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BILL MOYERS: Welcome to THE JOURNAL.

Before we begin, get a wagonload of this. You know the election year farm bill that's been so much in the news this week? The one that gives billions of dollars to very wealthy farmers and landowners passing themselves off as farmers? Well, it turns out that buried deep inside its nearly 700 pages is a hidden, additional \$16 billion of taxpayer dough that is, as the WASHINGTON POST reported Wednesday, "lucrative beyond expectations."

True, the bill contains more money for the hungry, but this windfall proves two things: one, before you can help the poor in this country, you have to buy off the rich, and second, so many vested interests have a stake in our government's dysfunction, they don't want to fix it. Just another reason for the candidates - and all of us - to read a new book by one of America's top students of government - Paul Light.

He calls it "a government ill executed" - a phrase from founding father Alexander Hamilton, who warned his fellow architects of our Constitution that "a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

Just look at the past six months, says Paul Light. We've seen the federal government at its worst, thoroughly unable to guarantee the faithful execution of all the laws or look out for your interests as citizens.

Where were the watchdogs who should have barked when lenders and borrowers went crazy and sub-prime mortgages began to melt down?

Where were the inspectors before those risky mining practices in Utah led to the deaths of nine men? If you were sitting on one of those grounded airplanes this spring, it's because the FAA had been treating the airlines - not the public - as their customers. When this FAA inspector blew the whistle on his agency - for allowing Southwest Airlines to fly for months without mandatory safety checks, putting lives at stake - his own management threatened him.

DOUGLAS PETERS: On his way out the door he made the following statement: "You have a good job here and your wife has a good job over at the Dallas FSDO. I'd hate to see you jeopardize yours and hers career trying to take down a couple of losers."

BILL MOYERS: It was one more reminder that whistleblowers are often our first line of defense against corruption and incompetence.

VOICE: The question is on passage of the bill...

BILL MOYERS: Congress recognized the importance of whistleblowers last year with bills to strengthen protections for those who speak up about wrongdoing in the workplace. This man, Scott Bloch, is supposed to be their guardian.

SCOTT BLOCH: Wrongdoers and those who retaliate against them - against whistleblowers should receive real discipline to punish behavior, set the example and reassure the public they are protected by effective oversight.

BILL MOYERS: Bloch talks a good game. He was President Bush's choice to run the independent Office of the Special Counsel. He's supposed to make sure whistleblowers

aren't punished while their allegations are vetted. He's also supposed to uphold the Hatch Act that forbids partisan political activities in federal agencies.

But this month the FBI seized Bloch's computer and boxes full of documents after someone blew the whistle on him, for allegedly closing hundreds of whistleblower complaints without investigating them, for retaliating against whistleblowers on his own staff, for discriminating against gay employees, and for possibly erasing evidence from his hard drive.

So much for this "independent" watch dog, the administration's own chief enforcer of honesty in government.

That's just the beginning. One federal agency after another has been compromised for partisan reasons.

In a recent survey of more than 1,500 scientists at the environmental protection agency, 60 percent of them - that's 889 scientists - said they had experienced political interference with their work. And their work, remember, is the protection of environmental and human health.

SEN. SHELDON WHITEHOUSE (D-RI): Setting aside the statistics or percentages or any conclusions you might draw, just the raw data point of 889 scientists who work for your organization who say that their work has been interfered with politically -

DR. GEORGE M. GRAY: I will say that 889 is a number that is unacceptable to me as the head of the Agency's science and technology office and as the Agency's science adviser.

BILL MOYERS: There have been so many scandals in government it's hard to keep track. Which is why you probably missed the story of Lurita Doan.

REP. HENRY WAXMAN (D-CA): And I'm very pleased to welcome the Honorable Lurita A. Doan.

BILL MOYERS: Doan headed one of the most important but little known agencies of government, the General Services Administration. It's supposed to be non-partisan, charged with overseeing nearly \$500 billion dollars of goods and services for the government...

But Doan, a big contributor to Republican campaigns, allowed Karl Rove's White House deputy, Scott Jennings, to detail a partisan strategy right there in her offices - a violation of the Hatch Act.

REP. BRUCE BRALEY (D-IA): The Committee has been informed by multiple sources that after Mr. Jennings finished his presentation, you stated, "How can we use GSA to help our candidates in the next election?" Now, reminding you that you are under oath, can you tell the committee whether in fact you did make that statement?

LURITA DOAN: I do know that I am under oath, and I will tell you that honestly and absolutely I do not have a recollection of actually saying that.

BILL MOYERS: As evidence against Doan mounted, it was too much for House Oversight Committee Chair, Henry Waxman.

REP. HENRY WAXMAN (D-CA): It's unusual for me to ever call for the resignation of a federal official. But in your case, I don't see any other course of action. I would urge you to resign.

BILL MOYERS: That was almost a year ago and Doan didn't resign until last month when the White House finally asked her to. Not for violating the Hatch Act but because her ongoing and public feud with her agency's own watchdog had become what her bosses at the White House called "a distraction."

ALPHONSO JACKSON: Madam Chair, I am here to present FY 2009 HUD Budget.

BILL MOYERS: Speaking of distractions, there's Alphonso Jackson, a Bush fundraiser as well as friend and former neighbor. The President rewarded him with a cabinet post running HUD, the Department of Housing and Urban Development, a 35 billion dollar agency whose mission, among others, is to help Americans become homeowners.

SEN. PATTY MURRAY (D-WA): This subcommittee has a tremendously important oversight...

BILL MOYERS: But Jackson, it seems, was also helping friends and cronies get lucrative housing contracts. For half his tenure he's been under investigation and ducking questions.

SEN. PATTY MURRAY (D-WA): You have an opportunity to set the record straight here and I'm asking you a direct question.

ALPHONSO JACKSON: Therefore I'm going to let the investigators complete their work before I make any public comment.

BILL MOYERS: And, in Philadelphia, the city's housing director Carl Greene, says Jackson threatened his agency's funding after he refused to hand over city property worth two million dollars to one of Jackson's friends.

Philadelphia's lawsuit against HUD uncovered this incriminating exchange of email between Jackson's top assistants.

"Would you like me to make his life less happy? If so, how?"

"Take away all of his federal dollars?"

"Let me look into that possibility."

SEN. ARLEN SPECTER (R-PA): When you have this exchange of email about making his life unhappy and taking away the funding, and "I'll look into that" and then the same day they take action to withhold what is now amounting to 50 million dollars that's just too much of a coincidence.

ALPHONSO JACKSON: As I stated in a memorandum to you. I saw this for the first time on Tuesday. And I am making every effort to get to the bottom of it.

BILL MOYERS: But weeks later, Jackson decided he was needed at home.

ALPHONSO JACKSON: There comes a time when one must attend diligently to personal and family matters.

BILL MOYERS: Even as the president nominated Jackson's replacement, he still had some good words for his good friend Alphonso.

GEORGE W. BUSH: He's worked tirelessly at HUD to help America's homeowners. He has transformed a lot of lives. And America is a better place because of your service.

BILL MOYERS: We've heard that before.

GEORGE W. BUSH: And Brownie, you're doing a heck of a job.

BILL MOYERS: You remember Brownie - Michael Brown - the President's man at FEMA, the Federal Emergency Management Agency. When Katrina struck the Gulf Coast, Brownie became the personification of high level appointees chosen for loyalty over experience.

Scores of others have won their own brownie points - and lost their bearings - tripped up by conflicts of interest, corruption, or incompetence - they resigned.

If these were simply unconnected anecdotes, it would be one thing. But there's a pattern to them, one our new President is going to have to deal with from day one.

Right away that new President will have to appoint almost 3,000 political executives to oversee the 15 million people who make up the federal workforce.

Paul Light's book pulls no punches, but he also points to changes that could invigorate our government.

So, not only the presidential candidates, but everyone running for Congress should read this book. If our political leaders do not confront this pattern of desperate concern, says this sober scholar, "they are likely to preside over a string of meltdowns that will make the federal response to Hurricane Katrina look like a minor mistake."

BILL MOYERS: There's no appointment our next President will make that will be more important than the first nomination to the Supreme Court. With it can go control of the Court. John McCain left no doubt recently about his intentions.

JOHN MCCAIN: I have my own standards of judicial ability, experience, philosophy, and temperament. And Chief Justice Roberts and Justice Samuel Alito meet those standards in every respect. They would serve as the model for my own nominees if that responsibility falls to me.

BILL MOYERS: There you have it: if you like George W. Bush's appointees to the Court, President McCain would give you more of the same. President Barack Obama, on the other hand, would try to swing the Court in a different direction.

BARACK OBAMA: I think actually Justice Breyer and Justice Ginsburg are very sensible judges...I think that Justice Souter who was a Republican appointee, is a sensible judge. What you're looking for is somebody who's going to apply the law where it's clear.

BILL MOYERS: In this week's article for THE NEW YORKER Magazine, Senior Staff writer Jeffrey Toobin makes a case that, with both Justices John Paul Stevens and Ruth Bader Ginsburg approaching retirement, the future of the Supreme Court will be at stake in the 2008 election.

One of the country's most provocative legal journalists, Toobin has just won the J. Anthony Lukas Book Prize from the Journalism School at Columbia University. It's for his 2007 book, THE NINE: INSIDE THE SECRET WORLD OF THE SUPREME COURT. It's the most recent in a string of books on politics and the law that Toobin has written.

Three of them were best-sellers. In addition to writing for THE NEW YORKER, Jeffrey Toobin won an Emmy for his reporting at ABC News. He is a Senior Analyst for CNN. Full disclosure: I've known him since he was knee-high to a grasshopper. Jeffrey Toobin, welcome to the JOURNAL.

JEFFREY TOOBIN: Great to be here, Bill.

BILL MOYERS: Is there any evidence in Washington, on the campaign trail, among legal circles, that the big fight involving the Supreme Court in resolving the 2000 election Gore versus Bush is playing out in this election? People still thinking, talking about it?

JEFFREY TOOBIN: Democrats are. Democrats are furious about Bush v. Gore. It remains the wounds that won't heal. This weekend HBO is doing a really terrifically entertaining movie version of that whole Florida struggle called Recount, based in part on my book, Too Close to Call. And in watching Democrats respond to that movie, you see the frustration, the anger, the lingering of bitterness about it. Republicans, like Antonin Scalia on 60 Minutes the other day, say, "Get over it."

BILL MOYERS: Have you seen the Court do many things to try to protect itself against political accusations this fall?

JEFFREY TOOBIN: Well, I think they are going to do their best to stay out of the election, per se. They are not going to have many cases that deal directly with elections. But, you know, I think, for better or worse, the Justices are who they are. There are four very conservative Justices there. They decided a case about Indiana election law.

BILL MOYERS: Upholding the state's voter identification.

JEFFREY TOOBIN: Correct. Which will-

BILL MOYERS: What did you think about that?

JEFFREY TOOBIN: Well, I thought it was a bad decision but a predictable one because it was a very clear attempt by Republicans to stop Democrats from voting. I don't think there's any doubt about what the motivation was of that law. It didn't say that in the text of the law. And the aim of stopping fraud was one that we all can embrace. But the fact is electoral fraud scarcely exists in this country. The real agenda was to help Republicans.

The dissenting Justices said you need to look deeper. You need to look at the effect of the law, not just the text of the law. The Justices in the majority said, "We're not gonna look more closely." That's how they came out the way they did.

BILL MOYERS: But that's what conservatives say they most object to about the liberal argument that in the penumbras, in the shadows, in the nuances liberals find what legislators didn't intend.

JEFFREY TOOBIN: Well, the phrase that President Bush uses all the time is legislating from the bench. He doesn't like judges who legislate from the bench.

BILL MOYERS: Ronald Reagan said much the same -

JEFFREY TOOBIN: -much the same thing. Judicial activism. But, you know, judicial activism is in the eye of the beholder. One of the biggest decisions by this current Court, is the end of last term, Louisville and Seattle.

BILL MOYERS: School-

JEFFREY TOOBIN: School boards.

BILL MOYERS: Right.

JEFFREY TOOBIN: Said, "You know what? We care about diversity in our schools. We want siblings to go to school together. We want kids to go to school in their neighborhoods. But we also wanna make sure that there is some measure of racial diversity in the schools." No Court forced them to do that. They just decided on their own. The conservatives on the Court said, "Well, We know better. You can't do that. That's a violation of the Equal Protection Clause." Now, isn't that judicial activism? That's overruling the legislature just like *Roe v. Wade* was. So, you know, there is conservative judicial activism as well as liberal.

BILL MOYERS: I was somewhat surprised when I read your piece in the *New Yorker* because none of this seems new. I mean, for a long time conservatives have wanted to appoint judges and follow the election return. And liberals have wanted to appoint judges and follow the election returns. They just wanted different election returns.

JEFFREY TOOBIN: You know, we talk about Supreme Court Justices often as if they exist in some sort of world apart from politics. And the theme of my book, and I think a rational view of the Court, is that it is part of politics. It is not separate from. And the presidential

election I think will determine the future of the Court for decades.

BILL MOYERS: But voters seem to be more concerned with everything except the Supreme Court in this election and election coverage.

JEFFREY TOOBIN: Well, presidential elections are often decided on issues that vanish quickly after the President is inaugurated. Look at the 2000 campaign. Remember all the discussion about the Social Security lockbox? Whatever that is. I can barely remember what it is.

But if you look at George Bush's presidency, particularly his second term, what matters, the legacy he'll leave is the war in Iraq and John Roberts and Samuel Alito. And I think that's likely the case for the next President as well, that the war and the Supreme Court will be a big part of what the next President does.

BILL MOYERS: So what surprised you about McCain's speech enough for you to want to write about it this week?

JEFFREY TOOBIN: Well, what surprised me was the degree to which he embraced, in its entirety, the really strong conservative agenda that President Bush has reflected in his appointments to the Court, that this was not the maverick John McCain. This was the John McCain who needs to ingratiate himself with the base. And he did in a big way.

BILL MOYERS: But it didn't surprise me because, as you know, he's been against Roe versus Wade for a long time. He voted for every one of George W. Bush's nominations to the judiciary. I mean, this man is not surprising on the Court.

JEFFREY TOOBIN: Well, he- it's not surprising, but also he is in the midst of a general election campaign now where it is the custom to move towards the center. And he didn't move towards the center here. He-

BILL MOYERS: On the Court?

JEFFREY TOOBIN: When it comes to the Court. His rhetoric particularly when it comes to the most divisive issues like abortion, like affirmative action, like the death penalty, was very much in the vein of appealing to the hard right.

BILL MOYERS: Why then did he speak in such a circumlocution? Because he doesn't mention abortion-

JEFFREY TOOBIN: No.

BILL MOYERS: -he doesn't mention gun control. He doesn't mention any of these hot button issues that the religious right and the conservative right really think are hallowed.

JEFFREY TOOBIN: Well, McCain has a problem. His problem is on those issues the public, by and large, is against them. The public doesn't want to see Roe versus Wade overturned, doesn't want to see abortion abandoned, doesn't want to see affirmative action ended, doesn't want to see the death penalty expanded. So what he did was he spoke in code. There were dog whistles in there, words that can be heard and understood by people who are on the inside of the conservative movement - but the way he dealt with the issue was to speak in code but to speak very clearly in code. And that's what I tried to do in my New Yorker story, which was to unravel the code to make it clear what he was saying.

BILL MOYERS: The only concrete nouns he utilized in his speech were Alito and Roberts. Now, when his conservative constituency hears those words, Alito and Roberts, what are they hearing?

JEFFREY TOOBIN: Well, they're hearing that these appointments have been a homerun for the conservative movement. That Alito and Roberts have now been on the Court about three years. There is not one vote that you can point to by either one of them that could

be called a surprise, that could be called evidence of moderation either in the present or possibly in the future.

They are part of the conservative movement. They have joined Scalia and Thomas to be four of the most conservative Justices this court has seen since the 1930s. And that's why they were put on the Court. And that's what John McCain wants to do with his appointment.

BILL MOYERS: So what have Roberts and Alito, Scalia, and Thomas done specifically that you say, both in *The Nine* and in your *New Yorker* piece this week, have moved the Court much closer to the right-wing agenda, to fulfilling the right-wing agenda? What have they done?

JEFFREY TOOBIN: Last term they upheld the federal abortion restrictions, the so-called late-term abortion ban. First time in history the Court has ever upheld a ban on a specific kind of abortion. And certainly laid the groundwork for overturning *Roe versus Wade*. That decision in Seattle in the school district in Seattle and Louisville certainly limited school districts specifically in what they could do but also was a dagger aimed at the heart of all affirmative action, any consideration of race, period.

They limited the rights to sue for employment discrimination in the *Ledbetter* case. They made it harder to challenge the - mingling of church and state. That's just a sampling of what they did.

BILL MOYERS: Some people criticize your book, *National Review* for one, as saying as going overboard on this conservative revolution, saying the Court has not moved that far to the right, as far to the right as you have described it.

JEFFREY TOOBIN: Well, I think it is important to recognize that the conservative base of the party doesn't have total control. They have four Justices. Anthony Kennedy sides with them on certain issues but not others. He has been with the conservatives on racial issues. He has not been with them on *Roe v. Wade*.

So it is true that the conservatives don't have total control. But they're very close.

BILL MOYERS: That's what the election's about, right?

JEFFREY TOOBIN: That's what the elect- especially when you have John Paul Stevens just celebrating his 88th birthday. Ruth Ginsburg, her 75th birthday. David Souter, 68 and not really wanting to stay on the Court much longer. That's why it's very significant-

BILL MOYERS: What was the dog whistle Obama was blowing on the campaign trail when he mentioned the late Chief Justice Earl Warren?

JEFFREY TOOBIN: Oh, that's very clear. It is saving *Roe versus Wade*. It is allowing the consideration of race in college admissions. It is strict limits on the death penalty. It is special regard for the separation of church and state. You know, Obama is a former Constitutional Law Professor. And I've had the opportunity to talk to him about the Constitution. He still follows the Court very, very closely. He mentioned Souter, Ginsburg, and Breyer as Justices he admired. So I don't think there's any doubt what kind of Justices he'll appoint to-

BILL MOYERS: Liberal Justices?

JEFFREY TOOBIN: Liberal Justices but also I think Justices with some real-world experience. You know, this is the first Court in history where all nine Justices are former Federal Appeals Court Judges. I think the Court's missing something. And I think Obama feels that way, too.

BILL MOYERS: Earl Warren had been Governor of California. He was a Republican appointed by Dwight Eisenhower. He became the poster boy, to use that cliché, for the

right wing's efforts to impeach him.

JEFFREY TOOBIN: You remember the bumper sticker-

BILL MOYERS: I remember, "Impeach Earl Warren." And that's when this all began because they saw him as a very liberal and activist judge. And I was curious when I saw that speech by Obama as to why he wants to rile the forces against him even further by mentioning perhaps the most hated name in the judiciary as far as conservatives are concerned.

JEFFREY TOOBIN: Well, I think this is something Obama feels strongly about. He has devoted years of his life to studying the Supreme Court. He really knows the subject. And I think the fact that Warren both was a progressive Justice and came from outside the monastery of judges is something that a President Obama, if there is one might well look to in making appointments.

BILL MOYERS: Do you think his strategy would be to keep the balance and instead of trying to tip the Court, the way McCain would like to tip the Court?

JEFFREY TOOBIN: No, I think he'll try to tip it his way.

JEFFREY TOOBIN: I'll say yeah, I mean, you know-

BILL MOYERS: Well, let's be very candid that you-both sides want activist judges.

JEFFREY TOOBIN: This is a big plum of being President of the United States, to have Justices who reflect your ideology. Now, if he only gets one appointment he won't have a chance much to tip the balance. But if he has two, if he has four, you bet he'll try to extend his influence. This is they don't want balance. They want victory.

BILL MOYERS: Help us understand how we watch this issue during the campaign. What will you be watching for to see how the campaign, the candidates tip their hands as far as what they will do? Of course, not just the Supreme Court but all the way down the judiciary?

JEFFREY TOOBIN: Well, the polling data I've seen suggests that the people who care strongly about the Supreme Court are the partisans on both sides. The people who are going to vote for their candidate anyway. The challenge for candidates when it comes to the Supreme Court is to make the issue real for the people in the middle. And I think Obama might well risk raising the issue of abortion at this point because it is something that candidates have generally stayed away from, but it is so close now to a court that will overthrow Roe versus Wade that that is an issue where the public is on a side. The question is can he turn it into a voting issue?

BILL MOYERS: Is this issue of the Supreme Court so important to Clinton supporters that it could be the issue that brings them to Obama in the general election?

JEFFREY TOOBIN: I think it is a very good issue for Obama to reach out to Clinton supporters, to say, "Look, I may not be your first choice, but look at the stakes of this election. If you care about choice, if you care about diversity, you need to be with me."

JEFFREY TOOBIN: So I do think it could be a powerful vehicle for reuniting the party.

BILL MOYERS: Jeffrey Toobin, I hope people will read your piece in the New Yorker and The Nine: Inside the Secret World of the Supreme Court. Thanks for joining me on The Journal.

JEFFREY TOOBIN: Thanks, Bill.

BILL MOYERS: If it weren't for the work of a muckraking journalist more than a century

ago, the Federal Food and Drug Administration, the FDA, might never have existed. In 1906, Upton Sinclair published *The Jungle*, a fierce graphic account of the meatpacking industry's filth, corruption and exploitation. His vivid, stomach-churning depiction fueled a demand for more stringent inspections and the creation of the FDA to keep food, medicine and other products fit for human consumption.

Last week, FDA officials and other government witnesses were called to a Senate Committee hearing on the safety of Bisphenol A, or BPA that's a chemical used in a variety of plastic products from baby sippy cups to eyeglasses. When Senator Schumer and five of his colleagues introduced legislation calling for a ban on BPA in all kids' products, they used information uncovered by the investigative reporting of the Milwaukee Journal Sentinel. How the paper's reporters got that story is the subject of this report from our colleagues at Exposé, narrated by Sylvia Chase.

NARRATOR: Plastic. It's in almost everything. Food is stored in it. People drink from it... work with it...play with it. Less well known is that there is a chemical contained in many plastics that is also found in 93 % of us.

It's called "Bisphenol A."

FREDERICK VOM SAAL: Bisphenol A is actually the chemical used to make polycarbonate plastic. It's the hard, clear plastic used in baby bottles, and it also is the lining of all metal cans made in the United States - beer cans, soda cans, food cans. And this chemical leaches out of all of these products into any kind of food or beverages that come in contact with it.

NARRATOR: Bisphenol A, BPA, is what is known as an endocrine disruptor. Studies have shown that in lab animals, it causes breast and testicular cancer, diabetes and hyperactivity. Its effects on humans are not entirely known. The manufacturers of BPA, and their lobbyists, say it is safe. U.S. regulators agree. One team of investigative journalists decided to ask...why? Susanne Rust is a science reporter with the MILWAUKEE JOURNAL SENTINEL.

SUZANNE RUST: When I was a graduate student, I read this article in the New Yorker. The theory was that there were chemicals in the environment that were somehow messing with the reproductive system. And then I got into journalism, and suddenly these science stories kept coming across my desk. The managing editor of my paper was really excited about one of the stories I had written. It was on this chemical, Bisphenol A, and he was like, "You interested in this?" I said, "Yeah."

GEORGE STANLEY: I went to Susanne and said, "We know breast, prostate and other forms of these cancers related to the endocrine system are on the rise in humans. We know this stuff causes it in lab animals. We've got to look into this."

MARK KATCHES: Well, I think the central question that we came up with from the get go was, "Why isn't anything being done to address the issue?" So we set our sites on the regulatory efforts, what the EPA had been doing. It turns out, not much.

NARRATOR: Endocrine disruptors were first identified as the cause of wildlife abnormalities in the early 90s. The Environmental Protection Agency and the Food and Drug Administration, though, repeatedly reassured the public that BPA, at least, was safe.

The agencies cited studies done in the 1980s. But prompted by an outcry from advocacy groups, President Bill Clinton signed the Food Quality Protection Act in 1996. That same year, the Safe Drinking Water Act was amended.

The combined legislation promised a chemical screening program of endocrine disruptors to be overseen by the EPA. The goal was to determine whether or not they were dangerous to human beings.

1998 - the EPA, headed by Carol Browner, sets a deadline to fast track the testing of 15,000 chemicals suspected as endocrine disruptors...

1999 - the EPA misses the deadline. The Natural Resources Defense Council sues the agency to enforce screening. 2001 - a new administration takes office; Christine Todd Whitman becomes head of the EPA.

2003 - two more suits are brought against the EPA, one by a coalition of environmentalists and advocacy groups...the other by the attorneys general of four states. The suits attempt to force the agency into compliance with the food quality protection act....

2007 - 11 years after the laws were passed...the EPA had yet to screen its first chemical.

Mark Katches assigned two members of what the paper calls its "watchdog team" to join Susanne Rust in exploring why: Cary Spivak...and Meg Kissinger.

MEG KISSINGER: You can go as, you know, walk into any grocery store or go to any makeup counter, and you know, you'll find plenty of products that contain chemicals that are suspected, and that's the big word, you know, they're suspected of health concerns. And the mainstream media just hasn't paid that much attention to it.

NARRATOR: The Journal Sentinel began to give some attention to the Environmental Protection Agency in June of 2007.

CARY SPIVAK: At first, they were very cooperative, but when we said, "Look, that Congress passed a law saying you're supposed to be screening these chemicals, and you keep pointing out that you're working on it, but now it's 2000 - at the time 2007 - you have yet to screen a chemical." And they realized that we were really pushing them and demanding answers. They got much more difficult to deal with.

NARRATOR: Stephen Johnson is the head of the EPA. The paper would report he declined repeated requests for an interview.

MARK KATCHES: And we're the Milwaukee Journal Sentinel. We're not The Washington Post or The New York Times. So when you start calling officials from the EPA, you're not going to get the same kind of attention that, that those newspapers would get. So we had to be really persistent.

CARY SPIVAK: There was a period of time where they just said, "We've answered all your questions." We said, "We don't care if you think you answered all our questions." We just kept going. And even on basic things they were very difficult to deal with.

NARRATOR: The reporters eventually learned that the EPA, though it hadn't tested a single one of the 15,000 chemicals promised, had already spent some \$80 million on the endocrine disruptor program.

GEORGE STANLEY: And here's tens of millions of dollars, our tax dollars being spent and not a single chemical has ever been tested, to this day. So, the more they dug, the more they found.

NARRATOR: He team also learned that only in 2008 did the agency plan to screen its first chemicals- just 73 of them, and not including BPA...and they wouldn't even be finished with that until 2010.

CARY SPIVAK: That took literally weeks to get answers from them to give us the date of 2010.

NARRATOR: Elaine Francis, the national program director of the agency's endocrine disruptors research program, told the paper:

"Clearly, we would have liked to have been a lot further along. But science tends to move at its own pace." **NARRATOR:** But the pace of science was far from the only issue. The reporters wanted to know: just what was the science saying? The journalists found two camps, each with its own view of the science of Bisphenol A. One includes Dr. Frederick

Vom Saal.

FREDERICK VOM SAAL: In our test system with human breast cancer cells, what we found with Bisphenol A was very different than what happens with a natural hormone produced in your ovaries.

NARRATOR: Vom Saal is a biologist at the University of Missouri. He has studied Bisphenol A for more than a decade. In 1997, a team of researchers led by Vom Saal published a peer-reviewed study showing that when BPA was introduced to human breast cancer cells, it penetrated the cells and made them grow rapidly.

FREDERICK VOM SAAL: And as a result of that, we got interested that maybe this chemical was a lot more potent than anybody had previously thought. And so we did a study where we administered it to mice, and found that at a dose 25,000 times below what anybody had ever tested, we caused damage to the entire developing male reproductive system.

NARRATOR: Chemical companies who make or have made Bisphenol A say that people have little or nothing to fear from what are known as endocrine disruptors.

MEG KISSINGER: The chemical companies' basic answer was, "There's no known direct effect that these chemicals are harming anybody."

NARRATOR: The paper heard the same from the industry's powerful trade and lobbying association, the American Chemistry Council. The ACC's Marty Durbin said: "Science supports our side...."

An industry consultant and former EPA regulator, James Lamb, agreed, saying, "I'm very comfortable with my kids and grandkids using these products...because i believe the industry has done the studies that need to be done and that they're interpreting them properly."

In defense of the safety of Bisphenol A, the companies and the ACC cited studies they funded themselves, some paid for by the ACC, which has an annual 75 million dollar budget.

SUZANNE RUST: They say the reason they get these, these results is that their studies are better than any of the academic studies, any of the government studies. They can use more animals; they have better controls in their laboratory.

NARRATOR: But one EPA biologist, L. Earl Gray, Jr., charged the industry with flooding the EPA with studies. David Rosner, professor of history and public health at Columbia University, explained why, telling the paper chemical makers have "... learned that if you play on the uncertainty of danger, you're going to be able to stop regulatory action..."

CARY SPIVAK: What you have, is you have these studies will come out, and they have to weigh that against the academic studies or other studies that are questioning it. And if nothing else, the more you give the EPA additional studies, the more time it's eating up. The more time it's eating up, the more you're selling your product. You've won.

NARRATOR: The ACC's Marty Durbin denied that industry tries to stall the EPA's work. The paper posted this interview with him on its website.

DURBIN AUDIO: "If it was our interest to delay things around here, we'd just sit on our hands and see whether or not EPA gets any funding. But we actually, year after year, go up to the Congress using our resources and lobby to have essential funding to the EPA for these particular research programs. So, again I think our record, our record speaks for itself. We've been fully supportive of moving this process along."

NARRATOR: Again and again, the reporters heard two different stories. One example: they found a statement on an ACC-sponsored website. It said that a person would have to

ingest over 500 pounds of canned food every day to be at risk from BPA found in the containers.

Other scientists told the reporters that even at very low doses, BPA and similar chemicals can affect lab animals...the concern is that they might harm human beings, too.

SUZANNE RUST: It surprised me too how much rancor there was about this chemical. I mean, you would talk to some scientists, and you know, they would tell you that the sky was falling. I mean, we talked to others, and they would tell you that it was fine, and then in the same sort of breath they would cut the first scientist down personally. I mean, it was just kind of amazing. I felt like I'd walked into sort of a geeky chemistry war zone.

NARRATOR: After three months of reporting, Rust, Kissinger and Spivak pulled together the information they had culled about the debate over endocrine disruptors.

MEG KISSINGER: And I remember we had a couple of stories sketched out, and we were pretty happy with them, and it was really basically saying, "There's all these chemicals out there, the government's not testing them as they promised they would. A lot of other countries are much more diligent about this." And then here's kind of a lot of the infighting. So we turned these stories in, and we're all excited, and kind of like, "Oh, oh okay, well, that's a wrap. " And not at all. We were called into Mark Katches' office, and basically got our fannies handed to us on a platter. And he just said, you know, "You're not there, yet." So, we were crushed.

NARRATOR: The story was at an impasse. The editors wanted more work. More investigation. More examination of the science.

MARK KATCHES: We realized that the story would have a lot more authority if we went back and looked at all of the studies that had been done, and really tried to conclusively show, is this a problem, or is it not?

NARRATOR: Before she had become a journalist, Susanne Rust had been a graduate student in Biological Anthropology. Now the paper would call on her experience with scientific methodology.

SUZANNE RUST: I'm not intimidated by scientific studies, right, I'm not afraid to read a methods section. I'm not afraid to read results section. I had enough through background in endocrinology, where I was fairly familiar with the terms they were using.

BECKY LANG: So Mark was like, "Why we don't just do our own analysis?" And so he turned to Susanne and said, "Do you think you could do this analysis?" Yeah, she thought she could.

NARRATOR: To begin her research, Rust headed back to school...to the UW Madison library where she had done her graduate work.

SUZANNE RUST: I searched for Bisphenol A, looking for those criteria which I had initially set out for myself, which were live laboratory animals with spines. Where were the authors, what institutes did they work for, who funded the study, what the author's conclusions about the chemical were, how many animals they used to come up with these conclusions...

NARRATOR: Rust also turned to another public source of medical and scientific studies of Bisphenol A, done by both industry and academic scientists.

SUZANNE RUST: I went to PubMed, which is a database online that sort of puts together all medical and scientific studies, and I put together a huge database with all of this information.

NARRATOR: In all, Rust evaluated 258 studies done over two decades involving lab animals with spines, the type scientists consider most relevant to human beings.

SUZANNE RUST: Right away, you could see that 80% of these studies all found that this chemical caused harm.

NARRATOR: More than half the studies, 168 of them, evaluated Bisphenol A at low doses. The vast majority of those - 132 of the 168 - showed harm to lab animals. And, Rust would report, "nearly three-fourths of the studies that found the chemical had no harmful effects were funded by industry." Rust's overall conclusion: an overwhelming majority of the studies found BPA to be harmful in lab animals - causing breast and testicular cancer, diabetes, hyperactivity, obesity, low sperm counts, miscarriage and other reproductive failures. Studies paid for by the chemical industry were much less likely to find damaging effects or disease.

MARK KATCHES: That's where this story took on a whole different dynamic. Because you were able to show, conclusively, through that analysis of all those studies, that hundreds of researchers across the world had found problems with Bisphenol A. And yet, nobody had done anything, and only a few studies had found that it was safe. And most of those studies were funded by the chemical industry themselves. And, and that's when you knew you had something really, really special to tell to readers.

NARRATOR: All of the studies Rust had evaluated were in the public domain, as available to government regulators as they were to a reporter in Milwaukee. As the reporters were working on their story, they knew the government was continuing to look into Bisphenol A. They would report on one panel funded in part by the National Institute of Environmental Health Sciences. It consisted of experts who directly studied the chemical. That panel found in 2007 - quote - "great cause for concern" about BPA.

Meanwhile, the National Toxicology Program, the NTP, was in the process of coming up with its own brief on Bisphenol A.

Part of the Department of Health and Human Services, the NTP evaluates chemicals and other agents of public health concern. In 2007, the NTP convened a panel composed of scientists who didn't directly study BPA, but would evaluate the work of those who did.

Among the panel's conclusions: While for pregnant women, fetuses and children there is some concern about neural and behavioral effects...there is minimal concern for... .. prostate effects... ..potential accelerated puberty... ..there is negligible concern for birth defects and malformation.

For adults, the concern was essentially negligible. In light of her own findings, Susanne Rust wondered how the panel had arrived at those conclusions.

SUZANNE RUST: We pulled out every single study looked at in their review of Bisphenol A studies. And so we just wrote down what the study was, who funded it, was it government, industry? And then, more specific, what government agency funded it, what industry funded it, what kind of animal did they look at, what was the strain, what were the doses used?

NARRATOR: Among the paper's findings: Some of the studies the NTP panel considered were chosen by a consultant with links to firms that made Bisphenol A. The panel rejected academic studies that found BPA harmful, citing inadequate methods, but accepted industry-funded studies using the same methods...to conclude the chemical does not pose risks. It also accepted two studies finding no harm funded by former BPA-maker General Electric. They were done some 30 years ago. Neither was peer reviewed.

MEG KISSINGER: I try not to be too cynical, but I don't trust that. I would rather have an independent entity testing the stuff to know, versus the guy that's making it.

NARRATOR: And the panel didn't accept any studies that found BPA harmful at low doses. Why? The paper reported the panel's chairman, Robert Chapin, said that once the panel weeded out studies it believed had been done poorly, no studies remained that showed effects from low doses.

Chapin is a toxicologist who has worked in both government and industry. He defended the panel's work, saying that it had accepted studies that followed good lab practices and were backed with strong data, regardless of where they originated. He told the paper, "We didn't flippin' care who does the study."

In November 2007, the reporters rolled out a two-part series entitled "Chemical Fallout."

Among its conclusions: the government's contention that BPA is safe is based on outdated, incomplete government studies and research heavily funded by the chemical industry.

CARY SPIVAK: And we said, "Why this is important to you. Why you should care about what's in the containers holding your food or other products. And that this is all over the place and that there are legitimate scientific questions over the safety."

GEORGE STANLEY: We saw immediate reaction in Milwaukee in the market place. As soon as mothers read this, they stopped buying baby bottles that had this plastic. And they had to go order a bunch of baby bottles made of glass, and BPA-free plastic.

MARK KATCHES: We have not gotten a single demand for retraction, no clarification request from the chemical industry. They've had nothing that they could come back to us on.

NARRATOR: That doesn't mean the industry has stopped defending Bisphenol A. In answer to a question in an online chat the paper sponsored, ACC spokesperson Stephen Hentges wrote:

"It is not correct that only industry studies support the safety of products made from Bisphenol A...government and scientific bodies with no stake in the matter have impartially reviewed all of the scientific evidence to reach their conclusions. The recent NTP panel evaluation is a good example."

CARY SPIVAK: A lot of these plastic products, people like. It makes life more convenient. The battles are going to become more intense as time goes on. You're having more studies come out raising questions about it.

GEORGE STANLEY: We still don't have the answers to a lot of the questions. And we'll be continuing the investigation.

MEG KISSINGER: This is Meg Kissinger calling with The Milwaukee Journal Sentinel...

BILL MOYERS: On April 15th, the National Toxicology Program, the NTP, going beyond its own panel's preliminary conclusions, issued a brief, it stated, in part: "...the possibility that Bisphenol A may alter human development cannot be dismissed."

THE MILWAUKEE JOURNAL SENTINEL reported that this was the first time a federal agency has acknowledged that BPA is potentially dangerous to humans.

Meanwhile, Canada's government has announced its intention to ban the sale of plastic baby bottles containing BPA and last Thursday, the California State Senate voted to forbid the use of BPA in childcare products.

BILL MOYERS: We honor our war dead this Memorial Day weekend. The greatest respect we could pay them would be to pledge no more wars for erroneous and misleading reasons; no more killing and wounding except for the defense of our country and our freedoms. We could also honor our dead by caring for the living, and do better at it than we are right now...

You may have followed the flurry of allegations concerning neglect, malpractice, and corner cutting at the Veterans Administration, especially for Post Traumatic Stress Disorder - PTSD - or major depression, brought on by combat.

The Rand Corporation has released a study indicating that approximately 300,000 veterans of Iraq and Afghanistan suffer from PTSD - or major depression, that's one of every five soldiers who have served over there.

Last Friday's WASHINGTON POST reported an e-mail sent to staff at a VA hospital in Temple, Texas, by a psychologist who wrote: "given that we are having more and more compensation seeking veterans, I'd like to suggest that you refrain from giving a diagnosis of PTSD straight out."

Now, PTSD is not a diagnosis arrived at without careful, thorough examination. But to possibly misdiagnose such a volatile and harmful disorder for the sake of saving time or money is reprehensible.

The VA's director - James Peake - immediately said the psychologist's statement had been "repudiated at the highest level." There's plenty of other evidence to raise concern.

The rate of attempted or successful soldier suicides is so scary the head of the VA's mental health division wondered in a February e-mail how it should be spun. "Shhhh," he wrote. "Our suicide prevention coordinators are identifying about 1000 suicide attempts per month among the veterans we see in our medical facilities. Is this something we should carefully address ourselves in some sort of release before someone stumbles on it?"

REP. BOB FILNER: The hearing today is entitled "The Truth About Veteran Suicides."

BILL MOYERS: This apparent cover-up prompted the House Veterans Committee to raise the question of criminal negligence.

REP. BOB FILNER: If we do not admit, if we do not assume, if we do not know what the problem is, then the problem will continue and people die. If that's not criminal negligence I don't know what is.

BILL MOYERS: You can glimpse what's going on here by reading a front page story in last Sunday's [HOUSTON CHRONICLE - published now on our site at pbs.org](#) - about just one of the suicides. Bronze star recipient Nils Aron Andersson of the 82nd Airborne division... an army recruiter, served two tours of duty in Iraq before he sat behind the wheel of his new pick-up - within 24 hours of his wedding - and fired a single round from a .22 caliber semi-automatic into his right temple. He was 25 years old.

Only about half of those service members diagnosed with PTSD or major depression have sought treatment and about half of those received what the Rand study describes as "minimally adequate treatment." Let me repeat that: "minimally adequate treatment," for what could be a matter of life or death.

Once upon a time kids asked their fathers, "What did you do in the war, daddy?" It's a question the next generation could ask all of us, who stood by as our government invaded Iraq to start a war whose purpose and rationale keep shifting and whose end is nowhere in sight, and who look now with nonchalance upon the unseen scars of those who are fighting it.

That's it for THE JOURNAL. We'll be back next week.

I'm Bill Moyers.

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