



NINTH JUDICIAL COMMITTEE

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FAX COVER SHEET

9/23/93

10:00 a.m.

DATE

TIME

Mr. Jay Gallagher  
GANNETT

TO:

518-436-0130 (tele: 518-436-9781)

FAX NUMBER:

This fax consists of a total of ~~8~~<sup>9</sup> 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:

Dear Mr. Gallagher:

Thank you for the prompt return of the O'Rourke critique--which we trust you photocopied for use in connection with possible future stories.

As you can see from the enclosed letter, the U.S. Senate Judiciary Committee has been stalling for the past half-year in confirming whether the ABA retracted its rating approving Mr. O'Rourke as "Qualified" for a District Court judgeship.

Obviously, a call from you would go far in prodding a response from them (202-224-5225).

Please let us know if you would like to see our extensive ABA correspondence on the subject of its obligation to retract a rating it knows to be false and indefensible. For immediate purposes, I refer you to Rule 8.2.(a) of the ABA's own Model Rules of Professional Conduct, which reads:

"A lawyer shall not make a statement that the lawyers knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity...of a candidate for election or appointment to judicial or legal office."

On a different subject, I am enclosing a copy of my mother's letter, published in this week's Legislative Gazette, in the event you haven't seen it. May I suggest you inquire what--if anything--the New York Senate will do now that it is on notice, publicly, that the confirmation of Howard Levine was accomplished by the documentable fraud and misrepresentation of its members.

Regards.

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