

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Box 69, Gedney Station
White Plains, New York 10605-0069

Tel: (914) 421-1200
Fax: (914) 684-6554

E-Mail: judgewidth@aol.com
Web site: <http://www.judgewidth.org>

BY FAX: 707-664-3920

BY CERTIFIED MAIL: R.R.R: P-543-172-746

TO: Professor Peter Phillips
Director, Project Censored

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.

RE: Project Censored's Evaluation and
Follow-Up of Significant Nominations

DATE: February 4, 1997

On December 13, 1996, we sent you an e-mail query as to whether we were free to circulate copies of our Project Censored nomination and supplement to individuals and organizations examining issues of media responsibility or whether that would jeopardize our nomination (Exhibit "A"). In pertinent part, your e-mail response stated:

"The most censored stories of 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. Certainly your recent documentation is most interesting." (Exhibit "B")

We were stunned and disappointed by your notification -- considering the *enormous* amount of time, effort, and expense we poured into our nomination in the *good-faith* belief that Project Censored was serious about confronting issues of *documented* media censorship and black-balling, not merely "under-reporting" and that, by submitting a formal nomination, Project Censored would explore and answer the *unanswered* question I posed at the Project Censored awards presentation last year: Is there a media taboo in reporting stories about the dysfunction and politicization of judicial selection and discipline -- involving top echelons of editorial and managerial power in media as prestigious as *The New York Times*? At very least, we would have expected Project Censored to have answered that essential question or to have directed us to those that could -- and would.

Quite apart from our unique 23-page fully-documented nomination, chronicling years of *Times*' censorship of such important stories, its appalling black-balling behavior, and the refusal of its editors and executives to address our serious citizen complaints or to define its "news fit to print" standard, the "recent documentation" provided by our supplement gave Project Censored a "front-seat" view of the *Times*' vicious and unaccountable conduct -- untempered by its awareness that Project Censored was privy to the record of its censorship and abusive treatment of us. This was highlighted by the last paragraph of our supplement which stated:

“The extraordinary ‘paper trail’ of correspondence, provided by our nomination and this supplement...presents Project Censored an *unprecedented* opportunity to explore the ‘WHY’ behind brazen censorship and black-balling by one of this country’s preeminent newspapers -- an exploration consistent with the goal of Project Censored, recognized by its Yearbook title, ‘The News that Didn’t Make the News AND WHY’. It is up to Project Censored investigators to *directly* contact Mr. Sulzberger, as well as the editors and the reporters whose names **appear** herein, for the answers they have refused to give us, *Times* subscribers and members of the public who the newspaper purports to serve.”

Ironically, the result of our misplaced confidence that Project Censored would recognize in our submission an unparalleled opportunity to investigate censorship and media irresponsibility has been to disadvantage us in our relations with *The Times*. *The Times*, having itself received recognition from Project Censored for two “top censored” stories for 1995, #7 and #24 (Exhibits “E-1”, E-2”), cannot but view us as having failed to obtain recognition from Project Censored -- even as minimal as a supportive letter on our behalf.

Indeed, in the more than two months since our shocking November 27, 1996 letter to *Times* Managing Editor, Gene Roberts -- annexed as Exhibit “B” to our December 2, 1996 supplement to our Project Censored nomination -- we have had *no* response from him or from anyone else at *The Times*, much as we have had *no* communication from Project Censored as to what it is doing to promote our censored stories of dysfunctional/politicized processes of judicial selection and discipline on its “web-site” and elsewhere. This is particularly disappointing considering Project Censored’s extensive media connections and its “CENSORED TIPS” program, described in its 1996 Yearbook (at p. 15)¹ -- the same Yearbook as describes Gene Roberts as “one of the most respected journalists in America” (at p. 32). *Anyone* reviewing our nomination (pp. 10-11) and supplement (P. 3) would know for a certainty that Mr. Roberts is not only undeserving of Project Censored’s high accolade, but that he should be featured on a list of those high in the media hierarchy who bear *direct* responsibility for unaccountable and arrogantly censoring journalism.

We do not know whether there has ever been an expose of *The Times*’ suppression and censorship of newsworthy stories, such as chronicled in our nomination and supplement. However, we were not surprised to recently learn that a quarter of a century ago Ralph Nader himself articulated the

¹ The 1996 Yearbook states (at p. 15) that one of the stories which Project Censored channeled to journalists as part of its “CENSORED TIPS” program was of “an incompetent federal judge who has manipulated a critical DDT pollution case”. We are interested in the details of that story -- and whether it received any media follow-up a result of Project Censored’s referral. Additionally, we would greatly appreciate if Project Censored would refer to us any stories it receives relating to judicial selection, misconduct, and discipline so that we can track them and make them part of our growing “horror story” archive.

need for such investigation:

“There should be a study of *The New York Times*. Why the *Times* covers what it does. What are its priorities?...What about the likes and dislikes of its editors? How high up are the decisions on editorials made? *The Times* is a world of its own and a study would be worth doing...” (Exhibit “C”: p. 69, Nader: The People’s Lawyer, by Robert F. Buckhorn, Prentice-Hall, Inc., 1972).

Frankly, your e-mail notification that our submission was not among the “top censored stories” reinforced our initial questions about Project Censored’s criteria. Even *before* we devoted weeks of effort to our nomination, we contacted Project Censored to inquire as to its specific standards for selection of top-censored stories (Exhibits “D-1”, “D-2”, “D-4”) -- beyond those ambiguously presented in the post-script of the 1996 Yearbook. The *only* response we ever received was one informing us that our proposed nomination would be considered “assuming it meets our criteria for nomination” -- *without* defining that criteria (Exhibit “D-3”). Page 3 of our nomination itself stated “it is unclear to us precisely what the criteria for consideration are” and described that we had been unable to obtain from Project Censored clarifying details. These included: whether stories of statewide or regional scope were eligible for nomination where they had potential national interest; whether nomination of a story that had “received no media attention at all” is time-restricted by what would seem to be an inapplicable October 15th publication deadline; and whether a newsworthy piece, published before the prior October 15th, yet nonetheless current and repeatedly placed before the media with no follow-up results, was eligible to be nominated.

Inasmuch as we firmly believe that our nomination was, by the meticulous of its presentation, documentation, and scope, *unprecedented* and deserved to be, if not a “top censored” winner, then recognized in some other category -- a possibility envisioned by Professor Sut Jhally² -- we are now even more at a loss to understand Project Censored’s criteria and procedures for selection. We, therefore, reiterate our above queries as to Project Censored’s guidelines and request to know whether consideration was given for recognition of our submission by some additional category. Indeed, we request to know the procedures by which Project Censored processes and evaluates the hundreds of nominations it annually receives. What happens when they are received? Are they assigned to specific students? To panels of students? What is the role of the academic advisors? Is a vote taken? By whom? What kind of analysis/research is done to assess the nominations? Do most nominations simply consist of the published article or, when submitted by the writer, are they more often accompanied by a written presentation, providing corroborating detail about censorship?

Frankly, we find it somewhat disconcerting that the 1996 Yearbook does *not* identify the nominators of the “top censored” stories, but only their authors and the media in which they appeared. Such omission is all the more surprising in view of your postscript statement:

²

See page 3 of our nomination.

“some of the most interesting nominations Project Censored has received are from people who spot something in the back pages of their newspaper or in a small-circulation magazine..Your nominations, input, and suggestions are important to the success of Project Censored, and we appreciate them” (at p. 335).

Frankly, we believe Project Censored should show its appreciation of citizen involvement by giving attribution where it rightfully belongs.

Insofar as citizen input, we submit that it should be disqualifying when the author of a piece, which Project Censored chooses to recognize as “top censored”, refuses to provide information about that censorship. Illustrative is your #7 “top censored” story for 1995, whose source is a *New York Times* article by William J. Broad (Exhibit “E-1”). According to your “Comment” section, Mr. Broad “declined to respond to [Project Censored’s] questionnaire attempting to follow-up on his story.” In other words, Mr. Broad, whose article was submitted to Project Censored as a nomination in some undisclosed way, refused to meet the second prong of the Project Censored “Award”: the “WHY” behind the supposed censorship. As a result, Project Censored’s award to Mr. Broad and *The Times* contains not the slightest explanation for why the story did not receive greater media coverage. Moreover, it would appear from the “Comment” section that Project Censored, rather than interviewing others at *The Times* and at other publications able to illuminate the under-reporting at issue³, confined its “investigation” to “a news database search”. This is also the case with your #25 “top censored” story of 1995, where ABC’s 20/20 “declined to respond” to Project Censored’s questionnaire and your “investigation” seems likewise limited to a database search

Notwithstanding your Yearbook’s title, “The News that Didn’t Make the News AND WHY”, Project Censored does not appear to demonstrate much commitment to the “WHY” of censorship. Perhaps this explains the reason our nomination was not selected: because it unequivocally called upon Project Censored to answer the “WHY” of *Times* censorship by interviewing those at the *Times* shown to be responsible for it. This would include Mr. Roberts, upon whom Project Censored’s Yearbook has lavished praise (p. 32).

From the “Comment” sections of “top censored” stories in the 1996 Yearbook, it appears that the *only* interviewing Project Censored investigators do is of the authors of “top censored” stories, most of whom do not recite having made affirmative efforts to obtain media follow-up for their important stories (#1, #2, #4, #5, #6, #8, #10, #12, #17, #18, #19, #20, #22, #24). By and large, the authors do not answer WHY there has been a lack of media follow-up, except to the extent of identifying who the beneficiaries are of limited coverage. Even in those stories where the authors recite having

³ For reasons unexplained in the “Comment” section, no interview appears for the writer of another *New York Times* article, Philip J. Hilts, recognized in connection with your #24 “top censored” story for 1995 (Exhibit “E-2”).

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made affirmative media outreach efforts (#3, #7, #9, #11, #13, #14, #15, #23) or recount stories being quashed (#16), there appear to be *no* follow-through interviews by Project Censored with the *expressly*-identified censoring media to find out from them why the stories were never run or omitted key details.

We believe that Project Censored's one-sided and scanty presentation of the WHY behind censored stories is unprofessional and grossly inappropriate for a university, which is supposed to train its students to explore *both* sides and test the claims of one side against the other. Moreover, you lose a vital opportunity to bring into dialogue those responsible for censorship. If the goal of Project Censored is to break down the wall of censorship, this can only be accomplished by dialogue -- particularly where the censorship is not knowing and deliberate, but "under-reporting" due to a variety of factors, as may well be the case with a good many of your "Top Censored" winners

Please let us know what Project Censored will be doing to assist us in exposing the *Times'* unremitting deliberate censorship, black-balling, and utterly worthless now-you-see-it-now-you-don't office of "news ombudsman" -- as to which Mr. Roberts is demonstrably complicitous. It is a daunting, hit-and-miss affair for us to sift through the extensive lists appearing at the end of the 1996 Yearbook and figure out which organizations would be receptive to exploring the media taboo of judicial selection and discipline issues, with a focus on *The New York Times*. You and the judges of Project Censored surely know, and have personal relationships with, many of these organizations, as well as specific researchers and academics examining media responsibility and censorship for whom the breath-taking documentation supporting our detailed nomination and supplement would be a veritable gold-mine.

Yours for a quality judiciary,
and responsible journalism,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

cc: Ralph Nader, Center for the Study of Responsive Law

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