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THE WHITE HOUSE

WASHINGTON

February 23, 1982

Dear Fred:

Thank you for your letter of February 12, 1982, recommending Clinton R. Ashford for appointment to the United States Supreme Court. Please be assured that Mr. Ashford will receive every consideration at such time as there is a vacancy on this court.

With best regards,

Sincerely,



Fred F. Fielding
Counsel to the President

✓
Mr. Frederick K. Biebel
Deputy Chairman
✓ Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

THE WHITE HOUSE
WASHINGTON

Date 3.11.82

Suspense Date _____

MEMORANDUM FOR:

Central Files

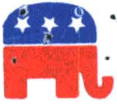
FROM:

DIANNA G. HOLLAND

ACTION

- _____ Approved
- _____ Please handle/review
- _____ For your information
- _____ For your recommendation
- X _____ For the files
- _____ Please see me
- _____ Please prepare response for
_____ signature
- _____ As we discussed
- _____ Return to me for filing

COMMENT



Republican National Committee

Frederick K. Biebel
Deputy Chairman

FEB 18 1982

P✓

February 12, 1982

Fred F. Fielding, Esq.
Counsel to the President
2nd Floor West Wing
The White House
Washington, D.C. 20500

Dear Fred:

Edward Brennan, our National Committeeman from Hawaii, has recently brought to my attention the interest of Clinton R. Ashford in being considered as a prospective U. S. Supreme Court appointee.

I have attached a copy of the credentials which have been provided to my office by Ed Brennan at the request of Mr. Ashford. Your appropriate consideration of this matter will be appreciated.

With kind regards and best wishes,

Sincerely,

Frederick K. Biebel

FKB:gm
cc: E. Pendleton James



Republican
National
Committee.



Edward Brennan
Member for Hawaii
966 Waiholo Street
Honolulu, Hawaii 96821
(808) 373-4133

February 2, 1982

Mr. Frederick Biebel
Deputy Chairman
Republican National Committee
310 First Street, S. E.
Washington, D. C. 20003

FEB 05 1982

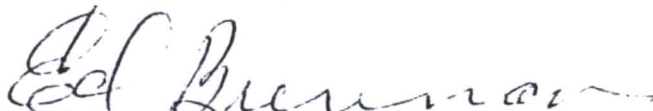
Dear Fred:

On September 7, 1981 I forwarded a letter on behalf of Mr. Clinton Ashford in which I requested consideration for an appointment sometime in the future, should such an opportunity present itself. As of this date I have not received any word of receipt of the letter and I would therefore very much appreciate any and all efforts on your part toward acknowledgment of the letter and your help in possibly steering his resume through the proper channels.

Fred, I have also received a request from my shopping center partner, an individual of integrity who is extremely capable and who is living in Arizona. I would also be grateful to you if you can be of any service in his case.

I am very sorry that due to some unfortunate circumstances I was not able to attend the recent National Committee meeting.

Mahalo and best wishes,


Ed Brennan

EB:vo
Enc.

CLINTON R. ASHFORD*
A. JAMES WRISTON, JR.*
ALBERT H. OGAWA*
JOHN JUBINSKY
CHARLES B. DWIGHT, III*
GALEN C. K. LEONG
J. M. ROLLS, JR.
ALBERT I. MOON, JR.
WAYNE NASSER
DOUGLAS W. MACDOUGAL
JOHN A. LOCKWOOD
CUYLER E. SHAW

MICHAEL W. GIBSON
DAVID B. DOHMS
ROSEMARY T. FAZIO
DIANE S. KISHIMOTO
PAUL S. AOKI
CHARLES W. CRUMPTON

*A LAW CORPORATION

ASHFORD & WRISTON

ATTORNEYS AT LAW

P. O. BOX 131

HONOLULU, HAWAII 96810

SIXTH & SEVENTH FLOORS
235 QUEEN STREET

TELEPHONE 524-4787
AREA CODE 808

TELECOPIER
(808) 521-0280

1 September 1981

PERSONAL AND CONFIDENTIAL

Mr. Edward Brennan
101 The Gold Bond Building
677 Ala Moana Blvd.
Honolulu, Hawai'i 96813

RE: United States Supreme Court appointments

Dear Ed:

Our casual conversation provoked a weekend of discussion with my wife and family. After mature reflection I have decided to become a candidate for one of the vacancies in the United States Supreme Court that President Reagan will have the opportunity to fill during his term of office. I cannot bring any minority characteristics to that bench, but believe I am well qualified and suited to succeed one of the incumbents.

This decision has not been lightly made. I currently enjoy a reasonably lucrative law practice, the esteem of my colleagues and a place of prominence in my community. A move to Washington, D.C. would require giving up the first and last of these, although I hope not all of them. Nonetheless, after thirty years of busy trial and appellate practice, building a law firm that has a fine reputation and is very stable, and discharging leadership duties in various professional and community organizations, I think I am ready, indeed eager, for some new challenges.

A copy of my curriculum vitae is enclosed. If asked to identify the one thing therein mentioned of which I am most proud, I would answer that it is my bride of thirty years!

I will be most grateful if you will assure that this letter and its enclosure are put into the hands of whomever it is that has the privilege and responsibility of suggesting nominees to the President. Needless to say, I will also appreciate it if the existence of this letter, and its message, are kept strictly confidential. Word of it could lead to misunderstandings disruptive of professional and personal relationships.

Should it ever come to pass that this letter be re-read with possibly serious consideration being given to my candidacy, I can promptly provide the names of references in Washington, Honolulu and other cities.

Your cooperation and continued friendship are indeed valued! Best personal regards and aloha.

Yours sincerely,

Crist

CLINTON R. ASHFORD

Professional

Partner: Ashford & Wriston
235 Queen Street (P. O. Box 131)
Honolulu, Hawaii 96810
Tel.: (808) 524-4787

Education

University of California at Berkeley, B.A. (1945)
University of Michigan Law School, J.D. (1950)
Michigan Law Review
Order of the Coif

American Bar Association

Board of Governors (1979-1982)
Executive Committee (1981-1982)
Hawaii State Delegate (1977-1980)
Hawaii State Bar Delegate (1972, 1974-76)
Member (various times) of Sections:
Corporation, Banking and Business Law
Economics of Law Practice
Real Property, Probate and Trust Law
Committee on State Legislation (1959-69)

Hawaii Bar and legal community

Hawaii State Bar Association
President (1972)
Vice-President (1971)
Executive Board (1958-60, 1968-72, 1974-76)
Chairman or member, numerous committees
Hawaii Supreme Court committees
Land Court Rules Revision (1965-67)
Coordination of Rules and Statutes (1970-72)
Standing Committee on Rules of Practice and Procedure (1968-
Aliiolani Hale Restoration (1976-81)
Land Court Examiner of Titles (1952-
Hawaii Legal Aid Society, Director (1958-60)
Commission on Uniform State Laws, Hawaii member (1953-63)

Other professional organizations

American Law Institute, Member
American Bar Foundation, Fellow
American College of Probate Counsel, Fellow
American College of Real Estate Lawyers, Fellow
American Judicature Society, Member
International Academy of Estate and Trust Law, Academician

Community organizations

Aloha United Way
Director (1975-81)
Executive Committee (1977-79)
Chairman, Budget & Allocations Committee (1977-78)
Child and Family Service
President (1971)
Director (1967-73)
Hawaii Loa College, Trustee (1969-74)
Health and Community Services Council, Director (1973-75)

Military Service

LCDR USNR (active duty 1943-46, active reserve 1950-64)

Personal

Married to Beverly Schumm Ashford, 1951-
4 children, ages 19 to 28; none married

THE WHITE HOUSE
WASHINGTON

DATE: February 18, 1982

NOTE FOR: Fred Fielding

FROM: ~~JAY MOORHEAD~~ TAD THARP
Executive Assistant
to E. Pendleton James
(ext. 2335)

The attached is for your:

information ☐

action ☐

Comments: For your information and
files.

cc:

THE WHITE HOUSE
WASHINGTON

JUN - 1 1982

file
WW

078609

FB051

MEMORANDUM

MAY 31, 1982

TO: FRED FIELDING
FROM: GREGORY J. NEWELL, DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING
SUBJ: REQUEST FOR SCHEDULING RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATION ON THE FOLLOWING
SCHEDULING REQUEST UNDER CONSIDERATION:

EVENT: Honorary membership of Phi Alpha Delta
(100,000th member); address the bi-ennial
meeting.

DATE: August 3-7, 1982

LOCATION: St. Louis

BACKGROUND: See attached.

YOUR RECOMMENDATION:

Accept___ Regret ☒ Surrogate___
Priority___
Policy___ Routine___
Message___ Other___

IF RECOMMENDATION IS TO ACCEPT, PLEASE CITE REASONS:

RESPONSE DUE 6-11-82 TO Fred J. Ryan

THE CHAIRMAN



U.S. MERIT SYSTEMS PROTECTION BOARD
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

May 11, 1982

078609

Honorable Edwin Meese III
Counsellor to the President
The White House
Washington, D.C. 20500

Dear Ed:

Enclosed is a request that would honor President Reagan as the 100,000th member of Phi Alpha Delta. It would be an honorary membership, but very symbolic. PAD has offered to be helpful to Lois Herrington in her Chairmanship of the Task Force on Victims of Crime and has been of assistance to me on criminal justice issues while I was in the White House.

Although this letter does not mention you, I'm sure that Cap Weinberger, Bill Clark and the Chief Justice would agree that President Reagan should be the fifth United States President to belong to PAD. //

The timing is not that crucial; however, the bi-ennial meeting of PAD, where 160 law schools will be represented, is scheduled for August 3-7 in St. Louis. They would welcome the President to speak there, but the membership is not dependent on that.

Sincerely,


Herbert E. Ellingwood

Enclosure

*Staff to
- Fred
Fielding*

INTERNATIONAL JUSTICE
STEVE CLARK
ATTORNEY GENERAL
JUSTICE BUILDING
LITTLE ROCK, AR 72201

INTERNATIONAL VICE JUSTICE
CHARLES H. TAYLOR
BOX 66
BREVARD, NC 28712

INTERNATIONAL SECOND
VICE JUSTICE

STANLEY H. KOHN
1316 RICHLAND STREET
COLUMBIA, SC 29201

INTERNATIONAL ADVOCATE

HOMER S. TAFT
29550 DETROIT ROAD
WESTLAKE, OH 44145

INTERNATIONAL SECRETARY

JACK MILLER
288 E. COMMERCIAL
LEBANON, MO 65536



(AS MERGED WITH PHI DELTA DELTA LEGAL FRATERNITY)

April 1, 1982

INTERNATIONAL TREASURER
LARRY CRIGLER
P.O. BOX 114
BURLINGTON, KY 41005

INTERNATIONAL HISTORIAN
HON. JAMES M. BIERCE
MUNICIPAL COURT
2310 2ND STREET
CUYAHOGA FALLS, OH 44222

INTERNATIONAL MARSHAL
FREDRIC H. PEARSON
405 WESTFIELD AVENUE
ELIZABETH, NJ 07208

INTERNATIONAL PROCTOR
NORMAN M. OWEN
5258 BEAUMONT WAY
SANTA ROSA, CA 95405

EXECUTIVE DIRECTOR
FREDRICK J. WEITKAMP
10722 WHITE OAK AVENUE
GRANADA HILLS, CA 91344

Herbert Ellingwood
Deputy Counsel to the President
The White House
Washington, D.C. 20500

Dear Brother Ellingwood:

Phi Alpha Delta Law Fraternity, International, the second largest legal organization in the world, will soon confer membership upon its 100,000th member. We would like to bestow this honor upon President Ronald Reagan by making him an honorary member.

Phi Alpha Delta is a professional fraternity long committed to strengthening our legal system and supporting law and order and law related education. Illustrative of such are our Juvenile Justice Program (a brochure on which is enclosed) and the recent adoption of a program calculated to develop professional responsibility among our members in general and in law students in particular.

Included in our membership are many persons prominent in the present administration, including Secretary of Defense Casper Weinberger, Chief Justice Warren E. Burger of the Supreme Court of the United States, Senator Strom Thurmond, Chairman of the Senate Judiciary Committee, National Security Advisor William Clark, and Senator Barry Goldwater. Four former Presidents have been members, to wit: William Howard Taft, Woodrow Wilson, Warren G. Harding and Harry S. Truman.

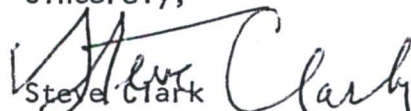
I would be deeply in your debt if you would be so kind as to personally extend the invitation to honorary membership to the President on my behalf. I well recognize the extremely heavy demands on his time and certainly do not wish to impose thereon.

The actual conferring of membership could take place at any time or place which would be convenient to the President.

I may be most easily reached at my private number, (501) 371-7504 or through the Justice Building in Little Rock, Arkansas 72201.

I look forward to hearing from you at your early convenience.

Sincerely,


Steve Clark

International Justice and
Attorney General of Arkansas

SC/mm

DISTINGUISHED SERVICE CHAPTER

INTERNATIONAL JUSTICE
STEVE CLARK
ATTORNEY GENERAL
JUSTICE BUILDING
LITTLE ROCK, AR 72201

INTERNATIONAL VICE JUSTICE
CHARLES H. TAYLOR
BOX 66
BREVARD, NC 28712

INTERNATIONAL SECOND
VICE JUSTICE

STANLEY H. KOHN
1316 RICHLAND STREET
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HOMER S. TAFT
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INTERNATIONAL PROCTOR
NORMAN M. OWEN
5258 BEAUMONT WAY
SANTA ROSA, CA 95405

EXECUTIVE DIRECTOR
FREDRICK J. WEITKAMP
10722 WHITE OAK AVENUE
GRANADA HILLS, CA 91344

April 26, 1982

Honorable Herbert Ellingwood
Chairman
Merit System Protection Board
1120 Vermont Avenue, N.W.
Washington, D.C. 20419

Dear Brother Ellingwood:

A few days ago, I delivered to you personally a letter dated April 1, 1982 from Steve Clark, International Justice, inviting you to assist in a program to extend the Fraternity's 100,000th membership to President Reagan.

You requested me to furnish additional information about the Fraternity which I shall endeavor to do in this letter.

First, I think that the message from our International Justice to the membership of PAD, appearing in the March, 1982 issue of The Reporter, tells it the way it is (copy enclosed). In discussing "Why PAD?", he indicates the sustaining leadership that has been demonstrated by PAD over the years. He sums up with the comment "first in professionalism, first in action, first in service and first in its commitment to continue with firsts."

Another enclosed Steve Clark message of December, 1981 emphasizes the "key person" approach. Over the years, we have enjoyed a very high calibre of leadership in PAD. As only one example, when I was Supreme Justice in 1966-68, Supreme Court Justice Tom Clark was Supreme Vice Justice. On the very day of his death, he edited a PAD publication which we had jointly prepared to urge stronger PAD interest in clinical education in the law schools.

We have had several State Supreme Court Justices and U.S. Court of Appeals judges in the top leadership of PAD.

DISTINGUISHED SERVICE CHAPTER

C. RAYMOND JUDICE

MATTHEW S. RAE

ROBERT E. REDDING

WILLIAM B. ROBERTSON

FREDRICK J. WEITKAMP

fi


Further examples of high-level PAD alumni members in the Federal Government today include yourself, Lowell Jensen in the Department of Justice, William Clark in the White House, and Secretary Weinberger of the Department of Defense.

We are an organization 100,000 strong who work for the betterment of our profession--and now of the nation with our juvenile justice and delinquency prevention program. This is voluntary service coming from the second largest organization in the legal profession today. It is private enterprise and initiative in solid caps.

The enclosed "PAD Facts" will also add to your knowledge of our Fraternity. The enclosed article on professional standards taken from the current issue of The Third Branch of the Federal Judicial Center is right on point of our current program efforts.

I hope this material will be of some help to you in seeking to make President Reagan our 100,000th member.

Fraternally,


Robert E. Redding

RER:plm

Enclosures



P.A.D. FACTS



PHI ALPHA DELTA LAW FRATERNITY, INTERNATIONAL-10722 WHITE OAK AVE., GRANADA HILLS, CALIFORNIA 91344 (213) 360-1941

FACTS ABOUT PHI ALPHA DELTA OF INTEREST TO YOU:

PAD is an INTERNATIONAL organization having chapters chartered in the United States, Canada and Puerto Rico.

PAD has 154 chartered law school chapters, far more than any other law fraternity in the world. Over 3,400 law students become members of PAD every year without restriction by reason of race, color, creed or sex.

Fifty-three law school Deans are PADs, more than any other law fraternity.

Forty-six U.S. Senators and Congressmen are PADs.

Presidents Harry S. Truman, William Howard Taft, Warren C. Harding, and Woodrow Wilson were PADs.

The Chief Justice of the United States, Warren E. Burger, is a PAD, as are retired Justices William O. Douglas and Arthur J. Goldberg (former United Nations Ambassador), and the late Tom C. Clark and Charles E. Whitaker.

PAD was the first law fraternity to develop a life insurance program designed to give its members maximum protection at lowest cost.

PAD was the first law fraternity to develop a disability income insurance program for its members.

PAD makes loans available to its student members to assist in financing legal education.

PAD is presently engaged in a program to enlarge its Endowment Fund so that more funds may be available for loans, scholarships, etc, for its members.

PAD provides \$2.50 in student and student chapter benefits for each \$1.00 paid in initiation fees.

PAD was the first major law fraternity to admit women to membership. With more than 10,000 women members, PAD is the only law fraternity which has accomplished a merger with a major women's law fraternity. (The merger became effective August 12, 1972)

PAD is the only law fraternity which employs a full-time Placement Director and a professional staff whose sole duty is to visit the active chapters and maintain a close liaison with them.

PAD sponsors and finances annual District meetings for its members. These meetings serve to encourage the interchange of ideas and professional programs.

PAD is the only law fraternity which sends its international quarterly publication to all members for life at no charge. (Phi Delta Phi charges \$1.50 per year subscription, and Delta Theta Phi charges \$1.00.) The PAD publication has a circulation of 70,000 which is many times greater than that of the other law fraternities.

PAD publishes a Directory which is distributed to alumni members in good standing free of charge. (Phi Delta Phi charges \$17.50 per copy for its Directory.) This Directory is extensively used in the reference of business and by law students for sending out resumes for part-time and permanent employment.

PAD is the only law fraternity to sponsor a buying service for its members so that they may enjoy major discounts on brand name merchandise and discounts on car rentals.

"SERVICE TO THE STUDENT, TO THE LAW SCHOOL, AND TO THE PROFESSION"

The Third Branch

Bulletin of the Federal Courts

VOL. 14, NO. 4

Published by the Administrative Office of the U.S. Courts and the Federal Judicial Center
Dolley Madison House, 1520 H Street, N.W., Washington, D.C. 20005

APRIL 1982

JUDICIAL CONFERENCE ACTS ON FINANCIAL DISCLOSURE, OTHER ISSUES

Responding to some judicial spouses' reluctance to reveal the worth of their independent assets on financial disclosure forms for judicial officers and upper-grade employees, the Judicial Conference of the United States at its March 11-12 meeting decided to recommend that Congress eliminate the requirement that the specific value of spouses' and dependent children's assets be reported. While the type and payment origin of each income source over \$1,000 of spouse and children would continue to be included on the disclosure form, future reporting will probably be facilitated by the Conference's adoption of more specific reporting

instructions. These changes, which require amendments to the Ethics in Government Act, were included in recommendations of the Conference's Committee on Judicial Ethics.

In other actions affecting judicial families, the Conference adopted the resolutions of the Committee on the Judicial Branch regarding its support of legislation intended to improve judicial survivors' benefits, H.R. 4763 and S. 1874. The bills would increase the minimum survivor's annuity to thirty percent of average salary over the last three years and the maximum annuity would increase to fifty percent (S. 1874) or fifty-five percent (H.R.

See CONFERENCE, p. 6

SHIFTING OF MARSHALS' DUTIES PROPOSED

In a joint statement issued March 11, 1982, Chief Justice Warren E. Burger and Attorney General William French Smith announced a series of actions designed to assure adequate security services "to all the participants in the federal judicial system, most especially the Judiciary itself." They characterized their actions, not as a final solution, but as a "useful beginning" to resolve the dilemma caused by increasing security needs in a time of increasing fiscal austerity.

• Primary responsibility for security services to the judiciary will be in the hands of the U.S. Marshals Service (USMS) in general, and in each United States Marshal in each district. In order to halt the current fragmentation in services caused by the division of authority among the USMS, the GSA, and the Postal Service, the Attorney General "is seeking an appropriate delegation of authority" from the GSA Administrator. "The judiciary in each district will, therefore, have a single individual to whom it can look for all judicial security matters." The Attorney General also will try to obtain additional funding for court security, so that security resources will be equivalent to FY 1979 levels.

• To ease the burden on U.S. Marshals, the Chief Justice, as he indicated in the joint statement, recommended that the Judicial Conference approve the proposed amendments to Rule 4 (c) and (d) of the Federal Rules of Civil Pro-
See SECURITY, p. 3

Thirteenth circuit court; chief judges' tenure; other changes

FEDERAL COURTS IMPROVEMENT ACT SIGNED

On April 2, President Reagan signed the "Federal Courts Improvement Act of 1982," now Public Law 97-164, which will take effect October 1, 1982.

The bulk of the 34-page act consolidates the Court of Claims and Court of Customs and Patent Appeals into a thirteenth circuit court, the 12-judge United States Court of Appeals for the Federal Circuit, and a 16-judge, Article I United States Claims Court. It also makes technical and conforming amendments pursuant to that change.

The act also serves as a vessel for numerous important administrative and housekeeping changes, unrelated to the creation of the

new courts. Many of the changes—such as a limitation on chief judges' tenure and a new basis for calculating interest on money judgments—have been on the legislative agenda for at least several years.

—**New Federal Courts.** The new circuit court inherits all the appellate jurisdiction of the two existing courts, and in addition, patent appeals from all federal district courts. Thus, it will hear appeals in suits against the government for damages or refunds of federal taxes, appeals from the Court of International Trade, appeals from the Patent and Trade-

See COURTS ACT, p. 4

CASELOAD INCREASES IN FEDERAL COURTS

As anticipated, the workload of the federal courts increased markedly in calendar year 1981 over 1980. A. O. Director William E. Foley told the Judicial Conference of the United States in his report to its March meeting.

Civil case filings in the district courts totaled 190,430, a rise of 9.2 percent above the number filed in the previous year. Cases filed in U.S. Courts of Appeals last year also reached a record level of 27,445, 13.8 percent over the 1980 total.

Even criminal cases, which had experienced a downward trend in recent years, increased by 5.7 percent. Offense categories showing significant increases are prosecutions for: murder, up 17.7 percent; robbery, up 9 percent; embezzlement, up 11.8 percent; weapons and firearms violations, up 39.9 percent; marijuana violations, up 39.7 percent; Agricultural Act violations, up 88.8 percent.

While cases involving the U.S. rose modestly in 1981, by 5.3 percent (cases filed by the U.S. rose 7.7 percent, and cases against the U.S. increased by 1.4 percent), appeals of civil cases involving the U.S. rose 20.4 percent, the largest category of increase on the appellate level. Courts of appeals also registered dramatic increases in the number of bankruptcy and private civil appeals, up 19.6 and 17.3 percent, respectively.

The district courts terminated 5.7 percent more civil cases than in 1980; nevertheless, the rise in filings led to an increase in the pending civil caseload of 5.1 percent. This total included an increase in diversity cases of 12.3 percent and in cases involving federal questions of 11.1 percent. Significant increases are noted in actions for recovery of overpayments and enforcement of judgments (most regarding student loans and overpayments of vet-

erans' educational benefits), which jumped 48.6 percent from 1980 to 1981. Other categories registering large increases included prisoner civil rights and habeas corpus petitions, tax suits, and employment civil rights cases. Subcategories showing statistical declines were land condemnation cases, fraud cases (including truth-in-lending), environmental matters, and Freedom of Information Act cases.

The well-publicized volume of bankruptcy estate filings rose 10.9 percent from 1980 to 1981. A record 523,825 filings were made, 363,847 having been filed after implementation of the Bankruptcy Reform Act. Although bankruptcy courts closed 64.3 percent more estates in 1981 than in 1980, the increase in filings results in a backlog of 685,330 estates. Adversary proceedings arising from bankruptcy cases also significantly contribute to a pending caseload: there were 63.8 percent more such actions, 115,894 more, in 1981 than in 1980.

PRISONER CIVIL RIGHTS PROCEDURES

Following the recommendation of its Committee on Court Administration, the full Judicial Conference at its recent meeting formally recognized the significance of the final report of the Federal Judicial Center Committee on Prisoner Civil Rights, chaired by Judge Ruggero J. Aldisert, and urged district courts to implement the procedures and forms suggested in the report.

The report, *Recommended Procedures for Handling Prisoner Civil Rights Cases in the Federal Courts*, was published early in 1980. It had been released in two draft stages to allow the benefit of comment from attorneys and judges familiar with prisoner civil rights cases. In May 1980, the Chief Justice dismissed the committee with his appreciation for its contribution.

Pro Bono Panels Revisited. . .

Dear Editor:

I note in Volume 14, No. 3, of *The Third Branch* the article stating that "The Eastern District of New York this month becomes the first federal district court to develop and set in motion the pro bono litigation panel for the assignment of volunteer attorneys to pro se litigants." This statement is an egregious and unfortunate error.

The Eastern District of Pennsylvania has had a volunteer panel of pro bono attorneys since March 1977. We presently have twenty-eight law firms which designate different associates to handle the cases. No provision is made to pay them and to my knowledge they are purely pro bono in that none has asked for payment. Indeed, the attorneys do not even ask for reimbursement of expenses, looking upon these as contributions to the public good.

The panel has been of great help to the court. Although it has worked quietly and without fanfare, as you can well recognize, it seems unfortunate they are deprived of the recognition of being the first in the United States by a good five years to marshal forces and to meeting this troublesome problem. I feel that the panel's erroneous statement in *The Third Branch* should in some manner be corrected.

Joseph S. Lord, III
Chief Judge (E.D. PA)

EDITOR'S NOTE: WAS THE EASTERN DISTRICT OF PENNSYLVANIA THE FIRST?

The Third Branch

Published monthly by the Administrative Office of the U.S. Courts and the Federal Judicial Center. Inquiries or changes of address should be directed to 1520 H Street, N.W., Washington, D.C. 20005

Co-editors:

Alice L. O'Donnell, Director, Division of Inter-Judicial Affairs and Information Services, Federal Judicial Center

Joseph F. Spaniol, Jr., Deputy Director, Administrative Office, U.S. Courts.

REPORT ON FEDERAL MAGISTRATES SYSTEM SUBMITTED TO CONGRESS

Responding to a statutory mandate, the Judicial Conference of the United States has completed an evaluation of the 1979 amendments to the Federal Magistrates Act, and assessed the future of the federal magistrates system.

The report of the Judicial Conference, dated December 1981, has now been submitted to Congress. In addition to reviewing the development and role of the magistrate system, the report offers conclusions and recommendations in response to questions posed by House and Senate Judiciary Committee members.

The conclusions of the report, some of which are listed below, are set out in three categories:

- **Organization of the Magistrate System.** The system should remain a part of the U.S. district courts and should not be reconstituted as a separate tier of the courts, the Conference concludes. To meet local requirements and conditions, the statute governing the magistrates system must retain maximum flexibility. Uniform court procedures should be encouraged, but flexibility must be possible for efficient operation of the system (such as assignment of duties to magistrates). A final conclusion in this area is that existing provisions governing selection, term, and removal of magistrates, in addition to statutorily granted authority, adequately protect their independence.

- **Jurisdiction of Magistrates.** Jurisdiction of the magistrates should remain "open," in the opinion of the Conference, and duties they perform should be determined through delegation from the district courts. Magistrates should not be authorized to accept guilty pleas in felony cases. Congress should consider the use of magistrates to dispose of a greater number of less serious criminal cases as misdemeanors,

and this could be accomplished by downgrading some cases charged as felonies to misdemeanors and by designating additional offenses in the criminal code as misdemeanors.

- **Office of Magistrate.** The Conference pointed out that the official title "United States Magistrate" is appropriate; it is an honorable title; and the term has gained prestige and status through the substantial and effective contributions of the magistrates. The Judicial Conference disapproves the suggestion by a member of the Senate Judiciary Committee to

change the title to "division judge" or "associate judge," because such a title "might blur very real distinctions in both status and function between Article III judges and magistrates." Support services and facilities presently provided the magistrates are found "generally adequate." Finally, the Conference recommended to Congress that the salaries of magistrates should be increased; and that the retirement system for magistrates should be improved.

A copy of the report has been mailed to all federal judges and judicial officers. Requests for copies should be addressed to Peter McCabe, Chief of the Magistrates Division, Administrative Office of the U.S. Courts, Washington, DC 20544.

CHIEF JUSTICE CALLS FOR ATTENTION TO PROFESSIONAL STANDARDS

Law schools, the bar, and the bench all must act to insure that higher standards of responsibility permeate the legal profession, says Chief Justice Warren E. Burger in an article written for the *Cleveland State Law Review* (Volume 29, Numbers 3 & 4). He credits the organized bar with important strides and growing acceptance of newly restated professional ethical standards and with its response to the "Clark Report" of 1970. Nevertheless, the Chief Justice questions whether most jurisdictions have provided truly adequate enforcement of professional disciplinary rules to protect the public. "We can no longer tolerate faltering enforcement programs which diverge widely among the fifty states with the unhappy spectacle of the bar looking to the bench and the bench to the bar for action. While making state procedures modern and professional has led to an increase in discipline as well as voluntary resignations, too often even criminal prosecutions against lawyers do

not result in significant disciplinary action." In England where discipline is strict it is exclusively in the hands of the bar subject to some judicial review, the Chief Justice noted.

Law schools, too, are taken to task by the Chief Justice for failing to assume responsibility for inculcating, in Harlan Fiske Stone's words, "some knowledge of the social responsibility which rests upon a public profession." "Some law teachers," the Chief Justice continued, "do not believe that their function and the function of their schools is to teach these fundamentals of professional responsibility any more than to train trial advocates. Too many remark, '(W)e are teaching students to think—we are not running a trade school!' But lawyers who know how to think in legal terms, but have not learned how to behave, are a menace to society and a liability, not an asset, to the administration of justice."

F2051

MAY 24 1982

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Date Correspondence Received (YY/MM/DD) 82105117

Name of Correspondent: Harold R. Fitzer

☒ MI Mail Report

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

Subject: Recommends Professor William F. Harney for appointment to the Supreme Court of the U.S. at a time when there is a vacancy on the 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
✓ PP Jane	ORIGINATOR	82105118		C	82105126
Fred Fielding	A	82105120	RF	A	82105126
W Holland	D	82105126		C	82105126

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:

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.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 2200

Prime Subject Code: FG 051 Secondary Subject Codes: ST 016

PRESIDENTIAL REPLY

<u>Code</u>	<u>Date</u>	<u>Comment</u>	<u>Form</u>
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
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 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

THE WHITE HOUSE

WASHINGTON

May 26, 1982


Dear Justice Fatzer:

Your letter of May 17, 1982 to the President recommending Professor William F. Harvey for appointment to the Supreme Court of the United States has been referred to me for response. Please be assured that your very thoughtful recommendation of Professor Harvey will receive every consideration in the event there is a vacancy on the Court.

Thank you for taking the time to share your thoughts.

With best regards,

Sincerely,



Fred F. Fielding
Counsel to the President

The Honorable Harold R. Fatzer
Supreme Court of Kansas
Topeka, Kansas 66612



SUPREME COURT OF KANSAS

TOPEKA, 66612

May 17, 1982

1325 First National Bank Tower
Topeka, Kansas 66603

078928

HAROLD R. FATZER
CHIEF JUSTICE

RETIRED

~~(913) 234-0212~~
(913) 233-1425

Honorable Ronald Reagan
The President of the United States
West Wing
THE WHITE HOUSE
Washington, D.C. 20500

Re: Professor William F. Harvey
Indiana University School of Law
Indianapolis

Dear Mr. President:

The purpose of this letter is to recommend that you consider Professor William F. Harvey for appointment to the Supreme Court of the United States, at a time when there is a vacancy on the Court. This letter is written without Professor Harvey's prior knowledge of its contents and it is not written at his request.

Professor Harvey was, for seven (7) years, a professor of law at the Washburn University Law School in Topeka, Kansas. While at the law school, he established a wide reputation as probably the finest law professor the school has ever had. He co-authored six (6) volumes on Kansas Civil Procedure, which to this day are widely used in this state. He was held in the very highest regard by all students and by the bench and bar of Kansas and by me when I was the Chief Justice of the State.

In 1968 he moved to the Indiana University School of Law at Indianapolis and in that state, I am told by my judicial friends, he has established a truly remarkable record. Perhaps you know this because of his appointment by you to the Board of Directors of the Legal Services Corporation. Also, he serves on a National Advisory Committee on School Accreditation to Secretary Bell, the U.S. Secretary of Education.

I could go on at great length about this man, whom I know very well and for whom I have the greatest admiration. But in order to shorten this letter, please let me say that not only is he a great law professor and the former Dean of the Indiana University School of Law at Indianapolis, where he now holds a Titled Professorship, but he is an outstanding and experienced trial lawyer in the trial and appellate courts of the country and especially in the federal courts. Moreover, and much more important, I suggest he is without question the leading Conservative legal philosopher in our country today. In addition, he is a young man, in the prime of his life at 49, and he would be a member of the Supreme Court in future years when the need for his conservative judgment and vote might be sorely needed.

I understand, of course, there is no vacancy on the Supreme Court at the present time, but I wanted to recommend Professor Harvey's appointment before a vacancy exists. As history tells us, a vacancy always exists sooner or later. In any event, Mr. President, you will know of his splendid qualifications for this position and when the time comes you will, I sincerely hope, place him on the high court. In short, and with respect to his outstanding qualifications and his steadfast conservatism in legal philosophy and its social and historical background in our Constitution, Professor Harvey should be placed where we need him the most, on the Supreme Court of the United States.

It is my intention, Mr. President, to make a copy of this letter available to Professor Harvey, after I have mailed it to you. I believe, additionally, that it should be mailed to the U.S. Senators from Indiana because that seems to have been the established protocol over the years and I trust this is appropriate.

I extend to you my best wishes for your continued success and, may I say to your assistant, Mr. Edwin Meese III, I have noted some of his comments on the law and legal matters and they are very impressive.

Your admirer and ardent supporter,



Harold R. Fatzer

HRF ec

cc: Honorable Richard G. Lugar
United States Senate
1113 Dirksen Office Building
Washington, D.C. 20510

Honorable Dan Quayle
United States Senate
254 Russell Office Building
Washington, D.C. 20510

Honorable Edwin Meese III
The Assistant to The President
THE WHITE HOUSE
Washington, D.C. 20500

Central Files

094762CU

FG051

THE WHITE HOUSE
WASHINGTON

August 16, 1982

Dear Mrs. Williams:

Thank you for your letter of June 8, 1982
to the President recommending Charles Rice
for appointment to the Supreme Court. Please
be assured that your recommendation will re-
ceive every consideration in the event there
is a future vacancy.

With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

X
Mrs. Barbara Williams
2615 N. 74th Ct.
Elmwood Park, IL 60635

22
PS

F.F.

AUG - 6 1982

June 8, 1982

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

Dear President Reagan:

I understand that you may be appointing another person to the Supreme Court. Please make this appointment a definite pro-life appointment. I also understand that Robert Bork is under consideration. I am not familiar with his background. I would like to suggest Charles Rice, head of the Law Dept. at Notre Dame University. I know his sentiments are pro-life. Please consider Charles Rice for a position. This is your chance to undo the damage Sandra O'Connor did to your image amongst pro-life groups as it has suffered greatly.

Please live up to your promises as well as your party platform - this is why you were elected.

Sincerely,

Barbara Williams

Barbara Williams
2615 N. 74th Ct.
Elmwood Park, IL 60635

398825

ID #

FB051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

82109110

Name of Correspondent: Warren E. Burger☒ MI Mail Report

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

Subject: Informs the President the Court will open the October 1982 Term on October 4, 1982, at 10:00 AM. and will continue, pursuant to their present calendar, until all matters before the Court, ready for argument, have been disposed of or decided.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CA Full</u>	ORIGINATOR	<u>82109113</u>	<u>CS</u>	<u>C 82109113</u>
<u>JD Damm</u>	Referral Note: <u>A</u>	<u>82109113</u>		<u>C 82109114</u>
<u>CU Fieldwig</u>	Referral Note: <u>I</u>	<u>82109114</u>		<u>C 82109114</u>
<u>EC Geisler</u>	Referral Note: <u>I</u>	<u>82109114</u>		<u>C 82109114</u>
	Referral Note:	<u>/ /</u>		<u>/ /</u>
	Referral Note:			

ACTION CODES:

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

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

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

Comments: _____

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'82 SEP 13 P7:00

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 1310 _____

Prime Subject Code: EG 051 - _____ Secondary Subject Codes: _____

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

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- n - 2 - Ron - Nancy

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

5
Cary
Fuller

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

098825

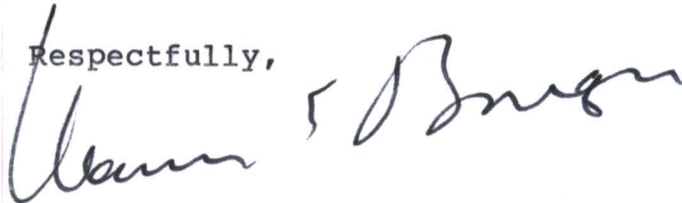
September 2, 1982

My dear Mr. President:

I have the honor to inform you that this Court will open the October 1982 Term on October 4, 1982, at 10:00 a.m., and will continue, pursuant to our present calendar, until all matters before the Court, ready for argument, have been disposed of or decided.

Prior to my tenure, on opening day, the Court formally convened but immediately adjourned for one week to pass on the petitions and jurisdictional statements filed during July, August and September. Those conferences consumed an entire week. However, with the increased workload it became necessary to begin conferences on the "Summer List" of filings, which amount to more than 1,000 cases. This enables us to begin hearing oral arguments the first Monday in October.

Respectfully,



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

85 113 11 22

SEP 15 1982

ID # 099100FG 051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 8210 9113Name of Correspondent: Warren E. Burger☒ MI Mail Report

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

Subject: Informs that the Supreme Court will
open the October 1982 Term on Oct. 4, 1982.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
✓ CA Full		ORIGINATOR	82109114			C 82.09.14
SS Down		Referral Note: A	82.10.14			C 89.01.19
Cu Fielding		Referral Note: I	82.09.19			1 1
RM		Referral Note:	1 1			1 1
		Referral Note:	1 1			1 1
		Referral Note:				

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No. of Additional Correspondents: _____ Media: L Individual Codes: 1310 _____

Prime Subject Code: EG051 Secondary Subject Codes: _____

PRESIDENTIAL REPLY

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

SIGNATURE CODES:

CPn - Presidential Correspondence
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 n - 6 - Ronald
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 M - Mailgram
 O - Memo
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 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

26b 12 1865

37
C. Fuller
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

September 2, 1982

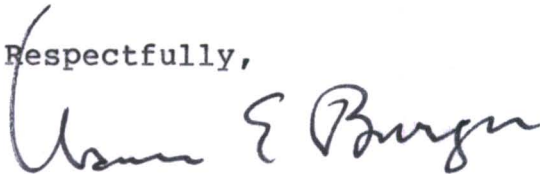
099100

Dear Mr. President:

I have the honor to inform you that this Court will open the October 1982 Term on October 4, 1982, at 10:00 a.m., and will continue, pursuant to our present calendar, until all matters before the Court, ready for argument, have been disposed of or decided.

Prior to my tenure, on opening day, the Court formally convened but immediately adjourned for one week to pass on the petitions and jurisdictional statements filed during July, August and September. Those conferences consumed an entire week. However, with the increased workload it became necessary to begin conferences on the "Summer List" of filings, which amount to more than 1,000 cases. This enables us to begin hearing oral arguments the first Monday in October.

Respectfully,



The President of the
United States Senate
Washington, D.C. 20510

JV

THE WHITE HOUSE
WASHINGTON

October 20, 1982

cf
106548CW
4000
FG051
W4003

Dear Mr. and Mrs. Disselkamp:

re Your letter of August 11, 1982 recommending
Phyllis Schlafly for appointment to the Supreme
Court of the United States has been referred to
this office for response. Please be assured that
should there be a vacancy on this Court, Mrs. Sch-
lafly will receive every consideration.

With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. and Mrs. R. J. Disselkamp
3422 Lexington Road
Louisville, KY 40207

M/M R. J. DISSELKAMP
3422 Lexington Rd.
Louisville, Ky. 40207

F.F.

SEP 13 1982

PJ

Aug. 11, 1982

Dear Pres. Reagan:

The next time you are able to make an appointment to the Supreme Court, we urge you to name Mrs. Phyllis Schlafly.

We admire Mrs. Schlafly very much for many reasons, chiefly, because she is totally committed to family values and opposed to abortion. She is also a brilliant lawyer who is not only a committed conservative, but also an expert at constitutional law.

We can think of no one more qualified for the high court bench than Phyllis Schlafly. Above all, she has proven that she'll bring common sense to the U.S. Supreme Court.

Very truly yours,
Mr. & Mrs. R. J. Disselkamp

ms

OK

106808 CU
4000
FG051

THE WHITE HOUSE
WASHINGTON

October 25, 1982

Dear Mr. Vessey:

Thank you for your letter of June 8, 1982 to
the President, expressing your views regarding
appointments to the Supreme Court of the United
States. We apologize for the delay in responding,
due to a mis-routing of your correspondence.

Your views are greatly appreciated and please be
assured they will receive every consideration
during the selection process to fill any future
vacancy.

With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

X
Mr. Franklin R. Vessey
3136 North Olcott Avenue
Chicago, Illinois 60635

Robert Bork
X
Dennis Horan
X
Patrick Trueman
X

1°
p. 1
F.F.

SEP 13 1982

3136 North Olcott Avenue
Chicago, Illinois 60635
June 8, 1982

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

Dear President Reagan:

I have heard that Robert Bork is being considered for your next appointment to the Supreme Court.

After what you did to us in appointing Sandra O'Connor, we pro-lifers must insist that you counsel with Congressman Hyde and Senator Hlebs so that we get a truly 100% pro-lifer on the Supreme Court.

I might even suggest a few myself such as Dennis Horan or Patrick Trueman of the Americans United for Life, Professor Rice head of the legal department at the University of Notre Dame. The list of qualified 100% pro-lifers is long.

Please don't let us down again. Actions speak louder than words.

Sincerely yours,

Franklin R. Vessey

FLEET-ERASE
BOND

ID # 107129

FG 051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

NOV - 1 1982

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

82/10 128

Name of Correspondent: Sandra H. O'Connor

☒ MI Mail Report

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

Subject: Expresses appreciation for the annual White House
Visit by the members of the Supreme Court of the beginning
of the Court's October term.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
✓ CA Full	ORIGINATOR	82/10/29		C 82/10/29
CU Fiel	Referral Note: A	82/10/29		C 82/11/03
WFIEL	Referral Note: S	82/11/03		A 82/11/03
	Referral Note:			
	Referral Note:			
	Referral Note:			
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Comments: FF Nov 0382 memo to the President

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: 02 OCT 29 A11:48 Media: L Individual Codes: 1.310

Prime Subject Code: EG 051 Secondary Subject Codes: EG 001 PR 018
30 003
PR 007.01

PRESIDENTIAL REPLY

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C		Time:	P-
DSP		Time:	Media:

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- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

November 3, 1982

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by FFF

SUBJECT: Supreme Court Luncheon

I thought you'd enjoy reading the attached letter from Justice O'Connor thanking you for the luncheon with the Supreme Court and for reviving that tradition.

/Attachment

C. Sullivan

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

107129

October 26, 1982

The President
The White House
Washington, D.C.

My dear Mr. President,

During your administration, you have initiated many policies and actions which will affect the course of history. You have also reinstituted other policies which had fallen into disuse. Among the latter is the annual White House visit by the members of the Supreme Court at the beginning of the Court's October Term.

As your first appointee to the Court, and as its first woman justice, I want you to know that it was particularly meaningful to me to be present at the White House with the other members of the Court. As always, you were exceedingly gracious and thoughtful. It was a beautiful occasion which none of us will forget. It is symbolic of the relationship of the Chief Executive and the Judicial Branch. You honored all of us as well as the institution of the Court.

Sincerely,

Sandra

Sandra D. O'Connor