



NINTH JUDICIAL COMMITTEE

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May 26, 1992

Bernard W. Nussbaum, President  
Federal Bar Council  
145 East 49th Street, Suite 4-B  
New York, New York 10017

Dear President Nussbaum:

Perhaps you will recall our January 29, 1992 letter wherein we expressed our concerns about President Bush's nomination of Andrew O'Rourke to a Second Circuit judgeship. We inquired as to whether the Federal Bar Council had screening procedures of its own and would be evaluating Mr. O'Rourke's qualifications. We also asked whether the Federal Bar Council would endorse evaluation of Mr. O'Rourke by the City Bar.

In pertinent part, your expeditious February 6, 1992 response stated:

"The Federal Bar Council as a matter of course does not have a screening process and does not evaluate nominees to the federal court. We leave that to the City Bar Association for whose processes we have great respect. (I was a Vice President of the City Bar Association and a member of the Judiciary Committee for a period of time.)"

Because of the confidence you placed in the City Bar, you will doubtless be distressed by the manner in which it reviewed Mr. O'Rourke's credentials--and rejected adverse testimonial and documentary information offered it by the Ninth Judicial Committee. Indeed, because we were so completely repulsed by the City Bar, we were obliged to undertake our own critique of Mr. O'Rourke's qualifications--which we set forth as our Law Day contribution to the Senate Judiciary Committee.

EX "C"

May 26, 1992

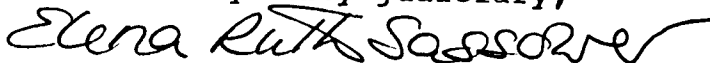
Enclosed herewith is a copy of that critique, as well as our letter to the City Bar's new President John Feerick. You will note that our letter to President Feerick updates our critique with information as to the City Bar's favorable rating of Mr. O'Rourke nomination--and calls for the City Bar to retract it.

We have, likewise, called upon the ABA to retract its favorable rating of Mr. O'Rourke.

Your examination of our critique will leave no doubt but that appropriate screening is not taking place by the City Bar, the ABA, and the Justice Department and that a dangerous situation currently exists. We call upon you to read our enclosed letter to Senate Majority Leader George Mitchell and--based upon the evidence set forth by our critique--join us in urging a moratorium on confirmations of judicial nominations pending before the Senate.

Your expression of public support for our efforts would be greatly appreciated.

Yours for a quality judiciary,



ELENA RUTH SASSOWER  
Coordinator, Ninth Judicial Committee

Enclosures:

- (a) critique and compendium of exhibits
- (b) 5/18/92 ltr to Senate Majority Leader Mitchell
- (c) 5/26/92 ltr to President Feerick
- (d) 5/19/92 ltr to President D'Alemberte

cc: Senate Majority Leader, George Mitchell  
Chairman Joseph Biden, Senate Judiciary Committee  
City Bar President Feerick  
ABA President D'Alemberte  
People for the American Way  
Alliance for Justice