



NINTH JUDICIAL COMMITTEE

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September 8, 1993

Mr. Jay Gallagher
Gannett
150 State Street
Albany, New York 12207

Dear Mr. Gallagher:

As discussed, I am transmitting herewith a copy of our critique, which we submitted to the Senate Judiciary Committee in May of last year, together with a call for a moratorium on all confirmations of judicial nominees pending investigation of the failure of the screening process--which our critique documented. Relevant correspondence on the subject of a moratorium is also enclosed.

Although the foregoing material was in Gannett's possession from May and June of last year, it refused to print even a single word about it--not even of the simple fact that the Ninth Judicial Committee had made a submission on the O'Rourke nomination. This permitted Gannett to run an editorial on September 6, 1992 entitled "O'Rourke Belongs On the Bench Now" and to call upon the Senate to confirm as many judicial nominees as possible.

My November 11, 1992 letter to Gannett's editorial board, which enclosed a proposed "Guest Column", highlights the subject of Gannett's "cover-up" and failure to perform its obligation to the public. The "Guest Column" was, needless to say, not printed.

To permit you to evaluate for yourself--Ed Tagliaferri's November 2nd story, "O'Rourke Lists Only 3 Cases for Senate"--which was written only as a result of our vigorous complaints over many months to Gannett--I am enclosing a copy of our uncontroverted November 11, 1992 letter to him.

You should bear in mind that Mr. Tagliaferri's November 2nd story was written almost five months after a not dissimilar story had appeared in New York Magazine, based on our critique. I guess sometimes Westchester readers of Gannett just have to wait longer for the news they get. Indeed, some news they never get via Gannett--as, for example, the failure of the screening

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process, highlighted by my letter to the editor, appearing in the July 19, 1992 issue of The New York Times.

We have files and files full of extraordinary documents about this story. This includes documents relative to Senator Moynihan's offer in March of this year to send Mr. O'Rourke's name to President Clinton, so that he could be nominated, again for a federal judgeship. What a shocking charade was then played out--for public consumption--when Mr. O'Rourke, munificently, turned down such senatorial recommendation so that he could continue his service, as County Executive, on behalf of the people of Westchester.

I look forward to speaking with you further. If you know of reporters who would be interested in the kind of powerful and important stories that we have to offer, we would greatly appreciate your letting them and us know. Obviously, we hope that you yourself might be interested.

Regards.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

P.S. As discussed, because our citizens' group is completely unfunded, we would be most grateful if you would duplicate the critique and accompanying compendium and return it to us.

Enclosures:

- (a) critique and compendium
- (b) 5/18/92 ltr to Senate Majority Leader Mitchell
- (c) 6/2/92 ltr to Senate Majority Leader Mitchell
- (d) "Credentials Gap: Case of the Missing Cases", New York Magazine, 6/22/92
- (e) "Untrustworthy Ratings", New York Times ltr to Editor, 7/19/92
- (e) "O'Rourke Belongs on the Bench Now", Gannett Editorial, 9/6/92
- (f) "O'Rourke Listed Only 3 Cases for Senate", Gannett, 11/2/92
- (g) 11/11/92 ltr to Gannett Editorial Board
- (h) 11/11/92 ltr to Ed Tagliaferri