

## O'Rourke Is Named For U.S. Judgeship

WHITE PLAINS, March 3 — Andrew P. O'Rourke, the Westchester County Executive, has once again been recommended for a Federal judgeship, clouding the November race for who will manage the county.

Mr. O'Rourke said today that he was honored by a judgeship recommendation made by both Senators from New York, Daniel Patrick Moynihan and Alfonse M. D'Amato, but that he would need several days to decide whether he would accept the recommendation or seek re-election to the job of county executive.

"I don't know at this point that I'm interested in that," he said of the judgeship in an interview a few hours before the recommendation was disclosed. "I'm certainly leaning toward running for re-election."

Mr. O'Rourke was nominated in November 1991 by President George Bush for a seat in Federal District Court in Manhattan, but the nomination stalled in the United States Senate as Democrats sensed a Presidential victory by Bill Clinton. The nomination expired on Dec. 31.

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## O'Rourke Rejects Offer of Judicial Bid

By JOSEPH BERGER

Special to The New York Times

WHITE PLAINS, March 5 — Andrew P. O'Rourke, Westchester's County Executive, today wistfully turned down the offer of a nomination for a Federal judgeship. He will seek re-election to the job he has held for 10 years.

The decision came as something of a surprise since Mr. O'Rourke, a Republican, had been longingly waiting for a seat on the bench ever since President Bush nominated him in November 1991.

That nomination was allowed, with maddening suspense, to expire when Democrats in the Senate sensed an impending victory by Bill Clinton. But it was revived this week when Senators Alfonse M. D'Amato and Daniel Patrick Moynihan put Mr. O'Rourke's name forward once more for a vacancy in Federal District Court in Manhattan.

### Senators Divide Nominations

Under a system set up in the 1970's, New York's senators have agreed to divide judgeship nominations, with three going to the senator whose party is in power and one going to the member of the other party. So, although the Democrats are now in power, Mr. D'Amato was able to submit Mr. O'Rourke's name again.

Mr. O'Rourke said today that despite Mr. Moynihan's assurances, he was not prepared to see his nomination languish once more in a capital dominated by Democrats.

"There are only 900 Federal judgeships and it's a very elite club," he said at a news conference here. "I could see myself there, but in all honesty I see myself more clearly as a county executive serving the people of the county."

Despite his decision today, his flirtation with the judgeship is already a campaign issue as he battles

one of two Democratic contenders — Andrew J. Spano, the County Clerk who announced his candidacy in January, and Assemblyman Richard L. Brodsky of Greenburgh, who has yet to make an official announcement. Some Democratic officials had predicted that Mr. O'Rourke would reveal the new judgeship offer, then turn it down as a ploy to show the people of Westchester that he remains eager to manage their affairs.

"I think Andy's tired of the job," Mr. Spano said earlier this week. "I think he wants out and there has been a natural malaise that has enshrouded government."

### Tough Battle in November

Mr. O'Rourke will have a tough battle in November in a county once dominated by Republicans where Democrats have achieved an edge in voter registration of 181,360 to 157,774. There are also 10,515 Conservatives and 119,126 independents.

The 59-year-old Mr. O'Rourke, a centrist Republican, beat Mr. Brodsky four years ago with 52 percent of the vote, drawing support from moderate Democrats as well as Republicans in his onetime political home of Yonkers and in most of the county's towns and villages. His strongest base is among Italian and Irish Catholic voters, but he has drawn Jewish support as well.

Mr. O'Rourke is an avuncular man with elegant silvery hair and considerable charm and wit. He can tell salty tales of a welfare childhood in Manhattan's Hell's Kitchen or chuckle over his appearances on the television show "Quiz Kids." His hard-to-ruffle manner has made the running of a county for 875,000 citizens seem easy. He is probably the nation's only



Suzanne DeChillo/The New York Times

Andrew P. O'Rourke, Westchester's County Executive, turned down an offer of a Federal judgeship and will seek re-election.

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# O'Rourke Declines Offer Of a Judicial Nomination

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county executive to have published two adventure novels while in office. Mr. O'Rourke maintains that he has been a good fiscal steward. He has not raised taxes since a one-cent increase in the sales tax two years ago. And he claims to have saved taxpayers money by demanding tougher investigations of welfare eligibility and work programs for 600 of the 1,500 people on home relief. He has, he says, cut the number of homeless cases from 4,553 in January 1991 to 3,542 in December 1992, though advocates for the homeless counter that the homeless have been forced to improvise in often-bruising ways.

Mr. Spano, a genial Democrat of 56, has long pined for Mr. O'Rourke's job. He is given high marks for computerizing the clerk's office so that residents seeking mortgage documents will no longer have to leaf through dusty ledgers. He needs to convince voters that he can tackle tougher policy issues, such as housing. To counter any impressions of provincialism, Mr. Spano has exhorted the county to awaken to a global economy and the age of information.

### Nimble Intellect

Mr. Brodsky, a blunt, hard-charging, 46-year-old Harvard Law School graduate, is regarded as the most nimble intellect. But his almost exclusive experience as a legislator has raised questions about whether he can manage an intricate administration and whether he has, as Mr. Spano diplomatically puts it, the personal "skills in bringing people together."

"The county government has been corruptly and unintelligently managed," Mr. Brodsky said at his 300-year-old house in Greenburgh. "The net result is skyrocketing taxes, a breakdown of service delivery."

Mr. O'Rourke swats at such mosquitoes. "Brodsky is like a guy sitting on the shore hoping this great ship will go on the rocks so he can claim salvage rights," he said.

Westchester is one of the nation's most affluent counties, with a median household income of \$50,872. Despite its reputation as an emblematic suburb, 40 percent of its residents live in four cities — Yonkers, New Rochelle, Mount Vernon and White Plains. Ethnically, its people just about mirror the nation: 78.4 percent are white, 13.7 percent are black, 9.8 percent are Hispanic and 3.7 percent are Asian.

The county's political arrangement has sometimes left county authorities gasping for identity. Most people

*'I see myself more clearly as a county executive.'*

think of themselves as living in the county's 19 towns, 23 villages or its small cities, places that collect their garbage, teach their children and protect them against crime. For many people that is about all the government they want or need.

"The county government tends to be remote from people and provides services that people don't understand are provided by the county," said S. J. Schulman, former president of the Westchester County Association, a business group.

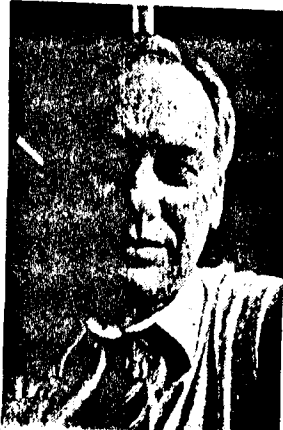
Yet the county government spends \$1.2 billion of their money and employs 10,000 people. It runs a large network of parks, treats the towns' sewage, operates a world-class medical center and, as an agent of the state, provides welfare and Medicaid payments to its poorest citizens.

Indifference to the county's problems may have permitted Westchester to develop a reputation for patronage, making its politics sometimes



Buzanne DeChillo/The New York Times

Andrew J. Spano, the County Clerk, announced his candidacy in January for County Executive in Westchester.



Buzanne DeChillo/The New York Times

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seem as feudal as Huey Long's Louisiana.

Leonard N. Spano, the Republican leader of Yonkers and no relation to Andrew Spano, has 18 relatives on the county payroll. Three years ago, the innocence of Playland Amusement Park, a county-run park in Rye, was shattered by a state report that found that Playland's director was a Republican operative who tacitly squeezed \$20,000 for the party's coffers from 21 amusement vendors.

Mr. O'Rourke rejects any responsibility for these indiscretions, noting, for example, that many of Mr. Spano's relatives were hired before he became executive in 1983.

### Problems of Affordability

Westchester's Aaa bond rating is better than that of Nassau or Suffolk. Still, the county faces serious problems. Its population is aging, and senior citizens, who may own large homes but have reduced incomes, cannot afford the property taxes needed to sustain the county's well-regarded schools and other services.

Young men and women who grew up in Westchester cannot buy or rent homes here. Many towns find that their volunteer firefighters cannot afford to live within their boundaries.

One criticism leveled at Mr. O'Rourke is that he was slow in recognizing his powers to intervene in the housing crisis until a year ago when he proposed a plan to have the county assist villages in building homes for families earning up to \$84,000.