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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1.Judicial profile	Re: William H. Webster, pg. 2 , (partial)	n.d.	~~P2/P5~~ B6
2. Judicial profile	Re: Edith Hollan Jones, pg. 2, (partial)	n.d.	~~P2/P5~~ B6 C03 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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WILLIAM H. WEBSTER

Biographical Information

AGE: 63

BORN: March 6, 1924 in St. Louis, Missouri

COLLEGE: Amherst College, A.B., 1947

LAW SCHOOL: Washington University (St. Louis), J.D., 1949; Order of the Coif; [LL.D. (honorary) from numerous institutions]

MILITARY SERVICE: Lieutenant (j.g.) U.S. Naval Reserve, 1943-46
Lieutenant (s.g.) 1951-52

PARTY: Republican

FAMILY: Widower, three children

RESIDENCE: Washington, D.C.

Judicial History

TRIAL COURT: U.S. District Court (Eastern District) Missouri, 1971-73

APPELLATE COURT: U.S. Court of Appeals (8th Circuit) 1973-78, (Appointed by Richard Nixon)

Professional Experience

Director of Central Intelligence, 1987 - date

Director, FBI, 1978-87

U.S. Attorney, Eastern District of Missouri, Department of Justice, 1960-61

Armstrong, Teasdale, Kramer & Vaughn; St. Louis;
Associate 1949-50, 1952-56
Partner 1956-59, 1961-70

General Considerations and Confirmability

As a former U.S. Attorney, district court judge, eighth circuit judge, FBI Director and now CIA Director, Judge Webster's professional qualifications are first rate. Throughout his career he has been well regarded and seems to have attracted very little negative publicity. As FBI Director he is largely credited, in the words of a March 4, 1987 New York Times article, with "having largely restored the reputation of the FBI, pulling the bureau into the modern era of law enforcment." He is known as a man of unquestioned integrity. Though a Republican, Judge Webster has served under both Democratic and Republican Administrations.

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When President Carter nominated Judge Webster as FBI Director, the Post reported that "[a] computer-assisted review of Webster's judicial opinions shows that he has generally been favorable toward minority plaintiffs in civil rights cases -- at least to the extent of giving them a day in court." The Post found in his opinions a willingness to look for a potential civil rights violation in a contested and complicated body of evidence. The Post also reported that "[d]espite what might be called a "liberal" stance in the civil liberties area, Webster has seemed to side with the prosecution in almost all the decisions he has written on criminal law."

In a January 30, 1978 Newsweek article, Judge Webster is quoted as stating "I think of myself as operating from a position of restraint, but being ready to achieve the ends of

justice. . . . When you fashion a remedy, you ought to do as much as necessary. But not more than is required to achieve a just end."

The list of cases in which he has participated indicates that he has had exposure to a wide variety of legal issues. Judge Webster's opinions are careful and workmanlike. They do not, however, provide any evidence that he shares the approach to judicial decisionmaking of this Administration -- that is, that he would consistently be an interpretist. For the most part, he appears to decide issues on a case-by-case basis, relying heavily on existing Court precedents. He has, particularly in cases involving more controversial issues, sometimes ruled in a manner inconsistent with interpretivism. While some of these departures can fairly be attributed to the need to follow existing precedents, Judge Webster's opinions do not evidence any indication that absent the precedents he would rule otherwise. Three examples follow:

One of the more controversial cases in which Judge Webster participated was Gay Lib v. University of Missouri, where the Eighth Circuit, reversing a district court, held that a university's refusal to recognize Gay Lib as a campus organization denied plaintiffs their First Amendment rights. The court accepted, for purposes of argument, the opinions of several psychiatrists that formal recognition of the homosexual student organization would likely result in imminent violations of Missouri antisodomy laws, but found that this evidence was insufficient to justify a governmental prior restraint. Judge Webster concurred to note the significance to him of the prior restraint of First Amendment rights on what he claimed was "skimpy" evidence. He stated, "I have no doubt that the ancient halls of higher learning at Columbia will survive the most offensive verbal assaults upon traditional moral values; solutions to tough problems are not found in repression of ideas." Dissenting from the Supreme Court's denial of certiorari, Justice Rehnquist disagreed with the holding, stating that the district court had concluded that the University had demonstrated that imminent lawless action was likely and the court of appeals decision shed no light on why that conclusion should not have been respected.

In a case that has far-reaching implications for traditional child-parent relationships and that could provoke hostility by conservative groups as "antifamily" -- M. S. v. Weriners -- Judge Webster overruled a district court decision dismissing a minor plaintiff's case because she refused to give notice to her parents of a pending proceeding for appointment of a guardian ad litem. The minor was challenging the constitutionality of a county clinic's policy of denying contraceptives to minors who lacked parental consent. Judge Webster reasoned

that since she was challenging a grant of parental veto power her parents could not appropriately be appointed as guardians in the litigation, and concluded that it was therefore necessarily inappropriate to condition continuation of the lawsuit upon notice to the parents of a proceeding for appointment of a guardian. Judge Webster stated "Appellant brought this action anonymously, and to require her to disclose her participation to her parents at this stage would substantially nullify the privacy right she seeks to vindicate . . . We think that the minor's asserted interest in privacy, which would be undercut by such notice, must outweigh any desire on the part of the District Court to accomodate parental concerns, at least at this stage of the proceedings." (footnote omitted).

In Frieman v. Ashcroft, Judge Webster sat on a three-judge district court panel in a standing case which held that physicians had standing to challenge a Missouri abortion statute. (The statute required physicians to inform any woman seeking an abortion of statutory provisions making an infant who is born alive during an attempted abortion a ward of the state.) The court also held, however, that the physicians did not have standing to challenge, on behalf of their patients, the Missouri statute providing that such infants born alive were to be deemed wards of the state. In a separate concurrence, Judge Webster departed from traditional notions of judicial restraint and reached out to state that the statute was unconstitutional and to encourage legitimate parties to challenge it. In his words, "It is regrettable that a Jane Doe does not come forward so that this question may be squarely addressed."

Positions on Critical Issues

Criminal Justice. Judge Webster had exposure to a wide variety of criminal law questions, including search and seizure, use of informants, and effective assistance of counsel; his record in this area is extremely strong. Though generally pro-prosecution as a judge, he was fair towards defendants: there were several cases in which convictions or sentences were overturned. His tenure as FBI Director has given him a unique perspective on law enforcement issues.

Due Process/Constitutional Law. In certain of his constitutional law cases, Judge Webster has preferred expansive interpretations, going beyond existing law to reach them. In Johnson v. Matthews, 539 F.2d 111 (8th Circuit, 1976), Judge Webster ruled that recipients of state welfare benefits enjoyed a constitutionally-protected property interest in benefits under a successor federal program, despite a congressionally-mandated expiration-of-eligibility date designed to let HEW exclude ineligible recipients.

In Greenbill v. Bailey, 519 F.2d 5 (8th Circuit, 1975), Judge Webster found that a medical school's dismissal of a student for lack of intellectual ability imposed a stigma on the student and thus deprived him of liberty without due process of law. He found that the 14th Amendment required notice and a hearing, thus extending the Supreme Court's caselaw from disciplinary dismissals to academic dismissals despite precedential authority to the contrary. In dicta, he suggested that still more was constitutionally required for disciplinary expulsions or dismissals, including trial-type procedures.

The Post reported in 1978 that as a federal judge, Webster "had a record of anti-Indian rulings." In view of this criticism Judge Webster's holding that an organization formed to provide free legal aid to defendants in the criminal cases following the Wounded Knee occupation had standing to enjoin the FBI from harrassing the organization and thereby violating the Sixth Amendment rights of its clients may be as ironic as it is questionable. Wounded Knee Legal Defense/Offense Committee v. FBI, 507 F.2d 1281 (1974). Judge Webster asserted that the standing issue was governed by Nyberg v. City of Virginia in which the Eighth Circuit held that the rights of medical doctors to freely practice medicine are "so inextricably bound up" with the privacy rights of their patients that the doctors have standing to challenge the validity of abortion laws. Judge Webster stated that "[w]ith even stronger force it may be said that a lawyer has standing to challenge any act which interferes with his professional obligation to his client and thereby, through the lawyer invades the client's constitutional right to counsel." Apart from Nyberg and Doe v. Boton, Judge Webster cited no authority for this principle and offered no guidance on its limitations or applications. It should be noted that Judge Webster affirmed the district court judge's decision not to recuse himself or to permit plaintiffs to introduce affidavits from out-of-state members.

Civil Rights. As the Post article discussed above suggested, Judge Webster is perceived as being liberal in civil rights cases. In Rule v. International Association of Bridge, Structural and Ornamental Ironworkers, Judge Webster overruled a district court finding of no racial discrimination in the selection of applicants for an apprenticeship program based on education, physical ability, past experiences, references, an oral interview, and an aptitude test. Judge Webster disregarded this evidence of colorblind, merit-based selection simply because of statistical evidence showing that a smaller percentage of black applicants than white applicants had been accepted. Judge Webster remanded to the district court on the ground that the district court had applied an incorrect standard of proof by relying on racially discriminatory motives rather

than the Supreme Court's Griggs test of disparate racial effects.

Judge Webster dissented from a plainly incorrect reading of § 1985 of the civil rights laws in Means v. Wilson, 522 F.2d 833 (8th Circuit, 1975), which held that supporters of a particular political candidate were a "class" capable of suffering discrimination.

Miscellaneous. In his benefits and torts cases, as well as prisoners' habeas corpus cases, Judge Webster was generally quite fairminded, though occasionally susceptible to appeals on the merits rather than the law. In McCoy v. U.S. Board of Parole, 537 F.2d 962 (8th Circuit, 1976), Judge Webster wrote an extraordinary opinion in a prisoner's habeas corpus appeal, claiming an "inherent authority" to transfer habeas cases to other courts in unusual circumstances "in the interest of justice."

Similarly, in Lund v. Weinberger, 520 F.2d 782 (8th Circuit, 1975), Judge Webster reversed the administrative law judge, the benefits appeal board, and the district court to grant relief to a disability benefit claimant.

Separation of Powers. Judge Webster's views and actions as FBI Director and his comments as Director of the CIA suggest that he is comfortable with a "functional," rather than theoretical, approach. He could probably be expected to sustain the constitutionality of independent agencies and to have little interest in our unitary executive arguments, though his cases do not address these points.

Federalism. Although many of Judge Webster's opinions deal with relations between the Indian tribes and the Federal Government, he does not seem to have authored any significant federalism decisions.

Economic Issues. Judge Webster seems to have no important opinions on economic issues of concern to the Administration, like deregulation and antitrust reform.

First Amendment. As noted above, Judge Webster's Gay Lib opinion was disturbing to Justice Rehnquist because it seemed to minimize the fact that the speech in question could create a clear and present danger of lawless action.

Privacy/The Family. Judge Webster's opinions in Weriners and Frieman are disturbing. In Frieman he went out of his way to prejudge the constitutionality of the statute, an issue not before the court, while in Weriners he adopted a view that minors' "privacy" interests in anonymous access to

contraceptives outweighed parents' interests in supervising their children's conduct.

WHO'S WHO IN AMERICA, 1986-1987

WEBSTER, WILLIAM HEDGCOCK, govt. ofcl.: b. St. Louis, Mar. 6, 1924; s. Thomas M. and Katherine (Hedgcock) W.; m. Drusilla Lane, May 5, 1950; children—Drusilla Lane Busch, William Hedgcock, Katherine Hagee. A.B., Amherst Coll., 1947, LL.D., 1975; J.D., Washington U., 1949, LL.D., 1978; LL.D., William Wood Coll., 1978, DePauw U., 1978. Bar: Mo. bar 1949. With firm Armstrong, Teasdale, Kramer and Vaughan (and predecessors), St. Louis, 1949-50, 52-59, partner, 1956-59, 61-70; U.S. atty. Eastern Dist. Mo., 1960-61; mem. Mo. Bd. Law Examiners, 1964-69; judge U.S. Dist. Ct., Eastern Mo. dist., 1971-73, U.S. Ct. Appeals, 8th Circuit, 1973-78; dir. FBI, 1978—; Mem. adv. com. on criminal rules, 1971-78, mem. ct. adminstrs. com., 1975-78. Trustee Washington U., 1974—. Served as lt. (j.g.) USNR, 1943-46; lt. (s.g.) 1951-52. Recipient citation Washington U. Alumni, 1972; Disting. Alumnus award Washington U., 1977. Fellow Am. Bar Found.; mem. ABA (chmn. sect. on corp. banking and bus. law 1977-78), Fed. Bar Assn., Mo. Bar Assn., St. Louis Bar Assn., Am. Law Inst. (council 1978—), Washington U. Alumni Fedn. (pres. 1956-57), Washington U. Law Alumni (pres. 1961), Big Brother Orgn. St. Louis (dir. 1958-66, pres. 1965-66, hon. life pres.), Big Brothers of Am. (dir. 1966, hon. dir. 1978—), Mo. Assn. Republicans (pres. 1958), Order of Coif, Psi Upsilon., Delta Sigma Rho, Phi Delta Phi. Clubs: Rotary; St. Louis Country (St. Louis), Noonday (St. Louis); Alfalfa (Washington), St. Alban's Tennis (Washington). Office: FBI 9th and Pennsylvania Ave NW Washington DC 20530*

...d 21, 1973; children—Wendy Elizabeth, Christopher Maddra, B.S., North... ...ern U., 1966; J.D., U. Ill., 1973. Bar: Ill. 1974, U.S. Dist. Ct. (cen. dist.) ...1974, U.S. Ct. Appeals (3d cir.) 1979. Shareholder, dir. Webber & Thies, ...Urbana, Ill., 1974— Contbr. articles to profl. jours. Mem. Champaign ...unty Jail Courts Tech. Adv. Com., 1978-79. Downtown Devel. & Redev. ...mm., Urbana, 1978-79, U. Ill. Pres.'s Council, Urbana, 1984—, pres. ...wntown Urbana Promotion Com., 1981-82; bd. dirs. Arrowhead Council ...y Scouts Am., 1974—, v.p., 1979-82, U. Ill. Library Friends, 1983—, v.p., ...4—; bd. visitors, U. Ill. Coll. Law, 1980—. Recipient Appreciation Award ...y of Urbana, 1980. Served to lt. U.S. Navy, 1966-70. Fellow Ill. Bar Found.; ...m. Urbana C. of C. (dir. 1978-81), ABA, Champaign County Bar Assn. (dir. ...80-81, pres. 1981-82), Ill. State Bar Assn. (mem. Family Law Council ...78-79, Real Estate Council, 1983—). Democrat. Presbyterian. Lodge: Rotary. ...r. 19... Real property, Private international, Contracts commercial. ...ew ...rvance Dr Champaign IL 61821 Office: Webber & Thies PC 202 ...ce ...O Box 189 Urbana IL 61801

...ERB, ...ARK VICTOR, lawyer; b. Cleve., Aug. 8, 1947; s. William ...rman and Yetta (Shaftel) W.; m. Pamela Susan Sauer, June 28, 1981, B.A., ...lumbia U., 1969; J.D., Boston Coll., 1974. Bar: Ohio 1974, U.S. Dist. Ct. ...n. dist.) Ohio 1974, U.S. Dist. Ct. (so. dist.) Ohio 1981, U.S. Ct. Appeals (6th ...) 1979. Assoc. Rosmarin & Wright, Cleve., 1974-80; assoc. Goldfarb & ...rosick, Cleve., 1980—. Served with Army N.G., 1970-76. Mem. Ohio State ...r Assn. Republican. Jewish. Federal civil litigation, Pension, profit-sharing, ...d employee benefits, Labor. Home: 4425 Acacia Dr South Euclid OH 44121 ...ice: Goldfarb & Rezmick 55 Public Sq Suite 1800 Cleveland OH 44113

...EBBER, ROBERT BEYER, lawyer; b. Wichita, Kans., June 7, 1928; s. ...ward Jennings and Elizabeth J. (Beyer) W.; m. Jeanne Irene Buerkle, Apr. ...1951; children—Robert B., Julie Lynn. B.B.A., Washburn U., 1956, J.D., ...56. Bar: 1956, U.S. Dist. Ct. Kans. 1956. With SBA, Washington, 1959—, ...oc. gen. counsel for litigation, 1966-82, gen. counsel, 1982—. Served with ...S. Army, 1946-47. Recipient Meritorious Service award SBA, 1971. ...epublican. Methodist. Club: Agyle Country (Rockville, Md.). Banking, ...deral civil litigation, Government contracts and claims. Office: 1441 L St ...W Washington DC 20416

...EBER, ALBAN, lawyer; b. Chgo., Jan. 29, 1915; s. Alban and Anna (Von ...chrecki) W.; m. Margaret Kenny, Dec. 29, 1951; children—Alban III, Peggy, ...oria, Brian. A.B., Harvard U., 1935, J.D., 1937; M.A., Northwestern U., ...62; LL.M., John Marshall Law Sch., 1938. Bar: Ill. 1938, U.S. Supreme Ct. ...46, U.S. Tax Ct. 1981. Ptnr. Weber & Weber, Chgo., 1938-41; gen. counsel ...S. Dept. State, Washington, 1946; mem. Chgo. City Council, 1947-51; trust ...ficer Lake Shore Nat. Bank, Chgo., 1951-55; univ. counsel Northwestern U., ...vanston, Ill., 1955-70; pres. Fedn. Ind. Ill. Colls. and Univs., Evanston, ...70-84; of counsel Schuyler, Roche and Zwirner, Evanston, 1985—. Pres. ...E. council Boy Scouts Am., 1960. Served to rear adm. USN, 1941-45. Mem. ...State Bar Assn., Chgo. Bar Assn., Am. Soc. Internat. Law, Harvard Law ...Ill. (pres.), Am. Soc. Assn. Execs. Clubs: Law, Economic (Chgo.); White ...ke Yacht (dir.), White Lake Golf. Estate planning, Probate, Legislation. ...me: 1286 Cascade Ct Lake Forest IL 60045 Office: Schuyler Roche and ...rner Room 1190 State Nat Bank Bldg Evanston IL 60201

...EBER, FRED J., state justice. Justice, Mont. Supreme Ct., Helena. Judicial ...nistration. Office: Mont Supreme Ct Justice Bldg Helena MT 59620

...EBER, GERALD JOSEPH. See *Who's Who in America*, 43rd edition.

...EBER, WALTER WINFIELD, JR., lawyer; b. Ramsey, N.J., Feb. 7, 1924; ...Walter W. and Mary Elizabeth (Collins) W.; m. Margaret Gardner Wilson, ...y 12, 1951; children—Ellen, Anne. B.S., Va. Mil. Inst., 1947; LL.B., ...lumbia U., 1950. Bar: N.J. 1949, N.Y. 1952, U.S. Supreme Ct. 1966. Assoc., ...eber, Muth and Weber, Ramsey, N.J., 1949-52; ptnr., 1953—; dir. Citizens ...st Bancorp, Inc., Glen Rock, N.J., and subs.; judge Upper Saddle River ...pl. Ct., 1955-56. Mem. bd. of mgrs. Bergen Pines County Hosp., 1972-76, ...p., 1976-... ...ed in U.S. Army, 1943-45. Mem. Bergen County Bar Assn., N.J. ...ate P... (chmn. pub. utility law sect. 1972-74). Republican. Dutch ...ldorr... Arcola Country (Paramus, N.J.), Joe Jefferson (Saddle River, ...N.J.), ...aking, Public utilities. General corporate. Address: 1 Cherry ...n Rm. ...7446

...EBER, WILLIAM RANDOLPH, lawyer, real estate developer; b. Colum..., Mo., Jan. 3, 1952; s. William Harry and Marie Antoinette (Fehlig) W.; m. ...ndra Jean Gest, Aug. 12, 1972; children—Ashley Elizabeth, William ...atthew. B.A., Vanderbilt U., 1974; J.D., St. Louis U., 1977. Bar: Mo. 1977, ...1978, U.S. Dist. Ct. (ea. dist.) Mo. 1978, U.S. Ct. Appeals (8th cir.) 1978. ...sr. Hannegan, Stokes, Moerschel & Weber, P.C., St. Charles, Mo., 1977—; ...Cashier Bank of St. Peters, N.A., Mo. Mem. staff St. Louis U. Law Jour., ...77. Vice pres. St. Charles County Y's Men, Mo., 1979—; chmn. bd. advisers ...ivation Army, St. Charles, 1980-83; chmn. St. Charles County Republican ...m., 1978-84; mem. Mo. Rep. Com., Jefferson City, 1978—; St. Charles ...unty councillor, 1985—; bd. regents N.E. Mo. State U., 1981—. Recipient ...ning. Community Service award St. Charles Jaycees, 1984. Mem. Am. Soc. ...up. Attys., Mo. Bar Assn. (rep. young lawyers sect. 1982—), St. Charles ...unty Bar Assn. (pres. 1984), Ill. State Bar Assn., Assn. Trial Lawyers Am., ...A. Romans Catholic. Health, Local government, Real property. Office: ...nnegan Stokes Moerschel & Weber PC 200 N 3d St Saint Charles MO 63301

...EBSTER, BILL, lawyer student, U. Kans.; J.D., U. Mo. Atty. gen. State of ...s., Jefferson City, 1985—; mem. Mo. Legislature, 1980-84. Criminal, State ...il litigation. Office: Atty Gen Office PO Box 899 Jefferson City MO 65102

...EBSTER, C. EDWARD, II, lawyer, judge; b. Cody, Wyo., Mar. 27, 1944; ...Constance E. and Lucille (Moscar) W. B.A. in Bus. Administra., U. Wyo., ...67, J.D., 1969. Bar: Wyo. 1969. Legis. asst. U.S. Senator Clifford P. Hansen, ...69-72; ptnr. Howard and Webster, Cody, Wyo., 1973-79; sole practice, Cody, ...79—; judge mcpl. ct.; justice of peace, Pres. Cody Stampede, 1980-84. Mem. ...A., Cody C. of C. (pres. 1974-75). Republican. Mormon. Club: Eagles ...ody). State civil litigation, Oil and gas leasing, Real property. Office: 1226 ...h St Cody WY 82414

...EBSTER, DANIEL ROBERT, lawyer; b. Wayne, Mich., June 23, 1945; ...s. with high distinction, Ind. U., 1967; J.D., Harvard U., 1970. Bar: Ind. ...71, U.S. Dist. Ct. (so. dist.) Ind. 1971, U.S. Ct. Appeals (7th cir.) 1972, U.S. ...preme Ct. 1982; assoc. Hogan and Hartson, Washington, 1970-71; assoc. Ice, ...ller, Donadio & Ryan, Indpls., 1971-77, 84—; dir. research Ind. Lawyers ...mm., Indpls., 1977-81; sr. atty. Cummins Engine Co., Columbus, Ind., ...81-83; of counsel Ice Miller Donadio & Ryan, Indpls., 1983—; chmn. ...rections com. Indpls. Lawyers Comm., 1979-80, chmn. pub. defender ...., 1977-80, mem. community services com., 1973-74, bd. dirs., 1974-80; ...m. Greater Indpls. Progress Com. Task Force on Criminal Justice; mem. ...al Def. Panel; adv. com. Interlink News Service, 1982—, Visions, Revisions, ...1982—; mem. speakers bur. Indpls. Mem. YMCA Task Force on Devel. ...., Indpls.; vice committeeperson Democratic Party of Ind., 1976-80; Dem. ...nance for Ind. Atty. Gen., 1980; campaign treas. for Rep. John Day, Indpls., ...6-80; Am. del. Internat. YMCA Conf. on Disarmament and Detente, 1981; ...mal Ind. Dem. Policy Com., 1980-81; chmn. subcom. econ. devel. Ind. ...n. Party, 1983—; mem. culture com. Ind. Ptnrs. for the Americas, 1983—. ...ved wi... Army, 1971. Ind. U. merit scholar, 1966-67; Wheeler scholar, ...66-67; ...Hall scholar, 1967. Mem. Ind. State Assn. (internat. law ...., Ir... ...ssn. NAACP, Ind. Hist. Soc., Ind. Lawyers Comm. (bd. ...., 19... Council Fgn. Relations, Indpls. Lit. Club, Blue Key, Phi ...Kap, ... Eta Sigma. Club: Phoenix. Co-editor: An Anatomy of ...nal Justice, 1980. Juvenile Intervention, 1982; contbr. articles to profl. ...s.; producer TV spl.: Violence and the Public Response, 1978. General ...rorate, State civil litigation.

...BSTER, GEOFFREY EVERETT, lawyer; b. Dalhart, Tex., Jan. 19, 1948; ...ole Eugene and Mary Nell (Harbour) W.; m. Mary Kay Javaras, Sept. 19, Columbus, 1978; commr. Victorian Village Comma., Columbus, 1984. Served with USAR, 1970-76. Mem. Nat. Health Lawyers Assn., ABA, Am. Trial Lawyers Assn., Ohio Bar Assn., Columbus Bar Assn., Order of Coif, Archons, Delta Chi. Republican. Health, State civil litigation, Federal civil litigation. Home: 80 W Starr Ave Columbus OH 43201 Office: 17 S High St Columbus OH 43215

WEBSTER, LUTHER IRA, lawyer; b. Kendall, N.Y., Nov. 18, 1905; s. William Farnsworth and Nellie (Bartlett) W.; m. Edna Hartsen, June 30, 1936; children—Lucinda Webster Schade, John Luther; m. Lorraine Telford, May 21, 1977. A.B., U. Rochester, 1926; LL.B., Union U., 1929, J.D., 1953. Bar: N.Y. 1929, U.S. Dist. Ct. (we. dist.) N.Y. 1930, U.S. Ct. Appeals (2d cir.) 1953. Assoc. O'Brien and McSweeney, (city) Rochester, N.Y., 1929-31; ptnr. Webster, Sullivan, Santoro and Clifford and predecessor firms O'Brien, McSweeney and Webster, Webster, Lamb and Webster, Lamb, Webster and Jordan, Lamb, Webster and Walz, Lamb, Webster, Walz and Tolenas, Lamb, Webster, Walz, Tolenas and Donovan, Lamb, Webster, Walz and Donovan, Lamb, Webster, Walz, Donovan and Sullivan, Webster, Walz, Sullivan and Santoro, Rochester, N.Y., 1931—. Vice pres. Industries for Blind N.Y., Inc., 1981—; Justinian Albany Law Sch., 1929. Mem. Internat. Assn. Ins. Counsel, Am. Coll. Trial Lawyers, Rochester Bar Assn., N.Y. State Bar Assn., ABA, Bar Found. N.Y., Phi Beta Kappa. Republican. Club: Oak Hill Country. Lodge: Masons. State civil litigation, Probate, Real property. Office: 19 W Main St Suite 700 Rochester NY 14614

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WHO'S WHO IN AMERICAN LAW 1985-86

EDITH HOLLAN JONES

Biographical Information

AGE: 38

BORN: April 7, 1949

COLLEGE: Cornell University, B.A., 1971

LAW SCHOOL: University of Texas, J.D. with honors, 1974, Order of the Coif, Research Editor, Texas L. Rev.

PARTY: Republican

FAMILY: Married, two children

RESIDENCE: Houston, Texas

Judicial History

Appointed to the Fifth Circuit by President Reagan, 1985

Professional Experience

Andrews & Kurth, Houston, Texas; associate and partner, 1974-85

Political Activities

General Counsel, Republican Party of Texas, 1982-83

General Considerations and Confirmability

Judge Edith Jones is a very young appeals court judge widely regarded as a very conservative jurist but as somewhat of an unknown quantity. A January 6, 1986 Legal Times article described Judge Jones, soon after she ascended to the bench, as an "unknown quantity to most Houston practitioners . . . whose entire legal career had been spent at Houston's Andrews & Kurth," where she specialized in commercial and bankruptcy litigation. In the words of lawyers who have appeared before her, she has made a "good start." Her academic credentials are strong and, especially given her youth, her professional qualifications are sound.

Probably because of her young age, which allowed her slightly under eleven years of professional experience before being appointed to the appellate court, the American Bar Association rated her as "qualified," with a minority rating of "unqualified." She was unanimously confirmed by the Senate.

During her roughly two and a half years on the appellate bench, Judge Jones has authored 115 opinions. Of those 115 opinions, 16 have been dissents and nine have been concurrences.

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Publicly, she is perhaps most associated with her concurrence in Herceg v. Hustler, a case reversing a district court judgment against Hustler for the death of a 14-year old boy trying to experience autoerotic asphyxiation as described by Hustler in one of its issues. Evincing her rhetorical flourish, Judge Jones wrote separately stating "What disturbs me to the point of despair is the majority's broad reasoning which appears to foreclose the possibility that any state might choose to temper the excesses of the pornography business by imposing civil liability for harms it directly causes. Consonant with the First Amendment, the state can protect its citizens against the moral evil of obscenity, the threat of civil disorder or injury posed by lawless mobs and fighting words and the damage to reputation from libel or defamation, to say nothing of the myriad dangers lurking in 'commercial speech.' Why cannot the state then fashion a remedy to protect its children's lives when they are endangered by suicidal pornography? To deny this possibility, I believe, is to degrade the free market of ideas to a level with the black market for heroin. Despite the grand flourishes of rhetoric in many First Amendment decisions concerning the sanctity of 'dangerous' ideas, no federal court has held that death is a legitimate price to pay for freedom of speech." (footnotes omitted).

In another First Amendment case, Martin v. Parrish, Judge Jones ruled that the Constitution did not protect a publicly employed college teacher in the abusive use of profanity in the classroom. In dismissing the professor's claim that because his speech was not obscene but only profane it enjoyed First Amendment protection, she at least implied that the Constitution protects only

political speech. She stated "The Constitution protects not simply words but communication, . . . and circumscribes this protection for purposes which enhance the functioning of our republican form of government." "Appellants argument, by ignoring his audience and the lack of any public purpose in his offensive epithets, founders on several fronts." In addition, she seems to have, perhaps unnecessarily, attempted to expand Supreme Court precedents concerning minors to the college context. Agreeing with Judge Jones' view that the case is controlled by the Supreme Court's decision in Connick, Judge Hill concurred to state that he could not agree with the majority's "unnecessary dicta extending the rationale of Pacifica, Bethel, and Pico to a university setting."

U.S. v. Merkt involved challenges to a conviction for conspiracy in smuggling illegal aliens into the United States. Writing for the majority, Judge Jones upheld the convictions against First Amendment free exercise challenges. She held that (1) defendants failure to allege anything other than that their actions were "motivated" rather than "compelled" by their religious beliefs negated any claim of burden of their free exercise of religion and (2) the government had a compelling state interest in uniform enforcement of border control laws.

Lelsy v. Kavanagh involved a class action filed by mentally retarded patients at state schools against officials of the Texas Department of Mental Health and Mental Retardation seeking that the "least restrictive alternative" setting be established as the minimum standard of care. Judge Jones first ruled that the federal Constitution did not confer a right to live in the least restrictive environment. She then held that where the only source of the right was in state law the district court had no jurisdiction (under the Eleventh Amendment) to enforce a consent decree against the state.

In Blaze v. Payne, Judge Jones refused to find an implied private right of action under the section of the U.S. code establishing procedures governing employee career development and adverse employment actions in the Postal Service, noting that courts are authorized to imply private rights of action only if Congress can be fairly said to have intended them.

In the standing case of Sierra Club v. Shell Oil Co., Judge Jones followed an existing Fifth Circuit precedent to uphold district court rulings that multiple, sporadic, and past violations of various effluent limitations could not form the basis of citizens lawsuits under the Clean Water Act.

In In re Reyes, Judge Jones dissented from a majority opinion granting a writ of mandamus directing a district court to withdraw a discovery order directing migrant farm workers suing under the Migrant and Seasonal Agricultural Worker Protection Act and the Fair Labor Standards Act to disclosure their citizenship. She argued that mandamus can issue only to compel the performance

of a legal duty free from doubt and that, in her view, the relevancy of the plaintiffs' citizenship was not free from doubt. In her opinion she stated "At a time when the problem of illegal immigration into this country is so severe, the competition for entry-level employment along the south Texas border is fierce, and the economic pressures on the agriculture industry stringent, I believe we should not rush to broaden farmers' liability in the context of a factually -- and legally -- underdeveloped mandamus proceeding."

Position on Critical Issues

Criminal Justice. Judge Jones has had broad exposure to number of criminal justice issues; she can be characterized as "tough but fair." In Streetman v. Lynaugh, Judge Jones dissented from the majority's remand to the district court to consider a condemned prisoner's habeas corpus petition grounded on his alleged denial of effective assistance of counsel. Arguing that the district court's denial of the habeas petition should be upheld she expressed great concern with according the state court proceedings so little deference. In United States v. Ramirez, she upheld a denial of a motion to suppress evidence found in an abandoned hotel room. In Riles v. McCotter, she upheld a trial court's exclusion in a capital case of several prospective jurors who in essence stated they could not perform their duties impartially in light of their views against the death penalty. In Woolls v. McCotter, she refused to hold that lethal injections violated the cruel and unusual punishment prohibition of the Eighth Amendment because of the physical or mental pain that might be caused by technical difficulties in administering the drug.

On the other hand, she has ruled, in some cases, in favor of criminal defendants. In Garrett v. McCotter, for example, she reversed a district court and ordered habeas corpus relief on the ground that under state law the allegations found in a bribery indictments were insufficient to confer jurisdiction on the state trial court.

Federalism. Her opinions evidence a great concern for ensuring that the boundaries between permissible federal and state activities are maintained. As illustrated by her opinion in Lelsy and by several of her habeas cases, she is very careful to avoid usurping the role of the State courts. In another case, Geosearch, Inc. v. Howell Petroleum Corp., for example, she dissented on the ground that the majority had construed the tort of negligent misrepresentation far more broadly than either the Texas courts or the Restatement warranted. She stated "It is axiomatic that on questions of state law, we should not extend or expand existing law absent clear indications to the contrary" and quoted from an earlier fifth Circuit decision "[e]ven in the rare case where a course of Texas decisions permits us to extrapolate or predict with assurance where that law would be had it been declared, we should perhaps . . . be more chary of doing so than

should an inferior state tribunal." See also, Aiello v. United Air Lines, Inc. In the preemption case of City of Madison, Wis. v. Bear Creek Water Ass'n, she held that under a federal statute, the city was precluded from condemning a water association's facilities located within city limits, but noted sympathy with the city's Tenth Amendment argument and some, at least implicit, criticism of the Supreme Court's decision in Garcia.

Civil Rights. In Gottlieb v. Tulane University, Judge Jones, writing for the majority, upheld a district court's finding that the University had not intentionally discriminated against a doctor it terminated because it had independent reasons to do so. Judge Jones also reversed the district court's refusal to consider the doctor's later retaliation claim on the ground that under Fifth Circuit precedent "it is unnecessary for a plaintiff to exhaust administrative remedies prior to urging a retaliation claim growing out of an earlier charge. In Dornhecker v. Malibu Grand Prix Corp., she reversed a district court award of damages under Title VII granted on the ground that an employer had not promptly remedied an employee's claims of sexual harassment. She pointed out that the fact that the employee voluntarily left the company after four days of employment, in essence, precluded the claim.

Separation of Powers. Little information is available on her views of the constitutional division of authority between the Executive and Legislative Branches. For the most part, her opinions reflect a healthy respect for decisions of the political branches. In Crawford v. Texas Army National Guard, she relied on the Supreme Court's decision in Chappell in refusing to allow dismissed members of the military from maintaining constitutional actions for money damages against the National Guard, stating "The Court emphasized the long-standing supremacy of Congress over rights, duties, and responsibilities in the framework of the military establishment and the practical necessities of maintaining a strict discipline and command structure within the military services. These factors counseled against judicial intervention in internal military affairs."

Economic Matters. In Business Electronics v. Sharp Electronics, Judge Jones concurred with the majority's judgment to reverse and remand to the district court that court's judgment in favor of a terminated dealer that had sued its supplier under the Sherman Act. Noting that she concurred because the court was bound by the Supreme Court's decision in Monsanto, she wrote separately to indicate that, in her view, vertical price restraints should be tested under the rule of reason rather than Monsanto's per se illegality test. She concluded "The Supreme Court should take the earliest opportunity to review its Russian roulette approach to vertical price restraints."

Federal Judiciary Almanac 1987

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Born August 18, 1936 in Winfield, Alabama; married Celia Chalaron.

Howard College, 1954,57; University of Alabama, 1955-56; Tulane University, LL.B., 1960; admitted to Louisiana bar 1960.

1960-64 Phelps, Dunbar, Marks, Claverie & Sims; 1964-76 associate then partner Caffery, Duhe & Davis, New Iberia, Louisiana; 1976-84 Judge U.S. District Court for Louisiana, Western appointed by President Ford; 1984-date Judge U.S. Court of Appeals, 5th Circuit appointed by President Reagan.

Member American Bar Association, Iberia Parish Bar Association, Louisiana State Bar Association, Maritime Law Association of U.S., Phi Delta Phi, Order of the Coif. Member board of editors *Tulane Law Review* 1958-60.

Robert M. Hill 15D6 U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75242. (214-767-0778).

Born January 13, 1928 in Dallas, Texas; married 2nd Patricia; children by previous marriage Alicia M., Sally P., John M.; Episcopalian; Republican.

University of Texas, B.B.A., 1948, LL.B., 1950; admitted to Texas bar 1949.

1950-52 associate R.T. Bailey, Dallas, Texas; 1952-55 associate Caldwell, Baker & Jordan; 1955-58 member Caldwell, Baker, Jordan, Woodruff & Hill; 1958 partner Caldwell, Baker, Jordan & Hill; 1959-70 partner Woodruff, Hill, Kendall & Smith; 1970-84 Judge U.S. District Court for Texas, Northern appointed by President Nixon; 1984-date Judge U.S. Court of Appeals, 5th Circuit appointed by President Reagan.

Edith H. Jones Born April 7, 1949 in Philadelphia, Pennsylvania; married Sherwood Jones; two children.

Cornell University, B.A., 1971; University of Texas, J.D., 1974; admitted to Texas bar 1974.

1974-84 associate then partner Andrews & Kurth; 1984-date Judge U.S. Court of Appeals, 5th Circuit appointed by President Reagan.

SENIOR JUDGES

John Minor Wisdom Room 200, 600 Camp Street, New Orleans, Louisiana 70130. (504-589-2733). Orig. App't. Dt. 6-27-57.

Born May 17, 1905 in New Orleans, Louisiana; married Bonnie Stewart Mathews; children John Minor, Kathleen Mathews, Penelope Stewart; Episcopalian; 1942-46 USAAF to Lt. Colonel, received Legion of Merit and Army Commendation medal.

Washington & Lee University, A.B., 1925; Tulane University, LL.B., 1929; admitted to Louisiana bar 1929.

Edith Hollan Jones

Circuit Judge
Fifth Circuit
8631 U.S. Courthouse
515 Rusk Avenue
Houston, TX 77002
(713) 221-9484
Appointed in 1985
by President Reagan

Born: 1949

Education Cornell Univ., B.A., 1967-71; Univ. of Tex., J.D. with Honors, 1974, Order of the Coif, Research Editor, Tex. L. Rev.

Private Practice Andrews & Kurth, 1974-85

Professional Associations A.B.A. (Corporation, Business and Banking Law Committee; Subcommittee on Business Bankruptcy); Tex. Bar Assn.; Houston Bar Assn.

Political Activities General Counsel, Republican Party of Tex., 1982-83

Media Coverage

The January 6, 1986 LEGAL TIMES described Jones as an "unknown quantity . . . whose entire legal career had been spent at Houston's Andrews & Kurth — Treasury Secretary James A. Baker III's old law firm," where she specialized in commercial and bankruptcy litigation.

Lawyers' Comments

Good start.

JAMES L. RYAN

Biographical Information

AGE: 55

BORN: November 19, 1932 in Detroit, Michigan

COLLEGE: University of Detroit, (no undergraduate degree), 1950-56

LAW SCHOOL: University of Detroit Law School, LL.B., 1956

PARTY: Unknown

MILITARY SERVICE: United States Navy, JAGC, 1957 - Present, Captain

FAMILY: Married Mary E. Rogers; four children

RESIDENCE: Cincinnati, Ohio

Judicial History

APPELLATE COURT: Judge, U.S. Court of Appeals, Sixth Circuit, 1985 - Present, appointed by President Reagan

STATE APPELLATE COURT: Justice, Supreme Court of Michigan, 1975-85

STATE TRIAL COURT: Circuit Court Judge, Third Judicial Circuit, Michigan, 1966-75

CITY COURT: Justice of the Peace, Redford, Michigan, 1963-66

Professional Experience

Ryan & Burress, partner 1963-66

Waldron, Brennan & Maher, associate 1960-63

U.S.N.R., Law Specialist, Camp Pendleton, California, 1957-60

alibi testimony as to that date in defense, it was error to allow the judge to charge the jury that defendant could be convicted if they found that he had committed the crime on or about the date in question. Although his point is ably made, one of the majority concurred separately to stigmatize his dissent as highly formalistic and hypertechnical.

In United States v. Dunn, 805 F.2d 1275 (6th Cir. 1987), Judge Ryan over a dissent reversed the conviction of a palpably guilty arsonist, finding that evidence of prior crimes had erroneously been admitted. Again, his opinion is well argued. Judge Ryan dissented in Kamel v. Ava -- a decision upholding the district court's denial of a habeas corpus petition brought by a mother convicted of abusing her child to the point that death resulted -- on the ground of evidentiary rulings the trial court made, including letting in evidence of her use of Demerol. In arguing that he would grant the writ of habeas corpus, Judge Ryan stated, "The prosecutor's reference to the petitioner's drug problems in the course of questioning several witnesses for the state, his extensive cross-examination of the petitioner about her use of Demerol, and the expert testimony of a toxicologist whose testimony the prosecutor characterizes as an 'academic treatise on Demerol' combined to paint the picture of a drug dependent defendant of weak character whose self-indulgence abused her unborn child, and who was deserving of conviction. The result was not a trial merely made imperfect by fleeting reference to uncharged misconduct first introduced by petitioner, but one in which the prosecutor, despite protestations of fairness, relied heavily upon highly prejudicial, inadmissible and inflammatory evidence of uncharged misconduct designed to paint the petitioner as a bad person who is the 'type' to be guilty of killing her son."

Judge Ryan has, of course, decided many criminal cases against defendants. In U.S. v. Rudolph, Judge Ryan refused to grant a mistrial because of prejudice a defendant alleged he suffered from witnesses and jurors seeing him in handcuffs prior to trial. Judge Ryan held that whatever error the trial court committed did not affect defendant's substantial rights or create a substantial risk of misidentification.

Similarly, in United States v. Cunningham, 804 F.2d 58 (6th Cir. 1986), Judge Ryan affirmed a conviction where he found that the admission of inadmissible evidence was harmless error.

Overall, however, Judge Ryan's opinions, though well-reasoned, would make it very difficult to identify him with the crime issue.

Economic Issues. An opinion of Judge Ryan's on eminent domain was mentioned in a William Safire column in 1981. Then Justice

Ryan dissented from a judgement of the Michigan Supreme Court allowing the State to condemn private property to secure land for a General Motors plant site. Justice Ryan argued in dissent that there was a distinction between public use, the traditional rationale for condemnation, and "public purpose", the rationale for private activities with beneficial public side-effects. He was quoted as stating that "[e]minent domain is an attribute of sovereignty. When individual citizens are forced to suffer great social dislocation to permit private corporations to construct plants where they deem it most profitable, one is left to wonder who the sovereign is." In dicta in U.S. v. Corace, Judge Ryan rejected claims that the Emergency Petroleum Allocation Act regulations concerning the price of oil constituted an unconstitutional "taking". He stated, "The Fifth Amendment prohibition against the taking of property without just compensation . . . refers only to direct appropriation and not to consequential injuries resulting from lawful regulations."

Civil Rights. In Wrenn v. Gould, Judge Ryan upheld a district court decision that rejected a plaintiff's claim that his unsuccessful effort to be hired for a position was the result of unlawful retaliation for having filed an earlier civil rights claim against a previous employer. While he admonished the plaintiff for wasting scarce judicial resources by filing repeated cases, he refused to award the defendant attorneys fees because he could not find "this particular appeal frivolous, unreasonable or unfounded."

In Brver v. Saginaw Township Community Schools, Judge Ryan upheld the district court's judgement in favor of a plaintiff alleging Title VII sex discrimination in the school district's repeated decisions not to hire her to coach either the boys' or the girls' basketball teams. Judge Ryan specifically rejected a Fourth Circuit rule that in order to prevail plaintiff was required to prove she was more qualified than the persons selected; rather, he held that the plaintiff's ultimate burden was to show she was the victim of intentional discrimination. Stating that "the scope of the remedy rests within the sound discretion of the district court," Judge Ryan also upheld the district court order requiring that plaintiff be appointed to the next available head coach position.

In Gay Inmates of Shelby County v. Barksdale, No. 84-5666 (6th Cir., June 1, 1987) (slip op.), an unpublished opinion, Judge Ryan curtly dismissed a suit by homosexual pre-trial detainees against their warden. He rejected plaintiffs' associational liberty claim, stating that "a constitutional right of association is mainly a right to political association rather than a mere right to socialize . . ." -- potentially a damaging

remark, in light of Judge Bork's problems with his First Amendment theorizing in the 1971 Indiana Law Review article. He likewise dismissed plaintiffs' reliance on the equal protection clause: "Much of the argument on this point seems to rely implicitly upon a premise that plaintiffs have a fundamental right to equal treatment with non-homosexual inmates. This premise is faulty, in view of Bowers v. Hardwick." Still more problematical was his resolution of the case: though he explicitly stated that the warden had not cross-appealed from the district court's injunction (and thus implicitly conceded that the only claim before him was for enlargement of the injunction), he nevertheless set aside the injunction in toto as erroneous -- a troubling use of the judicial review power.

Administrative Law. Another instance where Judge Ryan's application of well-settled law may prove to be controversial is Ohio v. Nuclear Regulatory Commission, 814 F.2d 258 (6th Cir. 1987). In this case, Judge Ryan affirmed the NRC's decision not to reopen licensing procedures for an Ohio reactor at the request of the Ohio attorney general and certain public interest groups. The supervening event which prompted the plaintiffs' request was an earthquake measuring 5.0 on the Richter scale within 10 miles of the reactor.

Standing and Separation of Powers. In Sparks v. Character and Fitness Committee of Kentucky, 818 F. 2d 541 (6th Cir., 1987), Judge Ryan affirmed the absolute immunity of the Kentucky courts and their nonjudicial delegees in supervising bar admissions. He found that this activity was inherently judicial based on its historical treatment by the courts and the provisions of the Kentucky Constitution. In Myslakowski v. United States, 806 F.2d 94 (6th Cir. 1986), Judge Ryan joined a host of other courts in holding that sovereign immunity precluded a tort claim based on the Government's decision to sell surplus Postal Service jeeps but not to warn of their propensity to flip over. The Court held that the decisions to sell and not to warn were both part of the same unitary, discretionary decision for purposes of the Federal Tort Claims Act.

More troubling is Judge Ryan's decision in Kochins v. Linden-Alimak, 799 F.2d 1128 (6th Cir., 1986), a result possibly compelled by Circuit precedent. In that case Judge Ryan, sitting in diversity, sustained the Tennessee statute of repose from equal protection attack. In the course of the decision, however, he allowed the plaintiff standing to assert the equal protection claims of other putative defendants -- a most troubling extension of standing.

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LEVEL 1 - 40 STORIES

1. Copyright © 1985 The New York Times Company; The New York Times, December 23, 1985, Monday, Late City Final Edition, Section A; Page 11, Column 6; National Desk, 335 words, JUDGE DISMISSES SUIT BY WHITES CHARGING BIAS IN BIRMINGHAM, AP, BIRMINGHAM, Ala., Dec. 22, LEAD: A Federal district judge who dismissed a discrimation case against the city of Birmingham says the city did not discriminate against white firefighters when it promoted blacks the complainants said were less qualified than white candidates.

2. The Associated Press, December 22, 1985, Sunday, AM cycle, Domestic News, 333 words, Appeal Likely In Reverse Discrimination Suit, BIRMINGHAM, Ala., Reverse Bias, LEAD: A federal judge who dismissed a reverse discrimation case against the city of Birmingham says the city did not discriminate against white firefighters when it promoted less-qualified blacks.

3. Copyright © 1985 The Times Mirror Company; Los Angeles Times, December 22, 1985, Sunday, Home Edition, Part 1; Page 2; Column 1; National Desk, 112 words, THE NATION; MINORITY HIRING UPHELD, LEAD: A federal judge has upheld a controversial minority hiring plan in Birmingham, Ala., rejecting the Justice Department's contention that the city is discriminating against white employees. U.S. District Judge Sam C. Pointer Jr. said that a 1981 consent decree allows Birmingham to hire and promote blacks and women in municipal jobs over more qualified white male candidates., Brief

4. Copyright © 1985 The Washington Post, December 22, 1985, Sunday, Final Edition, First Section; A4, 569 words, Judge Repulses U.S. Attempt To Undo Affirmative Action; Birmingham's Minority-Hiring Preference Plan Is Upheld, By Howard Kurtz, Washington Post Staff Writer, JUDGE

5. Copyright © 1985 The New York Times Company; The New York Times, December 17, 1985, Tuesday, Late City Final Edition, Section A; Page 22, Column 3; National Desk, 295 words, U.S. OPENS IT CASE IN FAVOR OF PROMOTING WHITE FIREMAN, AP, BIRMINGHAM, Ala., Dec. 16, LEAD: The United States Justice Department went to trial today in Federal District Court in support of white firefighters here who contend that the city's affirmative action program made them victims of reverse discrimination.

6. The Associated Press, December 16, 1985, Monday, AM cycle, Domestic News, 277 words, Justice Department Opens Testimony In Reverse Bias Case, BIRMINGHAM, Ala. Reverse Bias, LEAD: The U.S. Justice Department went to trial Monday in support of white firefighters who contend the city's affirmative action program made them victims of reverse discrimination.

7. The Associated Press, November 1, 1985, Friday, AM cycle, Domestic News, 300 words, Black Mayor Pleads Guilty In Vote Fraud Case, By HOYT HARWELL, Associated Press Writer, TUSCALOOSA, Ala., Vote Fraud, LEAD: A black mayor pleaded guilty Friday to a misdemeanor count of wrongdoing with absentee ballots, ending the Justice Department's vote fraud prosecutions.

8. Copyright © 1985 The New York Times Company; The New York Times, September 6, 1985, Friday, Late City Final Edition, Section B; Page 7, Column 6; National Desk, 360 words, VOTE FRAUD TRIAL ENDS IN HUMG JURY, AP, BIRMINGHAM, Ala., Sept. 5, LEAD: A Federal district judge has declared a mistrial in the trial of the Mayor of the tiny town of Union on a charge of voting fraud after one juror held out for a verdict of not guilty through eight hours of deliberations.

LEVEL 1 - 40 STORIES

9. The Associated Press, September 4, 1985, Wednesday, AM cycle, Domestic News, 421 words, Mistrial Declared in Vote Fraud Case of Small-Town Mayor, By HOYT HARWELL, Associated Press Writer, BIRMINGHAM, Ala., Voter Fraud, LEAD: A federal judge on Wednesday declared a mistrial in the vote fraud trial of the mayor of Union after a lone black juror held out for an innocent verdict through eight hours of deliberations.

10. The Associated Press, September 4, 1985, Wednesday, AM cycle, Washington Dateline, 724 words, Justice Department Changed Position In Fight Over Minority Hiring Practices, By MERRILL HARTSON, Associated Press Writer, WASHINGTON, Affirmative Action, LEAD: The Justice Department is trying to repudiate a 1981 consent decree, signed by one of its lawyers, which permits the city of Birmingham, Ala. to give preferential hiring and promotion treatment to blacks and women.

11. Copyright © 1985 The Washington Post, September 4, 1985, Wednesday, Final Edition, First Section; A2, 723 words, U.S. Called Contradictory On Minority-Hiring Stance; Birmingham Finds Ammunition in Justice Dept. Paper, By Howard Kurtz, Washington Post Staff Writer, HIRING

12. The Associated Press, August 26, 1985, Monday, AM cycle, Domestic News, 362 words, Judge Rejects Defense Arguments Over Racial Makeup Of Jury Pool, By HOYT HARWELL, Associated Press Writer, BIRMINGHAM, Ala., Voter Fraud, LEAD: The trial of a black mayor charged with voting fraud began Monday after a federal judge rejected his claim that not enough blacks were among prospective jurors.

13. Copyright © 1985 The New York Times Company; The New York Times, August 4, 1985, Sunday, Late City Final Edition, Section 1; Part 1, Page 27, Column 1; National Desk, 667 words, LAWYER'S DEPOSITION IN RIGHTS CASE IS SEALED, By ROBERT PEAR, Special to the New York Times, WASHINGTON, Aug. 3, LEAD: The Reagan Administration has obtained a court order preventing public disclosure of testimony by a Justice Department lawyer who contradicted the Government's position on the legality of steps taken by the City of Birmingham, Ala., to promote blacks under an affirmative action plan.

14. Copyright © 1985 The New York Times Company; The New York Times, July 28, 1985, Sunday, Late City Final Edition, Section 4; Page 4, Column 1; Week in Review Desk, 292 words, THE NATION; RESHAPING A CITY GOVERMENT, By Robert Pear, WASHINGTON, LEAD: THE Justice Department, civil rights groups and local officials in Bessemer, Ala., agreed last week on a plan to revamp the city government and end what the city now says was a discriminatory annexation policy.

15. Copyright © 1985 Law & Business, Inc.; Legal Times, May 27, 1985, Pg. 2, 1782 words, Litigation Manual Rewrite Gets Warm Reception, By Rich Arthurs, Legal Times Staff

16. Copyright © 1984 The New York Law Publishing Company; The National Law Journal, November 26, 1984, Pg. 1, 2215 words, Special Master: A Stormy Role; Point Men for Courts, BY FRED STRASSER, National Law Journal Staff Reporter

17. The Associated Press, August 14, 1984, Tuesday, AM cycle, Domestic News, 389 words, Janitor Found Guilty Of Postmaster's Murder, BIRMINGHAM, Ala., Postmaster Murder, LEAD: A post office janitor was convicted Tuesday on federal homicide and assault charges in the shooting death of a postmaster and the wounding of

a postal supervisor.

18. Copyright © 1984 The New York Times Company; The New York Times, March 5, 1984, Monday, Late City Final Edition, Section A; Page 1, Column 2; National Desk, 995 words, U.S. TO SUPPORT MEN'S LAWSUITS ON BIAS DECREE, By ROBERT PEAR, Special to the New York Times, WASHINGTON, March 4, LEAD: The Justice Department has gone to court to challenge actions taken by the city of Birmingham, Ala., under a decree that the department signed three years ago to increase the hiring and promotion of blacks and women in the city's police and fire departments.

19. Copyright © 1983 The New York Law Publishing Company; The National Law Journal, November 21, 1983, Pg. 1, 3192 words, Mastering MDL, BY DAVID LAUTER, National Law Journal Staff Reporter, SAVANNAH, Ga.

20. Copyright © 1983 The New York Times Company; The New York Times, June 6, 1983, Monday, Late City Final Edition, Section A; Page 10, Column 1; National Desk, 836 words, JUDGE CLEARED OF CORRUPTION IS INVESTIGATED BY COLLEAGUES, Special to the New York Times, MIAMI, June 5, LEAD: Federal District Judge Alcee L. Hastings, who was found not guilty of Federal charges of corruption earlier this year, is now the subject of a judicial investigation.

21. Copyright © 1983 The New York Times Company; The New York Times, June 2, 1983, Thursday, Late City Final Edition, Section A; Page 19, Column 1; National Desk, 185 words, AROUND THE NATION; Alabama Wins Challenge To Use of Electric Chair, AP, MOBILE, Ala., June 1, LEAD: Two Federal district judges dismissed a court challenge to Alabama's use of the electric chair today despite testimony that it ''may not work in the future.''

22. The Associated Press, June 1, 1983, Wednesday, AM cycle, Domestic News, 513 words, Federal Judges Dismiss Challenge To Alabama's Electric Chair, By GARRY MITCHELL, Associated Press Writer, MOBILE, Ala., Electric Chair, LEAD: Two federal judges dismissed a court challenge to Alabama's use of the electric chair Wednesday despite testimony that it "may not work in the future."

23. Copyright © 1983 The New York Law Publishing Company; The National Law Journal, May 30, 1983, SPECIAL SECTION; Continuing Legal Education; Pg. 15;, 6454 words, CLE Calendar

24. The Associated Press, May 17, 1983, Tuesday, AM cycle, Domestic News, 426 words, Hastings' Attorney 'Outraged' Over Investigating Judges' Actions, MIAMI, Hastings, LEAD: U.S. District Judge Alcee Hastings has expressed "outrage" that judges investigating a complaint about his conduct want to see records and sealed transcripts from his bribery conspiracy trial.

25. Copyright © 1983 The New York Law Publishing Company; The National Law Journal, May 9, 1983, Pg. 11, 404 words, Judge Hastings Faces Judicial Probe, David Lauter

26. Copyright © 1983 The New York Law Publishing Company; The National Law Journal, May 2, 1983, Pg. 1, 6572 words, Inside the 'Invisible' Courts; As Their Importance Grows, U.S. Circuits Remain 'Unnoticed', BY FRANCIS J. FLAHERTY, National Law Journal Staff Reporter

27. Copyright © 1983 The Washington Post, April 17, 1983, Sunday, Final Edition, First Section; Around The Nation; A7, 210 words, Five Judges Appointed to

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Investigate Complaint Against Hastings, From news services and staff reports, MIAMI, NATIONO1

28. The Associated Press, December 14, 1982, Tuesday, AM cycle, Business News, 560 words, Three Forest-Products Con cerns Agree to Settle Antitrust Suit, Plywood Antitrust, LEAD: Three major forest-products companies said Tuesday they agreed to pay a total of $165 million to settle a 10-year-old class-action lawsuit charging them with fixing prices of plywood.

29. The Associated Press, December 14, 1982, Tuesday, AM cycle, Domestic News, 470 words, Three Forest-Products Firms Agree to Settle Antitrust Suit, Plywood Antitrust, LEAD: Three major forest-products companies said Tuesday they have agreed to pay a total of $165 million to settle a 10-year-old class-action lawsuit charging them with fixing prices of plywood.

30. The Associated Press, October 11, 1982, Monday, AM cycle, Domestic News, 510 words, Higher Academic Standards Prompt Demonstration, TUSCALOOSA, Ala., School Protest, LEAD: Civil rights activists kept up their sit-in inside school board offices Monday to protest stricter academic requirements that they say are racist.

31. Copyright @ 1982 Law & Business, Inc.; Legal Times, May 31, 1982, Pg. 6, 300 words, Revision Ahead for Case Manual, Larry Lempert

32. Copyright @ 1982 The New York Times Company; The New York Times, May 28, 1982, Friday, Late City Final Edition, Section A; Page 12, Column 6; National Desk, 140 words, AROUND THE NATION; Alabama Officers Freed Of Torture Charges, UPI, BIRMINGHAM, Ala., May 27, LEAD: An all-white Federal jury, which first tried to return a verdict of 11 to 1 for acquittal, changed its vote to 12 to 0 and found five officers on the Bessemer police force not guilty of torturing black prisoners.

33. The Associated Press, May 26, 1982, Wednesday, AM cycle, Domestic News, 240 words, BIRMINGHAM, Ala., Cattle Prod, LEAD: An all-white jury acquitted five Bessemer lawmen Wednesday of conspiring to abuse young black city prisoners, ending a trial that lasted almost three weeks.

34. The Associated Press, May 17, 1982, Monday, AM cycle, Business News, 770 words, Supreme Court To Review Antitrust Plywood Case, WASHINGTON, Supreme Court of the United States-Business Roundup, LEAD: The Supreme Court agreed Monday to review an antitrust ruling against three plywood manufacturers that lawyers in the case say could cost the forest-products concerns up to $2 billion.

35. Copyright @ 1981 The New York Times Company; The New York Times, December 2, 1981, Wednesday, Late City Final Edition, Section A; Page 16, Column 6; National Desk, 134 words, AROUND THE NATION; Federal Judge Quitting, Citing Pay as a Reason, AP, BIRMINGHAM, Ala., Dec. 1, LEAD: Federal District Judge Frank H. McFadden is resigning Jan. 1 partly because he does not think he is paid enough.

36. The Associated Press, December 1, 1981, Tuesday, AM cycle, Domestic News, 260 words, Federal Judge Announces Resignation, Cites Pay As Reason, BIRMINGHAM, Ala., Judge Resigns, LEAD: A federal judge with an annual salary of $70,300 is resigning because he doesn't think he's paid enough.

LEVEL 1 - 40 STORIES

37. Copyright © 1981 The New York Times Company; The New York Times, April 8, 1981, Wednesday, Late City Final Edition, Section D; Page 20, Column 6; Financial Desk, 124 words, COMPANY NEWS; Invesco Settlement, AP, BIRMINGHAM, Ala. April 7, LEAD: The Invesco International Corporation said that a Federal judge had approved a $1.1 million judgment as settlement of a suit contending that the company had mined Government-owned coal. The Atlanta-based company admitted that a subsidiary mined 44,000 tons from the A.C. Sims property in Fayette County, Ala., in 1977, without Government permission.

38. The Associated Press, November 29, 1978, AM cycle, 450 words, By W. DALE NELSON, Associated Press Writer, WASHINGTON, Consumer Suits, LEAD: A spokesman for business urged Congress Wednesday to "quickly, quietly and mercifully inter" legislation that would allow the U.S. attorney general to sue on behalf of large groups of consumers.

39. The Associated Press, July 14, 1978, AM cycle, 250 words, BIRMINGHAM, Ala., Data Access, LEAD: A federal judge says the press has no special right to county records that are not available to the general public.

40. The Associated Press, November 16, 1977, AM cycle, 120 words, BIRMINGHAM, Ala., Headrick, LEAD: Madison County Sheriff Dave Headrick was sentenced Wednesday to 90 days in jail for violating the civil rights of a soldier who said he was beaten in the jailhouse.

1ST STORY of Level 1 printed in FULL format.

December 23, 1985, Monday, Late City Final Edition

SECTION: Section A; Page 11, Column 6; National Desk

LENGTH: 335 words

HEADLINE: JUDGE DISMISSES SUIT BY WHITES CHARGING BIAS IN BIRMINGHAM

BYLINE: AP

DATELINE: BIRMINGHAM, Ala., Dec. 22

BODY:

A Federal district judge who dismissed a discrimation case against the city of Birmingham says the city did not discriminate against white firefighters when it promoted blacks the complainants said were less qualified than white candidates.

The judge said the promotions were protected by a 1981 court decree that called for preferential employment of minorities.

''The consent decree can be a valid defense even if the city acted in a racially conscious manner,'' Judge Judge Sam Pointer Jr. said in dismissing the case Friday.

Fourteen firefighters and one worker in the city Engineering Department had sued over the agreement set out in the court decree, which aimed to encourage the hiring and promotion of members of minority groups in municipal government.

The plaintiffs contended that they were wrongly denied promotions that went to black colleagues with less experience.

U.S. Backed Firefighters

The United States Justice Department supported the white firefighters' challenge, even though it had written the consent agreement. It said the city was misapplying the decree at the expense of white employees.

But Judge Pointer ruled that the firefighters had failed to show that the city's policy on hiring and promotion of blacks violated the consent decree signed by the city and the Justice Department in 1981.

Gordon Graham, the city personnel director, said Judge Pointer's ruling vindicated the city's hiring policies.

''In fact, the majority of new hirings at the entry-level positions in the Police and Fire Departments have been white males, and the majority of promotions have been white males,'' he said. ''The interests of white males are being protected.''

Mr. Graham said he hoped the ruling would put an end to similar legal challenges that have been filed by some city police officers.

White firefighters who were in court when Judge Pointer dismissed their case declined comment. But their lawyer, Ray Fitzpatrick, said he ''strongly suspects'' it would be appealed.

SUBJECT: FIRES AND FIREMEN; DISCRIMINATION; REVERSE DISCRIMINATION; BLACKS (IN US); HIRING AND PROMOTION; AFFIRMATIVE ACTION; DECISIONS AND VERDICTS; MINORITIES (ETHNIC, RACIAL, RELIGIOUS)

NAME: POINTER, SAMUEL C (JUDGE)

GEOGRAPHIC: BIRMINGHAM (ALA)

4TH STORY of Level 1 printed in FULL format.

December 22, 1985, Sunday, Final Edition

SECTION: First Section; A4

LENGTH: 569 words

HEADLINE: Judge Repulses U.S. Attempt To Undo Affirmative Action; Birmingham's Minority-Hiring Preference Plan Is Upheld

BYLINE: By Howard Kurtz, Washington Post Staff Writer

KEYWORD: JUDGE

BODY:

A federal judge has upheld a controversial minority-hiring plan in Birmingham, Ala., rejecting the Justice Department's contention that the city is discriminating against white employes.

U.S. District Court Judge Sam C. Pointer Jr., in a ruling late Friday, said that a 1981 consent decree allows Birmingham to hire and promote blacks and women in municipal jobs over more qualified white male candidates. He said the agreement is a valid defense against charges of discrimination.

The case attracted considerable attention because of charges that the Justice Department "switched sides" by taking up the cause of white city employes, who charged that they have been victims of reverse discrimination.

The ruling is a setback for the Reagan administration, which has tried with little success to overturn 51 affirmative-action consent decrees previously negotiated with city governments. Many of these cities, including some governed by Republican mayors, are fighting the Justice Department in court.

However, the ruling is not a sweeping precedent because it was limited to the consent decree at hand and because the Supreme Court is scheduled to clarify its position on the politically sensitive subject next year. Also, the verdict is likely to be appealed.

Pointer ruled that "if the city of Birmingham made promotions to blacks . . . because the city believed it was required to do so by the consent decree . . . then they would not be guilty of racial discrimination.

"Even if the burden of proof be placed on the defendants, they have carried that proof and that burden of establishing that the promotions of the black individuals in this case were in fact required by the terms of the consent decree," the judge said.

Birmingham is a majority-black city with a long history of discrimination. Before 1974, when the first lawsuit challenging city hiring practices was filed, only two of the fire department's 640 employes were black.

The litigation was resolved with a 1981 consent decree, signed by both the city and the Justice Department, in which Birmingham promised to meet minority-hiring goals by giving preference to blacks and women. The agreement

was signed shortly before William Bradford Reynolds, who opposes race-conscious remedies, became head of the department's Civil Rights Division.

When white city employes challenged the consent decree, the Civil Rights Division reentered the case on their behalf, charging that the city had gone beyond the terms of the agreement and was illegally favoring minorities.

But in a highly unusual deposition, Richard J. Ritter, the Justice Department lawyer who negotiated the 1981 agreement, appeared to side with city officials. Ritter said that "we certainly anticipated" that Birmingham would give preference to some less-qualified blacks and women, and that the city "would be permitted" to do this to meet hiring goals.

"The judge has decided that this consent decree should continue operating in the manner it was intended," said Stephen J. Spitz of the Lawyers Committee for Civil Rights Under Law, which represents some black plaintiffs in the case. He called the ruling "a rejection of the revisionist view that the Justice Department has adopted."

Justice officials have said their position has been consistent and that the decree does not allow the city to hire and promote less-qualified minorities solely on the basis of race.

6TH STORY of Level 1 printed in FULL format.

The Associated Press

December 16, 1985, Monday, AM cycle

SECTION: Domestic News

LENGTH: 277 words

HEADLINE: Justice Department Opens Testimony In Reverse Bias Case

DATELINE: BIRMINGHAM, Ala.

KEYWORD: Reverse Bias

BODY:

The U.S. Justice Department went to trial Monday in support of white firefighters who contend the city's affirmative action program made them victims of reverse discrimination.

The department, which is intervening in the case, called as its first witness Birmingham Battallion Fire Chief, who outlined the fire department's career ladder from the lowest rung of "plug man" on up.

His testimony did not immediately touch on the question of race in hiring and promotions.

The case is a consolidation of a lawsuit filed by two white firefighters, James A. Bennett and Robert K. Wilks, as well as a suit brought employees in the city's engineering department.

The plaintiffs contend they were improperly passed over for promotions in favor of black workers.

City officials say they were carrying out the mandate of a 1981 consent decree, which was written and approved by the Justice Department, setting goals for increased city hiring and promotion of blacks and women.

In a brief filed earlier this year, the Justice Department said Mayor Richard Arrington's administratrion violated provisions of the 1964 Civil Rights Act by promoting blacks "in preference to demonstrably better qualified white firefighters and fire lieutenants."

Such a policy violates the law because blacks were promoted "exclusively on the basis of race and without regard to relative qualifications," the brief said.

The non-jury trial before U.S. District Judge Sam Pointer Jr., which is expected to last several days, opened with a discussion of the admissibility of hundreds of pages of exhibits and transcripts, including employment test scores and a number of depositions.

8TH STORY of Level 1 printed in FULL format.

September 6, 1985, Friday, Late City Final Edition

SECTION: Section B; Page 7, Column 6; National Desk

LENGTH: 360 words

HEADLINE: VOTE FRAUD TRIAL ENDS IN HUMG JURY

BYLINE: AP

DATELINE: BIRMINGHAM, Ala., Sept. 5

BODY:

A Federal district judge has declared a mistrial in the trial of the Mayor of the tiny town of Union on a charge of voting fraud after one juror held out for a verdict of not guilty through eight hours of deliberations.

The mistrial for the Mayor, James Colvin, was declared Wednesday by Judge Samuel C. Pointer after the jury foreman told him that the 12 jurors could not reach a verdict.

''We are in a hopeless situation,'' the foreman, Eugene Bates, said in a note handed to Judge Pointer. ''I don't think anything would change their minds.'' The judge tentatively scheduled a new trial for early November.

One of two black jurors on the panel told The Birmingham Post-Herald he was the lone holdout for not guilty. The juror refused to give his name.

Mayor Colvin, who is also black, was charged by the Justice Department with 26 counts of conspiracy, mail fraud, furnishing false information to an election official and using 12 absentee ballots to vote more than once in a Democratic primary.

He Sees Intimidation Plan

After the announcement of the mistrial, Mr. Colvin repeated his charges that the Justice Department was trying to intimidate black political activists.

Mr. Colvin was described by his lawyers as a victim of confusing election laws.

Bill Barnett, assistant United States attorney, would not comment on the mistrial.

On July 5, a jury of seven blacks and five whites found three black Perry County voting rights activists not guilty on similar charges after a two-week trial.

Mr. Colvin, 30 years old, the mayor of a town of 373 people, was the first of five Greene County political leaders to stand trial after indictment by a Federal grand jury.

The indictments came after a Justice Department investigation of voting practices in five Alabama counties. The department said it was trying to protect the voting rights of blacks and denied accusations by some black leaders that it was involved in a ''witch hunt.''

Mr. Barnett said Mayor Colvin engaged in ''double-dealings'' and ballot-box stuffing while campaigning for a candidate last year. The candidate came in second in the primary but won in the runoff.

SUBJECT: Terms not available

11TH STORY of Level 1 printed in FULL format.

September 4, 1985, Wednesday, Final Edition

SECTION: First Section; A2

LENGTH: 723 words

HEADLINE: U.S. Called Contradictory On Minority-Hiring Stance; Birmingham Finds Ammunition in Justice Dept. Paper

BYLINE: By Howard Kurtz, Washington Post Staff Writer

KEYWORD: HIRING

BODY:

A sworn statement by a Justice Department lawyer, released over the government's objections, appears to directly contradict the basis for the department's challenge of a minority hiring plan in Birmingham, Ala.

The Justice Department approved a consent decree four years ago that allows Birmingham officials to increase minority representation in city jobs by hiring or promoting blacks and women over more-qualified white candidates. But the department has since reentered the case on the side of white city employes, arguing that the city is violating the decree by discriminating against whites.

In a highly unusual deposition released last week, Richard J. Ritter, the Justice Department attorney who negotiated and signed the 1981 consent decree, described the agreement in the same terms city official are using in their defense.

Civil rights attorneys said the deposition shows the Justice Department's current arguments in the case to be a "fraud" and a "baseless fabrication."

A spokesman for the department said he failed to see any contradictions in its case.

The issue surfaced when Assistant Attorney General William Bradford Reynolds, who took office shortly after the 1981 decree was signed, joined several suits filed by white city employes passed over for promotions.

Reynolds, who opposes race-conscious remedies, accused Mayor Richard Arrington Jr. and the city of illegally favoring blacks over "demonstrably better qualified" whites.

But city officials say they are simply living up to the hiring goals in the 1981 decree.

Ritter said in the deposition that "we certainly anticipated" that Birmingham would give preference to some black and women candidates.

He said he expected "that there would be occasions when the city would resort to selecting qualified blacks" even if "it believed there was a demonstrably better qualified white applicant available."

"It was my understanding that the city would be permitted to select a qualified black or female applicant, who the city was satisfied was qualified, in preference to a demonstrably qualified white . . . if the city in good faith believed that kind of selection was necessary to meet goal obligations," Ritter said.

Ritter said the decree provided Birmingham with a valid defense for favoring minorities. He also said the city was "required" to hire qualified blacks to meet hiring goals if the differences among candidates was marginal.

Stephen J. Spitz, an attorney with the Lawyers Committee for Civil Rights Under Law, which is representing Birmingham, said the deposition shows that Justice Department officials "have reneged on their contractual obligations to enforce the decree they signed.

"They have compounded it by lying; that's the only word that's appropriate," Spitz said. "They tried to hide this from the public because they're going to be embarrassed by it. They've changed their position and they don't want to admit they've changed their position."

Justice Department spokesman Terry H. Eastland, accusing civil rights lawyers of "trying the case in the newspapers," said he could not comment on the deposition because it might not be admitted as evidence in the case.

"We don't think there's anything in Mr. Ritter's testimony that is incompatible with the arguments we've been making," Eastland said. "The decree does not allow the current practices of the city, whereby demonstrably less qualified blacks were promoted over demonstrably more qualified whites on the basis of race."

The Justice Department tried to block the Ritter deposition and then to keep it under court seal on grounds that it involved internal discussions and attorney-client privilege. U.S. District Court Judge Sam C. Pointer Jr., who unsealed the statement, has criticized the department for making "contrary" and "inconsistent" arguments in the case. Birmingham is a majority black city with a long history of discrimination.

About 13.5 percent of the city's entry-level firemen are black; in 1973, only two of the fire department's 640 employes were black.

"Blacks were excluded for a long time here from the police and fire departments," said Jim Alexander, an attorney for the city. Without minority hiring goals, he said, "it would be generations before you could make any meaningful changes in the complexion of the work force."

13TH STORY of Level 1 printed in FULL format.

August 4, 1985, Sunday, Late City Final Edition

SECTION: Section 1; Part 1, Page 27, Column 1; National Desk

LENGTH: 667 words

HEADLINE: LAWYER'S DEPOSITION IN RIGHTS CASE IS SEALED

BYLINE: By ROBERT PEAR, Special to the New York Times

DATELINE: WASHINGTON, Aug. 3

BODY:

The Reagan Administration has obtained a court order preventing public disclosure of testimony by a Justice Department lawyer who contradicted the Government's position on the legality of steps taken by the City of Birmingham, Ala., to promote blacks under an affirmative action plan.

The protective order, issued this week, says the lawyer's deposition ''shall be confidential'' and shall ''not be disclosed, published or otherwise made a part of the public record.''

At the deposition taken here Tuesday, attorneys for black residents of Birmingham asked the Justice Department lawyer, Richard J. Ritter, about his interpretation of a 1981 consent decree in which the city agreed to hire and promote specified percentages of blacks and women.

The Reagan Administration supported the decree in May 1981 but has now intervened on the side of white city employees who contend that the city illegally discriminated against them by promoting blacks under the decree. The city says that its promotion policy was explicitly authorized by the decree and that Mr. Ritter, the Justice Department lawyer who signed the decree, knew at the time that blacks would be favored in promotions.

Goals Called Legal in '81

When the decree was signed in 1981, Mr. Ritter said its promotion and hiring goals were legal, a position contrary to arguments later made by the Reagan Administration, which contends that such numerical goals and quotas are unconstitutional.

Civil rights lawyers say the Administration is trying to cover up this inconsistency by having the deposition sealed.

Robert D. Joffe, a lawyer for the black residents of Birmingham whose 1974 suit against the city led to the consent decree, said the sealing of the deposition was ''wholly improper,'' and he added, ''This is a matter of great public interest and importance.''

The Administration contends it is essential to keep the deposition secret. Mary E. Mann, a Justice Department lawyer, said that ''the legal theories, mental impressions, opinions and conclusions'' of a Government attorney are

absolutely protected against disclosure.

Second Judge Orders Secrecy

Administration officials tried unsuccessfully to block the deposition, using similar arguments. But Sam C. Pointer Jr., chief judge of the Federal District Court in Birmingham, who is presiding in the case, ordered the deposition.

After Mr. Ritter began answering Mr. Joffe's questions at the Justice Department here Tuesday, an assistant United States attorney in Birmingham applied to the Federal District Court there for the secrecy order. Judge Pointer was in Britain at the time, according to one of his law clerks. Another Federal district judge in Birmingham, James H. Hancock, granted the Government's request without hearing arguments from Mr. Joffe or other lawyers who opposed the request. The deposition continued, but the transcript was sealed.

The Justice Department originally sued the City of Birmingham in 1975, charging that there was a pervasive ''pattern and practice'' of illegal job discrimination against blacks and women. After a long trial lawyers for the Justice Department, the city government and blacks in Birmingham signed the consent decree.

The decree gained the force of law when it was approved by Judge Pointer in August 1981. At a hearing then before Judge Pointer, Mr. Ritter said its numerical hiring and promotion goals ''do not unlawfully discriminate against whites.'' The decree itself said that ''remedial actions'' taken to carry out the decree ''shall not be deemed discriminatory.''

Mr. Joffe and Stephen L. Spitz, lawyers for the black residents of Birmingham, argue that the Justice Department now ''seeks to retreat'' from the consent decree.

William Bradford Reynolds, Assistant Attorney General for civil rights, said the city has discriminated against whites by promoting blacks who were ''demonstrably less qualified,'' an action, he said, that was ''neither required nor authorized by the decree.''

SUBJECT: AFFIRMATIVE ACTION; GOVERNMENT EMPLOYEES; HIRING AND PROMOTION; BLACKS (IN US); WOMEN; DISCRIMINATION

ORGANIZATION: JUSTICE, DEPARTMENT OF

NAME: REAGAN, RONALD WILSON (PRES); RITTER, RICHARD J; PEAR, ROBERT

GEOGRAPHIC: BIRMINGHAM (ALA)

14TH STORY of Level 1 printed in FULL format.

July 28, 1985, Sunday, Late City Final Edition

SECTION: Section 4; Page 4, Column 1; Week in Review Desk

LENGTH: 292 words

HEADLINE: THE NATION;
RESHAPING A CITY GOVERMENT

BYLINE: By Robert Pear

DATELINE: WASHINGTON

BODY:

THE Justice Department, civil rights groups and local officials in Bessemer, Ala., agreed last week on a plan to revamp the city government and end what the city now says was a discriminatory annexation policy.

The case was notable for at least two reasons: It was the first time that a key section of the Voting Rights Act had been used to challenge annexations since the law was revised in 1982. In addition, experts in the field agreed, it was an unusual example of cooperation between civil rights groups and the Administration.

The Federal Government and lawyers representing black plaintiffs argued that selective annexation of white residential areas by Bessemer - an industrial city of 32,000 about 10 miles southwest of Birmingham - had diluted the votes of blacks.

The proposed consent decree says that, as a result of its annexation policy, ''the city changed from a relatively compact entity of approximately four square miles to a contorted figure of approximately 356 sides comprising 15.1 square miles.''

The decree also says that Bessemer's at-large elects and annexation policy violated Section 2 of the Voting Rights Act, because blacks had less opportunity than other voters to influence the political process. Blacks accounted for 51 percent of the city's population in 1980, down from 61 percent in 1950. The decree says that ''no black person has ever been elected to the Bessemer Board of Commissioners.''

Under the decree, the city agrees to establish mayor-City Council form of goverment. The decree, which is subject to approval by Federal District Judge Sam C. Pointer Jr. in Birmingham, says that if the districts are fairly drawn, blacks will have ''a substantial voting majority'' in three of seven districts.

GRAPHIC: Map locating Bessemer

SUBJECT: DISCRIMINATION; BLACKS (IN US); LOCAL GOVERNMENT; CIVIL RIGHTS

ORGANIZATION: JUSTICE, DEPARTMENT OF

NAME: PEAR, ROBERT

GEOGRAPHIC: BESSEMER (ALA); ALABAMA

17TH STORY of Level 1 printed in FULL format.

The Associated Press

August 14, 1984, Tuesday, AM cycle

SECTION: Domestic News

LENGTH: 389 words

HEADLINE: Janitor Found Guilty Of Postmaster's Murder

DATELINE: BIRMINGHAM, Ala.

KEYWORD: Postmaster Murder

BODY:

A post office janitor was convicted Tuesday on federal homicide and assault charges in the shooting death of a postmaster and the wounding of a postal supervisor.

The all-male jury deliberated about two hours before returning the verdict against James Howard Brooks, 54.

U.S. District Judge Sam Pointer set sentencing for Wednesday. Broks could receive life in prison on the homicide charge and 10 years in prison for the assault.

Brooks, who pleaded innocent by reason of insanity, was charged under a federal statute with murder of a public official and assault on a public official in the Dec. 2 slaying of Postmaster Oscar Johnson and the wounding of postal supervisor W.H. Taylor.

The shootings, which occurred at the Anniston post office, allegedly stemmed from a labor dispute.

This was Brooks' second trial on the charges after an April proceeding ended in a mistrial with a deadlocked jury.

U.S. Attorney Frank Donaldson said he was pleased with the verdict, "particularly in view of the previous hung jury."

In closing testimony Monday, a psychiatrist testified he was mistaken in an earlier diagnosis when he found that Brooks suffers from a rare form of epilepsy that contributed to the slaying.

Dr. John R. Smythies of the University of Alabama in Birmingham's Department of Psychiatry said he was given "very little time to make a proper diagnosis" before offering the testimony at Brooks' first trial.

Smythies told the court Monday that he had had time to conduct further research into epilepsy and concluded that the disease does not accompany "episodic discontrol syndrome," as he first thought.

But Smythies said he still believed Brooks was not accountable for his actions in the shooting.

Defense attorney Jack Wallace told jurors the insanity defense claim was "not just a trick up the sleeve."

But prosecutors said Brooks had previously encountered problems with union and management representatives.

Karen Henson, who worked as a clerk at the Anniston Post Office, testified during the trial that she met with Brooks about two months before the shootings in the Anniston Post Office's break room.

"Jim was there and he was mad. He was having an argument with the postmaster. He said 'If I thought I could get away with it, I would go out to my car, get my gun and shoot Oscar," she testified.

18TH STORY of Level 1 printed in FULL format.

March 5, 1984, Monday, Late City Final Edition

SECTION: Section A; Page 1, Column 2; National Desk

LENGTH: 995 words

HEADLINE: U.S. TO SUPPORT MEN'S LAWSUITS ON BIAS DECREE

BYLINE: By ROBERT PEAR, Special to the New York Times

DATELINE: WASHINGTON, March 4

BODY:

The Justice Department has gone to court to challenge actions taken by the city of Birmingham, Ala., under a decree that the department signed three years ago to increase the hiring and promotion of blacks and women in the city's police and fire departments.

The Justice Department is joining 10 white police officers and firefighters who contend that Birmingham violated their rights by promoting blacks and women under the court decree.

The employees, all of them men, filed lawsuits last year charging that they had been denied promotions because they were white. The police also charged that they had suffered discrimination on the basis of sex. The lawsuits charged that some less-qualified blacks and women had been hired or promoted to meet ''numerical quotas.''

Birmingham officials responded that the city's hiring practices follow the requirements of an affirmative action plan approved by a Federal court and the Reagan Administration in 1981.

'Steeped in Discrimination'

Mayor Richard Arrington Jr. of Birmingham said in an interview: ''I am greatly disappointed at the position of the Justice Department, which is changing sides on a decree that it helped fashion. The Reagan Administration is joining the rather persistent attacks to undermine or completely undo our decree. They have reneged.''

Mr. Arrington, a Democrat and Birmingham's first black mayor, added: ''This city was once steeped in discrimination. If affirmative action can't prevail here, it can't prevail anywhere in America.''

The Justice Department said in a Federal District Court in Birmingham last week that it wanted to intervene in the cases on the side of the white male employees because their allegations, if true, ''establish a course of conduct which we believe to be unlawful.''

U.S. Invited to Give Views

William Bradford Reynolds, the Assistant Attorney General for civil rights, said Saturday that the Justice Department was intervening in the case because the court had invited the Government to express its views. Mr. Reynolds said the Justice Department was ''in the process of a preliminary investigation'' and did not yet know whether the allegations in the white employees' lawsuits were true.

''But,'' he said, ''if there is an allegation of discrimination, the Government's responsibility under the law is to come in and say we're against discrimination on account of race. We always side with those people who claim they have suffered discrimination on account of race.''

The Justice Department sued Birmingham in 1975, charging that there was a pervasive ''pattern and practice'' of illegal job discrimination against blacks and women. After a long trial, the Justice Department helped negotiate the consent decree, which set forth an extensive plan of affirmative action, including numerical goals for the hiring and promotion of blacks and women. It also provided $265,000 in back pay.

Numerical goals and quotas are contrary to Reagan Administration policy. But a Justice Department lawyer, Richard J. Ritter, signed the decree on May 19, 1981, three days before Attorney General William French Smith attacked racial quotas in his first major speech on civil rights. The consent decree gained the force of law when it was approved by Federal District Judge Sam C. Pointer Jr. in August 1981.

White firefighters and police have repeatedly tried to block enforcement of the decree. Judge Pointer denied their request for a preliminary injunction, and his action was upheld last December by the United States Court of Appeals for the 11th Circuit.

Remedies in Decree Criticized

Raymond P. Fitzpatrick Jr., an attorney for the white employees, said in a telephone interview: ''The consent decree does not terminate our rights. I think the consent decree provides illegal and unconstitutional remedies because race preferences are illegal and unconstitutional.''

Justice Department officials denied that they were trying to undermine the consent decree. But in carrying out the decree for the benefit of blacks and women, they said, Birmingham officials must not discriminate against white men. They noted that Judge Pointer said in 1981 that the consent decree would not require the hiring or promotion of an unqualified person or ''a person who is demonstrably less- qualified'' than a white male applicant for the same job.

The Reagan Administration has sided with white city employees complaining of discrimination under affirmative action programs in cases in Boston, New Orleans, Memphis and Detroit. But the Federal Government was not a party to the original decree in those cases.

In Birmingham, blacks account for 54 percent of the population, 19 percent of the police and 13 percent of the firefighters. In 1981, when the consent decree was adopted, 13 percent of the police and 9 percent of the firefighters were black, according to city officials.

James K. Baker, the City Attorney of Birmingham, said the Justice Department's position was ''rather startling'' in view of the history of the case. ''This case was in litigation for seven years,'' he said. ''The Government suggested we ought to settle. We negotiated for over a year. We ended up with a consent decree which, by its terms, bound the Federal Government to defend the decree if it ever was attacked. The decree mandated racial preferences and said that the city's compliance with the decree shall not be viewed as a violation'' of the civil rights laws.

At a hearing before Judge Pointer on Aug. 3, 1981, Mr. Fitzpatrick attacked the decree as illegal and inconsistent with Reagan Administration policies. The Justice Department lawyer from Washington, Mr. Ritter, insisted that the decree was ''fair, reasonable and lawful,'' according to a transcript of the hearing.

Since then, Mr. Reynolds, the Assistant Attorney General, has repeatedly denounced ''racial preferences'' and ''race-conscious remedies.''

SUBJECT: POLICE; SUITS AND CLAIMS AGAINST GOVERNMENT; DISCRIMINATION; HIRING AND PROMOTION; AFFIRMATIVE ACTION; BLACKS (IN US); WOMEN; QUOTAS; FIRES AND FIREMEN

ORGANIZATION: ;JUSTICE, DEPARTMENT OF

NAME: PEAR, ROBERT; REAGAN, RONALD WILSON (PRES)

GEOGRAPHIC: BIRMINGHAM (ALA)

21ST STORY of Level 1 printed in FULL format.

June 2, 1983, Thursday, Late City Final Edition

SECTION: Section A; Page 19, Column 1; National Desk

LENGTH: 185 words

HEADLINE: AROUND THE NATION;
Alabama Wins Challenge To Use of Electric Chair

BYLINE: AP

DATELINE: MOBILE, Ala., June 1

BODY:

Two Federal district judges dismissed a court challenge to Alabama's use of the electric chair today despite testimony that it ''may not work in the future.''

An expert witness described the electric chair as a ''museum piece,'' but Judges Sam Pointer Jr. and W.B. Hand

National news is on pages

A16-21, B9-10 and B22.

countered that it ''doesn't make it unconstitutional punishment.'' The witness, Theodore Bernstein, a professor at the University of Wisconsin-Madison, said the electrical equipment supplying power to the chair was going to ''bomb out'' and the chair ''may not work in the future.''

The professor has a doctorate in electrical engineering. He was subpoenaed by lawyers for two death row inmates, Chastine Raines and Wayne Ritter. The lawyers contend the electric chair inflicts unneccessary pain on condemned prisoners and violates a constitutional ban on ''cruel or unusual punishment.''

It took three jolts of electricity to execute Mr. Ritter's codefendant, John Louis Evans 3d, on April 22.

SUBJECT: CAPITAL PUNISHMENT; SUITS AND LITIGATION

GEOGRAPHIC: ALABAMA

25TH STORY of Level 1 printed in FULL format.

May 9, 1983

SECTION: Pg. 11

LENGTH: 404 words

HEADLINE: Judge Hastings Faces Judicial Probe

BYLINE: David Lauter

BODY:

U.S. DISTRICT Judge Alcee L. Hastings of Miami, who was acquitted earlier this year of federal conspiracy and obstruction of justice charges, is now facing an apparently related probe by his fellow judges.

John C. Godbold, chief judge of the 11th U.S. Circuit Court of Appeals, has appointed a special committee to investigate the conduct of Judge Hastings, the first black federal judge in Florida and the first federal judge ever to be tried on criminal charges while remaining on the bench. The panel will conduct "as extensive [an investigation] as it considers necessary," according to a statement released by Judge Godbold's office.

The April 15 appointment of the panel was triggered by a complaint about Judge Hastings filed under the provisions of 28 U.S.C. 372. Under that statute, the circuit courts are empowered to appoint investigating committees if a person complains that a sitting judge's conduct has been "prejudicial" to the effectiveness of the courts. The particulars of the complaint and the identity of the complainant are considered confidential.

The investigating committee can recommend to the 11th Circuit Judicial Council "such action as is appropriate," which could include requesting Judge Hastings to retire; ordering that he temporarily stop receiving new cases; public or private censure or reprimand; or no action at all. The council does not have the authority to remove Judge Hastings from the bench.

After his acquittal in Miami two months ago, Judge Hastings told reporters that he anticipated that a complaint might be filed against him because of his statements before and during the trial. In those statements, he criticized the conduct of the prosecution and the rulings of the trial judge, Edward T. Gignoux of Portland, Maine. In large measure, Judge Hastings, In large measure, Judge Hastings, who has returned to the bench, represented himself at the trial. U.S. v. Hastings, 81-596. (NLJ, Feb. 7.)

The investigative panel -- consisting of Judge Godbold, Circuit Judges Gerald B. Tjoflat and Frank M. Johnson Jr., and District Judges Sam C. Pointer of Birmingham, Ala., and William C. O'Kelley of Atlanta -- has hired New York attorney John Doar as its special investigator.

Mr. Doar, who has a sole practice in Manhattan, was chief counsel to the House Judiciary Committee for its consideration of the impeachment of President Richard Nixon.

28TH STORY of Level 1 printed in FULL format.

The Associated Press

December 14, 1982, Tuesday, AM cycle

SECTION: Business News

LENGTH: 560 words

HEADLINE: Three Forest-Products Con cerns Agree to Settle Antitrust Suit

KEYWORD: Plywood Antitrust

BODY:

Three major forest-products companies said Tuesday they agreed to pay a total of $165 million to settle a 10-year-old class-action lawsuit charging them with fixing prices of plywood.

Georgia-Pacific Corp., Weyerhaeuser Co. and Willamette Industries Inc. _ all of which again denied any wrongdoing _ were the only companies remaining among more than a dozen against whom civil suits were filed by buyers of plywood. The other companies already had settled the cases against them.

The three companies said their "oral agreement in principle" calls for them to pay $30 million to the plaintiffs on Jan. 30, $60 million on Jan. 30, 1984, and $75 million on Jan. 30, 1985.

Georgia-Pacific, based in Atlanta, said its share would be 60 percent, or a total of $99 million. Willamette, headquartered in Portland, Ore., said its share would be $29 million, and Weyerhaeuser's would be $37 million.

The separate announcents by the defendants came seven months after the U.S. Supreme Court agreed to hear their appeal of a 1981 decision by the 5th Circuit Court of Appeals in New Orleans upholding a civil verdict against the companies.

A federal court jury in New Orleans ruled in 1978 that the companies conspired between Feb. 23, 1968, and Dec. 31, 1973, to fix prices and overcharge lumber yards and consumers.

Members of the class action include as many as 20,000 lumber yards around the country, said Wayne Thomas of the plaintiffs' Philadelphia legal firm of Kohn, Savett, Marion and Graf.

Thomas said the $165 million settlement was "a goodly portion" of the damages. "I think it's a fair settlement," he said.

The plaintiffs contended the manufacturers agreed to charge freight on softwood plywood produced in the South as if it had been produced in the Northwest, thus instituting a "phantom freight charge."

The forest-products companies said the settlement was subject to execution of a written agreement by the parties and to approval by U.S. District Judge

Sam Pointer Jr. of New Orleans, the trial judge.

Had the defendants lost all the counts against them in court, they could have been liable for as much as $2 billion in damages, the plaintiff's lawyers had said. The companies had said that estimate was overstated.

Earlier this year the defendants and other companies had pushed for proposed legislation that would have limited the liability of proven price-fixers. But earlier this month the bill appeared dead after efforts to pass it the current short session of Congress ran into trouble.

Both Georgia-Pacific and Weyerhaeuser, based in Tacoma, Wash., said they would charge their payments against this year's fourth-quarter earnings. Georgia-Pacific said its charge would amount to about $60 million after taxes, while Weyerhaeuser said its charge would come to about $20 million.

Willamette, which is based in Portland, Ore., did not estimate how the payments would affect its earnings.

"We feel that settling this litigation is in the best interests of our shareholders, despite the fact that we know we did not fix plywood prices," Robert E. Floweree, chairman and chief executive of Georgia-Pacific, said in a statement.

"However, because of the risks and expenses inherent in litigation of this size, we felt it was best to settle these cases and put them behind us," he said.

30TH STORY of Level 1 printed in FULL format.

The Associated Press

October 11, 1982, Monday, AM cycle

SECTION: Domestic News

LENGTH: 510 words

HEADLINE: Higher Academic Standards Prompt Demonstration

DATELINE: TUSCALOOSA, Ala.

KEYWORD: School Protest

BODY:

Civil rights activists kept up their sit-in inside school board offices Monday to protest stricter academic requirements that they say are racist.

"Everybody is in good spirits," demonstrator Charles Steele said "We're going to be here until the problem is resolved."

At issue are the minimum standards in reading, writing and mathematics adopted by the school board last spring. Students had to meet those standards in order to be promoted to the next grade. As a result, 1,071 students _ a tenth of the system's 10,000 enrollment _ were held back one year. Many of the students are black.

Critics contend black children have received an inferior education for years, and it wasn't fair to judge them by tougher standards. They also argue that the policy was instituted just before the end of the school year, failing to give students enough time to prepare.

The protesters are demanding that the promotion and retention policy be delayed one year.

Demonstration against the new policy began Tuesday in this west-central Alabama city but heated up Friday when the school board cut off outside access to one parent and five local and national officials of the Southern Christian Leadership Conference who were inside the building.

The demonstrators can leave the building at any time but supporters cannot come inside to bring them additional food or clothing, said Superintendent Thomas Ingram Jr. They will not be allowed back inside once they leave, he said.

The Rev. Joseph Lowery, head of the Atlanta-based SCLC, spoke in support of the demonstrators Sunday night at a rally attended by about 300 people and held at a Tuscaloosa church.

"We are disturbed, distressed and determined. This is an assault not only on the black community but on public education," he said.

"All of us want our children to have the best education. We have to be twice as good as anybody else," he said. But he added, "We are not blind to some of the tricks and tests."

Ingram said Monday the school board is just trying to provide quality education for children.

"Our school system, just as other school systems in Alabama, has engaged in the practice of social promotion," Ingram said. "We feel it has become a detriment to the children's educational achievement.

"The policies are controversial in nature, but we feel they're the best thing," he said. "My position is that it's a penalty to the children if they are promoted to a grade level we know it's impossible for them to achieve."

Ingram added that the school board has refused to negotiate with the demonstrators because "we're not willing to compromise quality."

He noted that U.S. District Judge Sam Pointer of Birmingham has upheld the school board's policy.

The six protesters included Steele, president of the local SCLC chapter; the Rev. D.L. Gordon, vice president of the chapter; the Rev. R.B. Cottonreader, a national SCLC board member; Odessa Warrick and Lydia Washington, both local SCLC members, and Helen Croom, whose child was kept back one year.