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B

THE WHITE HOUSE

WASHINGTON

August 11, 1981

Dear Judge Bertelsman:

Thank you for your letter of June 24, 1981 to the President recommending yourself to fill the vacancy on the Supreme Court of the United States created by the announcement of the retirement of Associate Justice Potter Stewart.

As you are probably aware, the President has announced his intention to nominate the Honorable Sandra D. O'Connor for the position. The President was presented with a most difficult decision, as there were many extremely well qualified individuals to consider.

We very much appreciate your time and concern in writing to the President regarding this important appointment and bringing your attributes to his attention.

Sincerely,


Fred F. Fielding
Counsel to the President

The Honorable William O. Bertelsman
United States District Judge
United States District Court
Eastern District of Kentucky
Covington, Kentucky 41012

18
30 JUN 1981
United States District Court

Eastern District of Kentucky

William O. Bertelsman
Judge
Cincinnati, Kentucky 41012

June 22, 1981

PS
Honorable Ronald Reagan
President of the United States
White House
Washington, D.C. 20005

Dear Mr. President:

Inasmuch as my name has been mentioned locally as a possible candidate for appointment to the vacancy on the Supreme Court of the United States to be created by the retirement of Justice Potter Stewart, or for future vacancies, I feel that I should make some official statement on that subject.

Therefore, I respectfully request to be considered for appointment to that office, or such other vacancies on the Supreme Court of the United States, as may occur in the future. Enclosed is a resume' so that you may evaluate my qualifications. Also enclosed are copies of some editorial comments concerning my performance on the bench. I am a Republican, and agree with your philosophy concerning judicial restraint, as I believe my published opinions demonstrate.

In addition to the published opinions listed, I have three opinions in various stages of preparation, which I have written for the Sixth Circuit Court of Appeals in Cincinnati, where I periodically sit by designation.

Whatever your evaluation of my qualifications may be, I pray that the Holy Spirit will guide you in exercising your awesome responsibility in making this and future appointments to the Supreme Court.

Respectfully yours,

William O. Bertelsman

William O. Bertelsman,
U.S. District Judge.

WOB/ksm
Enclosure

BIOGRAPHICAL DATA

WILLIAM O. BERTELSMAN
United States District Judge
for the Eastern District of Kentucky

June 1, 1981

Vital Statistics:

Born January 31, 1936. Lifetime Kentucky resident except for military service.

Undergraduate Education:

Bachelor of Arts, (Summa cum Laude), Xavier University, Cincinnati, Ohio, 1958. (Overall average, approximately 3.92)

Legal Education and Honors:

Juris Doctor, University of Cincinnati College of Law, 1961, graduated first in class with average approximately 3.97; Associate Editor Law Review; Order of the Coif; Awards for highest grades in Evidence, Bills and Notes, Equity, Constitutional Law, Appellate Advocacy, Torts, Municipal Corporations, and Administrative Law.

Military Service:

Active duty U.S. Army Artillery, 1963-64; honorably discharged with rank of Captain. Served in Ohio and Kentucky active National Guard from 1958 until entry on active duty.

Practice of Law:

Owner-shareholder, Bertelsman & Bertelsman, P.S.C., Newport, Kentucky, 1962-1979. Broad general practice primarily in areas of corporate, municipal, real estate, workmen's compensation, products liability, and negligence law, with primary emphasis on litigation, representing both plaintiffs and defendants. (75% of time spent on litigation in state and federal trial and appellate courts). City Attorney and Prosecutor, City of Highland Heights, 1962-69. Experience in complex litigation, including procedures under federal Manual for Complex Litigation, as member of plaintiff's Lead Counsel Committee for Beverly Hills Fire Litigation.

Civic Affiliations:

Member of Board and officer of Campbell County Chamber of Commerce (later merged into Northern Kentucky Chamber of Commerce), 1967-69. Member of Board, Northern Kentucky Chamber of Commerce 1969 - 1978, President, 1974.

Professional Affiliations:

Admitted to practice in Ohio and Kentucky. Member: American, Kentucky State and Campbell County Bar Associations; Association of Trial Lawyers of America;* Kentucky Trial Lawyers Association;* Defense Research Institute.* Member Board of Governors Kentucky State Bar Association 1978-79.*

*Resigned on receiving judicial appointment.

Law Teaching Experience:
University of Cincinnati,
College of Law

1965, Corporations
1966-67, Civil Procedure I (2 years)
1968-72, Equity (5 years)

Publications:

"Attorney's Fees and the 1964 Amendment to the Uniform Commercial Code," Jan. 1965, Kentucky State Bar Journal.

"Libel and Public Men," 52 American Bar Association Journal 657 (July 1966)

"The Ninth Amendment and Due Process of Law - - Toward a Viable Theory of Unenumerated Rights," 37 U. Cin. L. Rev. 777 (1968).

"The First Amendment and Protection of Reputation and Privacy - - New York Times v. Sullivan and How It Grew," 56 Ky. L.J. 718 (1968).

"Injunctions Against Speech and Writing: A Re-Evaluation," 59 Ky. L.J. 319 (1970).

"Kentucky Professional Corporations," Panel Publishers work on professional corporations. (1974).

"What You Think You Know (But Probably Don't) about the Federal Rules of Evidence - - A Little Knowledge Can Be a Dangerous Thing." ____ N. Ky. L. Rev. ____ (1981).

Author of supplements to Clay, Kentucky Civil Procedure, (West Publishing Co.) 1976, 1977, 1978, 1979, and 1980. Presently acting as co-author for these supplements and preparation of forthcoming revised edition of bound volumes.

Judicial:

Appointed United States District Judge for the Eastern District of Kentucky, at Covington, November 28, 1979. Have sat by designation several times on United States Court of Appeals for the Sixth Circuit. Received Kentucky Bar Association's Award for Outstanding Judge for 1981.

Published Opinions:

Gleberman v. Trusty, 487 F.Supp. 913 (E.D. Ky.1980) (habeas corpus).

Stanley Electric Contractors, Inc. v. Darin & Armstrong Co., 486 F.Supp. 769 (E.D. Ky.1980) (removal jurisdiction).

Kay v. Mills, 490 F.Supp. 844 (E.D. Ky.1980) (constitutional law, elections).

Becker v. Conn, ____ F.Supp. ____ (E.D. Ky.1980) (right to pre-termination hearing based on procedural due process) (aff'd on opinion of trial court ____ F.2d ____ (6th Cir. 1981).

**Published
Opinions:**
(continued)

Hines v. Board of Education of Covington, Kentucky, 492 F. Supp. 469 (E.D. Ky. 1980) (civil rights, statute of limitations).

U.S. v. Zenni, 492 F.Supp. 464 (E.D. Ky. 1980) (evidence, hearsay rule).

Boggs v. Blue Diamond Coal Company, 497 F.Supp. 1105 (E.D. Ky. 1980) (constitutional law, Erie doctrine).

U.S. v. Algie, 503 F.Supp. 783 (E.D. Ky. 1980) (criminal law, evidence, Jencks Act).

Black v. American Mutual Ins. Co. v. Celotex Corp., d/b/a Philip Carey Corp. - Fryman v. Celotex, 503 F.Supp. 172 (E.D. Ky. 1980) (judicial disqualification).

Petrey v. Flaughner, 505 F.Supp. 1087 (E.D. Ky. 1980) (constitutional law, substantive due process)

Moorman v. Wood, 504 F.Supp. 467 (E.D. Ky.1980) (constitutional law, state annexation statute)

Harris Corp., Data Communications Division v. Comair, Inc., et al, 510 F.Supp. 1168 (E.D. Ky.1981) (wrongful death, indemnity).

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U.S. v. Phillips, ____ F.Supp. ____ (E.D. Ky.1981) (evidence).

THE BAR

Ky Eng. 5/24/81

State lawyers bestow honor on Judge Bertelsman

U.S. DISTRICT Court Judge William O. Bertelsman has been named Judge of the Year by the Kentucky Bar Association (KBA). The honor is wholly deserved.

Judge Bertelsman was appointed to the federal bench in Covington during the Carter administration. At the time, everyone who knew him recognized him as an eminent legal scholar.

But in his year and a half on the

bench, Judge Bertelsman has displayed another side. He has proved himself as a sitting judge to be fair, analytical and unwavering.

Thus, Judge Bertelsman has conducted his courtroom in an ideal manner. He has insisted that the docket not be permitted to back up because of lengthy delays. He has been considerate of the press, the people of Northern Kentucky and the Second Amendment by opening his courtroom in all reasonable instances to the media.

Judge Bertelsman is the first recipient of KBA's Judge of the Year award in some years, and the first federal judge to be so honored. The bar association was right on the mark with its selection this year.

High Post 4/15/81

A blow for integrity

editorials

THE quality of government in northern Kentucky has been a household joke to our neighbors in Ohio and Kentucky for too long. One can almost hear proud Cincinnatians chortling over the latest shenangians as they read their newspaper and watch TV.

U.S. District Judge William Bertelsman last Friday served notice that, in his court at least, abuse of public trust will no longer be winked at as a way of life.

In sentencing former Covington mayor and housing director Claude Hensley

to 10 years in prison for extortion, Judge Bertelsman voiced the outrage of "the 99.9 percent of the honest, industrious, hard-working people of northern Kentucky:

"This is a disgrace.

"It's a disgrace to honest public officials. It's a disgrace to the people of northern Kentucky. It's a gross breach of trust."

Well said, judge. Let's just hope that those who consider public service as a license to steal get the message.

every 4/12/81

FREE PRESS

Judge Bertelsman is considerate of 'right to know'

THE EXTORTION trial of Claude Hensley had been front-page news in Northern Kentucky for the better part of two weeks, partly because of the nature of the case and partly because the court supported the right of the public to know.

U.S. District Judge William O. Bertelsman ruled early in the proceedings that he could see no reason why the defendant's right to a fair trial would be jeopardized if members of the press were permitted to cover a discussion in judge's chambers about the involvement in the case of George Wermeling. Mr. Hensley, like Mr. Wermeling, is a former mayor of Covington; he served as Covington housing director during Mr. Wermeling's term of office, the period now under investigation.

The case generated more than the usual amount of interest because the subject was a public official allegedly using his office to abuse the public trust for personal profit. As testimony was presented, it was essential that the story be told without any serious gaps so that the public was able to keep informed.

That could not have happened, however, without a clear reading of the people's rights and interests by Judge Bertelsman. When a defense attorney urged the judge to exclude the press from a special hearing on Mr. Wermeling's involvement in the case, the threat of a muffled press existed. To his credit, Judge Bertelsman snuffed it quickly.

It seems to us that his decision fit nicely within the legal right of a defendant to a fair trial, the moral right of the to people know their government, and, just as important, the constitutional right of every citizen to know the truth.

30 JUN 1981

United States District Court

Eastern District of Kentucky

William O. Bertelsman
Judge
Covington, Kentucky 41012

June 22, 1981

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Honorable Ronald Reagan
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White House
Washington, D.C. 20005

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7/12/81

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It seems to us that his decision fit nicely within the legal right of a defendant to a fair trial, the moral right of the to people know their government, and, just as important, the constitutional right of every citizen to know the truth.

Court

864 Quinnipiac Ave.
New Haven, Connecticut 06513
June 19, 1981

Mr. Edwin Meese III
Counselor to the President
The White House
Washington, DC 20500

Dear Mr. Meese:

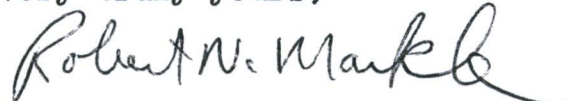
As a supporter and former volunteer campaign worker for President Reagan I am writing in support of a man whom I believe to be best qualified to succeed Supreme Court Justice Potter Stewart.

Professor Robert Bork of Yale University clearly possesses the qualifications necessary to so important a position. His ability to distinguish the subtleties and willingness to consider all facets of a given case are clearly essential given the diversity and volume of the caseload of the Supreme Court.

Professor Bork's distinguished service as U.S. Solicitor-General as well as the depth of his scholarly journal articles are compelling reasons for his appointment to the Court. Perhaps as important, however, is a judicial philosophy committed to constitutional and statutory interpretation and refinement. This is in marked contrast to efforts by some jurists to legislate from the bench.

The Court, the Nation, and the law will be extremely well served by Robert Bork and I strongly urge that he be given first consideration.

Very truly yours,



Robert N. Markle

THE WHITE HOUSE

WASHINGTON

July 30, 1981

Dear Senator Gunther:

Thank you for your letter of June 22, 1981 to the President recommending the Honorable Ellen Bree Burns to fill the vacancy on the Supreme Court of the United States created by the announcement of the retirement of Associate Justice Potter Stewart.

As you are probably aware, the President has announced his intention to nominate the Honorable Sandra D. O'Connor for the position. The President was presented with a most difficult decision, as there were many extremely well qualified individuals to consider.

We very much appreciate your time and concern in writing to the President regarding this important appointment and bringing the outstanding attributes of Ellen Burns to his attention.

Sincerely,



Fred F. Fielding
Counsel to the President

The Honorable George L. Gunther, N.D.
Senate Minority Leader
State of Connecticut
Senate
State Capitol
Hartford, Connecticut 06115



STATE OF CONNECTICUT
SENATE

STATE CAPITOL
HARTFORD 06115

25 JUN 1981

file

SENATOR GEORGE L. GUNTHER, N.D.
MINORITY LEADER
TWENTY-FIRST DISTRICT

890 JUDSON PLACE
STRATFORD, CONNECTICUT 06497

June 22, 1981

*Response
sent
7/30/81*

Mr. Fred Fielding
Counsel to the President
The White House
Washington, D.C.

Dear Fred :

Senator Gunther has asked me to forward you a copy of the enclosed background information concerning United States District Judge Ellen Bree Burns, who he has suggested for appointment to the Supreme Court.

Please let me know if you need any further information.

Sincerely,

Philip L. Smith
Legislative Assistant

PLS:lb
Enc.



STATE OF CONNECTICUT
SENATE
STATE CAPITOL
HARTFORD 06115

DR. GEORGE L. GUNTHER
TWENTY-FIRST DISTRICT
890 JUDSON PLACE
STRATFORD, CONNECTICUT 06497

June 22, 1981

To: Senator Gunther
From: Phil Smith *PS*
Re: Judge Ellen Bree Burns

You asked for some background material on Judge Ellen B. Burns judicial career.

Judge Burns has been on the state and federal bench since October 1, 1973, prior to which she was Director of Legislative Legal Services, the top staff job in the Legislative Commissioner's office.

Governor Thomas J. Meskill appointed her to the old Circuit Court, on an interim basis, in 1973. She was nominated for a full four year term the following year and the appointment was approved by the House and Senate. The vote was 32-0 in the Senate and 129-2 in the House of Representatives. When the Circuit Court and the Court of Common Pleas were merged, Judge Burns was named to the new court (Senate vote 26-0; House vote 77-3).

In 1976, Governor Ella T. Grasso nominated her for the Superior Court. She was approved by the General Assembly (Senate vote 30-0; House vote 110-6) and became the first woman to ever take a seat on that court. She resigned from the Superior Court in order to accept an appointment to the United States District Court for the District of Connecticut.

Journal excerpts, committee and floor transcripts and votes on each of Judge Burns' nominations are attached. However, it should be noted that until 1976 all of the Judiciary Committee's hearings and meetings on judicial nominations were closed to the public and no transcripts were made. As a result there is only one public hearing transcript concerning Judge Burns. Likewise, prior to 1977 all votes on judicial nominations were taken by secret ballot. So, only the final total on each of Judge Burns' nominations is available.

CURRICULUM VITAE

BURNS, Ellen Bree
355 River Road, Hamden, Connecticut 06518 (203) 248-4041

Born: December 13, 1923, New Haven, Connecticut
Father: Vincent T. Bree (deceased)
Mother: Mildred Bannon Bree

Married: Joseph P. Burns (U. Notre Dame, B.A., M.A.) 10/8/55
Children:

Mary Ellen, bd Mar. 1, 1957
Joseph Bree, bd Mar. 6, 1960
Kevin James, bd Mar. 18, 1961

Education:

Graduate: Hamden High School, 1941 (High Honors)
Albertus Magnus College, B.A., Sept., 1944
(Summa cum laude)
Yale Law School, LLB, June, 1947

Professional Activity: Admitted Connecticut Bar, July, 1947

Special Assistant, Commission to Revise the Connecticut
General Statutes, August, 1947 - December, 1948
Legal Staff: Legislative Commissioners' Office,
January, 1949 - September, 1973. Resigned as
Director of Legislative Legal Services
Judge of Circuit Court by nomination of Governor
Thomas J. Meskill, October 1, 1973
Judge of Court of Common Pleas by nomination of
Governor Meskill, December 31, 1974
Judge of Superior Court by nomination of Governor
Ella T. Grasso, April 23, 1976 (First woman so named)
Judge, United States District Court, District of Connecticut,
by appointment of President Jimmy Carter,
May 17, 1978 (First woman so named in District)
Member: Governor's Commission to Revise the Election Laws,
1972-1973
Archdiocesan School Board, 1971-1976
Commission to Study Parole Evaluation Techniques
and the Rehabilitation of Correctional
Institution Inmates, 1974-1975
Commission on Court Reorganization, 1974-1975
State Law Library Advisory Board, 1977-1978
Commission on the Legal Profession, CBA,
1978-1979
New Haven County Bar Association; American
Bar Association
Fellow, American Bar Foundation
Guggenheim Fellow, Yale Law School, 1974-1975

Honors: Honorary Doctor of Laws, Albertus Magnus College, 1974
Honorary Doctor of Laws, University of New Haven, 1981
Honorary member, Phi Delta Phi, Ellen Bree Burns Inn,
University of Bridgeport Law School, 1980

Awards: Distinguished Alumna Award, Albertus Magnus Alumnae
Association, 1971
Connecticut Bar Association Award for Service to Bar
and Legislature, 1971
John Carroll of Carrollton Award for 1973,
John Barry Assembly, Knights of Columbus
Honorary member, Delta Kappa Gamma, International, 1978
Judiciary Award, Connecticut Trial Lawyers
Association, 1978
Connecticut Federation of Business and Professional
Women's Clubs, Inc., Woman of the Year Award, 1979
Trustee, Fairfield University, 1979 -



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06115

PROCEEDINGS
of the
SENATE AND HOUSE OF REPRESENTATIVES
on the
JUDICIAL NOMINATIONS OF ELLEN BREE BURNS

CIRCUIT COURT, 1974

HOUSE OF REPRESENTATIVES

February 13, 1974

H.J. No. 17 RESOLUTION CONFIRMING THE NOMINATION OF ATTORNEY ELLEN B. BURNS TO BE A JUDGE OF THE CIRCUIT COURT.

The resolution was explained by Rep. Freedman of the 135th who moved its adoption.

The resolution was discussed by Reps. Ajello of the 104th, Ritter of the 6th, Stevens of the 119th, Padula of the 139th, Beck of the 54th and Osler of the 150th.

Speaker ordered the vote be taken by secret roll call.

The following is the result of the vote:

Total Number Voting.	131
Necessary for adoption	66
Those voting Yea.	129
Those voting Nay.	2
Absent and Not Voting	19

On the roll call vote the resolution was adopted.

H.J. No. 18 RESOLUTION CONFIRMING THE NOMINATION OF ATTORNEY BARRY R. SCHALLER TO BE A JUDGE OF THE CIRCUIT COURT.

The resolution was explained by Rep. Argazzi of the 30th who moved its adoption.

The resolution was discussed by Reps. Brown of the 86th, Clark of the 102nd, Genovesi of the 12th, Churchill of the 100th and Mahoney of the 13th.

The Speaker ordered the vote be taken by secret roll call.

The following is the result of the vote:

Total Number Voting.	132
Necessary for adoption	67
Those voting Yea.	125
Those voting Nay.	7
Absent and Not Voting	18

On the roll call vote the resolution was adopted.

LIQUOR CONTROL. Substitute for H.B. No. 5015 (COMM) (File AN ACT CONCERNING FEES FOR APPLICATIONS FOR NEW LIQUOR LICENSES AND FOR SUBSTITUTION OF PERMITTEES.

The bill was explained by Rep. Wenz of the 134th. The bill was discussed by Rep. Pearson of the 121st.

The Speaker ordered the vote be taken by roll call.

The following is the result of the vote:

Total Number Voting.	135
Necessary for Passage.	68
Those Voting Yea.	135
Those Voting Nay.	0
Absent and Not Voting	15

On the roll call vote the bill passed.

Is there objection to waiving the list of bills and having them printed in the Journal as represented. Without objection, it is so ordered.

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THE CLERK: passage of the Resolution.

THE SPEAKER: Report from the Department of Transportation on The Connecticut Master Transportation Plan. adoption of House Joint Resolution No. 17. Will

THE SPEAKER:

Referred to the committee on Transportation.

THE CLERK: Mr. Speaker, no one in this Chamber has served the legislature as long as Mr. [Name] from the Attorney General on claims that were granted in the last, given permission to sue in the last session.

THE SPEAKER: s Office some twenty-five years ago and became its Director of [Name] Referred to the committee on Government Administration and Policy.

THE CLERK: There are few of us here who in some way have not been touched by her.

Would the members please note on your Calendar, on page 4, File No. 2, there is an error, it should be favorable report of the committee on Insurance and Real Estate; your file shows favorable report of the committee on Liquor Control. It's a technical error. If you would just make that a correction in your file.

We will return to the Calendar on page 3, Judicial Nominations, House Joint Resolution No. 17, Calendar No. 11, Resolution Confirming the Nomination of Attorney Ellen B. Burns to be a Judge of the Circuit Court, favorable report of the Committee on Judiciary. Would you please close the curtains. Will the messengers please close the curtains.

THE SPEAKER:

The messengers on the right side of the hall please close the curtains. Will [Name] remain in the Chamber for the adoption of the Resolution?

Wednesday, February 13, 1974

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MR. FREEDMAN (135th):

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Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the Resolution. Many people come and go, both as members of the legislature and staff and I would say that during my time here Mrs. Burns has been as close as any one individual can be to being an indispensable

you remark?
Question is on adoption of House Joint Resolution No. 17. Will you remark?
legislative process. She is a person of so many abilities and

MR. FREEDMAN (135th):

Mr. Speaker, no one in this Chamber has served the legislature as long as Ellen B. Burns. Educated at Albertus Magnus and the Yale Law School near her present home in Hamden, she commenced work in the Legislative Commissioner's Office some twenty-five years ago and became its Director of Legal Services. There are few laws on our books today which do not bear her mark. There are few of us here who in some way have not been touched by her. There are few connected with the general assembly who are unaware of the many hours she has spent helping to make this body what it is today. I know her as a good, loyal and true friend but she is certainly much much more. She is certainly one of the finest lawyers I have ever met and since her interim appointment by Governor Meskill in October of last year to the Circuit Court, her judicial colleagues have uniformly lauded her work. It's an easy task to predict a happy union for both this suburb woman and the judicial service she will serve.

One final note, sir. Ellen Burns has taught us well by her example. We will miss her but less so because she has taught us how to do what is necessary when it is necessary. I urge confirmation.

THE SPEAKER:

Will you remark further on adoption of the Resolution?

Wednesday, February 13, 1974

MR. AJELLO (104th):

djh

Mr. Speaker, rising in support of this nomination and having been here for a number of years, one sees many people come and go, both as members of the legislature and staff and I would say that during my time here Mrs. Burns has come as close as any one individual can to being an indispensable part of the legislative process. She is a person of so many abilities and talents, it is difficult to catalogue them all in a short period of time. My own reaction, which I have told her about since when I learned that she had

It is indeed a pleasure to rise here and speak in her behalf and been appointed to the bench, was one of dismay, not for her sake but for ours. She was one of the finest draftsmen, one of the most able lawyers and one of the finest people that that it's been my privilege to know and I'm sure that she'll bring all of these qualities to the bench and that the State of Connecticut

Will you remark further on adoption of the resolution? If not, will be better off for it although this legislature will miss her sorely.

Members would please take their seats.
THE SPEAKER:

Will you remark further?

MR. RITTER (6th):

Mr. Speaker, I have been here sixteen years and I have worked very closely with this distinguished lady who is now going to join the general lady. Mr. Speaker, I attended law school with Ellen. We were classmates for three years. She was then and through the years is now as fine a person as I've ever worked with. She not only has the skills of the draftsman, she has the concern of any warm, intelligent, wellbred person and being wellbred

Mr. Speaker, from this side of the aisle, on behalf of the women in her case was to have parents who cared that she be exposed early to the facts of life; that she earn her way; that she be involved in the life of her community. I think that our Governor is to be commended for having selected such a person and I'm pleased to support fully this nomination.

MR. STEVENS (119th):

Mr. Speaker, I'm sure that all members of the House and I'm sure

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the Senate subsequently today will join in the remarks that are being made on the floor of this House today about Ellen Burns. Rarely has there been an appointment to the bench in Connecticut's history which has met with such widespread acclaim, not only from within the general assembly but without. For those of us who have served in the legislature with Ellen Burns, we know the quality she brings to the bench and I think she will turn out to be a unique judge because she has played such an important part in the drafting of the laws that will come before her for interpretation.

It is indeed a pleasure to rise here and speak in her behalf and I am hopeful that the vote taken here today will reflect the warm feelings felt for Ellen Burns by every member of this House.

THE SPEAKER: Would the gentleman from the 135th care to respond?

MR. PADULA: Will you remark further on adoption of the resolution? If not, if all members would please take their seats.

MR. PADULA (139th):

Mr. Speaker, I have been here sixteen years and I have worked very closely with this distinguished lady who is now going to join the general body of the ... club. She has charm, she has tact, she has a razorblade mind, she is a credit to where she is going and we certainly will miss her.

MRS. BECK (54th): Would you like to say anything further on the resolution? If not,

Mr. Speaker, from this side of the aisle, on behalf of the women legislators, we do want to say that we are especially proud that Ellen Burns was selected, not because she's female, but because of her extremely great ability, her tremendous capacity to produce legislation and to exercise objective and very fine judgment at all times and we do wish to say from the bottom of our hearts that no one in the State of Connecticut more deserves this ap-

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pointment than Ellen Burns and we are extremely and deeply proud that she represents all of us in the judicial system.

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THE SPEAKER: Mr. Speaker, regretfully there are gentlemen in the center aisle who I don't think should be there either. I don't like to inconvenience them.

MR. BONNETTI (65th):

THE SPEAKER: Mr. Speaker, a question to you to Mr. Freedman.

THE SPEAKER: Thank you for calling it to my attention. Would the members of the House please state your question. Please come to the well of the House.

MR. BONNETTI (65th):

I was just wondering if Judge Burns has paid her fees. The question is on adoption of House Joint Resolution No. 17. The

THE SPEAKER: The machine is closed, the Clerk please. Would the gentleman from the 135th care to respond?

MR. FREEDMAN (135th):

The answer is in the affirmative. 131

MRS. OSLER (150th): Necessary for adoption... 66

Mr. Speaker, as a woman representative from this side of the aisle,

I am very happy that Ellen Burns has been nominated and I feel she will make an excellent judge. Motion is ADOPTED.

THE SPEAKER:

Will you remark further on adoption of the Resolution? If not, would the Clerk please announce on the outside speaker an immediate roll call in the hall. Will all members please take their seats, non-members come to the well, the aisles be cleared. Would all non-members in the back please come to the well including the members of the press. All non-members and staff please come to the well. Messengers refrain from passing out things until after the vote. Question is on adoption of House Joint Resolution No.

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17. The machine will be open.

MR. AJELLO (104th): Resolution No. 18. Resolution Confining the Nomination of

Mr. Speaker, regretfully there are gentlemen in the center aisle who I don't think should be there either. I don't like to inconvenience them but—

THE SPEAKER: Mr. Speaker, I move for adoption of the Resolution.

THE CLERK: Thank you for calling it to my attention. Would the members of the press, the gentlemen in the rear, please come to the well of the House during the vote.

ANGAZZI (30th): Question is on adoption of House Joint Resolution No. 17. The machine will be open. Everyone voted? The machine is closed, the Clerk please take a tally.

THE CLERK: is an undergraduate and attended Yale Law School. He has been on

Total number voting.....	131
Necessary for adoption.....	66
Those voting Yea.....	129
Those voting Nay.....	2
Absent and Not Voting.....	19

THE SPEAKER: at the Yale Law School and even in those early days, if I had to

The Resolution is ADOPTED.

MR. FREEDMAN (135th): I think he will make a very fine judge and

Mr. Speaker, I move suspension of the rules for immediate transmittal to the Senate of this matter.

THE SPEAKER: Will you please further confirm adoption of the resolution?

Is there objection to suspension of the rules for transmittal to the Senate? Without objection, the rules are suspended and the resolution will be transmitted.

THE CLERK: I will now read the resolution and ask this body to support

SENATE

February 13, 1974

INTRODUCTION OF BILLS
SENATE BILLS

On motion of Senator Rome of the 8th, the first reading of the following bills was waived, the list of bills as prepared by the Clerk was accepted, and the bills referred to the committees as indicated thereon:

THE ENVIRONMENT

Proposed S.B. No. 120 Sen. BERRY of the 29th. 'AN ACT CONCERNING RIDING FACILITIES AT PACHAUG AND WATCHAUG STATE FORESTS', to improve the facilities at Pachaug and Watchaug state forest to make them more accessible for horse riders.

S.R. No. 10 Sen. SMITH of the 14th. 'RESOLUTION CONGRATULATING REAR ADMIRAL GERALD E. THOMAS.'

BUSINESS FROM THE HOUSE
FAVORABLE REPORT OF THE
JOINT STANDING COMMITTEE
HOUSE JOINT RESOLUTION
SUSPENSION OF THE RULES

The following favorable report of the Joint Standing Committee On Judiciary was received from the House under suspension of the rules, taken up, tabling for the Calendar dispensed with, the report accepted and the resolution adopted.

JUDICIARY. H.J.R. No. 17. RESOLUTION CONFIRMING THE NOMINATION OF ATTORNEY ELLEN B. BURNS TO BE A JUDGE OF THE CIRCUIT COURT.

Senator Guidera of the 26th remarked on the resolution and moved its adoption.

Remarking favorably on the resolution were Senators Truex of the 9th, DeNardis of the 34th, Alfano of the 7th, Finney of the 36th, Rome of the 8th, Zajac of the 13th and Pauliso of the 1st.

The vote was by ballot.
The following is the Yea and Nay vote.

Whole Number Voting.....32
Necessary for Adoption.....17
Those voting Yea.....32
Those voting Nay..... 0
Those Absent and Not Voting..... 4

On a ballot vote the House Joint Resolution was adopted in concurrence.

JUDICIARY. H.J.R. No. 18. RESOLUTION CONFIRMING THE NOMINATION OF ATTORNEY BARRY R. SCHALLER TO BE A JUDGE OF THE CIRCUIT COURT.

Senator Page of the 12th remarked on the resolution and moved its adoption.

Remarking favorably on the resolution were Senators Guidera of the 26th and Costello of the 33rd.

The vote was by ballot.
The following is the Yea and Nay vote.

Whole Number Voting.....31

SENATOR COSTELLO: (33rd)

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For the purpose of an announcement, Mr. President, I would like to call to the attention of those members of the Circle who have proposed bills to be heard by the Environment Committee that there will be a legislators' hearing this afternoon at 2:00 p.m. Our staff has placed at your seats, I believe, specific notices for each of you who have proposed bills which have been referred to Environment, that we are aware of at the present time. We hope that you will take this opportunity to appear before our Committee this afternoon to discuss your proposed bills. We were unable to get it into the Bulletin, which is the reason I am calling it to your attention at this time. Now, Mr. President, I would be willing to comment on my resolution if that's acceptable. I'll pass, apparently there is business to come before us, an outstanding person in the Legis-

THE CHAIR: Miss Harris Office. She was born in New Haven, graduated

Thank you, Senator. Senator Rome, legs in 1944, Yale.

SENATOR ROME: 1947. She is married and lives in Hamden, Conn.

Mr. President, the House has sent us ^{HJR-17} a resolution Burns confirming the nomination of Attorney Ellen B. Burns. It is moving slowly in transit. I wonder if the members of the Circle/who would care to comment on the resolution would proceed now informally without a resolution before us and then we would introduce the resolution when it physically arrives.

THE CHAIR: I'll give a great legislative consideration, a great

Senator Guidera is going to be a great judge for the

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SENATOR GUIDERA: (26th)

Mr. President, I would ^{move} suspension of the rules for immediate consideration.

THE CHAIR: Thank you, Mr. President. I would like to rise in support of Question is on suspension of the rules for immediate consideration. Is there any objection? There being none, we will proceed and the rules are suspended.

SENATOR GUIDERA: Mr. President, I would move approval of the Joint Committees favorable report and adoption of the resolution with

The resolution, Mr. President, is on the appointment of Ellen B. Burns to the Circuit Court. Ellen Burns, as you know, served in the Legislative Commissioners Office for a number of years, rendered excellent service and I can tell you at least to the Judiciary Committee; was an outstanding person in the Legislative Commissioners Office. She was born in New Haven, graduated from Hamden High School, Albertus Magnus College in 1944, Yale Law School in 1947. She is married and lives in Hamden, Conn. at the present time. I really can't say enough about Ellen Burns. Whether Republican or Democrat, she was helpful to every member of the Judiciary Committee. She worked for other committees. She was always available and rendered expert advice to us and I would really like to see, Mr. President, this resolution, this nomination go through unanimously because Ellen Burns deserves it. She has been a great legislative commissioner, a great attorney and I think she is going to be a great judge for the State of Connecticut.

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THE CHAIR:

Are their further remarks? Senator Truex.

SENATOR TRUEX: (9th)

Thank you, Mr. President. I would like to and like to rise in support of this nomination of Ellen Burns. I think it is difficult to put into words the service that Ellen Burns gave to the Education Committee when she was here in the Legislative Commissioners Office and I can but be happy that for the people of the State of Connecticut she has been elevated to the Bench. I might add, I wish she were twins so that we could continue to have her with us here but not be selfish about it and send her on to the greater field of the whole State of Connecticut.

THE CHAIR: The opportunity since leaving the Circle this summer

Thank you, senator. Are there further remarks? Senator DeNardis.

SENATOR DeNARDIS: (34th) judge.

Mr. President, very briefly, just to say how delighted we are in Hamden with the elevation of Ellen Burns to a judgeship. How delighted we are at Albertus Magnus College that the second female judge in the State is also an Albertus Magnus College graduate. All of you here know the indispensably valuable service that Judge Burns rendered as the director of legislative legal services, in fact, a report, an examination and analysis of the Connecticut Legislature a few years ago revealed that she was the most indispensable part of the whole operation and I think we can all agree with that.

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THE CHAIR: ... I wish her joy in what she is doing and I

Are there further remarks? Senator Alfano.

SENATOR ALFANO: (7th) here, I do think that if we have to
Mr. President, I would like to stand and heartily en-
dorse the nomination of Ellen Burns. I was a little bit dis-
appointed in her being elevated because of the fact that she is
a tremendous loss to the Connecticut General Assembly. In all
of the years that I have been here, I don't there has been
anyone in that office of the legislative commissioners in whom
we could rely on than Ellen Burns when it came to the drafting
of a really complicated bill. In any event, she is undoubtedly
happy where she has gone to I think all of us wish her the best.
I have had the opportunity since leaving the Circle this summer
of appearing before Ellen Burns and I think she has a good grasp
of her situation on the judiciary and she is going to make an
excellent and outstanding judge.

THE CHAIR: thank you, senator. Senator DiIorio.

Are there further remarks? Senator Finney.

SENATOR FINNEY: (36th) I, too, rise very quickly to support
Mr. President, I will make this very short and to the
point and I agree with what has been said before. This is
probably one of the outstanding people that we have ever had
working in the State Capitol. She was completely fair. She
was very able. I am sure that she will make one of the finest
judges we have ever had and her qualities as a person are
certainly without any comparison with people that I have known

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over the years. I wish her joy in what she is doing and I think that while I can't feel a little sorrow for all of us because she is no longer here, I do think that if we have to appear before her, we will get justice and fairness right and to straight through with all the past speakers of all the good

THE CHAIR: I have been said about Ellen Burns; but specifically Thank you, senator. Are there further remarks? Senator Rome responded unanimously.

SENATOR ROME: (8th)

Mr. President, I, as always, find myself in complete agreement with Senator Finney's remarks and would like to associate myself with Senator Finney's remarks. Ellen Burns is an extraordinary individual, a very able lawyer and is a great credit to the judiciary. I wish her well. I know the State will get excellent service from her. She is a person that

THE CHAIR: She is an extraordinary human being. She

Thank you, senator. Senator Ciarlone, per God's speed.

SENATOR CIARLONE: (11th)

Mr. President, I, too, rise very quickly to support the resolution, supporting Ellen Burns. I have worked with Ellen Burns since 1967 when I got here and she was a complete help to me. I think the loss in the General Assembly here will be the gain of our judicial system in our State of Connecticut. I support this resolution.

... a point of information. We will be

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THE CHAIR: Former... and it will not be recorded

Are there further remarks? Senator Zajac.

SENATOR ZAJAC: (13th) - a secret ballot. You push Yea for

Mr. President, I rise to support the resolution and to

associate myself with all the past speakers of all the good things that have been said about Ellen Burns; but specifically with Senator Guidera's comment that this resolution hopefully would be carried unanimously.

THE CHAIR: announced on the tally boards on the sides of

the hall. Thank you, senator. Senator Fauliso.

SENATOR FAULISO: (1st) The voting is declared closed.

I have served in the Senate for four terms and I can

say that, truly, Ellen Burns is one of the great personalities

of the Capitol. She is a unique individual, kind, affable, en-

dowed with abundant knowledge. She certainly is a person that

we all remember. She is an extraordinary human being. She

served us all and she served us well. I wish her God's speed.

THE CHAIR: We are going to repeat this vote. I would like to reopen

Thank you, senator. Are there further remarks? There

being none, we will proceed to the vote on the adoption of the

resolution of the confirmation of Attorney Ellen Burns. There

will be the customary announcement that a judicial nomination

will be voted upon.

SENATOR ROME: Absent and Not Voting

Mr. President, a point of information. We will be

Rolls Number Voting	32
Secretary for Adoption	17
Senator Rome Voting For	0
Those Voting Nay	0
Absent and Not Voting	0

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using Governor Cashman's machine and it will not be recorded on it but at the Clerk's desk so it will remain in accordance with the Constitution - a secret ballot. You push Yea for confirmation and Nay for something else.

THE CHAIR:

Are there further remarks. There being none, the machine is opened for voting. I will allow about ten seconds and then close the machine and the vote will not be, as Senator Rome indicated, announced on the tally boards on the sides of the hall because this is a judicial nomination. The votes will be recorded at the Clerk's desk. The voting is declared closed. The results of the voting on House Joint Resolution none, the

Senator Smith, Senator Page.

SENATOR WILBUR SMITH: (2nd)

Mr. President, my machine is not registering.

THE CHAIR: He received his formal education in Connecticut,

Just one moment, senator. Will the Senate come to from order. We are going to repeat this vote. I would like to reopen the machine. It is now opened on House Joint Resolution 17. Will all of the senators, please vote. There being no objection, I will close the voting on H.J.R. 17. The machine is closed.

The results of the balloting on H.J.R. 17: a member of

Whole Number Voting	32
Necessary for Adoption	17
Those Voting Yes	32
Those Voting Nay	0
Absent and Not Voting	4

THE RESOLUTION IS DECLARED ADOPTED.

COURT OF COMMON PLEAS, 1975

JOURNAL OF THE SENATE

[Wednesday,

four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the honor to nominate for appointment by you, Court of Common Pleas Judge ELLEN B. BURNS of Hamden, to be a Judge of the Court of Common Pleas for the term of four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the honor to nominate for appointment by you, Court of Common Pleas Judge ROBERT J. CALLAHAN of Norwalk, to be a Judge of the Court of Common Pleas for the term of four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the honor to nominate for appointment by you, Court of Common Pleas Judge DONALD W. CELOTTO of New Haven, to be a Judge of the Court of Common Pleas, for the term of four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the honor to nominate for appointment by you, Court of Common Pleas Judge JOSEPH J. CHERNAUSKAS of Oxford, to be a Judge of the Court of Common Pleas for the term of four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the honor to nominate for appointment by you, Court of Common Pleas Judge THOMAS H. CORRIGAN of Hartford, to be a Judge of the Court of Common Pleas for the term of four years from February 12, 1975.

Ella Grasso
Governor

January 22, 1975

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 51-142 of the Connecticut General Statutes, I have the

SENATE

March 5, 1975

The following is the result of the vote.

Total Number Voting	27
Necessary for Adoption	14
Those voting Yea	24
Those voting Nay	3
Those absent and not Voting	9

On a roll call vote the resolution was adopted.

JUDICIARY. S.J.R. No. 59. RESOLUTION CONFIRMING THE NOMINATION OF JUDGE LUKE F. MARTIN OF THOMASTON, TO BE A JUDGE OF THE COURT OF COMMON PLEAS.

Senator Neiditz of the 5th remarked on the resolution and moved its adoption. The Chair ordered the vote be taken by secret roll call. The following is the result of the vote.

Total Number Voting	27
Necessary for Adoption	14
Those voting Yea	24
Those voting Nay	3
Those absent and not voting	9

On a roll call vote the resolution was adopted.

JUDICIARY. S.J.R. No. 60. RESOLUTION CONFIRMING THE NOMINATION OF JUDGE ALFRED V. COVELLO, JR. OF WEST HARTFORD, TO BE A JUDGE OF THE COURT OF COMMON PLEAS.

Senator Neiditz of the 5th remarked on the resolution and moved its adoption. The Chair ordered the vote be taken by secret roll call. The following is the result of the vote.

Total Number Voting	23
Necessary for Adoption	12
Those voting Yea	23
Those voting Nay	0
Those absent and not Voting	13

On a roll call vote the resolution was adopted.

JUDICIARY. S.J.R. No. 61. RESOLUTION CONFIRMING THE NOMINATION OF JUDGE ELLEN B. BURNS OF HAMDEN, TO BE A JUDGE OF THE COURT OF COMMON PLEAS.

Senator Neiditz of the 5th remarked on the resolution and moved its adoption. The Chair ordered the vote be taken by secret roll call. The following is the result of the vote.

Total Number Voting	26
Necessary for Adoption	14
Those voting Yea	26
Those voting Nay	0
Those absent and not Voting.....	10

On a roll call vote the resolution was adopted.

JUDICIARY. S.J.R. No. 62. RESOLUTION CONFIRMING THE NOMINATION OF JUDGE PHILIP M. DWYER OF MANSFIELD CENTER, TO BE A JUDGE OF THE COURT OF COMMON PLEAS.

Senator Neiditz of the 5th remarked on the resolution and moved its adoption. The Chair ordered the vote be taken by secret roll call. The following is the result of the vote.

Total Number Voting	24
Necessary for Adoption	13
Those voting Yea	22
Those voting Nay	2
Those absent and not Voting	12

On a roll call vote the resolution was adopted.