Best Alternative Longform Journalism

Including stories from

Independent Weekly

L.A. Weekly

Miami New Times

Nashville Scene

Philadelphia City Paper

Santa Fe Reporter

Seattle Weekly

Texas Observer

Westword

association of alternative newsmedia

Introduction

By Rachael Daigle

When Jack White wanted to have a conversation with his adopted hometown of Nashville, Tenn., he turned to the city's alternative weekly. The musician of White Stripes fame had, according to Nashville Scene reporter Adam Gold, been pretty quiet his first few years in Nashville and when it came time for White's label, Third Man Records, to stake its claim in the Music City's cultural scene, Gold surmises that the Scene's counterculture status played a key role in landing the story.

After Kathryn Stockett's 2009 debut novel The Help—which had been rejected by 60 agents before making its way onto the reading lists of every book club in America—became a mediocre major motion picture two years later, a candid profile from Atlanta's Creative Loafing drew criticism for what some readers perceived as a negative portrayal of the wildly popular writer. In it, reporter Wyatt Williams described Stockett—who lives in Atlanta—as a cynical and perhaps depressed writer rather than a woman relishing her success with "a victory lap."

And even though The New York Times had briefly reported on what reporter Saul Elbein calls "the most embarrassing thing" to ever happen in a small West Texas town, it was the Texas Observer that dove into the story and plumbed its depths with acute scrutiny packaged in a graceful narrative.

Be it music, culture or investigative reporting, the alternative newsmedia has been a faithful producer of long-form journalism for a damn long time. Even when newspapers of all kinds squeeze more content into fewer column inches, alt-weeklies continue to carve out large swaths of each issue, devoting several pages to long-form. As newspapers—corporate and independent, daily and weekly, mainstream and alternative—constantly tinker to find the balance between quickly feeding the ever-needy, low-revenue digital news cycle and taking time to delve into deeper, more-expensive features, the members of the Association of Alternative Newsmedia remain committed to the art of narrative journalism.

But it wasn't long ago that media itself began drafting an obituary for journalism of the long form. It's a story we've all heard: the Internet, having decisively slashed the attention spans of most readers to mere nanoseconds, was slowing stamping out any remaining appetite for long-form writing. If it was more than 500 words it was considered too needy, too verbose, too time consuming for the world of the web. Readers don't scroll past the fold, they said. Readers don't want 1,000 words, they want two paragraphs and an embedded video lifted from YouTube. And for one long, awkward pause it seemed that perhaps the digital world would indeed kill long-form. Turns out, the Internet was being framed for a murder it wasn't committing.

Rather, the marketplace was simply failing to provide readers with tools they didn't know they wanted or needed. The tools to unearth long form from the beneath the short-form, multimedia noise produced by every sniveling blogger the Internet. The tools to archive and retrieve lengthy pieces on demand when your wireless connection goes tits up. Then a couple of techies started companies that solved the problem: Instapaper, Atavist, Longreads, Longform.org ... (the list is, ahem … long). And their founders, who had started talking about "the death of the death of long-form journalism," were credited with doing a large part to resuscitate long-form journalism. Someone should also buy them a beer and high five them for creating a younger community of interest for stories of length and depth by making mobile long form's new BFF.

This particular collection of long-form journalism is the bee's knees of the alt-weekly world. Each year the Association of Alternative Newsmedia ceremoniously bestows awards—which, in the past, have been accompanied by shots of whiskey and delightfully smutty prizes purchased from a seedy hotel's vending machine selling everything you could possibly be too embarrassed to buy from a human cashier—to reporters from member papers all over the United States and Canada in categories that cover everything from blogging to cultural criticism and investigative reporting to food writing. Some of those pieces are short. Many are, in the alt-weekly way, lengthy reads—smart and colorful, brutally raw, sometimes naughty, and at times a bit offensive.

The alternative press prints the quotes mainstream press editors insist get the ax ("Imagine 12 men in a dorm all in diapers and sitting in their own feces."); its reporters write gutsy, witty lines ("… America's holy trinity of floozydom: Paris Hilton, Lindsay Lohan, and Kim Kardashian."); and it produces these stories not out of some well-funded high-rise office in a big city, from which reporters with large expense accounts jet in and out of towns they'd never before heard of, but from the cities in which alt weekly reporters live. They tell the stories of the people who sit on the bar stools next to them and the stories of the microcosms within their own community. They tell the stories that propel change in their own backyard and compel readers whose path cross their own.

In this collection you'll read that conversation Jack White had with Nashville in the city’s weekly, as well as the less-than-glowing portrait of Kathryn Stockett, and all about that embarrassing business in a small Texas town called Kermit. You’ll also read, in intensely gory detail, about the trajectory and origin of blood spatter found at the scene of a Texas woman's death and how such minute detail not only convicted her husband of her death but may also exonerate him years later. You'll read about the exhaustive crimes of a Washington man who manipulated nice enough women in to running drugs, making porn, and handing over their life savings—all of which he did from a jail cell. And you'll read about the Colorado woman who was awarded $37 million by a jury after her health insurance company dropped her like a hot rock when costly medical bills started rolling in after an accident.

These may not be the stories of your town or even your state. But with plenty of alternative publications still flourishing across the United States and Canada, chances are you'll find an alt-weekly publishing long-form on the regular in your neck of the woods—regardless of which neck and which woods you call home. Take a shit tour of rural CAFOs to see water pollution in action, spend a night out on the town with a famous drag queen, hear what it's like to give birth while shackled in prison chains, travel to Burma with a hip-hop band on the State Department's dime. It's all happening in your local alt-weekly. And you'll find it just like alt-weeklies like it: long.

"Undercover" by Sharyn Jackson

October 5, 2011

Clara Taylor performs abortions where no other doctor will. To get there, she wears a mask.

By Sharyn Jackson, Santa Fe Reporter

On a plane bound for the Midwest from an East Coast city, a lanky 55-year-old woman sits in the 12th row window seat, knitting a sweater. Her waist-length, wavy white-blonde hair is held up in a bun behind her head by a pair of silver knitting needles, while another set clacks away at a gray top. Knitting is her way of keeping busy on this and the many other flights she must take for her unusual, and these days much in-demand job as a traveling abortion doctor, or as she puts it, a “fly-in abortionista.”

Clara Taylor, whose name has been changed to protect her identity, is a family doctor licensed to perform abortions in five states. Known as “fly-ins” or “circuit providers,” doctors like Clara travel to work in clinics that can’t find local doctors willing to do the procedure. Though there are no official figures on fly-ins, or on the overall number of physicians who do abortions, Clara estimates that there are about 100 doctors in the U.S. who, like her, are willing to work in places other doctors simply won’t.

Instead of holding down a traditional full-time job, Clara flies every week to one of two states, for two to four days at a time. But a traditional full-time job was never something Clara desired. She had been a hospital administrator in New York for many years when she realized she wanted closer contact with patients. At the age of 39, she enrolled in medical school, then worked in southern Africa for six years running an HIV clinic.

After she returned to the U.S. two years ago, she received an email, via a listserv for abortion providers, about a job opportunity to staff clinics in need of doctors. It was from a budding placement program called “Goose,” perhaps because it helped doctors fly, and was run out of Planned Parenthood of the Rocky Mountains. Clara began flying to the Midwest twice a month. Last year, via another job announcement, she added a second clinic to her circuit, this one in the Deep South

Clara’s unconventional career choice stems from what she describes as a deep-seated desire to “save the world.” But by electing to leave her home city for parts of the country where people are less hospitable to abortion, she has sacrificed her schedule, her personal life, her salary, and even her health care (she is considered a consultant, not an employee). “I don’t have benefits,” Clara says with a laugh, “but I do have frequent-flyer miles.”

She also has plenty of time on airplanes to catch up on back issues of The New Yorker, listen to Science Times podcasts and knit gifts, like the sweater she’s working on. It’s not for her children or grandchildren —she doesn’t have any—but for the newborn baby of a colleague, another abortion doctor.

As the battle over abortion rights intensifies, fly-in abortion doctors are in increasingly high demand for their willingness to travel to clinics that are geographically isolated, subject to increasingly restrictive state-by-state legislation regulating the procedure, and face harassment from anti-abortion protesters.

While clinics in New Mexico have not yet had to fly in abortion doctors, the same threats to abortion services persist here—and could mean that, in the near future, there won't be enough local doctors willing or able to staff the state's few clinics.

According to the Guttmacher Institute, an abortion research group, 87 percent of U.S. counties have no abortion provider. In New Mexico, the picture is starker, with half the state's female population living outside of the two counties with abortion providers. Only a dozen clinics and doctors' offices between Santa Fe and Albuquerque offer abortions, not only to women from the farthest reaches of the state, but also to those from more restrictive surrounding states who have been flooding New Mexico's clinics.

And it's a challenge to find doctors to staff the clinics, both here and around the country. The doctors who pioneered abortion care in the years after Roe v Wade are retiring, while medical schools aren't producing enough doctors equipped to replace them: Only half of OB-GYN programs require abortion training during residency rotations. (University of New Mexico offers an optional abortion residency to its medical students.)

With the recent proposal, which passed the House but was just barely struck down in the Senate budget, to cut federal funding for reproductive health clinics like Planned Parenthood, the difficulty providers have in making abortion accessible may only worsen.

While New Mexico does not have any restrictions on abortion, such as waiting periods, mandatory parental consent, or limitations on public funding, the Legislature did see proposals for such restrictions earlier this year. And even though they didn't pass, proposals like these come up every year. "We were fortunate that we have a strong coalition for choice here in the state," Joan Lamunyon Sanford, the executive director of the New Mexico Religious Coalition for Reproductive Choice, says. "But we're not complacent. We know that this is going to be a continued threat."

Other states fared worse this year. In Virginia, for instance, a law requiring abortion clinics to have the same hallway widths and number of staff bathrooms as hospitals could force the state's five clinics to shut down. Next door, in Arizona, a new law requiring physicians to administer nonsurgical medical abortions, which were previously administered by nurse practitioners, prompted Planned Parenthood to shut down three understaffed clinics. Nebraska recently considered a bill that would allow a "justifiable homicide" defense in court to vindicate the killing of abortion doctors.

And now, even the fly-in system is under attack. In South Dakota, a contested law requires that women seeking abortions wait three days after an initial consent with the same doctor who's performing the abortion. Because the single fly-in doctor at the state's one clinic only visits a few times each month, the wait period for women isn't three days at all; instead, it could be a week or more.

"Clinics are doing the best they can to serve women in their areas under ridiculous circumstances," Abortion Care Network Director Charlotte Taft says. Taft runs a networking and support organization for abortion providers who have experienced harassment. "But it's almost as if we're in a first-world country and everything is being done to make sure health care for women is as third-world as can be."

That's where Clara steps in, but it's not easy. Protests from anti-abortion groups are constant and often turn ugly—in turn reinforcing the shortage of abortion doctors. But to Clara, her work is less of a choice than an imperative. "I feel like, if I'm willing and able, I have some responsibility," Clara says about her choice to build a career in a way few other doctors would. "'Cause someone has to do it."

This spring, I traveled with Clara to the Midwest, where she has worked for the past year. The March morning we visit the clinic begins like most others for Clara—around 10 a.m. at a chain hotel alongside a generic strip-mall-lined highway, where Clara stays because she can smoke in her room.

I find her waiting in a plush, sage-colored chair in the gray and maroon lobby—standard colors for roadside hotels—and scanning the local tourism magazine. A freight train passes just feet away from the parking lot. When her ride pulls up in a silver SUV, Clara walks outside to greet the clinic manager, Rita (whose name has also been changed), a woman with a friendly face and a voice that means business. After loading her luggage into the trunk, Clara slides into the back seat; I ride shotgun. The lot smells faintly of horses.

In her years at the clinic, Rita has seen many doctors come and go. The last doctor to both live and work in this city, Ted Russell, whose name has been changed so as not to reveal where Clara works, was hounded out of town a decade ago. Though abortion accounted for only 15 percent of his practice, when Russell tried to refer his other patients to hospitals for deliveries or even X-rays, the hospitals refused them. After 18 months of frustration with the local medical community—not to mention ongoing harassment from protesters—he left, and the clinic has used fly-ins since.

“There’s a reason they have to fly a physician in to provide abortion services and have not been able to find a doctor who lives there in the last 10 years,” he says. “They’d find, personally and professionally, it would be impossible to work there, to live there and to be labeled an abortion doctor.” (Santa Fe’s only abortion doctor declined to comment for this story.)

On the way to the clinic, Rita briefs Clara about the day so far. Twenty-three women are on the schedule for surgical or medical abortions. Some of them have been at the clinic since 8 a.m., meeting with counselors, getting ultrasounds. One woman who is 19 weeks along was sent away; while Planned Parenthood’s policy in this state is to perform abortions up to 20 weeks, Clara stops at 16.

It is Lent, so there are more protesters than usual, Rita explains. They are part of the 40 Days for Life campaign, a string of anti-abortion vigils outside clinics across the country. She says we can expect a dozen picketers; usually there are only about five.

After a few minutes of catching up, it is already time for Clara to plan for arrival. Usually, she’d pull her sweater up over her head for the approach, but this time, Rita points to a blue and white blanket on the back seat next to Clara. “I think, when we get a little closer, just lie down and put the blanket over you because they’re just…they don’t need to have your face.”

“I know,” Clara says wistfully.

It’s just sad that it’s come to this,” Rita says.

“I know,” Clara says again, almost whining. The SUV reaches the last traffic light before the clinic. The car pauses and the blinker ticks, awaiting a left turn.

“Here I go!” Clara sings, then giggles. She crouches down horizontally on the seat and splays the blanket over her. The SUV pulls into the driveway, which is lined on either side by a handful of people, young and old, men and women. There are more signs than there are protesters, some with common slogans such as “Face It: Abortion Kills,” others with graphic images of fetal tissue. Some of the posters have

messages in bright orange ink directed toward a doctor who hasn't worked at the clinic in a year. Clara doesn't see any of it, and though the protesters recognize the clinic manager's car, they don't see Clara, either. ("They're gonna think that you are probably the doctor," Rita tells me.)

Rita drives the car around to the back of the clinic. Picketers stand along the route, but don't take one step across property lines. Once in back, shielded by the building, the clinic manager tells Clara, "OK! You're safe!"

Clara unwraps herself from her cocoon, grabs her things and walks into the clinic through a door held open by a security guard in uniform. Rita doesn't even lock her car.

Inside, Clara goes right to an open closet lined with mirrors and changes into her work garb: light blue scrubs, a white coat with her name embroidered over the pocket and silver Converse sneakers. She rolls her hair up into a bun held together by chopsticks, then shuffles through the carpeted maze of corridors toward her office. For the next six hours, she works with the support staff, 12 women, to relieve the packed waiting room from the Miley Cyrus-heavy musical loop accompanying the wait.

The music is Daria's only complaint about her experience at the clinic. The 29-year-old, whose name has been changed to protect her identity, is one of the 23 patients in line for an abortion today. Six-and-a-half weeks earlier, she and her boyfriend of six months neglected to use a condom. Daria quickly became ill, like she had a hangover on top of the flu. Pregnancy, she soon learned, was "not what they make it out to be. It's definitely not been blissful." And being in such a new relationship, she felt she was not ready to be a mother.

Clara comes into the operating room to talk to Daria and walks her through the process of vacuum aspiration: First, she'll administer a local anesthetic to numb the cervix; then use a series of dilators, or increasingly thick rods, to stretch open the cervix; and finally, insert into the uterus a tube that is attached to a pump which suctions out the pregnancy. The whole process will take less than 10 minutes, Clara explains. And though she will try to minimize it, she warns Daria that there could be pain—something she knows from personal experience.

Clara never married. Her schedule makes it hard to be social, but it's been that way since she went back to school at 39. Before that, "in my previous life," she says, she went out in New York City almost every night, to clubs or readings or performance art.

Medical school, a residency, and a fellowship in family planning, all in the Northeast, put a stop to all that. Then she began to travel for work: a stint on a reservation in the Midwest, a tour with Doctors Without Borders in Africa, a year in England. She applied to work on some reservations in New Mexico, but she couldn't perform abortions because Indian Health Service is federally funded. (The Hyde Amendment, a 1976 provision on Medicaid, bars federal funds from being used for abortions.) Instead, she returned to Africa, where she spent six years as a family doctor.

Clara never had children, but in 1974, at the age of 18, she had an abortion. She was an undergraduate philosophy major at a Northeastern Ivy League college. Like many of the patients she sees today, she was on birth control—it just wasn't very effective. She wasn't ready to have a baby, and she didn't think having an abortion was a big deal.

"I felt fine when I walked in the room, laid down, and then all of a sudden I had pain that I didn't know

was possible," Clara says. Now aware of the mechanics of the procedure, she believes that the suction catheter that removes the pregnancy touched the wall of her uterus. "Labor pain starts slowly and goes on and on and on. This is much shorter. You feel absolutely fine, and then you suddenly feel attacked by this person between your legs."

Today, talking to her patients before the procedure, Clara will sometimes draw from her own experience. "Even if I don't say anything, I remember how it felt, and while I'm doing the procedure, I'm trying to avoid that pain."

Clara is still friends with her boyfriend of the time. When they get together, they talk about how old their child would have been. "That person would be 35," she says. "It always occurs to me."

The same year that Clara had an abortion, Stephen Imbarrato's girlfriend did, too. Eighteen months after Roe v Wade legalized abortion, he had been living with a woman who became pregnant and, he says, he encouraged her to terminate the pregnancy. "I was away from my faith," Imbarrato says. "It wasn't until after the fact that we realized what we did." He found out, years later, that his girlfriend had been pregnant with twins.

Today, Imbarrato is a Catholic priest and the head of Project Defending Life, New Mexico's umbrella organization for anti-abortion Catholic ministries. He tells his story easily, as if there were nothing surprising about the fact that one of the most vocal leaders of the anti-abortion movement in the state had once chosen abortion, or that he has an adopted son and four grandchildren. "I'm a pretty unique priest," he says, in a New Jersey accent unfaded after a decade in the Southwest. "I'm a grandpa priest."

Imbarrato is an open book about his past and his journey to becoming an anti-abortion spokesperson. He became reacquainted with Catholicism in the early '80s and gradually began telling his personal abortion story at schools and churches with the anti-abortion group LifeNet.

"That led me to the front of these abortion centers, telling these moms my story to save their babies," Imbarrato says. As the leader of PDL, he has established a ministry next door to Albuquerque's Planned Parenthood, where he organizes vigils every day in the hope of convincing women to walk away from the clinic.

His efforts include "raising awareness," actions outside of clinics that, "objectively, people would call protests." His team, made up of two former interns from Operation Rescue, recently publicized several 911 calls placed by abortion clinics over a 30-month time frame. Three weeks ago, the group met with Gov. Susana Martinez.

"We consider New Mexico the abortion capital of the Southwest," Imbarrato says. "The liberal administrations in this state have not focused in on this issue to the extent that other states have, particularly our surrounding states." About one-third of all cars Imbarrato sees pulling into Planned Parenthood come from out of state, indicating that New Mexico is a haven for abortion-seekers in the region.

Americans United for Life's annual "Life List" ranks New Mexico the 38th least anti-abortion state in the country, based on a dearth of laws restricting abortion. "From our perspective, you want to be number one through five, so we're not doing well," Imbarrato says. "Basically, it's open territory."

But Imbarrato believes New Mexico can change, as new measures come to the Legislature, and as he reaches women and doctors, one by one, as they walk from their cars into the clinic and back. “When I have the opportunity to talk to an abortion doctor, I have 10 or 15 seconds, and I say, ‘Hey, doc, when you put your head down on the pillow tonight, you know the truth,’” Imbarrato says.

“In Texas, which has very restrictive laws, a lot of doctors have decided it’s not worth doing business there,” he says. “It’s going to be a combination of many things that closes the abortion mills here. The people in the abortion industry have their salvation at risk.”

Once, Clara was at the clinic in the South with a patient who ended up miscarrying before the abortion. The patient was relieved. She said to Clara, “You know, I was praying and praying and praying for that.”

Clara replied, “You know what? You should tell those people outside,” motioning toward the protesters, “that it really did work.”

Clara thought all clinics would be just like the Midwestern Planned Parenthood, so she had no reservations about taking a second job at another clinic in the Deep South last fall. But she quickly discovered that her two workdays were very different. The first time she drove up to the front gates of the clinic, around 20 protesters were waiting for her, many of them holding cell phones, the cameras aimed at her and ready to shoot.

They wanted her face. They shouted; they sang hymns; but mainly, they wanted to get a good look at Clara, immortalize the image in digital form, and post it on anti-abortion websites like Operation Rescue. Since this clinic didn’t provide Clara with a ride past the protesters, she couldn’t take her eyes off the road by hiding her face in her turtleneck as she drove past.

By Thanksgiving weekend of 2010, Clara hatched a plan. During a stay at a family home in a Northeastern coastal village, she decided to come up with a disguise before returning to work in the South. Unfortunately, it was the off-season; the Halloween stock at the area’s only costume purveyor was stashed away in favor of plastic Santas and, this being a beach town, swimsuits.

“Do you have any Halloween masks?” Clara asked the store clerk desperately. She needed something that would hide her long hair, and something with big enough eyeholes that she could see while driving.

Clara tried on a few options before narrowing them down. At first, she considered wrapping herself in a burka, which hid her hair without obstructing her eyes. But something about dressing in others’ cultural garb made her hesitant. Next, she slipped on a Sarah Palin mask, but quickly nixed the idea. “I don’t want to promote Sarah Palin in any way,” she says.

At last, the clerk handed her a flaccid, pale man’s face with deep-set eyes and a receding curly red hairline. It was Larry from The Three Stooges. Clara tucked her mane into her coat and then slipped the mask over her head.

She looked in the mirror and didn’t see herself at all. For a comedian, Larry is awfully creepy, she thought.

A week later, Clara was back in the South, only that time, as she drove past the protesters into the lot, she looked them right in the eyes. One by one, their cell phones snapped photos of Larry Fine.

It’s the end of a recent workday in the South. As Clara, mask-clad, walks out to her car, she hears something unexpected from one of the protesters.

God doesn’t have that much patience, Dr. Taylor.”

They know her name.

Luckily, the mask doesn’t betray the shock on her face. She tries to ignore it, but she can’t shake the dread. “To have someone say your name—oh, it gave me the willies,” she says.

Back in the perceived safety of her hotel room, the landline rings. On the other end of the line, Clara hears a man’s voice. “How many babies did you kill today, Dr. Taylor?”

Stunned, she hangs up. Immediately her cell phone rings; the caller ID is blocked. She says “hello” and nothing else. The man speaks in a measured tone about praying for the doctor’s salvation, about watching and waiting for her to make a mistake, about her medical licenses not just in that state, but throughout the country.

Clara says nothing, but she doesn’t hang up, either. She just listens, both curious and speechless. After her lack of response, the caller finally hangs up. He calls back, but Clara just lets it go to voicemail, where he repeats his warning.

Burned out from the constant travel, she gave her notice to the clinic in the South a month earlier. Now that the protesters know who she is, she is relieved to go.

Clara felt guilty that the search for a new doctor would be hard on the clinic, but for once in her career, she decided to put herself first. And she knew she’d have no trouble finding work if she needed it.

“The laws are making local doctors less likely to do abortions,” Clara says. “A lot of doctors say it’s not worth it, it’s too much trouble. I don’t think there’ll be a problem finding jobs for people like me, because there are fewer people wanting to do it. It’s not like there’s people lining up to fly in.”

On Clara’s last visit to the South, while performing an ultrasound, a patient asks her, “What’s it like for a doctor doing this? Is it hard? Is it sad?”

It’s something no patient has ever asked her before. She thinks about the many hours she’s spent in the air, about the fear she felt the night the protesters called her. Then she responds. “This is not the most interesting thing to do in medicine, and if there were a lot of people doing it, it’s probably not what I would do,” she confesses. “But somebody has to do it. I’m trained; I’m competent; and women need it.”

As ultrasonic waves bounce off the pregnancy that Clara will soon terminate, the patient simply replies, “I hear ya.”

Editor's note: After this story was published, Gawker sister site Jezebel covered Clara Taylor's alleged exposure by anti-abortion group Operation Rescue. Jezebel readers subsequently voted Taylor the site's Woman of the Year.

How I Got That Story: Sharyn Jackson

Sharyn Jackson snagged a first-place award in the 2012 AAN Awards for her feature story, "Undercover."

A native of New Jersey, Jackson, 30, received her master's degree from Columbia University's Graduate School of Journalism in May 2012, then immediately completed a summer internship at the Minneapolis Star Tribune. At the time of this writing (November 2012), Jackson is a reporter for the Des Moines Register.

In the following interview, Jackson tells how she got the story of the traveling abortion doctor.

What drew you to this doctor?

The story came to me first before I found the doctor. My partner was studying at the time to be a social worker, and she had a training on reproductive issues at the clinic where she was working. A doctor at the clinic, who happens to be a leader in New York on women's reproductive issues, led the training and just in passing mentioned the abortion provider shortage around the country and how some doctors are "fly-ins" who work in other places. My partner told me about this, and I had to know more. I contacted the doctor from her clinic, who then reached out on my behalf to several doctors she knows. A few days later I got an email from Clara Taylor (not the doctor's real name).

At the time, I didn't know the story would be a profile of one doctor. I eventually connected with several doctors in similar positions and intended to focus more on how restrictive laws in various states are affecting the shortage of doctors willing to do the procedure. But Clara's story really stood out to me when she told me, in our first phone interview, about her mask. (She wears a mask of Larry, from the Three Stooges, when she drives up to clinics, so protesters won't be able to take a photo of her face and put it on the Internet.) When she told me about the mask, I could already see the cover photo of the story in my mind — and that was actually the cover photo that the Santa Fe Reporter ran! The doctor with her stethoscope, wearing her mask.

Clara was always very open and willing to tell me about her life and her career. So I finally felt comfortable asking her if I could join her on one of her work trips. It took some coordination with the clinics, and one clinic declined to allow me access. I traveled to her hometown, where she showed me her house and introduced me to her dog. And then we went on her usual route. I was always amazed at the amount of access she was willing to grant me, because so many doctors in her position I had spoken with were very fearful about speaking with the press. Clara hid nothing from me, and in the evenings after the clinic visits, we would sit in her hotel room and she would tell me all about her life. I constantly felt grateful for her cooperation, which I believe came from a desire to see this story told.

Clara was also the perfect character for this piece because she is an inspiring woman who changed her career in middle age so she could live her dream. She was someone whom I hoped readers could connect with, wherever they stood on the abortion debate.

You did a good job of localizing a story whose main focus apparently had no connection to Santa Fe. Was that a tough sell for your editor? Did you write it before incorporating all the New

Mexico/Santa Fe-centric information?

I wrote the story initially with the intention of pitching to a different paper, and when that fell through, I pitched to Alexa Schirtzinger, editor of the Santa Fe Reporter. Alexa wanted to run the story and asked me to localize it in parts. Some of my original draft, which featured far more historical context about fly-ins and interviews with several of them, was cut in favor of context that was specific to New Mexico. While New Mexico did not appear to be using fly-ins, it was at the time (and still is) struggling with a serious abortion provider shortage. So Alexa felt that the story was very much relevant to her readers.

To localize it, besides including contextual information about what was going on in New Mexico, I added a section profiling a clergy member on the "other side" of the debate, someone who devotes his career to protesting doctors like Clara at the gates of the clinics. It turned out that this counterpoint was exactly what had been missing from the piece all along, because amazingly, Fr. Imbarrato's own backstory closely paralleled that of Clara's. Years before Fr. Imbarrato was a priest, he had a girlfriend who had an abortion. The experience affected him so radically that he became devoted to the anti-abortion camp. That happened the same exact year that Clara herself had had an abortion, an experience that was so negative for her that it inspired her to be a more compassionate and careful abortion doctor in her later career. By focusing on New Mexico, and finding a character like Fr. Imbarrato, I was able to include another side of the story, and one that showed how the same experience can move people to act passionately on opposite sides of the debate.

When accompanying the doctor to the Midwestern abortion clinic, did you fear for your own safety? Did you have any problem getting approval from the clinic to be there as a reporter?

I never feared for my safety, because I was always in the company of Planned Parenthood professionals who were quite used to seeing protesters outside their clinics. There was one moment, which I included in the story, that was a little weird, though. Upon arriving to the first clinic, I sat in the front seat while Clara hid under a blanket in the back. The clinic manager driving us said, as we approached the front driveway, that the protesters would most likely think that I was the doctor she was bringing in. I knew they could very well be taking my picture and disseminating it over the Internet.

As far as approval: the two clinics I visited were both in the same Planned Parenthood region, and so I went through their media relations to set up the visit. Both clinics were amenable to my visit, provided that I keep all descriptors of the clinics and even the surrounding cities to an absolutely minimum, and change all names of anyone I talked to (for Clara's protection). At the first clinic, they gave me a thorough tour of the clinic, extensive interviews with the clinic manager, and even asked patients if they were willing to speak with me (two were). At the second clinic, I met with a regional director, and I was allowed to sit in on a training for new hires who would be administering medical abortions.

The clinic in the South, however, was independent, so Clara asked them on my behalf if I could come with her. They declined.

What sort of repercussions resulted from this story? I would guess that it raised quite a ruckus. Did you get any negative feedback personally?

I did not receive any negative feedback. However, there were definitely repercussions for Clara. For the first few weeks, nothing much happened at all. But a few weeks after the story came out, a local branch in

New Mexico of Operation Rescue exposed Clara's identity over the Internet and in press releases. They included her real name and her home address, as well as details about her medical licenses. They also made phone calls to Clara's elderly mother at her home.

I felt awful. I went over the entire story with my editor and tried to find where I might have left a hole in the anonymity, where I might have given too much information away that would have revealed Clara's true identity. But I was certain I had done all I could to protect her identity.

I spoke to Clara, who sounded more frustrated than scared. After all, this was a threat she had dealt with during her whole career as an abortion doctor. She alerted the police (as she had in previous incidents with protesters) and then just went about her business flying to the clinics that needed her.

One of the good repercussions of this, however, was that Jezebel picked up the story after Operation Rescue "outed" Clara, and Jezebel readers subsequently voted Clara the "woman of the year."

I worry, though, that another repercussion from this story that can't be quantified just yet is the impact Operation Rescue's "outing" of Clara will have on other abortion doctors, already nervous to speak to journalists. If we can't guarantee their anonymity, they may be much less open than Clara was with me.

Did you struggle with how to refer to the geographic references? It's pretty broad – Midwest and Deep South. Did you consider making them more specific to a particular state or city?

Because of Clara's request that I shield her identity for her safety, I could not be more specific than that. That level of anonymity also served the purpose of protecting the other people who work at these clinics, and the patients.

Interview by Terry Smith, The Athens NEWS

"The High Cost of Hope" by Brantley Hargrove

October 21, 2010

A desperate Nashville couple pursues an expensive — and illegal — stem cell treatment in Tijuana

By Brantley Hargrove, Nashville Scene

Dawn Gusty has the wide, toothy grin of a terminal optimist. At the moment, though, swallowed up in a plush brown leather chair 1,740 miles from home, she wasn't smiling. Her legs were skinnier than they'd ever been, and far more atrophied. Her tibias looked like rails pushing through her shins.

Still, Dawn couldn't help but daydream about all the things she would do again. Like letting the red electric scooter — her primary method of conveyance these days — gather dust in a closet. Like breaking out the old cane she had so meticulously painted in the early days of her disease, when she could still get around on her own two feet. The source of all her suffering, multiple sclerosis, is a complex and so far incurable ailment with a maddening lack of scientific understanding. Dawn's wish, by contrast, was simple.

"My goal is to use my cane and walk my kid into kindergarten," she said.

Dawn's is a particularly aggressive form of MS. It is characterized by a runaway immune -system response that causes nerve damage and, in the progressive stage, a rapid decline in mobility as the nerves that conduct signals from her brain to the rest of her body degenerate. Her doctors tell her the life she has now — constant pain, agonizing difficulty of movement — is as good as it's going to get. The treatments currently available in the United States don't work on someone as far along in the disease process as Dawn.

So the former Sony-BMG sales rep decided to leave the U.S. for Mexico, where she could buy a commodity in short supply back home: hope.

She paid dearly for it, too. By Googling "stem cells," she found an intermediary who would set her up for a controversial treatment that is currently outlawed in the U.S. The intermediary — a company called Stem Cells for Hope — charged Dawn Gusty $27,000. In return, she hopped a plane to San Diego with her husband John, her two boys and her parents. Upon landing, the Gustys took a Ford Econoline van across the Mexican border into Tijuana — a historically friendly destination for medical tourists.

The treatment would be an infusion of her own bone marrow — known to contain stem cells — into her spine, her veins and her muscle tissue. The idea behind the therapy is that an infusion of stem cells could regenerate the damaged nerve tissue in her brain and spinal cord. Repair the nerve tissue, the thinking goes, and maybe Dawn walks with her cane again.

The Food and Drug Administration decided to regulate this kind of bone marrow transfusion as a drug, or more specifically, as a biologic — a product of your body manipulated by the hands of men just enough to merit regulation and a double-blind clinical trial before it can legally see application in clinics and hospitals. Or at least that's the rationale.

Nevertheless, Dawn is but one patient in a medical exodus. Each year, thousands of Americans stream to

far-flung clinics offering stem-cell-based therapies in Mexico, China, Indonesia, the Dominican Republic, Ukraine and Germany. The Stem Cell Research Forum of India expects the value of the stem cell market in that country alone to be *$540 million* this year.

It's nearly impossible to know how many such clinics operate in Tijuana, let alone the rest of the world. Their protocols, like the conditions they claim to treat, can be as various as they are difficult to verify — if the clinics will talk at all.

A large contingent in the research and medical community argues that stem cell clinics like this one are ruthless scavengers that prey on the desperation of patients for whom modern medicine has no ready answer. The U.S. medical establishment regards them as quacks who prowl the hinterland between theoretical promise and proven therapies, where hope, as they say, springs eternal, but well-founded doubt remains.

Proponents, however, argue the opposite: that Big Pharma and profit-driven research facilities stifle progress to protect their own products — and their own bottom line — while maverick physicians outside the mainstream are pursuing bold new treatments. Are broad, double-blinded clinical trials the only path to the development of safe and effective treatments, as much of the scientific community asserts? Or do clinics like these represent the kind of small-scale innovators that brought us *in vitro* fertilization, laparoscopic surgery and thousands of other surgical innovations, both good and bad?

The problem is, at the moment, there's no way to distinguish the innovators from the hucksters who populate any Google search, promising high-dollar miracles they can't deliver. And here sat Dawn Gusty, hearing for the first time there might be an answer to her plight — a way to halt the slow wasting of her body, and perhaps to make her walk again.

An estimated 400,000 people have MS in the United States — 2 million across the globe. According to the National Institutes of Health, 200 cases are diagnosed each week, at a cost to the nation estimated in the billions of dollars. Grave questions remain about how close we are to treating MS with stem cells. But that's not what Dawn Gusty was hearing. Her primary treating physician here, Dr. Gustavo Andrade, told her on the first day that he'd seen stem cell "miracles."

"We believe in God, and I have the faith," Dawn replied. "And I expect a miracle."

In pursuit of that miracle, the Gustys would hand over a large chunk of money. And a woman who requires a Herculean effort to lift her Crocs just one inch off the ground would load her walker and scooter onto a plane and travel to another country. Along with their money and most desperate wishes, Dawn and her family would place their greatest remaining asset — their faith — in a company about which little is known, a clinic in a troubling south-of-the-border industry of medical tourism, and a treatment many physicians regard as unproven at best.

Accompanied by a *Scene* reporter, the Gustys went to Tijuana, like so many others in similarly desperate circumstances, with something precious at risk: their last hope. Their experience confronts some of the bleakest questions facing patients who have exhausted conventional medicine, and who are vulnerable — infuriatingly, heartbreakingly vulnerable — to any promise of relief. No one can blame them for wanting what doctors back home tell them they more than likely will never have: the life they once knew.

About 15 years ago, Dawn Gusty was pounding up the long stairs at Riverfront Park when she noticed

something wrong with her legs. Truth be told, they hadn't felt right in a while. The impact of each footfall made her thin frame feel like a truck without shock absorbers. Now there was more to it than that. She was always hurrying to the bathroom to pee. These things happen to someone twice her age, not a woman in her mid-20s.

She had only recently been transferred to Nashville after a brief stay at the Washington, D.C., office of Sony-BMG, where she was a sales rep. It was in D.C. that she'd first noticed a tingling sensation in her legs. She could ignore it no longer. Dawn saw a urologist about her urgent bathroom visits.

"Are you walking OK?" he'd asked.

"No, I'm not."

He ordered an MRI on Dec. 19, 1997. The next day, a neurologist reviewed her slides and showed her what appeared as dark spots, or lesions, on the otherwise light-colored brain tissue where nerve cells had been damaged. There were lesions on her spinal cord too. They were indicative of multiple sclerosis.

There were a few treatments that would manage the inflammation, she was told. She declined them.

As she left the doctor's office late that afternoon it was already dark. Dawn sat down on the front steps in the chill night air and smoked a cigarette — a habit she'd been trying to break.

"It really hit me then," she recalls. "This is big. This is gonna change my life."

A friend picked her up, yet suddenly she felt like a woman on a deserted island. Her parents were back in Colorado. Her boyfriend was in another country. But she decided this was something she would deal with on her own. She gathered up a few books on MS, and in those early days, through exercise and healthy eating, she believed she could keep it under control.

Days after her diagnosis, she boarded a flight to London to spend New Year's Eve with her boyfriend. He seemed to take the news well — until they stayed at a bed-and-breakfast. The owner had a cane, and one arm hung listlessly at his side. He had MS too. To break the sudden chill between them, Dawn's boyfriend remarked that it was good they were already together — you know, since dating could be tough for a "cripple." She laughed it off, or tried. Eight months later, he dumped her.

Dawn kept smoking and stopped taking care of herself. She continued working and living the life of a single woman in her 20s. She went to local punk shows, she partied, she tried to meet men. But as soon as she mentioned MS, potential romantic interests mysteriously metamorphosed into friends.

Life was getting harder, though. She was sore and exhausted more often. She started taking the drug Betaseron to manage the inflammation that causes the damage associated with MS. By 2000, she was prone to stumbling and falling. In a defiant gesture, she bought a cane and painted it black, accented with a curvaceous nude woman's body running its length.

She showed up to a house party for the first time with the cane. Everyone seemed to think it was a fashion accessory. But she meant it as an entrée to conversation, or, in this case, full disclosure.

"It was good for me to have a cane because it let people know I'm not drunk," Dawn recalls at the clinic in Tijuana, a translucent IV line in her arm. "I'm not just clumsy. It told everybody I'm not falling down

because I'm not graceful. Something's wrong. See, I have a cane. Pay a little more attention to me. Part the way so I can get by. Give me some help."

More than ever, though, Dawn wondered if any man would love her, if she'd ever raise a family. It was then, as part of her business, she met John Gusty. Then manager of Tower Records on West End, John wasn't put off by an attractive twenty-something blonde leaning on a cane.

"You gotta understand, I spent most of my day getting people with blue hair and five nose rings just to show up for work on time," says John Gusty, whose longish brown hair, V-neck T-shirts and boots give him the air of an aging rocker. "So a hot woman with a cane wasn't that big a deal."

Back then, John was separated from his wife, and Dawn was simply the sales rep who had tried to convince him he should stock 500 records by some frost-topped former Mouseketeers called 'N Sync. Dawn adored him, though, and when she found out his divorce had been finalized, she admits she got a little excited. When he won sole custody of his son, Vann, she took the opportunity to congratulate him at a bonfire party with a six-pack of Guinness and flowers. His eyes widened, she remembers, as though he were looking at her for the first time.

"You should be worshipped," he said. He asked her if she were "taking any applications for boyfriend." He raised his hand.

"If you're ready to fill one out, I'll take it," she replied.

By 10 a.m. the next day, John was on the phone. "You've kept me up all night long," he confided. They met for lunch that day. He asked her if his having a 4-year-old son scared her. She asked him if her MS scared him. He told her it didn't. With him, he said, she'd have an extra pair of eyes, hands and feet.

From that point, the relationship progressed quickly. Within a year, they were living together. It wasn't long before they married. She gave birth to a boy, Reagan, named for a hero of John's: the late Ronald Reagan, the emblematic American optimist.

At what should have been the happiest time of their lives, the power of their positive thinking was soon severely tested.

By 2003, Dawn's condition was gradually worsening. She lost 45 pounds. She had trouble getting out of the car. She asked John again if this scared him. Her decline was becoming so obvious, he could only admit that it did.

Neurologists theorize that a threshold effect comes into play with MS. Deterioration will often be slow and steady until a certain critical mass of damage is reached. Dawn could measure her decline in support vehicles. When the cane wasn't enough, she got a walker. When walking more than short distances became too difficult, she got an electric scooter. She began to notice more weakness in her arms, especially the left one. MS is a link-dependent disorder, meaning it progresses from the feet up like fast-rising floodwater.

What makes MS so frustrating, and so hard to fight, is that the floodwater doesn't rise the same way in every patient. If the central nervous system is a giant mass of electrical wiring, the axon — the slender projection from the nerve cell that acts as a transmission line, sending signals from nerve cell to nerve

cell, and nerve cell to muscle — is essentially the wire. The insulation is a protective fatty layer called myelin.

When myelin gets damaged, the electrical impulses aren't carried by the axon as well, if at all. This causes lesions to form on the brain, and up and down the spinal cord. For that reason, one of the few sure ways to diagnose the disease is with an MRI.

Doctors do not understand exactly what causes the immune system to begin attacking the myelin, the root cause of MS. Scientists theorize that the immune system goes into crisis mode in certain people when they're exposed to an infectious agent. But they have been increasingly successful at slowing the disease by tamping down the immune response. Slow the inflammation, and in some cases the myelin may be able to repair itself.

But the disease doesn't affect everyone the same way. In certain cases, the body can effectively reinsulate the axons, allowing the patient to go on to lead a normal life — perhaps having never been the wiser. A certain subset may not replace the myelin as quickly, and over the years they'll work through a series of flare-ups with symptoms (known as relapsing-remitting MS). But relapses usually can be managed with drugs that lower the inflammation-causing immune response. Sometimes, after years of this seesawing, the patient will go onto a more progressive phase of the disease, meaning they might end up more like Dawn.

Then there are patients exactly like Dawn, whose disease processes have been less a series of ups and downs than a steady decline. For reasons that polarize researchers, Dawn's form of the disease — primary-progressive MS — seems to be less characterized by inflammation. By some mechanism that remains up for debate, Dawn's axons — the wires within the myelin insulation — are being destroyed. Because of this, getting her immune system to stop its attack and repairing the insulation will do no good. The wire itself is being corroded.

Scientists believe the next big advance in the treatment of someone like Dawn Gusty will come from answering this question: Does the immune-response inflammation cause the damage to her nervous system — or does the damage (by some unknown mechanism) cause the immune system to go haywire? It's a chicken-or-the-egg conundrum.

There's a high bar to clear, though. Neurologists believe nerve cells and axons are formed as early in human development as the first trimester. They also believe those cells are hard-wired — and thus perhaps impossible to repair.

Small wonder that as the effects worsened, the Gustys clutched at any straw that looked like a solution. Dawn underwent an unusual therapy in Tulsa, Okla., that claimed by using "light, sound, frequency and vibration within the Life Vessel, the body is able to de-stress and detoxify to an unusually high degree. Also balancing the Sympathetic and Parasympathetic parts of our Autonomic Nervous System is the key to having optimal functioning of the immune system."

There was just one major problem. Assuming the "Life Vessel" could even do what it claimed, at this stage Dawn's immune system was not the issue. The therapy had no effect.

For this, the Gustys paid $3,000.

Then in early 2009, Dawn's father Dave Cooper told her he'd seen a story online about a man who'd gone

to Costa Rica for a stem cell transplant and had some improvement. The treatments were expensive, though, and John was doubtful.

Even so, they spoke with a doctor offering human embryonic stem cell therapy. As the doctor said, embryonic stem cells are the most "potent" stem cells, meaning they have the potential to differentiate into cells that make up almost any organ in the human body. But they also represent an unwieldy wild card researchers have yet to harness. They can just as easily differentiate into a tumor.

The Gustys found it was difficult to raise money for any treatment that utilized stem cells from a human embryo. That wasn't the half of it. Later, the Gustys discovered the clinic was associated with the Raelians — a cult that believes humans are descended from aliens.

So Dawn began looking at adult stem cell therapies. She did a Google search, and a name appeared on her radar: Stem Cells for Hope. The Gustys spoke with representatives from the company, which is based in New York. In turn, the Stem Cells reps put them in touch with people who said they'd had the treatment and claimed miraculous outcomes.

John remained skeptical. He struggled to strike a balance between prudence and dashing his wife's hopes. Dawn, on the other hand, was sold. She started her fundraising efforts in earnest, launching a blog and setting up a Facebook page.

Within several months, she'd raised $30,000. It couldn't have happened soon enough. By this time, the dull ache in her limbs had increased to shooting pains. Her fine-motor skills were diminished. Routine tasks such as handwriting and typing had become minor ordeals. She placed the call to Stem Cells for Hope.

No one can put a price tag on hope, but Stem Cells for Hope came up with a figure: $27,000. It would include the treatment, the Gustys' hotel stay, and transportation to and from the clinic. Shortly before she was to depart for Tijuana, Dawn made an appointment with her neurologist to document her condition before the stem cell treatment. He told her he couldn't support what she was doing. It was unproven, he said, and potentially dangerous.

No treatment had helped her condition so far, she replied. "Can you blame me?"

No, he said. He could not.

On June 27, Dawn, John and their two bleary-eyed boys boarded a plane bound for San Diego in the weak morning light.

No signage marks the slick Tijuana office building that houses the Institute of Chronic Disease, where Dawn Gusty sought her treatment. On the second floor you'll find an oncologist's office, but the sign on the door does not bear the name of Dawn's primary physician so far. Past a window printed with scripture from Matthew 9:22 — "Your faith has healed you" — there's an expansive room painted a brilliant white.

Outside, from the floor-to-ceiling windows along one wall, a line of people could be seen stretching down the cracked concrete sidewalk all the way down the street to the U.S. Consulate — petitioners seeking work visas. Beyond, the gunmetal steel skeletons of half-finished buildings rose out of the palm-lined streets and above Tijuana's dun palette.

Inside, Dawn Gusty struggled to her feet, using her triceps and what little strength remained in her quadriceps, and steadied herself with a walker. When she took a step, her legs were like stilts: inanimate things beyond her control. With the poor nerve conduction, it's like they're cast in lead, especially the left leg — one side is usually worse in people with MS. A few years ago, this wasn't nearly as difficult.

"There are moments when I'm hurt and tired," Dawn said. "But I look around and I think, man, life's good. What will that feel like when I *feel* good?" She settled back into her chair.

When Dawn asked Stem Cells for Hope if she could bring a reporter, the answer was an unequivocal no. (The Gustys decided to introduce me as a friend, and I made follow-up calls as a reporter.) She was told that the organization — which is not connected to the clinic —didn't want to cause her doctor problems with the Mexican government. And not without good reason. There remains a certain out-of-sight, out-of-mind relationship between the Mexican government and clinics offering therapies that in most countries remain unapproved.

Since the ratification of the North American Free Trade Agreement, the Mexican government has been more willing to cooperate with the United States in policing cross-border health fraud, cracking down on clinics peddling therapies the FDA and the Federal Trade Commission deem unproven. The most visible targets have often been clinics run by U.S. expatriates. Nowadays, Mexican law requires that a Mexican citizen play a prominent role in the management of health clinics.

How strictly this is enforced is up for debate, though. In 2002, the San Diego *Union-Tribune* asked Dr. Alfredo Gruel Culebro, a former Baja California health official who led a 2001 crackdown on cancer clinics offering unproven therapies, how many unlicensed or inadequately licensed clinics there were in Tijuana. Even he could offer no better estimate than "between 30 and 70."

For Dawn's first day of treatment, John stayed with her at the clinic. Dawn's father, Dave Cooper, and her mother waited a short drive away at the hotel, watching as the Gustys' two boys frolicked in the courtyard and pool. The grandparents tried to maintain the festive mood of a vacation, but as late afternoon shadows crossed the grounds, Dave could not hide his uncertainty.

"I was a science teacher," said Dave, a towering, laconic man who, in retirement, works as a runner for a local laboratory. "I don't understand how this is supposed to work." He'd gone to a seminar on stem cells recently. When it was over, he approached the speaker about his daughter's travel plans, to get his opinion.

"What I heard wasn't good," Dave said. "I haven't had a real gut-level talk with Dawn." He looked down at his shoes.

Moments later, a faint whir began to grow louder by the other end of the pool. It was the sound of Dawn's scooter. Her family looked up with anticipation — then concern. Dawn was slumped over the handlebars, visibly ill. Reagan, her adoring 5-year-old boy, ran to her with his long hair flying. They embraced for a long time. Reagan looked up at his mommy.

"Are you fixed?" he asked.

"Not yet, honey," Dawn said.

The problem was that no one had told Dawn there would be a grueling first step in her treatment — chemotherapy. She was not alone. Another woman who told the *Scene* she was being treated for MS at the clinic said the chemotherapy was a grim surprise. When asked about the matter, Stem Cells for Hope co-founder Peter Sidorenko told the *Scene* his company goes into "great detail" to prepare patients for what they'll face.

Pressed to explain, Sidorenko said he'd given Dawn the contact information for a former patient. "Whatever they discussed," he said, "hopefully they got into that."

This wasn't the only snag the Gustys had hit on their first day. The treating physician, Dr. Gustavo Andrade, was visibly irritated when he found out that Dawn hadn't been told to bring her MRI slides so he could see the lesions on her brain and spinal cord. Yet because of the way Stem Cells for Hope works, there's no way Andrade could have let the Gustys know the slides were needed. Stem Cells for Hope acts as a brokerage between his clinic and the patients — a middleman.

It also acts as a wall, patients say. When Andrade receives patient documentation from Stem Cells for Hope, he says, it contains no phone number, no email address, no contact information whatsoever. By design, his patients don't get to speak to him until they're in Tijuana and the treatment has been paid for — presumably so Stem Cells for Hope doesn't get cut out of the deal.

John Gusty, however, was all ebullience as he sank into an adjacent patio chair with his laptop.

"I was a skeptic before, but if I had doubts, I'm at ease now," he said, talking a mile a minute. Though the treatment was wearing, John thought it would be a success. The setting sun gleamed in his aviator sunglasses. He had two days' worth of stubble, and his crow's feet deepened as he squinted at the notes on his laptop.

Dawn rolled up on her scooter with Reagan in her lap. She was trembling. It was balmy out, and while the rest of her face was an ashen gray, her cheeks looked chapped, as though she'd just come out of a strong wind.

"I'm woozy," she said, and leaned on the scooter's armrest.

Dawn would spend the rest of the night shivering uncontrollably as her body reeled from the chemotherapy's toxins. When she was shaking so badly she thought she'd bite through her tongue, John placed his wife's thin body, now impossibly fragile, in a hot shower.

Two days later, Dawn and John rode the elevator up to the clinic. She hadn't eaten much since the chemotherapy. She was nauseated and had an unshakable headache.

"Today's gonna be a good day," John said.

Dawn's scooter was pointed at the corner, her head bowed. "Yep."

Once she settled into a leather recliner, Dr. Andrade strode into the room. He was a short man with heavy-lidded, pale blue eyes and a paunch that showed through the spaces between the buttons of his snug shirt. He bent over and felt her forehead, her cheeks and rubbed her shoulder as his necktie swayed.

Andrade said he had specialized in cancer treatments for most his career at the Oasis of Hope Hospital in

Tijuana. Founded in the early '60s by a Mexican army pathologist, Oasis was one of the original cancer clinics offering alternative therapies that were illegal in the U.S. Specifically, it offered a drug called Laetrile — a substance derived most readily from apricot pits, and once touted to have astounding cancer-curative potential.

For many years, controversy swirled around the latest cure du jour that the U.S. government allegedly didn't want stricken cancer patients to have. Desperate gringos streamed across the border by the thousands. But a study published in 1982 in the *New England Journal of Medicine* found that of 178 cancer patients treated with Laetrile, the drug hadn't cured any of them. Not only hadn't it stabilized the patients, it hadn't even improved their symptoms. In fact, several patients had near-lethal levels of cyanide poisoning from the substance.

Now commonly known as "Vitamin B-17," Laetrile is still available at Oasis today.

"Everything will be OK," Andrade said, stroking Dawn's head. "Nothing to worry about. Everything to gain."

"I believe it," Dawn replied. In a few short hours, she would receive a bone marrow transfusion, populated, she was told, with millions of her own stem cells. To Dawn, they might as well have been a jolt of life itself.

Finally, she was led down the hall to the operating room. John shuffled behind, holding her IV bag. The operating room was small and sparsely appointed. There was a hole in the drywall. After anesthetizing her, a surgeon carved a small hole into her tibia, below her knee. Then what looked like a turkey baster was used to extract the red, viscous marrow.

Over the past few days, Andrade said, he'd been giving Dawn several different growth factors. Among these was human growth hormone, which spurs plasticity in the bone marrow, he explained, causing the stem cells within to assume the ability to turn into a number of different tissues. According to Andrade, these would include the neural cells damaged by Dawn's MS.

He then infused the marrow into her spinal canal and into her veins through an IV — a mixture he claimed was now rich in multipotent stem cells. The stem cells, he said, would travel to the brain because he'd given her a drug that disrupts the blood-brain barrier. This is the layer of cells that protects the central nervous system and its surrounding fluid from blood circulating through the body, which may carry common bacterial infections. He explained that through a process called cellular fusion, the stem cells would attach themselves to the damaged neural cells and repair them.

Asked if there were a study or clinical trial he based his therapy on, Andrade did not offer specifics. "It is a lot of papers on the Internet of studies from all over the world," he said. "You check on the Internet and type in bone marrow, multipotent stem cells, they'll give you a lot of a papers."

The next morning, another patient asked Dawn if she felt better since the procedure.

"I do," she said, holding her thumb and forefinger together. "But it's small."

"I think she's being cautiously optimistic," John said. "She was in the bathroom this morning doing this." He stood up and held his arms straight out in a yoga pose.

"But it wasn't very long," she said.

"She didn't wake up this morning doing karate," John conceded.

"I was lying in bed feeling yucky," Dawn said, "and I looked at John and I wanted it to be like night and day."

When John got a text message from their older son Vann, saying that everyone wanted to know how Dawn was doing, he asked her what he should say. "Tell them it's slightly ..." she began, then corrected herself.

"Tell them I'm good."

The journey undertaken by the Gustys and other MS sufferers takes place against the backdrop of larger medical questions about the role of stem cells in treating MS. When it comes to stem cell therapies targeting the disease, two are being actively investigated.

The first, outlined in a study by Dr. Richard Burt in *The Lancet Neurology*, offers patients with relapsing-remitting MS low doses of chemotherapy, along with a type of antibody called alemtuzumab or antithymocyte globulin. This antibody is often used in concert with chemo to help prepare the body for bone marrow transplants. The transplants fight leukemia by destroying malignant blood cells, replacing them with healthy, blood-forming stem cells derived from bone marrow and other sources.

Burt essentially applied the same principle to MS. The doctor gave patients the chemo, essentially triggering the release of new blood-forming stem cells from the bone marrow. These were filtered out of the blood and collected, using a process known as apheresis. Patients were then dosed again with chemo along with the antibody, which would, in effect, reset the immune system and clear niches for the new blood-forming stem cells. The stem cells, cultured and purified, were then reinfused intravenously.

Three years after the transplant, each participant's MS had either improved or remained the same. It should be noted that a handful suffered relapses, but these were treated successfully with more chemo.

This was by no means a new protocol, but it was the first time it'd been tried with a more moderate immune-suppressing regimen. A previous trial was halted because the participants were dying of opportunistic infections they had no ability to fight. Burt's regimen was no walk in the park, though. In the interest of safety, the participants were hospitalized for 11 days.

But while the treatment seemed to be very successful, one big question hung in the air: What exactly calmed the dysfunctional immune systems of the participants? Was it the stem cells? Or was it the drugs? Either way, the goal was to give a new immune system to a relapsing-remitting MS patient whose own immune system was attacking the body's nerve cells. But inflammation and damaged insulation of the nerve fibers weren't the problem for Dawn. Her nerve fibers, or axons, themselves were damaged, and Burt's protocol could do nothing to address this.

The *Scene* asked Dr. Jakub Tolar, an associate professor at the University of Minnesota who studies bone marrow and cord blood transplants and stem cell therapy, how feasible Dawn Gusty's treatment seemed, going by a list of her prescribed medications and dosages and a detailed eyewitness account of the procedure. Since the clinic was using the same mild form of chemotherapy given to Burt's patients, Tolar

said it sounded as though they were attempting to mobilize the stem cells from her bone marrow — no surprise given Andrade's background at Oasis of Hope, which treats many cancer patients.

But if that were the case, Tolar said, there were a few steps missing. Without the subsequent chemo and alemtuzumab, the immune system wouldn't be sufficiently suppressed. Nor would the niches — soon to be filled by the new blood-forming stem cells — be vacant.

When I asked Dr. Andrade about his rationale for the chemo, he said, "All MS patients have inflammation, and you know that beta interferon, Copaxone and all those medications are trying to regulate the immunity. This is an inflammation problem. If you lower the immunity you can manage the inflammation."

That would be true if Dawn had relapsing-remitting MS and her problem was inflammation. But it wasn't. Hers is primary-progressive MS, where axon damage is the issue. "It is possible that the reason they didn't [use alemtuzumab or antithymocyte globulin] is these are expensive medications, and the side effects are greater because the more immuno-suppressed these patients get, the more side effects you get," Tolar said. "You get the benefit, but you get more side effects."

Put simply: As bad as Dawn felt the night John placed her trembling body in the hot shower, she would have felt even worse had the clinic been using the expensive antibodies. She would have been hospitalized, like Burt's patients.

But the choice of a little stand-alone chemo puzzled Tolar and other researchers less than Andrade's decision to inject the bone marrow into her spinal column. Nor did it explain his assertion that the stem cells would engraft to and repair Dawn's damaged nerve cells.

This process is the basis for the second kind of potential stem cell therapy for MS: mesenchymal stem cell transplantation. Mesenchymal stem cells are located within the bone marrow. They are thought to be able to differentiate into various kinds of cells — potentially even neural cells, some say, though this is still a matter of hot debate.

In rodent studies where the animals were induced into an autoimmune disorder that mimics MS, mesenchymal stem cells have shown properties that can possibly modulate the immune response and encourage the growth of the myelin. But there's been very little evidence to suggest that the stem cells in question accomplish any of this by differentiating into neural cells, much less fusing with them — a phenomenon Tolar said is incredibly rare.

Regardless, it's yet another potential therapy that could one day be of some use for folks with relapsing-remitting MS. But for Dawn's disease, it represents yet another dead-end. So what, then, was Andrade trying to do?

"What surprised me was the amalgamation of everything you saw," said Dr. Timothy Coetzee, an MS researcher and president of the MS Society's philanthropy arm, Fast Forward, when given the same information about the procedure as Tolar. "What wasn't clear to me is what's the purpose of combining all those things together?"

Told that Dawn received an intramuscular injection of the stem cells the day after the procedure, Dr. Tolar was aghast. "Oh, that's incredible," he said. "So these cells are obviously dead almost immediately.

They don't even make it into the blood. They stay there and immediately get chewed up by the enzymes in the tissue. There's nothing left of them."

Asked for his assessment of Dawn's treatment, Tolar was frank.

"I'm trying not to be hypercritical, but these people aren't even wrong," he said. "They are so outside the system of right and wrong, I don't have anything to measure anything about what they have done. First of all, they are mixing together things that typically would not be mixed. So even if they did see an effect, the confounders would be so severe it'd be impossible to decipher which thing worked and which didn't.

"Second, they're not using these medications in the proper way, so that tells me right away that's not their intent. Their intent seems to be to do something that does not cause many side effects."

It was Dawn's last day in Tijuana and there were errands to run. Andrade said he wanted Dawn to have a supply of Neupogen, a drug used to stimulate white blood cell growth, along with some human growth hormone to take home. But there was a catch. Out of the $27,000 the Gustys had already paid, the doctor said, Stem Cells for Hope hadn't paid him enough to include the drugs.

So John and Andrade hopped into his Land Cruiser, an older model with a cracked windshield, and jockeyed into Tijuana traffic, where lanes were mere suggestions and rank aggression was rewarded. They pulled up to Pey-Pharma, near the Banamex off the congested Paseo de los Heroes, and made their way through a drug store not unlike your average Walgreens. Except your average Walgreens doesn't have a set of back stairs leading to a small, windowless room. One man stood behind a counter. Another stood at their side, watching.

How much would Andrade have charged if Dawn had come straight to him? About $14,000, he said. Even factoring in the driver taking them to and from the clinic, and the hotel stay, did that mean Stem Cells for Hope was taking $10,000 off the top? The question was put to Stem Cells co-founder Peter Sidorenko, along with what his brokerage's take was.

"The problem we always have with Dr. Andrade is he is a wonderful doctor, and brilliant in his ability to come up with these treatment protocols ... and his bedside manner is phenomenal," Sidorenko said. "Unfortunately, Dr. Andrade has absolutely no business sense, if you will."

Sidorenko did say that Stem Cells paid a significant amount to Google for web-search position, and that they had employees to pay — though when a call was placed to the Stem Cell offices, Sidorenko himself answered the phone.

As John made his way downstairs to the drugstore cashier, the quiet man who'd been watching him followed. He leaned against the counter as John handed the cashier his credit card. When John's bank balked at a sizable out-of-country purchase, Andrade put it on his account. He told John he could write him a check.

Within the hour, the Gustys were back in the Econoline van, headed for the border. They passed whitewashed walls covered in graffiti. They passed taquerias, peluquerias, carnicerias and dentistas in strip malls along steeply sloping streets, where women swept with straw brooms. They passed the occasional gaggle of Mexican soldiers looking bored and sitting in the beds of Chevy single-cab trucks, clad in desert camo with M-4 rifles slung over their shoulders.

The line of cars going into the United States was long and stalled (though the one going out, the Gustys noticed, was clear). A young man stepped into the next lane and started juggling flaming rolled-up newspapers for spare change. The driver veered toward a less congested crossing. She drove along the razor-wire-crowned border fence separating San Diego and Tijuana, twin cities where money and people and drugs pass back and forth, as though their economies were one.

Dawn Gusty was on her way home.

On Oct. 5, some three months after her return from Tijuana, Dawn and John sat in her current neurologist's office at Vanderbilt Health at 100 Oaks. Her condition had improved, she said — or at least she was slightly better than she had been before going to Tijuana. But after about five weeks of somewhat reduced discomfort and increased mobility, she said, she began to "slip." At times, she thought her MS was as bad as it had been before the treatment.

There may be no way to know for sure whether the therapy she received actually helped. MS patients are notoriously sensitive to the placebo effect. An emerging field of study has in fact grown up around the phenomenon, looking to harness the brain's power — literally, wishful thinking — in treating neurological disorders. It may also be no coincidence that she began to slip when she temporarily ran out of the human growth hormone they brought back from Mexico.

Nevertheless, Dawn and John told her neurologist, Dr. Harold Moses Jr. — also a researcher and a professor of neurology at Vanderbilt University — that they planned to go back for at least two more treatments, recommended by the clinic. The doctor struck a delicate balance, registering his doubts without driving her away.

"I heard the negative side of it, too. Before we left, my dad went to a talk by a doctor who was very savvy about stem cells," Dawn told him. "And my dad said we're going to Mexico and the doctor said, 'Don't go. You're pissing in the ocean.'

"So there's that side, and I understand that. But for me, I did it. This was my hope. I put that stuff aside. I had to have faith."

She explained to the doctor that she no longer expected a miracle, a panacea with an answer for every ill. "This is the lesson I learned," she said. "I actually thought I'd go down there and they'd shoot me up and I'd hop off the table and say, 'See you later.' "

Moses' mouth was agape. He blinked hard. "Did you really think that?"

"Yeah."

"Seriously? Wow." Moses asked her if she'd ever heard of CCSVI. She said she had. It's a condition that has been suggested as a cause for MS, which an Italian vascular surgeon claimed he could relieve using tiny balloons to dilate clogged arteries. Many MS patients, frustrated by the plodding pace of research, lobbied the MS Society hard to pay for studies. Foreign clinics began to offer the procedure, and *The New York Times* profiled a woman who found a willing doctor in Buffalo.

The first time it was done, the woman claimed remarkable improvements. Within a month, though, the

Times reported she had difficulty walking again. She had the procedure performed again. And again. And again. Moses put it kindly but bluntly: Was that what Dawn wanted — cycle after cycle of costly treatment, with probably diminishing returns?

"I was there and there was significant improvement," John said. "*Something* improved her."

Moses clearly didn't want to dash the Gustys' renewed hopes. But the question remained: Given her current condition and the disability scores she earned by covering a certain distance in a certain amount of time, had anything changed?

"She felt better after she came back, but I can tell you the way she looked at our office visit was not very different from the visit before she went down there, and I think she kind of acknowledged that," Moses said. "You don't want to take away people's hopes, but I'm obligated to tell them the truth.

"The greatest unmet need in MS is to help people with primary-progressive and secondary-progressive MS, and people like me know it. We understand this is a huge deal and we are falling short in helping people with this problem."

In a last sad irony, Dawn's grasp at one chance may keep her from sampling others. According to Moses, participation in unapproved stem cell therapy, such as her trip to Tijuana, would exclude her from any promising clinical trials coming down the pike. So what is the best that state-of-the-art medical science can give Dawn Gusty to hope for as time wears on? Dr. Moses' answer is as succinct as it is crushing.

"Immobility."

How odd that Dawn Gusty should have to seek a new lease on life in a city that notches up 600 killings a year to drug cartels. At times, cruising through Tijuana with the Gustys, it made little sense that this frail woman would have to leave the country for a medical treatment that, effective or not, could be attempted in a clinical setting. After all, where MS is concerned, there is no shortage of patients willing to lay odds on the chance, however slim, that they might lead a more normal life.

That is exactly why the International Society of Stem Cell Researchers condemns, in most cases, for-profit treatment of patients using stem cell therapies. The ISSCR recognizes that there's a place for medical innovation, but asserts that unless strict guidelines are adhered to, the potential for exploitation is too great.

But as an article in the journal *Cell Stem Cell* made abundantly clear, such cold-eyed realism about the risks and benefits seldom seeps onto the websites of stem cell clinics attracting patients with gauzy portrayals of success rates with cherry-picked testimonials and downplayed risks. Some 74 percent of websites surveyed made no mention of risks. Stem Cells for Hope's website explicitly states there are no side effects.

David Audley, executive director of the International Cellular Medicine Society, wouldn't argue with many of the ISSCR's basic requirements for stem cell innovators. But he believes blanket condemnation of for-profit MS clinics whose treatments haven't been through the clinical trials process does little to address the problem.

"If people try and close them all down, the result is going to be that the ones that are able to hide are going

to stay open," he said.

A watershed case, however, could be heard next summer by the U.S. District Court of Washington, D.C., where the FDA filed for an injunction to stop a Colorado clinic from administering stem cells to treat orthopedic injuries like broken bones and torn tendons. If the FDA wins, the status quo remains and stem cell therapies will plod through the clinical trials process like any other drug. If the clinic wins, autologous stem cell transplantation (using a patient's own stem cells) could be treated as a one-to-one surgical transaction between a doctor and a patient — and outside of the FDA's jurisdiction.

There is one thing everyone can agree on: Stem cell therapies are a billion-dollar industry springing up across the globe, and desperate people will pay almost any price to get them. It's far too late to close Pandora's box. And yet for Dawn Gusty and other MS patients facing a countdown to a slow, painful fade while research labs drag their feet, that box can't open fast enough.

Last Sunday, the Gustys said goodbye to their children and Dawn's parents, then stepped into the terminal at Nashville International Airport. As of press time, Dawn Gusty was in Tijuana for her second round of stem cell treatments.

How I Got That Story: Brantley Hargrove

Brantley Hargrove has been a staff writer at the Dallas Observer since June 2011. Before that, he spent about three years at the Nashville Scene as a staff writer, and his story “The High Cost of Hope,” published in October 2010, won first place in the Feature Writing category (circulation less than 50,000) of the 2011 AAN Awards. Hargrove, a 2006 graduate of the University of North Texas, said he got into journalism because of his love of writing. “I’ve always wanted to write. I always read voraciously, and it seemed … like a way to be a writer.”

How did you come across Dawn Gusty and her story?

Her husband (John) reached out to us as they were preparing to go to Tijuana. … They were hoping that we would cover this and that what we would be covering is the miraculous recovery of his wife, and we would let the world know that this (type of stem-cell treatment) was an option. Of course, the story turned out to be something very different from what he envisioned.

As of this interview, it’s been more than a year since the story came out. Do you know how Dawn is doing?

I don’t, actually. I haven’t spoken to them since I left Nashville. … I believe she’s gone two and possibly three times back to Tijuana, and I don’t think she’s seen any improvement from the treatments.

One of the things many weeklies are struggling with these days is financial resources. How did you persuade the *Nashville Scene* to pay for this trip to Tijuana?

It was difficult. I paid for it out of my own pocket—myself and my editor, Jim Ridley, did, because we saw the value of this story. Eventually, I was reimbursed by the company in increments. We took it in bits and pieces out of the freelance budget. … We sort of financed it, in a way, but we all thought it was

something worth doing.

You encountered an ethical quandary when you decided to lie—or at least withhold information—while at the clinic in Tijuana about the fact that you were a reporter. Stem Cells for Hope—the organization that brokered the treatment—had said you couldn't come. How did you deal with that?

It definitely was an omission, I would say, that we made. ... Now, after the story, I did approach them as a journalist and tell them what I'd done. I knew this was the only way to get the story. We wanted to be there, and we wanted to see what they were doing to her, and see: Would this actually work, or is this just another desperate person being taken advantage of?

One of the most impressive aspects of this story is the amount of science that you needed to know about and explain to your readers. Unless you have a background in medicine or molecular biology that you didn't tell me about … how did you make sure you got the science right?

Well, I spoke pretty extensively with some of these guys in the stem-cell field, and I read a *lot*. I read basically every bit of research in this field that I could get my hands on … and I got a little guidance on what to especially look at from these stem-cell biologists.

When you got on the plane to go to Tijuana, were you optimistic or pessimistic about Dawn's chances?

I would say I was probably leaning more toward pessimistic. I had done some reading, and what I'd read didn't look good. But in some ways, the optimism of John and Dawn was infectious … but I wasn't particularly hopeful.

How much work did you put into this story?

This is a story I worked on, on and off. … I went to Tijuana in July 2010, and I worked on other things in between (the trip and the October 2010 publication), but I was always sort of working on the story and keeping in touch with John and Dawn. I was hoping this would work, and I wanted to give that a chance to happen.

What made you decide to finally pull the trigger on the story?

When I heard that, in terms of the progress she'd thought she was making, she was slipping, and that the miracle they were hoping for hadn't occurred. … I started the work of researching the medicine and the science. I began researching Stem Cells for Hope, and the partnership between this group and the medical center in Tijuana.

What kind of response did the story receive?

It sort of ran the spectrum. Some people, who either went and had the stem-cell treatment, or knew people who had, really thought (the treatment) helped. … Then there were some people who were grateful that we took an honest, serious look at overseas stem-cell treatment, which hadn't really been done before.

Is there anything you wished you'd done differently with this story?

You know, not really, because I believe I was fair with John and Dawn, and they never begrudged me for

anything I wrote … although I did walk a fine line between completely airing my doubts and just being honest about saying what I thought. And I certainly don't regret not saying who I was at the clinic. There's not a whole lot I would have changed about the process.

Is there anything else you'd like to add?

The one other thing I would say about that story is this: No story I've ever written has sparked such internal conflict within me. Dawn and John were so hopeful, and I had so many doubts. The more I saw, and the more skeptical I became, the harder it was to bite my tongue and resist telling them that I thought they were being taken advantage of. At the same time, I didn't want to crush their hope. How could I possibly blame them for wanting to believe in this, anyway? It was her last shot at a normal life.

It was this story, more than any other, that made me realize that the trope of journalistic objectivity is bullshit. Spend enough time with someone—to the point that they regard you as a friend they drank tequila with in a Tijuana bar—and it becomes very personal.

Interview by Jimmy Boegle, Coachella Valley Independent (formerly Tucson Weekly)

"Blow Hard" by Gus Garcia-Roberts

April 22, 2010

Scott Storch raked in hip-hop millions and then snorted his way to ruin

By Gus Garcia-Roberts, *Miami New Times*

When Scott Storch was 8 years old, he was dizzied by a soccer cleat to the head. His mom did not take such injuries in stride. She had been apoplectic when Scott lost his baby teeth in a living-room dive five years earlier, leaving him with a Leon Spinks grin. "I was an overly worrisome mother," admits Joyce Yolanda Storch, who goes mainly by her middle name. "I was overbearing to a fault."

Mom banned Scotty from participating in sports. Instead, she enrolled him in piano classes at Candil Jacaranda Montessori in Plantation, about 15 minutes from their Sunrise home. An old jazz pianist named Jack Keller taught him. A singer herself, Yolanda stopped taking weekday gigs so she could drive Scott to the lessons and scraped together enough cash to buy him a baby grand.

The scrawny, creative kid wasn't much of an athlete anyway. But it turns out he was a virtuoso on the keys. By age 12, he was landing paid gigs. As an adult, he parlayed that ability into studio production, eventually becoming one of hip-hop's elite beatmakers. He laid backdrops for nearly every rap or R&B superstar of the past decade, including Jay-Z, Beyoncé, Dr. Dre, Lil Wayne, and 50 Cent.

At age 33, in 2006, his fee hit six figures per beat, which he could produce in 15 minutes. The money turned the Sunrise kid into a Palm Island Lothario. Hip-hop's blinged-out white boy lived in an expansive villa in the Miami Beach enclave, kept more than a dozen exotic vehicles — including a $1.7 million sports car — and docked a $20 million yacht.

So Yolanda, who raised Scott and his brother Matthew after she divorced their father in 1983, has reason to cling to the fact that she introduced Scott to the piano. It's the consolation prize of her life. "It's not that I want to toot my own horn, but I was always very supportive of his music," she says. "It's just too bad that everything went sour."

She perches gingerly on a bottomed-out wooden patio chair outside the modest two-bedroom red-brick home she shares with her 88-year-old father, Julius. The years have battered Yolanda's former starlet looks, but she's still a handsome woman, instantly identifiable as Scott's Mother by her ghostly fair skin, blue eyes, and prominent jaw. Keeping large eyeglasses atop a nest of bleached hair, she wears pink slippers, gray sweatpants, and a T-shirt bearing a cartoon bird saying, "How about a Christmas goose?" A burned-out Doral Ultra Light 100 is wedged between her fingers.

Yolanda is, to put it one way, quirky. A Catholic convert of Lithuanian-Jewish descent, she's obsessed with all things Italian. Especially Al Pacino. She calls the abstract prospect of meeting the actor "the reason I get up in the morning."

For her and her gifted son, nothing has turned out the way it should have. She watched Scott blow his fortune in spectacular, infamous fashion, giving millions of dollars in diamonds and cars to his girlfriends, which included America's holy trinity of floozydom: Paris Hilton, Lindsay Lohan, and Kim Kardashian.

In the meantime, Yolanda, who cares full-time for her partially blind father, waited in this $81,000 house for her son to remember her. Instead, Scott descended into a cocaine binge that crashed his career, propelled him into massive financial litigation and bankruptcy, and sent him to rehab.

The neglect gnaws at her. She can't help but bring it up — to complain about the holes in her "36-year-old carpet" and her decaying patio furniture and medical expenses that eat right through her father's social security checks.

Public records also tell the story: In 2008, Capital One sued her for $5,700 owed on a credit card she used for food and pharmacy bills, in a case that's still being decided in Plantation court.

"Scott always told me he had plans to do certain things for the family," she says. "But then I guess things got bad before he got around to it. I read about all these other rappers' mothers — P. Diddy's mother, Kanye West's mother, Jay-Z's mother. Their sons all took care of them."

Then Yolanda worries, "If he reads this, he would be very angry at me. He's not going to ever give me anything."

So, exactly what would she like to see in print? She thinks and begins again: "I think that maybe you should make sure your mother has her retirement taken care of before you buy another $2 million necklace for some hotel heiress. You don't just have a miracle from God like that and then take all that money and throw it in the garbage pail."

Born in Long Island but raised in South Florida, Scott Storch has music in his blood. His great-great-grandfather was Lithuanian immigrant Meyer Machtenberg, a seminal Jewish composer in the early 1900s. In the '60s, Mom was a Queens-born pinup-caliber beauty who was signed to Philadelphia's Cameo-Parkway Records under the stage name Joyce Carol, and his father, Phil Storch, sang street-corner doo-wop in his native Bronx.

Phil's brother Jeremy was a founder of soul-rock band the Vagrants and a songwriter who once penned an Eddie Money hit. "There's always been music in Scott's life," says Jeremy, who bottomed out on drugs in the '70s, cleaned up his life, and became a rabbi. "He was literally surrounded by it."

Scott's brother Matthew, who is older by 22 months, is his musical opposite: an alt-rocker who has supported his music by delivering pizzas.

So it was no surprise that Scott "took to music like a duck to water," as Yolanda puts it, playing Rod Stewart piano renditions at Davie's Nova Eisenhower Elementary talent shows, nailing John Travolta's role in a school rendition of *Grease*, and sharing the big stage with singer Matthew at the Sunrise Musical Theatre as "The Storch Brothers."

For Scott's first paying gig at age 12, he filled in for an adult piano player at a birthday party. "He had a natural talent, and he practiced hard," Uncle Jeremy says. "He was very devoted to the piano."

Scott spent hours on the keyboard in the bedroom he shared with Matthew in their small Sunrise apartment. His parents had divorced when he was 10, and Yolanda made ends meet as a caregiver for the

elderly. His father Phil lived in Miami with a new wife, his third.

Clearly, Scott did not dodge his father's genes. Dad was a gambler with a special affinity for the harness races at Pompano Park, according to Yolanda. He sifted through vehicles based on his luck: From Porsches to Lincolns to Jensen Healeys, he bought "30 cars in the 13 years we were married," she says.

Phil liked to bring Scott with him to the dealerships, and the fascination with flash and automobiles rubbed off. The kid spent his time in class drafting ornate sketches of Cadillacs. At age 13, he wore a red bomber jacket, Porsche Carrera sunglasses, and a $75 Rolex knockoff — bar mitzvah gifts from Mom, all of which he quickly lost.

Says Yolanda: "Phil wasn't there for Scott through most of his childhood, and I think Scott really wanted to follow in his footsteps and impress him."

Phil eventually filed for bankruptcy twice, in 1997 and 2008. Among the jilted creditors were credit card companies and the Mercedes-Benz and Toyota financing wings. Reached at his home in Springfield, Missouri, Phil told *New Times* he was "not interested in talking to newspapers."

In 1988, Dad moved to Philadelphia. Scott, in his freshman year of high school, decided to go with him. Yolanda had a new boyfriend, and Scott wasn't looking for a stepfather. "I could have legally stopped him from going, but I didn't," Yolanda says, sounding regretful. "Much later, Scott told me: 'Ma, the only reason I left is that I hated your boyfriend.'"

"Scott felt like his mom had chosen a man over him," says Vanessa Bedillo, who had a son with Scott in Philadelphia. "That's something that really hurt him and probably still does."

One morning in the middle of the '88 school year at southeast Pennsylvania's Bensalem High, freshman Vanessa Bedillo watched a new boy pull his father's Porsche up to the brown-brick school building. The Florida kid dressed like a miniature Don Johnson and wore a preppy mop of reddish-brown hair over thin, bird-boned features. "All the girls were like, *Who is this guy?*" recalls Bedillo, who was the pretty, strait-laced daughter of strict Peruvian parents. "He seemed beyond his years."

Scott Storch was her first boyfriend. He spent the rest of that school year drawing her sketches of cars and gazing out the window, daydreaming about music. After school, he would play her Tears for Fears songs on his piano, which his mom had shipped from Florida.

"Scott was pretty much on his own," Bedillo says. His dad's parenting consisted mostly of a wad of bills left on the kitchen counter. Eventually, Phil Storch left his son altogether, moving to New York City.

Scott never returned to school his sophomore year. Bedillo ran into him on a city street and learned he was playing piano in an upscale Italian joint and working on the side in a local music studio. They rekindled their relationship. "I knew this guy was trouble," Bedillo says. "But I just couldn't stay away."

At age 17, Bedillo became pregnant with Scott's baby. He didn't show up for the birth of their son, named Steven. And he was "MIA after that," Vanessa says. "He was scared. I always wondered what might have been if he had parents like mine, who would have forced him to do the right thing."

Vanessa dropped out after her junior year to care for the baby. An aspiring actress, she gave up that dream in exchange for a succession of dull jobs. It would be 11 years before she would see Scott again.

In 1992, a young music scout named Derek Jackson was at a North Philly block party when a very strange group took the stage. They called themselves the Square Roots, and they played acoustic hip-hop. "You had this big, heavyset Afro-wearing kid on the drums; an old rapper; a really young rapper; and then this little white guy on the keyboard," Jackson describes, laughing. "But once they started to play, it was mesmerizing."

Jackson brokered them a deal with Geffen Records. It was the commercial birth of the Roots, one of hip-hop's longest-lasting bands, now toiling nightly on Jimmy Fallon's late-night show.

The white boy on the keyboard was the group's sonic brain: Scott Storch, the human jukebox. During practice, bandmates liked to hurl song titles at him — anything in the Top 40 in the past 20 years — and watch his fingers spring to action. "Scott's mind is a computer," Jackson says. "His memory is his greatest gift."

Jackson, an all-business, frugal family man, became Storch's career-long manager. He says their relationship "falls somewhere between me being his father and me being his big brother."

Band members received $40 per diem in "food and weed money," says Dice Raw, then the group's teenage rapper. But Storch drove a Jaguar XJ and lived with a girlfriend in a South Street apartment. "Scott was broke too," Dice explains, "but he would spend it the first day he got it."

"I don't want it to make me lazy," Storch would explain. "I want to get rid of it so I'm forced to work."

Then he would cop a new watch or a Range Rover. "Money never changed Scott," Dice says. "It just enhanced him."

Storch was never one for the road grind. So in 1995, when Jackson swung him a $10,000 advance from Ruffhouse Records to join a conceptual hip-hop/soul/pop trio called Madd Crop, he quit touring with the Roots.

The project never birthed an album, but it marked Storch's musical adolescence. Bandmate Chuck Treece remembers Storch as a "tyrant in the studio" who drew inspiration from his own eclectic musical tastes: Barry White, Average White Band, the Ohio Players, early Stevie Wonder. "And then he took that swing and put it into our music," Treece says. "Even when he was programming a beat on a [drum machine], this cat made everything swing."

In 1998, Philadelphia rapper Eve introduced 25-year-old Storch to Los Angeles gangsta rap demigod Dr. Dre. Storch moved to Los Angeles to help produce tracks for Dre's *Chronic 2001*. The music Storch helmed — most memorably the addictive piano symphony behind the hit "Still D.R.E." — sealed his status as a top prospect in hip-hop production. After working with Dre, he partnered with beatmaker Timbaland to co-write Justin Timberlake's smash "Cry Me a River."

Though a millionaire by age 26, Storch already showed symptoms of an allergic distaste for bill payment.

In 2001, the posh Le Montrose Suite Hotel in West Hollywood won a decision against him for nearly $3,000 in unpaid room bills.

Following the megahits with Dre and Timbaland, Jackson persuaded Storch to hoard his golden touch for himself. In 2001, Storch returned to South Florida to set up shop with his own company, Tuff Jew Productions. Says Jackson: "By then, we knew he could be a superstar in his own right."

Yolanda Storch digs through her musty bedroom, which is clogged with hundreds of magazines featuring articles about Scott. She's looking for an audiocassette she made with him when he was 11.

Scott's grandfather shuffles, aided by a walker, into the living room, which is decorated with stuffed cats, Italian kitsch, clown puppets, and seated Barbie dolls. Photos of Scott and Matthew — on Santa's lap; in garish prom suits — cover every surface.

Julius is a lucid former Brooklyn storekeeper with a big, square head and skeptical eyebrows. He wears a polo shirt and boxy blue jeans. The octogenarian Jew gained an encyclopedic knowledge of hip-hop by mining mention of his grandson in music magazines at bookstores.

"Did you know that Scott won producer of the year in 2005? Did you?" he demands. "He beat out Dr. Dre, Timbaland, and Kanye West."

Yolanda once read that her son returned to South Florida to spend more time with her. That's not the way things turned out. He'd send for her and his grandfather two or three times a year, shuttling them by limo to Café Avanti or Smith & Wollensky in Miami Beach, where he'd sit with a silk shirt undone to his abdomen, shades blocking his eyes, and a new girl by his side. "There were always bodyguards at the table, and they'd listen to the conversations," Yolanda recalls. "Ninety percent of the time, he was in a hurry to get done with dinner because he would say so-and-so was waiting for him at the studio."

Once his spending began to get out of control, she tried to persuade him to slow down a bit, to maybe buy a Burger King or two. He didn't listen. "Ma, this is my image. This is what's separating me from other producers," she remembers him replying. "They expect this from me."

Nowadays, Scott is in Los Angeles, attempting to make a comeback on Dr. Dre's upcoming album, *Detox*. Asked to handicap his grandson's shot at regaining fame, Julius doesn't hesitate: "I think his chances are very good. Perhaps if he stays away from those jerky broads, like Paris Hilton or Lindsay —"

"Daddy, don't say that!" Yolanda screams, suddenly emerging from the bedroom.

"Lindsay Lohan is a jerky broad!" he continues, undeterred. "She's a lesbian and —"

His daughter clasps a hand over his mouth. "Don't say that! Scott's going to get angry! He's going to disown us! Just say, 'I hope Scott gets his career together and becomes the world's top producer again.'"

She adds, "And that this time, he remembers his family."

Vanessa Bedillo must not have been reading the magazines. Still living in Philadelphia, she hadn't heard about her high school ex's success. So in 2004, when their 11-year-old son Steven began to wonder who his father was, she hired a private investigator to track him down. "The guy turned up two residences for him — one in Coral Gables and a mansion in Beverly Hills," she recalls. "And right then, I knew: The son of a bitch really made it."

They met at an Olive Garden in Miami. Scott acquainted himself with the sharp, witty kid who shared his light eyes, nervous tics, and taste for cheese manicotti.

After much consternation, Vanessa agreed to move to Miami so Scott could rekindle his relationship with his son. At the time, it seemed right. "We're 30 years old; we're not 18 anymore," she recalls saying. "It's time to do the right thing."

Every day held the same stoner's schedule for Derek Jackson's hit maker. He'd roll out of bed no earlier than 1:30 p.m. and throw on an expensive suit jacket and torn jeans. Within a couple of hours, he'd be on the freeway in the sort of sports car that tourists in bathing suits like to pose beside. By the time he pulled into the parking lot of the Miami Hit Factory — the plush lime-painted sonic temple on NE 149th Street where James Brown, Michael Jackson, and Iggy Pop have all recorded hits — Scott Storch already would have mentally fine-tuned the little symphonies in his head.

Unlike most hip-hop producers, Storch eschewed music samples. It was always his own bejeweled fingers tapping on the keyboard while a tight crew of session musicians banged out his compositions seven days a week, 13 hours a day. It was a signature sound — synthy, staccato, and light on its feet, with melodies inspired by Middle Eastern and Indian music — that radio listeners could not escape between 2002 and 2005.

A few of Storch's most popular productions: Beyoncé's "Naughty Girl" in 2002, Terror Squad's "Lean Back" in 2003, 50 Cent's "Candy Shop" in 2004, and Chris Brown's "Run It" in 2005. All were top five hits on *Billboard*'s Hot 100 chart. Three of them occupied the number one spot for months at a time. "It was like everything we touched was gold," boasts manager Jackson. "It was like... a fever."

By 2006, the producer commanded $100,000 per beat plus co-writer royalties and pumped out 80 commercial tracks a year. *Rolling Stone* estimated his net worth, including the value of his music catalogue, to be $70 million.

But Storch's spending habits could make Robin Leach hyperventilate.

He stocked his garage with at least 13 vehicles, including a $600,000 Mercedes SLR McLaren, a $500,000 Mercedes Maybach, and a $1.7 million black Bugatti Veyron — the most expensive car on the market.

A $3 million 34-carat yellow-diamond pinkie ring crowned his personal jewelry collection, which also included a diamond watch formerly owned by Michael Jackson. He paid $20 million for a 125-foot yacht. And the pièce de résistance: his 2006 purchase of a 18,000-square-foot white-columned Palm Island mansion, dubbed *Villa Ferrari*, for $10.5 million.

Storch shuffled through women who were equally expensive. He gave heiress Paris Hilton a Maybach and flew her to the French Riviera via private jet — at a cost of $275,000, according to *XXL Magazine* — and became full-fledged paparazzi prey by reportedly dating Lindsay Lohan, Kim Kardashian, rapper Lil' Kim, and porn star Heather Hunt.

Jackson now admits he was an "enabler" to his friend's reckless spending: "There were warning signs early that a crash and burn was in the future," but, Jackson reasoned, as long as Storch kept making hits, he could sustain his purchases.

Then Storch discovered the ego fertilizer known as cocaine. Soon he was snorting every day, Jackson says. "It started out light, and then it just escalated."

Jackson can cite the exact date when the addiction took control of Storch's life: July 28, 2006 — just more than three months after the birth of his second son, Jalen Scott Storch, born to Miami model Dalene Jennifer Daniel. That's the day the studio rat set off on the first extended vacation of his career, heading to the South of France. "When he came back," Jackson says, "his personality had started to succumb to the drug."

Jackson fumed as Storch left stars such as Janet Jackson sitting in the studio for several hours. Gossip flies fast in the music business, and before long, Storch was branded unreliable. Label honchos decided to spend their money elsewhere.

More than once, manager Jackson showed up at *Villa Ferrari* to coax Storch into getting clean. The inside of the mansion resembled a crack house, strewn with garbage and paraphernalia. Storch was surrounded by "takers" — fellow addicts, gold diggers, and bumbling handlers.

Constantly snorting bumps of coke, he now paired his jewelry with shirts stained from "blood that would just gush out of his nose at any given time." Storch seemed to Jackson like an animal, capable of viciousness but not reason: "Scott didn't give a fuck. You can't be humiliated while you're high. You're not conscious of the destruction you're wreaking on the lives of people around you. You feel nothing, you see nothing, but the drug."

Jackson finally quit managing the producer in late 2007. He now talks about Storch like a bogus stock he bought too much of. "I didn't diversify," Jackson says. "I lived Scott day and night. I crashed and burned with him."

Like a washed-up Vegas lounge singer, Storch sold his services to the highest bidder. He produced tracks for girlfriend Hilton, teenybopper favorite Jessica Simpson, and wrestler Hulk Hogan's daughter Brooke. Perhaps his most bizarre foray into atrocious music came when Storch flew to Moscow to hire himself out for Russian rap and R&B duo Timati and Nox — a strung-out gig mercilessly preserved on YouTube.

But rubles would not be enough to lubricate Storch's personal finances, which were in the midst of a Ponzi-like implosion. Since 2005, he's been hit by 28 lawsuits in federal and county courts as his Tony Montana lifestyle was stripped from him piece by piece.

His vehicle collection went first. Repo men came for the Ferrari Scaglietti, the custom-made $160,000

HARD "Bones Bike" motorcycle, and even the 2007 Cadillac Escalade entourage transporter.

In December 2008, Broward Sheriff's Office deputies arrested him and charged him with felony grand theft auto. He had kept a rented Bentley more than a year after it was due to be returned. The charge was eventually dropped, and Storch blamed Lil' Kim, saying he had leased the car for her.

East Coast Jewelry sued him for $170,000 in allegedly bounced bling checks. A jilted electronics company demanded $22,000 for *Villa Ferrari*'s video surveillance system. The artist whose work adorned Storch's walls also threw his beret into the ring: Parisian minimalist Kirk Hughey claimed in Miami-Dade court that Storch stiffed him $150,000 of a $300,000-plus bill for 23 paintings.

The civil judgments against Storch were staggering. He was ordered to pay $2.188 million in damages to JK Entertainment, a Delaware company that had loaned him $1 million, and $750,000 to Miami Beach movie producer Matt Sinnreich for breaking a $25,000 business contract. Storch was hit with a $509,000 judgment for failing to repay Los Angeles music manager David Menefield a $100,000 home loan. The creditors garnished his royalties from Sony BMG Music.

Meanwhile, *Villa Ferrari* went into foreclosure. He owed more than $500,000 in back property taxes on the house. And he pawned *Tiffany*, his beloved $20 million yacht, on eBay for $600,000.

Jackson visited him once in 2008. He recalls sitting in the passenger seat as Storch drove his Ferrari along I-95. The producer began hacking uncontrollably as blood spurted into his fist. Jackson shuddered: *He's really on the cusp of death*.

As 16-year-old Steven pulled their luggage out of the car, Vanessa Bedillo stared, teary-eyed and exhausted, at the cramped tan couches that were their new home. She was having murder fantasies involving Scott Storch, sure, but she was angrier with herself: *What the hell did I get us into?* Once again, she had let herself be deceived by the same flashy white boy in the European sports car. And once again, he had burned her.

On May 15, 2008, she and Steven had been evicted from their Plantation apartment after Storch failed to pay the rent as they had agreed, according to a claim she filed in court. They were forced to sleep on couches in the two-bedroom home of Bedillo's parents, who had moved to South Florida.

Worse, Scott had fallen behind $5,000 on his honor-student son's tuition at Plantation's American Heritage Academy, and Mom had to beg school administrators to keep him enrolled. Vanessa, a saleswoman for a security-system company, couldn't afford to sustain the lifestyle Scott had promised them. "Steven's life was upside down," she says. "[Scott] can be mean, but that was just plain old cold."

Steven wasn't the only son Scott had ditched in his cocaine haze. He had stopped making support payments for 8-month-old Jalen and allowed the baby's health insurance to run out. Asked about that lapse, he had told the *Miami Herald* he would "never, ever be a dead-beat dad," saying he had missed his obligations because he was in Saint-Tropez.

Scott continued to live on Palm Island, ignoring Vanessa's phone calls and dodging court officers attempting to hit him with contempt papers. A server named Joseph Torres told a judge that in one such

attempt in September 2008, Storch had a handler use a black Mercedes S550 as a "blocking ram," plowing backward into Torres's legs to allow the producer to escape in his blue Rolls-Royce Phantom coupe. As Storch, accompanied by a blonde in the passenger seat, drove past the beleaguered server, he peered out the window and muttered, "Good luck, asshole."

A judge was not amused. The next day, the Miami-Dade Police Department was issued a warrant for Storch's arrest. (Among the outlaw's aliases: Scotty, Storchavelli, Storchy.)

On March 5, 2009, Storch reported to the rehab clinic Recovery First on Stirling Road in Hollywood — his only alternative to a jail stint for contempt of court.

Derek Jackson remembers the phone call that told him Storch had finally hit rock bottom. "Listen, man, I messed up bad," the producer pleaded. "I apologize. Come fix this. Come save my life."

Over his wife's protests, Jackson flew to South Florida to meet Storch as he emerged from rehab in May 2009. The producer was doughy and listless from his two-month stint. Twenty-six days later, he declared bankruptcy.

According to papers he filed in court, his net worth stood at -$58,000 — and that didn't factor in millions of dollars potentially owed due to lawsuit judgments. The bankruptcy was later dismissed after Storch failed to file financial records, and he remains on the hook for every penny of his debt.

SunTrust Bank repossessed the Palm Island mansion and eventually sold it to an energy drink tycoon for $6.75 million. Storch spent nights in a spare bedroom at a friend's apartment, according to *Details*. All but a few of his most loyal friends were gone, along with those starlet exes he had once kept in diamonds. They had broken his heart. "Scott doesn't like to talk about his ex-girlfriends," his mother says. "He really loved them. He gave them so much, and they did him dirty."

Careerwise, Storch was staring at the very long end of a comeback. His productions hadn't made an appearance on the *Billboard* Top 10 in four years, and Storch's hibernation from music seemed to have put his famous ear into a coma. "He was just making noise," Jackson says. "He wasn't making music yet. He certainly wasn't making commercially viable music."

Storch was still adjusting to clean living. Twenty-hour powder-charged recording sessions were no longer a possibility. "We started him working three days in the studio and then three days off," Jackson says. "We went through a drill of learning how to get music back in his life."

Eventually, Jackson says, "something clicked." Storch began snagging second-tier clients, rappers such as Gucci Mane and Outkast's Big Boi, who has announced that his next album's single, titled "Shutter Bug," will be a Storch track. In February, Storch headed to Los Angeles to work with Dr. Dre on *Detox*, the megaproducer's Spruce Goose, in the works for nearly a decade. Jackson says Storch produced the album's first single.

Now 36, Storch is back where his career began. According to Vanessa Bedillo, he has made good on his child support debt. He has even rekindled his relationship with son Steven, an 18-year-old aspiring producer who plans to study music at the Art Institute in downtown Miami. He spent spring break with

Dad in Los Angeles and hopes to intern in Dre's studio. "He's become a really proud father," Vanessa says, adding she has forgiven Scott. "If that man loves anybody besides himself, it's Steven."

After 15 minutes spent digging around stacks of hip-hop magazines in her bedroom, Yolanda Storch finds what she's looking for. It's a 25-year-old audiotape. She sits next to her father on a couch and gingerly inserts the tape into an old portable player. She mumbles, "Scott always promised me he was going to put this on CD..."

The sounds of skillful piano playing jump with surprising crispness from the portable player. Then Yolanda's voice bounds over the notes, covering Burt Bacharach. "You hear the little trills in the piano he's doing?" she asks. "Can you believe that an 11-year-old could play like that?"

Yolanda closes her eyes and begins dancing a little on the couch, tapping her toes on the carpet. Her happiest memories are simple musical ones with her sons: making this tape or driving with the boys in the car, all three of them belting out a Cyndi Lauper song on the radio. They are memories now so far removed from reality that they seem a bit cruel.

The 60-year-old Yolanda begins crooning to Scott's canned piano playing, drowning out her younger self. Next to her, the nearly blind Julius silently cranes his neck backward like a dog trying to find a scent. "For good times and for bad times, I'll be on your side forever more," she warbles. "That's what friends are for..."

After the song finishes, she presses the stop button. She and Scott recorded more songs on the cassette, but she doesn't want to play them. She can't bear to risk damaging the tape.

Editor's note: New Times *reporter Gus Garcia-Roberts flew to Los Angeles to interview Scott Storch, but the meeting was cancelled when this publication refused to excise references to his mother.*

The night of the thwarted interview, Yolanda Storch says, Scott called her in a rage. He accused her of trying to revive her cobwebbed singing prospects. "I told you never to talk to the press," he seethed. "You're going to ruin my career, and you're thinking only about furthering your own."

"You've made me sick to my stomach," she kvetched. "I won't be able to eat my dinner."

Scott shot back, "I won't be able to eat my dinner until the article comes out."

How I Got That Story: Gus Garcia-Roberts

Gus Garcia-Roberts' alt-weekly career began when he participated in the AAN Academy for Alternative Journalism fellowship program at the Medill School of Journalism in 2007. He later became a staff writer for Cleveland Scene, and after the paper was sold, he joined Miami New Times.

This year, he received first-place in the 2011 AAN Awards for his feature story, “Blow Hard,” a

harrowing account of hip-hop producer Scott Storch's drug-induced downfall, told mostly through the eyes of his mother and grandfather.

Garcia-Roberts, 28, said his goal is to let his stories take him "where they will." Eventually, he'd like to expand some of his pieces as books.

How did this story originate?

Well, that was when I first came down to Miami and I was looking around for stories. I kind of knew from the very beginning that I wanted to do a story on Scott Storch. I had heard about how he had made all these millions and then blew it all in a spectacular fashion. He just seemed like the most Miami character that there was—the fact that he had this cocaine addiction, and was just such an audacious spender.

But, all I really had on him in the beginning [were] all his lawsuits. He had a ton of lawsuits and there's *interesting stuff*. But, obviously, I needed to get someone to talk to. I spoke to his manager, who, at the time, was peddling all these stories about how Scott Storch hit rock bottom. He was talking about how Storch would blow blood out of his nose—just all these scatological details that were salacious, but at the same time, I knew that, in a way, the manager was sort of marketing him hitting rock bottom so reporters wouldn't be able to ask about that any more and the next step could be the come back. And that was fine, but a couple of magazines already had that story; at that time, they had already talked to the manager. So, I knew I wanted to get something more personal and get beyond the grimy details that the manager was selling.

When I found out his mom still lived in south Florida, I found her house through property records. I just went up to her door, knocked and she just started talking to me, openly. I think that's what made the story different, that I was able to talk to his mom and his granddad and they're such fascinating, funny characters.

Because the story was so personal, were you shocked by how much they opened up to you?

I found that, usually, there are a lot of closed doors--slammed doors--but I do find that there's a couple of people, in every story, that just really want to talk and they don't have any reservations about telling anything to a reporter. It doesn't necessarily have to be the main character because someone, like a person's mom, you could argue that they know that person better than that person knows themselves.

I felt like with Scott's mom, she almost used me as a shrink, in a way. I think she had just been stewing up there. She kind of felt that Scott had abandoned her. She had been stewing in this little, crappy house in Broward County, out of having nobody to tell her story to and she thought she had a righteous story to tell. I think that's what motivated her.

She had this attitude like, "*Oh, Scott's going to kill me if I tell you this!*" But she would tell it anyway.

There's kind of a cliffhanger at the end of the story, where Storch tells his mother he won't be able to relax until the story comes out. Was there any reaction on his part after the story was published?

No, no. What happened with that was, we tried to condense it in the editor's notes, but basically, I take this trip out to Los Angeles, I was supposed to meet him, I'd set it up with his manager. Then, the day that I'm supposed to meet him, I was just wandering around the city and his manager called and he was really

irate because he had just found out that I'd spoken to Scott's mom. I hadn't spoken to him since I'd spoken to Scott's mom and so he was very irate about that and at that point, he started all these negotiations and he was calling my managing editor.

Basically, we weren't going to take out the reference to Scott's mom because we thought that's what made the story interesting. Besides just that fact that we didn't want to cave in to this guy. After I spent a few days in L.A., just wandering around, the manager kept calling and being like, "Scott's going to come meet you right now, stay where you are," but then he would never come. After the story came out, I heard nothing.

So, I don't know, that's how it often is. There's a lot of bluster before a story comes out, but then after it comes out, I guess cooler heads prevail because—or maybe they realized that I'm going to write down whatever he says to me—because, no, he never called.

How did you envision the story in your mind when you were developing it and how did it change from what you originally planned?

I think, at first, because I had nothing but the court records, I said, "Oh, maybe I can make something around this," but then, when I was speaking to Scott's mom [and grandfather]—they were just such human characters, her and her dad and not really the sort of characters you expect to meet when you do a story on a loathsome celebrity.

I think at that point, the public documents—I had other stuff that people might have considered salacious, but it just was less important and there's more of a point to just show the images of this house and of his mom and of his grandad and really try to take the reader there. So, at that point, any idea that this was an investigation faded away.

Were you a fan at all of Scott Storch before this story?

I mean, I liked hip-hop and of course, I had familiarity with his music because if you liked hip-hop or really any pop music at that time, then you were familiar with his music. But then, once I did the story and started listening to his beats on all his different songs, I got disillusioned as a Scott Storch fan, because I started to realize that there all exactly the same or very similar. All his beats were carbon copies of another.

So, yeah, now I can't really listen to a Scott Storch beat.

How long of a process was putting this story together?

It was probably, all told, I would guess, five weeks, total.

Did you feel that was enough time?

There are stories that I wish I had more time, but I think in this one, it was enough. You sort of know when a story is done, when there's nothing more you can do with it. I think, especially in this one, because this is one of those stories that when I was going through it, I could see the scenes as I would write them later. For instance, with the mom, I started to say, "What she just said is a perfect ending to the first section," or, "All right, I've got to break up the story with this whole visit to the mom, in order to keep it lively."

Stuff like that. It was a story where it kind of fell really neatly into a structure.

By the time I got back from L.A., after the failed visit with Scott, at that point, I was kind of down on it because it seemed like failure because I hadn't met Scott Storch, the subject of the story. Once I got back home and took a couple of days to think about it, I realized that the story was all there and luckily—because deadline was coming up—there wasn't much else I could do to report the story.

Are there any final thoughts that you'd like to share?

This is one of those stories where—I think writers often doubt the story, they have crippling self-doubt and throughout the story, I had a lot of doubt as I was writing it—especially when the trip to L. A. failed, which cost 500 bucks and my editor was on the phone with me and he was kind of panicking because 500 bucks isn't that easy to come by. I just felt like, "*What am I doing?*" I felt like the most haggard tabloid reporter, pretty much; I was out in L.A., trying to chase this music producer—and I wasn't even a good tabloid reporter because I couldn't find him.

But once I started to write it, it worked out and I guess there's a moral there, but I'm not really sure what it is. "Don't believe the doubt," I guess.

Interview by Ilissa Gilmore, AAN

"Lawrence Williams: No Romeo" by Caleb Hannan

January 26, 2011

McNeil Island's most eligible predator and the women whose lives he ruined.

By Caleb Hannan, Seattle Weekly

For Barbara Boardman, the beginning of the end of life as she knew it began with a kiss.

In the spring of 2006, Boardman, then 55, was a pretty Southern blonde slowly recovering from a recent divorce. Childless and so devoted to a nursing career that making and keeping friends often felt like more trouble than it was worth, she found herself talking through the pain of a second failed marriage with an unlikely confidante: Lawrence Williams, a 47-year-old convicted rapist and custodian at the medical clinic where she worked at McNeil Island's Special Commitment Center.

Despite seeing each other nearly every day for two and a half years, the sum of their interactions to that point added up to nothing more than pleasantries, with "How you doin' today, Ms. Boardman?" being about as deep as they'd ever gotten.

Then one day, prompted by watching Boardman eat a lunch of red beans and rice, Williams went somewhere more personal.

"Where are you from?" he asked.

When she said she was born in Louisiana, he replied "Hey, me too."

From that point on, mostly in secret, they talked about everything, including the steps they'd taken to find themselves together in this clinic, where the worst of the worst of Washington's sexual predators did routine things like get their teeth cleaned and medications filled.

Built in 2004 on a pristine, sneaker-shaped island in south Puget Sound, the Special Commitment Center (SCC) operates less like a prison than a heavily fortified dormitory. Behind coils of serpentine razor wire, civilly committed residents at the five-acre facility wear their own clothes rather than orange jumpsuits, have their own rooms instead of shared cells, and can reach the outside world at nearly all hours of the day from pay phones in supervised common areas.

Despite these relative freedoms, there are rules against getting too chummy with residents. And Boardman liked following the rules. A major in the U.S. Army Reserves, she still thought of herself as the dedicated Kroger checkout girl whose till was never off, not even by a penny. And though this was the first time in 25 years of nursing that she'd dealt with criminals, she had no problem enforcing the rules—like the time one guy tried to hold her hand and she'd yelled "No, Michael!" so loudly she even surprised herself.

But Williams was different. For one thing, he was always around; the other clinicians joked that he put in more hours than they did. For another, he seemed to have a good side. Williams had more privileges than

most of the 283 men and two women interned at McNeil, including nearly unlimited, mostly unsupervised access to the phones, a freedom resulting from his progress in treatment. He also seemed to work harder than anyone pulling a salary.

At only 5'9", but with a presence far bigger than his stature would suggest, Williams usually got to the office early and left late. He swept floors, shampooed the scuzz out of chairs, and even vacuumed the air vents above the nurses' desks, reaching high enough to expose a potbelly hanging over his jeans.

He may not have been the world's handsomest man, thought Boardman, but Williams had an easy smile and charm to burn. Technically, he wasn't even allowed to be in a room alone with her. But because he kept their office spotless, everyone in the clinic treated Williams differently, as if he were their hungry little mascot, sneaking him home-cooked meals and Burger King Whoppers—even though giving residents food was also verboten.

Word even went around that Williams was close—maybe too close—with the clinic's dental assistant. But that was just a rumor, so Boardman didn't suspect anything when Williams walked up to her desk that night in March.

"Come here," he said. "I want to show you something."

Boardman trailed Williams as he walked to the break room. "Look up there," he said, pointing to a puddle on the ceiling where water had turned the acoustical tile a soggy gray.

Boardman did as she was told, taking her gaze off of Williams long enough for him to put his lips on hers, his soul patch scratching her chin.

"What are you doing?" she said as she stormed out of the room. "You're gonna get me fired up in here!"

Later that night, sitting on the ferry that took her from work at McNeil to her apartment in Steilacoom, Boardman thought of her job and how much she wanted to keep it. Despite mixed emotions—it was clear she had feelings for this man, but there must have been a reason he was locked up—she thought to herself that, for the good of her career, this would be the last time she would ever kiss Lawrence Williams.

She thought wrong.

In fact, over the next four years, Boardman's relationship with Williams would only grow stronger. It would also cost her not only her job, as she'd first feared, but also her family, her self-respect, nearly everything she'd ever owned, and for a short while her freedom.

What Barbara Boardman didn't realize that chilly, fateful spring night, sitting on the ferry as it glided over the swift waters of Cormorant Passage, was that life as she'd known it was now over. Based on interviews, a review of civil-commitment papers, more than 600 pages of trial transcripts, and a letter addressed to *Seattle Weekly* from Williams himself, it's now clear that Boardman wasn't the first woman whose life was forever altered because of a relationship with a man whose romances had always included an unhealthy dose of sex, drugs, fraud, and abuse. She was merely the most recent.

Sitting in a private room at the Maple Valley Public Library, wearing only black except for a pair of gold hoop earrings, Boardman looks spent, as if she hasn't had a good night's sleep in years. Old enough to be a

grandmother, she nonetheless projects a childlike vulnerability. Whether biting her nails when nervous or tapping her foot when uncomfortable, Boardman gives the impression of an educated woman who has managed not to let that education rid her of her guilelessness. Or, as one friend, who spoke on condition of anonymity, bluntly puts it: "Barbara is book-smart and life-dumb."

Boardman was born in Shreveport and raised primarily in Texas. Her father worked in insurance after a long career in the Navy, while her mother stayed at home.

"I was raised in a Christian family and a loving home," she says with a trace of an accent. "Dad always worked. Nobody sat around and drank or did drugs or just sloughed off. We had everything we needed: religion, medical care, and education."

As a kid, Boardman says she was a sponge who never sat still, soaking up all she could about hunting, fishing, boating, and the violin. The only smudges on her memory come as a result of an abusive relative —a sensitive issue she only refers to vaguely as "my aunt-and-uncle situation"—and her parents' divorce. When the father whom she idolized remarried, Boardman says she then began seeking a "dominant love to fill the void."

Boardman's life until she met Williams had been a success in every measurable way, except for the one most important to her: finding someone with whom she could raise a family. In 1992, long after the end of a rocky first marriage, Boardman and her second husband moved to Fort Lewis where he was stationed. Three years later she joined the Army, and then, after decades in intensive-care units and emergency rooms, went back to school for her master's in family nursing, eventually graduating from Tacoma's Pacific Lutheran University in 2003.

"I wanted to diagnose and treat," she says. "Sometimes, as a nurse, you get orders from doctors that you think aren't right. I wanted to be able to do things my way."

Shortly after graduation, while juggling a job as a case manager for injured soldiers returning from Iraq, Boardman found a role that allowed her that autonomy. Hired as a part-time contractor to the Special Commitment Center, Boardman came to McNeil with only two days of training rather than the six weeks required of state employees. On her first ferry trip from the mainland, Boardman decided she didn't want to be afraid of or judge the men who would become her patients. So she made a promise not to look at their files. It was a promise she would break for only one man.

After their first kiss, Williams asked Boardman for her home phone number. She gave it to him before quickly asking for it back, thinking she'd made a big mistake. For a week Williams called, but Boardman didn't answer. Finally, on Easter Sunday, the fissure in her will cracked wide and she picked up the phone.

Williams told her even more about his life. How he'd grown up in the middle of four kids in the Central District. How he felt neglected by his mother for being the third of three boys. How she'd brought strange men to the house after his parents' separation and how seeing her with those men stoked an anger inside him he could hardly contain—the only relief coming when he used heroin, which he did for the first time at age 13.

Williams also started dropping hints. "Ya know," she says he said to her, "I really don't belong here."

It was the ultimate jailhouse cliché. But to Boardman, it seemed there might be some truth to it. Since its inception in 1990 as the first state-run civil-commitment center in the country, 63 residents have been released from the SCC because they were found to no longer meet, or to never have met, the criteria of a sexually violent predator. (SCC officials say they're unsure how many of those 63 have gone on to re-offend.) As a child of the South, Boardman also thought Williams might have gotten a raw deal because he was black. Those thoughts gave her pause, but she wasn't convinced until Williams challenged her: "Look at my file if you don't believe me," he told her.

Boardman did. And while she can't remember exactly what was in it, she does remember what ran through her head shortly after reading it: "Oh my God, he's right," she thought. "He *doesn't* belong here."

What Boardman didn't know was that the file she read didn't contain the full story.

Larry Williams shares with his younger brother caramel-colored skin, a prodigious gut, and an unwillingness to talk about the past. ("What kind of mom names one son Larry and another Lawrence?" says Boardman.)

Standing in the doorway of his Bothell apartment, wearing dirt-caked jeans and a T-shirt emblazoned with a stop sign, Larry is Williams' last surviving immediate family member—the only person who might understand the origins of his younger brother's life of crime. But Larry makes no claims to such insight.

"I don't know what went on in that house," he says shortly before apologizing and closing his door. "By the time Lawrence was older, I was already gone."

Both of Williams' parents are dead, as is his younger sister and oldest brother, Jerry, who passed away last year while serving time for rape in a California penitentiary.

Cousins like Margaret Fisher and Gary Grivlin haven't seen Williams in decades. All Grivlin can remember of Williams is that he desperately wanted to play the upright bass in Grivlin's jazz band, but was better at putting needles in his arm than slapping licks.

Voluminous treatment notes aren't much help either, as they're peppered with warnings from therapists of Williams' "numerous contradictory versions" of his life story. Only in Williams' criminal history do the details remain consistent.

At 14, Williams and a friend dragged a woman they'd seen sunbathing in a park into an abandoned shed and took turns raping her. A month later he repeated the crime, this time with a different friend and a different woman, whom he watched get raped while he masturbated.

On September 24, 1980, at 22, Williams raped a Capitol Hill woman while holding a razor to her neck. A month later, residents in a downtown neighborhood were awakened by the hysterical screams of a woman he was chasing. Then a week after that, a car turning into an alley caught him in its headlights as he stood over the body of a 17-year-old girl he'd just beaten with a crescent wrench.

Twice paroled, Williams' brief interludes in the outside world were abruptly interrupted by self-immolating acts he claims were fueled by alcohol and heroin, the same drug he said he was high on during the rape and assaults.

Behind bars and physically unable to reach women—whom one therapist wrote Williams "blamed for everything that went wrong in his life"—he found a new way to wreak havoc in their lives: through a telephone.

According to treatment files, Williams' ex-wife claimed he told her he was having her watched, giving her "too many details about her day-to-day activities for it to be a good guess." He attempted to defraud a woman in Pontiac, Mich., of $325 after falsely claiming to be her long-lost brother. And he made so many phone calls to babysitters, nurses, and nannies listed in the want ads that it took an intervention from the Clallam Bay Corrections Center's Associate Superintendent to get him to stop.

His sentence completed in 2000, Williams lasted only four months until his next arrest, this time for allegedly masturbating in front of his nephew's 16-year-old girlfriend, fondling her breasts and telling the young woman that she "had to please him" before she did the same for his relative.

In treatment summaries, Williams' therapists marvel at his impressive intelligence but are mystified by his claims of bisexuality; though all his offenses have been against women, he told therapists that he often lashed out at the world because he felt as though he "had to wear a mask" to hide his true sexual orientation.

Poked, prodded, and studied from every angle, Williams was consistently deemed at risk to re-offend, a case the state argued persuasively enough to have him committed indefinitely to the SCC in 2002. Among many memorable quotes from treatment professionals, one resurfaces more often than any other, and can be read as the clinical world's definitive portrait of Williams.

"He is a man who can create a favorable impression of himself as a model rehabilitated prisoner, keeping his behavior under relatively good control most of the time," wrote Paul Daley, a Ph.D. in psychology, in a 1992 assessment. "But it is all an ingenuine, manipulative act. Beneath the surface lies a narcissistic, antisocial, sexually disturbed, drug- and alcohol-abusive man."

After reading what she thought was Williams' whole file, Boardman resolved to get him out of SCC so that they could start their life together.

"It was going to be the best thing I'd ever done in nursing," she says. "I'd get him through rehab and take him home."

To Boardman, it seemed as though God had answered her prayer of only six months before—*Please send a good man into my life*—and she wasn't about to disappoint Him with any half-measures. In so doing, she became the kind of woman intimately familiar to journalist Sheila Isenberg.

In 1991, a year before Dr. Daley would diagnose Williams as a man not to be trusted, Isenberg released *Women Who Love Men Who Kill*, still the seminal tract on the strange psychological phenomenon that is prison love. Although the three dozen women whose interviews make up the bulk of her book aren't cut from exactly the same cloth, Isenberg says they share a few traits.

"Most of them had abuse in their past," she says on the phone from her home in upstate New York. "Many of the women came from a strong religious background. And most came to believe that, while they didn't think the men they fell in love with were innocent necessarily, they at least thought they deserved to be released."

Less than a month after their first kiss, that description fit Boardman, who'd since accepted Williams' marriage proposal and spent $3,000 retrofitting rings she already owned. When co-workers saw the new jewelry and asked who the lucky man was, she lied and said, "Oh, no one you know."

The relationship was consummated both in person at the clinic and over the phone. And by the time the weather started to warm, Boardman had already begun construction on their dream home, a one-story traditional on four acres on windswept Key Peninsula, with one bedroom each for her and Williams, her mother who'd come from Houston to live with them, and his 6-year-old daughter.

"He promised me the American dream," says Boardman. "I'd had a successful career, but that family thing was still a big hole in my life. Time was running out."

The dream was light on specifics. Williams said he might want to go back to school, although for what he couldn't say. He also thought it might be nice if Boardman bought a restaurant, with her working the front of the house and him providing entertainment in the back, picking at the bass guitar she'd recently bought for him.

Williams also had a plan for how to make the dream happen sooner rather than later. He told Boardman that instead of rehab and a conditional release, he could simply pay to have an expert witness testify on his behalf in a new trial that would prove he wasn't meant to be at SCC.

These experts weren't cheap—the less expensive of the two cost $30,000, the better one $50,000. But to Boardman—a woman making six figures, with savings and a modest inheritance to boot—no expense was high enough to keep her from realizing her dream of a family: She'd not only pay for an expert, she'd get her fiancé the best one money could buy. "Everything was coming together," she says.

Only it wasn't. In August, shortly after Boardman put $50,000 into Williams' SCC account, a woman she had never met walked into Burien Chevrolet, signed some paperwork, and walked out with the keys to a brand-new 2007 Tahoe. The truck was paid for with a check for $55,668.95. The name on that check: Lawrence Williams.

Denise Perkins was desperate. It was July 2002, and the 33-year-old with feathered blond hair had just lost her job. Her electricity was about to be shut off, and if she didn't come up with some money soon, she was going to lose her house too.

When Lori Borne, a friend she'd met while working at PetSmart, first mentioned that she knew a guy who'd pay them $3,000 if they had sex with each other, Perkins said no. But when Borne mentioned that the man wouldn't even be in the room—he'd be listening by phone, so they could just pretend instead of really doing it—she relented.

Strangely enough, when it came time to get paid, the man told Perkins to have another of her friends go to Western Union and sign for the check. He didn't want Perkins to use her own name, he said, because he didn't want Borne to know whom the money was going to.

The person sending the money was Lawrence Williams. He told Perkins that he was white, worked in the trucking industry, and had long blond hair. And soon he was calling all the time, often more than 50 times a day.

Perkins had just gotten out of a relationship, and it was clear to her that Williams was wooing her. He told her that he loved her and wanted to take care of her. His stepfather had left him some money, he said, and when they finally got to be together he was going to use it to help her open her own business working with animals.

Six months into his courtship, Williams surprised Perkins with an unusual request: He wanted another woman, unnamed in court transcripts, to move in with her.

Perkins thought it strange to be living with someone she'd never met, and even stranger for Williams to pay for their dinners at fancy restaurants, on the condition that the two women would put him on speakerphone so he could listen to the conversations he was underwriting.

But things got really weird on Valentine's Day. Perkins' new roommate had been spending an awful lot of time with someone on the phone. So when she reached for a Hallmark while card-shopping at Sears, Perkins was curious.

"Who's that for?" she asked.

The woman put the card back down. She looked nervous. Suddenly it dawned on Perkins that the person her new roommate had been talking to all along was Williams.

Perkins was furious. The man who supposedly loved her had spent months making excuses for why she couldn't see him, and now he was talking to another woman on the side? She demanded the truth: What was he hiding? But even after Williams told her who and where he really was, Perkins stuck around.

"He made me believe that he was going to get out and we were going to have this amazing life with a beautiful home," she would later testify.

On October 16, 2004, Perkins signed the paperwork that made her marriage to Williams official. She was already visiting him five days a week at SCC. And she wasn't coming empty-handed.

Williams had told Perkins that money was running low. But he had a plan. Another resident, identified in court documents only by the nickname "Soaring Eagle," would pay them $5,000 for an ounce of marijuana. In court testimony, Perkins said Williams set her up with a dealer in Renton. Then she smuggled the pot—along with vials of alcohol and memory cards with naked photos of herself—into SCC in balloons she hid in her vagina.

Things went on like this for a year and a half. Perkins felt her life was spiraling out of control. Family and friends no longer talked to her—they couldn't understand why she allowed a convicted rapist to control her life.

Sensing a breaking point, Williams offered an olive branch: a long-promised new car. It was then that Perkins walked into the Chevy dealership and walked out with her Tahoe, the one paid for with Boardman's expert-witness money.

The SUV was loaded with all the latest gizmos, like OnStar and LoJack. But Perkins didn't realize these gadgets were just another way for Williams to keep tabs on her. When she wouldn't answer one of Williams' many phone calls, Perkins told a prosecutor, "It was as if the world would come to an end."

First he'd call OnStar and tell them he was trying to get hold of his wife. If she ignored the woman on the intercom asking to speak to "Mrs. Williams," he would harass her friends and family, then frantically call the police, explaining that he was afraid his wife was going to hurt herself, so that soon concerned officers would be knocking on her door.

The final straw, however, didn't come until Perkins realized she wasn't the only woman visiting her husband. Williams had once asked Perkins to donate another of her cars, a Chevy Blazer, to someone named Amber Wills. Like a lot of things involving her husband, the plan didn't make any sense. He said the donation was for tax purposes; asked why some other woman should get the Blazer, Williams told Perkins he was just trying to help the sister of a fellow SCC resident.

Soon, however, Perkins would find out the truth. When she saw Wills' name on one of the visitor's sheets, she confronted Williams. And though he denied everything, Perkins confirmed for herself something she'd always figured: Wills was the mistress who would do for her husband what she never would.

In August 2006, the month that Denise Perkins was unknowingly blowing through Barbara Boardman's savings, a 26-year-old Portland woman named Amber Wills answered a phone call from Lawrence Williams.

Williams had found Wills (according to Boardman, a meth addict whose habit had made her Hollywood skinny and a dead ringer for Jennifer Aniston) through her profile on an adult chat line. Just out of an eight-year relationship, with two kids and no money, Wills was desperate. And Williams seemed to have an answer for everything.

He told her he was in the Canadian military. But even though they couldn't see each other, he said he still knew a way for her to make some cash.

According to court documents, Wills did as Williams said and drove to a Days Inn in Jantzen Beach in north Portland, formerly the home of the country's largest amusement park. When she knocked on the door, an older woman answered. The woman said her name was Barbara, and Wills could tell she was uncomfortable. Inside the room was a third woman and a cell phone, and on the other end was Williams.

"Barbara" was Boardman, who filmed Wills and the third woman smoking crack and having sex, following Williams' phoned-in directions. The whole thing lasted only two hours, and afterward Williams had Boardman pay Wills $500 and tell her he'd have more jobs like this in the future.

Williams then went from being Wills' agent to being her suitor. Only days after they first talked, he professed his love and encouraged her to buy a ring and a wedding dress. He even convinced her to change her name—to De'Jaclynn Laurenza Williams, or DLW, her father's initials—so that she could have easier access to the money in his many bank accounts. Where the money was coming from, Wills couldn't say. Mostly she picked it up at Western Union. And the name on the other end was almost always Boardman's.

Eventually, Williams asked Wills to move from Oregon into the Lakewood townhouse where Boardman was living. There, she and her two kids could have run of the downstairs, while Boardman paid rent and occupied the rest of the house.

Wills would end up making roughly 100 pornographic movies for Williams, who told her they were being

distributed to other residents in the SCC. For this, and for helping to buy the crack that she was using and also sending to Williams to use and deal at McNeil, she testified she was paid about $50,000, with all but a thousand or two coming from Boardman—who Williams said wasn't *his* girlfriend, but his father's.

It must have seemed obvious to her co-workers at SCC that something was going on between Boardman and Williams. She didn't have a poker face, and couldn't help but blush every time he walked into the medical clinic.

Eventually someone said something. Because when it came time to renew her contract, SCC declined and banned her from visiting the island, citing as a motive suspicions that she had an inappropriate relationship with a resident.

Suddenly out of a job, Boardman struggled with the reality of being nearly broke.

Less than a year after their first kiss, she'd already given Williams nearly $300,000, supposedly to finance the release he claimed was imminent. She'd wiped out her savings, taken out a second mortgage on her mother's house, and sold nearly everything she owned, including a 27-foot Bayliner and the four-bedroom on Key Peninsula that was supposed to become their dream home.

The dream was still alive, but it was on life support. So Williams came up with a plan: Boardman would film porn videos he directed, videos he would then turn into a full-length film he could sell.

It seemed ridiculous to Boardman at first. But as always, Williams managed to persuade her, convincing Boardman that he'd splice the film together on the computers in SCC's audio-visual room.

When filming began, Willliams could tell Boardman was uncomfortable behind the camera. What business did this woman, nearly 60 and holding rank in the Army, have hanging around seedy motel rooms in the I-5 corridor, holding a Handycam while addicts writhed and snorted coke? Between crack hits, he appealed to her clinical background.

"Baby, just pretend it's a pap smear," she says he told her.

The line worked. That was the thing about Williams: Even though their relationship now consisted only of phone calls, while he was in Boardman's ear, his voice purring into her brain through that Bluetooth, it was as if he were standing right next to her.

"He has this way with his voice," she says. "It's mesmerizing. He can create these illusions out of nothing."

Boardman says she probably would have bowed out earlier from filming the videos—"the most horrible thing I've ever done"—had it not been for the threats. She says Williams was using cocaine and heroin for the first time since she'd known him. He was moodier. And if he thought she was getting cold feet, he'd snap the leash. "You stop now and I'm gonna tell your work," he'd say, referring to the new nursing job she'd landed at a nearby clinic. Or "Wouldn't the Army like to know what you're doing?"

"I was scared he'd say something and I'd lose more than I already had," she says.

Boardman could also see that Williams, despite his claim that Wills was a fellow resident's girlfriend, probably was romantic with Wills. One day after Wills and her kids had moved into Boardman's

townhouse, Wills' daughter asked Boardman, after a phone call with Williams, why she was talking with mommy's boyfriend.

He offered a kids-say-the-darndest-things defense. And had Boardman been herself—the woman who knew better than to take bullshit answers from patients—she would have seen right through such a weak alibi.

But Boardman wasn't herself.

After 14 years of sobriety, she had started drinking again shortly after finding out that Williams had lied to her about divorcing Denise Perkins. (Boardman would later file divorce papers herself.) She'd also begun reluctantly acting as a cog in Williams' drug-smuggling machine, buying crack and heroin that Wills then smuggled in to McNeil. And when finances forced her into a Portland trailer park, Boardman sent her mother to live with her sister because she knew she couldn't care for her.

She was a nurse helping a drug addict feed his habit, but who couldn't even care for her own mother. She felt pathetic. She felt worthless. She felt as though there was no hope.

So when the FBI, acting on an anonymous tip, first came to the trailer where Boardman's life had rock-bottomed, the overwhelming emotion was relief.

"I just wanted it all to be over with," she says.

The FBI's plan was simple: Boardman would call Williams and lure him into asking her to bring him crack cocaine, with the bait that she wanted to try it for the first time and then have phone sex. But she didn't plan for the trap to snap shut so soon.

Just two hours after calling Williams, Boardman hid behind a telephone pole outside her trailer, on the phone with an agent, as a woman she'd never met pulled up in a Honda Civic.

Chubby, in her 30s, with jet-black hair and some sort of Asian ancestry, the strange woman got out of her car, walked to Boardman's yellow Chevy Silverado, opened the passenger door, and put something in the glove box. After she drove off, Boardman looked in and found a baggie full of white rocks.

"Who was that?" she thought to herself.

In June 2008, 33-year-old Justine Stephens, a medical assistant in Portland who was born in Japan, called a chat line. She was new to the city, didn't have many friends, and had recently broken up with a boyfriend who'd started getting violent. One of the first people she heard from was a man named D'Von.

"D'Von" said he was a firefighter who lived in Portland but was in Tacoma for training. He said he was tall, with light eyes and a caramel complexion. When she asked to see a picture, he told her to Google "California's Hottest Strippers" and look at the shirtless, muscular escort who shared his name.

After only two days on the phone, D'Von started talking about marriage and began showering Stephens with gifts. He sent flowers to the doctor's office where she worked, a flat-screen TV and a Dell laptop to her home, and told her to pick out any car she liked.

Stephens tried to tell D'Von that it would be cheaper if she bought used. But he insisted she get a brand-

new car, so she picked out a Honda Civic with all the options.

Soon Stephens was running errands for D'Von, whom she had by now discovered was actually Williams. She wired money from a woman named Barbara, who he said was his accountant, to another woman named Amber, who he said was his friend's girlfriend. In the rare moments when Stephens didn't answer one of Williams' two dozen daily phone calls, he would dial 911 and have the police do a welfare check on her apartment.

Then the errands started getting weird. Williams asked Stephens to go to a hotel room and spank a man dressed in women's clothing. Stephens freaked out and refused. In the meantime, she had gotten back together with her ex-boyfriend, who was alarmed by the things Williams was asking her to do.

Wanting out of her relationship with Williams, Stephens agreed to one last errand. While she couldn't afford to pay him back for all the gifts he'd bought her, she wanted so badly to be rid of him that she agreed to get him drugs.

Stephens called a dealer she knew and bought $300 worth of crack. Then she drove to a trailer park in Jantzen Beach. She got out of her car and walked to the yellow truck that Williams said would be parked there. As she was putting the drugs in the glove compartment, she noticed a strange woman hiding behind a telephone pole. It looked as though she was writing down Stephens' license-plate number.

Driving away, Stephens didn't feel relief at finally having rid Williams from her life. She was too busy thinking about the strange woman who'd been watching her.

Near dawn on the morning of July 31, 2008, Lawrence Williams knocked softly on the SCC's mailroom door. This had been the routine: Barbara or Amber got the crack, then passed it to Paepaega "Junior" Matautia, a large, Hawaiian-born security guard whose post in the mailroom helped him bring in contraband.

For helping Williams smuggle in food, drugs, and pornography, Matautia testified that he got use of Boardman's white Dodge Dakota and $200 per delivery, money the $11-an-hour worker said he needed to keep his home out of foreclosure.

But on this day there would be no clean exchange of currency.

Instead of Matautia, Williams was met by Darold Weeks, the SCC's chief investigator. To the FBI, it was now clear that Williams had gone to the mailroom expecting another package. The next day, agents arrived on the island and arrested him on charges of distribution of crack cocaine. In a conversation with *Seattle Weekly*, the arresting agent says he can't remember Williams talking much after the cuffs went on —a silence the prisoner would break as soon as he was taken to Pierce County Jail.

There Williams made a phone call to Justine Stephens that was recorded by authorities. On the tape, he sounds alternately amazed and heartbroken by what Boardman has just done to him.

"It was that dirty bitch," he says with a slight lisp. "That bitch went to the police and *did* that shit, man."

On March 23, 2010, Assistant United States Attorney Bruce Miyake opened the government's case against Williams by telling the 12 assembled jurors that the details they were about to hear would prove the old

edict that "truth is stranger than fiction," and that the defendant had managed to direct such a brazen conspiracy by "controlling these pathetic women." After four days of testimony and less than two hours of deliberation, the jury returned with a guilty verdict.

Five months later, U.S. District Judge Benjamin Settle listened as Williams, dressed in a brown suit, admitted to manipulating all the women in the case but one.

"[The prosecutors] used the word 'lured.' I never lured [Barbara Boardman] into a relationship at all," he said. "In fact, you know, I love Ms. Boardman very much and I'm sorry that I have to part with her, but at this time it's the best for me, and it's probably the best for her too."

Judge Settle waited until Williams finished talking. Then he told him that his was a case "different from any other case I've heard tried in this court."

"What is baffling to me, frankly, and probably to most people," continued Settle, "is how you were so successful in drawing into your sphere so many people." Then, moments before issuing a sentence of nine years, Settle gave Williams a former litigator's ultimate compliment: "You should have been a lawyer," he said.

Writing from his cell at a medium-security penitentiary in Marion, Ill., Williams—prisoner number 38669-086—paints a very different picture of the events that led to his incarceration.

Now going by the name Mikaeel Youf Azeem after a jailhouse conversion to Islam, Williams says that his relationship with Boardman is a "love affair gone wrong" and that "the media isn't respecting the whole story."

In Williams' telling, that "whole story" involves a succession of women who have hurt him in one way or another.

"I have come to realize that I was also a victim," he writes.

Williams says that while he did spend most of the $300,000 Boardman gave him on other women and drugs, he was sincere about trying to get out of SCC.

Early in his romance with Boardman, Williams says, he wired $5,000 to Ballard attorney Michael Kahrs. Although court documents prove it was sent, Kahrs won't confirm he received the money, nor say how it was used, though Williams insists it was meant for an appeal.

Williams says that after that appeal was denied, his attitude changed. Treatment at SCC isn't mandatory, so he stopped going. He started calling adult chat lines instead, where he met Amber Wills and Justine Stephens. And he became more involved in what he calls SCC's "black market," a move that brought him into contact with a counselor named Tammy Jo France.

According to Williams, France was his first smuggler. Boardman would pay her $100 at a time to bring him food from KFC or PlayStation games. Williams says that in exchange for smuggling him more than 300 pornographic videos which he watched and allegedly sold to other residents, he spent $10,000 paying France's cell-phone and car-repair bills and tuition for her husband at Pierce Community College.

France did not respond to requests for comment. SCC CEO Kelly Cunningham says France has been

placed on administrative leave, but would not provide further details.

Williams says that after France started blackmailing him for more money, he turned to Matautia to feed his porn and drug habits. He says in all he paid Matautia $20,000 in cash and gifts, including a wood-grain bass guitar.

Matautia also did not respond to requests for comment. On Dec. 21, 2010, he was released from SeaTac's federal detention facility after serving a six-month sentence for conspiracy to distribute crack cocaine. He's now earning money singing and playing bass in a reggae band called Unified Culture.

Stephens was sentenced to three years' probation for her role in the conspiracy. Neither Perkins, who Williams says was unfaithful and verbally abusive, nor Wills, who he says was working as a prostitute when they first met, were charged with any crimes. All three women have refused to comment.

Williams says the black market at SCC is alive and well, although he refuses to divulge the identities of employees he says are still providing contraband. Cunningham counters that Williams' arrest and the 2009 arrests of seven residents involved in a child-pornography ring have had a "pretty positive effect on the facility."

"Residents have come up to us and said 'Please take this computer away from me,' " he says. "They don't even want to be tempted into misusing it."

Cunningham acknowledges that SCC is not completely contraband-free. And in response, he says he's increased the frequency of random room searches and added a drug-sniffing dog.

In a letter full of accusations and cries of victimhood, Williams may hold grudges against those he felt wronged him. But he seems to have only good things to say about Boardman. "I love Barb and my feelings for her will remain close to my heart," he writes.

Although, as he does every other woman in his life, Williams accuses Boardman of being unfaithful (a charge she denies). He says she had the respect of all the residents at SCC because, unlike other staff, she actually seemed to care.

"I had the best time of my life sharing in conversation with Barb," he writes. "I felt as if I could express myself."

"I wasn't out to destroy her career or reputation among her friends and family members. I am very sorry for the hardship I have caused her but it wasn't all the 'nigger's' fault!"

Things might have turned out differently for Boardman if after the FBI's bust she had just stopped talking to Williams. But she didn't.

As one of their star witnesses, prosecutors urged Boardman to cut off contact with her fiancé and stay out of trouble. She did neither.

On the morning of June 29, 2009, Boardman—who'd changed her name to Dione Renee Williams so she wouldn't raise red flags when writing letters or visiting Williams in jail—walked into the waiting room of the SeaTac Federal Detention Center, where Williams was being held. With her was her priest. Boardman insists that she brought a man of the cloth only to counsel Williams. But authorities suspected

she'd actually come to marry Williams so that she wouldn't be legally compelled to testify against him.

Her presence announced by the jail's visitors' log, Boardman was arrested for illegally writing a prescription for Oxycodone, an old charge prosecutors had been dangling over her head as an incentive to stay away from Williams.

Deemed a flight risk, Boardman was ordered to give up her passport and slip on a GPS ankle bracelet. But her troubles continued.

Almost a year after her arrest, police were called to the Clark County home of Boardman's sister. What had started out as a family squabble ended with Boardman being arrested for interfering with a domestic-violence complaint. She had also been drinking, another violation of her pretrial supervision.

Boardman spent the next three months at SeaTac, the same detention center where she'd first gotten in trouble trying to visit Williams. She also got the same looks—*What are you doing here?*—that she'd gotten in the seedy motel rooms where she'd filmed the porn videos, the content of which she still can't bear to talk about.

Now, back at the library in Maple Valley, Boardman is on probation, starting life anew at 60—an experience she likens to "living in the ruins" of her former life.

The loss of her jobs and mounting legal fees forced her to file for bankruptcy. The strain of the past four years estranged her from her few remaining family members, and her nursing license was suspended. If not for the generosity of a few friends, she says, she'd be living in a shelter.

Then there's the guilt. Boardman violated the professional trust she'd held sacrosanct her entire career. She gave a drug and sex addict access to both. And in the end, it was her cooperation with the FBI that sealed Williams' fate, taking him from a facility where he could at least have been offered treatment and into a federal penitentiary where his chances of getting clean, she feels, go way down.

Equipped with only her "religion, health, and freedom," she says the world would probably think her crazy if it knew how she felt about Williams now. Unable to attend his trial because she was still in jail, she has since read the transcripts and now knows the full scope of his deceit. But as a Christian, she says her heart "isn't into people losing their souls." Forgiving Williams came easy, she says; forgiving herself for believing his lies is the real struggle.

As everyone from the prosecution to Williams himself agrees, Boardman is the case's biggest victim. Yet somehow she still manages to make it seem as if she's the only one who has done wrong. In fact, in all the hours she spends analyzing her relationship with Williams and the love she still feels for him, only one moment gives her pause: hearing of his conversion to Islam.

"I know people will think it's strange," she says, "but that really might be the only thing that would keep me from loving him. I just honestly don't know if I could date a Muslim."

How I Got That Story: Caleb Hannan

This is a case of a great story arising from a writer's ability to see the great story nestled within the mundane reporting of other media. When Caleb Hannan, then of Seattle Weekly, read about sexual predator Lawrence Williams in an online news site, he sensed there was "more meat on the bone," he says. And so there was – quite a bit, in fact. From Hannan's reporting, published in the Weekly in January 2011, Lawrence emerged not only as a sexual predator, but as a master manipulator. Even behind bars, he was able to talk several women in to ruining their lives for him – giving him outrageous sums of money, carrying drugs, engaging in low-rent pornography. Hannan was able to get one of the women to talk extensively about Williams, and augmented his interviewing with information drawn from hundreds of pages of official documents. The result was a chilling portrayal not only of a charismatic criminal, but of the people drawn to him.

What were the major hurdles you faced in reporting and writing this?

The first and largest hurdle I faced was that the two main characters were hard to track down. Lawrence Williams was easy to find -- he was locked away in a penitentiary in Illinois -- but there was no guarantee he'd respond to my letters. Barbara Boardman was a different story. Though I didn't know it when I first started reporting, she actually didn't have a physical address. Instead, she was staying in a trailer on a friend's property. (A friend who also happened to be related to Lawrence. This story had no shortage of strange twists.)

And once I did track her down, getting her to talk to me was the second biggest hurdle. I still don't know why she did. I guess you should never underestimate other people's need to have their fellow human beings understand them.

Boardman seems at times to still be under Williams' spell. So how difficult was it to fully trust her, and sift her story for its truthfulness?

I never fully trusted Barbara, and I still don't. Some things she told me, like how she and Lawrence met, I tried to verify through the only other person who could also know the details: Lawrence himself. Then again, he's not only a felon, but a sexual predator and a chronic liar.

Other things, like the narrative surrounding Barbara and Lawrence's arrest, were easier to verify. I went through roughly 600 pages of court testimony. The testimony from Lawrence's other girlfriends, for instance, was pivotal in triangulating some of this convoluted stuff that Barbara had told me. Almost all of which turned out to be true. (I say "almost" because she just plain remembered some things incorrectly. The affair had been going on for years, after all.)

How much of this story had appeared piecemeal in other media, and how did that impact the way you reported and wrote this?

The story had been reported before, albeit in a much more concentrated form. I first saw it in the online-only Seattle Post-Intelligencer. For a straight news piece it was actually pretty long. But as a writer I could tell that it was almost entirely a rewritten press release from the prosecutors who put Lawrence away. That's not a knock on the P-I. It's just a reality -- there was no way they were going to devote the time and resources necessary to fully report the story. They just don't have the staff, or the inclination.

But from that one article I could tell there was a lot more meat on the bone. Just the sheer numbers -- the $300,000 Lawrence had "stolen" from Barbara for one -- indicated that this was more than just a petty

theft. It also hinted at the fact that this story had the one element that every screenwriter looks for when they're trying to get a movie made: It was, at its heart, a love story.

What, if anything, did you have to leave out of the piece that you would have liked to include?

I left out a long section about women who fall in love with men in prison. It was fun to research and write, and also entirely unnecessary.

After researching the women Williams duped, did you find any common traits among them?

No, not really. Barbara was in love. The other women? Their relationship was more transactional. They got something out of being Lawrence's girlfriend or wife, whether it be cash or cars. I hate to play into some sort of stereotype, but the one thing that connected all of them was that they were desperate for something, whether it be a last chance for a nuclear family, money or a way out of an abusive relationship.

What was the reaction to the piece when it was published?

Muted? I don't know. Working at an alt-weekly, you kind of get used to stories landing with a thud. Certainly there were a lot of comments. But it wasn't until a year after the story was published that Longform.org (that great repository of magazine and feature writing) put it on their site, which meant a few more eyeballs.

How did Boardman herself respond?

Man, that's a good one. If memory serves me, which it often doesn't, she and I never talked after the piece came out. I think I called, and her friend answered and told me that she was a little shocked at how much personal information had been in there. Maybe at one point in my career I would have felt guilty after a phone call like that. But I was very, very careful to make sure Barbara understood that what she was telling me was eventually going to end up in a newspaper. I think I even brought her a copy of a paper at our interview, just so she would make that physical connection between what she was saying and the actual issue that would come out. Even still, I think it took her by surprise.

Interview by Scott Dickensheets, Las Vegas CityLife

"Intent to Harm" by Saul Elbein

March 17, 2011

The new doctor in town was friendly, popular—and dangerous. Especially to the nurses who reported his bizarre treatments.

By Saul Elbein, Texas Observer

Before everything happened, nurse Anne Mitchell says Kermit had a good little hospital. “We had an excellent nursing staff. We had great doctors. We provided very, very good care.”

In 2008, when the trouble began, Winkler County Memorial Hospital was the pride of Kermit, one of the few new buildings and success stories in town. This flat, dusty burg of 5,000, 35 miles west of Odessa, is a ramshackle prairie town sprawling along Highway 18 in a motley collection of cinderblock and prefab siding. In the center of town, surrounded by a well-kept lawn and shuttered storefronts, sits a stately Depression-era courthouse. From any vantage point, you can see the face of Kermit the Frog, staring down at you from the water tower.

Before oil was discovered here in 1926, there was serious talk that the economic salvation of the county would be its sand, which residents hoped to sell in the Northeast for glassmaking. The oil boom altered that plan, catapulting a few local residents into staggering wealth. Those families—the Waltons, the Lecks, the Beckhams—still run things. The oil is still there, though the boom days are long over. On every road into town, pumps still peck at the ground, but fewer and fewer men work them. There is less and less work, period. Folks talk of the old days, when you didn’t have to drive to Odessa for everything.

If you get hurt in Kermit, as in most small Texas towns, there is one place to go. Car accidents, roughnecks with chemical burns, women in sudden labor—they all go to Winkler Memorial. It’s small, with 25 beds and two or three doctors on staff. But in the ultramodern, $13 million facility that opened in 2007 to replace the old hospital, Winkler Memorial provided basic care that a small community needs. Surgeries, non-emergency baby deliveries, serious trauma and other specialized procedures were sent to the bigger hospital in Odessa.

When the medical care is excellent, Kermit residents’ lack of choice isn’t a problem. But in a facility with just two or three doctors, it doesn’t take much to change the quality of care from excellent to downright dangerous. Until 2008, Winkler’s doctors were mostly foreigners, recent medical school graduates from places like India or Vietnam, here under the State Department’s J1 visa program. They usually worked three years, then moved on to bigger cities, bigger hospitals. Nurses were the backbone of Winkler Memorial, as they are at most small-town hospitals in Texas—experienced pros who could train the new doctors and monitor their work.

When the new hospital opened, Mitchell and fellow nurse Vickilyn Galle had been stalwarts of the Winkler Memorial staff for more than two decades. “I worked all over that hospital,” Mitchell says. “I was in infection control. I worked in home health. I was the director of nursing. I thought I’d work there till I retired.”

The two made an odd pair. Mitchell, a New York native, is serious and blunt. Galle, a native of nearby Jal, N.M., is quieter, grandmotherly; when Mitchell talks, Galle tends to fade into the background. But their approach to their work was the same. “The most important thing for us was the patients,” Mitchell says. “We were trained to look at every case and ask, how would I want a member of my family treated?”

In late 2007, when the hospital’s Board of Control replaced its retiring administrator, Galle was in charge of Winkler Memorial’s quality assessment program, which audited hospital records to monitor quality of care. Mitchell was the compliance officer, charged with making sure the hospital’s doctors and pharmacists stayed in line with state regulations. The hospital administration, they say, had always recognized the value of nurses’ role in overseeing the quality of care. “Everything was accessible,” Mitchell says. “There was nothing we couldn’t ask about or look at or have input into.” The budget was always tight, says another longtime nurse practitioner, Naomi Warren, but “we never compromised patient care.”

When the board hired Stan Wiley as the new administrator, that all changed. Wiley had left a job as hospital administrator in nearby Crane under cloudy circumstances. When he was hired at Winkler Memorial, he was selling mobile homes. Upon his arrival, Warren says Wiley made his priorities clear: He was going to bring in more revenue, and he was going to find doctors to move permanently to Kermit, ending the reliance on visa doctors.

Warren was skeptical. “It’s hard to get good doctors to move to a place like Kermit,” she says. “I told [Wiley], quality has to be our top priority, because incompetent doctors hang out in rural areas.” Wiley, the three nurses agree, wasn’t much for listening. “He didn’t want us looking at anything or making comments about anything,” Mitchell says. “He was the administrator, and that was how it was.”

Four months after he started, Wiley hired Dr. Rolando Arafiles, a Filipino family-practice doctor he’d met at the hospital in Crane. Arafiles and his wife bought a house in Kermit. They threw themselves into the town’s social life. Arafiles played golf with the county sheriff. Wiley, who wanted his doctors to be part of the community, was thrilled—so much so that when the nurses started to question Arafiles’ treatment of patients, the administrator tried to quash their complaints. When Mitchell, Galle and Warren finally sent damning evidence to state regulators, Wiley and two of Winkler County’s leading citizens took decisive action: They launched an attack on the nurses.

When Arafiles started working at Winkler Memorial in April 2008, he was assigned to the attached Rural Health Clinic. Naomi Warren, who had worked in the clinic for more than 10 years, says Arafiles was initially well-liked. He smiled a lot, patted people on the back, took an interest in their lives. “From almost the beginning, though, it was clear that his care was questionable,” Warren says. “He isolated himself. He had his own nurse. He gave care in the back of the clinic, so it was not obvious to all of us what kind of care he was giving.”

Not at first, anyway. Warren began to notice Arafiles’ patients leaving the clinic with “little bottles of various solutions or samples of drinks. Many patients told me they had been given samples of solutions to drink that he said would cure many ailments.”

As he would later admit in court, Arafiles was giving patients samples of dietary supplements, often in place of conventional medicine. He sold these supplements on his website, health2fit.net. According to

some accounts, he also sold them out of his office in the clinic. Patient reviews on the doctor-review site Vitals.com complain about Arafiles' pitching non-FDA-approved supplements that patients could only get from him. One commenter, "Judy," writes that when she came to Winkler Memorial with a chronic complaint, Arafiles offered her a "magic pill."

"I asked if I could read up on it in any pamphlets or studies," Judy writes, "and he said it's new so there isn't any studies or pamphlets that show it actually works." She says she asked if she could order the magic pill over the phone, and, "He says, 'Oh no, you can't get it at local stores … but for $78.99 you can have a two month starter pack to try it out, and then it will be time for your next appointment with me.'"

The supplement was called Zrii, made of fruit juice and advertised as "based on the ancient wisdom of the Ayurveda" and sold by a multilevel marketing system. At the same time he was working in the hospital, Arafiles was holding seminars at the Kermit Pizza Hut and the Methodist Church, signing people up as Zrii distributors.

By July, Warren noticed that the new doctor had begun to "change medicines on patients who had been on thyroid meds for many years and were stable." Worse, he was not rechecking them to make sure the new medications were working. Arafiles, as the Texas Medical Board would later find, also prescribed powerful thyroid-stimulating drugs to patients who came into the hospital with common maladies like stomach pains or sinus infections. Putting a healthy person on thyroid stimulants is dangerous, Warren says. The drugs can cause hyperthyroidism in healthy patients—unchecked, that can lead to permanent organ damage and death.

Now alarmed, Warren asked Arafiles to explain his treatments. "He attempted to get me to do the same thing," she says. "He explained to me at length that the thyroid numbers in a lab aren't important—that's not what you look for. You look for obesity, extra fat behind the arm, fatigue, and that's all you need to know."

Warren had never heard of such a diagnostic practice, and she couldn't find any support for it in the medical literature. She told Arafiles she wouldn't prescribe thyroid stimulants on the basis of patients' appearance without medical data to support it. So Arafiles gave her data that, she says, shocked her even more. "He brought two paperback books that were obviously alternative medicine. [The author] was a person—I'm not sure if he was a doctor, but he had studied corpses and had determined that these symptoms showed the need for thyroid."

By September 2008, five months after Arafiles came to Kermit, the nurses in charge of Winkler Memorial's quality control were getting strange reports of another serious problem with the doctor's work. He was performing unconventional surgeries. He wasn't a surgeon, and the hospital wasn't supposed to perform surgeries.

There was, for starters, the patient who came in with a compound fracture on his thumb. According to the Medical Board, Arafiles "sutured part of a rubber tip removed from suture kit scissors to the wound on [the patient's] right thumb."

Then there was the woman who dropped a frozen turkey on her foot. Arafiles hammered a needle in to serve as a post to "stabilize the bone."

And there was the 73-year-old diabetic who came in with a gash on his hand that would require a "full

thickness skin graft." In the past, such patients would be sent to Odessa. Arafiles took care of it himself. He cut a strip out of the man's abdomen and did the graft. One week later, according to a nurse who worked under Arafiles, it had failed: "There was no blood supply. It was black, like charcoal."

As Anne Mitchell read through the charts the floor nurses were leaving on her desk, she was dumbfounded. The things Arafiles was doing, she says, "just didn't make sense. If we were in a Third World country and had no access to health care, I could understand. But we were 35 miles away from excellent medical care in Odessa. There's no excuse for sticking a needle in someone's toe, or putting a skin graft on a diabetic man."

Because Arafiles wasn't checking up on the patients, it fell to the nurses to catch his mistakes. According to Debby Eggers, a clinical nurse who sometimes worked with the doctor, Arafiles rarely even looked at the patient charts. "He didn't even open up his charts to clarify age or the patient's name," Eggers says. "He never looked at anything. He told me that he was glad I worked on his side because I was his eyes, because he never looks at anything, he only signs his name. That's word for word."

As evidence of Arafiles' bizarre doctoring mounted, Winkler Memorial's old hands—nurses Warren, Mitchell and Galle—started trying to get the hospital administrator to rein him in. When she first went to Stan Wiley in September 2008 to express her concerns, Naomi Warren says she didn't want Arafiles fired or reprimanded. She just wanted him to follow the rules. She assumed that Wiley, with his interest in keeping the hospital from being sued, would feel the same way.

"I told him that Arafiles was giving off-label, non-FDA-approved medicine, and that he was going to hurt people. I said, at least if you're going to let him do this, you might as well have the patients sign a waiver so they know what they're getting."

The waiver, she says, was not a serious suggestion. "I was trying to get him to realize how ridiculous it was," she says. Wiley thought it was a great idea. He asked Warren to write up a waiver form for Arafiles.

Anne Mitchell was also telling Wiley about the strange reports crossing her desk. In September, Wiley asked her to write a letter to Arafiles, reminding him about hospital policies. The policies cited in the letter were head-slappingly obvious. For example, "medications used by physicians and allied health care must have been approved by the regulating agency i.e. FDA, and have the necessary documentation indicating dose benefits, possible adverse effects, drug interactions, etc."

Wiley declined to take any further measures. So Mitchell, Warren and Galle, the quality-control chief, took their complaints to the hospital board. At one meeting, Galle talked about the cases—including the failed skin graft and the needle-reinforced toe—that she was planning to send out for external review. As she spoke, she says, Wiley sat next to Arafiles with his arm over the doctor's shoulder. "Arafiles looked like a little scolded schoolboy," she says. "He said, 'I didn't know I couldn't do those things.'"

At that point, Galle says, Wiley interrupted her presentation. The board, he said, would come back later to the complaints about Arafiles "when they had more information."

"Mr. Wiley patted Arafiles on the back," Warren recalls. "He said, 'That's OK, big guy. That's OK.'"

Neither Wiley nor Bill Beckham, the president of the hospital board, was happy with the nurses. They seemed especially put out with the outspoken Mitchell. After a meeting in December 2008, Mitchell says, Beckham, a scion of one of Kermit's oil-rich clans, told her that "everyone in the community liked Arafiles, and the only problems he was hearing from anyone were coming from me."

Why were Wiley and Beckham protecting Arafiles? Wiley would later testify that Arafiles was a stellar employee, unfairly maligned. The nurses say Wiley had come to Kermit talking about how he was going to make the hospital money, and Arafiles was helping him do that—that the doctor was ordering lots of expensive, unnecessary tests and admitting patients to the hospital whether or not they needed to be there. When one man came in with an earache, Naomi Warren recalls, Arafiles ordered close to $1,000 in lab tests. "Arafiles never sent that man the lab results," she says. "And he never looked at his ear." The Texas Medical Board would later cite three instances in which Arafiles did "unnecessary genitourinary exams" on women who had come in with sinus or thyroid complaints.

As Mitchell continued to speak out about Arafiles' treatments, Wiley allegedly tried to get rid of her behind the scenes. In addition to nursing, Mitchell worked part-time as the county Homeland Security director. In late 2008, Wiley tried to convince her boss there, County Judge Bonnie Leck, to take her on full-time. Leck declined.

At one point, the nurses thought they'd achieved a minor victory. Wiley set a meeting that was supposed to make clear for everyone—meaning Arafiles—what care was and wasn't acceptable. But Wiley cancelled the meeting without explanation. Naomi Warren says she lost hope. "They beat me down," she says. "I realized they were on a path they didn't intend to get off of." She quit in February 2009, 10 months after Arafiles was hired. According to another board member, when Beckham, the board president, learned she had quit, he said, "Well, if she doesn't like Arafiles, let her go."

When Warren took a job down the road in Monahans, more than 600 of her loyal patients chose to drive the extra 25 miles to Monahans to see her, resulting in revenue losses for Winkler Memorial. Her departure was part of a larger exodus of hospital and clinic personnel shocked by
rafiles and the ho
pital's handling of him. Dr. Khoa Pham, the hospital's chief of staff, had been fighting with Wiley about Arafiles and left in January 2009 as his contract expired. A few months later, Debby Eggers, the nurse who worked under Arafiles, and Corina Chavez, the clinic manager, quit to join Warren in Monahans.

Eggers says she left because "I couldn't control Dr. Arafiles. And I couldn't sleep at night wondering, what if I didn't catch one of his mistakes?"

Mitchell and Galle were the only critical voices left in the hospital. In February 2009, they decided to report Arafiles to the Texas Medical Board. "We figured we'd tell the licensing body what was happening," Mitchell says, "and let them decide what to do."

This was a last resort. While the Bureau of Nurses Examiners requires that nurses take action when patients are being endangered, Winkler Memorial's administration had issued different instructions. In a meeting in December 2008, Wiley had forbidden any reporting about doctors without his permission. The board changed the hospital bylaws to reflect the new policy.

Meanwhile, Naomi Warren was still troubled by what she'd seen at Winkler Memorial. She was working on her own letter to the Medical Board. She was also talking with Mitchell and Galle. In one of those

conversations, Mitchell told Warren that she was worried about the complaint she was about to make to the Medical Board. Mitchell said she thought it was going to get her fired.

“I said, Anne, they can’t fire you,” Warren recalls. “They’ll never know we did it.”

In April 2009, the two met and compared notes. Their letters cited five patient charts each that the nurses felt were indicative of the problems the Medical Board needed to examine. The letters went out in the same envelope. Mitchell insisted on taking some security precautions. They mailed the complaint from Odessa, Warren says, “so it wouldn’t go through the Kermit mail.”

“I was a little bit put out with Anne,” Warren recalls, “because I thought, why are you being so cautious, why are you so upset and worried about your job?

“But I should have realized, I’m leaving—I don’t have to face the scrutiny of Winkler County and the officials there. I understand now. She had a much better handle on the kinds of people we were dealing with.”

Wiley and Arafiles had powerful allies—as powerful as it gets in Kermit. Two other men frequently attended hospital board meetings in which complaints were lodged against the doctor, though they didn’t work for the hospital. One was the county sheriff, Robert Roberts.

Roberts personified the phrase “West Texas sheriff,” with a big gut and a big voice. Roberts was good friends with Beckham, head of the hospital board, and Arafiles, whom he credited with saving his life during a heart attack in 2008. The sheriff and his wife signed on as Zrii distributors for Arafiles.

Rounding out the fivesome was Scott Tidwell, Arafiles’ and Roberts’ personal attorney. He had moved to Kermit in 2008 after being convicted of running a prostitution ring out of the Healing Touch massage parlor in Odessa. The sheriff had convinced Tidwell to run for Winkler County attorney, and helped him get elected.

In May 2009, Arafiles received notice from the Texas Medical Board that he was under investigation. As he later testified, the doctor went to Sheriff Roberts and asked him to find out who had reported him. Roberts got a warrant to seize Anne Mitchell and Vickilyn Galle’s computers. He found a copy of their letter of complaint on Galle’s hard drive. Two weeks later, Wiley called the nurses into the hospital boardroom, one at a time, and fired them.

“He looked at me and said, Vickilyn, your services are no longer required,” Galle recalls. “That was it. There was no explanation. I just signed the paperwork and left. His secretary told me that usually she was supposed to escort people out. But since I’d worked there for a while, she’d let me leave on my own.”

Ten days later, County Attorney Tidwell convened a grand jury to indict the nurses for misuse of official information, a felony that carries a possible $10,000 fine and a 10-year jail sentence.

“I was stunned,” Mitchell says. “I couldn’t believe they got an indictment against us, because we’d done absolutely nothing wrong.”

The case sent shockwaves through the nursing world. “If a nurse can get criminally indicted for reporting

unsafe care to a licensing board," says Jim Willman, head counsel for the Texas Nurses Association, "it's going to have a chilling effect on their ability to report anywhere. The primary role of nurses is to advocate for their patients. They're the health care provider with the patient the majority of the time. If the nurse isn't there to speak up for the patient, the patients are going to be harmed."

The association raised $47,000 for Mitchell's and Galle's legal defense fund. The money came from nearly 700 nurses and doctors in 44 states. The first donation was a personal check for $500 from a nurse in New York.

The nurses found the case so unbelievable partly because Mitchell and Galle were obligated to report unsafe care. "If something serious had happened to one of the patients," says John Cook IV, Mitchell's lawyer, "the state would have come in and they would have asked Anne Mitchell, 'Why didn't you report any of this? You're the compliance officer. This is your job.' At the very least, she could have lost her license."

Tidwell apparently realized his case was weak. In July, he offered to drop charges if Mitchell and Galle would pay a small fine, do probation and—according to Mitchell—write a letter of apology to Arafiles and the hospital. They refused.

"They dragged us through all this," Mitchell says. "We deserved our day in court."

Only Mitchell would get that day in court. A week before the trial in February 2010, Tidwell dropped charges against Galle. Before the jury, the county attorney argued that Arafiles had been the victim of "a consistent pattern of harassment" by Mitchell. He conceded that nurses have a duty to report questionable care—but only if they're doing it in good faith. Mitchell, he said, "was on a personal vendetta [against Arafiles] from day one."

The case against Mitchell, he said, "is about one thing. It's about a public servant that let personal animosity drive her decisions. That's all it's about, very simple."

Cook, Mitchell's lawyer, stood up. "Shame on them," he said, pointing at Roberts, Wiley and Tidwell. "Shame on them for abusing their public trust. Shame on them for using the powers entrusted to them by us for their own personal gains and wishes. Shame on them for seeking to destroy professionals who for more than 20 years gave them their labors, their hearts and their soul. Shame on them for not having the honor to admit their mistakes. Shame on them for subjecting all Texans to ridicule by their Boss Hogg mentality."

The jury took less than an hour to acquit Mitchell.

In June 2010, the Texas Medical Board filed a formal complaint against Arafiles, citing, along with his alleged medical infractions, his "unprofessional behavior" in getting the nurses indicted. On Oct. 4, 2010, Stan Wiley left his keys and a letter of resignation on his desk and slipped out of the hospital, never to return.

Read the transcript of Anne Mitchell's trial.

I met Mitchell and Galle in January in the Winkler County Community Center, a squat, brick building across the street from the old courthouse. In the year since their trial, they have been feted as symbols of courage in nursing. They have received national nursing awards and are frequent speakers at nursing conventions. In August 2010, they won a $750,000 settlement from the county. In response to what happened in Winkler, the Texas Legislature is considering a bill, filed by Republican state Sen. Jane Nelson of Flower Mound, that would make it illegal to retaliate against a nurse for reporting anyone to a state licensing board. On March 1, Mitchell went to Austin to testify in support of the bill.

Despite being famous in the nursing world, Mitchell and Galle still can't get jobs. Mitchell has applied for four medical jobs in West Texas, including one as a clinic receptionist. She hasn't gotten any of them. She still works part-time as the county's Homeland Security director.

"They ruined my career," Mitchell says. "They ruined her career. I mean, where are we going to go? We both have lives here."

Being known as a whistleblower, she says, doesn't help. "They're all patting you on the back, they're all giving you accolades. No one wants to hire you. Hospitals think it's great that oversight happens—they're happy to implement changes from other places. But no one wants it coming from their facility. No one wants anyone looking at their doctors."

As she talked about what happened, Mitchell alternated between bitterness and sadness. Galle, who is involuntarily retired at age 55, was more resigned. "I loved my job," she says. "I thought I was going to work until I retired, then work part-time in the clinic. I guess that didn't work out."

I asked what she thought would happen to Arafiles. "Oh," she says, "he's a charismatic man. There are plenty of desperate hospitals in Texas. He'll be fine."

That is, if he doesn't wind up in prison—along with his friends Stan Wiley, Sheriff Roberts and County Attorney Tidwell. In December 2010, David Glickler, a special prosecutor from the state attorney general's office, convened a grand jury and indicted Arafiles on charges of felony retaliation and, in a karmic twist, misuse of official information. Three weeks later, he indicted Roberts and Tidwell for misuse of official information, official oppression and (for Wiley) felony retaliation.

The trial is set for June. None of the indicted men would speak to the *Observer*, saying that their attorneys had forbidden it.

In February, the Texas Medical Board released its final judgment on Arafiles. They let him keep his license, but put him on probation, required him to take continuing education classes and fined him $5,000. (A doctor in Odessa was given a $10,000 fine for yelling at a staff member in 2009.)

"This wasn't really the outcome I was expecting," Mitchell says. "I could have had a verbal confrontation with him, and he would have been more strongly reprimanded. I really believe that they still feel that nurses are expendable."

Arafiles is out on bail and back at work at Winkler Memorial, although the board has decided to let his contract—which expires in April—run out without renewing it.

Most of the current staff I interviewed at the hospital express anger with Mitchell and Galle, whom they

blame for making Winkler Memorial look bad. Shortly after Arafiles' arrest, the hospital's director of nursing, Donna Paehl, sent a letter to the *Winkler Post*, Winkler's online newspaper, arguing that Mitchell and Galle had made nurses' lives more difficult. "We have found ourselves in the position of policing the Physician's [sic] because we are under such scrutiny," she wrote. "It is not a nursing function to police the physicians and we will no longer be doing this." But "policing the physicians" is an essential nursing function.

The hospital's new compliance officer, the one who replaced Mitchell, is Peggy Armstrong. When I asked her about Arafiles, she said, "He's a great doctor. Great. You shouldn't believe the bad press."

I asked Armstrong where the bad press had come from. She rolled her eyes: "Oh, you know. Just a bunch of vindictive small-town people."

How I Got That Story: Saul Elbein

This was such an interesting story – and it was fascinating how far out in the boondocks it took place. How did you first get interested in it?

So, this is funny: I actually first learned about it in the New York Times. After the nurses sent in their complaint about the doctor and got arrested, they hired a lawyer who was really media-savvy. The lawyer was connected to a former editor at the New York Times – this really tenuous connection, but, one of the things he realized was that this thing was going to disappear unless there was some national scrutiny. So the New York Times did, I think, one story, and I came across it and almost dropped the paper. How could this be? I was figuring that somebody was going to do a long feature on it, but no one did. There were a couple of short updates, but I started playing phone tag with the lawyer and thinking about the possibility of a story. Almost a year later, I managed to set up an interview.

It was one of those places where other people had covered it, but nobody had done it as a long story.

It took almost a year to get the interview then – at what point in the story were you able to finally dive in?

The trial happened in February, and I called the lawyer then – but I don't think I talked to him until December. So they had already been acquitted.

You were a freelancer at the time. In light of the fact that this was far from the big city, and it had already been covered in a few outlets at that point, was it hard to sell the Observer on the piece?

No, not at all. And the truth is, this is one of the stories that was so relevant, so immediately appealing – everybody seemed to like it. I did a version for This American Life, too, and that was the same thing. I pitched This American Life and had a response from them within 12 hours.

The Observer didn't really care that somebody else had broken the story first. To them, that only made it stronger. I mentioned to them that I was doing the This American Life piece, and they said, "Well, do you want to do a piece for us, too?" I ended up doing the Observer piece first, because at This American Life it takes forever to get anything done.

One of my favorite things about this story was the portrait of Kermit, Texas. I thought your opening section was great – it gave such a sense of place, of this interesting town in the middle of nowhere. How much time did you have to spend out there to achieve that level of understanding?

I spent a week in Kermit, which I would not recommend. I spent a long time out there – there was really nothing to do, so at night I would just drive for an hour in some direction. I heard there was a giant crater or sinkhole or something – I drove around trying to find it. I finally got to the chain link fence around this giant pit, which I couldn't see into because it was dark in the West Texas desert.

When people would ask me why I was in town, I'd say I was there to see the giant crater, which obviously wasn't true, but saved me from having to get into, "Oh, I'm here to look into the most embarrassing thing that's ever happened in your town."

Do you think being there a little bit undercover, then, helped you get a clearer picture than if you'd charged in and said, "Hey, I'm here with the big-city paper?"

The truth is, I wasn't undercover. Kermit is so far off the main roads, you don't go to Kermit unless you mean to be in Kermit. You don't get there by accident – it really is impossible.

That's an interesting question, actually. I think it actually did help to be able to sit around and watch what was going on. But that was mostly setting. There wasn't any aspect of the actual story that I was undercover about, or that I got by being a fly on the wall.

I felt like I spent all this time hanging out in Kermit, just being bored, that later became useful when I was trying to create that sense of place and that opening section.

The two nurses who were the main characters in this story: Was it hard to get them to open up?

I got them to agree by rendezvousing with their lawyer for months. But I think what you're really asking – when I was sitting down with them, I was trying to get them to tell me a story. And they're not writers. They didn't think of things the same way that I did. I was asking them these questions about what happened, and they wanted to tell me, "This was the procedure in the hospital, here's how he violated procedure, and we were interested in procedure."

Not really a compelling narrative.

Exactly. And my mom's a nurse, so I know this way of thinking about things. But getting them to open up about what they thought were the issues wasn't the same as getting them to open up about what I thought the issue was. To them, the reason they disagreed with the doctor wasn't this epic story – it's that he was doing these procedural things that they thought were wrong. There was sort of a disconnect the first couple of times we talked.

And were you ever able to bridge that?

No, I don't think I ever did bridge that. I wrote, and rewrote that piece, numerous times. And one of the things that they kept wanting in there – there was some shady stuff at that hospital. Borderline fraud; maybe actual fraud. It took having a good editor to say, "No, that's not what this story's about."

So they wanted you to do more of an investigative piece about what was going on with this hospital,

and less the human-interest piece you ended up writing.

Yeah.

Were they ultimately happy with the story, or disappointed that you weren't able to get into all the fraud and the other things that consumed them?

Their feelings were mixed. They were happy there was coverage. But there were some things I got wrong – not big things, but messing up the chronology of certain things, and getting a couple procedural things wrong, and that bothered them. But in the end, they liked the piece.

As you said, they were nurses – they care about procedure.

To sum it up, the things that made them good nurses made them difficult subjects.

The story was fascinating in that the nurses were prosecuted, and there's a verdict in their favor – but then there's this crazy twist at the end where the sheriff, and the doctor, and the county attorney, and the hospital administrator all end up being charged criminally by the state attorney general for their role in going after the nurses. I was stunned by that.

When I went out there, none of them [the hospital administrators and local law enforcement] had been tried yet, but they'd all been served with various indictments. I met the sheriff and the doctor while I was in Kermit, but none of them would talk to me on the advice of their lawyers. Which was a real shame – if I'd been out there before they were indicted, I think they would have been glad to shoot their mouth off.

Were they willing to talk to you on background, or sit down and shoot the shit off-the-record?

You know, I wasn't – I'm 24 years old now. I haven't been doing this long. The learning curve I've experienced over the last few years means that, when I was out there two years ago, I don't know that I knew enough to suggest we do that. I just didn't know to do that.

I did talk to the doctor, a bit, at the hospital. And actually meeting him helped, in the same way that being in Kermit for awhile helped. He didn't seem as if he had any boundaries. He had to know why I was there – a stranger at a hospital board meeting; it was clear I was with the press. I talked to him for a couple minutes and then there was this moment where I turned away. And he put his hand on my shoulder, and leaned in really close, and told me that my fly was down. It was this really intimate moment that was really creepy.

It was almost the way people describe sociopaths – so present and so charismatic, it creeps you out. That never made it into the story, but it definitely colored it.
Whether he was a bad doctor was almost beside the point. It was really about the overreach. As a doctor, you have to submit to the medical board. If there's a complaint, even if it's spurious, you have to wait for them to investigate it.

You can't just get the person who filed the complaint arrested.

Right. So that's part of it. The other part of is that, it came out that he actually had a history of really awful practice in a bunch of different counties. He had this pattern of working his way through these small towns, peddling these questionable remedies, and people got hurt. And then getting in trouble with the

medical board, or the city powers that be, and leaving town and moving on to some other place. He also had a history of becoming buddies with the town law enforcement and getting them to help him.

You read through this and you think, how did they think they could get away with this? But the truth is, had any of the particulars of the case been a little less appalling, it probably would not have achieved national attention, and they probably would have gotten away with it.

Frankly, it sounds like if the nurses had gotten some local lawyer instead of somebody who was media savvy and had connections, this thing could have just gone away.

They had a really good lawyer. And it's funny: Before I did this story, I never thought of that as a factor in how these cases get tried.

On that note, you mentioned you were 22 when you wrote this story, and that there were things you didn't know then – reporter tricks – that you know now. Do you think you would write a different story if you were doing it today, with the extra two years of experience you have now? Or do you think your naivete, your lack of cynicism, was actually a help?

I'm sure I would write a different story. I can't say it would be a better story – but any story you write at any point in your career, there's as much you in the story as there is the story itself.

That wasn't meant as an indictment. The fact you did this when you were so innocent, and that you were looking at it so wide-eyed, may be one reason the story turned out so well.

I think there's some truth to that. You know, as I work on stories that grab me, one of the ways I process the story is I'll talk to my friends, and I'll take the most salacious details and I'll drop it on them, to work through the ledes or the key moments. And here I said, "There are some nurses in West Texas, and they tried to report this bad doctor, and they wound up arrested," people would be like, "Oh, of course, small-town Texas." And I'm like, "No! That's not the right reaction. We should be appalled, because this is appalling." I think that was a non-cynical response on my part – that's an idealistic response. And I think I'm less idealistic now than I was then.

You also did this piece for This American Life. What was the big difference between trying to do a big, complicated, fascinating story like this for radio, versus doing it for print?

In radio, there is no possibility of working around or massaging quotes. For the print piece, I probably interviewed each nurse a half-dozen to a dozen times – some of them quick calls to follow up, and sometimes they'd turn into 30 minute conversations where I really wanted to get off the phone because I didn't want to talk hospital procedure any more.

With This American Life, we had one shot. We were out trying to collect their stories, and it really had to be in their voices. And that's when it really hit home for me that these people thought about narratives in a different way than I did. We're sitting there in people's homes and offices trying to get them to tell the story in a way we could use – which meant we're asking them to tell the story over and over. I found that the way to make people comfortable with that was almost to turn it into a collaborative procedure: "Now can you tell it and change this detail a little bit? Now can you tell it and maybe play up this bit?" It was a little bit more theatrical – I was going to say a little bit less pure journalism, but I guess I mean that the tricks you use are different. The artifice is in a different place.

Do you think you'll ever do radio again?

I would work for This American Life again in a heartbeat. Aside from the prestige and the fact they pay well, they're great people. But there's also – it's harder to do, but when you get that quote, when you have somebody explain in their own voice what happened, and it's the first time they've ever told it that way, and they know that, you share this moment that's not possible in any other medium. It's one of the things that makes radio so powerful.

One last question for you. You mentioned your mother is a nurse – what was her reaction to the piece? Did she read it, and, if so, what did she think?

This is a funny story, actually: The first comment on the Observer piece is from my mom.

Please tell me it was a positive comment!

Oh, yeah, it was positive. Bless her heart, she doesn't quite understand quite how the comment system works: That when it asks your name, it's going to attach your name to your comment. So the first comment on the Observer website is, "On behalf of nurses everywhere, I think Saul did a great job – Rivka Elbein."

Interview by Sarah Fenske, L.A. Weekly

"Wheelchair Hell in Men's Central Jail" by Chris Vogel

December 8, 2011

Disabled inmates crawling on the floor, barred from showers and denied care

By Chris Vogel, L.A. Weekly

The bullet had a hollow tip. Christian Reyes felt it punch through the skin below his ribs before exploding inside him. Fragments ripped through his organs and ricocheted off his bones. Several bullet shards shattered Reyes' spine — his lumbar vertebrae 1 through 5, to be exact — injuring his spinal cord and turning his legs to rubber.

Reyes, a skinny 19-year-old with wild, curly hair, had been hanging out across the street from his apartment complex in a tree-lined neighborhood near downtown in January 2008, when a black SUV sped past him and opened fire in a drive-by shooting. He never saw the gunman.

Reyes was rushed to Rancho Los Amigos Medical Center for surgery. Doctors told him he was paralyzed from the waist down. For two months, he stayed at the hospital, relearning life's basics: how to get around in his wheelchair, transfer onto a toilet, change his catheter and use a shower seat.

Near the end of March, doctors released Reyes from the hospital. Ten days later, however, the cops showed up at Reyes' home and arrested him on suspicion of firing a gun at several people less than a week before he'd been hospitalized. They charged him with four counts of attempted murder. (One and a half years later, Reyes pleaded no contest to one count of assault with a firearm and received three years of probation.)

Right after his arrest, as the officers carried the paralyzed Reyes off to Los Angeles County jail, they would not let him take his customized wheelchair or change his diaper, which was damp with urine — a presage of the horrors that lay ahead.

Like all inmates in L.A. County, his first stop was the Inmate Reception Center, or IRC, a temporary holding area where jail staff determine where to place each prisoner. There, Reyes says, he was given a wheelchair, "if you can call it that," which did not have the usual two large wheels in the rear — only four small wheels, meaning Reyes could not push himself around. Not only that, he says, but the wheelchair did not have footrests and "was all beat up like a bum owned it," held together by a patchwork of string and plastic zip-ties.

As soon as Reyes arrived at IRC, he could feel his bladder beginning to bulge and tried to use the toilet, but its entranceway was not wide enough to accommodate his wheelchair. He asked for a clean catheter so he could relieve himself.

"Over time, my bladder expanded so you could see it across the room," Reyes says. "I was so scared. It was like a little ball protruding out of the side of my belly. One wrong move and it felt like it was going to pop."

Reyes says he sat in the wheelchair for three agonizing days until someone finally gave him a catheter.

Meanwhile, Reyes' bowels were bursting. On his first day in the IRC, he defecated in his pants.

"I sat in my own feces for two days," Reyes says in a low voice, trying not to sound embarrassed. "Whenever I asked for help, they said I had to wait until the next shift of workers or for a doctor to approve it. I couldn't sleep a wink this whole time. For three days they didn't care and just told me to wait."

On his third day in the IRC, the jail staff cleaned Reyes, changed his diaper, allowed him to pee and moved him to the Medical Services Building inside the Twin Towers jail. There, Reyes slept for 48 hours straight. When he awoke, he was given a better wheelchair and clean catheters every four hours, as needed. He also had accessible toilets and showers and a helpful crew of nurses.

Reyes stayed there for about a month, but the decent treatment he received there was merely a break from the nightmare.

In spring 2008, Reyes was transferred to the 8100 unit of Men's Central Jail, a segregated dorm in which most inmates with wheelchairs are held. It is also where Reyes says he suffered nearly every form of violation imaginable under the federal Americans With Disabilities Act.

The toilets and showers were inaccessible, he says, and the jail staff failed to make accommodations, such as giving him more than a single clean catheter each day or providing many of his prescribed medications.

Reyes says he was denied access to some programs available to inmates without disabilities, including schooling, and was not given the same amount of recreation time as able-bodied inmates. In the 19 months he awaited trial for the shooting, Reyes says, although considered innocent under the law, he saw the sky and smelled fresh air fewer than a dozen times.

He says the jail staff even took away his wheelchair for four days. He describes those days as the worst of his life. Reyes claims he was forced to crawl and wiggle on his stomach to make it to the shower or get in line for his daily dose of Motrin.

Contrary to his doctor's instructions, Reyes was denied any physical therapy to aid his recovery, he says, and was made to live in horrible conditions.

"Imagine 12 men in a dorm all in diapers and sitting in their own feces," he says. "It smelled like a combination of what people had for lunch that day and pus from people's open wounds. I've been in a wheelchair now for three years, and the jail is by far the worst place I've ever seen for a disabled person."

Reyes' allegations are not an aberration. He joins a chorus of disabled inmates who claim conditions at the jail for the disabled are inadequate and, in many instances, illegal. Reyes is one of 70 current and former inmates involved in a class-action lawsuit against Los Angeles County.

Spearheaded by the Disability Rights Legal Center at Loyola Law School, the lawsuit accuses embattled L.A. County Sheriff Lee Baca and his jail supervisors of knowingly violating federal Americans With

Disabilities Act regulations for years and still not complying with the law.

Why would jailers take wheelchairs away from injured or paralyzed inmates, a key allegation in the lawsuit? Saving money could be a reason.

During a sworn deposition in August, Sheriff's Department captain Daniel Cruz, who served as commanding officer of Men's Central Jail from April 2008 until December 2010, said it costs $700 to $800 a night to house disabled inmates in the specialized "8100 unit" — seven to eight times the $100 that Baca spokesman Steve Whitmore says it costs to keep someone in the general jail population.

At the moment, Baca is under a microscope, as the FBI and county supervisors investigate a stampede of complaints about deputies who physically abuse inmates, especially at Men's Central Jail. Some critics, such as the American Civil Liberties Union, are calling for Baca's resignation. So far, Baca has played dumb, insisting he didn't know about the alleged brutish culture among jailers in his jail — and blaming his own command staff for knowing and failing to tell him.

Reyes and disabled inmates like him say they are glad the FBI is investigating potentially criminal behavior on the part of some jailhouse deputies, but they insist that other human rights abuses occurring at the jail are not being investigated and that they need immediate attention, too.

The phones in Shawna Parks' office started to ring in 2007. As legal director of the Disability Rights Legal Center, a suite of fashionable offices in the heart of downtown L.A., the energetic civil rights attorney, sporting an upscale-librarian look, was accustomed to getting calls from people who wanted to complain. But these calls were different — they were from inmates inside the jail.

Like Reyes, inmates were reaching out for help, describing disturbing conditions, specifically a lack of accessible bathrooms in the Inmate Reception Center. Parks heard numerous accounts of prisoners being kept at the temporary holding facility for two and three days without access to a toilet. From there, it only got worse.

As Parks and her staff began to dig, talking to other inmates and their families, a dark secret began to emerge: The government-run jail was violating federal ADA regulations. Parks says she learned that physical barriers in the dorms where the disabled are housed included a lack of grab bars to help the men in wheelchairs transfer to a toilet and the illegal presence of a curb in the showers, which prevents wheelchairs from entering.

She says jail staff, including doctors and deputies, were not providing disability accommodations such as medications, safe transportation to court or to a doctor's appointment, properly working wheelchairs or crutches, and simple but crucial things like clean catheters or fresh bedding if an inmate soiled his sheets.

In addition, inmates such as Reyes told Parks that, because of their disability and the fact that they are segregated from the general population, they were not being given equal access to the roof at Men's Central Jail for recreation time as the able-bodied inmates were, and were being denied their right to schooling, vocational programming, physical therapy and access to the law library and commissary.

Lastly, Parks says, inmates informed her that their wheelchairs often were taken away even if they were physically impaired. The men were "declassified" — found to no longer need a wheelchair — and moved to a non-wheelchair dorm. There, they told her, they often had to fend for themselves in a general

population cell, often faced with bunk beds and few accommodations for the disabled.

"I couldn't believe this was all going on literally right under our noses," Parks says, removing her glasses and rolling her eyes toward the ceiling in exasperation. "And in terms of their rights under federal statute, it was pretty horrific. I couldn't believe that this was happening in L.A., with all the public-interest lawyers and scrutiny on the jail — and that this had flown under the radar."

Hoping to avoid litigation, Parks, who was named Attorney of the Year by *California Lawyer* magazine in 2011, approached Sheriff Baca and the L.A. County Counsel's office with a list of problems and solutions. But it wasn't that easy.

"Negotiations in 2007 did not get anywhere," she says. "There was not enough commitment on their part."

So, in May 2008, Parks and the ACLU sued L.A. County on behalf of disabled inmates, including Reyes, to force Baca to adhere to federal ADA regulations in the jail.

Parks then brought in outside ADA expert Logan Hopper, who founded the Commission on Disabled Persons in Oakland and serves on the U.S. Access Board's Public Rights-of-Way Accessibility Advisory Committee. Hopper was allowed entry to the notoriously off-limits Men's Central Jail in 2007, 2008 and 2010.

His initial 2008 report confirmed what inmates were saying. Hopper noted extensive physical barriers to toilets and showers in the cells designated for wheelchair-using inmates, as well as in the law library, educational facilities and visiting areas. Hopper also was troubled by the segregation and lack of access to programming for disabled inmates, as well as what appeared to be a practice by jail doctors of arbitrarily "declassifying" inmates, confiscating their wheelchairs and moving inmates with some use of their legs — but impaired mobility — from the wheelchair dorm to a unit with fewer accommodations for the disabled.

"Through a practice of 'declassifying' inmates with disabilities from medical housing," Hopper wrote in 2008, "they are transferred to a different housing unit within Men's Central Jail ... which is very overcrowded and lacks accessible features, such as grab bars or shower seats.

"A policy of providing accessible housing and accommodations only for [the] full-time wheelchair users fails to recognize that many persons who do not rely on a wheelchair have serious physical disabilities that restrict certain types of physical activities. The lack of accommodations for the individual's disability can be extremely harmful to that person's well-being and long-term functioning."

After touring the jail again in October 2010, Hopper found that Baca had taken few measurable actions during the elapsed two years. In a sworn statement to the court, Hopper said, "Most of the problems that I identified initially in my 2008 report appear to remain."

The lack of serious effort by Baca was particularly troublesome, Parks says, considering that "we keep tabs on these issues across the country — and the problems here are among the most severe."

ADA regulations are enforced by the U.S. Department of Justice, which has the power to obtain civil penalties of up to $55,000 for the first violation and $110,000 for each subsequent violation. Parks, however, does not blame the feds for sleeping on the job. The ADA regulations were intended to be

enforced by private parties seeking redress in civil court, which is exactly what she is trying to do.

Parks places the blame on a mix of people, including Baca and his underlings.

Although she won't name them, one would have to include Undersheriff Paul Tanaka, said by some to actually run the department for Baca. Baca has publicly stated that he was kept in the dark for years by underlings regarding abuse problems in Men's Central Jail.

"Baca is somewhat to blame," Parks says, "because he runs the show. And I think a lot of senior-level staff at the Sheriff's Department have known about these issues for a long time and haven't stepped forward the way they need to."

But citing the pending lawsuit, Parks refused to identify any senior staff or to name the deputies with whom she has been negotiating for change.

Parks also blames the five-member Los Angeles County Board of Supervisors, saying, "It is true that Baca is elected and that they can't tell him exactly what to do. But they could've told him that not violating the rights of people with disabilities is a priority — and a political priority."

All five county supervisors — Gloria Molina, Mark Ridley-Thomas, Zev Yaroslavsky, Don Knabe and Michael Antonovich — declined to comment. Baca, through his spokeswoman, Nicole Nishida, also declined to comment, referring *L.A. Weekly*'s questions to the county counsel's office.

For the most part, says assistant county counsel Roger Granbo, the Sheriff's Department does not dispute that it needs to improve accommodations for the disabled.

"We are in agreement that [disabled inmates] should have the same access to programming as anybody else," Granbo says. "We are all in agreement that accommodations for the disabled should happen. There is no disagreement there."

This sentiment echoes that of Whitmore, one of Baca's top aides, who told the *Weekly* in a May 19 article headlined "Men's County Jail Visitor Viciously Beaten by Guards" that the big, old Men's Central Jail should be shuttered. Whitmore said that in the meantime, safety measures such as surveillance cameras should be placed in the jail's hallways and individual cells to protect deputies — and inmates.

Yet Baca has been sheriff since 1998 and has failed to fix many problems in the jail, including addressing deputy violence and resolving the still-inadequate accommodations for disabled inmates.

Granbo says, "These things slip through the cracks with a jail population of 15,000 — they do. But the sheriff is committed to making sure all the stuff is working and available to the folks who need it."

Inmates, however, are skeptical.

"The people with the jail will say stuff to try to cover their ass," Reyes says, "but they haven't really done anything to really make it better. It's all bullshit."

Scott Morgan, an obese member of the Vagos outlaw motorcycle club, was carried into the L.A. County jail on a gurney, howling in pain from a broken femur.

Already on parole, he had tried to run from the cops during a traffic stop in late February 2006 and wound up with a bullet in his left leg. After surgeons placed a metal rod running from inside Morgan's hip to his knee, Morgan's orthopedist ordered that he use a wheelchair half the time and crutches the other half to slowly help strengthen his bum leg.

At first, the doctors serving the 8100 unit of Men's Central Jail let Morgan use a wheelchair, but that didn't last.

Morgan says he was declassified and stripped of his wheelchair after a doctor at the jail reversed his orthopedist's order and made Morgan use crutches 100 percent of the time instead of 50 percent.

"They never gave me a reason why," Morgan says. "The doctor comes to the 8100 dorm and we all line up and she says, 'Why are you in the wheelchair?' And if you're not a quadriplegic or a full-on paraplegic, they declassify you. They get you off that floor."

Weighing more than 300 pounds, Morgan was concerned when he saw the 300-pound weight limit on the flimsy aluminum crutches he was issued. He was downright worried when he noticed that the screws and bolts were missing and had been replaced with plastic zip-ties to lash the crutches together.

Over the next few weeks, Morgan says, the zip-ties broke several times under the strain of his size, and each time he tumbled to the ground he felt lucky that he hadn't been seriously hurt. Then, in early May, when Morgan was taking a shower, his crutch got caught in a drain hole. This time, as he crashed down onto the shower floor, he refractured his femur and broke the metal rod running through his leg.

"I was in so much pain it was crazy," Morgan says. "I never would have re-broken my leg if they didn't declassify me and take away my wheelchair."

Yet, he says, things only got worse after that. Doctors did not send him to the hospital or take X-rays of his leg for a full week, he claims in a lawsuit against Baca and the Sheriff's Department. On the eighth day, Morgan says, he happened to have a follow-up appointment scheduled with an orthopedist at Los Angeles County Medical Center to check on his gunshot wound. There, the specialist took X-rays of Morgan's leg, discovered that the femur had fractured again and ordered Morgan to use a wheelchair full-time.

Then, for nearly three agonizing weeks, Morgan says, he cried himself to sleep, begging deputies and doctors to let him see the orthopedist again to treat his pain and set his leg. It was only by contorting his enfeebled limb into an impossible position — after all, he says, he couldn't feel a thing below his hip — that he convinced the jail staff to send him to the orthopedist again.

But when Morgan showed up on June 7, 2006, to ride the county inmate bus to the doctor, he says, deputies turned him away, telling him there was no room for his wheelchair.

A week later, Morgan again had an appointment to see an orthopedist but once more was left behind because of a lack of space on the bus.

Four days after that, according to Morgan's lawsuit, Superior Court Judge Rubin Rand stepped in, ordering the Sheriff's Department to get Morgan's leg examined. But it didn't seem to matter. From June through December, Morgan says, the sheriffs kept him from going to the orthopedist a dozen different

times because there was "no room" in the bus for his wheelchair.

"I felt so helpless," he says, "but there was nothing I could do. I was trapped."

By April 2007, nearly a year after he broke his leg in the shower, Morgan says, he still had not received the medical attention or surgery he needed. Instead, doctors at Men's Central Jail again tried to take away his wheelchair and declassify him.

"The doctor said I didn't need a wheelchair and that I could walk, even though I said that I couldn't," he says.

A deputy handed him a walker, Morgan says, and made him use it to get in line for pill call.

"The walker immediately bent in half because of my obese size," Morgan says, "and I twisted my leg badly. The deputy took one look at me and gave me back the wheelchair, despite what the doctor said. And thank God."

For two years, Morgan says, he went without surgery and suffered at the L.A. County jail. He says he did not receive treatment or surgery until after May 2008. At that time, having pleaded guilty to resisting arrest with a firearm in the 2006 incident and agreeing to a seven-year prison sentence, he was moved to Wasco State Prison.

Morgan finally got surgery on his leg at UC Davis toward the end of 2008, when he says doctors informed him he had developed nerve palsy and, moreover, that he would never walk again.

"I used to be a very aggressive prosecutor in Santa Barbara," says Morgan's attorney, Joshua Lynn, "but you treat people humanely. That's what makes 'us' different from 'them,' right? That's the whole point. They refused him access to a wheelchair and forced him to use those woefully inadequate crutches, and when he rebreaks his leg, they either ignore it or tell him the bus is too full to take him to his doctor. And now he'll be in a wheelchair for the rest of his life. It's horrifying."

Parks agrees, saying that doctors at the jail routinely deny people with various forms of mobility impairment the use of a wheelchair.

"One of the things we now know through the litigation process is that they have medical staff whose job it is to declassify people and review inmates with an eye toward taking them out of the 8100 unit," Parks says. "So if that's their job and if they're any good at it, that means that they are declassifying a lot of people."

If an inmate is declassified and cannot walk very far, it's likely that he will not be able to move the distances often required to get his medications down the hall, talk to his family or his attorney in the visitors area, which is in a different part of the jail, or even make it to the bathroom without help from a deputy or a fellow inmate. He can be left helpless.

According to court documents, the county argues that the declassifications are based on "medical judgment," but Parks counters, "The pattern of problems, as well as the well-documented nature of the inmates' disabilities, belies this explanation."

Asked about declassifications, Assistant County Counsel Roger Granbo says, "I am not going to talk about

that publicly."

Parks says she does not yet know why the jail makes a habit out of declassifying inmates, but that the current system is too black-and-white.

For example, she says, the L.A. County Sheriff's Department has "no classification for people who can walk five feet but not more than that," she says. "You're either paralyzed and get a wheelchair, or you're not and you can walk and you don't get a wheelchair."

Reyes says that's what happened to him.

He had been locked up for about a year, he says, when a fellow inmate needed a push in his wheelchair. So Reyes propped himself up by leaning on the inmate's chair and pushed him. A deputy saw Reyes, he says, and within a week doctors had declassified him, taken his wheelchair and moved him out of the 8100 unit.

"They took my chair from me for four days," he says. "I was dragging myself to the bathroom, into the shower and across the floor through the medicine lines. Plus, of course, there were no handrails in the showers or the toilets. It was the worst days I ever spent in there. They took away my chair and I literally couldn't do anything but lie in bed and pray."

In October, disabled inmates Peter Johnson and Joe Gonzalez telephoned *L.A. Weekly* to describe the behind-the-scenes conditions — both good and bad — inside Men's Central Jail.

The 8100 wheelchair unit, they both said, has accessible toilets and showers in a largely unused common area but not in the individual cells, where barriers to such amenities still exist. The Inmate Reception Center has been fixed, they say, with two new accessible bathrooms.

"I realize I'm not staying at a Hilton," says Gonzalez, paralyzed from his left hip down, "but these are basic necessities for our health."

The improvements are among a handful made over the past few years. When asked for a list of alterations and upgrades, Granbo says, "That's litigation-related, so we wouldn't disclose a thing like that."

Inmates and advocates say the jail is still a long way from acceptable conditions, and the bulk of improvements have been simple cosmetic and construction fixes that do not address widespread, systemic problems.

"I still see guys getting urinary tract infections because they're not being given clean catheters," says Gonzalez, who has been in jail since 2009 on an attempted murder charge. "And no one will help you transfer onto the toilet except maybe another inmate. Most programming is still not being given to us as an option because we're separated from the rest of the jail, and while it may be a tiny bit better now, to me it's remained the same."

Johnson, a paraplegic who has been in and out of jail numerous times over the past four years for petty theft, says he still is not being given a decent wheelchair. This summer, when he was in the 8100 unit, his wheelchair did not have footrests. As a result, he says, his feet dragged along the floor and got caught in the wheels. Because of his paralysis, Johnson could not feel his feet and did not realize he was crushing

them until another inmate noticed his bloody, mangled toes.

It happened again in October, he says.

"With no footrests, my feet are just getting trampled, but I can't feel my legs," Johnson says. "They are trying to accommodate us, but it's not happening like it's supposed to."

Perpetually upbeat, Parks is focused on solutions and not the blame game. If she had a magic wand, she says, Baca and the Sheriff's Department would remove the remaining barriers to the toilets and showers and offer equal educational and vocational opportunities to the disabled.

Finally, she would make Baca implement a consistent medical review process for wheelchair declassifications.

That would be "not only good for our clients," says Parks, "but good for the Sheriff's Department. It's not a good thing liabilitywise to have people falling or being discriminated against."

Both sides in the lawsuit have toured the jails and made recommendations. As is typical, the plaintiff's expert — Hopper — is more damning than the expert hired by the county, whose interpretation of ADA law is far more permissive. Next the two experts will view the jail together and issue a joint recommendation.

"We know MCJ is an old and antiquated building," Granbo says. "The Sheriff's Department has made some changes, and there are more changes that we may have to do, but we are trying to work cooperatively. It's taking so long because of the litigation process, but both sides have the same goal."

Meanwhile, Christian Reyes, now 21, lives with his aunt in the apartment near where he was shot. The scars from jail run deep — both mentally and physically.

Before his release from jail in October 2009, Reyes says, he was riding in the transport van back to the jail from court, but the spaces in the van for a wheelchair were all occupied. So he folded up his wheelchair and heaved his body onto a metal bench that was missing seat belts.

Suddenly, he says, the driver swerved and Reyes was thrown up against a metal cage in front of him. He felt his back pop and soon he could not feel his left hand or arm because it had gone numb. More than two years later, the injuries he suffered inside the jail van still give Reyes trouble. He says the fall damaged a nerve running from his spine to his hand.

Throughout the day — when Reyes is not in physical therapy — his hand will go numb or lock up on him. Sometimes he can't grip a can of Coke or hold the controller for his video games, which he plays to kill time at home since he cannot yet work.

Sitting in his living room, Reyes rubs the area near his ribs where the bullet entered his body and reflects on his time in jail, searching for the right words.

"I think the most important thing people need to know," he says, "is that they simply treat wheelchair people like dirt."

"A Bloody Injustice" by Dave Mann

August 19, 2010

Warren Horinek was a vicious drunk with a history of threatening his wife. But his conviction for murdering her was based on junk science--like thousands of others.

By Dave Mann, Texas Observer

Warren Horinek was so intoxicated he could barely speak. His first words to the 911 dispatcher were mangled and unintelligible. He gathered himself and tried again. The words were still slurred, but he managed to force them out: “My wife just shot herself.”

Horinek had been married to his wife, Bonnie, for three years. Their marriage was turbulent, and some of Bonnie’s friends would later say that Warren—a former Fort Worth police officer whose drinking got him kicked off the force—was abusive. They thought the couple was headed for divorce. But on that Tuesday night, March 14, 1995, they seemed to be having fun. Bonnie had left her office at the law firm of Jackson & Walker in downtown Fort Worth at about 7:15 p.m. and met Warren for dinner at a TGI Friday’s. They hung around the bar and kept drinking, closing their tab at 11:09 p.m. to head home. The Horineks lived about five minutes away, which was fortunate because they were both drunk. Warren had consumed at least 11 Coors Lights. Bonnie had been drinking chardonnay, and tests would later show her blood alcohol level nearly double the legal limit. At 11:39 p.m., a half-hour after they left the bar, Warren called 911.

On the recording, he is frantic. As the dispatcher contacts paramedics, Warren can be heard in the background yelling, “Why’d you do that, goddammit. Why? Why? Why? Why?” When he returns to the phone, he is panicking. “Are you there? My wife just shot herself. Get over here now!” The dispatcher tries to calm him, saying an ambulance is on the way. “She’s already blue,” Warren says. The dispatcher tells him to begin CPR. In the background, Warren can be heard breathing into Bonnie’s mouth. He picks up the phone again: “I need somebody here.” Is she breathing? the dispatcher asks. “She shot herself in the throat, I think.” Is she breathing? “Yes, she’s breathing,” Warren says. After a pause, he adds, “Goddamn, get somebody here now!”

By the time paramedics and police arrived, Bonnie Horinek had died. She was lying on the bed in her pink nightgown with a single gunshot to the chest. Warren was still performing CPR. Paramedics told him it was too late, but he wouldn’t stop. When they pulled him off the bed, he scrambled back to her body to continue chest compressions. The paramedics eventually had to drag him from the room.

When police examined the scene, they found two weapons on the bed: a bloody .38-caliber revolver next to Bonnie and, on the edge of the bed, a 12-gauge Winchester shotgun. There was no sign of a break-in. No one else was in the house. There were two possible scenarios: Either Bonnie Horinek had committed suicide, or her husband, in a drunken rage, had killed her.

From the start, Warren Horinek has claimed his wife shot herself. As the police investigation unfolded,

the people normally responsible for sending a murderer to prison—the crime scene investigator, the police sergeant who oversaw the homicide investigation, the medical examiner who performed the autopsy, even the assistant district attorney initially assigned to prosecute the case—all came to believe that Horinek was telling the truth.

When Horinek was tried for murder, they testified in his defense. Their testimony and expertise wouldn't matter. Horinek's fate would hinge on a few specks of blood found at the scene. A few specks of blood, that is, along with the testimony of a single forensic expert who may have misread the evidence. As a result, an innocent man may spend decades in prison. He won't be alone.

Initially the crime scene puzzled Fort Worth police. Why were there two guns on the bed with Bonnie Horinek's body? Why was a pillowcase wrapped tightly around her neck? Why was there so much blood on Warren's T-shirt? Where was the bullet?

One of the first officers on the scene, J.D. Roberts, theorized that Warren had shot Bonnie with the shotgun and tried to strangle her with the pillowcase. That theory was debunked by the autopsy. The medical examiner's office determined that Bonnie had been shot with the .38. The bullet had ripped a path through the mattress, box spring, and carpet, and left a mark in the house's foundation, though the bullet was never found. The autopsy also showed she hadn't been strangled. The pillowcase, which Warren said he wrapped around her neck because he thought she'd shot herself in the throat, had caused no damage.

Besides the single gunshot wound, Bonnie had no other injuries. There were no signs of a struggle. The wound to her chest, the autopsy showed, was a contact wound, meaning the gun had been placed firmly against her skin. While the manner of death was officially classified as "undetermined," the autopsy report made clear that the medical examiner's office believed Bonnie had likely committed suicide. "Both the location and proximity of the gunshot wound along with absence of defensive wounds are suggestive of a self–inflicted gunshot wound," the report reads.

The case landed on the desk of Mike Parrish, then an assistant DA in Fort Worth. After reading the autopsy report and speaking with police officers and the medical examiner, Parrish decided not to prosecute Warren Horinek for murder. "I always thought that it was suicide," Parrish says. "Still do."

But Bonnie's parents, Bob and Barbara Arnett, found the notion that their daughter had killed herself ridiculous. She had too much to live for. Here was a successful attorney with a budding career. She had just landed a posh new job at a major downtown firm, where she was earning a six-figure salary practicing labor law. True, Bonnie had experienced periods of deep depression, particularly after her first marriage had ended. But the half-dozen friends and co-workers who later testified at trial said Bonnie seemed mostly happy. She fretted about her crumbling marriage and what people would think if she were twice-divorced, they testified. None thought she was contemplating suicide. She just seemed too upbeat, they said. To Bob and Barbara Arnett, it was obvious: Their daughter had been murdered by their son-in-law.

He was a drunk—and an obnoxious, occasionally violent, drunk. Bob Arnett, who was an engineer for Lockheed Martin Corp. in Fort Worth, never understood what his daughter saw in Warren Horinek, he told the Fort Worth Star-Telegram in 1996. He thought she could do better. He would often meet Bonnie for lunch in downtown Fort Worth, but he told the newspaper that she never told him how bad the marriage had become. She did confide to friends that when Warren was drunk, which was often, she was afraid of him.

When the district attorney's office refused to prosecute, the Arnetts couldn't believe it. So they decided to do it themselves. Bonnie's parents hired an attorney and a private investigator, who unearthed several incidents that would make for compelling, though circumstantial, evidence against Warren Horinek.

For one thing, when he was drunk, Horinek liked to play with guns. He had served on the Fort Worth Police Department for nearly nine years, beginning in 1985, and he kept a healthy collection of firearms in the house. One night in 1992, when he and Bonnie were living together in the Fort Worth suburb of Benbrook before they married, police had been called to the house after neighbors heard gunshots. It turned out that Horinek had gotten drunk and was firing into the pool.

The following year, after another night of drinking, Horinek fired a gun over Bonnie's head while she lay in bed. The bullet entered the wall a foot-and-a-half above her pillow. Explanations for this event vary. At trial, the prosecution contended Horinek did it to frighten his wife—part of a pattern of abuse. Horinek, interviewed recently by the Observer, calls the incident "inexcusable." He says Bonnie had been playfully ignoring him, hiding her head under her pillow. "I'm not listening to you," he says his wife was saying. "Stupidly," he says—as a joke and to startle her—he fired the gun into the wall. He contends that he didn't shoot at Bonnie, that the nose of the gun was pressed against the wall and tilted upward when he fired it. (A private forensic expert hired for the defense, Max Courtney, testified that he found evidence to verify Horinek's claim. Courtney said he found gunpowder traces on the wall, which would have happened only if Horinek had pressed the weapon against the wall when he pulled the trigger.)

That wasn't the end of Horinek's suspicious behavior. Later in 1993, his drinking cost him his job with the police. The day he was forced to resign, he got drunk, shut himself in a room and threatened suicide, according to court testimony. Bonnie called the police. Officers arrived and calmed Horinek down. Police regulations required that he be taken for a psych evaluation at the emergency room. As Horinek was led away, several officers would testify at trial, he shouted to Bonnie that he would make her pay for doing this to him.

With these snapshots of Horinek in hand, the Arnetts and their attorney, Mike Ware, decided to circumvent the district attorney's office. Ware knew about a rarely used quirk in Texas law that allows any concerned person to bring evidence before a grand jury. While there was little physical evidence of murder, the grand jury found Ware's presentation convincing. In March 1996, a year after Bonnie's death, Horinek was indicted for murder.

The Tarrant County district attorney's office refused to act on the indictment. It's not often that a Texas prosecutor refuses to go after an indicted defendant. But Assistant DA Parrish wouldn't do it. "Ethically, if you don't believe they're guilty, then you can't prosecute," he says. With the DA's office recusing itself from the case, the judge assigned two attorneys in private practice to serve as special prosecutors.

That led to an upside-down trial in which nearly everyone trying to convict Horinek was in private practice—private attorneys serving as prosecutors, using private forensic experts and private psychologists. Meanwhile, the agents of the state—the district attorney, crime scene investigator, and homicide sergeant—were all siding with the defendant. In 27 years at the Tarrant County DA's office, Parrish had never seen such a bizarre case—and never did again. Nobody had.

From the start, Horinek says his lawyer assured him there was nothing to worry about. He figured it wouldn't even reach a grand jury. "Even the DA believes you're innocent," his attorney said. After Horinek was indicted anyway, his lawyer predicted the case would never come to trial; the county didn't

want to prosecute him.

Once he went to trial, Horinek was again reassured: He could never be convicted. There was no evidence. As bad as the private prosecutors would make Horinek sound, as compelling as the anecdotes of drunken gunplay were, that was all circumstantial evidence—incidents that occurred months or years before Bonnie's death. You can't be convicted of murder for being an obnoxious drunk or an abusive husband.

For most of his trial, Horinek's attorney seemed prescient. The jury appeared to be convinced of his innocence. Later, when this anything-but-textbook trial was over, the foreman would say that the jurors were going to acquit Horinek. That was before the prosecution's final witness took the stand. This case, like hundreds of others, was decided by the testimony of a single forensic expert.

His name is Tom Bevel. He's a private, Oklahoma-based expert in bloodstain patterns. The study of blood spatter has been around since the 1890s. But unlike other forensic evidence—DNA or fingerprinting, for example—blood spatter evidence rarely provides the sole basis for prosecution. Blood patterns—like those found on Warren Horinek's Hard Rock Cafe T-shirt that night in 1995—can be used to augment evidence in a criminal case, but they're rarely the only evidence. The reason is simple: Bloodstains can tell you only so much about who committed a crime, or how. Some experts, Bevel included, have tried to use blood-spatter forensics to reconstruct where blood came from and by what method. If that sounds fantastical, it sometimes is.

In recent years, flawed blood-spatter evidence has led to at least three wrongful convictions across the country, from North Carolina to Indiana. In 2009, the National Academy of Sciences released findings from the most extensive study ever conducted of forensic evidence in American courtrooms. The authors didn't think much of blood-spatter analysis, writing that the "uncertainties associated with bloodstain pattern analysis are enormous," and concluding that the opinions of blood-spatter experts like Bevel are "more subjective than scientific."

In that respect, bloodstain analysis is similar to other kinds of forensic science. With the exception of DNA testing, much of the forensic evidence used in U.S. courts—including fingerprint matches, ballistics, and arson evidence—is based on junk science. CSI it ain't. Contrary to what's portrayed on television, bullets are regularly matched to the wrong gun, fingerprints are misidentified, crime labs botch their analysis, and accidental fires are misread as arson.

Most criminal-justice experts believe that flawed forensic evidence—and overreaching expert witnesses—have sent thousands of Americans to prison for crimes they didn't commit. The solution is to ensure that forensic testimony is based on sound science. Reconstructing how blood flies through the air is obviously dicey business. The science academy recommends that anyone attempting to analyze blood patterns have an advanced degree (or expert knowledge) of applied mathematics, physics, and the pathology of wounds.

Bevel, whose testimony sent Warren Horinek to prison, has no such advanced degrees, Though he has taken professional courses in these subjects, he has little background in science. He spent nearly three decades in the Oklahoma City Police Department and developed an interest in blood spatter. He began contracting out his services as a blood-spatter expert, usually testifying for the prosecution. Eventually, he taught courses and has published three editions of a textbook, Bloodstain Pattern Analysis with an Introduction to Crime Scene Reconstruction.

Horinek's 1996 trial took place 13 years before the academy's scathing report on the limits of blood-spatter analysis. So when Bevel took the stand as a rebuttal witness—one of the last people the jurors heard from—they found him awfully believable. The defense had neither the academy study, nor other known cases of wrongful conviction, to poke holes in Bevel's impressive-sounding expertise.

Bevel had studied the T-shirt Horinek was wearing the night Bonnie died. It was covered in blood. Bevel was especially interested in the dozens of small specks of blood on the shirt's left shoulder. Were these spots caused by Horinek's administering CPR or, perhaps, by a gunshot?

The tiny size of the blood spots was the key to their origin, Bevel said. Spots so small had to originate from a "high velocity occurrence"—a gunshot—rather than from CPR. "If the ... majority of the bloodstains are well below one millimeter in diameter and less, then that is consistent with what you'd expect to find from a high velocity occurrence. ... There are better than 100 bloodstains that you can find with the stereoscopic microscope specifically to the left side of the shirt that are certainly consistent with a high-velocity occurrence," Bevel testified. He said this indicated, with little doubt, that Horinek had shot someone at close range.

The defense never countered Bevel's testimony. At a later appeals hearing, the foreman, Bruce Peters, was asked what convinced the jury that Horinek had shot his wife. "The gentleman who testified last, to the atomized blood, was the one that, in my opinion, put him in the scene of the crime," Peters said. Horinek was convicted of murder and sentenced to 30 years in prison.

At the time, hardly anyone suspected the conviction was based on flawed evidence. After Horinek went to prison, the case faded into history. The jury members went back to their lives, the criminal justice machine moved on, and most everyone forgot about the former police officer sitting in prison. All except one person.

"This case has haunted me since 1995," says Jim Varnon. "There are dozens of reasons that all indicate this was a suicide." He always believed Warren Horinek was innocent. And for the past 13 years—ever since Horinek wrote him a letter asking for help—he's been trying to overturn the conviction.

Varnon is no innocence attorney. He recently retired after 35 years in the Fort Worth Police Department, the last 25 as a crime scene investigator. He was one of the first officers at the scene the night Bonnie died. When he arrived, he vaguely recognized Horinek's face from Warren's years on the police force, but the two men didn't know each other before that night. The evidence convinced Varnon that Horinek was innocent.

Varnon has a presentation he gives about the evidence in the case: a half-dozen large boards adorned with crime scene photos, trial testimony, blood-spatter recreations, and his own field notes. It's become famous in the Fort Worth Police Department.

Varnon contends that the physical evidence verifies Horinek's version of events. Horinek has supplied the same consistent story since the night Bonnie died (including in a recent prison interview with the Observer): He and Bonnie returned home from TGI Friday's and got ready for bed. Warren went to his study to check messages (he had a home business that provided companies with language translators). He heard a single gunshot. He assumed someone had broken into the house, so he grabbed a shotgun and rushed to the bedroom, where he found Bonnie bleeding from an apparent neck wound. Blood had pooled at her neck, which, combined with her strained breathing, made Warren mistakenly think she had been

shot in the neck, not the chest. He wrapped a pillowcase around her throat and called 9-1-1.

The pillowcase is an interesting piece of evidence. Why would Horinek wrap it around her neck, Varnon wonders, if he wasn't telling the truth? If he'd shot her, he'd know where the wound was. What's the point of wrapping something around her neck? It might backfire and make police think she had been strangled, which some officers first believed.

Then there are the two guns. The autopsy confirmed that Bonnie had been shot with the revolver. So, Varnon wonders, why was the shotgun in the room if Horinek isn't telling the truth? If he staged the scene to look like a suicide, why bring the shotgun in and risk the presence of another weapon incriminating himself?

And the scene looked like a suicide. As police reported, there were no signs of a struggle, and as the medical examiner found, Bonnie's body had no defensive wounds or other injuries. "I've worked hundreds of suicides involving a gunshot," Varnon says. "When they occur on a bed, a person is frequently lying just like she is. The gun is within reach normally. So often they go where it's comfortable, which is their bed."

Varnon has also seen hundreds of contact gunshot wounds, and he remembers only one that wasn't a suicide. The reason is twofold: If you pull a gun on someone, getting close enough for a contact wound invites a struggle. And if two people are already struggling for a gun, it's rare that the killer can overpower the victim enough to inflict a contact wound. In the crime scene community, Varnon says, a contact wound is almost always a suicide. "If that was a murder, he's smarter than all of us in crime scene and all of us in homicide all put together, because he left no evidence of it," Varnon says.

Of course, Horinek is a former police officer. If he knew these tendencies among investigators, might he have staged the scene as a suicide?

There are two factors, Varnon points out, that make a staged scene unlikely. First, Horinek didn't have time. The 911 call establishes a short time frame. Bonnie died within minutes of being shot, and she was clearly still alive when Horinek dialed 911 (her labored breathing is audible on the recording). The 911 tape ends when the paramedics arrive. So if Horinek staged the scene, there was a window of only a minute or so before he called 911. There is one other reason Varnon and others believe Horinek couldn't have staged a suicide like a master criminal: He was fall-down drunk.

"If you hear the 911 tape, you can hear Horinek is shit-faced," says Parrish, the former assistant DA. (At one point in the call, after performing the first round of CPR, Horinek can be heard pressing buttons on the phone in an apparent attempt to dial 911 again, though the emergency dispatcher was already on the line.) Moreover, Parrish says Horinek's tone on the 911 tape is compelling evidence. About a minute into the call, Parrish says, "You can hear the adrenaline kick in." Horinek's tone does change. His sentences sharpen, and his voice is panicky, desperate, insistent that he needs help. It sounds like he just walked in on a suicide.

Still, these are the same arguments that Varnon and Parrish and homicide Sgt. Paul Kratz made during Horinek's trial—and they didn't work. If Varnon was going to make headway on overturning the murder conviction, he had to confront Bevel's blood-spatter testimony. He had always doubted Bevel's analysis. It's well known in the crime-scene community, he says, that CPR (or even a bloody nose) can leave flecks of blood on a shirt—which Bevel testified was not possible. "There are many things that can cause that

fine mist of blood, not just a gunshot wound," Varnon says.

Varnon took his poster boards to upstate New York and presented the case to Herb MacDonell, a renowned forensic scientist whose groundbreaking research on blood patterns in the early 1970s made the field more scientific. He is often called the father of modern bloodstain analysis. (Bevel himself studied for a time under MacDonell.) MacDonell found his former student's testimony suspect. In 2005, he asked a prominent analyst who'd worked in his lab, Anita Zannin, to examine the case. After studying all the documents and evidence, she concluded—and MacDonell later concurred after his own analysis—that Bevel's initial testimony was utterly incorrect.

Zannin and MacDonell contend—in a report and two affidavits—that blood spots smaller than one millimeter aren't necessarily the result of a gunshot, as Bevel testified. Flecks that small can often result from CPR or someone with a punctured lung trying to breathe.

To prove it, MacDonell set up an experiment at his lab in Corning, N.Y., in which a student placed a small amount of blood in his mouth and then simply breathed on a white shirt. The result was a blood-spatter pattern similar to the one found on Warren Horinek's shirt.

There is no way to reliably determine if the spots on Horinek's shirt were the result of a gunshot or of CPR. For that reason, Zannin and MacDonell say, blood spatter never should have been used as key evidence against Horinek.

Bevel has defended his work in the case. But in a recent interview with the Observer, Bevel backed away from his testimony that the size of the blood spots is what matters. Bevel now has two different reasons why he believes Horinek is guilty. The first is the appearance of the blood spatter. Blood that a person breathes out has a lighter color and a more bubble-like appearance because it contains more air, Bevel contends. Because the blood on Horinek's shirt is a normal color, it's likely the spatter resulted from a gunshot wound, not CPR. But these bubbles aren't always present. So Bevel also concedes that the lack of bubbles on the shirt doesn't necessarily eliminate CPR as a cause. He now agrees with Zannin and MacDonell that blood spatter from CPR can sometimes look very much like spatter from a gunshot wound.

That leads him to the second reason he believes Bonnie Horinek was murdered: the lack of a blood spatter trail. If the specks on Warren's shirt had come from blood that Bonnie breathed out of her nose and mouth, then there would be a trail of spatter leading back from the shirt toward her face. "You have to look at the context of this scene," Bevel says. If the spatter came from CPR, then "you should be able to find more of that type of spatter between where the shirt reportedly was and the mouth and the nose." He doesn't remember finding any.

The problem with that reasoning is that Bonnie's chest, neck and face were soaked with blood, which could easily have obscured any small spatter she breathed out. And Bevel concedes he can't be 100 percent sure what happened that night. "There has to be a foundation with which you're able to call it," he says. "In this particular case, in my opinion, the best explanation is that it is from a gunshot. In science, there is no 100 percent. It just doesn't exist. You look at the data, the possibilities, what is found, what isn't found, and you try to identify the best explanation."

That isn't enough to base a murder conviction on, Zannin and MacDonell say. Though they can't be sure, Zannin and MacDonell suspect that the blood spots were the result of CPR. For one, a single gunshot is

unlikely to produce the amount of spatter seen on Horinek's shirt. Secondly, if Horinek had been leaning over Bonnie while delivering mouth-to-mouth resuscitation—as the 911 recording and police testimony indicate—the left shoulder of his shirt would have been perfectly aligned with the gunshot wound in her chest. That's where the blood spatter appeared. Also, the bullet punctured her lung, which makes it likely that Bonnie would have breathed flecks of blood on anyone giving her CPR.

These experts' conclusions add up to a chilling irony: In effect, Horinek's attempts to revive Bonnie resulted in blood spots that—in the hands of the wrong expert—led to his conviction.

After working on the Horinek case for more than three years, bloodstain expert Zannin contacted Waco attorney Walter Reaves, who handles innocence claims pro bono. Reaves became convinced that Horinek had been railroaded. He gathered affidavits from Varnon, Mike Parrish, Zannin, and MacDonell. In May, he began the legal process to get Warren out of prison by filing a writ of habeas corpus.

These post-conviction writs are always a long shot, especially in cases without testable DNA that can conclusively prove innocence. Horinek remains hopeful, though. "I think this is going to work," he says. After already serving 15 years, Horinek also will come up for parole for the first time next year.

In the meantime, he waits in prison, one day blending into the next. It could be worse. The flaws in forensic evidence have likely sent many other innocent people to prison, and unlike Horinek, most of them don't have former district attorneys and police officers working to free them.

Instead, many wrongful convictions—whether due to faulty blood-spatter analysis, misread fingerprint matches, shoddy lab analysis, or junk arson science—disappear into the shuffle of the criminal justice system. No one knows about them. And there's little chance they'll ever be overturned.

How I Got That Story: Dave Mann

Early in his career as a sports writer for The Winchester Star in Winchester, Va., Dave Mann realized he "wasn't too into sports journalism" and switched gears toward more long form, investigative reporting.

That decision has served him well. With eight years on the staff of the Texas Observer, Mann, 34, is a multiple first place winner in AAN's annual awards. In 2011, he took first place in the long-form news story category, circulation under 50,000 division, for "A Bloody Injustice," which questioned the blood splatter evidence in a 15-year-old trial that ended with a murder conviction. The story is one of several Mann has written examining of the credibility of forensic evidence.

As executive editor and interim editor of his paper, he said it's become a challenge to juggle long term investigative stories with day-to-day tasks, but it's not impossible. "You just kind of find a way to divide your time," he said.

How did this story happen?

I first heard about that case from Walter Reaves, who is an attorney in Waco, Texas, and he's done work on innocence cases before. I have worked with Walter on a number of stories in the past and I was meeting with him, last summer, and he mentioned a case that he'd started working on, involving Warren

Horinek.

He thought it was noteworthy because the prosecutor, the crime scene investigator and one of the detectives had all thought, during the original investigation, during the original trial, that this guy was innocent. They all thought that his wife had committed suicide and it turned out he had been convicted of murder. So right away, that really caught my attention because that sounded like such an unusual case. I'd never heard of anything like that and when I started talking to people about the story, no one I talked to had ever heard of anything quite like that either.

Reaves described to me that one of the main pieces of evidence in this trial and in this conviction was blood splatter evidence that was presented by a single forensic expert and a lot of that evidence that was presented at trial was now in dispute.

From that standpoint, it was very similar to some of the other stories that I had been working on and am still working on in that, I've done a number of stories in which there have been problems with forensic evidence. I did a series on flawed arson cases and kind of used that to start to explore some of the problems with forensic evidence.

The more people I talked to, the more I realized that a lot of the evidence that has been presented in years past in American courtrooms, a lot of forensic evidence, some of it has been deeply flawed and some of the forensic fields that are quite famous, whether it's ballistics, or crime lab, or even fingerprinting, a lot of these fields, have had problems.

Especially looking at the National Academy of Sciences report on forensic evidence, all these things were kind of coming together in the last few years, that kind of give me the sense that can be a lot of problems with forensic evidence in the wrong hands. Some of it can often be very reliable, but in the hands of the wrong expert in a courtroom, it can send an innocent person to prison.

So, [when Walter mentioned this case,] I became kind of fascinated with it right away and when I looked at the trial transcript and went and looked at some of the evidence and become pretty convinced quickly that—I didn't know if Horinek was innocent, but I thought there was something wrong with this case that deserved more scrutiny. So, I started investigating from there.

How much time did you spend with this story, from beginning to research to actually writing the piece?

Not too long; I would say between two and three months. From the time that I met with Walter and he told me about the case and I first got a hold of the trial transcript, and then talking to the forensic experts and then interviewing Warren, in prison, and putting the story together—I would say that was three months.

What was the most challenging aspect in reporting this story?

Some of the difficulties I had were, when you're dealing with a technical field, you really want to understand [it] and blood splatter was not an area that I had really come across much in my previous reporting on forensics. I think it was a little of a challenge, in just a few months, to understand the basics of blood splatter, the history of the field, dating back to the 19th century and where the advances have been and how, in the last 30 or 40 years, it's become more scientific and when you can have a reliable blood splatter evidence and when people take blood splatter evidence too far, or make statements that are

unreliable.

When I was looking back at the record in the Horinek case, when I was trying to determine whether the testimony that was offered, the blood splatter evidence that was offered, was reliable or whether it was flawed. I don't personally have that technical expertise, so I have to go seek out the people who can tell me whether this is correct or not. And that's challenging; I'm not a scientist. That's always a challenge, I think as a reporter.

Then, I went back and interviewed the expert in that case, who gave the testimony originally. I tracked him down and interviewed him and he, over the years, he'd changed his reasoning. He still thinks that Horinek is guilty, but over the years, he's changed his reasoning a few times.

In fact, he said something different to me on the phone than he'd said in testimony and during the appeals. So, I had to go back to other experts and consult with them and check his new reasoning and go back to him, so it was challenging because in some interviews, you can be on the phone and you know someone's telling you something that's incorrect and you can challenge them on the spot about it.

But in this case, when I've got a forensic expert who's telling me something on the phone that may or may not be correct, I don't really have the personal expertise to question them in the right way right there on the phone. I feel like I've got to check with other experts and then come back.

Some of the other elements were things that I had a lot more experience with—reading through a trial transcript, or dealing with lawyers, or interviewing someone in prision; these are things that I've done before in some of my stories, but when you're dealing with new forensic, scientific fields, that can be really challenging, I think.

Because you want to understand forensics, does that encourage you report on it?

I think it depends on the field. When I first started reporting on arson science, fire science and forensics —in 2007; that's really when I started getting into it—yeah, I didn't know very much; I think I was probably like everybody else, where I [thought] CSI, or whatever, when they bring their forensic expert in to testify to certain things, those things are probably correct. I knew there'd been some scandals in crime labs and we had a scandal at the Houston Police crime lab, but outside of those very specific examples, I didn't really know that there was a larger problem with forensic evidence necessarily. But it doesn't take very much time in reporting on the subject to know that there is a huge issue here, a much larger issue, in making sure that the evidence that's presented in court is scientifically verified.

We had decades where the evidence that was being presented in arson trials was not correct and it's likely that many, many people—innocent people—were sent to prison on false convictions for arson. These were accidental fires that were misread as arson and people were sent to prison. I think the same holds true for other fields. It may not be quite as blatant as that, it may not be as widespread, as it is in arson, but we do see fields where—take finger print evidence; you watch movies and I don't think there's a single crime ever solved in any movie ever without finger print evidence. It's pervasive. I think, the public, we think that that's incredibly reliable and sometimes it is, but there certainly is some emerging evidence to show that there are some problems in the system.

In the Horinek case, if you go strictly by the science of blood splatter, and the issue here was, looking at the blood splatter on the defendent's shirt and trying to tell from the blood splatter, how did that get there.

Did that get there because he was administrating CPR after a suicide? Or did that get there as the result of a gun shot blast? If you do the blood splatter analysis strictly scientifically, the answer is we don't know. You really can't tell from that evidence on that shirt where it originated. There just isn't the evidence there in those little spots of blood. Unfortunately, that's not what a prosecutor wants to enter into a courtroom, you don't want to say, "Well, I'm not sure."

What was the reaction to the story like?

We got good reaction from people in the criminal justice field, in the legal field. Warren Horinek is in the process of trying to get exonerated and I think our story spelled out his case clearly in a way that no one else had before. This was a case that had been big news when it happened, when the trial was going on, and the case since then, it's been pretty much forgotten about, I think, and we were the first ones to do a re-examination of it.

We got a little bit of media bounce here and there; some blogs picked it up and stuff, but this didn't become major news, I would say, but it certainly aids anyone's effort to get an exoneration.

I think Horinek has a hearing coming up in October, so I would like to think our reporting not only contributes to getting his case out there, getting his case known, but more generally contributes to the understanding of the potential problems with forensic evidence—the potential dangers of a forensic expert going too far.

Interview by Ilissa Gilmore, AAN

"You're in Bad Hands" by Alan Prendergast

February 11, 2010

Health-Care Hell: The insurance company didn't give a damn. The jury decided it ought to give $37 million.

By Alan Prendergast, Westword

Standing in a Boulder courtroom on a blustery Friday evening, waiting for the jury to return with its verdict, Jennifer Latham feels a knot twisting in her stomach. She thinks she might throw up.

She takes a few deep breaths. The nausea passes just as the jury starts filing in. Where this sick, anxious feeling came from, she has no idea. But it has nothing to do with doubt. She knows she is right, knows she is going to win.

She has known it all along.

It's been a long haul to get to this moment. Four years of acrid legal wrangling with Time Insurance, the Milwaukee-based health insurance company Latham sued for breach of contract and bad faith. Countless hours of hearings and depositions. Two weeks of a hard-fought trial, riddled with objections and bench conferences and relentless scrutiny of her medical records. At times she found it almost impossible to sit still, fidgeting in her chair or retreating from the plaintiff's table to sit with her parents in the back of the courtroom.

But none of that matters now. She's right. She's going to win. She has known it since — well, since she first realized what the insurance company had done.

The knowledge didn't come all at once. She has no memories of the accident and only fragmentary images of the next few weeks, as she struggled to learn to walk and read again and deal with the effects of a traumatic brain injury. But once she figured out what had happened, she knew it was up to her to do something. She had, she says now, a *calling*.

In 2005, Latham and her husband, Alex, were severely injured when a meth dealer fleeing police ran a stop sign in Longmont and broadsided their car. The couple suffered broken limbs, head trauma and a host of other injuries. Both spent weeks in the hospital.

At the time, Alex Latham had no health insurance. Jennifer did — or so she thought.

She'd signed up for health insurance with Time, also known as Assurant Health, five months before the accident. But as the hospital bills began to roll in, the company launched a review of her application and prior medical records, a process known as "post-claim underwriting." A Time employee then wrote a letter that Latham's attorney, Marc Levy, describes as "a sucker punch to the gut," informing her that the company was rescinding her policy — not just canceling it, but obliterating it, as if it never existed — because she had failed to disclose information about her health history on the application she'd submitted.

For people unable to obtain group health insurance through their employer, rescission of an individual policy can be a kind of death sentence. Once you've been rejected for alleged fraud on your application, it's almost impossible to obtain health insurance elsewhere. Lawyers for Time, the nation's oldest individual medical-policy provider, say that rescission is a rare remedy, affecting only half of 1 percent of its clients.

"It's a way to keep this kind of insurance as affordable as possible," defense attorney Ellis Mayer told the jury. "The fact that certain people are rejected for insurance is part of the business."

But Time's use of rescission to avoid paying pending claims has come under fire across the country. The company has run afoul of Colorado regulators over its rescission process and was fined $2.1 million in Connecticut for improperly denying hundreds of claims. The practice has also triggered a barrage of lawsuits — most of them settled out of court. Last summer, Time's CEO was grilled before Congress about the fact that his company had saved $150 million in five years by rescinding 8,500 policies, sometimes over vague symptoms or notations in medical records that the patient was never told about. For some pundits, the company has become the poster child for avaricious, weasel-word insurance companies in the debate over health care reform.

Latham's attorney told the jury that Time's application process was confusing, that the insurance agent asked his client summary questions and then filled out the convoluted form for her, and that the "investigation" in search of fraud was cursory at best. "They've never produced a scintilla of evidence that she had any intention to mislead," Levy said. "This is a game of gotcha. They can take away anybody's insurance policy."

Jennifer Latham's medical bills to date total close to $200,000. Unable to work, she and Alex lost their home in Longmont to foreclosure in 2006; they are now getting divorced. Jennifer lives on disability checks and walks with a rod in her leg. She and the two youngest of her four children have had no private health insurance since Time rescinded their policy.

People who have known her a long time — her mother, her thirteen-year-old daughter — say that Latham is a different person than she was before the accident. She was once a voracious reader, a take-charge mom, a teacher with the patience of Job. Now she's sensitive to bright light and noise, has trouble focusing, is forgetful, impulsive, gets upset easily. Yet there's one thing, they say, that the brain injury didn't alter: her sense of right and wrong.

"She's a remarkable woman," says Levy. "She has never described herself as a victim. But she does have a high sense of integrity, and to be called a liar for four years bothered her a great deal."

As the jury hands over its verdict, Jennifer Latham already knows that vindication is at hand. She knows she's right. She's going to win.

And Time Insurance is about to discover just how badly it has miscalculated: about the routine business of taking away people's health insurance, about this Boulder jury, about its own by-the-numbers defense — and, most of all, about Jennifer Latham.

Five years ago, everything seemed to be falling in place for Latham. She was changing careers, raising four kids and living in a five-bedroom house in Longmont that her second husband, a savvy and successful

real-estate agent, had found at a bargain price. At 35, she felt she was finally on the right track.

Raised in rural Michigan, Jennifer had earned an honors degree in elementary education and married the boy next door. Inspired by the writings of Jack Kerouac, the couple moved to Colorado in 1997. Jennifer found a job at a preschool in Broomfield that offered free daycare for their two daughters. Over the next four years she moved to Boulder, then Lafayette, divorced her first husband, became a director for Children's World Learning Centers and married Alex Latham.

The Lathams soon had two more children, Eden and Jackson. Alex's business was taking off, and Jennifer decided to quit her job to stay at home with the children while studying for her own real-estate license. By the fall of 2005, she was putting in eighteen miles a day on a stationery bike, doing yoga and working on having a body like Jennifer Lopez. "I was in the best shape of my life," she says now.

It all came apart in a heartbeat, a block from home, during a trip to the grocery store.

On Sunday, October 23, she was preparing for a visit from her parents, who were going to watch the kids while she and Alex headed for the Vegoose music festival in Las Vegas, featuring Dave Matthews and Widespread Panic; a friend had backstage passes. She and Alex got in their Hyundai and headed to King Soopers for supplies.

A few blocks away, Shawn Todaro checked the mirrors on his rented Silverado and saw a state trooper quietly tailing him. A parolee with a record of drug, weapon and theft charges stretching back to 1992, Todaro wasn't planning to get stopped. Not with 87 grams of methamphetamine, worth about $13,000, hidden in the floor of his truck.

Todaro took off. He blasted through a stop sign at 23rd and Collyer and T-boned the Hyundai, pushing it through a fence and into a tree, crumpling it like a soda can. The trooper arrived moments later. Todaro struggled with the officer, pulled a gun and fled on foot, leaving behind his meth and the screams of the people in the other vehicle.

Eight days later, police tracked Todaro's cell phone to a house in Fort Collins. He surrendered after a five-hour standoff. He pleaded guilty to vehicular assault and several related charges; Boulder District Judge Lael Montgomery gave him thirty years.

The Lathams had already received their sentence: shattered legs, lacerations, head trauma, internal injuries. If two emergency rescue workers hadn't lived yards from the crash and responded immediately with their equipment, the couple might not have survived at all.

Jennifer's parents, Jim and Sheila Shields, learned of the accident while on their way to Colorado from Michigan. They drove through the night and went straight to the hospital. Sheila could scarcely believe that the battered figure in the ICU was her daughter.

"She was so swollen," she recalls. "Cuts and bruises all over her. She was in and out of consciousness. She was talking about toilet-paper people. She didn't realize she was married to her second husband. She was all over the place."

Jennifer's own recollections of those first few weeks of rehabilitation are hazy. Her first post-accident memory is of being wheeled into a shower, realizing that she couldn't walk or bathe herself. She didn't

recognize her own sister. She drifted off from conversations.

"I had to relearn everything," she says. "Who I was. That I had kids. I had to learn how to walk. Then they had to put bracelets on my ankles because I wanted to escape."

She returned home in December, with her father appointed as a temporary legal guardian. One of the challenges facing her parents — along with taking care of toddlers who barely knew them, driving Jennifer to medical appointments, getting the older kids to and from school, visiting Alex at another hospital — was figuring out why the insurance company wasn't paying her bills.

When she left her job at Children's World, Jennifer had relinquished her group insurance, too. Her two older daughters were covered by her first husband's insurance, but she kept bugging Alex to get health insurance for them and the two youngest. Tired of waiting, she'd called an insurance agent named Jennifer Smith in May, five months before the accident, and had arranged a short-term policy for the family through Assurant Health, one of Time Insurance's entities.

Assurant advertises short-term policies — with numerous exclusions and high deductibles — as gap coverage for people between jobs, using the slogan "because anything can happen." But those policies expire after six months, and Smith contacted Latham in August to urge her to replace the policy with a long-term one that would offer more benefits. Just how and when the application got done remains a matter of some dispute, but a policy was soon issued for Jennifer, Eden and Jackson Latham. (Alex Latham was excluded from the long-term policy, for reasons never clarified at trial.)

Yet it soon became apparent to the Shieldses that Assurant was refusing to process Jennifer's medical bills, submitted by providers in the wake of the crash. Shortly before Christmas, a letter arrived from Assurant underwriter Kathy Sellers, stating that a review of Jennifer's medical records had revealed several pertinent items she hadn't disclosed in her application, including a "uterine prolapse with surgical resolution discussed," incontinence, an ER visit for shortness of breath and some "abnormal" diagnostic tests. The letter stated that Latham had fifteen days to return a consent form, removing herself from coverage, or the company would revoke her children's health insurance, too.

The letter didn't make much of an impression on Jennifer at the time; still deep in the fog of her head injury, she was pleased at the idea that she'd be getting a check when the company refunded her premiums. But the doctors had urged her parents to push Jennifer a bit, get her involved in "adult" decisions about her care. On December 28, she called Sellers to demand an explanation. The call was recorded by Time.

"I have been turned down for being covered, and I don't understand why," she said.

Sellers started reading off the answers given on Latham's application.

"I didn't fill that out," Latham responded.

Sellers mentioned the uterine prolapse — a slipping or sagging of the uterus, a condition that's not uncommon among women who've had vaginal delivery of several children.

"It doesn't say anything about that in the application," Latham said. "My question to you is, is every single thing that ever happened to me in my life, I'm supposed to record?"

It was a short, awkward conversation, interrupted by howling kids and Jennifer shouting at someone, "Get away from that!" Sellers promised to send Latham a copy of her application.

The Shieldses showed the rescission letter to Marc Levy, the lawyer whom they and Alex's parents had hired to try to deal with auto insurance issues surrounding the accident. A veteran of insurance defense work, Levy was astounded. He calls Sellers's missive the "stupid, stupid, stupid letter," a reference to a fatally callous insurance document in John Grisham's *The Rainmaker*.

"I defend insurance companies for a living, and I was offended," he says. "Shocked, really, that any company would treat an insured that way. My clients don't do that."

As Levy saw it, the letter offered his client something akin to Sophie's Choice: Relinquish your contract or we'll cut off your kids, too. In Colorado, there are only two ways for a company like Time to legally rescind an insurance policy: Obtain a court order or the consent of your policyholder. This looked like an attempt to bully Latham into consent. And what were the stated reasons? An episode of incontinence? Shortness of breath? Were these conditions asked about on the application? Had she been diagnosed with some specific disorder? Even if she had, Colorado is an "intent" state, meaning that the company has to show the applicant intended to deceive the company rather than innocently omitted something.

A member of Levy's firm wrote back to Sellers, asking for more information and more time to respond, given the holiday and Latham's condition. A response was promptly received, stating that the company is "currently conducting a review based on your appeal."

A few days later, one of Latham's medical providers called Time to find out if the company was going to reimburse a $70,000 bill that had been submitted. That conversation was also recorded by the insurance company.

"The claim is here," Time's customer service rep said. "There is a pre-existing investigation that has been opened."

The rep hinted darkly about the patient's "undisclosed medical history." When the provider asked if the bill was going to be paid, the rep let her know just how seriously the company was considering Latham's appeal.

"It's not going to be paid," he snapped. "I can guarantee you that."

A New York native raised in Oklahoma, Marc Levy comes across as a born litigator, with an appetite for the contentiousness of the courtroom. But as Jennifer Latham's dispute with Time Insurance crept toward trial, her attorney recognized that the case was spiraling into a rarefied — and costly — level of conflict. Levy had never seen a bad-faith case he considered quite as blatant as this one, or an opponent more doggedly determined to deny any wrongdoing.

"I think there's a business model here," Levy says. "The insurance company knows that if they deny a hundred claims, 95 of those people are going to go away. They know that five of them might consult with a lawyer, and that two or three of them might get a lawyer to take their case. And they know they're going to make it very expensive and protracted for those people to pursue their case."

The two sides battled over records, venues and deposition schedules, resulting in numerous delays. Time tried three times to get the case shifted from Boulder to federal court in Denver. The last attempt came only a month before the trial was scheduled to begin and was rebuffed by Judge Richard Matsch, who drily observed that "the defendant's motivation appears to be avoidance of unfavorable rulings and the trial date."

The company's strategy seemed to be to test how much the plaintiff was willing to spend to see her day in court. But then, practically on the eve of trial, the defense made a surprising settlement offer. It was a nice round number: one million dollars.

Another person would have jumped at the offer — particularly one in Latham's lean circumstances, supporting four children on a monthly Social Security income of less than $1,700. Another attorney, having fronted umpteen hours and upwards of $80,000 in costs in a contingency case, would have twisted his client's arm to take it.

But not Levy. And not Latham. She turned down the deal.

It was a lot of money in her world, all right, but so little for a company like this one. She wanted people to know what Time Insurance had done. How many people less fortunate than her had taken the money and been silenced?

"You're going to think I'm a crazy girl," she says now. "But I feel I had a calling. Be the change you want to see in the world — that's what I am trying to do."

Like a lot of trials, Latham v. Assurant was largely about documents and experts. Time had based its decision to rescind the policy on three instances of medical care that the company's post-claim review had uncovered. In 2004 Latham had been seen at a local clinic for pelvic discomfort and told a physician's assistant that "it feels like something is falling out." Six months later, she'd gone back to the clinic complaining of shortness of breath; she was referred to a hospital emergency room, which performed an EKG and other tests and released her.

Time's attorneys contended that such information was exactly what its application requested when it asked whether "any proposed insured had any diagnosis of, received treatment for, or consulted with a physician concerning" a broad spectrum of medical conditions. The clinic and hospital visits hadn't been noted on the application, even though having an EKG "is not something you easily forget," as defense attorney Ellis Mayer put it.

But Levy's expert witnesses characterized the medical records as ambiguous, requiring more investigation than Time bothered to do. John Grund, an attorney who's co-authored textbooks on insurance law and usually testifies on behalf of insurance companies, told the jury that it wasn't clear from the record that Latham had been diagnosed with uterine prolapse, let alone told that she needed surgery; in any event, Time had excluded the condition from the policy even before the accident.

As for the ER visit, the record reported a "negative workup." Latham had been told she was having a panic attack and sent home; small wonder that she would deny having any respiratory problems on the application form five months later. Defense witnesses made much of a notation about an "abnormal" EKG, but there was no indication a doctor had reviewed that finding or that anyone had told Latham about it.

In some details, Time's interpretation was just wrong. In referring her case to the company's rescission panel, the underwriter claimed that the ER records showed that Latham had responded to treatment with albuterol, a drug used for asthma. Latham's chart stated *no* response to albuterol, suggesting that her shortness of breath wasn't a respiratory issue.

In Grund's opinion, Time's review of the records was skewed toward rescission, and its appeal process was a "sham." The phone call from Latham to Sellers, which was played for the jury, should have triggered a more careful review of her health history.

"If you're taking the position that she intentionally misrepresented material facts," Grund said, "this [call] suggests something to the contrary. You've got to investigate it. They did nothing."

Yet documents and experts could only take the case so far. In the end, the case hinged on whether Latham was more credible than the witnesses from Time. Levy did his best to introduce the jury to the impassive, bean-counting corporate culture he'd been battling for four years.

He played the phone call from the customer service rep who "guaranteed" Latham's bills wouldn't be paid. He played excerpts of Assurant president Don Hamm's stumble before Congress. He introduced evidence that company officials had done so many rescissions the week Latham lost her insurance — 109 in two hours, about 68 seconds apiece — that they had to schedule three cases, including Latham's, for the following day and had no specific memory of her situation at all.

Insurance agent Jennifer Smith testified that she read the questions on the application verbatim to Latham. Latham insisted that Smith asked very general questions, without all the detail found in the application, and filled out the form for her. Uterine prolapse was never mentioned.

"She asked if I had reproductive problems," Latham said. "We laughed because I had all these kids."

In a deposition taken in another lawsuit, a Time employee said that the application questions usually aren't asked verbatim but in "a little more customer-friendly" manner. A transcript of an application interview produced in that same case shows the question about "reproductive problems" being posed the same way that Latham says she was asked about it.

Tugging on a canary-yellow sweater and straining to focus on Levy's questions, Latham insisted she didn't knowingly mislead anyone. "I may be silly, I may be stupid, I may be naive, but I'm not a liar," she said from the witness stand. "I try to live my life in a certain way.... I was a teacher of little kids."

"What's life like without health insurance?" Levy asked.

"Life is hard. I cry a lot. A lot of specialists don't take Medicaid. If they do, they say they don't have any space available. It's the first thing they ask about: insurance."

Time's legal team was led by Robert Walker and Walter Wilson, two attorneys from a prominent Mississippi defense firm. Walker aspired to a certain Southern delicacy in his cross-examination of Latham, but the performance seemed lost on a Boulder jury. He asked if a doctor had examined her "female regions" during her 2004 clinic visit, and you could almost smell the magnolias bursting into bloom.

But Walker's cross had its missteps, too. He asked Latham to read aloud a passage from her deposition. As she began to stumble over the words, he hastily retrieved the document — but not before the incident brought home to the jury how the accident had made reading an arduous chore.

Walker seemed puzzled that she'd managed to maintain auto insurance — for a van with bald tires donated by a local charity — while having no health insurance. He established that her medical bills had eventually been paid out of funds extracted from insurance on the rented truck that hit her and her own auto coverage, as if that made up for any alleged breach of contract by his company.

But if Latham emerged unscathed in cross-examination, the same could not be said of Time's highest-ranking witness, Darinka Sever. An eighteen-year veteran of the company, the manager who oversees the rescission process, Sever was the embodiment of Time's corporate spirit: bland but unyielding, fond of razor-thin distinctions of language rarely found outside an underwriting manual, and utterly fixated on the bottom line.

Sever defended the rescission of Latham's policy to the bitter end. There was no need to call Latham or her insurance agent or even her doctor before revoking her insurance, she testified: "The records were pretty clear." Had Time known about the ER visit for shortness of breath, the policy would never have been issued, she said.

Levy asked her if the company had ever bothered to process Latham's appeal. The policyholder never appealed the decision, Sever insisted. Incredulous, Levy asked about the letters he'd received stating that the company was "conducting a review based on your appeal."

Form letters, Sever said. There was no appeal.

What about Jennifer Latham's phone call? Wasn't that a request for an appeal? What about the letter from Levy's office asking for more time?

"The letter from your office is a request for information, not an appeal," Sever said.

The company had done nothing wrong. Not when it started telling medical providers the policy was no longer in effect, a day after notifying Latham of its intent to rescind. Not when it sent Latham a form letter asking for details of the accident six months *after* rescinding the policy. Not even when it sent her the stupid, stupid, stupid letter, offering to keep her children insured if she would immediately consent to what was, in effect, financial ruin.

"We gave them the opportunity to at least keep the kids on the plan," Sever said. "It's not a process to trick anyone."

When not on the stand, Sever sat at the defense table, consulting with Time's attorneys. By the time the trial was over, jurors had come up with their own nickname for the unemotional, all-business, gray-haired manager.

They called her Cruella.

This is a big day for Jennifer Latham," Levy told the jurors at the start of his closing argument. "This is, in

fact, her appeal. After four years, we finally got here."

He called Time's rescission panel a "star chamber" and wondered how any process so relentless — more than a hundred rescissions in *two hours* — could be described as a "fair and thorough" review. Since "the only regard Time has is for numbers," he had a few numbers of his own. By his calculations, the company had saved $116,000 per work day over five years by taking away customers' health insurance. He asked for $2 million in economic damages and $5 million in punitive damages against the company.

"We think health insurance should be about the people they promise to insure, the people they promise to take care of," he said. "You people are the last hope.... Please process our appeal."

Defense attorney Walter Wilson said that the application asked questions "in plain English" that required Latham to disclose the ER visit and list her uterine prolapse under "disorder of the reproductive organs." He denied that his client was calling Jennifer Latham a liar. "Time is saying Ms. Latham knowingly misrepresented her health information," he said — a distinction that seemed to elude everyone but the defense team.

Wilson played for the jury once more the phone call Latham had made two months after the accident, asking why she was being refused coverage. He apparently was trying to persuade the group that "Time was never told that Ms. Latham wanted a review of her claim." But the sound of a frustrated, badly injured woman pleading with a blasé underwriter seemed to have the opposite effect on the jury.

("I'm glad they played that the last day," juror Denise Kaatz told *Westword* the day after the verdict. "Hearing that again made me even more confident that she wasn't trying to deceive or lie.")

As for the $150 million Time supposedly saved through rescissions, the sum was a "nebulous concept," Wilson argued. So was Latham's "alleged emotional distress" from losing her health insurance. The evidence that his company had anything to do with the suffering inflicted on her and her children was "scant at best, non-existent in reality."

That was too much for Latham's father, Jim Shields, who abruptly stood up in the back row. "You can go to hell on that, mister," he said, and stormed out of the courtroom.

After the jury departed for deliberations, Wilson asked for a mistrial. Shields's outburst had "visibly upset" two female jurors, he claimed, and since four of the six were women, he didn't see how his company could get a fair shake. But Judge Roxanne Bailin had polled the jurors about Shields's expression of concern for the fate of the defense attorney's soul, and all had said that it wouldn't influence their decision. The judge denied the motion.

Levy had urged the jurors to send a message loud enough "so that Milwaukee can hear you." Six hours later, they came back with a verdict that was much, much louder than he had anticipated.

The jury decided that Time had breached its contract with Latham and owed her $183,551 for her medical bills. And $7.3 million for emotional distress. And $2 million for economic damages resulting from bad faith, plus additional sums for her children's future medical expenses, economic damages, non-economic damages — all told, the package of punitive and compensatory damages totaled $37.3 million, one of the largest bad-faith judgments in Colorado history.

Latham turned to Levy, tears in her eyes. "Maybe this will change the way they do business," she said.

Some jurors wanted to give her even more. Foreman Dan Vela was in favor of awarding $150 million as a way of punishing Time. "They didn't have a leg to stand on," says Vela, a general manager for a gutter company. "I hope we sent a message back to them that this was wrong."

"Most of their witnesses seemed dishonest, defensive and just showed a basic lack of humanity," says Kaatz, a production manager for an apparel company. "It was kind of frightening."

Through a spokesman, Time officials declined interview requests. Several days later, the company issued a terse statement: "While we cannot discuss the specifics of this case, we disagree strongly with the verdict and will vigorously pursue post-trial motions and appeals."

Latham's staggering award could be reduced or nullified on appeal. But under Colorado law, the punitive damages could also be increased if Judge Bailin finds that the company continued to engage in harmful conduct "in a willful and wanton manner" or aggravated the damages in the way it litigated the case. It could take years to resolve the matter, and Latham doesn't expect her life to change dramatically in the near future.

When she told her six-year-old son about the verdict, his response was, "Now we can buy all the gas we want, Mom." Her own reaction to the nebulous concept of $37 million is similar.

"My mind doesn't go that big," she says. "The day-to-day activities of being a grownup are hard for me. If I have any money, I spend it. I don't mean to. I lose it. It just goes away. I used to be really good with money."

In the aftermath of the accident, she was extremely angry about losing her insurance. But over time she learned that "you can live in anger or you can live in peace." The same thing goes for the man who plowed into her and Alex; she doesn't know his name, but she would like to meet him some day.

What's important to her is not the terrible times she endured getting to the courtroom, but where she finally arrived, the place she knew she would be all along.

"I feel vindicated," she says. "I feel like maybe I am going to be changing things."

How I Got That Story: Alan Prendergast

Coming from a liberal arts education and working with publications such as The New Yorker, Rolling Stone and Newsweek, Alan Prendergast acknowledges his background is “a little different” from other reporters within the alternative press.

But his desire to do long-form reporting brought him to Denver’s Westword, where he’s been a staff writer since 1995. In the 2011 AAN Awards, he took first-place in long-form reporting for “You're in Bad Hands,” about a woman’s legal battle against Milwaukee-based insurance company Assurant Health

for breach of contract.

Prendergast, 54, is also the author of a true crime novel, The Poison Tree: A True Story of Family Terror, and teaches at Colorado College.

Why and how did you decide to pursue this story?

I guess the overarching issue wasn't a hard one to get interested in. There was a lot of debate about health care reform raging at the time that I was looking at this. But the real question was how to find someone, find a story that would capture some of these issues in a really dramatic way—rather than doing some wonky piece about Whither Healthcare, or something like that.

That part of it was a little trickier because there were all sorts of problems. So, I got interested in the issue of post-claim underwriting, which I'd never heard of before until I heard about this case. The more I looked into what was happening with this particular woman's situation, the more I realized this was not going to, in any way, sum up the whole health care debate, but it was a pretty good indication why reform was needed—because of this type of corporate policy. This is not some incidental thing, or somebody falling through the cracks. This is someone who made an effort to have coverage for herself and her children and it was taken away from her under a very flimsy pretext, at a time when she needed it most, and that opened up the whole door of looking at this particular company and its history of doing this.

As to how I heard about this story, by hanging out with lawyers and hearing about an interesting case that's coming up, that's headed for court, where the parties involved are not going to settle this quietly, but really want to sort of thrash this out in public.

What surprised you about this story?

There were a few things. I guess what was most astonishing to me—I really had no idea the verdict would turn out the way it did. It was one of the largest punitive damage verdicts in the state's history and when I sat through the trial, I kind of understood why that would happen. I still was surprised it happened. I still didn't expect it. There's no way to predict anything like that.

I guess part of what surprised me was how clueless the defense, the attorneys for Assurant Health, seemed to be about how their case was coming across to the jury. The jury was incredibly, when I interviewed a couple of them, they were incredibly critical of just how tone deaf these attorneys seemed to be about the nature of the story they were telling. That this woman deserved to have her health insurance taken away because of some bureaucratic issue, which they were trying to raise about what she'd done on her application well before she got into this accident. That was pretty astonishing. They had brought in a team of lawyers from Mississippi who just didn't seem to play well in front of a Boulder jury and didn't seem to realize how they were coming across.

What was the hardest part of reporting this story for you?

That's a good question. I think trying to convey some of the nuances of what was being presented in the courtroom, what was happening. There are aspects of testimony that you only really can capture if you're there, if you're watching the interplay between the lawyers and the witnesses and the judge.

So, that's a big time commitment, especially these days to say to an editor, "Hey, I want to go spend a

week or more sitting in a courtroom, watching this trial." Even though long stretches of it might be boring, you really have to be there for the moments that are going to illuminate the story. There are several moments in that story, I think, that sort of show what's really going on between this insurance company and their clients. Just by the way they try to dismiss her claims and the way they treated her when she was on the stand, the total lack of concern they seemed to have about the ordeal they had put this woman through.

You mentioned time being an issue. How long did it take you to put this story together?

It actually, compared to some features, was fairly compressed. I mean, there was a little bit of document work and tracing some of the other cases this insurance company had been involved in, but it was turned around over the week or so of the trial.

I remember, unfortunately, the verdict came quickly. The closing arguments were made, I think, on a Friday morning, the jury came in late Friday afternoon. I was talking to jurors over the weekend and posting quick blog items about the story, prefatory to the actual feature writing. So, you're talking about essentially maybe, one to two weeks of reporting time and five days of writing time.

What kind of response did the story receive, once published?

Legal cases are never really finished until they're finished. The insurance company, Assurant Health, also known as Time, wouldn't really issue much of a comment to me. They did say they intended to appeal the case, which was, eventually, quietly settled for a fairly substantial sum—obviously, not the $37 million, but not peanuts either—many months later and that was not made public. So, really, there was nothing further to disclose.

A verdict does close a chapter on a story, even as you're wondering if the appeals are going to take the thing into a different direction somewhere.

How did readers respond?

Readers responded very strongly and there was a lot of outrage over the story. The story was picked up by a lot of websites. It won a laurel from Columbia Journalism Review, which was very gracious and flattering, on account of what we did. That was gratifying; you've obviously hit a nerve. I mean, this is a local story, but it's also a national story and it really got picked up a lot of places for what it illustrated about the private health care market and the problems that were arising out of this kind of coverage.

Are there any final thoughts you'd like to share about the story?

To me, this kind of story is a combination of sort of old-fashioned trial reporting, which most of us don't get to do much any more, and trying to weave in the larger issues by bringing in other cases and context. To me, that's a very satisfying combination because you have an opportunity to break some news at the same time you're really getting elbow-deep into a serious issue that affects a lot of people. I was just glad the opportunity arose and that we were in a position to do something with it.

Interview by Ilissa Gilmore, AAN

"The Island" by Holly Otterbein

January 26, 2010

Hugo Chavez owns it. New Jersey controls it. Developers and environmentalists covet it. And one brazen trespasser wants us to pay homage to its forgotten king. Welcome to Petty's Island, a fin-shaped slice of strange, in the middle of the Delaware River.

By Holly Otterbein, Philadelpha City Paper

The tomatoes, it seems, were grown for one reason only: to throw at people. Their outsides are firm, just right for wrapping your fingers around tightly and chucking; and yet their insides are the opposite — lumpy, soupy and mere hours away from going bad, which means they stain and splatter generously.

The 2,000 attendees throwing them were supposed to wait until instructed by the event's coordinators to rip open the boxes of red fruits. But just as the shot heard 'round the world tossed our virgin nation suddenly into war, a single tomato flung into the sky jump-starts the night. Dressed in mandatory togas and gladiator sandals, the attendees are hollering and flailing and unleashing their seedy weapons onto no one in particular, while Black Sabbath's "War Pigs" plays loudly from speakers. Then, in a pool in front of the crowd, four 20-foot-long ships, each one manned by employees from a different New York museum, crash into each other. Fireworks shoot off in every direction. Another ship enters the pool, filled with Roman candles, and bursts into flames.

In the end, *Those About to Die Salute You* — this performance art spectacle orchestrated by Duke Riley in Queens, N.Y., last August, for no reason other than to have fun — had been nearly as chaotic as the ancient Greek naval battles that inspired it.

New York magazine later guessed that Riley's host institution, the Queens Museum, had "either got every type of permit in the book or violated every city code imaginable."

José Roca, the Colombian artistic director of Philagrafika 2010 — a local, brand-new printmaking festival that opens Jan. 29 — was there, white cloth wrapped around him and red tomato in hand. He'd met with Riley once before, to ask him to participate in Philagrafika; he went to *Those About to Die Salute You* for the thrill.

"There was a platform with a mic, so someone could have been electrocuted. Someone could have gotten hit with fireworks. Many things could have happened," he says. "But I loved it. There was a sense of impending disaster that you wouldn't expect to have in an environment as controlled by fear as the United States. You felt that something real was going on."

Plus, there were copious amounts of free alcohol. "I gave 'em a lot of booze," says Riley, his Boston accent spilling out. "A *lawww-da* booze."

On Feb. 4, Riley will debut his newest work at the Historical Society of Pennsylvania, at 13th and Locust

streets, as part of Philagrafika. His subject is Petty's Island — a 400-acre, fin-shaped piece of land that sits on the Delaware River between Philadelphia and New Jersey. Never heard of it? You should have. It's a place littered with well-known and colorful characters — Pennsylvania founder William Penn, Venezuelan president Hugo Chavez, a man who declared himself the island's king, and even the pirate's pirate himself, Ol' Blackbeard. It's been the epicenter of a battle between developers, politicians and environmentalists since 2003. It's a place that two endangered bald eagles, guarded by the New Jersey Department of Environmental Protection, now call home. And here's Duke Riley, this rapscallion New Yorker, coming down I-95 to do God knows what with it.

Riley loves the sea, and everything related to it: pirates and hidden treasure, maps and shipbuilding, islands and tattoos. It began when he was a kid, working for his uncle on a fishing pier in Boston and hanging out on his grandfather's boat. Then, as a teenager, Riley left home and a serendipitous thing happened. "I ran away several times. There was a while when I lived in different abandoned buildings, but this one was a boathouse in downtown Boston," he says. "They had a fence, but you could walk from island to island and then go in through the porch."

He pauses, beaming. "Whenever I squatted, I squatted in style."

Now, as a sinewy, fresh-faced 38-year-old, Riley relives his childhood by boating on the Hudson River. He also builds his own ships, and gives his art projects names like *East River Incognita*, *Seaworthy* and *Night Swimming*.

Almost all of them are about the sea.

In the 1917 book *The Romance of Petty's Island*, author John L. Morrison wrote passionately about Riley's current maritime muse. He described Petty's Island as mythical and beautiful, and thought it a crime that Philadelphians ignored it. "Notwithstanding its proximity to the heart of this great community of two millions of people, Petty's Island is virtually an unknown land to most Philadelphians," he wrote. "A search through the musty tomes and papers of the past 250 years demonstrates that the big triangular island off the Kensington coast is saturated with the romance of the river, the sea and forest."

Morrison's words ring just as true 93 years later. Though Petty's Island has been the subject of CNN reports, a *New York Times* article and even a Danny Glover-narrated documentary, most Philadelphians have never even heard of it. In part, cartography's to blame: Petty's Island isn't *in* Philadelphia — it's in Pennsauken, N.J. But, really, that's no excuse: Our ignorance of Petty's Island is so great that most of us have looked straight at it, and never even realized it. If you've ever visited Penn Treaty Park, walked out to the edge of the Delaware River, and looked across to the left, that wasn't just New Jersey. That's Petty's Island.

Riley first came across Petty's Island while digging up old documents about the waterfront. "The waterfront is the area of the city that I'm drawn to in any given situation," he says. "Typically, the waterfront made up the periphery of urban society. So the sketchy stuff happened there."

As he researched the island, beginning at the Historical Society and then seeking out more arcane treasures in Northeast graveyards and 19th-century newspapers, he began to sense what so many people before him have — that Petty's Island is an epic microcosm of America. And, like most stories of America, it begins with Indians.

The Lenape tribe lived on the island for many years — making clay pots, foraging for roots and living in log lodges — until, of all people, a *woman* purchased it from them in 1678, for 600 guilders (about $20,600 today). According to several secondhand sources, William Penn then obtained it as part of his land charter in 1681; it's unclear what transpired between those two events. From that point up through the 1730s — when it was obtained by John Petty, whose name the island retains — it was likely a slave depot, liked by traders because of its scant taxes and proximity to Philly. (The presence of slaves on the island is supported by documents, but contested by some historians.) It was also where, free from law, Quakers went to gamble. Later, these Quakers partook in a nobler form of lawbreaking — they helped Petty's Island slaves escape from bondage.

Like any historical site worth its salt, the island also breeds legends and tall tales. Some claim that Ben Franklin slept over once. (A chapter in a Petty's Island historical pamphlet is actually titled "Ben Franklin Sleep Over.") Others insist that pirates — even Edward Teach, aka Blackbeard — paid a visit.

Sharon Finlayson, chairwoman of the New Jersey Environmental Federation, wasn't too interested in history until she found Petty's Island. "I was just reading this history to my son the other night because I thought it was so interesting," she says, summoning her best bedtime-story voice to read from the book *Camden County, New Jersey, 1616-1976: A Narrative History*. "The island had at various times contained an Indian trading post, an embarkation point for African slaves brought for sale in the Philadelphia market, and an amusement center."

Then she reads from a pamphlet about Elizabeth Kinsey, the anachronistic, tolerant woman who purchased the island from the Lenape Indians in 1678. "Elizabeth Kinsey recognized the Indian viewpoint and agreed that the aborigines might continue to hunt and fish on the island, and dig for tuckahoes, an edible root which was an important part of their diet," reads Finlayson. "In return, the Indians promised not to kill her hogs or set fire to her hayfields."

Finlayson laughs. "Don't you love it?"

Strangely, it wasn't these Petty's Island scallywags, heroes and hedonists who captured Riley's attention — not Kinsey or William Penn or Ben Franklin or even Blackbeard. His focus is Ralston Laird, the king of Petty's Island.

In the middle of the 19th century, the Irish were not yet white enough to earn mainstream America's stamp of approval. Ralston Laird, arriving in Philadelphia from the Emerald Isle in the early 1850s, may have felt defeated by this. Or maybe he was just a born misanthrope. It's hard to pinpoint, from 150-year-old newspaper reports, why, exactly, he tired of Philly so quickly. Whatever the case, only months after docking in the Delaware, Laird fled from the city — and found a 52-year home on Petty's Island.

Or, better put, a 52-year kingdom on Petty's Island.

In newspaper article after newspaper article, Laird is referred to as the "King of Petty's Island." And yet, he didn't look or behave majestically. Laird married, raised cattle, grew a long, white beard and had 10 kids, four of whom were born deaf. What made him exceptional was that he had an island — all to himself, save for the few people he invited to join him — because a land company paid him $40 each month to look after it. And that was reason enough for Laird to declare himself king.

Laird's great-grandson, 67-year-old Marylander Anthony Sariti, told Riley that he'd grown up hearing that Laird was "weird" and "homeless." But talking to Riley, you'd think Laird descended from King Henry VIII. "There are a lot of articles he pops into 'cause he was just an extremely popular guy," says Riley. "There was a bunch of people who lived on the island, but whenever something happened, he'd be the guy reporters would talk to."

Riley also thinks that Laird was just a genuinely good man. "Other immigrants who were, you know, struggling in Philly — Laird invited them to come out to the island and start a new life there," he says. "He set up a farm for them and helped them get on their feet. So people really liked this guy, ya know?"

Riley must really like him, too — enough for him to trespass onto Petty's Island and commit a crime in Laird's name that could land him in legal trouble with a pretty intimidating guy: Hugo Chavez.

It wouldn't be the first time he ran afoul of the law to make a statement.

It was 2007 — six years after 9/11 — and, as far as Riley was concerned, security in New York City was still laughable, inconsistent and a paradigm of government waste. Sometimes the cops would stop him for merely operating a video camera in the city; other times, he'd ride a helicopter over the Hudson River with no ID, several black steel cases and two frighteningly buff friends, and not even get questioned.

He wanted to prove that security like this — fickle and too focused on the unimportant stuff — was futile. So he came up with a plan: He'd take a submarine out to the Queen Mary II, a luxury cruise ship docked in the Hudson River. He'd get close enough to the ship to be able to attack it, to document that it was possible to do so without getting caught. Then he'd show everyone what he'd done later at a gallery exhibit, to be titled *After the Battle of Brooklyn*. Oh, and one more thing: He'd build the sub himself, and it would be a replica of the first submarine torpedo boat ever made, in 1776, by a Revolutionary soldier named David Bushnell.

Riley made the best of the soldier's rough notes, full of vague measurements like "an arm's length" and "the width of a very big tree." He submerged, a little tipsy on beer, on Aug. 3, 2007. Thirty minutes later, the crank-powered sub was spotted by a police officer and then dragged out of the sea by the Coast Guard. This set off a "terrorism response," wrote the *New York Post*, and Riley and his two comrades were arrested.

In the end, all Riley faced were local charges for unsafe towing, operating an unsafe vessel and disturbing the peace. He was never brought to court by the feds, though they told him they'd be "keeping an eye" on him.

"They just kind of left the case hanging, so they could compound charges later," he says. "It's partially to keep me from doing something crazier, I guess."

When José Roca, artistic director of Philagrafika 2010, first met Riley, he asked him how he'd describe his art practice. He expected Riley to say "printmaking" or maybe "performance art."

"Instead," says Roca, "he said, 'breaking the law.'"

Still, it's hard to imagine why, with terrorism charges from his *After the Battle of Brooklyn* stunt still lingering over his head, Riley would do what he did.

On the weekend before Thanksgiving, Riley rowed a small boat to Petty's Island. It wasn't his first trip: He'd been there a few times before, dropping off paint and other art supplies that he'd need this night.

Now owned by Venezuela's CITGO Petroleum Corp. — which used it as an oil refinery until 2001, and now rents it out to the Trailer Marine Transport Corp. — Petty's Island can't be accessed by the public without permission. There are guards stationed around the island. But Riley trespassed anyway, entering at the island's western tip and walking through dense forest to CITGO's oil tanks. When he reached one, he pulled on a pair of rubber pants, walked through the water surrounding the tank, and climbed atop it. Then he painted, on all 11,000 square feet of the top of the tank, a portrait of Ralston Laird. In inky blue, it depicts Laird in a popped-collar suit, curly beard and bowtie, with flourishes encircling him.

"It's supposed to look like one of those commemorative plates for royal families, like for Princess Diana and Prince Charles," Riley explains.

Below Laird, it says "King Ralston." Above, "1825-1911."

Riley was thrilled when he first saw the finished product. "I couldn't really see what I was painting. And even if I could, it wouldn't have made any difference 'cause there's no way to step back from the tank and look at it. So I was like, eh, if it's a little off I'll live with it," he says. "But when we rented a helicopter and flew over it, I was like, holy shit! It came out perfect!"

(Asked how he can afford a helicopter, and whether or not he's a secret Wall Street billionaire, he says, "Like with any of my projects, I knew I'd need to set aside a piece of the budget for documentation, and I knew a helicopter would be the only way to view the piece.And, like all of my projects, I went over the budget provided — by Philagrafika — and dug out of my own pockets. Wall Street billionaire? Hardly. I sleep in my drawing studio on a cot-size bed.")

Riley plans on exhibiting a photo of it at the Historical Society show. Asked if he's scared of getting arrested or fined, he's incredulous: "It does sort of look similar to the way I would paint something, but that doesn't mean I painted it."

Then he talks about a letter he wrote recently to Venezuelan President Hugo Chavez, who, since CITGO is a fully owned subsidiary of Venezuela's national oil company, is the de facto head of CITGO, and thus, owner of Petty's Island. In it, Riley identifies himself as a liaison for the Laird family — specifically, a liaison for the dreamt-up "Laird Kingdom Liberation Army," a group of imaginary freedom fighters who descended from the king of Petty's Island. Riley's letter demands that Chavez "place the [island] under the care of the City of Philadelphia. The island originally belonged to Philadelphia and it is where the majority of the exiled Lairds are buried."

That is not, in this universe or any other one, going to happen. New Jersey fought for its rights to Petty's Island, and now that it's got them, it's not letting go.

Petty's Island is a strange, paradoxical place— a place where women could buy land in the 17th century

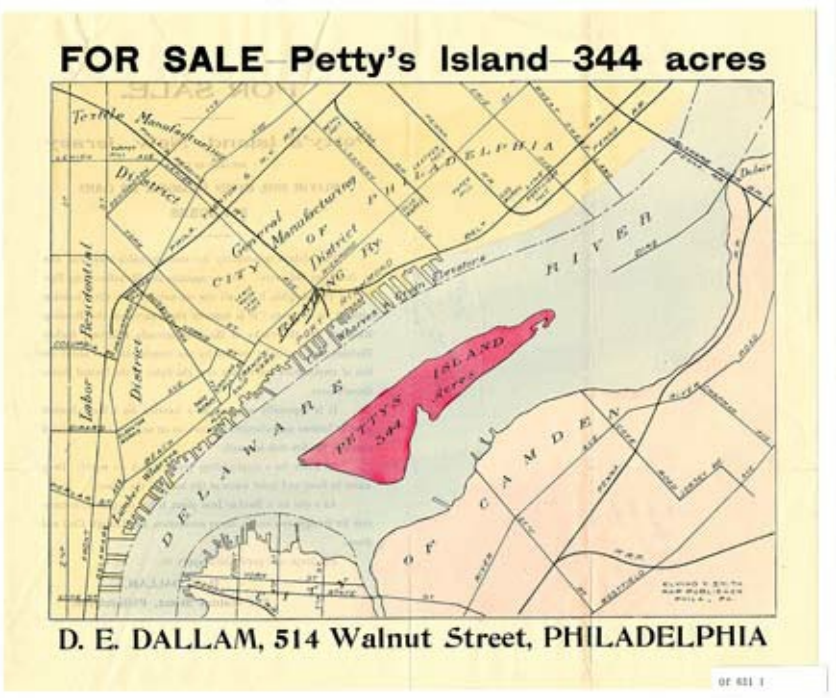
and, in 2009, CITGO somehow ended up being the good guy.

Prior to 2003, CITGO didn't seem to care much about the well-being of Petty's Island. It had, after all, run an oil refinery and stored underground tanks on it for nearly 100 years, and it was rumored that the company was thinking about developing it with homes. But when a pair of endangered American bald eagles was spotted on the island, that all changed. CITGO paid for an environmental assessment of Petty's Island, which found that it's practically a beleaguered species refugee camp: The threatened osprey, endangered Northern harrier and endangered peregrine falcon all live there. Since more than half of it has been nearly untouched by modern man, Petty's Island is lush with non-endangered species, too. It's home to green herons, Eastern garter snakes, turkey vultures, red-bellied turtles, horned grebes, fowler's toads, deer, merlin, great-horned owls, butterflies, meadow voles and dragonflies. All this, nestled between two American cities.

In March 2004, CITGO made good. The company informed Bradley Campbell, then-commissioner of the New Jersey Department of Environmental Protection (NJDEP), that it would hand over the island to the state of New Jersey to be developed into an environmental refuge. Campbell says he initially favored the deal.

CITGO's decision wasn't completely altruistic. It made the company — and Chavez — look good in the American press. According to Jeff Tittel, director of Sierra Club's New Jersey chapter, the Endangered Species Act would have prevented CITGO from developing half of the island anyway. Tittel also says that transforming a polluted site into a residential area requires a laborious, expensive remediation. By choosing to make it an environmental refuge instead, CITGO was required by law to clean it up less.

Environmentalists didn't mind if CITGO's intentions were pure or not. "Quite frankly, if the island is saved and preserved, I don't care if there's an advantage for CITGO," says Finlayson, of the New Jersey Environmental Federation. "This is still a great example of how a polluting industry took an interest in what they had around them, and worked to bring it back."



An archival map of Petty's Island; the island's actual area is 400 acres. (Courtesy of Historical Society of Pennsylvania)

But New Jersey politicians had different interests. By the time the bald eagles were found, the city of Pennsauken was in the midst of a huge redevelopment plan with Cherokee Investment Partners, which envisioned a Petty's Island sprinkled with a golf course, conference center, 2,700 homes and 500,0000 square feet of office and retail space — not an environmental refuge. In September 2004, the New Jersey Natural Lands Trust voted on CITGO's offer. Though the trust's board voted 5-3 to accept the island, all three of the trust's state employees voted against it — and, according to the trust's laws, at least one state member must vote affirmatively for a motion to pass. Campbell says then-Gov. James McGreevey told him to instruct all state employees to vote against the offer.

Pennsauken officials assured Cherokee that they could take the island by eminent domain, and moved forward with plans to develop it. But in late 2004, the Cramer Hill Residents Association (CHRA), a neighborhood group that has long battled Camden's redevelopment plans, filed a lawsuit against the city of Camden, challenging the redevelopment. Two years later, Camden lost, but only on a technicality — the Camden Planning Board hadn't sworn in witnesses at a board hearing.

Still, the state showed no signs of slowing down. But then, something miraculous happened. The economy crumbled. "Development was at the heart of their plan," says Finlayson. "So it just made all parties involved step back and take a second look and say, 'Wow, what are we doing here?'"

On Earth Day 2009, then-Gov. Jon Corzine announced that the Natural Lands Trust would accept Petty's Island from CITGO.

The title transfer won't occur until 2020, but in the meantime, CITGO will be busy cleaning up the site — at an estimated cost of $15 million to the oil company. On top of that, CITGO agreed to give the state $2 million to maintain the island and an additional $1 million to build an educational center, bike paths and hiking trails.

"This will be a tremendous resource for people in the area — it's a green space in one of the most developed areas in the country," says Tittel. "And it taught an important lesson to citizens: that David beats Goliath. Citizens stopped one of the most powerful groups of politicians in the country."

A year later, the cleanup is on schedule. Lawrence Hajna, spokesman for the NJDEP, says CITGO is currently removing the tanks, doing a soil investigation and conducting groundwater treatment. He also says that, sometime this year, the Natural Lands Trust will invite the public to a discussion of what the Petty's Island education center will entail.

Riley has his own plans for Petty's Island's education center.

In his letter to Chavez — which hasn't yet been answered — he argues that Laird must have a role in the island's future. (In fact, this is not Chavez's call. The Natural Lands Trust will decide what the island's educational center looks like.) Riley writes, "A permanent public monument of Ralston Laird must be included in the historical redevelopment plans for the island. Special programming for the hearing impaired must also be incorporated, in memory of the four Laird princesses who were born deaf."

Riley's letter is funny, but it's no joke. Like Finlayson, Tittel, Chavez and all the other hundreds of people who've invested themselves into the island, Riley cares deeply about its future. "The LKLA," he writes to Chavez, referring to his fictional Laird Kingdom Liberation Army, "also shares your concern for the environment and fully supports your decision to turn the island into a nature reserve and education center."

On Feb. 4, Riley will display this letter at the Historical Society exhibit. He'll also reveal an aerial photograph of the painted oil tank, which will sit above the Society's fire mantel. Below, a set of commemorative plates honoring the living Laird descendants will hang on the wall. A hand-drawn Laird family tree, artifacts that Riley found on the island and a family timeline will be featured, too.

One thing that Riley had originally hoped to include, though, won't be there. Months before he climbed atop a CITGO oil tanker and immortalized his king, Riley had planned to track down the "craziest Laird descendants" he could find and crown them prince and princess of Petty's Island in some elaborate, nutty ceremony, à la *After the Battle of Brooklyn*.

But that fell through — or at least that's what he's telling everyone.

"We've been surprised throughout the process," says Lauri Cielo, program director at the Historical Society. "We're prepared to do whatever he wants, but so far he doesn't have anything planned for the evening.

"That we know of."

"The House that Jack Built" by Adam Gold

January 20, 2011

Jack White's Third Man Records tells the world: Your Music City is not dead

By Adam Gold, Nashville Scene

It's an October night in Music City, a Friday, in a gritty industrial no-man's-land between downtown and The Gulch. Two years ago, nobody but street people and strip-club habitués would have been found down here after dark. Tonight, though, outside a black brick building beside the railroad tracks, a line of eager music fans wraps around the block.

The occasion is the Next Big Nashville festival. It's an annual plea for the music world to see Nashville as it sees itself — a buzzing hive for everything from jazz to gospel to classical, but especially a rock scene that's been primed for two decades to pop. It's barely 9 p.m., but for most in the serpentine queue, hopes of making it inside the mysterious building with the Tesla tower on top are futile. Already the room is at capacity.

Midway though a raucous set, local garage-punk quartet Heavy Cream bash away before a frenzied crowd of any and all ages. Bathed in blue, the band can be seen above the undulating human underbrush, all pumping fists and airborne elixirs. The excitement, the energy — they're palpable. Is this really Nashville?

Indeed, if the major-label hitmen and local paparazzi shut outside could peek within the curved blue walls, they'd see a city they might not recognize. In here, Music City is ahead of the musical curve, not chasing it. Here, buzzed-about acts travel hundreds, even thousands of miles to play, instead of driving past en route to other tour dates.

In a dark corner, taking in this view from the shadows, is a man clad head-to-toe in black. He is international rock superstar, guitar god and Nashville transplant Jack White, and this epicenter of cool, Third Man Records, is his house.

In it, no detail appears without purpose, as if art-directed to a photo-shoot T. And every artifact, from the photo booth in the corner, to the logo behind the stage, to the red sparkle-wrapped drum-kit with peppermint painted skins — familiar to anyone who's ever seen a White Stripes video — bears the fingerprints of White's seeming Midas touch.

"People always look at the finished product and they assume it was written down on paper beforehand," White tells the *Scene* one afternoon, long after the crowds are gone and the blue lights dimmed. "The funniest thing is, the bands, and the building, and these records, they're all the exact opposite — they're all just happenstance."

Still, for anyone venturing into this room for the first time, it all just looks too perfect. In a sense, it is. Local rockers hoped White's cachet of cool would galvanize the scene when he planted roots here four

years ago — even if they feared he'd overshadow them.

But past experience made the acclaimed rocker slow to impose his identity and curatorial savvy upon a music city so steeped in its own traditions. From The White Stripes' early success in Detroit's happening garage-rock scene of the 1990s, and the resentment it fostered, White knew the pitfalls of local rock politics and pissing contests. By the time he left, bands he'd helped get national attention tried to get even more by slagging him publicly and milking confrontations for coverage.

"I tread lightly on the scene in Nashville because I don't wanna infiltrate it and be too involved in it," he says. "I got really burned in Detroit, being heavily involved in the scene up there, so it's a little bit scary. I have some trepidation about it. I don't wanna cause any problems" — he laughs — "you know? I don't wanna interrupt the flow of what's naturally happening with [Nashville] bands either."

So instead of painting the town a White Stripes red and white, he settled for black and yellow (and white). He recruited a tight group of close confidants to start up Third Man — a boutique record label, store, production and distribution center, photo studio, and live music venue. Each show is recorded, and most are released as live albums — souvenirs of an experience, not a concert.

In so doing, Third Man Records has produced one of the most counterintuitive, and inspiring, business models the music industry has seen since the extinction-level advent of digital. Its releases are primarily vinyl. Promotion and marketing costs are almost nil. Above all, its artist roster is driven by personal taste.

And yet Third Man has become something of an indie-rock tourist destination — a magnet that attracts collectors, early adopters and vinyl junkies, as well as the attention of typically indifferent-to-Nashville media. Its headquarters acts as a veritable Chocolate Factory to White's Willy Wonka. And there's almost as much curiosity, and misconception, about what goes on inside.

People know Third Man is a store, but what does it sell? They know Conan played there, but who could get in? They've heard there's a recording studio inside. There isn't. Why do they wear matching suits? Because they feel like it.

True, the place is a monument to Jack White's musical accomplishments. But the dirty secret behind Third Man is that it's not a vanity project. You don't *have* to be a fan of White's to find records there you'd like but have never heard. And for those of you who are fans of White's, well, there's Mastercard.

It also helps if you own a record player. If not, they sell those too — in addition to headphones, and any other item that accompanies onset audiophilia.

Third Man's slogan, "Your Turntable Is Not Dead," applies to both the products they sell and the experience they provide. In this day of featureless digital downloads — the boneless skinless chicken breast of the music industry — White is the rare post-Napster artist who's a celebrity even to people who don't follow music closely.

Accordingly, the label's focus is on the tangible. While the rest of the music business struggles to keep up with ringtones and apps, Third Man is doing the opposite — investing in, and capitalizing on, the visceral appreciation of collectible vinyl artifacts, as if records were baseball cards or comic books. And just as the card collector gets little intrinsic payoff from a JPEG of Mickey Mantle, significant numbers of Jack

White's fans get little from an MP3.

"I think the labels are just as confused as the fans are — confused by how many formats, and how many different types of experiences are thrown at them just from the Internet alone," says White, who describes his business and his aims in quick, disarmingly conversational terms. "[With] this place, we start with something real, and tangible, and things that you can only get and experience if you got up off your seat and went and did it.

"It's kids getting real records in their hands and listening to them, and starting a whole new trek down some other path that's not digital, not invisible, not disposable. It's about appreciating real experiences, and real objects, and art that can be appreciated, listened to, and loved."

Step inside the tiny storefront, and you'll see what's essentially a glorified merch-table display. Tour souvenirs and framed photos give a cursory history lesson of White's successes. Yellow tinted windows cast a golden glow throughout the shop, resonating off the yellow and black wood paneling, gold tin roof and black floor.

This space may be about 400 square feet, but it houses a carnival of antiquity. The store is decorated in eye-catching trinkets and gadgets: button dispensers, a wooden phone booth, stuffed birds, shrunken heads, vintage Victrolas, a coin-operated automated monkey band. Perhaps the last thing you notice is the lone record rack to your right.

Yet its seemingly modest selection of records — remember them? — is where Jack White's heart lies. Dig through and you'll find a treasure trove of releases you'd be hard pressed to find aggregated at any other record store. LPs and 45s span artists as wide-ranging as Flat Duo Jets founder Dex Romweber, rockabilly pioneer Wanda Jackson, Swedish psychedelic outfit Dungen, even the late astronomer Carl Sagan.

Each is produced and overseen by White and manufactured in house. And each is a testament to the fastidious, hands-on presentation for which he is known.

On the opposite side of the building is its anchor, known as "The Blue Room." Originally intended as a joint rehearsal space/photo-studio — complete with adjoining darkroom — it has evolved into Nashville's latest concert venue, accommodating an audience of 300 or more.

But the performances you're likely to see there are unlike any you'll see at clubs in this city or any other. Like when White flew legendary Japanese garage-rock trio The 5.6.7.8's around the world to Nashville for a one-off gig, then got up and jammed with them. Or when he tapped Elvira, Mistress of the Dark, to host the label's Halloween shindig.

Or, yes, when Conan O'Brien stopped in for a performance last year on his way to Bonnaroo — an experience Coco described on the premiere episode of his TBS show (with White as a guest) as "one of the highlights of my tour, and my life."

All the shows in The Blue Room are recorded, and most are released (even Conan's). It's the only venue in the world where concerts can be recorded live direct to analog tape. That includes lesser-known artists like comedian Reggie Watts and locals like PUJOL.

Since opening in March 2009, Third Man now has an impressive 74 titles. Two weeks ago, the label released JEFF the Brotherhood's *Live at Third Man*, and on Tuesday they'll put out Wanda Jackson's *The Party Ain't Over* — an album White produced and performed on with the rockabilly queen and Rock and Roll Hall of Fame inductee.

If you ask White, he'll say he's not trying to make over Nashville's street cred or give the town's artists a ride on his long coattails. But as Third Man's fame spreads, it's getting harder and harder to tell. After all, it's happenstance. So how did Nashville end up holding the golden ticket?

"I wanted to live down South when I was trying to leave Detroit," says White, who was looking for somewhere to explore his bone-deep affinity for Southern music and folklore. "I just looked everywhere — Mississippi, South Carolina, Kentucky — and I kept finding myself working in Nashville for reasons out of my control.

"And it sort of just hit me over the head, 'There's a reason I keep coming here.' At first it was Tennessee: I thought, 'Memphis.' But Memphis is too similar to Detroit."

Detroit's the reason White is cautious about casting his shadow over Music City. In Detroit, he was recording and championing bands long before he reached the highest echelons of rock stardom as singer, guitarist and songwriter for The White Stripes (and later as a member of The Raconteurs and The Dead Weather). But his rise above the fray rankled many in the Motor City.

"[Jack's] relationship with Detroit will always be peculiar," says Ben Blackwell, White's nephew and a Third Man fixture. "Not a lot of people can point to someone that they hung out with, that was doing pretty much the same thing they were doing, and turned around and made millions of dollars doing it. They say, 'What's so special about that guy?'

"Well, you know what? He wrote really great songs and he worked really fucking hard. And maybe you did too. And maybe you didn't."

Perhaps no one knows better than Blackwell how John Anthony Gillis became Jack White. In the band's first three years, he saw every show The White Stripes played, and he has long acted as their archivist. Independent of his uncle's celebrity, he's a Detroit luminary in his own right.

Blackwell, 28, spent his adolescence steeped in Motor City's legendary garage-rock scene of the '90s. By 17 he'd begun drumming for the Stripes' electrifying peers The Dirtbombs, and he went on to found Detroit's Cass Records. But before this fresh-faced, dry jokester could rattle off music-production factoids faster than Rain Man counts cards, he was a 15-year-old enamored of his young uncle's upstart rock combo. He'd meticulously file away each show's handwritten setlist — artifacts that obsessive White Stripes fans covet more than a white-label pressing of *The Freewheelin' Bob Dylan*.

"At the time, I was just excited, you know, making my annotations and writing lists and all that stuff," Blackwell recalls. "And then three or four years later it becomes one of those things, like, 'Oh, this is actually, probably gonna be important.' Like you could see it happening in front of you."

Such foresight inspired him to ask for a fireproof safe one year as a Christmas present. It turned out to be a wise move. When a fire struck his mom's house two years later, the priceless fliers, handwritten lyrics and setlists stayed secure. They survive as proof of the hustle White honed early on, which would come in

handy by the time he got to Third Man.

"It was five years until people really started to pay attention to them, and that was five years of touring in a Ford Taurus," Blackwell remembers. "It was Jack and [drummer] Meg [White] up front, and me in the back with my arm on the bass drum, driving to Cleveland on a Friday night for a show and then driving back after the gig. I've never seen a band do as little after-show partying and hanging out as The White Stripes. Where Third Man's at now is a testament to that dedication."

As Blackwell rode shotgun on White's meteoric rise to fame, he says, there were always moments where they'd say to each other, "It's never gonna get bigger than this." The most specific, he recalls, was when The White Stripes played *The Craig Kilborn Show* in 2001.

"I remember us just thinking, 'A two-piece band from Detroit made it onto late-night television,' " Blackwell says. " 'This is it, it'll *never* get bigger than this.' "

But while White may have never anticipated highs of success such as, say, playing for Sir Paul McCartney and President Barack Obama at The White House — as happened last year — he wasn't without an insurance policy. When inking his major-label deal with V2 Records in 2001, he established Third Man Records, a self-owned label licensing his masters to V2.

For years Third Man remained mostly exclusive to White's projects, existing in name only. In 2007, however, not long after he planted roots in Nashville, V2 collapsed. White's insurance policy paid off. He gained full control of his masters.

Unsatisfied with the original vinyl pressings of his White Stripes and Raconteurs records, White seized the opportunity to retouch and reissue them under his total control. To assist in the endeavor, he called upon Blackwell and longtime friend Ben Swank, a jack-of-all-trades whose background includes label promotion, music journalism and a stint as drummer in The Soledad Brothers. At the same time, White had grown tired of paying rent on storage spaces. He reveled in the opportunity to design his east of Eden — his Graceland, if you will.

"I'd never had the time to take courses in design or architecture like I'd wanted to when I was younger," White says. "So places like this, constructing them, I finally get to expand on the design fascinations I had when I was younger and I had my upholstery shop [also called Third Man]."

In March 2009, the label celebrated its private grand opening with a debut performance by White's latest project, The Dead Weather. Nearly a year would elapse before another audience would pass through the back doors to The Blue Room.

Third Man was open for business, but the establishment was, and is, largely a mystery to most Nashvillians. In terms of the label's mystique — and White's — Swank says, "We cultivate it to a degree, but I think people think it's worse than it is." He laughs. "I've had people tell me we're in a cult."

Really, he says, the mystery is no greater than quality control. "I think Jack's misunderstood a lot because people are like, 'Oh, he doesn't like computers. He doesn't like this, or that,' " Swank says. "No. I think he doesn't like having his art misrepresented."

To press their vinyl, Third Man looks no further than their own backyard, using United Record Pressing

Inc. — a Nashville institution that dates back more than a half-century. The plant is a whopping 1.3 miles from Third Man's doorstep, a drive Ben Blackwell makes on a daily basis. He's such a fixture at the plant, he even moonlights as a tour guide.

The proximity of the plant cuts down dramatically on shipping costs. Plus it fits Third Man's neighborly attitude. As Blackwell says, "If you have something in your hometown, use it." In Third Man's first 18 months, the plant has pressed more than 200,000 pieces of vinyl for the label — more than half of which have been sold. Almost each label bears the branding, "Manufactured by United Record Pressing, Nashville, TN."

"That's one of the secret weapons of Third Man, that we're in a city that isn't crazy expensive like L.A. or New York, but has that infrastructure," Blackwell says, showing a guest through the factory while its odd-metered mechanical clamor rattles the walls like a T. Rex.

As for Third Man's catalog, Blackwell says, instead of "Your Turntable Is Not Dead," the label's catchphrase could just as easily be, "Recommended if you like Jack White." While the Third Man crew are democratic in their decision-making, the last word on everything is White's. And like the collectors who bend over backwards to get the next release, he's racing to get it out.

"He could just sit and let 'Seven Nation Army' pay his bills for the rest of his life," says Blackwell, "[but] the guy does not stop working. It's constantly the rest of the staff trying to keep up with him."

As White guides the *Scene* through the Third Man offices, while The Cold War Kids sound-check for their show later that night — a sellout despite the late December snowstorm outside — he walks and talks at the pace of a shark who must keep moving, and he can taste the blood of each finished product. Despite his success, he moves like a hungry man.

In an age when it's a Dostoevskian struggle to sell a single iTunes download, labels froth at the idea of selling more than 100,000 physical copies of anything, let alone a vinyl record. But they don't have what Third Man has — brand loyalty. When someone in the industry murmurs the mantra, "You have to brand your artist," they might at as well just say, "Do a magic trick and pull Jack White out of a hat."

But you can't create lightning in a bottle, which is the beauty as well as the limitation of the Third Man model. Third Man has succeeded in large part because White — like multimedia mogul Jay-Z, who reportedly stopped by Third Man's offices for a summit meeting — has tended his fame and image with the care of a Japanese garden. That care frees his creative endeavors, shielding their vital spark of ramshackle spontaneity.

"If you don't stand for something to begin with, you can't be branded," says White, "It has to come from what you love to do, first and foremost. I happen to care about the design of covers, and the design of the presentation, the aesthetic, the lighting onstage ... [But] I would never put anything out that looks cool just because it looks cool, or sounds cool just because it [sounds cool]."

Third Man's success is a testament to the rabid interest of a worldwide fan base, which counts the days till each Third Man release and lineup. Many even travel from outside the city to be one of the lucky 300 to get a split-colored Jenny & Johnny LP, or a tri-colored Dead Weather 45. And even more limited items, like Third Man's split-colored White Stripes reissues, are proportionally more coveted.

Some fans are driven by completism. Some are driven by their desire to hear what new — and old — sounds come out of their speakers when they spin the records. Still others are just trying to get something they can flip on eBay — where, at press time, Third Man merchandise is listed at prices as high as $1,599. That's one reason the label made the controversial decision to post some of its releases on eBay itself. The move infuriated some fans, who accused the label in December of jacking up prices by deliberately pressing limited quantities. But Swank says they're committed to getting the records into the hands of those who will cherish them. For fans, the records are their window onto Jack White's world: their way of touching what he touched, hearing what he heard — or just hearing a show they heard themselves.

"If some kid in Topeka wants to buy it, we'll make sure he can," Swank says. "We want people to be able to buy these records. ... The collectors stuff is harder to get, but that's kind of the joy of collecting. Honestly, I don't think any other label worries as much where their records go once they leave the door as we do."

As proof, he cites their practice of distributing limited-edition copies of a release to independent record stores in the artist's hometown. While doing so drastically reduces the profit margin, Swank says it's part of the label's greater mission to get people in those towns "back into brick-and-mortar record stores, buying records from real people."

Would real people buy those records, or see Third Man's shows, if they didn't come with the Jack White stamp of approval? In some cases, probably not. But White's fans, sometimes entire families, will make hours-long treks to any show that bears his imprimatur. Their devotion gives Third Man shows a singular energy. Visitors take to every performance the way the hordes at Bonnaroo greeted The Dead Weather. It doesn't hurt, Swank adds, that most Third Man regulars have at least one story of meeting White.

Not that all of them want that. Die-hard Third Man fan and collector Peter Galloway, a 48-year-old Irishman based in Los Angeles, thinks close contact might spoil the illusion of what he really cares about: the music. But whenever his business consulting brings him to Nashville, he says he plans his trips around special releases and events in The Blue Room. He credits Third Man with rekindling his lifelong interest in collecting records.

"I'm back flicking racks at Grimey's," Galloway says. "I probably wouldn't have tripped into the whole Nashville scene if I hadn't been experimenting through the Third Man channels." Galloway estimates he owns "a couple hundred" records from artists exposed to him essentially via Jack White, including locals such as PUJOL and JEFF the Brotherhood.

Asked if he considers himself a tastemaker, White claims, "If I am, it's by proxy." But for fans like Galloway, that's exactly what he is. For him, Jack White has filled the void left by rock's supreme arbiter of taste: the late BBC disc jockey John Peel, who was among The White Stripes' ardent early champions.

"My window into the world was John Peel," Galloway says. "And it was until he died. That was where you heard pretty much anything worth hearing — including The White Stripes. So when Third Man came along, and knowing what Jack's tastes were, and bands around that scene, I said, 'I've gotta check this place out,' and the rest is history."

Nineteen-year-old Dillon Watson of Murfreesboro can relate. For him, Jack White was his gateway artist to a life-changing musical continuum.

"I got into The White Stripes when I was 12, then I got into pre-war blues," Watson says. Country from the '50s and '60s would follow, then rockabilly, then garage-rock and onward. When a high school job shadowing assignment turned into an internship last year, he jumped at the chance.

Being near Swank and Blackwell, Watson says, gave him access to their music-distribution knowledge. That was a priceless resource: Not only has Watson played guitar in local bands such as Kindergarten Circus and D. Watusi, he helps run the local label Nashville's Dead, an offshoot of co-founder Ben Todd's popular blog of the same name.

But Swank, White and Third Man got something in return: a pipeline to kids doing something similar on an even smaller grass-roots level, building a scene and a cottage industry by following their tastes. Watson and Todd act as curators of Nashville's rock underground just as surely as the Third Man crew surveys and filters the outside world.

"They're not just young punks saying, 'Screw you, old man,' " Swank says. "They're really eager young guys that really have their own strong brand as well, and they're eager to learn from what we're doing. A point came where it was like, things are actually kind of happening with this sort of music in town, and it would be silly to ignore each other."

Taking on the role of de facto A&R man, Swank was eager to bring bands in the scene to White's attention — especially Daniel Pujol. But there was a slight problem.

"I can't take Jack to Glenn Danzig's House," Swank laments, referring to the scruffy house venue that's become a magnet for hot Nashville bands. For White, one of fame's costs is he can no longer see shows without taking the spotlight off the stage.

"You can't check somebody out because immediately it's an endorsement: You 'love the band,' even though you've never even seen them before," White says ruefully. "Then there's the aspect that everyone's got a camera in their pocket, and you've got flashing. I don't wanna do anything that's rude, that's distracting to the person onstage."

So instead of going to house shows, White built a house and brought the shows to him.

"I think at the first couple shows we did people felt like they were in an art museum or something," White says. " It was very quiet between songs. They were worried because it was being recorded. But now, that's all gone. It's rowdy; and electric. When JEFF the Brotherhood played here, it was incredible."

The Nashville rock scene has spent years waiting for something different to happen — something idiosyncratic, something no other city does or could have. In Third Man Records, it has that thing: a curatorial institution with enough star power to generate headlines, while focusing attention on local, national and international acts of genuine distinction — raising them all in estimation in each other's company. Jack White says he finds the Nashville's Dead kids as much of an inspiration as they find him.

"If you don't have that electricity and energy to begin with, it's harder to get to someplace new, someplace that musicians haven't gone to before," he says. "It's a wild abandon inside them. I can see that it's inside of those guys, and it's just gonna keep snowballing."

Outside, it's gray and wintry near the gaping hole of the convention-center site. Inside Third Man Records,

Jack White talks as if enthusiasm alone could change the season to summer.

"Out loud, we don't say, 'When I go to the show tonight, I want something to catch fire, I want something gettin' knocked over, I want a new song I've never heard before that I want listen to 50 times this week,' " White says. "But that's really what we want once the lights go down and the show starts. We wanna see something happen. So I gravitate to those people who wanna make something happen."

How I Got That Story: Adam Gold

Adam Gold's January 2011 Nashville Scene feature on Third Man Records – a boutique vinyl record store, music club and recording space in Nashville – will make music writers envious. Not just because Gold, a Scene staff writer, got quality face time with rock god Jack White, founder of Third Man, but because his city has this one-of-a-kind music facility and yours doesn't. It sounds like a terrific place.

This story, too, was one in which being from an alt-weekly played a key role in the process. With Scene's special emphasis on local culture, and the space it allows to really chew into a topic, Gold says White and his people clearly saw the paper "as a place to have a conversation with the city." Here, then, Gold on White:

How hard was it to arrange time with Jack White? Was that the most difficult hurdle you faced in reporting and writing this piece? And did being from an alt-weekly help, hinder or play no role in the process?

Though Jack agreed to be interviewed for the story from the get-go, arranging time with him was a little tough because he (supposedly) doesn't carry a cell phone and makes a lot of his plans on the fly. After a week or two of trying to confirm a time, I got a call from one of Jack's Third Man associates one morning asking if I could be at their offices by lunch time. So it was really just a matter of being prepared for the interview to happen at a moment's notice. After the interview I returned to my office to find an email from Jack and the label's then publicist letting me know that he might have some free time that week. Jack also took some time to answer a couple on-the-fly follow-up questions a few weeks later before one of the store's live events. He's not the easiest guy to get planned face time with, but he was ultimately more accessible than I'd anticipated he would be.

What really made the story both such a joy and such a challenge to write is that there was really so much relevant, vibrant content I had to work with. For every element of the story, I had great interview quotes. I had a trove of really great quotes from Jack to work with. The Third Man building itself is quite unique and rife with colorful physical elements to describe. It wasn't a hard story to report so much as it was hard to not get overwhelmed by having so much great content. To keep myself focused on the narrative of the story and not get lost in the wealth of details I'd amassed, I wrote the outline for the piece in the form of a children's story. That's the not the kind of thing I'd normally do, but it was actually pretty helpful.

Being from alt-weekly definitely played a huge role in landing this story. At the time, many people in Nashville still didn't have a clear idea of what Third Man was. The label was very proactive and excited about making this story happen with the Scene, specifically, I believe, as a way to introduce themselves to the city. In small talk with Jack, he gave me the impression that he was familiar with the paper and a fan

of alt-weeklies in general. We talked about the Scene's tendency toward front-of-book arts coverage, and Jack said he thought that was really what local weeklies should be all about. I think Third Man really recognized the alt-weekly as a place to have a conversation with the city.

Seems like this is the sort of story that would have been pretty well covered by the daily there, as well as other media. What convinced you there was still a story for the Scene to tell?

At the time of this story, Jack hadn't done a long-form interview in a couple years and had been pretty quiet overall for the first few years he lived in Nashville. So we were actually lucky in that he gave us exclusive access when we certainly weren't his only or biggest option. We had an advantage over the daily in that we had the print space to run an expansive, long-form feature that a daily might not dedicate to a bohemian arts and rock 'n' roll story. It was also a matter of good timing, in that I approached the label about doing a story at time when they were really starting to get involved with local artists -- both in Jack recording with some of them and in inviting them to play at their venue. A non-local media entity simply couldn't tell Third Man's story from a local angle. And I think the label really did want to stake its claim as a part of the city's culture and knew that the alt-weekly was the right place to do that.

Most outsiders probably think Nashville's music scene is routinely glorious, but your story has a few passages ("In here, Music City is ahead of the curve, not chasing it") that hint at a more complex reality. What's the scene really like there?

Despite being known as "Music City," Nashville has always struggled to define its "not just country" diversity of genres to the outside world. Consequently, the rock scene here was a bit of a bubble. There have always been great bands and active scenes in Nashville, but it was almost impossible to get people outside city to notice or care. And by the time people did notice, it was at the tail end of a trend.

Nashville has long been a secondary concert market for national acts. It would sometimes take a couple years for a hyped up-and-coming band to make it to town, and if they did make it to town early on, they'd have a hard time drawing. Jack White moving to town really did change that. The Kings of Leon breaking big soon after helped as well. It galvanized outside media to have an interest in Nashville. And the lede to almost any national story you read about culture or rock music in Nashville mentions Jack White. The thing that made Third Man an important part of the city's fabric is that there really is no other place like it. It's singular. It's something no other city or city or music scene has. And it's really prevailed as a cultural touchstone for Nashville.

My story was in many ways about Nashville as much as it was about Jack White and Third Man Records. Whether White liked it or not, and whether the local scenesters liked it or not, White was drawing to the city the kind of national interest that it's always wanted and thought it deserved. That kind of attention is what seemed to drive a wedge between White and his hometown of Detroit. Here, in a town built on talent and music business savvy, local rockers were more willing and open to embracing White. Moreover, a lot of the younger musicians in prominent local bands here are kids who grew up with The White Stripes.

In the considerable time that's passed since this piece was published, has Third Man had the long-term revitalizing impact on Nashville's music scene that some clearly hoped it would?

It's been almost two years since that story, and there's no doubt that Third Man has had a tangible effect on

the Nashville rock scene. That story opens with a description of JEFF the Brotherhood playing at Third Man. This summer that band released its major label debut, which was produced by Black Keys frontman Dan Auerbach, who, perhaps following in Jack White's footsteps, moved to Nashville a couple years ago and built a studio of his own. Daniel Pujol, who White produced right before that story was written, signed to Saddle Creek records and now tours on a national scale. And typically whenever any national or international media comes to do a feature on Nashville (a good example being the BBC's Black Cab Sessions) they come with a strong desire to talk to White and tend to showcase the local artists he's associated himself with. Jack has also recorded with heavy hitters like Beck and Radiohead in Nashville. The idea of those artists working here would have been unheard of before Jack and Third Man set up shop here.

Interview by Scott Dickensheets, Las Vegas CityLife

"Life in the Belle Jar" by Wyatt Williams

August 4, 2011

Can the best-selling, anxious, overrated, vulgar, talented, burned-out author *Help* herself?

By Wyatt Williams, Creative Loafing Atlanta

Kathryn Stockett, carrying a bottle of wine in her purse, arrives alone at a Persian restaurant on Peachtree Street, slips her petite frame between the cramped tables, and sits with careful poise on the long expanse of black leather below the restaurant's plate glass windows. Despite the old, Southern heat bearing down on the pavement outside, the Chardonnay's still cold when she pulls it from her purse. She pours a glass and adds a splash of soda.

Despite her blond looks, her penetrating eyes, her striking, fit body, the 42-year-old author attracts no eyes in the restaurant and that seems to suit her. She keeps her mannerisms reserved and murmurs in a sweet Southern tone, uninterested in drawing the sort of hyped-up attention her best-selling debut novel, *The Help*, has been lavished with since its publication in 2009. She's comfortable and dry in conversation, just like that white wine spritzer. She's light but earnest, casually redirecting the discussion to any subject but the book, joking about her daughter, asking about the right way to eat the grape leaves appetizer, talking about something, anything, anything but the book.

Plenty has already been said about *The Help*, a sprawling novel narrated by three women living in Civil Rights-era Mississippi: Aibileen, a stoic, older black maid, Minny, a sharp-tongued, witty black maid, and Skeeter, a young, ambitious white writer. The paperback cover blares with quotes such as, "This could be one of the most important pieces of fiction since *To Kill a Mockingbird*" (NPR.org) and "The must-read choice of every book club in the country" (*Huffington Post*).

After starting the manuscript about a decade ago, having it rejected more than 50 times, selling more than a million copies in its first year, selling another million and another million (the count is now somewhere past five million copies sold), appearing on television and in magazine photo spreads and among the pages of countless newspapers, going on book tours, and writing essays about writing the book, it might be safe to assume that Stockett, too, has had an opportunity to say everything there is to say about *The Help*.

In her words, "It's so, ugh, played."

But there are contracts and expectations and foreign rights and translations ("39, I think? 40?" she asks) and a new press cycle for the book's fast-tracked DreamWorks film adaptation starring Emma Stone and Octavia Spencer, opening Aug. 10, and enough revenue coming off this thing to float a whole corner of the flailing publishing industry. She's part of a small club of authors — Dan Brown and J.K. Rowling among them — whose novels actually achieve the status of mass entertainment. The point being: Kathryn Stockett has to talk about *The Help* whether Kathryn Stockett wants to or not.

Tonight, picking lightly at a spread of appetizers with her fingers, Stockett acknowledges her success and

then brushes it off, uninterested. She's burned-out on answering the same questions over and over. She's six months past deadline on her second book. She's sweet and friendly as can be, but Tate Taylor, her childhood best friend and director of *The Help*'s film adaptation, summed up her current mood on the phone later, saying, "The truth is that she's busy as fuck. She doesn't need to have her ego stroked. She kind of doesn't give a shit."

After the lamb kabobs and saffron rice have arrived and the white wine spritzer has been refilled, she remarks, almost as an aside, "The best part is that I didn't have to cook it. Don't you think that way sometimes? The sheer pleasure of someone else making your meal for you," and then launches into the same spiel she's told to a thousand other journalists, about being homesick for Mississippi while living in Manhattan in the days after 9/11 and writing in the voice of Demetrie, the African-American domestic worker who raised her in lieu of her oft-absent parents, as a way of comforting herself. Stockett admits that writing in Demetrie's voice, inventing the character that would become Aibileen, was the first time she'd honestly questioned what life was like for the maid, what it meant that she had to use a separate bathroom in the household where she was supposedly "a part of the family."

In the novel, it's this line of questioning that spurs Skeeter to pitch her New York publishing contact an oral history examining the lives of African-American domestic workers: "Everyone knows how we white people feel, the glorified Mammy figure who dedicates her whole life to a white family. Margaret Mitchell covered that. But no one ever asked Mammy how she felt about it." The passage is like a big red arrow pointing back to the book saying, "HERE: This is what I'm trying to do with this book." What's ironic, of course, is that *The Help* isn't that oral history volume at all, but an imagining of it by a white author. Just below the narrative's surface is a complicated set of emotions — an adoration and nostalgia for the days of table linens and deviled eggs and perfectly ironed pleats existing simultaneously with a deep shame about the systematic racism and violent oppression used to keep that silver polished.

Despite the occasional comparisons from overeager critics, *The Help* is not *To Kill A Mockingbird*. It's too long, often running on and on about cute babies or dresses or the pressure from your mother to find a husband as a way to balance out the novel's heavier moments. The prose is often just passable, never stunning, occasionally clever. But Stockett does offer richly complex characters, precisely conveying the subtleties of their social engagements and obligations. This is particularly clear in the chapters narrated by Aibileen, who, at times, can express a lifetime of conflicted longings in what she chooses to not say aloud.

The Persian restaurant is playing some sort of bland piano tune, the kind of light plinking and plunking that blends in with the rattle and chime of wine glasses. Stockett has eaten little of her food. Already in the middle of one story, she interrupts herself, saying, "It's an awful, awful feeling to think that you've made money — and you can print this if you want — to think that you're benefitting from somebody else's loss. It's a terrible, guilty feeling. I give a lot of money away."

Stockett's critics often point to the fact that she's a white woman from a well-to-do family as a way of criticizing her for writing from the perspective of working-class black characters. Stockett herself acknowledges her own anxieties about this in an afterward to the book, saying, "I was scared, a lot of the time, that I was crossing a terrible line, writing in the voice of a black person." It is a line few authors cross — writing across race — and Stockett articulates that precisely, writing, "I don't presume to think that I know what it really felt like to be a black woman in Mississippi, especially in the 1960s. I don't think it is something any white woman on the other end of a black woman's paycheck could ever truly understand."

This is what makes *The Help* a daring, compelling failure. This impossible task — the attempt at understanding a human that is not yourself — is at the heart of what fiction aims for. It is always a lie, but, we hope, an insightful lie, a lie that tells something other than itself. What distinguishes Stockett's book is that it lies in a fraught but ambitious way.

Earlier this year, Stockett was sued for unpermitted appropriation by Ablene Cooper, a maid employed by Stockett's older brother. Aside from the obvious similarity in name, Ablene bears some biographical resemblance to the Aibileen of the book. But coverage of the lawsuit in the *New York Times* and on Salon.com puts it in a more ambiguous light, suggesting that the lawsuit's origins may reside more with Stockett's family than the maid.

In either case, Stockett's unable to comment on the pending lawsuit, and responds instead by speaking in stiffly kind but vague terms about her brother, noting that they are "different" but that he is a "good" person.

When Stockett returns to the routine questions about the book, her eyes glaze over only a little bit, her voice changes just enough to explain how many times she's told it, and, yet, one can't help but notice that her spiel is a truly earnest story for her, despite the fact that being earnest gets to be difficult when it's your professional routine. Routine, it is. Try to redirect her when she's in this zone, and she'll just interrupt and say, "Oh, no, I was just going to tell you the same story I tell everybody."

Stockett promised *The Help*'s film rights to Taylor when it was still a manuscript, languishing in rejections, and he was a struggling filmmaker. Despite the book's massive success, Stockett kept her word and didn't pass the project off to a big-name director.

At dinner, Stockett says she still hasn't seen the film, and that she had little do with the making of it. On the phone, Taylor explains, saying, "Do you cook? You know how when you spend all day making this great meal and then you don't even give a shit about eating it? She didn't want that to happen."

Stockett plays along for as long as it takes to get through the same five damn questions that have been asked for the past three damn years, until at some point during the meal — somewhere around the tired questions about how Skeeter moves to New York just like Stockett did and how she sure does resemble her and how much exactly is her and how much is made up — she will just shake her head and check her wine glass and look down as if to say, "Don't you know how much this conversation has already been done?" She won't respond with anything about growing up in Mississippi and aspiring to be a writer or how she had to pay her dues with rejections just like Skeeter. Instead, she'll just say, "I think I might be all of [the characters], I think I might even be the worst ones."

The worst ones in *The Help* leave their kids in shitty diapers all night so the help can change them in the morning. The worst ones write "NIGGER BOOK" on the inside of Frederick Douglass's autobiography. The worst ones take out loans to build separate bathrooms for the help, because, they say, "99% of all colored diseases are carried in the urine." Stockett thinks about what she just said for a second, and then says, "I think a lot of generations have to die before we shake this whole prejudice thing."

As the waiter arrives to refill the wine glasses, the subject changes to her book cover, a purple and gold design that she abhors, she says, because it reminds her of obnoxious LSU football fans. "Did you read the book?" she asks.

Why would she think that a reporter assigned to profiling her hadn't read her book? "Well, you're not a 55-year-old woman," she says.

The massive gymnasium of the Marcus Jewish Community Center of Atlanta is swimming in a sea of pastels. The assembled group — almost exclusively women, mostly white, generally middle-aged, and dressed in aquamarine, canary, carnation pink and so on — has descended on the MJCC for the Summer Book Club Bash, an event designed to provide "resources" for book clubs. One of the few men in the room, Decatur Book Festival Executive Director Daren Wang, is here to introduce Mary Kay Andrews, another Atlanta-based best-selling author.

And then there are the tables — a dozen or so libraries, bookstores and publishers are all here with the intent of snagging their slice of the book club community. The publishers are giving out advance reading copies of their upcoming titles, openly hoping for the sort of word of mouth that leads to hits like *The Help*. When asked if her book club has read *The Help*, one woman in attendance responds, "Is there one that hasn't?"

What makes the right book for a book club? Stockett's publisher and editor, Amy Einhorn, laughs at the question, "If I knew the answer to that, I'd be sitting on the beach and not under fluorescent lights in New York City." But she explains, "One of the hallmarks about book club books is that they want to discover their books on their own and they don't want to be told what to read."

But at the Book Club Bash, there's definitely an effort to tell them what to read. The physical books themselves seem molded to a certain form: thick but not too long and packed with "Discussion Questions" or a "Reading Group Guide," usually filled with zingers like, "Who was your favorite character? Why?" Then, of course, there are the covers, which unabashedly aim toward the sensibilities of the women in attendance tonight, either illustrated with ornate designs of purple and gold or washed in irrepressibly pretty images of shoes and dresses.

The images invoked mirror the romanticized nostalgia that runs through Stockett's book. It's no accident that *The Help*'s U.S. cover evokes the beauty of an ornate serving dish without any indication of a maid. It brings to mind the feeling Stockett notes at dinner, "the sheer pleasure of someone else making your meal for you."

So, what happens when it works? What comes after for an author like Stockett, whose book strikes such a strong chord with the book club crowd? Einhorn simply says, "It's a very good problem to have. All of our authors should be so lucky to have this problem.

At dinner, Stockett divulges that the divorce with her husband became final a few weeks ago. There is silence at the table for a few seconds as the news settles in. "Oh, a new spin! No one's printed that yet!" she says. Stockett met her ex, Keith Rogers, while in New York and they have an 8-year-old daughter, Lila. They moved to Atlanta a few years ago, before Stockett sold the book.

The thrill in her voice goes out as quickly as it came, and she asks, "Have you ever slept with a snorer? For 11 years? Have you ever slept with a snorer for a month? You start out not sleeping. Then you move on to getting up to go sleep somewhere else. And then the next stage is that you actually start sleeping in separate bedrooms. And then the *next* stage is that you start sleeping in separate floors of the house. And then you just get different places."

Stockett takes a second to regroup. "So, maybe I could just offer some advice to any couples out there with a man who has a snoring problem? He needs to take care of that shit." She's laughing now and then she isn't again.

Stockett has a way of looking back at you blankly, of smiling just a little over her wine glass, of being silent in a certain way that makes you feel like she is either baring her soul one word at a time or making it up as she goes along.

There is an obvious disconnect between Stockett and her status as a best-selling author. "It has nothing do with who I am as a writer," she says. But the thing is, it very apparently does. The business of having a best-seller has weighed on her, and it has very much to do with her being a writer today.

"I'm hoping and praying for the day that I can sit down and write again," she says. "I know it won't be the same, but it would make me feel better. You know the anxiety of knowing you have to do something and putting it off for two years?"

She pauses. "I couldn't have another baby because I was afraid I wouldn't be able to write — to finish the book."

The plates aren't really finished, but the waiter takes them anyway. The bottle of wine is certainly done. Stockett checks her phone and puts it back in her purse. "It doesn't mean I'm going to write great books," she says and then lowers her voice. "I'm just stuck being a fucking writer my whole life. If I'm not writing I'm miserable."

A week later, Stockett shows up to the *Creative Loafing* offices for a photo shoot, apologizing profusely for being a couple of hours late. She's leaving the next day for Los Angeles for a press junket that means days more of interviews, days and days of the same five questions, of the slight glazing over of her eyes.

She alternates between confident and off put in front of the camera, joking with the photographer one minute and asking for it to please be over the next. She talks about going on a date. She says that if she could, if she weren't tied into a contract, that she'd probably never write as Kathryn Stockett again, that she'd just pick another name and start fresh.

She says that her publisher's being patient about her second book, that she doesn't even really get any pressure from them. But what about the pressure from herself? What about the expectations? What about all the extra attention that the film is going to bring?

Stockett just looks straight ahead and says, "There are people with bigger problems, you know?"

How I Got That Story: Wyatt Williams

We've all read – and maybe even written – rote interview-with-the-author pieces. Some questions about the current book that may artfully (or not so artfully) mask that the interviewer read the press release and the jacket blurbs rather than the book itself. What time of day do you write? Pencil – another fan of the Blackwing 602, perhaps? – or pen or typewriter or word processor or computer or tablet or smart phone. How did you come to write this book? Your influences? Do you tweet? And what are you working on

now?

Then, thankfully, are pieces that engage the book at hand, its context and the author, bringing together the critic, the cultural commentator and the reporter. Wyatt Williams' "Life in the Belle Jar" – about Kathryn Stockett and her best-seller The Help – took first place in arts feature (circulation 50,000 and over) by doing all those things. And behind its success is a willingness to pose a journalistic problem and improvise a solution. As editor (and headline writer, kudos on that one) Debbie Michaud has written: "It felt a little risky at first, the idea of giving so much space in an alternative publication to a mediocre book about the Jim Crow South. The book was already old news, having sold 5 million copies globally. But the film adaptation was scheduled for August 2011, and we saw the story as an opportunity to take a chance on a high-profile subject."

Recently, Williams (now a writer at Atlanta Magazine) answered a few questions about how he came to Creative Loafing, and how he and his editor made this journalistic gamble pay off.

You were studying creative writing at Georgia State when you took an internship at Creative Loafing. What role did that internship play in your shift to journalism? How does that past involvement and study of creative writing play into your journalism?

It was sometime in 2006 or 2007. I had been dropped out of college for a few years, working in bars at night and "working on my fiction" during the day, which wasn't amounting to much. I was living in San Francisco at the time and started killing time during the day doing oral history transcriptions for a couple of books that McSweeney's was putting together. That's probably when I got interested in fooling around with nonfiction. It was a bit like an affair.

By the time I moved to Atlanta and started interning with Creative Loafing while finishing up my creative writing degree at GSU, I had made some fairly calculated decisions to find an overlap between traditionally fictional characters and narratives and the reportorial structure of journalism. I got lucky and found an editor, Debbie Michaud, and a professor, John Holman, that were willing to simultaneously nurture that kind of approach.

The author interview story is a staple set-up that usually leads to a sort of staple piece. Do you have any advice to others on how to avoid the predictable in these sorts of stories?

I don't know if this is really practical advice, but in my experience, the key is over-thinking it. A few months prior to profiling Kathryn, I'd profiled this guy Blake Butler, who writes a kind of surreal, language-driven domestic fiction that I think pushes boundaries and conventions quite explicitly. I wanted to write a profile that did some sort of justice to his style, his approach, his position in relationship to the rest of fiction, and that meant trying to challenge my own conventions and boundaries for writing profiles. That's a pretty exhausting process, intentionally breaking the rules you've trained yourself to follow and then still produce something that you're pleased with.

The decision to profile Kathryn was partly arbitrary, because I wanted to profile someone that I perceived as a very different sort of author than Blake and thus could write a very different sort of profile about. Looking back, that seems a tad silly and precious, but I think it's the sort of decision you have to make to keep from repeating yourself.

Here's something more practical: Our preconceived pitches and angles are always oversimplifying the

actual circumstances. If you do a real interview and actually spend enough time with someone to get them to trust and open up to you, what they tell you will never match the preconceived narrative. Writing a story that does justice (both in content and style) to the complicated specificities of a person's life and work means that you'll necessarily avoid the canned piece.

Your reading of the book, if I'm not being too blunt or misconstruing, is that there's something hollow there, even phony, in a novel as a faux oral history. Did your judgment of the book shape your expectations of the author before you met her?

I'd go one step further and say that there is something phony in all of fiction, and I say that as someone who passionately, unconditionally loves fiction, probably more than the field of journalism that I work in. I think we hear a lot about novels feeling true or authentic or real and that makes it easy to forget that the primary element of fiction is invention, lying, making shit up. That is what makes it distinct from non-fiction, which we read with the automatic assumption that we are not being lied to.

There's a great bit from John Cheever's Paris Review interview where he insists about this, about the necessity of lying in fiction, and the interviewer asks, "Can you give an example of a preposterous lie that tells a great deal about life?" Cheever responds, "Indeed. The vows of holy matrimony." That idea – a lie that gives insight to one's life – is what I see as the heart of fiction.

Whether you want to call it a preposterous lie or the artifice of fiction, I was interested in examining the uncomfortable, messy suggestions of that aspect, which happen to be unusually pronounced in the case of The Help.

But to get back to your question, no, the book didn't influence my expectations of the author as much as reading the previous profiles written about her did. Based on those, I was expecting a rather conservative, safe, probably boring conversation. Thankfully, it wasn't.

In this case, you originally envisioned the material gathered from the interview as additional reportage for a piece that was primarily about the book itself. Can you comment on how you came to shift gears? And about the writer-editor dance through the successive drafts of this story?

Well, it really comes down to the interview, which ended up being leaps and bounds more compelling than any of the angles I had previously cooked up. I sat down to dinner expecting to meet a polite Buckhead Betty at the commercial height of her career and instead met an intelligent, crass, funny, cynical, and maybe a little depressed writer that was more interested in the difficulties and ambiguities of her craft than running a victory lap.

This might have been a tough moment if the piece was freelance, because what I decided to turn in was so vastly different than what I had pitched. Thankfully, my editor Debbie was someone who I already had a deep relationship with and she was willing to work with me to switch gears. I think the first version of this story was like 3,000 words in the dinner scene with maybe a couple thousand other words in these huge footnoted digressions that encompassed all of this other reporting I had been doing, interviewing her author peers, her friends, her editor.

By the end, almost all of that other reportage hit the cutting room floor, but Debbie's edits allowed enough in to create an understructure to the dinner scene that, I think, gave some more insight to Kathryn. I have to admit that I fought along the way switching gears (you know, the "But this quote is so great I can't believe

we’re cutting it” type argument) but I think that’s the kind of friction that creates a more finely polished finish.

You did a sharply critical piece about a mega-seller in her hometown. The AAN judges saw it as the best in its category, but what was the reaction among your readers?

Well, the commenters mostly called me a jerk and insisted that the whole thing was a hatchet job or whatever. And I still get an e-mail every once in a while from someone who comes across the story and feels the need to write me and tell me what a jerk I am. And, you know, I think that I heard somebody was going to throw a drink in my face the next time they saw me. Aside from that, the reaction has been great.

Interview by W. Kim Heron, Metro Times

"Little Brother Breaks Up" by Grayson Currin

April 28, 2010

Friends, enemies and a lost moment for Triangle hip-hop

By Grayson Currin, Independent Weekly

Not long after their white GMC van crossed the eastern border of Vermont in late February, the windows became snow globes. The rapper Chaundon, driving since the crew of five left Cambridge, Mass., at 6 that morning, continued north, toward an afternoon show in Burlington. He couldn't see much, but in a span of 10 minutes he spotted two wrecks along Interstate 89. Taking heed, he dropped his speed, moved to the left lane and tightened his grip.

"We started to spin, from the left lane to the right lane, and then we hit the railing. After we hit, I'm like, 'Y'all all right? Y'all all right?'" he remembers. He had yet to consider that the van now sat perpendicular to interstate traffic, stranded outside of a small Vermont town called Randolph.

In the passenger seat, the rapper Joe Scudda finally awoke. Jozeemo, another rapper sitting behind Chaundon, was awake and alert. Beside Jozeemo, the crew's longtime manager and career multitasker, Big Dho, slept, as did Rapper Big Pooh, a founding member of Little Brother, the Triangle's best-selling music group of the last decade. For a moment, everything was calm.

That's when Chaundon peered past Scudda through the passenger window. He knew they were going to die.

"His eyes got about this big," remembers Scudda, making silver dollar shapes with his index fingers and thumbs. "He let out the scariest, most horror-movie scream I've ever heard: 'Oh shit, a truck!' I look out of the window, and there's an 18-wheeler. The grill just keeps getting bigger."

They lived, of course; the same slick roads that caused their spin slowed the oncoming 18-wheeler. Even though the grain truck hit them squarely on the rear door, the five tour mates sustained only minor injuries. Dho still experiences mysterious pain in his right arm, and Pooh temporarily wore a neck brace. They did the show that night and flew home.

But bigger than any gig or insurance premium, those 10 seconds in Vermont cemented those in the van as more than friends or fellow artists. They became, on impact, family.

"Jozee's forever good," sighs Big Dho on a Friday afternoon. "That nigga saved my life. Forever good."

Jozeemo, the crew's newcomer, recognized that the truck would likely crush the door where Dho was leaning his head. A mammoth champion battle rapper whose career was delayed by two years in federal prison for gun and gang charges, Jozeemo reached across the aisle and pulled the much larger man toward his chest. When the truck hit, Dho's skull rammed into Jozeemo's face, causing his teeth to julienne his cheeks. Blood poured down his face and across his clothes. The man who'd sent him money in jail, however, was safe.

For the past several years, Dho has managed his artists with the slogan "Loyalty is Royalty." It's scrawled on white boards in recording studios, and he claims it's his next tattoo. That mantra was steeled by bitter experience. During the last six years, *dis*loyalty has corroded his crew, turning an army of artists that included up-and-coming hip-hop favorites Little Brother, 9th Wonder, L.E.G.A.C.Y., The Away Team and Joe Scudda into whimpering, fractured cartels that have largely slipped from public favor.

Big Dho is an appropriate nickname for Mischa Burgess, a 35-year-old divorced father of three. He uses almost every inch between the bench and the table of a Chili's bar-side booth, and his forearms—as thick as the average man's thighs and covered with tattooed images, slogans and area codes—lean heavily against the tile. But it's not only his size that fits the handle. For the better part of the last decade, it appeared that his company, a sprawling record label and management group called Hall of Justus, might turn Dho into a hip-hop kingpin. He had negotiated a major-label deal for his flagship group, Little Brother, and he had more than a dozen artists lined up for spotlight turns should Little Brother succeed.

Dho's emotions aren't insignificant, either. He boasts an infectious laugh, the sort of quick-paced, wide-grinned chuckle that charges a room. When he talks about the aunt who helped raise him and who began losing her battle with cancer as he drove Little Brother through the mountains of Washington state in 2003, he seems one memory away from tears. But he's also an authoritative businessman. In a bellow meant to shake the frame, he'll tell you why you're wrong, how long you've been that way and what you can do to make it right.

When he talks about Little Brother co-founder Patrick "9th Wonder" Douthit, that's the persona he takes. 9th served as the trio's producer from 2001 to 2007. Until last year, Dho insists he tried to remain friends with the Grammy-winning beat maker, even if their business relationship was done. But after the wreck, 9th Wonder called only Joe Scudda—well, almost.

Just before midnight, 9th Wonder tweeted for the 57th and final time that Wednesday: "@rapperbigpooh, @bigdho, @jozeemo, @joescudda and @chaundon get better fellas ... come back to NC safe and sound."

Dho's face clinches: "He twittered a message? Get the fuck outta here. That's what really killed my relationship with him. It's nothing now. It ain't no anger. I'm hurt. I'm a grown man. I can admit that.

"He looks down at his cheeseburger and up again. As though the toil of the past decade hangs like weights from the corners of his mouth, he frowns: "It's not what I thought it was gonna be, man. I never woulda thought that it would be this way."

Last week, Little Brother issued *Leftback*, the album they're calling their final one. Instead of throwing a traditional hometown concert, the band—officially, the duo of Thomas "Rapper Big Pooh" Jones and Phonte Coleman—rented Dolce, a roomy, fashionably appointed club just off Raleigh's dancing-and-drinking epicenter of Glenwood Avenue. The night's $20 cover was just that—a cover. No one performed, and attendees didn't get a signed copy of the record unless they bought it earlier in the day.

The anemic crowd of about 100 mostly local, very well-dressed fans mingled on the dance club's lower level, shaking hands and exchanging stories beneath the kinetic hip-hop mix of DJ Flash, Little Brother's longtime touring deejay. No one really danced downstairs, and upstairs there was even less movement. The band's two-dozen VIP guests lounged on white couches or against the walls, gazing downstairs, waiting for the customers to turn the night into a legitimate party. When Phonte and Pooh arrived after midnight, the scene remained largely the same—a swirl of daps, hugs and congratulations.

Less than five years ago, Little Brother seemed to be one hit single away from stardom. They were already hip-hop and Internet famous, having innovatively used online message boards to find fans and a record deal. Defiantly vintage, 9th Wonder's sample-heavy, steady-snare beats nodded heads, while the chemistry between Phonte and Pooh gave old-school hip-hop lovers a lyrical option to the crunk music of the moment. In 2003, the best that Lil Jon could do was tell us to get low. Phonte, however, landed one of rap's best bits of blue-collar empathy: "Another day to face, I'm share cropping in this paper chase/ Take a deep breath and clear my database/ Beltline got me rushin' like Baryshnikov/ Pushin' 80 miles per hour to this call center."

And in a genre that often considers the live show a nuisance or afterthought, Little Brother concerts were ecstatic marathons with special guests and smart banter, all led by two husky dudes who generally seemed to be having the time of their life.

"There was no A Tribe Called Quest present. There was no Pete Rock present. That type of vibe wasn't present in hip-hop, and here's a group that's making it *fresh*," remembers Chapel Hill rapper Kaze. He rapped with Phonte before Little Brother existed, and he was the first person to pay 9th Wonder for a beat. "Phonte and Pooh gave you that Tribe back and forth, like Q-Tip and Phife Dawg, and 9th was reminiscent of the Pete Rock and DJ Premier thing. It made you feel like, 'This is classic. This is hip-hop.'"

But that single and that conquest never happened. Released Sept. 13, 2005, the group's major-label debut, *The Minstrel Show*, tanked. It sold 18,000 copies in its first week and barely more than 100,000 copies overall. By comparison, 50 Cent's 2005 album, *The Massacre*, sold 4.8 million copies. While their rise had been sudden—within two years, Little Brother moved from a Triangle posse sleeping on couches in a small Durham home to a movement getting large blocks of ink in the country's biggest music magazines—their descent was slow and torturous.

First, Phonte and Pooh fell out of favor—and out of touch—with 9th Wonder. They parted ways in 2007, the same year they left their major-label home. And tonight, in this dance club, where a bottle of water costs $5, Pooh and Phonte will finally leave each other, at least as Little Brother. Friends have been lost, and differences have been discovered. The climax came a month earlier in a Twitter battle between Phonte and 9th Wonder. Writing about 9th Wonder's departure from the group, Phonte told his ex-bandmate to "tell your side of it or shut the fuck up." It was a Saturday afternoon's pathetic entertainment. What once looked like a possible tidal shift in hip-hop had devolved into self-parody.

Any attempt to explain why Little Brother is breaking up in 2010 starts to feel like J.B. Bury's *History of the Later Roman Empire*. The Irish historian dismissed several classic models of how the world's greatest superpower had collapsed, eventually concluding that there really was no easy answer, only several complications and contingencies that contributed to a steady, distended decline. At least as far as anyone cares to admit, there was no central Little Brother scandal—no sexual drama, no financial fight, no deep-seated animus. No one can even agree on who quit or who was asked to quit, let alone exactly why.

"I didn't leave Little Brother. I was asked to leave," 9th Wonder said last year. He refused to be interviewed for this story, saying that the media had exacerbated—and maybe even caused—the breakup. "I was told, 'You do 9th Wonder, and we do L.B.' It wasn't, 'What's up, fellas? I ain't with it no more.'"

In any event, Little Brother fell to a series of pragmatic and philosophical differences that seem to trouble

all bands. 9th Wonder couldn't tour or record late at night, though his trademark beats were keys to the group's success. Phonte and Pooh could tour without him, but sometimes they weren't sure that he even cared. Situations were mishandled, and feelings were sometimes mismanaged. Mostly, though, it seems that three friends stopped communicating their ambitions. Every wound festered.

"Goals change," says Pooh. "Sometimes you can make your individual goals work for the benefit of the whole group. Sometimes you can't. But you have to let us know where you're at all times mentally, or that's when the disconnect happens."

Before he was called 9th Wonder, Douthit, who transferred from North Carolina Central to North Carolina State in 1995, linked groups of Durham and Raleigh hip-hop upstarts. Together, they formed the Justus League, an inclusive alliance of about two-dozen people who wanted to build a scene in their own backyard. They would host shows, throw battles and make records. In most cases, music was the strongest, if not the only bond between them.

"Pretty much, it was, 'This group of people perform in this dorm room, so that's going to be a crew.' There was no other thought put into it," remembers Cesar Comanche, who co-founded and named the Justus League in 1999 during a phone call with Douthit. "You were around people when you were putting on a show or recording. When your encounters are limited to those kinds of things, you don't know each other as people."

That's one of the reasons Little Brother was different. Fitting for its playfully fraternal name, Little Brother was, first and foremost, a trio of friends. Douthit and Jones were sports-obsessed cutups, while Coleman and Douthit were both North Carolinians from rural towns, addicted to music history and tradition. For the first 18 months of their friendship, Coleman didn't even know Douthit made music.

"When I first met 9th, I didn't even know he made beats. We *listened* to a lot of the same music. We were reading *The Source* together. It was, 'That's my man. P is a funny nigga,'" remembers Coleman. "The whole 9th Wonder thing? No, *me* and *Patrick* was cool. The whole Little Brother shit came later."

In hip-hop, a producer most often makes beats and submits them to artists or managers who listen and pick what they like. The beat maker and the musician negotiate a price, and the producer moves on. The band hires someone to record their raps and someone else to mix the parts—the vocals and the instrumental—together. It's a casual, case-by-case relationship.

Little Brother was one of the rare groups that claimed an in-house producer. 9th Wonder would craft the beats, and Phonte and Pooh would sort through them, picking the music that meshed with their ideas. Late at night, they'd all meet in Comanche's Raleigh studio or in a downtown Durham business office they called The Chopp Shop, making records until the wee hours of the morning. Ask anybody involved, and those sessions were the most fun they've ever had making music.

"The way Tay and Pooh used to write, they used to go in the car and listen to the beat. They'd come upstairs when they were finished and record," says Chaundon, smiling at the memory as he sits alone on a large couch in his Morrisville townhome. "We were college kids, so we're all sitting on the couch. The microphone is on the wall, and they're like, 'Shhh, be quiet, be quiet.' We're listening to the punch lines, trying to hold in the laughter. At the end of the day, we were just kids trying to make dope music."

Trouble is, a lot of people agreed they'd done exactly that. Their talents were suddenly in high demand.

Little Brother needed to tour in support of *The Listening* and to expand its reputation. 9th Wonder joined them for a time, deejaying behind the emcees every night. In 2003, though, Jay-Z's representatives came calling for a 9th Wonder beat. He'd have to skip the next tour. Everyone in the Justus League says they agreed it was an incredible opportunity for the team. Dho would deejay. 9th Wonder would stay home.

But they never returned to the original formula, even when it was time to begin making their second album—their debut for Atlantic Records, their first shot at legitimate fame. 9th Wonder engineered a handful of the tracks and told the group he was done with their trademark late-night sessions. Christopher "Khrysis" Tyson, who'd risen through the Justus League ranks to become their second in-house producer and engineer, would record the rest of the album. 9th Wonder needed to be at home with his family.

Phonte, who wasn't married then but lived with his girlfriend and child, understood. Growing up requires adjustments, he says, and that was a grown-man decision he could accept. But 9th's signature sound started showing up on dozens of records each year. Phonte and Pooh figured that, by skipping Little Brother's sessions and tours, he had plenty of time for collaborations.

"For me, it was, 'Why do we have to keep asking a group member for their participation in a group project?' This is a severe problem," says Pooh. "When you're in a group, everybody has to be willing to sacrifice the same things. When you're not willing to sacrifice the things the other two are sacrificing, the other two are going to look at you funny."

For a time, Little Brother became a quartet of trios, something Pooh calls a charade: On tour, it was Pooh, Phonte and DJ Flash, a Raleigh friend Dho pulled away from a day job and a family. In business meetings, it was Pooh, Phonte and Dho. In the studio, it was Phonte, Pooh and Khrysis. But in the press and in each album's liner notes, it remained Pooh, Phonte and 9th Wonder. That was the version of Little Brother Atlantic Records wanted to sell, and that became the central conflict—work given versus recognition received.

For instance, the music video for "Lovin' It," the lead single from *The Minstrel Show*, opens with 9th Wonder and DJ Flash shaking hands and cracking the lid on an old-fashioned turntable. Though the video is ultimately just a glorified take on a live show, Flash—who scratched records for Little Brother nightly—disappears after five seconds. 9th Wonder backs the group by himself.

And months before *The Minstrel Show* was released, Atlantic Records flew 9th Wonder to London for one day to do press behind the record and, ostensibly, to perform with Little Brother for a night. Pooh and Phonte wouldn't have it. The second he climbed onstage they knew audiences from Omaha to Belfast would start demanding the original trio. They banned him from the show.

"That's just kind of a recurring thing that we had with him—'Dude, you're either in this shit all the way, or it's nothing,'" says Phonte. "If you're going to tour, you got to tour. I don't have that luxury. Pooh don't have that luxury. It was nothing that was meant to hurt his feelings. It was just a business decision."

The remnants of Little Brother and artists who still work with 9th Wonder, like Kaze and Khrysis, agree that this was the crux of the problem: 9th Wonder was never again *in* all the way. He would stop in only for *The Minstrel Show* sessions that included famous guests. He couldn't be at his own group's late-night sessions, but when hip-hop's biggest names came calling, he would meet them on their own terms. And when it came time to work on the band's third LP, 2007's *Getback*, Pooh and Phonte began to expect that he was sending them his dump-bin beats—stuff that he'd had sitting around for years, picked over by

everyone else. Pooh insists he'd heard all the material before.

So Little Brother put one 9th Wonder beat on *Getback*. The three college friends parted ways via conference call during January of 2007. Aside from a run-in at an airport and a few short conversations through online instant messages, they haven't spoken since.

Last summer, Big Dho sent all three an e-mail, demanding friendship.

"I said, 'Fuck a 9th Wonder. Fuck a Rapper Big Pooh. Fuck a Dho. Fuck a Tay or a Tigallo. I'm talking to Patrick. I'm talking to Thomas. I'm talking to Phonte. This is Mischa talking to you. I want to get back to *that*. Fuck music,'" says Dho. "9th just responded to me and said that it was over—the friendship, everything. That shit hurt."

If you can call it that, the album-release party at Dolce Tuesday night is finally winding down. Rapper Big Pooh and Phonte have said hello and now goodbye to most everyone in attendance. Phonte spots Pooh in the thin crowd and tells him he's ready to head to the car. Beneath a light drizzle, a group of fans loading into a Ford Explorer asks for autographs and for a few words on a video camera. Pooh and Phonte oblige and lean in close to one another.

"Them two is legends right there," says one zealot, still waiting outside the car. He points to Phonte and Pooh, their backs turned. "Legends."

They walk the block, cutting jokes about an upcoming show in California and a video they've just released for *Leftback*'s first single, "Curtain Call." Phonte unlocks his car and they climb in.

Back in 2005, on *The Minstrel Show*'s soulful "Slow It Down," Phonte rapped, "I'll scoop you up in my Porsche—sike/ You know I got a Nissan/ That I'm still paying for, still got a lease on." That rhyme was for his big-money major-label debut, the record people thought might make Little Brother rich. Nearly five years later, he's still got a Nissan, now with a baby seat and an array of food crumbs sprinkled across the back seat. He mutes NPR, plugs his iPod into an adapter and pushes play on "This Could Be the Night," a new track he's making with Detroit-based producer Zo!

It's a fun number about drinking and dancing, and Phonte and Pooh nod along hard to the beat. Phonte quietly sings a bit of Darien Brockington's verse, and Pooh smiles slightly when it's time for his guest spot. His recent material has been edgy, tough-guy stuff, but here he plays the part of master entertainer: "Let your hair down/ Let's go!"

While they were still finishing *Leftback*, Pooh stopped by Phonte's home studio in Raleigh to record this verse. It seems carefree, focused entirely on celebration. For the past several years, that's what Little Brother lacked. On *Getback*, those once joyful late-night sessions began to turn into suicide missions, pushing past dawn. As Khrysis puts it, Little Brother had to prove they could succeed without 9th Wonder and without a major label. It became work.

"The night we finished the album *The Listening*, I drove back to Durham, and I sat in my car listening to it until the sun came up. I knew that my life was about to change," says Phonte, sitting in the Nissan alone now, his smile fading. "Once you start seeing some success, it does change you. It's just like any other kind of business: The more you learn about the industry, it can really take your love for it away and beat your spirit out."

That's the silver lining of *this* Little Brother breakup, of Pooh and Phonte no longer calling themselves by that name. After a decade of making raps, they decided they wanted to depart as friends rather than to force their mounting creative and commercial differences into a compromise—and end up hating each other for it.

Phonte had figured out how to make a comfortable life for himself and his family with his own Grammy-nominated, cyber-soul project, The Foreign Exchange, and by working with artists on his new label, +FE Music. He's mostly singing now, while Pooh's rap has only grown more menacing. Pooh's still hoping that his verses can translate to some larger success.

"We're still friends. You just saw us kicking it, but from that perspective, I knew that if we kept trying to make it work as a business, we were going to ruin our friendship," says Phonte. "I'd already been through that with 9th, and it wasn't worth me losing another friend."

Meanwhile, 9th Wonder has moved from being a mere producer to, these days, being something of an enterprise. He leads the True School Corporation, a multimedia company devoted to celebrating and preserving hip-hop's cultural legacy, and he now teaches at Duke University after an extended stay at the helm of N.C. Central's Hip-Hop Initiative. Red Bull is one of his corporate sponsors, and in just the past two years he's supplied beats to Ludacris, Erykah Badu, Nas & Damian Marley, Wale, David Banner and Sadat X. Two weeks ago, he released his fourth full-length collaboration with California underground favorite Murs.

He owns two record labels, too, Jamla and The Academy. They're stocked largely with young, local talent. Each month, the labels throw a showcase at a local club. 9th Wonder spins records, and each act—whether the firebrand female emcee Rapsody, the Justus League veteran Edgar Allen Floe or the preppy outfit Actual Proof—gets three songs.

Last month at The Brewery in Raleigh, the showcase had the feeling of an organization looking for energy but not quite finding it. The rappers constantly pleaded with the crowd of about 60 to get its hands up, to chant the hooks or to dance. 9th Wonder remains hopeful.

"I understand the division that was created. It was like, first the Fat Boys break up, and now this? Now what?" 9th Wonder said last year, admitting that he felt a certain responsibility to build a new hip-hop scene in the Triangle, to restore the same energy that served as Little Brother's all-important cradle. "It kind of died when we went our separate ways, but it can come back. As long as we stay here and keep representing this area and this state, it can happen."

But sitting in his house set back in a North Raleigh subdivision on a Sunday afternoon, DJ Flash argues it could have already happened—and that it probably won't now. Flash is a plainspoken Midwesterner. He confesses to a short temper, but he's mostly hilarious, with a disarming V-shaped gap between his front teeth. A father of two, he compares this situation to a bunch of bickering children who can't see past their priorities to be collaborators, let alone pals. Their division, he thinks, prevents a lot of talented people from working with a whole lot of other talented people.

He remains friends with all of them, at least. Pooh and Phonte were at his house for a barbecue last week, and 9th Wonder will be here in a few hours. He's often considered inviting them over the same week.

"All of them are like my brothers. I'm cool with everybody," he says. "But what if we were *all together*?

That's what really burns me up. What if both camps were together? We would have a little empire right now. But, man, everybody just really fucked it all up."

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