

**C**ENTER *for*  
**J**UDICIAL  
**A**CCOUNTABILITY, INC.



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VIA FAX: 696-8396

December 28, 1997

Ron Patafio, Editorial Page Editor  
Gannett Suburban Newspapers  
One Gannett Drive  
White Plains, NY 10804

Phil Reisman, News Editor  
Bill Dentzer  
David McKay Wilson

IN REPLY

This is to put on record that your December 27, 1997 news article "Judicial reform group challenges O'Rourke judgeship" is false and defamatory of me, my daughter, and the Center for Judicial Accountability, Inc. (CJA). We demand a retraction, apology, and publication of a proper story reporting the true facts about my status at the bar, CJA, its efforts to stop this unworthy nomination, and the basis of our opposition.

Obviously, those responsible for the story were bent on discrediting me and CJA's unique and important work. Clearly, that is why Gannett has at the same time suppressed the newsworthy information about my winning the Giraffe Award, a national honor given to individuals who "stick their necks out for the public good" -- despite your receipt of a release announcing it weeks ago. We demand that same be published in full as part of your retraction and apology.

So there is no doubt about it, I am not, and never have been, a "disbarred lawyer", or even a lawyer suspended under a final order. Nor was I "suspended in 1991 ... for failing to undergo a court-ordered competency test." The suspension order contained no findings of any kind or any reasons, and there was no legal or factual basis for such illegal and unconstitutional order.

As part of the apology, we also demand that Gannett publish a "Who We Are" piece about CJA which it refused to do previously, claiming we were "too insubstantial" an organization, even while we were being featured on national radio and television, quoted in media across the country, and CJA's web site <http://www.judgewatch.org> was receiving thousands of hits regularly, including visits from the justices of the highest court of our land.

You are well aware of our vigorous public interest advocacy because we have kept you informed of our ongoing activities and growing recognition, virtually all of which you suppressed. Your reporter, Bill Dentzer, was explicitly informed by my daughter that CJA is a national organization, with members in over 30 states, which emerged from a local citizens' group called the Ninth Judicial Committee. She informed him of the genesis of that group, its lawsuit to challenge the

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manipulation of judicial elections, and the politically-motivated, retaliatory suspension of my law license. She also expressly identified that suspension as having been without any written charges, without any hearing, without findings or reasons, and without any right of appellate review. Most of her conversation, which was lengthy, detailed the 50-page critique we submitted to the Senate Judiciary Committee in 1992 concerning Andrew O'Rourke's judicial qualifications, as well as the failure of the judicial screening process. His story claiming that our opposition was based on Mr. O'Rourke's "lack of litigation experience" is untrue. It comes neither from his conversation with my daughter nor from CJA's December 26th letter to Mr. O'Rourke, about which Mr. Denzer's article pretends to be reporting, a copy of which head, and certainly not from the critique. That telephone conversation and those documents make eminently clear that our opposition rested on Mr. O'Rourke's responses to the Senate Judiciary questionnaire, which showed, as we proved in the critique, based on a six-month study and documented with 60 exhibits, that he had neither the competence, integrity, or temperament to be a judge.

Among other things, our critique showed that Mr. O'Rourke's excuses that "most of his records were lost, misplaced, or thrown out by his former law partner", offered in explanation for his failure to supply more than three cases, where *ten* were called for to show his trial experience, were a complete sham -- which the public was entitled to know. Gannett's suppression of our critique and its substantiated conclusion that Mr. O'Rourke was "thoroughly unqualified" for the federal judgeship to which he had been nominated in 1991, made possible his present state court nomination

Gannett's similar distortions and non-coverage of the true facts concerning the illegal, politically-motivated suspension of my law license and the public interest Election Law case of *Castracan v. Colavita* litigation which I was handling at the time as pro bono counsel to challenge the political manipulation of judgeships in the Ninth Judicial District (which includes Westchester) takes on heightened current importance. Two of the lawyers involved in the criminal wrongdoing my court papers in that lawsuit documented, Jay Hashmall and Alan Sheinkman, have now won appointments by incoming Democratic County Executive Andrew Spano to the posts of Acting County Executive and County Attorney, Jay Hashmall and Alan Sheinkman --the highest legal positions in the county-- and will be taking office January 1. Once again, this is because Gannett refused to do its job and expose the facts,

documented by court records, brought to its attention as soon as their appointments were announced -- only to be told, explicitly, by your Editor/Vice-President Robert W. Ritter that Gannett was "not interested" in the story. Mr. O'Rourke's induction is expected next week -- if the public is not sufficiently aroused through CJA's ongoing efforts to get the Governor to withdraw his nomination, or his Judicial Screening Committee to withdraw its "highly qualified" rating. That rating was obtained by Mr. O'Rourke's fraud and/or failure to disclose our earlier adverse rating of his qualifications.

We are available for a meeting with Mr. Ritter and the Editorial Board to address these issues. It's time Gannett stopped protecting its own interests and focused, instead, on its overriding duty to protect the public's interest in an honest judiciary and good government.

**DORIS L. SASSOWER** is director and co-founder of the Center for Judicial Accountability, Inc.

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**Center for Judicial Accountability, Inc.** is a national, nonpartisan, nonprofit citizens' organization documenting the dysfunction, politicization, and corruption of the closed-door processes of judicial selection and discipline on federal, state and local levels so as ensure that only the most qualified lawyers become, and remain, judges.