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September 11, 2009

By Fax: (212) 301-4223

Roger Ailes
President
FOX News
1211 Avenue of the Americas
New York, New York 10036

Re: “News” Stories about ACORN Staff
Giving Tax Advice to a “Prostitute”

Dear Mr. Ailes:

I write as a follow-up to my letter of September 10, 2009 concerning FOX News' publication of videotapes purporting to show ACORN staffers giving tax advice to an actor posing as a prostitute.

After looking at the law, it is our conclusion that the filming and broadcast of the conversations at the Baltimore ACORN offices violates §10-402(a)(1) of the Courts and Judicial Proceedings Article of the Maryland Code, which makes it unlawful to wilfully intercept, endeavor to intercept, or procure any other person to intercept any oral conversation unless all parties to the communication consent. FOX News, the filmmakers, and the producer of the videos have clearly violated this statute. It is also our belief that the tape broadcast today, involving ACORN's Washington, D.C. office, violates §23-542 of the D.C. Code in that the conversation was recorded for no purpose other than to cause injury.

ACORN and the women whose conversations were taped have authorized us to commence an action for damages and injunctive relief addressed to FOX News, the producer of the videos, and the filmmakers. We demand, in advance of that litigation, that FOX immediately withdraw the

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videos from the air and from the internet until a court rules on the lawfulness of the distribution and broadcast of the videos.

Very truly yours,

Arthur Z. Schwartz

AZS:dr

cc: Bertha Lewis
Scott Levinson
Justin Brown, Esq.