

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 203-562-3067 11 pages

February 8, 1999

Mr. Bruce Shapiro
The Nation

RE: YOUR RESPONSE TO MAJOR IMPEACHMENT-RELATED STORIES

Dear Mr. Shapiro:

This letter memorializes and protests your response to two major news stories about *official* misconduct by the House Judiciary Committee and Chief Justice Rehnquist -- the key players at the Senate impeachment trial of the President -- concerning issues *directly* relevant to the unfolding trial. These powerful and time-sensitive stories are reflected by the two press releases, which I faxed you on Friday, January 29th, following a brief conversation together.

That January 29th conversation was the first we had since I first called you at The Nation on January 20th, at the suggestion of David Corn, The Nation's Washington editor. I believe I left my message for you on your voice mail. Two days later, with no return call from you, I left another message for you at The Nation, this time with Denise Simon. It was then late in the afternoon on Friday, January 22nd.

Sometime after that, you left a message for me on the Center for Judicial Accountability's voice mail saying that you were not going to be available until that Wednesday -- and that I should call you then. You indicated that the best telephone number for me to use was 203-562-3067, which you identified as your home, rather than The Nation's number, 212-209-5400.

Waiting until Wednesday, January 27th, I telephoned you at about 2:30 p.m. and got your voice mail. Two days later, with no return call from you, I again telephoned. It was then approximately 10:45 a.m. and while I was in the process of leaving a voice message you picked up the phone. By then, it was Friday, January 29th -- nine days since my first call to you.

Our brief conversation was extremely amicable. In response to your statement that you had just walked in, I offered to call you back, if you needed time to collect yourself. You told me that that was not necessary. I then gave you a fairly comprehensive overview of the first story about how the House Judiciary Committee ignores and conceals the HUNDREDS of judicial impeachment complaints it receives -- providing you with some of the salient features of a separate, yet related story about a judicial

impeachment complaint, pending in the House Judiciary Committee, against Chief Justice Rehnquist -- for misconduct more serious, by far, than the impeachment articles against the President. It was during my description of that second story that you cut me off, saying that you were then on a deadline, but that you could speak to me on Monday. I then asked you whether I could fax you two press releases about the stories -- and you said that would be fine.

I may have also asked if I could fax you copies of media reportage that had appeared: an item in a Village Voice column and my responding Letter to the Editor, both limited to the Rehnquist story. I did fax them to you, with the press releases, under a coverletter, whose closing sentence was, "I look forward to speaking to you on Monday." For your convenience, a copy of that faxed transmittal is enclosed.

On Monday, February 1st, I got your voice mail when I phoned at approximately 10:40 a.m. On Tuesday, your voice mail again picked up when I called at approximately 2:50 p.m.. On Wednesday, I again got your voice mail when I called at about 12:45 p.m. With each call, I left a short message, expressing the expectation that you would be returning the call at your earliest convenience. However, you returned not a single one of these three calls.

Finally, on Friday, February 5th, at approximately 10:55 a.m., I left a fourth voice message for you -- this one expressing my disappointment at your non-response to my three aforesaid phone messages and stating that if you were not interested in the stories, all you needed to do was to tell me that outright, rather than putting me to the expense and effort of these repeated long distance phone calls. Indeed, because the proffered impeachment stories were so plainly significant, I asked that you explain to me why, as it appeared, you were not interested in them. In this regard, I stated that if I did not hear from you by the following Friday -- February 12th -- I would contact Victor Navasky so that these stories could be directed to "another, more responsible journalist".

On Sunday, February 7th, at 10:45 a.m., you telephoned the Center's number. Without explaining why you had not returned any of my first three phone messages during the week or apologizing for not having done so, you accused me of having "threatened" you in my Friday's phone message. You stated that as a result of this alleged "threat", I should not expect you to be interested in the stories, and, further that you would tell your editors that I had "threatened" you. You were wholly disinterested in anything I had to say, including my *immediate* response, which was to apologize to you for a "threat" that I assured you was *never* intended. You refused to explain to me the basis upon which you were interpreting my phone message as a "threat" -- and you would not play back that recorded message so that I could understand your reaction. This, despite the fact that you had initially offered to play back the message for me to hear. Instead, you hung up on me.

About five minutes later, I called you back. Again, I endeavored to explain to you that my intention in my message of stating that I would go to Mr. Navasky if I did not hear from you was to give the courtesy of notice, rather than proceeding "behind your back". Again, I tried to apologize if you had misinterpreted my phone message, which again I asked you to replay. Once more you hung up the phone on me, this time telling me that I was not to call again.

If the event the foregoing does not accurately reflect the events at issue, spanning the 19 days from January 20th to February 7th, please specify.

This morning, I telephoned The Nation, inquiring whether it has a news ombudsman to handle complaints. My call was directed to Katrina vanden Heuvel, as managing editor, to whom I recited much of the foregoing. I told Ms. vanden Heuvel that I was preparing this letter and would fax her a copy after first faxing it to you.

Yours for a quality judiciary,



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

Enclosure

cc: Katrina vanden Heuvel, Managing Editor, The Nation
By Fax: 212-982-9000