



NINTH JUDICIAL COMMITTEE

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By Fax  
202-224-9516

October 15, 1992

Amy Nash, Nominations Clerk  
Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

RE: ABA Letter rating Andrew O'Rourke,  
Transmittal from Senate Majority Leader Mitchell

Dear Ms. Nash:

This letter is to confirm that you have still not gotten back to us relative to our long-standing request for the November 12, 1991 letter from the ABA Standing Committee on Federal Judiciary setting forth its rating of Mr. O'Rourke, as follows:

"Thank you for affording this Committee an opportunity to express an opinion pertaining to this nomination for appointment as judge for the Second Circuit, Southern District.

A substantial majority of our Committee is of the opinion that Mr. O'Rourke is Qualified for this appointment. A minority found him Not Qualified."

As shown from the enclosed fax, I was told by Rick to put our request in writing--which I did twice in June--four months ago. After we were informed that you were the new Nominations Clerk handling the matter, I left repeated messages for you. According to my records, I called on June 30th, on July 15th and twice on July 16th--leaving messages with Rick, Lisa, and Dave. On August 14th, I left a message for you with Mark Schwartz, one of the nominations counsel, with whom I also discussed your failure to return our calls.

Ex "CC"

October 15, 1992

By September 3rd--still not having had a return call from you (or anyone else from the Committee)--I called three times--leaving three specific messages for you.

Only on September 4th did I speak with you for the first time--when you, rather than a receptionist, picked up the phone directly. You conceded that you had never spoken with me before, but had gotten "a couple" of previous messages, which you had not returned.

Although you stated that you would get back to us relative to the information requests I discussed with you, it is now one and a half months later and we have heard nothing from you.

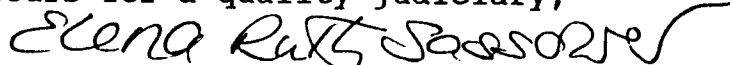
You will recall that among the information requested was the aforesaid November 12, 1991 letter of the ABA rating Mr. O'Rourke. Please advise us when we can expect to receive a copy of that letter or the specific reasons why the letter itself is being withheld--when its contents are fully public.

Please also confirm whether you received from the office of Senate Majority Leader Mitchell the copy of the critique and compendium of exhibits which we sent the Majority Leader in May 1992. We do not know whether there was a transmittal letter from his office to the Senate Judiciary Committee, however his copy of the compendium is identical to the one sent to the Committee--identifiable by 52 protruding exhibit tabs, marked alphabetically.

Let us know whether you have two copies of the aforesaid document, a transmittal letter from Senator Mitchell's office, or any other indicia that materials we sent to Senator Mitchell during the course of the past several months were forwarded to the Senate Judiciary Committee.

Your prompt attention would be greatly appreciated.

Yours for a quality judiciary,



ELENA RUTH SASSOWER  
Ninth Judicial Committee

Enclosure: 6/12/92 fax-request, re-sent 6/22/92