



NINTH JUDICIAL COMMITTEE

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BY FAX AND BY HAND
914-694-5018

March 22, 1993

Milton Hoffman, Editorial Page Editor
Gannett Newspapers
1 Gannett Drive
White Plains, New York 10604

RE: Our Critique on the O'Rourke Nomination

Dear Mr. Hoffman:

We note that we have had no response to our December 3, 1992 letter to you, enclosing our uncontroverted letter, dated November 11th to Ed Tagliaferri, a so-called "prize-winning investigative journalist". Likewise, the Editorial Board has ignored our separate November 11th letter to it--although individual copies were addressed to each and every one of its members and hand-delivered to Gannett offices. Neither you nor the Editorial Board agreed to meet with us on the serious issues discussed therein. Nor was there any publication of our Proposed Guest Column. Moreover, you failed and refused to retract your September 6, 1992 endorsement of Andrew O'Rourke's judicial nomination--which, in the public mind, still stands.

The Ninth Judicial Committee holds Gannett directly responsible for defrauding and misleading the public as to Mr. O'Rourke's fitness for a federal judgeship and for creating the possibility that his name would be resubmitted this year. Indeed, your own November 18, 1992 column--written after you personally received a copy of the Ninth Judicial Committee's critique and discussed it with me--anticipated the possibility of resubmission, without the slightest disapproval expressed by you.

Had Gannett performed its journalistic duty to report the fully documented facts concerning Mr. O'Rourke's lack of judicial qualifications, the public outcry would have been so great that neither Senator D'Amato nor Senator Moynihan would have dared to resubmit Mr. O'Rourke's name for nomination by President Clinton, as they did earlier this month.

Throughout last year, Gannett cavalierly ignored our critique and its impact on Mr. O'Rourke's judicial confirmation. Such suppression continues this year with Gannett, once again, "blacking-out" the important contribution made by the Ninth Judicial Committee in forcing Mr. O'Rourke to abandon his hopes for nomination to the federal bench.

So that the record is perfectly clear, Mr. Tagliaferri, who personally received a copy of our critique ten months ago, did NOT even communicate with us for insider comments for his March 4th story on Senator Moynihan's transmittal of Mr. O'Rourke's name to the President. Likewise, although Mr. Tagliaferri was well aware that the Ninth Judicial Committee has been engaged in vigorous behind-the-scenes communications, inter alia, with the ABA and City Bar to retract their indefensible ratings approving Mr. O'Rourke for judicial office, he did NOT contact us for comment as to the real reasons why Mr. O'Rourke withdrew his name from consideration by President Clinton. Instead, Mr. Tagliaferri's March 6th front-page story allowed Mr. O'Rourke to proffer his own public relations reasons for "bowing out". Editorial comment by Gannett was conspicuously absent.

We note that Mr. Tagliaferri's March 7th front-page story about Mr. O'Rourke's latest conflict of interest provided the Editorial Board with a perfect opportunity to discuss not only Mr. O'Rourke's ethical insensitivity--which it did in its March 10th editorial--but to do so in the pertinent context of judicial fitness. Indeed, ethical sensitivity to conflict of interest is an integral component of judicial fitness and was a cornerstone of our critique of Mr. O'Rourke (pp. 20-24).

As set forth therein, the Senate Judiciary Committee's questionnaire contained a specific question regarding conflict of interest (II-Q2). Mr. O'Rourke's response to that question, as well as his response to the question calling for his "ten most significant litigated matters" (I-Q18), were the focus of the first 24 pages of our investigation and analysis. Our view, expressed at page 2 of our critique, was that Mr. O'Rourke's responses to the two aforesaid questions are in and of themselves sufficient to establish his unfitness for judicial office.

Gannett has yet to draw that same conclusion--let alone inform the public of the stalwart and unstinting efforts of the Ninth Judicial Committee which prevented Mr. O'Rourke from taking a seat on the federal bench.

Yours for a quality judiciary,


ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

P.S. In the context of your March 3rd editorializing on the subject of Judge Jeanine Pirro "lying to a reporter", we submit the enclosed "Letter to the Editor" for publication.

cc: Editorial Board Members
Ed Tagliaferri, "prize-winning investigative reporter"
Gary Sherlock, President and Publisher
Kenneth Paulson, Vice-President and Executive Editor
Sheila Gibbons, Director of Public Affairs, Virginia
Headquarters

LETTER TO THE EDITOR

We were astounded at the speed and vigor with which the Editorial Board lambasted Judge Jeanine Pirro in a March 3rd editorial for "lying to a reporter" which it said "bears directly on the matter of personal integrity" and judicial fitness. Yet there has not been a peep from the Editorial Board as to Mr. O'Rourke's pattern of outright lies and misrepresentations to the Senate Judiciary Committee, meticulously documented by our critique of his responses to a Senate Judiciary Committee questionnaire concerning his qualifications for judicial office.

We agree with Gannett that "lying to a reporter" amounts to "lying to the readers". Yet, considering that Gannett has lied to the readers throughout the past ten months in a multitude of stories about what was holding up Mr. O'Rourke's judicial confirmation, its indignation toward Judge Pirro is two-faced.

Anyone reviewing our critique knows for a certainty why Mr. O'Rourke's nomination "stalled" last year--and why it could not get off the ground this year. Gannett has been in possession of a copy of our critique since last May, but has deliberately deprived the public of information about it ever since. Indeed, only by virtue of its total news "black-out" was Gannett able to issue its ringing September 6th editorial endorsement "O'Rourke Belongs On The Bench Now"--which, to date, it has refused to retract.

Hypocrisy, thy name is Gannett.


ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee



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BY HAND

March 22, 1993

Gary Sherlock, President and Publisher
Gannett Newspapers
1 Gannett Drive
White Plains, New York 10604

RE: Our Critique on the O'Rourke Nomination

Dear Mr. Sherlock:

We have had no response to our December 3, 1992 letter to you, which followed up our several prior telephone messages for you, left with Amy of your office.

On February 11, 1993, we again left a telephone message with Amy-telling her that we were still awaiting your response to the serious issues raised by our critique and our correspondence with Gannett relative thereto.

As shown by the enclosed letter of today's date to Mr. Hoffman, Gannett's deliberate abandonment of standards for reporting and editorial comment continues unabated.

Yours for a quality judiciary,

ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosure