



NINTH JUDICIAL COMMITTEE

Box 70, Gedney Station
White Plains, New York 10605-0070
Tele: (914) 997-8105 / Fax: (914) 684-6554

By Priority Mail

June 30, 1992

Arthur Ochs Sulzberger, Jr.
Publisher
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Mr. Sulzberger:

It is with regret that we bring to your attention the enclosed complaint, filed today with the New York City Department of Consumer Affairs.

At the time you took over the title of Publisher, we saved your editorial statement, appearing in the January 17, 1992 issue of The New York Times. As you will recall, you reiterated the pledge made by each of your predecessors when they assumed the responsibilities of Publisher:

"To give the news impartially, without fear or favor, regardless of any party, sect or interest involved."

In view of your commitment that "The Times will continue to adhere to the highest standards of journalism and business to which it has always held itself", we would like to know what those standards are.

Indeed, we would also welcome an opportunity to discuss with you the reality of The Times' coverage of major news stories directly affecting the public interest.

Very truly yours,

ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosures:

- (a) 6/30/92 ltr to NYC Dept. of Consumer Affairs
- (b) 1/17/92 NYT Editorial Statement "From the Publisher"

Ex BB-1



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By Fax and Mail

June 30, 1992

Mark Green, Commissioner
N.Y.C. Department of Consumer Affairs
42 Broadway-8th Floor
New York, New York 10004

Dear Commissioner Green:

We are writing you to protect the public from the false and misleading advertising claim made by New York's leading newspaper, The New York Times.

For years, The Times has been considered a newspaper of record--a reputation it actively promotes through its front-page motto "All the News That's Fit to Print".

Such motto not only implies that The Times is competitively superior to newspapers not making that claim, but constitutes an affirmative representation to the public that purchase of The Times provides all information meeting objective standards of fitness--and that anything rejected by it for publication does not meet those objective standards.

The Times nowhere sets forth its criteria for determining the fitness of the news it prints. In view of The Times' obvious space limitations, we presume such criteria is two-fold: news which the public not only has a right to know, but which it needs to know to protect itself and to preserve the integrity of our democratic system.

As shown by our June 14th letter to Max Frankel, Executive Editor of The New York Times, the Ninth Judicial Committee sought to know why The Times would not report information bearing on the public interest in a quality judiciary and in the accountability of elected officials--President Bush and Senator D'Amato among them. To substantiate the seriousness of the story and the legitimacy of our inquiry, we enclosed comprehensive documentation.

Mr. Frankel peremptorily reiterated The Times' rejection of the story. A copy of his terse June 18th letter is annexed. As you can see, Mr. Frankel makes the statement: "the material you offer us does not add up to an article for The Times". This leads to the inference that our material has not met the "All the News That's Fit to Print" standard. Yet Mr. Frankel offers no explanation as to what that standard is and declines to meet with us.

We submit that any objective review of the material we provided to Mr. Frankel shows that it not only represents the kind of meaningful information that the public needs to know, but documents a major national story. Indeed, the very fact that this national story derives from the New York scene should have made it all the more significant for the The Times, enjoying as it does a national circulation, while preserving its New York name and identity.

Moreover, we have compared articles published by The Times in the six-week period since we first sought its coverage. Based thereon, we find neither justification nor basis upon which such story was rejected.

Indeed, in addition to its daily "National" and "Metro" pages, The Times also runs a Friday "Law Page", as well as a Sunday "Westchester" section--where this news might have appropriately been featured--had The Times been guided by its motto.

It is noteworthy that immediately following our submission of the identical material to New York magazine, that publication made it the subject of its lead item on the "Intelligencer" page (p. 7) of its June 22nd issue. That item, entitled "Credentials Gap: The Case of the Missing Cases", only "scratched the surface" of this extraordinary news story. However, we see no reason why The Times' readership should be deprived of even that limited amount of "news fit to print".

The Times is not only a public institution, but a private business enterprise. As such, it must be held to the standard applied to other businesses in the City of New York--namely, truth in advertising and avoidance of fraud upon the consuming public.

June 30, 1992

In light of the foregoing, we call upon you, as Commissioner of the Department of Consumer Affairs, to conduct an investigation to determine whether The Times should be free to induce purchase of its newspaper and mislead the public by use of its motto "All the News That's Fit to Print".

Very truly yours,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosures: (a) our 6/14/92 ltr to Max Frankel
(b) all enclosures supporting our ltr to Mr. Frankel
(c) Mr. Frankel's 6/18/92 response
(d) New York magazine, 6/22/92, "Intelligencer"

cc: The New York Times
New York Post
New York Daily News
New York Newsday
The New York Observer
The Village Voice
New York Magazine
Fairness & Accuracy in Reporting (FAIR)

The New York Times

Founded in 1851

ADOLPH S. OCHS, *Publisher 1896-1935*
 ARTHUR HAYS SULZBERGER, *Publisher 1935-1961*
 ORVIL E. DRYFOOS, *Publisher 1961-1963*
 ARTHUR OCHS SULZBERGER, *Publisher 1963-1992*

ARTHUR OCHS SULZBERGER JR., *Publisher*

MAX FRANKEL, *Executive Editor*
 JOSEPH LELYVELD, *Managing Editor*
 WARREN HOGE, *Assistant Managing Editor*
 DAVID R. JONES, *Assistant Managing Editor*
 CAROLYN LEE, *Assistant Managing Editor*
 JOHN M. LEE, *Assistant Managing Editor*
 ALLAN M. SIEGAL, *Assistant Managing Editor*

JACK ROSENTHAL, *Editorial Page Editor*
 PHILIP M. BOFFEY, *Deputy Editorial Page Editor*

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 JOSEPH M. MULLEN, *V.P., Production*
 CHARLES E. SHELTON, *V.P., Circulation*

From The Publisher

It has been four generations since Adolph S. Ochs laid down the precepts that have successfully guided The New York Times for 96 years. Those principles have been carried forward with distinction by my grandfather, Arthur Hays Sulzberger; my uncle, Orvil E. Dryfoos, and my father, Arthur Ochs Sulzberger.

Each of these men, in their message upon being named Publisher, quoted the pledge Mr. Ochs made when he took the helm of The Times:

To give the news impartially, without fear or favor, regardless of any party, sect or interest involved.

Each remained faithful to those words and the spirit behind them.

To follow in such footsteps is both a great honor and a daunting challenge. I pledge that, with the aid of the men and women who make this great paper all it is, The Times will continue to adhere to the high standards of journalism and business to which it has always held itself.

In assuming the duties of this office, I remain grateful for the guidance that has been and will continue to be given to me by my father. While he relinquishes the title of Publisher, he retains that of Chairman and Chief Executive Officer of The New York Times Company. It gives me great comfort to know that his presence and counsel will continue for years to come.

ARTHUR OCHS SULZBERGER JR.