

From: Irvin Muchnick
Sent: Monday, August 28, 2017 10:00 AM
To: Peter Hall; Robert York
Subject: Media inquiry

By way of introduction, or reintroduction, I am a California-based journalist and author who has written for a quarter of a century about the murder cold case of pro wrestler Jimmy "Superfly" Snuka. I am following the story of District Attorney Martin's defamation suit against Bill Villa because aspects of it resonate with my themes regarding the flaws of criminal justice in Lehigh County and the spotty coverage of it by the Morning Call. I'll be publishing a piece this week, most likely on Wednesday, about what you reported on the latest court ruling affecting Martin v. Villa.

Questions for you:

1. Your original story botched what had happened at the appellate court by confusing Martin's co-defendants: Villa and the radio station that had aired some of his statements about Martin. How did that happen?
2. Villa further documents, from capture of your original online post and the unchanged time stamp of your revised post, that your correction was as clumsy as the original bungling. Your rejoinder?
3. Villa notes that you contacted various principals for comment but, oddly, not him. Why?
4. My own general question is this: The lawsuit seems to me a blatant abuse of power by a public official -- what is widely known as a SLAPP (Strategic Lawsuit Against Public Participation). Whether or not there is a toothful Pennsylvania anti-SLAPP statute does not change that this is a case involving SLAPP principles, abuse by the long-time DA, and a matter of chilling First Amendment concern. Has the Call addressed this or do you intend to do so? (Mr. York, you are invited to forward this query to the editorial page editor for a full response if it involves separation of church and state: news coverage vs. opinion coverage.)

Thank you,
Irvin Muchnick

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From: Robert York
To: Irvin Muchnick
Sent: Monday, August 28, 2017 7:31 AM
Subject: RE: Media inquiry

Irvin,
Thanks for the note and the chance to respond.
Where will the Wednesday piece be published?
Robert

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From: Irvin Muchnick
Sent: Monday, August 28, 2017 11:01 AM
To: Robert York
Subject: Re: Media inquiry

My website; see signature line below.

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From: Robert York
To: Irvin Muchnick
Sent: Monday, August 28, 2017 8:26 AM
Subject: RE: Media inquiry

If I understand the notes you sent along below – you're working off the following premises/assumptions:

- Criminal justice in LV is more flawed than the norm.
- Mcall coverage has been "spotty"
- Original piece on appellate court ruling was "botched" by Mcall
- Correction was "clumsy"
- No attempt was made to contact representative of Villa.
- Martin's lawsuit is an abuse of power.

It is helpful to my efforts to craft a response if I understand what points I'm addressing.

Best,
Robert

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From: Irvin Muchnick
Sent: Monday, August 28, 2017 11:37 AM
To: Robert York
Subject: Re: Media inquiry

With respect to bullet 1, I was giving you the background of my interest from afar in Martin v. Villa. You can read for yourself everything I've written about Snuka, Lehigh Valley justice, and the media's role in same, and come to your own conclusion as to whether I'm saying your region is exceptionally corrupt, or par for the course. Certainly, our business is about exposing gaps between the real and the ideal.

With respect to bullet 5, Villa is anything but hard to find, and I now am bracing for a possible convoluted explanation of how you "tried" to reach a surrogate before rushing your inaccurate story into print.

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From: Robert York
To: Irvin Muchnick
Sent: Monday, August 28, 2017 9:09 AM
Subject: RE: Media inquiry

My response will not likely be convoluted.

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From: Robert York
To: Irvin Muchnick
Sent: Monday, August 28, 2017 9:17 AM
Subject: RE: Media inquiry

The only hold up to a faster response is my contacting Pete Hall to get specifics of the timings on the correction we posted. He has a better memory than I regarding the tic toc on that. He's out of the office today. He should get back to me shortly.

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From: Robert York
To: Irvin Muchnick
Sent: Monday, August 28, 2017 1:44 PM
Subject: RE: Media inquiry

Mr. Muchnick,
Responses in red below your questions.

Questions for you:

1. Your original story botched what had happened at the appellate court by confusing Martin's co-defendants: Villa and the radio station that had aired some of his statements about Martin. How did that happen?
 - a. Obviously, the error was made from a misreading of the appellate court's decision. This appellate review of Martin v. Villa, Walsh, IHeart, Clear Channel, CapStar etc. is not a case that we report on regularly so additional care needed to be taken to review previous stories. In our business, all errors are regrettable – some are worse than others. I'll let you draw conclusions on the relative severity of this one.

2. Villa further documents, from capture of your original online post and the unchanged time stamp of your revised post, that your correction was as clumsy as the original bungling. Your rejoinder?
 - a. Time stamps on our stories update when changes are published – the correction for this one sits on top of the story. I haven't reviewed Villa's documentation of this transgression nor do I know what conclusions he's inferring. I'm not sure how we could be more transparent about the error and the correction both online and in our print edition. As for assertion of clumsiness and bungling – again, characterize them as you see fair.

3. Villa notes that you contacted various principals for comment but, oddly, not him. Why?
 - a. It's our SOP to reach out to plaintiff and defense counsel for comments on appellate procedural decisions– especially if there are legal nuances that need to be explained to a non-lawyer audience. We did – Gallagher commented (through spokeswoman). Neither Sprague & Sprague (Martin's counsel) or Shay and Santee (Villa's counsel) responded to our Hall's requests for comment. Neither Martin or Villa were called to comment on this procedural ruling. When final disposition of this case occurs and depending on the outcome – each will be asked to comment.

4. My own general question is this: The lawsuit seems to me a blatant abuse of power by a public official -- what is widely known as a SLAPP (Strategic Lawsuit Against Public Participation). Whether or not there is a toothful Pennsylvania anti-SLAPP statute does not change that this is a case involving SLAPP principles, abuse by the long-time DA, and a matter of chilling First Amendment concern. Has the Call addressed this or do you intend to do so? (Mr. York, you are invited to forward this query to the editorial page editor for a full response if it involves separation of church and state: news coverage vs. opinion coverage.)
 - a. Pennsylvania has a very narrow anti-SLAPP statute mostly used in enforcement of environmental issues. Farnese introduced a more widely-applicable version but it's still hung up in committee in Harrisburg. As for this specific suit by Martin qualifying under even a broader interpretation of SLAPP – it's unclear if that would fly. If one were filed – we'd cover it. We cover anti-SLAPP actions when filed but it's not a common occurrence in this state. The Morning Call does not currently have an editorial board. It was eliminated several years prior to my arrival. Given the importance of the work – we are look at our options in bringing one back. That decision is unrelated to this case.

Overall, the levels of emotion and animus between the multitude of parties involved (Martin and Villa and many others) makes this a challenging story to report. We don't let Villa's ongoing vilification of The Morning Call distract us from keeping an eye on each of the DA's we cover as well as other elected officials.

Over the last 11 years, the substance of this story has been replaced by name-calling, smearing and threats going back and forth.

Unless I'm missing something, there's not much new to report. Are you aware of new details that would fit the standard definition of news? As for any history of abuse of power and other misdeeds you reference – prior to my arrival here last August – The Morning Call both published the allegations and thoroughly looked into their merits. Beyond the name-calling, there was little else to report.

Best,
Robert York