

## LUTTIG, J. MICHAEL: Files, 1981-1982 – REAGAN LIBRARY COLLECTIONS

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### **LUTTIG, J. MICHAEL: Files, 1981-1982**

Counsel to the President, Office of; Assistant Counsel

#### **Biography**

J. (John) Michael Luttig (born June 13, 1954), is an American lawyer and jurist who was the General Counsel for the Boeing Corporation and a retired judge of the U.S. Court of Appeals for the Fourth Circuit, 1991-2006.

Luttig was born in Tyler, Texas. He attended Washington and Lee University, graduating in 1976 with a Bachelor of Arts and Omicron Delta Kappa honors. From 1976 to 1981, Luttig worked for the U.S. Supreme Court's Office of the Administrative Assistant to the Chief Justice. He developed a close friendship with then Chief Justice Warren E. Burger, and later, was co-executor of Burger's will. Luttig attended the University of Virginia School of Law while still working for the Supreme Court. He graduated in 1981.

After his law school graduation, Luttig spent a little over a year (March 1981-August 1982) in the Reagan Administration starting with an intermittent appointment as Assistant to the Counsel, Fred Fielding, and leaving as an Assistant Counsel. Luttig's duties included standard legal review of issues affecting the President and his constitutional duties, including Civil Aviation Board decisions, executive orders, review of proclamations and assisting with the vetting and successful nomination of Sandra Day O'Connor to the Supreme Court. Luttig was replaced on the White House staff by now Chief Justice John Roberts.

Luttig left the White House to serve as a law clerk to U.S. Court of Appeals for the District of Columbia circuit judge Antonin Scalia. Luttig then returned to the Supreme Court, this time as a law clerk to Chief Justice Burger from 1983-1984. He then stayed on as an assistant to Burger, finally leaving the Supreme Court in 1985.

In 1985, Luttig joined the law firm of Davis Polk & Wardell in their Washington, DC office. Luttig returned to government service in the George H.W. Bush Administration in 1989. He held

various positions within the Department of Justice including Assistant Attorney General, Office of Legal Counsel. His duties in the Justice Department included assisting Supreme Court nominees David Souter and Clarence Thomas through their nominations and confirmations.

Luttig was nominated by President George H.W. Bush to a newly created seat on the United States Court of Appeals for the Fourth Circuit. He was confirmed by the Senate on July 26, 1991, but delayed his commission until August 2, 1991 so he could complete some of his duties for Supreme Court nominee, Clarence Thomas. Luttig, at the time of his appointment, was the youngest judge (37) on a federal appeals court.

As a federal appeals judge, Luttig developed a reputation as a fierce conservative, and was often compared to Justice Scalia in his analytical style and criticisms of fellow judges. Luttig was among the leading feeder judges on the U.S. Court of Appeals with more than 40 of his law clerks going on to clerk with conservative justices on the Supreme Court. Luttig's clerks are commonly referred to as "Luttigators."

Luttig was mentioned frequently as being near the top of the short list for potential nominees to the Supreme Court during the George W. Bush administration. Bush chose John Roberts and Samuel Alito to fill the two open seats in 2005

Around the time of his nomination consideration, Luttig became involved with a legal dispute with the Bush Administration regarding the "dirty bomber," Jose Padilla. In September 2005, Luttig wrote the opinion that upheld the government's power to designate Jose Padilla as an "enemy combatant." He could then be contained in a military brig without charge. In December 2005, the Bush Administration, anticipating a Supreme Court overturning of the enemy combatant decision, petitioned the Fourth Circuit for approval to transfer Padilla to civilian custody for a criminal trial. Luttig's panel refused the transfer and Luttig admonished the government for potentially harming its "credibility before the courts." The Supreme Court overturned the appellate court's decision swayed by the government's argument that the Fourth Circuit had encroached on the power of the President.

In May 2006, Luttig resigned his federal judgeship to become general counsel and senior vice president for the Boeing Corporation. Luttig strengthened and reorganized the general counsel's office at Boeing and hired numerous former Supreme Court law clerks for his staff. He resigned from Boeing in May 2019. Luttig's resignation coincided with the terminations of former CEO Dennis Muilenberg and former executive Kevin McAllister that year. This was during the Boeing 737 MAX groundings crisis.

Following his resignation from Boeing, Luttig worked for the Coca Cola company and worked in private law firms. He also remained a strong conservative legal voice in government circles, especially regarding the "stolen election" arguments of President Donald Trump and his allies. One of Trump's private attorneys, John Eastman, a former Luttig law clerk, presented his constitutional argument on the election directly to Vice President Pence on January 5, 2021. He argued that the vice president has the constitutional authority to alter or otherwise change certified electoral votes for the presidential certification in Congress. Pence rejected Eastman's argument, and in a letter released on January 6 he cited Luttig by name as influencing his

decision not to attempt to intervene in the certification process. Luttig has said it was "the highest honor of my life" to be involved in preserving the Constitution.

On June 16, 2022, Luttig testified during a televised hearing conducted by the United States House Select Committee on the January 6 Attack. Before the hearing, Luttig wrote out a statement for the record, saying "it is breathtaking that these arguments even were conceived, let alone entertained by the president of the United States at that perilous moment in history." At the close of the hearing, Luttig said, "Donald Trump and his allies and supporters are a clear and present danger to American democracy. They would attempt to overturn the 2024 election in the same way that they attempted to overturn the 2020 election, but succeed in 2024 where they failed in 2020. I don't speak those words lightly. I would have never spoken those words ever in my life, except that's what the former president and his allies are telling us."

Luttig, along with fellow conservative attorneys and judges, contributed to *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*. This extensive report on the 2020 election and the incorrect claims and statements about the election was made available in 2022 and can be found [online](#).

Luttig is married to Elizabeth Ann Luttig and they have two children, daughter, Morgan Luttig and son, John Luttig. The Luttig family relocated to the Chicago area after Luttig became the general counsel at Boeing. Elizabeth Luttig, a fellow attorney, was active in local Chicago charities including the Breakthrough Board, the Infant Welfare Society and various functions to benefit Lake Forest High School and the Lake Forest Academy.

Tragically, Luttig's father was fatally shot in 1994 in a carjacking by Napoleon Beazley, who at the time of the crime was a seventeen-year-old minor. Luttig testified at the sentencing portion of the trial, supporting imposition of the death penalty. Beazley was convicted, condemned to death, and eventually executed after twice appealing to the Supreme Court. Because of Luttig's long association with the Supreme Court and justices on the Supreme Court - three members - Justice Antonin Scalia, Justice Clarence Thomas and Justice David Souter - had to recuse themselves during Beazley's appeals.

### **Scope Note**

This collection consists of two series. The series are: SERIES I: Subject File and SERIES II: Chronological File.

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 "Acting" Officials  
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 Agriculture and Food Act of 1981  
 Ahl, Lieutenant Colonel (Senator Armstrong Inquiry)  
 Air Force and Army Personnel Recommendation and Army

**Allen, Richard V. (1)(2)**

America's Freedom Ride  
Appropriations Lapse  
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Baseball

Bloomington Baby Case  
Borders, William  
Borders, William: Borders, William

***Boulder v. Community Communications Company***

Brady, James  
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Budget and Accounting Act of 1921

**Busing**

Cable News Network  
Capitol Historic Society  
*Carman v. Idaho*  
*Chicago Bridge and Iron v. Caterpillar Tractor*  
Chiles Inquiry re: Federal Retirement / Gamba  
CAB (Civil Aeronautics Board) - Aero Exchange, Inc.  
CAB Decisions - Aeroservicios Ecuatorianos and Trinidad and Tobago  
CAB Decision - Avia International and Arrow Airways, Inc.  
CAB Decision - Ceskoslovenske and Aerolineas Dominicanas  
CAB Decision - New Gateways to Brazil  
CAB Decision - Capitol International, Mackey International, etc.  
CAB Decision - Compagnie Nationale Air France  
CAB Decision - Fast Air Carrier, Ltda.  
CAB Decision - Federal Express; Delta Airlines and U.S. Air, Inc.; U.S. / Middle East /  
Greece - Northwest / Jet Charter  
CAB - Flying Tiger  
CAB Decision - Great Plains, Ltd.; Eric C. Pearson d/b/a/Pearson Alaska Airlines  
**CAB Decision - Saudi Arabian Airlines, Air Caravane, Inc. - Foreign Carrier**

**Insurance Condition**

CAB Decision - Scandinavian Airline System  
CAB Decision - South Pacific Island Airways and Lone Star Airways  
CAB Decisions - Texas / Great-Lakes Eastern Canada / N.Y. - Ottawa / Northwest,  
Eastern and United Airlines  
CAB Decision - Transamerica, Capitol International, etc.  
CAB Decision - United Air Carriers d/b/a Overseas National Airways  
CAB Decision - Varig, S.A.

OA 10019

CAB Decisions - General  
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**Combined Federal Campaign**

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Council of Economic Advisers

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District of Columbia Judicial Nominations Committee / Constitutionality

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Executive Order: Federal Real Property

Executive Order: Generalized System of Preferences

Executive Order - Intelligence Activities

Executive Order: Physical Fitness and Sports

Executive Order: River Basin Commissions

Executive Order: Statistical Policy Functions

Executive Order: Urban Impact Statements

Executive Order: Water Resources Projects

Executive Orders: Miscellaneous Orders

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Federal Elections Commission

Federal Home Loan Bank Board

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Fiske, Guy W.

Flexitime

Foreman, Charles

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Gore, Senator Albert - Personnel Action Request

Gray, Edwin - Retention of Preferred Status Loan

***Green v. Connally - Affirmative Action Tax Exempt Schools***

*Guardians Association v. Civil Service Commission (1)(2)*

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[\[Haitian Refugees\] \(2\)](#)

[\[Haitian Refugees\] \(3\)](#)

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Intergovernmental Advisory Council on Education

Interior - Oil and Gas Lease Sale 67

International Communications Agency

International Trade Commission

Jane Doe

Jewish Chapel Fund

Johnson, Victor S. - Anti-racketeering Statute

Joint Resolutions

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McDonald's Corporation

Meador, Daniel J.

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National Advisory Council on Economic Opportunity

National Historic Preservation Act Amendments of 1980

National Theatre Week

[Nepotism](#)

New York City Loan Guarantees

**Nofziger, Lyn [White House checkout card only]**

*North Haven Board v. Department of Education* - Supreme Court

*Northern Pipeline v. Marathon Pipeline Company*

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**[O'Connor, Sandra Day – Nomination / Press Clipping \(1\)](#)**

**[O'Connor, Sandra Day – Nomination / Press Clipping \(2\)](#)**

**[O'Connor, Sandra Day – Nomination / Remarks \[and Correspondence\]](#)**

Office of Administration

**OFCCP (Office of Federal Contract Compliance Programs) Regulations**

Office of Personnel Management - Exclusions from Federal Merit Pay

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Office of Personnel Management - "Open Season"

Office of Personnel Management - Suitability Determinations

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**Presidential Proclamation - Bill of Rights and Human Rights Day**

**Presidential Proclamation - Citizenship Day and Constitution Week**

**Presidential Proclamation - Fire Prevention Week**

**Presidential Proclamation - Hungarian Freedom Fighters Day**

**Presidential Proclamation - Interstate Highway**

**[Presidential Proclamation - National Guard Day](#)**

**Presidential Proclamation - National Jaycee Week**

**Presidential Proclamation - U.S.-Argentina Agreement**

**Presidential Proclamation - Veterans Day**

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Request for Presidential Intervention: Labor (Mertz)

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**School Prayer - Proposed Constitutional Amendment (1)-(3)**

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Simon, Sidney

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Yoon - Offer to Purchase Reagan Home

**SERIES II: CHRONOLOGICAL FILES**  
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J. Michael Luttig - Chron June 1981  
J. Michael Luttig - Chron July 1981  
J. Michael Luttig - Chron August 1981  
J. Michael Luttig - Chron September 1981  
J. Michael Luttig - Chron October 1981  
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