



NINTH JUDICIAL COMMITTEE

Box 70, Gedney Station
White Plains, New York 10605-0070
Tele: (914) 997-8105 / Fax: (914) 684-6554

By Hand

September 16, 1992

Milton Hoffman, Editorial Page Editor
Gannett Newspapers
1 Gannett Drive
White Plains, New York

RE: Your September 6, 1992 Editorial:
"O'Rourke Belongs on the Bench Now"
"...Don't Play Politics with Judges"

Dear Mr. Hoffman:

This letter confirms our rather remarkable conversation yesterday wherein you claimed that you were not aware of the critique of Andrew O'Rourke's qualifications that we submitted to the Senate Judiciary Committee in May 1992--more than four months ago--and rejected out of hand our request for a meeting between the Editorial Board and members of the Ninth Judicial Committee to discuss the serious issues contained therein.

Enclosed is a copy of our July 6th letter to Sheila Gibbons, Director of Public Affairs at Gannett headquarters in Arlington, Virginia, complaining of Gannett's failure to provide any information to the public concerning our critique. You will note that you are a named recipient as Editorial Page Editor, as are Gary Sherlock, President and Publisher, and Lawrence Beaupre, Vice-President and Executive Editor. Also named recipients of that letter are Ed Tagliaferri, Tony Brown, and David McKay Wilson, the writers covering political affairs at Gannett--who have written a lion's share of stories about Andrew O'Rourke over the years. Each of those writers was familiar with the fact that the Ninth Judicial Committee had undertaken an in-depth investigation of Mr. O'Rourke's qualifications for judicial office and each had detailed conversations with me concerning the findings which our critique documented.

In that connection, the May 18th letter to Senate Majority Leader George Mitchell outlining the failure of the screening process--which our critique also documented--was not only an enclosure to our July 6th letter to Ms. Gibbons, but had originally been faxed to Messrs. Tagliaferri, Brown, and Wilson just days after it was sent to the Senate Majority Leader. A hard copy of that letter, among others, was included in my hand-delivered transmittal of the critique to Mr. Tagliaferri in late May.

Although you refused to identify who authored the extraordinary two-section editorial "O'Rourke Belongs on the Bench Now" and "...Don't Play Politics With Judges", printed on September 6th, I was told by the two members of the Editorial Board with whom I spoke, Barry Abisch and David Hartley, that only you could answer my queries on the subject. Unlike yourself, Mr. Abisch admitted to me that he knew of our critique and of our call for a moratorium of all judicial confirmations pending investigation of the screening process.

Although our fax receipts indicate that three copies of our July 6th letter to Ms. Gibbons were transmitted to Gannett offices on July 7th (to fax numbers: 694-5018, 694-5150, 696-8124), I am enclosing an additional copy--with enclosures--to refresh your recollection. I might also add that immediately following our conversation together yesterday, I telephoned Ms. Gibbons, who informed me that she had followed up our July 6th communication with an internal memo to Gannett. By separate letter, I will request Ms. Gibbons to supply you with a duplicate thereof.

So that Gannett management may be fully apprised of the departure from responsible journalistic standards by their affiliate and the lack of substantiation for the September 6th editorial--we ask that a copy of our critique--together with its voluminous compendium of exhibits--be transmitted to Ms. Gibbons immediately. Please also send Ms. Gibbons a copy of our May 19th letter to the President of the American Bar Association, as well as our letter of May 26th to the President of the Association of the Bar of the City of New York, calling upon each of those organizations to review our critique and to retract their favorable ratings based thereon.

In view of the authoritative position taken by your September 6th editorial on the two issues of Mr. O'Rourke's qualifications and the public interest in expeditious confirmations, the aforesaid materials should be required reading for each and every member of the Editorial Board. We, therefore, request that you make same available to them in full.

We also request that the members of the Editorial Board--independently of the Editorial Page Editor (who we understand is a friend of Mr. O'Rourke)--be given an opportunity to decide for themselves whether they wish to meet with us on the critical issues on which they recently opined--issues we spent six months investigating, pro bono publico.

May I again state that we are ready to make ourselves available to Gannett to assist it in discharging its duty to the public to present information which is accurate and opinion based on evidentiary facts.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosure: Gannett, 9/6/92 editorial:
"O'Rourke Belongs on the Bench Now"
"...Don't Play Politics with Judges"

cc: Catherine Black, President
American Newspaper Publishers Associations
Sheila Gibbons, Director of Public Affairs
Gannett headquarters
Gary F. Sherlock, President and Publisher
Lawrence Beaupre, Vice President and Executive Editor
Ron Patafio, Deputy Editorial Page Editor
Barry Abisch, Associate Editor
David Hartley, Associate Editor
Laurie Nikolski, Associate Editor
Janet McMillan, Senior Managing Editor
Evelyn McCormack, Managing Editor
Ed Tagliaferri, County Government Reporter
Tony Brown, Columnist
David McKay Wilson, Political Reporter
FAIR: Fairness and Accuracy in Reporting