



NINTH JUDICIAL COMMITTEE

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

By Fax and Mail  
213-687-3702

June 26, 1992

Ronald L. Olson, Chairman  
ABA Standing Committee on  
Federal Judiciary  
c/o Munger, Tolles & Olson  
355 So. Grand Avenue, 35th Floor  
Los Angeles, California 90071

Dear Mr. Olson:

Thank you for your kind letter recognizing our investigative efforts, as reflected by our critique of Mr. O'Rourke's nomination.

We note your letter does not respond to our request that the Standing Committee on Federal Judiciary retract its approval of Mr. O'Rourke's qualifications. Such retraction is appropriate in view of the documentary proof we presented--dispositive of the fact that Mr. O'Rourke's own representation of his credentials to the Senate Judiciary Committee manifests a pattern of falsification, evasion, and concealment.

Under such circumstances, it is incumbent upon your Committee to withdraw its favorable rating. To do otherwise brings the ABA into disrepute--suggesting to the public that the ABA does not view fraudulent conduct as disqualifying.

As can be seen from the enclosed item, appearing in the June 22nd issue of New York magazine, Mr. O'Rourke is already touting the ABA endorsement as a means of deflecting the serious matters revealed by our investigation. That item, entitled "Credentials Gap--The Case of the Missing Cases", is based on our critique.

June 26, 1992

As to our call for a moratorium on Senate confirmation of pending judicial nominations, we believe your Committee's stated commitment "to the process of evaluating prospective nominees" mandates its support for such decisive action.

In light of our critique, the inexorable conclusion to be drawn from the favorable rating of the O'Rourke nomination by both the ABA and the City Bar is that the "process" is not working and that threshold determinations as to competence, integrity, and temperament are not being made.

The consequent danger to the public interest is analogous to that presented by the discovery that medical screening had failed to prevent transmission of contaminated blood to a patient. There is no question but that such discovery would result in an immediate emergency halt of all blood transfusions--until the source of contamination was isolated and safeguards put in place. Likewise, the Senate must halt confirmation of nominations which are the product of plainly deficient screening.

The ABA is not being called upon to involve itself in "the political processes". It is only being asked to recognize the irreparable consequences of "approved" ratings being given to unfit nominees for life-time federal judgeships.

Yours for a quality judiciary,



ELENA RUTH SASSOWER  
Coordinator, Ninth Judicial Committee

Enclosures:

- (a) your letter of 6/18/92
- (b) New York Magazine, 6/22/92, "Intelligencer", p. 7

cc: Talbot S. D'Alemberte, President, ABA  
Senate Majority Leader George Mitchell  
Chairman Joseph Biden, Senate Judiciary Committee  
Senator Daniel Patrick Moynihan  
People for the American Way  
Alliance for Justice