

CENTER FOR INDIVIDUAL RIGHTS

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April 29, 1993

Doris L. Sassower, Esq.
283 Soundview Avenue
White Plains, NY 10606

BY FAX AND U.S. MAIL

Dear Ms. Sassower:

Thank you very much for contacting us and for giving us the opportunity to participate as counsel in your libel case against the Gannett/Westchester newspapers. I have a long personal history of supporting libel plaintiffs against irresponsible journalists and CIR is very much in favor of reforming American libel law in the interests of making it easier for press victims to vindicate their reputational rights in court. In short, we are sympathetic to your plight.

For that reason and in light of our long conversation yesterday afternoon, I discussed, once again, your request for assistance with my co-workers. To be precise, I spent forty-five minutes late yesterday evening going over the facts of your case with my partner and with the other lawyer in the office who functions as our principal trial attorney. Unfortunately, and for many of the same reasons which we previously discussed, the consensus was against involvement. There are two reasons for this, both of which have less to do with the merits of your case than they do with our own commitments and finite resources.

First, this is an extremely busy period for the Center. Our caseload is already quite substantial and we are currently laying the groundwork for lawsuits against several major universities on a variety of academic freedom/First Amendment claims. I am heavily involved in preparing each of these cases and, in addition, am already in court in Boston in what is turning into a very high-profile libel case. As CIR's main attorney when it comes to litigating First Amendment claims, it would be irresponsible of me to commit to doing another case -- especially one against so formidable an opponent as Gannett -- at a time when I am already stretched quite thin.

Second, and equally important, there is simply no room in CIR's 1993-94 budget for taking on a libel case of the

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magnitude which you describe. This remains true even if, as you very generously offered, you were willing to place \$25,000 of your own money into an escrow account for the purposes of reimbursing litigation-associated costs and expenses incurred in your case.

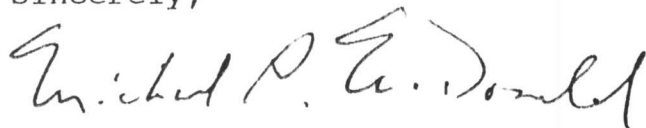
As I explained, the litigation costs against Gannett are likely to be well in excess of \$25,000. Media conglomerates are hit with libel actions on a daily basis. Their strategy, not to put too fine a point on it, is to drain the life-blood out their opponents by a never-ending stream of document requests, depositions, motions to dismiss, and the like. This "take no prisoners" strategy inevitably raises the costs for plaintiffs and I have seen credible studies indicating that such suits typically cost anywhere from \$50,000 to \$150,000 to get to trial.

You may disagree with that assessment or feel that the case can be somehow stung-together for much less money, however, we firmly believe that the expenses to be incurred in your case will be quite substantial. We simply do not have the amount of money it would take to battle Gannett on a level playing field and we believe, again, that it would be irresponsible of us to enter a case without such resources. Besides placing you at a serious disadvantage at some later date, doing so could well jeopardize the financial health of this organization -- not to mention disrupting on-going commitments to other clients.

For the foregoing reasons, I am afraid that we shall be unable to provide you with the help you seek either now or in the foreseeable future.

The information which Mr. Walsh sent to me on your case is being returned to you via the posted letter. Please accept my apologies for this decision, which I am afraid must be final, and my best wishes that you will eventually locate someone to assist you in your fight.

Sincerely,



Michael P. McDonald
President & General Counsel

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