



UNITED PRESS INTERNATIONAL

A captain nearing age 60 averted a scene like this, where a Beechcraft crashed near Burbank-Glendale-Pasadena Airport in California, killing three.

YOUNG PILOTS RISKIER THAN THE OVER-60s WHO ARE TURNED AWAY

By Knut Royce and Josey Ballenger

Minutes after the TWA Boeing 727 had taken off from New York's LaGuardia Airport and was climbing above 10,000 feet, the flight engineer shifted his attention from the control panel to the cockpit window. He caught a glimpse of death. The jetliner inadvertently had caught up with a Beechcraft Bonanza, a single-engine, private aircraft.

"The windscreen was full of Bonanza," he recalled from his home in Incline Village, Nev. "I could see the pilot's red baseball cap."

The captain and his co-pilot had their heads bowed, tinkering with instruments, oblivious to the imminent catastrophe. "I started to say, 'Look out!' or, 'Oh my God!' and the captain looked up and saw him," said Ed Kirkpatrick, the flight engineer at the time. "We just held our breath, 'cause we just goddamn knew we were going to hit him, or he was going to strike our tail."

But instead of dropping the nose — which Kirkpatrick said he and the co-pilot instinctively would have done, with the risk that the Bonanza would strike the jet's tail — the captain made a hard roll to the right and missed the private aircraft altogether.

The captain had less than one month to go before his federally mandated retirement at age 60.

"It had to have been his experience," asserted Kirkpatrick, now himself a Southwest Airlines captain reaching retirement age. "It's not a technique anybody would have applied, or been trained for. It was his judgment that that's what was required."

Although that harrowing incident occurred 25 years ago, it is one of

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PROTECTING THE RIGHTS OF THE PEOPLE THROUGH INVESTIGATIVE REPORTING

By Charles Lewis

Abraham Lincoln once said, "I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts."

COMMENTARY

To get the truth, people in any country must rely on respected, independent sources of information.

It is hard to imagine a newspaper in the world today that has been more courageous or more tenaciously persistent in its pursuit of the truth than *The Namibian*. Congratulations to Gwen Lister and her brave colleagues at *The Namibian* for persevering through firebombings, arrests and other outrageous forms of harassment and intimidation for the past 15 years. And congratulations to the hardy citizens of Namibia for supporting this heroic newspaper.

Speaking truth to power is never easy, and it never has been. (More on *The Namibian* on page 4.)

According to the Committee to Protect Journalists, 34 reporters were murdered around the world in 1999. Another 87 were imprisoned because of their work. The New York-based research organization Freedom House says 80 percent of the 6 billion people on this planet "live in nations

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LEGISLATORS WITH TIMBER TIES HAPPY TO HELP

By Alex Knott

Oregon State Sen. Ted Ferrioli does not like people protesting against the timber industry. In 1999, the two-term Republican successfully sponsored a bill to make it a felony for activists to chain themselves to trees or to



U.S. FOREST SERVICE

As loggers continue to harvest trees, timber companies have planted their issues in state legislatures with 220 lobbying entities and \$3.4 million in campaign contributions.

demonstrate in other ways that interfere with agricultural operations, including logging.

Ferrioli, of the city of John Day in northeastern Oregon, is executive director of Malheur Timber Operations Inc., a trade association representing the timber industry and cattle producers in the state.

Local environmentalists say Ferrioli's successful legislation, coupled with his employment in the timber industry, might constitute a conflict of interest. "He is one of the leaders in the Oregon Legislature who have made an effort to weaken our state forests' safeguards," said Jonathan Poisner, executive director of the Oregon League of Conservation Voters, which gave Ferrioli a 7 percent rating for his environmental record in 2000.

Activities like Ferrioli's —

advocating for timber interests in his dual roles as paid timber advocate and state legislator — are not unusual in statehouses. A study by the Center for Public Integrity has found that at least 150 members of legislatures in 34 of the 50 states recently reported financial connections to timber interests.

Many of these lawmakers vote on forestry and timber issues. The Center found more than 27 percent of these legislators sat on committees that regulate the industry. Still other

lawmakers, such as Ferrioli, sponsor legislation that promotes their timber interests.

BEYOND BIG TOBACCO

While the timber industry has maintained a high national profile, it has quietly been building up its influence in state legislatures. It's no wonder: Big Timber is growing beyond Big Tobacco in pivotal areas. For instance, in 2000, timber edged out tobacco in Kentucky as the state's top crop in revenues. Timber interests outspent the tobacco industry in campaign contributions during the 1998 election cycle by almost a million dollars.

Indeed, the bulk of timber's campaign contributions is going to state lawmakers. During the 1998 election cycle, donations to candidates for state office totaled

more than \$3.4 million — twice the amount from timber political action committees to federal candidates.

220 LOBBYISTS

Many timber organizations have also hired lobbyists to push their interests in the states. The Center for Public Integrity identified more than 220 lobbying entities that advocate Big Timber's issues with state legislatures. Access to state forests may be Big Timber's greatest objective. Fifteen states in the country have more acres of state forests than federal forests.

Many environmentalists say this timber influence might have a strong effect when lawmakers consider legislation on state forests, logging taxes and environmental regulations. The primary legislative goals of the timber industry, the environmentalists say, are to receive more access to wooded lands, to cut expenses and to obtain exemptions from state environmental regulations to allow them to log.

Some state lawmakers with timber ties are more than happy to help the industry. Consider Maine State Rep. Clifton Foster. Foster is a timber consultant and founded Timber State G Inc. in 1985. "Mostly, we sell timber for people and manage land." Foster is a Republican from the town of Gray who sits on Maine's Agriculture, Conservation and Forestry Committee.

In 1999, Foster proposed a bill that allowed the cutting of trees in shoreland areas zoned for resource protection. "The purpose of this bill was to allow periodic thinning to keep the woods there in good shape," Foster said of his

THE INDUSTRY

bill, which became Maine law in June 1999. "It's perfectly fine and it maintains the vigor of the remaining trees."

A second bill he co-sponsored that year sought to remove paperwork requirements between landowners and loggers when filing agreements to cut down trees. The bill passed, allowing fewer rules for loggers in the state.



U.S. FOREST SERVICE

The environmental effects of clear cutting are evident as acres of trees are harvested, leaving barren fields.

NURTURING LEGISLATION FOR BIG TIMBER

Foster concedes he has made money from the legislation he has proposed.

"That would probably be an accurate statement," he said. "A lot of people benefit from legislation all the time."

As for potential conflicts of interest, Foster said, "I don't believe there is a soul up there [in the legislature] that wouldn't have a conflict of interest of some kind. Everybody, you could say, has a conflict of interest."

Alex Knott is a research associate at the Center for Public Integrity.

— Aug. 29

States with five or more timber-related lobbying entities registered:

California: 13
Oregon: 13
Washington: 13
Alabama: 12
Maine: 11
Minnesota: 11
Michigan: 11
Texas: 10
Georgia: 9
Wisconsin: 9
Florida: 8
Louisiana: 8
North Carolina: 7
New Hampshire: 6
South Carolina: 6
Mississippi: 5
New York: 5
Ohio: 5
Virginia: 5

Information gathered from fall 1999 state lobbying records

PROTECTING THE RIGHTS OF THE PEOPLE

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with less than a free press."

According to a French organization's estimate, 45 countries restrict Internet access under "the pretext of protecting the public from subversive ideas or violation of national security."

MORE PRECARIOUS WORLD

Today's breathtaking 21st century technologies – robotics, genetically engineered organisms, biotechnology – have wildly unpredictable aspects to them. Because these new technologies are being developed

almost entirely by corporate enterprises for commercial purposes, there is no real political discourse, no collective discussion about shared values, ethics, morals. And unlike atomic and nuclear weapons, these powerful, unprecedented new technologies are obtainable and usable by individuals or small groups. They do not require large facilities or rare raw materials, and these technologies are not under the control of any nation-state. All that is required is knowledge and money.

Who is protecting the public

interest? How can journalists get information from multibillion dollar transnational corporations that increasingly are under no legal obligation to disclose their activities to anyone? What is legal when there are technologies so new that the laws have yet to be written anywhere?

How do nations that sell off their natural resources, from water to diamonds, ensure that all of their citizens benefit from such financial dealings? To what extent are the wealthy, industrialized nations in the North acting

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NEEDED: INSIGHT, INVESTIGATION

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sincerely and in good faith on such vital subjects as global warming with the poorer countries in the South? In the U.S. right now, companies are patenting human genes. From human genes to specific plant species and seeds, who owns the commercial rights? Is everything for sale?

There are thousands of these kinds of new questions, all of them requiring imagination and innovation and international insight by today's news organizations. Almost all affect the health, safety or financial well-being of everyone. Physical nation-state borders are substantially irrelevant.

Meanwhile, all of the tragically familiar inequities and injustices continue on a global scale, all notably underreported by the Western news media. The wealthiest fifth of the world's people consumes 86 percent of all goods and services, while the

poorest fifth consumes 1 percent. Almost 800 million people — roughly one-sixth of the world's developing nation population — are malnourished, and 200 million of them are children. One in four adults in the developing world is illiterate. Approximately 1.3 billion people lack access to safe drinking water.

All of these complicated, vexing issues somehow must be understood and investigated by journalists around the world. Companies and governments, large and small, would like the public perceptions about these subjects to comport with their own specific financial and political agendas. While the role and the future of the nation-state today are unclear, in any country, the perceived threat posed by an independent truth-teller rooting around, looking for the "real facts," is very clear. As Nobel Prize-winning author Nadine Gordimer recently wrote in

Living in Hope and History, "The State wants from the Writer reinforcement of the type of consciousness it imposes on its citizens, not the discovery of the actual conditions of life beneath it, which may give the lie to it."

The inconvenient, unmanageable presence of the investigative journalist is a problem for governments and corporations all over the world. That explains why reporters are murdered, tortured, deported, sued for criminal libel and otherwise harassed. Despite such intimidation, fearless, intrepid investigative journalists such as Gwen Lister and her newspaper, *The Namibian*, press on, against all odds, bringing the truth to light for all of us to see.

And the world is a better place because of it.

— Oct. 6

Charles Lewis is the founder and executive director of the Center for Public Integrity.

FOUNDED UNDER OPPRESSION

The Namibian was founded in 1985, at the height of apartheid oppression, by Gwen Lister, a member of the International Consortium of Investigative Journalists, and several of her colleagues.

The newspaper was actively engaged in efforts to implement the U.N. settlement plan for Namibia that led to elections in 1989 and independence from South Africa in 1990. In the process, the newspaper was firebombed on several occasions, Lister and members of her staff were arrested and detained, and the newspaper was subjected to a campaign of harassment and intimidation. The newspaper actively fought for freedom of speech, free press and democracy in the dark days of apartheid and continues that tradition today.

It remains committed to independent journalism, an indispensable pillar of any working democracy.

For her efforts, Lister, the founder and editor, was honored in April 2000 as one of the "50 World Press Freedom Heroes" of the last half-century by the International Press Institute, a global network of editors and media executives.



YOUNG PILOTS RISKIER

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many unpublicized “close calls” in which experience saved the day.

Untold scores of airline passengers are alive because of the sometimes dramatic — though usually unheralded — action by veteran pilots who summon time-honed skills and intuition to rescue aircraft and their human cargo from tragedy. Yet these same pilots, who several government studies show are at the peak of performance, are yanked from the cockpit when they turn 60 because of a 41-year-old federal rule born of cronyism and bogus medical claims and sustained by massive doses of political contributions.

A *Public i* investigation has found that:

- In 1959, when it clipped the wings of 60-year-old airline pilots, the Federal Aviation Administration said it did so purely to improve safety, asserting that older aviators were at risk of becoming incapacitated. An unstated reason was a deep-seated coziness between the agency’s administrator and the CEO of American Airlines, who had been thwarted by labor arbitrators in his effort to get rid of costly senior captains.

- Despite a preponderance of research showing that older pilots in many

instances fly more safely than younger ones, the government has steadfastly refused to modify its rule — or even make exceptions for captains willing to undergo rigorous medical and psychological tests not required

of younger pilots.

- U.S. airlines are adding pilots at a record pace, with several lowering their hiring standards because of a growing shortage in the supply of experi-

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MANY OVER-60 PILOTS FEEL FIT, LOVE TO FLY

Some of the pilots forced to retire at 60 aren’t as fortunate as peers who have good pension plans when the bell tolls.

The bust-ups of Eastern, Pan Am and several other carriers in the 1980s and ’90s are still felt by these former captains, as their retirement kitties were raided by the ailing airlines when such activity wasn’t regulated. And some ex-pilots worked for airlines when retirement packages weren’t a standard benefit.

Others simply love to fly — and can’t stand the idea of golfing or living in a condo just yet. They feel as physically and mentally fit as ever.

Buddy Davison is one pilot who worked for Eastern Airlines and has only \$30,000 left in that retirement fund. Hired at 24, Davison served Eastern for 25 years when it went under in 1991. But the heartbreak didn’t end there. Eastern’s chairman and CEO, Frank Lorenzo, “piecemealed off the airline, and our retirement plans got raked, and the union [Air Line Pilots Association] screwed us even worse,” Davison told *The Public i*.

Davison, who had four teenagers and a \$3,600 monthly mortgage payment at the time, had to raid his retirement fund to make ends meet. But he was taxed on that, and, unknown to him until it was too late, the withdrawals ate into the principal. “I ended up losing that house and that wife as a result of that fiasco,” he recalled.

A Maryland-based Southwest captain, Davison turned 60 on Jan. 1 — and said he wasn’t ready for retirement. “I don’t smoke, I jog three times a week, I love my job, and I don’t feel 60 or too old for the job. At least I would like to work until I’m 65, when I could withdraw [my Social Security] money,” he said.

— Jan. 8



Buddy Davison, top, left, took his family with him on his last flight before his age-60 retirement.

SPURNED PILOTS

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enced pilots. Many of those with the most experience — those over 60 — are being lost to foreign carriers that have higher retirement ages, or no age limit at all.

- While blocking healthy captains from flying after the cutoff age, the FAA has been liberal over the years in certifying alcoholics, past drug abusers, pilots with psychiatric problems, and those who are blind in one eye or deaf in one ear, as well as hundreds who have undergone multiple heart bypass operations.

- The dominant pilots union, the Air Line Pilots Association, once a vigorous defender of senior pilots, now wants them out of the way to allow its junior members a faster track to the coveted — and lucrative — captain's position. It has effectively blocked any administrative or legislative change by doling out millions of dollars to politicians backing its cause.

While some airlines, notably American and Southwest, have publicly advocated eliminating the age barrier, the Air Transport Association of America — the nation's oldest and largest airline trade organization, with 23 U.S. and five international members — has “no position on the age 60 rule,” vice president of operations Al Prest said in an interview.

— Jan. 8

Knut Royce is a senior fellow at the Center for Public Integrity. Josey Ballenger is a writer for The Public i. Free-lance writer Esther Cassidy contributed to this report.

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The Center for Public Integrity seeks summer interns interested in being introduced to the nuts and bolts of investigative journalism: everything from on- and off-the-record interviews with government officials, academics, economists, activists, whistleblowers and ordinary citizens, to electronic journalism, to poring through government reports, records and statistics.

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For further information about the Center for Public Integrity's internship opportunities, please contact Deb Sherer. Application deadline is May 1.

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CASE STUDIES SHOW VALUE OF OLD-TIMERS

By Knut Royce

Accounts of airplane “saves,” especially when veteran captains overcome the errors of less-experienced crew members, are not volunteered by airlines, which want to project flying as being safer than Series E Savings Bonds. Pilots abhor tattling on colleagues even while acknowledging that they sometimes cause near-disasters.

But examples gathered by *The Public i* illustrate how valuable these old-timers can be.

345 LIVES SAVED

Fourteen years after the 1975 TWA-Bonanza close call — and half a world away — a captain who was just four weeks from turning 60 skillfully glided a United 747 back to safety in Honolulu after a cargo door and a big chunk of fuselage blew off.

Nine passengers, with luggage, were sucked into the jumbo jet’s two right engines, drastically dropping the forward thrust that keeps the aircraft aloft.

The National Transportation Safety Board later acknowledged Capt. David Cronin’s enormous skill in piloting the crippled aircraft to safety, citing his 38 years of experience. Left as a footnote to the 1989 incident, however, was that Cronin prevented his less-experienced co-pilot, who was going by the book, from dropping the landing gear and flaps, which would have caused so much drag that the jet would have crash-landed in the Pacific.

A friend of Cronin, retired Capt. Hal “Mac” McNicol Jr., runs a Los Angeles agency placing hundreds of over-60 pilots into jobs on foreign airlines and domestic air taxis and air charters, which they are



BOEING CORP.

A captain weeks away from age 60 skillfully glided a Boeing 747 to safety after a cargo door and a chunk of the fuselage blew off.

still allowed to fly. McNicol said that after the door ripped off and the jet lost power, the co-pilot read out the list of procedures recommended for an emergency descent. When the co-pilot said he was going to bring the landing gear down and extend the flaps, Cronin reacted immediately, according to McNicol.

“Hold on,” Cronin told the co-pilot. “We don’t know if we can make it or not, and if we gear down, we’ll cause drag,” losing too much altitude to make it back to Honolulu.

Cronin saved 345 lives on that flight, his last as a commercial pilot.

‘BEST PILOTS OLDER’

In the mid-1990s, a senior captain for Southwest Airlines grabbed the controls from his co-pilot — who had had only a month’s experience on the Boeing 737 and was getting hands-on training — and prevented a runway collision with a twin-engine Piper Seneca taxiing across the runway. It was



Capt. ‘Mac’ McNicol

a nighttime landing in Albuquerque, N.M., and the co-pilot, fresh out of the Navy, where he had been flying single-engine fighters, never saw the private aircraft because he was struggling to align the jetliner with the runway.

“Just as we landed, I see this airplane right in front of us,” recalled the captain, Gary Higby.

“So I grabbed the airplane and firewalled the engines.” Firewalling is applying a full forward thrust to the two engines.

Higby remembers that as the aircraft became airborne again, the left engine cleared the Seneca by a mere 10 feet. “I had lifted the left wing a little higher than the right wing just to get that left engine over the top,” he said.

It was experience gathered from 15,000 hours of flying time that tipped him off that something was amiss, Higby said. In this instance, the changing pitch in the voice of the control tower’s air traffic controller added a telling clue. “As we were getting closer and closer to the ground — we must have been 200 feet from the ground — the tower guy, his voice was getting a few octaves higher, telling the Seneca, ‘Hold short of Runway 8, hold short of Runway 8. Stop!’ And I was saying, ‘Uh-oh, I’m going to see something here in a minute,’” he recalled.

“There is no substitute for experience,” said Higby, a mere 50 years old at the time. “The best pilots I ever saw were a lot older than me.”

— Jan. 8

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