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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** FIELDING, FRED F.: FILES

**Withdrawer**

KDB 7/9/1996

**File Folder** SUPREME COURT [MOSTLY SANDRA DAY O'CONNOR  
NOMINATION] (4 OF 4)

**FOIA**

F95-0103/01

**Box Number** 37F

YALOF

1

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	NOTES	HANDWRITTEN NOTES <i>R 11/27/17</i>	1	ND	B6
2	NOTES	HANDWRITTEN NOTES RE: NOMINEES	1	ND	B6

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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OFFICE OF  
THE SOLICITOR GENERAL



September 23, 1981

Mr. Rose:

As you requested, attached is a copy  
of the transcript of proceedings on  
Justice Stevens' Swearing-In.

Rex

23 SEP 1981



TRANSCRIPT OF PROCEEDINGS

IN THE SUPREME COURT OF THE UNITED STATES

ON THE OCCASION OF

JUDGE JOHN PAUL STEVENS

TAKING THE OATH OF OFFICE

AS AN ASSOCIATE JUSTICE

OF

THE SUPREME COURT OF THE UNITED STATES

Washington, D. C.  
December 19, 1975

Pages 1 thru 6

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IN THE SUPREME COURT OF THE UNITED STATES

ON THE OCCASION OF  
JUDGE JOHN PAUL STEVENS  
TAKING THE OATH OF OFFICE  
AS AN ASSOCIATE JUSTICE  
OF

THE SUPREME COURT OF THE UNITED STATES

Washington, D. C.

Friday, December 19, 1975  
10:00 o'clock a.m.

ON MOTIONS PRESENTED BY:

HONORABLE GERALD R. FORD, President of the United States  
HONORABLE EDWARD H. LEVI, Attorney General of the United States

BEFORE:

HONORABLE WARREN E. BURGER, Chief Justice of the United States  
HONORABLE WILLIAM J. BRENNAN, JR., Associate Justice  
HONORABLE POTTER STEWART, Associate Justice  
HONORABLE BYRON R. WHITE, Associate Justice  
HONORABLE HARRY A. BLACKMUN, Associate Justice  
HONORABLE WILLIAM H. REHNQUIST, Associate Justice



PROCEEDINGS

THE CHIEF JUSTICE: This special sitting of the Court is held to receive the commission of the newly-appointed Associate Justice, *Judge S.D.O.* Circuit Judge Stevens. At this time it is a great pleasure to recognize the President of the United States. Mr. President.

THE PRESIDENT: Mr. Chief Justice, and may it please the Court:

I appear here this morning as a member of the bar of this Court to inform the Court officially that the nomination of Circuit Judge John Paul Stevens to be an Associate Justice of the Supreme Court of the United States has been consented to by the United States Senate.

The Commission appointing him as Associate Justice has been signed by me and attested by the Attorney General. Judge Stevens is present in the Courtroom ready to take his oath. I request that the Attorney General be recognized to present the Commission to the Court.

THE CHIEF JUSTICE: Thank you, Mr. President. The Court now recognizes the Attorney General of the United States. Mr. Attorney General.

ATTORNEY GENERAL LEVI: Mr. Chief Justice, may it please the Court:

I bear with me the Commission issued to Circuit Judge John Paul Stevens as an Associate Justice of this Court. It has been duly signed by the President and attested by me as Attorney General.



I move that the Clerk read this Commission and that it be made part of the permanent record of the Court.

THE CHIEF JUSTICE: Your motion is granted, Mr. Attorney General. If you will hand the Commission to the attendant so that it may be delivered to the Clerk, I will request that the Clerk read the Commission.

THE CLERK: "Gerald R. Ford, President of the United States of America. To All Who shall See These Presents, Greeting:

"Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of John Paul Stevens of Illinois, I have nominated and, by and with the advice and consent of the Senate, do hereby appoint him <sup>her</sup> ~~an~~ Associate Justice of the Supreme Court of the United States, and do authorize and empower <sup>her</sup> him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold said office, with all the powers, privileges and emoluments to the same of right appertaining, unto <sup>Her</sup> Him, the said John Paul Stevens, during <sup>her</sup> his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done in the City of Washington, this 17th day of December, in the year of our Lord one thousand nine hundred and seventy-five, and of the Independence of the United States of America the two hundredth, by the President.



"Signed, Gerald R. Ford, and attested by Edward H. Levi,  
Attorney General, with the seal of the Department of Justice affixed."

THE CHIEF JUSTICE: Mr. Clerk, will you kindly escort  
Judge Stevens to the bench.

[Judge Stevens was escorted to the bench.]

*Before  
(famous)*  
THE CHIEF JUSTICE: Judge Stevens, if you will raise your  
right hand and repeat after me: I, John Paul Stevens, do solemnly swear --

JUDGE STEVENS: I, John Paul Stevens, do solemnly swear --

THE CHIEF JUSTICE: That I will administer justice without  
respect to persons --

JUDGE STEVENS: That I will administer justice without respect  
to persons --

THE CHIEF JUSTICE: And do equal right to the poor and to the  
rich --

JUDGE STEVENS: And do equal right to the poor and the rich --

THE CHIEF JUSTICE: And that I will faithfully and impartially  
discharge and perform --

JUDGE STEVENS: And that I will faithfully and impartially  
discharge and perform --

THE CHIEF JUSTICE: All the duties incumbent upon me as an  
Associate Justice of the Supreme Court of the United States --

JUDGE STEVENS: All the duties incumbent upon me as an  
Associate Justice of the Supreme Court of the United States --



THE CHIEF JUSTICE: According to the best of my abilities and understanding --

JUDGE STEVENS: According to the best of my abilities and understanding --

THE CHIEF JUSTICE: Agreeably to the Constitution and the laws of the United States --

JUDGE STEVENS: Agreeably to the Constitution and the laws of the United States --

THE CHIEF JUSTICE: So help me God.

JUDGE STEVENS: So help me God.

THE CHIEF JUSTICE: Congratulations, Justice Stevens.

*Robt*  
Mr. *Marshall* Clerk, will you escort ~~Judge~~ -- Mr. Justice Stevens to his chair.

[Mr. Justice Stevens was escorted to his chair.]

THE CHIEF JUSTICE: Mr. Justice Stevens, on behalf of all the members of the Court and the retired Justices, I extend to you a warm welcome as an Associate Justice of this Court, and wish for you a long and happy career in our common calling.

Justice Marshall and Justice Powell each asked me to convey to you this morning their best wishes and their regrets that long-standing commitments away from Washington made it impossible to be present today.



Now turning to a matter of business of the Court, a revised assignment of Circuit Justices for the several circuits of the United States courts has been made. Those assignments, effective today, are as follows:

For the District of Columbia Circuit, The Chief Justice

For the First Circuit, Mr. Justice Brennan

For the Second Circuit, Mr. Justice Marshall

For the Third Circuit, Mr. Justice Brennan

For the Fourth Circuit, The Chief Justice

For the Fifth Circuit, Mr. Justice Powell

For the Sixth Circuit, Mr. Justice Stewart

For the Seventh Circuit, Mr. Justice Stevens

For the Eighth Circuit, Mr. Justice Blackmun

For the Ninth Circuit, Mr. Justice Rehnquist

For the Tenth Circuit, Mr. Justice White.

And now Justice Stevens' guests are invited to a reception given by the Justices and retired Justices for our new colleague and for Mrs. Stevens and their family in the East Conference Room in approximately ten minutes.

[Whereupon, at 10:09 o'clock a.m., the Court was adjourned until January 12, 1976.]



It will or is:

(1) alignate labor community entirely

(2) vehicle to promote corporate pact formation

(3) used as lobbyist group to turn-around Congress, according to Dart

Rec. @ most: carefully crafted letter from Pres of congratulations but best not even this because it would be reported everywhere

(4) political body

no gain for Pres.

Deares or Mee would stop it, Sullivan feels certain  
give Pres. note saying legal counsel says "no", so he can tell Dart  
next time he has him on phone



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2 NOTES

1 ND B6

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# Protesters Deny Woman Judgeship

By Fred Barbash  
Washington Post Staff Writer

The candidate who was to be the Reagan administration's first woman nominee to a U.S. appeals court has been dropped after conservative Republicans campaigned against her the same way they did against the nomination of Supreme Court Justice Sandra Day O'Connor.

The subject of this dispute is Judith Whittaker, who was selected in the fall by the Justice Department for the 8th U.S. Circuit Court of Appeals. Whittaker, a corporate lawyer in Kansas City, was first in her University of Missouri Law School class and, in the view of the American Bar Association, a fully qualified candidate for the appeals court — the level just below the Supreme Court.

The objections to her, like those raised against O'Connor, involved the issues of abortion and the Equal Rights Amendment, as well as a claim by some Republican leaders in Missouri that she is insufficiently Republican. The funnel for the complaints against Whittaker, according to Missouri Republicans, was White House political director Lyn Nofziger, who filled the same role during the O'Connor dispute.

Unlike O'Connor, however, Whittaker was never nominated, and administration sources said that as of yesterday she was out of the running. Deputy Attorney General Edward Schmults confirmed that the Justice Department is searching for other candidates.

The episode has angered women's organizations and it has upset Whittaker. "It's aggravating," she said. "It really is aggravating. This has been a campaign of mis-

See JUDGESHIP, A5, Col. 1

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# Unlike O'Connor, Woman Candidate for U.S. Court Is Dropped

## JUDGESHIP, From A1

information instigated by a very few people. My feeling is that the very conservative opposition tends to zero in on women. I don't think they make such irresponsible charges that men are pro-abortion."

Susan Ness, director of the Judicial Appointments Project for the National Women's Political Caucus, said, "Women are being singled out." She noted that of seven appellate court vacancies filled by President Reagan, none has been filled by a woman, and there is only one woman among 45 district court appointments.

Conservatives and administration officials deny that women are being unfairly treated. "The charges are not fair or accurate," said Schmults. The department is looking for other candidates not because of opposition to Whittaker from "one quarter or another," he said, but because there was simply not enough "broad-based support" for her.

But one high White House official, presidential counsel Fred Fielding, agreed with at least one part of the women's charges. "The abortion issue most often comes up in regard to potential women candidates," he said. "I can't comment on why it does. I don't know the answer."

Whittaker, 43, is associate general counsel to Hallmark Cards and a trustee of Brown University and the University of Missouri at Kansas City. The 8th Circuit covers Missouri, Arkansas, Iowa, Minnesota, Nebraska and the Dakotas. Because of the elevated status of the appeals courts and the fact that their jurisdiction covers regions, rather than individual states, nominations have traditionally been considered relatively insulated from partisan political considerations.

After the Justice Department selected Whittaker, she was successfully screened by the FBI and the

American Bar Association's Committee on the Federal Judiciary.

The opposition started in Missouri but soon spread to the same national conservative organizations that led the fight against O'Connor. Richard Viguerie's New Right report recently described Whittaker as a "liberal Democrat," a "strong feminist," and pro-abortion. Michael Hammond, general counsel to the Senate Steering Committee in Washington, who has been lobbying against her, described her as a "member of the American Civil Liberties Union," "a member of a women's caucus at Hallmark Cards which took fairly liberal stands on abortion and the ERA," and as an opponent of a "curb on pornography" in Kansas City.

John Powell, the former Missouri Reagan campaign chairman and now Missouri Republican chairman, said she was a "liberal . . . not even a Republican . . . a liberal on abortion."

Her opponents also criticize her for having been on the board of a legal services agency in Missouri.

Whittaker said in an interview that she has supported the ERA. "I am a Republican," she says, noting that she has contributed money to Republican campaigns and is supported by state Republicans, including the mayor of Kansas City, who is a Republican although the office is nonpartisan. She said she once belonged to the ACLU but no longer does. She said she knows of no "women's caucus" at Hallmark Cards and she has never been particularly active in feminist causes.

She said her only involvement with the pornography issue was to help her company keep an obscene bookstore out of a Kansas City development project. She did serve on a legal services board, she said, but so did Attorney General William French Smith when he was a private attorney in Los Angeles.

She said she has never taken a public position on abortion and does not understand where the idea that she is pro-abortion came from. Asked about that, Powell, the Missouri GOP chairman, said, "I'm not familiar with that issue," but he added that Kathy Edwards, a Missouri anti-abortion activist, "is fighting her tooth and nail."

Edwards, president of Missouri Citizens for Life, acknowledged that "we don't have anything concrete" on Whittaker's views on abortion, and conceded that she had made no effort to seek out the abortion views of three recent male U.S. District Court appointees in Missouri.

"We did not check out their positions on abortion . . . The appeals court has attracted more attention," she said.

Whittaker, like O'Connor, has declined to express her views on the Supreme Court's decisions legalizing abortion. Both maintain that such

expressions might prejudice their work on the court.

Powell said he waged his campaign against Whittaker through Nofziger, and said that it had not been easy. "I kept complaining," to Nofziger, Powell said. "We'd get it knocked in the head and then someone in the Department of Justice kept sticking it back in." Nofziger did not return telephone calls.

Schmults said yesterday that the decision to look at other candidates was a "consensus" decision among White House and Justice officials. "What happened here is no different than anything that happens with a whole variety of people who are candidates for appointment. When opposition develops, you look and see what the support is," he said. In this case, he indicated, officials decided there was not enough.

Whittaker's husband is the son of the late Supreme Court Justice Charles Evans Whittaker.

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