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23 pages

TO: Ron Patafio, Editorial Page Editor,
Gannett Suburban Newspapers/ cc: Kyle Hughes: 518-436-0130

FROM: Elena Ruth Sassower, Coordinator

DATE: February 2, 1998

RE: O'Rourke Waiver

Following up my phone call to you a short time ago, this responds to your lead editorial in Saturday's newspaper "*Governor Should Explain Double Dip*", which misrepresents "the rules" to the public as to Andrew O'Rourke's entitlement to an \$80,000 pension on top of his \$113,000 judicial salary. Based on your misrepresentation of "the rules" (as well as suppression of all material facts relating to Mr. O'Rourke's absolute lack of qualifications, the absence of any screening committee report, etc.), you hold everyone but Mr. O'Rourke responsible for the outrage. What an extraordinary "F.O.A." -- "Friend of Andrew" you are.

We do not know where you got your information about "the rules", but you were "sold you a bill of goods". Indeed, had you bothered to contact us about what we knew about this matter BEFORE running your editorial, we would have provided you with our January 30th letters to the OCA, protesting the OCA's misrepresentation of "the rules" to us and calling upon Administrative Judge Lippman to reconsider the waiver, retract it, and undertake an investigation of the conduct of OCA counsel. Copies are enclosed.

For the record, I called the Albany Bureau of Gannett on Thursday, January 29th, and left a recorded message for Kyle Hughes, who has been writing the O'Rourke waiver articles. He did not return my call. In view of the extensive conversation I had with Mr. Hughes, when he sat next to me at the January 13th Senate Judiciary Committee meeting on the O'Rourke confirmation and, thereafter, when he made copies of our voluminous correspondence opposing the confirmation, he knew me to be a credible source of valuable information -- all independently verifiable. Consequently, I would not be surprised if Mr. Hughes' failure to return my phone message was due to his being advised of Gannett's policy to blackball us and suppress any information we might provide.

Please be sure that the enclosed letters are passed on to the "news" side/Metro Desk so that a story about CJA's request that the waiver be reconsidered and retracted -- based on what "the law" actually require -- is presented to the public.

Elena Ruth
Sassower