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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: White House Office of Records Management (WHORM)
Subject File FG050 (Judicial Branch)
File Folder: (074000-079999)

Archivist: dlb
Date: 8/14/97

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
Letter case 077391CA			
1. Draft paper	US Court Security, (partial, page 2, in whole page 3), 2 p.	7/13/82	PS
2. Paper	re: US Court Security, 5 p.	n.d.	PS m77 121714

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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

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

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

ID # 073809

FC050

(P)

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 82104/1/6

Name of Correspondent: William P. Clements, Jr.

☒ MI Mail Report

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

Subject: Express concern regarding the federal
judge vacancies.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
IA Mada	ORIGINATOR	82104/1/6	fm	A	82104/20
DOS Stewart	A	82104/23		A82105/25	
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

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: 2110 _____

Prime Subject Code: PG 050 Secondary Subject Codes: ST 043
PE 002 _____

PRESIDENTIAL REPLY

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

SIGNATURE CODES:

CPn - Presidential Correspondence

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

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

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

MEDIA CODES:

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



Office of the Attorney General
Washington, D. C. 20530

May 25, 1982

Honorable William P. Clements, Jr.
Governor of Texas
Austin, Texas 78701

Dear Bill:

The White House has asked me to respond to your letter to the President regarding existing Federal judicial vacancies. I share your concern that the U.S. Courts of Appeals and District Courts should be filled promptly with qualified candidates. Part of the current delay is due to the fact that Republican Senators frequently fail to provide us with recommendations for existing U.S. District Court vacancies in their respective states. Indeed, in one particular case, a district court vacancy has existed for almost three years because we have not yet received a list of potential candidates from the Senators in that state.

Despite this problem, we are proud of our record of judicial appointments and we are making every effort to expedite nominations for existing vacancies. To date, we have appointed 59 individuals to the Federal courts. Out of 41 current vacancies, we have 17 candidates in the process; moreover, we are increasing our efforts to elicit the names of qualified individuals for the remaining vacancies.

Please be assured that we are committed to appointing qualified individuals who reflect this Administration's judicial philosophy. Again, I appreciate your thoughts on this matter and I look forward to seeing you in the near future.

Sincerely,

William French Smith
Attorney General

T H E W H I T E H O U S E O F F I C E

REFERRAL

APRIL 23, 1982

TO: DEPARTMENT OF JUSTICE
~~ATTN: STEWART~~

ACTION REQUESTED:
APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 073809

MEDIA: LETTER, DATED APRIL 13, 1982

TO: PRESIDENT REAGAN

FROM: THE HONORABLE WILLIAM B. CLEMENTS JR.
GOVERNOR OF TEXAS
AUSTIN TX 78701

SUBJECT: EXPRESSES CONCERN REGARDING THE FEDERAL
JUDGE VACANCIES

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 62, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
APR 23 5 21 PM '82

APR 23 9 29 AM '82
DOJ MAIL
REFERRAL UNIT
RPS/JMD-3

April 20, 1982

Dear Governor Clements:

On behalf of the President, I would like to thank you for your recent letter regarding federal judicial vacancies.

Please know that your letter has been brought to the personal attention of the President. In addition, I have forwarded copies of your letter to appropriate White House officials and to the Department of Justice for their consideration.

We appreciate your bringing this matter to our attention.

Sincerely,

James M. Medas
Special Assistant to the President
for Intergovernmental Affairs

The Honorable William P. Clements, Jr.
Governor of Texas
Austin, Texas 78701

✓



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78701

WILLIAM P. CLEMENTS, JR.
GOVERNOR

April 13, 1982

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

073809

My dear Mr. President:

*You will recall during my visit with you in February I suggested that all of the federal judge vacancies be filled as soon as possible: You and Ed Meese were both agreeable to this suggestion and I am writing at this time to again remind you how important this is. If these appointments are delayed much longer they undoubtedly will get mixed up in the 1982 political scene, and then will be further delayed with the danger, perhaps remote, that we Republicans will lose our majority in the Senate and the appointments will be blocked.

I would hope that these appointments will be made very soon and all vacancies filled with good solid conservative Republicans.

Best regards!

Respectfully,

Bill

William P. Clements, Jr.
Governor

WPC,Jr.:jh

P.S. In case you are wondering, Mr. President, why I am so concerned about federal judge appointments you should have the experience that I am having with a Federal Judge by the name of Justice, located in Tyler, Texas. On practically every issue I find this liberal Democrat, an appointee of LBJ, making an adverse decision contrary to the best interest of Texas. He is a classical example of what we don't want on the federal bench.

WPC,Jr.

Copy to: Honorable James A. Baker, III
The White House
Washington, D. C., 20500

49
THE WHITE HOUSE
WASHINGTON

3/29/82
JTB
JCD - fyi
(orig to Creg)
SCHEDULE PROPOSAL
DATE: March 26, 1982
FROM: Fred F. Fielding

074679
1110
FEO50
PRO0701
LE

MEETING: Bill Signing Ceremony for H.R. 4432 --
Federal Courts Improvement Act of 1982

DATE: Thursday, April 1, 1982, 10:45 a.m.

PURPOSE: Ceremony will serve as statement to the Federal
Judiciary of the President's interest in
improvements in the administration of justice.
Also will provide opportunity for President to
recognize the cooperative efforts of Congress
in streamlining the Judiciary.

FORMAT: Rose Garden, weather permitting, or, if not,
Roosevelt Room; ten minutes; see attachment
for proposed list of participants.

CABINET
PARTICIPATION: Attorney General

FIRST LADY
PARTICIPATION: Not Advised

SPEECH
MATERIAL: Talking points

PRESS
COVERAGE: Open

STAFF
COORDINATOR: Fred F. Fielding

RECOMMEND: Department of Justice, Jim Baker, Ken
Duberstein, Fred Fielding

OPPOSE: None

PREVIOUS
PARTICIPATION: Not applicable

BACKGROUND: The Federal Courts Improvement Act of 1982
would merge the Court of Claims and the Court
of Customs and Patent Appeals into a single
Article III, United States Court of Appeals
for the Federal Circuit, the jurisdiction of
which would be determined by subject matter
rather than by geography.

APPROVE _____ DISAPPROVE _____

John
Done 4/2/82
HCB

THE WHITE HOUSE
WASHINGTON

SCHEDULE PROPOSAL
DATE: March 26, 1982
FROM: Fred F. Fielding

MEETING: Bill Signing Ceremony for H.R. 4482 --
Federal Courts Improvement Act of 1982

DATE: Thursday, April 1, 1982, 10:45 a.m.

PURPOSE: Ceremony will serve as statement to the Federal
Judiciary of the President's interest in
improvements in the administration of justice.
Also will provide opportunity for President to
recognize the cooperative efforts of Congress
in streamlining the Judiciary.

FORMAT: Rose Garden, weather permitting, or, if not,
Roosevelt Room; ten minutes; see attachment
for proposed list of participants.

CABINET
PARTICIPATION: Attorney General

FIRST LADY
PARTICIPATION: Not Advised

SPEECH
MATERIAL: Talking points

PRESS
COVERAGE: Open

STAFF
COORDINATOR: Fred F. Fielding

RECOMMEND: Department of Justice, Jim Baker, Ken
Duberstein, Fred Fielding

OPPOSE: None

PREVIOUS
PARTICIPATION: Not applicable

BACKGROUND: The Federal Courts Improvement Act of 1982
would merge the Court of Claims and the Court
of Customs and Patent Appeals into a single
Article III, United States Court of Appeals
for the Federal Circuit, the jurisdiction of
which would be determined by subject matter
rather than by geography.

[Signature]
APPROVED FOR
Date. 4/2/82
Time. 1:15 pm
Length. 15 min
Date 3/31/82 GJN

att. general / P. currier
S. mis
Thurman / Rodin.

APPROVE _____

DISAPPROVE _____

3/31/82
8:30 am

Per Bill Sittman:

Add to Schedule for April 2

1:15 p.m.	Bill Signing
(15 min)	(Fred Fielding)

ND

PARTICIPANTS - BILL SIGNING CEREMONY
For Federal Courts Improvement Act of 1982

SUPREME COURT OF THE UNITED STATES
Supreme Court of the United States
Washington, D.C. 20543

Chief Justice Warren E. Burger

UNITED STATES COURT OF CLAIMS
717 Madison Place
Lafayette Square
Washington, D.C. 20005

Chief Judge Daniel M. Friedman
Judge Oscar H. Davis
Judge Philip Nichols, Jr.
Judge Shiro Kashiwa
Judge Marion T. Bennett
Judge Edward S. Smith
Senior Judge Wilson Cowen
Senior Judge Don N. Laramore
Senior Judge Byron G. Skelton

UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS
717 Madison Place, NW
Washington, D.C. 20439

Chief Judge Howard T. Markey
Judge Giles S. Rich
Judge Phillip B. Baldwin
Judge Jack R. Miller
Judge Helen W. Nies
Judge J. Lindsay Almond, Jr.

CONGRESS OF THE UNITED STATES

Senator Strom Thurmond (R-S.C.)
Chairman, Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Senator Joseph R. Biden, Jr. (D-Del.)
Ranking Minority Member, Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Peter W. Rodino (D-N.J.)
Chairman, House Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

Robert McClory (R-Ill.)
Ranking Minority Member, House Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

WHITE HOUSE STAFF

Edwin Meese III
James A. Baker III
Michael K. Deaver
Fred F. Fielding
Kenneth M. Duberstein
Richard A. Hauser

DEPARTMENT OF JUSTICE

Attorney General Smith
Deputy Attorney General Schmuts
Assistant Attorney General McConnell

JUN -2 1982

076976

ID #

4620
FG050

WHITE HOUSE COUNSELLOR'S OFFICE TRACKING WORKSHEET

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

821517

Name of Correspondent: Richard S. Capen, Jr.☒ CN Mail Report

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

Subject: Recommendation of Bobby Ray Baldock
for a federal judgeship.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
	CNHAMM	O	821517	EM	A	820518 ²
	CNCRIB	A	821517		C	820511 ^{ER}
	CNMEES	I	821517		C	82105107
	CU FIEL	A	8216102	FF	C	820607
	CUAT11	A	82106107	ER	C	82106107 ^{ER}

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
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X - Interim Reply

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THE WHITE HOUSE

WASHINGTON

June 7, 1982

Dear Mr. Capen:

Edwin Meese III, Counsellor to the President, kindly provided me with a copy of your May 5, 1982 letter recommending Bobby Ray Baldock for nomination to the United States District Court for the District of New Mexico.

I appreciate your taking the time to provide the Administration with your thoughts concerning Mr. Baldock's qualifications to serve on the Federal Bench. Please be assured that Mr. Baldock, and your recommendation of him, will be given full attention, both here and at the Department of Justice, during the selection process.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Richard Goodwin Capen, Jr.
One Herald Plaza
Miami, Florida 33101

18 May 1982

Dear Dick:

Thank you for your letter of 5 May 1982. I appreciate your letting me know of your support for Bobby Ray Baldock to succeed Judge Edward Meechem as a Federal judge.

Your letter has been forwarded to Fred Fielding for attention, and you can be sure that Mr. Baldock will be given careful consideration by the Personnel Committee.

With best personal regards,

Sincerely,

EDWIN MEESE III
Counsellor to the President

Mr. Richard Goodwin Capen, Jr.
One Berald Plaza
Miami, FL 33101

✓cc: Ed Meese
✓cc: Fred Fielding w/copy of incoming
✓cc: Mitchell Stanley w/copy of incoming for personnel file

EM:ES:vml--

RICHARD GOODWIN CAPEN, JR.
ONE HERALD PLAZA
MIAMI, FLORIDA 33101

076976

May 5, 1982

Dear Ed:

It is my understanding that Bobby Ray Baldock of Roswell, New Mexico, has been strongly recommended to succeed Judge Edward Meechem as a federal judge.

As you will note in the attached resume, Bobby has an outstanding professional record, which, together with his exceptional personal integrity, would make him an outstanding prospect for the federal judiciary.

Your assistance and personal attention to Bobby Baldock's nomination would be appreciated. I am convinced that he would reflect the kinds of philosophy and approach consistent with that of The President's Administration.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. G. Capen", with a large, stylized initial "R" and a long, sweeping horizontal stroke at the end.

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

BOBBY RAY BALDOCK, ESQ.

PERSONAL INFORMATION

Date of birth: January 24, 1936, Rocky, Oklahoma
Hair: Gray
Eyes: Hazel
Height: 6'1½"
Weight: 190 lbs.
Health: Excellent
Marital status: Married Mary Jane Holt on June 2, 1956
Children: Robert J., age 19, Freshman at New
Mexico Military Institute Junior
College; Christopher, age 16,
Junior, Roswell High School

EDUCATION

Mangum, Oklahoma Public Schools
Hagerman, New Mexico and Roswell, New Mexico Public Schools
Graduated 1954: Casa Grande Union High School,
Casa Grande, Arizona
Graduated 1960: University of Arizona School of Law
Doctor of Jurisprudence

MILITARY SERVICE

New Mexico National Guard - 1960-69 - State Staff, Judge
Advocate - Honorable Discharge

REPUBLICAN PARTY ACTIVITIES

Served two terms as Chaves County Republican Campaign

Chairman - 1972-74

Southeastern New Mexico Coordinator for Senator Pete

Domenici - 1972

Treasurer of Committee to Elect Phelps Anderson for State

Representative - 1976

Co-Chairman State of New Mexico Reagan for President

Committee - 1976

Southeastern New Mexico Coordinator Reagan for President

Committee - 1980

PROFESSIONAL AFFILIATIONS

Writer for Arizona Law Review - Fall 1959

Phi Alpha Delta Law Fraternity

Chaves County Bar Association - Past President

New Mexico Bar Association

American Bar Association

American Arbitration Association

Licensed to practice law in New Mexico and Arizona

Licensed to practice law in the Federal Court System

Professor of Business Law for 18 years, Eastern

New Mexico University, Roswell Campus

Test grader for New Mexico Board of Bar Examiners

Member New Mexico Medical-Legal Malpractice Panel

COMMUNITY AND PROFESSIONAL ASSOCIATIONS

Member, teacher, and ordained deacon at First Baptist
Church, Roswell, New Mexico

YMCA Youth & Model Legislature - Past State President

YMCA - Member of Board of Directors and Past Vice President

Little League - Director, Manager, Coach - 10 years

Eastern New Mexico State Fair Board - Past President

Chaves County Cancer Crusade Chairman - 1978

Chaves County Courthouse Planning Committee - 1980

Valley Bank of Commerce - Charter member of Board of
Directors and Past Chairman of the Board

Roswell High School Booster Club - Past President

Roswell Chapter of Rotary International - President Elect
and Member of the Board of Directors

Roswell Chamber of Commerce - Member of the Board of
Directors

Member of Gideons International

United Way - Past member

HOBBIES AND INTERESTS

Hunting, skiing, golfing, fishing, paddle ball, bridge,
reading, public speaking, flying (licensed pilot)

BUSINESS

Entered private law practice of Sanders & Bruin in 1960

Became senior partner with Sanders, Bruin & Baldock in 1965

07739/CA

FG050

THE WHITE HOUSE
WASHINGTON

September 22, 1982

MEMORANDUM FOR ED MEESE

THRU: CRAIG L. FULLER

FROM: BECKY NORTON DUNLOP *BN*

SUBJECT: COURT SECURITY

Attached is the memorandum which I received from Ed Schmultz with a brief background paper outlining the court security initiative to which all parties have agreed.

Please review to make certain that you concur. We will then provide the information to Jerry Carmen at GSA.

_____ I concur, forward this material to JC.

_____ This is not as I recall it, let's discuss (CLF).



General Services Administration
Office of the Deputy Administrator

Memorandum

August 6, 1982

NOTE TO GERALD P. CARMEN

SUBJECT: Court Security

Attached is a copy of the GSA proposal for court security we discussed with Ed Schmults at the Department of Justice on August 5. Although the Chief Justice and the Attorney General have agreed in writing to the U.S. Marshal Service assuming the job of court security by the use of contractors, Ed found sufficient merit in the GSA proposal to ask that his staff have an opportunity to review it and then get back to us in a few weeks.

In the interim, you may want to pass this along at the Cabinet level for information purposes. The first page of the proposal contains the essence of what we would propose to do.

A handwritten signature in black ink, appearing to read 'Ray Kline', written over the typed name.

RAY KLINE

Deputy Administrator

Enclosure

GSA PROPOSAL FOR U.S. COURT SECURITY

GSA offers to the Department of Justice and the U.S. Courts, on a reimbursable basis, trained, capable and cost-effective resources for the provision of U.S. Court security. We are capable of and willing to meet the specific security requirements of the U.S. Courts, and will structure our program in order to fulfill their requirements.

FURTHERMORE, OUR OFFER REFLECTS THE SUPREME COURT AND DEPARTMENT OF JUSTICE PREFERENCE FOR FEDERAL PROTECTIVE OFFICERS OVER CONTRACT GUARDS - A PREFERENCE WHICH HAS BEEN EXPRESSED IN LETTERS PREPARED BY BOTH ORGANIZATIONS. Specifics of this offer include:

- 423 Federal Protective Officers (FPO's) who will provide law enforcement and physical security services at stationary posts in 149 U.S. Court locations nationwide. A joint physical security survey conducted in 1978 by the Department of Justice, the U.S. Marshals Service, the Administrative Office of the Courts, the Post Office, the Office of Management and Budget and GSA determined that this number of positions would provide appropriate protection to the U.S. Court system nationwide. This number is still valid today, and is the basis for GSA's current court security program.
- Continuation of design, installation, maintenance and 24-hour monitoring of all U.S. Court security systems by Federal Protective Service (FPS) personnel.

GSA ESTIMATES THAT IT CAN PROVIDE THIS SERVICE TO THE U.S. COURTS AT AN ANNUAL COST TO THE TAXPAYER OF \$8.9 MILLION, WHICH IS 28% LOWER THAN OUR ESTIMATION OF THE COST IF THE DEPARTMENT OF JUSTICE UNDERTAKES THE PROVISION OF COURT SECURITY. GSA'S RETENTION OF THE PROGRAM WILL ALSO AVOID A POSSIBLE ONE-TIME COST TO THE TAXPAYER OF APPROXIMATELY \$3.9 MILLION IN START-UP COSTS. A COMPARISON OF ESTIMATED COSTS IS PROVIDED ON THE FOLLOWING PAGE.

COMPARISON OF ESTIMATED COSTS *

	<u>Annual Cost to DOJ (\$M)</u>	<u>Annual Cost to GSA (\$M)</u>	<u>Annual Cost to Taxpayer (\$M)</u>	<u>One-time Cost to DOJ and to Taxpayer (\$M)</u>
<u>GSA PROPOSAL:</u>				
Personnel cost (salaries & benefits of 423 FPO's at \$17,500 per position; includes backfill for absentees).	7.4	-	7.4	-
320 Hours Basic Training at FLETC (includes 8 weeks salary; assumes 13% turnover rate) at \$3,900 per FPO.	-	0.2	0.2	-
Supervision (in-house GSA at a ratio of 1:10)	-	0.7	0.7	-
Security systems maintenance (assumes no new installations in U.S. Courts).	0.6	-	0.6	-
GSA PROPOSAL: TOTAL ESTIMATED COST	8.0	0.9	8.9	-
<u>DOJ PROPOSAL:</u>				
Personnel cost (salaries & benefits for 423 new contract guard positions at \$23,000 per position; includes backfill for absentees and 80 hours of training).	9.7	-	9.7	-
240 Hours Basic Training Supplement at FLETC (includes 6 weeks salary; assumes 50% turnover rate) at \$4,500 per contract guard.	1.0	-	1.0	1.9
Contract administration and monitoring (by U.S. Marshals at a ratio of 1:10).	1.0	-	1.0	-
Transfer of security systems from GSA to DOJ and systems maintenance (assumes no new installations at U.S. Courts).	0.6	-	0.6	2.0
DOJ PROPOSAL: TOTAL ESTIMATED COST	12.3	-	12.3	3.9

* For an explanation of salary levels, turnover rates, training requirements, and supervision/contract administration ratios, see following page.

EXPLANATION OF GSA ASSUMPTIONS

Personnel Costs: The current average salary/benefit rate for FPO's is \$17,500. The U.S. Courts have indicated that they require contract guards of high quality whose capabilities and training are similar to those of an FPO. GSA provided a reputable contract guard company with sample specifications, and was informed that an average cost of \$23,000 per position (including backfill and 2 weeks training) would be reasonable.

Turnover Rates: The annual FPO turnover rate is currently 13%. The advertized annual turnover rate for contract guards nationwide is 200%. GSA estimated that the type of high-quality contract guard service desired by the U.S. Courts would have a turnover rate within the range of 50-100%; therefore, GSA used the lower rate in its estimates.

Training Requirements: All FPO's receive 320 hours of Basic Training at the Federal Law Enforcement Training Center (FLETC) at a current cost of \$3,900 per FPO. GSA assumed that contract guards at U.S. Courts would receive identical or similar training, which would indicate an addition of 6 weeks Basic Training in addition to the amount provided in the sample contract, at a cost of \$4,500 per contract guard.

New FPO's and new contract guards, hired as a result of turnover, must receive such training every year, which leads to a recurring annual training cost.

Supervision/Contract Administration Ratios: Analysis of historical data shows that one hour of supervision is required for every ten FPO manhours expended by GSA. In addition, it has been determined by GSA that the same ratio applies to contract administration and monitoring of guard services -- one hour of administration and monitoring for every ten hours contracted. These ratios are currently used in the Federal Protective Service Manpower Allocation Model.

Contract administration and monitoring functions will have to be performed by the U.S. Marshals Service if the DOJ provides U.S. Court security. It is predicted that this will result in a requirement for increased staffing.

OTHER CONSIDERATIONS

Direct Supervision: Federal Personnel Manual Letter 300-8 directs that the Federal government cannot directly supervise contract employees (cannot establish an "employer-employee relationship"). However, U. S. Marshals can directly supervise FPO's through the vehicle of a Memorandum of Agreement because FPO's are Federal employees.

Law Enforcement Authority: FPO's have full law enforcement authority under 40 U.S.C. 318. Contract guards have no law enforcement authority unless specifically deputized by the U.S. Marshals Service.

Small Business Set-Aside Requirements: Current GSA guard contracts fall under the Small Business Set-Aside Program. In order to obtain the high quality of contract guard for which the U.S. Courts have expressed a preference, the DOJ will have to seek a waiver from the requirements of this program from the SBA.

Security Clearances: Clearance of FPO's is completed prior to their placement at posts. If the U.S. Courts require this of contract guards, it will require several weeks of lead time. This will be further complicated by the higher annual turnover rate of contract guards.

SUMMARY OF COURT LOCATIONS AND CURRENT PROTECTION POSITIONS

<u>LOCATION</u>	<u>COURT LOCATIONS</u>			<u>CURRENT (FY 1982) GSA-PROVIDED PROTECTION POSITIONS</u>		
	<u>NUMBER OF U. S. COURT HOUSES (EXCLUSIVE USE)</u>	<u>NUMBER OF OTHER BUILDINGS HOUSING U. S. COURTS</u>	<u>TOTAL COURTS</u>	<u>CONTRACT GUARD</u>	<u>FPO</u>	<u>TOTAL</u>
Region 1	0	12	12	0	19	19
Region 2	5	10	15	55	39	94
Region 3	4	8	12	2	49	51
Region 4	1	36	37	27	20	47
Region 5	0	18	18	23	25	48
Region 6	3	5	8	16	16	32
Region 7	2	12	14	9	21	30
Region 8	1	3	4	5	0	5
Region 9	0	12	12	53	6	59
Region 10	0	14	14	0	15	15
National Capital Region	3	0	3	5	18	23
NATIONWIDE	19	130	149	195	228	423

WHO SHOULD MAINTAIN
SECURITY SYSTEMS FOR THE U. S. COURTS ?

In providing security systems for the U. S. Courts, GSA currently supplies the following:

- design, installation and 24-hour maintenance at original cost of \$9 million and annual maintenance cost of \$600,000.
- 102 nationwide control center monitoring points (53 with remote monitoring capability).
- Use of Federal Protective Service transmission lines
- Hook-up to building electrical systems
- Radio equipment linking FPO's and guards to control center monitoring points.
- Responsibility for safety of both employees and visitors.

Delegation of authority to DOJ for U. S. Court security systems will result in the following:

- A minimum cost of \$2 million to remove court security systems from FPS control centers, monitoring points and consoles.
- Installation of new transmission lines.
- Establishment of replacements for 102 nationwide monitoring points.
- \$400,000 per year to provide contract guards with radio equipment linked to new control centers.
- Detailed documented agreements between GSA and DOJ concerning specific authorities in GSA-controlled space and responsibility for personal safety and/or equipment malfunction.

CURRENT GSA-OPERATED
SECURITY SYSTEMS IN THE U. S. COURTS

<u>LOCATION</u>	<u>ORIGINAL INSTALLATION COST</u>	<u>ANNUAL MAINTENANCE COST *</u>	<u>FPS CONTROL CENTER MONITORING POINTS</u>	<u>REMOTE CAPABILITY</u>
Region 1	\$ 169,931	\$ 23,815	9	0
Region 2	280,000	28,000	10	1
Region 3	1,014,845	1,500	14	6
Region 4	1,500,000	38,500	30	15
Region 5	842,200	80,000	2	16
Region 6	231,000	7,500	5	0
Region 7	1,500,000	180,000	10	0
Region 8	113,000	25,000	3	3
Region 9	1,020,000	110,000	7	1
Region 10	1,343,000	30,500	11	11
National Capital Region	500,000	46,000	1	0
<u>NATIONWIDE</u>	<u>\$ 8,513,976</u>	<u>\$ 570,815</u>	<u>102</u>	<u>53</u>

* Some systems with low original cost have high maintenance costs due to system age.

THE WHITE HOUSE
WASHINGTON

CABINET AFFAIRS STAFFING MEMORANDUM

DATE: 7/16/82 NUMBER: 077391CA DUE BY: _____
SUBJECT: U.S. Court Security

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	☐	☐	Baker	☐	☐
Vice President	☐	☐	Deaver	☐	☐
State	☐	☐	Clark	☐	☐
Treasury	☐	☐	Darman (<i>For WH Staffing</i>)	☐	☐
Defense	☐	☐	Harper	☐	☐
Attorney General	☒	☐	Jenkins	☐	☐
Interior	☐	☐	Hauser	☒	☐
Agriculture	☐	☐		☐	☐
Commerce	☐	☐		☐	☐
Labor	☐	☐		☐	☐
HHS	☐	☐		☐	☐
HUD	☐	☐		☐	☐
Transportation	☐	☐		☐	☐
Energy	☐	☐		☐	☐
Education	☐	☐		☐	☐
Counsellor	☐	☐		☐	☐
OMB	☐	☐		☐	☐
CIA	☐	☐		☐	☐
UN	☐	☐		☐	☐
USTR	☐	☐		☐	☐
			CCCT/Gunn	☐	☐
CEA	☐	☐	CCEA/Porter	☐	☐
CEQ	☐	☐	CCFA/Boggs	☐	☐
OSTP	☐	☐	CCHR/Carleson	☐	☐
GSA	☒	☐	CCLP/Uhlmann	☐	☐
	☐	☐	CCNRE/Boggs	☐	☐

REMARKS:

RETURN TO:

☐ Craig L. Fuller
Assistant to the President
for Cabinet Affairs
456-2823

☒ Becky Norton Dunlop
Director, Office of
Cabinet Affairs
456-2800

July 16, 1982

MEMORANDUM FOR ED SCHMULTS
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

FROM: BECKY NORTON DUNLOP
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF THE CABINET

SUBJECT: U.S. COURT SECURITY

Attached are the two papers which I have received regarding this subject. One is a draft from you laying out Justice's position and the other is a draft from GSA laying out their position. It is imperative that the issue be resolved as quickly as possible. Please let me know the outcome of your discussion with Jerry Carmen. If necessary we will schedule a meeting between GSA and Justice here at the White House.

Thank you for your assistance on this matter.

July 16, 1982

MEMORANDUM FOR JERRY CARMEN
ADMINISTRATOR
GENERAL SERVICES ADMINISTRATION

FROM: BECKY NORTON DUNLOP
SPECIAL ASSISTANT TO THE PRESIDENT
DIRECTOR, OFFICE OF THE CABINET

SUBJECT: U.S. COURT SECURITY

Attached are the two papers which I have received regarding this subject. One is a draft from you laying out GSA's position and the other is a draft from Justice laying out their position. It is imperative that the issue be resolved as quickly as possible. Please let me know the outcome of your discussion with Ed Schmults. If necessary we will schedule a meeting between GSA and Justice here at the White House.

Thank you for your assistance on this matter.

THE WHITE HOUSE
WASHINGTON

TO: *file*

FROM: BECKY NORTON DUNLOP

- Carmen 11:40 am 7/12/82
- Courts are unhappy with contract guards
- need Federal Protective Force.
- A-76 process out (contract)
- revamping slots
- report started



Memorandum

1982 JUN 12 PM 12 29
7/13/82

Becky--

As Mr. Carmen is out of town, he had this read to him over the telephone by his Deputy Administrator, Ray Kline.

He will read it again when he returns to the office tomorrow morning. Please note that it is marked draft. He'll give you a call tomorrow a.m.

Judy Swanson
566-1212

*VIP - have Carmen call Schmultz
out - I call
- called Schmultz out of town
- Luttig in touch with Admin Center to keep them calm
- appears to be under control*

DRAFT
July 13, 1982

The problem of providing adequate security to U.S. Courts nationwide has been brought to the attention of the Administrator of the General Services Administration (GSA). The problem centers on the level of security and the provision of much of the security by contract guards rather than by Federal Protective Officers (FPOs). The Administrator is resolving this problem by providing the number of FPOs needed/to adequately protect Federal courts throughout the United States, and to discontinue the use of contract guards for this purpose.

One of this Administration's top priorities is effective law enforcement. Critical to effective law enforcement is adequate protection to the U.S. Courts.

Since its inception in 1971, the Federal Protective Service has provided protection to the U.S. Court system through the use of Federal Protective Officers. The use of FPOs as the most effective way to protect our courts was endorsed by an interagency panel in 1978. The GSA continues to fully support the position that the Federal Protective Service is the best mechanism to discharge this responsibility.

The previous Administration's policies resulted in significant cuts in FPO manpower levels which required the use of contract guards in some court locations. The use of contract guards in conjunction with FPO's has been challenged by the Federal judiciary as being a less than effective security tool. Attachment 1 compares the many advantages of using FPO's with the disadvantages of using contract guards.

In a memo to the Chief Justice of the United States, the Director of the Administrative Office of the United States Courts, Mr. William E. Foley, said, "We should strenuously object to this reduction in our security as well as the replacement of existing FPO positions by contract guards. The Judiciary has special security needs quite distinct from what is required for an ordinary government office building. The replacement of FPO's by contract guards or the reliance upon local police simply cannot meet these needs." For full text see Attachment 2. It is the GSA view that administration of the court security contracts by the U. S. Marshall Service rather than GSA will not overcome Mr. Foley's concerns.

The use of security systems to augment the FPO in the protection of the judiciary has proven to be an effective method of providing additional security. The installation of security systems in GSA-controlled buildings is an ongoing program that extends over the next ten years. Involving another agency in the provision of security systems for courtrooms in Federal buildings housing other agencies monitored by other building-wide security systems invites major problems of coordination in the provision of security and the potential of much greater cost. Operation of these systems by contract guards compounds the problem.

The establishment of yet another Federal law enforcement agency with jurisdiction limited solely to U.S. Court facilities, especially in government buildings occupied by more than one agency, would not contribute to the Administration's goal of efficiency in government. The potential for confusion is enormous, in terms of overlapping jurisdiction, use of personnel and employment of security systems.

The Administrator of GSA has moved vigorously to reduce the size of his agency consistent with the President's objective to reduce the size of the Federal Government. If the stringent budget-cutting measures by GSA are going to be more than offset by other departments and agencies assuming the same responsibilities at increased levels of spending, overall Administration objectives are not going to be met. If the demonstrated need is there, it should be met by the agency best able to meet that need at lowest total cost. It is the position of GSA that the augmentation of security for the U. S. court system can most effectively be met by the Federal Protective Service at the lowest increase in total cost to the taxpayer.

Guard service contracting is utilized to, augment the protective services performed by Federal Protective Officers (FPO's). Currently, contract guards perform certain security functions in 40 percent of GSA-owned and -controlled space, thereby allowing FPO's to perform necessary Federal law enforcement functions.

However, contract guarding by the nature of its inherent limitations can only function in a restricted manner to supplement the services provided by in-house personnel.

This is due to a variety of factors as listed below:

Federal Protective Officer

Contract Guard

Federal law enforcement authority under 40 U.S.C. 318.

No authority to enforce Federal laws, rules, or regulations.

320 hours of basic training required at Federal Law Enforcement Training Center (FLETC).

40 hours formal training (often not received until many months on the job).

Receives additional recurring in-service training both in the field and at FLETC.

Very limited in-service training provided.

Trained and qualified in use of weapons.

Weapons training and qualification not required by many states.

Direct supervision.

Federal employees cannot supervise contract personnel.

13 percent average annual personnel turnover rate.

200 percent average annual personnel turnover rate.

Employer (Government) constant.

Employer (contractor) may change year to year.

Backfill for absentees available.

Backfill for absentees not readily available - often requiring the use of FPO's.

Performs at all locations, regardless of jurisdictions.

Limited to concurrent and proprietorial locations.

Ability to function as a highly trained member of a Special Operations Response Team and rapidly travel (intra- or inter-regionally) to sites when service is needed.

Not possible.

Contract administration is costly and time consuming, taking our employees away from their principal (protective) duties.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
WASHINGTON, D.C. 20544

WILLIAM E. FOLEY
DIRECTOR

OCT 23 1981

JOSEPH F. SPANIOLO, JR.
DEPUTY DIRECTOR

MEMORANDUM TO THE CHIEF JUSTICE

FROM: William E. Foley

SUBJECT: Court Security

I would like to note that a matter of extreme seriousness has recently come to my attention. According to John F. Galuardi, Acting Commissioner, Public Buildings Service, General Services Administration (GSA), (copy of his letter attached) the proposed budget reductions of an additional 410 positions in fiscal year 1982 in the Federal Protective Service (FPS) will cause a critical decrease in the level of protection which the FPS can provide for the security of the Judiciary and the buildings which house court facilities. In effect the FPS will no longer be able to maintain the present level of protection even for positions funded on a reimbursable basis by the Department of Justice (United States Marshals Service) or the Administrative Office. All Federal Protective Officer (FPO) positions will be replaced by contract guards or we will have to rely upon state, local, or municipal police (if available) for any active enforcement procedures.

We should strenuously object to this reduction in our security as well as the replacement of existing FPO positions by contract guards. The Judiciary has special security needs quite distinct from what is required for an ordinary government office building. The replacement of FPOs by contract guards or the reliance upon local police simply can not meet these needs.

Bailed criminal defendants, prisoners, probationers and parolees stream into our courtrooms and buildings every day to appear before the courts and magistrates and report to probation and parole officers and federal public defenders. In this type of atmosphere the following problems are manifest.

First, judges and other judicial officers are vulnerable to attacks or threats from persons embroiled in the criminal and civil process who frequently visit the courthouse. Also, sizeable sums of money in the form of cash and securities are brought into our court facilities every day. For example, parties pay into the courts registry account, on a

yearly basis, over three hundred million dollars (i.e., \$352,548,887.00 in 1981), excluding bail, fines, and restitution. This places an additional high premium on effective and forceful security.

Further, during sensational trials large crowds and the news media frequently assemble at the entrances to courtrooms and buildings. In these instances crowd control measures are essential not only to protect the decorum of the court but to ensure the personal safety of judges, jurors, witnesses, and others who must use the same entrance ways.

The threats of which I speak are very real. To preclude the introduction of weapons into courtrooms and buildings housing U. S. Courts we have installed metal detectors. As an example, the attached photograph depicts the large amount of concealed weapons, less the majority of hand guns, which were detected and confiscated at the U. S. District Courthouse in Detroit, Michigan, in a two week period. This situation is common, particularly in large courts.

For our security needs contract guards are not interchangeable with FPOs. Contract officers have no statutory authority to arrest or search an individual in a Federal Building. A contract guard would be impotent to act if he or she encountered an armed assailant or unruly person in a court building.

Present requirements of FPOs include training in first aid, CPR, search and seizure, liability, firearms proficiency and safety, emergency preparedness, bomb threat response, crowd control, physical security and special security. Contract guards do not receive this type of training and most do not qualify in firearms proficiency. A number of states and municipalities will not issue licenses to contract guard companies to carry firearms.

One other prominent objection to the use of contract guards pertains to the hiring of guards without a "suitability" clearance (i.e., a FBI file and finger print check). Information received from the FPS indicates that it takes approximately one to four months to obtain a clearance on a contract guard. In the meantime the guard continues to work. This places the Federal Courts in a dangerous situation since the contractor can hire anyone including a felon to meet his contract commitment for such a responsible position. Historically, contract guard personnel experience very high turnover, estimated at 200 percent per annum. Turnover rates of this magnitude will generate excessive costs for training as well as allow for the hiring of undesirables who cannot be cleared.

I cannot share the OMB and GSA view that state, local, and municipal police can provide the kind of protection that has been provided by the FPS and which is required by the courts. Our extensive experience with non-Federal law enforcement agencies indicates that they will not respond to our needs in exclusive jurisdiction facilities. At facilities where the jurisdiction is concurrent or proprietary, these overburdened agencies will not, generally, be able to respond in a timely manner because of lack of personnel.

For all of these imperative reasons, I recommend that we strongly urge restoration of the funding to provide full protection for courthouse buildings, including GSA-salaried FPOs.

Attachments



Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

Deborah Kirk
Administrative Office of the
United States Courts
1120 Vermont Avenue, N.W., Suite 1008
Washington, D.C. 20544

Dear Ms. Kirk:

This is to apprise you, in a more formal fashion than we have to date, of the progress we have made toward implementing the agreement reached by the Chief Justice and the Attorney General regarding the provision of adequate court security. As you are aware, progress in this area has, in some respects, been difficult. That which we have been free to implement ourselves is going well; that for which we require the assistance of other agencies--notably the General Services Administration (GSA)--has not been as easy to implement.

In summary, the above referenced agreement between the Attorney General and the Chief Justice called for the following:

- ° The acceptance by all parties that the U.S. Marshal would be the primary provider of court security to the judiciary in each district;
- ° the pledge, by the Department, to seek a delegation of authority from the Administrator, GSA to allow the U.S. Marshal Service to hire and supervise contract guards directly;
- ° the transfer of funds from the Department to the Judiciary to be used as a reimburseable fund for payment back to the Department for contract guard services;
- ° the pledge, by the Judiciary, to identify and seek additional funds for court security;
- ° the agreement to use the study conducted by the Attorney General's Task Force on Court Security as the basis for the development of not only a comprehensive security system but also to determine the need for the presence of Deputy U.S. Marshals in court;

7/2/82
BND -
call Carney
+ tell him
today is the
day for
a decision on
report to the
Admin Conference.
BC

DRAFT

- ° the creation of committees in each district to implement court security plans, those committees to include representation from both the Judiciary and the Department; and finally,
- ° a pledge by the Department to ensure that all facilities have adequate and up-to-date court security plans.

Much has been done to implement this agreement. The Court Security Study that will form the basis for implementation has been distributed to U.S. Marshals, U.S. Attorneys and U.S. District Court Judges. The U.S. Marshals are currently in the process of updating all court security plans. Preparations are now being made to transfer funds from the Department to the Judiciary, and we are aware you are seeking additional funding alternatives. Local committees will shortly be established in districts throughout the country.

In short, we have done that which we can do. However, we are having difficulty with GSA in obtaining the element that is central to this whole plan, the delegation of authority for the U.S. Marshals to contract for and supervise private guards.

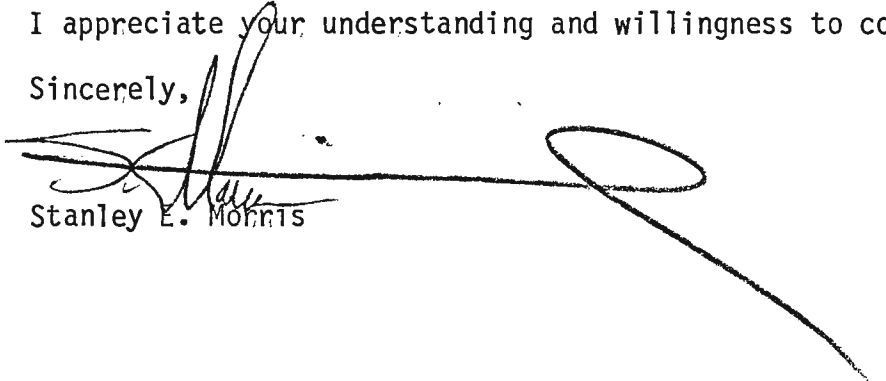
The Attorney General made this request of the Administrator, GSA, on March 8th of this year. Subsequently, and following several phone calls and meetings, we delivered to GSA a draft delegation, a draft memorandum of agreement, and a draft plan, designed to implement the delegation: these materials were delivered to GSA on April 30, 1982.

Since that time, despite our repeated requests for the delegation or for information regarding GSA's plans in regard to our request, GSA has been silent. We continue to attempt to work with them regarding this issue, since we recognize that it is the critical element in the provision of adequate court security.

The Attorney General and the Department of Justice remain firmly committed to the agreement reached with the Chief Justice and the Judiciary. If action is not forthcoming shortly from GSA, we intend to elevate the matter to a more appropriate level.

I appreciate your understanding and willingness to continue to work with us.

Sincerely,



Stanley E. Morris

Development of Problems Through 1980

President Carter was a passionate proponent of something labeled "zero-based budgeting." That concept spotlighted--and aggravated--problems the U. S. Marshals Service had been developing for a long number of years. With the "litigation explosion" in the sixties and seventies (and the related 115 percent increase in the number of Federal judges), and a pattern of successive administrations focusing on organized crime "wars" and "task forces," demands upon Marshals Service resources grew dramatically; resources at first did not keep pace, then they progressively became more inadequate each year. When "zero-based budgeting" hit, the game became one of doing ever more with increasingly less, and the Service resorted to restructuring and reprogramming.

In early 1979 the Service's reprogramming effort resulted in commencement of a "Work Measurement, Resource Allocation and Performance Evaluation" project, which was completed in 1980. The facts which influenced the study were, however, influencing both the Marshals Service and the Office of Management and Budget long before completion of the study.

"Security" functions were an especially ripe area for innovative revision. A trend toward limiting the deputy marshal role in "courthouse" security was increasingly a first resort to "reprogramming resources." "Jury-rigged" arrangements had evolved over a period of years. Distinctions had been drawn among "courtroom security," "building (or 'court-house') security," and "personal security" functions. The "building security" function has been, in theory, exclusively a General Services Administration responsibility for a number of years. "Courtroom security" and "personal security" functions have been, in theory, Marshals Service responsibilities. From one location to another--often within a single judicial district--arrangements evolved which, although not in line with theory, at least met compelling needs momentarily. One point must be emphasized: the Marshals Service, even when confronted with critical personnel shortages due to budget restraints, consistently gave "personal security" a high priority, "borrowing" resources allocated for other functions to protect judges, witnesses, and jurors.

An even more "ripe" area for change was the service-of-civil-process function. In the Ninety-fifth Congress we first saw efforts by the Department to completely divest the Marshals Service from any responsibility for the service of civil process. Congressional opposition to that "remedy," led by Representatives Robert Kastenmeier and Tom Railsback, successfully "killed" the Department's initiatives each time they were undertaken. With each new session, however, the Department was strenuously pushing another proposal to relieve the Marshals Service of the burden.

Simultaneously, GSA resorted to any available "pass-the-buck" or "red-tape" procedure possible to avoid meeting "building security" responsibilities. "Jury-rig" arrangements for financing the function became a major impediment to efficient provision of services.

Scope of Problems and Reactions, 1981

By January of 1981 the basic problem--money--had become a crisis. Judicial Conference and Congressional efforts to fashion remedies during the second session of the Ninety-sixth Congress had not succeeded, and the financial resource element--which has really always been at the heart of the matter--became the paramount impediment to resolution of the dilemma. "Robbing from Peter to pay Paul" was simply no longer possible, and slight-of-hand "reprogramming" devices had finally been completely exhausted.

In January of 1981 the Court Administration Committee sought the Conference's authority for the Administrative Office and the Committee to work with the Department to fashion a remedy which would reduce burdens on the Marshals Service and provide time for the judiciary to adapt to changes. The following week the Department advised all district court chief judges of how serious that problem had become and asked them for specific forms to help.

In early March of 1981 the Chief Justice personally raised the problem for discussion with the Attorney General in hopes of stimulating a greater degree of cooperative effort within the Department at Williamsburg. One week after Williamsburg, the Conference, advised of the crises by Judge Hunter, approved the Committee's request for authorization to work with the Department, endorsed the Department's recommendation for higher service fees, and called upon the Marshals Service to "hang on" until the judiciary could make arrangements to accommodate the inevitable reduction in services.

By April 29, 1981, working with Administrative Office and Department personnel, the "court security" problem had been roughly defined and a spectrum of remedies identified. On May 5, 1981, the Chief and the Attorney General, with key staff from the Administrative Office and the Department, met at the Supreme Court. An agreement was reached on (1) statutory amendments to lessen the Marshals civil-process-service burden and (2) the continued provision of essential security services during a "transition period." The agreed-upon language was delivered to the Senate, where the Judiciary Committee was acting on the bill that afternoon. It was incorporated into the bill that day. See S. 951, 97th Cong., Sec. 10 (page 23, line 3 through page 28, line 2) and S. Rep. No. 97-94, at 12-13. The same material was also delivered to the House Judiciary Committee for action the next day; that Committee chose to delete any provision from the Department program authorization bill (See H. Rep. 97-105, at 23-24.) and act with a separate bill (See H.R. 3462 and H.R. 3580, 97th Cong.).

In early September the Department issued an "Evaluation Study" on the civil-process-service problem. On September 16, the Attorney General advised the Chief of the Department's formulation of a task force on "court security". At the Conference Proceedings in late September the Conference was advised of proposed revisions in the Federal Rules of Civil Procedure designed to respond to the civil-process-service problem, the need for local rules changes where possible, and the pending legislation to amend 28 U.S.C. §569(b). In an effort to contribute to the Department's

task force evaluation, Mr. Foley, on October 28, distributed a questionnaire, designed to "get the facts" in relation to security needs, to all district court judges. Finally, on November 3 the Chief forwarded directly to David Stockman a copy of a memorandum summarizing the impact upon essential court security services of planned GSA reductions in Federal Protective Service positions.

Reactions in 1982

The "basic problem" is now, as previously noted, really the same problem faced for a decade--money. With the latest reductions in appropriations, the Marshals Service must reduce personnel and consequently limit services. The Chief has assured the Attorney General that the Conference and the courts will respond constructively to that inevitable development. The Conference's Rules Committee placed recommendations before the March session for methods of lightening the burden for serving civil process through modifications in local rules as well as through revisions of the Rules of Civil Procedure, and recommended amendments to the Rules were filed with Congress on April 30, 1982.

The Attorney General, in turn, is "pressing" OMB to retain a level of funding, until at least October of 1982, which will permit continued Marshals' service of process at levels needed to permit individual courts to adjust to the change.

The "court security" problem is less easily remedied, in part, because confusion characterizes Congressional perceptions. Individual Members of Congress have received letters from judges who believe the "crisis" threatens the lives of court personnel nationwide. Other Members are convinced that judges "use" Marshals to drive cars, run errands, and serve as "batmen."

"Court security," of course, also encompasses both courtroom security and courthouse security, as well as personal security. As noted, supra, the Marshals Service, in theory, provides courtroom security--and "jury-rig" arrangements around the country contradict the theory. Individual judges will have to learn to live with the impossibility of having Marshals present in courtrooms for every civil proceeding. If unwarranted demands can be eliminated, Marshals may well be able to continue to provide courtroom security in those cases where it is genuinely needed.

The Present Status of the Problem

At its Proceedings in March of 1982, in addition to approving for Supreme Court evaluation those amendments to the Rules of Civil Procedure, noted above, which--in conjunction with revisions in statutory authority for the setting of service fees--are essential to remedying "civil process service problem", the Judicial Conference took dramatic action in relation to court security problems. Acting in response to a Department of Justice management report prepared by the Attorney General's task force on court security, which the Attorney General personally presented to the Conference,

the Conference expressly approved a detailed step-by-step approach to reorganizing the executive branch provision of security services to the judicial branch. Attached is a copy of a jointly-issued statement from the Chief and the Attorney General which was given to the press at the close of the first day of the Conference's March Proceedings. It stipulated item-by-item objectives listed in that announcement which are all on their way to realization with one critical exception. The entire concept of expeditiously and effectively meeting court security needs rests upon the concentration of administrative authority in Washington, D.C. in one responsible office--the U. S. Marshals Office. The Attorney General, beginning in mid-April, began working with the GSA through his Department's "court security implementation group", aided by Assistant Attorney General Smultz, to effect the transfer of existing GSA authority for the procurement not only of private guard services but also related security equipment decisions from GSA to the Marshals Service. Throughout the months of May and June the GSA has repeatedly avoided final action in response to the Attorney General's request. At a meeting held at the Department of Justice on Thursday, July 1, 1982, Department representatives tried once again to finally obtain the necessary delegation of authority from the GSA. Yet again they were not successful.

If the necessary delegation of authority is not made, the entire concept underlying the agreement of the Department of Justice and the Conference reached in March is vitiated. While money has been a serious problem, bifurcated authority for the management of court security services is the presently existing most serious "public relations problem" for the Conference in terms of its own constituency--the judges. Justified or not, there is a widespread perception throughout the country among Federal judges that GSA's jury-rigged processes and procedures are almost always inadequate. Simply stated, judges do not believe that existing "rental cop" personnel are competent, and they are repeatedly frustrated in efforts to enhance competency by the GSA bureaucracy. Simply stated, judges want all court security services performed by U. S. marshals. In winning approval of the Attorney General's task force concept, the Chief Justice has struck a compromise with frustrated judges. They have agreed to give continued use of "rental cop" services a test as long as criteria are set by the Marshals Service, recruitment and retention and training is administered by the Marshals Service, and GSA is phased out of the picture.

In summary, we are at a critical point following two years of concientious and difficult negotiations. The Judicial Conference, encouraged by the Chief Justice through his personal intervention, has kept its end of the bargain. To the extent that it is able to do so, the Department has worked assiduously to keep its end of the bargain. Without delegation of authority from GSA, the Attorney General will not be able to keep his agreement.

On July 12, the Conference's Court Administration Committee will meet. Pending on its agenda is a formal motion that the Committee recommend to the Conference suspension of further efforts to implement the March agreement and adoption in lieu thereof of draft legislation to establish a nationwide judicially-managed court security force. There is widespread support within the Committee for that motion. Without the ability to assure the Committee that GSA has, in fact, delegated to the Department its authority, the Chairman of the Committee may not be able to hold a majority for continued support of the agreement with the Attorney General in March. Every effort should be made to effect the necessary delegation of authority no later than the close of business on Friday, July 9.