On May 13, 2009, we received an email from Beck O'Malley threatening legal action if we publish her emails to us.

For that reason, we are replacing her emails below with our fair summaries of their content. John Gertz's emails remain unedited and uncensored.

On Thu, Oct 23, 2008 at 3:39 PM, John Gertz <johngertz@aol.com> wrote:

BECKY,

I APPRECIATE THAT YOU DID NOT LIKE ME CALLING YOU A LIAR IN MY LAST LETTER, AND HENCE LEFT IT UNPUBLISHED. SO I HAVE REMOVED THAT OFFENSE, AND BROADENED THE REST IN LIGHT OF TODAY'S ISSUE OF THE DP. BUT IN ALL FAIRNESS, YOU REALLY MUST PUBLISH THIS ONE.

JOHN

Editor,

In her October 9 editorial Becky O'Malley claims that "We [the Daily Planet] don't print unsigned or anti-Semitic letters." Is O'Malley kidding us?

As for unsigned letter, O'Malley published one in her October 23 edition. Well, it was not totally unsigned. It was an anti-Israel article ostensibly "by" a group called "Bay Area International Jewish Anti-Zionist Network." A search of the web finds that this group was formed only in early October of this year, with an anonymous Berkeley membership. Their kick-off event was a demonstration in Oakland. Pictures posted on their website show about ten people in attendance, some clearly not looking Jewish (Black, Chinese, etc.). In reputable newspapers, even letters and articles by well-known groups, such as the Sierra Club, are signed by their actual authors, usually an executive director or board president. Respectable newspapers would never publish a manifesto by an anonymous author under the rubric of a brand new group with an anonymous membership. But O'Malley, in exact contradiction to her vow not to publish unsigned letters, went ahead and did exactly that.

As for anti-Semitism, does O'Malley not remember the infamous letter she published from an "Iranian student living in India"? For those who may not recall this calumny, here's an excerpt:

"One should ask why anti-Semitism has persisted throughout the centuries… One can ask why Jews were enslaved by Babylonians. Also, one can ask why Jews had problem with Egyptians, with Jesus, with Europeans, and in modern times with Germans? The answer, among other things, is their racist attitude that they are the Chosen People." Because of this attitude, they do wrong to other people to the point that others turn against them, namely, become anti-Semite..."

This outrage brought upon the Daily Planet well-deserved opprobrium from all quarters. The only person to publicly stand with O'Malley was one of her own reporters, whose defense O'Malley improperly published in the letters section of her newspaper without properly identifying its author as an employee.

Shoddy journalism is a hallmark of O'Malley's Israel obsession. O'Malley once appointed Henry Norr, a well known anti-Israel activist, as her "Middle East reporter," ignoring a basic tenant of journalism that a reporter should be an observer and not an actor in the story that he covers. The op-ed section, and not the news section, was the right place for Norr. After she was criticized for this, O'Malley has subsequently let Conn Hallinan do much of her dirty work vis-à-vis Israel in his regular DP column. A strident ideologue, the high point of Hallinan's journalistic career was a long stint as editor of the Communist Party's "Peoples World Weekly." Working for the Daily Planet probably represents a nadir.

O'Malley seems utterly obsessed with demonizing Israel. While there has been hardly a word printed in the DP about actual oppression in Darfur, Tibet, China, Russia, Burma, Saudi Arabia, Zimbabwe, Egypt, or North Korea, the DP has published endless pieces alleging Israeli misbehavior. Why? I am not O'Malley's psychiatrist, so I don't have an answer. I only wish she did not abandon every norm of responsible journalism in the process.

Signed,
The International Committee of Jews Against Shoddy Journalism, Berkeley Chapter (just kidding),

John Gertz
Berkeley

-----Original Message-----
From: Becky O'Malley <bomalley@berkeleydailyplanet.com>
To: John Gertz <johngertz@aol.com>
Sent: Thu, 23 Oct 2008 3:41 pm
Subject: Re: Letter re: Standards of Journalism

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley didn't receive anything.

On Fri, Oct 24, 2008 at 8:57 AM, John Gertz <johngertz@aol.com> wrote:

Becky,

My sincerely apologies. A version of the letter below was sent about ten days ago, but I now see that I mistyped the email address, and it bounced back.

As you can see with my letter below, my main beef is not with the content of the latest anti-Israel op-eds, but with the DP's standards of journalism. Probably, everyone in town has by now seen

the email from that reporter who quit. I received it from four different and unrelated sources. It points to the same set of issues. Reasonable people can differ about your belief system, but my core complaint is about your incredibly low journalistic standards, at least when it comes to things issues related to that belief system. If you are pro-Hahn, you unfairly tilt your paper accordingly. If you are pro-Worthington, you make sure that everyone in his district receives the DP on their doorstep endorsing him. If you are anti-Israel, then you do publish unsigned letters. In these ways, and many others, you are abusing your power as the only paper in town.

On the issue of anti-Semitism, I didn't hammer you on the Graham piece. I am a secular Jew, so I am not qualified to pass judgment on the practices of the Orthodox. However, I think that Graham's piece essentially echoes Louis Farrakhan in calling Judaism a "gutter religion." I will be interested to see if various rabbis respond accordingly by shouting "anti-Semitism." If they don't, it is only because they aren't reading the DP.

I am always happy to meet and discuss.

Best,
John

-----Original Message-----
From: Becky O'Malley <bomalley@berkeleydailyplanet.com>
To: John Gertz <johngertz@aol.com>
Sent: Fri, 24 Oct 2008 10:22 am
Subject: Re: Letter re: Standards of Journalism

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley claims that she does not know Graham. She believes that Judith Scherr is insane and she belonged to fringe groups that were even nuttier than Hallinan's. O'Malley loves to publish Gertz's pieces because then all of her Jewish friends tell her how ashamed they are of him.

On Thu, Nov 13, 2008 at 3:49 PM, John Gertz <johngertz@aol.com> wrote:

Becky,

I note that indeed you did not publish me, despite the fact that I was able to prove the veracity of all challenged statements.

More surprising still, you declined to publish a correction regarding the unsigned letter.

I am out of town through Monday, but when I return I will begin work on an advertiser supported website dedicated to "truth-squading" the DP. How the site evolves will be interesting to see. I don't know myself. But it will definitely be scrutinizing every bit of the DP and not just inaccuracies related to issues of concern to me.

In a way, you should welcome this. Your paper will have to respond by increasing your accuracy and standards of journalism. It will be a pleasure to

> have you put me out of business, because my editorial staff can no longer find anything amiss.
>
> John

On Fri, Dec 12, 2008 at 12:28 PM, John Gertz <johngertz@aol.com> wrote:

Becky,

I have once again been libeled by your newspaper. I am a respected businessman whose good name is imperative, and you have once again published letters in which I have been deemed a racist. With a heavy heart, I must insist that you publish the following. Failure to give me the right to respond will result in an immediate lawsuit. As a businessman, I have learned never to say anything I do not mean. For example, I told you recently that I am launching a website, and I am, though to do it right will take some further months of prep. That's why I asked you for Conn Hallinan's contact info, so that I can get his official bio for posting and to discuss mechanisms to fairly fact check him. That website is not meant to compete with the DP, bu t merely to fact check it. Here at Zorro Productions, we have our own in house general counsel (copied here), who handles a lot of litigation, albeit, mostly in the area of copyright and trademark infringement. I will, without hesitation, direct this matter to her desk if I am not allowed to redress the charges leveled against me by your paper.

Finally, you will note that in the last paragraph of my piece I suggest that Mr. Labrat may not be Jewish, as claimed. I would prefer that you ask Mr. Labrat to substantiate his claim that he is Jewish before publication. If reasonable substantiation is forthcoming, I will gladly strike the suggestion.

Editor,

The latest issue of the Daily Planet has published two letters which engage in nothing short of defamation of my character. Let's examine each in turn. First, I quote Steve Reichner's letter in its entirety:

"So John Gertz is upset that someone has called him a racist. The poor fellow. John Gertz, who plays whack-a-mole with the Mideast, slapping down with charges of anti-Semitism anyone who stands up to disagree with him on Israel. John Gertz, who believes views that disagree with his own should not be published. John Gertz, who accuses the Daily Planet of bias against Israel though they publish every mean-spirited tirade he can muster against those who disagree with him. John Gertz, who casts all Palestinians into the same mold, as bomb-throwing, Israel-hating terrorists. Cry me a river, John Gertz. "

The problem with this letter is that it is factually wrong in each and every allegation. I have not denigrated anyone with the charge of anti-Semitism because of their anti-Israel stance. Indeed, in scrutinizing the DP archives to search for anyone who I have accused of anti-Semitism, the results show the following: four years ago, I took issue with one of de Freitas' cartoon which clearly employed classic anti-Semitic imagery of the Jews controlling the world (though de

Freitas claimed the use was inadvertent). 20And I have also critiqued that now infamous op-ed that the DP published by Kurosh Arianpour, "an Iranian student living in India." Even editor Becky O'Malley acknowledges this commentary to be anti-Semitic, but which she says she printed anyway "in the interests of free speech." Should anyone doubt me on the above, do please examine the newspaper's archives which can be found on line. If I have called someone an anti-Semite for their anti-Israelism, just who would that be?

As a point of fact, the DP does not publish my every "mean-spirited tirade" as Reichner asserts. Personally, I don't think they are mean-spirited tirades, but well reasoned tomes. Nevertheless, tirades or tomes, some of my best pieces have been left unpublished. The Daily Planet only publishes about a half to two-thirds of what I submit.

Finally, readers will search the archives in vain for any instance where I have "cast all Palestinians into the same mold, as bomb-throwing, Israel-hating terrorists."

In sum, Reichner's accusations are complete fabrications and fictions.

My core complaint here is not against an unhinged letter writer, but with the Daily Planet that would print such a calumny, when its editor has her own archives at her very fingertips, and could have ascertained in a moment that the charges leveled were false in every way. So why publish hateful defamation? Is this a responsible use of the power entrusted in Berkeley's paper of record? Remarkably, in the very same issue, O'Malley wrote in her editorial, "if citizens can't engage in rational civil discourse in print, all that's left is shouting at one another over the radio. Some have high hopes for the Internet, but a quick glance at the quality of the reader comments on sfgate.com will disabuse you of that fantasy." I ask O'Malley, pointblank: just how does Reichner's letter in any way rise to the standards you claim for the Daily Planet?

Personally, I do not believe that O'Malley's choice to publish Reichner's canard is inadvertent, or represents a simple laziness to check facts. I ask the reader to check the archives for a piece written by Howard Glickman in the August 8, 2006 issue. Responded to a recent O'Malley anti-Israel editorial, Glickman argued persuasively that O'Malley had uncritically embraced Hizbollah propaganda. Glickman pointed out that O'Malley appeared to know little about the American Revolution when she insisted that, like Hizbollah, American troops hid among civilians (they did not), and that the British, nevertheless, did not bombard civilians (they did). The key point is that somehow O'Malley chose the curious headline for this article, "Criticizing Israel = Anti-Semitism." This would seem an odd choice, since Glickman accused neither O'Malley nor the Daily Planet of anti-Semitism. In fact, the term appeared nowhere in Glickman's article. O'Malley's headline was apparently chosen in order to dismiss the author by this logic: All of Israel's supporters believe that anyone who criticizes anything about Israel must be driven by anti-Semitism. Reasonable people know that criticism of Israel is not always anti-Semitic. Therefore, anyone who criticizes someone who criticizes Israel must be a paranoid Zionist, and reasonable people should not listen to that person. O'Malley thus cynically attempted to inoculate herself from a valid critique. Now the same tactic used against Glickman is being

used against me when O'Malley published Reichner's claim that I am crying anti-Semitism when she either knows, or should know, that this is totally false.

The second letter which libeled me was by Dunash Labrat, who persists in calling me a racist. My sin was to notice that some of the members of a brand new group, Bay Area International Jewish Anti-Zionist Network, are apparently non-Jews, and to wonder aloud just what proportion of this "Jewish" group is actually Jewish. Afro-Americans and Chinese Americans have every right to be anti-Zionists. But it is wrong to claim that they are Jews when they are not. The sole point that I have been trying to make is that when anti-Zionists claim that they are Jews they are obviously using that claim to bolster their anti-Zionist credentials. After all, shouldn't all reasonable people hate Israel if Jews do too? Labrat, a founding member of this group, himself claims to be an Israeli Jew of Sephardic descent. He incoherently dredges up 60 year old quotes (or misquotes) to prove how racist the Ashkenazis of today are toward Sephardim. He seems unaware that the intermarriage rate between Ashkenazi and Sephardic Jews has been above 25% for years, such that the distinction between the two has now largely disappeared in favor of a single new Israeli society. If you recall American history, in the early days there were strong distinctions between Germans, English, and Irish immigrants that mean almost nothing today. Why would Labrat not know this? Has he lived in America too long? Adding to this mystery, unlike the names of almost all Sephardic Jews, neither his first nor his last name is Hebrew. They are Arabic. Of course, we have a president elect whose first and middle names are Arabic, while he, himself, is neither Arab nor Muslim. So names can be anomalous. There was, in fact, an obscure 10th century Jewish grammarian with a similar name, but that was in an era when Jews commonly took Arabic names (much like American Jews often bear English names). However, in Israel today, it is almost unheard of for a Jew to have an Arabic first or last name, much less both. Three Israelis I have asked in the last 24 hours have told me that they have never in their lives heard of an Israeli name like that. Could it be, like other members of this "Jewish" anti-Zionist group that Mr. Labrat is only masquerading as a Jew? I only ask.

John Gertz
Berkeley

From: "Becky O'Malley"
Date: Fri, 12 Dec 2008 15:19:25 -0800
To: John Gertz<johngertz@aol.com>
Subject: Re: Reichner/Labrat

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley points out to Gertz that it will be impossible to prove libel since he is in fact a racist. O'Malley says she will no longer publish Gertz. She dares him to prove that he is Jewish. She refuses to give Gertz Hallinan's contact info, but says she will pass the information along.

On Fri, Dec 12, 2008 at 4:17 PM, <johngertz@aol.com> wrote:

Ok, then let's do this in court.
John
Sent via BlackBerry from T-Mobile

-----Original Message-----
From: Becky20O'Malley <bomalley@berkeleydailyplanet.com>
To: johngertz@aol.com
Sent: Fri, 12 Dec 2008 4:22 pm
Subject: Re: Reichner/Labrat

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley instructs Gertz in the fine points of libel law, tells Gertz to speak with his in house counsel, and insists that before filing a suit he must make a demand for a correction.

On Sun, Dec 14, 2008 at 10:52 AM, John Gertz <johngertz@aol.com> wrote:

Becky,

Will do. As I said, I am out of town until Tuesday. She'll get the file on Wednesday. She probably would not file a complaint until next week at the earliest, and as I said, because she is no expert in libel, may punt to outside counsel. You can certainly have your attorney call her any time after Wednesday. She is Susan Berger, who can be reached at our main number, 510-548-8700.

My original email in this chain was not a threat, but rather a warning and demand. You do not print everything I write. When I write an opinion piece, then as editor it is your choice whether to accept or reject anything it. However, my cover note to the piece I have just submitted was intended to put you on notice that printing or not printing the letter was not an option available to you. This is precisely because your paper published a piece by Reichner that was so at odds with the plain and undisputable facts, not subject to the claim of opinion. To have published it in the first place was irresponsible, but to refuse to publish my response (which, if I understand you correctly, you have now done),constitutes a tortuous act of libel. This is on top of and in addition to allowing writers to call me a racist, which, although, strictly speaking, may be a matter of someone's opinion (I'll let the lawyers sort that one out), demands the right of a response.

John

On Sun, Dec 14, 2008 at 11:53 AM, Becky O'Malley
<bomalley@berkeleydailyplanet.com> wrote:

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley tells Gertz that she still has no idea what he is complaining about. She wants to know what facts are wrong.

-----Original Message-----
From: Becky O'Malley <bomalley@berkeleydailyplanet.com>
To: John Gertz <johngertz@aol.com>

Sent: Sun, 14 Dec 2008 12:04 pm
Subject: Re: Reichner/Labrat

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley gives Gertz legal advice regarding libel law in California.

On Sun, Dec 14, 2008 at 3:16 PM, John Gertz <johngertz@aol.com> wrote:

Becky,

I believe that my letter is completely clear as to the misstatement of facts. But, to avoid any doubt, here is Reichner's letter, taken sentence by sentence (his words underlined, followed by my comment):

So John Gertz is upset that someone has called him a racist. He, in essence, is calling me a racist, and you, in your correspondence, back him up in this. The point of my criticism of the Jewish Anti-Zionist Alliance, is that they should not call themselves Jewish if they are not. They were the ones who called attention to race (Jewish), not I. I would have been satisfied if they called themselves the "Anti-Zionist Alliance," without referring to race, and then they could legitimately have whatever mix of Jewish and non-Jewish membership they wanted. When they emphasize race as a prerequisite for membership they are trying to make a very important political point, namely, that Jews hate Israel. This may be very misleading advertising, if their membership is not Jewish as claimed. Certainly you are aware of how painful it is to most blacks to have Clarence Thomas on the bench. Similarly, it is particularly painful for Jews to encounter authentically Jewish anti-Zionists (and there are some in Berkeley, to be sure), but unnecessarily painful when they are merely masquerading as Jews. This analysis hardly calls for a charge of racism to be leveled against me, but I guess that will be for a court to decide. The same comment applies to the totality of Labrat's letter.

The poor fellow. John Gertz, who plays whack-a-mole with the Mideast, slapping down with charges of anti-Semitism anyone who stands up to disagree with him on Israel. I have not charged everyone with anti-Semitism who is against Israel. You have published many pieces that I

have written challenging Graham, Hallinan, yourself, and others and there are pieces that you have not published. Where have I accused any of them of anti-Semitism because of their anti-Israelism? If you cannot find instances, then the statement must be false.

John Gertz, who believes views that disagree with his own should not be published. Where have I ever indicated that anyone who disagrees with me should not be published? If you cannot find instances, then the statement must be false.

John Gertz, who accuses the Daily Planet of bias against Israel though they publish every mean-spirited tirade he can muster against those who disagree with him. The DP does not publish everything I submit. Far from it.

John Gertz, who casts all Palestinians into the same mold, as bomb-throwing, Israel-hating terrorists. Where have I ever indicated that all Palestinians are bomb-throwing, Israel-hating terrorists? If you cannot find instances, then the statement must be false.

Cry me a river, John Gertz. No comment.

Becky, now you have a complete statement of the incorrect statements that were made about me in the last issue of the DP. The letter that I wrote in response, and which you apparently refuse to publish, would have set the record straight. Many other incorrect statements were made in previous issues. For example, you might recall the time when in a front page article I was accused of unduly influencing School board members to appoint my candidates for Peace and Justice. This despite the fact that I had never then, and to this very day, have never even met a school board member or corresponded or spoken with one.

John

Omally's response:

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley insists that Reichner's letter is pure opinion, and fully protected.

On Thu, Jan 29, 2009 at 5:51 PM, John Gertz <johngertz@aol.com> wrote:
Becky,

I promised a response to you on the issue of filing a libel suit. You already know the laws well, so I won't go into the detailed legal advice I have received. Bottom line: I would probably win, but it would be expensive, time consuming, and there are SLAPP landmines. So, no suit for now.

The proposed website is well advanced in planning. We expect to be up and running around March 15, with a marketing campaign to begin about a week later.

I attach a first draft of the section that will probably be the most concerning to you, relating to anti-Semitism and the DP. I am doing this in the interest of fairness, and I am open to your reasonable comments (though I would appreciate it if you did not threaten to slap me again).

Note, that this is just a draft. In its final form, it will look less like a report and more like a website, with lots of hyperlinks and sub-pages.

Other sections:

"Mission Statement:" attached here also.

"Rogues Gallery:" Bios on the main characters: you, Hallinan, Defreitus, Joanna Graham, Norr, ISM etc.

"So Dark the Conn of Hallinan:" Analysis of Hallinan's wirtings.

"Journalistic Malfeasance." Assorted cases of alleged misbehavior unrelated to the issue of Israel or the Jews.

"Kudos Corner." Reserved for compliments for when the DP gets it right.

In return for this courteous (I think) heads up, I would like to ask in return that you provide me with your short biography for posting, and help us contact Hallinan to get his. Otherwise, we will just post we can piece together from public sources.

Best,
John

-----Original Message-----
From: Becky O'Malley <bomalley@berkeleydailyplanet.com>
To: John Gertz <johngertz@aol.com>
Sent: Fri, 30 Jan 2009 4:34 pm
Subject: Re: My DP Website/Libel Suit

CENSORED by order of Becky O'Malley

DPWatchDog Summary: `O'Malley informs Gertz that his website plans are insane and issues a not so subtle threat by telling him to seek legal advice.`

On Tue, Feb 3, 2009 at 5:22 PM, John Gertz <johngertz@aol.com> wrote:

> Becky,
>
> I received two pieces of news today that seem intertwined.
>
> First, you have lost your major advertiser, Elephant, to bankruptcy.
>
> Second, I have learned that some people are planning to use my research, once I release it, to go after your few remaining advertisers. This puts me in a difficult position. On

the one hand, I believe that this information needs to be out there to refute all the little "lies" lest they metastasize into the "big lie." But on the other hand, I really do not want my company's forthcoming website to be used to force you out of business. As I have often said, the DP, if properly and responsibly managed, could be an important civic institution. Therefore, I plead for reform, not closure.

Maybe we should have lunch again. I'd even pay if you promise not to bring Annette [Herskovitz] or some other "Middle East advisor." The idea is to discuss ways by which we might all win. I can even imagine Berkeley's large Jewish community (you only seem to know a its most radical members--a very small minority) over time could come to feel a sense of pride in our city's paper, and develop a sense that it deserves full moral and financial support. As it is, at least in the circles in which I travel, few people admit to even reading the DP. The most common comment is that they are too disgusted to open it. That can't be good for business.

On a pleasant note, my ZORRO musical, currently running in London, with an original score by the Gipsy Kings, has today received the following FIVE OLIVIER nominations:

Best Musical
Best Actor in a Musical - Matt Rawle
Best Actress in a Musical - Emma Williams
Best Supporting Role in a Musical - Lesli Margherita
Best Choreographer - Rafael Amargo

No other new musical has received more nominations, though Jersey Boys also received five.

I am the lead producer. Maybe there is a story there: Local boy makes good.

So, lunch?

Best,
John

-----Original Message-----
From: Becky O'Malley <bomalley@berkeleydailyplanet.com>
To: John Gertz <johngertz@aol.com>
Sent: Tue, 3 Feb 2009 9:29 pm
Subject: Re: Lunch?

CENSORED by order of Becky O'Malley

DPWatchDog Summary: O'Malley insists that her Jewish friends are not radicals. She declines Gertz's lunch invitation.

On Wed, Feb 4, 2009 at 11:16 AM, John Gertz <johngertz@aol.com> wrote:
Becky,

No lunch? More's the pity. I think that I am polite and thoughtful, and make good and interesting company.

On the subject of your Jewish friends, I also have Jewish friends. When you went to your friends to ask for 10 buck subscriptions to keep you afloat, not a whole lot of them seem to have obliged. When I recently went to my mostly Jewish friends, mostly in and around Berkeley, and asked for $11 million so I could open a musical in London, about 50 of them immediately came forward to write checks.

The point is that you may think that you have more friends than you do, or perhaps the quality of these friendships may not be what you think they are. Friends don't leave friends high and dry in their hour of need.

Doing the math derived from your recent editorial, you are losing about $500,000 per year at the DP, give or take 100K. This is exactly in line with my independent estimates. It's easy enough to calculate. Your business divides roughly into thirds: printing, labor, and overhead. Printing is covered by ad revenue (or it was covered before the Elephant bankruptcy), labor and overhead are not covered. Since you name your labor costs at $250K, the rest is easy to figure.

You are a wealthy woman and can afford to go on losing money for as long as you like. But why not stop and take a big breath and ask if maybe you are thinking about the problem in the wrong way. Maybe, instead of publishing a paper that properly (I think), or improperly (you think) offends the most affluent and influential part of Berkeley, setting Berkleyans at each others throats, you might morph into a paper that we can all get behind and support.

Best,
John