

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAWRENCE LESSIG,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY,
ELLEN POLLOCK, DANIEL PAQUET,
and NELLIE BOWLES,

Defendants.

Civil Action No.:

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Introduction

1. This is a case about Defendants' publication of a sensationalized, false and defamatory "clickbait" Internet headline and lede in order to drive readers to their story and web site. In the midst of the Jeffrey Epstein human trafficking scandal, perhaps the most horrific and widely publicized pedophile scandal in American history, Defendants falsely published a headline and lede to a story of and concerning Plaintiff, Harvard Law School Professor Lawrence Lessig ("Lessig"), which represented to their readers that Professor Lessig was defending the clandestine acceptance and retention of money from Epstein by institutions of higher learning. More specifically, on September 14, 2019 Defendant, The New York Times Company (the "NY Times"), one of the most recognized news outlets in the world with an international reach spanning to 150 million monthly global readers, published the headline: "**A Harvard Professor Doubles Down: If You Take Epstein's Money, Do It in Secret.**" Defendants followed their

headline with the lede: “[Lessig] **defend[s] soliciting donations from the convicted sex offender Jeffrey Epstein.**”

2. Defendants’ story was met with mass outrage from campuses in Cambridge and Somerville, in Lessig’s nationwide social media following, by countless victims of sexual assault, and in the infinite depths of the “Twittersphere.” Within hours, Lessig became associated with the notoriety surrounding the Epstein scandal, and the community that quietly or silently tolerated such monstrosity.

3. Defendants’ story was based upon an essay that Lessig had published on Medium and two interviews conducted with Lessig. Defendants published their headline and lede despite their both being the *exact opposite* of what Lessig had written and despite being told expressly by Lessig pre-publication that they were contrary to what he had written. When Lessig brought the matter to Defendants attention post-publication, they refused to remove or edit their headline or lede to reflect the truth.

4. Lessig is a nationally prominent professor and legal scholar with a large social media following. At the time Defendants published their false and defamatory story he was poised to spearhead a national dialogue dedicated to developing best standards applicable to the acceptance and retention of donations from individuals and corporations who engage in wrongdoing. Defendants’ publication of their false and defamatory headline and lede has destroyed those efforts and has harmed Lessig’s reputation more generally.

5. Defendants’ actions here are part of a growing journalistic culture of *clickbaiting*: the use of a shocking headline and/or lede to entice readers to click on a particular article, irrespective of the truth of the headline. Defendants are fully aware that many, if not most, readers never read past the clickbait and that their takeaway concerning the target of the headline is limited to what

they read in the headline. As a result, the use of this tactic represents a uniquely troubling media practice as it relates to the harm to and destruction of the reputation of the target of the clickbait.

The Parties

6. Lessig is an individual residing in Brookline, Massachusetts. He is a renowned legal theorist and activist, most known for his contribution to intellectual property and copyright law as well as the study of democracy. Most recently, as the Roy L. Furman Professor of Law and Leadership at Harvard Law School, his work has focused on “institutional corruption,” including the corruption of Congress and the media. Highly decorated in his field, he has received national recognition as one of “Scientific American’s Top 50 Visionaries,” among other prestigious distinctions.

7. Defendant The New York Times, is a New York corporation with its principal place of business in New York, New York. As a global media organization, the Times has 4.7 million subscriptions and over 150 million monthly global readers. In 2018, NYTimes.com had an estimated monthly average of approximately 94 million online visitors in the United States and 134 million online visitors globally.

8. Defendant Ellen Pollock (“Ms. Pollock”) is an individual who resides in New York, New York. At times material hereto, Ms. Pollock was the Business Editor at the Times and acted within the scope of her employment at the Times in reviewing, and ultimately approving the headline of the article at issue here.

9. Defendant Dean Baquet (“Mr. Baquet”) is an individual who resides in New York, New York. At times material hereto, Mr. Baquet was the Executive Editor of the New York Times.

10. Defendant Nellie Bowles (“Ms. Bowles”) is an individual who resides in New York, New

York. At times material hereto, Ms. Bowles was a reporter for the Times and acted within the scope of her employment at the Times in writing the article at issue here.

Jurisdiction and Venue

11. The subject matter jurisdiction of this Court is properly based upon the presence of a federal question related to the First Amendment of the United States Constitution, and the existence of complete diversity between the parties and an amount in controversy which exceeds \$75,000.00, exclusive of costs and interest pursuant to 28 U.S.C. § 1331, § 1332. Personal jurisdiction over Defendants is lawful and proper here where Defendants each transact business in Massachusetts generally and/or engaged in tortious conduct which caused injury in Massachusetts.

12. The venue for this action properly lies in this district pursuant to 28 U.S.C. § 1391, because a substantial part of the events or omission giving rise to the defamatory article was based on content gathered and produced in Massachusetts by Lessig. For example, Lessig gave an interview for the publication at issue from his home in Massachusetts and the content which the defamatory article discussed was derived from Lessig's article, "On Joi and MIT," which Lessig wrote and published in Massachusetts.

Facts

13. On or about September 8, 2019, Lessig wrote an article entitled "On Joi and MIT" in which he discussed Epstein's financial contributions to MIT's Media Lab. In the article, he wrote that it was wrong for MIT to accept Epstein's money, even if anonymously, but wrong for the MIT Media Lab's director to be "scapegoated" for his mistake.

14. At the time Lessig wrote the article, Joi Ito was the Director of the MIT Media

Lab.

15. Concerns about Ito's role at MIT were raised when it was revealed that he had, with MIT's knowledge and approval, solicited and accepted donations from Epstein, a convicted and registered sex offender.

16. Following the revelation that Ito solicited and accepted donations from Epstein, there was a demand from some in the MIT community that Ito be fired.

17. On September 6, 2019, Ronan Farrow published an article in *The New Yorker* about Ito and the money Epstein had contributed to MIT. That article suggested that Ito had acted independently of MIT, and contrary to MIT's direction.

18. Farrow's article triggered new calls for MIT to fire Ito.

19. On September 7, 2019, the day after Farrow's article was published, Ito resigned his position at MIT, as well as his directorship at the NY Times.

20. On September 8, 2019, Lessig published a 3,500-word article on the website, *Medium* ("the Medium Article") that addressed the events that had led to Ito's resignation. Three days later, he added an 800-word addendum. A copy of the Medium Article and addendum are attached hereto as Exhibits A and B, respectively.

21. Lessig's Medium Article generated a large response from the public.

22. In light of the attention the Medium Article received, NY Times reporter, Ms. Bowles contacted Lessig to ask whether he would be willing to be interviewed about the article, and for the interview to be published as a "Q&A" in the NY Times.

23. On September 10, 2019, Ms. Bowles interviewed Lessig for approximately an hour. The subject of the interview was the Medium Article, and the issues of accountability and responsibility within universities.

24. On September 13, 2019, Ms. Bowles contacted Lessig to fact-check the article that she intended to publish.

25. Lessig and Ms. Bowles spoke for 21 minutes, as she read through her article as it was then drafted.

26. During the fact checking with Ms. Bowles, Lessig raised a number of questions about details in the article. He expressly referenced, for example, the “Addendum” and “Update” that he had added to the article since its initial publication. *See* Ex. B.

27. Specifically, Lessig raised a specific concern about any suggestion in the opening of the article that suggested he was justifying raising money from Epstein. Lessig pointed out that this was not what his article said. Ms. Bowles indicated that she understood the concern, that she agreed with Lessig, and that the incorrect language of her draft article would be corrected.

28. The NY Times published Ms. Bowles’ article early in the morning on September 14, 2019. A copy of the article (the “Bowles Article”) is attached hereto as Exhibit C.

29. Lessig was on an intercontinental flight and did not see the article until the early evening on the day on which it was published.

The Medium Article

30. The Medium Article that was the focus of the Bowles’ Article had four distinct objectives.

31. First, the Medium Article revealed that Lessig had spoken to Ito at the time he was determining whether to solicit donations from Epstein. *See* Ex. A.

32. Second, the Medium Article addressed the ethics that should govern university fundraising. *See Id.*

33. The Medium Article distinguished among four kinds of donors: Type 1, referring to

money that carries no moral question; Type 2, referring to money that comes from possibly controversial commercial activities; Type 3, referring to money from people convicted of a crime; and Type 4, referring to “blood money,” money earned through activities that should be morally condemned. *See Id.*

34. Lessig indicated in the article that his personal moral preference would be that universities take clean money only. *See Id.*

35. He further indicated in the article that it was his understanding that contrary to universities only accepting clean money, universities accepted contributions of all four types. *See Id.*

36. Lessig then argued in the article that if a university accepted contributions of Type 3 and Type 4, then, at a minimum, it should avoid laundering the reputation of the donors, by keeping their donation anonymous. But Lessig then made an explicit exception to that rule in the context of donations from people like Epstein. *See Id.*

37. After acknowledging that 5 years earlier he “didn’t believe [Ito] was wrong to take Epstein’s money anonymously,” the article expressly stated Lessig’s current view that taking the money “was wrong.” *See Id.* As Lessig continued in the article:

But what I — and Joi—missed then was the great risk of great harm that this gift would create. Sure, it wasn’t blood money, and sure, because anonymous, the gift wasn’t used to burnish Epstein’s reputation. But the gift was a ticking time bomb. At some point, it was destined to be discovered. And when it was discovered, it would do real and substantial pain to the people within the Media Lab who would come to see that they were supported in part by the gift of a pedophile. That pain is real and visceral and substantial and not taken seriously enough. And every bit of emotion and outrage from victims that I have seen in this episode is, in my view, completely justified by the completely predictable consequence of that discovery. *See Id.*

38. In an addendum published the morning after the interview, three days before the publication, and pointed out to Ms. Bowles during her alleged fact-check, Lessig expanded on this point writing as follows:

But then the point of the paragraph beginning “But what I — and Joi — missed” is to say that *even if* you take Type 3 *and* you take them anonymously, it is a mistake to take *this particular type of* Type 3 contribution — precisely because of the pain it would cause if it were eventually revealed. Maybe you can take the money of a tax fraud, again, if and only if anonymous. But the kind of pain triggered here means that that general rule should not apply here. Which again is why I said I believe it was a mistake to take this money, *even if* anonymous. *See Id.*

39. Third, the article then concluded (and repeated in the addendum) by considering the consequences of these acknowledged wrongs:

That balance, so many have so quickly concluded, yields the result that Joi must go. And so is he gone.

MIT is less now that Joi is gone. I suspect even his most vocal critics recognize as much. So is what MIT lost worth what “the cause” has gained?

As an unavoidable supporter of that cause, I can’t believe it is.

And in the addendum:

I’ve described three mistakes: (1) I was wrong in my advice to Joi. (2) Joi was wrong in his decision to accept this kind of Type 3 money. (3) MIT was wrong to permit Type 3 money in general, and this particular contribution in particular. My only criticism of anything that’s happened is that the attention and energy these mistakes have triggered is not appropriately balanced. *See Ex. B.*

40. Finally, the article lamented the character of the current social and technical context, that made it so difficult to address subtle and complex questions effectively. “Can we,” the article asks, “deal with any complicated issue, sensibly? Or humanely? Or with integrity?” *See Ex. A.*

The Defamatory NY Times Article

41. On September 10, 2019, at 4 pm EST, Ms. Bowles conducted a Q&A with Lessig by telephone. The call lasted approximately an hour. It is Lessig’s belief that the call was recorded by Bowles.

42. The call focused exclusively upon the Medium Article and the issues it raised.

43. Throughout the call, Lessig repeatedly insisted that Ito was wrong to solicit

contributions from Epstein.

44. Throughout the call, Lessig repeatedly insisted that MIT knew of Ito's fundraising activities and approved them.

45. Lessig explained his Medium Article, not as a defense of Ito or MIT, but as an attack on the scapegoating of Ito.

46. Lessig explicitly distinguished between cases of Type 3 contributions that could be taken, if anonymous, and Epstein's money, which should *not* have been taken, *even if* anonymous.

47. Three days later, Ms. Bowles called Plaintiff to fact-check her article. At the time, Lessig was in Berlin.

48. Ms. Bowles read the narrative portion of her article as it then was drafted to Lessig.

49. After reading the initial portion of the article, Lessig raised the concern that the lede (as it was then) falsely suggested that he was defending Ito's fundraising from Epstein. Lessig insisted that was a false description of what he had written and what he believed. He stated explicitly that he was not defending taking money from Epstein. Ms. Bowles indicated she understood the point and would correct her article.

50. Lessig also suggested that the Ms. Bowles' article reflect the fact that MIT had, since the interview, acknowledged that it knew and approved of Ito's fundraising — precisely the question raised by the Farrow article in *The New Yorker*. As this failure by MIT to take responsibility was a primary motivation for writing the piece, this change was critical to any understanding of the matter.

51. The Bowles Article allegedly fact-checked was materially different from the article

that Defendants published. The final article with its title displayed a reckless disregard for the truth. *See* Ex. A.

The NY Times Publishes Clickbait Over Fact

52. Upon publishing the Bowles Article, the NY Times tweeted:

Lawrence Lessig, a Harvard Law professor, spoke with our reporter, Nellie Bowles, about Jeffrey Epstein, Joi Ito, MIT and reputation laundering

And the clickbaiting headline:

A Harvard Professor Doubles Down: If You Take Epstein's Money, Do It in Secret.

A copy of the tweet is attached hereto as Exhibit D (emphasis supplied).

53. Upon reading the Bowles Article, Lessig wrote to Ms. Bowles to object to the false statement in the lede:

You know that I wish you had more power over your editors, however. That opening — which was different from what we discussed, and even that we discussed changing — is just plainly not true. It says that I am “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” But as we explicitly discussed, the whole point of my mea culpa was to say that — even if you take Type 3 money anonymously — you can’t “defend soliciting donations from the convicted sex offender Jeffrey Epstein.” So whatever else I was doing or not doing in the piece, I was certainly not “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” As I said, explicitly, it was a mistake to take the money from Epstein.

A copy of this correspondence is attached hereto as Exhibit E.

54. On September 15, 2019, Ms. Bowles responded:

Larry, sorry was going to write back to you today. In the interview you explain your position a ton, unambiguously and clearly. You do not think this donation should be taken at all. That's there!

But the article was defending someone who took the donations and defending him for taking them. Though of course with all the complexity in mind. Which is in the piece!

55. Lessig responded to Ms. Bowles immediately:

It's true, "that's there."

But in the lede of your article (which we know, is 90% of what an audience understands), you have been rendered as saying that I am "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein." No doubt, someone reading carefully and fully would wonder how I could be "defend[ing] soliciting donations" while at the same time criticizing "soliciting donations from the convicted sex offender Jeffrey Epstein." This is different from the point I made about the world I wish we lived in — where none of this was taken. My point is that in this world, I was saying that it was **wrong** to solicit donations from Epstein. And therefore, it is wrong that the lede of your articles says that I was "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein."

See Ex. E.

56. On September 18, 2019, Lessig again raised his objection to the false statements in the Bowles Article in an email to Mr. Baquet, the Executive Editor of the NY Times. A copy of this correspondence is attached hereto as Exhibit F.

57. Two days later, Ms. Pollock, Managing Editor of the NY Times, replied by attempting to justify the publication, and declining to change the false and defamatory title and lede. As she wrote:

it seems clear to us that you did defend Mr. Ito's actions in soliciting money from Epstein and you did say that if a university is going to take money from someone like Epstein, it's better to do so anonymously. *See Id.*

The Aftermath Of The Defamatory NY Times Article

58. Readers of the NY Times article were misled into believing something that Defendants knew prior to publication was plainly false — that Lessig was "defend[ing] soliciting donations from Jeffrey Epstein" and was arguing that it was okay to take Epstein's money if the contribution was secret. The false statements cast Professor Lessig in a negative and defamatory light to all readers. *See Ex. C and D.*

59. Some of the responses to the NY Times publication on Twitter included:

Twitter user 1 stated: I guess he doesn't think men should beat their wives but if they do they damn well better make it anonymous. What a bad article. They hid it because they wanted the [money]. A solution to reputation laundering could be a "Money begrudgingly accepted from really bad people" plaque.

Twitter user 2 stated: So Ito thought Epstein would no longer be "sleeping with—trying to seduce" 14 and 16-year olds. Its's not seduction. It's Rape. Now we know what Lessig really thinks of pedophilia. Wish @NellieBowles had pushed him on this wretched misogyny

Twitter user 3 stated: ...HOW CONVENIENT to find an ethically acceptable means to take [money] anonymously.

A copy of these tweets is attached hereto as Exhibit G.

60. The effects on Lessig's reputation have been pervasive and continuing, especially given his work in the very area institutional integrity and ethics.

61. On October 10, 2019, a reporter at the NY Times, who had previously been in discussions about excerpting Lessig's forthcoming book about institutional ethics in an edition of the Sunday Times, informed Lessig that his editor had vetoed the piece and would not publish the book excerpt as a result of the story. The editor stated that, in light of the Bowles article, Lessig was being hypocritical in writing about institutional corruption.

62. As a result of the NY Times' defamatory statements and use, Lessig has suffered significant and irreparable damage to his reputation and profession, as well as emotional distress, embarrassment and humiliation.

COUNT I -- DEFAMATION

63. Lessig realleges and incorporates herein by reference each of the prior paragraphs.

64. Defendants published, and continue to publish, their false and defamatory article of and concerning Lessig with a knowing and reckless disregard of the truth and thereby caused and

continue to cause Lessig damages. Defendants compounded their wrongdoing by continuing to publish their defamatory article even after they were explicitly noticed that the clickbait and lede were essentially a knowing fabrication given the facts Lessig provided prior to publication.

65. In so doing, Defendants' false and defamatory statements subjected Lessig to ridicule and scorn, sabotaging his well-respected name, reputation, and academic work. The consequences of this clickbaiting have been harmful to Lessig and his work.

66. Defendants are liable in damages to Lessig.

WHEREFORE, the plaintiff, Professor Lawrence Lessig, respectfully requests that the Court grant him the following relief:

- i. after trial, enter judgment on Count I in his favor and award him damages in the
- ii. amount assessed by the jury, including fees, costs, and interest; and
- iii. grant such other further relief as the Court deems just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury on all claims so triable.

PROFESSOR LAWRENCE LESSIG

By his attorney,

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Dated: January 13, 2020

EXHIBIT A



Photo by Jeremy Perkins on Unsplash

On Joi and MIT



Lessig [Follow](#)

Sep 8 · 14 min read

If you're coming here from the New York Times article published Saturday, please read this: On the careful reading of the New York Times editors

A couple of weeks ago, I signed a petition (the site has since been taken down, but you can see it at archive.org) expressing my support for Joi Ito. Not unexpectedly, that signing produced anger and outrage among many, and among some of my friends. I had wanted, in the spirit of the Net, to respond and explain then. I was asked by Joi's friends not to. Yesterday's events terminate that injunction. What follows is an explanation and an account, with as little emotion as I can muster.

I had known of Joi's contact with Epstein since about the beginning. He had reached out to me to discuss it. We are friends (Joi and I), and he knew I would be upset by his working with a pedophile. He knew that because he knew that I had been extensively abused as a kid, and that I am ferocious in my anger at people and institutions that protect abusers. (Defenders of the Catholic Church just love me for this.) Indeed, as I have come to understand myself, I see this anger as the whole reason for the work I do. Institutional corruption is just a fancy way to frame the dynamic of the weak enabling evil to do wrong.

Our conversations then were about his diligence to determine whether Epstein remained an abuser. I am constitutionally skeptical about claims that pedophiles reform. Pedophilia is alcoholism; it is never gone (without chemical castration), it is only suppressed. Or so I can't help but believe — I am not a scientist, and I have studied the facts not so deeply. But it is how I *feel* the wrong that evil is. It is how Joi knew I felt it. And so we had what would not have been an easy conversation about whether this criminal continued his soul-sucking crimes.

Joi believed that he did not. He believed Epstein was terrified after the prosecution in 2011. He believed he had come to recognize that he would lose everything. He believed that whatever else he was, he was brilliant enough to understand the devastation to him of losing everything. He believed that he was a criminal who had stopped his crime. And nothing in his experience with Epstein contradicted this belief.

It was not my fight. I didn't have the stomach or the ability then to do my own investigation. I wish now I had just screamed "don't" to Joi. But I didn't—and I wouldn't have. Indeed, though I don't remember this precisely, I probably told him that if he was convinced, then it was ok. Because the truth is that—as I thought about it then—if Joi believed as he did after real diligence, I didn't believe he was wrong to take Epstein's money anonymously.

That belief — of mine—was a mistake, for reasons that I'll return to below. But we should start with why that belief is even conceivable before I return to why it is wrong.

I thank god that I've never been obligated to raise money for an institution like MIT, because I know that in every moment of that existence, I would be forced to confront a gap between what I believe is right and what *every* institution does. And yet, as a person charged with fundraising, I would be pressed to adopt the ethics of the institution, not the ethics of myself.

Divide the entities or people who want to give to an institution like MIT into four types.

- **Type 1** is people like Tom Hanks or Taylor Swift — people who are wealthy and whose wealth comes from nothing but doing good.
- **Type 2** is entities like Google or Facebook, or people whose wealth comes from those companies. These are people who are wealthy because of their work within companies of ambiguous good. Some love them. Some hate them. Some think they are the key to all that's evil in the age that's coming. Some think they are the key to all that will be good.
- **Type 3** is people who are criminals, but whose wealth does **not** derive from their crime. This is Epstein, but not just Epstein. It may be that we'll discover that Epstein got rich by blackmailing people whom he had encouraged or enabled to commit abuse. I doubt it, but it's possible. Suffice it that when Joi was investigating whether that criminal continued his crime, no one was suggesting that his enormous wealth was the product of blackmail or sex slavery. He was, the world assumed, a brilliant, savant-like investor, who was also a sexual predator.
- **Type 4** is entities and people whose wealth comes from clearly wrongful or harmful or immoral behavior. The RJ Reynolds Foundation, the Sacklers, the Kochs: I

recognize that people have different views about these people or entities, but it is not hard to identify the enormous harm that each has caused. Smoking has killed *multiples* of the German Holocaust. Since 1999, more than 200,000 have died from OxyContin overdoses — four times the number of Americans killed in Vietnam (even if that's less than a fifth of the number of people killed in that insane war). If there is a single family responsible for the fact that we to this day have no comprehensive legislation addressing climate change, it is the Kochs. This money is blood money. It is wealth that is great *because of* the harm.

Universities wish they could fund their work with Type 1 money exclusively. I can't imagine that there is a single university in America that does. Instead, every university takes all four types of money. That's not to say that the universities don't have standards and don't discriminate among the various sources within each type. That's the clear lesson from Ronan Farrow's piece yesterday: apparently MIT, like probably every great university, maintains a list of "disqualified" donors. Farrow will be shown to be wrong about whether the administration told Joi that Epstein was disqualified when the Media Lab took his money, but that's a detail for the moment. The point just now is not that universities take whatever money is offered to them. The point is simply that in any major university, there is money from each of these four buckets.

That fact is what would make raising money for universities so difficult for me. Yet one way around that difficulty is to police the different motives that givers might have. Some simply give to support the university or the science the university advances — whether anonymously or not. But some give their money to whitewash their reputation. No one who knows little about Rockefeller or Carnegie thinks anything negative about those criminals. That's because whitewashing works. And since time immemorial, there have been people or families keen to wash away the stains of blood money. Or at least, to burnish the ambiguity of their reputation by leveraging the brand of great universities.

And here then would be the rub for me at least (because most universities don't follow this rule): I think that universities should not be the launderers of reputation. I think that they should not accept blood money. Or more precisely, I believe that if they are going to accept blood money (type 4) or the money from people convicted of a crime (type 3), they should only ever accept that money anonymously. Anonymity — or as my colleague Chris Robertson would put it, blinding — is the least a university should do to

avoid becoming the mechanism through which great wrong is forgiven. Were I king, I would ban non-anonymous gifts of type 3 or type 4.

Obviously, the difficulty with such a rule is distinguishing type 2 from type 4: Is Warren Buffet type 4? Obviously not. Is Bill Gates? In my view, plainly not. Is Google? So far, in my view, not, but we'll see. Is RJ Reynolds? Plainly yes. I have my views, but I realize my views are both more conservative and more liberal than others. Which is why such a rule is so difficult — however clearly, in my view, it may be compelled by the ideals of any great university.

Ok, that's a lot of words to get to a critical point about the Joi Ito story: Everyone seems to treat it as if the anonymity and secrecy around Epstein's gift are a measure of some kind of moral failing. I see it as exactly the opposite. **IF** you are going to take type 3 money, then **you should only take it** anonymously. And if you take it anonymously, then obviously you will take the many steps detailed by Farrow to keep it secret. Secrecy is the only saving virtue of accepting money like this. And rather than repeating unreflective paeans to "transparency," we should recognize that in many cases, secrecy is golden. I suspect MIT takes similarly severe steps to keep the academic records of its students secret. Good for them, for here, too, transparency would be evil.

Thus when Joi was convinced that the crimes had ended, and he took Epstein's money, anonymously, he was doing, as I saw it, and likely said, then, the most that any university administrator could do, given the unending need to raise money. That view was then confirmed by MIT's administration directly when they told Joi to take the money, conditioned upon its anonymity.

But what I — and Joi—missed then was the great risk of great harm that this gift would create. Sure, it wasn't blood money, and sure, because anonymous, the gift wasn't used to burnish Epstein's reputation. But the gift was a ticking time bomb. At some point, it was destined to be discovered. And when it was discovered, it would do real and substantial pain to the people within the Media Lab who would come to see that they were supported in part by the gift of a pedophile. That pain is real and visceral and substantial and not taken seriously enough. And every bit of emotion and outrage from victims that I have seen in this episode is, in my view, completely justified by the completely predictable consequence of that discovery. If you have not been abused, if you have not experienced that sense of being used and helpless, that may well not be

understandable to you. Maybe. But I believe that empathy is a basic human emotion. And I believe that all of us should recognize the pain that only some of us can feel in seeing the institutions around us painted with the names or wealth of those who do that wrong.

Joi should have recognized that risk. He had it in him because he had come to talk to me about it at the start. He knew people could be hurt by just knowing the facts. But he assumed they would not be harmed, because he assumed that they would not know the facts. No doubt, he had more confidence in confidentiality at the start than later on. But at the moment the wrong was initiated, he should have known that time bombs do not belong within the walls of great institutions. And he should not have brought this time bomb within the walls of the Media Lab.

He should have known that.

I should have known that.

It is the pathology of my profession that we allow emotion to be so effectively rationalized. So I didn't allow the emotion to speak when I spoke to Joi then. I was driven by the reasoning that I have enslaved the bits above to describe. I am ashamed — *ashamed*—that I did not do for my friend the one thing I was uniquely qualified to do: I am ashamed that I did not let him see just how hurtful it was to imagine slime like Epstein living within the walls of MIT, even if hidden by promises of anonymity. I fear that I have become so good at intellectualizing what happened to me that I am awful at showing the raw soul-wrenching destruction that that evil is. I should not have reasoned with Joi when he came to me. I should have wept.

I'm not saying that would have stopped him. I'm not saying that was my job. But it was my job to be his friend. I wasn't the friend I should have been.

And so now Joi is gone. Not dead. Not destroyed. I can't imagine the creative greatness that the next life of this sweet soul will produce. It will be greatness beyond measure, no doubt, again.

But as I reflect on how we got to this day, yesterday, I can't help but fear for our time. Can we deal with any complicated issue, sensibly? Or humanely? Or with integrity?

I know that Farrow's article is crafted to draw the following sentence into doubt: Everything Joi did in accepting Epstein's money he did with MIT's approval. I trust the MIT review will confirm it (yes, I remain exactly that naive). So why is *he* resigning, rather than others in the administration?

And if Ito must go because Epstein's wealth was accepted anonymously, who else should go because of blood money accepted openly? Will the planet have an equal advocate who demands justice for the Koch money? Or the victims of opioid abuse for the Sackler money? The world is obsessed with erasing the names of 18th-century racists (as if there were *any* leaders in America in the 18th century who were not racists in our 21st-century sense); what about the names of those who profited from harming others, and destroying the planet?

But more fundamentally, do we even have the capacity to make complicated judgments of justice anymore? Kate Darling doesn't forget Joi his wrong (that should be grammatical; we need that construction); yet she didn't believe he should leave. Isn't that the human condition with all of us? Is there a single person whose story is not complicated in just this sense? Is the balance just one part, or all parts, together?

So put the parts together: The MediaLab accepted an anonymous contribution from Epstein through the help and direction of Joi. The Lab did not (as "Professor Anonymous" wrote to me, his outrage apparently blinding him to irony) "help reputation-launder a convicted sex offender." It would have, had it not be anonymous; but that's the point about it being anonymous. Joi accepted this contribution with the full knowledge and approval of MIT. (Farrow's suggestion to the contrary will be shown not to be correct, as will the claims that the Lab lied to the press.) And then when that anonymity was broken, Joi acknowledged the mistake (as I have described it, the mistake in creating the potential for such pain to be so viciously revived), owned it, and apologized. The apology was not just a post — it was hours and hours of engaging and acknowledging the pain to his community, and the wrong in having caused it. *That* balance, so many have so quickly concluded, yields the result that Joi must go. And so is he gone.

MIT is less now that Joi is gone. I suspect even his most vocal critics recognize as much. So is what MIT lost worth what "the cause" has gained?

EXHIBIT B

As an unavoidable supporter of that cause, I can't believe it is. We need the world to be honest and take responsibility for the wrong it has allowed to occur. We need leaders in the world to be honest and take responsibility. But I am certain that after yesterday, the media strategy for responding to charges like this has changed, dramatically. There will be no more apologies. There will be no more endless effort to reach out and explain mistakes. There will be no clear confessions of error. There will only be the strategy that a senior faculty member at Harvard advised should have been Joi's strategy here — keep your head down, say nothing, and wait for the storm to pass.

That will be a loss, not progress.

So yes, I continue to stand with Joi — humbled by my blindness, acknowledging more his own humanity, and saddened we live in a moment: when so much good can be done, by holding wrong to account, but only so crudely and so painfully and so wrongly. This is us, now. We should all be better.

Addendum — Weds, am.

I wrote this story Sunday. I had no sense it would trigger the attention it has. I've not had the chance to process even a small slice of the reaction. I apologize for that — all of this comes on top of an already overcommitted schedule. I hope to have the chance to respond more carefully.

Yet there are a couple points I want to make if only to avoid misunderstanding.

If the question is not what you say, but what is heard, then there are two things that were heard that I want to make sure no one understands me to be saying.

On whether Type 3 contributions should be taken

I've argued that "IF" a great university takes type 3 contributions, then they should be anonymous. That conditional has been heard by some to mean I support the idea of a great university taking Type 3 contributions. I do not. I believe a great university should say, absolutely, it won't take money from criminals. My only point was that MIT **had apparently decided** to take Type 3 contributions. "IF" they do that, then of course the contributions should be anonymous.

On whether the voice of victims are found in these paragraphs

More painfully to me is the suggestion by some that the voice of victims (and others) is not clear enough in these paragraphs. Again, if that's true, that's on me. But as I had meant the whole structure of the argument to turn on the particular significance of the pain experienced by victims—the paragraph beginning “But what I — and Joi-missed”—I certainly believe that that pain is fundamental to this account, and *the whole reason why* taking this particular kind of Type 3 contribution was wrong.

Again, were I king, I'd say no Type 3 contributions. Period. But as I'm not king, that's not the rule, and it is not MIT's policy. So that entailed the logic of “if you take them, at least don't give the criminal a chance to publicly launder his reputation” by making the donation anonymous.

But then the point of the paragraph beginning “But what I — and Joi — missed” is to say that *even if you take Type 3 and you take them anonymously*, it is a mistake to take *this particular type of Type 3 contribution* — precisely because of the pain it would cause if it were eventually revealed. Maybe you can take the money of a tax fraud, again, if and only if anonymous. But the kind of pain triggered here means that that general rule should not apply here. Which again is why I said I believe it was a mistake to take this money, *even if anonymous*.

A mistake by whom

I've described three mistakes: (1) I was wrong in my advice to Joi. (2) Joi was wrong in his decision to accept this kind of Type 3 money. (3) MIT was wrong to permit Type 3 money in general, and this particular contribution in particular. My only criticism of anything that's happened is that the attention and energy these mistakes have triggered is not appropriately balanced.

The consequence of my essay is that people are more critical of me. That's right and appropriate — that's the effect of a confession. But the primary intent of this essay is to say that people should be more critical of MIT. Joi worked for MIT. He bears his own moral responsibility, of course. But the institution that knowingly directed and enabled and allowed this contribution bears responsibility too.

At the very start, MIT seemed to accept that responsibility. When Joi apologized, MIT did so too, in a sense, as well. But when Ronan Farrow's piece suggested that perhaps MIT did not know of these contributions, and that Joi was, therefore, acting rogue, it was

wrong for MIT not to make it completely and absolutely clear that that reporting is not correct. There is no doubt that MIT knew and approved of these contributions, while they were solicited and when they were received.

MIT's defense is that it is "completing a review." That's just too convenient. (**see the update**) The lawyers will take months. The review will be released sometime after that. Meanwhile, MIT profits from the suggestion that somehow this whole mess was not their whole mess, too, while Ito is scapegoated.


The buck stops where the check is cashed. That was MIT. And as angry — and rightfully angry, again, as I think this whole mess was a mistake—as people are, the real good that could come from that anger is if it were directed to the end of changing the policies that produced this mess. Let the rules about whether to take Type 3 contributions be changed — never, under any circumstance. And let the rules about Type 4 contributions be changed — only if anonymous.

Both of those changes may seem obvious to you. But recognize, they would be fundamentally resisted by practically every development office in every great university. The hard work is to fight that resistance.

And win.

UPDATE

MIT's President, Raphael Reif, has now published a letter acknowledging that MIT knew of this fundraising and directed the anonymity. This is the right thing for MIT to do.

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EXHIBIT C

The New York Times

A Harvard Professor Doubles Down: If You Take Epstein's Money, Do It in Secret

A conversation with Lawrence Lessig about Jeffrey Epstein, M.I.T. and reputation laundering.

By **Nellie Bowles**

Published Sept. 14, 2019 Updated Sept. 16, 2019

It is hard to defend soliciting donations from the convicted sex offender Jeffrey Epstein. But Lawrence Lessig, a Harvard Law professor, has been trying.

Mr. Lessig is a friend of Joichi Ito, who resigned as the director of the M.I.T. Media Lab, as well as from the boards of The New York Times Company and other organizations, after it was revealed that he had courted money from Mr. Epstein and worked to hide it. Mr. Ito also traveled twice to Mr. Epstein's Caribbean island home.

Mr. Lessig signed a letter in support of Mr. Ito, and then published a 3,500-word essay on the subject. He argued that in an ideal world, no institution should take money from people like Mr. Epstein, but that in reality, much of the money that props up universities and other elite institutions comes from troubling sources.

Mr. Lessig suggested that donors to places like the Massachusetts Institute of Technology could be organized in four buckets, ranging from "people like Tom Hanks or Taylor Swift — people who are wealthy and whose wealth comes from nothing but doing good" — to "entities and people whose wealth comes from clearly wrongful or harmful or immoral behavior." Mr. Lessig, who noted that he was a childhood victim of sexual abuse, also argued that the act of veiling Mr. Epstein's contributions was good, because it avoided "whitewashing" his reputation.

"Everyone seems to treat it as if the anonymity and secrecy around Epstein's gift are a measure of some kind of moral failing," Mr. Lessig wrote. "I see it as exactly the opposite."

The reaction to Mr. Lessig's essay was swift and furious. On social media, many were dismayed that someone whose work focuses on institutional corruption would defend dealing with Mr. Epstein and hiding his money. "A disappointing moral crumpling from Lessig," wrote Anand Giridharadas, the author of a book on the corruption of the elite class. "No matter what you do as a dude, dudes will have your back."

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I took a special interest in Mr. Lessig's essay because I once interacted professionally with Mr. Epstein myself. About a year ago, he invited me to his Upper East Side townhouse. I went because I was interested in reporting out a story connected to him. His belief system and radical misogyny were neither subtle nor hidden.

Afterward, Mr. Epstein would send me emails, wanting to spend more time together, which I chose not to do. Maybe he was scouting for a naïve reporter to do a puff piece. More realistically, I think he was trying to cultivate me — as he did so many people — so I would come over, socialize with him and other guests, and assist his re-entry into society.

I spoke to Mr. Lessig about Mr. Epstein, Mr. Ito, M.I.T. and reputation laundering. (Our conversations have been edited for clarity.)

Why did you write your essay?

We are in a place where, in some sense, we've lost the ability to do any thinking about complicated problems. Most of the important problems in the world are complex. If you can't engage about complex problems in a balanced way, how do we solve them?

But is this really that complicated?

Joi seems to me to have genuinely believed, after doing really extensive due diligence, that the guy was terrified of the world coming down on top of him if he crossed the line — that he wasn't going to cross the line of pedophilia. Now, that doesn't mean he was going to get into a monogamous relationship with a 45-year-old woman for the rest of his life, but it was plausible that he was not going to be sleeping with — trying to seduce — 16-year-olds and 14-year-olds.

And then on the basis of that judgment, Joi continues to work with M.I.T. to bring in money that's not going to be identified. Because it's not identified, he's not whitewashing Epstein's reputation with M.I.T. That seems to be a virtue, not a vice.

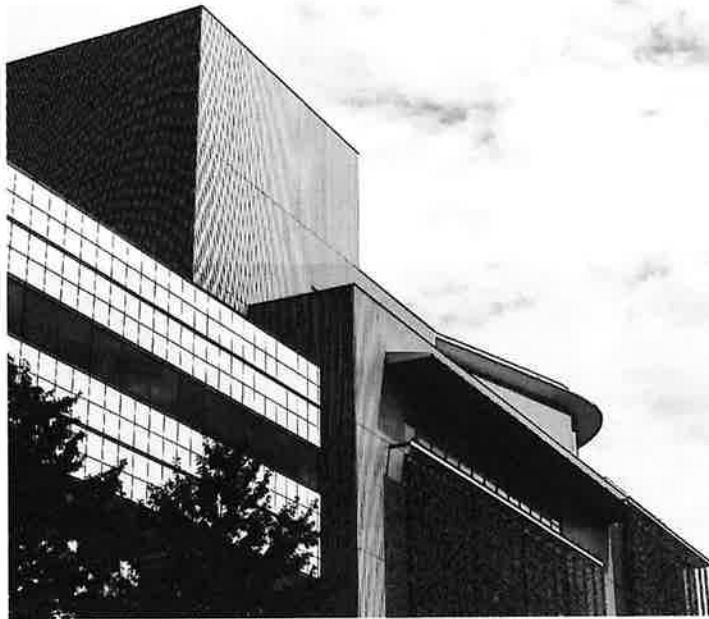
Why do you think Epstein was donating to the Media Lab?

What I'm sure of is that he wasn't donating for the reasons that the Kochs give money. It's not like he benefited from the science going one way or the other.

O.K., but why was Epstein donating?

When Joi would recount who he was, I think Epstein genuinely had an interest in certain science and wanted certain science to be advanced. I think he wanted to be close to the advancement of that science.

When Joi had been convinced that, you know, this is not an ongoing criminal, I think Joi was open to what might have been interesting about him and his, you know, his talents. And I remember, when he described that to me, thinking, "Boy, I just wouldn't be able to get there." Because of my background, I can't see beyond it. But I'm not everybody, and I could see it differently for others.



The Media Lab. Mr. Ito resigned as the lab's director last weekend.
Cody O'Loughlin for The New York Times

Even if Epstein is not getting his name on a building, he's obviously using the money at least in part to be socially tied to smart, high-capital people, no?

Yeah. But it's an expensive way to do it. But, you know, you might be right. My view would be: I don't know what his motive is.

Of course there's a gray zone in terms of who universities take money from, but wasn't Epstein a distinctly noxious figure in society?

There are a lot uglier figures that the fund-raisers at universities talk to than who Epstein was understood to be in 2013. But not today.

Many of your critics felt that you seemed more sympathetic to Joi's plight than to the victims of Mr. Epstein. [Mr. Lessig wrote: "And so now Joi is gone. Not dead. Not destroyed. I can't imagine the creative greatness that the next life of this sweet soul will produce."]

I'm not sure how that's a fair interpretation of what I wrote.

Kate Manne, a professor of philosophy at Cornell, wrote on Twitter, "I think the thing that makes me angriest is that there is no mention of *the girls who were Jeffrey Epstein's victims*. ... The only victims one meets are Ito, the boyhood Lessig, and the people who worked at the MIT media lab."

That has no relation to what I wrote. Because here's what I wrote: "When it was discovered, it would do real and substantial pain to the people within the Media Lab who would come to see that they were supported in part by the gift of a pedophile. That pain is real and visceral and substantial." People who actually have suffered at the hands of pedophiles absolutely have a right to be outraged to know that their institution has been supported by a pedophile.

Doesn't it make sense to you that people would say someone who is taking money from and cozying up with a guy who is a pedophile and who is targeting young women, maybe he shouldn't lead an institution that includes women?

I'm not sure it describes the case, and more importantly, what about the institution?

What do you mean it doesn't describe the case?

I don't know about the "cozying up to."

Going to his house, being socially in his orbit, taking money from him.

In the context of raising money — just like you would go up there and meet with him in the context of an interview.

But there's a financial transaction happening in one and not the other. For me, I'm potentially doing an investigation. Mr. Ito was taking money.

For M.I.T. When you say that he is cozying up to him, that's something very different from what I understand actually happened, which is: Joi, in the context of his job for the M.I.T. Media Lab, built a relationship with one of the people he's raising money from.

Do you think it's O.K. if this is kept secret?

No. My preference is that none of this money should be in institutions, but *if* the institution says it's going to take this money, then at the very least it should not be offering the gift of reputation laundering for those who give it.

But Jeff Epstein was doing reputational laundering, just in a more subtle way. It's naive to think otherwise.

No doubt he's doing reputational laundering in lots of ways.

But in this exact way.

Yeah. But not in that kind of dramatic way that universities are typically guilty of.

You are an expert in these subtle things. On your website, you write about the subtle ways that money and influence and corruption happen.

I'm not sure why we're walking past each other on this. I don't think the money should be in the institution, period. You asked the question as if — it was kind of a 'Are you still beating your wife?' question. You asked the question as if I supported taking the money. I don't. Absolutely.

I know you don't. But you still wrote a defense of the guy who did.

I wrote a defense of a guy who did it in the context of a university that says, "Take the money!" The university says to take the money, and take it anonymously. All I'm trying to suggest is this: that the suggestion of the Ronan Farrow's of the world that somehow there's something terrible about the anonymity — no! If you're going to take the money, you damn well better make it anonymous.

Nellie Bowles covers tech and internet culture. Follow her on Twitter: @nelliebowles

A version of this article appears in print on Sept. 15, 2019, Section BU, Page 13 of the New York edition with the headline: What Are the Ethics of Taking Tainted Funds?

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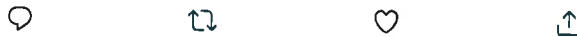
Lawrence Lessig, a Harvard Law professor, spoke with our reporter, Nellie Bowles, about Jeffrey Epstein, Joi Ito, MIT and reputation laundering



A Harvard Professor Doubles Down: If You Take Epstein's Money, Do It in Secret A conversation with Lawrence Lessig about Jeffrey Epstein, M.I.T. and reputation laundering. nytimes.com

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EXHIBIT E

On 09 /14/ 19 at 19:04:09, Lawrence Lessig (lessig@this.is) wrote:

Nellie,

Thanks for the essay and the effort to explain. I enjoyed talking through the issue — it helped me see more.

You know that I wish you had more power over your editors, however. That opening — which was different from what we discussed, and even that we discussed changing — is just plainly not true. It says that I am “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” But as we explicitly discussed, the whole point of my mea culpa was to say that — even if you take Type 3 money anonymously — you can’t “defend soliciting donations from the convicted sex offender Jeffrey Epstein.” So whatever else I was doing or not doing in the piece, I was certainly not “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.” As I said, explicitly, it was a mistake to take the money from Epstein.

At the end of our conversation, we discussed that I was defending Ito. That’s true. But I was defending him against the scapegoating. Not defending him for “soliciting donations from the convicted sex offender Jeffrey Epstein.”

But again, it’s clear (because so much else disappeared as well) that the heavy hand of editors was involved. I’m sorry that happened here, for I’m not eager to engage yet another round of outrage at the outrageous idea that I was “defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein.”

Lawrence Lessig
Roy L. Furman Professor of Law and Leadership | [Harvard Law School](#)
Founder, [EqualCitizens.US](#)
[\(617\) 496-8853](tel:6174968853) | [\(617\) 496-5156](tel:6174965156) (fax) | @ [lessig](#)

On 09 /15/ 19 at 08:29:48, Lawrence Lessig (lessig@this.is) wrote:

It's true, "that's there."

But in the lede of your essay (which we know, is 90% of what an audience understands), you have been rendered as saying that I am "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein." No doubt, someone reading carefully and fully would wonder how I could be "defend[ing] soliciting donations" while at the same time criticizing "soliciting donations from the convicted sex offender Jeffrey Epstein." This is different from the point I made about the world I wish we lived in — where none of this was taken. My point is that in this world, I was saying that it was **wrong** to solicit donations from Epstein. And therefore, it is wrong that the lede of your essays says that I was "defend[ing] soliciting donations from the convicted sex offender Jeffrey Epstein."

Back in Boston, successfully ignoring social media, trying to finish a brief and then make waffles.

Lawrence Lessig
Roy L. Furman Professor of Law and Leadership | [Harvard Law School](#)
Founder, [EqualCitizens.US](#)
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On 09 /15/ 19 at 08:20:48, Bowles, Nellie (nellie.bowles@nytimes.com) wrote:

Larry, sorry was going to write back to you today. In the interview you explain your position a ton, unambiguously and clearly. You do not think this donation should be taken at all. That's there!

But the essay was defending someone who took the donations and defending him for taking them. Tho of course with all the complexity in mind. Which is in the piece!

I really enjoyed our conversation and the debate. I think you're bringing up really good points, even as I disagree with some of them. Thank you again for taking the time. I hope Germany is good and you're not too plugged into all this.

On Sun, Sep 15, 2019 at 7:51 AM Lawrence Lessig <lessig@this.is> wrote:

A reply:

<https://medium.com/@lessig/on-the-careful-reading-of-the-new-york-times-editors-8f543418c1df>

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--
Nellie Bowles
Reporter, The New York Times
Cell: 415-815-8553

EXHIBIT F

On 09/18/19 at 05:22:44, lessig@law.harvard.edu (lessig@law.harvard.edu) wrote:

Mr. Baquet:

I'm writing about a deeply frustrating (and damaging) experience with your great newspaper, hopeful you might be able to help.

I've been close to the Joi Ito struggle at MIT. After the Farrow piece was published, I published [this piece](#) on Medium. It's a 3,500 word essay precisely explaining my thoughts and emotions on this complex issue, in which many universities and institutions take money in a way that is morally abhorrent. Your reporter, Nellie Bowles, wanted to do a Q&A based that piece. We spoke for an hour on Tuesday, September 10. On the 13th, she called me to fact-check the essay.

In that fact-check, we discussed a number of points, including the opening. The opening she read to me made the suggestion that I was justifying the idea of raising money from Epstein. I told her then that that was a significant mischaracterization of what I wrote. Specifically, my piece argues that it was wrong for Joi to raise money from Epstein (even if anonymously), wrong for MIT to approve and direct it, and wrong for me, in 2014, not to recognize just how wrong it was when Joi asked my advice. (He did that then because he knew I victim of abuse; as I explain in the piece, I am ashamed I did not then allow the emotion of his question overwhelm the rationality within my response). I emphasized that in no case was I defending a university raising of money from Epstein. To the contrary, my piece declared the error in the decision to raise money from Epstein AND ALSO the error in scapegoating Ito, given MIT's complicity and knowledge. I understood Nellie to say she'd correct that misimpression.

On Saturday, I was on a plane from Europe, so I didn't see the published piece until Saturday night. Suffice it, I was astonished. The headline of the piece is "A Harvard Professor Doubles Down: If You Take Epstein's Money, Do It in Secret"; the lede of the piece is "It is hard to defend soliciting donations from the convicted sex offender Jeffrey Epstein. But Lawrence Lessig, a Harvard Law professor, has been trying."

These statements are false. I don't say you should take Epstein's money "in secret." I say the opposite: that you should **NOT** take Epstein's money, **EVEN IF** in secret. And there is no place anywhere — in 2019, as opposed to 2014 — where I "defend soliciting donations from the convicted sex offender Jeffrey Epstein." Again, to the contrary, my piece argues that it was **wrong** to "solicit donations" from Epstein, whether anonymously or in public. Thus the headline and the lede are both demonstrably false, as they state that I am justifying taking money from Epstein when plainly I am not.

I wrote Nellie on Saturday about the problem. She replied that she thought the correct impression of my position was clear if one read her whole piece. That seemed then to be an evasion, but I was hopeful it might spur a correction. When there was no correction, and to staunch the hate flowing across the transom, I wrote [this](#). Again, my aim there was to correct the misimpression but not to suggest any malign intent. Nellie called me, upset with that piece. I think she may have been surprised that the real anger is on my side.

I understand you are in the middle of many battles. This ought to be easy. Your headline and lede are flatly false. They create an impression that is false and defamatory. They make it more difficult for me to lead the reform work I intend to launch (and write about next week) to get universities to accept only the money they would be proud to declare — what I call in the original essay Type 1 and Type 2. Obviously, I don't intend to litigate the question. But I am still hopeful enough that you will see the facts as they are. Yes, I wrote an article defending Joi against the scapegoating that he was suffering, especially after Farrow created the impression that he was acting rogue. But I did not — anywhere — ever try to "defend soliciting donations

from the convicted sex offender Jeffrey Epstein” or argue that “If you take Epstein’s money, do it in secret.” Those statements by your newspaper are plainly false.

Lawrence Lessig

Roy L. Furman Professor of Law and Leadership | Harvard Law School

1563 Massachusetts Avenue | Cambridge, MA 02138

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On September 20, 2019 at 12:40:41, Pollock, Ellen (ellen.pollock@nytimes.com) wrote:

Dear Professor Lessig:

I am the business editor of The New York Times and your note to Dean Baquet was forwarded to me. I have read your letter, and I read your piece on Medium very shortly after it was posted.

I want you to know that we take your complaint seriously. We have reviewed it carefully, and several other editors and I have discussed it at some length. While I understand your concerns, and the sensitivity and complexity of this topic, we continue to believe our q&a piece--in its entirety-- accurately conveys what you said in the interview with Nellie Bowles.

In both the Medium essay and your interview with this newspaper you made a number of different points on a complex issue. Not all of your points could be summed up in a headline or in one sentence. But it seems clear to us that you did defend Mr. Ito's actions in soliciting money from Epstein and you did say that if a university is going to take money from someone like Epstein, it's better to do so anonymously.

I know you are frustrated and I am sure you will be disappointed with this decision. And I am sorry you are unhappy about the article.

We appreciate the time you took to speak to our reporter.

Regards,
Ellen Pollock
Business Editor
The New York Times

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Willetts Magazine @WillettsMagazi1 · Sep 14

Replying to @dgp and @nytimes
Another solution: take away the tax exemption from bad actors. I don't know, like enablers of pedophiles? Like MIT? Harvard?

2

Relevant people

Dorrian Porter @dgp
Founder & CEO @ves the Board at Museum Design @sf_mcd. Org Imagination

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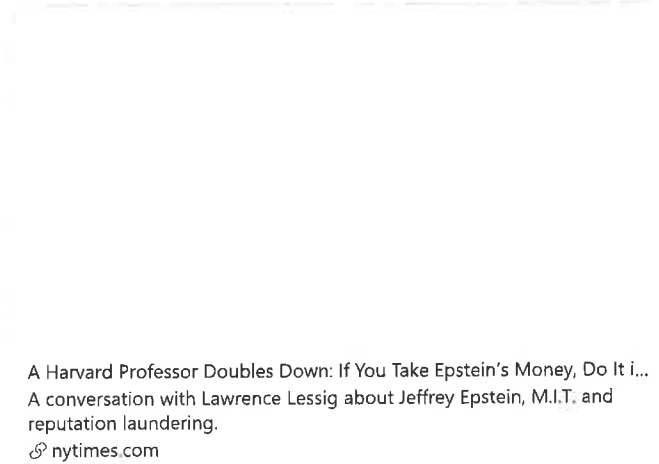
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Mark Kleiman
@markkleiman

Replying to @nytimes

So Ito thought Epstein would no longer be "sleeping with -- trying to seduce" 14 and 16-year olds. It's not seduction. It's RAPE. Now we know what Lessig really thinks of pedophilia. Wish @NellieBowles had pushed him on this wretched misogyny

10:54 AM · Sep 15, 2019 · Twitter Web App

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Mark Kleiman
@markkleiman

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Nellie Bowles
@NellieBowles

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Regarding this: ""If you're going to take the money, you damn well better make it anonymous"": There's NO WAY MIT would take the \$ openly from a notorious pedophile. HOW CONVENIENT to find an ethically acceptable means to take it anonymously.

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