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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. personal data questionnaire	re Robert Bork (51 pp.)	n.d.	~~P6~~ B6
2. paper	re Higginbotham (p. 11, partial)	n.d.	~~P5, P6~~ B6
3. questionnaire	re Patrick Higginbotham (22 pp.)	n.d.	~~P6~~ B6 B3 1/3/01

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]
- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

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ROBERT H. BORK

September 9, 1981

In the answer to question 13, I listed five death penalty cases in the Supreme Court as a single litigation. The counsel listed are those who appeared in the case, Jurek v. Texas. The lead counsel in that case appeared in all five cases. If you wish a listing of all other counsel, I will supplement the list.

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THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1 LISTED ON THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

HIGGINBOTHAM

This memorandum analyzes Judge Higginbotham in terms of the criteria defining the ideal candidate for the Court.

Intitially, it should be emphasized that this analysis is inherently somewhat constricted and incomplete due to a corresponding incompleteness in Judge Higginbotham's published writings. Unlike other candidates, he has never occupied a teaching or governmental post that afforded him a full opportunity to expound a general legal philosophy or analyze particular topics in a manner that would graphically illustrate any such fundamental philsophical approach. (Nor has he demonstrated much of an inclination to seize such opportunities.) Moreover, as a district and appellate court judge in the Fifth Circuit, Higginbotham has had less occasion than some of his colleagues in other circuits to deal with separation-of-powers, administrative law, individual rights or other issues that clearly demark a judge's jurisprudential approach.

This is not to say that Judge Higginbotham has remained mute on all of the significant legal issues of his time. It is to say, however, that his judicial ideology must be gleaned from sporadic forays into areas of constitutional law, rather than a comprehensive body of scholastic or judicial writings that chart a clear jurisprudential course.

Finally, due to space limitations and a disinclination to extrapolate fundamental insights from scanty evidence, I have consciously avoided a detailed description of, and speculation about, Higginbotham's writing on the precedent-bound, "run-of-the-mill" legal questions that constitute the bulk of his decisionmaking. Rather, I have given my conclusory views on these cases and placed representative illustrations in the attached books of cases.

I. Philosophy

A. Interpretavism and the Proper Judicial Role

As noted, Judge Higginbotham has not set forth at any length a coherent set of neutral judicial principles that guide his adjudication of constitutional or broad public policy questions. To the extent he has spoken to this issue, in his opinions or elsewhere, the thrust certainly has been one of judicial restraint; restraint, however, grounded perhaps too much on the practical limits of the judiciary, rather than its inherent institutional limits in a tripartite system of government.

The article which most coherently sets forth his judicial philosphy is his review of a book describing the "heroes" of the Fifth Circuit who desegregated southern schools in the wake of Brown. Texas Law Review, No. 100. Higginbotham makes the important point that this judicial "effort to end this country's apartheid policies" through broad, intrusive injunctive decrees has led to unwarranted intervention and oversight in a variety of other contexts. As Higginbotham notes, the "assumption of state default [that arose from these desegregation cases], with its kindred expectation that federal courts will fill the state-created vacuum, is at the core of a model of the federal judiciary that tolerates few limits on judicial power" (p. 1331). He concludes that such intervention is contrary to the concept of limited judicial power that led to the immunization of the judiciary from the political process and ultimately undermines public confidence in the judiciary as a disinterested arbiter of neutral legal principles.

He also makes two interesting subsidiary points later touched on in his judicial opinions. He notes that the nondiscrimination model established in the racial discrimination cases has been improperly extended to areas more appropriately viewed as social welfare programs (e.g., requiring not only equal treatment for the handicapped but public expenditures to accommodate their special needs). As Higginbotham notes, Congress has, through such ambiguous, open-ended "nondiscrimination" statutes, delegated to the judiciary its legislative responsibility to choose among competing constituencies for public funds and he properly hails Pennhurst State School v. Halderman, 451 U.S. 1 (1981) as a valuable check on this congressional abdication. Higginbotham further concludes, again correctly, that this proliferation of nebulous congressional directives on sensitive social issues has inexorably thrust the judiciary into deciding cases on the basis of social science data and legislative facts; a task beyond its proper institutional role and competence.

This restrained approach is also generally reflected in his judicial opinions. However, Higginbotham has not had occasion to grapple with some of the difficult, fundamental questions that truly test one's interpretavist values and his record has not been entirely free of unwarranted activism and/or inappropriate constitutional analysis. Some relevant examples highlight his strengths and relatively minor flaws.

In Chrysler Corporation v. Texas Motor Vehicles Ass'n, (No. 46), Chrysler challenged, on equal protection and due process grounds, a state adjudicatory framework in which only car

purchasers, but not manufacturers, were entitled to de novo judicial review of adverse administrative decisions by the Motor Vehicle Commission. Higginbotham correctly rejected the claim that heightened equal protection scrutiny of this economic classification was warranted because it involved a procedural mechanism and rejected "ex cathedra additions upon the suspect or fundamental list," noting that: "the Equal Protection Clause is not a surrogate for the intensive substantive due process review undertaken in the Lochner line of cases and that a fundamental interest or suspect criterion must rest on textually-footed principles rather than judges' views of the importance of the implicated interest" (p. 5960). */

Similar restraint is evidenced in his decision, contrary to that of other Circuits, that the failure to inform an alien of his right to petition for asylum violated his procedural due process rights. No. 47. This is a correct resolution of a potentially difficult question and Higginbothan reached out to make clear that a "living" Constitution is "no cape for legislating judicial perceptions of the public good concerning subjects, as here, peculiarly within the domain of Congress" (p. 440). My only quibble is that Higginbotham should probably have

*/ It is noteworthy that Higginbotham advocated a different, and somewhat troubling, approach to equal protection analysis in a 1976 case involving a residency requirement for candidacy. In Russell v. Hathaway (No. 49), Higginbotham expressed serious discomfort with the two-tiered "strict scrutiny" and "rational basis" analysis employed by the Supreme Court because, "the use of these litmuses in the exercise of the power of judicial review creates a high risk of presenting ipse dixit results without the undergirding of judicial reasoning and persuasion." While he is correct in noting that the identification of "fundamental interests" susceptible to strict scrutiny invites arbitrary, value-laden manifestations of unchecked judicial power and that the process has been subject to "gossamer-thin distinctions," his suggested alternative -- "objective and exacting standards [of review]" derived through "case-by-case analysis" -- is disturbingly reminiscent of Justice Marshall's "sliding scale" balancing analysis that would provide the federal judiciary with carte blanche to override reasonable legislative judgments. In short, while Higginbotham's discomfort with the rigid and potentially arbitrary two-tier analysis is understandable, I should think the best solution would be the increased use of "rational basis" analysis he advocated in Chrysler, rather than adoption of this open-ended, sliding scale methodology.

found that the failure to inform the alien did not deprive him of a liberty interest secured by the due process clause, rather than assuming, without deciding, such an interest.

Higginbotham has taken a similarly restrained approach in the First Amendment area. In Gonzales v. Benavides, No. 7, where a county director challenged his dismissal that stemmed from a personnel and turf battle, Higginbotham astutely analyzes the inappropriateness of Supreme Court precedent that applies a rigid, "content-based" First Amendment analysis in a personnel context, particularly where the relevant job is political and involves policymaking authority. He appropriately seeks to narrow the Pickering and Elrod v. Burns line of cases but, unfortunately, simply remands for further factual development rather than reversing the district court outright. Higginbotham filed an equally perceptive special dissent in a case involving Mississippi's ban on liquor advertising, where he pointed out that the Supreme Court's commerical speech doctrine necessarily, and unfortunately, authorizes federal courts to closely scrutinize state's regulation of purely economic matters pursuant to its police powers. However, his dissent from an opinion upholding the Mississippi statute, although logically consistent with Supreme Court precedent, is nonetheless perplexing given his criticism and may indicate overly slavish adherence to precedent which is both reasonably distinguishable and erroneous. His other First Amendment decisions, both on the district and appellate court, have been fairly straightforward and thoughtful applications of precedent in difficult areas. See, e.g., Nos. 9-12.

In less obvious contexts or dicta, Higginbotham has also demonstrated his reluctance to convert the process of adjudicating the rights of individual litigants into forums for resolving broad public policy questions affecting large classes of persons by, for instance, abandoning the notion of causality in tort law. In Louisiana v. Test Bank, (No. 42), for example, he authored a en banc opinion which reaffirmed the common law rule that only property damage, not economic loss due to another's property damage, is recoverable, emphasizing that bright lines are important to decisionmaking and that the judiciary should refrain from far-reaching pronouncements designed to convert tort law into judge-made insurance policies for injured persons. Finally, in Morrow v. Harwell, (No. 52), Higginbotham expresses skepticism concerning the Supreme Court's creation of a "right of access to the courts" for prison inmates because such a right could not be traced to the text of the Constitution. Appropriately, however, he decided in favor of the inmates because Supreme Court precedent on this question could not be reasonably

distinguished. See also his dicta and decisions in No. 56 (the appearance of bias and a university's failure to follow its own rules does not mean a tenured professor was denied due process in his dismissal); No. 55 (no protectable liberty interest in participating in intercollegiate athletics); No. 50 (state law denying "M.D." title to doctors of osteopathy is supported by rational basis -- "This court does not sit de novo as a legislative body. . . . [T]he rationale for the exercise of judicial power requires, at the least, that the 'constitutional' interest impinged by the legislature be one traceable to the Constitution."); No. 5; No. 6; No. 57; No. 54. Higginbotham has also scrupulously adhered to legislative intent without manufacturing distinctions designed to reach a "just" result. See, e.g., No. 44, Nos. 69-74.

His record, however, is not entirely umblemished. In Conley v. Grenada County Hospital, (No. 48), Higginbotham held that an ambiguous statement in a personnel handbook of a state agency created a constitutional property interest in being dismissed for just cause only and therefore struck down the agency's summary dismmisal of some its employees under Perry v. Sinderman, et al. This decision is particularly disturbing because he had to strain to reach this result by expanding (erroneous) Supreme Court precedent and unpersuasively distinguishing correct Fifth Circuit precedent.

Even more disturbing is a Higginbotham opinion that evidences both a serious lack of deference to state judicial systems and an abuse of habeas corpus proceedings. In a habeas proceeding, Plunkett v. Estelle, (No. 77), he directly substituted his judgment for that of a state appellate court that had reviewed precisely the same question and found no fundamental error. As the dissent correctly noted in that case, this is a severe abuse of the habeas petition and is directly at odds with the repeated admonition of the Supreme Court that state court decisions are entitled to an all but conclusive presumption of correctness. Specifically, Higginbotham, unlike the Texas Court of Appeals, found that a jury charge allowed the jury to convict a murderer on a ground not charged in the indictment, primarily on the basis that the prosecutor's argument had compounded the confusion created by the ambiguous jury instruction. The best that can be said of this opinion is that the Texas appellate court clearly strained to uphold the conviction, but I don't believe this in any way justifies using habeas corpus to convert federal courts into super appellate courts for state criminal proceedings.

1. Awareness of the Importance of Strict Justiciability Requirements

Somewhat surprisingly, Higginbotham has had no occasion to rule on important or difficult justiciability questions and has not published anything on this issue. He came to the obvious conclusion, in dissent, that the appellant's compliance with a HUD subpoena rendered their challenge to that subpoena moot and that their fear of future, similar enforcement actions did not render the case "capable of repetition yet evading review." (No. 21). On the somewhat related question of class certification under Rule 23 of the F.R.C.P., Higginbotham has improperly allowed, in the appellate and district court, named plaintiffs in civil rights cases to represent a class with which they clearly lacked sufficient commonality of interest. For example, he allowed named class representatives who alleged discrimination in hiring to represent a class of persons challenging promotion practices. See, e.g., No. 25, 35.

2. Deference to States in Their Spheres

Except for the two egregious decisions described above, Higginbotham's opinions reflect a genuine commitment to principles of federalism and proper deference to state authorities. In Papasan v. United States, No. 45, for example, Judge Higginbotham ruled that a suit against state officials attacking disparities in the expenditure of funds from the state's school trust to different counties was barred by the Eleventh Amendment. Higginbotham correctly reasoned that, although the plaintiffs purportedly sought prospective injunctive relief, they were actually seeking equitable restitution against the state in the manner forbidden by Edelman v. Jordan. Higginbotham further ruled that any state law claim against the Government could not be enforced in federal court under Pennhurst II and that the disparities in school fundings were not violative of equal protection because there was a rational basis for such disparities. At the district court level, Higginbotham engaged in Pullman-type abstention on state law questions, sometimes sua sponte (e.g., 86), and his interpretative approach in the cases discussed above reflects an aversion to interfering with legitimate state policies in the guise of constitutional adjudication. It is also noteworthy that Higginbotham, sitting by designation, joined a Fifth Circuit opinion (No. 85), decided while National League of Cities was still good law, which held that the Tenth Amendment did not bar enforcement of a federal statute requiring reemployment of state employees serving in the National Guard. This result, although not the general balancing analysis articulated, may well be justified because of Congress' unique war powers.

3. Appropriate Deference to Agencies

Higginbotham has not frequently confronted administrative law questions. In such cases, Higginbotham has generally demonstrated appropriate deference and made clear his view that agencies are both authorized and well-equipped to make "reasonable" decisions free from judicial second-guessing. See, e.g., No. 89. However, Higginbotham has been much less deferential in assessing intrusive administrative investigations that raise Fourth Amendment concerns. For example, Higginbotham engaged in a de novo review of the CPSC's asserted jurisdiction over a company for which they sought a search warrant (No. 92) and narrowly interpreted the statutory authority of the IRS (No. 88) and OSHA (No. 93) to inspect records and obtain an administrative search warrant ex parte. See also Nos. 87, 90, 91. In my view, such oversight of an agency's investigative authority is fully consistent with the relevant statutory schemes and Fourth Amendment protections.

B. Basic Principles

1. Commitment to Strict Principles of Nondiscrimination

By virtue of his service in the Fifth Circuit, Higginbotham has had many opportunities, in both the district and appellate court, to decide significant civil rights cases. On the question of "reverse discrimination," he has consistently and vigorously adhered to a "colorblind" view of the Constitution and civil rights laws. Most notably, in the Department's challenge to a racially preferential quota in Williams v. New Orleans, (No. 22), Higginbotham wrote an excellent concurring opinion holding that both the Constitution and the remedial provisions of Title VII forbade judicially-ordered quotas. He reasoned that "racial discrimination is a specific failure to recognize the worth of the individual, a prime ideal of our constitutional structure" (p. 706). At the district court level, he gave a similarly sympathetic hearing to a white plaintiff challenging an EEOC affirmative action plan, giving Weber its most narrow possible reading. Nos. 27, 32.

Consistent with the Texas Law Review article discussed above, Higginbotham has also evidenced a laudable disinclination to provide a judicial gloss which converts ambiguous "nondiscrimination" statutes into affirmative obligations for states. In Tatro v. Texas, (No. 28), Higginbotham held that Section 504 of the Rehabilitation Act did not require school districts to

perform catheterization on a child because "plaintiffs cannot convert a statute prohibiting discrimination in certain governmental programs into a statute requiring, in essence, the setting up of governmental care for people seeking to participate in such programs" (p. 1229). He also found that such catheterization was not a required "related service" within the Education For All Handicapped Children Act, a result that is probably technically wrong, as the Fifth Circuit later found, but is undoubtedly due to Higginbotham's general aversion to "fleshing out" congressional nondiscrimination statutes based on the spending power in a manner that imposes unforeseen and open-ended fiscal costs on state recipients. Moreover, on remand, Higginbotham correctly anticipated the Supreme Court's decision in Smith v. Robinson, i.e., attorneys fees are not available under Section 504 where the EHA controls, particularly where the EHA administrative process has not been pursued. No. 29.

In Welch v. McKenzie (No. 40), Higginbotham correctly held that an isolated instance of "garden-variety" election fraud which benefitted a white candidate and was fully remediable under state election law did not violate Section 2 of the Voting Rights Act. This conclusion was reached notwithstanding (erroneous) precedent and (misleading) legislative history that might well have led to a different result. Finally, in explaining his decision in an age discrimination case, Higginbotham noted: "The force of the intrinsic appeal of the vision of a beneficent, egalitarian society brought about by nondiscrimination laws creates a momentum which must be both directed and controlled . . . . Unless virtually all facially neutral classifications are to become suspect, the use of non-age factors ought to enjoy a strong presumption of reasonableness notwithstanding the age-specific differential impacts that inevitably ensue" (Cunningham v. Central Beverage Inc., No. 30).

Unfortunately, Higginbotham's performance in the civil rights area has not been uniformally laudable. In a case involving the "representativeness" of a jury in a civil case, Higginbotham properly rejected a challenge to common, innocuous practices -- such as excusing jurors who sat on a previous panel -- on the grounds that these practices might exclude a "cognizable" group (No. 39). However, his discussion is somewhat troublesome in that it assumes (albeit without deciding) that the Supreme Court's Sixth Amendment standards for jury representativeness in criminal cases is equally applicable to civil cases under the Fourteenth Amendment's due process clause; it unnecessarily lends support to the notion that groups of a certain age or economic status may not be disproportionately excluded from the jury venire and it erroneously concludes that

even a representative petit jury panel can be challenged by a particular defendant if the grand jury venire was not representative. In short, this opinion, in a concededly minor way, unnessarily expands the fundamentally flawed (and inherently stereotypical) principle that perfectly valid trials violate due process because not every imaginable group in society is proportionally represented on the jury venire.

My other concern in the civil rights area is Higginbotham's interpretation of Title VII in a manner that, at times, unnecessarily expands the "equality of results" analysis in areas not required or contemplated by Supreme Court precedent. To be sure, Higginbotham has repeatedly made clear that courts are ill-equipped to analyze, and thus should be circumspect about, statistical evidence and has rejected extreme manifestations of the equality of results doctrine, such as comparable worth. See, e.g., Vuyanich, No. 33. On the other hand, Higginbotham's own decisions sometimes exemplify the analytical flaws he warns of. Vuyanich, his influential district court opinion in a statistical, sex discrimination case, best reflects his most frequent mistakes.

First, he applies Griggs "disparate impact" analysis to a wide range of subjective employment procedures, which, as the Fifth Circuit's subsequent decision in Pouncy made clear, misapplies a test designed only to analyze discrete, objective procedures such as tests. Second, he makes the same mistake we challenged in Segar v. Smith by requiring that every nondiscriminatory explanation of wage and promotion disparities in an intentional discrimination case be justified as not only race-neutral but as a business necessity. Third, he holds that a job-related selection procedure nonetheless violates Title VII if there is a less discriminatory alternative, a holding that it is squarely in conflict with Supreme Court precedent. See also Davis, No. 37; Cooper, No. 35.

Some of these mistakes are attributable to Fifth Circuit precedent, but others are not and even those that flow from binding precedent could have been mitigated. Moreover, although these flaws are fairly technical in nature and thus do not represent earth-shattering philosophical problems, they do reflect a blind spot concerning the mandatory proportional representation evil implicit in Griggs by a judge very experienced in Title VII law, as well as a propensity to exacerbate, rather than avoid, this evil.

2. Disposition Toward Criminal Law as a System for Determining Guilt or Innocence

With the exception of the habeas corpus decision previously noted, Higginbotham has avoided the creation of constitutional technicalities that impede the pursuit of justice in the criminal area. Most notably, Higginbotham has expressly advocated and applied, in an article and his opinions, a good faith exception to the exclusionary rule. While his article and decisions came after the Fifth Circuit, en banc, had already created such an exception, Higginbotham applied it in a context where it arguably did not obtain and has eloquently expressed the rationale underlying the exception. Nos. 63, 99. Generally, Higginbotham has engaged in a straightforward analysis of criminal procedure issues, without inventing constitutional rights or requiring perfect, as opposed to fair, trials. See Nos. 75, 76, 79. This is particularly true in death penalty cases. See, e.g., Nos. 78, 80.

Moreover, in Coleman v. Estelle, (No. 51), Higginbotham strongly criticized, on the basis of historical evidence among other things, Fifth Circuit precedent creating a Sixth Amendment right to effective assistance of counsel on appeal, although accepting the due process and equal protection clauses as an appropriate source for such a right. He also notes that this Fifth Circuit precedent on the Sixth Amendment and Fourteenth Amendment has created the anomalous result that the standards for judging the assistance provided by lawyers of non-indigent defendants had to be raised to put them in parity with the standards for assessing the counsel of indigent defendants.

II. Qualifications

Judge Higginbotham has been a private trial lawyer with an antitrust and general litigation practice, a district court judge for a number of years and an appellate judge. With the exceptions noted above, I have not seriously disagreed with any of his opinions and both his district and appellate court work demonstrate direct familiarity with the nuts and bolts of civil and trial procedure, careful judicial demeanor, thorough research, sophisticated legal analysis and scrupulous attention to detail with respect to both the facts and law. There is nothing sloppy, result-oriented or impulsive about his decision-making. His natural predilection seems to be cautious awareness of the limitations inherent in his job. He is obviously extremely intelligent, well-versed in the law and an independent thinker. He also writes in a crisp, lucid and quite distinctive style.

His opinions send somewhat mixed signals concerning his attitude towards precedent. As a district court judge, naturally enough, Higginbotham generally tended to apply existing Fifth Circuit precedent in a straightforward manner without questioning or exploring the roots or logic of the precedent, even when such an exercise would have been appropriate and illuminating. On occasion, however, Higginbotham did directly criticize existing precedent before handing down the result compelled by stare decisis. Most notably, while sitting by designation, he filed a concurring opinion in a panel decision, (No. 59), inviting the en banc court to reverse Fifth Circuit precedent that took an overly literal view of a district court's jurisdiction being divested by an improper and subsequently abandoned appeal -- an invitation that was later accepted.

Finally, I should note that, at the outset of this review, I suspected that Higginbotham's judicial restraint on the appellate court might have been partially motivated by an awareness of the current occupant of the White House, primarily because I understood he had sought a Fifth Circuit spot under a prior Administration. I was pleased to discover, however, that his restraint was not of recent vintage. Rather, Higginbotham's jurisprudence on the district court was quite similar to his later appellate work, without any noticeable ideological shift.

Conclusion

REDACTED

REDACTED

REDACTED

REDACTED

U.S. Department of Justice

Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM FOR: William French Smith
Attorney General

THRU: Edward C. Schmults
Deputy Attorney General

FROM: Jonathan C. Rose
Assistant Attorney General

SUBJECT: Judicial Vacancy - U. S. Circuit Court
Fifth Circuit

Vacancy Duration: Effective July 2, 1982

Nominee: Patrick E. Higginbotham

Age: 44

Law School Degree: University of Alabama, 1961, LL.B.

Legal Experience: Since January, 1976, Judge Higginbotham has served on the United States District Court for the Northern District of Texas. Prior to his appointment to the court, he was a partner with the firm Coke & Coke from 1964 to 1976. He served with the United States Air Force from 1961 to 1964.

Senate Sponsor: Not applicable

Selection Method: The Department of Justice search committee after the review of numerous candidates selected Judge Higginbotham as the best qualified candidate available.

Potential Problems: None anticipated.

Recommendation: I recommend we begin the pre-nomination process.

APPROVAL: William French Smith

DISAPPROVAL: _____ DATE: 4/13/82

PATRICK E. HIGGINBOTHAM

Born:	December 16, 1938	Bessemer, Alabama
Legal Residence:	Texas	
Marital Status:	Married	Wife--Elizabeth Anne O'Neal 2 children
Education:	1956-1957 1958-1961	University of Alabama B.A. 1960; LL.B. 1961
	1957-1958	Arlington State College
	1958	University of Texas
Bar:	1962	Texas
Military Service:	1961-1964	U.S. Air Force -- Captain
Experience:	1964 to present	Coke & Coke Dallas, Texas
Office:	3600 First National Bank Building Dallas, Texas 75202 Telephone: 741-3401	
Home:	7610 Rolling Acres Dallas, Texas 75240 Telephone: 239-5201	

TO BE A UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS

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