



NINTH JUDICIAL COMMITTEE

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By Hand

November 20, 1992

Mr. Louis D. Boccardi
President and Chief Executive Officer
Associated Press
50 Rockefeller Center
New York, New York 10020

Dear Mr. Boccardi:

This letter is written to seek your assistance in a matter concerning Associated Press's use of our workproduct and its disregard of our rights and its responsibility to us.

By way of introduction, we are a pro bono citizens' group, dedicated to a quality judiciary. Since last November, we have tracked the federal court nomination of Andrew O'Rourke. In May, we set forth our findings and conclusions in a critique we submitted to the Senate Judiciary Committee.

At that time, we contacted Jim Rowley of your AP Bureau in Washington as to our findings concerning Mr. O'Rourke's unfitness--as well as the failure of the screening process which our critique also exposed. We sent him a copy of our critique and an advance copy of our May 18th letter to Senate Majority Leader Mitchell calling for a halt to all judicial confirmations pending investigation (Ex. "A").

Thereafter, Mr. Rowley informed us that he passed the story on to Kim Mills--a fact reflected in our June 17th fax to her. (Ex. "B").

Based on the materials we sent, Ms. Mills wrote a story, a copy of which she refused to give us, citing AP policy of only making stories available to AP subscribers. Indeed, Ms. Mills not only refused to provide us a copy, but subsequently refused to return our critique to us. It was at this point that we turned to Sam Boyle, your Chief of Bureau in your New York headquarters. Our letter to him, dated and faxed October 26th, summarizes our

conversation the previous month, including Ms. Mills' claim that she did not recall whether her story--which we were unable to locate in the local press--contained an attribution to us (Ex. "C").

Mr. Boyle's response, reiterating that "AP copy is available only to members", is Ex. "D". As shown by our October 30th letter-fax (Ex. "E"), we gave deference to such policy, while at the same time requesting basic information about Ms. Mills' story.

Mr. Boyle's unceremonious reply was hand-written on our October 30th letter, faxed back to us on that date (Ex. "F"). We responded in a second letter, dated and faxed to Mr. Boyle on October 30th (Ex. "G") which stated in pertinent part:

"Considering that our citizens' group--working completely pro bono--invested more than six months time and thousands of dollars on materials which Ms. Mills reviewed in writing her story, we do not at all consider our request unreasonable."

After two weeks elapsed with no response from AP, I telephoned Mr. Boyle. Mr. Boyle's appalling and unprofessional behavior during that conversation is memorialized in my November 13th letter-fax (Ex. "H").

The foregoing is the background to our referring this matter to you. In view of your participation in the recent forum entitled "The Paralysis of American Politics: Reinvigorating Democracy"--which addressed the imperative of citizen involvement (Ex. "I"), we trust you will be especially disturbed by AP's conduct.

We would be most pleased to meet with you and show you the marked-up copy of our critique which Ms. Mills belatedly returned to us--without the slightest note of acknowledgment.

Indeed, in view of your statement at the forum that:

"I think that we in the press, broadly speaking, are trying to do this time a different and better job, and I think we're being moderately successful. I think there is much more concentration...on issues",

we would appreciate the opportunity to prove to you that AP inexcusably failed to do a "successful" job with the major national story for which we sought coverage--one reflecting simultaneously on all three branches of government. Indeed, an examination of our critique and our aforementioned May 18th

Mr. Louis Boccardi

Page Three

November 20, 1992

letter (Ex. "A", p. 2), will rapidly convince you that the real "paralysis" was that of AP in failing to follow-up the extraordinary contribution of our citizens' group to "reinvigorating democracy".

Your expeditious attention would be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Elena Ruth Sassower". The signature is written in dark ink and is positioned above the typed name.

ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosures: all exhibits