

Originally Processed With FOIA(s):
2009-0166-S

FOIA Number:
2009-0166-S

FOIA MARKER

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Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Office of the President
Series: Daily Files
Subseries:

OA/ID Number: 90554
Folder ID Number: 90554-009

Folder Title:
Monday, July 23, 1990: Supreme Court Appointments Procedure

Stack:	Row:	Section:	Shelf:	Position:
V	12	12	1	6

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. List	Supreme Court Candidates [with typed notation by George Bush] (1 pp.)	06/21/89	(b)(6)	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records

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Subseries:

WHORM Cat.:

File Location: Monday, July 23, 1990: Supreme Court Appointments Procedure

Pinksheet Number: dw1765

OA/ID Number: 90554-009

Date Closed: 6/25/2010

FOIA/Sys Case #: 2009-0166-S

Re-review Case #:

P-2/P-5 Review Case #:

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file of yesterday

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Document Originally
Attached to
Following Page

My oath to the Constitution charges me to faithfully execute the Office of President and to the best of my ability preserve, protect, and defend the Constitution of the United States. Few duties are more important in discharging that obligation than my responsibility under Article II, Section 2 of our Constitution to select, from among all possible choices, one nominee to fill a vacancy on the Supreme Court of the United States. The task of narrowing the selection to one highly qualified jurist committed to the rule of law and faithful to the Constitution could never be easy, but I have found it enormously satisfying. My choice will serve the Court and Constitution well.

I am most pleased to announce that I will nominate as Associate Justice of the United States Supreme Court a remarkable Judge of keen intellect and the highest ability, one whose scholarly commitment to the law and whose wealth of experience mark him of the first rank -- Judge David Souter of the United States Court of Appeals for the First Circuit.

Judge Souter, I believe with all my heart, will prove a most worthy member of the Court. Judge Souter's tenure as an Associate Justice of the Supreme Court of the State of New Hampshire, as Attorney General of that State, and more recently as a federal appeals judge unquestionably demonstrates his ability, his ~~integrity~~ ^{integrity}, and his dedication to public service. And he has a keen appreciation of the proper judicial role, rooted in fundamental belief in the separation of powers and the

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democratic principles underlying our great system of government.

Let me pay tribute, too, to the Justice whose retirement from the Court created the vacancy I will nominate Judge Souter to fill, Justice William Brennan. His powerful intellect, his winning personality, and importantly, his commitment to civil discourse on emotional issues that at times tempt uncivil voices, have made him one of the greatest figures of our age. No one can question his dedication to the nation and the energy he has brought to his high office. His retirement is marked by the dignity and honor that characterized his 34 years of service on the bench.

In choosing to nominate Judge Souter, who like Justice Brennan is largely a product of the State Court system, I have looked for that same dedication to public service and strength of intellect exemplified by Justice Brennan. My selection process was not geared simply to any legal issue; it is not appropriate in choosing a Supreme Court Justice to use any "litmus test." I want a Justice who will ably and fairly interpret the law across the range of issues the Court faces. Our country serves as a model for the world at a time of special significance, and I stressed within the White House that our process could not be dominated by politics or special interests. I believe that we have set a good example of selecting a fair arbiter of the law.

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look forward as well to a fair and expeditious confirmation process.

THE WHITE HOUSE
WASHINGTON

NAMES GIVEN TO THE
PRESIDENT BY RIGHT TO LIFE
GROUP (DR. WILKIE)

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FOIA/SYS Case #: 2009-0166-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

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 the 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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information



THE VICE PRESIDENT
WASHINGTON

December 13, 1988

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510-6275

Dear Joe:

Thanks for your letter of November 25. I waited to reply until I could talk to Dick Thornburgh, who has been overseas. Dick tells me that he has been in touch with you and that, indeed, you two are going to get together on this subject. After you two have chatted, I would love to visit with both you and Dick. The idea of avoiding confrontation over Supreme Court appointments makes great sense.

I hope you and yours have a wonderful Christmas.

Sincerely,



George Bush

cc: The Honorable Richard Thornburgh

bcc: Governor Sununu
Craig Fuller
Boyden Gray
Hector Irastorza
Patty Presock

00-115511-

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
ROBERT C. BYRD, WEST VIRGINIA
HOWARD M. METZENBAUM, OHIO
DENNIS DECONCINI, ARIZONA
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS

STROM THURMOND, SOUTH CAROLINA
ORRIN G. HATCH, UTAH
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
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MARK H. GITENSTEIN, CHIEF COUNSEL
DIANA HUFFMAN, STAFF DIRECTOR
TERRY L. WOOTEN, MINORITY CHIEF COUNSEL
R.J. DUKE SHORT, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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November 25, 1988

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George Bush
Vice President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Vice President:

Congratulations on your victory. I look forward to working with you as a member of the Senate and as Chairman of the Judiciary Committee.

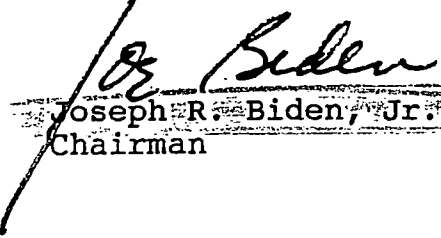
As you are no doubt aware, President Reagan and I, working through the offices of then Chief of Staff Howard Baker, ~~established a process by which the Senate and the Executive Branch could engage in consultations on Supreme Court nominees.~~ We undertook that effort in an attempt to avoid contentious battles over those nominees. It was this consultative process that greatly facilitated the confirmation process in the case of Justice Kennedy.

While it may be presumptuous for me to suggest, ~~I think it might be beneficial to meet in the near future, perhaps even before your inauguration, to develop a mechanism for continuing that process.~~

I am at your disposal for such a meeting.

Congratulations again.

Sincerely,


Joseph R. Biden, Jr.
Chairman

bcc: John Sununu

NOTE ENVELOPE MARKED EYES ONLY

THE WHITE HOUSE

WASHINGTON

July 25, 1990

Dear Dick and Boyden:

Thanks for the superb job you both did on the process leading up to David Souter's nomination to the Supreme Court.

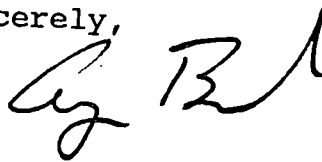
Now, back to the drawing board. I would like the process that you started 17 months ago to be started up once again. I'd like to ask that even more emphasis be placed upon finding qualified minorities and qualified women.

We should look at the possible retirements; and then we should frankly discuss replacements. I do not endorse the premise that a certain seat belongs to one sex or one special group.

Please let me know when you are ready to discuss this important matter with me.

Again, well done and thanks.

Sincerely,



The Honorable Richard L. Thornburgh
The Attorney General
U.S. Department of Justice
Washington, D.C. 20530

The Honorable C. Boyden Gray
Counsel to the President
The White House
Washington, D.C. 20500

From the desk of
George Bush

manh
" Eyes Only " "

Bush Library Photocopy
George Bush Handwriting

Document Originally
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THE WHITE HOUSE
WASHINGTON

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THE WHITE HOUSE
WASHINGTON

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Please let me
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again well done & thank
sincerely

home + theater
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I am most pleased to announce that I will nominate as Associate Justice of the United States Supreme Court a remarkable Judge of keen intellect and the highest ability, one whose scholarly commitment to the law and whose wealth of experience mark him of the first rank -- Judge David Souter of the United States Court of Appeals for the First Circuit.

Judge Souter, I believe with all my heart, will prove a most worthy member of the Court. Judge Souter's tenure as an Associate Justice of the Supreme Court of the State of New Hampshire, as Attorney General of that State, and more recently as a federal appeals judge unquestionably demonstrates his ability, his integrity, and his dedication to public service. And he has a keen appreciation of the proper judicial role, rooted in fundamental belief in the separation of powers and the

democratic principles underlying our great system of government.

Let me pay tribute, too, to the Justice whose retirement from the Court created the vacancy I will nominate Judge Souter to fill, Justice William Brennan. His powerful intellect, his winning personality, and importantly, his commitment to civil discourse on emotional issues that at times tempt uncivil voices, have made him one of the greatest figures of our age. No one can question his dedication to the nation and the energy he has brought to his high office. His retirement is marked by the dignity and honor that characterized his 34 years of service on the bench.

In choosing to nominate Judge Souter, who like Justice Brennan is largely a product of the State Court system. I have looked for that same dedication to public service and strength of intellect exemplified by Justice Brennan. My selection process was not geared simply to any legal issue; it is not appropriate in choosing a Supreme Court Justice to use any "litmus test." I want a Justice who will ably and fairly interpret the law across the range of issues the Court faces. Our country serves as a model for the world at a time of special significance, and I stressed within the White House that our process could not be dominated by politics or special interests. I believe that we have set a good example of selecting a fair arbiter of the law.

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Judge Souter is a graduate of the Harvard Law School and a Phi Beta Kappa graduate of Harvard College. He was also a Rhodes Scholar.

My respect for Judge Souter's outstanding record led me earlier this year to nominate him to his present position on the Court of Appeals. The Senate unanimously confirmed him to that position, because of his exceptional qualities and experience. His opinions reflect a keen intellect as well as wise balance between the theoretical and practical aspects of the law.

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Judge Souter has been fair, firm and courageous in his approach to criminal law issues. As Attorney General of New Hampshire, he was widely known as a strong advocate of law and order, safe streets and neighborhoods, and tough penalties on those who threaten society. As a Judge, he has diligently applied the law to ensure that criminals do not walk free on artificial technicalities but are punished as they deserve. And all the while he has held true the balance between the rights of the accused and the interests of society. I believe that David Souter will make an outstanding Justice of the Supreme Court.

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