

David McCraw
Vice President and
Assistant General Counsel

620 Eighth Avenue
New York, NY 10018

tel 212.556-4031
fax 212.556-4634
mccraw@nytimes.com

October 13, 2016

VIA ELECTRONIC DELIVERY

Marc E. Kasowitz, Esq.
Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway
New York, NY 10019-6799

Re: Demand for Retraction

Dear Mr. Kasowitz:

I write in response to your letter of October 12, 2016 to Dean Baquet concerning your client Donald Trump, the Republican Party nominee for President of the United States. You write concerning our article “Two Women Say Donald Trump Touched Them Inappropriately” and label the article as “libel per se.” You ask that we “remove it from [our] website, and issue a full and immediate retraction and apology.” We decline to do so.

The essence of a libel claim, of course, is the protection of one’s reputation. Mr. Trump has bragged about his non-consensual sexual touching of women. He has bragged about intruding on beauty pageant contestants in their dressing rooms. He acquiesced to a radio host’s request to discuss Mr. Trump’s own daughter as a “piece of ass.” Multiple women not mentioned in our article have publicly come forward to report on Mr. Trump’s unwanted advances. Nothing in our article has had the slightest effect on the reputation that Mr. Trump, through his own words and actions, has already created for himself.

But there is a larger and much more important point here. The women quoted in our story spoke out on an issue of national importance – indeed, an issue that Mr. Trump himself discussed with the whole nation watching during Sunday night’s presidential debate. Our reporters diligently worked to confirm the women’s accounts. They

provided readers with Mr. Trump's response, including his forceful denial of the women's reports. It would have been a disservice not just to our readers but to democracy itself to silence their voices. We did what the law allows: We published newsworthy information about a subject of deep public concern. If Mr. Trump disagrees, if he believes that American citizens had no right to hear what these women had to say and that the law of this country forces us and those who would dare to criticize him to stand silent or be punished, we welcome the opportunity to have a court set him straight.

Sincerely,

A handwritten signature in black ink, appearing to read "D E McCraw", with a long horizontal stroke extending to the right.

David E. McCraw