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January 11, 1998

Gannett Suburban Newspapers
One Gannett Drive
White Plains, New York 10604

ATT: Ron Patafio, Editorial Page Editor

Dear Mr. Patafio:

This is to protest Gannett's unjustified failure to publish my Reply to its defamatory and otherwise inaccurate December 27th story, "*Judicial Reform Group Challenges O'Rourke Judgeship*", which you told me in our phone conversation before 5:00 p.m. on Friday, January 9th would appear in today's Sunday newspaper, the highest circulation of the week. Such agreed-to publication came about after I had worked long and hard to cut down my Reply to half its original length and had accepted your excision of appropriate and essential information, i.e., my third paragraph statement that our 1992 critique "documented that O'Rourke repeatedly lied about his credentials and that he had been an 'incompetent and unethical practitioner' when he practiced law", as well as my concluding paragraph statement that Gannett's article had "gratuitously defamed me" in twice stating I am "a disbarred lawyer".

So that the record is clear, when you came over to my home before 8:00 a.m. on Friday, January 9th to return the photo of me that you had picked up on Thursday to be "scanned in" for publication with my Reply, you, at the same time, received from me a "hard copy" of the fax I sent to you the day before. As to that fax, you had raised three objections in the late afternoon of the preceding day: two as to the above language of my proposed Reply and the third relating to Gannett's lawsuit to unseal Mr. O'Rourke's divorce files. As soon as I received your faxed objections, I immediately called you to review them. After I read to you from published articles about Gannett's lawsuit, you withdrew that objection, acknowledging you had been mistaken when you stated that Gannett had "never said it filed suit because the divorce files were relevant to Mr. O'Rourke's judicial qualifications." As to the other two objections, we left off the conversation with your statement that you would consult with Gannett's attorney.

On that Friday morning, you promised that as soon as you heard back from your attorney as to those objections you would let me know. In the following hours, I called several times. When I finally got you on the line at about 11:30 a.m., you stated that you still had no word from your attorney. At that point, I proposed compromise language, in the event your attorney sustained your refusal to accept my original

language. Specifically, in such event, I asked that you use the same language it accepted when it published Eli Vigliano's Letter to the Editor, "*O'Rourke Not Qualified to Serve as Judge*, on December 3, 1997. That Letter highlighted our critique's conclusion that:

> "practitioner O'Rourke committed *unethical conduct* in connection with those [three] cases [which he had identified for the Senate Judiciary Committee as his 'most significant'] and that he was *less than honest* in his Senate judiciary questionnaire responses." (emphasis added).

You agreed that you would "consider" that modifying language and get back to me. Throughout the afternoon, when I was away from my desk, I called my answering machine to see if you had gotten back to me. Additionally, I called my daughter several times to see if you had called her, since I had told you I would be out after 1:00 p.m. and that you should speak with her. You finally called my daughter told me that you called her at approximately 3:30 p.m., telling her that your attorney insisted on the two above-indicated deletions as a condition to printing the Reply in Sunday's newspaper. My daughter, likewise, asked that Eli Vigliano's language be accepted as a compromise, which you rejected. According to her, you stated that the language in Mr. Vigliano's Letter to the Editor was erroneously allowed and you would not print it again. You would not explain to her why the independently-verifiable fact that O'Rourke lied and misrepresented his credentials to the U.S. Senate Judiciary Committee could not be identified as such to the public -- and you acknowledged to her that you had reviewed the critique.. Nor would you explain why the critique's documented findings as to Mr. O'Rourke's "multitudinous misrepresentations" of his credentials -- language which appears in the critique itself -- could not be identified in quotes. You also would not explain to her why the explicit language appearing in CJA's December 26th letter to O'Rourke, i.e., that his description of the cases -- and [his] participation therein -- was over and again, false and misleading and that the true facts exposed [him] as an 'incompetent and unethical practitioner'" -- could not be used, when Mr. O'Rourke had not challenged such conclusion, although expressly invited by that letter to do so.

According to my daughter, you told her that you were then already past deadline and needed a go-ahead from me for publication of my Reply in the Sunday edition. She stated that she was expecting to hear from me within the next half hour or 45 minutes and would have me immediately call you. However, on my behalf, she unequivocally gave consent to publication of the expurgated version, if you did not hear from me in time. This consent was without prejudice to her stated view that the expurgation suppressed what the critique fully documented, i.e., that Mr. O'Rourke had lied about his qualifications.

I did call you within the time frame my daughter indicated to you and I personally consented to publication after you likewise rejected from me essentially the same arguments my daughter had made to you. We both separately stated that the public interest in knowing the contents of the expurgated version was too important to let your deletions stand in the way of Sunday's publication. Indeed, it appears that even as we were speaking together by phone, my daughter called you and repeated a message on your voice mail to that same effect.

There was no doubt when we left off speaking, that my Reply -- as already approved by Gannett counsel -- would be printed in today's newspaper, together with my photo. I so informed CJA members, as well as others. You can, therefore, imagine my shock when, after waking up at 6:00 a.m. this morning to get

the Gannett newspaper that arrives at that hour. I discovered that the Reply appeared nowhere in the newspaper. This shock was all the greater because neither you nor anyone else at Gannett had the decency to notify me that it would not be appearing today, as promised.

It must be emphasized that unlike my Reply -- which is especially time-sensitive because, as you are aware, Mr. O'Rourke's confirmation may be as early as this Tuesday, January 13th -- there is nothing printed on today's Editorial Page that could not have been deferred for publication. That you should print, as your lead Letter to the Editor, the self-serving letter of Harvey Landau, Esq., praising former Democratic party bosses, Justice Samuel G. Fredman, former Judge Richard Weingarten, and Dennis Mehiel, all responsible for the ultimate politicization of the Ninth Judicial bench, as exposed by me in the *Castracan v. Colavita* lawsuit, is part of Gannett's continuing cover-up of the corrupting 1989 three-year, seven-judge judicial cross-endorsement deal that such party "leaders" orchestrated and implemented at illegally-conducted judicial nominating conventions.

Your publication of the Landau letter can only be seen as a deliberate affront to me personally, in view of your knowledge that Mr. Landau, in collusion with Justice Fredman, fabricated the phony *Breslaw* contempt proceeding against me. That proceeding, involving a minor fee dispute between private parties, Gannett elevated to front-page banner headlines and unrelentingly defamatory press coverage[1] . In so doing,. Gannett refused to print any of the facts showing the disqualifying political and personal relationship between Mr. Landau and Justice Fredman, which neither of them disclosed.. This includes the active endorsement of Justice Fredman for a full 14-year term in the fall 1989 elections by Mr. Landau, then Chairman of the Scarsdale Democratic Club. Justice Fredman refused to disqualify himself by reason thereof, as well as by reason of his directly adversarial and fiercely vindictive relationship to me when he was a practitioner immediately prior to Governor Cuomo's interim appointment of him to the bench in May 1989. Gannett was well aware of these disqualifying relationships because it was repeatedly informed of it, as reflected by my daughter's unresponded-to January 31, 1990 letter and in my October 24, 1991 letter to then Governor Cuomo, receipted for Gannett by its then Executive Editor, Lawrence Beaupre's secretary. Copies of both letters are separately transmitted.

My October 24, 1991 letter to Governor Cuomo reflected Alan Sheinkman's complicitous role in defending the Castracan v. Colavita challenge. Over these past several weeks, Gannett has steadfastly refused to write any story about Mr. Sheinkman, whom Gannett reported in a November 21st article to have been appointed as Westchester County Attorney by incoming Westchester County Executive Andrew Spa no. Nor has it published any story about Jay Hashmall, Esq., whom that same article reported he had been appointed as Deputy County Executive. You will recall that when you came to my home on Friday, I showed you the document Mr. Hashmall signed as Chairman at the 1990 Democratic judicial nominating convention presided over by him, in which he, along with its Secretary, Mark Oxman, Esq., identified in Gannett's January 1, 1998 article as Mr. Spano's personal attorney, both perjuriously certified to due compliance with Election Law requirements.

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[1] Gannett never bothered to report Gannett never bothered to report that, on my appeal from Justice Fredman's abusive, egregiously erroneous final decision against me was REVERSED for his failure to accord me fundamental due process. Parenthetically, Gannett was long ago given a copy of my Appellant's Brief on the Breslaw appeal.

All three of these lawyers were involved in criminal wrongdoing. Yet, I was told by you, Editor/Vice-President Robert W. Ritter, Bruce Golding, who verified same with his editor, Phil Reisman, as well, impliedly, by David McKay Wilson, who did not bother to speak to me despite my several calls, that Gannett was "not interested in the story."

It deserves note that repeated messages have been left for Mr. Ritter by my daughter and myself as to Gannett's suppression of CJA's citizen opposition to Mr. O'Rourke's state court nomination and the basis of that opposition. He has failed to return a single one. Apparently, he is too busy trying to unseal Mr. O'Rourke's divorce files on the pretense that the public has a right to know about what they contain At least two of the telephone messages left for Mr. Ritter informed him that Gannett could better be spending its time and money by suing the Governor to vindicate the public's right to know the contents of the written report of the State Judicial Screening Committee concerning Mr. O'Rourke's judicial qualifications that, by law, is supposed to be "publicly available".

On the subject of Gannett's hypocrisy, which is not of recent vintage, I enclose my daughter's Letter to the Editor, transmitted by hand and by fax under cover letter dated March 22, 1993. That Letter to the Editor, which Gannett refused to print, makes evident that Gannett itself uses words like "lying", which word you stated I could not use in referring to O'Rourke's repeated misrepresentations of his credentials, as documented by our critique. As to that critique and Gannett's suppression of it, my daughter had submitted a Guest Column five months earlier, on November 11, 1992, also unpublished.

Let there be no doubt about it. Mr. O'Rourke owes his state court nomination to Gannett's suppression five years ago of the true facts about our critique of his judicial qualifications. If he is confirmed by the State Senate, it will be due to Gannett's continuing suppression of the critique and information about the extraordinary citizen opposition we have once again mounted.

Finally, on the subject of Gannett's suppression, Gannett has decided that even a mention in its "Our Town" column of my winning a Giraffe Award reflects too favorably on me to be included. Originally, Bruce Golding was doing a feature story on it and spent a substantial amount of time on it. The story, I was thereafter told, was whittled down to what was going to be a brief item in "Our Town", which was to appear on New Year's Day. True to form, it never appeared.

A copy of this letter will be sent to the management of Gannett Company Inc., at it's headquarters, which as you know was previously informed of Gannett Suburban's suppression, particularly in the context of our O'Rourke critique. A copy of my daughter's July 6, 1992 letter to Gannett Management will be separately transmitted to you. Please circulate this letter to all those in charge at Gannett Suburban, including Mr. Sherlock, Mr. Ritter, Mr. Hoffman, and Mr. Reisman, as well as the reporters involved in the suppression and defamation of me. Please also identify for me the attorney (s) you consulted so that I can contact him (them) directly

Very truly yours,

DORIS L. SASSOWER, Director

Enclosures: (5), to follow by separate transmittal.