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September 17, 2008

Via U.S. Mail and Facsimile

Mr. David S. Bennahum
President and Chief Executive Officer
CENTER FOR INDEPENDENT MEDIA
d/b/a THE MICHIGAN MESSENGER
1825 Connecticut Ave. NW, Ste. 625
Washington, D.C. 20009

and c/o

BYRUM & FISK, INC.
1501 North Shore Dr., Suite B
East Lansing, Michigan 48823
Fax: (517) 333-1646

Re: "Lose your house, lose your vote," published by THE MICHIGAN MESSENGER,
September 10, 2008.

Dear Mr. Bennahum:

This firm represents Mr. James Carabelli ("Mr. Carabelli") and the Michigan Republican Party, the subject of a story ("Lose your house, lose your vote") published by your organization's online publication, The Michigan Messenger, on September 10, 2008. Pursuant to MCL § 600.2911(2)(b), I am writing to demand a retraction and/or correction with regard to this report for the reasons more fully explained below. Further, I request that such retraction and/or correction be published in the manner prescribed under Michigan law.

On or about September 10, 2008, The Michigan Messenger published an article entitled "Lose your house, lose your vote," which states in part as follows:

The chairman of the Republican Party in Macomb County Michigan, a key swing county in a key swing state, is planning to use a list of foreclosed homes to block people from voting in the upcoming election as part of the state GOP's effort to challenge some voters on Election Day. "We will have a list of foreclosed homes and will make sure people aren't voting from those addresses," party chairman James Carabelli told Michigan Messenger in a telephone interview earlier this week.

Michigan follows the common law of defamation: "A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Rouch v Enquirer & News*, 440 Mich 238, 251; 487 NW2d 205 (1992).

Please be advised that these comments allegedly attributed to Mr. Carabelli are false, based on comments fabricated by the person who spoke with him, Ms. Eartha Jane Melzer. Because this is an untrue statement, please accept this notification that such a statement is false and libelous under controlling legal precedents. In *Masson v New Yorker Magazine, Inc*, 501 US 496 (1991), the plaintiff alleged, among other things, that the *New Yorker* misleadingly quoted him out of context. *Id* at 502. The lower courts dismissed the action, but the Supreme Court reversed. The Supreme Court held that "[a] fabricated quotation may injure reputation... giving rise to a conceivable claim of defamation," and that such a fabrication is especially harmful because "[a] self-condemnatory quotation may carry more force than criticism by another." *Id* at 511, 512.

These fabrications have been extremely damaging to my clients' reputations, especially with respect to their relationships with voters and members of the media all of whom depend upon my clients for honesty and compliance with federal and state election laws and citizens' civil rights. Further, as your publication indicates you are aware, these statements have been used as a basis for filing a frivolous lawsuit in federal court. The basis of the lawsuit was entirely dependent upon these phony statements.


If these statements are not retracted and/or corrected, and I am not provided with evidence of such retraction or correction within seven days of the date of this letter, my clients may pursue their legal remedies including but not limited to a suit for libel seeking actual and exemplary damages. Further, my clients intend to hold The Center for Independent Media and The Michigan Messenger fully liable for any actual damages they suffer, irrespective of any publication of retractions or corrections.

Please also be aware that I take notice that The Center for Independent Media is organized as a non-profit. A lawsuit against your organization may not be limited to libel and could, for example, test the basis of your non-profit status.

Accordingly, I respectfully demand that you cease this libelous behavior and make a retraction of these libelous statements. In addition, should you repeat such defamatory statements in the future, such a defamatory falsehood will be published with knowledge that it is false. See MCL 600.2911; compare *Faxon v Michigan Republican State Committee*, 244 Mich App 468 (2001).

Should you have any questions about my clients' legal position, please contact me at 517-281-9374. Otherwise, I expect your immediate cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Davis", is enclosed within a hand-drawn oval. A horizontal line extends from the right side of the oval.

Matthew G. Davis
Attorney at Law