

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, December 17, 2020 11:55 AM
To: 'Johns, Andy'; 'Everett, Eric'
Subject: Research Misconduct, Conflict of Interest, Ethics Complaint vs Knight Chair/Faculty Member Penelope Muse Abernathy -- & Center for Innovation & Sustainability in Local Media Director Susan Leath

TO: University of North Carolina/Office of Ethics and Policy

**ATT: Senior Associate Vice Chancellor for Research Andy Johns
Institutional Research Integrity Officer Eric Everett**

Thank you for meeting with me, from 10:30 am – 11:15 am yesterday, *via* zoom, and giving me the opportunity to summarize the below, assisted by the webpage I created on CJA's website, [here](#).

Pursuant to the University of North Carolina's [Policy on Research Code of Conduct](#), [Standard on Research Code of Conduct](#), [Policy on Institutional Conflict of Interest](#), [Policy on Individual Conflicts of Interest and Commitment](#), as well as the [Policy and Procedures on Responding to Allegations of Research Misconduct](#) that you furnished me, this is to initiate a research misconduct, conflict of interest, ethics complaint against Knight Chair Penelope Muse Abernathy – the sole faculty member of the Center for Innovation and Sustainability in Local Media, funded by the [Knight Foundation](#) – and, additionally, against the Center's Director, Susan Leath.

At issue is primary-source, documentary EVIDENCE that Ms. Abernathy's "news desert" scholarship and recommendations are materially deficient by reason of their near total reliance on quantitative measures, unaccompanied by qualitative research about actual press functioning. Her 2020 report "[News Deserts and Ghost Newspapers: Will Local News Survive?](#)" buries this absence of qualitative research in a "Methodology" section at the back of the report, stating:

"...our research is concerned with identifying local newspapers that provide public-service journalism...Does the paper, for example, cover local government meetings, such as school boards and county commissioner meetings? Does the paper provide coverage on any of the eight topics identified by the Federal Communications Commission as being 'critical information needs'? **This report assesses the quantity, but not the quality of news generated by local news outlets, a step that would require in-depth analysis of the content.** We recommend this as an additional research step to anyone seeking to determine the health of the local news ecosystem in a specific region. (at p. 114: "Building And Refining the Newspaper Database", bold added)

"To determine definitively whether a large daily is fulfilling its civic journalism role of informing a community on important issues, **much more research – including in-depth analysis of published content – is needed.** Having raised the issue, we leave that to other researchers to determine whether an individual paper is a 'ghost.' (at p. 115: "Defining 'News Deserts' and 'Ghost Newspapers'", bold added).

Yet, at the front of her report, she affirmatively misrepresents (or, for purposes of the [circumscribed](#) definition of research misconduct in the [Policy and Procedures on Responding to Allegations of Research Misconduct](#), "falsifies") the qualitative aspect of her scholarship by stating:

“The findings in this report are based on analysis of data collected by the Hussman School of Journalism and Media at the University of North Carolina at Chapel Hill over the past five years. Our study attempts to measure the loss of news through quantitative and qualitative research. It seeks to answer this question: Are residents in a community getting credible news that helps them make informed decisions about quality-of-life issues?” (p. 10, italics in the original, bold added).

In fact, there is no “**qualitative research**” in the 2020 report from which to answer the question as to whether the print and digital newspapers that Ms. Abernathy quantifies by her accompanying 50-state, county-by-county inventory produce “credible news” of “local government meetings” and the like. Indeed, as demonstrated by the EVIDENCE I furnished her EMPIRICALLY TESTING her inventory of print and digital newspapers, public radio, and public broadcasting in New York State’s 62 counties – to which she has not responded – their “local journalism”, including about government meetings, hearings, public officers, and candidates not only falls beneath ANY accepted professional standard, but is a charade of “fake news”, fraud, and election-rigging, depriving the public of information about the corruption of their county and state governments. This includes the mostly digital non-profits that are philanthropically and publicly-supported, which Ms. Abernathy offers up as remediators of the “news desert” crisis, together with public radio and public broadcasting. It also includes the nationally circulated newspapers she excludes from her report (at p. 115): the New York-based New York Times and Wall Street Journal, for which Ms. Abernathy worked, and USA Today (Gannett), for which Ms. Leath worked.

The facts pertaining to this complaint are furnished by my below self-explanatory e-mail chain, consisting of **four e-mails sent to Ms. Abernathy, without response from her, and two e-mails sent to Ms. Leath, without response from her:**

- my November 19, 2020 e-mail to Director Leath (and staffer Blair Gosney) – with a copy to Knight Chair/Faculty Abernathy – entitled “AGAIN --Ensuring the accuracy & legitimacy of the scholarship of the University of North Carolina's Center for Innovation & Sustainability in Local Media of its Hussman School of Journalism -- upon which other academic institutes & funders rely”;
- my November 12, 2020 e-mail to Director Leath (and staffer Gosney) – with a copy to Knight Chair/Faculty Abernathy – “Ensuring the accuracy & legitimacy of the scholarship of the University of North Carolina's Center for Innovation & Sustainability in Local Media of its Hussman School of Journalism -- upon which other academic institutes & funders rely”
- my November 5, 2020 e-mail to Knight Chair/Faculty Abernathy – “AGAIN -- Building scholarship on the "news desert" problem with EVIDENCE, DISPOSITIVE OF ACTUAL PERFORMANCE of "for profit", supposedly credible & legacy press -- & of the new press that is "non-profit" and philanthropically or publicly-supported”;
- my October 29, 2020 e-mail to Knight Chair/Faculty Abernathy entitled “Building scholarship on the "news desert" problem with EVIDENCE, DISPOSITIVE OF ACTUAL PERFORMANCE of "for profit", supposedly credible & legacy press -- & of the new press that is "non-profit" and philanthropically or publicly-supported”, furnishing my October 26, 2020 e-mail to the conservative digital news chain Metric Media entitled “GOOD NEWS! Metric Media can easily PROVE its worth by an EVIDENCE-BASED expose of the fake, fraudulent, election-rigging journalism of The New York Times & NY’s other ‘local journalism’, covered up by Columbia School of Journalism & its Journalism Review”.

As I identified during our zoom meeting, Ms. Abernathy has three degrees from Columbia University, two of which are from its School of Journalism.

On October 29th, the same day as I sent Ms. Abernathy my first e-mail, furnishing her my October 26th e-mail to Metric Media whose many links brought her to webpages for the EVIDENCE that New York’s 62-county “local journalism” – and its statehouse press – had wilfully and deliberately deprived New Yorkers of the means by which to intelligently vote in the 2020 elections to fill New York’s 213 state legislative seats and 15 D.A. offices, the University of North Carolina’s

Office of Ethics and Policy posted a blog entry entitled "[Voting 101: The Ethics of Being Informed](#)", not only citing to the same [New York Times](#) article disparaging Metric Media, identified by my October 26th e-mail, but urging voters to consider it their ethical duty to inform themselves as to the news sources on which they were relying to vote – oblivious that [The New York Times](#) and other purportedly trustworthy New York press, including the tax-exempt, philanthropically and publicly funded non-profits that are required to be non-partisan, had demonstrably rigged the 2020 state legislative and D.A. races by "fake news", fraudulent journalism.

Ms. Abernathy and Ms. Leath must be required to account for their unexplained refusal to respond to my EVIDENCE-substantiated e-mails to them – as it *flagrantly* violates their scholarly and ethical obligations to the University of North Carolina and the Knight Foundation. **IF** there is an explanation other than their conflicts of interest arising from individual and institutional relationships, they must set it forth. Do they deny that the primary-source, documentary EVIDENCE I furnished made "in-depth" content-analysis EASY to accomplish in answer to whether "local journalism" is supplying "credible news" on topics that go to the heart of the press' overarching first amendment/constitutional function: reporting on the on-the-job performance of public officers and the operations of government – and not just currently, but spanning back decades. And wasn't it apparent to them, based on what they saw as to my [30 years of interacting with the press](#) – and as plaintiff in two landmark public interest litigations, [suing The New York Times](#) and [suing Gannett](#) for journalistic fraud, in vindication of the first amendment, each arising from their reporting about governmental hearings, the first in Washington, the second locally – that I would have a great many insights, including as to efficient methodologies for examining press quality, beginning with integrity, without which "localness", "originality", or such other categories as "useful information" and "valuable context/analysis" that appear in the "[Rate Your Local News](#)" exercise at the back of the report are deceptions. Didn't Ms. Abernathy, a participant in a [September 9, 2020 webinar of Columbia University's School of Journalism](#), where she and other participants floundered as to how to assess the content of "local news" because it is supposedly so difficult, time-consuming, and labor-intensive as to necessitate sophisticated algorithms to sort through, not recognize, from my e-mails, that I had a devastating EVIDENTIARY contribution to make about press content and quality that would give rise to simple, indeed obvious, methodologies, as to what is happening – and has happened, for years?

With your assistance, there must be answers – including where, among New York's 62-county print and digital newspapers and public radio/public broadcasting outlets inventoried by Ms. Abernathy, I might find ANY to investigate and report on the FULLY-DOCUMENTED news story at the very bottom of the below e-mail chain, *to wit*, my September 7th e-mail entitled "TIP – TIME-SENSITIVE LEAD -- Election Issue #1: What salary is to be paid the winners of NYC's 92 state legislative races? Is it \$110,000 - or \$79,500? The answer upends all the legislative races -- & that's for starters", which I sent to the philanthropically-supported non-profit digital news start-up [The City](#) – this being the "first piece of primary source, documentary EVIDENCE" I furnished to prove the "news desert" situation prevailing in media-rich New York with regard to [flagrant](#) public corruption issues.

IF it is Ms. Abernathy's judgment that the September 7th e-mail "TIP – TIME SENSITIVE LEAD" is NOT a MAJOR, MAJOR news story, which any legitimately functioning news entity would have seized – beginning with [The City](#) – she must explain why this is so, including to the Knight Foundation, so that it can reassess its funding of "news desert" scholarship by her – and the recommendations she is making for a large infusion of philanthropic and public funding of news entities, unaccompanied by any recommendation for oversight and accountability to ensure the integrity of their journalism.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, November 19, 2020 2:24 PM

To: 'sdleath@email.unc.edu' <sdleath@email.unc.edu>; 'bgosney@email.unc.edu' <bgosney@email.unc.edu>

Cc: 'pennyma@email.unc.edu' <pennyma@email.unc.edu>; 'ebell@columbia.edu' <ebell@columbia.edu>; 'sr3617@columbia.edu' <sr3617@columbia.edu>; 'kylepope01@gmail.com' <kylepope01@gmail.com>; 'editors@cjr.org' <editors@cjr.org>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'leh2178@columbia.edu' <leh2178@columbia.edu>; 'pb2616@columbia.edu' <pb2616@columbia.edu>; 'Brad@SMGstrategy.com' <Brad@SMGstrategy.com>; 'briant@hey.com' <briant@hey.com>; 'news@metricmedianews.com' <news@metricmedianews.com>; 'habegg@wc-b.com' <habegg@wc-b.com>; 'Donna Englert' <denglert-skelton@wc-b.com>

Subject: AGAIN --Ensuring the accuracy & legitimacy of the scholarship of the University of North Carolina's Center for Innovation & Sustainability in Local Media of its Hussman School of Journalism -- upon which other academic institutes & funders rely

TO: Center for Innovation and Sustainability in Local Media /University of North Carolina Hussman School of Journalism and Media

ATT: Susan Leath/Director
Blair Gosney/Staff

I have received no response from you – or from Knight Chair/Faculty Member Abernathy – to my below November 12th e-mail. Have you responded? And if not, is it because you are unwilling to confront EVIDENCE:

(1) that the entirety of New York State is a “news desert” when it comes to investigating and reporting on open-and-shut, *prima facie* PROOF of the corruption, in office, of New York’s highest public officers in all three government branches, involving their pay raises and the state budget;

(2) that New York’s 62-county “local journalism”—and its statehouse press – is a charade of “fake news”, journalistic fraud, and election-rigging;

(3) that scholars of Columbia University’s Tow Center for Digital Journalism and Columbia Journalism Review – each part of its Graduate School of Journalism – have been complicit in same.

Please respond by Tuesday, November 24th, as I will otherwise have no choice but to file a complaint of research misconduct against Ms. Abernathy and you with the University of North Carolina and other authorities.

Finally, I take this opportunity to give notice to the Columbia Graduate School of Journalism recipients of this e-mail that unless I receive a response from them by November 24th to my below succession of prior e-mails to them – to which I have received no response – I will also be forced to file a complaint of research misconduct against them with Columbia University and other authorities.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Thursday, November 12, 2020 10:52 AM
To: 'sdleath@email.unc.edu' <sdleath@email.unc.edu>; 'bgosney@email.unc.edu' <bgosney@email.unc.edu>
Cc: 'pennyma@email.unc.edu' <pennyma@email.unc.edu>; 'ebell@columbia.edu' <ebell@columbia.edu>;
'sr3617@columbia.edu' <sr3617@columbia.edu>; 'kylepope01@gmail.com' <kylepope01@gmail.com>;
'editors@cjr.org' <editors@cjr.org>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'leh2178@columbia.edu'
<leh2178@columbia.edu>; 'pb2616@columbia.edu' <pb2616@columbia.edu>; 'Brad@SMGstrategy.com'
<Brad@SMGstrategy.com>; 'briant@hey.com' <briant@hey.com>; 'news@metricmedianews.com'
<news@metricmedianews.com>; 'habegg@wc-b.com' <habegg@wc-b.com>; 'Donna Englert' <denglert-skelton@wc-b.com>

Subject: Ensuring the accuracy & legitimacy of the scholarship of the University of North Carolina's Center for Innovation & Sustainability in Local Media of its Hussman School of Journalism -- upon which other academic institutes & funders rely

TO: Center for Innovation and Sustainability in Local Media /University of North Carolina Hussman School of Journalism and Media

ATT: Susan Leath/Director
Blair Gosney/Staff

This is to request your "adult supervision"/oversight of the unprofessional behavior of the Center's sole faculty member, Knight Chair Penny Muse Abernathy, who has seemingly ignored, without response, two separate e-mails, furnishing her with primary-source, documentary EVIDENCE empirically testing her scholarship – and requesting her assistance in furnishing such EVIDENCE to fellow scholars so that philanthropic and other funders of "local journalism" are not misled as to how purportedly trustworthy, reputable news entities are actually functioning.

Below are those two e-mails, dated October 29th and November 5th, each entitled "Building scholarship on the 'news desert' problem with EVIDENCE, DISPOSITIVE OF ACTUAL PERFORMANCE of 'for profit', supposedly credible & legacy press -- & of the new press that is 'non-profit' and philanthropically or publicly-supported" – with the latter e-mail adding a single prefatory word "AGAIN – " in capitalized lettering.

Please advise.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewidth.org
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Thursday, November 5, 2020 11:54 AM
To: 'pennyma@email.unc.edu' <pennyma@email.unc.edu>
Cc: 'Brad@SMGstrategy.com' <Brad@SMGstrategy.com>; 'news@metricmedianews.com' <news@metricmedianews.com>; 'habegg@wc-b.com' <habegg@wc-b.com>; 'Donna Englert' <denglert-skelton@wc-b.com>; 'ebell@columbia.edu' <ebell@columbia.edu>; 'sr3617@columbia.edu' <sr3617@columbia.edu>; 'kylepope01@gmail.com' <kylepope01@gmail.com>; 'editors@cjr.org' <editors@cjr.org>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'pb2616@columbia.edu' <pb2616@columbia.edu>; 'leh2178@columbia.edu' <leh2178@columbia.edu>

Subject: AGAIN -- Building scholarship on the "news desert" problem with EVIDENCE, DISPOSITIVE OF ACTUAL PERFORMANCE of "for profit", supposedly credible & legacy press -- & of the new press that is "non-profit" and philanthropically or publicly-supported

TO: Penelope Muse Abernathy/Knight Chair in Journalism and Digital Media Economics
University of North Carolina Hussman School of Journalism and Media – Center for Innovation and Sustainability in Local Media

I have received no response from you to my below October 29th e-mail. Did you e-mail or phone me? And if not, why not?

What is your assessment of my below "first piece of 'primary-source, documentary evidence'" establishing the "news desert" situation that exists in New York -- *to wit*, my September 7, 2020 "**TIP – TIME-SENSITIVE LEAD – Election Issue #1...**" sent to The City -- and, thereafter, to other "local journalism" of New York City's five counties and replicated in similar election outreach to the "local journalism" of the other 57 counties of New York State – using, as a starting point, your 62-county inventory of New York's "local journalism".

As I have also received no response from any of the cc's to this same "first piece of 'primary-source, documentary evidence'", I am again cc'ing them as a reminder. Where, in New York City and/or New York State, is the "local journalism" to investigate and report on what is now **Post-Election Issue #1**, *to wit*, "**What salary is to be paid the winners of [NYS' 213] state legislative races? Is it \$110,000 - or \$79,500?**". Likewise, to investigate and report on what is **Election Issue #1 in the 2021 race for New York City mayor** inasmuch as lead mayoral candidate New York City Comptroller Scott Stringer was a member of the 4-member Committee on Legislative and Executive Compensation, criminally liable for its pay raise fraud.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 29, 2020 10:58 AM
To: 'pennyma@email.unc.edu' <pennyma@email.unc.edu>
Cc: 'Brad@SMGstrategy.com' <Brad@SMGstrategy.com>; 'news@metricmedianews.com' <news@metricmedianews.com>; 'habegg@wc-b.com' <habegg@wc-b.com>; 'Donna Englert' <denglert-skelton@wc-b.com>; 'ebell@columbia.edu' <ebell@columbia.edu>; 'sr3617@columbia.edu' <sr3617@columbia.edu>; 'pb2616@columbia.edu' <pb2616@columbia.edu>; 'editors@cjr.org' <editors@cjr.org>; 'kylepope01@gmail.com' <kylepope01@gmail.com>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'leh2178@columbia.edu' <leh2178@columbia.edu>

Subject: Building scholarship on the "news desert" problem with EVIDENCE, DISPOSITIVE OF ACTUAL PERFORMANCE of "for profit", supposedly credible & legacy press -- & of the new press that is "non-profit" and philanthropically or publicly-supported

TO: Penelope Muse Abernathy/Knight Chair in Journalism and Digital Media Economics

University of North Carolina Hussman School of Journalism and Media – Center for Innovation and Sustainability in Local Media

Thank you for your important work on “news deserts” – and on finding “business models” and revenue sources to irrigate an eroding press landscape. The situation, however, is more serious, by far, than what you have chronicled – and this is the subject of my below October 26th e-mail to Metric Media, furnishing, by its content and links, a gold-mine of primary-source, documentary EVIDENCE as to what is going on currently – and what has been going on, for years. Indeed, the trail of EVIDENCE, which is comprehensive and sustained, not only goes back 30 years, to when the size and number of newspapers was robust and their advertising-“business model” was unimpaired by the internet, but builds on EVIDENCE, also primary-source and documentary, spanning more than a decade before that.

Kindly call me, by Tuesday of next week, “Election Day”, if not before then, so that we can discuss how best to furnish this EVIDENCE to your fellow scholars whose work, like your own, becomes the basis for funding by philanthropic foundations and others.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, October 26, 2020 1:48 PM
To: 'Brad@SMGstrategy.com' <Brad@SMGstrategy.com>; 'news@metricmedianews.com' <news@metricmedianews.com>; 'habegg@wc-b.com' <habegg@wc-b.com>; 'news@capitaldistricttimes.com' <news@capitaldistricttimes.com>; 'news@nycgazette.com' <news@nycgazette.com>; 'news@buffaloledger.com' <news@buffaloledger.com>; 'news@monroenynews.com' <news@monroenynews.com>; 'news@nassaustandard.com' <news@nassaustandard.com>; 'news@niagaraleader.com' <news@niagaraleader.com>; 'news@niagaratimes.com' <news@niagaratimes.com>; 'news@rochesterreporter.com' <news@rochesterreporter.com>; 'news@rocklandreporter.com' <news@rocklandreporter.com>; 'news@saratogastandard.com' <news@saratogastandard.com>; 'news@statenislandreporter.com' <news@statenislandreporter.com>; 'news@suffolkreporter.com' <news@suffolkreporter.com>; 'news@syracusesun.com' <news@syracusesun.com>; 'news@westchesterreporter.com' <news@westchesterreporter.com>; 'news@empirestatetoday.com' <news@empirestatetoday.com>; 'news@easthudsonvalleynews.com' <news@easthudsonvalleynews.com>; 'news@fingerlakestoday.com' <news@fingerlakestoday.com>; 'news@mohawkvalleytimes.com' <news@mohawkvalleytimes.com>; 'news@nenewyorktoday.com' <news@nenewyorktoday.com>; 'news@northcountryleader.com' <news@northcountryleader.com>; 'news@scnewyorknews.com' <news@scnewyorknews.com>; 'news@westhudsonvalleynews.com' <news@westhudsonvalleynews.com>; 'news@westnynews.com' <news@westnynews.com>
Cc: 'ebell@columbia.edu' <ebell@columbia.edu>; 'editors@cjr.org' <editors@cjr.org>; 'kylepope01@gmail.com' <kylepope01@gmail.com>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'sr3617@columbia.edu' <sr3617@columbia.edu>

Subject: GOOD NEWS! Metric Media can easily PROVE its worth by an EVIDENCE-BASED expose of the fake, fraudulent, election-rigging journalism of The New York Times & NY's other "local journalism", covered up by Columbia School of Journalism & its Journalism Review

TO: MEDIA METRIC