

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY HAND

July 13, 2006

Columbia University Graduate School of Journalism
2950 Broadway
New York, New York 10027

ATT: Jeff Richard, Associate Dean for Development and Alumni Relations

- RE:
- (1) Developing CJA's Public Interest Lawsuit vs The New York Times as a Knight Initiative Case Study of Decision-Making by the Ranks of Our Nation's Leading Newspaper – Supporting Establishment of News Councils;
 - (2) Facilitating CJA's Presentation of Story Proposals to Columbia University's Journalism Students and their Journalism Professors – Beginning with CJA's Proposals for Informing Voters in this Year's Most Important New York Electoral Races as to the Records of Attorney General Eliot Spitzer and Senator Hillary Rodham Clinton with Respect to Judicial Selection, Discipline and Related Issues of Government Integrity;
 - (3) Promoting Scholarship by Professors of Journalism, Political Science, and Law of CJA's *Primary Source* Documentary Evidence of the Press' Betrayal of the Public Trust and its First Amendment Responsibilities, Undermining our Democracy

Dear Associate Dean Richard:

This follows up our telephone conversation on Friday afternoon, July 7th, upon your returning my voice mail message, which I had left for you as the "Program Contact" designated by Columbia University's June 22nd press release, "**Columbia's Graduate School of Journalism Aims to Create Journalism Leaders: New Grant Establishes Knight Case Studies Initiative and Brings Real-World Experience to the Classroom**".¹

The purpose of my call to you was two-fold. The first was to ensure that the dozen "real-world case studies" that the journalism school will be developing for its Knight Case Studies Initiative – and for

¹ Presently posted on the homepage of the journalism school's website, www.jrn.columbia.edu.

which the Knight Foundation has given \$1.25 million to “promote journalism leadership” – include case studies developed from evidence provided by citizens and citizen organizations interfacing with the press. In other words, it should not just be from “Major news organizations” – the only source specified by the press release as “provid[ing] raw materials for the case studies”.

As discussed, our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), can make a jaw-dropping contribution of “raw materials” to “real-world case studies” of decision-making by the press as relates to both news reporting and editorializing. This may be seen from our website, www.judgewatch.org, whose sidebar panel “Press Suppression” posts a goldmine of our correspondence with reporters, editors, and publishers, spanning over a decade and a half. These *primary source* materials chronicle the failure and refusal of “Major news organizations”, as well as of smaller journalistic enterprises and journalists, to report on, let alone investigate, *readily-verifiable* documentary evidence of systemic governmental corruption involving the processes of judicial selection and discipline and our highest public officers, including those seeking re-election and further public office. The most comprehensive of this 15-year correspondence is with The New York Times, whose flagrant betrayal of the most fundamental journalistic standards and of its First Amendment responsibilities to the public – rising to a level of knowing and deliberate election-rigging – has culminated in our first-of-its-kind public interest lawsuit against it for libel and journalistic fraud, posted on our website and directly accessible *via* the sidebar panel “Suing The New York Times”.

The lawsuit is itself a case study, chronicling and epitomizing the complete breakdown of appropriate, professional decision-making throughout the ranks of our nation’s leading newspaper: from seasoned reporters and editors up to the highest managerial levels, including its publisher, Arthur Sulzberger, Jr., corporate officers, and legal personnel, who brought upon themselves, The New York Times, and The New York Times Company an avoidable litigation, to which they would have no legitimate defense and which they would survive only by a fraudulent judicial decision upending cognizable rules of law and adjudicative standards.

As may be seen from the lawsuit’s enclosed verified complaint, its annexed exhibits present over 2-1/2 years’ worth of CJA’s correspondence to these various levels – mandating responsible decision-making and appropriate response, as its content was profoundly serious and substantial.² Yet, there was no responsible decision-making by Times reporters, news and opinion editors, managing and executive editors, or its publisher, none of whom ever responded – a state of affairs tolerated and condoned by The Times’ public editors and legal staff, who rejected our written entreaties with dishonest, conclusory pretenses, also written. Such annexed correspondence is perfect for the exemplary pedagogical approach identified by the June 22nd press release, as students can read for themselves our multitude of memoranda and letters to The Times and make their own decisions as to what they would have done before being told “what actually happened”. As to “what actually happened”, it is conveniently recited by each successive memorandum and letter and summarized

² As illustrative of the serious and substantial nature of ALL this correspondence, Exhibits B and D are herewith e-mailed – primarily for the benefit of those indicated recipients to this letter who do not have a hard copy of the verified complaint. The subsequent correspondence – all accessible from CJA’s website – are Exhibits F, G, H, I, J (1-4), L (1-4), M, N, O (1-15), P, Q (accompanied by Exhibit A), R, S (1-2), T (1-22).

by the allegations of the verified complaint, which track the correspondence. I dare say not a single student would view The Times' decision-making – such as it was – as anything but grossly irresponsible and contrary to the most basic professional and ethical standards, leaving us – and the public whose interest we so earnestly sought to protect – with no recourse but legal action.

Because the lawsuit exposes the misfeasance of both The Times' first and second public editors – as can be independently judged from the correspondence annexed to the verified complaint – it offers a compelling case study for the establishment of news councils in lieu of, or in addition to, such ombudsmen. I pointed this out to Tom Rosenstiel, Director of the Project for Excellence in Journalism, in a July 5th letter proposing that the lawsuit be integrated into the Project's research. As the Project is part of Columbia University's Graduate School of Journalism – or was until its just-announced major reorganization and new affiliation with the Pew Research Center – I referred you to this July 5th letter, accessible from our "Suing The New York Times" webpage *via* the link entitled "Outreach: The Champions and Betrayers of Media Accountability, The First Amendment & The Public Interest". For your convenience, a copy of the letter is enclosed – as is a copy of my July 6th transmitting memo to the letter's indicated recipients. Among these, the Knight Foundation, whose support for news councils may be seen from its funding of a competition administered by the Minnesota News Council to develop two news councils – one of these, the New England News Council, whose birth was publicly announced on June 30th at the Media Giraffe Conference held at the University of Massachusetts at Amherst. The Knight Foundation's demonstrated interest in news councils would plainly be complemented and advanced by devoting one of the dozen cases studies funded by its \$1.25 million Initiative to examining how – had a news council been available to secure oversight of The Times' misfeasant public editors and its complicit and collusive editors, management, and legal personnel – CJA's lawsuit might have been averted.

As for the second purpose of my call, it was how CJA might provide Columbia journalism students and their professors with story proposals about the press-suppressed documentary evidence of the corruption of the processes of judicial selection and discipline. In our phone conversation, I recounted that many years ago I had inquired as to whether there wasn't some "bank" for citizens and citizen organizations to deposit their newsworthy story proposals. I was told there was none. Although you recommended that I contact Columbia Journalism Review, believing it receptive to story suggestions, I told you I had already e-mailed it (queries@cjr.org; editors@cjr.org), as well as Columbia Journalism Review Daily (tips@cjrdaily.org), but had received no response from either to my transmittals of CJA's first and second press releases about our historic public interest lawsuit against The Times.³ I

³ Columbia Journalism Review advertises itself as "America's Premier Media Monitor" – and on its webpage "Contact Us" (www.cjr.org) elaborates that it is "a watchdog of the press in all its forms..."; that it "examines not only day-to-day press performance but also the many forces – political, economic, technological, social, legal, and more – that affect that performance for better or worse"; and that its magazine, published six times a year, is "always aimed at its basic goal: the continuing improvement of journalism in the service of a free society". The Knight Foundation is identified as among its two "Major Donors".

Columbia Journalism Review Daily (www.cjrdaily.org) advertises itself as "Real-Time Media Criticism from the Columbia Journalism Review". Its webpage "Who We Are" (www.cjrdaily.org/who.html) identifies that CJR Daily is "under the auspices of the Columbia Journalism Review, the country's premier media monitor"

stated that these e-mails, with the releases, are posted on our "Outreach" webpage, where you could read them for yourself. Copies are herewith enclosed.

Please, therefore, advise as to how we might best present Columbia journalism students and their professors with our powerful story proposals – beginning with proposals which might yet resuscitate this year's most important electoral races in New York, already fatally skewed and rendered essentially non-competitive by the knowing and deliberate press suppression and election-rigging chronicled by our verified complaint. Surely among the journalism students interested in political reporting must be some who will fearlessly go where "Major news organizations", lesser news organizations, and working journalists have failed and refused to tread: namely, to investigate and report on the documentary evidence of Attorney General Eliot Spitzer's role in systemic governmental corruption involving the processes of judicial selection and discipline, as likewise the documentary evidence of Senator Hillary Rodham Clinton's role.⁴ As reflected by the verified complaint, such documentary evidence is not only *readily-available and verifiable*, but would derail the electoral bids of both these public officers – and, indeed, support disciplinary and criminal prosecutions against them for corruption.

In addressing these two requests – and my further request herein that professors of journalism, political science, and law be notified of the treasure trove of *primary source* documents relating to the press posted on CJA's website so that their scholarship – and public discourse – may be informed by such clear and convincing evidence of the press' betrayal of the public trust and First Amendment responsibilities, undermining our democracy – Columbia's Graduate School of Journalism will be required to rise above its personal, professional, and financial relationships with The Times and these other media. Indeed, during our conversation I expressed concern that the journalism school suffers from a particularly significant conflict of interest, having recently received substantial monies from The New York Times. You corrected me by saying that such monies were from "a family" – thereafter acknowledging it to be the Sulzberger family, which runs The Times. According to The Times' October 9, 2005 article, "Columbia and CUNY to Get Journalism Gifts of \$4 Million", the \$4 million which the sisters of Arthur Sulzberger, Sr. have given the journalism school is intended to "create an advanced management training program for executives in news organizations".⁵ As the

and that it is a "daily critique of journalism and a continuing discussion and analysis of where it is and where it's going". In addition to its "ongoing analysis of the larger forces – political, economic, technological, and legal – that affect press performance day in and day out", it specifically focuses on "political journalism", as to which it provides "an ongoing critique". It explains that its website, "born as Campaign Desk in 2004, with a mandate to monitor news coverage of the presidential election campaign...", was renamed after that election to CJR Daily, when it also "broadened [its] mandate to critique all of purportedly serious journalism".

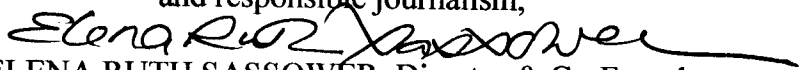
⁴ CJA's topmost and red-highlighted sidebar panel "Elections 2006: Informing the Voters" links to correspondence summarizing the *readily-verifiable*, media-suppressed evidence relating to Attorney General Spitzer and Senator Clinton under the heading "Searching for Champions". See, in particular, CJA's letters to John Spencer, Kathleen Troia McFarland, and Jonathan Tasini, candidates running against Senator Clinton, and CJA's letter to John Faso, running against Attorney General Spitzer to be New York's next governor.

⁵ Columbia University's October 10, 2005 press release "**Journalism School Launches Executive**

case study that is our verified complaint against The Times makes evident, it is The Times itself that is in dire need of "management training".

If – as the June 22nd press release announces – “the long-range goal” of the Knight Case Studies Initiative is to “help the school move toward the establishment of a leadership center”, the manner in which Columbia University Graduate School of Journalism confronts the *primary source* documents on which this letter’s three requests rest will be a decisive marker of its *own* capacity for leadership and the ethical and professional dimensions of its decision-making.

Yours for a quality judiciary, meaningful elections,
and responsible journalism,


ELENA RUTH SASSOWER, Director & Co-Founder
Center for Judicial Accountability, Inc. (CJA)

- Enclosures: (1) March 21, 2006 verified complaint vs The New York Times, with exhibits
– Exhibits B & D (CJA’s June 11, 2003 memorandum-complaint
& June 19, 2003 letter) [see footnote 2, *supra*]
(2) CJA’s March 22, 23 and June 9, 2006 e-mails to Columbia Journalism Review
Daily & Columbia Journalism Review, with press releases #1 and #2
(3) CJA’s July 5, 2006 letter to Tom Rosenstiel, with enclosures
(4) CJA’s July 6, 2006 letter to indicated recipients

cc: Columbia Journalism Review – ATT: Victor Navasky, Chairman;
Evan Cornog, Publisher; Michael Hoyt, Executive Editor
Columbia Journalism Review Daily – ATT: Steve Lovelady, Managing Editor
Tom Rosenstiel, Director, Project for Excellence in Journalism
& Indicated Recipients of July 5th letter to him:
Jay Rosen, Professor, NYU, Department of Journalism
Jeff Jarvis, Associate Professor, CUNY, Graduate School of Journalism
Media Giraffe Project/New England News Council
ATT: Bill Densmore, Director
Norman Sims, Professor, U of Mass.(Amherst), Dept. of Journalism
Ralph Whitehead, Jr., Professor, U of Mass. (Amherst), Dept. of Journalism
Gary Gilson, Executive Director, Minnesota News Council
Knight Foundation
ATT: Eric Newton, Director of Journalism Initiatives
Gary Kebbel, Journalism Initiatives Program Officer
Ellen Hume, Director/Center on Media and Society, U of Mass. (Boston)
The Press & The Public

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URGENT ATTENTION REQUIRED

DATE: June 11, 2003

TO: Editorial Board, The New York Times

FROM: Elena Ruth Sassower, Coordinator

RE: The Scandal of Federal Judicial Selection in the Second Circuit and the Betrayal of the People of New York by New York Senators Schumer & Clinton -- as Readily-Verifiable from the "Paper Trail" of Primary-Source Materials Posted on the Home-Page of www.judgewatch.org.

This follows up my phone conversation with staff assistant, Maureen Muenster, shortly after 3:00 p.m. today, requesting to speak with Gail Collins or to those Editorial Board members who write The New York Times' editorials on federal judicial selection.

The Editorial Board must be alerted to what is happening with federal judicial selection right here in the Second Circuit – as to which The New York Times has given NO coverage – notwithstanding this would be of greatest concern to its New York readers – New York being in the Second Circuit. Indeed, my today's phone call to the Editorial Board was occasioned by my phone call twenty minutes earlier to Neil Lewis, who routinely covers federal judicial nominations and the Senate Judiciary Committee. In that conversation, Mr. Lewis unceremoniously told me that he was "not interested" in writing about the nomination of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals, whose scandalous dimensions are chronicled on the homepage of www.judgewatch.org, the website of our New York-based, non-partisan, non-profit citizens' organization – as to which I had given him notice two days earlier and spoken to him briefly yesterday¹.

¹ In that brief conversation, I stated that notwithstanding The Times editorializes about the need to scrutinize judicial nominees, its news coverage on federal judicial nominations is for courts *everywhere in the country, but New York and the Second Circuit*. As illustrative, I believe I mentioned that The Times had run a news item about the nomination of Michael Chertoff to the Third Circuit Court of Appeals, accompanied by a picture. Wholly ignored was the nomination, made the very same day, of Richard Wesley to the Second Circuit Court of Appeals – where,

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Because Mr. Lewis refused to identify why he was "not interested", refused to identify what documents from the www.judgewatch homepage he had read, and refused to give me the name of his editor, our conversation lasted no more than about 30 seconds. Indeed, as I attempted to ask him whether, with three Op-Ed page articles on federal judicial selection in today's Times, he was actually "saying" that New Yorkers weren't entitled to know what was happening in their own Second Circuit involving a powerful federal appellate judgeship and their own New York Senators (Schumer up for re-election and Clinton depicted in today's Times' editorial as having fashioned a self-serving narrative), Mr. Lewis responded, "I'm saying, good-bye", and hung up the phone while I was in mid-sentence.

Unknown to me when I phoned Mr. Lewis at about 2:45 p.m. today, as likewise when I spoke with Ms. Muenster twenty minutes later, was that listed on today's Senate schedule for 11:00 a.m. was 15 minutes of "debate" on Judge Wesley's confirmation, followed by a vote "at approximately 11:15 a.m.". Presumably, Mr. Lewis knew this when he told me he was "not interested" -- and knew that Judge Wesley had been confirmed by a 96-0 Senate vote. Presumably, too, he knew that tomorrow's Times would have to run something about the confirmation -- if for no other reason than that it created a vacancy on New York's Court of Appeals.

In trying, on my own, to locate Mr. Lewis' editors, I was told by Tanya at the national desk in New York that they are all in the D.C. Bureau. Upon calling the D.C. Bureau (2:52 p.m.; 202-862-0324), I was told by Mr. Renick, who answered the phone, that Mr. Lewis' editors were all in a meeting -- and that I should leave a voice mail message. He then transferred me to an automated line, whose recording begins by assuring that "responsible editors" will respond "very promptly". Three quarters of an hour later, as I was composing an e-mail message to you, as Ms. Muenster had requested, I somehow decided to check the Senate website. It was then that I discovered the Senate schedule with the "debate" and vote on Judge Wesley's confirmation listed for five hours earlier. This prompted my immediate -- and even more urgent -- call to the D.C. Bureau to speak to an editor. It was then 3:45 p.m. For some reason, the call was routed to David Johnston, a reporter, not an editor, whose "beat" is terrorism. Very kindly, he listened to what I had to say for over ten minutes, even assuring me that he would himself take a look at the story of Judge Wesley's nomination told by the documents on the www.judgewatch.org homepage -- as to which I beseeched him to contact an editor on my behalf. He then routed me back to the D.C. Bureau. According to Jennifer Misthal, who took my call, the editors were still all in a meeting. This included Jan Battaile, who Ms. Misthal believed to be Mr. Lewis' editor, having supervisory authority over him. I left an urgent, detailed message with Ms. Misthal for Ms. Battaile, as well as for all other editors, mentioning my discovery of the Senate calendar and the probability of Judge Wesley's

additionally, he was a judge on New York's highest state.

confirmation – surely to be reported in tomorrow's Times as no big story, when, as Mr. Lewis knew from our website, it was a MONUMENTAL story of the corruption of federal judicial selection.

At 4:10 p.m., I returned to writing the e-mail message I had commenced half an hour earlier. It took about half an hour to complete – at which time, for reasons unknown, I was unable to transmit the e-mail. It is now midnight. – and I have received NO RETURN CALL FROM ANY EDITOR AT THE WASHINGTON BUREAU.

Please advise, without delay, as to whether, based on your review of the “paper trail” of documents posted on the www.judgewatch.org homepage, The Times’ editorial page will recognize its journalistic obligation to inform New York readers and the public at large about the corruption of federal judicial selection, exposed by Judge Wesley’s nomination and confirmation – and will take steps to ensure that the “news side” of The Times does likewise.

Thank you.

cc: Washington Bureau/By Fax: 202-862-0427

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June 19, 2003

Allan M. Siegel, Assistant Managing Editor
The New York Times
229 West 43rd Street
New York, New York 10036

RE: Ensuring Journalistic Integrity and Quality by Examining How
The New York Times Handles Complaints – Starting with CJA’s
June 11, 2003 Memorandum-Complaint

Dear Mr. Siegel:

This follows my brief phone conversation on Monday, June 16th, with your assistant, Ellen Kavier, who confirmed that you are heading a committee examining Times’ newsroom policies in the wake of the Jayson Blair scandal. I understand that this is to be “a sweeping look at the newsroom’s internal processes”¹, which will include how The Times handles complaints – including whether The Times should hire an independent ombudsman².

As discussed with Ms. Kavier, our New York-based, non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), has more than a dozen years of *direct, first-hand experience* with The Times’ newsroom: its reporters, editors, and upper management – and can attest to how completely worthless the “newsroom’s internal processes” are for ensuring journalistic integrity and quality. Such experience is reflected by our voluminous correspondence with The Times throughout these years, including in complaint, after complaint, after complaint -- ignored by editors and those in positions of highest supervisory authority at The Times. This includes Joseph Lelyveld, who has now temporarily returned to The Times as its executive editor in the wake of the Jayson Blair scandal, and Arthur Sulzberger, Jr., who remains The Times’ publisher.

¹ “Times Reporter Steps Down Amid Criticism”, May 29, 2003.

² “N.Y. Times Suspends Reporter”, Washington Post, Howard Kurtz, May 24, 2003.

ESD

To Mr. Sulzberger, we long ago urged – and thereafter reiterated -- the need for The Times to bring in an ombudsman because, quite simply, editors of all ranks, including such high editors as Mr. Lelyveld, were ignoring legitimate, *fully-documented* complaints that reporters were wilfully and deliberately “suppressing important, time-sensitive, and electorally-significant stories” and blackballing our citizens’ organization, whose undertakings and achievements offered an inspiring model of citizen action.

In the event you are unaware of CJA’s many, many complaints, including our comprehensive October 21, 1996 complaint and December 2, 1996 supplement and our comprehensive February 12, 1998 complaint with its July 8, 1998 follow-up, you must immediately obtain them from whatever repository The Times has designated by its “internal processes” for centralized preservation of complaints, in the absence of an ombudsman³. Such complaints will reveal a level of “journalistic fraud” making that committed by rookie reporter Jayson Blair seem as “peanuts” by comparison. Indeed, whereas Jayson Blair acted alone in randomly falsifying stories, spurred by some kind of illness, rather than motive, CJA’s complaints chronicle sustained, collusive acts by seasoned news reporters, their editors, upper management, and the editorial board -- all perverting “the cardinal tenet of journalism, which is simply truth”⁴. What they did, knowingly and deliberately, was to ignore documentary evidence, both proffered and provided, of systemic governmental corruption, such as of judicial selection and discipline -- and the criminal complicity of New York’s highest public officers, including those up for re-election. The result, as they knew, was to deprive the public of information essential to safeguarding democracy, the rule of law, and the casting of an intelligent vote.

Notwithstanding The Times’ supposed “soul-searching” and “introspection” in the wake of the Jayson Blair scandal⁵, there has been NO abatement of “journalistic fraud” by its newsroom and editorial board in wilfully misleading the public. This may be seen from CJA’s June 11, 2003 memorandum-complaint to the editorial board – also sent to the newsroom. A copy is enclosed so that it may be the “starting point” for the committee’s examination of The Times’ “internal processes” for handling complaints.

This June 11th complaint typifies what all CJA’s past complaints have particularized as to the misconduct of news reporters and their editors – to no avail. Thus, on June 11th, senior Washington news reporter, Neil Lewis, told me he was “not interested” in writing any story about how a judge of New York’s *highest* state court, New York Court of Appeals Judge Richard C. Wesley, had been nominated to the Second Circuit Court of Appeals and (on that

³ Should you be unable to retrieve CJA’s complaints and related correspondence, we will supply duplicates.

⁴ “*Times Reporter Who Resigned Leaves Long Trail of Deception*”, May 11, 2003, front page.

⁵ “*Leadership at the Times*”, June 6, 2003 editorial.

very day) confirmed. This, notwithstanding Mr. Lewis knew from the "paper trail" of primary source materials posted on the homepage of CJA's website, www.judgewatch.org, that such story would expose the corruption of federal judicial selection involving New York's own Senator Schumer, up for re-election, and Senator Clinton, riding high on a wave of self-promotion by the publication of her book – and provide the public with a stunning model of citizen action by our citizens' organization. Mr. Lewis would not explain why he was "not interested", would not identify which documents from CJA's homepage he had read, and would not give me the name of his editor. As the June 11th complaint reflects, I thereafter left urgent messages for all editors in the Washington newsroom in which he works – including for Jan Battaile, subsequently identified to me as having supervisory authority over him. However, eight hours later, I had still not received a return call from any editor. Indeed, as of today, eight days later – and after having left a further message for Ms. Battaile three days ago -- I have still not received any return call from her or from any other editor about Mr. Lewis' indefensible suppression of a major news story. Nor has any news editor called me to discuss the observation in the June 11th complaint that

"notwithstanding The Times editorializes about the need to scrutinize judicial nominees, its news coverage on federal judicial nominations is for courts everywhere in the country, but New York and the Second Circuit" (emphasis in the original).

If anything, The Times has now reinforced its disparate news coverage by the very example identified by CJA's June 11th complaint: its reporting of Michael Chertoff's nomination to the Third Circuit Court of Appeals, but not of Judge Wesley's nomination to the Second Circuit Court of Appeals on the very same day. True to form, last week The Times reported Mr. Chertoff's June 9th Senate confirmation, but not Judge Wesley's June 11th Senate confirmation. By any standard, this is "journalistic fraud" – misleading Times readers in general and New York and Second Circuit readers in particular to believe there is NOTHING they need to know about Judge Wesley and his journey to New York's federal appellate court.

On top of this are the prominent Times news articles that have since appeared about Senator Schumer, "*Can Anyone Beat This Senator? Schumer is Flush... and Formidable*" (Metro, front-page, June 15, 2003), and Senator Clinton, "*Road Map for Clinton in 2008*" (Week in Review, p. 2, June 15, 2003) – forward-looking political articles only possible because the newsroom "protected" these Senators by not reporting how they betrayed the rights and welfare of their New York constituents – and the nation -- in connection with Judge Wesley's confirmation.

As with so very many of CJA's past complaints, the Times' editorial board has here replicated the "journalistic fraud" of its newsroom. Thus, I received no response from the editorial board to the June 11th memorandum-complaint – nor to my further phone message to it three days

ago. No editorials have appeared during this period informing readers of what has taken place with so important a judicial appointment to the Second Circuit Court of Appeals – and the scandalous role of Senators Schumer and Clinton. This enabled Judge Wesley to be sworn in yesterday in Manhattan as the Second Circuit's newest federal appellate judge – as to which, of course, not even an item appears in today's Times.

To appreciate the egregiousness of the “journalistic fraud” committed by the editorial board, one need only look back to June 9th. On that day -- when the lead editorial on another subject was “*Keeping the Public Clueless*” -- the editorial board published “*A Note to Our Readers*”, which began:

“Editorial page editors live perpetually under the cloud of knowing they can never point out, warn about and comment on all the things that deserve attention. This page will never touch all the bases, but there are a few rules we try to honor. One is that while, The New York Times has become a truly national paper, it is still also very much a local paper to its home city and the surrounding suburbs. ...”

The purpose of this “*Note to Our Readers*” was to let readers know that the editorial board was so committed to providing its national and metropolitan audiences with needed information that it was expanding its editorial writing. Yet, three days later, when the editorial board had before it CJA's June 11th memorandum, with its “paper trail” of primary source materials from the www.judgewatch.org homepage laying out a major national scandal about the corruption of federal judicial selection, whose roots expose the corruption of the New York State Commission on Judicial Conduct and “merit selection” to the New York Court of Appeals, involving – and criminally implicating -- a panoply of New York's highest public officers: Governor George Pataki, Attorney General Eliot Spitzer, Chief Judge Judith Kaye, and the leadership of the New York State Senate -- over and beyond Senators Schumer and Clinton -- the editorial board's response was to withhold ALL information about it from both national and metropolitan audiences. **Nothing Jayson Blair did remotely compares in magnitude and scope with this knowing and deliberate betrayal of the public trust by The Times' editorial board, aligned with its newsroom, in “*Keeping the Public Clueless*”.**

The New York-centered corruption of public agencies, processes, and public officers underlying the national story of the corruption of federal judicial selection could have been -- and should have been -- long ago reported by The Times' newsroom and made the subject of editorial comment so as to have spared the People of New York ongoing and irreparable injury. This did not happen -- but not because CJA did not do EVERYTHING in its power to alert editors and management up to The Times publisher of their journalistic responsibilities in complaint, after complaint, after complaint. This will be obvious to the committee upon its review of these many, many documented complaints – from which it will also see that there

was absolutely no accountability and responsiveness at The Times – at any level.

Such review of CJA's past complaints will also make evident that both The Times' newsroom and editorial board suffer from profound conflicts of interest in reporting and editorializing on the instant national story about the corruption of federal judicial selection precisely because they have suppressed every aspect of the underlying corruption it encompasses. Indeed, reporting and editorializing on the national story would begin a process by which The Times would have to acknowledge the legitimacy of *all* CJA's prior complaints of its wilful and deliberate cover-up, "protectionism", and blackballing.

Unquestionably, the committee you head includes members of The Times whose misconduct has been chronicled in CJA's past complaints – or who, unbeknownst to us – were involved in what we were complaining about. Ms. Kavier declined to give me the names of the committee members -- other than that they included three outside representatives. Surely, their names are not confidential – and we request that information.

We look forward to assisting the committee in developing proper procedures for The Times' handling of complaints. To that end, we request to meet with the committee to make a personal presentation about our many, many complaints and to answer questions. However, most immediately, we request that you provide a role model example of how, absent an ombudsman, the June 11th complaint should be professionally handled, consistent with journalistic responsibilities.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

cc: Editorial Board

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By Fax: 202-862-0427

The Public

Subject: First-of-its-kind public interest lawsuit vs NYT in vindication of the First Amendment

Date: 3/22/2006, 11:24 AM

From: Elena Ruth Sassower <judgewatchers@aol.com>

To: tips@cirdaily.org


Organization: Center for Judicial Accountability, Inc.

TO: Columbia Journalism Review (www.cirdaily.org)

The New York Times is being sued for libel and journalistic fraud in a landmark public interest lawsuit, the first to implement the powerful recommendation for media accountability proposed in the 2003 law review article, "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1.

Attached is the press release about this politically-explosive lawsuit, summarizing The Times' election-rigging that has created the landslide candidacies of Senator Hillary Rodham Clinton and NY Attorney General Eliot Spitzer, among others. The release is also posted on the website, www.judgewatch.org, accessible via "Latest News" and "Suing The New York Times".

Thank you.

 [press-release-3-22-06.pdf \(99KB\)](#)

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

Subject: First-of-its-kind public interest lawsuit vs The New York Times in vindication of the First Amendment

Date: 3/23/2006, 10:36 AM

From: Elena Ruth Sassower <judgewatchers@aol.com>

To: tips@cjr.org, queries@cjr.org, editors@cjr.org

Organization: Center for Judicial Accountability, Inc.

TO: Columbia Journalism Review ("America's Premier Media Monitor")

The New York Times is being sued for libel and journalistic fraud in a landmark public interest lawsuit -- the first to implement the powerful recommendation for media accountability proposed in the 2003 law review article, "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1.

Attached is the press release about this politically-explosive lawsuit, summarizing The Times' election-rigging journalism that has created the landslide candidacies of Senator Hillary Rodham Clinton and Attorney General Eliot Spitzer, among others. The release is also posted on the website, www.judgewatch.org, accessible via "Latest News" and "Suing The New York Times".

Please circulate widely, etc.

Thank you.

 press-release-1.pdf (99KB)

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PRESS RELEASE #1: March 22, 2006 onward

FIRST-OF-ITS-KIND PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES IN VINDICATION OF THE FIRST AMENDMENT

The New York Times is being sued for libel and journalistic fraud in a landmark public interest lawsuit, the first to implement the powerful recommendation for media accountability proposed in the 2003 law review article "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1.

The lawsuit, charging The Times with betraying its First Amendment responsibilities to the public, is brought by the Center for Judicial Accountability, Inc. (CJA) and its director, Elena Ruth Sassower. The libel causes of action are based on a Times' column, "*When the Judge Sledgehammered The Gadfly*", about Ms. Sassower, then serving a six-month jail sentence in D.C., after conviction on a "disruption of Congress" charge. An analysis of the column, annexed as Exhibit A to the Verified Complaint, demonstrates that the column is "deliberately defamatory", "knowingly false and misleading", and "completely covers up the politically-explosive underlying national and New York stories of the corruption of the processes of judicial selection and discipline, involving our highest public officers".

These public officers include Senator Hillary Rodham Clinton, running for re-election to the U.S. Senate this year, with an eye to the presidency in 2008, and New York Attorney General Eliot Spitzer, running this year to be New York's next governor. The Verified Complaint alleges that their anticipated landslide victories are being rigged by The Times, whose steadfast refusal to report on the records of Ms. Clinton and Mr. Spitzer with respect to judicial selection and discipline is with knowledge that such reporting would rightfully end their electoral prospects, if not generate disciplinary and criminal prosecutions against them for corruption. As for past electoral races, the Verified Complaint dramatically shows that The Times rigged Senator Charles Schumer's 2004 re-election to the Senate by similarly refusing to report on his record as to judicial selection and discipline, and, prior thereto, rigged Mr. Spitzer's 2002 re-election as attorney general and Governor George Pataki's 2002 and 1998 re-elections as New York's governor, likewise by refusing to report on their records.

The Times' protectionism of all these public officers -- and its suppression of any coverage of the *readily-verifiable* documentary evidence of systemic governmental corruption involving judicial selection and discipline, provided it by CJA throughout the past 15 years -- underlies the lawsuit's cause of action for journalistic fraud.

The Verified Complaint, its substantiating exhibits, and the law review article are posted on CJA's website, www.judgewatch.org -- accessible *via* the sidebar panel, "Suing The New York Times".

* The Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Subject: How The NYT Litigates When Sued

Date: 6/9/2006, 9:06 AM

From: Elena Ruth Sassower <judgewatchers@aol.com>


To: tips@cjr.org, queries@cjr.org, editors@cjr.org

Organization: Center for Judicial Accountability, Inc.


TO: Columbia Journalism Review ("America's Premier Media Monitor")

How does the great and mighty New York Times litigate when sued? Are the standards of "quality" and "excellence" that supposedly mark its journalism manifested in its legal submissions as well?

These questions are dramatically answered by the *first-ever* public interest lawsuit against The Times for "journalistic fraud" -- where its litigation misconduct has resulted in a motion by plaintiffs for sanctions against it -- and for such other resounding relief as summary judgment, including removal of The Times' front-page motto "All the News That's Fit to Print" as a false and misleading advertising claim.

Attached is the Center for Judicial Accountability's press release (#2) about the extraordinary posture of the case.  [press-release-2.pdf \(86KB\)](#)

Also attached, CJA's first press release, sent you 2-1/2 months ago, summarizing the lawsuit's electorally-explosive and fully-documented allegations as to The Times' election-rigging for Senator Hillary Rodham Clinton and New York State Attorney General Eliot Spitzer, among others.

 [press-release-1.pdf \(101KB\)](#)

Full details --including copies of the court submissions in the case -- are posted on CJA's website, www.judgewatch.org, accessible via the sidebar panel "Suing The New York Times".

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PRESS RELEASE #2: June 9, 2006 onward

PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES SEEKS JUDGMENT AGAINST IT, INCLUDING REMOVAL OF ITS FRONT-PAGE MOTTO "ALL THE NEWS THAT'S FIT TO PRINT" AS A FALSE AND MISLEADING ADVERTISING CLAIM

How does the great and mighty New York Times litigate when sued? Are the standards of "quality" and "excellence" that supposedly mark its journalism manifested in its legal submissions as well?

These questions are answered in motion papers filed by the non-profit, non-partisan citizens' organization, Center for Judicial Accountability, Inc. (CJA), and its director, Elena Ruth Sassower, plaintiffs in the first-ever public interest lawsuit against The Times, suing it for journalistic fraud in connection with its news reporting and editorializing. Their papers – responding to a Times motion to dismiss the lawsuit – demonstrate that The Times' motion, "from beginning to end and in virtually every sentence", "flagrantly falsifies, omits, and distorts the [lawsuit's] allegations and cites law that is either inapplicable by reason thereof or [itself] falsified and distorted".

Based thereon, plaintiffs have requested maximum costs and sanctions against Times attorneys and the named Times defendants they represent – among them, Publisher Arthur Sulzberger, Jr., Executive Editor Bill Keller, Managing Editor Jill Abramson, and Public Editor Byron Calame – as well as disciplinary referrals against Times attorneys and their disqualification. Indeed, plaintiffs' showing is so resounding that they have cross-moved for summary judgment on their three causes of action and, as part thereof, removal of The Times' front-page motto "All the News That's Fit to Print" as a false and misleading advertising claim. All of this is in addition to a default judgment against non-appearing Times defendants, including Daniel Okrent, The Times' first Public Editor.

The papers in this historic lawsuit – seeking money damages of \$906,000,000 – are posted on CJA's website, www.judgewatch.org – accessible via the sidebar panel, "Suing The New York Times". This includes the lawsuit's verified complaint, chronicling The Times' pattern and practice of election-rigging for Senator Hillary Rodham Clinton and New York Attorney General Eliot Spitzer creating their anticipated landslide victories this November.

* The Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization working to ensure that the processes of judicial selection and discipline are effective and meaningful.