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Last Updated: 02/19/2025

FG054

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

PR

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

Name of Correspondent: Clarence Kipps/Sparks Hiestand

☐ MI Mail Report

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

Subject: Will the Administration sponsor or support

and amendment to the Federal Courts Improvement

Act of 1982 to make the U.S. Claims Court

and Article III Court

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU Halland		ORIGINATOR	83, 02, 17		C	83, 06, 30
CUAT09		Referral Note: D	83, 02, 17		C	83, 06, 30
CUAT04		Referral Note: S	83, 06, 30	EXH A	A	83, 06, 30
		Referral Note:	1 / 1			1 / 1
		Referral Note:	1 / 1			1 / 1
		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:

See ID 082731CU

Keep this worksheet attached to the original incoming letter.

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Always return completed correspondence record to Central Files.

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No. of Additional Correspondents: 0001 Media: L Individual Codes: 4640

Prime Subject Code: FG 054 Secondary Subject Codes: LE
FG 050
JA 007

PRESIDENTIAL REPLY

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

SIGNATURE CODES:

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

CLn - First Lady's Correspondence
 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

2805

152805

THE WHITE HOUSE

WASHINGTON

June 30, 1983

Dear Mr. Kipps:

Thank you for your letter to Fred Fielding and the enclosed formal statement concerning proposed Article III status for the United States Claims Court. Please accept my apologies for not acknowledging your letter sooner.

As you know, the Federal Courts Improvement Act of 1982 effected substantial changes in the organization of the Claims Court and other courts. Given this, it would seem unlikely that the Congress intends to revisit in the near future issues involving the status and organization of the affected courts, including the Claims Court. To my knowledge, the Administration does not plan at present to sponsor or propose legislation that would grant Article III status to the Claims Court.

However, on behalf of Fred (who is presently out of town), I would like to thank both you and Mr. Hiestand for sharing your thoughts on and analysis of this matter. Your formal statement is an interesting and thoughtful presentation.

Sincerely,

15/

Richard A. Hauser
Deputy Counsel to the President

Clarence T. Kipps, Jr., Esquire
Miller & Chevalier
Metropolitan Square
655 Fifteenth Street, N.W.
Washington, D.C. 20005

RAH:PJR:ph 6/30/83
cc: RAHauser
PJRusthoven
Subject ✓
Chron.

cc: O.S. Hiestand, Esquire

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

June 30, 1983

FOR: RICHARD A. HAUSER
FROM: PETER J. RUSTHOVEN *PR*
SUBJECT: Letter from Clarence T. Kipps and
Sparks Hiestand Supporting Article III
Status for United States Claims Court

Messrs. Kipps and Hiestand are Washington attorneys who wrote Mr. Fielding to inquire "whether the Administration will sponsor or support an amendment to the Federal Courts Improvement Act of 1982 to make the U.S. Claims Court an Article III Court." They enclosed with their letter a formal statement expressing their support for this proposal.

As you know, the Federal Courts Improvement Act effected a substantial reorganization of the Claims Court and other courts, and it is unlikely the Congress intends to revisit any of the issues involved -- including Article III status for Chief Judge Kozinski and his brethren -- any time soon. I have also confirmed, in a conversation with Jon Rose's Deputy, Steve Brogan, that there are no Administration plans to advance such a proposal (which Brogan also advises is an idea that some members of the bar have been bringing up periodically for a number of years).

Honesty demands that I confess that, after reviewing this letter and enclosure, it simply got lost on my desk. Hence, the letter attached for your review and signature includes an appropriate apology, which I also extend to you (in both your personal and representative capacities) here.

Attachment

only 4 1/2
OK - ~~but~~ but
this is really
from show

FEB 16 1983

MILLER & CHEVALIER

CHARTERED

METROPOLITAN SQUARE

655 FIFTEENTH STREET, N. W.

WASHINGTON, D. C. 20005

(202) 626-5800

WRITER'S DIRECT LINE

626-5840

125802

cu

February 16, 1983

Dear Fred:

Will you please ascertain whether the Administration will sponsor or support an amendment to the Federal Courts Improvement Act of 1982 to make the U. S. Claims Court an Article III Court? Attached is an up-dated statement of Sparks, Dave Anthony, and mine on why the Claims Court should be an Article III Court. The reasons why the Department of Justice is supporting an Article III solution to the bankruptcy problem are equally applicable to the Claims Court problem.

Clarence

Clarence Kipps

Sparks

Sparks Hiestand

Fred F. Fielding, Esq.
The White House Office
1600 Pennsylvania Avenue, N. W.
Washington, D. C. 20500

STATEMENT OF CLARENCE T. KIPPS, JR.,
O. S. HIESTAND, AND DAVID V. ANTHONY IN SUPPORT OF
ARTICLE III STATUS FOR THE UNITED STATES CLAIMS COURT

The Federal Courts Improvement Act of 1982 should be amended to establish the United States Claims Court as an Article III Court. This statement is submitted by Clarence T. Kipps, Jr., O. S. Hiestand, and David V. Anthony in support of an Article III amendment.* The basic features of the Article III amendment are contained in the draft bill attached to this statement.

Effective October 1, 1982, P.L. 97-174 restructured the United States Court of Claims and the United States Court of Customs and Patent Appeals into a single and more efficient Court of Appeals for the Federal Circuit and transferred the functions of the Court of Claims to a newly created Article I United States Claims Court.

The United States Claims Court (Claims Court) should be established now as an Article III Court for three basic reasons.

* Clarence T. Kipps, Jr., is a member of the law firm of Miller & Chevalier, Chartered, past Chairman of the Court of Claims Committee of the Bar Association of the District of Columbia, a former Law Clerk at the Court of Claims, and a practitioner before that Court for more than twenty-five years. Mr. Kipps testified in behalf of the Bar Association of the District of Columbia in support of the Federal Courts Improvement Act of 1982.

O. S. Hiestand is a partner in the law firm of Morgan, Lewis & Bockius, past Chairman of the Section of Public Contract Law of the American Bar Association, and General Counsel to the Commission on Government Procurement.

David V. Anthony is a partner in the law firm of Pettit & Martin, Chairman of the Claims Court Committee of the Bar Association of the District of Columbia, past Chairman of the Section of Public Contract Law of the American Bar Association, and a practitioner before the Court of Claims for more than twenty-five years.

First, the reason for action now is that the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., et al., Dkt. No. 81-150 (decided on June 28, 1982), casts substantial doubt on the constitutionality of the Claims Court as an Article I Court.

Second, this Court will be the most important national trial court and will hear and enter judgment on a variety of claims of persons against the United States, including exclusive jurisdiction over the largest and most complex claims against the United States. Therefore, it is imperative that the Court be accorded Article III status.

Third, highly qualified persons must be attracted to serve on this Court. As a practical matter, only Article III status can attract such persons.

Doubt About The Constitutionality
Of The Claims Court

The Supreme Court's decision in Northern Pipeline Construction Co., supra, held that the broad grant of jurisdiction in Section 241(a) of the Bankruptcy Act of 1978 to a non-Article III Court is unconstitutional. Application of the decision was made prospectively only, and judgment was stayed until December 24, 1982, to permit Congress time to adopt valid means of adjudications.

The Supreme Court held that, with three narrow exceptions, the Constitution commands that the judicial power of

the United States must be vested in Article III Courts. The Claims Court will exercise the judicial power of the United States and will be unconstitutional unless it comes within the "public rights" exception relating to disputes between the Government and other parties. The Court stated:

"It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing 'private rights' from 'public rights.' And it is also clear that even with respect to matters that arguably fall within the scope of the 'public rights' doctrine, the presumption is in favor of Art. III courts. (fn. p. 19)"

The Court distinguished between Congressionally-created rights which may be decided by an Article I Court and rights recognized by the Constitution which must be decided on the merits by an Article III Court. The Claims Court has jurisdiction to decide claims based on the Constitution. The Claims Court also has broad judicial powers covering a wide variety of types of cases. Indeed, the Claims Court has the same jurisdiction and essentially the powers of the Court of Claims which was an Article III Court.

The Supreme Court forcefully states the policy underlying the requirement for Article III Courts. That policy (independence especially from Executive and Legislative branches of Government) is a fortiori applicable to the Claims Court jurisdiction which covers claims of the citizens against the Government.

The Northern Pipeline decision casts substantial doubt on the constitutionality of the Claims Court. That doubt should be removed.

While the Bankruptcy Court and the Claims Court are quite different, they share the common questions of doubtful Article I validity and the need for prompt Congressional action.

The Claims Court Will Be The Most Important
National Trial Court

The Court of Claims was created in 1855 as a court of original jurisdiction to hear and determine the largest and most complex monetary claims of citizens against the United States. Jurisdiction of some claims under \$10,000 and tax cases is shared with the Federal District Courts. The Court of Claims, however, had exclusive jurisdiction of the bulk of the monetary claims against the United States Government. The claims included tax, government contracts, Indian, patent, civilian and military pay, transportation, and just compensation. These claims varied from a few thousand dollars to sums exceeding \$100 million. A large number of the claims were decided through dispositive motions (i.e., motion for summary judgment and motion to dismiss), but most were decided after a trial on merits.

The Court of Claims was an Article III Court. The trial functions were performed by sixteen commissioners who furnished a report with findings of fact and recommended opinion to the Article III judges who made the final decision and

entered judgment. The Article III judges also heard and decided the dispositive motions. On October 1, 1982, the Claims Court took over the entire functions of the Court of Claims. The judges on the Claims Court decide and enter judgment on dispositive motions and hear, decide and enter judgment on the cases tried on the merits. In short, the Claims Court is discharging the very functions which the Article III Court of Claims was discharging.

The judges on the Claims Court are performing the same functions as District Court judges on monetary claims against the United States and, in addition, are handling the largest and most complex cases. Also, the Claims Court has a great deal more responsibility and a much heavier work load than the existing Article III Court of International Trade. It makes no sense whatsoever to downgrade the Claims Court from the Article III status of the Court of Claims whose functions it has taken over. Nor does it make sense to differentiate the Claims Court from the other Article III trial courts especially when it has the responsibility for deciding the largest and most complex cases against the Government.

Practical Need For Article III Status

There is a practical need for Article III status to attract the highly qualified judges required for such a Court.

In the Bankruptcy Court context, a House Committee Report cogently expresses the serious problem in judicial recruitment.

"As noted above, a principal reason for the establishment of an independent court is to attract highly qualified judges. An attorney with a successful practice would be less likely to seek appointment to a fifteen year term, when the likelihood of reappointment at the expiration of the term is small. If the attorney's age is such that he would not be ready to retire at the end of the term, then he is unlikely to accept such appointment. There may be means to remedy the problem, such as senior status, if that were the only problem, policy would not favor life tenure. Other reasons exist.

"A life-tenure judgeship is a more prestigious position than a term judgeship. The Department of Justice recently observed that the more prestigious the position, the better the judges that will be attracted. It noted

"We will never pay the incomes to judges that they earn in other pursuits and we must not create conditions that require us to settle for second best in the federal courts." (H. Rep. 95-595, 95th Cong., 1st Sess., p. 22)

The compensation and retirement provisions in P.L. 97-164 for the Claims Court are less than other Article I Courts. Such non-competitive compensation and retirement provisions will not attract the most highly qualified persons for this extremely important Court. Judicial recruitment for this Court from the private sector will be virtually impossible.

Another practical consideration is that the Claims Court will be overburdened with work in the initial years and the Court of Appeals for the Federal Circuit is likely to have excess capacity in its early years of operation. Article III status for the Claims Court would permit other Article III

judges, especially from the Court of Appeals for the Federal Circuit, to assist in the start-up of the Claims Court.

The Congressional reference cases (which the Supreme Court has held are not appropriate for an Article III Court) represent a very small part of the Court's work and could be handled through use, on a very limited scale, of the pre-October 1, 1982, commissioner procedure.

Clarence T. Kipps, Jr.
O. S. Hiestand
David V. Anthony

97th CONGRESS
2d Session

H.R. _____

A BILL

To establish the United States Claims
Court as an Article III Court.

Be it enacted by the Senate and the House of Repre-
sentatives of the United States of America in Congress assem-
bled, that this Act may be cited as the "Claims Court Amendment
to the Federal Courts Improvement Act of 1982."

Title I - United States Claims Court Organization

Sec. 101. Chapter 7 of title 28, United States Code, is amended
as follows:

Strike out § 171 and insert in lieu thereof:

"§ 171. Appointment of chief judge and judges;
character of court;

The President shall appoint, by and with
the advice and consent of the Senate, a chief
judge and fifteen associate judges who shall
constitute a court of record known as the
United States Claims Court. The court is de-
clared to be a court established under Article
III of the Constitution of the United States."

Strike out § 172(a) and insert in lieu thereof:

"(a) The chief judge and the associate judges
of the United States Claims Court shall be
appointed to hold office during good behavior."

Strike out §§ 176 and 177 (Relates to removal
and disbarment.)

Title II - Technical Amendments required by Title I
Changes

Sec. 201. (To be supplied later.)

A BILL

To establish the United States Claims
Court as an Article III Court.

Be it enacted by the Senate and the House of Repre-
sentatives of the United States of America in Congress assem-
bled, that this Act may be cited as the "Claims Court Amendment
to the Federal Courts Improvement Act of 1982."

Title I - United States Claims Court Organization

Sec. 101. Chapter 7 of title 28, United States Code, is amended
as follows:

Strike out § 171 and insert in lieu thereof:

"§ 171. Appointment of chief judge and judges;
character of court;

The President shall appoint, by and with
the advice and consent of the Senate, a chief
judge and fifteen associate judges who shall
constitute a court of record known as the
United States Claims Court. The court is de-
clared to be a court established under Article
III of the Constitution of the United States."

Strike out § 172(a) and insert in lieu thereof:

"(a) The chief judge and the associate judges
of the United States Claims Court shall be
appointed to hold office during good behavior."

Strike out §§ 176 and 177 (Relates to removal
and disbarment.)

Title II - Technical Amendments required by Title I
Changes

Sec. 201. (To be supplied later.)

Copies sent to Museum 10-24-84

RECEIVED
SS

1983 JUN 17 AM 11:15

THE WHITE HOUSE
WASHINGTON

June 15, 1983

The President has seen

14643255

FGD 54

PE002-01

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Nomination -- Judge of the
United States Claims Court

Attached for your signature is the nomination for Robert J. Yock to be a Judge of the United States Claims Court for a term of fifteen years. Attached for your information is his biography. You originally nominated Judge Yock in November of 1982, but the nomination was returned without action at the end of the 97th Congress.

RECOMMENDATION:

That you sign the attached nomination. (Edwin Meese, James Baker, Kenneth Duberstein, John Herrington, Edward Rollins, the Attorney General and the Deputy Attorney General concur in the recommendation to resubmit this nomination.)

Attachment

D. Salter notified

Originally announced: 11/19/82

Info to Press Office: 6/20/83 (No further announcement)

To Senate 6/20/83

NOTED
dwy

ROBERT J. YOCK

11/19/82

Birth: January 11, 1938 St. James, Minnesota

Legal Residence: Virginia

Marital Status: Married Carla Moen Yock
2 children

Education: 1955 - 1959 St. Olaf College
B.A. degree, cum laude

1959 - 1962 University of Michigan
Law School
J.D. degree

Bar: 1962 Minnesota
1972 D.C.

Military Service: 1962 - 1966 United States Navy
Judge Advocate General's Corps
Honorable discharge

Experience: 1966 - 1969 Thomas, King, Swenson & Collat
St. Paul, Minnesota
Associate

1969 - 1970 General Services Administratio
Chief Counsel for the National
Archives & Records Service
Washington, D.C.

1970 - 1972 General Services Administratio
Executive Assistant & Legal
Advisor to the Administrator

1972 - 1977 General Services Administratio
Assistant General Counsel for
Administration & Records

1975 General Services Administation
Asst. Administrator (Acting)

1977 - 1982 United States Court of Claims
Trial Judge

1982 - pres United States Claims Court
Judge

Office: 717 Madison Place, N.W.
Washington, D.C. 20005
202 633-7278

Home: 4200 Webster Court
Annandale, Virginia 22003
703 941-5536

Ethnic Group: Caucasian

ORIGINALLY ANNOUNCED: 11/19/82
TO RGD: 6/17/83 (11:10am)

(tailed of Comb.)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 19, 1982

The President today announced his intention to nominate the following individuals to be Judges of the United States Claims Court:

JOSEPH V. COLAIANNI would serve for a term of fifteen years. This is a reappointment. Since October 1, 1982, Judge Colaianni has served on the United States Claims Court. Prior to the creation of the new Claims Court, he served as a Trial Judge of the United States Court of Claims in 1970-1982. He is married, has four children and resides in Rockville, Maryland. He was born March 19, 1933.

> ROBERT J. YOCK would serve for a term of fifteen years. This is a reappointment. Since October 1, 1982, Judge Yock has served on the United States Claims Court. Prior to the creation of the new Claims Court, he served as a Trial Judge of the United States Court of Claims in 1977-1982. He is married, has two children and resides in Annandale, Virginia. He was born January 11, 1938.

###

ROBERT J. YOCK

11/17/82

Birth: January 11, 1938 St. James, Minnesota

Legal Residence: Virginia

Marital Status: Married Carla Moen Yock
2 children

Education: 1955 - 1959 St. Olaf College
B.A. degree, cum laude

1959 - 1962 University of Michigan
Law School
J.D. degree

Bar: 1962 Minnesota
1972 D.C.

Military Service: 1962 - 1966 United States Navy
Judge Advocate General's Corp
Honorable discharge

Experience: 1966 - 1969 Thomas, King, Swenson & Colla
St. Paul, Minnesota
Associate

1969 - 1970 General Services Administration
Chief Counsel for the National
Archives & Records Service
Washington, D.C.

1970 - 1972 General Services Administration
Executive Assistant & Legal
Advisor to the Administrator

1972 - 1977 General Services Administration
Assistant General Counsel for
Administration & Records

1975 General Services Administration
Asst. Administrator (Acting)

1977 - 1982 United States Court of Claims
Trial Judge

1982 - pres United States Claims Court
Judge

Office: 717 Madison Place, N.W.
Washington, D.C. 20005
202 633-7278

Home: 4200 Webster Court
Annandale, Virginia 22003
703 941-5536

Ethnic Group: Caucasian

ORIGINALY ANNOUNCED: 11/19/82
12 RGD: 6/17/83 (11:10am)

RECEIVED
SS

1983 JUN 17 AM 11:16

THE WHITE HOUSE
WASHINGTON

June 15, 1983

15460355.
The President has seen _____

FGD 54
PE002-01

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Nomination -- Judge of the
United States Claims Court

Attached for your signature is the nomination for James F. Merow to be a Judge of the United States Claims Court for a term of fifteen years. Attached for your information is his biography. You originally nominated Judge Merow in December of 1982, but the nomination was returned without action at the end of the 97th Congress.

RECOMMENDATION:

That you sign the attached nomination. (Edwin Meese, James Baker, Kenneth Duberstein, John Herrington, Edward Rollins, the Attorney General and the Deputy Attorney General concur in the recommendation to resubmit this nomination.)

Attachment

D. Salter notified

Originally announced 12/6/82

Info to Press Office: 6/20/83 (no further announcement)

To Senate 6/20/83

NOTED
dwg

JAMES F. MEROW

Birth: March 16, 1932 Salamanca, New York

Legal Residence: Virginia

Marital Status: Married Joan Ruth Feder

Education: 1949 - 1953 George Washington University
A.A. & A.B. degrees

1953 - 1956 George Washington University
National Law Center
J.D. degree

Bar: 1956 Virginia
1958 D.C.

Military Service: 1956 - 1959 United States Army
Judge Advocate General's Corps
Honorable discharge

Experience: 6/56 - 9/56 U.S. Department of Justice
Civil Division
(Honor Graduate Program)

1959 - 1978 U.S. Department of Justice
Civil Division
Trial Attorney

1978 - 10/82 United States Court of Claims
Trial Judge

10/82 - present United States Claims Court
Judge

Office: 717 Madison Place, N.W.
Washington, D.C. 20005
202 633-6942

Home: 604 South Royal Street
Alexandria, Virginia 22314
703 683-4476

Ethnic Group: Caucasian

12/6/82.

JAMES F. MEROW

Birth:	March 16, 1932	Salamanca, New York
Legal Residence:	Virginia	
Marital Status:	Married	Joan Ruth Feder
Education:	1949 - 1953	George Washington University A.A. & A.B. degrees
	1953 - 1956	George Washington University National Law Center J.D. degree
Bar:	1956 1958	Virginia D.C.
Military Service:	1956 - 1959	United States Army Judge Advocate General's Corps Honorable discharge
Experience:	6/56 - 9/56	U.S. Department of Justice Civil Division (Honor Graduate Program)
	1959 - 1978	U.S. Department of Justice Civil Division Trial Attorney
	1978 - 10/82	United States Court of Claims Trial Judge
	10/82 - present	United States Claims Court Judge
Office:	717 Madison Place, N.W. Washington, D.C. 20005 202 633-6942	
Home:	604 South Royal Street Alexandria, Virginia 22314 703 683-4476	
Ethnic Group:	Caucasian	

ORIGINALLY ANNOUNCED 12/6/82 (failed of conf.)
To RGD: 6/17/83 (11:10 am)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

December 6, 1982

The President today announced his intention to nominate James F. Merow to be a Judge of the United States Claims Court for a term of fifteen years.

Since October 1, 1982, Judge Merow has served on the United States Claims Court. Prior to the creation of the new Claims Court, he served as a Trial Judge of the United States Court of Claims in 1978-1982. In addition, he served as a Trial Attorney, Civil Division, United States Department of Justice, 1959-1978 and as Honor Graduate Program Attorney, Civil Division, United States Department of Justice, in 1956.

He graduated from George Washington University (A.A., A.B., 1953) and the George Washington University, National Law Center (J.D., 1956). He is married and resides in Virginia. He was born March 16, 1932.

###

SEP 21 1983

12
ID: 162593 CORRESPONDENCE TRACKING WORKSHEET
INCOMING CORRESPONDENCE DATE 830915 RECEIVED DATE 830916
(PREFIX) (FIRST) (LAST)
THE HONORABLE PETER W. RODINO
TITLE:

PAGE D01

(SUFFIX)
JR.

162593

FG 054

ORGANIZATION: U. S. HOUSE OF REPRESENTATIVES

STREET:

CITY: WASHINGTON

STATE: DC ZIP: 20515

COUNTRY:

SUBJECT RECOMMENDS JUDGE KENNETH R. HARKINS FOR
APPOINTMENT TO THE UNITED STATES CLAIMS
COURT

AGY/OFF ACTION CODE TRACKING DATE
LADUBE ORG 830916

RD A 830919 LD

STAFF NAME: PRESIDENT REAGAN
COMMENTS:

MEDIA: L OPID: LW TYPE: IBA

CODES: REPORT INDIV: 1230

USER: END

✓ Cu Hall A

830922 LD

~~0 830929~~

FF A 830929 LD

THE WHITE HOUSE
WASHINGTON

September 29, 1983

Dear Mr. Chairman:

Kenneth M. Duberstein, Assistant to the President for Legislative Affairs, kindly provided me with a copy of your September 15, 1983 letter recommending the Honorable Kenneth R. Harkins for nomination to the United States Claims Court.

We appreciate your taking the time to bring your thoughts on this matter to our attention. I have taken the liberty of providing the Department of Justice with a copy of your correspondence so that Judge Harkins will be given every consideration during the selection process to fill any future vacancies on this Court.

With best regards.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Peter W. Rodino, Jr.
Chairman
United States House of Representatives
Committee on the Judiciary
Washington, D.C. 20515

September 19, 1983

Dear Mr. Rodino:

On behalf of the President, I would like to thank you for your recent recommendation of Kenneth R. Harkins for appointment to the United States Claims Court.

We very much welcome your interest in contacting us in this regard, and have taken the liberty of sharing your strong endorsement of Mr. Harkins with the appropriate officials within the Office of Presidential Personnel. Rest assured that your interest in this post will be afforded careful review and consideration.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Peter W. Rodino, Jr.
House of Representatives
Washington, D.C. 20515

KMD:CMF:lm

cc: w/copy of inc. to Kianna Holland - for appropriate action

WH records management has retained original

PETER W. RODINO, JR. (N.J.), CHAIRMAN

JACK BROOKS, TEX.
ROBERT W. KASTENMEIER, WIS.
DON EDWARDS, CALIF.
JOHN CONYERS, JR., MICH.
JOHN F. SEIBERLING, OHIO
ROMANO L. MAZZOLI, KY.
WILLIAM J. HUGHES, N.J.
SAM B. HALL, JR., TEX.
MIKE SYNAR, OKLA.
PATRICIA SCHROEDER, COLO.
DAN GLICKMAN, KANS.
BARNEY FRANK, MASS.
GEO. W. CROCKETT, JR., MICH.
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HOWARD L. BERMAN, CALIF.
FREDERICK C. BOUCHER, VA.

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F. JAMES SENSENBRENNER, JR., WIS.
BILL MCCOLLUM, FLA.
E. CLAY SHAW, JR., FLA.
GEORGE W. GEKAS, PA.
MICHAEL DEWINE, OHIO

U.S. House of Representatives
Committee on the Judiciary
Washington, D.C. 20515
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ALAN F. COFFEY, JR.

September 15, 1983

Honorable Ronald W. Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

In the public interest, I take the liberty of calling to your attention the name of Judge Kenneth R. Harkins for appointment to the United States Claims Court.

The United States Claims Court was established, under Article I of the Constitution, by the Federal Courts Improvement Act of 1982. It consists of 16 judges, appointed for a term of 15 years. The Act provided that the Commissioners of the former United States Court of Claims, who had served as the trial division for that court, on the effective date became judges of the new Claims Court, for an initial term to expire 15 years after the date of employment with the Court of Claims, or on October 1, 1986, whichever occurs earlier.

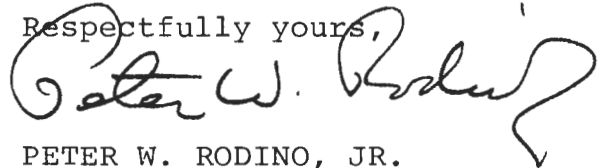
Judge Harkins was appointed as a Commissioner to the United States Court of Claims on September 9, 1971. Pursuant to the Act, he assumed the duties of judge in the United States Claims Court on October 1, 1982. His service as a trial judge in the Court of Claims, and as a judge in the new Claims Court, has earned him the respect of the court, his colleagues, and the bar, for his ability, diligence, independence and judgment.

During my tenure on the Committee on the Judiciary, House of Representatives, which as you know has jurisdiction over the Court of Claims and new Claims Court, I had occasion to observe Judge Harkins' work closely. From 1955 to 1960, he was cocounsel, and

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from 1964 to 1971, he was chief counsel for the Antitrust Subcommittee. Judge Harkins' service for the Antitrust Subcommittee displayed a comprehension of complex legal arrangements, a capacity for fairness, and the maturity in judgment which, I believe, would warrant your consideration for this appointment.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Peter W. Rodino, Jr.", with a large, stylized flourish at the end.

PETER W. RODINO, JR.
Chairman

PWR:apw