



**NINTH JUDICIAL COMMITTEE**

Box 69, Gedney Station  
White Plains, New York 10605-0069  
Tel: (914) 997-8105 / Fax: (914) 684-6554

**FAX COVER SHEET**

9/22/93

1:45 p.m.

DATE

TIME

SENATE JUDICIARY COMMITTEE

ATT: Guy Molock, Jr.

Chief Nominations Counsel

TO: \_\_\_\_\_

202-224-9516 (tele: 202-224-5225)

FAX NUMBER: \_\_\_\_\_

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.

Elena Ruth Sassower, Coordinator

FROM: \_\_\_\_\_

MESSAGE:

An expeditious response to our within letter dated September 22, 1993 would be appreciated.

*Elena Ruth Sassower*

Ex "QQ" copy 1:50 pm captured receipt



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By Fax and Mail  
202-224-9516

September 22, 1993

Mr. Guy Molock, Jr.  
Chief Nominations Counsel  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510-6275

RE: Our still unanswered letter of March 17, 1993

Dear Mr. Molock:

It is now more than six months since our simple inquiry seeking confirmation that the American Bar Association's Standing Committee on Federal Judiciary had retracted its rating approving Andrew O'Rourke as "qualified" for a District Court judgeship.

According to our records, we telephoned the Senate Judiciary Committee about this question on March 11th, when we spoke to Lisa; on March 17th, when we spoke with Amy Nash; on March 31st, when we spoke with Dave; on April 17th, when we spoke with Mark Schwartz; and on April 26th, when we spoke with Melanie Sloan.

Indeed, on March 17th, a letter reflecting our telephone conversation with Ms. Nash was faxed and mailed to the Senate Judiciary Committee (Ex. "A").

Six weeks later, by letter dated May 3, 1993 (Ex. "B"), you responded as Chief Nominations Counsel. However, you did not answer our simple inquiry or even refer to it. Instead, you stated what we already well knew: that Mr. O'Rourke's nomination was no longer before the Senate Judiciary Committee due to the change in Administrations.

On June 11th, I spoke at length with Committee counsel Melanie Sloan about your letter's failure to answer the question presented in our March 17th letter (Ex. "A"). I stated to Ms. Sloan that if you were refusing to confirm the retraction of Mr. O'Rourke's rating, we wished a clear statement to that effect and the basis thereof.

September 22, 1993

On June 28th, having heard nothing from Ms. Sloan, I left a telephone message for her with Ms. Nash, again requesting either confirmation of the retraction or a statement as to why such information was being withheld. As of this date--almost three months later--we have heard nothing further from you, Ms. Sloan, or any other representative of the Senate Judiciary Committee.

*of the ABA rating*

Since it was the Senate Judiciary Committee which publicly announced Mr. O'Rourke's ABA rating on November 12, 1991, we believe it is for the Senate Judiciary Committee to disclose retraction thereof--and particularly where such information is specifically requested by members of the public. This was plainly the view of William Willis, former Chairman of the ABA's Standing Committee on Federal Judiciary, who would not directly confirm such retraction, but referred us to the Senate Judiciary Committee as the proper channel for providing confirmation.

We respectfully draw your attention to the Ninth Judicial Committee's extensive correspondence with the ABA--copies of which we have provided to the Senate Judiciary Committee. That correspondence establishes the diligence with which we have endeavored throughout the past year to ensure that the ABA's Standing Committee on Federal Judiciary recognized its obligations to the public under the ABA's own Model Rules of Professional Conduct (Rule 8.2(a)).

As reflected by that correspondence, the basis upon which we called upon the ABA to retract its rating of Mr. O'Rourke was the documentary evidence presented by our Committee's critique, which not only exposed that Mr. O'Rourke's representations of his credentials to the Senate Judiciary Committee were deceitful and dishonest, but likewise his representations to the ABA's Standing Committee on Federal Judiciary.

In that regard, we enclose a copy of our uncontroverted November 2, 1992 letter to a Gannett news reporter (Ex. "C") to whom Mr. O'Rourke admitted that the only cases he had supplied to the ABA were the same three cases he had supplied to the Senate Judiciary Committee. We respectfully refer you to pages 2-20 of our critique for a detailed discussion of those three cases and the shocking findings of our investigation thereof.

We await your expeditious response.

Yours for a quality judiciary,

ELENA RUTH SASSOWER

Coordinator, Ninth Judicial Committee

cont'd on next page

Enclosures:

- (a) 3/17/93 ltr to Senate Judiciary Committee
- (b) 5/3/93 ltr from Senate Judiciary Committee
- (c) 11/2/92 ltr to Gannett news reporter

cc: William Willis, former Chairman, ABA Standing Committee on  
Federal Judiciary  
Robert P. Watkins, Chairman, ABA Standing Committee on  
Federal Judiciary  
Michael S. Greco, Esq., First Circuit representative,  
ABA Standing Committee on Federal Judiciary  
Irene R. Emsellem, ABA Staff Liaison  
Jay Gallagher, Gannett News Service  
Joseph Berger, The New York Times  
Don Dzikowski, Westchester Weekly



NINTH JUDICIAL COMMITTEE

Box 70, Gedney Station  
White Plains, New York 10605-0070  
Tele: (914) 997-8105 / Fax: (914) 684-6554

By Fax: 694-5018  
6:50 p.m.

November 2, 1992

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

RE: "O'Rourke Listed Only Three Cases for Senate"  
Gannett: 11/2/92

Dear Mr. Tagliaferri:

This letter memorializes our conversation within the past hour in which you stated that Mr. O'Rourke admitted to you that the only cases he supplied to the American Bar Association and the Association of the Bar of the City of New York were the same three cases as are listed in his response to the Senate Judiciary Committee questionnaire.

You further stated that, according to Mr. O'Rourke, the ABA and City Bar were both satisfied with those three cases--and did not require any further cases to be submitted by him.

If I do not hear from you to the contrary by return fax, I will proceed on the basis that the foregoing correctly reflects your statements to me.

Yours for a quality judiciary,

ELENA RUTH SASSOWER  
Coordinator, Ninth Judicial Committee