

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

By Fax: 202-862-0427 (16 pages)

By E-Mail: washnews@nytimes.com

August 26, 2003

Ms. Jill Abramson/The New York Times

Outgoing Washington Bureau Chief

Incoming Managing Editor for Newsgathering

RE: Clarifying Your View of the Supervisory Responsibilities of Times Editors –
Before CJA Takes its *Unresponded-to* June 11, 2003 Memorandum-Complaint,
Embodied and Supplemented by its *Unresponded-to* June 19, 2003 Letter, to the
Soon-To-Be-Appointed Times Ombudsman/“Public Editor”

Dear Ms. Abramson:

This letter requests your response – whether as part of your “unfinished business” in this last week in which you are Washington bureau chief – or next week as a “first order of business” upon becoming *The Times*’ new managing editor for newsgathering.

Please clarify whether it is your view that Washington editors with supervisory responsibilities over Washington reporter Neil Lewis could properly ignore my urgent phone messages for them on June 11th, complaining of his unexplained refusal to report on the then-unfolding, time-sensitive story of the confirmation of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals, whose corrupt dimensions, involving New York home-state Senators Schumer and Clinton, are documented by a “paper trail” of primary-source materials on the homepage of CJA’s website, www.judgewatch.org – and, likewise, could properly ignore CJA’s written June 11th memorandum-complaint.

More than 3-1/2 weeks ago, I first telephoned your office about this unresponded-to June 11th memorandum-complaint. It was July 30th – and only hours after *The Times*’ release of the report of its “Committee on Safeguarding the Integrity of our Journalism”, recommending that *The Times* establish an ombudsman for the handling of complaints, to be called a “public editor”.

You were a member of that Committee – a fact I only discovered upon the report’s release because the Committee’s Chairman, Assistant Managing Editor Allan Siegal – who is to be your subordinate when you become managing editor -- ignored CJA’s June 19th letter to him, requesting the names of Committee members so that conflict-of-interest issues might be directly confronted. Such was the same letter as proposed that the Committee’s examination of *The Times*’ handling of

complaints (for purposes of evaluating the necessity of an ombudsman) begin with CJA's unresponded-to June 11th memorandum-complaint.

Presumably it was at Mr. Siegel's behest that his assistant, Ellen Kavier, ignored my July 8th and July 15th voice mail messages, inquiring as to the status of CJA's unresponded-to June 19th letter and advising that CJA's massive documentary substantiation to that letter was being posted on CJA's website [under "Press Suppression: *The New York Times*"]. I did finally reach Ms. Kavier on July 23rd – and in our conversation I thought she had agreed to fax or e-mail me the roster of Committee members, which she stated she would have "to find". However, I received nothing and, when I called her again two days later, she disavowed that she had agreed to send me a membership roster – and expressly declined to do so. When I asked Ms. Kavier to at least confirm that all Committee members had been furnished the June 19th letter, she told me she could "not say"¹.

Consequently, in telephoning your office on July 30th, I especially wanted to know whether, as a Committee member, you had been provided with a copy of CJA's June 19th letter and the focally-presented June 11th memorandum-complaint about Mr. Lewis and the Washington Bureau it enclosed. I so stated to your assistant Liz Hines – while noting that the Washington Bureau was an indicated recipient of both these documents and that you should have independently received them through the Bureau. Indeed, on June 24th, they were faxed and e-mailed to your direct attention as bureau chief.

Ms. Hines told me that you were in New York, but that she would give you my message when you returned. She may also have requested that I put something in writing. However, the next day, July 31st, before I could do so, *The Times* announced your promotion to managing editor for newsgathering. Once again, I telephoned your office. Again, Ms. Hines told me that you were in New York. She then added that she had been told that *The Times* had responded to the June 11th memorandum-complaint. I immediately asked who had told her this -- as I had received no response. With that, Ms. Hines transferred my call to an extension with a voice mail recording on which I left a message.

¹ What Ms. Kavier did "say" – and this in our July 23rd phone conversation in response to my inquiries – was that CJA's "materials" had been "forwarded to the subcommittee looking at complaints" – whose membership she did not identify, other than that neither it nor the Committee as a whole included Bill Borders, who she had suggested I call about my complaint that there had been no response to CJA's June 19th letter and the June 11th memorandum-complaint it enclosed.

I told Ms. Kavier that, under no circumstances, would I call Mr. Borders – and that it was appalling that *The Times* should have retained him on its staff – handling complaints, no less – after I had documented his vicious and depraved conduct toward me when I called him in November 1996 about *The Times*' non-response to CJA's October 21, 1996 comprehensive complaint. I further told her that both the October 21, 1996 comprehensive complaint and the December 2, 1996 supplement thereto (in which the graphic details of Mr. Borders misconduct were recited) were expressly identified in CJA's unresponded-to June 19th letter (at p. 2).

I believe the extension was that of Washington News Editor Greg Brock, who returned my call a short time later. However, it rapidly became clear that if Mr. Brock had been the one to inform Ms. Hines of a *Times* response to CJA's June 11th memorandum-complaint, it was because someone had misled him on the subject. Indeed, Mr. Brock told me that he was unfamiliar with the June 11th complaint, whose content he therefore asked that I detail. He also told me that he thought the complaint had resulted in a printed "correction" – and that, in returning my call, it was about this "correction" that I wished to speak with him.

After reiterating to Mr. Brock that there has been no printed "correction" because no story had been written – not by Mr. Lewis or by anyone else -- I offered to e-mail him the June 11th memorandum-complaint and June 19th letter, which embodies and supplements it, each themselves reciting that I had received NO RESPONSE.. The e-mail message I sent him at 6:36 p.m. on July 31st reflected the MINIMAL nature of what I expected from Mr. Brock by way of follow-up to our phone conversation, which, moreover, I had discussed with him when we spoke,

"Please CONFIRM that there has been NO RESPONSE from any editor of the Washington Bureau to CJA's June 11th memorandum-complaint. None was received by me – as likewise I received NO RESPONSE to any of my phone messages, urgently requesting to speak to an editor about an unfolding, time-sensitive story." (emphases in the original).

That was 27 days ago – and there has been no word from Mr. Brock since. No matter that 13 days ago, on August 13th, I sent him a reminder -- a copy of my e-mail of that date to Deputy Editorial Page Editor Philip Taubman, who will be succeeding you next week as Washington bureau chief. As yet, I have also heard nothing from Mr. Taubman in response.

Now, CJA awaits your response – before formalizing this serious and substantial matter in a complaint for the soon-to-be appointed *Times* ombudsman/"public editor".

For your convenience, copies of my July 31st and August 13th e-mails to Mr. Brock, with attachments, are enclosed.

Thank you.

Yours for a quality judiciary

and responsible journalism,



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

Enclosures:

CJA's July 31st e-mail, with attachments (12 pages) / August 13th e-mail (1 page)

cc: Allan M. Siegal, Assistant Managing Editor
Philip Taubman, Outgoing Deputy Editorial Page Editor/Incoming Washington Bureau Chief
Greg Brock, Washington News Editor

Subj: CJA's June 11th complaint
Date: 7/31/2003 6:36:39 PM Eastern Daylight Time
From: Judgewatchers
To: brockg@nytimes.com
File: 6-11-03-editorialboard.doc, 6-19-03-siegel.doc, 6-24-03-siegel-etc.doc, 6-12-03-editorialboard.doc, 6-19-03-transmittal.doc

TO: Greg Brock, News Editor
New York Times/Washington Bureau

Thank you for your return call. Please CONFIRM that there has been NO RESPONSE from any editor of the Washington Bureau to CJA's June 11th memorandum-complaint. None was received by me -- as likewise I received NO RESPONSE to any of my phone messages, urgently requesting to speak to an editor about an unfolding, time-sensitive story.

Attached, for your convenience, are

CJA's June 11th memorandum-complaint
CJA's June 19th letter to Allan Siegel
CJA's June 24th transmittal memo, expressly to the attention of Washington Bureau Chief Jill Abramson.

Additionally attached, FYI, are CJA's June 12th and June 19th transmittal memos. Should you wish to see the fax/e-mail receipts, I will gladly provide them to you.

Finally, insofar as Mr. Lewis' conflict-of-interest in evaluating the newsworthiness of the MONUMENTAL story I presented to him on June 9th - June 11th as to the corruption of the federal judicial selection process -- a conflict-of-interest he should have disclosed to any supervisory editor who received my phone messages and correspondence -- see CJA's October 21, 1996 complaint to The Times, reflecting his involvement in 1992 in suppressing our documentary critique about the corruption of the process [posted on CJA's website: www.judgewatch.org under "Press Suppression"]. As stated at p. 9 of that complaint, Mr. Lewis returned the critique to us "immediately and without comment".

I still have the padded envelope in which Mr. Lewis made that return, postmarked May 26, 1992. Indeed, I am looking right at it.

Thank you.

Elena Sassower, Coordinator
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Website: www.judgewidth.org

DATE: June 24, 2003

TO: Allan M. Siegel, Assistant Managing Editor/The New York Times
By Fax: 212-556-7614 (9 pages)
By E-Mail: kavier@nytimes.com

Editorial Board/The New York Times
By Fax: 212-556-3815 (9 pages)
By E-Mail: editorial@nytimes.com

✓ Washington Bureau/The New York Times
ATT: Jill Abramson, Bureau Chief
By Fax: 202-862-0340 (9 pages)
By E-Mail: washnews@nytimes.com

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

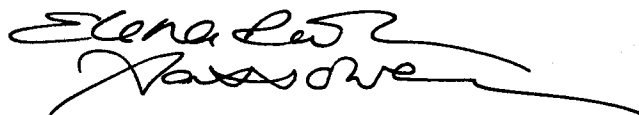
RE: Superseding June 19, 2003 letter on how The New York Times handles complaints

Since we have yet to receive any response to CJA's June 19th letter on the subject of how The Times handles complaints, enclosed is a superseding version of that letter, making typographical and mostly non-substantive stylistic changes for clarity.

Among the important changes, the addition of a reference to our "July 8, 1998 follow-up" to our comprehensive February 12, 1998 complaint against The Times (page 2, second paragraph). Also, stylistic modifications to the paragraph appearing on page 4, whose concluding sentence, now in bold, reads:

"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'."

This superseding June 19th letter is now posted on the homepage of CJA's website, along with our June 11, 2003 memorandum-complaint. Also posted – under the category of "Press Suppression" listed on the left side of the homepage – are the specific complaints against The Times referred-to in our superseding letter (page 2, second paragraph), *albeit* without their voluminous documentary substantiation.



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URGENT ATTENTION REQUIRED

DATE: June 12, 2003

TO: Editorial Board, The New York Times
By Fax: 212-556-3815 [4 pages]
By E-Mail: editorial@nytimes.com

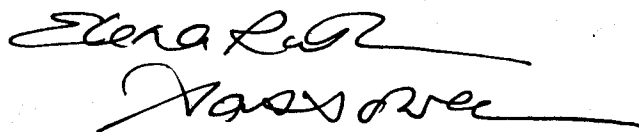
Washington Bureau, The New York Times
By Fax: 202-862-0427 [4 pages]

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.

The enclosed corrects typos and makes mostly non-substantive clarifying changes in the letter previously sent. Please supersede.

Thank you – and apologies for any inconvenience.


Elena Ruth Sassower

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DATE: June 19, 2003

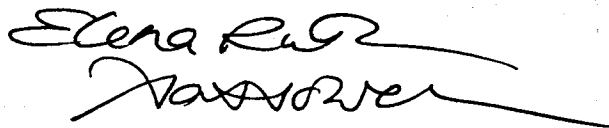
TO: Editorial Board, The New York Times
By Fax: 212-556-3815 [9 pages]

Washington Bureau, The New York Times
By Fax: 202-862-0427 [9 pages]

FROM: Elena Ruth Sassower, Coordinator

RE: Your NON-RESPONSE to CJA's June 11, 2003 memorandum-complaint

Enclosed is CJA's June 19th letter to Allan Siegel, to which you are indicated recipients.


Elena Ruth
Sassower

Subject: CJA's unresponded-to June 11, 2003 memorandum-complaint

Date: 8/13/2003, 1:42 PM

From: Judgewatchers@aol.com

To: marion@nytimes.com

cc: brockg@nytimes.com

**TO: Marion Greene, Ass't to Deputy Editorial Page Editor Phillip Taubman
The New York Times**

**FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)
Tel: (914) 421-1200; Fax: (914) 428-4994**


Following up my phone call to you a short time ago, please advise whether Mr. Taubman, as Deputy Editorial Page Editor, received CJA's June 11, 2003 memorandum-complaint and deemed it unworthy of response by BOTH the Times' Editorial Board, as well as by its Washington Bureau, which he is soon to head.

As you requested, CJA's June 11th memorandum-complaint is attached. Also attached is CJA's subsequent correspondence sent to the Editorial Board and Washington Bureau regarding this June 11th memorandum-complaint:

- (a) CJA's June 19th letter to Assistant Managing Editor Allan Siegal, as head of the Times' internal review committee -- to which the Editorial Board and Washington Bureau were indicated recipients; and
- (b) CJA's June 19th and June 24th transmittal memos to the Editorial Board and Washington Bureau.

As I stated in our conversation together, it is now nearly two weeks since I spoke with the Washington Bureau's News Editor, Greg Brock, requesting that he confirm that the Washington Bureau had NOT responded to the June 11th memorandum-complaint. My conversation with him was on July 31st -- the day on which the Times announced its promotion of Washington Bureau Chief Jill Abramson to Managing Editor. As I have yet to hear back from Mr. Brock, I am sending him a copy of this e-mail as a reminder.

Thank you.

 [6-11-03-editorialboard.ZIP \(37KB\)](#)