



NINTH JUDICIAL COMMITTEE

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September 9, 1992

Alan Rothstein, Counsel
Association of the Bar of the City of New York
42 West 44th Street
New York, New York 10036-6690

Dear Mr. Rothstein:

This letter confirms our telephone conversation of yesterday. As discussed, it is now several months since the City Bar received from us a copy of our Senate Judiciary Committee submission relative to the nomination of Andrew O'Rourke.

We understand that the transition in leadership at the City Bar may have delayed expeditious review of our submission. However, when we met with you and President Feerick on July 15th, you will recall that the President assured us that he would personally review the materials--and be in touch with us within two weeks time.

As set forth at that meeting--and demonstrated by the June 24th item in New York Magazine--Mr. O'Rourke is using the ABA's and City Bar's endorsement of him to deflect the serious questions raised by our submission as to his qualifications.

As you can see from the enclosed article from last week's Gannett newspaper, a letter writing campaign by county executives nationwide is now underway to push the O'Rourke nomination forward. Such campaign is doubtless predicated on the belief that the imprimatur of the ABA and City Bar establishes that Mr. O'Rourke is qualified for judicial office.

Indeed, we are concerned that even if the Senate does not take up the O'Rourke's nomination, the approval ratings of the ABA and City Bar will stand as credentials for Mr. O'Rourke to bolster his claim to a judgeship or other public office.

EX " I "

September 9, 1992

Review of our submission will confirm that Mr. O'Rourke's representation of his qualifications to the Senate Judiciary Committee is marked by falsification, evasion, and concealment by him of material facts. Under the circumstances, the City Bar must retract its rating and make plain that demonstrably fraudulent conduct is disqualifying. Since protection of the public interest is the basis for the City Bar's evaluation of judicial candidates in the first place, the public has a right to expect that the City Bar will act responsibly in the face of the irrebuttable documentation we have supplied.

Because President Feerick is co-chair of the Coalition for Effective Government--a body which encourages the involvement of citizens groups in government--we believe he will regard our critique as an opportunity to send a message that citizen input is not only desirable, but invaluable. In these cynical and apathetic times--when citizens despair of being able to make a difference--such message is the moral obligation of responsible leadership.

Indeed, we expect President Feerick will take special pride in acknowledging our contribution to improving the process of judicial evaluation since the Ninth Judicial Committee is a member of the Coalition he chairs.

We look forward to your prompt response.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosures:

- (a) New York Magazine, 6/24/92 "Credentials Gap: The Case of the Missing Cases"
- (b) Gannett, 9/1/92 "O'Rourke Nomination Gets Boost"

cc: John D. Feerick
President, Association of the Bar of the City of New York
Co-Chair, Coalition for Effective Government

INTELLIGENCER

BY JEANNETTE WALLS

CREDENTIALS GAP...ANGRY ARTIST...TRUMP IN CONCERT...BADILLO TO RUN...IRAQ FEUD

THE CASE OF THE MISSING CASES

Westchester County Executive Andrew O'Rourke apparently has a sketchy memory when it comes to his own credentials.

O'Rourke, who was a Republican candidate for governor in 1986, was recently nominated by George Bush to be a judge in U.S. District Court. In a Senate Judiciary questionnaire on his professional background, O'Rourke was asked to provide "in detail" the ten most significant cases "which [he] personally handled" as a lawyer.

O'Rourke cited only three, one of which was reversed on appeal.

"Hey, I gave it the best effort I could," says O'Rourke. He says he wasn't able to locate his old legal files because they're with a former partner who had moved to Florida. The partner has, in fact, since moved back to New York. O'Rourke insists the point is moot because the American Bar Association and the city bar have approved him for

FORGET HELMS. SERRANO SUES HIS DEALER

Andres Serrano—the artist who has long been a target of conservative lawmaker Jesse Helms—has a new battle, but this time, it's with his dealer. Serrano, the man behind the controversial *Piss Christ*, is suing Linda and Stefan Stux and the Stux Gallery for \$297,000.

Serrano joined the SoHo gallery in 1990 and agreed to let the Stuxes keep 50 percent of the money from his sales. But Serrano says the dealers owe him more than \$250,000. He is also charging that out of friendship, he sold the Stuxes a photograph for \$3,000—far below the market value. "In breach of their agreement," Serrano claims, the Stuxes resold the work for \$50,000.

Says Charles Stillman, who is representing the Stuxes, "We view this as a dispute between an artist and a gallery which we hope will be resolved through good faith and give and take."

"Stux Gallery has consistently failed to honor and recognize its fiduciary and legal obligations to Mr. Serrano," says Peter R. Stern, the lawyer representing the artist. "Mr. Serrano simply refuses to continue to be treated like an indentured slave."

THE DONALD AND WACKO JACKO TO TEAM UP?

Donald Trump may team up with Michael Jackson.

A source says the reclusive singer and the not-so-reclusive developer are in talks about Trump's promoting a series of Jackson concerts this fall. The two have known each other for a while, says the source, and met earlier this month at the One to One charity dinner, where the possibility of staging the concerts was discussed.

"It would be four concerts at Giants Stadium," says the source, who is close to Trump. "And Trump is also hoping to arrange a giant, blowout concert in Central Park. It would be called the Unity Concert and would be held to promote the idea that blacks and whites can get along peaceably. Trump is hoping for late summer or early fall."

Trump had no comment. Jackson's spokesman, Lee Solters, says such a concert series "could well be in the discussion stages."

the federal appointment.

"It was unfortunate that I could not come up with more," says O'Rourke. "I haven't practiced law in ten years. You can't do that as county executive. I don't remember every single case. Do you keep your notes after twenty years?"

HERE COMES HERMAN

Herman Badillo is setting the stage to run for mayor against

David Dinkins, his onetime ally, sources say. The former U.S. congressman says it's "premature at this point to be making any announcement," but a source says he's "just waiting until the right time" to declare his candidacy. Badillo, who is now in private law practice, has already been advised by a political-consulting firm, Austin Sheinkopf, and is lining up financial and political backers for the mayoral run.

Badillo is telling associates and potential supporters that Dinkins has turned his back on some groups that helped elect him. "He's certainly vulnerable on Hispanic issues," says Badillo, who was a vocal critic of CUNY black supremacist professor Leonard Jeffries. "And I don't see that [Andrew] Stein or [Rudolph] Giuliani [who are both expected to announce candidacies] are doing any better."

A (DESERT) STORM OF WORDS

A war of words is escalating between *Harper's* publisher John MacArthur and Frank Maniewicz, the vice-chairman of Hill & Knowlton, the powerful public-relations firm. In



MICHAEL JACKSON, MARLA MAPLES, AND DONALD TRUMP



ANDREW O'ROURKE



ANDRES SERRANO

Metro

COUNTY / REGION / STATE

Gannett Suburban Newspapers/Tuesday, September 1, 1992

O'Rourke nomination gets boost

County executives take pen in hand

By **Gayle T. Williams**
Staff Writer

Westchester County Executive Andrew P. O'Rourke might be only a step closer to becoming a federal judge than when President Bush nominated him nine months ago, but support from his peers is charging ahead.

Members of the National Council of Elected County Executives, a national group led by O'Rourke, are undertaking a letter-writing effort to

members of the Senate Judiciary Committee in support of his nomination. The group is a bi-partisan organization of 400 elected county executives, executive-judges and parish presidents in 22 states.

O'Rourke is one of 61 judicial nominees awaiting review by the Senate committee, to be followed by a vote on confirmation by the full Senate. He was nominated by the president just after the highly charged



Andrew O'Rourke

review of Supreme Court Justice Clarence Thomas. As a result, the process was halted for three months while the White House and the committee debated releasing confidential FBI reports on judicial candidates.

O'Rourke's colleagues, while commending his service to Westchester and the national council, called for a speedy resolution to the matter, with many asking committee members to move on the case before the November presidential election.

"Andy is as fine a gentleman and as knowledgeable a person that I've run across in this type of job," said Paul W. Stevenson, county executive of Winnebago County, Wis., who serves on the board of the council.

In a letter to Democratic U.S. Sen. Paul Simon, a member of the Senate judiciary committee, Kenosha County (Wis.) Executive John R. Collins encouraged rapid approval of O'Rourke's nomination, rather than delaying the decision until after the November presidential election.

"The last time I talked to Andy, it became clear that this was being stalled," Collins said.

Dennis E. Greenhouse, executive of New Castle County, Del., said Democratic U.S. Sen. Joseph Biden, chairman of the judiciary committee, replied in a letter that he "wants to move on the nominations as soon as possible," but no review schedule has been set.