



Luttig, J. Michael: Files, 1981-1982

Finding Aid Type

White House Staff and Office File Collections

Subtitle/Office

Counsel to the President, Office of; Assistant Counsel

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Record Type

Textual

Biography

Biography

J. (John) Michael Luttig (born June 13, 1954), is an American lawyer and jurist who was the General Counsel for the Boeing Corporation and a retired judge of the U.S. Court of Appeals for the Fourth Circuit, 1991-2006.

Luttig was born in Tyler, Texas. He attended Washington and Lee University, graduating in 1976 with a Bachelor of Arts and Omicron Delta Kappa honors. From 1976 to 1981, Luttig worked for the U.S. Supreme Court's Office of the Administrative Assistant to the Chief Justice. He developed a close friendship with then Chief Justice Warren E. Burger, and later, was co-executor of Burger's will. Luttig attended the University of Virginia School of Law while still working for the Supreme Court. He graduated in 1981.

After his law school graduation, Luttig spent a little over a year (March 1981-August 1982) in the Reagan Administration starting with an intermittent appointment as Assistant to the Counsel, Fred Fielding, and leaving as an Assistant Counsel. Luttig's duties included standard legal review of issues affecting the President and his constitutional duties including Civil Aviation Board decisions, executive orders, review of proclamations and assisting with the vetting and successful nomination of Sandra Day O'Connor to the Supreme Court. Luttig was replaced on the White House staff by now Chief Justice John Roberts.

Luttig left the White House to serve as a law clerk to U.S. Court of Appeals for the District of Columbia circuit judge Antonin Scalia. Luttig then returned to the Supreme Court, this time as a law clerk to Chief Justice Burger from 1983-1984. He then stayed on as an assistant to Burger, finally leaving the Supreme Court in 1985.

In 1985, Luttig joined the law firm of Davis Polk & Wardell in their Washington, DC office. Luttig returned to government service in the George H.W. Bush Administration in 1989. He held various positions within the Department of Justice including Assistant Attorney General, Office of Legal Counsel. His duties in the Justice Department included assisting Supreme Court nominees David Souter and Clarence Thomas through their nominations and confirmations.

Luttig was nominated by President George H.W. Bush to a newly created seat on the United States Court of Appeals for the Fourth Circuit. He was confirmed by the Senate on July 26, 1991, but delayed his commission until August 2, 1991 so he could complete some of his duties for Supreme Court nominee, Clarence Thomas. Luttig, at the time of his appointment, was the youngest judge (37) on a federal

appeals court.

As a federal appeals judge, Luttig developed a reputation as a fierce conservative, and was often compared to Justice Scalia in his analytical style and criticisms of fellow judges. Luttig was among the leading feeder judges on the U.S. Court of Appeals with more than 40 of his law clerks going on to clerk with conservative justices on the Supreme Court. Luttig's clerks are commonly referred to as "Luttigators."

Luttig was mentioned frequently as being near the top of the short list for potential nominees to the Supreme Court during the George W. Bush administration. Bush chose John Roberts and Samuel Alito to fill the two open seats in 2005

Around the time of his nomination consideration, Luttig became involved in a legal dispute with the Bush Administration regarding the "dirty bomber," Jose Padilla. In September 2005, Luttig wrote the opinion that upheld the government's power to designate Jose Padilla as an "enemy combatant." He could then be contained in a military brig without charge. In December 2005, the Bush Administration, anticipating a Supreme Court overturning of the enemy combatant decision, petitioned the Fourth Circuit for approval to transfer Padilla to civilian custody for a criminal trial. Luttig's panel refused the transfer and Luttig admonished the government for potentially harming its "credibility before the courts." The Supreme Court overturned the appellate court's decision swayed by the government's argument that the Fourth Circuit had encroached on the power of the President.

In May 2006, Luttig resigned his federal judgeship to become general counsel and senior vice president for the Boeing Corporation. Luttig strengthened and reorganized the general counsel's office at Boeing and hired numerous former Supreme Court law clerks for his staff. He resigned from Boeing in May 2019. Luttig's resignation coincided with the terminations of former CEO Dennis Muilenberg and former executive Kevin McAllister that year. This was during the Boeing 737 MAX groundings crisis.

Following his resignation from Boeing, Luttig worked for the Coca Cola company and worked in private law firms. He also remained a strong conservative legal voice in government circles, especially regarding the "stolen election" arguments of President Donald Trump and his allies.

One of Trump's attorneys, John Eastman, a former Luttig law clerk, presented his constitutional argument on the election directly to Vice President Pence on January 5, 2021. He argued that the vice president has the constitutional authority to alter or

otherwise change certified electoral votes for the presidential certification in Congress. Pence rejected Eastman's argument, and in a letter released on January 6, 2021 he cited Luttig by name as influencing his decision not to attempt to intervene in the certification process. Luttig has said it was "the highest honor of my life" to be involved in preserving the Constitution.

On June 16, 2022, Luttig testified during a televised hearing conducted by the United States House Select Committee on the January 6 Attack. Before the hearing, Luttig wrote out a statement for the record, saying "it is breathtaking that these arguments even were conceived, let alone entertained by the president of the United States at that perilous moment in history." At the close of the hearing, Luttig said, "Donald Trump and his allies and supporters are a clear and present danger to American democracy. They would attempt to overturn the 2024 election in the same way that they attempted to overturn the 2020 election, but succeed in 2024 where they failed in 2020. I don't speak those words lightly. I would have never spoken those words ever in my life, except that's what the former president and his allies are telling us."

Luttig, along with fellow conservative attorneys and judges, contributed to *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*. This extensive report on the 2020 election and the incorrect claims and statements about the election was made available in 2022 and can be found [online](#).

Luttig is married to Elizabeth Ann Luttig and they have two children, daughter Morgan Luttig and son John Luttig. The Luttig family relocated to the Chicago area after Luttig became the general counsel at Boeing. Elizabeth Luttig, a fellow attorney, was active in local Chicago charities including the Breakthrough Board, the Infant Welfare Society and various functions to benefit Lake Forest High School and the Lake Forest Academy.

Tragically, Luttig's father was fatally shot in 1994 in a carjacking by Napoleon Beazley, who at the time of the crime was a seventeen-year-old minor. Luttig testified at the sentencing portion of the trial, supporting imposition of the death penalty. Beazley was convicted, condemned to death, and eventually executed after twice appealing to the Supreme Court. Because of Luttig's long association with the Supreme Court and justices on the Supreme Court - three members - Justice Antonin Scalia, Justice Clarence Thomas and Justice David Souter - had to recuse themselves during Beazley's appeals.

Scope and Content Note

This collection consists of two series.. The series are: SERIES I: Subject File and SERIES II: Chronological File.

Series List

SERIES I: SUBJECT FILE

SERIES II: CHRONOLOGICAL FILES

Last Modified Date

2024-02-26

SERIES I: SUBJECT FILE

OA 10018

Status	Title
CLOSED	Acting" Officials
CLOSED	ACTION
CLOSED	Administrative Conference Recommendations
CLOSED	Advisory Committee Act
CLOSED	Agriculture and Food Act of 1981
CLOSED	Ahl, Lieutenant Colonel (Senator Armstrong Inquiry)
CLOSED	Air Force and Army Personnel Recommendation and Army
OPEN	Allen, Richard V. (1)(2)
CLOSED	America's Freedom Ride
CLOSED	Appropriations Lapse
CLOSED	Arms Control and Disarmament Agency - Director
CLOSED	Arms Export Control Act, Reporting Requirements
CLOSED	Baseball
CLOSED	Bloomington Baby Case
CLOSED	Borders, William
CLOSED	Borders, William: Borders, William
OPEN	<i>Boulder v. Community Communications Company</i>
CLOSED	Brady, James

Status	Title
CLOSED	Budget
CLOSED	Budget and Accounting Act of 1921
OPEN	Busing
CLOSED	Cable News Network
CLOSED	Capitol Historic Society
CLOSED	<i>Carman v. Idaho</i>
CLOSED	<i>Chicago Bridge and Iron v. Caterpillar Tractor</i>
CLOSED	Chiles Inquiry re: Federal Retirement / Gamba
CLOSED	CAB (Civil Aeronautics Board) - Aero Exchange, Inc.
CLOSED	CAB Decisions - Aeroservicios Ecuatorianos and Trinidad and Tobago
CLOSED	CAB Decision - Avia International and Arrow Airways, Inc.
CLOSED	CAB Decision - Ceskoslovenske and Aerolineas Dominicanas
CLOSED	CAB Decision - New Gateways to Brazil
CLOSED	CAB Decision - Capitol International, Mackey International, etc.
CLOSED	CAB Decision - Compagnie Nationale Air France
CLOSED	CAB Decision - Fast Air Carrier, Ltda.
CLOSED	CAB Decision - Federal Express; Delta Airlines and U.S. Air, Inc.; U.S. / Middle East / Greece - Northwest / Jet Charter
CLOSED	CAB - Flying Tiger
CLOSED	CAB Decision - Great Plains, Ltd.; Eric C. Pearson d/b/a/Pearson Alaska Airlines
OPEN	CAB Decision - Saudi Arabian Airlines, Air Caravane Inc. - Foreign Carrier Insurance Condition
CLOSED	CAB Decision - Scandinavian Airline System
CLOSED	CAB Decision - South Pacific Island Airways and Lone Star Airways
CLOSED	CAB Decisions - Texas / Great-Lakes Eastern Canada / N.Y. - Ottawa / Northwest, Eastern and United Airlines
CLOSED	CAB Decision - Transamerica, Capitol International, etc.
CLOSED	CAB Decision - United Air Carriers d/b/a Overseas National Airways

Status	Title
CLOSED	CAB Decision - Varig, S.A.
OA 10019	
Status	Title
CLOSED	CAB Decisions - General
CLOSED	Claims from Government for Personal Property Damage
CLOSED	Clean Water Act
OPEN	Combined Federal Campaign
CLOSED	Conflicts of Interest Inquiries from the White House Staff / Presidential Appointees
OPEN	Corporation for Public Broadcasting (1) (2)
CLOSED	Council of Economic Advisers
CLOSED	Court of Appeals for the Federal Circuit
OPEN	Courts of Appeals [En Banc Eligibility]
CLOSED	Criminal Forfeiture
CLOSED	Display of American Flag
CLOSED	Distinguished and Meritorious Executive Awards
CLOSED	District of Columbia Judicial Nominations Committee / Constitutionality
CLOSED	Dole, Elizabeth
OPEN	Secretary Donovan
OPEN	Doss and Frade, Reverends
CLOSED	Energy Department
CLOSED	Enrolled Bills
CLOSED	Ethylene Dibromide Pesticide, Office of Science and Technology
CLOSED	Executive Order: Executive Orders
CLOSED	Executive Order: Federal Real Property
CLOSED	Executive Order: Generalized System of Preferences
CLOSED	Executive Order - Intelligence Activities
CLOSED	Executive Order: Physical Fitness and Sports
CLOSED	Executive Order: River Basin Commissions
CLOSED	Executive Order: Statistical Policy Functions

Status	Title
CLOSED	Executive Order: Urban Impact Statements
CLOSED	Executive Order: Water Resources Projects
CLOSED	Executive Orders: Miscellaneous Orders
CLOSED	Executive Privilege
CLOSED	Federal Communications Commission
CLOSED	Federal Court Jurisdiction
CLOSED	Federal Criminal Code
CLOSED	Federal Elections Commission
CLOSED	Federal Home Loan Bank Board
OPEN	Federalism
CLOSED	Filings of Departing White House Officials under Government Ethics Act
OPEN	[Financial Disclosure, Federal Judges]
CLOSED	Financial Disclosure Statements
CLOSED	Fiske, Guy W.
CLOSED	Flexitime
CLOSED	Foreman, Charles
CLOSED	4-C Air Force Contract
CLOSED	[Gifts]
CLOSED	[Gifts]: Gifts

OA 10020

Status	Title
CLOSED	Gore, Senator Albert - Personnel Action Request
CLOSED	Gray, Edwin - Retention of Preferred Status Loan
OPEN	<i>Green v. Connally</i> - Affirmative Action Tax Exempt Schools
OPEN	<i>Guardians Association v. Civil Service Commission</i> (1)(2)
CLOSED	Habeas Corpus
OPEN / DIGITIZED	[Haitian Refugees] (1)
OPEN / DIGITIZED	[Haitian Refugees] (2)
OPEN / DIGITIZED	[Haitian Refugees] (3)
OPEN / DIGITIZED	[Haitian Refugees] (4)
OPEN / DIGITIZED	[Haitian Refugees] (5)

Status	Title
OPEN / DIGITIZED	[Haitian Refugees] (6)
CLOSED	Harman, Phillip
CLOSED	Honorary Offices - Memberships
CLOSED	Hughes, Congressman Wm. J.
CLOSED	Impoundment
CLOSED	In Performance at the White House
OPEN	Insanity Defense
OPEN / DIGITIZED	Interdiction of Haitian Vessels (1)
OPEN / DIGITIZED	Interdiction of Haitian Vessels (2)
OPEN / DIGITIZED	Interdiction of Haitian Vessels (3)
OPEN / DIGITIZED	Interdiction of Haitian Vessels (4)
CLOSED	Intergovernmental Advisory Council on Educaion
CLOSED	Interior - Oil and Gas Lease Sale 67
CLOSED	International Communications Agency
CLOSED	International Trade Commission
CLOSED	Jane Doe
CLOSED	Jewish Chapel Fund
CLOSED	Johnson, Victor S. - Anti-racketeering Statute
CLOSED	Joint Resolutions
CLOSED	Jones, Thomas Mills
CLOSED	Judicial Ethics
CLOSED	Kelly, Michael
CLOSED	Lafayette Park
OPEN	Law of the Sea
CLOSED	Leave - Annual and Sick
CLOSED	Lefever Nomination
CLOSED	Legal Policy Cabinet Council
OPEN	Legislative Veto (1)-(4)
CLOSED	<i>Lord v. IBEW</i>
CLOSED	Marathon Oil Inquiry from Congressman Oxley
CLOSED	McDonald's Corporation
CLOSED	Meador, Daniel J.

Status	Title
CLOSED	Memoranda to File
CLOSED	National Advisory Council on Economic Opportunity
CLOSED	National Historic Preservation Act Amendments of 1980
CLOSED	National Theatre Week
OPEN / DIGITIZED	Nepotism
CLOSED	New York City Loan Guarantees
OPEN	Nofziger, Lyn [White House checkout card only]
CLOSED	<i>North Haven Board v. Department of Education</i> - Supreme Court
CLOSED	<i>Northern Pipeline v. Marathon Pipeline Company</i>
CLOSED	Oaths of Office
OPEN / DIGITIZED	O'Connor, Sandra Day - Nomination / Press Clipping (1)
OPEN / DIGITIZED	O'Connor, Sandra Day - Nomination / Press Clipping (2)
OPEN / DIGITIZED	O'Connor, Sandra Day - Nomination / Remarks [and Correspondence]
CLOSED	Office of Administration
OPEN	OFCCP (Office of Federal Contract Compliance Programs) Regulations
CLOSED	Office of Personnel Management - Exclusions from Federal Merit Pay

OA 10021

Status	Title
CLOSED	Office of Personnel Management - "Open Season"
CLOSED	Office of Personnel Management - Suitability Determinations
CLOSED	Paperwork Reduction Act
OPEN	Pardons (1)(2)
CLOSED	Personnel Recommendations
OPEN	Pierce, Judge Lawrence
OPEN	Plyler v. J. & R. Doe
CLOSED	Policy Positions of the Administration
CLOSED	President - Income Tax

Status	Title
CLOSED	President Reagan - Charitable Contributions
CLOSED	President Reagan - Compensation
CLOSED	Presidential Compensation
OPEN	Presidential Proclamation - Bald Eagle Day and Bicentennial Year of the Bald Eagle
OPEN	Presidential Proclamation - Bill of Rights and Human Rights Day
OPEN	Presidential Proclamation - Citizenship Day and Constitution Week
OPEN	Presidential Proclamation - Fire Prevention Week
OPEN	Presidential Proclamation - Hungarian Freedom Fighters Day
OPEN	Presidential Proclamation - Interstate Highway
OPEN / DIGITIZED	Presidential Proclamation - National Guard Day
OPEN	Presidential Proclamation - National Jaycee Week
OPEN	Presidential Proclamation - U.S.-Argentina Agreement
OPEN	Presidential Proclamation - Veterans Day
OPEN	Presidential Proclamations (1)-(3)
CLOSED	President's California Pension
OPEN	President's Commission on Drunk Driving
CLOSED	Press Conferences
CLOSED	Privacy Act
OPEN	Professional Air Traffic Controllers
CLOSED	Public Buildings
CLOSED	Rancho Del Cielo
CLOSED	Reagan, President - Gifts
CLOSED	Ronald Reagan - General
CLOSED	Recess Appointments
OPEN	Request for Presidential Intervention: EEOC [Equal Employment Opportunity Commission] (Lanier)
CLOSED	Request for Presidential Intervention: Labor (Mertz)
CLOSED	Retirement Civil Service
CLOSED	Richman, Mark - Balancing Federal Budget

Status	Title
CLOSED	Schmults, Deputy Attorney General
CLOSED	Schmults, Ed
OPEN	School Desegregation Testimony
OPEN	School Prayer - Proposed Constitutional Amendment (1)-(3)
CLOSED	Secret Service Protection - Delegation of Authority
CLOSED	Sierra Club - Wilderness Study Area Petition
CLOSED	Simon, Sidney
CLOSED	Small Business Administration
CLOSED	Speakers Bureau
CLOSED	Social Security
CLOSED	Sobel, Norman, Bequest to President
CLOSED	Sokolov, Vladimir
OPEN	Solidarity Day
OPEN	State of the Union Address [1982]
CLOSED	Steel Stretch-Out
CLOSED	Suggestions
CLOSED	Task Force on Legal Equity for Women
CLOSED	Task Force on Private Sector Initiatives
CLOSED	Tax
OPEN	Tax Exemption - Segregated Schools
CLOSED	Temporary Appointments by the President
CLOSED	Timmons, William
CLOSED	Trade Sanctions
CLOSED	Transition Reports
CLOSED	Travel

OA 12585

Status	Title
CLOSED	Tuition Tax Credits
CLOSED	Tuition Tax Credits: Tuition Tax Credits
OPEN	Twenty-fifth Amendment (1)(2)
CLOSED	Unemployment Insurance Benefits
OPEN	U.S. Circuit Judge Nominating Commission

Status	Title
CLOSED	<i>United States v. Lee</i>
CLOSED	Use of the White House or President in Advertising, Commercial Enterprises
CLOSED	Veterans Survivors Benefits
CLOSED	Volunteers
OPEN	<i>Weber, United Steelworkers of America v.</i>
CLOSED	White House Conference on Aging (1)(2)
CLOSED	White House Reception for Judiciary
CLOSED	White House Science Council
CLOSED	White House Staff: FBI / IRS Reports
CLOSED	White House Transportation (Empty)
CLOSED	World's Fair - Knoxville 1982
	Wynne, Mrs. W. H.
CLOSED	Yoon - Offer to Purchase Reagan Home

SERIES II: CHRONOLOGICAL FILES

OA 12586

Status	Title
CLOSED	J. Michael Luttig - Chron June 1981
CLOSED	J. Michael Luttig - Chron July 1981
CLOSED	J. Michael Luttig - Chron August 1981
CLOSED	J. Michael Luttig - Chron September 1981
CLOSED	J. Michael Luttig - Chron October 1981
CLOSED	J. Michael Luttig - Chron November 1981
CLOSED	J. Michael Luttig - Chron December 1981
CLOSED	J. Michael Luttig - Chron January 1982
CLOSED	J. Michael Luttig - Chron February 1982
CLOSED	J. Michael Luttig - Chron March 1982
CLOSED	J. Michael Luttig - Chron April 1982
CLOSED	J. Michael Luttig - Chron May 1982
CLOSED	J. Michael Luttig - Chron June 1982
CLOSED	J. Michael Luttig - Chron July 1982
CLOSED	J. Michael Luttig - Chron August 1982