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49TH DISTRICT, CALIFORNIA



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Congress of the United States
House of Representatives
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August 26, 2011

Mr. Dean P. Baquet
Assistant Managing Editor
Washington Bureau Chief
New York Times Washington Bureau
1627 I Street, NW
Washington, D.C. 20006

Dear Mr. Baquet:

As Congressman Darrell Issa's Director of Communications, *The New York Times'* acknowledgement of two more critical errors in its front page article of August 15 in addition to a previous error corrected on August 16 are steps in the right direction. The new acknowledgement of these false assertions about enormous profits from the sale of a mutual fund and the appreciation of a commercial real estate property owned by Rep. Issa fully removes all examples cited in the article as evidence that the "congressman's government actions [help] to make a rich man even richer" and that values of his holdings have "soared" due to his official actions.

However, *The Times'* continued refusal to accept clear evidence of other mistakes, your unwillingness to retract a deeply flawed story even after acknowledging that factual pillars of the article are incorrect, and your failure to address or defend the conduct of the story's author, Mr. Eric Lichtblau, is deeply disappointing and makes your response to the issues raised by our office and others inadequate. Your August 25 letter to Rep. Issa, in fact, contains a number false assertions and worrisome distortions as I will explain.

"A gleaming office building overlooking a golf course"

Incredibly, the *New York Times* continues to dismiss the reporting of other news outlets and first-hand sources who have visited the location of the building where Rep. Issa's office is located and reported that the building has no golf course view.

The North County Times reported<
http://www.nctimes.com/news/local/sdcounty/article_f6ef99c3-9205-58f1-9b91-

[128f57e699a4.html](#)>: “[Issa’s] Vista district office [is] in a three-story building that the New York Times referred to as ‘gleaming’ and overlooking a golf course. The building, in fact, is nondescript, overlooks Highway 78 and has no golf course view.”

The San Diego Union-Tribune reported <
<http://www.signonsandiego.com/news/2011/aug/20/issa-comes-out-fighting-against-the-times/>>:
“The U-T visited Issa’s offices on Friday, and the Shadowridge Country Club isn’t plainly visible. It’s about a 1.5 mile drive from Issa’s parking lot to the clubhouse ... The area is not characterized by rugged foothills so much as suburban living. Down the street are a Burlington Coat Factory, Target and 24 Hour Fitness.”

The owner of the building <<http://issa.house.gov/images/stories/Letters/541026945.pdf>> where Rep. Issa’s office is located has also called the *New York Times* report an error: “None of the offices located within the Vista Corporate Center at 1800 Thibodo Road, including the office of Congressman Darrell Issa on the third floor, have a view of any golf course whatsoever. Any reports to the contrary are in error.”

While Eric Lichtblau, in an e-mail sent August 15, stated that leasing agents “have advertised its views of the Shadowridge golf course,” the *New York Times* has not produced any such evidence. The advertisement *The Times* has produced (<http://bit.ly/qibQq8>) that references “direct views to the golf driving range” is not a reference to the Shadowridge Golf Course, but is an out-of-date reference to the Vista Golf Practice Center <
http://www.sbn.com/California/Vista/Listing/California-Vista-Vista-Golf-Practice-Center/_L18SJU> that was once located at 1850 Thibodo Road next door to the building where Rep. Issa’s office is currently located. This driving range was closed many years ago and is currently the site of an apartment complex that one can see on a Google satellite image. As best as I can discern, this out-of-date real estate advertisement is the basis for your decision to reject the accounts of other news outlets who have visited the building and other firsthand sources.

That The *New York Times*, in the lede of a front page story, would assert that a reporter personally witnessed a golf course view while citing as evidence an out-dated and misinterpreted real estate advertisement indicates an incredibly cavalier approach to ethics and journalistic integrity at your newspaper. While the reporter’s false assertion and the deception he commits against his readers in an effort to foreshadow his clearly negative opinion of Rep. Issa is regrettable, the continuing efforts of *The Times*’ management to cover-up errors in this deeply flawed article is outright shameful. It is even more so given comments, attributed to you by *Politico* <<http://www.politico.com/news/stories/0811/61708.html>>, that indicate your own doubts about the office’s view: “I don’t think it implied — at least to my mind — that Issa’s office overlooked the golf course.” An appropriate and unbiased description in the story would have said “freeway” or “apartment complex” rather than golf course – which cannot be seen from the building.

“A major supplier of alarms to Toyota”

The Times’ continued defense of the false claim that Rep. Issa’s former company, DEI Holdings, was “a major supplier of alarms to Toyota” and that this relationship created a

conflict-of-interest is deeply disappointing and contrary to the evidence. Toyota, itself, has disputed this claim telling multiple news outlets, “DEI Holdings is not a direct supplier of Toyota ...” While we have never disputed that some products made by Rep. Issa’s former company are compatible with Toyotas and that some Toyota owners choose to purchase such products, this is far from any reasonable definition of a “major supplier of alarms to Toyota.” According to *The New York Times*’ definition, even makers of fuzzy dice would be considered major suppliers to Toyota.

When Eric Lichtblau first wrote about Rep. Issa’s involvement with hearings examining Toyota safety defects on February 23, 2010, he noted that Rep. Issa’s former company had sold alarms “for Toyotas and many other makes.” He was also told explicitly by an Issa spokesman that Rep. Issa had, “no vested interest in Toyota's success or failure” and that the firm had never had exclusive contracting agreements with Toyota.

Contrary to assertions made by you and Mr. Lichtblau, when Rep. Issa was asked the next day by Don Imus about this report written by Mr. Lichtblau, he never once said or indicated he had ever been a supplier to Toyota nor did he confirm past ties to Toyota. His statements and references to himself as a former “automobile supplier” did not mention specific companies with whom he had conducted business. I encourage you to re-review this interview since *The Times*, readily and erroneously, discarded specific denials from Rep. Issa’s office on this matter long before your error-ridden August 15 story was written. In addition, it is surprising that *The Times* would even attempt to make this assertion without first contacting Toyota.

Questions About Mr. Lichtblau’s Improper Conduct

Rep. Issa’s office decided not to speak with Mr. Lichtblau for his August 15 story because of concern about his inability to put his negative view and bias against Rep. Issa aside in objectively reporting this story. After reading his story, which contained multiple errors smearing Rep. Issa, we feel vindicated by our decision. Had *The New York Times* assigned a different reporter, our response would have almost certainly been different.

While you do not offer a clear defense of Mr. Lichtblau’s bias against Rep. Issa and his efforts to smear him with factual errors and other distortions, your letter does contain explicit descriptions explaining your views of my efforts to work with him on correcting factual errors in his story. What follows is a timeline of my interaction with him:

- Monday, August 15th, 9:15 a.m., I wrote Mr. Lichtblau asking for corrections from the New York Times. I asked for three corrections: the golf course error, the multibillion rather than multimillion misstatement, and correction of the "major supplier" to Toyota assertion.
- On the same day, at 10:31 a.m., Lichtblau wrote back that the multibillion error was a typo that will be corrected, but refused the other two requests. He cited an unspecified advertisement as the source for the golf course statement and an Imus clip from over a year ago as the source on the Toyota supplier confirmation.

- At 11:37 a.m., I responded to Mr. Lichtblau expressing my continued disagreement on the items he refused to correct. I asked him to provide me with his editors' contact information if he still found himself in disagreement with my requests.
- At 3:13 p.m., nearly four hours later, he responded to my e-mail with a reply that, in its entirety, read: "You must not have seen the Imus interview." He did not include any names or contacts for his editors.

I hope this timeline is helpful as your assertion that his nearly four hour delay in responding to my second e-mail indicated that he "responded promptly" and your omission of my specific request to be put in touch with editors in my second e-mail suggests you may be misinformed.

Finally, we are disappointed that your response did not address accusations brought forward by Mr. Lee Fang of the Center for American Progress who raised concerns via Twitter with Mr. Lichtblau and The *New York Times* public editor that this story plagiarized or took without proper attribution items he had previously written about on the blog ThinkProgress. We certainly noticed Mr. Fang's complaint:

<**lhfang Lee Fang:** Hey @EricLichtblau & @thepubliceditor your NYT Issa piece looks awfully familiar (see <http://t.co/uZQBIsz> & <http://t.co/NSw0Wrc>)>

Indeed the items, at least those that could be best categorized as half-truths, appear to be primarily items that are not original reporting but recycled material previously raised by left-wing organizations. We would certainly, however, agree that the most serious errors, including the three that have been the subject of corrections *The Times* has so-far run and the two I have focused on in this correspondence, all represent original reporting from *The New York Times*.

We repeat our request and ask that *The New York Times* reconsider Rep. Issa's request for a full front page retraction of the August 15 story as well as your attention to multiple errors that have still not been corrected.

Sincerely yours,



Frederick Hill
Director of Communications

cc: Arthur S. Brisbane, Public Editor