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WITHDRAWAL SHEET

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Collection Name GREEN, MAX: FILES

Withdrawer

MJD 12/13/2010

File Folder NEW SUPREME COURT NOMINEE (1)

FOIA

F94-0029/23

Box Number 17027

GOLDMAN

4

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	LIST	RE PRE-ANNOUNCEMENT BRIEFING	2	10/29/1987	B6

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

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

THE WHITE HOUSE

WASHINGTON

October 28, 1987

MEMORANDUM FOR LINAS KOJELIS
SPECIAL ASSISTANT TO THE PRESIDENT
OFFICE OF PUBLIC LIAISON

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

RE: Supreme Court Nominee Letters

I have reviewed the attached proposed letter from the President to Bork correspondents. I have noted a number of comments on the attached draft.

Thank you for bringing this to our attention.

Attachment

October 28, 1987

Dear Friend:

I'm writing to thank you for your kind letter on behalf of Judge Robert Bork. Your words of support and encouragement meant a great deal to the Judge and all those working on his behalf.

During the confirmation hearings, Judge Bork ^{demonstrated to} gave the nation a lesson in ~~legal tradition and~~ the importance of judicial restraint. His willingness to hold to principles, not politics, through the difficult confirmation process reinforced my belief in his dignity and integrity.

^{although} As disappointed as I am that Judge Bork was not confirmed, I realize that we must move quickly to fill the vacant seat on the Supreme Court. Accordingly, I have selected XXXXX as my nominee. Judge XXXXX is an outstanding jurist who ^{has} demonstrated a clear understanding of ~~challenges facing the judiciary~~. I hope that you will join me in supporting the confirmation of Judge XXXXX.

Sincerely,

//RR//

*proper
role of courts and judges
in our constitutional
system of government.*

his speedy

*and a wise understanding
of ~~our~~ constitutional ~~law~~ law.*

(1)
(2a)

(16)

(1)

(3)

THE WHITE HOUSE

WASHINGTON

October 29, 1987

MEMORANDUM FOR JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

ANNE HIGGINS
SPECIAL ASSISTANT TO THE PRESIDENT AND DIRECTOR OF
CORRESPONDENCE

FROM: LINAS KOJELIS *LK*
SPECIAL ASSISTANT TO THE PRESIDENT, OFFICE OF
PUBLIC LIAISON

SUBJECT: Additional Supreme Court nominee letters

Thank you for your comments on yesterday's draft letter to people who wrote letters in support of the Bork nomination.

Attached is another very similar draft letter that we would like sent to those individuals who actively worked to build support for Judge Bork. The letter is essentially the same as yesterday's except that the salutation is personalized and the first paragraph thanks the correspondent for their efforts. Comments from Counsel's office have been incorporated.

Please look this this over and let me know your comments by 3:00 p.m. today, October 29th. Thank you.

Attachment

OK
qbs
10-29-87

October 29, 1987

Dear xxxx:

I'm writing to thank you for your efforts on behalf of Judge Robert Bork. You gave willingly of your time and resources towards the most noble fight and I appreciate it.

During the confirmation hearings, Judge Bork demonstrated to the nation the importance of judicial restraint and a wise understanding of constitutional law. His willingness to hold to principles, not politics, through the difficult confirmation process reinforced my belief in his dignity and integrity.

Although I am disappointed that Judge Bork was not confirmed, I realize that we must move quickly to fill the vacant seat on the Supreme Court. Accordingly, I have selected XXXXX as my nominee. Judge XXXXX is an outstanding jurist who has demonstrated a clear understanding of the proper role of courts and judges in our constitutional system of government. I hope that you will join me in supporting his speedy confirmation.

Sincerely,

//RR//

THE WHITE HOUSE
WASHINGTON

October 28, 1987

LK

FYE

Still Waiting on AVH
I will compile comments

ME

MZ
good job.
TZ
✓

MEMORANDUM FOR LINAS KOJELIS
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Sincerely,

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THE WHITE HOUSE

WASHINGTON

October 29, 1987 .

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Sincerely,

//RR//

THE WHITE HOUSE
WASHINGTON

DRAFT

October 16, 1987

Friend
Dear XXXXX:

I'm writing to thank you for your ~~efforts~~ on behalf of Judge Robert Bork. You ~~gave willingly of your time and resources towards the most noble fight and I appreciate it.~~

During his confirmation hearings, Judge Bork gave the nation a lesson in legal tradition and the importance of judicial restraint. His willingness to hold to principles not politics through the difficult confirmation process reinforced my belief in his dignity and integrity.

As disappointed as I am that Judge Bork was not confirmed, I realize that we must move quickly to fill the vacant seat on the Supreme Court. Accordingly, I have selected XXXXX as my nominee. Judge XXXXX is an outstanding jurist who demonstrates a clear understanding of challenges facing the judiciary. I hope that you ~~and XXXXX~~ will join me in supporting the confirmation of XXXXX.

Judge

Sincerely,

|| R R ||

- / AWt
JS

- LK

cc: RR

WT SK letter av. coten
Support B. Study
draft to all
Attas Coten inks

of name of
asking for support

words of support and encouragement
meant a great deal to the
Judge and all
those working
on his
behalf.

kind letter

Bork letters/mz3

WS

Please make changes
mz

October 28, 1987

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of our constitutional law.

(1)
(2)

(16)

(2)

(3)

PRE-ANNOUNCEMENT BRIEFING IN ROOSEVELT ROOM (T: Thursday 10/29)

Frank Stella
Chairman
National Republican Heritage Groups Council
7000 Fenkell Avenue
Detroit, Michigan 48238-2083

Laszlo Pastor
National Federation of American Hungarians
656 Greenlee Road
Pittsburgh, PA 15227
412/885-4311
814/352-7188

Hector Baretto
Chairman Emeritus
U.S. Hispanic Chamber of Commerce
4900 Main
Kansas City, MO 64112
816/531-6363

Oscar Moran
National President
League of United Latin American Citizens
401 West Commerce
Suite 222
San Antonio, TX 78207
512/223-3377

Chris Gersten
Executive Director
National Jewish Coalition
415 Second Street, NE
Washington, D.C. 20002
202/547-7701

Doug Besharov
American Enterprise Institute
1150 17th Street, NW
Washington, D.C. 20036
202/862-6490

Walter Berns
Professor, Political Theory
Georgetown University
Washington, D.C. 20057
202/625-4932

SUPREME COURT NOMINEE ROOM 450 EVENT

(T: Tuesday 11/3)

Week for

11/6 1:30

Michael Weinberger
National Jewish Coalition
80 Wall Street
New York, NY 10005
212/269-9488

Elizabeth Dubin
National Jewish Coalition
5309 Audubon Road
Bethesda, MD 20814
301/654-2477

Herbert Ascherman
National Jewish Coalition
10013 Bent Cross Drive
Potomac, MD 20854
301/983-8137

Dollye Berman
National Jewish Coalition
7004 Nevis Road
Bethesda, MD 20817
301/229-4822

Jeffrey Altman
McKenna, Conner and Cuneo
1575 Eye Street, NW
Suite 800
Washington, D.C. 20005
202/789-7520

Mark Lezell
Tucker, Flyer, Lewis and Sanger
1615 L Street, NW
Suite 400
Washington, D.C. 20036
202/429-3281

1:30

SUPREME COURT NOMINEE EAST ROOM INVITEES (T: Thursday 10/29)

Additions from Kojelis:

Jess Hordes
Anti-Defamation League
202/857-6668

David Harris
American Jewish Committee
202/265-2000

Linda Chavez
Columnist and
Director, U.S. English
202/232-5200

Joseph and Alma Gildenhorn
National Jewish Coalition
301/229-5550

Harris Weinstein
Covington and Burlington
202/662-5302

Bernard Barnett
National Jewish Coalition
202/342-0342

Michael Horowitz
Dickstein, Shapiro and Morin
202/785-9700

Leonard Garment
Dickstein, Shapiro and Morin
202/785-9700

David Ifshin
E.F. Hutton
202/463-4320

Amb. Richard Shifter
Assistant Secretary of State
202/647-2126

Mitchell and Lilly Blankstein
National Jewish Coalition
202/785-9464
301/983-0453

Michael Martinez
President, National Hispanic Bar Association
801/532-1601

THE WHITE HOUSE
WASHINGTON
Supreme Court Nominee
EAST ROOM 2:00

East Visitors GATE by 1:15

Need DOB + SSN by COB
today.

MZ
Do you want to
save this list?
WS.

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

GREEN, MAX: FILES

Withdrawer

MJD 12/13/2010

File Folder

NEW SUPREME COURT NOMINEE (1)

FOIA

F94-0029/23

GOLDMAN

Box Number

17027

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DOC Document Type

NO Document Description

No of Doc Date Restriction
pages

1 LIST

2 10/29/1987 B6

RE PRE-ANNOUNCEMENT BRIEFING

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November 1, 1987

MEMORANDUM FOR REBECCA RANGE

FROM: MAX GREEN *MS*

I am certain you will find the enclosed of interest, unless you have already seen it. It will be interesting to see if we can rally the same amount of academic support for Judge Ginsburg.

THE WHITE HOUSE

WASHINGTON

November 1, 1987

MEMORANDUM FOR REBECCA RANGE

FROM: MAX GREEN *on 1*
SUBJECT: Ginsburg Nomination

The initial reaction to the nomination in the Jewish community has not been terrific. The mere fact that he is Jewish is swaying no one. This is simply not a powerful argument assurance in this extremely sophisticated community.

Moreover there is concern raised by the news that the nomination represents a victory of the right, e.g. Senator Helms, over moderates like Senator Baker. There are other concerns such as for instance Ginsburg's youth.

This would not matter so much if people knew Ginsburg. Unfortunately, no one seems to have a full overview of his beliefs. He is a real unknown in the community. Many even have questions about his Jewishness; is he a practicing Jew, was his mother, are his children?

On the other hand, the positive things that Alan Dershowitz has been saying have been well received. If he supports the confirmation, then our task will be much simpler.

However, based upon my own observations, we cannot expect to get much support until, and unless we begin to circulate more information. Even calls from Senator Baker would not make a considerable difference at this point. I hope that he will make a strong pitch for the nomination at the National Jewish Coalition meeting in the Roosevelt Room on November 4th. I also believe if Ginsburg would go to New York City to meet with key leaders it may have a positive effect. News of a favorable impression would quickly circulate throughout the community.

At the present time I suggest making calls to the following individuals only:

1. Max Fisher (Senator Baker) (313) 486-3113
2. Ed Levy (Frank Donnatelli) (313) 843-7200

November 1, 1987

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10/29/87

SCHEDULE -- SUPREME COURT NOMINEE -- WEEK ONE

THURSDAY, OCTOBER 29, 1987

- 1) East Room Announcement: President and Nominee
- 2) Placement of spokesperson.
- 3) Material and letters mailed.

OPL/OGA/COUN
Media
OPL/IGA

FRIDAY, OCTOBER 30, 1987

- 1) A. B. Culvahouse and Brad Reynolds drop-by Republican Heritage Event (leaders of all ethnic groups) in the Indian Treaty Room at 11-12:00 noon. Culvahouse/Cox talk about nominee.
- 2) Placement of spokespersons.
- 3) Courtesy calls begin.
- 4) Invitations go out for next Friday's event in 450.
- 5) Core Women supporters called for advise on strategy and invited to 450 event.
- 6) Briefing by Culvahouse/Cox and Duberstein of agency public liaison, congressional liaison, intergovernmental liaison, and other appropriate front office staff. Indian Treaty Room. Need Duberstein/Culvahouse approval.

OPL

Media
CONG
OPL/OGA
Women

OPL/OGA/CONG
& CABINET AF

SATURDAY, OCTOBER 31, 1987

- 1) Saturday Radio Address.

Media

SCHEDULE -- SUPREME COURT NOMINEE -- WEEK TWO

MONDAY, NOVEMBER 1, 1987

- 1) Law Enforcement leaders invited to 11:30 a.m. lunch in Ward Room. A.B. Culvahouse drop-by.
- 2) Law Enforcement leaders meet with Senator Thurmond at 2:00 p.m. and then fan out for pre-arranged meetings on the Hill.
- 3) President swears in Sessions and talks about nominee and crime. (Law Enforcement Officials included).
- 4) Courtesy calls continue.
- 5) OPL/OGA follow up with those in East Room to coordinate strategy.
- 6) Business group meeting on strategy.
- 7) Conservative/law enforcement group meet on strategy.
- 8) Cabinet meeting.

OPL

OPL/CONG

CABINET AF
& OPL

CONG
OPL/OGA

OPL
OPL

CABINET AF

TUESDAY, NOVEMBER 3, 1987

(Note: Possible Labor Secretary Announcement)

- | | |
|---|------------|
| 1) Bi-partisan leadership or leadership
- President talks about nominee. | CONG |
| 2) Continued courtesy calls. | CONG |
| 3) Cabinet spokespersons. | CABINET AF |

WEDNESDAY, NOVEMBER 4, 1987

(Note: U.S./Canada Free Trade Agreement Event)

- | | |
|---------------------|-------|
| 1) Courtesy calls. | CONG |
| 2) Media placement. | Media |

THURSDAY, NOVEMBER 5, 1987

- | | |
|---------------------|-------|
| 1) Courtesy calls. | CONG |
| 2) Media placement. | Media |

FRIDAY, NOVEMBER 6, 1987

- | | |
|--|-----|
| 1) 450 event with President on nomination, cross section of supporters mostly from out-of-town to include political affairs types, intergovernmental types, OPL types, key supporters, women and men in target states. Culvahouse, Baker, President.
NOTE: Core group of 30 or so women invited to lunch before hand. | OPL |
| 2) Proposal: Photo-Op with Asian American voters coalition. | OPL |

THE WHITE HOUSE

WASHINGTON

November 1, 1987

Thanks.

MEMORANDUM FOR REBECCA RANGE

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On Disc mmm2
Under: ben memo
to staff

October 29, 1987

B.H. Ginsburg

MEMORANDUM FOR COUNSEL'S OFFICE AND
JOE RODOTA

FROM: BENEDICT S. COHEN

SUBJECT: Background Information on
Judge Douglas H. Ginsburg

Judge Ginsburg is 41 years old. he was born in Chicago, Illinois, in 1946. His father, a telegraphist, was deeply involved in the labor union movement: at one point, he left one job with an employer where the union was well-established to take another job where he could help the union organize.

Partly as a result of his father's long-standing involvement in the labor movement, Judge Ginsburg took an undergraduate degree in labor relations at Cornell's New York School of Industrial and Labor Relations, where he was valedictorian in 1970 and received the school's annual citation for integrity. His interest in labor did not preclude an entrepreneurial fling: he dropped out of college to start one of the nation's first computer dating services, which he sold for a profit before returning to school.

During law school at the University of Chicago, from which he graduated in 1973, Judge Ginsburg married his first wife. They had one child, Jessica, now in high school. That marriage ended in divorce. Judge Ginsburg presently is married to Hallee Perkins Morgan Ginsburg, a doctor who worked at the Department of Health and Human Services prior to the birth of Judge Ginsburg's other daughter, Hallee, a short time back.

After graduation from law school, where he was an editor of the Law Review, Judge Ginsburg clerked for Judge Carl McGowan of the D.C. Circuit Court of Appeals. Judge McGowan, a Kennedy appointee, is one of the most distinguished jurists in the United States.

Thereafter, he clerked for Supreme Court Justice Thurgood Marshall. Judge Ginsburg is known to believe that Justice Marshall is the most important historical figure with whom he has ever been associated, and that his time with Justice Marshall deeply affected this life and outlook on society.

After his clerkships, Judge Ginsburg taught for eight years (1975-1983) at Harvard Law School, first as an assistant professor and then as a full professor. His specialties were economics regulation, antitrust law, and corporate law. He was

very well-liked by colleagues of all political persuasions, including Dean Vorenburg and Professor Dershowitz -- two prominent opponents of Judge Bork. He was somewhat restless as a professor feeling that academics ~~was~~ rather remote from the real world. He maintained a private practice during this period as well.

In 1984-85, Judge Ginsburg was Deputy Attorney General in the Antitrust Division. In that post he helped develop the National Cooperative Research Act of 1984, a bill which has enabled hundreds of research and development firms to pioneer creative technologies and boost American competitiveness. He also supervised the investigation and recommendation to the Civil Aeronautics Board which led to the elimination of bias in computer reservation systems -- an example of the sort of concrete benefits to the average consumers that Judge Ginsburg supports.

In 1985-86, Judge Ginsburg was Administrator for the Information and Regulatory Affairs at OMB-- one of the most important posts in that agency, with government-wide responsibilities. In 1985-86, he was Assistant Attorney General for Antitrust. In that capacity, he made criminal enforcement the Justice Department's highest priority. He led the crackdown on white collar criminal conspiracies that had cost taxpayers and consumers millions of dollars through bid rigging and price-fixing. He began a wide-ranging initiative against price-fixing in defense procurement.

In testimony before the U.S. Sentencing Commission, he called for substantial increases in sentences and fines for white-collar criminals -- suggestions largely adopted in the final Commission guidelines. And he introduced legislation to enable the U.S. Government, for the first time, to collect treble damages against price-fixers who had defrauded taxpayers. Judge Ginsburg has shown that he is an unrelenting opponent of white-collar crime -- a point that cannot be stressed too much.

Also, at Justice, Judge Ginsburg showed his sensitivity to sex discrimination by appointing a woman to the highest-ranking position ever held by a woman in the Antitrust Division in any Administration, Democratic or Republican.

In 1986, President Reagan nominated Judge Ginsburg to the Nation's second most important court -- the U.S. Court of Appeals for the D.C. Circuit. As Senator Kennedy remarked at Judge Ginsburg's confirmation hearings, "I think all of us on this committee understand that the Circuit Court has very special responsibilities in a wide range of public policy questions." Judge Ginsburg was unanimously confirmed by the Senate. At his confirmation hearing he was introduced by his home-state Senator, Edward Kennedy, who also inserted a statement by Senator Kerry of Massachusetts in the record (attached). Both Senators paid eloquent tribute to his open mind, his talents, and his ability to get along with persons of different views. Senator Kennedy

Serving ~~serving~~ in the Justice Department has differed ~~with~~ with some of those in the Congress on some of the complexities of antitrust laws, I found him and I know other members of the Judiciary committee and Congress have found him to be open-minded, to be willing to listen, and to be willing to consider views which he has not himself held. I think we are fortunate to have this nominee for this extremely important position and, as I supported his nomination before, I would hope that we would act and act expeditiously to assure that he can join his colleagues on the Circuit Court."

Senator Kerry "strongly support[ed] the nomination, saying that "Douglas Ginsburg brings the highest possible degree of qualifications to become a member of the federal judiciary." He noted Ginsburg's clerkships for McGowan and Marshall, and added, "So he clearly cannot be accused of having a bias against the 'liberal' viewpoint on the Court." Senator Kerry attested that "I know he commands the greatest respect from our mutual friends at Harvard such as Alan Dershowitz and Larry Tribe. Alan has indicated to me that he regards Doug Ginsburg as a legal scholar of the highest order -- non-ideological, non-polemical, and the best possible nomination that the President could make for the federal judiciary . . . [T]here could be no more highly qualified candidate for a judgeship on the U.S. Court of Appeals for the D.C. Circuit than Douglas Ginsburg."

Judge Ginsburg is a devoted father, taking a month off every year to be with his family. His favorite charities are the United Jewish Appeal and the United Negro College Fund. He is an avid reader, and enjoys classical music and ballet. He enjoys hiking (especially the Appalachian Trail), and he is very interested in historic preservation. He is a member of the National Trust for Historic Preservation and Collects antiques.

THE WHITE HOUSE

WASHINGTON

October 30, 1987

Note for Max Green

From: David McIntosh

DM

*B.H.
Ginsburg*

Mike Weinberger called me today to say that he would like to help out with the Ginsburg nomination. He raised money from a small group of lawyers (mostly Federalist Society members) to place an ad for Bork.

He says that National Jewish Coalition has contacted him about coming down for their meeting with Howard Baker. You should add Mike to your list of Ginsburg supporters (212/269-9488).

JOHNSON, HOMER THORNBERRY

nt F. Haynsworth Jr.,

signation of Abe Fortas gave
ent Richard Nixon a chance
ninate a conservative. His
was South Carolina Judge
nt F. Haynsworth Jr., who
nominated in August 1969
d well-qualified. But during
enate's confirmation hearings,
al senators questioned
sworth's participation as a fed-
pellate judge in a case involv-
company in which he had fi-
al interests. Conflict-of-inter-
concerns combined with strong
sition from labor, minority and
rights groups to defeat the
nation. The Senate rejected
sworth in November 55 to 45
three months of deliberation.

arold Carswell, 1970

n responded to the
sworth defeat by sending the
te the name of conservative
da Judge G. Harrold Carswell.
e interpreted Nixon's nomina-
of such an unqualified judge as
attempt at revenge for the Sen-
rebuff. Prominent newspapers
d Carswell "totally lacking in
essional distinction" and "an
t to the Congress, a denigra-
of the court and an affront to
faith of the American people in
quality of their government."
arswell's record on civil rights
led to his rejection. During con-
tation hearings, reporters un-
red a militant white suprem-
speech Carswell had delivered
948 and other evidence sug-
ing questionable views on de-
gregation. Civil rights, labor and
nist groups joined forces in a
rous attack on Carswell's nom-
on. He was rejected in April
0 by a vote of 51 to 45.

CES: "Congressional Quarterly's Guide to
preme Court," "God Save This Honorable
by Laurence H. Tribe, "Facts About the
ents" by Joseph Nathan Kane and "The
me Court in United States History" by
s Warren.

illed by staff writer Mark Lawrence

DESIGN BY MARTY BARRICK—THE WASHINGTON POST

WP 9/16 P A19
Federal Page

CONFIRM JUDGE BORK.

Who should make social policy?

**Judge Bork says our elected
representatives should —
so does the Constitution.**

**We agree.
The Senate should
also agree.**

New Yorkers For Bork.

1 Tiffany Place, Brooklyn, N.Y. 11231

November 1, 1987

MEMORANDUM FOR REBECCA RANGE

FROM: DEFENSE AND FOREIGN POLICY

SUBJECT: Constituency Activities for Judge Ginsburg

The National Jewish Coalition is gearing up for support activities.

Attendants of the East Room Announcement
of the nomination of Judge Ginsburg 10/29/87

Mr. Salvatore Ambrosino
Washington D.C. Representative
Order Sons of Italy in America
219 E Street, NE
Washington, DC 20002

Mr. Walter Berns
Professor of Political Theory
Georgetown University
Washington, DC 20057

Mr. Douglas Besharov
American Enterprise Institute
1150 17th Street, NW
Washington, DC 20036

The Honorable Anna C. Chennault
President
TAC, International
Suite 1020
Investment Building
1511 K Street, NW
Washington, DC 20005

Mr. Robert A. Clark
Coordinator, National Political Action
National Association of Arab-Americans
2033 M Street, NW
Washington, DC 20039-3399

Mr. Gilberto de Jesus
Member of the Board of Directors
National Hispanic Bar Association
559 East South Temple
Salt Lake City, Utah 84102

Mr. Jess Hordes
Associate Director
Anti-Defamation League
1640 Rhode Island Avenue, NW
Washington, DC 20036

Mr. Michael Horowitz
Dickstein, Shapiro & Morin
2101 L Street, NW
Washington, DC 20037

Mr. David Ifshin
Director
Washington Capital Markets
E.F. Hutton and Co.
2300 N Street, NW
Suite 750
Washington, DC 20037

Mr. Abdeen M. Jabara
Arab-American Anti-Discrimination Committee
1731 Connecticut Avenue, NW
Washington, DC 20009

Ms. Casimira Lenard
Executive Director
Polish American Congress
1625 I Street, NW
Room 325A
Washington, DC 20006

Mr. A. Mark Neuman
National Jewish Coalition
415 2nd Street, NE
Washington, DC 20002

Mr. Laszlo C. Pasztor
Chairman, Executive Board
Federation of American-Hungarians
656 Greenlee Road
Pittsburgh, PA 15227

Mr. Faud Sehour
Arab-American Business Council
P.O. Box 7
Great Falls, Virginia 22066-0007

Mrs. Mary Sehour
Arab-American Business Council
P.O. Box 7
Great Falls, Virginia 22066-0007

Mr. Radi Slavoff
Executive Director
National Republican Heritage Groups Council
310 First Street, SE
Washington, DC 20003

Mr. Myron Wasylyk
Ukrainian National Information Service
810 18th Street, NW
Suite 807
Washington, DC 20006

JUDGE DOUGLAS H. GINSBURG

THE PRESIDENT'S NOMINEE TO THE SUPREME COURT

Overview

- o Judge Douglas H. Ginsburg is an outstanding nominee to the Supreme Court. His experience in government, academia, and on the bench, together with his judicial temperament, will make him a superb Justice.
 - He was an editor of the University of Chicago Law Review, a clerk to Judge Carl McGowan on the U.S. Court of Appeals for the D.C. Circuit, and a clerk to Supreme Court Justice Thurgood Marshall.
 - From 1975 to 1983, Judge Ginsburg was a professor at the Harvard Law School, specializing in banking law, economic regulation of business, and antitrust.
- o From 1983 until his appointment to the bench in 1986, Judge Ginsburg held important positions in government.
 - He was Deputy Assistant Attorney General in the Antitrust Division of the Justice Department, Administrator for Information and Regulatory Affairs in the Office of Management and Budget, and Assistant Attorney General for Antitrust.
 - As Assistant Attorney General, Judge Ginsburg made criminal enforcement the Justice Department's highest antitrust priority.
 - Judge Ginsburg led the crackdown on price-fixing conspiracies that had defrauded consumers and taxpayers of millions of dollars, and repeatedly called for stiffer sentences for white-collar criminals.
- o In 1986, President Reagan nominated Judge Ginsburg to the U.S. Court of Appeals for the District of Columbia Circuit -- the most important of the federal courts of appeals. He was unanimously confirmed by the Senate.
- o Judge Ginsburg is a judicial conservative, committed to keeping the judiciary out of politics and to strong law enforcement
- o At the same time, Judge Ginsburg has earned a reputation for being fairminded and sensible among his colleagues in academia, on the bench, and in government.

WHITE HOUSE ISSUE BRIEF

(Overview, continued)

- o At his confirmation hearings last year, Senator Kennedy paid tribute not only to his "insightful mind" but to his "sense of compassion." Senator Kennedy went on to say:

"I have found him and I know that other members of the Judiciary Committee and the Congress have found him to be open-minded, to be willing to listen, and to be willing to consider views which he has not himself held. I think we are fortunate to have this nominee for this extremely important position...."

WHITE HOUSE ISSUE BRIEF

CRIMINAL LAW

- o Criminal cases make up the largest single category of cases heard by the Supreme Court.
- o These cases also have the most immediate impact on our citizens.
 - Supreme Court decisions will determine whether convicted murderers may receive the death penalty.
 - Supreme Court decisions will determine whether the rights of victims will be considered, as well as the rights of accused and convicted criminals.
 - Supreme Court decisions will have a vital impact on the success of the Nation's war on drugs.
 - Supreme Court decisions will determine whether court-created rules will help -- or hinder -- the search for truth in the courtroom.
- o The Supreme Court's criminal law cases are particularly vital to the poor, women, the aged, and minority groups, who are disproportionately victimized by crime and who have the greatest interest in fair and effective law enforcement. When our criminal justice system fails -- when hardened criminals are set free to prey on the public again -- these Americans are the first to suffer.

Criminal Justice in the Balance

- o This nomination will determine whether we continue the 15-year trend away from Warren Court activism on behalf of accused and convicted criminals and toward a balanced approach rooted in the text of the Constitution.
 - Last term the constitutionality of the death penalty was sustained by a single vote -- that of Lewis Powell, whose seat Judge Ginsburg has been nominated to fill.
 - Last term, the Court struck down by one vote a state statute allowing juries in murder cases to hear statements about the impact of the crime on the victim, his or her family, and the community.
 - Within the next year it is likely that challenges to key components of the legislative and executive branch initiatives in the war on drugs will come before the Supreme Court.

WHITE HOUSE ISSUE BRIEF

(Criminal Law, continued)

- It is imperative that those challenges be heard by Justices committed to the plain mandate of the Constitution -- "to establish Justice, and to ensure domestic Tranquility."

Judge Ginsburg's Record on Criminal Law Enforcement

- o As a federal prosecutor and appellate judge, Judge Ginsburg has shown that he believes in a criminal justice system that protects not just the rights of the accused, but also those of the victims and of society as a whole.
- o Summarizing Assistant Attorney General Ginsburg's tenure at the Justice Department, the Wall Street Journal wrote in August 1986: "When it comes to pursuing price-fixing and bid-rigging and other blatantly criminal activities, the scholarly former law professor acts more like an aggressive, hard-nosed presecutor. Since taking office a year ago... Ginsburg has suprised many critics by significantly stepping up criminal enforcement efforts."
- As head of the Antitrust Division, Judge Ginsburg made criminal enforcement the Justice Department's highest priority. Under his leadership, the Antitrust Division filed criminal charges against 87 corporations and 80 individuals. Judge Ginsburg opened more than 50 grand jury investigations. By the time he was elevated to the Court of Appeals, the Division was conducting a record number of grand jury investigations.
- He led the crackdown on whitecollar criminal conspiracies that had cost taxpayers and consumers millions of dollars.
- Judge Ginsgurg began the Department's crackdown on bid-rigging in federal procurement, with particular emphasis on Defense Department procurement. That initiative continued after Judge Ginsburg's elevation to the bench and today there are 35 grand juries looking into possible bid-rigging and price-fixing on government contracts at military installations across the nation, as well as civilian government contracts. That effort will in time save taxpayers millions, if not billions, of dollars.

WHITE HOUSE ISSUE BRIEF

- In his first major speech as Assistant Attorney General, Judge Ginsburg expressed great concern that "with discouraging frequency, the price-fixers and bid-riggers we do bring to justice slip off with token punishment... [I]nstead of sending antitrust felons to jail, judges are increasingly inclined to fashion 'creative' alternative sentences involving 'community service'." In testimony before the U.S. Sentencing Commission, he called for substantial increases in sentences and fines for white-collar criminals -- suggestions largely embodied in the Commissions' final guidelines. And he introduced legislation to enable the U.S. Government, for the first time, to collect treble damages against price-fixers who had defrauded the taxpayers.
- o During his tenure on the District of Columbia Circuit, Judge Ginsburg has shown that he firmly understands the truthfinding function of criminal justice, but that he will nevertheless protect the legitimate constitutional rights of defendants.
- Judge Ginsburg joined in the opinion in United States v. Jackson, which affirmed a conviction for the illegal possession of weapons. The court held that the Armed Career Criminal Act did properly allow the district judge to consider the defendant's prior convictions in enhancing his sentence. The court also held that a search of firearm registration records that used an incorrect address for the defendant did not suggest that using the correct address would have turned up any exculpatory evidence.
- Judge Ginsburg joined in the per curiam opinion in United States v. Scarborough, which affirmed a conviction on eight counts relating to fraudulent dealings with two banks.
- Where a defendant's rights are truly in question, however, Judge Ginsburg has shown his willingness to uphold the rights of criminal defendants. Thus, he joined in the opinion of Judge Mikva in United States v. Brown, reversing the convictions of 9 defendants after 13 weeks of trial and 8 weeks of jury deliberations. The court concluded that the trial judge's dismissal of a juror in the midst of deliberations had deprived the defendants of their constitutional right to a unanimous jury.
- o In short, Judge Ginsburg has demonstrated that he shares Lewis Powell's commitment to protect the rights of victims, as well as the rights of accused or convicted criminals.

WHITE HOUSE ISSUE BRIEF

THE CONFIRMATION PROCESS

- o The Supreme Court seat of retired Justice Lewis Powell has now been vacant for over four months -- one of the longest vacancies in American history.
- o Ironically, Justice Powell made it clear that he was retiring because he believed it would be unfair both to the parties with cases pending before the Supreme Court, and to the other members of the Court, to be operating without nine full-time Justices. By stepping down late in June, Justice Powell graciously allowed sufficient time for his replacement to be confirmed before the October term began.
- o The United States Senate has the solemn responsibility of giving careful scrutiny to the qualifications of every nominee for the Supreme Court, and of determining, through the confirmation process, whether that nominee shall be approved.
- o It is critical that the Supreme Court, with its increasingly burdensome caseload, operate with a full complement of nine Justices. Since the current term began in October, the Justices have already been unable to resolve one highly significant case by virtue of a tied vote.
- o A prompt, bipartisan confirmation process is needed to fill the current Supreme Court vacancy and to ensure public confidence in the Senate confirmation process and the independence of the Judiciary.
- o There is no more urgent business before Congress than filling Justice Powell's vacant seat on the Court. The Senate must exercise its constitutional responsibility to vote on this nominee before it adjourns for the year.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 29, 1987

BIOGRAPHICAL INFORMATION ON
JUDGE DOUGLAS H. GINSBURG

Judge Ginsburg has had an outstanding career as a judge, as a government official with important law enforcement responsibilities, and as a distinguished professor of law at the Harvard Law School. His record makes him eminently qualified to sit on our highest court.

In 1986, President Reagan nominated Judge Ginsburg to sit on the United States Court of Appeals for the D.C. Circuit. He was unanimously confirmed by the Senate.

From 1985 to 1986, Judge Ginsburg was Assistant Attorney General for Antitrust at the Department of Justice. From 1984 to 1985, he was Administrator for Information and Regulatory Affairs in the Office of Management and Budget, one of the most senior positions in that agency. From 1983 to 1984, Judge Ginsburg was a Deputy Assistant Attorney General in the Antitrust Division of the Department of Justice.

From 1975 to 1983, Judge Ginsburg was a professor at the Harvard Law School, where he taught economic regulation of business, antitrust law, and corporate law.

Judge Ginsburg clerked for Judge Carl McGowan of the United States Court of Appeals for the D.C. Circuit. He then served as law clerk for Supreme Court Justice Thurgood Marshall. He received his undergraduate degree in 1970 at Cornell University and his law degree in 1973 at the University of Chicago, where he was Articles Editor of the Law Review.

During his tenure as head of the Antitrust Division, Judge Ginsburg made criminal enforcement the Justice Department's highest antitrust priority. He led the crackdown on price-fixing conspiracies that had defrauded consumers and taxpayers of millions of dollars. Judge Ginsburg began the Department's wide-ranging initiative against price-fixing in defense procurement. He has repeatedly called for substantial increases in sentences and fines for white collar criminals.

Judge Ginsburg was born in 1946 in Chicago, Illinois. He is married and has two children. His wife, Hallee, is a doctor who worked at the Department of Health and Human Services prior to the birth of their daughter.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 29, 1987

FACT SHEET

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 - Judge Ginsburg led the crackdown on price-fixing conspiracies that had defrauded consumers and taxpayers of millions of dollars, and repeatedly called for stiffer sentences for white-collar criminals.
- o In 1986, President Reagan nominated Judge Ginsburg to the U.S. Court of Appeals for the District of Columbia Circuit--the most prestigious and important of the federal courts of appeals. He was unanimously confirmed by the Senate.
- o Judge Ginsburg is a strong judicial conservative, committed to keeping the judiciary out of politics and to strong law enforcement.
- o At the same time, Judge Ginsburg has earned a reputation for being fairminded and sensible among his colleagues in academia, on the bench, and in government.
- o At his confirmation hearings last year, Senator Kennedy paid tribute not only to his "insightful mind" but to his "sense of compassion."
 - Senator Kennedy went on to say, "I have found him and I know that other members of the Judiciary Committee and the Congress have found him to be open-minded, to be willing to listen, and to be willing to consider views which he has not himself held. I think we are fortunate to have this nominee for this extremely important position...."

more

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- o The Supreme Court's criminal law cases are particularly vital to the poor, women, the aged, and minority groups, who are disproportionately victimized by crime, and who have the greatest interest in fair and effective law enforcement. When our criminal justice system fails--when hardened criminals are set free to prey on the public again--these Americans are the first to suffer.

Criminal Justice in the Balance

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 - Within the next year it is likely that challenges to key components of the legislative and executive branch initiatives in the war on drugs will come before the Supreme Court. It is imperative that those challenges be heard by Justices committed to the plain mandate of the Constitution--"to establish Justice, and to ensure domestic Tranquillity."

The President's Nominee

- o Both in government and on the bench, Judge Ginsburg has shown that he is committed to law enforcement.
 - As head of the Antitrust Division of the Justice Department, Judge Ginsburg made criminal enforcement the Department's highest priority.
 - He led the crackdown on whitecollar criminal conspiracies that had cost taxpayers and consumers millions of dollars.

- Judge Ginsburg began the Department's wide-ranging initiative against price-fixing in defense procurement.
- In testimony before the U.S. Sentencing Commission, he called for substantial increases in sentences and fines for white-collar criminals -- suggestions largely embodied in the Commission's final guidelines. And he introduced legislation to enable the U.S. Government, for the first time, to collect treble damages against price-fixers who had defrauded the taxpayers.
- o On the bench, Judge Ginsburg has also shown his commitment to law and order.
 - He rejected two challenges to criminal prosecutions begun by independent counsels, allowing the criminal proceedings to go forward.
 - He rejected a challenge to the statute under which the U.S. Judicial Conference investigates and reports on judicial misconduct.
- o At the same time, Judge Ginsburg has shown that he is willing to reverse convictions when the constitutional rights of prisoners are really at stake.
 - In United States v. Brown, Judge Ginsburg voted to overturn over 400 separate verdicts in what is reportedly the longest and most expensive criminal trial ever held in the District of Columbia.
- o In short, Judge Ginsburg has demonstrated that he shares Lewis Powell's commitment to protect the rights of victims, as well as criminals.

THE CONFIRMATION PROCESS

- o The Supreme Court seat of retired Justice Lewis Powell has now been vacant for over four months--one of the longest vacancies in American history. Traditionally, the Senate has acted speedily to confirm or reject Presidential nominees--in 21 cases, voting to confirm the nominee within one day of the President's appointment.
- o Since the custom of Supreme Court nominees testifying before the Senate began with Felix Frankfurter in 1939, the average number of days between the President's nomination of a candidate to fill a vacant seat on the Court and the commencement of Senate hearings has been 17 days. During that same period, the average start-to-finish time from the President's nomination to Senate confirmation or final action has been 37 days.
- o Since 1916, when Justice Brandeis was confirmed, the average start-to-finish time from the President's nomination to fill a vacant seat on the Court to Senate confirmation or final action has been 39 days.
- o In the 200 years since John Jay was nominated as the first Chief Justice of the United States by George Washington, the average total time from nomination to Senate confirmation or other action on 138 nominees is 24 days.
- o Even in the case of controversial nominees, the Senate has typically acted responsibly to prevent lingering vacancies on the Supreme Court by scheduling hearings promptly. Hearings on Judge G. Harrold Carswell began 8 days after the President nominated him. Hearings on the nomination of Abe Fortas to be Chief Justice began within 15 days.

- o If Senate Judiciary Committee hearings are once again stalled, it will be clear that partisan politics, not concern for our overworked Supreme Court or fair consideration of this nominee, is the order of the day. Even now, the caseload of the Supreme Court is reaching ever-more burdensome levels. Although this term of the Court only began this month, the Justices have already been unable to resolve one highly significant case by virtue of a tied vote.
- o We must not repeat the long partisan delay in opening the confirmation hearings of Judge Bork--a delay designed to permit the unprecedented distortions and mischaracterizations of his record mounted against him by special interest groups. One political campaign waged against a Supreme Court nominee is one too many.
- o Nor does the excuse used for the delay in Judge Bork's hearings -- that Judge Bork's unique and voluminous record required more review than usual -- apply to Judge Ginsburg. Judge Ginsburg is a man of impeccable qualifications with a distinguished career in the law; his writings are not voluminous or controversial, and in his many years of public service his record has already been subject to continuous, close public scrutiny.
- o A prompt nonpartisan confirmation process is needed not only to restore the urgently-needed full complement of Supreme Court Justices, but to restore public confidence in the Senate confirmation process and the independence of the Judiciary. Confirmation hearings should be scheduled in accordance with historic practice--within the next one or two weeks, with a full Senate vote to follow shortly.
- o The Supreme Court has been operating at only partial strength for four months. Ironically, Justice Powell made it clear that he was retiring because he believed it would be unfair both to the parties with cases pending before the Supreme Court and to the remaining members of the Court to be operating without nine full-time Justices. By stepping down in late June, he graciously allowed sufficient time for his replacement to be confirmed before the October Term began.
- o There is no more urgent business before Congress than filling Justice Powell's vacant seat on the Court. The full Senate cannot avoid its constitutional responsibility to vote on this nominee before it adjourns for the year.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 29, 1987

ANNOUNCEMENT BY THE PRESIDENT
OF SUPREME COURT JUSTICE NOMINEE
JUDGE DOUGLAS GINSBURG

The East Room

2:00 P.M. EST

THE PRESIDENT: I am announcing today that, in accordance with my duty under the Constitution, I intend to nominate and ask the Senate to confirm Judge Douglas Ginsburg of the United States Court of Appeals for the District of Columbia Circuit for the position of Associate Justice of the Supreme Court. (Applause.)

Judge Ginsburg is a highly-regarded member of the legal profession. His career as a federal judge, as Assistant Attorney General of the United States, as a senior official at the Office of Management and Budget, as a distinguished professor at Harvard Law School, and as a former law clerk to Supreme Court Justice Thurgood Marshall makes him eminently qualified to sit on our highest court.

Just as importantly, Judge Ginsburg is highly respected by his peers across the political spectrum. When I nominated him to the U.S. Court of Appeals last year, he was unanimously confirmed by the Senate and won lavish praise not just from conservatives but from liberals as well.

Judge Ginsburg is, as I am, as every justice I've nominated has been, a believer in judicial restraint -- that is, that the proper role of the courts is to interpret the law, not make it. In our democracy, our elected representatives make laws, and unelected judges interpret the laws. And that's the foundation of our system of government. Above all, judges must be guided by our most fundamental law -- the Constitution. Every judge that I appoint must understand that he or she serves under the Constitution, not above it. And Judge Ginsburg is such a judge.

Throughout his professional career, Judge Ginsburg has shown that he also believes, as I do, that the courts must administer fair and firm justice while remembering not just the rights of criminals but, equally important, the rights of the victims of crime and the rights of society.

Too often, judges have reinterpreted the Constitution and have made law enforcement a game in which clever lawyers can try to find ways to trip up the police on the rules.

This is not what our Founding Fathers intended when they framed our Constitution 200 years ago. They knew that among the most vital duties of government was to "ensure domestic tranquility." They drafted a Constitution and gave us a system that was true to that duty while protecting the rights of all Americans. I believe that Judge Ginsburg will take a tough, clear-eyed view of this essential purpose of the Constitution while remaining sensitive to the safety of our citizens, and to the problems facing law enforcement professionals.

Much has been said about my agenda for the courts. I want courts that protect the rights of all citizens. No one has rights when criminals are allowed to prey on society. Judge Ginsburg understands that. And that's why I am nominating him. That's why I have selected each of the people I have put forward for the Supreme Court.

MORE

In taking up this nomination, I hope we can all resolve not to permit a repetition of the campaign of pressure politics that has so recently chilled the judicial selection process. It is time for the Senate to show that it will join with me in defending the integrity and independence of the American system of justice.

And a good way to begin would be by holding hearings promptly. When Justice Powell announced his retirement 4 months ago, he made it plain that he believed it would be unfair to the parties with cases before the Supreme Court, and unfair to the remaining members of the Court, to be left without nine full-time Justices. He graciously stepped down from the Court to enable the President and the Congress to select his replacement before this October term began. But, as a result of the longest delay in starting hearings to fill a vacant seat on the Court since the custom of taking testimony from Supreme Court nominees first began in 1939, the nation's highest court is still operating at less than full strength over 4 months later.

The long delay in scheduling hearings for Judge Bork had other results as well. Since June 1987, when Justice Powell resigned, the work of the Supreme Court has grown even more burdensome. All during the months of July, August, and September, nearly one-third of the literally hundreds of cases that the remaining eight justices reviewed for hearing were criminal cases. Throughout this time, the empty seat on the Supreme Court has been a casualty in the fight for victims' rights and the war against crime.

During the last 25 years, the average time between nomination and the start of hearings has been less than 18 days. In fact, in the entire 200-year history of our country since the nomination of John Jay, the average start-to-finish time from a President's appointment to confirmation or other action by the Senate has been only 24 days.

One senator has boasted that the reason for the 70-day delay in beginning Judge Robert Bork's hearings was to allow time to gear up the political campaign against him. And that was, very simply, a disservice to the court and to the nation. If these hearings take longer than 3 weeks to get going, the American people will know what's up.

It's time to put the national interest ahead of partisan political interests. No excuses about the press of other business before the Senate Judiciary Committee. There's no more important business before that Committee than to bring the Supreme Court up to full strength. The Senate has a duty in this regard, just as I do.

So this is my call to the Senate today. Let us all resolve that the process of confirming a Supreme Court nominee will never again be distorted. Alexander Hamilton wrote that "The complete independence of the courts of justice is essential in the Constitution." Let us resolve this time that guarding that independence will be the Senate's highest priority. The American people want this. They have a right to expect it.

By selecting Judge Ginsburg -- I've gone the extra mile to ensure a speedy confirmation. I've been impressed by the fact that in academia, in government, and on the bench, Judge Ginsburg has been enormously popular with colleagues of all political persuasions. A word that many have used to describe Douglas Ginsburg is "unpretentious." Now, that's quite a compliment for a judge. (Laughter.) But I guess that's just one reflection of a man who believes profoundly in the rule of law. In the last analysis, it is just such men and women who ensure the continued respect for our constitutional system. And that's why I'm so pleased to nominate Judge Douglas Ginsburg to the highest court of our nation.

Let me say in closing, it is up to all of us to see to it that Senate consideration of Judge Ginsburg's nomination is fair and dispassionate -- and above all, prompt. I believe America is looking for a sign that, this time, the process will protect the independence of our judiciary -- as the framers of the Constitution intended. I urge Senator Biden and Senator Thurmond and the other members of the Senate Judiciary Committee to join me in the spirit of bipartisan cooperation, and to demonstrate this spirit by meeting during this coming week to schedule hearings on this nomination.

And now, I believe that Judge Ginsburg -- who already has one supporter in the group -- (laughter) -- has a few words to say. (Applause.)

JUDGE GINSBURG: Thank you. Thank you, Mr. President. I want to express my deep appreciation for the confidence you've placed in me and nominating me to be an Associate Justice of the Supreme Court. I just want to say that I'm looking forward to the confirmation process and, upon confirmation, to taking a place in the Court and playing a part in the work that it does that's so important in our system of government. Thank you again. (Applause.)

END

2:12 P.M. EST