

# The Atlantic Accused Of Defaming Writer Of Story It Retracted

By **Lauren Berg**

Law360 (January 10, 2022, 6:55 PM EST) -- A freelance writer accused The Atlantic of defamation in a suit filed Friday in D.C. federal court, saying that after it took the rare step of retracting an investigative article she wrote about the Ivy League admissions process, the magazine assassinated her professional reputation.

When Ruth Shalit Barrett wrote "The Mad, Mad World of Niche Sports Among Ivy League-Obsessed Parents" for The Atlantic in 2020, an investigative piece about wealthy parents who use niche sports to give their privileged children a boost to get into elite colleges and universities, the story was praised by journalists, collegiate sports officials and athletes, according to the 106-page complaint.

But then a Washington Post media critic wrote a series of articles vilifying Barrett and dredged up mistakes she made in the 1990s as a young reporter, suggesting she should not have been hired to write for The Atlantic, the suit alleges. The critic also wrote that Barrett's article was full of "distortions and nonsense," according to the complaint.

Following this pressure, The Atlantic decided to retract Barrett's article and published an editor's note saying "new information" revealed Barrett was a "disreputable journalist whose facts could not be trusted," the suit states. Rather than pointing to any meaningful deficiencies in the piece, Barrett said, the magazine simply contended that it could not attest to her trustworthiness and credibility.

"In order to support its character assassination of Ms. Barrett, which was the foundation for its false contention that The Atlantic could not 'vouch for the accuracy of the article,' defendants claimed that Ms. Barrett (1) was forced out of her job at The New Republic in 1999 following the 'discovery' of 'plagiarism and inaccurate reporting' in her work, (2) deliberately hid her history from readers by insisting on a misleading byline she had not used 'in the past,' (3) induced a confidential source to lie to The Atlantic's fact-checkers, and (4) made 'several other errors' in her depiction of that confidential source," according to the suit. "Each of these claims is demonstrably false."

The only falsehood that The Atlantic ever uncovered in the article was the inclusion of a masking detail intended to shield the identity of a confidential source, identified in the story as Sloane, Barrett said. At the request of the source, she said, she added one reference to a nonexistent fourth child in an effort to mask the family's identity.

Barrett said this kind of masking is not unusual when necessary to protect the identity of people in an article, adding that the magazine and editor Donald Peck agreed that Sloane's identity had to be protected.

"Promises of confidentiality to sources in exchange for information are enforceable legal rights under the law of contracts and promissory estoppel," the suit says. "Ms. Barrett's editors had full knowledge of this agreement: Mr. Peck himself had described Sloane as 'a source we agreed to shield.'"

Despite determining that it could not attest to the veracity of Barrett's article, The Atlantic conducted an in-depth investigation and uncovered one trivial factual inaccuracy: an anonymous source described as being from Greenwich, Connecticut, was actually from a neighboring town, according to the lawsuit.

Barrett said other writers for The Atlantic who made minor errors or even included serious factual

inaccuracies in their stories were not subjected to public repudiation or the retraction of their work.

To top it off, Barrett said, after the article was retracted and the in-house investigation completed, The Atlantic and Peck made comments to the Washington Post that errors were made in the "author-selection and vetting process."

"Defendants deliberately chose to publicly besmirch Ms. Barrett's character and reputation to an outside critic and media organization with a history of animosity towards her," the suit states. "The effect, if not the purpose, of defendants' further publication of their defamatory charges through the Washington Post has been to exacerbate the damages to Ms. Barrett they have caused her through their wrongful conduct."

The Atlantic also broke its contract with Barrett and should not have sacrificed the work and her professional reputation because of criticism from a competitor outlet. Barrett said The Atlantic should have stood up for her.

Barrett said she was ethically and contractually required to shield the identity of the primary confidential source in the investigative piece. After learning about Sloane's nonexistent child, The Atlantic could have taken a number of legal actions — including publishing a small correction or stealth-editing the piece without publishing a correction, according to the suit.

The magazine could have published an editor's note admonishing Barrett for using the masking detail or retracted the entire article solely on the basis of that detail, according to the suit. But Barrett said the magazine cannot legally assassinate her character by publishing falsehoods about her that have destroyed her reputation and career.

The suit includes claims of defamation, invasion of privacy, tortious interference with business expectancy, breach of covenant of good faith and fair dealing and breach of contract, among other things. Barrett is seeking rescission of the author's agreement, compensatory and punitive damages, and attorney fees.

Hassan A. Zavareei of Tycko & Zavareei LLP, an attorney for Barrett, told Law360 on Monday that the case is not just about defamation.

"The Atlantic violated its contractual obligations by refusing to protect the story's primary confidential source," Zavareei said. "The Atlantic is also in breach of express provisions of the contract regarding intellectual property rights and has interfered with Ms. Barrett's efforts to create derivative dramatic works."

"We intend to vindicate all of those rights," he added.

Representatives for The Atlantic did not immediately respond to requests for comment Monday.

Barrett is represented by Hassan A. Zavareei and Leora Friedman of Tycko & Zavareei LLP and Elliot C. Rothenberg.

Counsel information for The Atlantic and Peck was not immediately available.

The suit is *Ruth Shalit Barrett v. The Atlantic Monthly Group LLC et al.*, case number 1:22-cv-00049, in the U.S. District Court for the District of Columbia.

--Editing by Peter Rozovsky.