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NEW EDITED VERSION

Your Dec. 27 news article, "Judicial reform group challenges O'Rourke judgeship," did not report the truth about the Center for Judicial Accountability Inc., its efforts to stop former County Executive Andrew O'Rourke's unworthy nomination to the Court of Claims or the basis of its opposition. Nor did it correctly report the facts as to my status at the bar.

CJA is a national, nonpartisan, nonprofit citizens organization, working to reform the closed, dysfunctional and politicized processes of judicial selection and discipline on national, state and local levels. It is the successor to the Ninth Judicial Committee, formed more than eight years ago. When we opposed Mr. O'Rourke's nomination to federal bench in the Southern District of New York in 1991, Gannett described us as "a group of lawyers and activists." Six year later, with solid achievements to our credit & virtually all of which Gannett has suppressed & you seek to impugn our work by calling us "a self-styled judicial reform group."

Among CJA's achievements is our 50-page critique of Mr. O'Rourke's judicial qualifications, submitted to the U.S. Senate Judiciary Committee and Senate leadership in May 1992. Gannett ignored that but wrote about Mr. O'Rourke's "stalled" nomination, which it attributed & and continues to attribute & to election-year politics. Any honest appraiser of our critique would conclude that it was the death-knell of Mr. O'Rourke's federal judgeship.

The centerpiece of our critique was our analysis of the three cases Mr. O'Rourke described in response to the committee's question asking him about his "ten most significant litigated matters."

Your Dec. 27 article falsely claims that the basis of our opposition now & and back in 1992 & is Mr. O'Rourke's "lack of litigation experience," as reflected by his failure to supply 10 cases to the Judiciary Committee. You uncritically repeat Mr. O'Rourke's pretense from 1992 that the reason he supplied only three cases was because the records of his law practice were "lost, misplaced or thrown out by his former law partner." In so doing, you totally ignore what our critique showed, that the committee's question did not require case files and that to the extent Mr. O'Rourke needed them to refresh his recollection, they could be obtained from various sources, including court files, which are permanently maintained.

We pierced the "veil of secrecy" surrounding the federal judicial screening process, exposing that the American Bar Association and Association of the Bar of the City of New York failed to properly investigate Mr. O'Rourke's representations of his credentials when they approved him for a federal judgeship. Mr. O'Rourke knew those ratings were insupportable. He was obligated to disclose the existence of our critique to the State Judicial Screening Committee. Tellingly, the committee has refused to provide us with even a blank copy of that questionnaire, and Mr. O'Rourke has ignored our request for a copy of that form or, better still, that he disclose his written response to any question calling upon him to provide cases.

By law, the State Judicial Screening Committee was prohibited from bestowing upon Mr. O'Rourke a "highly qualified" rat-

ing unless it first conducted a "thorough inquiry." That would have required the committee to contact us about the critique, which it never did. By law, it is also required to write a report on judicial candidates it determines to be "highly qualified," available for public inspection. The report has not been disclosed. Indeed, your Dec. 27 article quotes the governor's spokesman as saying he didn't think there was a report.

So that the record is clear, Gannett's assertion in your Dec. 27 story that I am "disbarred" is an outright lie. I am not and have never been disbarred. Nor was I "suspended in 1991 ... for failing to undergo a court-ordered competency test." The 1991 suspension order contains no findings of any kind or any reasons, and there is no factual or legal basis for it. Such suspension order was not based on written charges, was not preceded or followed by any hearing and afforded me no right of appellate review in the state courts. It is a vicious and heinous retaliation against me for my judicial whistle-blowing. Gannett has refused to do an investigative story, even while my civil rights lawsuit against the state judges who suspended me is headed for the U.S. Supreme Court.

ORIGINAL EDITED VERSION

Your Dec. 27 news article, "Judicial reform group challenges O'Rourke judgeship," did not report the facts about my status at the bar, about the Center for Judicial Accountability Inc., its efforts to stop this unworthy nomination, and the basis of our opposition.

Gannett Suburban Newspapers has at the same time suppressed the newsworthy information about my winning the Giraffe Award, a national honor given to individuals who "stick their necks out for the public good" despite your receipt of a release announcing it weeks ago.

So there is no doubt about it, I am not, and never have been, a "disbarred lawyer," or even a lawyer suspended under a final order. Nor was I "suspended in 1991 ... for failing to undergo a court-ordered competency test." The suspension order contained no findings of any kind or any reasons, and there was no legal or factual basis for such illegal and unconstitutional order.

CJA has has been featured on national radio and television, quoted in media across the country, and CJA's web site <http://www.judgewatch.org> has received thousands of hits regularly, including visits from the justices of the highest court of our land.

Gannett was well aware of our vigorous public interest advocacy because we have kept it informed of our ongoing activities and growing recognition, virtually of of which Gannett declined to publish. Your reporter, Bill Dentzer, was explicitly informed by my daughter that CJA is a national organization, with members in more than 30 states, which emerged from a local citizens' group called the Ninth Judicial Committee. She informed him of its genesis, its lawsuit to challenge the manipulation of judicial electins and the politically motivated, retaliatory suspension of my law license. She also expressly identified that suspension as having been without any written charges, without any hearing, without findings or reasons, and without any right of appellate review.

Most of her conversation, which was lengthy, detailed the 50-page critique we submitted to the Senate Judiciary Committee in 1992 concerning Andrew O'Rourke's judicial qualifications, as well as the failure of the judicial screening process. The story claiming that our opposition was based on Mr. O'Rourke's "lack of litigation experience" is untrue. It comes neither from his conversation with my daughter nor from CJA's Dec. 26 letter to Mr. O'Rourke, about which the article pretends to be reporting, a copy of which he had, and certainly not from the critique. That telephone conversation and those documents make eminently clear that our opposition rested on Mr. O'Rourke's responses to the Senate Judiciary questionnaire, which showed, as our critique, based on a six-month study and documented with 60 exhibits proved, that he had neither the competence, integrity or temperament to be a judge.

Such cover-up by Gannett of our documented critique, fully substantiating its conclusion that Mr. O'Rourke was "thoroughly unqualified" for the federal judgeship to which he had been nominated in 1991, made possible his present state court nomination.

Mr. O'Rourke's confirmation by the state Senate is expected

soon unless the public acts swiftly to prevent that by joining in CJA's letter-writing campaign to the governor to withdraw this nomination, to his Judicial Screening Committee to withdraw its "highly qualified" rating as one obtained by the failure to disclose CJA's earlier adverse rating of his qualifications, and to Lt. Gov. Betsy McCaughey Ross, presiding officer of the Senate, not to permit the nomination to come to the floor for a vote until after a public hearing is held at which CJA and others are allowed to be heard in opposition to it.