaving the conclusion largely in the hands of an argument from authority.

What about the second conclusion: not just that the practice existed (assuming *arguendo* that it did as she claimed) but that it was "alarming"?

First, what did St. John mean by “alarming”? Alarming whom? On what scale? She never said, instantly providing an ambiguity harmful to any attempt to demonstrate the point.

St. John wrote that Florida was in an “ongoing property insurance crisis” (7). It seems clear that a crisis changes the boundaries of what is more or less alarming, such that what seems alarming in calm times becomes the sensible, if ugly, option in more strenuous circumstances. It might be in the best interest of the state to try to push struggling insurers forward in the interest of, say, forestalling panic among homeowners.

Or maybe not — the point is St. John did not provide any sense of what qualifies as alarming to her.

The ambiguity of “alarm” was troubling in itself, but it became a bigger roadblock for someone trying to accept her argument when she quoted state officials making precisely the argument that their practices are ugly but necessary.

Administrators at the Office of Insurance Regulation say they do their best under difficult circumstances.

They believe it is more damaging to suddenly close a company and dump large numbers of policyholders back onto the state than it is to let a failing company take a year to silently wind down while seeking a buyer.

Regulators say they are trying to more aggressively go after weak companies but also say legal hurdles to shut down a company are steep. (19–20)

St. John provided quotes and paraphrases from regulators making this argument in greater detail in the final section of the story. She even quoted a regulator who aimed at a fundamental conclusion of the story:

“To say we keep the company in business is not a fair

characterization,” Miller said. “We were putting them in a position to take policies out. We were taking it apart at that point.” (99)

To include these counterarguments from regulators was, of course, commendable. It showed someone taking care to understand the issue under discussion and the ways in which her argument could falter. The trouble was that St. John never took the additional step to rebut these counterarguments — they were simply presented as the views of the regulators. Coupled with the lack of clarity given to her use of “alarming,” these counterarguments made it harder for readers to accept her conclusion.

Once again, readers might have wondered why St. John didn’t take the effort to respond to the regulators, in part because she did respond to other minor counterargument from them. She quoted the regulators as saying that homeowners were at “minimal” risk in being unknowingly kept with failing insurers because the insurers had reinsurance, a backup form of insurance, and if all else failed could be placed under the state-run insurer of last resort. St. John responded by noting that the state insurer “covers only the first \$500,000 in losses, leaving owners of larger homes unprotected” (23). Drawing on the Keystone documents, she also noted that the company had, in its final throes, canceled parts of its reinsurance contracts (25).

### ***‘Regulators take gamble on discount insurance’ (April 19)***

St. John must have found interesting many aspects of People’s Trust Insurance, a new insurer in Florida, and in this story she seemed to try to discuss all them in fairly equal proportion. The result was a blitz in which nothing stood out as a more important claim for readers to take away. As such it was difficult to track the issues except at broad

levels: “How does People’s Trust Insurance work?” “How did the company begin?” and “What got it into trouble?” It was also difficult to find conclusions in the story, or even try to read some conclusions into the text.

The results were almost tautological, but, at the same time, fairly well sourced. To the first issue, “How does People’s Trust insurance work?”, St. John provided details about the company’s “unorthodox” approach to insurance (5). Rather than sell policies through roving agents, the company relied on a call center; rather than send checks to homeowners who submitted claims, the company planned to send its own carpenters (4).

These details more or less combined into a “conclusion” about how the company worked. The details clearly were an important part of the story for St. John, so they need to have some place in an analysis of the story’s argument. St. John never cited a source for the details of the company; they might have come from the owner, Mike Gold, whom she quoted at length on many aspects of the story except this one.

So the only apparent route to go for readers was to take the description of the company as an argument on St. John’s authority. With such a fairly basic set of facts, that seems fairly safe. In any case there didn’t seem to be a dispute about the facts.

Of apparently equal importance to St. John was the issue of how the insurer began, in terms of the genesis of its strategy and its entrance into the market.

According to St. John, Gold “got into property insurance by happenstance” (14). He had moved to Florida and bought a house but was “outraged at what companies charged to insure it” (15). So he started his own company, “courted the media and politicians,” and soon received approval from regulators, who had “full knowledge that its plans were unorthodox,” to start selling policies (15–17).

One of the paragraphs that trace the beginnings of People’s Trust begins with a citation to “As Gold tells it” (17), but no other references were given. Readers are probably left uncertain: Was this the point at which St. John began asking Gold for details or did she only mention him now, after relying on him for the historical details? In the former scenario, there was evidence for accepting the description of People’s Trust as offered in that it came from the owner. In the latter scenario, though, once again readers would have had to take the description on St. John’s authority. Frustratingly for readers, St. John never clarified which scenario was true.

St. John’s discussion of the third issue, that of how People’s Trust got in trouble, was more clearly structured and sourced. For one, it offered a clear conclusion, albeit a simple one: “Gold quickly ran into problems” (22). Granting that there could be some middle ground on what constitutes a “problem” for an insurance company, St. John demonstrated Gold’s problems fairly well.

Her first piece of evidence, though, was not sourced. She said that the Florida Association of Insurance Agents

began to document scores of violations, and by November 2008, turned over large boxes of evidence to state regulators. (23)

The association alleged that People’s Trust “allowed unlicensed employees to sell insurance,” wrote policies that “did not fully cover homeowners” for some disasters, and charged homeowners so little for policies that it would not have had enough reserves to pay claims (24–25). St. John did not cite how she knew this information or why it would give an insurer “problems” — was the association a legal entity? Did its word carry weight?

In fact, the association's word apparently was not problematic for People's Trust, for, St. John says, "the rest of that year, nothing happened" (26).<sup>45</sup>

She also justified her claim that Gold ran into problems by noting parallel investigations into his company by two state agencies. Her evidence for saying these investigations caused trouble for Gold was "early drafts" of reports from the Office of Insurance Regulation, which "randomly inspected" People's Trust policies and found that "every one contained at least one violation of state law" (31). She reported, seemingly from the draft investigations, that a former Gold employee gave statements to regulators under oath against Gold. Finally, St. John said regulators suspended and fined People's Trust in April 2009 (40). Each of these facts provided weight to the claim that whatever regulators had against Gold caused him problems; but to top it off, she noted that Gold, rather than deny the allegations outright, defended himself in a YouTube video (34).

So readers could accept with confidence that Gold and his insurer ran into problems. Admittedly, St. John's conclusion wouldn't have set the world afire, but she substantiated it well, and readers might have found that more important than a grander, but harder to accept, argument.

### ***'Sending billions overseas' (October 24)***

St. John returned six months after her last article with a lengthy investigation into reinsurance, an industry that provides insurance for insurers in case of a catastrophe

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<sup>45</sup> St. John wrote confusingly here. She said the insurance association submitted its evidence to regulators in November 2008 (23), and that "for the rest of that year, nothing happened." But then she wrote that "by late 2008," the state Department of Financial Services "started a slow methodical investigation" — indicating that something very clearly did happen by the end of the year.

beyond their means. The issue she addressed was, “What is the importance and influence of the reinsurance industry for Florida residents?”

St. John offered three conclusions in the story, each of them descriptive. First, she said that “two-thirds of property insurance premiums now leave Florida as unregulated payments” to reinsurers, which she characterized as a “dramatic shift” (3). This conclusion was the most clearly stated of the three, as it was introduced as being part of “a Herald-Tribune investigation.”

Her second conclusion regarded the influence of the reinsurers. She said that “they, more than state insurers and state regulators, determine how much Floridians must pay to live in the state, and whether property insurance is available at all” (4). Her third conclusion addressed a second effect of the reinsurance business: “Florida’s growing reliance on this profit-driven market is eroding its ability to withstand the inevitable disaster” (5). These conclusions were not explicitly tied to the “investigation” mentioned above, but it seemed reasonable to consider them conclusions, based on the introduction to the story that contrasted the “little benefit” that Floridians received in return for record spending on insurance (1–2).

But returning to the first conclusion, what reasons and evidence did St. John offer to support her claim that “two-thirds of property insurance” left Florida? Although the claim was straightforward, its backing was not. St. John presented only one datum that indicated the investigation leading her to her conclusion:

The portion of homeowners’ premium devoted to reinsurance [from 2004 to 2009] increased from 37 percent to 64 percent, according to the newspaper’s analysis of 70 Florida-only property insurers. The national average is only 19 percent. (34)

Readers were not told exactly what sort of “investigation” the newspaper conducted, or how it came to the number it did, but even assuming that both would check out, the statistic still presented problems for readers. Firstly, it said reinsurance premiums increased to 64 percent, which, to be somewhat petty about the matter, is not “two-thirds,” as the lede promised. Secondly, the initial statement of the conclusion omitted that the investigation apparently comprised only “Florida-only property insurers.” No explanation was given for why the statistics differed, what the effect of adding non-Florida-only insurers was, or whether St. John meant to be claiming both facts to be true (which they could be).

St. John offered other scattered statistics throughout the story, but none were particularly dispositive toward her original claim. For example, she quoted statistics regarding total spending on reinsurance by Florida carriers’ (33), but without citing insurers’ total spending, which she did not, it was impossible to try to view the reinsurance spending as two-thirds of anything. Later, she said that “more than 28 Florida insurers devote more than half their premium to external coverage” (39), but this statistic was once again far less than “two-thirds” and was not inclusive of all insurers, as the initial statement of the conclusion was.

So Floridians did not encounter much reason or evidence to accept that two-thirds of their premiums went toward reinsurers. If they wanted to accept that figure, they could only on the basis of an appeal to St. John’s authority.

The second conclusion was surprisingly bold: That reinsurers determined the availability and cost of property insurance more than did state regulators and insurers themselves. Bold, but also ambiguous: On what sort of scale was she measuring

determination? Did she take the total cost of insurance for a homeowner and divide into how much money goes where? Did she mean in the legal sense?

Without clear guidance, it was up to the evidence offered to clue readers in to what she meant. Unfortunately, that evidence itself bounced among meanings, making it difficult for any one piece of it to put the claim into the territory of easy acceptance.

Perhaps the strongest evidence St. John had came from seemingly fresh revelations that former Florida Governor Jeb Bush “set aside his free-market ideology to conclude Florida could not ‘be at the mercy of people who hope for catastrophes to keep their rates high’” (14). Governor Bush “secretly spent part of his last year in office seeking an alternative, lobbying his brother in the White House and fellow governors of catastrophe-prone states to create a government substitute” (15). Later, apparently in an interview with St. John, “a leader of state insurance agents reached a similar conclusion,” comparing the insurance industry’s dependence on reinsurance to that of a “crack addict” (18).

“Dependence” seemed to be the proper word for describing the kind of evidence St. John presented with these paraphrases of Bush and the insurance “leader,” Jeff Grady. Bush spoke of being “at the mercy” of reinsurers; Grady was quoted that “a large part of Florida’s marketplace problems are due to its over-reliance on reinsurance” (17). With some definitional jujitsu — e.g., that “reliance” entails “necessity” — these quotes went toward demonstrating that reinsurers had more power than did government and insurers in determining whether Floridians had property insurance available at all. But there was not a clear line between the quotes and the determining-cost claim. There was nothing

immediately obvious in Bush's concern that speaks to cost, not dependence; it was difficult to tell what "marketplace problems" meant according to Grady.

Much later, St. John relayed a quote comparing the relationship between insurers and reinsurers as "like a game of poker" (65) — only, according to St. John, "the game is uneven" (66). "Florida insurers are particularly needy buyers, hence they have little choice to refuse what reinsurers demand to be paid," she says (67). "Determining" here is again taken to mean some sort of dependence, as in insurers were dependent ("needy") on reinsurers. But for what? And, more directly to St. John's second conclusion, how did the fact that insurers are dependent on reinsurers help demonstrate that the cost and availability of insurance for homeowners is dependent on reinsurers? There are steps between what the insurer pays the reinsurer and what the consumer must pay — for example, rate limits placed on insurers.

In sum, then, the reasons and evidence offered by St. John in support of her second claim were somewhat apropos, but also potentially misleading and incomplete. There was some distance to go before readers could accept, based on what was presented, her specific claim about reinsurers' influence.

St. John's support for her third claim, that reliance on reinsurers was eroding Florida's ability to withstand disaster, hinged on a discussion of the fact that the state's insurers "have less money to set aside for future storms," known as policyholder surplus (79).

"To the alarm of industry watchers, it is weakening," she wrote (81).

The surplus held by Florida-based insurers in 2003 was \$2 billion. It is now about \$2.4 billion — an increase that has not kept pace with the amount of property these companies insure.

In 2003, Florida insurers had 65 cents in the bank to back every dollar of brick and shingle they insured.

Now it is 42 cents. (82–84)

It was unclear how these and other similar statistics demonstrated, by themselves, that the state's "ability to withstand the inevitable disaster" was declining. As this very article demonstrated, Florida's mechanisms for facing disaster encompassed more than insurance companies — they included reinsurers, for example. It might or might not have been the case that reinsurers could help Florida recover from a nasty hurricane. St. John previously noted that no major hurricane had tested the new system, so it was difficult for anyone to say which case it would be. But knowing the role and effect of non-insurers in recovery efforts was essential to being able to decipher the meaning of St. John's statistics unto themselves.

Not able to provide that context, however, St. John seemed to be saying that the statistics were worth nothing only because of the "alarm of industry watchers."<sup>46</sup> This appeal to authority by St. John was difficult for readers to accept simply because of the lack of information given about these "industry watchers." Who were they? Why did the numbers alarm them, and were their reasons the same as St. John's? What *were* their reasons? Without this information — and St. John said nothing about who she was referring to — readers had no reason to find the numbers "alarming." They could only assume that "down" or "under-pace" meant "bad," and there was not much available reason to assume as much.

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46 Here, then, is some support for the "burglar alarm" objection noted in the Discussion chapter.

## ***'How Bermuda rigs rates' (October 25)***

Despite its headline, St. John did not discuss in this story very much “rigging” of rates by Bermuda, or really much about that country in general. Instead her focus was on the reinsurance companies located there, and how their rate-setting practices affected Florida insurance companies and in turn Florida homeowners. More specifically, the issue addressed here concerned the years after Hurricane Katrina: How did reinsurers react and what were the effects of those reactions?

Reinsurers are companies that provide insurance to insurance companies designed to pay out in the event of a catastrophe requiring more funds than the insurance company has. St. John concluded that Floridians “took [a] hit” (3) from reinsurers in three primary ways.

First, that reinsurers “reduced the storm coverage they were willing to give Florida,” or in some cases “refused to write policies for months, convinced they could extract an even higher price from insurers that neared collapse” (5). Second, that the reduction in supply caused insurers to “still [cobble] together hurricane protection in August and September, during the peak of danger, and [pay] three times the January rate” (6). Third, that “the cost was paid by Florida property owners” (7). The first and third conclusions were descriptive claims about a previous state of the world; the second claim contained the descriptive claim about the way the world was, and also a descriptive conclusion regarding causation.

What evidence did St. John offer to support her first claim regarding reinsurers’ reduction or purposeful limiting of available coverage? One part of the claim was better justified than the other. The only evidence offered to demonstrate that insurers “reduced

the storm coverage” they offered was St. John’s reference to “reinsurance contracts and comments by executives” that showed that reinsurers reduced the capital they offered to Floridians “even when they had money in the bank and board approval to use it” (24). This was essentially a restatement of the original claim with an oblique citation to “contracts and comments,” but readers were not told anything about the contracts or comments. It was left to readers to accept the claim on St. John’s authority.

Given the relatively weak evidence available for the first half of the claim, it was surprising to see very strong evidence made available for the second half, that reinsurers refused to write policies so as to squeeze insurers. St. John quoted several conference calls from within reinsurance corporations, with executives telling analysts that “we held back capacity” or that insurance companies would eventually return as “distressed buyers” (27–37). Admittedly, it wasn’t clear how St. John accessed these conference calls. But assuming that she accurately reported their substance, then readers had plenty of evidence to use in accepting the claim. St. John claimed that “some” reinsurers “purposefully refused to write policies,” and some — not necessarily all or “many” — had been shown to have done so.

On to the second claim, which came in two parts. The first part was that insurers were “still cobbling together hurricane protection in August and September” (6). The closest St. John came to offering evidence in support of her claim came in paragraph 39, where she wrote that regulators “began a watchlist of insurers without full coverage at the start of hurricane season”:

Industry sources said five insurers were put under temporary supervision. Records obtained by the Herald-Tribune show at least one, United Property and Casualty, was still short in mid-

September and operating under a regulatory consent order, even as it sought a state loan to expand.

This paragraph fell short of demonstrating the conclusion. St. John began by discussing insurers “cobbling together hurricane protection,” but this paragraph showed evidence only of companies without protection, not of companies struggling to obtain protection. (To be sure, neither situation was desirable for citizens, the state, or insurers.)

The second part of the second claim depended on the first part, which had not been demonstrated. But assuming *arguendo* that the first part of the claim was true, St. John then went on to claim that when insurers were putting together coverage in August and September, they were “paying three times the January rate” (6).

This part of the claim was not demonstrated, either. Instead, it was simply repeated, in paragraph 36: “By July, Florida’s cost to reinsure against the biggest hurricanes had tripled.” As it provided no additional evidence or citations, this paragraph served only to restate the conclusion, and could not be used to support the conclusion without also committing the Begging the Question fallacy (Damer, p. 55). A highly particular reader, though, might have noted that paragraph 36 does not relate to the same time period as did the original claim — July, rather than August and September — and included a qualifier missing from that claim (reinsurance “against the biggest hurricanes,” as opposed to all hurricanes).

The third conclusion, that “the cost [of reinsurance rate increases] was paid by Florida property owners” (7) came with some evidence, but the evidence bordered on becoming an instance of providing correlation without causation:

The average home premium increased 80 percent. Residents near the coast saw increases of 300 percent. More than 300,000

Florida families lost their private coverage, forced to find a new company or join Citizens, the state-run insurer of last resort. (41)

This paragraph, though lacking a source, did appear to show that Florida residents suffered during the hurricane season in question. But no evidence was provided to suggest why reinsurance costs, or insurer struggles, were the cause of the increase in “average home premium” or the total loss of private insurance for “more than 300,000 Florida families.” Admittedly, however, it is difficult to think of another potential cause that would account for the change. It is perhaps best to acknowledge that many factors affected insurance costs for homeowners, but that the cost of reinsurance for insurers was one of them, and that it was likely that the trends St. John discussed earlier affected insurance costs for homeowners. The third conclusion, then, was fairly well supported.

### ***‘Creating an \$82 billion threat’ (November 14)***

St. John’s dove back into a specific company and its impact in this story. Specifically, she investigated a firm called Risk Management Solutions, which provided software to insurers and reinsurers that estimated the likelihood and severity of hurricanes. The companies, in turn, used those estimates to price their services.

St. John explored two issues: How did RMS calculate its hurricane forecast after Hurricane Katrina, and what was the effect of its forecast? She reached three descriptive conclusions. First, that RMS generated its forecast through a meeting with four hand-picked scientists. Second, that the meeting and resulting storm model “created an \$82 billion gap between the money insurers had and what they needed, a hole they spent the next five years trying to fill with rate increases and policy cancellations” (5). Third, that RMS’s model was unscientific and not based on scientific consensus.

Her first conclusion, that the meeting between RMS and the scientists took place, was strongly documented through interviews. She paraphrased and quoted extensively from one of the scientists, Jim Elsner (23–35), and somewhat less on two other scientists (36–39), and said she unsuccessfully attempted to contact the fourth (36). Adding credibility to the conclusion was the fact that even the response from RMS, at least that which was quoted, attempted only to endorse, not contest, the meeting (“RMS defended its new model by suggesting it had brought scientists together for a formal, structured debate” (50)).

The second conclusion was a little more difficult to parse. St. John provided three descriptive claims, with varying levels of support for each.

She said that the changes in hurricane modeling by RMS “created an \$82 billion gap between the money insurers had and what they needed” (5). In other words, under RMS’s new model, which forecast more hurricanes over the following five years, with a higher likelihood that those storms would be catastrophic, insurers would need more money to pay claims than they had previously prepared for, to the tune of \$82 billion.

From where did St. John get this figure? Its origin was shadowy. She wrote:

The yet-unpublished five-year model did not become an industry standard until December 2005, when it was embraced by A.M. Best, the Chicago firm that provides financial ratings for insurance investors.

Best said it would determine an insurer’s soundness by simulating its performance in back-to-back 100-year hurricanes as calculated by the five-year model. ...

According to a confidential presentation one of its officers gave an industry think tank, RMS calculated its new hurricane model raised the expected cost of a major U.S. hurricane by \$55 billion.

Plugging that model into A.M. Best's stress test meant the industry as a whole would need to raise \$82 billion to remain solvent. (69–70, 73–74)

So the key transition was from the confidential presentation by RMS, about which little was said in the rest of the story, to “plugging in” the presentation data into A.M. Best's test. Unfortunately, it was not clear how the Best model worked, who conducted it, or how one plugged in to the other. Was it a figure arrived at by RMS, Best, or St. John? Simply doubling \$55 billion, as might have been the supposed method (“back-to-back 100-year hurricanes”) does not achieve the expected result. How, then, did the stress test work? All of these were unanswered questions that made it difficult for readers to accept this part of the conclusion.

There appeared to be clearer evidence for the claim that insurers tried to fill the \$82-billion gap with rate increases. St. John cited, among other data, “comments made in quarterly earnings calls” and Allstate's “4,000-page request for a 22 percent rate hike” (79, 81). These data came from only the first couple of years after RMS introduced the new model, meaning they didn't quite justify the full “next five years” claim, although they came reasonably close.

However, no data were presented in support of the claim that policy cancellations were used as part of the recovery effort. In sum, then, the combined claim about the financial difficulty insurers faced after RMS's model and how they reacted was partially justified, but not strongly enough to accept as a whole, at least under the evidence presented.

The third conclusion suffered from some harmful ambiguity at the outset; it was difficult to determine what the conclusion actually was. St. John wrote:

RMS said the change that drove Florida property insurance bills to record highs was based on “scientific consensus.”

The reality was quite different. (6–7)

This could be interpreted as either “it is not the case that RMS based its change on scientific consensus” or “it is not the case that there was scientific consensus.” The latter interpretation encompasses the former, though not vice versa (there might have been a consensus, but not one that RMS intentionally considered).

St. John did not clear the confusion, and indeed it appeared that at times she tried to demonstrate both points: She provided reasons to think both that that RMS’s methodology was suspect, and that the scientific community was more fractured than RMS would acknowledge. In both cases, readers would have needed to use a little imagination to attach the reasons and evidence to the conclusion, though not a troubling amount.

The paraphrasing of some scientists that “the industry skipped the rigors of scientific method [and] ignored contradictory evidence and dissent” (9) was somewhat useful for demonstrating that RMS did not base its conclusion on scientific consensus. It did not necessarily show that there was no consensus, though. RMS might have used foul methods while happening upon what was a consensus about hurricanes anyway.

More useful was her reporting of the concerns of a state commission that must approve hurricane models before they may be used to set insurance rates. Those reviewers “planned to reject the model,” St. John said (85).

A draft report shows the objections centered largely on how RMS had determined its new hurricane rates.

The panel said the model change failed to meet credibility and

bias tests, and it questioned how RMS had picked its four scientists and why so few were invited. (86–87)

Additionally, it took only a small step for readers to justifiably conclude that RMS's conclusions were not based on scientific consensus given St. John's detailed descriptions of how the sessions with scientists were conducted. Based on interviews with participants, St. John described an abrupt first meeting with the four scientists:

The RMS modelers believed Florida would remain the target of most hurricane activity. Elsner's research showed storm activity shifted through time and that it was due to move north toward the Carolinas.

But RMS' facilitator said there was not enough time to debate the matter, Elsner said. There were planes to catch.

In the end, the four scientists came up with four hurricane estimates — similar only in that they were all above the historic average.

RMS erased that difference with a bit of fifth-grade math. It calculated the average. (41–44)

To even the most casual reader, “planes to catch” and averages probably would not have spelled “scientific consensus.” Nor would, as St. John described, the use of Tiddlywinks to rank different RMS-picked climate models, as seven scientists were asked to do in 2008 to update RMS's software (94). She also quoted the criticism written on the blog of a scientist involved in the 2008 session, who came up with nearly the same ranking of models with a random number generator in his office as did the scientists in the room (110).

So if St. John meant to say “it is not the case that RMS based its change on scientific consensus,” she demonstrated that point quite well. Complaints of a few scientists, though, does not a consensus break. St. John's evidence to suggest “it is not the

case that there was scientific consensus” was a little weaker. She paraphrased Karen Clark, the former chief executive of AIR Worldwide, “an RMS competitor,” as saying RMS’s model “lacked sufficient scientific support” (17). Later she paraphrased AIR Worldwide and Eqecat, another competitor, as arguing the same to A.M. Best (75), although “the warnings were not heeded” (78). The obvious hangup to these data was that as RMS competitors with financial interests in seeing RMS falter, their credibility as experts on the matter was poisoned.

### ***'Hurricane models: garbage in, gospel out (November 15)***

This story was one of the most ambitious in the series. It contained several conclusions, all delivered in the introduction to the article, and then helpfully addressed in separate sections.

The focus of the story was the models that insurers and reinsurers use to estimate the likelihood of hurricanes striking a particular area and the magnitude of damage the storms are likely to cause. The conclusions St. John offered in this story were:

- “The catastrophe models at the core of just about every aspect of hurricane insurance, from rates to regulation, are flawed.” (3)
- Models examined after major storms have been found to be “stuffed with bad data” (5). A “‘garbage-in, gospel-out’ mentality has taken hold: Insurers plug in bad information about the property they insure yet accept the risk calculations spit out of the model as fact.” (5)
- “Models are being used not to seek the most accurate picture of hurricane risk but to chase the highest profits.” (6)

- “The realm entrusted to [models] is growing. Since Katrina, catastrophe models have been expanded to include costs for political meddling, government ineptness and even human greed.” (13)

The quality of justification given to each of these points varied widely.

*'Flawed from the start*

To her first conclusion, that “the catastrophe models ... are flawed,” St. John offered three reasons. First, she wrote, “modelers have less than 50 years of reliable hurricane experience” on which to base their work (17). Second, “many assumptions must be made, producing results that span wide ranges” (17). Third, St. John provided anecdotes from insurers whose models either underestimated or overestimated what specific hurricanes would cost (21–24).

Was this support persuasive? No. For one, the reasoning contained an unstated, and unjustified assumption: that assumptions themselves are not useful, or “flawed.” Holding this assumption was the only way to link St. John’s comments about the existence of assumptions in models to her conclusion that “catastrophe models ... are flawed.” Otherwise, to say that the models required assumptions didn’t do much more than state the obvious. Models predict; by nature they are tools, not truth-dispensers, a point that St. John herself made in the next section (29).

If St. John meant to say that the models make too many assumptions, or that the assumptions are fatally flawed in some way (as she might have meant, given her previous story about the four scientists gathered to finish RMS’s modeling software), then her argument would change. The argument would instead acknowledge the need for

assumptions but disagree about which ones should be in play. Unfortunately, St. John provided no reason to question anything about the assumptions in the models.

Similarly, the statement that fewer than 50 years of “reliable hurricane experience” was presented without any context that would have given the statistic meaning. Context that would have helped readers understand the statistic might have included the number of years of history that are appropriate for creating useful hurricane models (fifty-five years? five hundred?) and why.

Finally, the evidence presented in the form of failed predictions of models for some insurers would have been persuasive only if readers assumed that the insurers had no role to play in how the models computed their estimates. Readers would have had to assume that the models worked the same for everybody. But the next section demonstrated that this assumption would be false: Insurers are responsible for much of the data that the models rely on, so to show that some models got it wrong did not in itself demonstrate that the models were flawed. To conclude that, readers would have needed to also know that the data fed to the model were accurate. St. John’s next section was dedicated to showing that often those data were suspect, which put the conclusion currently at issue in question.

### *‘Garbage in’*

St. John’s second conclusion, then, concerned the quality of data that insurers put into their models. She concluded that “models were stuffed with bad data,” and that a “garbage-in, garbage-out” mentality had taken hold in the insurance industry.

There perhaps wasn’t home-run evidence to support these claims, but there was pretty good proof. It came from the reporting of two internal studies by the modelers AIR

Worldwide, which “discovered property values for commercial buildings off by as much as 90 percent” (31), and RMS, which, according to a report in another newspaper, “found an 80 percent error rate” (32). It was admittedly unclear how St. John knew of the AIR study. It was also difficult to know whether a finding that “commercial buildings” were misvalued “by as much as 90 percent” indicated that models were “stuffed” with errors. That said, these data provided support for at least a claim that bad data caused problems for how firms prepared for storms.

The quoted criticism of Karen Clark, the AIR founder, of “the minimal amount of data put into models” as “lacking” (35) by companies was, again, not quite fully dispositive of a claim that models contained bad data (it might suggest instead that the models’ problem was that there weren’t enough data in them, not that the data were bad), but it went further the more general claim by St. John that insurers were inputting “bad data” but relying on the results anyway.

However, there was not much to be said in support of the conclusion that the “garbage” mentality had “taken hold.” The closest she had for evidence was a study by Ernst & Young claiming that reinsurers “commonly tack on surcharges as high as 25 percent to cover potentially missed risk” (37). But by itself this wasn’t indicative of anything, let alone that some mentality has “taken hold.” Readers might reasonably have questioned the assumption that would link the evidence to the conclusion, namely that a surcharge for “missed risk” was unusual. Perhaps it wasn’t. But the reader was not given a reason to think one way or the other.

### *'Skewing results'*

St. John followed her discussion of bad data with perhaps her boldest, most complex claim of the story: That at least some insurers chose “which models to user, or how to use [them]” based not on accurately predicting hurricane risk but on which model would allow them to seek higher rates, or to “chase the highest profits” (6).

This conclusion was potentially harmed by an ambiguity, albeit one not necessarily noticeable unless readers remembered St. John’s story from the previous day. In that story, the computer models discussed were of interest for their estimations of the path and frequency of future hurricanes. In the present story, however, those same models were apparently of interest for the way they were used to estimate the financial liability insurance firms faced in the event of a hurricane.<sup>47</sup> It was potentially ambiguous, then, whether St. John meant “models are being used not to seek the most accurate picture of hurricane risk” (6) from the point of view of the models (where will the hurricanes go and how often?) or from the point of view of the bookkeepers (how much will it cost according to this model?).

The distinction was not clarified in the story, but it gradually seemed clear that, at least in this conclusion, St. John was interested in how insurers used models to make the most accurate prediction of their financial risk. Her evidence in support of her conclusion was fairly strong.

St. John wrote that “filings with Florida regulators show several insurers sought rate increases this year after using catastrophe models that left out loss-reducing details such as roof shape or storm shutters” (41). Although, if true, this would demonstrate a

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<sup>47</sup> I owe Professor Craft for pointing out this distinction to me.

manipulation of models in pursuit of higher rates, readers must still accept the argument, to some degree, on authority. Readers were not told exactly which documents were used draw this conclusion or how they proved it.

Next, St. John wrote that “other insurers ... modeled their policies at the ZIP code level rather than street address.” The reason to consider this practice a profit-producing one was that, according to “a former Lloyd’s of London executive,” the practice “generally increases the estimated loss” (42). St. John’s reliance on expert testimony as evidence here was slightly suspect. This “former executive” had not previously appeared in her stories, nor had Lloyd’s of London itself; it was unclear what the person was an executive of (and so whether his or her time at Lloyd’s granted them expert status) and why he or she would require anonymity.

Finally, St. John discussed two instances in which insurers switched to models that “support[ed] a rate hike” (44). According to “confidential documents,” Allstate concocted a “Plan B” in which it would “switch to a later model version known to produce higher losses” if it didn’t think its rate increase request would be approved. St. John reported that Allstate told regulators that it “planned to eventually switch to the higher model anyway and it was just a matter of timing” (46). If this was the reason Allstate gave to justify its plan, then St. John definitely scored on the count of accusing insurers of choosing models based on profits not accuracy. Allstate had apparently not tried to justify its Plan B with science, something readers hadn’t been able to say with confidence regarding the other evidence St. John had presented for this conclusion so far.

So St. John came close to justifying her initial claim, which accused more than one insurer of such model-shopping. Another strong demonstration of the point using her next target, State Farm, would have put her over the top.

Unfortunately, she didn't quite come through. She reported that State Farm switched to a model that "generates statewide loss estimates 18 percent higher than its previous model" (50). But she also reported that State Farm *did* offer an accuracy-based reason for the switch: that the model best supported State Farm's "evidence that home mitigation, such as storm shutters and modern roof design, is not as effective as regulators contend" (50), a contention that St. John did not counter. But leaving that statement unchallenged had the effect of leaving readers unable to determine whether it had merit, and hence whether State Farm chose its models at the expense of accuracy. The only comment that she made about the new State Farm model was that it was "seldom-used" (49). But on its own that comment was not sufficient to disqualify the model on the merits. By itself, in fact, it would have represented an Ad Populum fallacy — that is, that the model was bad only because other models were more popular.

### *'Model creep'*

Lastly, St. John offered a descriptive conclusion about the growth of modeling post-Katrina, saying that "the realm entrusted to the model is growing." In the end, she referenced only one model, that of RMS, but everything she reported about the model supported her conclusion, although it was not clear how she obtained the details:

The model RMS created in 2006 calculated not only for a bundle of shingles, but for price-gouging by contractors, claims fraud by policyholders and sloppy work by harried adjusters.

It also created what it called "Super Cat" charges for major

storms RMS believed would trigger a series of follow-on disasters, as did Katrina in New Orleans.

They include the economic meltdown of a community, botched disaster response, political interference with insurers, and unforeseen events, such as the collapse of the levees. The Super Cat category drove up insurance costs primarily for commercial policyholders. (53–55)

Any discomfort caused by the opacity of sourcing was somewhat relieved, however, by the inclusion of quotes and paraphrases about the model from RMS executives (67), insurance brokers (59), and regulators who had seen it (62). These attempts to predict and quantify human behavior were perhaps the most interesting part of the article, and fortunately for readers what St. John said about them were well-documented.

### ***‘How State Farm cashed in on a crisis’ (December 5)***

In her final story of the series, St. John returned to the reinsurance industry, focusing specifically on one firm, State Farm, and its profitable reinsurance arm. She concluded two things about State Farm’s activity in reinsurance: First, that it represented an “easier way to profit from homeowners” than offering insurance protection against hurricanes (4). Second, that the “desperate” need for insurance that State Farm helped create when it stopped offering hurricane protection in Florida allowed it to charge “some of the highest rates in the world.”

What support did St. John offer for her first conclusion, that State Farm had found easier means of profit from Floridians? First, what did she mean by “easier”? This potentially fatal ambiguity received clarification, however: By easier she meant the amount of profit generated *vis* the potential losses incurred on the investment.

According to St. John, “the potential loss from a major hurricane is measured in billions of dollars” for standard insurers, like State Farm used to be. But through its investment in a reinsurer, DaVinci, State Farm stood to lose in a major hurricane only what it put in, or around \$350 million (12–13). It seems fair to infer that this calculation was what St. John referred to when she said “easier.” And that statement, too, provided really the only reason St. John needed to demonstrate her claim, although she lacked visible evidence to support her citation of particular figures regarding potential profit and loss.

Her second conclusion, that the desperation State Farm helped create allowed it to charge very high rates, was less acceptable, however. She offered the following reasoning to support her conclusion.

First, Florida and the Gulf region in general were distressed markets after Katrina and State Farm’s subsequent departure from hurricane insurance. This point was not belabored in the story, but probably could be taken as a safe assumption for readers, and a near-certain assumption for those who followed St. John’s series.

Second, that DaVinci had a habit of pursuing business in distressed markets. She cited the company’s “shift[ing] its attention to hurricane risk” after Katrina, eventually becoming “the largest provider of hurricane coverage to Florida-based insurers” (40). She also quoted the CEO of Renaissance Reinsurance, another partner in DaVinci:

“Where there’s gunfire we don’t run toward the bullets, but we like to get involved when there’s still smoke in the air,” RenRe CEO Neill Currie told the Herald-Tribune two years ago at a reinsurance gathering in Monte Carlo. “It works out pretty well, because we come riding in on the horse.” (43)

At this point, readers had a fairly clear sense of the “desperate” situation facing Floridians. The justification for saying that that desperation allowed DaVinci (and State Farm) to charge world-high rates came from interviews with reinsurance brokers:

Interviews and documents examined by the Herald-Tribune show DaVinci focused on selling the riskiest, hardest-to-get coverage most critical to Florida’s weakest property insurers.

There is little competition in that niche, and reinsurance brokers said the price for such protection is among the highest in the world, sometimes more than 50 cents for \$1 in coverage.

“ ‘Opportunistic’ is the absolute key word,” said John DeMartini, vice president at Towers Watson, a national reinsurance brokerage. “DaVinci cleverly stepped into the void.” (45–47)

These interviews went some way toward demonstrating St. John’s conclusion. But, importantly, they ended up demonstrating a different, weaker version of the conclusion. St. John initially wrote that State Farm’s capitalization on desperation allowed it “to command some of the highest rates in the world.” But she cited evidence showing only that the general cost of reinsurance for a particular kind of property was “among the highest in the world” — not that DaVinci in general charged rates among the highest in the world, or that it even charged unusually high rates in the specific domain of risky property. Seemingly anybody could have charged high rates to offer reinsurance for such property. This conclusion, then, was harder for readers to accept.

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