

GUEST COLUMN

Exactly one year ago this week, President Bush nominated Andrew O'Rourke for a federal court judgeship. Since then, Gannett has printed story after story about that nomination. What it has not printed, however, is any story about the political deal-making that produced it or about Mr. O'Rourke's actual--rather than supposed--judicial qualifications.

We should know. The Ninth Judicial Committee, a citizens' group dedicated to a quality judiciary, spent half a year tracking Mr. O'Rourke's nomination. Our findings were set forth in a critique which we submitted to the Senate Judiciary Committee last May.

Our findings as to Mr. O'Rourke's unfitness for judicial office were based upon irrefutable evidence from the nominee's "own mouth": We used Mr. O'Rourke's own representations of his credentials, as he set them forth in writing to the Senate Judiciary Committee's questionnaire. Our investigation of Mr. O'Rourke's representations established a consistent pattern of falsification, distortion, and omission by him--which we meticulously documented for the Senate Judiciary Committee.

Such fundamental dishonesty--clearly disqualifying a judicial candidate--was particularly evident in Mr. O'Rourke's response to the key question relating to legal competence. That question--vital for a nominee with no prior judicial experience--requires the candidate to describe his "ten most significant

litigated matters". Mr. O'Rourke was able to describe only three cases--giving excuses for coming up short which we showed to be false. Yet, even more serious than the inexcusably inadequate number of cases was their content. Examination of the files of those cases--two of which we accessed from the Westchester County Clerk's Office--reveals Mr. O'Rourke to have been an incompetent and unethical practitioner when he practiced law--ten years ago.

Gannett has been in possession of a copy of our critique since last May. Yet, only last week--and only in response to intense pressure from us--did it grudgingly run a story. Entitled "O'Rourke Listed Only 3 Cases for Senate", Ed Tagliaferri's November 2nd story makes it appear that Gannett's review of Mr. O'Rourke's Senate Judiciary Committee questionnaire and the files of 1 case constitute original investigative work. In fact, Gannett has merely verified the smallest portion of the massive work done months ago by the Ninth Judicial Committee--which it used as its source, but which it neither credits nor fully reports.

Indeed, up until the end of September, Gannett refused to let the public know anything about our critique--even that it existed. Instead, Gannett ran story after story about Mr. O'Rourke's nomination being "stalled", speculating far and wide as to the reason, but never mentioning our critique once.

Such pretense enabled Gannett to wax eloquent about Mr. O'Rourke's supposed judicial qualifications in a September 6th editorial--and to cite Mr. O'Rourke's approval by the American

Bar Association and the Association of the Bar of the City of New York. In fact, Gannett was well aware that our critique exposed the failure of those organizations to conduct meaningful investigation and, in the case of the City Bar, the deliberate "screening out" of information adverse to Mr. O'Rourke. Mr. Tagliaferri's article omits any discussion of the evidence presented by our critique exposing the ABA and City Bar ratings of Mr. O'Rourke as indefensible.

It is now two months since that September 6th editorial appeared--and seven weeks since I personally met with the Editorial Page Editor and discussed our critique. Yet, Gannett's Editorial Board--which writes powerfully about everyone else's obligations--fails to recognize its own obligation to the public to confront the clear-cut evidentiary issues--which Gannett's newswriters continue to suppress.



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