The original documents are located in Box 35, folder "Administration Personnel, A-Z (6)" of the Sheila Weidenfeld Files at the Gerald R. Ford Presidential Library.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

President's Staff

FOR IMMEDIATE RELEASE NOVEMBER 3, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

BIOGRAPHICAL INFORMATION
ON
ELLIOT L. RICHARDSON

Elliot Richardson has served as Ambassador to Great Britain since February 20, 1975

In 1970 he became United States Secretary of Health, Education and Welfare. From January to May 1973 he served as Secretary of Defense and from May to October 1973 he was Attorney General of the United States.

In 1953 Mr. Richardson left private legal practice to serve for two years as Legislative Assistant to Senator Leverett Saltonstall of Massachusetts. After a renewed association with Ropes, Gray, Best, Coolidge and Rugg in 1955 and 1956, Mr. Richardson was appointed Assistant Secretary for Legislation of the Department of Health, Education and Welfare, and also served as Acting Secretary of HEW from 1957 to 1959. In 1959 he became United States Attorney for Massachusetts. In 1961 he served for two months as Special Assistant to the Attorney General of the United States, before becoming a partner in the law firm of Ropes and Gray of Boston. He was elected Lieutenant Governor of Massachusetts for the term 1965-1967. From 1967 until his swearing-in as Under Secretary of State in 1969, he held the office of Attorney General of Massachusetts.

Mr. Richardson was born in Boston, Massachusetts on July 20, 1920. He was graduated from Harvard with an A.B. (cum laude) in 1941 and received his LL.B. (cum laude) in 1947 from Harvard. While attending Harvard Law School he was President of the Law Review. He served with the United States Army as a First Lieutenant from 1942 to 1945. He was awarded the Bronze Star Medal for Heroic Service and the Purple Heart with Oak Leaf Cluster after landing with the 4th Infantry Division on D-Day in Normandy. From 1947 to 1949 he served as a law clerk for Judge Learned Hand and Supreme Court Justice Felix Frankfurter successively. In 1949 he was made an Associate to the law firm of Ropes, Gray, Best, Coolidge and Rugg of Boston.

He is married to the former Anne Francis Hazard and they have three children.

# # #

FOR RELEASE ON DELIVERY NOVEMBER 3, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have several announcements to make tonight.

First, with respect to foreign policy and national security affairs: You will recall that when I became President a year ago last August, I indicated that I believed it was essential to guarantee stability and continuity in the conduct of U.S. foreign policy. I made a conscious decision, at that time, not to change personnel in the important national security area. I have, however, made a number of significant changes in the Cabinet in the domestic area.

We have now successfully reassured our allies that the United States will stand firm in the face of any threat to our national interest and convinced potential adversaries that America will aggressively seek out ways to reduce the threat of war.

Therefore, I am tonight announcing several personnel changes, which I believe will strengthen the Administration in the important area of national security affairs.

I intend to nominate Donald Rumsfeld as my new Secretary of Defense. Don has served with distinction as a Congressman from Illinois, Director of the Office of Economic Opportunity, Director of the Cost of Living Council, and Ambassador to NATO. For the past year he has been my senior White House Assistant and a member of my Cabinet. He has the experience and skill needed to help our country maintain a defense capability second to none.

I want to say a special word about Jim Schlesinger. The nation owes Secretary Schlesinger a deep debt of gratitude for his able service to his country as Chairman of the Atomic Energy Commission, Director of Central Intelligence and Secretary of Defense.

Henry Kissinger has been serving with distinction as Secretary of State and as my Assistant for National Security Affairs. Secretary Kissinger will relinquish his post as Assistant to the President to devote full time to his responsibilities as Secretary of State.

Brent Scowcroft, who has been serving ably for 3 years as Deputy Assistant at the White House, will move up to Assistant to the President for National Security Affairs.

For the past year, George Bush has been U.S. Representative to the People's Republic of China. He has served with great skill as a Congressman, and as Ambassador to the United Nations. It is my intention to nominate Ambassador Bush to be Director of the Central Intelligence Agency.

The CIA is one of our nation's most important institutions. In recent months, it has been the focus of some controversy. During this difficult period, Bill Colby, as Director of the CIA, has done an outstanding job of working with the Congress to look into and correct any abuses that may have occurred in the past, while maintaining an effective foreign intelligence capability.

Mr. Richard Cheney, who has been serving effectively as Deputy Assistant, will replace Don Rumsfeld as Assistant to the President and will take over his responsibilities for coordinating the White House staff.

MORE

In a separate area, I have one additional personnel announcement to make.

Some weeks ago Secretary of Commerce Rogers Morton indicated to me that after the first of the year he would like to reduce the pace of his activities and resign his current position to return to the private sector.

Rog Morton has served with great distinction in the Congress and in two Cabinet posts for nearly five years. He has earned the respect of Americans everywhere. He has been a long, close, personal friend. I am deeply grateful for his valuable service and I will be calling on him for assistance in the future.

Elliot Richardson will be nominated to become Secretary of Commerce. An able former Secretary of Defense, Secretary of HEW, and Attorney General, Mr. Richardson is presently serving as our Ambassador to Great Britain. I know he will do an outstanding job in his new assignment.

I hope that the Senate will move rapidly to confirm my nominees for those positions which require confirmation.

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# # #

F-6 STAN SCOT

FOR IMMEDIATE RELEASE

OCTOBER 2, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

EXCHANGE OF LETTERS
BETWEEN THE PRESIDENT AND
STANLEY S. SCOTT,
SPECIAL ASSISTANT TO THE PRESIDENT

October 2, 1975

Dear Stan:

I have received your letter of October 2, and it is with sincere gratitude for your many years of dedicated public service that I accept your resignation from the White House staff upon a date to be determined. You have served very effectively as Special Assistant to the President and before that as Assistant to the Director of Communications of the Executive Branch. I know the work has been demanding, but with your ability, candor and energy, you have made significant contributions in the important field of minority relations. I am sorry to lose you.

I fully understand your desire to accept a new assignment at the Agency for International Development. The appointment will provide you with a larger opportunity to lend your well-deserved reputation and your expertise in government to helping alleviate some of the difficult and complex problems facing Africa. The United States is committed to helping to solve those problems and your appointment reaffirms that commitment.

(MORE)

In departing the White House you may be sure you take with you my best wishes as well as my deep appreciation for a job well done. As you join AID I am confident that you will continue to provide the leadership needed for your important new responsibilities.

Warmest personal regards,

The Honorable Stanley S. Scott
The White House
Washington, D.C. 20500

October 2, 1975

Dear Mr. President:

It was more than four years ago that I was asked to join the White House staff as Assistant to the Director of Communications, and later as a Special Assistant to the President.

Mr. President, as I discussed with you earlier, I would now like to pursue other challenging responsibilities in government, and hereby submit my resignation effective at a date to be determined.

I will always be grateful for the trust and confidence you placed in me when you asked me to continue in my position when you became our President. I shall remember fondly our personal relationship when you were Vice President.

(MORE)

We are fortunate to have you as our President. We badly need your ongoing leadership to restore confidence in government. I believe, as you do, that there is much to be done to make the American dream a reality for all Americans. Equally important, I agree with your remarks stated to me more than a year ago when you said: "We can make the American dream a reality if we all pull together as a people for the common good."

Serving my country has always been of the highest importance to me, and the opportunity to participate at the highest level of government will always be among the most meaningful and rewarding experiences of my life.

Mr. President, my decision to seek new challenges was not an easy one. My years here, while hectic and always active, have also been personally very rewarding.

I consider it an honor and a privilege to have been able to work with you. Let me assure you that I shall do my best to represent my Country ably and well in whatever task lies ahead.

Warm best wishes to you and The First Lady,

Sincerely,

Stanley S. Scott
Special Assistant to the President

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

# # #

HOLD FOR RELEASE UNTIL DELIVERED TO THE SENATE

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

NOMINATIONS SENT TO THE SENATE ON OCTOBER 2, 1975:

Stanley S. Scott, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development, vice Samuel C. Adams, Jr., resigned.

Roderick M. Hills, of California, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1977, vice Ray Garrett, Jr., resigned.

# # # #

FOR IMMEDIATE RELEASE DECEMBER 18, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STANLEY S. SCOTT
Biographical Data

Stanley S. Scott has been Special Assistant to the President since February 5, 1973. Mr. Scott served as an Assistant to the Director of Communications for the Executive Branch from June 1971 until his appointment.

Before joining the White House staff, Mr. Scott served for four years as a Radio Newsman at Westinghouse Broadcasting Corporation in New York City. He was an Assistant Director of Public Relations for the National Association for the Advancement of Colored People in New York (1966 - 1967); General Assignment News Reporter, United Press International, New York City (1964-1966); General Assignment News Reporter, Copy Editor and Editorial Writer, Atlanta Daily World, Atlanta, Georgia (1961-1964); and Editor-General Manager, The Memphis World, Memphis, Tennessee (1960-1961).

Mr. Scott was born in Bolivar, Tennessee on July 2, 1933. He attended Kansas University from 1951-1953 and Lincoln University from 1957-1959. He served in the United States Army from 1954-1956.

Mr. Scott is married to the former Bettye Lovejoy. They have three children and reside in Washington, D. C.

# # #

FOR IMMEDIATE RELEASE DECEMBER 18, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

LIEUTENANT GENERAL BRENT SCOWCROFT
Biographical Data

Lieutenant General Brent Scowcroft has been Deputy Assistant to the President for National Security Affairs since August 16, 1974. He succeeded General Alexander M. Haig, Jr., who held the position from June 1970 until January 4, 1973, when he became Vice Chief of Staff of the Army.

General Scowcroft served as Military Assistant to the President from February 1, 1972. Prior to assuming that position he was assigned to the Organization of the Joint Chiefs of Staff as the Special Assistant to the Director of the Joint Staff from March 1970.

He was born March 19, 1925, in Ogden, Utah. General Scowcroft was graduated from the United States Military Academy in 1947 and holds Master's (1953) and Ph. D. (1967) degrees in international relations from Columbia University. He has also attended Lafayette College, the Georgetown University School of Language and Linguistics, the Strategic Intelligence School, the Armed Forces Staff College and the National War College.

Following his graduation from pilot training in October 1948, General Scowcroft served in a variety of operational and administrative positions. In 1953, he became an Assistant Professor of Russian history at the U.S. Military Academy, remaining there until 1957 when he entered the Strategic Intelligence School. From 1959 to 1961, he served as Assistant Air Attache in the American Embassy at Belgrade, Yugoslavia, and in 1962 he went to the U.S. Air Force Academy, where he was Professor of Political Science and acting head of the department.

From 1964 to 1966, General Scowcroft was assigned to Air Force Headquarters in the Office of the Deputy Chief of Staff, Plans and Operations, and in the Long Range Planning Division, Directorate of Doctrine, Concepts and Objectives. He next attended the National War College. In 1968, he was assigned to the Office of the Assistant Secretary of Defense for International Security Affairs and, in 1969, he returned to Air Force Headquarters as Deputy Assistant for National Security Council Matters in the Directorate of Plans.

His military decorations include the Distinguished Service Medal (Air Force), Legion of Merit with one oak leaf cluster and the Air Force Commendation Medal.

General Scowcroft is married to the former Marian Horner. They have one daughter.

# # #

Scranton

UR-057

(SCRANTON)

WASHINGTON (UPD -- THE SENATE TODAY CONFIRMED THE NOMINATION OF WILLIAM SCRANTON TO BE THE U.S. AMBASSADOR TO THE UNITED NATIONS.

SCRANTON, A FORMER GOVERNOR OF PENNSYLVANIA WHO RAN FOR THE REPUBLICAN PRESIDENTIAL NOMINATION IN 1964, WAS APPROVED BY VOICE VOTE WITH LITTLE DEBATE.

HE SUCCEEDS DANIEL PATRICK MOYNIHAN, WHO RETURNED TO HIS TEACHING POSITION AT HARVARD.

DEMOCRATIC LEADER MIKE MANSFIELD CALLED SCRANTON "A MAN OF ABILITY, INTEGRITY AND DISTINCTION WHO WILL REPRESENT US ABLY AND WELL."

REPUBLICAN LEADER HUGH SCOTT SAID HE BELIEVED SCRANTON WOULD "BRING TO THE UNITED NATIONS A QUALITY OF SENSITIVITY".

UPI 03-03 12:42 PES

UP-055

(SCRANTON)

(BY JOHN BARTON)

WASHINGTON (UPI) -- WILLIAM SCRANTON, PRESIDENT FORD'S CHOICE TO BE U.S. AMBASSADOR TO THE UNITED NATIONS, SAID TODAY HE IS IN FAVOR OF MORE COOPERATION AND LESS CONFRONTATION WITH THIRD WORLD MEMBERS OF THE U.N.

THE FORMER PENNSYLVANIA GOVERNOR, NOMINATED BY FORD TO SUCCEED OUTSPOKEN U.N. AMBASSADOR DANIEL MOYNIHAN, TOLD THE SENATE FOREIGN RELATIONS COMMITTEE, "I HAVE A VERY DEEP PERSONAL CONCERN ABOUT OUR RELATIONS WITH THE THIRD WORLD. I FEEL THEY SHOULD NATURALLY BE OUR FRIENDS, NOT NATURALLY BE OUR ENEMIES."

THE COMMITTEE IS HOLDING CONFIRMATION HEARINGS FOR SCRANTON.

THE TWO MAJOR GOALS SOUGHT BY DEVELOPING NATIONS, SCRANTON SAID, "ARE WHAT WE ARE ALL ABOUT." HE IDENTIFIED THOSE GOALS AS "INDEPENDENCE FOR THEIR PEOPLE ... AND THE OPPORTUNITY TO DEVELOP AND CREATE A BETTER SITUATION FOR THEMSELVES."

SCRANTON SAID HE DID NOT MEAN HIS REMARKS AS CRITICISM OF MOYNIHAN, WHOM HE CALLED "A CLOSE PERSONAL FRIEND."

"I BELIEVE HE DID A GREAT DEAL TO IMPROVE THE INTERNAL MORALE OF THIS COUNTRY. IF CONFIRMED, I WOULD BE PROUD TO BE HIS SUCCESSOR."

MOYNIHAN PURSUED A CONTROVERSIAL, HARDLINE POLICY OF CONFRONTATION WITH THE THIRD WORLD NATIONS.

SCRANTON SAID, "I DO THINK THAT MAYBE THIS CONFRONTATION WAS NECESSARY BECAUSE OF THE SITUATION THAT DEVELOPED THERE OF STRONG BLOC VOTING. BUT I BELIEVE THERE WAS MORE OF A TENDENCY TO BLOCK THE VOTE THAN TO CONFRONT THE ISSUES. I DO THINK WE HAVE HAD THAT CONFRONTATION. I THINK THEY DO REALIZE WE WANT TO HELP ... AND THAT IT IS TO THEIR ADVANTAGE TO COOPERATE WITH US."

"I WOULD HOPE THAT WE COULD BE MORE COOPERATIVE WHERE THEY ARE COOPERATIVE, BUT UNDOUBTEDLY WE WILL HAVE SOME CONFRONTATIONS WITH SOME AFRICAN COUNTRIES," SCRANTON SAID.

SCRANTON WAS ASKED BY SEN. DICK CLARK, D-IOWA, CHAIRMAN OF THE AFRICAN SUBCOMMITTEE, IF HE FAVORED CUTTING U.S. FOREIGN AID TO COUNTRIES THAT DID NOT SUPPORT THE ADMINISTRATION POSITION IN U.N. VOTES.

"THAT CAN BE COUNTERPRODUCTIVE," SCRANTON SAID. "BUT MAYBE IT WOULD BE NECESSARY TO USE IT AT SOME PLACE, AT SOME TIME. IF THIS WAS THE DETERMINED POLICY OF THE U.S. GOVERNMENT, I WOULD FOLLOW IT. BUT I WOULD HOPE THAT THEY WOULD USE THIS SPARINGLY."

UPI 03-02 12:25 PES

N049
R
FORD-SCRANTON
WASHINGTON (AP) -- PRESIDENT FORD STILL WANTS FORMER PENNSYLVANIA GOV. WILLIAM SCRANTON TO ACCEPT THE POST OF AMBASSADOR TO THE UNITED NATIONS BUT NO ANNOUNCEMENT ON A NOMINATON WILL BE MADE FOR AT LEAST ANOTHER 10 DAYS, ADMINISTRATION SOURCES SAID TODAY.

QUESTIONED ABOUT REPORTS THAT SCRANTON HAS AGREED TO TAKE THE POSITION VACATED BY DANIEL MOYNIHAN, THE SOURCES SAID A DECISION ON THE NOMINEE IS NOT FIRM.

SCRANTON, MEANWHILE, FLEW TO FROM PENNSYLVANIA TO WASHINGTON BUT REFUSED TO COMMENT ON WHETHER HE HAS ACCEPTED FORD'S OFFER.

SCRANTON SAID HE WAS GOING TO WASHINGTON TO ATTEND A MEETING OF THE U.S. RAILWAY ASSOCIATION BOARD, OF WHICH HE IS A MEMBER.

02-19-76 11:35EST

UP-034

(SCRANTON)

WASHINGTON (UPD -- PRESIDENT FORD TODAY ANNOUNCED THE APPOINTMENT OF FORMER PENNSYLVANIA GOV. WILLIAM SCRANTON TO BE U.S. AMBASSADOR TO THE UNITED NATIONS.

FORD PERSONALLY MADE THE ANNOUNCEMENT. HE SAID SCRANTON HAS A "BIG JOB TO DO" IN DEFENDING THE UNITED STATES "AGAINST UNFAIR ATTACKS" IN THE WORLD ORGANIZATION.

SCRANTON, 58, WILL SUCCEED OUTGOING U.N. AMBASSADOR DANIEL MOYNIHAN WHO HAD BEEN EXPECTED TO ATTEND THE CEREMONIAL OVAL OFFICE ANNOUNCEMENT BUT HAD TO BOW OUT IN ORDER TO CHAIR A U.N. SECURITY COUNCIL MEETING TODAY.

FORD STOOD BESIDE SCRANTON AND TOLD REPORTERS, "LET ME SAY HOW PLEASED I AM THAT MY LONG-TIME FRIEND BILL SCRANTON IS GOING TO BE THE NEXT AMBASSADOR TO THE UNITED NATIONS."

"HE IS A PERSONAL FRIEND AND A FRIEND IN MANY, MANY OTHER WAYS," HE ADDED.

HE SAID SECRETARY OF STATE HENRY KISSINGER HAD BEEN TRYING TO GET SCRANTON TO TAKE A DIPLOMATIC JOB FOR THE PAST SEVEN YEARS.

"HE'S GOT A BIG JOB TO DO AND GREAT RESPONSIBILITY," SAID FORD.

UPI 02-25 10:45 AES

2/19/71

WILLIAM SCRANTON
An opening, a nod

Scranton Agrees to U.N. Post

By Nicholas M. Horrock
New York Times News Service

William W. Scranton, former governor of Pennsylvania, has agreed to be-

Summary
March 12

Vera Glaser, Detroit Free Press, Washington: For an irreverent peek at political Washington, L. William Seidman and his wife, Sally, are the folks to visit. They seem unawed by the VIPs and glitter here. Perhaps that's because multimillionaire Seidman once took dancing lessons from Betty Ford. And his wife once dated Ford's brother Dick. It's not clear how much influence Seidman has on economic policy, although he is a highly intelligent and prodigious worker. Questions about the economy draw unrevealing, almost cliche replies from

Seidman; but whatever his clout, if any, he obviously enjoys what he's doing.

Seidman

THE WHITE HOUSE
WASHINGTON

DATE: 1-16

TO: Sheila

FROM: ROBERT G. SHAW
Room 135, OEOB--Ext. 2244

F.Y.I.: _____

PLEASE HANDLE: _____

F.Y. SIGNATURE: _____

COMMENTS: Greetings. Sorry I missed yr. I brought my successor, Aaron Spaulding, over to meet yr. He knows your father & Bruce. Attached

is the summary which I understand you need. See you soon.

Shaw FC

Robert G. Shaw

Wife: Kathryn E. (Kathy)

Phone: Office: 456-2244
Home: 280-5334

Professional Experience

April 74 - Present	Deputy Special Assistant to the President - The White House - responsible for recommending candidates for Presidential appointments in the economic oriented departments & agencies
July 73 - April 74	Special Assistant, Office of the Secretary, U.S. Department of Commerce - internal management consultant involved in planning & program evaluation of all commerce activities - from international trade to environmental affairs to minority business
1971-73	President & Chief Executive Officer, Computer Merchandising, Chicago, Ill.
1969-71	Executive Vice President & General Manager, Market Research Corp. of America, Chicago, Ill.
1963-69	Director, Market Information & Planning, Scott Paper Company - Philadelphia, Pa.
Education	B.A. Stanford University M.A. Carnegie-Mellon University

Smith

UP-09 0

(PRESIDENTIAL APPOINTMENTS)

WASHINGTON (UPI) -- PRESIDENT FORD TODAY ANNOUNCED THE APPOINTMENT OF DOUGLAS SMITH, 47, AS A SPECIAL ASSISTANT.

SMITH, A FORMER NAVY OFFICER, YAKIMA COUNTY, WASH., PROSECUTOR AND DEFENSE DEPARTMENT OFFICIAL, WAS NAMED TO SERVE AS A DEPUTY TO ROBERT T. HARTMANN, WHITE HOUSE COUNSELOR AND CHIEF OF THE PRESIDENT'S SPEECH-WRITING TEAM.

FOR THE PAST 10 MONTHS, SMITH HAD SERVED IN THE POST IN AN "ACTING" CAPACITY.

IN OTHER WHITE HOUSE STAFF CHANGES:

-- BILL ROBERTS, AN ASSISTANT PRESS SECRETARY, WAS NAMED TO HEAD THE PRESS DEPARTMENT SECTION DEALING REGULARLY WITH THE PRESS CORPS. HE REPLACED LARRY SPEAKES WHO LAST WEEK BECAME PRESS SECRETARY TO SEN. BOB DOLE, FORD'S RUNNING MATE.

-- PRESS SECRETARY RON NESSEN ALSO ANNOUNCED THAT MARGARET EARLE, WHO PREVIOUSLY DEALT WITH NON-WHITE HOUSE PRESS, WOULD MOVE INTO THE WHITE HOUSE TO AIDE ROBERTS. HER FORMER POST IN THE NEXT-DOOR OLD EXECUTIVE OFFICE BUILDING WAS TAKEN BY JAMES SHUMAN, WHO HAD EDITED THE WHITE HOUSE DAILY NEWS SUMMARY.

NESSEN SAID AGNES WALDRON, FORMER CHIEF RESEARCHER ON THE WHITE HOUSE STAFF, WAS TAKING OVER AS NEWS SUMMARY EDITOR.

UPI 08-31 03:28 PED

N065
HW

FORD-APPOINTMENT
WASHINGTON (AP) -- PRESIDENT FORD TODAY APPOINTED DOUGLAS J. SMITH SEATTLE TO BE A SPECIAL ASSISTANT TO THE PRESIDENT.
FOR THE LAST YEAR HE HAS BEEN CONSULTANT AND ACTIVE DEPUTY FOR FORD'S CHIEF SPEECHWRITER, ROBERT HARTMANN.

08-31-76 13:39EDT

Stevens

STEVENS
BY JOHN CHADWICK
WASHINGTON (AP) -- THE SENATE TODAY CONFIRMED PRESIDENT FORD'S NOMINATION OF JUDGE JOHN PAUL STEVENS OF CHICAGO TO BE A SUPREME COURT JUSTICE.

STEVENS, 55, WILL FILL THE VACANCY LEFT BY THE RETIREMENT OF JUSTICE WILLIAM O. DOUGLAS ON NOV. 12 BECAUSE OF ILL HEALTH.

FORD'S FIRST APPOINTEE TO THE NATION'S HIGHEST COURT, STEVENS WON THE UNANIMOUS ENDORSEMENT OF THE SENATE JUDICIARY COMMITTEE AFTER THREE DAYS OF HEARINGS.

STEVENS' CONFIRMATION BY THE SENATE BRINGS THE SUPREME COURT TO FULL STRENGTH FOR THE START OF ITS NEW TERM JAN. 12 WHEN THE CONSTITUTIONALITY OF THE DEATH PENALTY AND THE FREE PRESS-FAIR TRIAL CONTROVERSY WILL BE AMONG THE MAJOR ISSUES CONFRONTING IT.

12-17-75 13:11EST

THE WHITE HOUSE

WASHINGTON

December 5, 1975

MEMORANDUM FOR: PAT LINDH
MARGITA WHITE
GWENN ANDERSON
SHEILA WEIDENFELD
SUSAN PORTER

FROM: BOBBIE GREENE KILBERG

SUBJECT: Selected Opinions of Judge John Paul Stevens

1. Cohen v. Illinois Institute of Technology (I. I. T.), (7th Cir., October 28, 1975). Opinion written by Judge Stevens.

The issue presented in this case was whether the executives of a private university, which allegedly discriminated against women in the appointment, retention and compensation of its faculty were acting under color of state law within the meaning of the 1871 Civil Rights Act*/ or participating in a conspiracy prohibited by that Act, Section 1985(3).

To support the proposition that defendants acted under the color of state law, the plaintiff made four allegations:

(1) by using the word "Illinois" in its name, IIT had in effect held itself out as a state instrumentality;

(2) IIT had received financial and other support from the state;

(3) IIT was pervasively regulated by the state; and

(4) the state had failed to take affirmative action to prevent IIT from using genders as a criterion for faculty compensation and promotion.

---

*/ 42 U.S.C. § 1983.

The complaint contained no allegation that any state instrumentality had affirmatively supported or expressly approved any discriminatory act or policy, or even had actual knowledge of such discrimination.

The court rejected the four claims for the following reasons:

(1) "The facts that I. I. T. was chartered by the State and includes the word 'Illinois' in its title do not lend any support to the claim that I. I. T. acts under color of state law. Every private corporation, whether profitable or charitable, is chartered by the State; unless the charter contains a special authorization or directive to engage in the challenged conduct, the fact that it is granted by the State is of no significance. The use of the State's name gives rise to an appearance of State involvement in I. I. T.'s activities but, again, unless the appearance of state support either facilitates the activity in question, or provides evidence that the institution is, in fact, a State instrumentality, it is of no relevance . . ." (p. 6 of Opinion).

(2) "The State of Illinois provides support for I. I. T. in various ways. The Institute may benefit from the State's eminent domain powers; its students are allowed to use the facilities of various state agencies in certain study programs; its students receive financial support in the form of loan guarantees and scholarships; and under the State Grant program, funds are provided directly to the school.

"It is plain that the school is not so heavily dependent on the State as to be considered equivalent of a public university for all purposes and in all its activities. It would dramatically enlarge the state action concept to conclude that these facts are sufficient to require a complete surrender of the university's private character. On the other hand, it is equally clear that the State's support of I. I. T. is sufficiently significant to require a finding of state action if that support has furthered the specific policies or conduct under attack. Again, however, there is no allegation in the complaint that the various forms of assistance given to I. I. T. or to its students, by the State, have had any impact whatsoever

> on the ability of Dr. Cohen, or any other member of her sex, to be treated impartially by the administration of the Institute. The State has lent significant support to I. I. T. It is not, however, alleged to have lent any support to any act of discrimination." (pp. 7-9 of Opinion).
>
> (3) State regulation of the Institute "encompasses a wide variety of matters, from physical plant to course content and faculty qualifications. It is settled however that the mere existence of detailed regulation of a private entity does not make every act, or even every regulated act, of the private firm, the action of the State. Unless it is alleged that the regulatory agency has encouraged the practice in question, or at least given its affirmative approval to the practice, the fact that a business concern or institution is subject to regulation is not of decisive importance." (p. 9 of Opinion).
>
> (4) The omission of an affirmative prohibition against sex discrimination is not tantamount to expressed state approval of the objectionable policy.
>
> "The facts set forth in the complaint do not support the conclusion that defendants acted under color of state law in their discrimination against plaintiff." (pp. 10-11 of Opinion).

Count II of the complaint alleges that the individual defendants, perhaps in concert with other unknown individuals, conspired to have IIT adopt policies or practices having the effect of discriminating against women holding faculty appointments from IIT, and thereby to deprive them of their Fourteenth Amendment rights of equal protection under the laws. This Count is predicated on 42 U. S. C. § 1985(3) which prohibits private conspiracies to deprive a person of a constitutionally protected right.

> "Quite properly, Count II omits any allegation that the individual defendants acted under color of state law. For there is no statutory requirement of state participation or support for the conduct of the individual conspirators proscribed by § 1985(3). There is, however,

> a requirement that the conspiracy deprived the plaintiff of a federally protected right. That requirement would be satisfied if I. I. T. were a State university, or if the constitutional right of the plaintiff at stake were one that is entitled to protection against anyone, rather than merely protection impairment by a state." (pp. 12-13 of Opinion).

The court states that the distinction between whether the defendant had acted under color of state law, and, whether plaintiff's federal right was merely assertable against the state required "consideration of the state action issue in cases bottomed on an alleged violation of the Fourteenth Amendment." (p. 15 of Opinion). Relying on Supreme Court decisions, the court holds that the Fourteenth Amendment is not a protection against purely private interference and may be violated only by the action of a state.

2. Fitzgerald v. Porter Memorial Hospital (7th Cir., Sept. 26, 1975). Opinion written by Judge Stevens.

This case presented the question of whether a mother, her husband or her doctor had a constitutional right to have the father present during the birth of a child. Porter Memorial Hospital, a public hospital, had a policy which prohibited the presence "of any person or persons in the Delivery Rooms located in the Obstetrics Ward other than members of the Medical Staff and Nursing Staff." The court held that the right of marital privacy did "not include the right of either spouse to have the husband present in the delivery room of a public hospital which, for medical reasons, has adopted a rule requiring his exclusion." (p. 8 of Opinion)

The plaintiffs were married couples who had completed training courses in the LaMaze Method of child birth and each couple, except one, was either expecting the birth of a child or had recently given birth at Porter Memorial Hospital. Plaintiffs brought suit against the hospital challenging the constitutionality of its policy on the basis of the 1871 Civil Rights Act*/ and the First, Fourth,

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*/ 42 U.S.C. § 1983.

Ninth and Fourteenth Amendments to the U. S. Constitution. The plaintiffs sought injunctive and declaratory relief and damages.

Plaintiffs characterized the right they asserted as an aspect of the "right of marital privacy". The court noted that the language of the Supreme Court's opinions in its privacy cases:

> ". . . brings to mind the origins of the American heritage of freedom -- the abiding interest in individual liberty that makes certain state intrusions on the citizen's right to decide how he will live his own life intolerable. Guided by history, our tradition of respect for the dignity of individual choice in matters of conscience and the restraints implicit in the federal system, federal judges have accepted the responsibility for recognition and protection of these rights in appropriate cases." (pp. 5-6 of Opinion).

The plaintiffs argued that their asserted right was worthy of constitutional protection for three reasons:

> (1) it arises out of the marital relationship;
>
> (2) the birth of a child is an extremely important event; and
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> (3) in their judgment and the judgment of a respectable segment of the medical profession, the LaMaze procedure is safe and a more beneficial obstetrical procedure than traditional practices which deny the father the right to be present when the delivery takes place in a hospital.

The court ruled that neither individually nor collectively did these facts justify review of the rule which had been adopted by the professional staff of the defendant hospital. In answer to the plaintiffs' three arguments, the court noted as follows:

> (1) "Although the plaintiffs' claim is advanced only in the name of 'marital privacy', . . . if valid, it could be asserted with equal force by unwed parents and perhaps also by other persons about to undergo serious medical procedures." (p. 6 of Opinion)

(2) "In its medical aspects, the obstetrical procedure is comparable to other serious hospital procedures. [The court is] not persuaded that the married partners' special interest in their child gives them any greater right to determine the procedure to be followed at birth than that possessed by other individuals in need of extraordinary medical assistance." (p. 7 of Opinion)

(3) "Plaintiffs do not contend that they have a right to have the husband present without the consent of the attending physician. Implicitly, therefore, they acknowledge that their asserted right is subordinate to the dictates of sound medical practice. Having implicitly admitted that individual doctors may find valid medical reasons for excluding the father in individual cases, they must equally recognize that hospitals may also assume that the number of cases in which exclusion is appropriate is sufficiently large to justify the development of facilities and procedures in which the presence of a husband would be objectionable. More importantly, the valid medical reasons for exclusion in individual cases requires us equally to recognize that the dispute within the medical profession as to the propriety and safety of permitting the husband to be present during the routine birth is not one which should be resolved by substituting our judgment for the professional judgment of the staff of defendant hospital." (pp. 7-8 of Opinion)

3. Dyer v. Blair, 390 F. Supp. 1291 (1975).

Three-judge district court, Stevens Circuit Judge -- February 20, 1975. Opinion written by Judge Stevens.

Members of the Illinois Legislature had brought an action in Federal court seeking a declaration that the Illinois constitutional provision and legislative rules requiring three-fifths vote of each house of the Illinois Legislature to pass resolutions of ratification of proposed amendments to the U.S. Constitution were unconstitutional and

seeking a mandatory injunction requiring the Speaker of the Illinois House of Representatives and the President of the Illinois Senate to sign, authenticate and certify passage of resolutions of ratification of the Equal Rights Amendment.

The three-judge district court, with Stevens sitting as Circuit Judge, held as follows:

> (1) that the issue presented was justiciable despite contentions that it was a political question;
>
> (2) that determination of the vote required to pass a ratifying resolution is an aspect of the ratification process that each state legislature, or state convention, may specify for itself;
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> (3) that such a decision in the exercise of a ratifying body's delegated Federal power may not be inhibited by a state constitutional provision; and
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> (4) that since the Illinois Legislature had adopted the rules requiring three-fifths vote, passage of the Equal Rights Amendment ratification resolution by majority vote but not by three-fifths of each house was not an effective ratification.

The 1970 Illinois State Constitution, a rule adopted by the Illinois House of Representatives in the 78th General Assembly, and a ruling of the President of the Illinois Senate in the same session prescribed a three-fifths majority requirement for ratification of amendments to the Federal Constitution. */ The power of a state legislature to ratify an amendment to the Federal Constitution is derived from the Federal Constitution itself and the court held that a legislature's ratifying function may not be abridged by a state. The Federal Constitution, however, is silent with respect to the procedure which each state convention or state legislature should follow in performing its ratifying function. The court accordingly concluded that the framers of the U.S. Constitution did not intend

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*/ In the 77th General Assembly, the Senate adopted a constitutional majority vote rule for ratification.

to impose a specific vote requirement necessary for a state legislature to ratify a Federal amendment, but rat her intended to leave the determination of the vote requirement to the ratifying assembly. The act of ratification ". . . merely requires that the decision to consent or not to consent to a proposed amendment be made by each legislature, or by each convention, in accordance with procedures which each such body shall prescribe." 390 F. Supp. at 1307.

The court held that Article V of the U. S. Constitution delegated to the state legislatures or the state conventions the power to determine their own voting requirements for ratification:

> ". . . that delegation is not to the states but rather to the designated ratifying bodies. We do not believe that delegated federal power may be inhibited by a state constitutional provision which, in practical effect, determines whether votes of legislators opposing an amendment shall be given greater, lesser, or the same weight as the votes of legislators who favor the proposal." 390 F. Supp. at 1308.

Under this holding, the Court would have found the action of the Illinois Senate in the 77th General Assembly proper, if the issue had been reviewable at that time. In that session, the Senate took the position that, in the performance of its Federal function, it was not inhibited by the Illinois Constitution and recorded its favorable action on the proposed Equal Rights Amendment notwithstanding the failure to obtain a three-fifths vote. On the same theory, the court upholds the action of the 78th General Assembly. In that session, the House and the Senate accepted a three-fifths vote requirement. Their rulings, rather than the state constitutional provision, which in this case coincided, were determinative:

> ". . . the Illinois constitutional provision may only be precatory in its effect on the federal ratification process, and these bodies [Illinois House and Senate] are free to accept or to reject the three-fifths requirement." 390 F. Supp. at 1308.

4. Doe v. Bellin Memorial Hospital, 479 F.2d 756 (1973).

U.S. Court of Appeals, Seventh Circuit -- June 1, 1973. Opinion written by Judge Stevens.

The Seventh Circuit held:

> (1) that a private hospital, by accepting funds under the Hill-Burton Act, did not surrender its right to determine whether it would accept abortion patients; and
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> (2) that notwithstanding the acceptance by private hospital officials of financial support from both Federal and state governments and the detailed regulation of the hospital by the state, implementation of private hospital rules relating to abortions did not constitute action "under color" of state law within the meaning of civil rights statutes, in the absence of a showing that the state sought to influence hospitals' policy respecting abortions either by direct regulation or by discriminatory application of its powers or benefits.

The defendant hospital argued that the court should not reach the merits because the plaintiff had failed either to join the putative father as a party or to establish irreparable harm. The court rejected these arguments, noting that in regard to the putative father claim that the Supreme Court in both Eisenstadt v. Baird, 405 U.S. 438 (1972) and Roe v. Wade, 410 U.S. 113 (1973) clearly indicated that the constitutionally protected right of privacy is an individual rather than a joint right:

> "We find nothing in these opinions to support the suggestion that the woman's right to make the abortion decision is conditioned on the consent of the putative father. . . . The putative father, whoever he may be, is not an indispensable party." 479 F.2d at 759.

In arguing that the plaintiff had not proved irreparable injury, the defendant pointed out that the record did not foreclose the possibility that she could travel to another community and obtain the care she needed. The court rejected this argument, stating as follows:

> "But if she has a federal right to have the operation performed in Bellin Memorial Hospital, where her doctor is a member of the staff, and if, as her doctor has attested, there are increasingly serious hazards associated with the performance of the abortion, it is doubtful that the recovery of purely monetary damages would provide her with an adequate remedy. The quality, rather than the magnitude, of the potential risks support the district court's evaluation of the character of her possible injury as 'irreparable'. In view of the sensitive interests at stake, we are persuaded that the record contains an adequate showing of the element of irreparable damage needed for preliminary injunctive purposes. We therefore turn to the merits." 479 F. 2d at 759.

On the merits, the court holds that the rationale of the Supreme Court abortion decisions is not applicable to private institutions:

> "There is no constitutional objection to the decision by a purely private hospital that it will not permit its facilities to be used for the performance of abortions. We think it is also clear that if a state is completely neutral on the question whether private hospitals shall perform abortions, the state may expressly authorize such hospitals to answer that question for themselves." 479 F. 2d at 759-60.

The plaintiff had relied on the Hill-Burton Act*/ and the 1871 Civil Rights Act**/ as limiting the hospital's right to make its own decision on performing abortions. The court rejected that argument in relation to both federal statutes. In regard to the Hill-Burton Act, the court stated that there was no evidence that any condition relating to the performance or non-performance of abortions was imposed upon the hospital upon its acceptance of benefits under

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*/ 42 U.S.C. § 291.

**/ 42 U.S.C. § 1983.

the Act. "The record does not reflect any governmental involvement in the very activity which is being challenged." 479 F. 2d at 761. In regard to the 1871 Civil Rights Act, the court stated that the implementation of defendant's own rules relating to abortions was not action "under color of" state law within the meaning of the Act:

> "The State of Wisconsin is not a beneficiary of those rules and cannot be characterized as a 'joint participant'. . . . There is no claim that the state has sought to influence hospital policy respecting abortions, either by direct regulation or by discriminatory application of its powers or its benefits." 479 F. 2d at 761.

On December 1, the Supreme Court refused to review conflicting Circuit court opinions on this issue.

5. Sprogis v. United Air Lines, Inc., 444 F. 2d 1194 (1971).

U.S. Court of Appeals, Seventh Circuit -- July 16, 1971. Judge Stevens wrote dissenting Opinion.

The issue was whether United Air Lines violated Title VII of the 1964 Civil Rights Act by discriminating against plaintiff because of her sex. Plaintiff was employed by United as a flight cabin attendant or stewardess. In 1966 she was discharged for violating a company policy in effect at that time which required that stewardesses must be unmarried. United employed and continues to employ both male and female employees including male flight cabin attendants or stewards on overseas flights. No policy or rule restricting employment to single males has ever been enforced, nor have female employees other than stewardesses been subjected to any similar requirement.

The court majority held that where the "no-marriage" rule for stewardesses had not been applied to male employees, whatever their positions, and no male flight personnel, including male flight cabin attendants or stewards, have been subject to that condition of hiring or continuing employment, United Air Lines contravened the provisions of Title VII of the 1964 Civil Rights Act against discriminating

against employees because of employees' sex by applying one standard for men and one for women.

Judge Stevens dissented. Stevens noted that in the stewardess job category, United's hiring policies discriminated in favor of females for many years and that no male was eligible for the position which plaintiff occupied at the time of her discharge in 1966. The "no-marriage" rule was only one of several requirements for the position of stewardess:

> "Each of the requirements, whether rational or irrational, was an impediment to employment as a stewardess. All of the requirements discriminated against stewardesses as opposed to other females. None, however, discriminated against females as opposed to males because no male was eligible for employment in the position of stewardess.
>
> "[Under Title VII], a prima facie case of discrimination is established by showing that a rule has a differential impact on one of the classes of people protected by the Act. A simple test for identifying a prima facie case of discrimination because of sex is whether the evidence shows treatment of a person in a manner which but for that person's sex would be different.
>
> "Under this test, plaintiff was not the victim of discrimination because of sex, whether we assume the relevant classification is all United employees or just flight cabin attendants, for she has not shown that if she were a member of the opposite sex she would have had any greater employment opportunities either as a 'stewardess' or as a 'non-stewardess'. Since the rule which is challenged disqualified all males and only some females from work in the particular job she desired . . ., in my opinion she was not discharged 'because of [her] sex' within the meaning of [Title VII]." 444 F. 2d at 1205.

Stevens also dissented on two other rulings of the court:

(1) Stevens believed that United made a sufficient factual showing of reliance on a memorandum from the Equal Employment Opportunity Commission's General Counsel, which interpreted an EEOC opinion on discrimination caused by employment restrictions on married females, to foreclose the entry of a summary judgment; and

(2) Stevens believed that permitting an individual claim to be converted into a class action after a decision on the merits was "strikingly unfair", especially in litigation involving claims for damages or back pay.