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July 9, 1975

*(Pres. Judges)*

MEMORANDUM FOR

THE HONORABLE HAROLD R. TYLER, JR.  
DEPUTY ATTORNEY GENERAL

Subject: Recommendation for Federal District Judge  
In Louisiana

Attached is a copy of a letter from a friend of mine supporting Revis Ortique, Jr. of New Orleans for this appointment.

Philip W. Buchen  
Counsel to the President

Attachment



July 9, 1975

Dear John:

Many thanks for your letter of July 2 recommending Mr. Revis O. Ortigue, Jr. for appointment to the Federal bench in Louisiana.

I have passed on your recommendation to Deputy Attorney General Tyler so that Mr. Ortigue may be given prompt consideration, and I will do what I can when the matter reaches the White House.

Sincerely,

Philip W. Buchen  
Counsel to the President

Mr. John W. Cumiskey  
465 Old Kent Building  
Grand Rapids, Michigan 49502



Miller, Johnson, Snell & Cummiskey

ATTORNEYS

TELEPHONE 459-8311 • AREA CODE 616

465 OLD KENT BUILDING

GRAND RAPIDS, MICHIGAN 49502

RICHARD F. HOOKER  
(1926-1970)

July 2, 1975

J. MILLER  
A. JOHNSON  
R. SNELL  
CUMMISKEY  
HALE  
C. BRANSORFER  
PARSONS  
URPHY  
E. JABIN  
ENGERS  
STOKES  
PATTERSON  
HENDERSON  
J. QUIST  
MCNEIL  
AEL GUENTHER  
L. GUIKEMA  
KOK  
S. C. HAWK  
MUTH  
THORSEN  
D. BROWER, JR.  
MARCH  
FORTUNA, JR.  
STEINES, JR.  
L. A. SNAPPER

Philip W. Buchen, Esq.  
Office of the President  
The White House  
Washington, D. C.

Dear Phil,

I understand the name of Revius O. Ortique, Jr., of New Orleans, has been presented as a possible nominee for Federal District Judge in Louisiana.

Revius has been a good friend of mine for almost twenty years. We have worked closely together on the problems of extending legal services to the indigent and to those of modest means.


I understand he has considerable backing in New Orleans from the media and others, so perhaps my recommendation is redundant.

From my own knowledge in working with Revius, I believe he will do an outstanding job on the Federal bench. He is a natural leader (currently President of NLADA, Past President of National Bar Association, many ABA interests, presently a nominee to the Board of Directors of the National Legal Services Corporation). He is a trial lawyer. He is compassionate but is firmly committed to the rule of law as an absolutely necessary ingredient in the survival of our system of government.

Sincerely,

MILLER, JOHNSON, SNELL & CUMMISKEY

By

  
John W. Cummiskey

JWC/jhm



THE WHITE HOUSE  
WASHINGTON

*Justice*

July 9, 1975

Dear John:

Many thanks for your letter of July 2 recommending Mr. Revius O. Ortique, Jr. for appointment to the Federal bench in Louisiana.

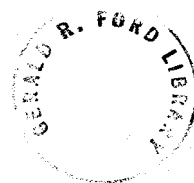
I have passed on your recommendation to Deputy Attorney General Tyler so that Mr. Ortique may be given prompt consideration, and I will do what I can when the matter reaches the White House.

Sincerely,



Philip W. Buchen  
Counsel to the President

Mr. John W. Cumiskey  
465 Old Kent Building  
Grand Rapids, Michigan 49502



THE WHITE HOUSE  
WASHINGTON

*Justice*

July 9, 1975

MEMORANDUM FOR

THE HONORABLE HAROLD R. TYLER, JR.  
DEPUTY ATTORNEY GENERAL

Subject: Recommendation for Federal District Judge  
in Louisiana

Attached is a copy of a letter from a friend of mine supporting Revius Ortique, Jr. of New Orleans for this appointment.

*P.W.B.*

Philip W. Buchen  
Counsel to the President

Attachment



THE WHITE HOUSE  
WASHINGTON

November 9, 1975

Dear Mr. Tucker:

Thank you very much for your telegram concerning the matter of Federal Judgeship vacancies in the Eastern District of Louisiana. Your recommendation will be included when nominations to these positions are being considered.

With best wishes.

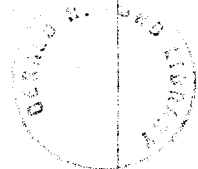
Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

Mr. Robert H. Tucker, Jr.  
Executive Assistant to the  
Mayor  
New Orleans, Louisiana

cc: Doug Bennett  
Harold Tyler



White House  
Washington

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THE HONORABLE PHILIP BUCHEN, COUNSELOR TO THE PRESIDENT  
OFFICE OF THE PRESIDENT

WHITEHOUSE DC

DEAR MR. SIR:

THERE EXIST TWO FEDERAL JUDGESHIP VACANCIES FOR THE EASTERN  
DISTRICT OF LOUISIANA LOCATED IN NEW ORLEANS, LOUISIANA.

I HIGHLY RECOMMEND REVIUS ORTIQUE, JR. FOR ONE OF THE  
VACANCIES.

VERY TRULY YOURS,

ROBERT H TUCKER JR EXECUTIVE ASSISTANT TO THE MAYOR

NNNN





THE WHITE HOUSE  
WASHINGTON

*file*

March 1, 1976

MEMORANDUM FOR: DOUG BENNETT  
FROM: MAX FRIEDERSDORF *M.B.*  
SUBJECT: Louisiana Federal Judgeships

Representative Joe Waggoner (D-LA), has recommended the following attorneys be considered for the Western District Federal Judgeship in Louisiana:

James E. Boland, a member of the 2nd Court of Appeals

John J. Fant, District Court Judge

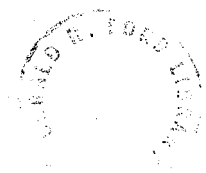
Cecil Ramey, Shreveport attorney

Sidney Cook-Shreveport attorney

Bob Pugh, Shreveport attorney and president of the State Bar Association.

Henry Politz, Shreveport attorney

cc: Jack Marsh  
Dick Cheney  
Phil Buchen ✓  
Vern Loen



FILE

March 1, 1976

Dear Senator:

On behalf of the President, I wish to thank you for the February 24 letter from you and Senator Long, emphasizing your previously expressed recommendation that a black lawyer be appointed as United States District Judge for the Eastern District of Louisiana.

I have been asked to assure you that your suggestion is appreciated and will be fully considered in selecting a qualified candidate.

With kind regards,

Sincerely,

William T. Kendall  
Deputy Assistant  
to the President

The Honorable J. Bennett Johnston  
United States Senate  
Washington, D.C. 20510

bcc: w/inc to Douglas Bennett for further handling  
bcc: w/inc to Philip Buchen for your information  
bcc: w/inc to Joe Jenckes - for your information

WTK:JEB:VO:jem



*Appointment  
JM*

2-27

# United States Senate

WASHINGTON, D.C. 20510

February 24, 1976

RECEIVED 27 MAR 1976  
U.S. SENATE  
THE WHITE HOUSE  
WASHINGTON

The President  
The White House  
Washington, D. C.

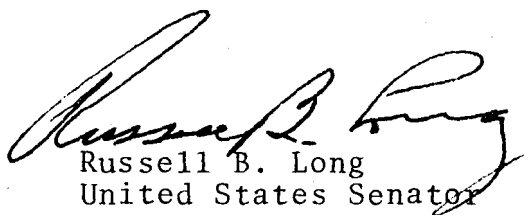
Dear Mr. President:

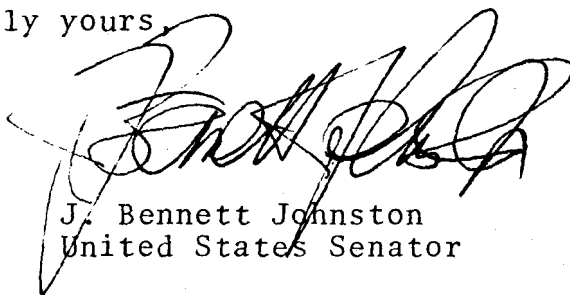
Some weeks ago, we recommended to you that you appoint a qualified black lawyer as United States District Judge for the Eastern District of Louisiana in New Orleans. There are now two such vacancies.

We did not then and do not now insist on any particular individual because we think the principle involved is more important than the individual.

We now earnestly renew this request to you.

Respectfully yours,

  
Russell B. Long  
United States Senator

  
J. Bennett Johnston  
United States Senator

Enclosure



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March 4, 1976

Dear Senator:

Thank you for your letter of March 2, 1976, to the President on behalf of Mr. Revius O. Ortique, Jr., who wishes to be considered for appointment as United States District Judge for the Eastern District of Louisiana.

I have referred your letter to the White House staff office handling this matter and you may be certain that it will be given very careful and thoughtful consideration.

With best wishes,

Sincerely,

Joseph S. Jenckes V  
Special Assistant  
for Legislative Affairs

The Honorable J. Bennett Johnston  
United States Senate  
Washington, D. C. 20510

bcc:w/incoming to Doug Bennett for further handling  
bcc?with incoming to Philip Buchen FYI ✓  
JSJ:pd



United States Senate

WASHINGTON, D.C. 20510

March 2, 1976

The President  
The White House  
Washington, D. C.

Dear Mr. President:

MF  
I have previously written recommending that you appoint a qualified black attorney as United States District Judge for the Eastern District of Louisiana in New Orleans. A number of candidates have been highly recommended. They include:

Robert Collins  
Nils R. Douglas  
Ernest N. Morial

Each of these prospective nominees has now written to me recommending Revius O. Ortique, Jr. as the nominee. Their recommendation, of course, has special credibility because of the fact that each of these men has the credentials and background to merit consideration himself.

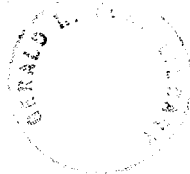
I submit that these recommendations are worthy of your most serious consideration.

Respectfully yours,



J. Bennett Johnston  
United States Senator

JBj:Jlw



*Judicial  
Appointments*

THE WHITE HOUSE

WASHINGTON

March 19, 1976

Dear Mr. Cervase:

Thank you very much for your letter of March 10 concerning the U. S. Attorney in the Eastern District of Louisiana.

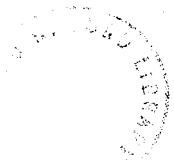
I am referring your letter to the appropriate officials in the Department of Justice for comment.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

Mr. John Cervase  
423 Ridge Street  
Newark, New Jersey 07104



THE WHITE HOUSE

WASHINGTON

March 19, 1976

MEMORANDUM FOR

THE DEPUTY ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

Attached is a copy of a letter from  
Mr. John Cervase concerning U. S. Attorney  
Gerald J. Gallinghouse of the Eastern  
District of Louisiana.

I would appreciate your comments and  
suggestions.

*P.W.B.*  
Philip W. Buchen  
Counsel to the President

Attachment



LAW OFFICES  
**JOHN CERVASE**  
423 RIDGE STREET  
NEWARK, N. J. 07104  
201 - 483-1800

March 10, 1976

Hon. Philip W. Buchen  
Counsel to the President  
The White House  
Washington, DC 20500

Re: Gerald J. Gallinghouse,  
U.S. Attorney (ED IA).

Dear Mr. Buchen:

Last month Mr. Gallinghouse withdrew as a candidate for a vacancy on the U.S. District Court after the ABA found that he was unfit for the office.

This finding was further supported by events last week. Mr. Gallinghouse unilaterally designated the Chancellor of Tulane Medical School as an "unindicted co-conspirator" in a criminal case. U.S. District Judge Edmund Palmieri of New York sharply criticized him for this act, and "relayed to the U.S. Attorney's office some observations and advice about the use of the term 'unindicted co-conspirator'". (Enclosed). Mr. Gallinghouse has been in office for six years. There is no reasonable justification for his action.

Last Saturday the New Orleans Times-Picayune published a letter by Mr. Gallinghouse's assistant which defended him. In the letter this Assistant U.S. Attorney clearly implied that Gallinghouse not only used his office to obtain the judicial nomination, but that he is now using it to identify the people who opposed his nomination. It is not unreasonable to infer that he will use his office to stigmatize those opponents.

The threat of stigmatization is not idle. Of course the Chancellor's case is one example. But within the last two weeks, Mr. Gallinghouse has disclosed to the press the name of a local sheriff under investigation, information about a plot to bomb some New Orleans buildings and information about a housing authority lease. Apparently,



March 10, 1976

States-Item reporter Jack Davis and WVUE-TV reporter Richard Angelico have unlimited access to the U.S. Attorney's files. They consistently cite "sources close to the investigation" as the basis for reports of information which only the U.S. Attorney could possess. In my opinion these disclosures of confidential information violate the canons of ethics, the ABA Standards for Criminal Justice and Department of Justice policy.

Although Mr. Gallinghouse ought to be replaced, I do not expect the President to do this during an election year. However, the Attorney General has the power to closely supervise the operation of his office. The exercise of that power is clearly warranted.

Therefore, I request you to direct the Attorney General to take the following actions:

1. Assign an experienced Department attorney to move to New Orleans and to supervise the operation of the office.
2. Draft and implement strict regulations about the direct or indirect disclosure of information to the press and public.
3. Draft and implement a regulation which prohibits Mr. Gallinghouse from holding a press conference or issuing a press release without the prior express approval of the Assistant Attorney General in charge of the Criminal Division.
4. Draft and implement regulations which prohibit Mr. Gallinghouse from indicting or charging anyone with a crime unless at least three attorneys certify that they can prove the guilt of the defendant beyond a reasonable doubt.

Sincerely yours,



JOHN CERVASE

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Dr. Beasley is a very successful fund-raiser and I had no reason to think he could not raise this amount of money or to connect it to the earlier denied request.

Q. If you had known how this \$200,000 was obtained would you have transmitted it to the state health agency?

A. No, I would not have. Like the earlier request that I declined from Dr. Beasley, this would have seemed to me to be another instance of an institution using its own funds to obtain a federal match which is forbidden by the statutes.

During the cross-examination of Walsh by defense counsel Arthur Lemann, U.S. District Judge Edmund Palmieri, in an unusual move, told the jury that they should disregard U.S. Atty. Gerald J. Gallinhouse's designation of the Tulane chancellor as an "unindicted co-conspirator."

Lemann had brought out in his questioning that Walsh had been so designated by the U.S. attorney's office in the FHF case when Palmieri intervened, saying:

"It is somewhat unusual for me to tell you this, but I want you to know that you should ignore the 'unindicted co-conspirator' designation of Dr. Walsh by the U.S. attorney.

"The fact of the matter is that the U.S. attorney has no power to name anyone an unindicted co-conspirator. Only a grand jury, not the U.S. attorney or any court, can indict an individual. Dr. Walsh is not on trial here and should not be so regarded by you jurors."

**PALMIERI SAID** he has "relayed to the U.S. attorney's office some observations and advice about the use of the term 'unindicted co-conspirator.'"

Walsh's testimony that Tulane would not have accepted the \$200,000 from the Fanin Foundation to be used as matching funds was corroborated by another Tulane official, Frederick King, vice president for business affairs at the Tulane Medical Center.

Asked if he would have approved the acceptance of the \$200,000 to be relayed to the state and used to obtain a federal matching grant, King replied:

"Absolutely not. That would have gone against my understanding that institutions should not use their own funds to obtain federal matches, nor should funds that might be federal dollars in the first place be used to obtain a match."

## Defends Gallinhouse

T-S 3-6-76

New Orleans.

Editor, The Times-Picayune:

Recently Mr. Gerald J. Gallinhouse withdrew from the race for appointment as judge of the United States District Court for the Eastern District of Louisiana. This came as a surprise and disappointment to attorneys and others who knew him.

Of particular concern is the reason for the action taken by Mr. Gallinhouse. A news release stated that the American Bar Association found Mr. Gallinhouse not qualified for a judicial appointment. The basis for this finding has never been presented to the public; if a poll of the

members of the American Bar Association in the Louisiana area was taken, we have been unable to ascertain from whom the information was solicited. However, the statement of the American Bar Association would be interpreted as expressing the opinion of its members. Before an association speaks on behalf of its members, it should determine the true opinion of its members.

Mr. Gallinhouse's record speaks for itself. He has been in the public eye for many years. There has been no evidence presented to support the news release of the purported statement of the American Bar Association. There has been much evidence to refute and contradict the American Bar Association.

Mr. Gallinhouse has prosecuted fearlessly and vigorously without regard to the name or position of the defendant. Rumor has it that this may be the catalyst that set in motion a campaign against him.

Federal dockets are crowded, and the resignation of Judge James E. Comiskey, the death of Judge Herbert W. Christenberry and illness of other judges have created a necessity for an early judicial appointment.

However, because of the power wielded by a federal judge's grant, caution must be exercised in judicial selections. The judicial robe possesses no magic power with which to endow its wearer with the quality of infallibility or with honesty, integrity, fairness, industriousness, knowledge of the law or a judicial temperament. The man or woman selected should be chosen because he or she already possesses these qualities. These qualities and not politics should serve as the guide in selecting the one to wear the judicial robe. Only in this way can justice prevail.

MARY WILLIAMS CAZALAS, J.D.



THE WHITE HOUSE  
WASHINGTON

July 13, 1976

MEMORANDUM FOR: PHIL BUCHEN  
DOUG BENNETT

FROM: MAX FRIEDERSDORF *M.F.*

Congressman Edward Hebert (D-La.) strongly urges the President  
nominate Mr. Gene Davis of New Iberia, La., for a Federal judgeship  
vacancy in Louisiana.

Hebert understands Davis is now going thru clearance.

cc: Jack Marsh

