

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY E-MAIL: smnookin@gmail.com

DATE: September 6, 2005

TO: Seth Mnookin

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)

RE: THE CONCLUSIVE SIGNIFICANCE OF THE TAPE IN ESTABLISHING THAT YOUR AUGUST 25th E-MAIL IS FALSE, FABRICATED, AND DEFAMATORY – AS REFLECTED BY YOUR OWN AUGUST 26th E-MAILS

On August 25th, in a 3:27 p.m. e-mail entitled “The End of Our Correspondence”, I protested, with particulars, that your August 25th e-mail response (10:58 a.m.) to my e-mailed memo of that date (9:20 a.m.) was “utterly FALSE, FABRICATED, AND DEFAMATORY”.

You answered by an August 26th e-mail (1:23 p.m.), telling me that I was “really...losing it” – and disclosing that you had a tape of what had transpired on August 16th, which you had transcribed. You then characterized and selectively quoted from your transcription – COMPLETELY OBLIVIOUS to the fact that even in so doing you were NOT corroborating the defamatory claims of your August 25th e-mail. To the contrary, you were substantiating the material facts set forth at footnote 1 of my August 25th memo and in my particularized 3:27 p.m. August 25th e-mail.

Specifically, whereas your August 25th e-mail had claimed that I had been “so persistently disruptive that the moderator had to ask [me] to be quiet” – further implying that this was during your “reading” -- your August 26th e-mail (1:23 p.m.) reveals that such “persistent[] disruptive[ness] consisted of my asking the two-fold question which footnote 1 of my August 25th memo and my subsequent August 25th e-mail (3:27 p.m.) had each identified. As to this question, which you do not deny was in the question-answer portion of the program, your August 26th e-mail (1:23 p.m.) makes no reference to the moderator “ask[ing] [me] to be quiet” -- even as you characterize and quote the moderator in other respects.

Additionally, whereas your August 25th e-mail had claimed that after your “talk” I had “refused to allow [you] to sign other guest’s books” and that you inscribed my book as you did “in an effort to defuse the situation” – meaning “the situation” created by my “refus[ing] to allow you to sign other guest’s books” -- your August 26th e-mail (1:23 p.m.) reveals nothing of the sort. Indeed, although your tape recorder was apparently running “after the talk” because you twice quote my words, which if correct, would have been in the adjoining room after the program had concluded – you do not quote any of what you allege was “another rant about Dan Okrent that [you] found difficult to make sense” of. You then explain the inscription you wrote in my book as arising from your being “concerned what else [I] might do” – without any claim that I had “refused to allow [you] to sign other guest’s books”. Nor do you purport that when I subsequently returned to thank you for the inscription I “refused to allow [you] to sign other guest’s books”. Rather, the extent of what you allege I did is that I “walked in front of an elderly woman”, after which I “finally left”.

To my immediate August 26th e-mail to you (2:14 p.m.) requesting a duplicate of the tape, which I offered to pay for and, if that were not possible, for “a full transcription” of what you had described as my “long, multi-part, rambling question”, you responded (3:44 p.m.) with despicable insults.

I thereupon e-mailed you (4:45 p.m.), putting you on “NOTICE THAT YOUR ARE TO PRESERVE AND SAFEGUARD THE TAPE”, which I stated was “apparently...not only of your talk and the question and answer portion that followed, but of events thereafter in the adjoining room”. I then further stated:

“SHOULD YOU FAIL TO DO SO, THE INFERENCE, PROPERLY DRAWN, IS THAT IT DOES NOT SUPPORT YOUR SELF-SERVING COMMENTARY AND CHARACTERIZATIONS, NOT TO MENTION YOUR TRUNCATION OF QUOTES.”

Your responding e-mail (7:34 p.m.) – your third and last on August 26th -- was to again tell me I “really have lost it.” Disregarding legal principles that would apply should I sue you for defamation of my good name, you asserted that I “can’t put [you] ‘on notice’ for anything” and continued to insult me further. As to the tape, which you described as being of “[your] presentation” – in other words, not of what had taken place in “the adjoining room”, notwithstanding the two separate quotes from me in your August 26th e-mail (1:23 p.m.) which – if accurate – would have been from that room, you stated I could not have it. You did, however provide me what you represented as “a full text of our exchange” during the question-answer portion of the program – AGAIN OBLIVIOUS to the fact that it does NOT support your denigrating and defamatory characterizations, this time in your August 26th (1:23 p.m.) e-mail.

Firstly, there was nothing “long” and “rambling” about either part of my two-part question – nor about its brief contextual comment, which picked up on your response to the first question that a member of the audience had asked. Indeed, since you have the tape, you should disclose the length of that first question, with its extensive preface – after which the moderator was “forced” to interject that other people should be given a turn.

It would appear that your demonstrably false characterization in your August 26th e-mail (1:23 p.m.) that my question was “long” and “rambling” – and that it was “multi-part”, rather than “two-part”, as identified in footnote 1 of my August 25th memo and repeated in my August 25th e-mail (3:27 p.m.) -- was not only to impugn me, but to make it appear that you had reasonably “tried to answer”, but I had unreasonably cut you off. The “full text” of our exchange shows the true facts: that my question was succinct and clear – and that you precipitously interrupted twice when I had plainly not finished. Indeed, your first interruption was before I even phrased the first of my two-part question, with your second interruption while I was in mid-sentence, and about to articulate the integrally-related second part. Each time, I politely continued with the words, “excuse me”

Secondly, there is nothing in the quoted words of this two-part question that would justify your characterizing it as “demanding” your answer, as opposed to asking for it.

Thirdly, your transcription does not reflect the “laughter in the crowd” that your August 26th e-mail (1:23 p.m.) purports followed directly upon my concluding the second part of my question – at the same point as, allegedly, “the moderator was forced, for the first time all afternoon, to stand up and move to the front of the room.” Your “full text” of our exchange states only that “(Moderator stands up and walks toward the front of the room.)” According to your “full text”, it was later -- AFTER the moderator had taken from me the envelope containing my document-supported August 16th memo to you -- that “(room erupts in to laughter.)” Such laughter might reasonably be inferred to be NOT because of my question – as your August 26th e-mail (1:23 p.m.) makes it appear – but because of how the moderator got you “off the hook” of a question which was perfectly legitimate, rather than, as she sought to spin it, “antagonistic”. Those who laughed may be presumed intelligent enough to have recognized what the moderator was doing: “saving” you from your palpable inability to respond, first by your pretense that you didn’t “understand” my clear two-part question and then by your startling assertion that your belief in the objectivity of Times reporters and editors was based on “reading their work and talking to them”. Your response was an embarrassment – and a stunning admission of the one-sided, flawed methodology underlying your expressed opinions about the “objective”, “high-quality” journalism of The Times and the “great” job Mr. Okrent had done as public editor.

Apparently, you do not even realize the embarrassment of this response – either as expurgated in your first August 26th e-mail (1:23 p.m.) – or as quoted in “full” in your last August 26th e-mail (7:34 p.m.). Indeed, you adhere to such response and mock me for not having been “satisfied” with it – as if anyone of intelligence could find it satisfactory.

It would seem that the purpose of the four abusive e-mails you sent me following my August 25th memo to you was to obscure the ESSENTIAL FACT—which footnote 1 of that important memo recites and which you have not denied or disputed -- that:

“After the program ended, I approached you as you walked to the adjoining room to sign copies of your book. I apologized that my question to you had elicited so adversarial a reaction and rephrased it: whether you would be willing to examine documentary evidence rebutting your “view” as to The Times and Mr. Okrent – to which you answered yes.”

What you have done, instead, is to concoct, by these e-mails, a deliberately false, fabricated, and defamatory depiction of me and my actions to explain-away your having memorialized, by an inscription, your “promise... [to] examine the evidence” – a promise which any professional, and certainly one publicly speaking about his just-republished book about The Times, would have felt himself duty-bound to make and keep.

In view of the two truncated quotes in your August 26th e-mail (1:23 p.m.) that would have been spoken by me long after our public exchange in the question-answer portion of the program, your tape should contain my apology for the unintended antagonism in my question and your stated willingness to examine the evidence – both from while we were still in the lecture room -- and the fullness of what I said in the adjoining room to you and to the moderator, who – to my recollection – did not come over to us while you were “sitting”, but who I had sought out as I accompanied you *en route* to where you came to sit. Plainly, if you believe the tape corroborates the defamatory and denigrating representations and inferences in your e-mail, you should be willing to provide it to me – and I reiterate my willingness to pay for a copy.

For the record, if there was anything you found “difficult to make sense of” in what I told you about Mr. Okrent – as your August 26th e-mail purports (1:23 p.m.) -- or “difficult to make sense of” with respect to anything else I said, such would have been perfectly comprehensible to you upon your reviewing my August 16th memo to you and the substantiating documentary evidence to which it referred. These included – as I told you – the TWO complaints we had filed with Mr. Okrent. It also included our June 19, 2003 letter to Allan Siegal as Chair of the “Committee to Safeguard the Integrity of Our Journalism” – as to which, when I asked you about whether he or anyone else at The Times had informed you of it, you answered NO. Additionally, it included our July 8, 1998 story proposal to your former employer, Brill’s Content, to examine The Times’ handling of complaints in the absence of an ombudsman—as to which you seemed unaware that Brill’s Content had kept, in its front closet, the box containing the copies of our complaints to The Times which we had delivered to substantiate the proposal. When I asked you whether you had any contact information for Mr. Brill – an indicated recipient of the August 16th memo -- and for whom I told you I had been unable to get even a telephone number, you helpfully told me I should try to find him through his publisher. All this should certainly have been recorded by your

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Elena Ruth Sassower, Coordinator

BY E-MAIL: rawcopy@newsweek.com

TO: Seth Mnookin
Newsweek

FROM: Elena Ruth Sassower, Coordinator
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DATE: July 29, 2003

NEWS TIP

NEW YORK TIMES -- OMBUDSMAN: SIEGAL INTERNAL REVIEW COMMITTEE

IF The New York Times internal review committee, headed by Allan Siegal, comes out against a news ombudsman, it is because the committee either did not do -- or was not permitted to do -- an honest job examining The Times' handling of complaints.

The PROOF is a June 19th letter to Mr. Siegal from our non-partisan, non-profit citizens' organization, recounting our "direct, first-hand experience" with The Times spanning "more than a dozen years", as documented by "voluminous correspondence...including...complaint, after complaint, after complaint -- ignored by editors and those in positions of highest supervisory authority at The Times." Our letter summarizes these complaints to The Times as chronicling "journalistic fraud" by its seasoned reporters, editors, upper management, and editorial board, such that the "journalistic fraud" of rookie reporter Jayson Blair is "'peanuts' by comparison".

Despite repeated phone calls to Mr. Siegal's office, there has been NO RESPONSE to our June 19th letter -- or to our most recent June 11th complaint against The Times which the letter enclosed.

It is entirely possible that our serious and substantial June 19th letter -- whose underlying documentation establishes, BEYOND ALL DOUBT, the imperative for an ombudsman and the knowledge thereof of Times' publisher, Arthur Sulzberger, Jr. -- has been withheld from committee members. Mr. Siegal's assistant, Ellen Kavier,

would not confirm that the letter had been distributed to each of them. Nor would she provide us with their names, although repeatedly requested, including in the June 19th letter itself.

The June 19th letter and June 11th complaint are posted on CJA's website, www.judgewatch.org, under the category "Press Suppression". Likewise posted are a sizable sampling of our "voluminous correspondence" with The Times -- including our comprehensive October 21, 1996 complaint [with its December 2, 1996 supplement] AND our comprehensive February 12, 1998 complaint [with its July 8, 1998 follow-up], specifically identified by our June 19th letter.

Looking forward to your call so as to provide you with further **EXPLOSIVE** details -- and documentation -- as to The Times' brazen trashing of the most fundamental journalistic standards in the absence of an ombudsman...