

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 11/8/2017 10:36:03 AM
Subject: Morning Media: NYT breaks with Boies over Weinstein spying -- Disney caves after media pressure -- 2020 Dems flock to glossy mags -- 280-character Twitter begins!

By Michael Calderone | 11/08/2017 05:34 AM EDT

"AS OUR FOUNDERS UNDERSTOOD, and as we know today, without a free press we can have no guarantees of our freedoms. Without a free press, we can have no guarantee of justice," David Boies told attendees at the Committee to Protect Journalists' 2012 International Press Freedom Awards. "And yet just as the free press is critical to justice, so is justice critical to a free press."

- **The superstar lawyer best known** for representing former Vice President Al Gore in Bush v. Gore and for helping lead the legal fight for marriage equality had also enjoyed a reputation as a press champion. That latter role has been called into question after The New Yorker reported how, as Harvey Weinstein's attorney, Boies contracted an Israeli intelligence firm in an attempt to squash a New York Times investigation into sexual misconduct allegations against the film mogul. Boies did this while his firm, Boies Schiller Flexner LLP, was representing The Times on a libel case.

- **The Times ripped Boies on Monday** for what it called his firm's "grave betrayal of trust," and officially severed ties on Tuesday night. "We never contemplated that the law firm would contract with an intelligence firm to conduct a secret spying operation aimed at our reporting and our reporters," The Times said in a statement. "Such an operation is reprehensible, and the Boies firm must have known that its existence would have been material to our decision whether to continue using the firm."

- **Boies told employees Tuesday** that he executed the contract for Weinstein's private investigators believing that the purpose was to ascertain the specific accusation against Weinstein "and to try to find facts that would prove the charge to be false and thereby stop the story." It seemed like "a reasonable accommodation for a longtime client," Boies wrote, although he now admits it was "a mistake." The famed attorney said he "would never knowingly participate in an effort to intimidate or silence women or anyone else. ... That is not who I am."

- **Still, Boies' role in the Weinstein saga** has opened him up to scrutiny over a couple of recent instances of working against the interests of the press. While representing Sony in 2014, he threatened news organizations reporting on leaked documents. And the following year, Boies, working on behalf of Theranos, led an "entourage of lawyers" into The Wall Street Journal's newsroom and threatened legal action against the paper in response to its dogged and award-winning reporting on the troubled company. Indeed, reporters at The Journal and later The Times did what Boies, as chairman of CPJ's 2012 dinner, praised journalists for doing: "to try to present the truth, to try to speak truth to power."

Good morning and welcome to Morning Media. Please send tips to mcaldерone@politico.com and @mlcaldерone. Daniel Lippman (@dlippman) contributed to the newsletter. [Archives.](#)

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ELECTION 2017: Democratic Lt. Gov. Ralph Northam won Virginia's gubernatorial race, the most watched of the night, and Democrat Phil Murphy will succeed Chris Christie as New Jersey's next governor. New York City Mayor Bill de Blasio won re-election. My colleagues at POLITICO have lots more on the big night in politics.

FOR MORE THAN A YEAR during the 2016 presidential race, Donald Trump's campaign barred reporters from several news organizations from attending his public events. HuffPost, BuzzFeed, Mother Jones, the Daily Beast, National Review and Univision were among the first outlets placed on the blacklist in late 2015 and early 2016. The group kept growing, with POLITICO and The Washington Post added in March and June 2016, respectively. Throughout, news organizations showed no solidarity in pushing back strongly against the Trump campaign's restrictions, the most draconian in U.S. presidential campaign history.

- **It took just four days**, however, for prominent film critics and news organizations to join together to pressure Disney into backing off its decision to bar the Los Angeles Times from advance film screenings in response to critical coverage. Washington Post critic Alyssa Rosenberg announced Monday that she would skip advance screenings, and the A.V. Club followed. On Tuesday, four prominent critics associations expressed solidarity with the Los Angeles Times, along with rival New York Times, which described Disney's move as "a dangerous precedent and not at all in the public interest."

- **Soon after**, Disney announced the ban was over. "We've had productive discussions with the newly installed leadership at the Los Angeles Times regarding our specific concerns, and as a result, we've agreed to restore access to advance screenings for their film critics," the company said in a statement.

SOUND BITES

"All the critics who stood together in solidarity with @latimes just won a huge victory." [Alyssa Rosenberg]

"Glad to hear. And love the show of solidarity. We 'enemies of the people' need to stand together, now more than ever!" [Leonard Pitts, Jr.]

"Disney case shows again how media can influence when they stand solid on what's right. and how often they dont bother to." [Oliver Willis]

"This kind of solidarity should happen on important political/govt stories too." [John Russell]

JACK SHAFER HAS ANOTHER VIEW: "Don't Be Fooled. Disney Won Its Fight With the Press."

RITUALS OF THE WHITE HOUSE PRESS CORPS: Snapchat's Peter Hamby argues that the Trump team knows how to play the press corps day to day. "For the American public, trying

to make sense of the most disruptive moment in American politics since Vietnam and Watergate, little is accomplished," he writes. "The oxygen rush of the 'news of the day'- and the constant need to get the White House to respond to what just happened - has always fueled the Washington press. It's a bad habit that's become a crisis under an administration that has perfected the art of the dodge and cares little about helping news organizations inform their audiences. Getting answers on the news of the day checks a box. Getting answers on what happened a month ago takes hard work."

BEHIND FORBES' WILBUR ROSS BOMBHELL (AND FORBES): CNN's Tom Kludt reports on the Forbes scoop and raises questions about the methodology of the billionaires list. "The precise worth of billionaires is often shrouded in mystery, especially when a substantial portion of their money comes - as Ross' does - from private companies that do not have to provide public accountings of their finances," Kludt writes. "Rankings like The Forbes 400 are often taken with more than a few heaps of salt as a result."

THE 2020 GLOSSY PRIMARY IS UNDER WAY: National Journal's Hanna Trudo reports how Democratic politicians are engaging with glossy magazines a few years ahead of the next presidential race. "So far, the stack of national bylines in women's magazines reads like a 2020 watch list," she writes. "Former Vice President Joe Biden, along with New York Gov. Andrew Cuomo and Sens. Elizabeth Warren of Massachusetts, Kamala Harris of California, Kirsten Gillibrand of New York, and Cory Booker of New Jersey have written for a mix of Cosmopolitan, Essence, Glamour, Marie Claire, Refinery29, and Teen Vogue, among others."

- **"One issue likely to matter to any potential female base voter** is sexual assault," wrote Trudo, "which Biden and Gillibrand wrote about individually in Cosmopolitan months before a wave of misconduct allegations brought the issue into the national media's consciousness."

MEET JEFF GLOR: The Hollywood Reporter's Jeremy Barr profiles the new "CBS Evening News" anchor. "One of Glor's primary attributes is his age: 42. Since his appointment was announced, he's been compared to ABC World News anchor David Muir, who is 43 and had a comparably low national profile when picked for the big job. (ABC News does not think the comparison is particularly apt.)," he writes. "Asked in an interview whether he will consciously try to attract younger viewers to the broadcast, Glor told THR simply, 'We want as many people as possible.'"

REMICK ON RONAN: Washington Post columnist Margaret Sullivan talks to The New Yorker's editor about Ronan Farrow's latest Weinstein bombshell. "David Remnick, editor of the New Yorker, told me that the 29-year-old Farrow has the qualities he looks for in an investigative reporter - including relentless drive, or what he termed 'obsession in the best sense.' And, Remnick said, Farrow offers a rare quality: 'Huge compassion, sympathy and patience' with those whose stories he wanted to tell. On occasions when he observed Farrow interacting with accusers, Remnick said, 'it was really quite moving.'"

EMBATTLED NPR CEO TAKES MEDICAL LEAVE: Jarl Mohn, still dealing with the fallout from a sexual harassment scandal that forced out top editor chief Michael Oreskes, told staff on Tuesday he would be out for at least a month. "[L]ast March I suffered a nearly fatal

ruptured aorta. I returned to work with the blessing of my physician with one important caveat - I cannot allow my blood pressure to rise," Mohn said in an email, according to NPR . "Regretfully, the hypertension has returned to a dangerous level, and I have been instructed to take medical leave until my health returns to normal, at a minimum of four weeks."

SAD NEWS: Wall Street Journal editor Sarah Portlock, who suffered a brain injury while pregnant in March, died suddenly on Monday, editor-in-chief Gerry Baker announced in a memo. "Our thoughts and prayers are with her husband, Sam, and daughter, Aviva, who is beautiful, healthy and home with her father," he wrote. "Aviva recently dressed as Cinderella for Halloween, a costume that I'm told Sarah helped to pick out." Friends and colleagues can support her family here.

VIA POLITICO'S MORNING EDUCATION: Articles are making the rounds online that cite a POLITICO Magazine profile of Education Secretary Betsy DeVos and claim that education "officials" expect her to step down. That is NOT what the POLITICO article said, and there's no reason to believe DeVos is on her way out. What the POLITICO article, written by Tim Alberta, did say: "Anyone betting against DeVos serving all four years of Trump's first term - which, she tells me, she plans to do - is underestimating the sense of duty and moral righteousness deeply embedded in someone who could be doing just about anything else right now."

- **The false reports have gained traction.** Randi Weingarten, the American Federation of Teachers president, who is a constant DeVos critic, tweeted one, calling it "breaking news." The posts appear to be built around a single quote in the POLITICO profile. Thomas Toch, the director of FutureEd, an independent education think tank at Georgetown's McCourt School of Public Policy - not an education "official," as many of the posts claim - said in the POLITICO piece that "in Washington education circles, the conversation is already about the post-DeVos landscape, because the assumption is she won't stay long. ..." Toch took to Twitter to clear the record: "Was tallying DeVos odds in @politico, not suggesting her plane's idling at National with a flight plan to Michigan. I give her a year."

REVOLVING DOOR

Daniel Sieberg is leaving Google News Lab after six years to become co-founder and head of journalism operations for Civil, a "decentralized newsmaking platform."

Tiffany Wu, who has spent nearly 20 years at Reuters in various roles, has been named regional editor, Americas.

Chris Mihal, most recently Variety's creative director, has joined Barron's as editorial design director.

EXTRAS

- Poynter's Daniel Funke reports that at least 20 sites registered to late "fake news" publisher Paul Horner have gone offline.

- Fox News wins the week with a new prime-time lineup.
- Jake Tapper disputes Bill O'Reilly's claim that CNN staff was ordered to "trash" Donna Brazile.
- CJR looks at the best-performing articles on BuzzFeed, CNN, Fox News and other outlets over the past year.
- The Times has received more than 80,000 "Modern Love" submissions over the past 13 years.
- Gay Talese is "sad" that Kevin Spacey's career is damaged amid sexual misconduct allegations.
- Twitter is now giving virtually everyone 280 characters. And the president is already on board.

To view online:

<http://www.politico.com/media/tipsheets/morning-media/2017/11/08/david-boies-under-fire-disney-caves-to-media-pressure-behind-forbes-wilbur-ross-scoop-dems-flock-to-glossy-mags-280-character-twitter-begins-001375>

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