



Kerry Smith
Senior Vice President
Editorial Quality

January 25, 2006

Mr. Eugene B. Meyer
President
The Federalist Society
1015 18th Street, NW
Suite 425
Washington, DC 20036

Dear Mr. Meyer:

Thank you for your letter of January 25 that was forwarded to my attention regarding our *Nightline* report on Judicial Ethics. In your letter you assert that we "grossly misled viewers" about a trip Supreme Court Justice Antonin Scalia took for a legal seminar that your organization sponsored, and that we chose to "willfully ignore very pertinent facts."

I assure you that we take our responsibility to the truth very seriously. We strive for accuracy and fairness in every single one of our reports, and we take great efforts to present the facts from a balanced perspective. We are confident that *Nightline*'s report met our standards in this case.

You object that we inappropriately suggested that Justice Scalia's trip was a "judicial junket" and that we "deliberately misrepresented the nature of the event." In our program, we accurately reported that Justice Scalia attended the event to teach a ten-hour legal seminar, and we did not characterize it as a junket. As we reported, the event invitation advertised that the course was "offered exclusively to Federalist Society members and is a rare opportunity to spend time, both socially and intellectually, with one of the most significant leading jurists in the modern age." Respected legal ethics Professor Steven Gillers of NYU noted that it was ethically questionable for Justice Scalia to lend the prestige of his office for an event open only to members of a particular organization with a "decided political/ judicial profile." We expressly noted your position when our correspondent Brian Ross reported that the Federalist Society said "this was no junket at all but a legal seminar." Our story included the trip in the larger context of a report about judicial ethics and the lack of formal rules for the Supreme Court Justices' acceptance of such trips and gifts.

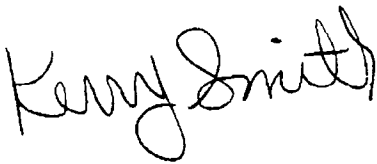
You also take issue with our reporting that Justice Scalia missed the confirmation ceremony of Chief Justice John Roberts in order to attend the Federalist Society trip. You list several reasons why it was unfair to include that undisputed fact and that it was reasonable and appropriate for

Justice Scalia to maintain his commitment to the Federalist Society despite the conflict. In fact, Professor Ronald Rotunda of George Mason Law, who is himself a member of the Federalist Society, expressed that position in our report. Professor Rotunda said "when you have a conflict, you have to reject the second invitation" and maintained that it was appropriate for Justice Scalia to keep his commitment to the Federalist Society program despite the conflict with the Chief Justice's confirmation ceremony. We also noted that Mr. Rotunda thought Justice Scalia's participation in the event was acceptable because the Federalist Society "doesn't have litigation before the Judge and it's unlikely to have litigation before the Judge."

As you are aware, ABC News offered the Federalist Society an invitation to participate in our program well in advance of the broadcast. Producer Rhonda Schwartz personally contacted both you and your press representative with an offer for an on-camera interview. We regret that you chose to decline that opportunity, and we made our best effort to include your point of view based on the information that you provided to us. *Nightline* is interested in continuing to explore the issue of judicial ethics further and is planning a follow-up broadcast tomorrow evening, Thursday January 26. We continue to extend an invitation for you or a Federalist Society representative to appear on the program for an interview with Brian Ross as part of the broadcast.

After reviewing our broadcast on judicial ethics, we are confident that *Nightline* examined a newsworthy issue with the accuracy, fairness, and balance consistent with the tradition of the program. Thank you for taking the time to share your views.

Sincerely,

A handwritten signature in black ink that reads "Kerry Smith". The signature is written in a cursive, slightly slanted style.

Kerry Smith