

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

April 2, 2001

Mr. Michael Massing
878 West End Avenue, Apt. 14B
New York, New York 10025

RE: Bringing Accountability to The New York Times –
and to Brill's Content

Dear Mr. Massing:

Congratulations again on your wonderful article, "*Times Letters Unfit to Print*" (The Nation, 4/16/01, pp. 20-22). Hopefully, it will lead to your writing a more extensive article – if not a series – exploring the reasons for The Times' rejection of a news ombudsman, its effect on other media, and the adequacy and efficacy of The Times' handling of complaints, in the absence of a news ombudsman.

As discussed, more than 2-1/2 years ago, our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), presented such a substantive story proposal to Brill's Content. Then in its inception, Brill's Content was hyping itself as the ultimate "media watchdog", one whose mission was to bring "the media's free ride to a screeching halt". It was also touting its own accountability by retaining, under a "guaranteed contract", an "outside ombudsman" to receive complaints.

The wholly unprofessional – indeed dishonest – manner in which Brill's Content disposed of CJA's July 8, 1998 story proposal is chronicled in CJA's March 16, 2001 complaint against Eric Effron, its editor, and Steven Brill, its Chairman and CEO, addressed to its current ombudsman, Michael Gartner. Appended to this complaint is CJA's 2-1/2 year exchange of correspondence with Brill's Content – beginning with the July 8, 1998 story proposal¹.

¹ CJA's July 8, 1998 story proposal is part of Exhibit "A".

Needless to say, the meticulous, fact-specific nature of CJA's appended correspondence to its complaint to Mr. Gartner replicates the meticulous, fact-specific nature of CJA's eight-year correspondence with The Times, described in CJA's story proposal as culminating in four complaints to Times publisher Arthur Sulzberger, Jr. CJA's July 8, 1998 proposal accurately characterizes those complaints (at pp. 2) as "a paper trail" documenting The Times' "wilful suppress[ion of] time-sensitive and electorally-significant news stories of official misconduct by government leaders and those occupying positions of power and influence"², "affecting the public, its democratic rights, and the integrity of governmental processes".

As highlighted by CJA's enclosed March 16, 2001 letter to Elissa Papirno, President of the Organization of News Ombudsman, CJA is eager to find:

"... a journalist to expose *The New York Times*' brazen deceit about not needing a news ombudsman -- and its impact on other media -- covered up by *Brill's Content*. This, so as to force -- through the power of public opinion -- fundamental accountability at both publications. ..."

Please consider being that journalist yourself. If not, please assist us in finding such journalist. Surely, your position as contributing editor to Columbia Journalism Review, "recognized throughout the world as America's premiere media monitor", puts you in contact with a sizeable pool of journalists and would-be journalists who would enthusiastically embrace the substantive and far-reaching stories presented by CJA's March 16, 2001 complaint to Mr. Gartner and underlying July 8, 1998 story proposal.

Finally, *a propos* of your experience as recounted by "*Times Letters Unfit to Print*", enclosed is a copy of CJA's proposed November 6, 2000 Letter to the Editor. It was sent to The Times a week or so before you sent your own proposed Letter. However, unlike yours, it is directly critical of The Times. This, because of CJA's prior voluminous correspondence with Times reporters and editors on the important issue that is the subject of the Letter, including in the immediate preceding weeks. Such proposed Letter was, thereafter, the subject of further voluminous

² So much for your high praise of The Times as "a great newspaper --... in the business of holding powerful people accountable." CJA's complaints resoundingly establish that The Times -- with the knowledge and approval of its highest editors and, ultimately, its publisher -- wilfully protects "powerful people", even where their official misconduct is a matter of *readily-verifiable incontrovertible documentary proof*.

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correspondence by CJA, culminating in my calling the 1-888-NYT-NEWS phone number listed on The Times' page 2. Notwithstanding the October 2000 Lelyveld memo "guaranteeing that every message will receive a prompt answer", The Times has yet to respond to my January 9, 2001 phone call of complaint, recorded on a voice mail, in which I urgently requested to speak with a real person.³ Indeed, the Lelyveld memo that "We've long had a policy of openness and engagement with readers... Most of us answer our mail conscientiously..." is an outright deceit in light of Mr. Lelyveld's refusal to respond to CJA's fully-documented January and February 1998 complaints to him, detailing how lower editors were refusing to respond to CJA's complaints – with full knowledge of the catastrophic injury to the public resulting therefrom⁴.

As agreed, I will phone you in two weeks, if I do not hear from you sooner.

Thank you.

Yours for a quality judiciary
and responsible journalism,



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

Enclosures: As indicated, plus CJA's informational brochure with CJA's two Times-published Letters to the Editor⁵: "Untrustworthy Ratings? (7/17/92); "On Choosing Judges, Pataki Creates Problems" (11/16/96)

cc: Harold Somer, CJA Board member / Nation subscriber

³ Worthy of investigation is the origin of the October 2000 Lelyveld memo and The Times page 2 innovation it announced that invites reader comments and provides contact information. Surely, this did not "come out of the blue". Cf., CJA's September 12, 2000 letter to Brill's Content (at pp. 2-3), annexed as Exhibit "F" to CJA's March 16, 2001 letter to Mr. Gartner.

⁴ See, *inter alia*, CJA's January 24, 2000 letter to Mr. Effron (at p. 3, fn. 1), annexed as Exhibit "E-1" to CJA's March 16, 2001 complaint to Mr. Gartner.

⁵ Each materially expurgated. This includes removing criticism of The Times from the proposed Letters – as may be seen from the enclosed *unexpurgated* versions. Based on these, it is reasonable to assume that were you to phone the authors of Letters published by The Times (such as last December, when you were scanning the Letters) they could provide you with similarly unexpurgated texts containing Times criticism.