



NINTH JUDICIAL COMMITTEE

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To: Robert Laird, Opinion Editor, Daily News
From: Doris L. Sassower, Director
Date: October 2, 1992

Dear Bob:

Good to chat with you yesterday, albeit briefly. As promised, herewith is more reading material for you--this on the O'Rourke nomination to the federal bench.

As you will see from the comprehensive investigation we have done into Mr. O'Rourke's credentials, we have documented not only his lack thereof, but the extraordinary failure of the screening process which preceded his nomination for this lifetime position.

Assuredly, you will be on "the cutting edge" if you give this story the press it deserves--since it has received virtually none to date. You have a real opportunity to raise the public's consciousness. What is needed is to create a clamor for long-overdue major reform in both the federal and state judicial nominating process. This is what our Committee has tried to do over the last two years--without media attention.

The part that Mr. Colavita, as State and Westchester Chairman of the Republican Party, played in Mr. O'Rourke's nomination and the back-room deal between him, Senator D'Amato and the President's brother, Jonathan Bush (see our enclosed critique, pp. 19-20; 22-23) must be exposed, as well as the part Mr. Colavita played in the Three-Year Deal, documented in Castracan v. Colavita. Only then will the extent of the increasing political control of the courts be understood for what it is (see pp. 20-24, and Ex. "Y" in our enclosed compendium of exhibits).

We believe that NOW is the right moment in history to accomplish vitally needed change to end the destruction of our democratic system by party bosses and political leaders--including the President of the United States--who demonstrate their utter contempt for the People by naming politicians to be for judges as consolation prizes to losers in political races, as

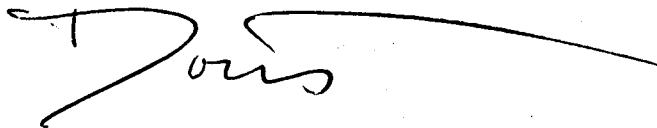
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in the O'Rourke case¹--or as a reward for party service and loyalty, also true in the O'Rourke nomination, as it was in the case of the lawyers and judges cross-endorsed in the Three-Year Deal.

We hope you will succeed in getting the word out so that the story is told in a way that will finally achieve the goal we seek--a non-political and diverse judiciary, truly chosen by, and representative of, the People on principles of merit and fair competition, where judgeships are won by the best qualified lawyers--rather than those who are the best-politically connected.

Bob, we do not view our Cross-Endorsements lawsuit as "over and done"--until it has served as the catalyst for change it would have been had the Court of Appeals addressed it on the merits--as they properly should have. You can make that change happen in the court of public opinion.

Looking forward to working with you on this groundbreaking and prize-winning story!



Enclosures:

- (a) critique and compendium of exhibits
- (b) 5/18/92 letter to Senate Majority Leader Mitchell
- (c) 5/19/92 letter to ABA President D'Alemberte
- (d) 6/2/92 letter to Senate Majority Leader Mitchell
(constituting a supplement to the critique)
- (e) 7/17/92 NYT Letter to the Editor:
"Untrustworthy Ratings"
- (f) 6/22/92 New York Magazine: "Credentials Gap:
The Case of the Missing Cases"

¹ As noted in our critique (p. 22, fn. 35), the Republican Party has also rewarded Michael Kavanaugh--Mr. O'Rourke's runningmate in 1986--for his unsuccessful run for Lieutenant Governor in that year. Like Mr. O'Rourke, he was recommended for a federal judgeship by Senator D'Amato and nominated by the President. Likewise, his nomination is currently pending before the Senate Judiciary Committee. (see also p. 41, fn. 61)