

Editor's Note: Below is the text of a statement received from Larry Ingrassia, business editor for The New York Times, regarding Eichenwald's work on the Jason Berry story:

Oct. 5, 2007

Kurt Eichenwald's story about Justin Berry underwent unusually intensive editing. In addition to the editorial attention we normally devote to a long, complicated investigative piece, this project got extra scrutiny – from editors and from the legal department – because of the extremely sensitive nature of the material, and because of the complications of dealing with a central figure, Justin Berry, who was at various points a source, a victim and an admitted perpetrator. To lay out for readers the complex nature of the story and the precautions we took, we agreed to provide an account of how the story developed. That back story, which ran on the website, included everything that Kurt had disclosed to us at the time about his role.

Kurt was an experienced investigative reporter with a record of distinguished work for The Times over two decades. While editors closely scrutinized the story before publication, we trusted him to disclose all pertinent information about it; he had never given his editors any reason to doubt his reporting or his reporting techniques. Reporting on a disturbing subject – war, terrorism, child pornography – can be physically and emotionally taxing, of course. But Kurt had a long history of working on challenging topics, and his track record gave us no reason to doubt his ability to handle this story.

In early July 2005, when Kurt first told us he was working on this story, I alerted senior editors and Times lawyers. From that point on he had extensive discussions with Times lawyers and editors about what he could and couldn't do in pursuing the story because of the sensitive nature of the subject and the legal issues. We had many conversations about reporting procedures, and he appeared to be scrupulous about seeking approval for such actions as flying Justin Berry to Dallas, where, according to Kurt, he would stay with relatives. Because these discussions about reporting procedure were frequent and extensive, we had no reason to doubt that he was telling us everything he was doing.

No one involved in this story can recall Kurt suggesting that this was anything other than a journalistic endeavor. Although he talked of his protective feelings toward minors lured into the world of pedophilia, Kurt didn't indicate to any of the several editors who worked on the story that he was doing anything other than reporting a story.

The subsequent disclosures about pseudonyms and payments have been disturbing, and we have said so. [See the Editor's Note of March 6, and the article published August 8.] Kurt's behavior, and particularly his failure to be candid with his editors, violated the paper's standards. As Bill Keller said in August, had we known of the payments at the time the stories were in preparation, we would have assigned another reporter to verify

the work. We continue to monitor the information emerging in court to see whether it calls into serious question the integrity of the story itself.

To date, while Kurt's behavior has been challenged, his account of how minors can be exploited by customers and operators of pornographic websites has stood up.

Although two of the men implicated in Kurt's story have tried to argue that his reporting was a form of entrapment, it is important to note that both have been successfully charged with child pornography crimes that predate Kurt's involvement. One of the subjects of the story, Gregory Mitchel, pleaded guilty to four charges related to child pornography, including some dating back to May 1, 2003, well before any reporting began on our story. Another subject, Tim Richards, was convicted of 11 child-pornography charges, some going back to 2000 involving various websites predating the Justin Berry site that figured in the article.

FYI, I ran this response past Bill Keller and others who were involved in the coverage, and they agree it is accurate.

Larry Ingrassia
Business editor