

Subject: Do You Want the Lead on our Public Interest Lawsuit vs The New York Times?

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From: Elena Ruth Sassower <judgewatchers@aol.com>

To: pressthink@journalism.nyu.edu

Organization: Center for Judicial Accountability, Inc.

Dear Professor Rosen,

As I have received no response to my February 8th e-mail, I am sending it yet again -- at the bottom of this e-mail.

By way of update, our public interest lawsuit against The New York Times -- which we believe to be the FIRST lawsuit against it for journalistic fraud -- has now been served upon The Times by a summons with notice. It is posted on our website, www.judgewatch.org, conveniently accessible via the NEW sidebar panel, "Suing The New York Times". Also posted is the law review article that inspired our journalistic fraud cause of action, "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*" by Professors Clay Calvert & Robert Richards, co-directors of the Pennsylvania Center for the First Amendment at Pennsylvania State University.

Are you familiar with the law review article? And are you familiar with The Times' track record with respect to the more recognized cause of action for libel? -- upon which we are also suing The Times. According to New York Times Company Assistant General Counsel George Freeman -- your colleague in New York University's journalism department --

"The Times has not paid a dollar in damages in libel cases (or settled any libel cases for money) since well before libel law was constitutionalized in the New York Times v. Sullivan case...in 1964".

If you have already examined our 15-year correspondence with The Times, posted on our website, you can see why our lawsuit has the potential to BOTH break The Times' all-too-perfect (if true) record as to libel AND establish journalistic fraud as an appropriate cause of action in the extreme circumstances as at bar. More irreparably damaging for The Times, however, is that our soon-to-be-served verified complaint, which tracks this extraordinary correspondence, provides an unprecedented "window" into The Times -- at all levels -- one that resoundingly puts to rest a panoply of myths and an endless stream of rhetoric about its integrity and excellence -- and about the changes and safeguards it put in place following the Jayson Blair scandal. Indeed, its establishment of the office of public editor has only exacerbated The Times' journalistic fraud, including election-rigging -- which is why Daniel Okrent and Byron Calame are named defendants.

I cannot delay much longer in reaching out to other media critics, First Amendment scholars, and bloggers about this groundbreaking lawsuit. Therefore, please advise as to your interest by Wednesday, February 22nd. If you want the lead, I would be grateful if you would telephone me directly.

Thank you.

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