

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 212-332-6350 (3 pages)

BY CERTIFIED MAIL/RRR: 7000-1670-0007-4965-0114

April 17, 2001

Michael Gartner, Ombudsman  
*Brill's Content*  
5315 Waterbury Road  
Des Moines, Iowa 50312

RE: Addendum to CJA's enclosed April 16, 2001 letter

Dear Mr. Gartner:

As I was preparing to mail the enclosed April 16, 2001 letter to you, I discovered that *Brill's Content* had already posted its May 2001 issue on its website. I almost fell off my chair reading your Ombudsman's Report.

Apart from the obvious analogies between "the phenomenon of journalists who decline to comment"-- the first subject your Report addresses -- and your own non-response and that of Messrs. Effron and Brill to CJA's March 16, 2001 complaint-letter, is the relevance of your presentation under the heading "Toadyism"<sup>1</sup>.

"The ombudsman at *Brill's Content* is supposed to investigate complaints about articles in the magazine, and there's no such investigation this month. That's because there were no complaints of substance. The mail was all about problems with subscriptions, mail generated on the subject two months ago.

Perhaps the magazine has become so good and fair and scrupulous that there are no complaints. Perhaps the magazine is riddled with

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<sup>1</sup> Although, initially it seemed that this was part of "The editors respond" portion of the Report, your authorship became apparent in the context of the next section headed "Broadcast Journalists".

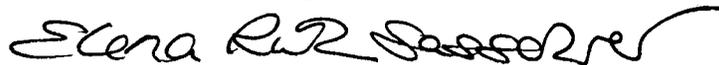
mistakes and cheap shots but people don't think it's worth the trouble to complain. Perhaps readers think the ombudsman is just a toady for management. You choose, but remember: Skepticism is a virtue..."

Withholding skepticism and affording you the benefit of the doubt, CJA's March 16, 2001 complaint – which is plainly a “complaint[] of substance” -- reached you AFTER you had written your Ombudsman's Report for the May 2001 issue. As the complaint chronicles the dishonesty and undisclosed conflicts of interest of Messrs. Effron and Brill, exposing that even at its inception *Brill's Content* was no “media watchdog”<sup>2</sup>, your Ombudsman's Report for the June 2001 issue – the last of *Brill's Content* -- can and should be a ringing affirmation that its heralded concept of an independent “outside ombudsman” works and that you are not “a toady for management”.

Your June Report should also be a ringing affirmation that, as news ombudsman, you are able to rise above your personal and professional relationships with upper echelon management at *The New York Times* – the ultimate beneficiaries of the complained-of dishonesty and conflicts of interest by Messrs. Effron and Brill. This, by making the fundamental disclosure as to those relationships requested by the March 16, 2001 complaint (at p. 7).

Unfortunately, your failure to as yet communicate with us about the March 16, 2001 complaint – in face of the impending, if not now already passed, deadline for the June issue – suggests you are not equal to the defining opportunities that are before you as news ombudsman.

Yours for a quality judiciary  
and responsible journalism,



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

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<sup>2</sup> Mr. Brill is now trying to disavow that *Brill's Content* was intended to be a “media watchdog”, as may be seen from the enclosed copy of Cynthia Cotts' article, “*Brill's Contempt: The Media Watchdog Has No Teeth*” from the April 17, 2001 issue of *The Village Voice*.

**Enclosures: By Mail**

(1) your May 2001 Ombudsman Report

(2) "*Brill's Contempt: The Media Watchdog Has No Teeth*", *Village Voice*,  
4/17/01

cc: *Brill's Content*: (2 copies)

[certified mail/rrr: 7000-1670-0007-4965-0176]

Eric Effron, Editor

Steven Brill, Chairman & CEO

Organization of News Ombudsmen:

Elissa Papirno, President

Michael Massing, Contributing Editor, *Columbia Journalism Review*