

By Fax 694-5018

April 2, 1992

TO: CAMERON McWHIRTER  
FROM: ELENA RUTH SASSOWER  
RE: TODAY'S FRONT-PAGE METRO DEFAMATION

This is to place on record the fact that on Thursday, March 26, 1992, I spent at least 20 minutes with you in the back of Judge Colabella's courtroom, detailing the underlying Wolstencroft case, including: (a) the motion to change venue; (b) the motion to recuse; and (c) the motion to vacate the stipulation.

I also discussed with you the Article 78 proceeding brought by my mother against Judge Colabella--pending in the Appellate Division--based on his gross judicial misconduct. You stated that you had not seen the Petition, Supporting Affidavit and Exhibits--which, have been in Gannett's possession since February 13, 1992. I apprised you that Gannett had printed nothing about that proceeding or even about the fact that Judge Colabella had to vacate the arrest/incarceration order--as a direct result thereof. I pointed out that Gannett had printed nothing whatever about the February 19th vacate order.

I also apprised you that Judge Colabella--in seeking to create a media spectacle--had failed to inform the New York Law Journal of his vacate order--which it was his obligation to do. I showed you the March 24, 1992 "clarification" which appeared on the Law Journal's front page, as well as my mother's "Letter to the Editor" that appeared in conjunction therewith.

I fully discussed with you all the relevant facts concerning the politicization of the bench in the Ninth Judicial District--particularly the personal and professional relationship between Judge Colabella and Anthony Colavita. I showed you the relevant transcripts wherein Judge Colabella conceded that relationship--a relationship of which you stated you were aware. In that connection, we discussed the meaning of the Canons of Judicial Conduct--about which your comments to me revealed you had no understanding whatever.

I also showed you the transcript showing that the Wolstencroft case had been directed to Judge Colabella personally by Administrative Judge Ingrassia. In fact, I described that designation by Judge Ingrassia in the context of my mother's change of venue motion which was based on her involvement in the case of Castracan v. Colavita (as well as on the grossly irresponsible and defamatory reporting of Gannett).

I further discussed the specifics of my mother's October 24, 1991 letter to Governor Cuomo calling for the appointment of a special prosecutor. Indeed, I showed you that letter--which was part of Exhibit "H" to the papers submitted by my mother to the Appellate Division last week. You will recall that that exhibit contained documents relative to Gannett's inaccurate and slanted news coverage in its February 12th and February 14th stories. In that regard, you saw the voluminous motion which my mother had submitted to the Appellate Division. You made no effort to secure a copy from us.

You asked me about the Breslaw case and I discussed with you that Gannett has consistently refused to avail itself of documentary evidence which we have offered it--which would permit it to set forth the true facts--rather than repeat baseless defamations.

You also asked me about Judge Goettel's federal court decision--and I told you that it was not only under appeal, but that it represented a total fabrication on the part of the judge--having no basis whatsoever in fact and in law. Indeed, although we discussed the irrelevance of that case to the Wolstencroft litigation, I offered you an opportunity to see the appellate briefs--an offer I reiterated on Friday, March 27th when I left a message for you with Marianne Sabato.

In the context of your understanding the type of judges--represented by Judge Goettel--who populate our federal bench, I discussed with you Senator D'Amato's recommendation of Andrew O'Rourke to a federal judgeship--which he made less than five months after the report of the New York State Commission of Government Integrity, entitled, "The Blurred Line". I also discussed with you the fact that the Ninth Judicial Committee was nearing completion of a submission to the Senate Judiciary Committee--as to which I told you David McKay Wilson was aware.

None of the foregoing newsworthy information--representing matters of genuine public interest and importance--and much of which was reiterated by my mother in her presentation in open court in your presence and hearing--was included by you in your gratuitous and utterly worthless story featured on the front page of the Metro Section.



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