

THE WHITE HOUSE

WASHINGTON

July 26, 1983

Dear Mr. Courtemanche:

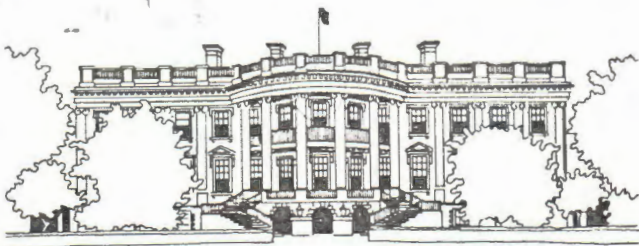
We have received your July 25th letter to Mr. Deaver regarding Women for Reagan and the 1980 plan which Cynthia Boich prepared for Max Hugel. Mr. Deaver is now traveling for the President in the Far East. Upon his return early next week I will bring your correspondence to his attention.

Thank you again for writing and bringing this important matter to his attention.

Sincerely,

Donna Blume  
Staff Assistant  
to Michael K. Deaver

The Honorable Jack L. Courtemanche  
Director  
White House Conference on Productivity  
The White House  
Washington, D.C. 10500



William E. Simon, Chairman  
L. William Seidman, Co-Chairman  
Jack L. Courtemanche, Director

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WHITE HOUSE CONFERENCE ON PRODUCTIVITY, THE WHITE HOUSE, WASHINGTON, D.C. 20500  
(202-395-7362)

July 25, 1983

The Honorable  
Michael K. Deaver  
Deputy Chief of Staff and  
Assistant to the President  
The White House  
Washington, D.C. 20500

Dear Mike:

Attached is a copy of the Women for Reagan: 1980 plan which Cynthia Boich prepared for Max Hugel in May of 1980. Of course many parts of this plan are not appropriate for 1984, but the general concept is good.

Cynthia Boich is an outstanding woman who has a background in advertising and market research who now has her own company dealing in art. She grew up next to the Dr. Davis' in Scotsdale.

I would suggest you meet with Cynthia Boich in the near future. She certainly represents the young professional women of the United States.

Sincerely,

Jack L. Courtemanche

Enclosures



Phoenix · New York

July 18, 1983

Mr. Jack Courtemanche  
736 Jackson Place  
Lafayette Park  
Washington, D.C. 20021

Dear Jack:

As promised, I have enclosed a copy of the WOMEN FOR REAGAN: 1980 plan which I prepared for Max Hugel in May, 1980 with the objective of mobilizing the female vote for Ronald Reagan in the last election.

I believe that certain elements of the plan are inappropriate for 1984, but the proposal will give you an indication of my capabilities. As we discussed in Washington, I am a staunch Reagan loyalist and want to participate in 1984 reelection efforts. I am interested in following up on your suggestion that I return to Washington to meet with Mike Deaver in the hopes that a position can be found for me in the reelection campaign.

Enclosed for your review is my resume and a brochure detailing my company. I feel I would bring to the campaign staff strong organizational skills and leadership capabilities. These qualities are evidenced by my experience in founding my own company and a women's leadership network. In addition, my New York advertising agency background has provided skills in market research analysis, idea generation and creative problem solving.

I look forward to hearing your response to the enclosed material, and I thank you for your consideration of this matter.

Best regards to you and Jo.

Sincerely yours,

Cynthia Boich

CB/blo

cc: Ms. Diana Lerner-Zanetti

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THE WHITE HOUSE  
WASHINGTON

Mr. Deaver:

Copies of the attached were  
sent to Nancy Risque and Lee  
for their recommendation.

THE WHITE HOUSE

WASHINGTON

July 28, 1983

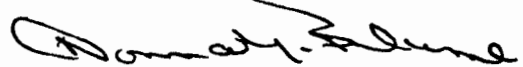
Dear Mr. Secretary:

We have received your note to Mr. Deaver recommending that the President participate in the official dedication of the Department of Commerce and National Oceanic and Atmospheric Administration's new Western Regional Center in Seattle, Washington on October 28, 1983.

Mr. Deaver is traveling for the President and will not be back in this office until the middle of next week. In his absence I have taken the liberty of referring your request to Fred Ryan, Director of Scheduling. You should expect an answer from him very soon.

Thank you for writing.

Sincerely,



Donna L. Blume  
Staff Assistant to  
Michael K. Deaver

The Honorable Malcolm Baldrige  
Secretary of Commerce  
Washington, D.C. 20230

FROM

JUL 25 1983

THE SECRETARY OF COMMERCE

TO:

*Mike Deaver*

*If he's in the  
Area*

*Mac*



JUL 25 1983

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Dedication, Western Regional Center,  
Department of Commerce/National Oceanic and  
Atmospheric Administration, Seattle, Washington

~~As a result of your participation in the official dedication of the  
Department of Commerce and National Oceanic and Atmospheric  
Administration's new Western Regional Center in Seattle,  
Washington, on October 28, 1982.~~

The Center has six buildings and over 900 employees. Its activities involve weather forecasting; ocean and atmospheric research; fisheries management, development and research; the collection of hydrographic data for the development of nautical charts; and the assessment of ocean resources and pollution research. The National Marine Mammal Laboratory, a prototype Ocean Services Center, the National Hazardous Materials Response Team, and the Western Administrative Support Center (WASC) are located at the Center. The WASC was created to improve the administration of the Department of Commerce and has been a model for similar centers in other areas.

The dedication will mark the culmination of ten years of effort and the completion of the largest facility of its kind in the Nation. The purpose of the national and international programs conducted there is the achievement of better management of the oceans' resources and a greater understanding of the world's atmosphere and marine environment. These activities are of particular importance to the shipping and fishing industries.

We have received many favorable comments regarding the close, nonpartisan cooperation among Federal, state, and local officials in the project. That cooperation has ranged from citizen involvement in the development of initial concepts through the design of the buildings to the development of five major art works in conjunction with the National Endowment for the Arts and the local Seattle Arts Commission.

We will be pleased to provide a more detailed briefing at your convenience.

Secretary of Commerce

JOHN A. VOLPE  
BOX 74  
NAHANT, MASSACHUSETTS 01908

Dear Mike,

Following through on my  
recent commutation about Joe  
Tamm, I am enclosing the following  
Clyp from "The American Jewry."

John



THE WHITE HOUSE

WASHINGTON

July 28, 1983

Dear Dr. Scarr:

Thank you for your letter to Mr. Deaver enclosing the letter to the President and to Secretary Bell regarding Project 2001.

I am sorry that due to Mr. Deaver's busy schedule it will not be possible for him to meet with you and members of your staff when you are in Washington, D.C. September 25-27. I have referred your letter to Craig Fuller, Assistant to the President for Cabinet Affairs. You should be hearing from him soon regarding your request.

Thank you again for informing me of your most innovative Project 2001.

Sincerely,



Donna L. Blume  
Staff Assistant to  
Michael K. Deaver

Dr. L. E. Scarr  
Superintendent  
Lake Washington School District No. 414  
Post Office Box 619  
Kirkland, Washington 98033

Lake Washington School District No. 414

P.O. BOX 619  
KIRKLAND, WASHINGTON 98033  
(206) 828-3257

DR. L. E. SCARR  
Superintendent

DR. JAMES L. HAGER  
Deputy Superintendent

BOARD OF DIRECTORS

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Robert H. Otteson, Vice President  
John Adams  
Ruth Evans  
Jack Lynch, M.D.

July 20, 1983

Mr. Michael K. Deaver  
Deputy Chief of Staff and  
Assistant to the President  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. Deaver:

Enclosed is a copy of a letter sent to President Reagan and Secretary of Education Terrel Bell. The letter is concerning Project 2001 which has important implications for every school district in the nation.

Project 2001 is a unique futures oriented, long-range planning procedure. Its implementation will result in immediate change, specifically those referred to in "A Nation At Risk." The purpose of Project 2001 is to develop curriculum to meet the needs of students born this year and who will graduate in the year 2001.

We agree with the President's statement that improvement in schools should come from the local level. We are taking that initiative -- at our local level -- on our own. We are not asking for financial assistance but instead for your support and participation.

As you are the President's closest advisor we felt that you would have an opportunity to bring this project to the President's attention. Members of our district school board, ~~several of our staff members, will be in Washington, D.C. September 25 through September 27.~~ We would like to meet with you at your convenience to explain ~~the program in more detail.~~ Project 2001 is a portable model which can be used in school districts throughout the country; we would like to share that possibility with you.

We believe that quality education is a function of planning, organization and commitment. It is not a matter of "more money" but the allocation of funds to high payoff goals. In Project 2001 we have made a commitment to long-term goals which we feel provide the leadership suggested by "A Nation At Risk."

We look forward to meeting with you in September.

Sincerely,

*L.E. Scarr*  
L.E. Scarr  
Superintendent

CS  
Enclosure: Project 2001 brochure



Lake Washington School District No. 414

P.O. BOX 619  
KIRKLAND, WASHINGTON 98033  
(206) 828-3257

DR. L. E. SCARR  
Superintendent

DR. JAMES L. HAGER  
Deputy Superintendent

BOARD OF DIRECTORS

Robert V. Hughes, President  
Robert H. Otteson, Vice President  
John Adams  
Ruth Evans  
Jack Lynch, M.D.

July 20, 1983

President Ronald Reagan  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

The Lake Washington School District is launching Project 2001 which has important implications for every public school system in the United States. We are not asking for financial assistance but instead for your support and participation.

Project 2001 is a future-oriented, long-range planning process. Its implementation will result in immediate changes, specifically the kind of changes referred to in "A Nation At Risk."

The purpose of Project 2001 is to:

1. Gather the best information possible on what the world will be like in the year 2001.
2. Design an educational program which will prepare students for the world they will inherit and at the same time, meet community educational needs.

We agree with your suggestions that reform and improvement in schools should come from the local level. Project 2001 emphasizes that self-help concept.

The changes in our school district in the last five years reflect our commitment to improving our schools -- on our own. Since only 3.9 percent of our operating budget comes from the federal government, we have had to prioritize our expenditures carefully. From 1975 to 1983 we have raised our standardized test scores 23 percentage points with the average scores moving from the 70th percentile in 1977 to the 90th percentile in 1983. This success has resulted from goals and decisions determined jointly with parents, staff, students and community.

However, we realize that this is not enough. Quality education is a function of planning, organization and commitment. It is not a matter of "more money" but the allocation of funds to high payoff goals. In Project 2001 we have made a commitment to long-term goals which we feel provide the leadership suggested by "A Nation At Risk."

President Reagan  
July 20, 1983  
Page 2

We are committed to devoting our energies and money to Project 2001, what we need from you is your time and support.

As a part of Project 2001 we are bringing together a study committee of people with expertise in the area of high technology, community service, government and the arts and humanities. We would like to invite you to be an honorary member of our Project 2001 study committee.

Our local school board members, several of my staff and I will be in Washington, D.C., from September 25 through September 27 to meet with the Congressional delegation from Washington State regarding Project 2001. We would like to meet with you on one of these days or any time at your convenience to seek your thoughts about the critical elements of quality education, preparing students for the twenty-first century and how you might support our efforts to improve schools.

As educators, we acknowledge the validity of your concept of building partnerships with industry and the private sector. Project 2001 is a model for institutional change which will create a working alliance between education and business. This long-range planning process is a portable model which can be used by any public school system in the nation.

We feel that Project 2001 is one answer to the concerns posed by "A Nation At Risk." We look forward to meeting with you in September and talking with you about the project.

Sincerely,

  
L.E. Scarr  
Superintendent

CS

enclosure: Project 2001 brochure  
cc: Terrel Bell

THE WHITE HOUSE

WASHINGTON

July 27, 1983

Dear John:

Thank you for your recent note with the article on Joe Tauro from The American Lawyer. I appreciate your keeping me informed regarding this lawyer's most innovative career.

Thank you again for writing.

With best wishes,

Sincerely,

MICHAEL K. DEEVER  
Assistant to the President  
Deputy Chief of Staff

The Honorable John A. Volpe  
Box 74  
Nahant, Massachusetts 01908

**THE AMERICAN LAWYER**

JULY/AUGUST  
1983

\$7.00

 SPECIAL ISSUE 

**FEDERAL  
JUDGES**

# THE BEST & WORST

## HEADNOTES

BY STEVEN BRILL

### The Shakeout Is Here

On March 18 Russel "Cap" Beatie, Jr., a 45-year-old litigation partner at New York's 220-lawyer Dewey, Ballantine, Bushby, Palmer & Wood, wrote a brief, blunt memo to his firm's seven-member management committee. Beatie urged the expulsion of what he called the firm's unproductive partners, and he proposed a drastic, retroactive change in the firm's system of distributing partnership shares, a system that now pays all who have been partners ten or more years roughly the same, with only \$15,000 to \$20,000 extra allocated to particularly productive members of the firm. In subsequent discussions with committee chairman Leonard Joseph, according to Joseph and other Dewey, Ballantine partners, Beatie demanded that *(continued on page 9)*

PLUS A SPECIAL PULL-OUT SUPPLEMENT:

## LITIGATORS' GUIDE TO ALL FEDERAL DISTRICT JUDGES

### The GAF Proxy War

P.38

How near-certain victory turned into a nightmare for insurgent Samuel Heyman—by *James B. Stewart, Jr.*

### Megafirms Aren't The Answer

P.7

A warning against growth—and two alternative philosophies—by *Lloyd Cutler and John Kecker.*

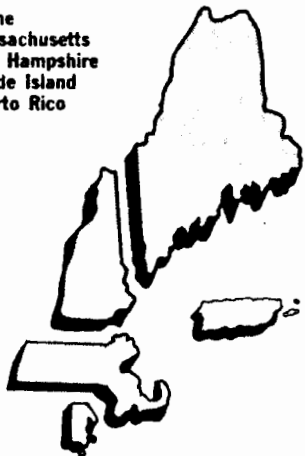
### Summer Reading '83

P.18

Which books to take to the beach—and which to leave behind.

## FIRST CIRCUIT

Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Puerto Rico



## BEST

**JOSEPH TAURO, 53**

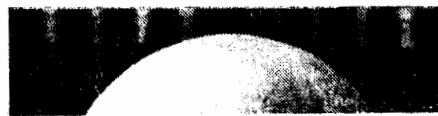
*Appointed by Nixon in 1972*

In 1972, when Joseph Tauro was appointed to the federal bench in Massachusetts, he inherited a class action against Belchertown, a state institution for the mentally retarded. Shocked by the conditions described in the complaint, Tauro ordered counsel on both sides to meet him the following morning at the gates of Belchertown without announcing his visit to the administrators. During his ten-hour surprise tour, Tauro and both parties saw residents who were severely overcrowded, covered with bug bites, and lying in their own excrement. "The conditions were constitutionally indefensible," Tauro recalls announcing at the time. "Outside there were acres of lush green grass. Inside the conditions

Tauro was singled out for praise for his case-management methods. He sends out an extremely detailed pre-trial order in every case and always offers his help for settlement talks, at which he often hands out index cards for counsel to write down their high and low settlement bids. If a settlement is reached, Tauro enters it that day, rather than waiting for closing papers. "I try to create a no-doors tunnel to the end of the case," explains Tauro. "A lawyer never leaves here without a date of return. I don't want any case to get lost." Tauro's backlog of 514 cases (as of May) is well below the national average of 620 for fully active judges.

The only blot on Tauro's record is a controversial mandamus petition raised by the prosecution after a jury deadlocked 11-1 for conviction of state senator James Kelly and Tauro declared a mistrial. In 1981 the First Circuit unanimously upheld Tauro's decision and criticized the U.S. attorney for making the motion, but at the time the Boston newspapers made much of the fact that during Tauro's three years as chief legal counsel to governor John Volpe in the 1960s, Kelly had headed a state senate committee investigating alleged bribes by Volpe. The First Circuit upbraided the U.S. attorney for going forward with the mandamus attempt when an FBI report showed "no evidence whatsoever that Tauro had ever communicated with Kelly" during that investigation.

Some lawyers speculate that the prosecutors' mandamus effort was, as one



a background marked by broad experience. After receiving his LL.B. from Cornell and serving in the army, Tauro worked for two years as an assistant U.S. attorney under Elliott Richardson. He then spent 11 years in private practice doing business law, with a three-year stint as counsel to the governor. In 1972 he served as U.S. attorney for a year before being appointed to the bench by President Nixon.

Lawyers say Tauro's years as a commercial litigator and corporate lawyer have made him a pragmatic jurist. "He's a very sensitive, practical, no-nonsense judge," says William McCormack of Bingham, Dana & Gould, citing a case Tauro recently helped settle which involved firm client New England Power. New England Power and Boston Edison had been sued for conspiring to limit the selection of power suppliers for the town of Norwood. According to lead defense counsel John Curtin, "Tauro did a very outstanding job of timing and getting the parties in the right position to settle. He trifurcated the trial on issues of monopolization, fact of injury, and damages. He recognized the key interest in the case—that the town needed a guaranteed source of power and that NEP had no money to settle." Tauro helped negotiate a settlement based on credit after three days of trial.

While Tauro sometimes appears to be an outspoken and controversial judge, one of his strengths is designing opinions that balance competing interests. In one of his most famous cases, Tauro walked a fine line, leading both sides to appeal, but his decision is now looked to as precedent. In principle, he ruled in favor of the plaintiffs, who were suing Boston State Hospital for administering antipsy-

and capable, lawyers complain that the judge's modus operandi is to assess a case rapidly, pick sides, and give a verbal lashing to a lawyer who has the audacity to continue pressing his client's claim. "Caffrey is petty, venal, arbitrary, capricious, and totally unsuited to being a federal judge," claims one litigator who frequently appears in his courtroom. "He thinks he was anointed, not appointed."

Even in front of a jury, Caffrey dem-



**Andrew Caffrey**

onstrates his partiality by making obvious gestures. "Caffrey will visibly react to a witness—turn his head to one side and grimace," says an antitrust lawyer



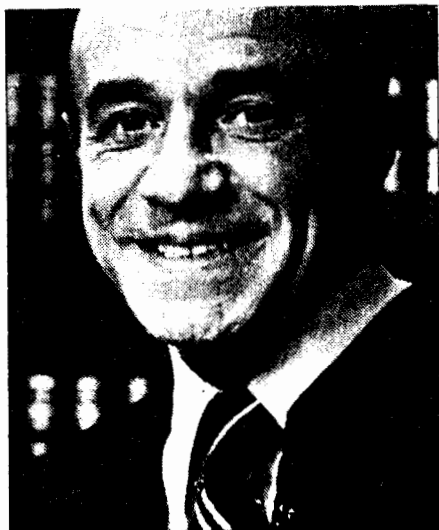
ranged from a row of a pigpen to a high of a human warehouse."

Tauro's swift inspection resulted in the defendants in *Ricci v. Dukakis* deciding to settle and negotiate a major remedial program. A decade later, suits against four other state homes for the mentally retarded have been consolidated with *Ricci* and Tauro is overseeing the implementation of consent decrees in each case. "Judge Tauro's a catalyst," says Massachusetts attorney general Frank Bellotti. "He gets both parties to exchange views. It was important for us to go up for the visit. It was the only case that I decided could not be defended."

Tauro's skills, however, go far beyond activism and diplomacy. Lawyers of all stripes praise his scholarly opinions and his singular ability to hold government attorneys to the same standard as private litigators. Two of Tauro's major decisions on constitutional matters, *U.S. v. Chadwick* and *Rogers v. Okin*, have gone up to the Supreme Court and changed precedent along the way.

A former assistant U.S. attorney, John Wall, says of a recent trial before Tauro, "I was amazed at the grasp and recall of facts he had. His ability to retrieve testimony that is a couple of months old is literally unbelievable." Adds John Curtin, a litigator at Boston's Bingham, Dana & Gould, "Tauro is always right, even when he's ruled against me on matters of some importance." Tauro is also widely praised as hardworking and extremely efficient. "He's very flexible at the outset of a case in deciding a schedule, but then he holds you to it," says Curtin. "He'll strike a pleading if it's not filed within the appropriate time."

Indeed, when the General Accounting Office did a scathing review of the backlog in Boston's federal district court,



Joseph Tauro

criminal lawyer puts it, "just sour grapes" for Tauro's bold and unpopular decisions on such cases as *U.S. v. Chadwick* and *U.S. v. Pollock*. In *Chadwick*, which was affirmed by the First Circuit and the Supreme Court, Tauro ruled to suppress evidence of marijuana obtained in an illegal search and seizure of a footlocker. In *Pollock*, he dismissed a charge because of government misconduct. "There were clear indications that certain investigative reports had been altered to further prosecution," says Tauro. "Most judges look for a way to save the government's case," says former prosecutor Andrew Good. "Tauro is saying the government can't violate the law in order to convict." Citing Tauro's frequent practice of giving work-release sentences, one criminal lawyer says, "He's the most innovative [judge in the Massachusetts district]—and the most criticized for it."

Tauro's independence may stem from

chotic drugs against patients' wishes. But he awarded no damages, even to those who suffered from a disease which may have resulted from the drugs, on the theory that the hospital's doctors had acted in good faith. The First Circuit affirmed Tauro's order almost totally, modifying only his definition of "emergency circumstances." Since Tauro issued his 162-page opinion, says plaintiffs' counsel Richard Cole, doctors "use these drugs less and much more carefully."

There is no lack of extraordinary judicial talent among the First Circuit's district judges. Edward Gignoux, the near-legendary district judge of Maine, has been widely praised for his adept handling of the trial of federal judge Alcee Hastings, and Arthur Garrity, the famed architect of Boston's school desegregation, continues to draw favorable reviews. But with Gignoux on senior status and Garrity still tied up with the schools case, litigators consistently choose Tauro as a model jurist—intelligent, impartial, hardworking, and independent. —by Carey Adina Karmel

## WORST

ANDREW CAFFREY, 63

Appointed by Eisenhower in 1960

A volatile temper and severe prosecutorial bias characterize Andrew Caffrey, the chief judge of the district of Massachusetts, according to more than two dozen Boston lawyers who practice before him. As one partner in a major firm puts it, "There are times you have the feeling you're appearing before the god of vengeance and tasting his wrath." Criminal defense attorneys and civil litigators on both sides of the aisle say they dread arguing in Caffrey's courtroom. While most admit that he is intelligent

One criminal lawyer recalls that whenever his client was testifying, Caffrey would begin "staring at the ceiling or brushing dandruff off his robe. If the judge doesn't want to listen to you in oral argument," the lawyer continues, "he'll drop his head on the bench or spin in his chair."

Some excuse Caffrey's demeanor as the product of too many years on the bench—23 years, about half as chief judge. Others say the massive increase in filings has made the judge more concerned with speed than with quality. But most agree that whatever the cause, Caffrey's irascibility can have devastating consequences. Last year, during a bench trial of a Title VII case against Gillette Company, Caffrey flatly refused to consider part of the testimony of an expert witness the name plaintiff presented to demonstrate discriminatory practices. Counsel on both sides recall the judge's telling the witness he wasn't interested in talking about logarithms and statistics, the usual methods for proving Title VII claims. Not surprisingly, he then ruled against the plaintiff and proceeded to decertify the class and dismiss the suit—but he did so on his own initiative after having denied similar motions by the defense three times. The First Circuit has since vacated Caffrey's decertification order and remanded the case. Getting evidence admitted is not necessarily the end of the problem: In a civil case several years ago, Caffrey grudgingly admitted an administrative law judge's findings of fact from a related case but then announced that he intended to ignore them, a lawyer on the case recalls.

In his haste to dispose of matters, Caffrey often falls back on the tactics he knows best: those of a prosecutor. At the time of his recess appointment by Eisenhower in 1960 (Kennedy confirmed the

appointment), Caffrey had been with the U.S. attorney's office in Boston for five years, initially as a first assistant U.S. attorney and later as chief of the civil division. Several former prosecutors charge that since Caffrey came to the bench, he has often had *ex parte* contact with prosecutors. "He knows a lot more about the government's case than defense counsel does," says one ex-prosecutor. And Caffrey apparently uses that knowledge to strengthen the government's argument. A defense attorney in a recent mail fraud case reports that when a prosecutor missed a key point, Caffrey picked up the pivotal line of questioning and saved the government's case. Defense counsel complain that they never get that kind of assist. (The judge refused to comment on this or any other aspect of this article.)

"I always felt there was another prosecutor in the courtroom," says a criminal defense lawyer who used to appear frequently before Caffrey as an assistant U.S. attorney. "Everyone walks in with the presumption of guilt." Indeed, Caffrey will rarely rule against the government, especially on crucial motions to suppress evidence that has been obtained through questionable means. Says another former prosecutor, "Caffrey decides that the defendant is guilty and then he decides all discretionary rulings against him." The judge almost never accepts defense counsel's recommendations for jury instructions, criminal lawyers say, and he is notorious for issuing extremely heavy sentences, which he delivers without a word of explanation. "There are inmates who classify themselves as 'Caffrey prisoners,'" says one lawyer. "He's harsh as hell in sentencing." According to prosecutors and defense lawyers, Caffrey barely listens to

definition of a boundary described in the deed as the "hollow of the beach so called." Caffrey, the appellate court found, had failed to scrutinize the definition carefully enough: ". . . It was improper," the First Circuit opinion read, "to interpret a phrase of six words by defining one of them (beach), making a guess as to another two (hollow of), and omitting the last two altogether (so called). Every word presumptively has a meaning."

As a lawyer who frequently appears in Caffrey's courtroom puts it, "He has a tendency in complicated cases not to pay too much attention to complications of fact." While even his detractors agree that Caffrey's opinions are generally well reasoned, the judge is widely criticized for taking too little care in assessing facts and for cutting off testimony or refusing to admit evidence. "He does not like long cases with facts to resolve," says another litigator in the First Circuit. "He likes cases with legal questions where he can get opinions published."

Since he became chief judge in 1973, Caffrey has cut his civil caseload by half, though he is said to be quite industrious not only in his administrative role—Boston's notorious backlog is shrinking—but also as chairman of the Judicial Panel on Multidistrict Litigation. Having the judge tied up in other duties seems to please litigators; several mentioned with a sigh that Caffrey was passed over for an appellate judgeship three years ago. "A lot of people wanted to get rid of him," says one lawyer.

—by Carey Adina Karmel

## SECOND CIRCUIT

"Judge Lasker is always aware that the law is there to serve people—to be fair to those for whom it exists—and is not just an abstract principle to be woodenly applied," says one of his former clerks, Beth Lief of the NAACP Legal Defense and Educational Fund, Inc.

Lasker says he leaned toward a "public policy" view of the law even before entering Yale Law School at the end of the Depression, where the faculty included many proponents of that view. Inspired by Franklin Delano Roosevelt and his vision of an activist government, Lasker served after graduation on a Senate committee investigating national defense programs and then spent four years in the military. In 1946 he joined the New York firm now called Battle, Fowler, Jaffin & Kheel. He made an unsuccessful bid for Congress in 1950 on a Democratic ticket, and then settled into a general practice at Battle, Fowler. In time he also began to handle the growing labor problems of his corporate clients.

Soon after Lasker was appointed to the federal bench by President Johnson in 1968, he acquired a reputation as a judge who would not make short shrift of civil rights issues, and he was sought out by "judge-shopping" civil rights attorneys. By the mid-seventies, Lasker had written a number of landmark decisions in the area of civil rights, including *Martarella v. Williams*, which guaranteed due process safeguards, particularly the right to treatment and special programs, to minors incarcerated as "persons in need of supervision"; and *Kirkland v. New York City Department of Correctional Services*, which helped change civil service exams that were found to discriminate against minorities. But none was as far-reaching in its impact as

Court then remanded the case to the Second Circuit, where a new panel upheld all but a few portions of Lasker's complex opinion.

In criminal cases, lawyers in both the defense bar and the U.S. attorney's office say Lasker differs from many of his colleagues on the Southern District bench by ruling straight down the middle instead of showing a progovernment bias. One former prosecutor, Gary Naf-



Morris Lasker

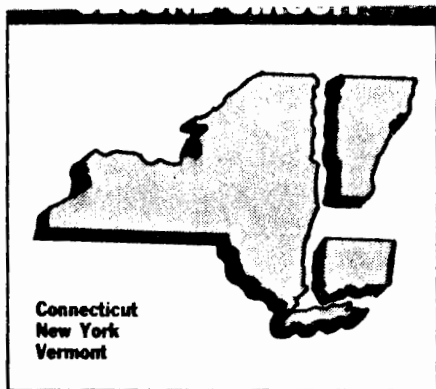
talis, now a partner in the New York firm of Kramer, Levin, Nessen, Kamin & Frankel, recalls a high-visibility stock fraud case he tried in 1971 before Lasker, *U.S. v. Projansky*. "There are

ense lawyers, Caffrey barely listens to sentencing arguments and never consults with counsel before making up his mind. "The minute you sit down, he's got the decision," says one lawyer who has had more than a dozen sentencings before Caffrey.

The First Circuit has recently reversed Caffrey for being too hasty and too harsh in sentencing. In a marijuana smuggling case last year, the defendants had arranged to plead guilty if the prosecutor would recommend a sentence of 18 months. But Caffrey had learned of the plea bargain in advance and thought it too lenient: He refused to let the prosecutor make any recommendation at all and handed down sentences of at least four years apiece. Caffrey was also reversed in a drug possession case for sentencing a minor to five years of hard time when the defendant was eligible for less severe treatment as a youthful offender.

In civil matters, litigators complain that Caffrey is not so much biased as unpredictable and petty. One lawyer recounts that in the recently concluded, multidendant *Screws* litigation, Caffrey rejected a government proposal to use three attorneys to present its case and announced that each side would be permitted only one lawyer. (The judge relented within a day or two.) In other civil suits, litigators charge, Caffrey tends to reach a conclusion after hearing only part of the evidence and, as in criminal cases, once he's made up his mind he's against you, he almost never decides a discretionary ruling in your favor.

Moreover, they complain, Caffrey does not take the time to handle complex cases properly. The First Circuit made that point rather sarcastically in its recent and total reversal of Caffrey's decision in a land claim against the federal government. The essential issue was the



## BEST

MORRIS LASKER, 66

Appointed by Johnson in 1968

This unusually strong circuit is home to Judge Edward Weinfeld, whom we called the best judge in the Second Circuit (and probably the nation) in our 1980 survey. Weinfeld, who is now 82, is still master of them all; he has not taken senior status or slackened his legendary pace. We name him "best emeritus." Among the less experienced jurists in the circuit, many deserve recognition; but Judge Morris Lasker is a clear standout.

When attorneys appearing before Lasker offer arguments that are long on abstract reasoning but short on common sense, he will sometimes rein them in with two words: "Too lawyerly." Lasker's real sympathies lie with the people who stand as the plaintiffs or defendants behind all the legal maneuverings and who will feel the impact of his decisions long after lawyers have moved on to other clients. (His efforts to humanize the judicial process extend even to his wardrobe; he chooses not to wear his robes during civil proceedings.)

*Rhem v. Malcolm*, a class action filed in 1970 that challenged as unconstitutional the conditions in the Manhattan House of Detention, known as the Tombs. There had been little prison litigation up to that time, and there were few guidelines for Lasker to follow. When he was assigned the case in 1972, he made the first of many visits to city jails. In 1974 Lasker ruled in favor of the inmate plaintiffs, writing that "the dismal conditions which . . . exist in the institution manifestly violate the Constitution and would shock the conscience of any citizen who knew of them." He ordered major reforms. New York City was then in the midst of its worst financial crisis; six months passed, and the Tombs remained unchanged. Lasker then ordered that the Tombs be shut down within 30 days unless corrections department and other city officials came up with a plan to improve the jail. The Second Circuit upheld Lasker's ruling, the city shut the Tombs, and Lasker was pilloried by the *Daily News* and excoriated by many public officials for exceeding his authority. The Tombs, totally gutted and renovated under Lasker's monitoring, re-opens this summer.

While Lasker is best known for his civil rights decisions, he is equally at home when presiding over complex commercial litigation, and his thoughtful, well-written decisions are rarely reversed. One occasion on which he was reversed by the Second Circuit was in a major antitrust case, *CBS v. ASCAP and BMI*, in 1974. CBS had alleged separate price-fixing conspiracies within the country's two biggest music copyright licensing organizations; after four years of discovery and eight weeks of trial, Lasker wrote a lengthy, careful opinion, in which he ruled against CBS. The Second Circuit reversed, but the Supreme

other judges who might have ruled my way more often than Lasker," says Nafatalis, who obtained convictions of 13 of the 16 defendants. "But everybody felt that Lasker listened to everything they had to say, and that they got a fair shake," he adds, echoing what many lawyers have said about their experiences before Lasker. "Lasker gives you the appearance as well as the substance of fairness."

Dozens of lawyers interviewed about Lasker praised him not only as a judge but as a person—a warm and well-rounded individual (a classicist, musician, and voracious reader) who is sincerely concerned about society's ills and those most afflicted, they say. "Lasker wrote the book on decency," declares one lawyer who has appeared before him many times, adding, "I wish I could be more like him."

Among prosecutors, Lasker is notorious for his light sentences. Lasker says he is convinced that prisons do not rehabilitate but usually turn out individuals who are far more hardened than when they went in. He has methodically toured and inspected every prison he has monitored. "Since he *knows* what the clinker is," says one former clerk, "he thinks long and hard about sending someone there." Lasker reads all pre-sentencing reports himself—this same former clerk says that in his two-year clerkship, the judge discussed sentencing with him only once or twice—and apparently keeps an open mind until all arguments are finished. According to this former clerk, the sentence he imposed at the close of a sentence hearing was often different from the notations he prepared before its start.

As one former prosecutor says, with a wry smile, "Lasker listens to the same argument on sentencing that he's heard a

THE WHITE HOUSE

WASHINGTON

July 27, 1983

Dear John:

Thanks for the note and article from the Sacramento Union. It's good to be kept informed and I appreciate your bringing this information on what the opposition is up to to my attention.

Your outlook as to the possible seats we can win back is encouraging.

Thank you again for writing.

With best wishes,

Sincerely,

MICHAEL K. DEAVER  
Assistant to the President  
Deputy Chief of Staff

Mr. John T. Hay  
Executive Vice President  
California Chamber of Commerce  
Post Office Box 1736  
Sacramento, CA 95808



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John T. Hay  
Executive Vice President

7-22-83

Mike ...

I worked on this story.

It's true... They are  
using all the pressure they  
can muster this early in  
the campaign.

We are going to be up front  
and out working every way we  
know how. We can win back  
6 Cong. seats and 4-5 seats in  
both the State Senate & Assembly  
next June if we win Dec 13<sup>th</sup>.

John



AP PHOTO

Senate President Pro Tem David Roberti, left, and Assembly Speaker Willie Brown are said to be pressuring special interest groups to steer clear of the GOP remap initiative.

## Demo chiefs portray remap step as a jonah

By **DAN WALTERS**  
UNION CAPITOL BUREAU CHIEF

The Legislature's two top Democratic leaders began pressuring major special interest groups Thursday to steer clear of the Republican-written Sebastiani reapportionment initiative, Capitol sources said.

Knowledgeable sources told The Sacramento Union that Assembly Speaker Willie Brown and Senate President Pro Tem David Roberti summoned representatives of major business groups to a conference room in the Senator Office Building, across L Street from the Capitol, to warn them about the political perils of helping Republicans pass the initiative at a Dec. 13 special election.

"They had us lined up like kids in a cafeteria," one participant, who requested anonymity, said.

"They wanted to know whether groups planned to endorse the initiative and warned about the consequences of doing it," another source in Sacramento's business lobbying community said.

It was understood, the sources said, that firms and business or professional groups that helped Republicans pass the initiative would suffer when lobbying for or against legislation.

In some cases, sources said, the two leaders tried to line up money to fight the initiative, which, if enacted, would impose new districts on 120 legislative and 45 congressional seats in the state.

Gov. Deukmejian this week called the special election and both sides predicted that the campaigns for and against the initiative, named for Assemblyman Don Sebastiani, would cost upwards of \$10 million.

Democrats fear that if the measure is passed, they would lose control of one or both houses of the Legislature and the state's congressional delegation. Republicans contend that the Democratic-written plans now on the books cheat the GOP out of its fair share of legislative and congressional seats.

A high-level Democratic legislative source confirmed to The Union that Brown and Roberti had begun to use their influence to persuade business groups not to bankroll the Republican campaign.

"They conducted an educational seminar on the pitfalls of Sebastiani," the Democratic source said. "The Assembly and the Senate Democrats are going to do everything they can to combat the threat and the first step is to raise a warchest. They began to mobilize political efforts today."

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THE WHITE HOUSE  
WASHINGTON

Mr. Deaver:

A copy of this was sent  
to Nancy Risque for her  
information.

THE WHITE HOUSE

WASHINGTON

July 27, 1983

Dear Mrs. du Pont:

We have received your letter to Mr. Deaver written July 26th. Mr. Deaver is traveling for the President in the Far East and will not be back in this office until August 3rd. In his absence I have taken the liberty of forwarding your request for the President to speak before the Financial Women's Association in New York to Fred Ryan, Director of Scheduling. I will bring your request to Mr. Deaver's attention upon his return.

Thank you for writing with this suggestion for the President's schedule.

Sincerely,

Donna Blume  
Staff Assistant to  
Michael K. Deaver

The Honorable Elise R. W. du Pont  
Assistant Administrator  
Bureau for Private Enterprise  
United States International Development  
Cooperation Agency  
Agency for International Development  
Washington, D.C. 20523



UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY  
AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C. 20523

ASSISTANT  
ADMINISTRATOR

JUL 26 1983

The Honorable Michael Deaver  
Deputy Chief of Staff and  
Assistant to the President  
The White House  
Washington, D.C. 20500

Dear Mike:

As you can see by the enclosed, I am forwarding a request to have the President as a speaker before the Financial Women's Association in New York. This group might provide an appropriate mechanism for the President to call attention to some of his success stories in the economic area.

Faith Whittlesey's office (through Judy Buckalew) is apprised of this invitation and has all the background information on the Financial Women's Association.

I should think an October or November date, if it were of interest, might be appropriate. I would appreciate knowing whether this is a go or no-go situation.

Sincerely,



Elise R. W. du Pont  
Assistant Administrator  
Bureau for Private Enterprise

Enclosure:

Ltr. from Ellen Sills-Levy  
President, FWA, New York