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June 29, 1998

Sut Jhally, Executive Director
Media Education Foundation
26 Center Street
Northampton, Massachusetts 01060

RE: Status of your review of CJA's documentary presentation of wilful suppression and black-balling by *The New York Times* AND the deficiencies of Project Censored

Dear Professor Jhally:

On October 17th, when we met at the Media & Democracy Congress II, I discussed with you the serious flaws in Project Censored's procedures for evaluating nominations. Such discussion was based on CJA's direct, first-hand experience, having submitted a nomination to Project Censored in 1996, which failed to make it past the "first hurdle" of review. You were extremely interested not only because Project Censored judges never see such rejected nominations, but because CJA's nomination was predicated on *your* recommendation to Project Censored, appearing in its 1996 Yearbook, that a procedure be established for identifying stories that are so censored that they are not just "under-reported" -- they never appear at all. Our nomination focused on those kind of completely suppressed stories and did so in the context of *deliberate* suppression and black-balling by *The New York Times* -- a newspaper recognized by Project Censored's 1996 Yearbook as the standard by which other media guide their own coverage¹. I pointed out that CJA's nomination had expressly urged Project Censored to pursue the "WHY" behind *Times* censorship -- an inquiry consistent with its mission, reflected by the title of its Yearbooks: "Censored: The News that Didn't Make the News AND WHY" (emphasis in the original!).

¹ See also the current Project Censored Yearbook, where the author of "*Phi Beta Capitalism*", which came in third as a "top censored" story, stated in his update: "What the editorial writers fail to realize is that 'elite' institutions such as Harvard influence what is happening at other universities, just as *The New York Times* influences news coverage at other U.S. newspapers." (at p. 34).

Until our conversation, you were unaware that in the 1997 Yearbook, Project Censored dropped the "AND WHY" from its title. As discussed, the 1997 Yearbook was the first after CJA highlighted that Project Censored had *not* been answering the "WHY" as to the censorship behind its top censored stories -- most of which were "under-reported" stories, rather than stories shown to be deliberately suppressed.

You invited me to send you CJA's nomination and further told me that you believed it would also be of interest to Noam Chomsky. As I recall, you indicated that Professor Chomsky had formerly been a Project Censored judge, but had resigned in protest over either its "Top Censored" selections or methodology.

My coverletter to you, dated November 12th (Exhibit "A"), transmitted the very same materials that we had sent to Project Censored -- which, thereafter, were returned to us "seemingly in the pristine, unincreased condition in which we had sent them". The letter highlighted flaws in Project Censored's evaluation process (as further particularized in our February 4, 1997 letter to Project Censored's Director, Peter Phillips) -- and the fact that due to the inaction and lack of follow-through by Project Censored, the *Times* was continuing to deprive the public of essential and time-sensitive news stories, with consequent irreparable injury to the public.

Nevertheless, we did not hear from you over the next seven weeks -- a period in which *Times* suppression and blackballing of our citizens' organization were particularly deliberate and intense. On January 8th, following phone messages left for *Times* publisher, Arthur Sulzberger, and *Times* executive editor, Joseph Lelyveld, I telephoned you. As I recall, you stated that you had not read our materials because you had been busy judging that year's Project Censored' nominations. In other words, you were continuing to be part of a process, whose flaws I had already detailed to you in person on October 17th, as well as by my November 12th letter.

The following day, January 9th, I sent you a fax which reiterated the exigency of the situation and implored:

"Please read the Project Censored materials we sent you -- or direct them to someone who will." (Exhibit "B")

We did not hear back from you, either immediately or thereafter. Now, six months later, we see from the 1998 edition of Project Censored's Yearbook -- which, for the second year, has deleted the "AND WHY" from its title and from its analysis of the winning nominations -- that none of the Project's deficiencies, highlighted by CJA's nomination and November 12th letter to you, have been addressed.

We can only conclude that you still have not examined our nomination. Had you done so, we have no doubt but that we would have heard from you, congratulating us on our extraordinary chronicling of

actual censorship and unaccountability by this nation's preeminent newspaper -- and from Project Censored, which, through your intercession, would have moved forward to implement some of the salutary changes we proposed. This includes identifying the person or organization supplying the nominations named by Project Censored as the "Top 25 Censored Stories" -- a change that surely accords with the Project's stated recognition of the importance of citizen involvement (See p. 26 of the 1998 Yearbook).

Please advise us whether -- albeit very, very belatedly -- you intend to review CJA's nomination materials. If not, we specifically request that you pass them on to Professor Chomsky, together with the November 12th letter and this letter. Should you wish to pass them on to other scholars or writers interested in censorship issues, we would have no objection. Quite the contrary. That is what we expected Project Censored to have done a long time ago -- and what it represents that it does, *inter alia*, via its website². Meantime, CJA will be presenting the story of *Times* suppression to *Brill's Content*. In the unlikely event you have not seen the first issue of that magazine, it includes a message from its Ombudsman, appearing immediately following the introduction of Steven Brill. The message, entitled "Letter from the Ombudsman" (Exhibit "C"), notes that the *Times*, in contrast to the *Washington Post*, was "unimpressed with the concept" of press ombudsman, a concept which it identifies as having been "resurrect[ed]" in 1976 by the late A.H. Raskin, as well as by Ben Bagdikian. As you know, Professor Bagdikian has been a Project Censored Judge since the Project was founded in 1976. We cannot believe that Professor Bagdikian would not be greatly excited by our nomination -- and in our most recent correspondence with Mr. Sulzberger -- each centered on the fact that editors and those at the top echelons of management refuse to fill the void that exists by reason of the absence of an ombudsman.

² See "How to Nominate a Censored Story" in the 1997 and 1998 Yearbooks "We evaluate stories year-round and post important under-published stories on our World Wide Web site every month." See also Peter Phillips' December 13, 1996 fax to us "The most censored stories for 1996 have been selected and yours was not in the top list for 1996. This doesn't mean that we are not interested in promoting the story on our web site and discussing it in future public events." (Annexed as Exhibit "B" to CJA's February 2, 1997 letter to Peter Phillips.)

You are an indicated recipient to our most recent letter to Mr. Sulzberger. That letter, dated February 12th, particularized the Times' wilful suppression and blackballing in December of last year and early January of this year -- the background to my January 8th phone call to you. It also recounted my exchange with Mr. Sulzberger in May 1997 about why the Times has no news ombudsman. The exchange was summarized in the penultimate paragraph of my November 12th letter to you (Exhibit "A", at p. 5). Our February 12th letter to Mr. Sulzberger -- and his shamelessly disingenuous response -- should be seen as the continuation of that exchange. Both are enclosed.

Yours for a quality judiciary and responsible journalism,

Elena Ruth Sassower

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

Enclosures: (1) CJA's 2/12/98 letter to Arthur Sulzberger, Jr.
(2) Arthur Sulzberger's 2/18/98 response

cc: Ralph Nader

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