

UPDATE S

Fox rBGH > Jane Akre, Whistle-blowing Fox Reporter

Since the verdict, which came down on August 18, 2000, and the jury, six-person jury, said that I had been discriminated against, retaliated against, for threatening to go to the Federal Communications Commission about a slanted news story. The jury was unanimous on that, they awarded me \$425,000, and I thought, oh this is nice. But of course, it goes into an escrow account until the appeal process is done. And immediately Fox filed appeals of that decision.

They did not want that stain on their reputation, and they even said in court, "We're going to get our good name back, your Honour." And they, they pursued an appeal and the basis of their appeal was that there is technically no law, rule or regulation against news distortion. It's a policy of the FCC but it's not a law, rule or regulation. You know, the implication is of course, you know, imagine, there's nothing constraining us from distorting the news, is essentially what they're saying.

And they had used that argument at least six different times before we went to trial. In motions, three different summary judgment motions, which is a motion to get the thing dismissed before you go to trial. In three different motions to try to avoid a trial, they also used that same argument. So once again, after the decision that went against them, they went to the appellate division and used the same argument, there's no law, rule or regulation against news distortion. And to be a violation of whistle-blower law it's got to be a law, you know. Our lawyers argued back and forth on that. Under Florida statute, we believe the news distortion policy is certainly a law that would fall under the whistle-blower law.

But, they finally found some judges who were sympathetic to them. A three-panel judge of the appellate division in the Tampa, Florida area finally agreed with that argument. They reversed the jury decision, they took away the award and they tacked on that Steve and I would both have to pay Fox's legal fee and costs amounting to, now what Fox says is \$1.7 million. This is unprecedented for whistle-blowers, of course, there will never be a whistle-blower who decides to come forward if they can be saddled with the legal fees of the other side. It's just, it's just a punch to anybody who wants to come forward and do the right thing.

And it also says very clearly to journalists that you cannot use the news distortion as a way to find protection from your employer. It's a very, very bad decision. Our lawyers say it is a very flawed decision legally but right now, we're just fighting to not have to pay the, you know, enormous amount that we're facing. We're coming up for a hearing in June before what we hope will be the same trial judge that presided over the five-week jury trial. We are hoping that he will see the insanity of this and make some decision in our favour.

Now even if he does, it's not over there because Fox has another opportunity to go back to the appellate court where they already found a remedy and say, "Your Honours, this is outrageous!" It's kind of like a ping-pong game, you can go back and forth so many times. At some point they exhaust their ability to appeal and I think they get the second bite of the apple.

But it's nowhere near done and at this point and we are in early, mid-2004. We filed this in '98 and the problems with Fox began in '97, so the old adage "justice delayed is justice denied" certainly applies here, I understand what that means. The court system is not set up for the little guy. It's set up for the, the victor will be the one with the deepest pockets, the one that can go on and on and on. And that's Fox.

Note

Having successfully appealed Fox's demand for \$1.8 million in court costs, Akre and Wilson are still on the hook for nearly \$200,000 – that's the amount Fox says it is owed for filing and fighting its appeals. The couple has sought another hearing. They are now preparing a petition to deny the Fox station its broadcast license for violation FCC rules against news distortion.

rBGH Suit: Cost/Benefit Analysis > Jane Akre, Whistle-blowing Fox Reporter

From the point of view of getting the story out, was it worth it? Yes, certainly, the story got out and bovine growth hormone is a much bigger story today than it was in '97 and '96 when we first started looking at it. We're not the only ones of course, it's gotten a tremendous amount of coverage on the internet. There are consumer groups, there are food safety groups that are looking at this as well. And a lot of parents just simply don't want to serve hormone-laced milk to their children, artificially laced with hormones to their children.

From a personal point of view, it was a very easy decision to make at the time, because it just seemed like the right thing. I mean, our radar was good, our ethics were good, but it's a very hard decision to live with in the long run. So I don't like that question because in an ideal sense, of course you'd do it again. But in a practical sense...

Is rBGH Still In Use? > Jane Akre, Whistle-blowing Fox Reporter

I mean, this was supposed to be heralded as a wonderful new product. And it would have widespread dissemination and all the third world countries and all the major industrialized nations would buy this, and it would make Monsanto a pile of money. It didn't happen that way, it didn't happen that way.

It was banned in the European Union, of course banned in Canada, banned in Japan, banned in all of the industrialized nations. And you had a few third world countries buying it, and now the production in the United States has been cut by 50 per cent. So this has not been the rousing success that Monsanto had hoped for.

And it's probably time to revisit that issue and find out exactly what's going on behind the scenes and why the FDA is getting involved in the 50 per cent cutback in production by Monsanto. There's something going on there and again, the consumer is the last to know. And it's just up to reporters to find out what's going on, and to consumer groups and food safety groups. We can't rely on our government to be telling us this stuff, apparently.

Where Are They Now? > Chris Chris Barrett & Luke McCabe , First "Corporately-Sponsored" University Students

[To be added]

Celebration

To be added]

Cochabamba > Oscar Olivera, Leader, Coalition in Defense of Water and Life

Note

Cochabamba's water system is now run by an organization of community and government representatives. At a secret World Bank tribunal, Bechtel is seeking compensation from Bolivia for lost profits. Bechtel is demanding at least US \$25 million - - which is equal to 1.7% of Bolivia's public spending, or 125,000 new water connections in Cochabamba.