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Subject: **The American Law Institute's Restatement (3rd) of Torts -- & the Unfolding Federal Lawsuit to Establish the Torts of "Journalistic Fraud" & "Institutional Reckless Disregard for Truth"**

Attachments: [no18-1-oct29-2025-verified-amended-complaint-signed-by-zerman.pdf](#)

TO: [KNIGHT FIRST AMENDMENT INSTITUTE/COLUMBIA UNIVERSITY](#)
& the SCHOLARS OF ITS PROJECT ["THE FUTURE OF PRESS FREEDOM –
DEMOCRACY, LAW, & THE NEWS IN CHANGING TIMES"](#)

I have received no response from any of you to my below January 12th e-mails. [How do you explain this?](#)

As matters now stand, you have not contested that the above-attached and here-linked [October 29th verified amended complaint](#) against [The New York Times](#) and 34 other press defendants EVIDENTIARILY rebuts your premises and preconceptions about press integrity and functioning, warranting substantial revisions/corrections/retractions to your [articles](#) and [May 3, 2024 symposium presentations](#) and that its causes of action for "journalistic fraud" and "institutional reckless disregard for truth" meet your Project's stated objectives of "constitutional necessities for fulfilling the wider purpose of the First Amendment guarantee of freedom of the press", "grant[ing] rights to those acting as proxies for the public without privileging the powerful over the weak".

Several of you are members of the [American Law Institute](#), involved in its Restatement (3rd) of Torts. Professors Robert Post and Lyrissa Lidsky are co-reporters for the ["Torts: Defamation and Privacy" Restatement](#), whose advisory committee includes Professors RonNell Anderson Jones, Samantha Barbas, Amy Gadja, and Lili Levi and whose consultive group includes Professor Richard Hasen. Professor Hasen is himself a co-reporter to the ["Torts: Remedies" Restatement](#) and, additionally, a member of the advisory committee for the ["Torts: Miscellaneous Provisions" Restatement](#) and of the consultive group for the ["Constitutional Torts" Restatement](#). **In which section of ALI's Restatement (3rd) of Torts do you believe**

the emerging torts of “journalistic fraud” and “institutional reckless disregard for truth” should be placed? Please advise, so that I may be guided accordingly in my communications with ALI leadership, etc.

Finally, please confirm that the October 29th verified amended complaint and its unfolding record in federal court are being included in your scholarship, consistent with academia’s critical function as a “truth-seeking”, “knowledge institution”, so-featured by Professor Vicki Jackson’s Project article *[“Journalism and Academia: Knowledge Institutions Buttressing Constitutional Democracy”](#)*.

Thank you.

Elena Sassower, Director
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Subject: Scholarship & Amicus Curiae -- Federal Lawsuit vs the NYT & 33 Other Press Defendants, Vindicating the First Amendment by Causes of Action for "Journalistic Fraud" & "Institutional Reckless Disregard for Truth"

TO: SCHOLARS OF "THE FUTURE OF PRESS FREEDOM – DEMOCRACY, LAW, & THE NEWS IN CHANGING TIMES"

Part I – The Future of Press Freedom – EDITORS

[Law Professor RonNell Andersen Jones](#)

[Law Professor Sonja R. West](#)

Part II Contributors –Democracy & the Press Function

[Law Professor Robert C. Post](#)

[Law Professor Gregory P. Magarian](#)

[Associate Professor Nik Usher](#)

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Part III Contributors – Evolving Threats to the Press Function

[Law Professor Erwin Chemerinsky](#)

[Law Professor Lili Levi](#)

[Law Professor Lyrissa Barnett Lidsky](#)

[Law Professor Erin C. Carroll](#)

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[Associate Professor Amanda Shanor, Esq.](#)

[Associate Law Professor Christina Koningisor](#)

[Law Professor Alan K. Chen](#)

[Law Professor Samantha Barbas](#)

[Law Professor Margaret B. Kwoka](#)

Part V Contributors – Identifying Performers of the Press Function

[Law Professor Richard L. Hasen](#)

[Law Professor Amy Gajda](#)

[Associate Professor Meredith D. Clark](#)

[Law Professor Vicki C. Jackson](#)

[Law Professor Hannah Bloch-Wehba](#)

Part VI Contributors – Supporting the Press Function

[Law Professor Heidi Kitrosser](#)

[Professor Victor Pickard](#)

[Associate Law Professor Christina Koningisor](#) & [Law Professor Jacob Noti-Victor](#)

[Law Professor Martha Minow](#)

Additional Contributor -- MAY 3, 2024 SYMPOSIUM

[Professor Michael Schudson](#)

Below is my self-explanatory e-mail of today's date to the Knight First Amendment Institute at Columbia University, pertaining to the above-attached federal lawsuit against the press, with its causes of action for "Journalistic Fraud" and "Institutional Reckless Disregard for Truth", whose concluding paragraphs read:

"I am eager to discuss the foregoing with you – and the district court's unprecedented handling of the case, reflected by my [December 19, 2025 affidavit demonstrating subject matter jurisdiction](#). Meantime, I will forward this e-mail to the scholars who participated in the [Future of Press Freedom: Democracy, Law, and the News in Changing Times](#) project so that they can likewise respond. The October 29th verified amended complaint **EVIDENTIARILY rebuts their premises and preconceptions about press integrity and functioning, warranting substantial revisions/corrections/retractions to [their articles](#) and [May 3, 2024 symposium presentations](#). Or do they disagree – and based on what evidence?** For starters, I suggest they begin with 'legacy'" for-profit defendant [New York Times](#), formerly U.S. taxpayer-funded and non-profit, 501(c) tax-exempt defendant [WNYC](#) and its [Gothamist](#), and nonprofit, 501(c)(3) tax-exempt defendants [The City](#), [New York Focus](#), and [ProPublica](#).

Please let me hear from you soon."

Thank you.

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Subject: Scholarship & Amicus Curiae -- Federal Lawsuit vs the NYT & 33 Other Press Defendants, Vindicating the First Amendment by Causes of Action for "Journalistic Fraud" & "Institutional Reckless Disregard for Truth"

TO: [KNIGHT FIRST AMENDMENT INSTITUTE/COLUMBIA UNIVERSITY](#)

[Executive Director Jameel Jaffer, ESQ.](#)
[Litigation Director Alex Abdo, ESQ.](#)
[Deputy Litigation Director Katie Fallow, ESQ.](#)
[Policy Director Nadine Farid Johnson, ESQ.](#)
[Research Director Kay Glenn Bass, ESQ.](#)

I am co-founder and director of the non-partisan, nonprofit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#) and am writing to alert you to a major federal lawsuit that we have brought, in vindication of the First Amendment, "*on behalf of the People of the State of New York & the Public Interest*", against [The New York Times](#) and 33 other press defendants. Above-attached and here-linked is

the [October 29, 2025 verified amended complaint](#), as signed by CJA's attorney on January 5, 2026 and refiled, whose prefatory quote reads:

“The First Amendment goes beyond protection of the press...‘it is the right of the [public], not the right of the [media], which is paramount,’...for ‘without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally,’...

Cohen v. Cowles Media Co., 501 U.S. 663, 678 (1991), Justice Souter, writing in dissent with Justices Marshall, Blackmun, and O’Connor, citing cases culminating in *New York Times Co. v. Sullivan*, 376 U.S. 254, 278-279 (1964), cited in [“Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence”](#), 14 *Fordham Intellectual Property, Media & Entertainment Law Journal* 1, footnotes 62 and 156 (2003).”

Substantiated by a mountain of primary-source, documentary evidence, spanning decades, the October 29th verified amended complaint provides a devastating window into how the press ACTUALLY operates, flagrantly violating their First Amendment responsibilities and journalistic codes of conduct by *knowingly* false, corruption-abetting, election-rigging journalism – with NO difference between for-profit, commercial, nonprofit, public, national/“local”, print, broadcast, digital, including those receiving and conferring tax benefits.

The first of the lawsuit’s four causes of action is “Journalistic Fraud”, proposed as viable under the First Amendment and just waiting to be tested by the above-cited and linked 2003 law review article. Are you familiar with it? How about the 2005 law review article [“Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press”](#), 90 *Iowa Law Review* 887, upon which our second cause of action “Institutional Reckless Disregard for Truth” rests. What scholarship has there been about these two law review articles over the past 20 years – and of lawsuits based thereon? I have found none, including by your 2023-2024 project [The Future of Press Freedom: Democracy, Law, and the News in Changing Times](#), whose purpose was to answer such “critically important questions” as “How, if at all, can we shape doctrine and legal policies that grant rights to those acting as proxies for the public without privileging the powerful over the weak?...And what protections might be constitutional necessities for fulfilling the wider purpose of the First Amendment guarantee of freedom of the press?”

As the October 29th verified amended complaint establishes that causes of action for “journalistic fraud” and “institutional reckless disregard for truth” are “constitutional necessities for fulfilling the wider purpose of the First Amendment guarantee of freedom of the press”, “grant[ing] rights to those acting as proxies for the public without privileging the powerful over the weak”, will you file an *amicus curiae* brief in the lawsuit in support of their judicial recognition?

I am eager to discuss the foregoing with you – and the district court’s unprecedented handling of the case, reflected by my [December 19, 2025 affidavit demonstrating subject matter jurisdiction](#). Meantime, I will forward this e-mail to the scholars who participated in the [Future of Press Freedom: Democracy, Law, and the News in Changing Times](#) project so that they can likewise respond. **The October 29th verified amended complaint EVIDENTIARILY rebuts their premises and preconceptions about press integrity and functioning, warranting substantial revisions/corrections/retractions to [their articles](#) and [May 3, 2024](#)**

symposium presentations. Or do they disagree – and based on what evidence? For starters, I suggest they begin with “legacy” for-profit defendant New York Times, formerly U.S. taxpayer-funded and non-profit, 501(c) tax-exempt defendant WNYC and its Gothamist, and nonprofit, 501(c)(3) tax-exempt defendants The City, New York Focus, and ProPublica.

Please let me hear from you soon.

Thank you.

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