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BY-HAND

September 25, 2003

Bill Keller, Executive Editor
The New York Times
229 West 43rd Street
New York, New York 10036

RE: (1) Appointing a public editor/ombudsman who will not be a meaningless camouflage for continuing "journalistic fraud";
(2) Providing a "role model example" for handling CJA's *unresponded-to* June 11, 2003 memorandum-complaint, in the absence of a public editor/ombudsman – or, alternatively, referring it to the public editor/ombudsman as his/her FIRST order of business

Dear Mr. Keller,

In a front-page, above-the-fold story in the current issue of The New York Observer, media journalist Sridhar Pappu writes:

"Many inside *The Times* see the job [of public editor/ombudsman] going to columnist Joyce Purnick"¹

With all due respect to you -- to whom I have never before written -- the very possibility of Ms. Purnick's appointment is as appalling as your appointments of Allan Siegal as standards editor, of Jill Abramson as managing editor for newsgathering, and of Philip Taubman, as Washington bureau chief, which you announced with accolades bearing no resemblance to the most relevant and recent reality².

¹ "Schmoozy Times Oozes Sweetness in Keller Reign", 9/29/03 issue, at p. 6.

² "Al's qualifications for the job are irrefutable: integrity, judgment, grace and a rich memory of the precedents on which our standards depend... He has, it is fair to say, been at least co-author of the codes we live by, stylistic and ethical. And his handling of the eponymous committee added new luster to his reputation for fairness, good sense, and good humor." September 9, 2003 press release: The New York Times Names Allan M. Siegal Standards Editor.

"In Jill and John [Geddes], I will have two sidekicks who are superb journalists, genuine leaders, straight

This would be obvious to you were you aware of the June 19, 2003 letter that our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), sent to Mr. Siegal in his capacity as chair of *The Times*' "Committee on Safeguarding the Integrity of our Journalism" -- and also sent to Ms. Abramson and Mr. Taubman -- without response from them or anyone on their behalf.

For your convenience, a copy of our June 19th letter is enclosed -- as is a copy of our follow-up August 26th letter to Ms. Abramson, also sent to Mr. Siegal and Mr. Taubman -- without response.

Described by our June 19th letter is our "*direct, first-hand experience with The Times*", spanning more than 12 years, including entreaties to *Times* Publisher Arthur Sulzberger, Jr. as to

"the need for The Times to bring on an ombudsman because, quite simply, editors of all ranks... were ignoring legitimate, *fully-documented* complaints that reporters were wilfully and deliberately 'suppressing important, time-sensitive, electorally-significant stories' and blackballing our citizens' organization, whose undertakings and achievements offered an inspiring model of citizen action." (emphasis in the original).

The letter then stated:

"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 ombudsman [fn]. 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

shooters, deeply committed to this paper and all it stands for." July 31, 2003 press release: Jill Abramson and John M. Geddes Named Managing Editors of The New York Times.

"Phil (like Jill) brings an investigative reporter's patience and toughmindedness to the news, along with reliably mature news judgment... Under Phil, I'm confident this already extraordinary bureau will find ways to surpass itself." August 6, 2003 press release: The New York Times Names Philip Taubman Washington Bureau Chief.

tenet of journalism, which is simply truth' [fn]. 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."

The first footnote to this paragraph added, "Should you be unable to retrieve CJA's complaints and related correspondence, we will supply duplicates". This was then followed by written and phone communications, such as reflected by CJA's August 26th letter and its enclosures, that our past complaints and correspondence were being posted on our website, www.judgewatch.org, under "*Press Suppression: The New York Times*"

Had Mr. Siegal accessed and reviewed these documents, which, as Chair of the "Committee on Safeguarding the Integrity of our Journalism", he was duty-bound to either personally do or to have done on his behalf, and which Ms. Abramson, a Committee member, was also duty-bound to do or have done, they would have *readily verified* Ms. Purnick's starring role, not only as a columnist/reporter, but as deputy metro editor and metro editor, in the "journalistic fraud" summarized by CJA's June 19th letter. Yet, inferable from Mr. Pappu's report that "[m]any inside *The Times* see the [public editor/ombudsman] job going to columnist Joyce Purnick", is that NO such review was undertaken by the Committee -- even of CJA's expressly-cited October 21, 1996 and February 12, 1998 "comprehensive complaints", both largely directed against Ms. Purnick and particularizing her misconduct. Were it otherwise, Ms. Purnick's name would never have surfaced -- except, of course, IF the public editor/ombudsman position is intended to be a meaningless camouflage to enable *The Times* to continue to perpetrate the pernicious "journalistic fraud" described by CJA's June 19th letter -- as would seem to be the case. Certainly, it is hard to imagine that Mr. Siegal and Ms. Abramson would have each ignored CJA's June 19th letter -- with its enclosed *unresponded-to* June 11th memorandum-complaint, requiring "URGENT ATTENTION" and so-marked -- and, thereafter, would have ignored CJA's follow-up August 26th letter, had they believed, for one moment, that their misconduct in so doing would be exposed by an incoming public editor/ombudsman.

By this letter, CJA requests that you access and personally review our October 21, 1996 and February 12, 1998 "comprehensive complaints"³, as well as our subsequent correspondence with

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This includes the December 2, 1996 supplement.

Ms. Purnick and to which she was a recipient, up to and including December 28, 1998⁴. Only by so doing will you be convinced of her profound betrayal of her journalistic obligations, aided and abetted by a host of seasoned *Times* reporters and editors, and blessed by Mr. Sulzberger, in willfully suppressing electorally-significant, full-documented stories involving New York's highest public officers in all three government branches in the corruption of the New York State Commission on Judicial Conduct, in the corruption of judicial appointment to the lower state courts, in the corruption of "merit selection" to the New York Court of Appeals, and in vicious retaliation against a judicial whistleblowing attorney for challenging the corrupt manipulation of judicial elections – as to which the federal courts were no less corrupted. All these stories are highly relevant to events currently unfolding in New York precisely because Ms. Purnick's suppression of them years ago meant that the systemic corruption which should have been exposed *at that time*, remained unexposed, unworthy public officers were elected and re-elected with an attendant coterie of unworthy appointees installed – and no reforms were generated to safeguard the public's rights and foster judicial whistle-blowing. Yet, Ms. Purnick continues to suppress them as she writes about these unfolding events, bemoaning that "*Talk of Reform Could Remain Just That*" ("Metro Matters" column, 4/28/03). No mention of her role in thwarting reform.

All these fully-documented stories – none of which have ever seen the light of day in *Times* reporting or editorializing – are integrally part of the now concluded public interest lawsuit, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico against Commission on Judicial Conduct of the State of New York* -- to which *The Times* would not give ANY publicity during its history-making, electorally-significant 3-1/2 year odyssey from Supreme Court/New York County, to the Appellate Division, First Department, to the New York Court of Appeals. The lawsuit has now entered the timeless realm of EVIDENCE – and its full record is in the possession of the U.S. Senate Judiciary Committee, where it was hand-delivered on May 5, 2003 to substantiate our citizen opposition to two judicial nominees. The more important of these, New York Court of Appeals Judge Richard C. Wesley, was nominated by President Bush to the Second Circuit Court of Appeals – and, on the day of CJA's emergency June 11th memorandum-complaint, confirmed by the U.S. Senate.

As to this June 11th memorandum-complaint -- a bellweather of *The Times*' true "soul-searching" and "introspection" in the wake of the Jayson Blair scandal -- CJA's June 19th letter expressly requested that Mr. Siegal provide a "role model example of how, absent an ombudsman, [it] should be professionally handled, consistent with journalistic responsibilities". Mr. Siegal has refused to provide that example. Likewise, Ms. Abramson, Mr. Taubman – as well as *The Times* Editorial Board, to which the June 11th memorandum-complaint was specifically addressed.

⁴ A convenient inventory of that correspondence is presented by the listing on CJA's website under "*Press Suppression-The New York Times*".

Therefore, it now falls to you, as Executive Editor, to provide that much-needed "role model example". This would include directing the Editorial Board's response to the June 11th memorandum-complaint, especially a response from its lawyer-members who have had more than ample time to read the most important of the "paper trail" of *primary-source* materials posted on the homepage of CJA's website", *to wit*, CJA's March 26, 2003 written statement -- as well as the two final motions in *Elena Ruth Sassower v. Commission*, pivotally-discussed therein and posted on the page of the website marked, "*Test Cases: State (Commission)*". It would also include directing that Ms. Abramson and Mr. Siegal respond to the specific questions posed by the August 26th letter, as well as directing that Mr. Taubman respond to CJA's *unresponded-to* August 13th e-mail to his office, which is part thereof. Absent your demonstrating *The Times'* accountability and responsiveness in this minimal way, CJA requests that you promptly transmit the June 11th memorandum-complaint to whatever public editor/ombudsman you appoint, along with this letter and its other enclosures. Such is properly his/her FIRST order of business.

Should you wish to meet with us, in discharge of your ultimate supervisory responsibilities -- and to hear our salutary suggestions as to how *The Times* might truly fulfil its "core purpose... to enhance society by creating, collecting and distributing high-quality news [and] information"⁵ -- including by instituting a regular page or periodic section examining issues of governance and the worthy efforts of citizens and citizen organizations -- you may be assured of our complete cooperation.

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

cc: Arthur Sulzberger, Jr., Publisher
Jill Abramson, Managing Editor for Newsgathering
Allan Siegal, Standards Editor
Philip Taubman, Washington Bureau Chief
Editorial Board (each and every member)
Joyce Purnick
Sridhar Pappu, The New York Observer
Jayson Blair

⁵ Such "core purpose" is identified on each of the three press releases, hereinabove quoted, pertaining to your appointments of Mr. Siegal, Ms. Abramson, and Mr. Taubman.