NINTH JUDICIAL COMMITTEE

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April 7, 1992

Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

ATT: Harriet Grant, Esq.
Chief Nominations Counsel

RE: Nomination of Andrew O'Rourke

Dear Ms. Grant:

This letter follows up our telephone converstion with you yesterday. We asked the following questions:

(a) whether the Association of the Bar of the City of New York (City Bar) had transmitted a rating to the Senate Judiciary Committee relative to the nomination of Andrew O' Rourke;

(b) the date of such transmittal by the City Bar;

(c) whether Mr. O'Rourke was an indicated recipient of same.

You stated that you did not know whether you could disclose that information--notwithstanding that the public portion of the Senate Judiciary's Questionnaire contains a specific inquiry (III-Q3) that would indicate that such information falls within the public domain:

Ex "YY-1"

> "Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated)." (emphasis added)

You will note that Mr. O'Rourke has not asserted any confidentiality relative to this question--including its inquiry as to any rating. In his response to the Senate Judiciary Committee, dated January 10, 1992, Mr. O'Rourke explicitly states:

> "...I also appeared before the Committee on the Judiciary of the Association of the Bar of the City of New York, also in January, 1991. To my knowledge, there has been no finding by said committee." (III-A3) (emphasis added)

Although we fail to see any reason why the City Bar's rating should be treated differently from that of the ABA and why it should not--at this juncture--be a matter of public record, we are not requesting that you supply us with the rating itself.

As I mentioned by telephone, the City Bar informed us that its evaluation of judicial nominees consists solely of a rating--without any expository statement. They also informed us that they do not proffer "majority/minority" ratings--but only a single rating reflecting the "majority" evaluation. We would appreciate your confirmation of the accuracy of such statements.

We await your response to our foregoing information-requests.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee