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Collection: Roberts, John G.: Files
Folder Title: Correspondence, Miscellaneous
(05/17/1984)
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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

RBW 8/5/2005

File Folder CORRESPONDENCE, MISCELLANEOUS (05/17/1984)

FOIA

F05-139/01

Box Number

COOK

40RW

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. REGINALD BRINKMANN	1	5/17/1984	B6	652
2	NOTE	FROM PAT TO JOHN RE. CALL	1	5/15/1984	B6	696
3	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. REGINALD BRINKMANN (ANNOTATED)	2	5/17/1984	B6	653
4	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. CONT. CORRESPONDENCE FROM REGINALD R. BRINKMANN, JR.	1	9/26/1983	B6	654
5	LETTER	REGINALD R. BRINKMANN, JR., TO JOHN TOWER RE. CIVIL RIGHTS COMPLAINT	2	9/19/1983	B6	656
6	LETTER	JAMES A. ROLFE TO JOHN TOWER RE. CIVIL RIGHTS COMPLAINT	2	8/18/1983	B6	658
7	LETTER	DANIEL F. RINZEL TO JOHN TOWER RE. CIVIL RIGHTS COMPLAINT	1	8/24/1983	B6	660
8	LETTER	REGINALD BRINKMANN, JR., TO JOHN TOWER RE. CIVIL RIGHTS COMPLAINT	2	10/3/1983	B6	664

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

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

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E.O. 13233

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
9	ORDER	CONTEMPT AND COMMITMENT ORDER	1	9/23/1983	B6	666
10	LETTER	REGINALD R. BRINKMANN, JR., TO THOMAS C. KELLY RE. CIVIL RIGHTS COMPLAINT	2	10/3/1983	B6	667
11	REPORT	DALLAS CNTY. SHERRIF'S DEPT. IMPOUNDED VEHICLE REPORT	1	9/22/1983	B6	672
12	REPORT	MEDICAL REPORT FOR BRINKMANN, REGINALD R.	1	ND	B6	675
13	LETTER	REGINALD R. BRINKMANN, JR., TO DONALD KOONS RE. VIOLATIONS OF TX LAW <i>Released in part 4/21/06</i>	1	9/19/1983	B6	676
14	MEMO	JOHN G. ROBERTS TO FRED F. FIELDING RE. ALLEGED CIVIL RIGHTS VIOLATION AND LACK OF RESP. FROM U.S. ATTORNEY	1	8/5/1983	B6	678
15	MAIL	REGINALD R. BRINKMANN, JR., TO JIM BAKER RE. FAILURE TO INVESTIGATE VIOL. OF FED. CIVIL RIGHTS	1	7/27/1983	B6	679

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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
16	LETTER	REGINALD ROY BRINKMANN, JR., TO SHERIFF DON BYRD RE. VIOL. OF RIGHTS	1	6/21/1983	B6	680
17	LETTER	RE. UNDELIVERED TELEGRAM SHERRIF OFF. REFUSED TO ACCEPT	1	6/22/1983	B6	682
18	LETTER	REGINALD R. BRINKMANN, JR., TO FRANK CROWLEY RE. VIOL. OF DUE PROCESS RIGHTS AND NOTIF. OF SUIT	2	7/19/1983	B6	688
19	LETTER	WM. BRADFORD REYNOLDS TO FRED F. FIELDING RE. FED. CIVIL RIGHTS STATUTES (ANNOTATED)	1	11/2/1983	B6	694
20	LETTER	WM. BRADFORD REYNOLDS TO FRED F. FIELDING RE. FED. CIVIL RIGHTS STATUTES	1	11/2/1983	B6	695

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Box Number

40RW

DOC Document Type

NO Document Description

*No of
pages*

Doc Date

*Restric-
tions*

1 MEMO

1 5/17/1984 B6

652

JOHN G. ROBERTS TO FRED F. FIELDING RE.
REGINALD BRINKMANN

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DOC Document Type

NO Document Description

No of Doc Date Restriction
pages

2 NOTE

1 5/15/1984 B6

696

FROM PAT TO JOHN RE. CALL

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COOK

Box Number

40RW

DOC Document Type

NO Document Description

No of
pages

Doc Date

Restric-
tions

3 MEMO

2 5/17/1984 B6

653

JOHN G. ROBERTS TO FRED F. FIELDING RE.
REGINALD BRINKMANN (ANNOTATED)

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

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COPY

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

HU010

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1

John

Name of Correspondent: Reginald R. Brinkmann, Jr.☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: His civil rights complaint and the reply
of James A. Rolfe, United States Attorney
for the Northern District of Texas.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>COLH011</u>	ORIGINATOR	<u>83109124</u> ^{VVS}		<u>C 83109126</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>83109126</u>	<u>continuing corresp</u>	<u>E 83109126</u>
<u>CUFIEL</u>	Referral Note: <u>S</u>	<u>83109126</u> ^{VVS}		<u>X 83109126</u>
	<u>Sep 26 83</u>	<u>F Memo to Edward</u>		<u>Schmults for word</u>
	<u>for appropriate action</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:			

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as EnclosureI - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of OutgoingComments: copy of 157856
to 157856
for appropriate action

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

September 26, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Continuing Correspondence from
Reginald R. Brinkmann, Jr.

On August 5, 1983, we referred correspondence from Reginald Brinkmann to you for appropriate action. We were recently copied on a letter from Brinkmann to Senator Tower on the same subject, and hereby refer same to you for whatever further action, if any, is appropriate.

Attachment

FFF:JGR:aea 9/26/83

cc: FFFielding
JGRoberts
Subj.
Chron

WITHDRAWAL SHEET

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Collection Name

ROBERTS, JOHN: FILES

Withdrawer

RB 8/5/2005
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40RW

DOC Document Type

NO Document Description

No of pages

Doc Date

Restric- tions

4 MEMO

1 9/26/1983 B6

654

JOHN G. ROBERTS TO FRED F. FIELDING RE.
CONT. CORRESPONDENCE FROM REGINALD R.
BRINKMANN, JR.

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

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DOC Document Type

NO Document Description

No of	Doc Date	Restric-
pages		tions

5 LETTER

2 9/19/1983 B6

656

REGINALD R. BRINKMANN, JR., TO JOHN
TOWER RE. CIVIL RIGHTS COMPLAINT

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

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E.O. 13233

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JOHN TOWER
TEXAS

COMMITTEES:
ARMED SERVICES
CHAIRMAN

BANKING, HOUSING, AND URBAN AFFAIRS
BUDGET

United States Senate

WASHINGTON, D.C. 20510

STATE OFFICES:
961 FEDERAL BUILDING
AUSTIN 78701
1100 COMMERCE STREET
DALLAS 75242
515 RUSK STREET
HOUSTON 77002
1001 MAIN STREET
LUBBOCK 79401

August 29, 1983

COPY

Mr. Reginald R. Brinkmann, Jr.
Post Office Box 791249
Dallas, Texas 75379

Dear Mr. Brinkmann:

I have now received an official reply to my inquiry in your behalf. For your convenience, a copy of that communication is enclosed. Of course, although the enclosure is self-explanatory, I welcome any questions or comments you may have at this time.

I am disappointed that I am unable to provide you a more favorable reply; however, please do not hesitate to contact me again if I may be of assistance with any other matter.

With best wishes, I remain

Sincerely yours,


John Tower

JT/ymb
Enclosure

WITHDRAWAL SHEET

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ROBERTS, JOHN: FILES

Withdrawer

RB 8/5/2005
W

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NO Document Description

No of pages	Doc Date	Restric- tions
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6 LETTER

2 8/18/1983 B6

658

JAMES A. ROLFE TO JOHN TOWER RE. CIVIL
RIGHTS COMPLAINT

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pages tions

7 LETTER

1 8/24/1983 B6

660

DANIEL F. RINZEL TO JOHN TOWER RE. CIVIL
RIGHTS COMPLAINT

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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**COPY**☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Reginald E. Brinkmann, Jr.☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Letter to John Tower requesting meeting
with Fred F. Fielding & Phil Brinkmann
Re: Brinkmann

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>WHOLL</u>	ORIGINATOR	<u>83/10/06</u>	<u>C</u>	<u>83/10/19</u>
<u>WHAT18</u>	Referral Note: <u>D</u>	<u>83/10/06</u>	<u>Cont. Corresp</u>	<u>C 83/10/19</u>
<u>WHFIER</u>	Referral Note: <u>I</u>	<u>83/10/19</u>	<u>C</u>	<u>83/10/19</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

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Comments: 157856

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THE WHITE HOUSE

WASHINGTON

October 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Continuing Correspondence from
Reginald Brinkmann, Jr.

My memorandum of September 26, 1983 (copy attached) provides the necessary background. Brinkmann has now written Senator Tower again, with a copy to you, asking for an opportunity to meet with you, Brad Reynolds, and a member of Tower's staff. I see no purpose to be served by such a meeting. We do not have to reply to anything at this point, although Tower will doubtless refer the request to us eventually. We should await such a referral.

Attachment *✓*

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8 LETTER

2 10/3/1983 B6

664

REGINALD BRINKMANN, JR., TO JOHN TOWER
RE. CIVIL RIGHTS COMPLAINT

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Republican
National
Committee

Frank J. Fahrenkopf, Jr.
Chairman

*Each time that a Republican
Campaign Committee has asked
for my help - I have given. During
the past (30) days I have sent
two \$100.00 Campaign contributions.
Now I want the Reagan administration
help in* September 26, 1983
protecting my Civil Rights.

Mr. R. R. Brinkmann, Jr.
Box 791249
Dallas, Texas 75379

Dear Mr. Brinkmann:

You are a very special American.

Your \$100 contribution to the Republican National Committee is a clear demonstration of your commitment to our Party's goals of a stronger, freer America.

As President Reagan told you in his letter, if the Democrats sweep the 1984 elections, we could lose all hope of completing the job we've begun in rebuilding the economy and strengthening the nation's defense.

And that is why President Reagan and I and every Republican in office so deeply appreciate your support. I am very happy to welcome you as a Campaigner Member of the Republican National Committee.

Your contribution at this early point in the campaign is helping us lay the groundwork that is so critical to our chances for victory in 1984.

I know that with the support of you and that of our other Campaigner Members, we will be able to raise the full campaign budget we need to prevent a Democratic landslide in the 1984 elections.

Let me thank you again, from the bottom of my heart, for your generous contribution.

Sincerely,

Frank J. Fahrenkopf, Jr.
National Chairman

CURRICULUM VITAE

MORGAN B. RAIFORD, B.S., M.D., M.Sc. (Med.), D.Sc. (Med), DHL, F.A.C.N.M.

BORN: October 28, 1912, Franklin, Virginia

PARENTS: The late Rufus L. Raiford, M.D. and Lora Burgess

EDUCATION: Courtland High School, Courtland, Virginia, 1929

Guilford College, Greensboro, North Carolina, 1933
Bachelor of Science in Biology

Virginia Commonwealth University, Richmond, Virginia
Doctor of Medicine, 1937

New York Polyclinic Hospital, Postgraduate School of
Medicine, Eye, Ear, Nose, and Throat, 1937-40.

Research Hospital, University of Illinois, 1942.

New York Postgraduate Hospital, 1943 - 44.

University of Pennsylvania, Graduate School of Medicine,
Department of Ophthalmology, Philadelphia, Pennsylvania,
1946-49.
Master of Medical Science Ophthalmology, 1949.
Doctor of Medical Science Ophthalmology, 1954.

U. S. Army - assigned to Civil Aeronautics Authority,
1940 - 45.

Residency - Ophthalmology, University of Pennsylvania,
Graduate Hospital, 1946 - 49. Teaching graduate in
Neuro-anatomy 1947 - 49.

PROFESSIONAL ACTIVITIES: Emory University, Department of Ophthalmology, 1949 - 50.

Private Practice, Ophthalmology, 1950 to date.

Nuclear Medicine, Biomedical Division, Nuclear Reactor,
Georgia Institute of Technology, 1960 to date.

FAMILY: Wife: Bernice Barbour Raiford, married in 1949.

Children: Susan Raiford Keane, 1942.
Daniel Morgan Raiford, B.S., M.Sc., D.D.S., 1945.
Mason Raiford Erickson, R.N., 1948.
Judie Barbour Wood, 1952.

* Senator Tower:

My good friend and business associate, Dr
"Morgan B. Raiford of Atlanta, Ga is
shocked" by the failure of Republican
Officials to protect my rights! Dr. Raiford
is a loyal Republican who recently sent a \$1,000

MEDICAL ORGANIZATIONS:

American Medical Association
Medical Association of Georgia
Fulton County Medical Society (Atlanta, Georgia)
Georgia Eye, Ear, Nose and Throat Society
Pan American Ophthalmological Foundation
Pan American Association of Ophthalmology
American Academy of Ophthalmology and Otolaryngology
Diplomate of the American Board of Ophthalmology
International Academy of Preventive Maintenance
Fellow, American College Nuclear Medicine

NON-MEDICAL ASSOCIATIONS:

Atlanta Chamber of Commerce
Henry Grady Lions Club
University of Pennsylvania Alumni Association (Atlanta, Chapter)
Honorary Consul of Peru 1965-1978
Consultant, Nuclear Reactor Program, Georgia Institute
of Technology, Biomedical Division 1960 - to date

PUBLICATIONS: "Binasal Hemianopsia", American Journal of Ophthalmology,
Vol. 32, No. 1, January 1949.

"Clinical Evaluation of D.F.P. in Glaucoma Therapy",
American Journal of Ophthalmology, Vol. 32, No. 10,
October 1949.

"Optochiasmatic Arachnoiditis - Report of a Case",
Virginia Medical Monthly, Vol. 76, p. 586-588,
November 1949.

"Cataract Discission Operations: An Experimental
Evaluation", American Journal of Ophthalmology, Vol. 33,
No. 7, July 1950.

"Use of Cortisone and A.C.T.H. in Ophthalmology",
Fulton County Medical Association (Atlanta), January 18, 1951.

"Aids for Determining Visual Acuity", American Journal
of Ophthalmology, Vol. 34, No. 6, June 195.

"Eye Lashes - Imbedded in the Lens", Journal of Medical
Association of Georgia, June 1952.

"Cyst Dermoid Tumor - Replacing the Anterior Segment of
the Eye with Microphthalmus", with Joseph M. Dixon,
American Journal of Ophthalmology, Vol. 36, No. 4,
April 1953.

PUBLICATIONS, cont'd.:

"Confederate Medicine", Civil War Round Table, Atlanta Chapter, 1957.

Fulton County Medical Society, March 6, 1958.

"Use of Alpha-chymotrypsin in Cataract Surgery".

Journal of Medical Association of Georgia, Vol. 48, No. 4 April 1959, P. 163.

"Aids for Determining Visual Acuity", Pan American Congress of Ophthalmology, Venezuela, January 1960.

"Strabismus - The Crossed Eye", Titmus Optical Company, Petersburg, Virginia, 1960.

"Cataracts", Titmus Optical Company, Petersburg, Virginia, 1960.

Contact Lens Management, Little Brown and Company, Boston, September 1961.

"Bio-Medical Facilities of the Georgia Tech Nuclear Reactor Center", Fulton County Medical Society (Atlanta) Bulletin, February 1963.

"Ocular Tonometry", Journal of American Medical Association, Vol. 52, No. 3, March 1963.

"Perimetry" International Charottlund Ophthalmological Conference, Denmark, September 2 - 6, 1969.

Ophthalmic Economics, 1969; Little Brown & Co. Boston, Mass. publisher.

"What the Eye Reveals", International Academy of Preventive Medicine, Chicago, Illinois, 1972.

"Ophthalmology in Preventive and Predictive Medicine," Symposia Specialists, Miami, Florida, 1973.

"Metabolic Factors Affecting the Visual Pathway", and "Electronics of the Visual Pathway", Chiron Laboratories Conference, November 1974.

"Ophthalmology in Preventive and Predictive Medicine", Annals of Ophthalmology, Vol. 7, #12, December, 1975.

"Maintaining Your Vision", Lets Live Magazine, May, 1979.

"Vision and Blood Vessels", Prevention Magazine, October, 1978.

"Collagen and Connective Tissue", American Osteopathic Association, November 1-4, 1979.

EXHIBIT:

"Cataract Surgery with Alpha-chymotrypsin", 1960.

"Videomedic's" American Academy of Ophthalmology and Otolaryngology, Las Vegas, October 1970.

"Metabolic Factors In Ophthalmology", International Academy of Preventive Medicine, Kansas City, Missouri 1974.

HONORS:

Kentucky Colonel, 1956

Flying Colonel, Delta Airlines, 1967

Founding Member, 1950; Board of Directors, Georgia Lions Lighthouse for the Blind

Board of Visitors, Guilford College, Greensboro, North Carolina

Georgia Society of Oral Surgeons - Outstanding Service and Hospital Care

Scholarship Committee Chairman, University of Pennsylvania

Sustaining Member, Atlanta Symphony, High Museum of Fine Arts

"Boss of the Year" Award, 1967-68, by National Secretaries Association, Atlanta Chapter

Doctor of Humane Letters, D.H.L.

Pennsylvania College of Podiatric Medicine,

Philadelphia, Pennsylvania, June 3, 1979.

Distinguished alumni award-Guilford College-March, 1980

ESTABLISHED:

Atlanta Eye Clinic, 1963

Atlanta Hospital, 1967

Atlanta Medical Research Foundation, 1968

Videomedics Corporation, 1969

Atlanta Parks Fund - Bernice Raiford Civic Award, 1968

Argus Optics 1979.

SEMINARS:

Medical Educational Lectures.

International Academy of Preventative Medicine

Kansas City, 1974; Chicago, 1975; Phoenix, 1976;

San Francisco, 1977; St. Louis, 1979; Dallas, 1979.

Northwestern University, Chicago, 1979.

Seminar, Orlando, 1977.

Medical Lectures - Atlanta Hospital and Medical Center, 1970-1980.

Visitations - Medical Centers

Europe Central 1966, 1969, 1971, 1978

South America 1960-1974

United States 1968-1973

Japan 1971

WRNG Radio - 1979-1980 - Vision and Health

Seminar - Atlanta - Ophthalmology 1978-1980

Seminar - Preventative Medicine - Miami, Fla. 1975

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9 ORDER

1 9/23/1983 B6

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CONTEMPT AND COMMITMENT ORDER

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

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

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

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B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

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

IN THE COURT OF APPEALS
FIFTH SUPREME JUDICIAL DISTRICT OF TEXAS AT DALLAS

EX PARTE:

REGINALD R. BRINKMANN, JR.

CASE NO: _____

PETITION FOR WRIT OF HABEAS CORPUS

TO THE SAID HONORABLE COURT:

REGINALD R. BRINKMANN, JR., relator, petitions for a writ of habeas corpus, and as meritorious grounds therefore states:

I.

Relator is within the jurisdiction of this Court, being confined of his person in the Dallas County Jail, under void and unlawful order of the 301st Judicial District Court of Dallas County, Texas. This Court has jurisdiction pursuant to R.C.S. Art. 1824a. The following persons shall be affected by this proceeding:

Carolyn Brinkmann, Movant
c/o Donald T. Kates, Esquire
Attorney for Movant
20th Floor Magnolia Bldg.
Dallas, Texas 75202

II.

Relator is illegally confined and restrained of his liberty in Dallas County, Texas, by Don Byrd, sheriff of said county. Attached hereto and incorporated by reference herein is a certified statement of detention from the Dallas County Sheriffs Office.

III.

Relator's confinement and restraint is by virtue of a commitment issued by order of the 301st Judicial District Court of Dallas County, Texas rendered September 23, 1983, whereby Relator was adjudged and held as for contempt of such Court in a cause numbered _____ and styled In The Matter Of The Marriage Of Carolyn Brinkmann nad Reginald R. Brinkmann And in the interest of: Reginald R. Brinkmann III, A Child. The contempt arrouse out of a Motion For Contempt filed pursuant to an alleged violation of the Court's order of May 17, 1983, ordering Relator to make child support payments in accordance with the Decree of Divorce entered May 17, 1983. That being the pleadings upon which the notice of citation and motion for contempt was served upon said Relator. A certified copy of the foregoing decree of divorce is attached hereto and incorporated by reference herein. A copy of the order holding Relator in contempt is attached hereto and incorporated by reference herein. A certified copy of the order of commitment is attached hereto and incorporated by reference herein.

IV.

Relator would state that his confinement is unlawful and the order adjudging him in contempt is void for each of the following reasons:

(1) The order of the Court dated _____ day of _____, 1983 is void for the reasons that it holds relator in contempt for acts which were not prescribed or enjoined by any court order. There were no pleadings, verified or otherwise, upon which such order of contempt was based. Movant requested that Relator be placed in contempt for failure to pay child support and this Court found that Relator was not in violation of any order as to child support but that relator had failed to bring the child to court and that relator was in contempt of court for failing to open his door to receive process, none of the foregoing acts were plead and relator failed to receive notice by pleading, as required by law, of the acts for which he is presently confined. The order of the 301st Judicial District Court is void for lack of jurisdiction in that it is not supported by the pleadings and there is not any evidence of pleadings for such acts that the Court found contempt, such acts alleged to have taken place outside the presence of the Judge.

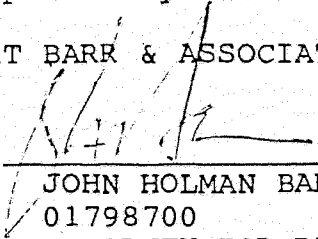
(2) Relator's confinement violates and denies him due process of law in that he was confined without notice as is required by law. He was not afforded counsel with sufficient knowledge of the facts at bar to effectively afford him representation. He was found to be in contempt of court for actions taking place outside the presence of the Judge, not prohibited by Court order. The Writs of Attachment entered herein upon which

relator was brought before the court were issued without affidavit or sworn pleadings in direct violation of section 11.11(c) Texas Family Code and Rule 179 Texas Rules of Civil Procedure. Relator would state that his due process rights were in all things violated by issuance of writs of attachment without proper pleadings, confinement in jail without pleadings upon which such confinement can be supported.

WHEREFORE, relator requests that this Honorable Court, or one of its Justices, upon examination of this application, admit relator bail, issue a writ of habeas corpus, and fix a time and place of appearance thereon, and order that DON BYRD sheriff of Dallas County, Texas be notified to appear and show cause, if any he has, why he holds relator in restraint, and further order that the sheriff be notified forthwith, by telephone or telegraph or order, to release relator pending further orders of this Court; and further relator requests that he be brought without delay before this Honorable Court and that he be discharged from such illegal confinement and restraint to the end that justice prevails.

Respectfully Submitted,

BURT BARR & ASSOCIATES

By: 

JOHN HOLMAN BARR

01798700

ATTORNEY FOR RELATOR

2727 INWOOD ROAD

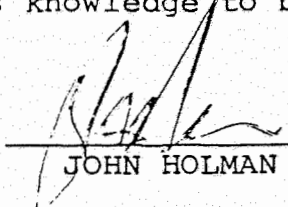
DALLAS, TEXAS 75235

(214) 350-7644

STATE OF TEXAS:

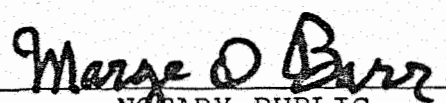
COUNTY OF DALLAS:

BEFORE ME, the undersigned authority did personally appear JOHN HOLMAN BARR, partner of the LAW FIRM OF BURT BARR & ASSOCIATES, and upon oath did state; "that he is attorney for relator in this appeal and that the has read the foregoing petition for writ of habeas corpus and that all statements contained therein are within his knowledge to be true and correct."



JOHN HOLMAN BARR

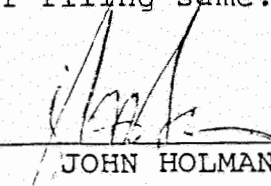
SWORN TO AND SUBSCRIBED BEFORE ME THIS 27th day of September, 1983.



NOTARY PUBLIC
STATE OF TEXAS

CERTIFICATE OF SERVICE

I do hereby warrant and affirm that a true and correct copy of the foregoing Petition for Writ of Habeas Corpus has been mailed certified mail to attorney of record for Carolyn Brinkmann, Donald T. Cates, 20th Floor Magnolia Bldg., Dallas, Texas 75202, by certified mail upon even date of filing same.



JOHN HOLMAN BARR

IN THE COURT OF APPEALS
FIFTH SUPREME JUDICIAL DISTRICT OF TEXAS

EX PARTE:

REGINALD R. BRINKMANN, JR.

Case No: _____

BRIEF IN SUPPORT OF PETITION
FOR
WRIT OF HABEAS CORPUS

Respectfully Submitted by:

JOHN HOLMAN BARR
LAW OFFICES OF BURT BARR & ASSOCIATES
2727 INWOOD ROAD
DALLAS, TEXAS 75235
(214) 350-7644

ATTORNEYS FOR RELATOR

STATEMENT OF FACTS:

This is an application for Writ of Habeas Corpus complaining of a void order adjudging Relator to be in Contempt of Court for various acts set forth in such order. The order of contempt and commitment was issued by the Honorable Herbert Line, Retired District Judge setting for the Honorable Ron White, 301ST Judicial District Court, Dallas County, Texas.

The proceeding was instituted at the request of Carolyn Brinkmann, pro se, by filing a Motion For Contempt setting forth allegations of non-payment of child support. Mrs. Brinkmann retained counsel for the hearing, the Honorable Donald Cates. There were numerous settings on the Motion For Contempt, and it is alleged that Mr. Brinkmann was informed of the hearing setting by service of certified mail. (transcript _____). Relator failed to appear at the hearings set by the 301st Judicial District Court for various motions set to be heard. Thereafter, numerous Writs of Attachment were issued for Relator without sworn pleadings or supported by affidavits as required by law. Relator was arrested pursuant to the Writ of Attachment and remanded to the Dallas County Jail on September 22, 1983; thereafter, on September 23, 1983, Relator was taken before the Honorable Herbert Line and appointed counsel to represent him. Relator was not afforded ten days notice as required by law. Relator was found by the Court to not be in contempt for non-payment of child support, but was found to be in contempt for various other acts occurring outside the presence of the Judge and not within Court. The acts for which

relator has been confined were not proscribed by any order or direct directive of this court, nor were there any pleadings upon which to afford Relator of notice as to the alleged conduct or omissions for which he was imprisoned. Relator is presently confined in the Dallas County Jail.

POINT OF ERROR NUMBER ONE:

THERE MUST BE FORMAL WRITTEN CHARGES UPON WHICH TO BASE AN ORDER ADJUDGING RELATOR IN CONTEMPT OF COURT SO AS TO AFFORD SUCH RELATOR NOTICE AND DUE PROCESS.

ARGUMENT POINT OF ERROR NUMBER ONE:

If the contempt is not committed in the face of the Judge, that is, if some essential elements of the offense are not personally observed by the Judge, so that the Judge must depend upon statements made by others for knowledge about these essential elements, due process requires that the accused be accorded notice and a fair hearing. In re Oliver, 333 U.S. 257, 275; 68 S. Ct. 499; In re Savin, 131 U.S. 267, 277 (1948). Personal notice is required by law of a motion for contempt. Ex parte Herring, 438 S.W.2d 801, 803 (Tex. 1969): Ex parte Lackey, 552 S.W.2d 735, 735-736 (Civ. App. Dal. 1975 no writ). A contemnor who never received notice of charges of acts committed outside the presence of the Court until arrested pursuant to Writ of Attachment is illegally restrained and will be released upon Writ of Habeas Corpus. Ex parte Arledge 459 S.W.2d 941, 941-944 (Civ. App. Texarkana 1970, no writ).

It has been held that a motion for contempt must state clearly what acts or charges against the accused are to be brought before the Court, and a contempt judgment entered without a complaint or motion is void. Ex parte White, 149 Tex 155, 229 S.W.2d 1002, 1003-1004 (1950). Contempt cannot be based on allegations of the motion at variance with the notice supplied by the show cause order. Ex parte Gordon, 584 S.W.2d 686,689 (Tex. 1979). The motion which invoked jurisdiction was for non payment of support; and the Court found that support was not behind to justify contempt; and held Relator in contempt for other actions which did not take place in the presence of this trial court.(S.O.F. Judge's ruling). Relator was appointed counsel the day of the hearing, such consel not being afforded time to become familar with the allegations and facts at bar(S.O.F. examination of Mr. Brinkmann pp.____). The United States Supreme Court has stated that the requirements of due process in contempt proceedings as follows: "Due process of law....in the prosecution of contempt, except for that committed in open court, requires that the accused should be advised of the charges and have a reasonable time to meet them by way of defense or explanation. We think this includes the assistance of counsel, if requested, and the right to call witnesses to give testimony, relevant to either issue of complete exculpation or in extenuation of the offense and in mitigation of the penalty imposed" Cooke v U.S. 267 U.S. 517,537 (1925); Ex parte Parr, 505 S.W.2d 242, 245-246 (tex. 1974); Ex parte Edgerly, 441 S.W.2d 514,516 (Tex 1969); Ex parte Conway, 419 S.W.2d 827,828-829(Tex. 1967). A contempt proceeding is

quasi-criminal in nature. Ex parte Davis, 344 S.W.2d 153 (Tex. 1961); Ex parte Cardwell, 416 S.W.2d 382 (Tex. 1967). It is well settled that proceedings in contempt cases should conform as nearly as practical to proceedings in criminal cases. Ex parte Stanford, 557 S.W.2d 346 (Tex. Civ. App. Houston 1st Dist-1977, no writ). The accused must have full and complete notification of the substance and subject matter, and the show cause order must state when, how, and by what means the defendant has been guilty of the alleged contempt. Ex parte Edgerly, supra; Deramus v Thorton, 333 S.W.2d 824 (Tex. 1960); Ex Parte Gnesoulis, 525 S.W.2d 205 (Tex Civ App-Houston 14th Dist. 1975, no writ).

POINT OF ERROR NUMBER TWO:

RELATOR FAILED TO RECEIVE SUFFICIENT NOTICE SO AS TO AFFORD HIM DUE PROCESS OF LAW.

ARGUMENT POINT OF ERROR NUMBER TWO:

Due process required that contemnor be given sufficient notice to allow time to employ counsel, gather evidence, subpoena witnesses and prepare for trial. Ex parte Sturdivant, 551 S.W.2d 144 (Tex. Civ App Texarkana 1977, no writ).; Ex parte Trodlier, 544 S.W.2d 793 (Tex Civ App- San Antonio 1977, no writ). Ten day requirement of Rule 308 A Texas Rules of Civil Procedure is mandatory. Ex parte Hoover, 520 S.W.2d 483 (Tex Civ App El Paso 1975, no writ).

Relator was served via substitute service, Rule 106 Texas

Rules of Civil Procedure, according to the record in this cause. The undersigned counsel, although not absolutely sure, is of the opinion that there is no evidence upon which it can be shown that Relator received actual service of citation and possessed actual knowledge of the hearing. Relator was arrested and remanded to the Dallas County Jail on the afternoon of September 22, 1983, by the Dallas County Sheriffs Office, pursuant to a Writ of Attachment issued without verified pleadings as required by Rule 179 Texas Rules of Civil Procedure and Section 11.11(c) Texas Family Code. An examination of the entire record fails to show such pleading as required by law. Jurisdictional points such as the foregoing shall entitle this Court to review the entire record. Constructive or Substituted process will not confer jurisdiction on a court to enter an in personam judgment to establish personal liability. Ex parte Limoges, 526 S.W. 2d 707 (Tex Civ App- Austin 1975, no writ). The trial court entered an order authorizing service by any disinterested adult, but did not name the person authorized to effect such service. It was held that such failure to name a disinterested adult is faulty acquisition of in personam jurisdiction under Rule 106 T.R.C.P.. Ex parte Wood, 590 SW2d. 568 (Tex Civ App Houston 1st Dist, 1979, no writ). This is true even though it is proved or stipulated that actual notice was received. Scucchi v Woodruff, 503 S.W.2d 356 (Tex Civ App Ft. Worth, 1973, no writ).

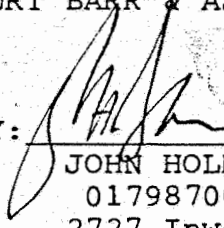
CONCLUSION:

Relator is being held unlawfully. Relator's committment

and confinement in jail is without due process of law. The order adjudging relator to be in contempt of court is void. Relator's petition for writ of habeas corpus should be granted and relator should be in all things discharged of the confinement herein.

RESPECTFULLY SUBMITTED,

BURT BARR & ASSOCIATES

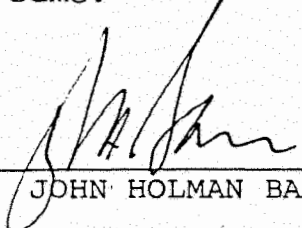
BY: 

JOHN HOLMAN BARR
01798700
2727 Inwood Road
Dallas, Texas 75235
(214) 350-7644

ATTORNEY FOR RELATOR

CERTIFICATE OF SERVICE

I do hereby warrant and affirm that a true and correct copy of the foregoing brief was duly mailed certified along with the Petition for Writ of Habeas Corpus to Donald Cates, Esquire, 20th Floor Magnolia Bldg. Dallas Texas 75202, upon even date of filing same.


JOHN HOLMAN BARR

*forward
to Mr.
Brinkmann*

NO. 81-4015-T

IN THE MATTER OF
THE MARRIAGE OF:

CAROLYN B. BRINKMANN
AND
REGINALD ROY BRINKMANN, Jr.

IN THE INTEREST OF:
REGINALD ROY BRINKMANN, III,
Minor Child

IN THE 301ST JUDICIAL
DISTRICT COURT OF
DALLAS COUNTY, TEXAS

O R D E R

On this 23rd day of March 1983, came on to be heard the motion of the guardian ad litem to place the custody of Reginald Roy Brinkmann, III, and it appearing to the Court that Reginald Roy Brinkmann, III should continue his therapy; that a social study should be up-dated; that the Master's Order should continue; that the father, Reginald Roy Brinkmann, Jr. should have possession of the child from Monday afternoon, at the close of school, through and until the close of school, Friday afternoon; the mother, Carolyn B. Brinkmann is to have the child through the weekend, returning said child to school on Monday morning; the father, Reginald Roy Brinkmann, Jr. is to provide tutoring.

IT IS THEREFORE ORDERED that the father, REGINALD ROY BRINKMANN, JR. have custody of the child from Monday afternoon, at the close of school, through and until the close of school, Friday afternoon.

IT IS FURTHER ORDERED that the mother, CAROLYN B. BRINKMANN have custody of the child through the weekend, from Friday when school dismisses to Monday morning. The mother is to pick up the child Friday afternoon from school returning him to school on Monday morning.

IT IS FURTHER ORDERED that Reginald Roy Brinkmann, III, continue therapy.

IT IS FURTHER ORDERED that a social study be updated.

IT IS FURTHER ORDERED that the father, Reginald Roy Brinkmann, Jr. provide privat tutoring for the child, Reginald Roy Brinkmann, III.

SIGNED this 11 day of April, 1983.

Beth Wright
JUDGE PRESIDING

Judge of the Ret
District Court, sitting for
Judge of the 301 District Court.

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10 LETTER

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REGINALD R. BRINKMANN, JR., TO THOMAS C.
KELLY RE. CIVIL RIGHTS COMPLAINT

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

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

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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11 REPORT

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DALLAS CNTY. SHERRIF'S DEPT. IMPOUNDED
VEHICLE REPORT

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

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12 REPORT

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MEDICAL REPORT FOR BRINKMANN, REGINALD
R.

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

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

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E.O. 13233

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

Certified Mail No. P455348277
Return Receipt Requested
Personal and Confidential

*1 her letter was
received by Judge Donald
Koons on Sept 20, 1983!*

September 19, 1983

Honorable Donald Koons
Presiding Family Law Judge
255th District Court
Dallas, Texas 75202

Subject: Violations of Texas Law etc. [REDACTED] *B6*

Dear Judge Koons:

Please be advised that I am preparing a detailed formal complaint against the above [REDACTED] *B6*

[REDACTED] This complaint will be hand delivered to The Texas Judicial Qualifications Committee in Austin, Texas within the next few days. A copy of this complaint will also be forwarded to the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

In addition, I have started forming a Committee in Dallas County composed of Democrats, Republicans and Independents to monitor future possible violations of the Law [REDACTED] *B6*

[REDACTED] as certain individuals in the [REDACTED] apparently don't want to follow the law.

Any future violations of Texas law or Federal Civil Rights laws will be brought to the attention of the proper governmental authorities. The "Committee" will also keep the A.C.L.U., HALT and the news media in Dallas apprised of any violations of the law.

I am enclosing various documents that clearly indicate past violations of Texas and Federal Laws by certain individuals in the [REDACTED] I would suggest that you take the time to examine these documents.

Very truly yours,

Reginald R. Brinkmann, Jr.
Reginald R. Brinkmann, Jr.

Xerox Copies:

[REDACTED] *B6*

U.S. Department of Justice - Civil Rights Division

COPY

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET44018☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1Name of Correspondent: Reginald R. Breakman, Jr.☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Failure of United States Attorney
James A. Rolfe to Properly Investigate a
Serious Violation of Federal Civil Rights
by two Dallas County Deputy Sheriffs

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W Holland</u>		<u>DD</u>	<u>830729</u>			<u>C 8309105</u>
<u>W AT 18</u>		<u>DD</u>	<u>830729</u>			<u>C 830805</u>
<u>WFIEL</u>		<u>S</u>	<u>8308105</u>	<u>FF</u>	<u>A</u>	<u>8308105</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: Aug 5 83 FFF memo also to Edward
C. Schmitts

Enclosures filed in

7760

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Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

Date: 7/27/83

TO: FRED FIELDING

FROM: **KATHERINE CAMALIER**
Staff Assistant to
James A. Baker, III

☐ Information

☒ Action

Please route for an appropriate
response on behalf of Jim Baker.

Thanks.

*John -
Be careful of
Tape - it may
be original*

JUL 27 1983

THE WHITE HOUSE
WASHINGTON

August 5, 1983

Dear Mr. Brinkmann:

Your letter of July 27 to Chief of Staff James A. Baker III has been referred to me. In that letter and accompanying material you raised allegations concerning local law enforcement authorities and the response of federal officials to those allegations.

The White House is not in a position to evaluate your contentions or respond to your concerns. I have accordingly referred your correspondence to the Department of Justice. You may be assured that the Department of Justice will take whatever action may be appropriate.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Reginald R. Brinkmann, Jr.
P.O. Box 791249
Dallas, Texas 75379

bcc: James A. Baker III

FFF:JGR:aw 8/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

August 5, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

FROM: -FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Complaint Concerning Alleged Civil
Rights Violation and Lack of
Response from U.S. Attorney Rolfe

The attached correspondence to James A. Baker III, together with my reply, is referred to you for whatever action is deemed appropriate. Mr. Brinkmann alleges that his civil rights were violated by local law enforcement officials, and he is dissatisfied with the response to his complaint from certain officials at the Department of Justice.

Attachment

FFF:JGR:aw 8/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

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14 MEMO

1 8/5/1983 B6

678

JOHN G. ROBERTS TO FRED F. FIELDING RE.
ALLEGED CIVIL RIGHTS VIOLATION AND LACK
OF RESP. FROM U.S. ATTORNEY

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

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

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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15 LETTER

1 7/27/1983 B6

679

REGINALD R. BRINKMANN, JR., TO JIM BAKER
RE. FAILURE TO INVESTIGATE VIOL. OF FED.
CIVIL RIGHTS

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

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NO Document Description

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16 LETTER

1 6/21/1983 B6

680

REGINALD ROY BRINKMANN, JR., TO SHERIFF
DON BYRD RE. VIOL. OF RIGHTS

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

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17 LETTER

1 6/22/1983 B6

682

RE. UNDELIVERED TELEGRAM SHERRIF OFF.
REFUSED TO ACCEPT

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

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DALLAS COUNTY

DISTRICT ATTORNEY
HENRY WADE

July 6, 1983

Mr. Reginald Roy Brinkman, Jr.
14151 Montfort, #343
Dallas, TX 75240

In re: Your Telegram to Sheriff Don Byrd
Dated June 22, 1983

Dear Mr. Brinkman:

Mr. Wade has referred to me for handling a copy of your telegram to Sheriff Don Byrd together with Western Union's notation that the Sheriff's Office refused to accept telegram. Please be advised that, by copy of this letter, I am forwarding same to Sheriff Don Byrd for his information, investigation and any action that he may deem appropriate.

Sincerely yours,

A handwritten signature in cursive script, reading "Sue Lagarde", is written over the typed name.

SUE LAGARDE
Assistant District Attorney
Dallas County, Texas

SLL/dm

cc: Sheriff Don Byrd
w/Enclosure



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

NO File NO.

300 Landmark Center
1801 North Lamar Street
Dallas, Texas 75202
July 8, 1983

Mr. Reginald Roy Brinkmann, Jr.
14151 Montfort Drive
Residence No. 343
Dallas, Texas 75240

Dear Sir:

This is to acknowledge receipt of your letter dated
June 24, 1983.

Enclosed is tape recording which you furnished regard-
ing instant matter.

In accordance with current Department of Justice
instructions, your request has been forwarded to the Assistant
Attorney General, Civil Rights Division, U.S. Department of
Justice, Washington, D.C., 20530, for review and indicated
action.

If you have any further questions regarding this
matter, you may wish to communicate directly with the Department
of Justice in Washington, D.C.

Very truly yours,

Thomas C. Kelly
Special Agent in Charge

Davis D. Gillis
By: Davis D. Gillis
Supervisory Special Agent

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18 LETTER

2 7/19/1983 B6

688

REGINALD R. BRINKMANN, JR., TO FRANK
CROWLEY RE. VIOL. OF DUE PROCESS RIGHTS
AND NOTIF. OF SUIT

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

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H4010

(JR)

- ☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1Name of Correspondent: William Bradford Reynolds

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Follow-up on correspondence re: Reginald R. Borinkmann

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WHOLL</u>	ORIGINATOR	<u>83, 11, 08</u>		<u>C</u>	<u>83, 11, 09</u>
<u>WATIB</u>	Referral Note: <u>A</u>	<u>83, 11, 08</u>	<u>cont. corresp</u>	<u>C</u>	<u>83, 11, 09</u>
<u>WATEL</u>	Referral Note: <u>I</u>	<u>83, 11, 09</u>		<u>C</u>	<u>83, 11, 09</u>
	Referral Note: <u>NAN</u>				
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				

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 to be used as Enclosure

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Comments: _____

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19 LETTER

1 11/2/1983 B6

694

WM. BRADFORD REYNOLDS TO FRED F.
FIELDING RE. FED. CIVIL RIGHTS STATUTES
(ANNOTATED)

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

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20 LETTER

1 11/2/1983 B6

695

WM. BRADFORD REYNOLDS TO FRED F.
FIELDING RE. FED. CIVIL RIGHTS STATUTES

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