

CENTER *for* **JUDICIAL ACCOUNTABILITY, INC.***

*Post Office Box 8220
White Plains, New York 10602*

*Tel. (914) 421-1200
Fax (914) 428-4994*

*E-Mail: judgewatch@aol.com
Website: www.judgewatch.org*

*Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com*

BY E-MAIL: oreilly@foxnews.com
BY HAND

September 19, 2007

Mr. Bill O'Reilly
FOX News
1211 Avenue of the Americas
New York, New York 10036

RE: Your September 13th Radio Show – & Future Radio & Television Shows about the Center for Judicial Accountability's Public Interest Lawsuit against The New York Times for Journalistic Fraud, including its Election-Rigging for Senator Hillary Rodham Clinton

Dear Mr. O'Reilly,

I understand that on your September 13th radio show you were criticizing The New York Times for a breach of journalistic ethics and a left-wing, liberal agenda, as exemplified by the ad it ran for MoveOn.org – allegedly at a discounted rate.

"Gary from Valencia" (California) called in. He echoed your concerns about The Times' partisanship and betrayal of journalistic responsibilities, which he reinforced by saying that such has culminated in a lawsuit against The Times for journalistic fraud. Since FOX legal analyst Lis Wiehl was with you on the show, Gary identified that I had brought the lawsuit to Ms. Wiehl's attention, as likewise the fact that no one in the media would report on it.

I am told that you stated, on the air, that you were right then looking at Ms. Wiehl, and that she was indicating that she knew nothing. Ms. Wiehl thereafter stated this herself upon Gary's assertion that I had personally handed her documents about the case. You thereupon ended the

* The **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization dedicated to ensuring that the processes of judicial selection and discipline are effective and meaningful – a goal which cannot be achieved without honest scholarship and a press discharging its First Amendment responsibilities.

conversation by remarking that you and Ms. Wiehl couldn't talk about something you knew nothing about.

The purpose of this letter is to enable you to be THE FIRST to talk about the Center for Judicial Accountability's groundbreaking – and politically explosive – public interest lawsuit against The Times for journalistic fraud. This, by providing you with the very documents about the lawsuit that I provided to Ms. Wiehl in her capacity as Co-Director of the Program in Law and Journalism at New York Law School.

Summarizing my contact with Ms. Wiehl – as of December 27, 2006 – is my letter of that date to New York Law School's Dean of Academic Affairs on the subject of building "Scholarship, Commentary, & Pedagogy" about the lawsuit. Ms. Wiehl was an indicated recipient of the letter, which I sent her under a covermemo on which her name appears at the top. The December 27, 2006 letter describes my March 16, 2006 and March 26, 2006 memos to her and the Program's other Co-Director about the then-nascent lawsuit. Ms. Wiehl responded to neither memo and my face-to-face exchange with her about them ten months later, on November 15, 2006, is recounted at page 3 of my December 27, 2006 letter as follows:

"she stated she had not received the memos. Although I had e-mailed them to her on March 17th and 24th, and, on April 20th, had taken copies of both memos to New York Law School's mailroom for delivery to her, I handed her duplicates. Not long after Ms. Wiehl left the reception area [on November 15, 2006], I found what I believe to be these very same duplicates on a table beside the exit, along with the further memo I had just given her."^[fn 4]

The appended footnote identified a conflict of interest that Ms. Wiehl has pertaining to The Times lawsuit, *to wit*:

"Ms. Wiehl's posted bio indicates that she held the position of principal deputy minority investigative counsel for the House Judiciary Committee, apparently during some period between 1995 and 2000. I extensively corresponded with both the minority and majority sides of the House Judiciary Committee during those years, exposing their utter dysfunction, nonfeasance, and corruption with respect to federal judicial discipline – a state of affairs concealed by The Times and at issue in the lawsuit. This correspondence is posted on CJA's website, accessible *via* the sidebar panel "Searching for Champions-Correspondence – Federal".

I received no response from Ms. Wiehl to this letter – which I e-mailed to her. Copies of my e-mail transmittal are attached to the letter, which also described the failure of other educated, seasoned journalists, who, like Ms. Wiehl, are lawyers, to report on the lawsuit – Andrew

Napolitano, Catherine Crier, and Jeffrey Toobin, among them.

Thus may be seen that “Gary from Valencia”, who is Gary L. Zerman, a lawyer and one of our nation’s most committed champions of judicial accountability, was speaking truthfully when he told you and your radio listeners that I had provided Ms. Wiehl with documents about the lawsuit and the press suppression of any report about it.

To enable you to verify for yourself the newsworthy and politically-explosive story about the lawsuit against The Times that Ms. Wiehl and so many other of your colleagues in the media have been “sitting on”, I enclose a copy of the lawsuit’s verified complaint¹. It chronicles The Times’ knowingly false and misleading reporting and editorializing about judicial selection and discipline, covering up the corruption of these vital processes, involving public officers, for whom it election rigs. These public officers include Senator Hillary Rodham Clinton, whose landslide 2006 re-election to the Senate, as likewise her front-runner status in the 2008 presidential race, would have been impossible without The Times’ flagrant protectionism.

The complaint’s factual allegations focus on, and summarize, the “paper trail” of my correspondence with The Times’ upper echelons from June 11, 2003 through September 26, 2005 – correspondence which may be familiar to you, as I provided you with copies under a September 26, 2005 letter so that you might “expose The Times’ betrayal of the most fundamental journalism standards”. For your convenience, a copy of that transmitting letter to you is enclosed, as is a copy of my subsequent September 30, 2005 letter to you.

The full record of the ongoing lawsuit is posted on CJA’s website, www.judgewatch.org, accessible *via* the sidebar panel, “Suing The New York Times”. Likewise posted are my extensive outreach efforts to the media – including by three press releases, copies of which I enclose.

I look forward to discussing the lawsuit with you and answering your questions – including on your radio and television shows, in dialog with Ms. Wiehl, whose law degree is from Harvard.

Yours for a quality judiciary & responsible journalism,



ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

¹ The verified complaint – numbering 63 pages and supported by 67 exhibits totaling another 322 pages – is expensive and time-consuming to reproduce and assemble. If, after reviewing it, you do not intend to inform your radio and television audiences of its content, kindly return it to me so that I may make it available to other journalists.

Enclosures: Prior Correspondence to Lis Wiehl, et al.:

- (1) December 27, 2006 covermemo & letter, with e-mail transmittal receipts
- (2) March 16, 2006 & March 26, 2006 memos, with e-mail transmittal receipts

Prior Correspondence to Bill O'Reilly:

- (1) September 26, 2005 letter, with e-mail transmittal receipt
- (2) September 30, 2005 letter, with e-mail transmittal receipt

Public Interest Lawsuit vs The New York Times:

- (1) verified complaint
- (2) three press releases

cc: Gary L. Zerman, Esq.
Lis Wiehl, Esq.,
Andrew Napolitano, Esq.
Catherine Crier, Esq.
Jeffrey Toobin, Esq.