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THE PRESIDENT HAS SEEN...

THE WHITE HOUSE

WASHINGTON

May 13, 1975

MEY

MEMORANDUM FOR THE PRESIDENT

THROUGH: DONALD RUMSFELD

FROM: WILLIAM N. WALKER *Walker*

SUBJECT: Judicial Status Report

This memorandum reports upon the current status of vacancies and potential vacancies within the ranks of Federal Judges, U. S. Attorneys, and U. S. Marshals. The information presented is based upon Justice Department data and other pertinent materials at our disposal.

It should be noted that Attorney and Marshal vacancies are technical in character. To wit, a seat is rarely, if ever, physically vacant since (1) upon expiration of a term the incumbent continues to serve until a new or re-appointment is made; or (2) upon the death or resignation of an incumbent, the court usually appoints an individual to serve until a Presidential appointment is made. Consequently, the existence of a vacancy does not suggest that the job is unattended as is the case with vacancies on a bench.

FEDERAL JUDGES

Within the U. S. and its Territories there are 523 Federal Judges all of which, with the exception of those seats in the Territories and the District of Columbia, are Life Appointments earning a Level II equivalent (\$42,000 per annum). Currently, 14 are vacant, and of these 14, one (1) candidate has been announced but not yet confirmed by the Senate, and one other is in clearance at the White House. Consequently, there are 12 actual vacancies (.025%); and the following chart statistically reviews the entire Federal situation:

I. Total Seats in U. S. and Territories	523 (100%)
II. Total Seats Currently Vacant (Tab A)	14 (.026%)
A. Total Seats Potentially Vacant (Tab A)	4 (.006%)
III. Candidates Nominated But Not Yet Confirmed (Tab B)	1 (.002%)
IV. Candidates In Clearance At The White House (Tab C)	1 (.002%)
V. THEREFORE: Actual Vacancies	12 (.025%)
VI. Candidates In Clearance At Justice (Tab D)	5 (.009%)
A. Formal ABA/FBI Stage	1
B. Informal ABA Stage	4
VII. Seats (including potential Vacancies) For Which No Candidates Are Under Review (Tab E)	11 (0.21%)

U. S. ATTORNEYS

Within the U. S. and its Territories there are 94 U. S. Attorneys of which 11 are currently vacant. Of these 11, six (6) have been nominated but have not yet been confirmed by the Senate, and 2 others are in clearance at the White House. Consequently, there are 3 actual vacancies (3.2%); and the following chart statistically reviews the entire U. S. Attorney situation:

I. Total Seats in U. S. and Territories	94 (100%)
II. Total Seats Currently Vacant (Tab F)	11 (11.7%)
A. Total Seats Potentially Vacant (Tab F)	4 (4.2%)
III. Candidates Nominated But Not Yet Confirmed (Tab G)	6 (6.3%)
IV. Candidates In Clearance At The White House (Tab H)	2 (2.1%)

V. Seats To Remain Vacant For An Indefinite Period (Tab I)	0 (0.0%)
VI. THEREFORE: Actual Vacancies	3 (3.2%)
VII. Candidates Under Review At Justice (Tab J)	2 (2.1%)
VIII. Seats (including potential vacancies) For Which No Candidates Are Under Review (Tab K)	6 (6.3%)

U. S. MARSHALS

Within the U. S. and its Territories there are 94 U. S. Marshals of which 10 are currently vacant. Of these 10, four (4) candidates have been nominated but not yet confirmed, two candidates are in clearance at the White House, and one (1) seat will remain vacant for several months time. Consequently, there are five actual vacancies (5.2%) and the following chart statistically reviews the entire U. S. Marshal situation:

I. Total Seats In U. S. and Territories	94 (100%)
II. Total Seats Currently Vacant (Tab L)	10 (10.6%)
A. Total Seats Potentially Vacant (Tab L)	2 (2.1%)
III. Candidates Nominated But Not Yet Confirmed (Tab M)	4 (4.2%)
IV. Candidates In Clearance At The White House (Tab N)	0 (0.0%)
V. Seats To Remain Vacant For An Indefinite Period (Tab O)	1 (1.0%)
VI. THEREFORE: Actual Vacancies	5 (5.2%)
VII. Candidates Under Review at Justice (Tab P)	4 (4.2%)
VIII. Seats (including potential vacancies) For Which No Candidates Are Under Review (Tab Q)	3 (3.1%)

Attachments: Tabs A - Q