

PI (and SI) at the New York Times – or why is it that when A is B, and B is C, A is not C?



by Lev Tsitrin

It is not vanity that causes me to introduce a brand-new term – PI – into the English language, but the urge to explain a fascinating feature of journalism as practiced by the *New York Times*. Computers have AI – Artificial Intelligence. What does the *New York Times* run on? I'd argue that its platform is PI – Political Intelligence.

It is not easy to understand either of those kinds of intelligence. To figure out AI, one needs at least a PhD in

computer science, plus a good deal of imagination – and even then, doubts about the actual “intelligence” of AI will still linger. AI defies basic logic because a computer is a deterministic system while thinking is not a deterministic process, so a thinking machine seems to be an oxymoron, PI presents an equally deep paradox, causing the *New York Times* to not report what according to itself, it should be reporting, the best manual on PI that I know of being Orwell’s *1984*, though my personal path to learning about it was through a great many attempts to reach the *New York Times* – via phone, e-mail, twitter, picketing in front of its office building, and an occasional live conversation with their reporters in my (futile so far) effort to make it cover judicial fraud. The paper proved as inaccessible and impenetrable as Kafka’s *Castle*.

Let me elaborate. I expected the *New York Times* to champion my astonishing discovery: while the Constitution grants us “due process of the law” that should guide the courts, in reality this “due process” does not exist. Forget the “due” part – there is no “process.” You pay a ton of money to a lawyer to put together an argument for you, naturally expecting that the “process” will consist of judge evaluating it against the counter-argument presented by the opposing party – but nothing of a kind happens: the judge evaluates not the argument given to him by parties, but judges’ replacement of that argument with judges’ own, bogus one. Judges cut “process” at the knees, making you stand in court not on the firm ground of facts, law, and logic, but on the quicksand of judge’s whim. There is no rule of law – just the arbitrary rule of judges.

Mainstream press would have nothing to do with this, however. Perhaps, journalistic reluctance to delve into the subject was due to time-consuming complexity that involves delving into the lawyers’ briefs and comparing them to the judge’s decision? That’s a reasonably good excuse, but not a satisfactory one, given that judges’ justification for

scrapping “due process” was openly stated in *Pierson v Ray* in which judges gave themselves the right to act from the bench “maliciously and corruptly.” It takes a mere second to absorb this stunning fact (which, moreover, easily fits in any front-page headline, even using the largest font). And yet, through some mental contortions (which I call “PI”) the reporters manage to evade their journalistic duty to report to the public judges’ gross abuse of power.

One may argue that perhaps journalists think that this is not an abuse, but is how it ought to be – that judging must be arbitrary for there to be justice at all, judges knowing better than us what is right and what is wrong, what is good for us and what isn’t, “due process” being up to them to define as they see fit at any given moment and as it suits their, incomprehensible to us, but undoubtedly higher purpose perceived by their superior wisdom even while to us, lesser creatures, it may seem “corrupt and malicious”? Well, after reading [a recent report](#) by *New York Times*’ Supreme Court correspondent Adam Liptak, I don’t see how they can use such an excuse at all. Mr. Liptak discussed a free speech case that was previously shelved by the Supreme Court because – guess what? as the late Justice Ginsburg observed, the lower court “had tried too hard to reach out to decide the First Amendment question, which had not been raised by the parties, including by soliciting friend-of-the-court briefs. ‘The appeals panel departed so drastically from the principle of party presentation as to constitute an abuse of discretion,’ Justice Ginsburg wrote.”

My jaw dropped when I read this – she literally quoted me! In my case, judges also “tried too hard to decide the First Amendment question” – so hard, in fact, that they also concocted their own argument! Justice Ginsburg clearly agreed with me that judges’ replacement of parties’ argument is inadmissible – though I don’t really know what she meant by judges’ “discretion” – to have the “rule of law” rather than

the “rule of judges,” judges shouldn’t have any “digression” to deviate from parties’ argument.

Since the late Justice Ginsburg was saying *exactly* what I am saying – and right in the *New York Times* – it was only natural that I e-mailed them again to point to this fact, and to again suggest that they cover judicial fraud. As before, there was no reply.

Now, this is obviously absurd – it is as if to the *New York Times*, when A is B, and B is C, A is not C.

So it is not logic that guides *New York Times*’ reporting. What is its drive? Well, here comes my great discovery: the paper is guided by PI, Political Intelligence, which tells it that of all branches of government, the judiciary should be left uninvestigated and uncriticised. The *New York Times* will investigate legislators (as Congressman Santos – is he still a congressman? – knows by now all too well); it will investigate the executive branch (as the former President Trump knows too, and as President Biden may start to learn). But investigating *judges* for how they conduct business, and come up with their decisions? Heaven forbid!

This is a very astute move: judges can give journalists an awful lot of trouble if journalists don’t behave – it would be sufficient to review such shady decisions as *New York Times v Sullivan* (which treats newspapers’ lies as protected speech), or *Miami Herald v Tornillo* (which permits the papers not to publish what they don’t want to publish – even replies to slander by the paper itself). Those are extremely valuable legal perks, so why rock the boat? Journalistic PI – Political intelligence – follows journalistic SI – Self-interest.

Ironically, much of the *New York Times*’ Middle East coverage nowadays is dedicated to judicial reform pushed by the new Israeli government. Israel’s judiciary is messed up in its own unique way (though with the same purpose of letting judges

decide cases arbitrarily) – but unlike the Americans, Israelis had enough, and broke the taboo on keeping judges in unthinking reverence and out of the pages of their papers – the latest issues of the *Jerusalem Post* carrying three or four opinion pieces each day, fiercely debating the issue; and there are huge street demonstrations across the country too, both supporting and opposing the planned judicial reform. To the Israelis it is clear that their judicial system is broken and no longer renders justice – and they are willing to openly talk about it. Well, Israelis may be too simple-minded – or they take democracy more seriously than we do, expanding it to mean public's power to control the judicial branch of government, rather than letting judges rule arbitrarily under the pretext of some superior wisdom, as we let them do.

So far, Americans didn't allow themselves to think along similar lines. Without the mainstream press, there is no discussion and debate, and American press is guided by Political Intelligence that is, in turn, attuned to its corporate Self-Interest – hence, it won't do it. In fact, papers will go into every kind of mental contortion in order to not raise the issue of America's "corrupt and malicious," unprocedural, arbitrary judging. The *New York Times'* PI will cause it to tolerate obvious absurdities – A will not be C when A is B, and B is C.

Orwell put the mathematics of PI somewhat differently in his *1984*, in the scene in which O'Brien tortures Winston into seeing what the party ideology demands him to see rather than what he actually sees – a skill that O'Brien himself honed to perfection. "How can I help seeing what is in front of my eyes? Two and two are four." "Sometimes, Winston. Sometimes they are five. Sometimes they are three. Sometimes they are all of them at once." Of course, "four, or five, or three, or all of them at once" is what everyone sees in unfree societies – they know to look through the lenses of PI to avoid the pain. Heaven forbid a Russian says that Russia wages war

against Ukraine, or an Iranian says that ayatollahs cannot possibly have a clue of what they are talking about because no one can possibly know whether God talked to Mohammed and the regime is not God-sanctioned, but merely idolatrous!

The *New York Times* is admittedly kinder and gentler than the Communists and the ayatollahs (besides, it has no ability to torture the dissenters). It simply ignores the pleas to report what actually happens. Like Orwell's O'Brien, it does not see that what contradicts its ideology and interests. Its PI is laser-focused on keeping intact press' court-given power to shape the public opinion – and the future of the country, garnering political influence in the process – and a goodly profit. “The object of power is power,” Orwell's O'Brien observed, and “Power is in tearing human minds to pieces and putting them together again in new shapes of your own choosing” – which the *New York Times* does rather more subtly than Orwell's O'Brien did to Orwell's Winston, but does nonetheless – by feeding us “all the news editors see fit to print” while, in a typical Orwellian fashion, they claim their mental diet to be “all the news that's fit to print” – a brazen lie, given for instance the paper's refusal to shed light on judicial fraud.

Thus, no amount of truth, fairness and logic can overcome the *New York Times*' PI – the all-powerful drive that, if needed, makes it see “four, or three, or five, or all of them at once” – and never-ever see the officially “corrupt and malicious” judging that is routinely practiced by courts. As a result, we as a society – as collective Winstons whose minds are shaped by the collective media O'Briens – do not see it, either. But – never say “never.” Who knows, may be the Israelis who broke their taboo and started seeing their judiciary for what it is, will help us break our taboo on seeing judicial fraud, too?

Lev Tsitrin is the founder of the Coalition Against Judicial Fraud, cajfr.org