

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Wednesday, December 9, 2020 4:22 PM
To: ns2333@columbia.edu; mak67@adcu.columbia.edu
Subject: [#2 of 5] -- Research Misconduct, Conflict-of-Interest, Ethics Complaint: "Media Mecca or News Desert?: Covering local news in New York City" (Jan. 7, 2020, Columbia Journalism Review, Tow Center Senior Research Fellow Sara Rafsky)

**CJA's September 24, 2020 e-mail –
in substantiation of December 9, 2020 Research Misconduct, Conflict-of-Interest, Ethics Complaint**

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Thursday, September 24, 2020 3:39 PM
To: 'sr3617@columbia.edu' <sr3617@columbia.edu>
Cc: 'kylepope01@gmail.com' <kylepope01@gmail.com>; 'editors@cjr.org' <editors@cjr.org>; 'bim2102@columbia.edu' <bim2102@columbia.edu>; 'ebell@columbia.edu' <ebell@columbia.edu>

Subject: Building scholarship on "local news in New York City" and "news deserts" based on PRIMARY-SOURCE, DOCUMENTARY EVIDENCE -- NOT interviews -- & pitching such scholarship & a NYC elections news story to CJR Editor/Publisher Kyle Pope

Dear Sara,

Thank you for your yesterday's e-mail. However I did not offer to share with you "insights on local news in New York City". I offered to furnish you with "primary-source, documentary evidence" pertaining to "the integrity of [your] sources". Your January 7, 2020 report "[Media Mecca or News Deserts? Covering local news in New York City](#)" in the [Columbia Journalism Review](#) identifies its "**METHODOLOGY**", under that heading, at the outset, stating: "This study relied upon a series of interviews with 39 participants from 28 news outlets, one journalism academic center, and a philanthropic foundation." In other words, you relied on interviews of persons you believed would be truthful. But were they? Let's take one example – [The City](#) – which you prominently featured, as by the following:

INTRODUCTION

...

[The City](#), an online nonprofit news outlet, also launched in the spring of 2019 with 10 million dollars in funding from the Leon Levy Foundation, Craig Newmark Philanthropies, and the Charles H. Revson Foundation, among other individual

contributors.
Addressing what
it [classified](#) as a “life-or-
death moment for local
news in New York City,”
the organization
focused on filling the
increasing void in
citywide beat coverage.

...

MAPPING DESERTS AND ASSESSING THE HEALTH OF MEDIA ECOSYSTEMS

...

At the same time, the
city has become a
laboratory for the same
kinds of business model
experimentation that
are taking place across
the country: the move
by public radio station
WNYC to resurrect the
shuttered Gothamist
digital publication, the
proliferation of
nonprofit news
websites like The City...

...

PRIORITIZING BEATS AND AREAS OF COVERAGE

...

Geographic versus thematic beats

...

One notable exception
is The City, a nonprofit
local news website
launched in April 2019
with a staff of nearly
20, thanks to 10 million
dollars in funding from
several leading
philanthropic
foundations and

individual contributors. The news outlet was created with the mission of filling the void in consistent, citywide beat coverage left by the retreat of the daily newspapers and the 2017 closure of the neighborhood news online newspaper, DNAinfo. The website follows both geographic and thematic beats, according to Editor-in-Chief Jere Hester, a *Daily News* veteran. The newsroom has a reporter in each borough, along with a handful of thematic beats like transportation and City Hall. An additional reporter covers juvenile justice issues in the Bronx as part of a Report for America fellowship. The South Bronx, according to the Report for America [website](#), is “the poorest congressional district in the country, [and] is home to Horizon Juvenile Center, which . . . made headlines recently amid outbreaks of violence.”

...

Murphy [of City Limits] said that rather than compete with well-funded nonprofits like The Marshall Project or ProPublica or The City on criminal justice, or

Chalkbeat on education, City Limits has chosen to focus on other areas. ... And lastly, election coverage of local races, which he said, despite the number of outlets covering politics, still goes underreported. York, from the *Daily News*, also mentioned increased competition from the nonprofit sector in the context of difficulties with “staff retention,” and the loss of well-sourced veteran reporters with deep institutional knowledge. Three former *Daily News* reporters left to work for The City.

Initially, Murphy said, City Limits’ pitch to funders was “no one’s doing investigative work. You’ve got to fund this.” While enterprise reporting is still rare in the wider NYC media ecosystem, within the ever-growing field of nonprofit journalism “that has changed to a great degree,” he said.

...

CHASING DAILY BEATS VERSUS LOOKING FOR IMPACT

The City, while itself a nonprofit news outlet, would like to fill that void of day-to-day

reporting. Describing
the organization's
mission, Editor-in-Chief
Jere Hester said:

*We
have no
grand
illusions
that we
are
going
to get
granula
rity of
coverag
e with
one
person
coverin
g all of
Queens
. And
certainl
y not
what
DNAinf
o was
able to
do in
terms
of
volume
of
stories
and
the Dail
y
News a
nd
others
back in
the
day.
But the
way
we're
deployi*

ng
those
reporte
rs is
really
with a
kind of
mission
. We
set a
high
bar, to
find
boroug
h
stories
that
transce
nd the
neighb
orhood.
So that
it is not
just a
story
about a
broken
traffic
signal
on one
block in
Brookly
n. It is a
bigger
story
about
Vision
Zero [a
City
Hall
progra
m
seeking
to end
traffic-
related
deaths
and

*injuries
in the
city]
and
other
issues
that
folks
may be
having
elsewh
ere.
Someth
ing
that's
going
to
resonat
e, we
hope,
with a
good
number
of folks
and say
somethi
ng
about
what it
means
to be a
New
Yorker
today. I
think
another
really
big
importa
nt
functio
n of the
reporte
rs in the
boroug
hs is
that we
can use*

*them to
connect
the
dots,
right?
So if
we're
seeing
something
that's
happening in
the
Bronx
that's
similar
to
something
that's
happening in
Brooklyn,
Queens
, Staten
Island,
etc.,
this
really
gives us
a
chance
to get
out
ahead
on
bigger
stories.*

This mission to find stories that “transcend” a specific community came up repeatedly in interviews with news outlets of varying sizes, and gets at a tension

that is at the heart of editorial decision making for local newsroom in an era of limited resources.

...

Hester said some of the City's scoops have come from "just being there" at meetings. He highlighted a series the outlet published about dubious use of public funds by community boards on things like an [SUV](#) and [branded swag](#), which led to the city council [placing limits](#) on how community boards can spend funds. At the same time, he said, he couldn't expect his one Brooklyn reporter to cover the borough's 18 community boards *and* have time to report bigger stories. "I want those daily beat stories," he said. "But I want the good ones that can lead to the great ones three weeks away, and then the one shaking the city to its very core that's three months away. As long as we've got people working on these tracks all the time, I think that's where we're gonna find our balance."

...

**FINDING THE GAPS
IN COVERAGE**

“The courts in New York City have been woefully under covered,” said Hester of The City. He mentioned not just the criminal courts, but also “civil court, which really speaks to people’s challenges.”

...

IMAGINING A NEWSROOM WITH MORE RESOURCES

...

Hinman [of *The Riverdale Press*] said he worried about the long-term financial sustainability of new organizations like The City, because he’d seen what happens when media owners “dump a bunch of money and they spend it all . . . And then the whole thing kind of collapses on itself.” In an interview, The City’s publisher John Wotowicz stressed that the outlet was being run on a very lean budget, with an eye toward long-term sustainability. At the time of its launch, the publication had [enough money](#) to last until 2022. In November, The City conducted a membership campaign that sought to raise funds from 2,000 readers and succeeded in collecting 147,694 dollars (including a 20,000-dollar NewsMatch Grant)

from 1,084 new members, according to Wotowicz. The publication also completed a corporate sponsorship pilot program that raised 300,000 dollars and will launch a more expansive corporate sponsorship initiative this year, he said.

...

Engaging with the Community

...

A fair number of the other interviewed news outlets grumbled and were incredulous about the decision to pour so much money into the launch of The City, rather than disperse it to existing organizations.

Beyond the founding of The City by major philanthropic foundations...

...the better-resourced nonprofit news organizations like The City and WNYC have carefully designed “community engagement” plans and strategies...

...

In response to The City’s initiative to hold a series of open meetings with communities in public libraries throughout Brooklyn, Witt [of Kings County

Politics and Queens
County Politics] said:

*I'm a
little
skeptical of it
but it's
interesting . . .
they
always
talk
about
community
policing
where
cops
are
actually
walking
the
beats.
You
know,
don't
go to
the
library,
fan out.
Tell
them,
"These
next
two
weeks
we're
going
to be in
Bed-
Stuy."
All the
reporters
are
going
to be
there,*

walking
around.
They're
going
to go in
the
stores,
into the
barber
shops .
. . You
walk in,
you eat
the
food,
you get
a
haircut,
it's the
only
way.
The
library
idea
just
seems
too,
kind of,
white
and
academ
ic. I
mean,
maybe
it'll
work . .
. It's a
nice try.
I'm not
dissing
it.

Hester said that before
launching The City, the
borough-based
reporters did significant
outreach in their
communities and that

reporters “are going out during the day and weekends in the parks and just talking to people.”

Enriching the Media Ecosystem

While some media outlets may see The City as competition, the news organization and its funders view its role as “first and foremost, hopefully, a catalyst for local news in New York City overall,” said publisher John Wotowicz. “We can achieve success if others grow their news gathering and reporting capabilities, either directly or indirectly, as a result of the fact that the broader local news arena has been energized.” Besides injecting some constructive competitive spirit into the media market, one element of that plan has been encouraging media outlets to republish The City’s work. Hester said that, as of late October 2019, outlets ranging from community newspaper the *Queens Courier* to WNYC had republished their stories 768 times since The City’s launch in April. The publication has also collaborated on reporting with

others nonprofit news outlets like Chalkbeat and [The Trace](#), as well as *New York Magazine*, which [provided](#) The City's content management system and initial design and tech support.

For the Revson Foundation, a key funder of The City, as well as WNYC and other local media organizations, this is a critical part of the foundation's long-term move to fortify the NYC media ecosystem. The foundation's president, Julie Sandorf, [wrote](#) of their investment strategy:

*Investigative journalism is essential but content must be amplified by distributors who can reach as wide an audience as possible.
Nothing can*

*replace
experie
nced
and
expert
journali
sts—
investm
ent in
expandi
ng the
number
of high
quality
journali
sts is
essenti
al. And,
without
the
distribu
tion
“megap
hones”
that are
not only
authori
tative,
but also
wide-
reachin
g, great
content
will not
achieve
its
intende
d
impact.*

...

**IS NEW YORK
CITY A NEWS
DESERT?**

...

...Julie Sandorf of the
Revson Foundation said
it was unreasonable to
use the same frame of

reference to compare New York City with a “town in North Carolina.” She said there were clear content gaps in the media ecosystem, one of them being authoritative, borough-wide beat accountability reporting, which The City had been founded to address.

...

The general bundle of local accountability news that The City represents, [Levy of The New York Times] said, while vitally important, “is much harder to get people to pay for.

...

CONCLUSION

...

It remains to be seen what the future holds for new publications like The City, upon whose editorial and financial nonprofit model so much hope rests. As ambitious as its newsroom and funders may be, no one outlet—particularly one with 20 reporters—can fill the void left by the cessation of both DNAinfo’s community-based coverage and the *Daily News*’s aggressive, borough-wide accountability reporting. But if its vision of consistent beat reporting that

reaches a diverse audience is realized along with a path to long-term financial sustainability, it will be an important accomplishment. Any ecosystem's health relies on that of all its organisms, and so every media organization—and residents in the city—should have a vested interest in its survival. If the world's media capital cannot succeed in doing so, the implications will be grave for the future of local news far beyond the five boroughs.”

[Based on your report](#), what would you suppose The City's response would be to the below September 7, 2020 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 virtually its entire [“Team”](#), including its editor-in-chief, Jere Hester, and its publisher, John Wotowicz, both of whom you interviewed. And what about other news outlets about which you wrote and whose personnel you interviewed? According to your report, “Of the topic-based beats that news outlets said they cover, the clear winner was politics...”. These news outlets included [The New York Times](#), [Daily News](#), [Gothamist](#), [City Limits](#), [Pro Publica](#) – and news outlets whose “sole focus” you explicitly identified as politics: [“City & State](#), [POLITICO NY](#), [Gotham Gazette](#), [Kings County Politics/Queens County Politics”](#).

I look forward to your answers, *as soon as possible*, with respect to the below [first](#) piece of “primary-source, documentary evidence”, whose only correction is as to the number of New York City state legislative seats, which I now believe to be 91, rather than 92.

By the way, since [Columbia Journalism Review](#) Editor-in-Chief & Publisher Kyle Pope is cc'd on this exchange – and was, according to his [entry on Linked-In](#), “editor-in-chief of a chain of hyperlocal weeklies in Manhattan” – what would his response be, if he were furnished, *as he now is*, with this “TIP – TIME SENSITIVE LEAD”? I look forward to his answer as well – especially as the [Columbia Journalism Review](#) describes its [“Mission”](#) to be: “the intellectual leader in the rapidly changing world of journalism” – and thereupon states “It is the most respected voice on press criticism”, providing “fast-turn analysis and deep reporting” that makes it “an essential venue not just for journalists, but also for the thousands of professionals in communications, technology, academia, and other fields reliant on solid media industry knowledge.” Its website also features [“Local News”](#) and [“Politics”](#) as the first two of its four prominent top panel links.

Parenthetically, because the [Columbia Journalism Review](#) website, surprisingly, does not furnish any bio for Mr. Pope or its “[Masthead](#)”, I had to do a “google search” to discover the identity of the “chain of hyperlocal weeklies in Manhattan” of which Mr. Pope had been editor-in-chief. I found it in a March 9, 2014 [New York Times](#) article “[Manhattan Community Papers Revamped Under New Editor](#)”, which, consistent with conflict-of-interest rules, disclosed that [the chain is owned by the Straus family, with familial ties to The New York Times’ Sulzberger family](#) – and that the weeklies were: [Our Town](#), [Our Town Downtown](#), [The West Side Spirit](#), [The Chelsea-Clinton News](#) and The Westsider. According to a November 2, 2016 [Daily News](#) article, “[Straus News names new editor-in-chief](#)”, Mr. Pope left that position when he became editor-in-chief of the [Columbia Journalism Review](#).

That is another fatal flaw in your [January 7, 2020 report](#). You do **not** identify **any** questioning of interviewees about conflicts of interests and their codes of professional responsibility – and they, obviously, did not alert you to what is a key, key issue in **any** true understanding of the “news desert” problem and the **mirage** of “local journalism” in New York City and elsewhere, whose flagrant disregard by news outlets, journalism schools, and entities engaged in “scholarship” and reporting about the press, has been utterly catastrophic to our democracy and an informed electorate capable of exercising a meaningful vote.

With the November 3, 2020 elections rapidly approaching – and even more so because of the supposed “reform” that establishes early voting, from October 24th to November 1st – **time is of the essence**. For that reason, I have additionally cc’d [Columbia Journalism Review’s Managing Editor Betsy Morais](#) and [Emily Bell, Founding Director of Columbia Journalism School’s Tow Center for Digital Journalism and member of the Columbia Journalism Review’s Board of Overseers](#). In that regard, I end by noting that [Columbia Journalism Review’s](#) webpage for your [January 7, 2020 report](#) prominently describes the Tow Center, of which you are a senior research fellow, as “a research center exploring the ways in which technology is changing journalism, its practice and its consumption — as we seek new ways to judge the reliability, standards, and credibility of information online.” I respectfully submit that the “new ways to judge the reliability, standards and credibility of information online” are no different than for judging “the reliability, standards and credibility” of other journalism – or anything else – *to wit*, by PRIMARY-SOURCE, DOCUMENTARY EVIDENCE.

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: Monday, September 7, 2020 4:37 PM
To: 'tips@thecity.nyc' <tips@thecity.nyc>; 'tparris@thecity.nyc' <tparris@thecity.nyc>
Cc: 'jere@thecity.nyc' <jere@thecity.nyc>; 'john@thecity.nyc' <john@thecity.nyc>; 'akatz@thecity.nyc' <akatz@thecity.nyc>; 'hgittens@thecity.nyc' <hgittens@thecity.nyc>;

'JVelasquez@thecity.nyc' <JVelasquez@thecity.nyc>; 'vandre@thecity.nyc' <vandre@thecity.nyc>;
'cirizarry@thecity.nyc' <cirizarry@thecity.nyc>; 'rbalu@thecity.nyc' <rbalu@thecity.nyc>;
'achoi@thecity.nyc' <achoi@thecity.nyc>; 'cchung@thecity.nyc' <cchung@thecity.nyc>;
'bfractenberg@thecity.nyc' <bfractenberg@thecity.nyc>; 'rgoldensohn@thecity.nyc'
<rgoldensohn@thecity.nyc>; 'ygonen@thecity.nyc' <ygonen@thecity.nyc>; 'cmichel@thecity.nyc'
<cmichel@thecity.nyc>; 'eolumhense@thecity.nyc' <eolumhense@thecity.nyc>;
'gsandoval@thecity.nyc' <gsandoval@thecity.nyc>; 'gsmith@thecity.nyc' <gsmith@thecity.nyc>;
'rsmith@thecity.nyc' <rsmith@thecity.nyc>; 'vbreen@thecity.nyc' <vbreen@thecity.nyc>;
'gdavid@thecity.nyc' <gdavid@thecity.nyc>; 'tdowd@thecity.nyc' <tdowd@thecity.nyc>;
'lcostantino@thecity.nyc' <lcostantino@thecity.nyc>; 'adikanovic@thecity.nyc'
<adikanovic@thecity.nyc>; 'dlaplaza@thecity.nyc' <dlaplaza@thecity.nyc>

Subject: 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

TO: Terry Parris Jr./Engagement Director – The City

This follows up the voice mail message I left at 1:25 this afternoon on The City's tips phone number, 718-866-8674, which I could not resist calling inasmuch as your "[Send Us a Tip](#)" webpage states: "You can always call or text our newsroom, too. Someone will be on the other end of the line". I guess that "someone" is sometimes a recording.

The message I left requested a call back, as soon as possible, to 914-421-1200, stating that at 7 a.m. tomorrow morning I was going to be e-mailing a news story on the above topic to New York City's press – and that I was calling your tip number to give you the LEAD. I now do so, by e-mail, with cc's to The City's "team".

Please let me know, by phone or e-mail, if The City wants this LEAD – and wishes me to hold off on my intended dissemination of the below e-mail to other New York City press.

Thank you.

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

What salary is to be paid the winners of NYC's 92 state legislative races? Is it \$110,000 – or \$79,500?

Will you ask that **straight-forward question** of New York City's five district attorneys who, in tandem with New York's 57 other district attorneys, are "sitting on" 62 public corruption/grand jury complaints against New York's 213 state legislators elected in 2018 – complaints establishing, with EVIDENCE,

that the \$110,000 legislative salary is fraudulent, that the 213 state legislators – most running for re-election or higher office – have not been doing their jobs, and that, indeed, the Legislature does not operate at a constitutional level.

The five New York City district attorneys are (1) [Manhattan District Attorney Cyrus Vance](#); (2) [Bronx District Attorney Darcel Clark](#); (3) [Brooklyn District Attorney Eric Gonzalez](#); (4) [Queens District Attorney Melinda Katz](#); and (5) [Staten Island District of Michael McMahan](#) – and the complaints filed with them by the Center for Judicial Accountability, Inc. (CJA) are here linked to their names. The complaints are also posted, with the other 57 complaints, on CJA’s website, www.judgewatch.org. The direct link to the webpage of complaints is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/da-complaints-to-soares-plus-61-more.htm>. The direct link to CJA’s separate webpage of the EVIDENCE substantiating the complaints is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.

The EVIDENCE presented by the complaints on the salary issue more than meets the standard of “probable cause” for a grand jury to indict. It is open-and-shut, *prima facie* – and would compel any trial jury to convict, speedily. Its starting point is [my July 16, 2019 e-mail to the Legislature’s 15 stipend-receiving leaders](#), requesting that they forward it to the 198 other legislators, with its attached [July 15, 2019 written NOTICE](#) and [substantiating analysis](#) that the [December 10, 2018 Report of the Committee on Legislative and Executive Compensation](#) – raising their legislative salaries from \$79,500 to \$110,000 – was “a **fraud** on the People of the State of New York – and a **larceny** of their tax dollars’, violating a succession of penal laws, and that their duty was to void it, to return the pay-raise monies they had already received, and to initiate criminal prosecutions of the Committee’s four members and abetting attorneys.”

Six of these 15 legislative leaders are from New York City:

- Assembly Speaker Carl Heastie,
- Deputy Senate Majority Leader Michael Gianaris,
- Senate Finance Committee Chair Liz Krueger,
- Assembly Ways and Means Committee Chair Helene Weinstein,
- Assembly Speaker *Pro Tempore* Jeffrion Aubry, and
- Assembly Codes Committee Chair Joseph Lentol.

Five of these legislators are running for re-election. The exception is Lentol, whose re-election bid ended when he was defeated in a primary – and whose pension will be calculated with the \$110,000 figure.

Will you ask these six top New York City state legislators – three of them lawyers – what they did upon receiving [the July 15, 2019 NOTICE and analysis](#). Did they not furnish it to their 198 legislative colleagues, as requested – most also running for re-election in races either uncontested or not competitive, thanks to their self-interested derelictions as legislators in failing to oversee what has been going on with New York’s eight recognized political parties and elections. The analysis is 46 pages, excluding [exhibits](#). Will these six top legislators – so instrumental in the Legislature’s “dysfunction” – furnish you with their findings of fact and conclusions of law? How about other New York City state legislators, such as those specified by the complaints, including:

- Senate Judiciary Committee Chair Brad Hoylman, a Harvard Law School graduate (like Deputy Senate Majority Leader Gianaris) and member of the Senate Finance Committee and Senate Rules Committee,
- Assembly Judiciary Committee Chair Jeffrey Dinowitz, a lawyer and member of the Assembly Ways and Means Committee and Assembly Rules Committee,
- Senate Committee on Ethics and Internal Governance Chair Alessandra Biaggi, a lawyer and member of the Senate Committee on Investigations and Government Operations.

New York City's five district attorneys have had the complaints for three full months, but have not called for further information, or with questions, or to get testimony from me, under oath. Have they communicated with any of the complained-against 92 state legislators? How about the above nine? Have they questioned them – and not only as to their legislative salaries, but as to the balance of the complaints as, for example, their very next issue: the larceny in the fiscal year 2020-21 legislative budget.

To facilitate your inquiries of the five New York City district attorneys and the above-nine New York City state legislators, I am cc'ing them on this e-mail. So as not to inundate them with cc's of my e-mails to other press on this same "Election Issue #1", I hereby give them notice that e-mails identical to this will be sent to other New York City press and will be posted on CJA's webpage of 2020 election outreach to the five-county New York City press. The direct link to that webpage is here: <http://www.judgewatch.org/web-pages/press-suppression/2020/local-news-project/local-news-project-nyc.htm>.

I am available to answer your questions and assist you, to the max. As is obvious from the complaints – and their starting point, CJA's July 15, 2019 analysis – your reporting will upend this year's elections for ALL 213 state legislative seats and 15 district attorney offices – **and that's for starters**.

Thank you.

Elena Sassower, Director
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