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WITHDRAWAL SHEET
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File Folder: Judicial Nominees: Supreme Court (1 of 5) **Date:** 11/7/96

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1.Personal data questions	Re: Pasco M. Bowman, 8 pp.	11/22/82	~~P2/P6~~ B6
2. Judicial profile	Re: Cynthia Holcomb Hall, pg. 7, (partial)	n.d.	~~P2/P5~~ B6
3. Judicial profile	Re: Cynthia Holcomb Hall, pg. 8	n.d.	~~P2/P5~~ open
			CCB 12/4/00

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]
P-1 National security classified information [(a)(1) of the PRA].
P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
P-3 Release would violate a Federal statute [(a)(3) of the PRA].
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]
F-1 National security classified information [(b)(1) of the FOIA].
F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
F-3 Release would violate a Federal statue [(b)(3) of the FOIA].
F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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TABLE OF CONTENTS

PASCO M. BOWMAN, II

Biographical Information

AGE: 54

BORN: December 20, 1933; Harrisburg/Timberville, Virginia

COLLEGE: Bridgewater College, B.A., 1955

LAW SCHOOL: New York University, LL.B., (Managing Editor NYU Law Review; Root-Tilden Scholar)

GRADUATE EDUCATION: Fulbright Scholar, London School of Economics, 1961-62

PARTY: Unknown

MILITARY SERVICE: U.S. Army Reserve, 1959-1983, Colonel

FAMILY: Married Ruth Elaine Bowman, July 12, 1958; three children

RESIDENCE: Kansas City, Missouri

HEALTH: Unknown

Judicial History

APPELLATE COURT: Eighth Circuit, Appointed by President Reagan, 1983

Professional Experience

Associate, Cravath, Swaine and Moore, 1958-61, 1962-64 (1961-62 at London School of Economics)
Assistant Professor, Associate Professor and full Professor of Law, University of Georgia, 1964-70
Dean and Professor of Law, Wake Forest University, School of Law, 1970-78
Visiting Professor of Law, University of Virginia, 1978-79
Dean and Professor of Law, University of Missouri at Kansas City, 1979-83
Reporter, Chief Draftsman, Georgia Corporation Code, 1965-68

General Considerations and Confirmability

Judge Bowman has been one of the candidates frequently mentioned for a seat on the Supreme Court. He is considered highly intelligent and conservative. The Alamanac of the Federal Judiciary stated that he "owes his appointment in good part to

his reputation as an extreme conservative on contemporary social, economic, and political issues: a reputation well deserved." He has been variously described as "reactionary," "very much the academician," "a real scholar," and "very pleasant" possessing a "southern courtly grace that will probably make him a pleasure to appear before."

Judge Bowman has spent the preponderance of his professional career as a law teacher and dean. In his 1983 confirmation testimony, Bowman indicated he foresaw no difficulty in making the transition from professor to federal judge. He said he spent time on almost a daily basis reaching collegial decisions with faculty members. On the matter of judicial activism, Bowman testified that he did not think judges should act as legislators, and if they had to make new law they should do so with great care. Confirmation hearings, Senate Judiciary Committee, 98th Cong., 1st Sess. 412, 413 (June 22, 1983). Judge Bowman was confirmed by the Senate on July 19, 1983 by a voice vote. His ABA rating was "qualified."

It appears that Senator Helms, together with Senators Thurmond and East, originally promoted his nomination to the Court of Appeals. Bowman established his connection with Senator Helms when he was dean of Wake Forest University School of Law in Winston-Salem, North Carolina. His nomination sparked some controversy because he was considered a relatively recent transplant to the Midwest, having spent only three years in Missouri before being named to the Eighth Circuit. Senator Abdnor of South Dakota objected to the nomination, claiming the seat should go to a candidate from his state (which was not then represented on the Eighth Circuit). Senator Howard Baker apparently intervened at the request of the White House to preclude Senator Abdnor from blocking the Bowman nomination by announcing a rule that Republican Senators could only place "holds" on nominees from their own states. The Republican Chairman from Arkansas, Morris Arnold, also objected to the nomination on the basis that the Eighth Circuit vacancy should be allocated to someone from Arkansas.

Bowman is considered an authority on business and commercial law. At the Federalism Society Convention in February 1987, Judge Bowman participated in a panel on the subject of insider trading. Bowman took the position that while insider-trading rules are judge-made common law, he was "happy to say none was made in the Eighth Circuit." Bowman endorsed Dean Henry Manne's view of insider trading saying that "no harm is done" either to the economy or to society by insider trading, but instead "some good" may flow from it. Apparently the judge ended his remarks by stating that his strong personal views were "not any indication of how I might rule in any case that might come before me."

In general, Judge Bowman appears to have a strong record on law enforcement matters. His record is not consistently pro-prosecution. For example, he was reversed by the Supreme

court in Romano v. Black, 735 F.2d 319 (8th Cir. 1984), reversed, 53 U.S.L.W. 4580 (May 20, 1985). In that case, in an opinion by Justice O'Connor, the Supreme Court overturned Judge Bowman's decision to affirm the grant of a habeas corpus petition to a petitioner who claimed the sentencing judge had denied him due process in parole revocation proceedings. The record did not expressly indicate that the state sentencing judge had considered alternatives to imprisonment as the sanction for a parole violation. Neither the petitioner nor his lawyers, however, had proposed or requested any alternatives to incarceration. Justice O'Connor wrote that there was no denial of due process because the court "must presume that the state judge followed Missouri law and, without expressly so declaring, recognized his discretionary power to either revoke or continue probation." The Supreme Court's decision in this case seems to make much more sense than the decision by Judge Bowman. Moreover, it would appear that the Supreme Court demonstrated greater deference to the principles of federalism in judging the action of state court judges.

Judge Bowman has authored opinions in first amendment cases that may be disturbing to the press. He wrote a majority opinion, Upper Midwest Booksellers Ass'n. v. Minneapolis, 780 F.2d 1389 (Dec. 31, 1985), rehearing denied, Feb. 14, 1986, upholding a municipal ordinance limiting the sale of pornographic materials. The dissenting judge in the case claimed that the affirmation of such a broad statute was constitutionally unprecedented. Bowman dissented from a 6-3 en banc ruling that Newsweek did not libel the Governor of South Dakota, William Janklow, in repeating certain allegations about rape and the motivations for earlier prosecutions by Janklow. Bowman wrote that such statements were not protected opinion and that a jury could conclude that Newsweek's statements were assertions of fact rather than opinion or editorial judgments absolutely protected by the First Amendment.

In Liddell v. State of Missouri, 731 F.2d 1294 (Feb. 8, 1984), Judge Bowman dissented from a 7-2 decision that upheld a desegregation plan designed to swap students from predominantly black St. Louis schools to predominantly white suburban schools. Chuck Cooper argued the case for the United States, and Judge Bowman appeared to adopt his position. Judge Bowman wrote that the state should not be required to fund a remedy broader than the proven constitutional violation. Moreover, Judge Bowman objected to the Court's order for a tax increase, if that was necessary to fund the busing program. The state argued that there was no finding that it was responsible for creating the segregation problem.

Positions on Critical Issues

Criminal Justice. Because of the Supreme Court's unanimous reversal of Judge Bowman in the case of Romano v. Black, discussed above, this is considered one of his more noteworthy rulings.

Most of his decisions, however, have been pro-law enforcement. For example, in Hamilton v. Nix, slip opinion (Dec. 31, 1985), Judge Bowman dissented from a decision ordering a new trial for a convicted murderer. The conviction was overturned because the court held the defendant's confession to be invalid because the police had offered to help him. Judge Bowman dissented and observed that "guilt is not in question." He wrote that "I do not believe that [the defendant] has been deprived of any constitutionally protected interest requiring us to inflict this kind of injury upon the public interest." The defendant had apparently served only four years of his life sentence after having been convicted of killing two people. Judge Bowman observed that the majority's decisions would likely make it impossible to retry and convict the defendant. In U.S. v. Strand, 761 F.2d 449 (May 2, 1985), Bowman dissented from the reversal of a conviction based on a search warrant found to be defective. Bowman stated he would affirm the conviction because the "transgression that occurred is highly technical and entirely the result of an innocent mistake."

On August 29, 1984, Judge Bowman joined in an opinion that called the number of sexual assaults on inmates in U.S. prisons a "national disgrace" and criticized administrators for failing to provide proper security. The court cited nationwide statistics as reflecting "an indifference by officials, and society as a whole, to the right of prisoners to be free from assaults." The panel said prison officials must be held liable because, "we reject as below any level of decency the theory that sexual or other assaults are a legitimate part of a prisoner's punishment."

In Thomas v. Booker, 784 F.2d 299 (Feb. 14, 1986), Bowman dissented from the panel's decision affirming the award of damages to a city jail prisoner who claimed that he was blinded in one eye in a fight ignored by the jailers. The court reinstated the award of punitive damages against the jailers. Judge Bowman opined that the trial judge had improperly asked the jurors to resume deliberations, after it appeared that they had held in favor of the jailers.

Economic Matters. As indicated above, Judge Bowman believes that insider trading may be beneficial and, in any event, does no harm to society or the economy.

In one case, Judge Bowman wrote an opinion reversing a $3.1 million jury award against Cessna Aircraft Company. Bowman's opinion described the airplane in question as "a lemon with wings," but nonetheless held there was no proof that the defendant had committed any fraudulent misrepresentations; he therefore ordered a new trial.

Federalism. In EEOC v. Missouri State Highway Patrol, 748 F.2d 447 (Nov. 12, 1984), Judge Bowman wrote an opinion upholding the right of the Missouri Highway Patrol to require uniformed officers to retire at age 60. He found that patrol members

engage in strenuous activity and only ten percent of persons over 60 are capable of the necessary level of aerobic activity.

Separation of Powers. In Arkla Exploration Company v. Texas Oil & Gas Corp., 734 F.2d 347 (May 7, 1984), Judge Bowman held against the Interior Department's decision to release natural gas fields without bids. He likened the no bid process to the sale of Manhattan "for a few trinkets and a small quantity of small drink". He found that the Interior Department had failed to take into account the competitive interests of other oil companies operating in the area.

Other Matters. The First Amendment decisions mentioned above may be significant to any confirmation process involving Judge Bowman. Also significant, may be the case of Stark v. St. Cloud State University, 802 F.2d 1046 (Oct. 8, 1986), rehearing en banc denied, Jan. 14, 1987. In this case, Judge Bowman dissented from a decision that a state university that allowed students seeking to be licensed as teachers to fulfill their teaching requirements by working in parochial schools violated the separation of church and state. Judge Bowman wrote that the sole purpose of the program was "to provide students with practice teaching opportunities in a variety of settings. The program is entirely neutral on the subject of religion."

In Horton v. Taylor, 767 F.2d 471 (July 11, 1985), Judge Bowman dissented in a case where the majority provided Hatch Act-type protections to certain government employees who were originally hired because they were members of a particular political party. Judge Bowman said the court's approach established a "new rule of constitutional law: one appointed to a low-level government job on the basis of party affiliation can never be fired on the basis of party affiliation." The majority opinion ruled against county officials in Arkansas who had fired five Republican employees who now found themselves working in a Democratic administration. Judge Bowman's dissent would have upheld the lower court's decision upholding the firings.

1120

The President has seen 15: 5-23-83

RECEIVED SS 3 MAY 21 PM 2:

THE WHITE HOUSE

WASHINGTON

FG052
PE002-01
PR007-02
PR005-03
FG017

May 20, 1983

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Nomination of Pasco M. Bowman II to be United States Circuit Judge for the Eighth Circuit Court of Appeals

The Attorney General, Deputy Attorney General, Edwin Meese, James Baker, Kenneth Duberstein, Edward Rollins, John Herrington and I recommend that you nominate Pasco Bowman II to be United States Circuit Judge for the Eighth Circuit Court of Appeals which encompasses the states of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota. Since 1979, Mr. Bowman has served as Dean and Professor of Law at the University of Missouri at Kansas City School of Law. He served as a Visiting Professor of Law at the University of Virginia School of Law, 1978-1979; as Dean and Professor of Law at Wake Forest University School of Law, 1970-1978; and as a Professor at the University of Georgia School of Law, 1964-1970. He was a Fulbright Scholar at the London School of Economics and Political Science, 1961-1962; and an Associate of the law firm of Cravath, Swaine & Moore, 1962-1964 and 1958-1961. Mr. Bowman attended Bridgewater College from 1951 to 1955 when he received a B.A. degree. He attended New York University School of Law from 1955 to 1958 when he received a LL.B. degree. He was admitted to the New York State Bar (1958), the Georgia State Bar (1965) and the Missouri State Bar (1980). He is 49 years old, married and has three children. His resume is attached at Tab A.

RECOMMENDATION:

1. That you call Mr. Bowman (telephone recommendation attached at Tab B).

2. That you sign the nomination at Tab C.

Talk to Pres Office 5/23/83 (2.00 pm)

Approve 5/24/83

5/24/83

NOTED

To OH: 5/12/83
9:00 am
To DD: 5/21/83
8:45 am

Office of the Attorney General
Washington, D. C. 20530

May 10, 1983

Dear Mr. President:

I have the honor to enclose the nomination of [redacted] Bowman II, of Missouri, to be United States Circuit Judge for the Eighth Circuit vice J. Smith Henley, retired.

Mr. Bowman was born December 20, 1933 in Harrisonburg, Virginia, is married and has three children.

He attended Bridgewater College from 1951 to 1955 when he received a B.A degree. He attended New York University School of Law from 1955 to 1958 when he received a LL.B. degree. He was admitted to the New York State Bar (1958), the Georgia State Bar (1965), and the Missouri State Bar (1980).

He has served in the United State Army Reserve since 1959 in the Judge Advocate General Corps.

Since 1979, Mr. Bowman has served as Dean and Professor of Law at the University of Missouri at Kansas City School of Law. He served as a Visiting Professor of Law at the University of Virginia School of Law, 1978 - 1979; as Dean and Professor of Law at Wake Forest University School of Law, 1970 - 1978; and as a Professor at the University of Georgia School of Law, 1964 - 1970. He was a Fulbright Scholar at the London School of Economics and Political Science, 1961 - 1962; and an Associate of the law firm of Cravath, Swaine & Moore, 1962 - 1964 & 1958 - 1961.

The Standing Committee on Federal Judiciary of the American Bar Association has submitted a formal report which states the Committee's opinion that Mr. Bowman is qualified for appointment to this position. He bears an excellent reputation as to character and integrity, has judicial temperament and is, I believe, worthy of appointment as a United States Circuit Judge.

I recommend the nomination.

Respectfully,

William French Smith

The President

The White House

PASCO M. BOWMAN II

Birth:	December 20, 1933	Harrisonburg, Virginia
Legal Residence:	Missouri	
Martial Status:	Married	Ruth Elaine Bowman Three children
Education:	1951 - 1955	Bridgewater College B.A. degree
	1955 - 1958	New York University School of Law LL.B. degree
Bar:	1958 1965 1980	New York Georgia Missouri
Military Service:	1959 - present	U.S. Army Reserve
Experience:	1958 - 1961 1962 - 1964	Cravath, Swaine & Moore Associate
	1961 - 1962	Fulbright Scholar London School of Economics & Political Science
	1964 - 1970	University of Georgia School of Law Professor
	1970 - 1978	Wake Forest University School of Law Dean & Professor of Law
	1978 - 1979	University of Virginia School of Law Visiting Professor of Law
	1979 - present	University of Missouri at Kansas City School of Law Dean & Professor of Law
Office:	5100 Rockhill Road Kansas City, Missouri 64110 816 276-1644	
Home:	11109 Blue River Road Kansas City, Missouri 64131 816 942-1758	
hnic Group:	Caucasian	
lary:	$77,300	

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release May 24, 1983

The President today announced his intention to nominate Pasco M. Bowman, II, of Missouri, to be United States Circuit Judge for the Eighth Circuit. He would succeed J. Smith Henley.

Since 1979, Mr. Bowman has served as Dean and professor of Law at the University of Missouri at Kansas City School of Law. Previously, he was visiting professor of law at the University of Virginia School of Law in 1978-1979; Dean and professor of law at Wake Forest University School of Law in 1970-1978; and professor at the University of Georgia School of Law in 1964-1970.

He graduated from Bridgewater College (B.A., 1955) and New York University School of Law (LL.B., 1958). He was a Fulbright Scholar at the London School of Economics and Political Science in 1961-1962. He is married, has three children and resides in Kansas City, Missouri. He was born December 20, 1933, in Harrisonburg, Virginia.

###

THE WHITE HOUSE

The President has seen _____

WASHINGTON

MEMORANDUM FOR THE PRESIDENT
Recommended Telephone Call

TO: Pasco M. Bowman II

TELEPHONE: Home: 816 942-1758
Office: 816 276-1644

DATE TO CALL: Monday May 23, 1983

RECOMMENDED BY: The Attorney General, Deputy Attorney General, Edwin Meese III, James A. Baker, III, Kenneth Duberstein, Edward Rollins, John Herrington and Fred F. Fielding

PURPOSE: To ask him to serve as United States Circuit Judge for the Eighth Circuit Court of Appeals which encompasses the states of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota

TOPICS OF DISCUSSION:

1. Since 1979, Mr. Bowman has served as Dean and Professor of Law at the University of Missouri at Kansas City School of Law. He served as a Visiting Professor of Law at the University of Virginia School of Law, 1978-1979; as Dean and Professor of Law at Wake Forest University School of Law, 1970-1978; and as a Professor at the University of Georgia School of Law, 1964-1970. He was a Fulbright Scholar at the London School of Economics and Political Science, 1961-1962; and an Associate of the law firm of Cravath, Swaine & Moore, 1962-1964 & 1958-1961.

Call made.

2. Mr. Bowman attended Bridgewater College from 1951 to 1955 when he received a B.A. degree. He attended New York University School of Law from 1955 to 1958 when he received a LL.B. degree. He was admitted to the New York State Bar (1958), the Georgia State Bar (1965) and Missouri State Bar (1980).

3. He is 49 years old, his wife's name is Ruth, they have three children and reside in Kansas City, Missouri.

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1 LISTED ON THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

CYNTHIA HOLCOMB HALL

Biographical Information

AGE: 58

BORN: February 19, 1929

COLLEGE: University of Geneva, 1947-48 (age 19)
Stanford University, A.B., 1951 (age 22)

LAW SCHOOL: Stanford University, LL.B., 1954 (age 25)
N.Y. University, LL.M., 1960 (age 30)

PARTY: Republican

MILITARY SERVICE: United States Naval Reserve, 1951-53, Lieutenant (J.G.)

FAMILY: Widowed; two children. Husband, John Harris Hall, former Treasury official in Nixon Administration, killed October 16, 1980 in plane crash

RESIDENCE: Pasadena, California

HEALTH: Excellent; avid tennis player

Judicial History

TRIAL COURT: U.S. Tax Court, appointed by President Nixon, 1972-81
C.D. Cal., appointed by President Reagan, 1981

APPELLATE COURT: Ninth Circuit, appointed by President Reagan, 1984

Professional Experience

Braverman & Holcomb, Beverly Hills, California; partner, 1966-72 (specialty: tax law)
U.S. Department of the Treasury, Office of Tax Legislative Counsel, 1964-66
Department of Justice, Trial Attorney, Tax Division, 1960-64
Law Clerk to Hon. Richard Chambers, Ninth Circuit, 1954-55

General Considerations and Confirmability

Judge Cynthia Hall was twice on the White House "short list" of candidates for the Supreme Court seats vacated by both Chief Justice Burger and Associate Justice Lewis Powell. She is second in seniority (after Sandra Day O'Connor) among women

federal judges appointed by President Reagan. Prior to her appointment in 1981, the Washington Post observed that she was the "sole woman known to be a strong contender for a judgeship" in the Reagan Administration. Her twelve years as a federal trial judge preceding her appointment to the Ninth Circuit Court of Appeals make her, at the age of 58, one of the longest-sitting Republican women judges. Her academic, professional and intellectual qualifications are first rate. Throughout her tenure as a federal trial and appellate court judge, she has consistently evidenced a solidly conservative judicial philosophy.

In 1981, Senator DeConcini--familiar with Judge Hall because of her Arizona background--remarked upon Judge Hall's "fine, excellent background . . . in the Treasury Department, the Department of Justice, and since 1972, the U.S. Tax Court." Senator DeConcini concluded, "[y]ou have indeed distinguished yourself in the course of that distinguished career." She was rated "well qualified" by the ABA, and unanimously confirmed by the Senate on voice vote.

In 1984, Senator Wilson introduced Judge Hall to the Senate Judiciary Committee with the warmest praise. He noted that, in addition to her service on the bench, she had served in the U.S. Navy on active duty for three years during the Korean War, and, as a trial lawyer, she had provided pro bono publico legal aid service. Senator Thurmond also praised her lavishly, and she was recommended by the Committee unanimously. She was rated "qualified" by the ABA, and confirmed by the full Senate on unanimous voice vote.

While Judge Hall has not been closely identified with any particular politician since her appointment to the bench in 1971, she and her husband John were modest financial supporters of their then Congressman from Pasadena, John Rousselot, a well-known conservative. In a Los Angeles Daily Journal profile, Judge Hall noted that while she has never been active in politics, "I know it helped that I was a woman, a Republican, and a judge. If I had been a bra-burning liberal, I probably wouldn't have gotten the job." In addition to her career as a trial lawyer and judge, she has been a mother and raised a family. She has two children: one teenage son, John Harris, and one daughter, Desma, recently graduated from Princeton.

Judge Hall has been consistently mentioned positively in articles otherwise critical of the Reagan Administration's judicial appointments. For example, she was a lonely bright spot in an otherwise dour article appearing in the Washington Post on September 10, 1982, entitled "Reagan's Judiciary: Mostly White, Mostly Men." In that article, Deputy Attorney General Edward C. Schmults was quoted as saying that the Administration was looking for qualified women, but could not find any. Other articles in the Washington Post have

asserted that President Reagan has substantially reduced the proportion of women and blacks being appointed to federal judgeships. The National Women's Political Caucus has criticized the President's record in appointing women to federal judgeships as "abysmal."

When Judge Hall was sworn in as a Ninth Circuit Judge by Sandra Day O'Connor (they are long-time friends since law school at Stanford) at a private ceremony in Washington in 1981, she immediately began to apply her conservative, pro-individual, no-nonsense philosophy evidenced consistently on the U.S. Tax Court. She became known as a tough, independent and fair judge in the criminal field who was prone to stiff sentences. A Charles Manson follower who committed two consecutive bank robberies within a 90-day period following his release from ten years in prison was sentenced to an additional 30 years by Judge Hall. A woman identified as the local boss of a major drug ring, apprehended in the largest cocaine seizure ever by Los Angeles police, was sentenced to 20 years in prison, a $75,000 fine and 15 years parole after her release from prison. A securities promoter who swindled hundreds of investors, including comedian Rich Little, out of more than $8 million in a bogus tax shelter was sentenced to six years in prison and $50,000 fine. Another white-collar criminal, a securities broker who falsely confirmed transactions in bearer bonds to his customers and converted them to personal use, was enjoined under an order freezing all of his assets except $75 per day for living expenses and $5,000 for legal fees, pending trial.

Well respected for her tax expertise both as a practitioner and on the bench, Judge Hall deftly handled an extremely sensitive international tax case involving Toyota and the government of Japan. The tax unit of the Department of Justice sought to enforce a summons against Toyota U.S.A.'s Japanese parent corporation. The IRS claimed it required information on Toyota's manufacturing and selling costs in Japan in order to determine the validity of transfer prices to its U.S. subsidiary in the course of a tax audit. When the Department of Justice sued, the Japanese government threatened to take retaliatory action against U.S. firms. The Japanese Foreign Minister, in a speech before the Diet, alleged that enforcement of the summons would violate international law. Judge Hall reacted cautiously, but deliberately. She received advice from the Department of State that, while it had not responded to Japan's protest, she should not wait for State's response before ruling. Judge Hall held that the information sought was "necessary for a fair and accurate determination of Toyota U.S.A.'s tax liability," and enforced the summons. Her opinion's exposition of international law was publicly hailed by Justice, and is an example of fine work in an exceptionally complicated area.

Judge Hall's no-nonsense reputation was earned anew in <u>Thompson Co. v. General Nutrition Corp.</u>, in which a company that had

destroyed vital records during discovery in violation of a court order and its lawyers were held jointly liable for $375,000 in sanctions. Judge Hall ruled that "neither GNC nor its counsel made any creditable attempt to ensure or monitor GNC's compliance." The decision was favorably reported in several news articles and professional journals.

In another decision reported by the general media, Judge Hall held that reparations payments that the German Federal Republic made to a survivor of the Holocaust constitute countable "income" in determining eligibility for supplemental security income (SSI) under the Social Security Act. The case eventually came before the Ninth Circuit en banc (Judge Hall did not participate on the en banc court) and was reversed, the court admitting that the case was one of first impression which Congress had not addressed. "Neither the Act, its legislative history, nor its implementing regulations explicitly mention" the situation in the case, according to the court. 748 F.2d. 503, 504. Judge Hall had supported the determination of the Social Security Administration, which was predicated on the rationale that SSI payments are based on need, and for this purpose take into account all forms of cash income.

In a sensitive political case decided in June 1982, Judge Hall closely followed a direct precedent in the Central District of California in granting the State of California's request for a preliminary injunction against opening bids on certain offshore oil leases. The case involved Interior Secretary James Watt's offshore oil leasing plans, which opened up bidding on 164 tracts off the California coast. Judge Hall's order barred accepting bids on ten tracts off the coast in Orange County, an additional ten off the Malibu coast, two in Ventura, and two in Long Beach Harbor. The Ninth Circuit of Appeals upheld her order. The decision was based on the Coastal Zone Management Act, which requires that federal oil leasing must be consistent with the states' coastal plans. In the earlier case upon which Judge Hall relied, Judge Pfaelzer in Los Angeles had held that Secretary Watt had failed to comply with these consistency requirements. The result of Judge Hall's decision was to leave 140 tracts open for bidding and cancel 24. In the course of her decision, Judge Hall ruled that the Sierra Club had no standing to challenge the offshore oil leasing plans.

Overall, Judge Hall appears to be the perfect Reagan judge. Moreover, she would be especially likely to be confirmed. She is a woman head of household with two bright children (she has been quoted in the press as wondering whether "women who give up a husband or a family to have a career, or give up a career to have a family . . . get to a point when they realize they've missed something. I liked having a husband, I love my children, and I wouldn't give up my career for the world, although I've had to work hard to manage them all"); the daughter of a Navy admiral, she served three years on active duty in the U.S. Naval

Reserve during the Korean War, reaching the rank of Lieutenant J.G., and simultaneously attended night law school classes at George Washington University; she is a college and law graduate of Stanford University, and -- like Justice O'Connor -- earned her law degree there at a time when few women graduated from Stanford Law School; and she is the very model of judicial demeanor on the bench. According to the Los Angeles Daily Journal profile, "Lawyers praise her years on the Tax Court as well as her years practicing law. 'She was very independent and very fair,' said one. 'She wasn't afraid to make a ruling in a tough area. That took courage.'"

Positions on Critical Issues

Criminal Justice. Judge Hall has a deserved reputation as especially tough on crime. As a district court judge, she meted out some of the toughest sentences in the Ninth Circuit (as noted above), and her strong pro-law enforcement stance has continued on the U.S. Court of Appeals. In a 1987 decision, for example, she held that the FBI's use of a prostitute as a government informant did not violate the defendant's due process rights. In another case, she refused to permit a defense of duress in a drug smuggling case in which the defendant claimed that there had been indirect threats on his life if he did not continue in the drug trade. This decision was subsequently reversed by a liberal panel of the Ninth Circuit.

In U.S. v. Walker (1986), a decision that foreshadowed the Supreme Court's 1987 decision on this subject, she upheld the constitutionality of the Bail Reform Act's preventive detention provisions.

In U.S. v. Schuler (1987), Judge Hall dissented from a panel decision reversing the conviction of Scott Schuler for threatening the life of President Reagan. The majority held that the prosecution's reference to the defendant's demeanor during trial (he laughed at others' testimony concerning his threats to commit racial murders) constituted reversible error; Judge Hall would have held that the defendant's courtroom demeanor is admissible "evidence."

Federalism. Judge Hall has a keen respect for proper delineation of authority among the federal government, the states and the individual. In a difficult political context, she ruled that the attempt by the city of Oakland, California to use eminent domain procedings to force the return of the NFL Raiders to Los Angeles (a procedure that had been expressly authorized by the California Supreme Court) could not be enjoined as a violation of federal antitrust law. Her decision in the Watt offshore oil leasing case reflected both a careful and fair construction of the federal statutes and a concern for states' rights (which, in that case, the statutes expressly

required should be deferred to in implementing the leasing program).

Separation of Powers. Judge Hall's opinion in the Toyota U.S.A. extraterritorial summons enforcement case illustrates a thorough appreciation of the relative roles of the executive, the Congress and the judiciary in international affairs. Her many decisions on the Tax Court showed a healthy concern when IRS rulemaking strayed too far from its purported basis in the Code. Her willingness to exercise judicial restraint in a variety of circumstances typifies her vision of a strong, certain and evenhanded -- but not inventive -- application of the law by the courts.

Economic Matters. Few sitting judges have a better appreciation for business finance than Judge Hall. Her easy grasp of financial and economic issues permits her to render decisions in such matters incorporating a consistent clarity of logic, with crisp opinions of manageable length.

In a highly significant securities law case, Puchall v. Houghton (1987), Judge Hall wrote for a 13-member en banc panel that Congress did not intend to create an implied private right of action under section 17(a) of the Securities Act of 1933. Her exposition of the law reflected a thorough understanding of the entire scheme of federal securities regulation, as well as the current realities of the stock market. All but one of the 12 other circuit judges joined in her opinion, which overruled more than 30 years of Ninth Circuit precedent. The lone dissenter, in fact, expressed admiration for her reasoning.

In a case involving negotiations for the sale of the San Diego Clippers NBA franchise, Judge Hall ruled that a three-page handwritten memorandum from one of the negotiations did not constitute an enforceable contract for the multi-million dollar sale of the team. Among other things, the handwritten memo failed to mention whether the deal was a stock or an asset transaction, and failed to specify many other critical financial, tax and business terms. The California Supreme Court subsequently reversed a longstanding line of cases holding that a cause of action for tortious misrepresentation does not lie where it is based on an oral contract which would not be enforceable under the Statute of Frauds, and the Ninth Circuit reversed Judge Hall's ruling based on this later case, which the California Court made retroactive. Notwithstanding the then-unpredictable California Supreme Court's creation of a new tort cause of action, Judge Hall's decision on the contract issue was clearly sound.

Moreover, Judge Hall has shown a special sensitivity to the economics of a case in determining whether to grant emergency relief or to rule on the pleadings at an early stage. In 1983, when "E.T." was the largest grossing feature film in history,

Judge Hall refused to grant injunctive relief in favor of the owner of a copyrighted play and script who claimed the film was based on his work. Judge Hall further ruled swiftly that the works were "dissimilar" and that "no reasonable jury could conclude otherwise." The plaintiffs had sought damages of $1 billion. In Grunfeder v. Heckler, the case discussed above involving the effect of reparation payments to a Holocaust victim on her eligibility for supplemental security income, Judge Hall showed a sensitivity to both legislative intent and the fiscal effects of her decision.

Judge Hall's sensitivity to the economics of litigation, together with her long experience as a trial judge and her penchant for tough sanctions, has led her on a number of occasions to take aggressive action against frivolous appeals. For example, in Kelley v. IBEW (1986), she assessed double costs and fees as a sanction for knowingly filing an appeal after dismissal below because the statute of limitations had run out. In Mitchell v. Los Angeles County, she urged the assessment of fees against plaintiffs who bring frivolous Title VII actions. "A plaintiff who drags a frivolous suit through months of discovery, exacerbating the defendants' costs . . . ought to be 'chilled,'" she wrote.

Other Matters. The Almanac of the Federal Judiciary (1987) contains the following lawyers' comments about Judge Hall: "Judge Hall is generally given high marks for her service on the U.S. Tax Court and the federal district court in Los Angeles. She was courteous (but somewhat strict and humorless, according to some), was well prepared, knowledgeable, evenhanded, articulate, and decisive. Additional comments: 'No-nonsense, perhaps too severe in demeanor, did not seem to get much pleasure from being a district judge.' 'Reportedly exercises considerable influence on the selection of other federal judges.' 'Follow the rules if you don't want to be up to your ankles in blood.' 'Very bright, writes interesting decisions -- readable, cogent, analytical.'"

Judge Hall, together with U.S. District Judge William D. Keller and California Supreme Court Justice Malcolm Lucas, is a member of U.S. Senator Pete Wilson's merit selection committee that recommends federal judicial candidates. Senator Wilson has been criticized by some for including judges on the committee, but has stated that he believes that "judges are in a good position to round out the evaluation process."

Conclusion

----------*REDACTED*----------

----------*REDACTED*----------

REDACTED----------

----------*REDACTED*----------

The Reagan record on women's issues is a strong one. In 1981, the President made history by appointing the first woman to the Supreme Court, Justice Sandra Day O'Connor. Appointment of a second woman to the Supreme court would be the historic capstone to the Administration's efforts in behalf of women, and would disarm -- perhaps for years to come -- those political adversaries who have criticized the Administration on this issue.

Additional information on Judge Hall is included at the following tabs:

Tab A Hearings before the Senate Judiciary Committee, 1981

Tab B Hearings before the Senate Judiciary Committee, 1984

Tab C Almanac of the Federal Judiciary Biography

HALL (1981)

CONFIRMATION OF FEDERAL JUDGES

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

THE SELECTION AND CONFIRMATION OF FEDERAL JUDGES

NOVEMBER 13, 20, AND 25, DECEMBER 4, 11, AND 14, 1981

Serial No. J-97-52

PART 2

Printed for the use of the Committee on the Judiciary

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91-200 O WASHINGTON : 1982

on any type of impeachment proceedings. I am advised there have only been 16 in the history of our Nation.

Judge Jones, given your many years of judicial experience as well as having served in the South Dakota Legislature, do you have some suggestions for us today for guidelines that a judge should follow in determining the propriety of Federal intervention into State affairs?

Judge JONES. No concrete proposals, Mr. Chairman, but my experience in the State legislature and as a State judge has convinced me that the States and State institutions can solve most of their own problems. It is my view that Federal intervention into State problems should, therefore, be kept at a minimum.

Senator DECONCINI. Judge, having been on the South Dakota Bar Association, the general pattern jury instructions committee, and the criminal pattern jury instructions committee, do you feel it would be helpful to you as a U.S. district judge to also have a sentencing commission to establish uniformity in sentencing?

Judge JONES. Mr. Chairman, the sentencing of criminal offenders is one of the most difficult tasks that any judge faces. It is my belief that every person in that position is entitled to have individual consideration of all of the elements that go into the offense and the history of the offender. Mandatory sentences, as such, it is difficult to take into consideration all of those elements. I have some concern about mandatory sentences.

Senator DECONCINI. Are you also concerned about having a sentencing commission to establish uniformity in sentencing? Is that what you mean by mandatory?

Judge JONES. Well, I do not have any objection to a commission which would seek to get the sentences as uniform as possible but it is undesirable, I think, to have any sort of a mandatory sentencing.

Senator DECONCINI. Judge, I accept that from an expert with the many years you have had on the bench. We thank you for those comments.

I have no further questions.

If there is anyone here who cares to testify in favor of or in opposition to this nominee, please come forward at this time.

[No response.]

Senator DECONCINI. There being none, thank you, Judge.

Thank you, Senator Abdnor, very much.

Judge JONES. Thank you.

Senator DECONCINI. Our next nominee is Cynthia Holcomb Hall. Would you please come forward.

Would you please raise your right hand.

Judge Hall, do you swear the testimony you are about to give to the committee today is the truth, so help you God?

Judge HALL. I do.

Senator DECONCINI. Please be seated.

Judge, we are very pleased to have you here today. If you have any relatives or anybody you would care to introduce, please feel free to do so. Do you have an opening statement?

TESTIMONY OF JUDGE CYNTHIA HOLCOMB HALL, NOMINEE, U.S. DISTRICT JUDGE, CENTRAL DISTRICT OF CALIFORNIA

Judge HALL. I have no relatives here and I have no opening statement.

Senator DECONCINI. Very good.

We welcome you, Judge. Your fine, excellent background in the judiciary precedes you here. You have served in the Treasury Department, the Department of Justice. and since 1972, the U.S. Tax Court. You have indeed distinguished yourself in the course of that distinguished career.

How do you feel about judical activism from the standpoint of a U.S. district judge as it relates to State matters?

Judge HALL. I believe that it is the judiciary's reponsibility to interpret the law, to find the facts and to apply the law as it is presented to us. It is certainly not our job to make the law or to run institutions or be an executive in any way other than in the functioning of our own court.

Senator DECONCINI. How do you feel about the problem of prisons, prison reform, and prison overcrowding? Do you think it is proper under the circumstances for the district court to intervene in the State prison system?

Judge HALL. I think it is very undesirable to intervene in a prison system.

Senator DECONCINI. I agree.

Do you think that there can be proper circumstances that would necessitate such action?

Judge HALL. Not in running the institution; perhaps in the protection of an individual, but not in running an institution.

Senator DECONCINI. Do you feel it would be helpful to you as a judge to have a sentencing commission to establish uniformity in sentencing?

Judge HALL. If the sentencing commission were merely to recommend a uniform type of sentencing, then I think it would be helpful. The problem is that you need to look at the individual facts, the individual background of the person who has committed the crime. You already have the benefit of a probation report and the advice of the attorneys involved in the case, and there are many delays as it is now between the commission of the crime and the sentencing. I would hate to see another level of delay intervene in that particular case.

Senator DECONCINI. Therefore, I take it that you think a commission or other body to make recommendations is positive, but you do not think it is wise that any group establish the sentencing. Is that a fair summary?

Judge HALL. That is correct. That is fair. Thank you.

Senator DECONCINI. Thank you. Just for my own clarification.

I have no further questions of the witness. Is there anyone who cares to testify in favor of or opposition to this nomination? If so, please come forward at this time.

[No response.]

Senator DECONCINI. If not, thank you, Judge, very much. We are glad to have you here.

I am advised by counsel that we have three witnesses here who want to testify in opposition to Judge Lawrence W. Pierce. The first witness is Lillian Koegler.

Mrs. Koegler, would you please raise your right hand to be sworn?

Do you swear the testimony you are about to give the committee today is the truth, so help you God?

Mrs. KOEGLER. I do.

Senator DECONCINI. Prior to your testimony I want to submit in the record a letter from John LeBoutillier of the Sixth District of New York in opposition to this nominee.

[The letter of Representative LeBoutillier follows:]

B

HALL (1984)

S. Hrg. 98-372 Pt. 3

CONFIRMATION HEARINGS ON FEDERAL APPOINTMENTS

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

CONFIRMATION HEARINGS ON APPOINTMENTS TO THE FEDERAL JUDICIARY AND THE DEPARTMENT OF JUSTICE

FEBRUARY 22; MARCH 7, 14, 20; APRIL 11, 25; MAY 9, 23; JUNE 7, 13, 26; JULY 26; AUGUST 7, 8; SEPTEMBER 5, 18, 19, 26; AND OCTOBER 2, 1984

Part 3

Serial No. J-98-6

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CONFIRMATION HEARING ON:

CYNTHIA HOLCOMB HALL, EMORY M. SNEEDEN, AND JUAN R. TORRUELLA

WEDNESDAY, AUGUST 8, 1984

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 8:08 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the committee) presiding.

Present: Senator Heflin.

Staff present: Vinton DeVane Lide, chief counsel and staff director; Robert J. Short, chief investigator; Allan Spence, investigator.

OPENING STATEMENT OF CHAIRMAN STROM THURMOND

The CHAIRMAN. The committee will come to order.

We meet today to consider the nominations for U.S. circuit judge of Cynthia Holcomb Hall, of California, to be U.S. circuit judge for the ninth circuit; is she here?

Judge HALL. Yes, Senator.

The CHAIRMAN. Thank you.

Emory M. Sneeden, of South Carolina, to be U.S. circuit judge for the fourth circuit. Is he here?

Mr. SNEEDEN. Yes, Senator.

The CHAIRMAN. Judge Torruella, of Puerto Rico, to be U.S. circuit judge for the first circuit.

Judge TORRUELLA. I am here, Senator.

The CHAIRMAN. We will take you in the order listed here, so Judge Hall, would you come around.

I think we will swear all the witnesses at the same time, if you will all stand up and be sworn.

Do you solemnly swear that the testimony you will give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you, God?

[Response in the affirmative.]

TESTIMONY OF CYNTHIA HOLCOMB HALL, NOMINEE, U.S. CIRCUIT JUDGE, NINTH CIRCUIT

The CHAIRMAN. I understand that Senator Wilson of California endorses Ms. Hall, but has not arrived yet. When he does, we will give him a chance to make a statement.

I have a brief résumé here of Ms. Hall. She was born in California and lives there. She has been married and has two children. It sets out her education. You were in the Navy 2 years.

Judge HALL. That is correct; during the Korean War.

The CHAIRMAN. Without objection, we will put that in the record to save time.

Judge Hall, do you have any members of your family or friends here that you would like to introduce?

Judge HALL. I have no members of my family here.

The CHAIRMAN. Judge Hall, from 1972 to 1981, you were a U.S. Tax Court judge. In 1981, you became a district court judge for the Central District of California. With this background, do you have any recommendations for improvements in the judicial system?

Judge HALL. Senator, I have been either a trial lawyer or trial judge most of my career, and it is my observation that the most important factor in the welfare of the judicial system is the quality of the judges that you and your committee appoint and the quality of the trial lawyers that appear before them.

Only in appointing well qualified judges do I see a way of improving the judicial system substantially without complete overhaul.

The CHAIRMAN. Thank you. Judge Hall, do you believe that it would have been beneficial for you in your present position as a District Court judge to have a sentencing commission to establish uniformity in sentencing?

Judge HALL. I do not believe so, in that I think it is very important not only to have a prompt trial, but also prompt punishment, in case of a guilty finding.

We are given before sentencing by the Pretrial Services Agency of the Probation Office the average sentence throughout our district and the average sentence throughout the country for similar crimes, so that information is already before us. It is the function of the parole board as it is now constituted to even out sentences imposed by various judges throughout the country.

The CHAIRMAN. We passed a bill through the Senate on sentence reform that provides for a commission to be set up. It has guidelines where a judge cannot go above so much or below so much, unless the judge explains why he gave a greater or lesser sentence than the guidelines. Most of the judges, I understand, feel that this commission will be helpful. It is not binding, but it is a guideline.

Judge HALL. I think that would be helpful.

The CHAIRMAN. There would be no objection to that?

Judge HALL. No; not at all.

The CHAIRMAN. Judge Hall, do you feel that a judge should assume direct control over complex issues and cases in order to avoid delays and to effectively manage such cases?

Judge HALL. I do, absolutely. And we do that now in the district courts through use of the individual calendar system, which gives the judge direct control over the case from the time it is filed until the time the case is concluded.

The CHAIRMAN. Judge Hall, do you believe that changes in the law should be reserved to the legislative branch, whose members can be altered by the voters if the elected officials fail to reflect the values of society?

cedures. It did not seem to me illogical. In fact, it seemed to me right to disclose the information to the one most directly affected.

Judge HALL. Absolutely.

The CHAIRMAN. There are some judges who have taken onto themselves the running of school districts, hospitals, and other State institutions, and there are others who have applied the law as their personal opinion directs. We have a Constitution that sets out the three branches of Government; it also sets out not only the separation of powers, but the division of powers between the Federal Government and the States, and very few people seem to understand that the States have all the powers except those specifically delegated to the Union.

How do you feel about that?

Judge HALL. I think the legislature should write the laws, Senator. It is not my desire to take over a school district or any other institution.

The CHAIRMAN. I think those are all the questions I have to ask you.

I notice Senator Wilson has come in. Since he recommended you for this position, I imagine he has something to say.

Senator Wilson, we will be glad to hear from you.

STATEMENT OF HON. PETE WILSON, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator WILSON. Thank you very much, Mr. Chairman.

I have the very high honor to recommend Cynthia Holcomb Hall to the President and to this committee. I might add that, if you have not been already advised, Judge Hall comes to this hearing today from Hawaii, where she is sitting on a criminal case. She will be here just long enough to entertain the questions of the committee and then return I think that is an indication not only of her desire for service on the ninth circuit, but an indication of the kind of dedication and energy that has marked her entire legal career, which has been varied and has provided her with superb preparation to assume the post to which she is now nominated.

I heard the chairman discussing her background. I will not repeat what is in the record. I will comment on it, though, Mr. Chairman, because I think her career has been an extraordinary one.

She has received not only fine legal training at Stanford University and George Washington, but as I believe the chairman has noted, she has a master's in tax law from the New York University Law School. There was then a brief hiatus in her legal career. She has been a mother and raised a family. Prior to marrying, she served in the U.S. Navy. She has served as a referee in juvenile court and provided pro bono publico legal aid service.

Prior to specializing in tax law in private practice, she served with the Department of Justice and with the Treasury Department. She was a tax attorney for the Government.

She has been, for the past 3 years, a highly-respected member of the bench on the Federal District Court for the Central District of California, following 9 years on the tax court, where she built up an enviable reputation. That reputation has to be deserved to be as widespread and heartfelt as it is, in fact.

believe that if the ABA committee decided otherwise, that there will be an injustice, and I think we ought to try to make every

She is constantly alluded to as one of the best judges on that rather distinguished bench, and perhaps the most telling thing is that she is regarded as well as she is by her peers and by the bar at-large.

She has come to enjoy a reputation for thoroughness in terms of scholarship, in terms of the quality of the opinions which she delivers, and for decisiveness. She has been a real work horse on that court. It is, I must say, a pleasant thing, but a surprise to no one that she came with as hearty and widespread recommendations as she did.

This is an appointment by the President that will reflect credit upon his administration. More importantly, it will greatly strengthen the ninth circuit.

So I will say no more, Mr. Chairman, other than that I will apologize for being back before this distinguished body, when I had earlier given you the assurance that I thought you had seen the last of me for this year. I did not reckon that Congress would move as swiftly and decisively as it did to give us the opportunity to bring new judgeships before this committee. I am delighted to have that opportunity. I am particularly delighted in the case of Judge Cynthia Holcomb Hall, because she is an extraordinary judge already, has been for some years, and I think with this opportunity will bring truly distinguished service as a member of the ninth circuit.

The CHAIRMAN. Thank you very much, Senator.

I want to congratulate you, Judge Hall, for having such a prominent Senator here to take such an interest and recommend you and come here this early in the morning to endorse you. Senator Wilson has not been here long, but he quickly has gained the esteem of the Senate. He is held by the Members in high regard, and his recommendation here, I assure you, will assist greatly in your confirmation.

Senator, we thank you for appearing. You may stay if you wish, or you may leave. Those are all the questions we have of the nominee. She can leave if she wishes, too, or she can remain if she cares to.

Senator WILSON. Thank you very much, Mr. Chairman. I appreciate your kindness to Judge Hall and to me. I appreciate your kind words. I thought you were going to say that, "Senator Wilson has not been here very long; it just seems like a long time." (Laughter.) Thank you.

Judge HALL. Thank you, Senator.

The CHAIRMAN. Thank you.

We hope you enjoy your service on the circuit bench.

Judge HALL. Thank you, Sir.

The CHAIRMAN. Our next nominee is Emory M. Sneeden, of South Carolina, to be U.S. Circuit judge for the fourth circuit.

TESTIMONY OF HON. EMORY M. SNEEDEN, NOMINEE, U.S. CIRCUIT JUDGE, FOURTH CIRCUIT

The CHAIRMAN. Dean Sneeden, do you have any family here that you wish to introduce, or any special friends?

C

Cynthia Holcomb Hall

:uit Judge
.nth Circuit
P.O. Box 91510
Pasadena, CA 91109
(818) 405-7300
Appointed in 1984
by President Reagan

Born: 1929
Spouse: John
Children: Desma Letitia, Harris Holcomb

Education Stanford Univ., A.B., 1951, LL.B., 1954; N.Y. Univ., LL.M (Taxation), 1960

Military Service U.S.N.R., 1951-53, Lt.j.g.

Private Practice Brawerman & Holcomb, Beverly Hills, Cal., 1966-72 (Specialty: tax law)

Government Positions Law Clerk, Hon. Richard Chambers, 9th Cir., 1954-55; Trial Attorney, Tax Division, U.S. Department of Justice, 1960-64; Attorney-Advisor, Office of Tax Legislative Council, U.S. Treasury, 1964-66

Previous Judicial Positions U.S. Tax Court, Washington, D.C., 1972-81; U.S.D.C., C.D. Cal., 1981-84

Professional Associations A.B.A.; Ariz. State Bar; L State Bar

Media Coverage

1982: In a LOS ANGELES DAILY JOURNAL profile of Hall, lawyers praised her years on the Tax Court as well as her years practicing law. "She was very independent and very fair," said one. "She wasn't afraid to make a ruling in a tough area. That took courage." In keeping with her conservative philosophy, the profile said, Hall is unsympathetic to tax protestors or anyone else who tries to avoid paying taxes. "During the Vietnam War, everyone was protesting the war," she said. After the war, they looked for something else to protest. Hall said she blamed some of the protests on inflation, which "pushed everyone into higher brackets, so people are looking for excuses not to pay their taxes."

Lawyers' Comments

Judge Hall is generally given high marks for her service on the U.S. Tax Court and the federal district court in Los Angeles. She was courteous (but somewhat strict and humorless, according to some), was well prepared, knowledgeable, evenhanded, articulate, and decisive.

Additional comments: "No-nonsense, perhaps too severe in demeanor, did not seem to get much pleasure from being a district judge." "Reportedly exercises considerable influence on the selection of other federal judges." "Follow the rules if you don't want to be up to your ankles in blood." "Very bright, writes interesting decisions — readable, cogent, analytical."

Miscellany

In a LOS ANGELES DAILY JOURNAL profile, Hall said she has never been active in politics. "But I know it helped that I was a woman, a Republican, and a judge," she said. "If I had been a bra-burning liberal, I probably wouldn't have gotten the job." Hall, a widow, told the Journal that having a career and a family "requires a lot of help." "I try to pay my bills when they come in, but sometimes I don't even have time to open the mail." She added that she wondered whether women "who give up a husband or a family to have a career or give up a career to have a family . . . get to a point when they realize they've missed something. I liked having a husband, I love my children, and I wouldn't give up my career for the world, although I've had to work hard to manage them all," she said.