

THE WALL STREET JOURNAL.

Managing Editor
1211 Avenue of the Americas
New York, NY 10036

February 12, 2010

Bill Keller
Executive Editor
The New York Times
620 Eighth Avenue
New York, NY 10018

Dear Mr. Keller:

I'm writing to alert you to a case of apparent plagiarism in The New York Times. As you'll see from the text below, a significant proportion of an article by Wall Street Journal reporter Amir Efrati was used verbatim, or near-verbatim, in a story by the Times' Zachery Kouwe, both online and in print. There was no general news release about this particular story and the Journal's coverage was informed by original reporting and a meticulous review of legal files related to the case of Mr. Bernard Madoff.

Mr. Efrati's Wall Street Journal story, titled "Madoff Sons, Brother, Niece Being Sued by Trustee for Victims" was published on Dow Jones Newswires at 12:25 p.m. on Friday, Feb. 5, and was published on WSJ.com shortly thereafter. At 2:31 p.m., Mr. Kouwe published a related, in fact, a remarkably related story. The examples below show the striking similarities:

Example 1:

Mr. Efrati wrote:

Mr. Picard said the family received about \$141 million in the six months leading up to Mr. Madoff's December 2008 arrest.

Mr. Kouwe wrote:

Mr. Picard said the family received about \$141 million in the six months leading up to Mr. Madoff's arrest in December 2008.

Example 2:

Mr. Efrati wrote:

The family members agreed not to transfer or sell property or assets valued at more than \$1,000 or incur debts and obligations greater than \$1,000 without approval of the trustee.

Mr. Kouwe wrote:

Under the agreement, the family members cannot transfer or sell property or assets valued at more than \$1,000 or incur debts and obligations greater than \$1,000 without approval of Mr. Picard.

Example 3:

Mr. Efrati wrote:

They are allowed to use credit cards for necessary living expenses. The defendants also will provide the trustee with an accounting of their expenditures, the orders say.

Mr. Kouwe wrote:

They are allowed to use credit cards for necessary living expenses. The defendants also will provide the trustee with an accounting of their expenditures.

Example 4:

Mr. Efrati wrote:

Last year Mr. Madoff's wife, Ruth, also agreed to an asset freeze as part of a separate trustee's \$45 million lawsuit against her.

Mr. Kouwe wrote:

Last year, Mr. Madoff's wife, Ruth, also agreed to an asset freeze as part of a separate trustee's \$45 million lawsuit against her.

Example 5:

Mr. Efrati wrote:

According to the trustee's lawsuit, son Andrew Madoff invested just under \$1 million into his Madoff investment accounts yet withdrew \$17 million through "brazenly fabricated transactions."

Mr. Kouwe wrote:

According to the trustee's lawsuit, Andrew Madoff placed just under \$1 million into his Madoff investment accounts yet withdrew \$17 million through "brazenly fabricated transactions" over the years.

Example 6:

Mr. Efrati wrote:

Peter Madoff invested \$32,146 into his accounts but redeemed more than \$16 million in similar fashion, the trustee said.

Mr. Kouwe wrote:

Peter Madoff placed just \$32,146 into his accounts but redeemed more than \$16 million, the trustee claims.

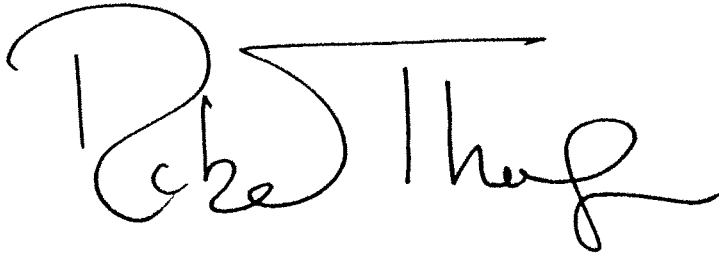
The full text of the Journal print-edition story, in which Mr. Efrati's piece was combined with news on Mr. Madoff's former apartment, here:
<http://online.wsj.com/article/SB10001424052748703894304575047302965403676.html>

The Times blog post and story may be found at:
<http://dealbook.blogs.nytimes.com/2010/02/05/madoff-family-members-agree-to-asset-freeze/>
<http://www.nytimes.com/2010/02/06/business/06madoff.html>

The extensive use of such similar phrases, without any attribution, is extraordinary. This is not a case involving a columnist with apparently perfect recall or a case of cryptomnesia, but one of fundamental journalistic integrity.

Clearly, we expect that The New York Times will run a correction and publically acknowledge the source of the published material – that source being The Wall Street Journal.

Yours,

A handwritten signature in black ink, appearing to read "Robert Thomson". The signature is fluid and cursive, with a large initial "R" and "T".

Cc: Clark Hoyt, Public Editor, The New York Times
Larry Ingrassia, Business Editor, The New York Times
Philip Corbett, Deputy News Editor, The New York Times

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