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Wash. STAR — Friday, Sept. 12, 1975

The judging of Charles Halleck

Superior Court Judge Charles W. Halleck shortly becomes the first judge whose professional future largely will be decided by the new D.C. Commission on Judicial Disability and Tenure. For an initial outing, the seven commission members have a tough case. A good number of prosecutors, lawyers and policemen regard Halleck with the same affection an Amazon boatman holds for a pirhana. But the 47-year-old judge is paid high respect by many civil libertarians and "street people."

admits to having "leaned heavily" on policemen at times.

But Halleck also was the first judge to hand down a life sentence when Superior Court four years ago assumed jurisdiction over serious crimes. And Chief Judge Harold Greene has praised him for outstanding work in presiding over complicated felony cases.

The ingredients are all there to make Halleck a controversial judge. However, his temperament has added another volatile dimension. He

WASH. Post
Tues., Sept. 16, 1975

D.C. Judge's Behavior Aired

HALLECK, From A1

warded. this sample of Hal-
leck's work not because of his
decisions against them, it was
understood, but on grounds
that they showed his intem-
perance.

Halleck himself was unavall-



City Judge's Behavior on Bench Aired

By Timothy S. Robinson
Washington Post Staff Writer

D.C. Superior Court Judge
Charles W. Halleck has been
portrayed in a series of cases

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PART C—THE JUDICIARY

JUDICIAL POWERS

Sec. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d) (1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of

such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e) (1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

Sec. 432. (a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

Sec. 433. (a) Except as provided in section 434(d) (1), the President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

Sec. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Com-

mission shall consist of the provisions of the terms of six years, with subsection (b) members first selected member shall serve six years; of the section (b)(4)(C), and one member shall be elected in accordance with the provisions of the terms of six years; and the member first appointed pursuant to subsection (b)(4)(E) shall serve for the term of six years. (C), the Mayor and the Council of Columbia Bar shall appoint the member which member shall serve for the term of six years.

(b)(1) No person
he—

(A) is a citizen

(B) is a bona fide purchaser for value who has paid an actual price in money or money's worth for the property immediately prior to the transfer.

(C) is not a branch or of an the United State the United State son appointed (D)) is not an the United State government (inc.

(2) Any vacancy in the manner in which the person so appointed to fill the expiration of a prior term of his unexpired term of his

(3) It shall be the
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Columbia courts in accor

(4) In addition to lawyer members of prescribed for person lumbia courts. Mem follows:

(A) One member of the United States.

(B) Two mem
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Dec. 24

D. C.—SELF-GOVERNMENT

P.L. 93-198

for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed District element of the comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the District's elements and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such elements and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such elements or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

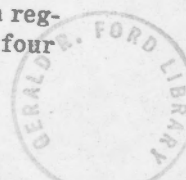
(c) Such elements and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

Sec. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four



years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointment or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d) (1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e) (1) No person may be appointed to the Tenure Commission unless he—

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(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure:

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

Sec. 432. (a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties,

or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals. Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his ju-

ditional salary shall be paid to all judges of the District of Columbia Court of Appeals.

(3) A judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

Sec. 433. (a) A judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(b) No judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(1)

(2)

Bar a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(3)

has no right to be reinstated or to recover his salary and all rights and privileges of his office. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(4)

and a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(5)

nomination of a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(c) Notwithstanding the provisions of this section, a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

term of office of a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

b. If a judge of the District of Columbia Court of Appeals shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

dicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

Sec. 433. (a) Except as provided in section 434(d)(1), the President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434; and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not

less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

Sec. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of seven members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (b)(4)(A) shall serve for five years; of the members first selected in accordance with subsection (b)(4)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (b)(4)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (b)(4)(D) shall serve for six years; and the member first appointed in accordance with subsection (b)(4)(E) shall serve for six years. In making the respective first appointments according to subsections (b)(4)(B) and (b)(4)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b)(1) No person may be appointed to the Commission unless he—

- (A) is a citizen of the United States;
- (B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to his appointment; and



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D. C.—SELF-GOVERNMENT

P.L. 93-198

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4) (D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts. Members of the Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

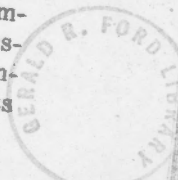
(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

(5) Any member of the Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.



(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to him under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

SUBPART 1—BUDGET AND FINANCIAL MANAGEMENT

FISCAL YEAR

Sec. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

Sec. 442. (a) At such time as the Council may direct, the Mayor shall prepare and submit to the Council each year, and make available to the public, an annual budget for the District of Columbia government which shall include—

THE WHITE HOUSE
WASHINGTON

November 19, 1974

MEMORANDUM FOR: WILLIAM WALKER
FROM: PHILIP BUCHEN *P.W.B.*
SUBJECT: Judge Charles W. Halleck
Superior Court of the
District of Columbia

This is in response to a verbal inquiry made by the President to Larry Silberman in my presence on November 7, 1974.

It came as the result of an inquiry made by Charles, Sr., to the President while he was in Indianapolis. Although we do not know what the President had in mind, no affirmative action seems warranted.

1. Reappointment of Judge Halleck to his present office in 1975 will, under D. C. Home Rule, be out of our hands.
2. Promotion to a higher court seems out of the question.
3. It is even doubtful that Judge Halleck's qualities would permit appointment to any Executive Branch office.



THE WHITE HOUSE
WASHINGTON

Memo for Bill Walker
From PWB

This is response
to a verbal inquiry
made by the President
to Larry Silberman in
my presence on 11/7/74.

It came as the
result of an inquiry
made by Charles Sr. to
the President while he
was in Indianapolis.

Copy attached as marked



THE WHITE HOUSE

WASHINGTON

P.B.

The senior Halleck apparently asked the President to "take care of my boy." The President asked Silberman about the junior Halleck. The attached response states Silberman's view of young Halleck. Although we do not know what the President had in mind, no affirmative action seems warranted.

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3. It is even doubtful that ^{Judge} young Halleck's qualities would permit appointment to any Executive Branch office.

P.A.



OFFICE OF THE
DEPUTY ATTORNEY GENERAL



November 14, 1974

TO: Honorable Philip W. Buchen
Legal Counsel to the President
The White House

FROM: Laurence H. Silberman *LHS*
Deputy Attorney General

Per the President's request.

Attachment





OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

November 14, 1974

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Honorable Charles W. Halleck
Judge
Superior Court of the District
of Columbia
(Per Your Request)

Charles W. Halleck is 45 years old. He has been a judge of the Superior Court of the District of Columbia since October 21, 1965. His Superior Court term expires October 20, 1975.

Judge Halleck was admitted to the Bar in 1957 and served as a law clerk to U.S. District Judge Holtzoff between January and October of that year. He worked as an Assistant United States Attorney for the District of Columbia between October 1957 and February 1959 and was associated with the law firm of Hogan and Hartson from early 1959 until his appointment to the Court in October of 1965.

Although Judge Halleck has worked hard during the past nine years to keep pace with his crowded Court calendar, his judicial behavior has all too often been what is at best described as intemperate, injudicious, and immature. He has consistently conducted himself in a manner detrimental to the public image of the judiciary.

Laurence H. Silberman
Deputy Attorney General



OFFICE OF THE
DEPUTY ATTORNEY GENERAL



November 14, 1974

TO: Honorable Philip W. Buchen
Legal Counsel to the President
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THE WHITE HOUSE

WASHINGTON

November 19, 1974

MEMORANDUM FOR:

WILLIAM WALKER

FROM:

PHILIP BUCHEN

T.W.B.

SUBJECT:

Judge Charles W. Halleck
Superior Court of the
District of Columbia

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THE WHITE HOUSE

WASHINGTON

September 18, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

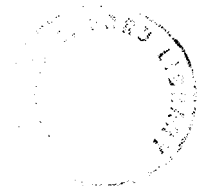
PHILIP BUCHEN

Henry A. Berliner, Jr., Chairman of the Commission on Judicial Disabilities and Tenure, reported to me this morning that the Commission will have its written evaluation concerning Superior Court Judge Charles W. Halleck ready for delivery to me in your behalf about the middle of Friday afternoon, September 19. Shortly thereafter, the Commission wants to give a copy to Judge Halleck and to announce to the press that the Commission determines this candidate for reappointment to be qualified for another term.

If the Tenure Commission were to have found that the candidate was exceptionally well-qualified or well-qualified, then his term would be automatically extended. In the case of an unqualified determination, he would not have been eligible for reappointment.

However, in the case at hand, you have the option of whether or not to nominate the incumbent for reappointment, and if you do so, his nomination will be subject to consent of the Senate.

The candidate's term expires on October 20, 1975, and you should make your decision on the question of whether to nominate or not before that date. A prompt decision should be made, however, on whether to release to the press a copy of the Commission's submission to you. I understand it will be about four pages and will state wherein the Commission has found the candidate to have performed competently but will also relate instances where he appears to have violated the judicial canons of ethics.



Mr. Berliner recommends that we release copies of this submission promptly. He points out that otherwise the candidate himself may issue copies and in any event Members of the Commission may very well talk about its contents in a fragmented way to the press.

As you know, this Commission is not a Presidential Commission inasmuch as you appointed only one of seven members; although, your appointee was elected Chairman.

On balance, I would concur in Chairman Berliner's recommendation for immediate release of the submission to you.

APPROVE RELEASE _____

HOLD UNTIL MY RETURN FOR
SUBSEQUENT DECISION _____



9:30 a.m.

Monday, September 22



Mrs. Fornum, former Head of Women's Bureau, called to voice opposition to the reappointment of Judge Halleck. Says he did her a terrible injustice and she has written Mr. Berliner in that regard.

Mrs. Fornum's husband was Director of the Small Business Administration during the Eisenhower Administration.

She would like to talk to you about Judge Halleck.

338-3969

Shirley

*She will
send me a
copy of her
letter*



THE WHITE HOUSE
WASHINGTON
September 18, 1975

*Personal
Berliner
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Judges*

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN

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APPROVE RELEASE _____

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*Personnel
Judges*

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

717 MADISON PLACE, N. W. (ROOM 212)
WASHINGTON, D. C. 20005

TELEPHONE: (202) 628-1255

Members

Henry A. Berliner, Jr., Chairman
William C. Gardner, Vice Chairman
Erman W. Edgecombe
Hon. Gerhard A. Gesell
Richard K. Lyon
Rt. Rev. John T. Walker
Howard C. Westwood

REPORT TO
THE PRESIDENT OF THE UNITED STATES
THE HONORABLE GERALD R. FORD

ON THE PERFORMANCE AND FITNESS
FOR REAPPOINTMENT

OF

JUDGE CHARLES W. HALLECK



September 19, 1975

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D.C.

Dear President Ford:

The District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 774, Sec. 433(c) provides as follows:

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.



The terms "exceptionally well qualified", "well qualified", "qualified" and "unqualified" do not lend themselves to easy definition.

The Commission would reserve the term "exceptionally well qualified" for those few judges whose work product, dedication, demeanor, restraint, efficiency and legal scholarship are preeminent on the Bench. "Well qualified" signifies a judge who accomplishes with distinction the judicial function in a manner which consistently reflects credit on the judicial system. To be "qualified" a judge must at least satisfactorily perform his or her assigned duties or be one whose strong positive attributes are materially offset but not overborne by negative traits. "Unqualified" signifies that the judge is unfit for judicial service.


The term of Charles W. Halleck, a Judge of the Superior Court of the District of Columbia, expires on October 20, 1975. He has duly filed a declaration of candidacy for reappointment.

The Commission acknowledges the cooperation which it received from Judge Halleck. In connection with his declaration of candidacy for reappointment, he submitted a lengthy statement of his judicial philosophy and the contribution which he believed had been made by him during his tenure. He also submitted a number of his opinions on a wide range of legal issues. The Commission requested, and received, a full medical report on his health. He appears to be in good health. In addition, Judge Halleck appeared before the Commission accompanied by counsel,

and discussed at length freely and frankly, his views regarding the areas of concern raised by the Commission and other matters that he deemed pertinent.

The Commission recognized the duty of a judge to re-examine established doctrine in the light of changing mores and scientific knowledge when novel constitutional issues are presented. A judge should rule in accordance with his conscience and precedent as best he can. The Commission has wholly disregarded objections raised by some who disagree with Judge Halleck's viewpoint expressed through this process in well reasoned opinions. It is not the function of this Commission to intrude on the independence of the judiciary.

Judge Halleck's record, including but not limited to the material supplied by him, exhibits his concern for the constitutionality of statutes and proper enforcement of the law in the District of Columbia. Moreover, a number of the opinions authored by Judge Halleck display impressive research and legal scholarship. To his credit, he writes opinions more frequently and more fully than do most other judges on his court. In sheer volume of cases disposed of, he has made an enviable record. We commend his success in attacking and reducing backlogs of pending cases. We regard with special approval his demand for a high standard of competence on the part of attorneys appearing before him, and his effort to achieve efficiency in the functioning of the administrative



system in criminal matters. He has been particularly conscientious in the vital area of sentencing. He has been fearlessly independent.

In summary, much of Judge Halleck's tenure has been marked by productive, energetic and creative judicial activity reflecting favorably upon his fitness for reappointment.

Unfortunately, Judge Halleck's record also displays patterns of conduct in several basic areas which reflect adversely upon his fitness for reappointment.

These areas are as follow:

1. He has used his courtroom to criticize and disparage fellow members of the judiciary including the District of Columbia Superior Court, the District of Columbia Court of Appeals and the United States District Court for the District of Columbia.
2. He has been impatient, undignified and discourteous in his treatment of litigants, attorneys and witnesses, subjecting them to harassment, sarcasm and ridicule.
3. He has interfered with the conduct of trials, denying parties their full right to be heard, in a number of instances requiring that cases be reinstituted and retried after reversal by the Court of Appeals.
4. He has improperly attempted to dispose of cases in

such a way as to achieve a preconceived result while impeding or precluding appellate review.

5. He has inquired into the personal and sexual conduct and attitudes of individuals appearing before him although such inquiry had no bearing on any judgment he was required to make.

The Commission considers the foregoing conduct to be violations of Canon Two A and Canon Three A(2), (3) and (4) of the Code of Judicial Conduct.

In considering the qualification and fitness of a sitting judge special attention must be paid to the manner in which the judge conducts his day to day business in open court. In large metropolitan courts such as the Superior Court, judges confront overloaded dockets, inadequate facilities, insufficient supporting help and must frequently deal with inexperienced or ill prepared lawyers and other frustrating conditions. If a judge permits these conditions to undermine his necessary restraint and impartiality he serves the administration of justice badly and if he cannot place his exasperations under control he should not remain in office. Litigants, witnesses, lawyers, court personnel and others present in court soon lose respect for justice when a judge interjects his personal views unduly into litigation or resorts to sarcasm, banter, rudeness and other unjudicial conduct. An atmosphere of prejudice and favoritism is created which undermines the integrity of the system.

In spite of the substantial negative aspects of Judge Halleck's judicial performance, his strong positive attributes lead us to determine that he is "qualified" for reappointment.

Respectfully submitted,

COMMISSION ON JUDICIAL DISABILITIES
AND TENURE

Henry A. Berliner, Chairman

William C. Gardner, Vice Chairman

Erman W. Edgecombe

Gerhard A. Gesell

Richard K. Lyon

John T. Walker

Howard C. Westwood

cc: Judge Charles W. Halleck

9:30 a.m.

Monday, September 22

*Halleck
Judge*

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Mrs. Fornum's husband was Director of the Small Business Administration during the Eisenhower Administration.

She would like to talk to you about Judge Halleck.

338-3969



THE WHITE HOUSE

WASHINGTON

September 22, 1975

*Halleck,
Chas. W.
(Judge)*

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN *P.W.B.*

Attached is the original of a report to you from the District of Columbia Commission on Judicial Disabilities and Tenure. It is the report on the performance and fitness of Judge Charles W. Halleck for appointment to a new 15 year term as a Judge of the Superior Court of the District of Columbia.

As a result of this report, which declares the candidate to be "qualified," the matter of submitting his renomination to the Senate is within your discretion.

Prior to your making your final decision on this matter, we will require a F.B.I. check and will require other information customarily provided by a candidate for appointment to a Federal position. In addition, I assume you will want to allow the Attorney General to give you his comments, as he customarily does, for all proposed nominations to judicial or law enforcement positions.

Attachment



DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

717 MADISON PLACE, N. W. (ROOM 212)

WASHINGTON, D. C. 20005

TELEPHONE: (202) 628-1255

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REPORT TO
THE PRESIDENT OF THE UNITED STATES
THE HONORABLE GERALD R. FORD
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OF
JUDGE CHARLES W. HALLECK



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The Commission would reserve the term "exceptionally well qualified" for those few judges whose work product, dedication, demeanor, restraint, efficiency and legal scholarship are preeminent on the Bench. "Well qualified" signifies a judge who accomplishes with distinction the judicial function in a manner which consistently reflects credit on the judicial system. To be "qualified" a judge must at least satisfactorily perform his or her assigned duties or be one whose strong positive attributes are materially offset but not overborne by negative traits. "Unqualified" signifies that the judge is unfit for judicial service.

The term of Charles W. Halleck, a Judge of the Superior Court of the District of Columbia, expires on October 20, 1975. He has duly filed a declaration of candidacy for reappointment.

The Commission acknowledges the cooperation which it received from Judge Halleck. In connection with his declaration of candidacy for reappointment, he submitted a lengthy statement of his judicial philosophy and the contribution which he believed had been made by him during his tenure. He also submitted a number of his opinions on a wide range of legal issues. The Commission requested, and received, a full medical report on his health. He appears to be in good health. In addition, Judge Halleck appeared before the Commission accompanied by counsel,



and discussed at length, freely and frankly, his views regarding the areas of concern raised by the Commission and other matters that he deemed pertinent.

The Commission recognizes the duty of a judge to re-examine established doctrine in the light of changing mores and scientific knowledge when novel constitutional issues are presented. A judge should rule in accordance with his conscience and precedent as best he can. The Commission has wholly disregarded objections raised by some who disagree with Judge Halleck's viewpoint expressed through this process in well-reasoned opinions. It is not the function of this Commission to intrude on the independence of the judiciary.

Judge Halleck's record, including but not limited to the material supplied by him, exhibits his concern for the constitutionality of statutes and proper enforcement of the law in the District of Columbia. Moreover, a number of the opinions authored by Judge Halleck display impressive research and legal scholarship. To his credit, he writes opinions more frequently and more fully than do most other judges on his court. In sheer volume of cases disposed of, he has made an enviable record. We commend his success in attacking and reducing backlogs of pending cases. We regard with special approval his demand for a high standard of competence on the part of attorneys appearing before him, and his effort to achieve efficiency in the functioning of the administrative



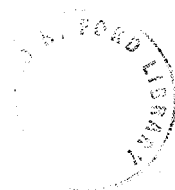
system in criminal matters. He has been particularly conscientious in the vital area of sentencing. He has been fearlessly independent.

In summary, much of Judge Halleck's tenure has been marked by productive, energetic and creative judicial activity reflecting favorably upon his fitness for reappointment.

Unfortunately, Judge Halleck's record also displays patterns of conduct in several basic areas which reflect adversely upon his fitness for reappointment.

These areas are as follow:

1. He has used his courtroom to criticize and disparage fellow members of the judiciary including the District of Columbia Superior Court, the District of Columbia Court of Appeals and the United States District Court for the District of Columbia.
2. He has been impatient, undignified and discourteous in his treatment of litigants, attorneys and witnesses, subjecting them to harassment, sarcasm and ridicule.
3. He has interfered with the conduct of trials, denying parties their full right to be heard, in a number of instances requiring that cases be reinstituted and retried after reversal by the Court of Appeals.
4. He has improperly attempted to dispose of cases in




such a way as to achieve a preconceived result while impeding or precluding appellate review.

5. He has inquired into the personal and sexual conduct and attitudes of individuals appearing before him although such inquiry had no bearing on any judgment he was required to make.

The Commission considers the foregoing conduct to be violations of Canon Two A and Canon Three A(2), (3) and (4) of the Code of Judicial Conduct.

In considering the qualification and fitness of a sitting judge special attention must be paid to the manner in which the judge conducts his day to day business in open court. In large metropolitan courts such as the Superior Court, judges confront overloaded dockets, inadequate facilities, insufficient supporting help and must frequently deal with inexperienced or ill prepared lawyers and other frustrating conditions. If a judge permits these conditions to undermine his necessary restraint and impartiality he serves the administration of justice badly and if he cannot place his exasperations under control he should not remain in office. Litigants, witnesses, lawyers, court personnel and others present in court soon lose respect for justice when a judge interjects his personal views unduly into litigation or resorts to sarcasm, banter, rudeness and other unjudicial conduct. An atmosphere of prejudice and favoritism is created which undermines the integrity of the system.



In spite of the substantial negative aspects of Judge Halleck's judicial performance, his strong positive attributes lead us to determine that he is "qualified" for reappointment.

Respectfully submitted,

COMMISSION ON JUDICIAL DISABILITIES
AND TENURE

Henry A. Berliner

Henry A. Berliner, Chairman

William C. Gardner

William C. Gardner, Vice Chairman

Erman W. Edgecombe

Erman W. Edgecombe

Gerhard A. Gesell

Gerhard A. Gesell

Richard K. Lyon

Richard K. Lyon

John T. Walker

John T. Walker

Howard C. Westwood

Howard C. Westwood

cc: Judge Charles W. Halleck



THE WHITE HOUSE
WASHINGTON

September 24, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JAMES E. CONNOR



The President reviewed your memorandum of September 22nd concerning the report from the District of Columbia Commission on Judicial Disabilities and Tenure on the performance and fitness of Judge Charles W. Halleck for appointment to new 15 year term as a Judge of the Superior Court of the District of Columbia. The following notations were indicated:

"I have read report. I expect to reappoint but an FBI report and report from Attorney General seem appropriate."

Please follow-up with appropriate action.

cc: Don Rumsfeld
Douglas Bennett



THE WHITE HOUSE
WASHINGTON

September 27, 1975

*Halleck,
Charles
(Judge)*

MEMORANDUM FOR:

DON RUMSFELD

FROM:

PHIL BUCHEN *P.*

The only reason that the Halleck matter was taken up directly by me with the President (through two memos of mine to the President which were sent to you) was because the President had personally called me about certain sensitive aspects of this matter and because this was an unusual situation where an outside Commission was making a report to the President.

All other Presidential appointment matters we, of course, do handle with Doug Bennett's office and our relationships have been good.



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 26, 1975

MEMORANDUM

FOR: PHIL BUCHEN
FROM: DON RUMSFELD

As people come to you on personnel matters, I hope that, rather than dealing with the President or other people on the staff on those matters directly, you will see that they straight to Doug Bennett's office so that the President can deal with these things in an orderly way through the Personnel Shop as he desires.

The reason I mention this is because, apparently there was some confusion over the Halleck question.

THE WHITE HOUSE

WASHINGTON

September 29, 1975

*Halleck,
Charles
(Judge)*

MEMORANDUM FOR

THE HONORABLE HAROLD TYLER
DEPUTY ATTORNEY GENERAL

Per our telephone conversation, I am attaching a copy of the report made to the President by the District of Columbia Commission on Judicial Disabilities and Tenure which concerns Judge Charles Halleck.

P.W.B.

Philip W. Buchen
Counsel to the President

Attachment



DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

717 MADISON PLACE, N. W. (ROOM 212)
WASHINGTON, D. C. 20005

TELEPHONE: (202) 628-1255

Members

Henry A. Berliner, Jr., Chairman
William C. Gardner, Vice Chairman
Erman W. Edgecombe
Hon. Gerhard A. Gesell
Richard K. Lyon
Rt. Rev. John T. Walker
Howard C. Westwood

REPORT TO
THE PRESIDENT OF THE UNITED STATES
THE HONORABLE GERALD R. FORD

ON THE PERFORMANCE AND FITNESS
FOR REAPPOINTMENT

OF

JUDGE CHARLES W. HALLECK



September 19, 1975

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D.C.

Dear President Ford:

The District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 774, Sec. 433(c) provides as follows:

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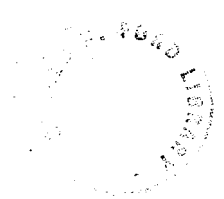
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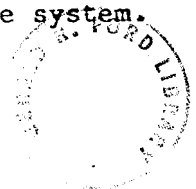


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cc: Judge Charles W. Halleck

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REASON FOR WITHDRAWAL Donor restriction

TYPE OF MATERIAL Memo(s)

CREATOR'S NAME O'Donnell, Patrick

RECEIVER'S NAME Buchen, Philip

DESCRIPTION Charles Halleck

CREATION DATE 10/04/1975

COLLECTION/SERIES/FOLDER ID . 001900241

COLLECTION TITLE Philip W. Buchen Files

BOX NUMBER 20

FOLDER TITLE Judicial Appointments - District of
Columbia: Charles Halleck (1)-(2)

DATE WITHDRAWN 08/23/1988

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