

**LAW OFFICE OF GARY L. ZERMAN**  
**23935 Philbrook Avenue**  
**Valencia, California 91354**  
**(661)259-2570**

September 19, 2007

Mr. Bill O'Reilly  
FOX News – *The O'Reilly Factor*  
1211 Avenue of the Americas  
New York, NY 10036

RE: My call to your September 13<sup>th</sup> KABC (Los Angeles)  
Radio Program re The New York Times' \$100,000+  
discount on MoveOn.org's "General Petraes or General  
Betray Us" advertisement

Dear Mr. O'Reilly:

On September 13, 2007, I ("Gary from Valencia", California) was the last caller, in the last hour of your radio program, where you were discussing the most recent breach of journalistic ethics by the The New York Times for its publishing the MoveOn.org ad "General Petraes or General Betray Us" – at a unbelievable (\$100,000+) discount.<sup>1</sup>

I concurred with your concerns that The Times' betrayal of journalistic responsibilities, failure to report objectively and its taking-sides partisanship, was destroying civil discourse in America, but added that the problem was even more grave and longstanding, than you were aware. To back up my statement I referred to a landmark lawsuit brought by Elena Sassower against the The Times for journalistic fraud.<sup>2</sup>

I then commented that no one in the media would report on this landmark lawsuit, and then stated that included Ms. Lis Wiehl – your

---

<sup>1</sup> In your September 18, 2007 *O'Reilly Factor*'s "Talking Points", you focused on "The Corrupt Press – Part 96". You stated that the "Media is out of control, dangerous and deceptive" and reported on a complaint filed with the Federal Elections Commission by the American Conservative Union against The New York Times and MoveOn.org, asserting the ad discount was an improper in-kind benefit to the Democratic party and thus a violation of campaign finance law(s).

<sup>2</sup> In addition to this first-of-its-kind lawsuit for journalistic fraud, there is Bob Kohn's book *JOURNALISTIC FRAUD: How The New York Times Distorts the News and Why it Can No Longer be Trusted* (2003) WND Books. Mr. Kohn has appeared on your program.

co-host that day, to whom Ms. Sassower had personally delivered documents about the lawsuit, clearly bringing such to Ms. Wiehl's attention. I do not know exactly when I was cut-off, but I did hear you state that you were looking right at Ms. Wiehl, and she was shaking her head showing no knowledge or idea what I was talking about. I then heard Ms. Wiehl state she had no idea, following which you stated that you could not talk about something neither you nor Ms. Wiehl knew about. I believe, at some point I heard you say that I should stay on the line so your staff could get further information about the suit from me.<sup>3</sup>

Hence, my purpose in writing this letter. Even without your comment about staying on the line, I would have written this letter, as the ongoing lawsuit against The Times for journalistic fraud must be brought to your attention, because the issue of The Times' abuse of privilege, corruption and partisan influence and propaganda is so grave.

After my call to your radio program, I e-mailed Ms. Sassower and advised her of my call to your program. She called me back and told me that she would welcome the opportunity to write you about the lawsuit and the media's failure to report on it - and thus inform the public.

Mr. O'Reilly, I am an avid viewer of *The Factor* and avid listener to your radio program. I have been involved in legal and judicial reform for a number of years, and I compliment and thank you for both your courage and persistence, in reporting on, and going after, derelict and incompetent judges. As you often state, you're "Just look'n out for the folks. No one else does." I believe there is no greater harm to our Republic - except maybe the failure of the media to report such.

Mr. O'Reilly, please look at Ms. Sassower's letter and the landmark lawsuit against The Times for journalistic fraud which she and the Center for Judicial Accountability, Inc. - the non-partisan, non-profit citizens' organization she co-founded - have brought on the public's behalf. The lawsuit is fact-specific and substantiated by the most extraordinary "paper trail" of documentary proof. Ms. Sassower is a true American hero.<sup>4</sup> She is one of the "folks" you talk about.

---

<sup>3</sup> I believe, by then, I was no longer connected - and would appreciate if you would have your staff send me a tape of our conversation.

<sup>4</sup> Ms. Sassower and the Center for Judicial Accountability were featured in the 1996 episode about bad judges entitled "*BAD JUDGMENT*" from the *A&E* series "Investigative Reports" hosted by acclaimed

In conclusion Mr. O'Reilly, I would like to leave you with the following quotes from an opinion piece by Richard Reeves that appeared in the LA Times on September 20, 1992 (exactly 15 years ago) "*The Lie, Big and Small: 20<sup>th</sup> Century American Ethics – How Did We Become so Tolerant of Lying?*":

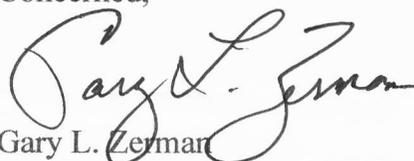
"If the worst is true and the United States is indeed destroying itself economically or ecologically, politically or spiritually, this will be our epitaph: '**The lied!**' ...

"**It's killing us.** How can government of the people survive if the people believe or accept things that are not true, and that they know are not true? Even leaving President Bush and Bill Clinton out of this, lies are personal and **public betrayals** more certain to overthrow a country than violence; and if there are more of them now at all levels of American life, it means we are in greater trouble that we think."

Mr. O'Reilly, look out for the folks - here. Investigate the Center for Judicial Accountability's public interest lawsuit against The Times for journalistic fraud. Then inform the people. They **MUST** know the harm and havoc The Times is wreaking.

Thank you for your time and consideration.

Concerned,

  
Gary L. Zerman

GLZ/ms

cc: Elena Sassower, Director

Center for Judicial Accountability, Inc.