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Ira Glass
Via E-mail and Certified Mail
This American Life
153 West 27th Street, Suite 1104
New York, NY 10001

Dear Mr. Glass,

I am a law professor and lawyer, licensed in Georgia and Massachusetts, who represents Judge Amanda F. Williams, the subject of your "Very Tough Love" program on This American Life that apparently first aired on or about March 25, 2011. As you put it in your broadcast (later committed to writing in the transcript posted on your website), "Today we're devoting our entire show to the story of one judge and one drug court. The Judge is Amanda Williams, chief judge of the superior court of Glynn County, Georgia. She runs the drug programs in Glynn, Camden and Wayne counties. And she runs them very differently than other drug court programs around the country." You went on to state, "This is the story of what happens when a judge takes that power and starts doing things other drug courts don't. Things that violate the basic philosophy of all drug courts. After months of investigation, I believe it's likely that no other drug court judge in the country running a program like Judge Amanda Williams'."

As you well know, to support your story, you primarily used statements from or reports about five individuals, Lindsey Dills, Brandi Byrd, Charlie McCullough, Alisa Branch and Kim Spead, all of whom are participating or formerly participated in the drug court programs supervised by Judge Williams. You acknowledged the limited universe of sources you relied on for your story, but you excused yourself by saying that "it was unusually hard to get people to talk to me for this story [because] the lawyers or litigants involved [woul]d refuse to speak to me. Saying they were scared of retaliation. . . . [T]hey felt so embattled, so unfairly attacked, drug court staff, counselors, and lawyers declined my repeated requests for interviews. They acted like people under siege," implying that Judge Williams was pressuring them to keep public scrutiny away from her court.

Your presentation of Ms. Dills' case was viewed at least by one of your outside commentators, Forsyth County District Attorney Penny Penn, as "sound[ing] rather Kafkaesque." Confirming Ms. Penn's characterization of your story telling, the cases you

did feature (four in the main story, and one, Ms. Spead's, on your website), and your own commentary on those cases, coupled with your general conclusions drawn from your investigation, were altogether so inflammatory that a firestorm in the blogosphere and elsewhere is occurring. Judge Williams has received multiple e-mailed death threats from e-mail addresses outside Georgia in the wake of your story-telling. See Louie Brogdon, "Judge Gets Death Threats," The Brunswick News (March 31, 2011). The FBI is now involved in tracking down those threats from outside the state of Georgia. One individual has already been arrested for having made such a threat. He is from a state far away from Georgia, and appears never to have heard about Judge Williams or anyone in her judicial circuit before your story.

Building primarily on three individual participants' own stories that you used in your piece, and "[a]fter months of investigation" by your own account, you also made some broad, conclusory generalizations about Judge Williams and the drug court supervised by Judge Williams. You said that it is "a very unusual drug court," for at least eight reasons.

First, you stated that it "is run by a judge that many people truly fear . . . Amanda Williams" and you gave the impression that Judge Williams is injudicious by being prone to "retaliation;" being a bully by "unfairly attack[ing]" participants in the drug court system;" being excessive in sentencing and bail practices; and ordering prisoners into solitary confinement.

Second, you stated that it is "possibly the toughest drug court in the country."

Third, in your placement of a quote from West Huddleston, you gave the impression that the drug court supervised by Judge Williams "relies primarily on jail, or punishment generally" and therefore "operat[es] way outside" the standards of the National Association of Court Drug Professionals.

Fourth, you stated that Judge Williams' practice of incarcerating people without a fixed release date (more precisely, "until further order of the court") is unprecedented both in Georgia and nationally – at least as far as you "could find" after "months of investigation."

Fifth, you stated that Judge Williams "nudge[s]" a "remarkably high number of offenders" into drug court through "coercive" tactics, including excessive bail bond requirements.

Sixth, by your misleading placement of comments by attorney Jim Jenkins about the lack of any drug court participant's ability to appeal a guilty plea as to a predicate crime or crimes, you gave the impression that there is no appeal or habeas petition

possible for an erroneous decision to incarcerate someone who is being "terminated" from drug court rehab.

Seventh, you indicated that Judge Williams' retention of control over sentencing after an individual's termination from drug court rehab is unusual.

Eighth, you indicated that Judge Williams' drug courts "are not having good outcomes," and that those poor outcomes are a result of practices inconsistent with the National Association of Drug Court Professionals. You indicated that Judge Williams' practices that were inconsistent with the recommendations of the NADCP, and that those inconsistent practices were the very ones targeted in your story.

On Judge Williams' behalf, I hereby put you on formal legal notice that Judge Williams disputes all these central factual features of your story.

As to the five individuals in the drug program on whom you relied for your story, you failed either to discover or reveal key facts that would have indicated either that the sources were not telling the truth to you and the audience, and/or that you misrepresented what the sources said to you and/or the public records of their cases.

For a simple instance, you started the piece by stating that you interviewed Lindsey Dills "in a prison way upstate." In fact, Ms. Dills was in the Substance Abuse Treatment Program *at* the Arrendale State Prison, but she was not a prison inmate in the Arrendale State Prison. The same was true for Alisa Branch, another of your sources who you highlighted for being imprisoned there, though Ms. Branch also was in the Substance Abuse Treatment Program at Arrendale, not an inmate of the prison itself. There is a big difference. As you know, the Substance Abuse Treatment Program is like a boot camp for so-called low-level offenders. The Arrendale Prison, by contrast, is a place where typical inmates are often of dangerous types, spend their sentences for the most disturbing crimes, and help to create the most daunting setting for their fellow inmates. Arrendale Prison and the Arrendale boot-camp treatment program are very different settings. Your listeners were purposefully confused by you about those differences.

You also either ignored or knew about other significant inaccuracies concerning the particular stories of the five primary rehab-participant sources. Had you either quizzed your sources more carefully and/or corroborated their statements in light of publicly available records that should have been reviewed by you after "months of research" into their stories, you would have known their curious accounts to be unreliable. Frankly, it seems incredible to me that you would base any report on the remarks of a deeply drug-addicted person who would laughingly acknowledge on tape about being "unstable."

For one particular instance of your reportorial recklessness, you failed to note the significance of the fact that one of your key sources, Brandi Byrd, had been arrested for a DUI while on the lam from the drug court. As you know, that scenario is the worst nightmare of any drug court administrator. The situation: a program participant who has been freed from prison to pursue rehab, charged with provable crimes warranting hard-time sentences hanging over her or him, ends up using that drug-court license to "use" more and threaten the lives of innocent citizens. Incarceration for an offense like DUI while on the lam from drug court probation is inevitable in any drug court nationwide; and such dangerous conduct by a repeat offender is hardly "low-level."

What you quoted instead from Brandi Byrd, and your comments on her case, falsely presented the notion that she was indeed a "low-level" offender who had no business in drug court, and was without legal redress for her incarceration after washing out of the drug program and going AWOL for about a year. In fact, Ms. Byrd herself took two prominent bites at the appellate apple on her incarceration after washing out of the drug program, going AWOL for about a year, and getting picked up on a DUI. She sought habeas relief in Evans County Superior Court which was denied, and then sought a certificate of probable cause from the Georgia Supreme Court that was denied. Incidentally, those courts were entirely outside the purportedly tyrannical influence of Judge Williams. Meanwhile, Ms. Byrd also had the statutory right to file an appeal with the Court of Appeals immediately after her termination from the drug program. O.C.G.A. 5-6-35(a)(5). See Andrews v. State of Georgia, 276 Ga. App. 428 (2005). You knew about those legal challenges by Ms. Byrd and the general laws permitting those and other legal challenges by Ms. Byrd, or you should have known about them after "months of research." Either way, Ms. Byrd's prominent, well-known attempt in fact to challenge her incarceration in other courts reveals the recklessness of your charge that Ms. Byrd lacked any right of legal redress, and was incapable of testing her imagined view that she was a "low-level" offender in the wrong place, instead of someone who had repeated legal problems with substance abuse and was endangering the public's safety.

You also failed to reveal that Lindsey Dills, after being terminated from formal drug court, was still given very favorable treatment by being sentenced not according to her far-more-draconian plea agreement, but to a conditional discharge order that put her in yet another rehab opportunity. In sharp contrast to your report of Ms. Dills' case, Judge Williams and the entire local drug court system gave Ms. Dills a remarkably lenient alternative. That Ms. Dills could be your lead example of harshness by Judge Williams and the drug court in her judicial circuit is mind boggling.

Likewise, you cited Charlie McCullough's case as an example of judicial arbitrariness escaping judicial review. Mr. McCullough, however, like Ms. Byrd, did in fact legally challenge the decision to incarcerate him after washing out of the drug rehab

program. He prevailed on his habeas petition on the ground that his original guilty plea had been entered without informed consent. This demonstrates that you were quite wrong to report that there is no judicial review of the original plea taken in a drug court case. Indeed, Mr. McCullough's own case itself demonstrates the falsity of your story's assertion.

Ms. Spead's case (the one listed in a footnote only on your website transcript) was added for the proposition that incarceration could occur solely for lack of payment for drug rehab services, and as such confirms the program's and the judge's harshness. On the contrary, there has never been such a case of detention for failure to pay fees in more than a dozen years of Judge Williams' drug court, including Ms. Spead's case. Ms. Spead was originally arrested for dealing cocaine in 1999 (a possible 5-30 year sentence), then went into the drug court program and completed treatment but not the fees she had warranted to pay. Later, she was asked to appear in court about her plans to make the payments, but did not appear. She was arrested for failing to appear (not for failing to pay), and Judge Williams still thereafter granted a request for her to be released on bond. Revocation of Ms. Spead's probation under such circumstances was fully consistent with the seminal controlling U.S. Supreme Court authority on the subject, Bearden v. Georgia, 461 U.S. 660 (1983). If the penalty was so harsh under the unique circumstances of her case (not all of which we can specifically disclose), it makes no sense that she and her lawyer would on September 21, 2004 have negotiated and willingly accepted a sentence of 12 months in jail with credit for time served and then be placed on probation with requirements for further drug screening. You also failed to note that, after her release from her supposedly-harsh 12-month jail term for failure to appear, she then failed to appear for four drug screens and another warrant for her arrest was issued. When Ms. Spead was next arrested on May 18, 2006, she tested positive for cocaine. Even after all that, Judge Williams was remarkably lenient, allowing Ms. Spead to avoid accepting her original plea deal. Instead, Ms. Spead's probation was modified to send her to the Arrendale Substance Abuse and Treatment Center for the boot-camp-type program that normally takes six months but not longer than nine months. Ms. Spead is now free, her probation is over, and her case was closed on September 14, 2009 with Ms. Spead still owing the state $1,045. Throughout her lengthy experience in the system (albeit mostly under treatment and probation), Ms. Spead was never incarcerated for failing to pay fees. Your reporting was diametrically opposite. That is to say, it was false – and it is hard to imagine that it was not also knowingly false, as those facts were in the public record of Ms. Spead's case that you said on your website that you reviewed.

Although all the above facts were available to you as public records, there are also many non-public pieces of data from the treatment files of the aforementioned individuals that cannot even now be discussed with you because of rules regarding confidentiality. Those strict rules of confidentiality were repeatedly cited for you during

your investigation. You declined, however, to report those rules regarding confidentiality as a possible alternative reason for why lawyers and individuals working in the drug court systems of Glynn, Camden and Wayne counties may have been reluctant to speak with you. Instead, you attributed the lack of discussion with you by drug court officials and lawyers as a tribute to their fear of Judge Williams' arbitrary "retaliation" (without citing a single instance of such retaliation), rather than as quite-reasonable fears about their potential legal liabilities for breaching their duties of confidentiality, duties that have nothing to do with Judge Williams.

It is quite remarkable that you chose to highlight five individuals with complaints about drug court while ignoring every single case of success in that same drug court except one. Your associate Eric Mennel, for instance, heard graduation testimonials from 13 graduates from drug court. Not one was reported. Although you are at liberty to choose which issues to present (and bad news of course sells better than good news), you are not at liberty to suggest, as you did, that the news is all bad when in fact most of the sources to which you had access reported successful outcomes of the drug court system that flatly contradicted your report. You are also not at liberty to state that Ms. Dills' treatment was harsh when it was unusually lenient; to obscure the significance of Ms. Byrd's arrest for DUI while on the lam from the drug court rehab program and to fail to explain that she lost her attempts to challenge her confinement from two other courts (including the Georgia Supreme Court); to say that Mr. McCullough had no chance for judicial review of his plea when he actually won release by unwinding his plea in court; to say that Ms. Spead was confined for failing to pay fees when she was confined for failing to appear before the court and later for missing four drug screens and then failing a cocaine test, and whose case was ultimately closed with her still owing more than one thousand dollars; and by suggesting that Ms. Branch was an Arrendale Prison inmate when she was merely participating in the Arrendale Substance Abuse program.

Let me briefly note the problems with each of your eight general conclusions about Judge Williams and the drug court she helps administer.

First, Judge Williams is not feared for vindictiveness and excessive punishment more than any other judge, and indeed is viewed by knowledgeable defense lawyers within the judicial district as the preferred judge for enhanced chances of leniency where there is an alternative. In fact, prior to your report, the primary publicly reported notoriety of Judge Williams stemmed from the fact that, while in private practice before becoming a judge in 1990, she sued Glynn County in federal court for police brutality issues, and in Superior Court for civil rights violations involving women's health issues. She is viewed as a champion of the disadvantaged, and is maligned as being the most liberal judge compared with other judges in her judicial district. For instance, she is a present advocate for bringing Alcoholics Anonymous and Narcotics Anonymous into the

jails and prison system itself; but you suggested exactly the opposite in your report. She has never ordered anyone into solitary confinement, and in fact has little if any control over jail conditions and policies; yet your report implied that she did make such an order and does have control over jail conditions and policies.

More specifically in the drug court setting, you were made aware that the decisions of Judge Williams are not unilateral and tyrannical, but based on the consensus of the drug court team -- information that was shared with you: "When a participant's behavior requires sanctions or when incentives are to be given, recommendations are made to the Drug Court team who, by consensus, determines sanctions or incentives." (From "DRUG COURT: Intuitive and Counter-Intuitive Results," p. 10, a report specifically shared with you).

As an aside, let me briefly address your repeated references to Judge Williams' judicial demeanor as occasionally "yelling" in the courtroom. Although no judge has perfect patience, Judge Williams is an active participant in colloquy with the lawyers and litigants, and there is something very good about that from a lawyer's perspective (you get to know where the judge is coming from and going to so as to adjust your argument). As the woman who broke the gender barrier in her judicial circuit, like other women who have broken the gender barriers in their circuits, Judge Williams is cut less slack than male judges who exhibit impatience. In other words, people often accept a scolding from a male judge better than a female judge. In any event, in the drug court setting, a good scolding from a judge can be a very effective tool in the rehab process, which in some cases can be used at the request of the drug court treatment team, as was expressed in the report on the drug court that was shared with you. Overall, you mischaracterized Judge Williams' courtroom demeanor as being out of the ordinary and ineffective in the main. Your suggestion that she is the most vindictive, punitive judge of 2,500 drug court judges in the country was wildly inaccurate. Judge Williams has some of the deepest experience with drug courts and their evolution in Georgia, has a positive regional reputation in the area, and has an experienced, professional staff on whom she relies in determining program design and appropriate outcomes in particular cases. Judge Williams is a true authority on the subject, consulting and lecturing on drug court best practices within the state, regionally and nationally.

Second, your statement about this being the "toughest drug court in the country" was false and misleading. As the host of a national radio show and after claiming "months of research," your statement suggested that this court was selected nationally for its unique metrics and tactics. In fact, whatever led you to report on this particular drug court, this court is not an outlier in either its metrics or its tactics (except in one primary metric, length of program), which should have been obvious to you.

It is true that the drug court under Judge Williams' supervision is somewhat

different from the typical drug court by virtue of its 24-month term, compared with a 12-18 month term in most other drug courts. However, you failed to report anything about the 29-page statistical report that had been supplied to you showing that the lengthier term of treatment means that even people who wash out of the program end up with better long-run outcomes in the sense of statistically significantly less recidivism. As the scientific report stated, "We believe this difference in program length and time spent participating is the overriding factor causing the vast improvement of both [Glynn County] graduate and terminated participants when compared to the comparison group [composed of non-participant offenders]. This extended time spent in treatment provides all of [Glynn County drug court] participants with more treatment and more supervised time, and requires a much more dedicated commitment to changing one's lifestyle." In short, in the only program-design metric that diverges meaningfully from general norms, you gave the exactly opposite impression that it is associated with worse outcomes rather than better outcomes – and ignored information proving that fact. While Glynn County's recidivism rate is 4 percent at three years, the national average is 16 percent at one year and 25 percent at two years. National Institute of Justice (2003); Roman, et al., "Recidivism rates for drug court graduates: Nationally based estimate – Final Report (2003, Washington D.C.: The Urban Institute and Caliber).

Third, the drug court administered by Judge Williams does not rely primarily on punishment any more than other drug courts. Drug courts typically operate on the trade of a guilty plea to underlying crimes in exchange for rehab. All drug courts, like the one administered by Judge Williams, impose relatively standard and meaningful fall-back penalties should the individual wash out of rehab, in part to rivet the participant's attention on succeeding at the program of rehab. Judge Williams has never sentenced anyone washing out of rehab to time beyond the statutory range for the crime to which the individual pled guilty, and, for repeat offenders on the predicate plea, requires that the participant usually serve a standard 20-24 months (about half that for typical first-time offenders), with additional time on probation. Meanwhile, you purposefully and inaccurately conflated time working with rehab boot-camp programs to "punishment" and "prison," as in the case of Ms. Dills participating in the Arrendale treatment program, a rehab-oriented probation detention center which you mischaracterized as being "prison," demonstrating your naïve and fundamental insensitivity to the distinction between rehab and simple punitive confinement with hardened criminals. Judge Williams' sentencing for things like forgery, furthermore (two instances of which were admitted by Ms. Dills), are hardly excessive, as the Georgia prohibition could have warranted ten years each on each charge, and Ms. Dills in the end has only been incarcerated slightly more than a year despite all her problems over the years in staying with rehab. Incidentally, despite the supposedly punitive nature of the drug court program, and even after washing out of the primary part of the program, Ms. Dills was never sent to prison despite an amazing litany of problems, and was given

a "conditional discharge" that permitted her to continue to receive treatment at the state's expense, undercutting your charge that the program is by design unreasonably harsh and designed to create failure in cases like Ms. Dills' case. Indeed, Lindsey Dills' father publicly credits Judge Williams and drug court with saving his daughter's life. Your cite on your website to the case of Ms. Spead as "another example of a case I found in court records of an unusually harsh sentence" has already been addressed above as utterly false, which you should have realized when she refused to speak with you.

Fourth, Judge Williams' occasional practice of confining a subject without a fixed release date on the confinement order ("until further order") is a common daily practice in courts across Georgia and the country. Technically what happens is bond revocation, because the participant in the drug program is already out on a personal-recognizance bond. In practice, incarceration for violation of the terms of the program means that the individual will be released from jail as soon as a rehab treatment slot becomes available or the individual moves for release. Anyone who wants to insist on a hearing and the setting of a specific date for release can do so, but they generally choose not to exercise that right for two reasons. First, and most importantly, if they do a request a hearing, usually they would have to face questions about the violation of the contract that got their personal-recognizance bond revoked to begin with. Given that their personal-recognizance bond has been revoked, the circumstances are usually if not always sufficient to warrant complete termination of the drug court contract and could result in the subject being sent to probation detention center for 20-24 months as he or she originally agreed to. Rather than take that risk, the individuals typically are advised by their counsel not to request a hearing and simply wait for the rehab slot to open up. Second, by having a certain release date, it could complicate matters procedurally and slow down the time that the subject could get into rehab after a bed becomes available, after which time the slot might no longer be available.

The general practice of confinement without specific release date is common in many areas of law, and not just when a drug court participant like Ms. Byrd is picked up for DUI after being on the "lam" from the program. Apparently in your months of research, you failed to ask any one of the thousands of other apparently dangerous persons picked up by the police for probation violations and confined on judicial order without release dates; the thousands of people picked up and confined on simple open-ended bench warrants issued by courts across the country daily; and even the thousands of non-dangerous fathers sitting interminably in jails across the country for failure to pay child support.

As to Judge Williams' bail-bonding practices that you targeted in your story, you failed to mention that, although she may have higher-than-normal bonding requirements for some Georgia crimes, she will (except in drug trafficking cases) upon motion after 90 days without the person having been indicted or accused modify the

bond to a personal-recognizance bond allowing immediate release. That is an unusually lenient policy. She will also typically thereafter reduce the bond even if accused or indicted. Meanwhile, you failed to mention the especially dichotomous socioeconomic character of the population that she serves. Brunswick and its environs, as you mentioned, have very serious poverty issues, but the islands (St. Simons, Sea Island and Jekyl Island) have some of the highest per capita incomes of any locale in Georgia or the nation. You failed to indicate that Judge Williams has experimented with lower bonding rates, but, given the unique character of her population, found that she was imposing enormous enforcement problems on the police in her area because lower bonding rates were being ignored. With the higher bond, Judge Williams now has a low rate of non-appearance – even from the well-heeled population in the islands.

Fifth, although more people participate in the drug court supervised by Judge Williams than some other drug courts like Fulton County's drug court, there are good reasons for it that have nothing to do with coercion. For instance, Fulton County's drug court (whose lower rates of program use were highlighted in your program) does not permit first offenders to participate, while the drug court supervised by Judge Williams does. Moreover, the general high quality of the rehab program available to participants in the drug court supervised by Judge Williams is unusual. Additionally, the drug court rehab programs supervised by Judge Williams have had longer to develop than almost any other program in Georgia, as the Glynn and Camden County programs are the third and fourth oldest programs in the state of Georgia. Also, the unusually high poverty levels and lack of medical insurance experienced by many people in the Brunswick area mean that drug court is often the only way for many of the population there to get treatment for addiction. Finally, the smaller numbers in Fulton County make such a program inherently more selective in cherry-picking easy candidates for success rather than the programs under the supervision of Judge Williams, which are designed to accept a wider range of problem cases confronting the community.

Sixth, your suggestion that there is no appeal or habeas petition possible for an erroneous decision to incarcerate someone who is being "terminated" from drug court rehab is flatly wrong as a matter of both law and fact, as mentioned previously with respect to the cases of both Ms. Byrd and Mr. McCullough. Both forms of judicial relief are always available. You seem to have purposefully used the fact that there is no appeal from a valid guilty plea to suggest that terminations from drug court are beyond appellate judicial review.

Seventh, you implied that it is unusual for a drug court judge to retain jurisdiction for sentencing after a participant washes out of the program. Although this may not be an optimal situation by some lights, it is the norm nationally, and there is nothing remotely illegal about it. Moreover, it would not make any practical difference, because the plea agreement clearly indicates what the sentence will be, and another

judge would have scant discretion to alter it anyway.

Eighth, your statement that Judge Williams' drug court is "not having good outcomes," in combination with your statements about the court being an outlier in all sorts of ways, indicated erroneously that this drug court's statistical performance is poor by national standards. That is simply not the case, and you had access to data indicating precise local statistics on point for you to compare with the national averages. You largely failed to note that most of this court's numbers compare favorably or at least are on par with national statistics to which you were privy. You furthermore failed to indicate that this program is a national star by producing one of the lowest recidivism rates (as noted, 4 percent locally at three years versus 25 percent nationally at two years).

Although there are other blatant inaccuracies in your story as well, this brief review of just some of your story's assertions should indicate that I, at least, after a short and cursory review of your story in light of publicly available data, believe that "Very Tough Love" was riddled with falsehoods, leaving the listener with a fundamentally false and misleading perception of the drug court and Judge Williams -- and that you knew or should have known as much. If I can figure all this out from the public record in just a few hours, you should have known it was false after "months of research."

So what is the legal import of all this? Ordinarily, given the deferential standards accorded to statements about public figures under the standard of New York Times v. Sullivan, journalists and their employers can usually avoid libel claims for journalistic malpractice involving public figures.

This remarkable case, however, is different for at least four reasons.

First, you acknowledged in your story that you were conscious of the possibility that you were making misstatements. However, instead of checking your facts in the usual ways, you claimed to have conducted "quick reality checks" by running sketchy, slanted hypotheticals by third parties who lacked knowledge of the situation on which you were reporting. That is not real fact-checking by accepted standards of journalism, as you know. It is an especially disturbing practice given your admissions that you were concerned about the accuracy of your story.

Second, you acknowledged in the story that the caricature of Judge Williams as a punitive tyrant that you were painting did not line up with your personal experience of Judge Williams as "idealistic," "smart" and "maternal." Nonetheless, while reporting that there are more than 2,500 such drug court judges nationwide, you also reported: "After months of investigation, I believe it's likely that [there] is no other drug court judge in the country . . . like Judge Amanda Williams." Casting Judge Williams as a

villain – about the worst drug-court judge in the country -- was a fundamentally flawed thesis supported by unreliable sources, and contradicted by myriad other sources and data, including your own experience.

Third, you were provided with facts, and had the opportunity to inquire more specifically had you cared to inquire, about the general performance characteristics of this drug court in light of national standards and practices. You willfully ignored such data while posing unsubstantiated inflammatory statements trashing the court's performance as among the worst in the nation.

Fourth, you revealed an ulterior motive for your flagrant disregard of the facts: to tell a compelling story with a villain as the protagonist, regardless of whether any such character even existed. Nine days before this story was finished and aired for the first time, on March 16, 2011, you appeared on the ProPublica panel "Long-form Storytelling in a Short-Attention-Span World" to discuss your strategies for concocting compelling stories for radio. You gave an example of your story on the mortgage crisis, and your instructions to your investigators for that story.

> *Mr. Glass: There was like all these economic forces and the economy collapsing but all the other people we were interviewing said I'm just a cog in a machine [but] Somebody must be a bastard, like there must be someone we can hate. Like you guys should find that guy like who we should hate, who was not just a cog in a machine, must be a bastard; you must go find them.*
>
> *Mr. Engelberg: I think our counsel would say we had a slightly different kind of concept staring at us.*

As Mr. Engelberg apparently realized straightaway, your statement was a legally eye-opening revelation about your thinking. It helps explain why this story could have gotten so far removed from the reality of the situation despite "months of research." It strongly suggests that, from the beginning, you were more interested in telling a good story than in telling a true story, and in mischaracterizing Judge Williams as about the worst drug court judge in the country merely for story-telling purposes. In your imaginary profile of Judge Williams and her circuit's drug court, you concocted the "bastard" you were looking for in the first place.

The damages that have been suffered are profound. Judge Williams is being threatened with death; the blogs locally and nationally are wild with hateful comments about Judge Williams; and her reputation has been tarnished in myriad ways. Given your remarkable admissions on the face of your program as well as on the ProPublica panel, plus the facial problems with relying on the literally shaky sources you relied on,

while disregarding the information in the public record, and/or supplied to you by the court and others, it is entirely likely that an independent court of law would find you to have been maliciously reckless in your disregard for the truth.

As serious as they are, though, the damages to Judge Williams pale in comparison to the damages that you have inflicted on the drug court that she supervises, potentially on other drug courts state-wide and nation-wide in a time of budget crisis, and most importantly, on the addicts who now may not have the privilege of trying drug court thanks to your false story. Your outrageously inaccurate reporting may result in significant losses of drug court funding, losses of drug court participation, and losses of life.

You may not appreciate those damages, but I do. My 19-year-old son died of a meth overdose. He had a drug problem and had been in a high-quality private rehab program for about one year until he turned 18. He never got in trouble with the law, and never had the chance to be "coerced" into drug court. That was a tragedy for him, because he did not have enough time in rehab to enable it to gain a firm-enough hold on him. Without a solid program, he drifted back into using drugs, and then died.

The story-line of your show could have been written by an addict, saturated as it was with wild but flimsy allegations, false denials, delusions of victimization, paranoia, libel. It will bolster addicts like Lindsey Dill, Brandi Byrd and Charlie McCullough to imagine themselves being victimized by a program that has helped save their lives. It will discourage drug court administrators nationwide from adopting better practices of leaders in the field like this very drug court at issue that has a two-year program rather than a one-year program.

The difference between two years and one year may not seem like much to you, and you told a nice imaginary story about how it just might be bad to have longer rehab. However, such extra time may well have been the difference between life and death for my own son and others very much like him -- for people like Ms. Dills, Ms. Byrd and Mr. McCullough, who are alive thanks to this very drug court. The statistics prove it, and you chose to completely ignore those statistics in your story, essentially reporting the opposite.

Lindsey Dills' father expressed happier but parallel sentiments to mine when he recently wrote, "I can attest, with high confidence, that the drug court program should be credited with absolute responsibility for helping Lindsey stay clean, get focused, and receive the structure and regimen that she needed to overcome an addiction to cocaine . . . I can state with absolute confidence, that the Glynn County Drug Court Program makes all the difference in the lives of families, loved ones, and the addicted person . . . The program most probably saved our daughter's life. For that, we can't sufficiently

express our appreciation."

Judge Williams and others libeled by your "Very Tough Love" story are presently contemplating how to proceed at this point. I suggest that you advise your employers, producers, partners and legal counsel at your earliest opportunity about these charges. I stand ready to discuss your respective liabilities and possible strategies for settlement short of litigation; but I must warn you that we are moving forward with legal action.

Sincerely,

David G. Oedel

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