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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-8275

January 31, 1992

Ms. Elena Ruth Sassower
Coordinator, Ninth Judicial Committee
Box 70, Gedney Station
White Plains, New York 10605-0070

Dear Ms. Sassower:

Thank you for your letter regarding the nomination of Andrew O'Rourke to be a United States District Court Judge for the Southern District of New York.

As you may know, the Senate officially received President Bush's nomination of Mr. O'Rourke on November 12, 1991. The Judiciary Committee is currently reviewing his qualifications for the federal bench, as it does with all nominees. For example, the committee will investigate Mr. O'Rourke's past experience, finances, philosophy and any concerns raised by individuals or organizations about his ability to serve on the federal bench -- a process that is followed for every judicial nominee. His detailed responses to the committee's exhaustive questionnaire will be reviewed, as will the FBI's background report on Mr. O'Rourke. In addition, a number of attorneys who have served either as co-counsel with or opposing counsel to Mr. O'Rourke will be contacted for their views on his competence, integrity and temperament.

Each judicial nominee appears at a public hearing prior to full Senate action on that nomination. No hearing date has yet been set for Mr. O'Rourke. His hearing will be scheduled only after the committee has completed its thorough investigation of his record. Once the hearing date is set, decisions on any written requests to testify will be made.

As you may know, the committee's involvement with a nomination begins only after the nomination has been made and submitted to the Senate. Therefore, your inquiries about the selection of Mr. O'Rourke for this position -- a process in which the Judiciary Committee is not involved -- should be directed to Senator D'Amato's office and the White House.

After the committee received your letter, Mr. O'Rourke submitted his response to its questionnaire. The public portion of the questionnaire is enclosed for your review and may answer

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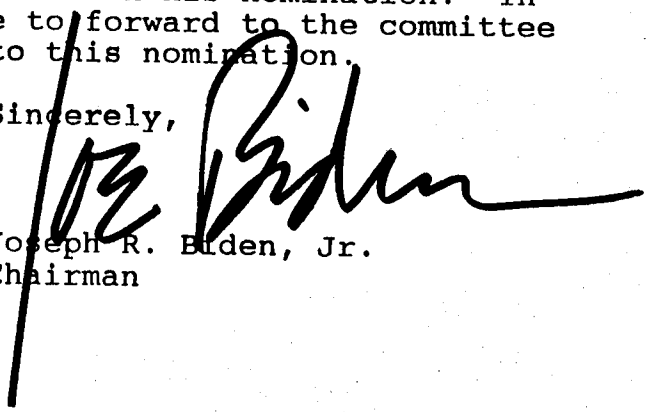
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many of the questions the Ninth Judicial Committee has regarding Mr. O'Rourke.

Once again, thank you for your letter. During the committee's review of Mr. O'Rourke's record, committee staff will contact you to determine your concerns with his nomination. In the meantime, please do not hesitate to forward to the committee any information you deem pertinent to this nomination.

Sincerely,



Joseph R. Biden, Jr.
Chairman

Enclosure