NINTH JUDICIAL COMMITTEE

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FAX COVER SHEET

10/2/92 ~~12:10~~ p.m. 1:15 pm

DATE TIME

TO: Ed Tagliaferri
GANNETT SUBURBAN NEWSPAPERS

FAX NUMBER: 694-5018 (tele: 694-5046)

This fax consists of a total of 7 pages, including this cover sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

FROM: Elena Ruth Sassower, Coordinator

Congratulations on your journalism prize--next year a Pulitzer!

Elena

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Tele: (914) 997-8105 / Fax: (914) 684-6554

By Fax: 694-5018

October 2, 1992

Ed Tagliaferri
Gannett Newspapers
1 Gannett Drive
White Plains, New York

Dear Ed:

This letter follows up our conversation yesterday in which you confirmed for me what was told to us the previous day by one of our members, Richard Barbuto, Esq.--that you had been assigned to do a story on our Committee's investigation of Mr. O'Rourke's qualifications, documented in our critique.

We look forward to working together with you--and will give you our full assistance in developing this important story.

You indicated that you were most interested in focusing on the three cases cited by Mr. O'Rourke as his "most significant". We infer that you thereby agree with the view we expressed at page 2 of our critique that question I-Q18 is a pivotal one.

As I mentioned, our Director, Doris Sassower, personally reviewed the files and conducted the interviews relative to the cases set forth by Mr. O'Rourke. She would be most pleased to discuss with you the analysis presented in the critique.

To aid you in appraising her qualifications, Doris Sassower's legal expertise and background in judicial selection criteria are set forth in the Profile immediately following page 48 of the critique.

I have already spoken with Joseph Surlak--who reiterated the authorization he gave to us back in April (copy annexed). Mr. Surlak would be willing to supply you with proper authorization to review the County Clerk's file. He asks that you call him at (914) 963-2526, which is his work number at the Yonkers Police Department, where he is a detective.

May I again suggest that you avail yourself of the accession number we obtained for Pereira--the single federal case cited by Mr. O'Rourke (Ex. "S")--and go to the Federal Records Center in Bayonne, New Jersey.

You might also ask Mr. O'Rourke to produce the file in the Pereira case--as well as Surlak and Tappan.

In that connection, you might confirm with Mr. O'Rourke that your September 20, 1992 article was erroneous when you indicated that Mr. O'Rourke had submitted "briefs" to the Senate Judiciary Committee. No briefs were submitted by him to the Senate Judiciary Committee--nor does it appear that he submitted any "briefs" to the ABA--since none were called for by their questionnaire (Ex. "D").

Although you stated that you are "not interested" in exploring the deficient screening of the ABA and City Bar, we believe that that's where the vital national story lies--and upon which the public interest depends.

I enclose, FYI, a letter written to me by Rachel Sady, another of our members. She wrote it after reading the "blurb" that Gannett ran last November, under the by-line you share with David McKay Wilson. At that time, Ms Sady did not endorse our efforts to track the O'Rourke nomination. Her position, succinctly stated, was:

"The process, not individuals, should be our targets."

In fact, it is through the O'Rourke's nomination that the process has been exposed--a fact Ms. Sady herself articulated in the letter she sent Gannett, an expurgated version of which was published on September 17th.

Indeed, as highlighted in our May 18th letter to Senate Majority Leader Mitchell, our critique of Andrew O'Rourke is a "case study" that the process does not work.

We congratulate you, of course, on your latest prize from the New York State Associated Press Association--reported in yesterday's paper. We trust that with the story you are now undertaking, your next year's prize will be a national one--for which your editors, Lawrence Beaupre and Milton Hoffman, will deserve credit.

Yours for a quality judiciary,

Elena

ELENA RUTH SASSOWER

Enclosures:
(a) 4/9/92 authorization of Joseph Surlak
(b) 11/22/91 ltr of Rachel Sady

cc: Lawrence Beaupre, Vice President and Executive Editor
Milton Hoffman, Editorial Page Editor
Joseph Surlak
Richard Barbuto, Esq.
Rachel Sady

PAGE 1

APRIL 9, 1992

DEAR MS SASSOWER,

THIS TO CONFIRM THAT I HAVE AUTHORIZED YOU TO RELEASE TO THE SENATE JUDICIARY COMMITTEE OR SUCH OTHER PERSON OR PERSONS, AS YOU DEEM APPROPRIATE IN YOUR SOLE DISCRETION, INCLUDING MEMBERS OF THE PRESS THE FACTS & CIRCUMSTANCES CONNECTED TO MY MARITAL DIFFICULTIES & LEGAL ACTIONS RELATIVE TO SAME. AS WELL AS COPIES OF ANY DOCUMENTS, RECORDS AND PAPERS THAT WERE FILED WITH THE COURT OR NOT.

SHOULD YOU NEED ANY FURTHER DOCUMENTATION PLEASE CALL ME.

Page 2

I UNDERSTAND THAT THE FOREGOING INFORMATION IS BEING USED IN CONNECTION WITH THE PROPOSED NOMINATION OF ANDREW J. O'ROURKE AS FEDERAL JUDGE.

Rachel Sady
40 Euclid Avenue
Hastings on Hudson, NY 10706

November 22, 1990

Dear Elena,

I did read, with surprise, the Herald Statesman's shorter version of the Ninth Judicial Committee's opposition to O'Rourke's appointment. Since I do not agree with that position, I cannot help implement it.

With all due admiration for your commitment and spirit, the decision seems to me to reflect frustration--understandable, but still wheel spinning frustration. It is not news that O'Rourke is a politician, and that he politicized his administration to its and our detriment. I strongly supported Richard Brodsky in the 1990 campaign, and followed it closely. Not enough people were bothered about it then, when it counted at the polls, and I do not see that rehashing it now will mobilize the pressure you look forward to.

My basic thinking is that polishing off O'Rourke, even if conceivable, would simply mean continuing in that vein. The process, not individuals, should be our targets.

Doris's and Eli's outstanding efforts in the court cases are, to me, a completely different matter. Victories there would have changed the process. And even in failure, their work survives in the record as a lasting lesson to democratic activists now and in the future.

Best wishes,

Rachel