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*Meskill*  
*Judge*  
Tuesday 4/22/75

3:45 Ken Lazarus advises that Meskill was confirmed  
by the Senate 54-36.



12:05 p.m.

Friday, March 21

*Meskill*  
*Thomas*

Meskill was ordered favorably reported by the Senate Judiciary Committee. The vote was 8-6. Those who voted against have been given a couple of weeks to reconsider.

The nomination will be coming to the Floor after the Easter recess.

Ken Lazarus



March 19, 1975

*Meskill,  
Thom. J.*

MEMORANDUM FOR:                      BILL WALKER  
FROM:                                      PHIL BUCHEN  
SUBJECT:                                  Meskill Nomination

I have reviewed the entire FBI report which was submitted to the Attorney General in response to the inquiries made by the Senate Judiciary Committee relative to Governor Meskill's nomination. In my opinion there is nothing contained in this report which should preclude the appointment of Meskill to the Second Circuit. Indeed, on balance, I believe the investigation supports the testimony of Governor Meskill in those instances where conflicts arose with the testimony presented by State Senator George Gunther. There is no material evidence that Meskill committed any improprieties relative to the various leases under consideration.

The sole issue presented at this time is whether information in the FBI report referred to above should cause a reexamination of the pending nomination of Governor Meskill. Since I conclude that there is no such information in the report, no further action is appropriate at this time.





THE WHITE HOUSE  
WASHINGTON

March 19, 1975

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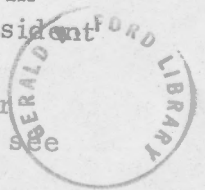
MEMORANDUM FOR: PHIL BUCHEN  
FROM: KEN LAZARUS *KL*  
SUBJECT: Meskill Nomination

*Personnel*  
*(Judgeships)*  
*Meskill*  
*Thomas*

I have reviewed the entire FBI report which was submitted to the Attorney General in response to the inquiries made by the Senate Judiciary Committee relative to Governor Meskill's nomination. In my opinion there is nothing contained in this report which should preclude the appointment of Meskill to the Second Circuit. Indeed, on balance, I believe the investigation supports the testimony of Governor Meskill in those instances where conflicts arose with the testimony presented by State Senator George Gunther. There is simply no evidence that Meskill committed any improprieties relative to the various leases under consideration.

It is my understanding that General Levi intends to forward the report to Chairman Eastland today without comment. Although his inclination at this point in time is to attempt to avoid any comment whatsoever on the investigation, if pressed by the Committee he will consider the possibility of making a very limited comment on the report such as that noted above, viz. "There is nothing in the report to preclude the appointment of Governor Meskill."

It is my opinion that this nomination should not have been made at the outset. I say this not because the ABA is infallible in its evaluations of candidates for the bench, but because the current system which in effect requires ABA endorsement has elevated the level of the federal judiciary. However, the nomination having been made, there are two reasons for continuing the Administration's strong support for Governor Meskill. First, he has become a pawn in an ABA power play and at this point in time his personal integrity is on the line. Second, if the President is defeated on this nomination it will become an unfortunate political item to be used against him in the next election. For these reasons, I should think that the Attorney General would see



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- 2 -

fit to comment in a limited way on the outcome of this investigation, to the extent noted above. Such a comment would have political utility within the Senate Judiciary Committee where there is currently a 7-7 split on Meskill with Senator Mathias as a swing vote. It also might be useful for someone in the Administration to smooth the feathers of Judge Walsh by indicating that the President intends to have the ABA play a substantial role in the selection of nominees to the federal bench.

Although responsible men can disagree over the qualifications of Governor Meskill, it should be clear that this nomination is not hinged on substantial questions of impropriety.



THE WHITE HOUSE

WASHINGTON

3/18/75

eyes have  
been given to

Ken Hazama  
and  
Rod Hills



JAMES O. EASTLAND, MISS., CHAIRMAN  
JOHN L. MCCLELLAN, ARK.  
PHILIP A. HART, MICH.  
EDWARD M. KENNEDY, MASS.  
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BENJAMIN L. FRUSKA, NEBR.  
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HUGH SCOTT, PA.  
STROM THURMOND, S.C.  
CHARLES MCC. MATHIAS, JR., MD.  
WILLIAM L. SCOTT, VA.

PETER M. STOCKETT  
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, D.C. 20510

March 12, 1975

Honorable Edward H. Levi  
Attorney General  
Department of Justice  
Washington, D.C.

Dear Mr. Attorney General:

As you know the Senate Judiciary Committee is presently considering the nomination of Thomas J. Meskill of Connecticut to be a judge of the United States Court of Appeals for the Second Circuit. In the course of our hearings on this nomination, certain allegations have been raised as to the nominee's knowledge of or involvement in "questionable practices" in the area of the awarding of leases for state facilities. Although the Committee has heard direct testimony from some individuals who have knowledge of these allegations, there are a number of factual issues which remain unresolved. The Committee agreed to try to vote on this nomination at its meeting scheduled for Wednesday, March 19, 1975. The Committee further agreed to request that you undertake to inform the Committee at or prior to its meeting next week as to all relevant facts which the Department can provide relating to the following matters:

I. Conflicts in testimony

A. Governor Meskill and State Senator George Gunther:

On page 345 of Volume 3 of the transcript of the Committee hearings Senator Gunther stated to the Committee concerning his meeting with the Governor:

I said "I will get right to the point. I am sure that John has brought you the details of the Downes lease." I know that we discussed the lease.

On page 347, Senator Gunther testified:

Anyway, when I left him, at that time, he said he would look into it.



JDH Copy  
3/13/75  
11:30 a.m.  
RECEIVED  
OFFICE OF THE  
ATTORNEY GENERAL  
MAR 13 1975

March 12, 1975

Page 2

On page 422 of Volume 3 the nominee testified concerning the May 23, 1972 meeting with Gunther:

The Senator said to me "Governor, there is something wrong; there is something you have to do something about." And I said, "Tell me about it." And he said, "Well it is terrible. It's bad. It's not fair to the taxpayers." And so on. I said "What's wrong." He said, "I can't be too specific." And I said, "Who was involved." And he said, "I don't want to name names." And I said, "Well what department is involved." And he said, "I would rather not say."

On page 423 the nominee testified:

\* [ "He did not mention the Downes lease, leasing, or any other lease. . . I have never denied that any meeting took place; the only thing that I ever denied was that I had a conversation with George Gunther about leasing, this one or any other lease."

Although this conversation took place between the nominee and Senator Gunther with no other person present, Senator Gunther told the Committee that there were several individuals to whom he related the conversation shortly after it took place who, he claims, could verify his testimony. These individuals should be located and interviewed. (See pages 382-384 of Volume 3 of the hearing transcript). *Names*

The Committee is in possession of a letter written to Mr. Lawrence E. Walsh of the American Bar Association dated February 7, 1975, a copy of which is attached hereto, which states in part:

*Kozlowski*  
"While I served as Commissioner of Public Works, at no time did Governor Meskill or any of his aides discuss with me any state leases."

The nominee stated at page 458 of the hearing transcript:

"An inquiry was made by my office of Commissioner Kozlowski and the position of Commissioner Kozlowski was that the Waterford lease was a good lease for the State."





2 Additional references as to communications between the nominee and his office and Commissioner Kozlowski appear at pages 430, 456, 461, 464, 465, 467, 472, and 474 of the hearing transcript. Mr. Kozlowski, members of his staff, and members of the nominee's staff who may have knowledge on this question should be interviewed. Specifically, Mr. Stanley Page who was a member of the nominee's staff dealing with leasing matters during this period should be questioned. (See page 458-459 of the transcript).

II. Other matters raised before the Committee involving leasing practices:

3 In addition to these two instances of an apparent direct conflict in sworn testimony before the Committee, several members of the Committee have raised related matters which the Committee requests that you examine to expedite our determination on this nomination. On pages 322-324 of the transcript Senator Kennedy expressed his concern that the Committee be able to consider the statements of individuals who had refused to be questioned by the American Bar Association on allegations raised by the ABA. At a later point in the hearings, Judge Walsh stated that in his opinion the individuals who had relevant information as to these matters included the following: Mr. Brian Gaffney, Mr. Frank Downes, Mr. John E. Downes, Mr. Earl Wood, Mr. Angelo Tomasso, Mr. John Lepore, Mr. Paul Manafort, Mr. Bernard Mussman, Mr. Arthur Banks. (See page 330 of the hearing transcript). \*

Specifically, we request that you attempt to ascertain the "answers" to the following questions:

4 1) When and how did the nominee become aware of the Downes lease and the circumstances under which it was awarded. The persons who could shed some light on this question include Brian Gaffney, Frank Downes, John E. Downes, Earl Wood, Howard Dickinson.

5 2) When and how did the nominee become aware of the Tomasso leases and the circumstances in which they were awarded. What was the nature of the nominee's relationship with Mr. Tomasso. The persons who have direct knowledge of this matter include Angelo Tomasso, John LaPore, Paul Manafort, Earl Wood, Howard Dickinson.

6 3) What was the nominee's knowledge and participation in each step in the transactions relating to the Phoenix building. The persons involved include James Stewart of the Travelers Insurance Co., Paul Manafort, Bernard Mussman, Harry Gampel, Allan Schaefer.



Honorable Edward H. Levi

March 12, 1975

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In order to facilitate your inquiries, we forward herewith a copy of the document prepared by the American Bar Association entitled "A Report of the American Bar Association and the Association of the Bar of the City of New York in Connection with the Nomination of Thomas J. Meskill of Connecticut to be a United States Circuit Judge, Second Circuit." We also enclose for your information a copy of the report and appendix of the state legislative committee's investigation into these matters, and the transcript of the Committee hearings on this nomination.

I will appreciate your prompt personal attention to this request so that we might obtain your conclusions on these matters before the Committee takes action on this nomination.

Sincerely,

*James O. Eastland*  
James O. Eastland

Chairman

Committee on the Judiciary

U.S. Atty



*Meskill*  
Wednesday, March 10 *July* 3:50 p.m.

Mr. Leonard Sohlberg from Connecticut called to be sure we had received an air mail letter from him about the appointment of Mr. Meskill to the position of a Federal Judgeship.

I advised him that we had not received it but would take under advisement the things he mentioned.



THE WHITE HOUSE  
WASHINGTON

The note from  
Mr. Areeda  
was attached  
to the phone  
message from  
Leland Schwartz -

Do you still  
need to talk <sup>Mo,</sup>  
to Mr. Areeda about  
his note re Maskill?

THE WHITE HOUSE

WASHINGTON

December 30, 1974:

Phil:

Re: Meskill

1. A copy of my reply to Meskill on behalf of both of us is attached.
2. I think we should talk with the President about this before he resubmits the Meskill nomination. Note the attached copy of my memo to Bill Walker.
3. If the President has any thought of resubmitting the Meskill nomination, shouldn't Walsh be given the opportunity to state his views directly to the President?

P.

Phil Areeda





Meskill

December 30, 1974

MEMORANDUM FOR: BILL WALKER  
FROM: PHIL AREEDA  
SUBJECT: Meskill Nomination

I assume that Meskill would not be given a recess appointment and that his nomination would not be resubmitted to the Senate without your knowledge and participation.

Would you note that if either move is contemplated, it not be done without notice to Phil Buchen or me before the President is asked to decide the matter.

cc: Buchen



December 30, 1974

Dear Ed:

Let me acknowledge your telegrams of the 17th to Philip Buchen and to me. For the moment, as you know, the issue of Governor Meskill's nomination to the Court of Appeals is moot. Before any further decision is made on this matter by the President, you may be sure that he will have the benefit of your views on every aspect of the matter.

With kindest regards.

Sincerely,

Phillip Areeda  
Counsel to the President

Honorable Lawrence E. Walsh  
President-Elect  
American Bar Association  
1 Chase Manhattan Plaza  
New York, New York 10005



Monday 12/30/74

12:15 Leland Schwartz of the Connecticut News Service  
would like to get a "yes" or "no" answer to a  
question about the Meskill appointment.

347-3322

Is going out now, but will return about 2 o'clock.  
Would appreciate a call.

*Returned  
call 12/31/74*



COPY

Phil A:

Please advise how  
we should handle this.

P



Presidential Apts.  
Meskill

The White House  
Washington

WHDO08 WAC064(0955)(2-007768E351)PD 12/17/74 0952

ICS IPMMTZZ CSP

1974 DEC 17 AM 11 01

2026591330 TDMT WASHINGTON DC 156 12-17 0952A EST

PMS HONORABLE PHILIP BUCHEN COUNSELOR TO THE PRESIDENT , DELIVER  
AS SOON AS POSSIBLE MEETING AT 10:30

WASHINGTON DC 20520

THIS MORNINGS PRESS STATES THAT A CONNECTICUT INVESTIGATIVE  
COMMITTEE, ALTHOUGH LACKING EVIDENCE OF ACTUAL ILLEGAL ACTS  
BY GOVERNOR MESKILL, HAS RESERVED COMMET "AS TO THE GOVERNOR'S  
JUDGEMENT OR PROPRIETY, ESPECIALLY AS TO THOSE ISSUES THAT MAY  
BE OF CONCERN TO THE JUDICIARY COMMITTEE OF THE U S SENATE"  
LACK OF JUDGEMENT AND IMPROPRIETY ARE HIGHLY RELEVANT TO THE  
FITNESS OF A PERSON TO BE A JUDGE AND CERTAINLY TO HIS FITNESS  
TO HOLD A LIFETIME FEDERAL JUDGESHIP. THE AMERICAN BAR ASSOCIATION  
RESPECTFULLY RENEWS ITS REQUEST THAT THE HEARINGS ON GOVERNOR  
MESKILL'S NOMINATION TO THE COURT OF APPEALS FOR THE SECOND





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CIRCUIT BE REOPENED SO THAT THE SENATE MAY ACT ON THE BASIS  
OF FULL KNOWLEDGE AND FIRSTHAND INFORMATION. THERE IS NO URGENCY  
WHICH CAN JUSTIFY DISREGARD OF THE QUESTIONS WHICH HAVE BEEN  
RAISED. WE RESPECTFULLY REQUEST THAT YOU URGE THE SENATE JUDICIARY  
COMMITTEE TO REOPEN THE MESKILL HEARINGS FOR THE REASONS STATED.

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LAWRENCE E WALSH PRESIDENT-ELECT AMERICAN BAR ASSOCIATION

NNNN

*Judicial  
appointments*

THE WHITE HOUSE  
WASHINGTON

November 26, 1974

MEMORANDUM FOR: PHIL BUCHEN  
FROM: KEN LAZARUS *KL*  
SUBJECT: Meskill Nomination

Bill Westphal, chief counsel to Senator Burdick's Judicial Improvements Subcommittee, called me today to relay the following information:

- (1) Senator Burdick has requested Chairman Eastland to postpone any action on the Meskill nomination pending the outcome of a Connecticut state legislative inquiry into some state leasing irregularities. Apparently, the chairman and others on the committee are in tentative agreement on postponing any action on the nomination.
- (2) The state legislative inquiry began yesterday and will conclude on December 19 with a final report due on January 1.
- (3) Westphal's point was that if we push for a vote in committee, we will lose.

cc: Phil Areeda  
Bill Casselman  
Bill Walker

