

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY HAND

September 12, 2000

Amy DiTullio, Senior Associate Editor
Brill's Content
1230 Avenue of the Americas
New York, New York 10020

RE: Accountability at *Brill's Content*

Dear Ms. DiTullio:

Following up my phone call to you yesterday, enclosed is CJA's exchange of correspondence with Eric Effron concerning our July 8, 1998 story proposal that *Brill's Content* explore the media's failure to embrace the news ombudsman concept by focusing on its rejection by *The New York Times*. It is CJA's expectation – and request – that, after you have reviewed this correspondence with other editors at *Brill's Content*, you make copies and place it on the desks of both Mr. Effron and Steven Brill. This correspondence consists of four letters from earlier this year:

1. CJA's 2-page January 6, 2000 letter to Mr. Effron, annexing copies of CJA's prior exchange of correspondence with Michael Kramer and yourself beginning with CJA's July 8, 1998 story proposal;
2. Mr. Effron's four-sentence January 18, 2000 letter to CJA, claiming that *Brill's Content* had "written about the role of ombudsmen and the *New York Times* lack of one."
3. CJA's 3-page January 24, 2000 letter to Mr. Effron, requesting that he elaborate upon his four-sentence January 18th letter, including its claim that *Brill's Content* had written on the *Times* lack of a news ombudsman.
4. CJA's 2-paragraph January 24, 2000 letter to Mr. Effron, asking him to clarify whether Mr. Brill had reviewed CJA's July 8, 1998 story proposal and the four complaints to Arthur Sulzberger, Jr. that accompanied it.

As discussed, in the nearly eight months since our January 24, 2000 letters to Mr. Effron we have received NO response from him, from Mr. Brill, or from anyone else at *Brill's Content*. This suggests, among other things, that Mr. Effron was unable to substantiate his January 18, 2000 letter with pertinent specifics, such as: (1) when *Brill's Content* had written on the evolution of the news ombudsman concept in the 30 plus years since its conception; (2) its permutations among the different media; and (3) the reasons for the *Times*' rejection of the ombudsman concept and the efficacy of the mechanism it prefers for handling complaints.

Indeed, even your one-time "*Accessibility Report*" in the subsequent February 2000 issue of *Brill's Content* entitled "*Within Your Reach?*" did not expressly identify that the *New York Times* has no news ombudsman, but only that the *Times* does not print "Ombudsman/reader rep. Contact info". Based on this – and the *Times*' failure to print "Section editors' contact info" and "Reporters' contact info" – you gave the *Times* a grade of "F". This, without following up with the horrific story of what happens when readers succeed in tracking down *Times* editors and reporters so as to present their legitimate complaints – which is the very point behind "accessibility".

The completely unaccountable, depraved, and, indeed, vicious behavior of *Times* editors and reporters, to whom our non-partisan, non-profit citizens' organization presented its legitimate complaints over an eight year period, is highlighted by CJA's July 18, 1998 story proposal, with the hair-raising particulars set forth in the four fully-documented complaints to Mr. Sulzberger accompanying it. Notwithstanding the explosive significance of these complaints to any magazine hyping itself as a "media watchdog" with a mission to fearlessly expose media unaccountability and arrogance, *Brill's Content* "sat on" the proposal and complaints for a year and a half, until Mr. Effron's January 18, 2000 pretense – exposed by CJA's first January 24, 2000 letter -- that *Brill's Content* had "written about the role of ombudsmen and the *New York Times* lack of one" and, therefore, was "not planning to use [CJA's] materials". Such cover-up of the failure of *Brill's Content* to present stories examining the existence and efficacy of structures for achieving media accountability, *i.e.* news ombudsmen and new councils – and outright protectionism of the *Times*¹ -- is inexplicable, except as an expression of undisclosed conflict of interest by Mr. Effron and members of the *Brill's Content*

¹ This protectionism of the *Times* and those in its upper echelons may also be seen in the tantalizing column "*Times Talk: Just Ask Abe*" that shares the page with your "*Accessibility Report: Within Your Reach?*" column. Notwithstanding it identifies that the *Times* had suppressed the story of how it had "forced out" Abe Rosenthal after half a century, *Brill's Content* provided none of the juicy particulars of this extraordinary event

staff, such as CJA's January 24, 2000 letter highlights (at p. 3).

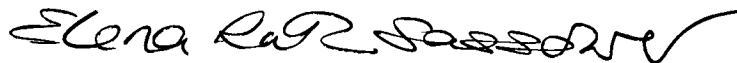
The arguments set forth in CJA's January 24, 2000 letter (at pp. 1-3) in support of our July 8, 1998 story proposal are as relevant today as they were when they were written nearly eight months ago. Moreover, CJA's observations are rightfully incorporated into any follow-up to your February 2000 "*Accessibility Report*". Such follow-up should highlight changes made by your 16 selected publications in the wake of your "*Accessibility Report*", with interviews of editors about how their publications decided to make those changes and whether there has been a discernible effect in relations with readers. Although it is unlikely that these editors will provide you with anything but self-serving information about their handling of complaints, the four complaints to Mr. Sulzberger, accompanying CJA's July 8, 1998 story proposal, will enable you to develop a follow-up about the *Times* that may well prompt readers of *Brill's Contents* to come forward and provide you with otherwise unavailable information bearing on their direct, first-hand experiences with other publications – and especially those, like the *Times*, without news ombudsmen.

As discussed, IF *Brill's Content* will not change its view about writing a story about the *Times* rejection of the news ombudsman concept, CJA would like the return of its four substantiating complaints to Mr. Sulzberger. This request was made in CJA's first January 24, 2000 letter (at pp. 2-3). It is even more essential now, in the wake of the further irreparable damage to the public and public interest caused by the continuation of *Times*' brazenly unaccountable conduct – for which CJA is determined to find whistle-blowing publications whose recognition of their journalistic obligations will lead them to expose the *Times* for its collusive conduct in covering up systemic governmental corruption – and the flagrant protectionism therein of *Brill's Content*.

Finally, notwithstanding the inflated claims of *Brill's Content* in letters soliciting CJA to renew its now expired two-year subscription – claims purporting that *Brill's Content* is getting "journalists thinking twice before filing that story" and that it is "raising the bar so that the media will perform with greater accuracy and integrity", CJA's on-going, direct, first-hand experience with the *Times* in the two years since delivering to Mr. Sulzberger a copy of our July 8, 1998 story proposal makes evident that *Brill's Content* has not had the slightest effect in bringing to the *Times* anything resembling accountability, honesty, and journalistic responsibility. That will happen only when the *Times* is the subject of the scandalous coverage it deserves so that, powerful as the *Times* is, it is forced to recoup its credibility by

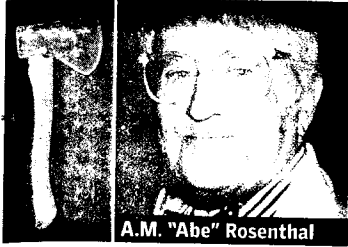
establishing a news ombudsman and by participating in the development of news councils.

Yours for a quality judiciary,
And responsible journalism,



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

Enclosures including page 39 of the February 2000 issue of "*Brill's Content*" and illustrative boastful letter solicitation



A.M. "Abe" Rosenthal

TIMES TALK

JUST AX ABE

Adolph Ochs, the patriarch of the family who owns *The New York Times*, vowed that the paper would cover the news "without fear or favor." On November 5, the *Times* covered one story with what looked like a little of both.

On that day, A.M. "Abe" Rosenthal—whose career had included a Pulitzer Prize and stints as managing editor, executive editor, and, since 1987, op-ed columnist—ended a half century at the *Times*. The paper ran three articles on the subject and never once told its 1.1 million readers he had been forced out.

Rosenthal used his November 5 column to sum up his career. The paper ran a farewell tribute to him on the editorial page and a *Metro* section story. None mentioned what had prompted Rosenthal to leave. The news story noted that "a few weeks ago" it became "clear that his weekly column 'On My Mind,' was near an end." But the story didn't contain comment from anyone in *Times* management.

Those who wanted to know what was really going on had to turn to *The Washington Post's* "Rosenthal Gets Pink Slip From N.Y.'s Gray Lady" story.

"I thought it was downright strange that the *Times* would make such a big deal about Rosenthal's departure and yet never mention why he was leaving," says Howard Kurtz, who wrote the *Post* story.

Should the *Times* have told the full story? Rosenthal himself wouldn't bite. But, saying "it's very hard to cover yourself aggressively," executive editor Joseph Lelyveld admits the omission was intentional. "We wanted to pay tribute to Abe's career on the paper," he adds, "and leave it at that." **JESSE OXFELD**

ACCESSIBILITY REPORT

WITHIN YOUR REACH?

You're reading the daily paper and find an article you know is inaccurate, unfair, or incomplete. Does the paper give a clue as to whom to contact? Inspired by a letter from a Portland *Oregonian* reader, we looked at 16 U.S. dailies to gauge their accessibility. Some of the biggest—*The Wall Street Journal*, *The New York Times*, and *USA Today*—give the most meager contact information. Others print e-mail addresses for staff writers of every bylined story. But offering such information goes only so far. As Jeff Dozbaba, deputy managing editor of *The Arizona Republic*, says: "If papers are going to do this, they need to be responsive." **AMY DITULLIO**

THE (PORTLAND) OREGONIAN A

Ombudsman/reader rep. contact info? Yes; phone fax, e-mail on page 2
Section editors' contact info? Yes; phone on front-page banner of every section; e-mail information on page 2
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE MIAMI HERALD A

Ombudsman/reader rep. contact info? Yes; phone next to last page of section A
Section editors' contact info? Yes; phone, e-mail at bottom of every section front except page 1
Reporters' contact info? Yes; e-mail at top of every bylined news story

FORT WORTH STAR-TELEGRAM A

Ombudsman/reader rep. contact info? Yes; phone, e-mail on page 2
Section editors' contact info? Yes; phone, e-mail on page 2 of every section
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE ARIZONA REPUBLIC A

Ombudsman/reader rep. contact info? Yes; phone on page 2
Section editors' contact info? Yes; phone, e-mail at top of every section
Reporters' contact info? Yes; phone, e-mail at bottom of every news story

ATLANTA JOURNAL-CONSTITUTION A-

Ombudsman/reader rep. contact info? Yes; phone, fax, e-mail on page 2
Section editors' contact info? Yes; phone, e-mail on inside page in weekly sections
Reporters' contact info? Yes; e-mail at top of every bylined news story

THE SEATTLE TIMES B

Ombudsman/reader rep. contact info? Yes; phone on page 2 for executive editor, who fills this role
Section editors' contact info? Yes; phone, e-mail in Monday business section, Sunday travel, and one of four community supplements
Reporters' contact info? Yes; phone, e-mail at end of every bylined news story

THE VIRGINIAN-PILOT B

Ombudsman/reader rep. contact info? Yes; phone on page 2
Section editors' contact info? Yes; in some weekly sections
Reporters' contact info? Yes; phone at end of each bylined news story, as well as e-mail if reporter has it



(MINNEAPOLIS) STAR TRIBUNE B

Ombudsman/reader rep. contact info? Yes; phone on page 2
Section editors' contact info? Yes; sections generally have editors' phone, e-mail info on bottom right of front
Reporters' contact info? Yes; business reporters' phone, e-mail info in Sunday and Monday editions

LOS ANGELES TIMES B-

Ombudsman/reader rep. contact info? Yes; on page 2 in Los Angeles-area editions

Section editors' contact info? Yes; phone, fax, e-mail for weekly sections
Reporters' contact info? Yes; e-mail, but only intermittently in some sections

THE PROVIDENCE JOURNAL C+

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; phone on page B3
Reporters' contact info? Yes; Local editions' reporters' phone, e-mail appear intermittently

THE WASHINGTON POST C-

Ombudsman/reader rep. contact info? Yes; attached to weekly Sunday column
Section editors' contact info? Yes; phone, e-mail in weekly sections
Reporters' contact info? No

SAN ANTONIO EXPRESS-NEWS D

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; phone, e-mail for most sections
Reporters' contact info? No

CHICAGO SUN-TIMES D

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; some sections, including business and sports
Reporters' contact info? No

THE NEW YORK TIMES F

Ombudsman/reader rep. contact info? No
Section editors' contact info? No
Reporters' contact info? No

THE WALL STREET JOURNAL F

Ombudsman/reader rep. contact info? No
Section editors' contact info? No
Reporters' contact info? No

USA TODAY F

Ombudsman/reader rep. contact info? No
Section editors' contact info? Yes; e-mail, but only for sports department
Reporters' contact info? No

(Source: Deloitte & Touche Millennium Survey)

TICKER

91 Percentage of corporations say they expect to increase business news in 2005


35 Percentage of corporations say they expect to decrease business news in 2005

URGENT: YOUR SUBSCRIPTION HAS EXPIRED. RENEW NOW TO PRESERVE YOUR LIFETIME DISCOUNT.

YES! Please renew *Brill's Content* as soon as possible. I will continue my subscription each year at a savings of 10% off the regular subscription rate unless I notify you otherwise.

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WITHOUT BRILL'S CONTENT, WHO WILL BE LOOKING OUT FOR YOU?

Dear Ctr Judicial Acctblty Inc

Is *Brill's Content* making a difference?

You bet it is! And overwhelmingly for the good. *Your* good.

We've got journalists thinking twice before filing that story or airing that report. We're raising the bar so the media will perform with greater accuracy and integrity. And in issues to come, we'll be ratcheting up the scrutiny even more.

Unfortunately, your subscription has expired! How will you know whom to trust? How will you replace the insider perspective and unique entertainment that *Brill's Content* delivers?

Simple solution. Renew *Brill's Content*. We'll rush you the next issue. And reinstate the lifetime renewal discount you enjoyed as a subscriber.

Don't lose out. Get it back. Send in your renewal today!

Sincerely,

Steven Brill
Chairman and CEO

P.S. Remember, your renewal actually costs less than a new subscription.