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gcr/ ID # 031803
FG 051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING

☐ H - INTERNAL

☒ I - INCOMING

Date Correspondence
Received (YY/MM/DD)

8/107/14

Name of Correspondent: Albert Vasspan

☒ MI Mail Report

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

Subject: Supports the Appointment of Judge Sandra Day O'Connor to the Supreme Court.

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>PL Stein</u>	ORIGINATOR	<u>8/107/15</u>	<u>CS</u>	<u>@</u>	<u>8/107/16</u>
	Referral Note:				
		<u>/ /</u>			<u>/ /</u>
	Referral Note:				
		<u>/ /</u>			<u>/ /</u>
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	Referral Note:				
		<u>/ /</u>			<u>/ /</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: _____

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Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

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CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 2 Individual Codes: 4500 _____

Prime Subject Code: FG 051 Secondary Subject Codes: RM 032

_____ . _____

_____ . _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
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C Time: P-

DSP _____ Time: _____ Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
n - 1 - Ronald Wilson Reagan
n - 2 - Ronald Reagan
n - 3 - Ron
n - 4 - Dutch
n - 5 - Ron Reagan
n - 6 - Ronald
n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 1 - Nancy Reagan
n - 2 - Nancy
n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
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- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



Union of American Hebrew Congregations

PATRON OF HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION
838 FIFTH AVENUE, NEW YORK, N.Y. 10021 (212) 249-0100 CABLES: UNIONUAHC

July 8, 1981

Albert Vorspan
Vice-President

Jack Stein

031803

The Honorable Ronald Reagan
The White House
Washington, D. C. 20500

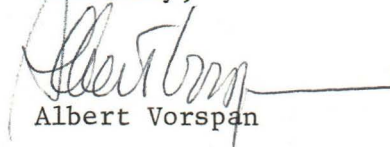
Dear Mr. President:

The Union of American Hebrew Congregations, representing 750 synagogues throughout the United States, warmly commends your history-making appointment of Judge Sandra Day O'Connor to the Supreme Court.

Our movement has always been deeply committed to the principle of equal justice and we have sought to apply that principle within our ranks in the ordination of women rabbis and in the full use of the talents of women in all phases of our movement.

Looking outward, we have supported equal rights, including the Equal Rights Amendment. We regard your appointment of a qualified women jurist to the highest court in the land as a ground-breaking action of great symbolic significance. This appointment gives new strength and meaning to the American promise of equal justice and equal opportunity for all Americans, regardless of race, creed, sex or origin.

Sincerely,


Albert Vorspan

AV:rh

FG051

- Date Correspondence
Received (YY/MM/DD) / /

ADMINISTRATIVELY SENSITIVE - not to be released
without authority of the Counsel to the President

- Subject:** Article by Sue Kasperberg re: judges
and resume of Linda R. Singer, Esq.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4640 _____

Prime Subject Code: FG 051 - _____ Secondary Subject Codes: PW - _____
FG 116 - _____
JL 007 - _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

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- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

October 5, 1981

Dear Mr. Raspberry:

I read with interest your column titled "Who's The Best Judge?" in the July 3, 1981 issue of The Washington Post.

Your observation that responsible private and public positions are often not filled by the single, ideally "best qualified" candidate contains a good deal of truth. This is so because, as a practical fact of life, it is often difficult to identify all of the characteristics that would make one the ideal candidate for a particular position, and more difficult to identify the "one person" who possesses those characteristics more than any other.

These difficulties are part of the nature of things in an imperfect world in which decisions are made, as they must be, by imperfect human beings. However, speaking personally, I do not think it follows, as your column suggests, that one should abandon the search for those who are "best qualified" in favor of some criterion of "representativeness," tempered only by a threshold requirement of a minimum level of competence.

I personally believe that this is particularly true of appointments to the Judiciary, where considerations of "representativeness" are, as intended by the Founding Fathers, considerably less significant than they are with respect to the political branches of the Federal Government. There are objective criteria of judicial competence and ability -- including breadth of legal knowledge, intellectual and analytic ability, clarity and thoughtfulness of expression, and judicial temperament and demeanor -- which, though impossible to quantify in any mathematical sense, are vital factors to be weighed in making any judicial appointment. While one can seldom if ever say, at the conclusion of the selection process, that the person appointed is the "best qualified" of all possible appointees, I strongly

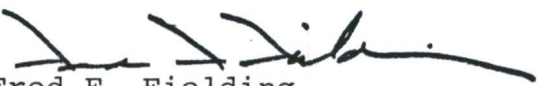
believe that a search guided by the goal of finding the best qualified individual yields better judges than one in which that goal is dismissed as unattainable or, worse, irrelevant. And while "representativeness" has some part to play among the wide range of considerations that must be taken into account in making a judicial appointment, I believe the continued legitimacy and authority of our courts will depend more on how qualified our judges prove to be than on whom they be deemed to "represent."

The President's nomination of Sandra Day O'Connor to the Supreme Court, which happened after your July 3 column was written, illustrates, I think, that "best qualified" is not simply "an appealing myth." Obviously, nomination of the first female Justice in our history had "representative" significance that has deservedly been the subject of wide comment. At the same time, however, it cannot fairly be suggested that Mrs. O'Connor was appointed "just because she was a woman," thereby implying that considerations of ability and qualifications were downplayed in the selection process. To the contrary, most commentary I have seen applauded the President's nomination precisely because Mrs. O'Connor is so well qualified in terms of the objective (and sex-blind) criteria described above. Had the President not made his decision with these considerations uppermost in his mind, his selection would have been a disservice not only to the Court and the country, but also to those groups and individuals most interested in the "representative" aspects of the nomination.

I am taking the liberty of enclosing a copy of a speech I gave to the American Bar Association in New Orleans in August. I would greatly appreciate any private comments you would be willing to share, as I intend to reiterate this theme unless I am in error.

Obviously, though I disagree with some of your conclusions, I found your column an interesting and thought-provoking discussion of an important issue. I hope you will have the same reaction to these observations from a frequent and interested reader of your column.

Sincerely,


Fred F. Fielding
Counsel to the President

Mr. William Raspberry
The Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

THE WHITE HOUSE
WASHINGTON

10/5

Fred

I think this is a good statement, and you shouldn't hesitate to send it.

The O'Connor nomination also demonstrates another weakness in the "representativeness" approach to appointments e.g. where "representativeness" becomes synonymous w/ a single issue.

Also, "representativeness", when viewed in the context of lifetime appointments and the dynamics of public opinion, is a much

more illusory and inferior
criterion ~~for~~ (than those set
forth in your letter) for
selecting candidates for the
judiciary.

RMS

PRESERVATION COPY

THE WHITE HOUSE

WASHINGTON

~~July 22, 1981~~

*This is so because, as a practical
fact of life, it*

Dear Mr. Raspberry:

I read with interest your column titled "Who's The Best Judge?" in the July 3, 1981 issue of The Washington Post.

Your observation that responsible private and public positions are often not filled by the single, ideally "best qualified" candidate contains a good deal of truth. As a practical matter, ~~it~~ is often difficult to identify all of the characteristics that would make one the ideal candidate for a particular position, and more difficult to identify the "one person" who possesses those characteristics more than any other.

These difficulties are part of the nature of things in an imperfect world in which decisions are made, as they must be, by imperfect human beings. However, I do not think it follows, as your column suggests, that one should abandon the search for those who are "best qualified" in favor of some criterion of "representativeness," tempered only by a threshold requirement of a minimum level of competence.

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The President's nomination of Sandra Day O'Connor to the Supreme Court, which happened after your July 3 column was written, illustrates, I think, that "best qualified" is not simply "an appealing myth." Obviously, nomination of the first female Justice in our history had "representative" significance that has deservedly been the subject of wide comment. At the same time, however, it cannot fairly be suggested that Mrs. O'Connor was appointed "just because she was a woman," thereby implying that considerations of ability and qualifications were downplayed in the selection process. To the contrary, most commentary I have seen ~~has~~ applauded the President's nomination precisely because Mrs. O'Connor is so well qualified in terms of the objective (and sex-blind) criteria described above. Had the President not made his decision with these considerations uppermost in his mind, his selection would have been a disservice not only to the Court and the country, but also to those groups and individuals most interested in the "representative" aspects of the nomination.

Obviously, though I disagree with some of your conclusions, I found your column an interesting and thought-provoking discussion of an important issue. I hope you will have the same reaction to these observations from one of your frequent and interested readers *of your column.*

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. William Raspberry
The Washington Post
1150 15th Street N.W.
Washington, D.C. 20071

FFF:PJR:clj 7-22-81

cc: FFFfielding
PJRusthoven
Subject
Chron.

*I am taking the liberty of
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I would greatly appreciate
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things unless I am in
error.*

THE WHITE HOUSE

WASHINGTON

July 22, 1981

Do Not send

FOR: FRED F. FIELDING
FROM: PETER J. RUSTHOVEN *PJR*
SUBJECT: Letter from Frederick Abramson Enclosing
Resume of Newest Member of D.C. Judicial
Nomination Commission and Raspberry Column
on Judicial Selection

Attached, as you requested, are a proposed note from you to Frederick Abramson (which is primarily an acknowledgement) and a draft letter to William Raspberry about his July 3, 1981 column in The Washington Post on judicial selection, which column was forwarded to you by Abramson.

The content of Raspberry's column and of the proposed response require no explanation. However, I would add that, despite my frequent disagreement with Raspberry's conclusions (as in his column on the Borders case), I think his is usually a restrained, thoughtful voice, marked by an almost self-conscious effort to be fair even on so-called "black issues." I also think he will be favorably impressed that you would take the trouble to respond (in what is hopefully a thoughtful, intelligent way) to one of his columns. While your letter may itself end up being the topic of a Raspberry column, I doubt seriously that he would attempt to embarrass or "attack" you. It is more likely he would present it as a counterpoint to his earlier column that his readers may want to consider.

Incidentally, I think the theme of the letter to Raspberry may be worth developing for inclusion in your upcoming ABA speech. If you agree, I will incorporate it into the draft I am preparing.

Attachments

THE WHITE HOUSE

WASHINGTON

July 22, 1981

Dear Fred:

Thank you for your letter of July 8, 1981, enclosing both a copy of William Raspberry's column in the July 3 Washington Post, and the resume of Linda R. Singer, the new representative of the Board of Governors of the District of Columbia Bar to the District of Columbia Judicial Nomination Commission.

You may be interested in my letter to Mr. Raspberry, a copy of which is enclosed.

Sincerely,

Fred F. Fielding
Counsel to the President

Enclosure

Frederick B. Abramson, Esquire
Sachs, Greenebaum & Tayler
1620 Eye Street, N.W.
Washington, D.C. 20006

THE WHITE HOUSE

WASHINGTON

July 22, 1981

Dear Mr. Raspberry:

I read with interest your column titled "Who's The Best Judge?" in the July 3, 1981 issue of The Washington Post.

Your observation that responsible private and public positions are often not filled by the single, ideally "best qualified" candidate contains a good deal of truth. As a practical matter, it is often difficult to identify all of the characteristics that would make one the ideal candidate for a particular position, and more difficult to identify the "one person" who possesses those characteristics more than any other.

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This is particularly true of appointments to the Judiciary, where considerations of "representativeness" are, as intended by the Founding Fathers, considerably less significant than they are with respect to the political branches of the Federal Government. There are objective criteria of judicial competence and ability -- including breadth of legal knowledge, intellectual and analytic ability, clarity and thoughtfulness of expression, and judicial temperament and demeanor -- which, though impossible to quantify in any mathematical sense, are vital factors to be weighed in making any judicial appointment. While one can seldom if ever say, at the conclusion of the selection process, that the person appointed is the "best qualified" of all possible appointees, I strongly believe that a search guided by the goal of finding the best qualified individual yields better judges than one in which that goal is dismissed as unattainable or, worse, irrelevant. And while "representativeness" has some part to play among the wide range of considerations that must be taken into account in making a judicial appointment, I believe the continued legitimacy and authority of our courts will depend more on how qualified our judges are than on whom they be deemed to "represent."

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Obviously, though I disagree with some of your conclusions, I found your column an interesting and thought provoking discussion of an important issue. I hope you will have the same reaction to these observations from one of your frequent and interested readers.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. William Raspberry
The Washington Post
1150 15th Street N.W.
Washington, D.C. 20071

SACHS, GREENEBAUM & TAYLER

1620 EYE STREET, N. W.

WASHINGTON, D. C. 20006

(202) 828-8200

CABLE SGANDT

WRITER'S DIRECT DIAL NO.

828- 8225

July 8, 1981

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EDWARD S. COGEN
DAVID M. DORSEN
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MARIANNE K. RENJILIAN *
PIPER L. KENT

ALSO ADMITTED IN MARYLAND *
ALSO ADMITTED IN VIRGINIA †
ONLY ADMITTED IN MARYLAND °

PR -
- response to Fred
- note to Raspberry
Thanks →

OF COUNSEL
JOSEPH LURIA *

7/9/81

MARYLAND OFFICE
1200 CHEVY CHASE BUILDING
5530 WISCONSIN AVENUE
CHEVY CHASE, MARYLAND 20015
(202) 828-8200

VIRGINIA OFFICE
SUITE 409
1815 N. FORT MYER DRIVE
ARLINGTON, VIRGINIA 22209
(202) 828-8200

Frederick B. Fielding, Esquire
Counsel to the President
The White House
Washington, D.C. 20500

031839

Dear Fred:

I do not know if you saw the article written by Bill Raspberry in the July 3 edition of the Washington Post. In case you did not, I thought I would share it with you.

Also enclosed is a copy of a self-explanatory letter and resume pertaining to the newest Commission Member, Linda R. Singer, Esquire.

Sincerely,

Fred

Frederick B. Abramson
Chairperson
District of Columbia
Judicial Nomination Commission

FBA/mrm
Enclosures

William Raspberry

Who's The Best Judge?

If President Reagan makes good on his affirmative-action campaign promise by appointing a woman to the U.S. Supreme Court, it will be widely assumed—though few may be so rude as to say it aloud—that he will have lowered the standards for service on that august body.

Not that anyone will know much about the particular appointee. We seldom know anything about Supreme Court justices until after the fact anyway. Nor is it that most of us assume women lawyers and judges to be innately inferior. The inference of lowered standards will derive from the way the appointment came to be.

If the appointment of a woman resulted from a national search for the best combination of legal ability, scholarship and judicial temperament, there would be no implication of lowered standards.

But Reagan promised during his campaign that he would appoint a woman to an early vacancy on the court, which can be said to mean that for that particular seat men were arbitrarily disqualified. And since men far outnumber women as lawyers and judges, the "best-qualified" person for the court seat would far more likely be a man. It's simple mathematics.

And all this intellectualization of the situation will miss the crucial point, which is that rarely is the best-qualified person named or elected to any post in the land. We could never agree on what makes a person best-qualified in the first place, and, even if we could, we haven't the faintest idea of how to go about finding that person.

Does anyone sincerely believe that Jimmy Carter and Ronald Reagan represented the peak of qualification for our highest office? Yet they were our choices. Does anyone outside their immediate families believe, to take two examples, that Warren Burger and William Rehnquist were, prior to their appointments, head and shoulders above all other lawyers and judges available for service on the court? What was there in the record of Henry Ford II or William French Smith or the head of Penn Central that made them the best available candidates for their jobs?

And yet the notion persists that the holders of high office are there because they are particularly meritorious. We are troubled by proposals to distribute the plums of life on any basis but merit, believing that it serves the national interest and social efficiency to put the best-qualified individuals in the most important, best-paid positions.

Our favorite analogies are based on athletics. No one would dream of insisting on hiring a handicapped centerfielder, or a female middle linebacker, or an Asian American basketball center simply because each one is a member of an underrepresented class. We want the best. But athletic competition is virtually unique in its ability to discover the best. For most of life's important positions, we are lucky to find adequacy.

William Ryan, author of "Blaming the Victim," makes the point in his latest book, "Equality."

"The argument based on social efficiency is perhaps the most widely cited and accepted argument against any kind of equality other than of opportunity," he says. "While it is superficially plausible, there is in fact no demonstration—and perhaps no way of demonstrating—that the most able, virtuous and intelligent members of society are in fact occupying the leading roles in it."

"To adduce one obvious example, are we to say that Nixon, Agnew, Haldeman, Mitchell, Ehrlichman and company attained the top positions of political leadership in America because they were the outstanding statesmen available in our land? Or because they were morally superior? Or perhaps because they had the greatest political talents? What is the correlation between their abilities and characters and their achievements?"

"In fact, the richest and most powerful persons in America are not more able or virtuous, in any demonstrable way, than the rest of us."

If Ryan is right, and I don't doubt that he is, then it makes sense to see to it that those who lead our major institutions are reasonably representative of the people they serve, provided only that they are demonstrably qualified and competent.

The appointment of the first female member of the Supreme Court, so long as she is a member of that vast body of trained, experienced, competent and decent professionals, will not represent a lowering of standards. The standards, apart from these basics, have been mostly nonexistent anyway.

"Best-qualified" is nothing but an appealing myth.

Stephen J. Pollak
President

James J. Bierbower
President-Elect

Francis D. Carter
Secretary

Collot Guerard
Treasurer



J. David Ellwanger
Executive Director

David B. Dorsey
Director - Administration
and Finance

Zona F. Hostetler
Director - Public
Service Activities

Jane Ottenberg
Director - Continuing
Legal Education and
Communications

Myrtle D. Washington
Director - Professional
Service Activities

The District of Columbia Bar

1426 H STREET, N.W., EIGHTH FLOOR WASHINGTON, D.C. 20005
Bar Office: 638-1500 — Public Service Activities: 638-1509
Continuing Legal Education and Communications: 638-4799

June 24, 1981

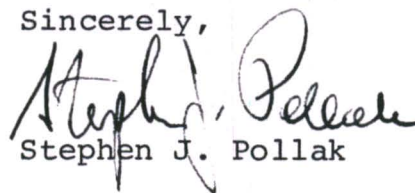
Frederick B. Abramson, Esquire
c/o Chairman, Judicial
Nomination Commission
Sachs, Greenebaum & Taylor
1620 Eye Street, N.W.
Suite 1000
Washington, D.C. 20006

Dear Mr. Abramson:

The Board of Governors of the District of Columbia Bar met on May 28 for a special meeting. At that time, Linda R. Singer was selected to fill the vacancy on the Judicial Nomination Commission. Her term runs from January 2, 1981 through January 1, 1987.

Ms. Singer's resume is attached for your information.

Sincerely,



Stephen J. Pollak

SJP:cg

cc: J. David Ellwanger, Esq.
James J. Bierbower, Esq.

BOARD OF GOVERNORS

Judith Areen • Robert S. Bennett • James J. Bierbower • David Cartner • Francis D. Carter • Paul L. Friedman • John Gibson • Collot Guerard • David B. Isbell • Ann Keman Macrory • Kay McGrath • Alan B. Morrison • John H. Pickering • Stephen J. Pollak • Thelma Rutherford • James P. Schaller • Lois J. Schiffer • Linda R. Singer • David S. Tatel • John A. Terry • Stephen A. Trimble • Robert P. Watkins • Patricia A. Wynn

LINDA R. SINGER

918 Sixteenth Street, N.W.
Suite #503
Washington, D.C. 20006
(202) 296-2565

EDUCATION:

Radcliffe College, A.B., magna cum laude, 1963
(Phi Beta Kappa)
Woodrow Wilson Fellowship to Stanford University
Graduate School of Arts and Sciences, 1964
George Washington University Law School, J.D.,
with highest honors, 1968 (Law Review, Comment
Editor; Trustees' Scholarship; Recipient of
research grant from Walter E. Meyer Research
Institute of Law; Order of the Coif, John Bell
Larner Award for first scholar in class).

OCCUPATION:

Attorney

EXPERIENCE:

Private practice of law, 1968 to present.

Partner, Goldfarb, Singer and Austern, Washington, D.C.
1971 to present.

General practice with emphasis on public interest
and discrimination cases.

Founder and Executive Director, Center for Community
Justice (formerly Center for Correctional Justice),
1971 to present.

Governmentally and privately supported organization
which has developed, implemented and evaluated
alternative methods of dispute resolution in
institutional and community settings.

Currently serving as Special Master, United States District
Court for the Southern District of New York.

TEACHING:

Visiting Lecturer, Stanford and UCLA Law Schools,
Winter and Spring, 1975.

Seminars on non-judicial dispute resolution and
corrections.

LINDA R. SINGER

SELECTED CONSULTANTSHIPS:

Federal Trade Commission

Fellow, Research Institute on Legal Assistance of the
Legal Services Corporation

Legal Advisor to the Special Master, Federal District
Court of Rhode Island

American Bar Association--Committee on the Resolution
of Minor Disputes

American Bar Association--Institute for Judicial Ad-
ministration, Juvenile Justice Standards Project, Re-
porter, Dispositions Volume

Institute for Social Analysis, Neighborhood Justice
Center Evaluation

National Park Service

State Bar of California--Committee on Law in the Future

National Advisory Committee on Criminal Justice Standards
and Goals, Task Force on Juvenile Justice

American Bar Association Commission on Correctional
Facilities and Services

Association of American Law Schools, Symposium on the
Law School Curriculum and the Legal Rights of Women

American Academy of Judicial Education

National College of State Trial Judges

California Youth Authority

The Ford Foundation

Institute of Mediation and Conflict Resolution

SELECTED ASSOCIATIONS:

Member, Board of Governors, District of Columbia Bar

Member, D.C. State Advisory Committee for the Legal
Services Corporation

Former Chairperson, Lawyer Referral and Information Service,
District of Columbia Bar

Advisory Committee on Procedures, United States Court of
Appeals for the District of Columbia

National Labor Panel and Board of Directors, American
Arbitration Association

Women's Legal Defense Fund--Volunteer Attorney

District of Columbia Judicial Conference, Committee on
Civil Legal Services

District of Columbia Superior Court, Committee on Voluntary
Arbitration

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LINDA R. SINGER

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LINDA R. SINGER

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Judge Rules Reagan Wrong On Patronage

Says D.C. Appointment Impinges on Home Rule

By Laura A. Kiernan

Washington Post Staff Writer

A federal judge, reinforcing the independent powers given to the District of Columbia with home rule, told President Reagan yesterday that he had exceeded his authority when he attempted to replace a member of the city's judicial nomination commission with his own appointee.

U.S. District Judge John Garrett Penn ruled that when Congress approved legislation creating the D.C. Judicial Nomination Commission, it intended that its members serve "without fear of removal" and that they remain isolated from political considerations that could interfere with the selection of nominees for judgeships solely on the basis of merit.

Penn said that when Congress established the commission, it specifically meant it to be an independent body, free from the influence of the president or anybody else. Penn rejected the government's argument that the president nevertheless had the authority under the Constitution to remove a presidential appointee to the commission at any time for any reason.

While the president may have authority to remove appointees who are "meant to do the president's bidding," that does not apply to commission members whose sole job is to make independent decisions based strictly on merit, and whose duties are confined to the District of Columbia, Penn wrote.

The court ruling effectively reinstates Washington attorney William A. Borders Jr. to the seven-member commission, which nominates candidates for seats on the D.C. Superior Court and D.C. Court of Appeals. The commission also selects the chief judges of both courts. Borders had been appointed by former president Carter in July 1980 to a five-year term on the commission. Last May, Reagan told Borders that his membership was terminated, thanked him for his "dedicated service" and appointed attorney Philip A. Lacovara to take his place.

Borders then filed a lawsuit that led to yesterday's ruling by Judge Penn. Borders challenged Reagan's authority to remove him from the commission, prompting a ticklish political battle with the Reagan administration, which wanted its own appointee involved in the influential process of selecting new local judges.

"I never thought I served at the pleasure of the president," Borders said in a telephone interview yesterday. He described himself as "elated" with Penn's ruling and said he fully intends to serve out.

See BORDERS, B7, Col. 1

Judge Rules Reagan Wrong in Replacing D.C. Panel Member

BORDERS, From B1

his term on the commission. Government attorneys said late yesterday they are considering asking the U.S. Court of Appeals to reverse Penn's ruling. The White House had no comment on the case.

Meanwhile, Mayor Marion Barry said that Penn's ruling was "another important step in the independence of our local judiciary."

"It's time to move the course of home rule forward in the District of Columbia to its completion," Barry said, referring to now dormant proposals to transfer all authority over local criminal and civil cases from the federal to the city government. That controversial plan had been supported by the Carter administration as an additional step toward full home rule in the District.

The nomination commission was established in 1974 under the city's home rule act. Prior to that, local judicial appointments were made directly by the president. Now the president names one member to the seven-member nomination commission, which in turn submits three names to the president for each vacancy that occurs on the local bench. The president must select one of the three names for the vacancy. Of the remaining members of the nomination commission, two are appointed by the D.C. bar, two by the mayor, one by the D.C. City Council and one by the chief judge of the federal court.

Penn, in a 36-page opinion in the Borders case, said that the appointment scheme did not mean that each group was to have "its 'own man' [or woman]" on the commission, or that the appointees should have the same political or philosophical view as the group that put them on the commission. Rather, Penn said, Congress hoped that the commission would reflect the views of each group — as an institution — on the "merit qualifications" of candidates for judgeships.

The president's appointee, Penn said, was supposed to represent the "federal" viewpoint, not the views of a particular president or his administration.

The language of the act also makes it clear that Congress intended that a commission member serve a complete term and makes no provision for removal of a member at the will of the president, Penn said.

The primary importance that Congress placed on the independence of the commission members limits the power of the president to remove his appointee, the judge said.

The Local Star

The Washington Star

WEDNESDAY, JULY 8, 1981

SECTION B

Court Blocks Appointment By Reagan

D.C. Judicial Panelist Won't Be Removed

By Scot J. Paltrow

Washington Star Staff Writer

In a decision heralded as a victory for District home rule, a U.S. District Court judge ruled yesterday that President Reagan exceeded his authority when he fired and replaced President Carter's appointee to the D.C. Judicial Nominating Commission.

U.S. District Court Judge Jean Garrett Penn upheld the claim of William A. Borders Jr., the commission member Reagan tried last May to replace with his own appointee, Phillip A. Lacovara. Border's five-year term does not expire until 1985, and he argued that the president had no authority to replace him before then. He never left the commission.

In his 36-page opinion, Penn referred to the District of Columbia Self Government Act in which Congress created the commission, and he stated, "The plain language of the act establishes the right of any commission member to serve out his term without fear of removal."

The seven-member commission screens candidates for judgeships in the D.C. Superior Court and the D.C. Court of Appeals, and the president is required to select from among the three candidates the commission recommends for each vacancy.

Only one commission member is appointed by the president. The remainder are appointed by the mayor, the City Council, the D.C. Bar Association and the chief judge of the U.S. District Court.

Reagan's action apparently was the first time an effort was made to remove a commission member before the expiration of his term. Borders, a black attorney who is president of the predominantly black National Bar Association, was to be replaced by Lacovara, a white, who is also a distinguished Washington attorney.

Although the district government had been named as a defendant in the lawsuit, it supported Borders' claim. Attorneys for both Borders and the D.C. government had argued in court that Congress intended to keep the commission members free

In Borders' Removal

Continued from B-1

from political influence, and therefore none of them could be replaced at will.

Borders said yesterday that he was "very elated by the opinion."

"When I filed the lawsuit, I did not think I served at the pleasure of the President, and I do not think so now," he said.

Mayor Marion Barry Jr. issued a statement yesterday in which he called the ruling "another important step in the independence of our local judiciary."

The mayor said, "The judge's decision today preserves the forward steps taken toward home-rule in the District of Columbia."

Although a decision on whether to appeal Penn's ruling technically rests with the Solicitor General in the Justice Department, it is expected that the White House will have a major say in the decision. Presidential counselor Fred F. Fielding, contacted yesterday evening, said he had received a copy of the opinion only minutes earlier.

"I think it would be folly for me to say anything about it until I read it," Fielding said.

Lacovara said that he still believes that "our position was legally correct."

If the Justice Department decides to appeal, it probably will have to act quickly, since the commission will soon be under a 30-day deadline to select candidates to fill a vacancy on the Superior Court bench.

That vacancy was created by the elevation of Superior Court Judge James A. Belson to the D.C. Court of Appeals. Belson's nomination was confirmed by the Senate on June 25, and he will be sworn in on July 21, when the commission's 30-day selection deadline will begin.

Commission Chairman Frederick B. Abramson said the commission

did not take a position on the dispute. He said he had not yet finished reading the opinion, but said, "It seems like a very well-reasoned decision."

In defending Borders' replacement, assistant U.S. attorneys had argued that the Self Government Act allowed the president to replace the presidential appointee, and that in any event, the constitution did not allow limits to be imposed on the president's authority to replace the appointment of "inferior officers."

Penn found that Congress clearly intended commission members to serve out their terms. He noted that the mayor's two appointees serve on the commission for six years, even though the mayor himself is elected only for a four-year term. He also noted that the terms are staggered, so that the members are not appointed at the same time.

Penn found that Congress intended the presidential appointee to represent the views of the federal government as an institution, and not the political views of the president and his administration.

Penn also rejected the Constitutional claim, ruling that by placing a restraint on the president's authority to fire an appointee to the commission, Congress did not violate the "separation of powers" doctrine that forbids the three branches of the federal government to interfere with each other's functions.

In his statement yesterday, the mayor also said, "It is now time to move the cause of home rule in the District forward to its completion."

A spokeswoman for the mayor said that referred to the Barry's efforts to transfer to the District control over a variety of local government functions, including appointment of judges and prosecution of most crimes.

copies sent to to Mary Larsen 4-15-85

ID # 031907FG051WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 8/10/14Name of Correspondent: Margaret M. Heckler☒ MI Mail ReportUser Codes: (A) END (B) _____ (C) _____

Subject: _____

Support for the nomination of Sandra
O'Connor for the Supreme Court

ROUTE TO:

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>LA Lurie</u>	ORIGINATOR	<u>8/10/14</u>	<u>NAN</u>	<u>C</u>	<u>8/10/16</u> CH
	Referral Note:	<u>/ /</u>			<u>/ /</u>
	Referral Note:	<u>/ /</u>			<u>/ /</u>
	Referral Note:	<u>/ /</u>			<u>/ /</u>
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DSP		Time:	Media:

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 n - 7 - Ronnie

CLn - First Lady's Correspondence
 n - 1 - Nancy Reagan
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CBn - Presidential & First Lady's Correspondence
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 M - Mailgram
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 P - Photo
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 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

5
MF
MARGARET M. HECKLER
U.S. REPRESENTATIVE
1ST DISTRICT, MASSACHUSETTS



DISTRICT OFFICES:
ONE WASHINGTON STREET
WELLESLEY, MASSACHUSETTS 02181
235-3350

30 LIBERTY LANE
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824-8611

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679-2109

Congress of the United States
House of Representatives
Washington, D.C. 20515

JOINT ECONOMIC COMMITTEE
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AGRICULTURE AND TRANSPORTATION
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VETERANS' AFFAIRS COMMITTEE
EDUCATION, TRAINING AND EMPLOYMENT
SUBCOMMITTEE
HOSPITALS AND HEALTH CARE
SUBCOMMITTEE

SCIENCE AND TECHNOLOGY
COMMITTEE
SCIENCE, RESEARCH AND TECHNOLOGY
SUBCOMMITTEE

CONGRESSWOMEN'S CAUCUS,
CO-CHAIR

July 10, 1981

The President
The White House
Washington, D.C. 20500

031907

Dear Mr. President:

As women Members of Congress, we commend you on your nomination of the first woman to the United States Supreme Court.

Sandra Day O'Connor appears to have all the needed qualifications, including being among the first nominees to have served in all three branches of government. Her varied experience as attorney, legislator, jurist, wife and mother will give our highest court a new and needed perspective. We trust that the review of both her legislative and judicial record during the coming weeks will continue to warrant our respect and support.

Once again, we congratulate you on Sandra Day O'Connor's nomination. The elevation of the first woman to service on the U.S. Supreme Court expresses your recognition of the absence of women in the fullest participation in every segment of American life and government.

Sincerely,

Margaret M. Heckler
MARGARET M. HECKLER, M.C.

Lindy Boggs
LINDY BOGGS, M.C.

ID # 031952WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEETFG 051☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 8/10/71Name of Correspondent: Honorable Chancellor☒ MI Mail Report

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

Subject: _____

Support for the nomination of
Sandra O'Connor for the Supreme
Court*I think
This letter has been
answered*

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>PL Loya</u>		ORIGINATOR	<u>8/10/71</u>	<u>CS mg</u>	<u>AX</u>	<u>8/17/71</u>
		Referral Note:				
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 V - Telephone
 X - Miscellaneous
 Y - Study

THE WHITE HOUSE

WASHINGTON

July 21, 1981

Dear Ms. Chancellor:

Thank you for communicating your support of Judge Sandra O'Connor to President Reagan. The President appreciates your concurrence with his thinking that Judge O'Connor has all the qualifications necessary to be an excellent Supreme Court Justice.

We look forward to working with you on many issues that can benefit from cooperation between organizations such as yours and the Reagan Administration.

Sincerely,

Mary Elizabeth Quint
Counsellor to the Special Assistant

Ms. Dorine Chancellor
National President
Business and Professional Women's Club
2012 Massachusetts Avenue, N.W.
Washington, D.C. 20036

5
THE
NATIONAL
FEDERATION
OF

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.
of the United States of America



2012 MASSACHUSETTS AVENUE, N. W.
WASHINGTON, D. C., 20036
293-1100

July 9, 1981

The President
The White House
Washington, D.C.

Dear Mr. President:

031952

The National Federation of Business and Professional Women's Clubs, Inc. of the United States of America (BPW), the oldest and largest organization of working women in the nation, supports your nomination of Judge Sandra Day O'Connor for the Supreme Court. BPW believes that Judge O'Connor will bring to the High Court a wealth of judicial and legislative experience. Living in Arizona, I can assure you that Judge O'Connor is well respected in my state both for her professional abilities and her integrity. We believe that she can bring to the Court special insights on the problems which confront Americans today.

The 160,000 members of BPW throughout the nation are pleased that you have carried out your campaign commitment to seek a woman for the Supreme Court. The time is long overdue for a woman to serve on the highest court in the land. The nomination of Judge O'Connor is clearly a step in the right direction.

BPW endorses Judge Sandra Day O'Connor as Associate Justice of the United States Supreme Court. We look forward to working with members of your Administration to assure that this nomination is given prompt and positive consideration by the Senate.

Sincerely,

Dorine Chancellor
Dorine Chancellor
National President

ID # 031959

FG051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

8/10/71/4

Name of Correspondent:

Joan M. Aliberti

☒ MI Mail Report

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

Subject:

Support for the nomination of
Sandra O'Connor for the Supreme
Court

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
IA Helms P. 100		ORIGINATOR	8/10/71/5	CS JP	A	8/10/71/24
Central File		Referral Note:	/ /			/ /
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 X - Miscellaneous
 Y - Study

THE WHITE HOUSE

WASHINGTON

July 21, 1981

Ms. Joan M. Aliberti
Executive Director
Governor's Commission on the
Status of Women
One Ashburton Place, Room 2110
Boston, Massachusetts 02108

Dear Ms. Aliberti:

The President asked that I thank you for your letter supporting his nomination of Judge Sandra O'Connor to the United States Supreme Court. He is confident that Judge O'Connor will prove to be an outstanding Supreme Court Jurist.

I regret the apparent breakdown in communications with regard to Governor King's representative to the Fifty States Project. We were pleased to learn from the Governor's letter of July 6 that you have been designated to work with us on this important program.

Your letter of July 9 certainly indicates that Massachusetts has undertaken a very ambitious and well thought out plan, and it appears that you are well on the way toward implementation.

We would be interested in learning more about the Implementation Coalition: How were the members chosen; what was the Coalition's charge?

Similarly, we would appreciate having some background on the Special Studies Commission.

Could you share with us the specific state code sections that initially have been identified for corrective legislation, with copies of the specific language passed or proposed for legislative action?

Massachusetts is to be commended for the emphasis placed on eliminating discrimination at all levels. We look forward to learning more about your success in order to share your experiences with other states which have not as yet attained similar goals.

With kind regards,

Sincerely,

Judy F. Peachee
Special Assistant to the President
Intergovernmental Affairs

5

THE COMMONWEALTH OF MASSACHUSETTS
GOVERNOR'S COMMISSION ON THE STATUS OF WOMEN
ROOM 2110 • ONE ASHBURTON PLACE • BOSTON 02108 • 617 / 727-6692



Ed King

EDWARD J. KING
GOVERNOR

JOAN M. ALIBERTI
EXECUTIVE DIRECTOR

ALICE B. SCANLAN
CHAIRPERSON

July 8, 1981

President Ronald W. Reagan
The White House
Washington, D.C. 20500

031959

Dear Mr. President:

You are to be commended for your excellent choice for the U.S. Supreme Court. In your selection of Judge Sandra O'Connor you have demonstrated not only a keen sensitivity, but a tenacity which is all too rare in public life.

In this decision you have clearly stated that women have a critical role within the highest levels of government.

While others talk, you act.

Respectfully,

Joan M. Aliberti
Joan M. Aliberti
Executive Director