

Mon - A.M.

Candidate

- Mansfield
- Kennedy
- Scott
- Griffin
- Hauska
- Thurmond

Mitchell call Eastland
McNellon

They should be contacted

9 A.M. or so on Mon.

Perhaps brought to W.A.

THE WHITE HOUSE

WASHINGTON

Judge - this afternoon through
Sunday

Cabin 904 - 980 2120

Home 904 -

Call Dutton if trouble.

NIXON PRESIDENTIAL MATERIALS PROJECT
DOCUMENT CONTROL RECORD

ITEM REMOVED FROM THIS FILE FOLDER

Restricted document has been removed. See document entry number 6 on Document Withdrawal Record (GSA Form 7279) or NARS Withdrawal Sheet (GSA Form 7122), located in the front of this folder, for a description of the item and an explanation for its removal.

file 1 J B.
P. 11. - File 1 - F.B.I. 1958
- Gordon Telephone Exchange?

Age 51 Re
around a long
time -

Common thread: a man of charm, always popular,

what wealth - financial disclosure - | wife's resources?
How inherited? | son father. alive?
How invested.

Undistinguished legal training. If you're only
"above average" at ^{univ.} never law school, what
does this make you.

NAACP

Hard Worker - Common sense

Bell says "marked ability to write"

Claim: No great prestigious lawyer. No Nat'l
Reputation.
No great figure.

If no union & probs - opposite center in C.R. &
labor - a southern off look of prestige / mediocrity

What is the Press / context. The atmosphere?
Poison

Not a deep Southerner (E.L.) but we reap
the fruit (in part mind), but we get perception
2nd part in part mind

7. B. -
P. 11. - Five 1 - F.B.I. 1978
- Border Telephone Exchange?

Age 21
and a day
time.

Common thread: a man of law, always regular?
what wealth - financial disabilities - wife measures?
for father - claim.
How inherited?
How invested.

Underestimated legal training
"above average" of major law school, where
from this male son.

NAC 2

How worked - Common error

Ball says "wrote ability to write"

Claim: No good protection lawyer
No was not the first time

It is an in the pro - opposite center in C.R. B
labor - is counterbalanced by a group of people with different views

What is the Proo Context the discovery?
Powers

Not a deep background (C.R.) but in the way
and the way the law is being used

NIXON PRESIDENTIAL MATERIALS PROJECT
DOCUMENT CONTROL RECORD

ITEM REMOVED FROM THIS FILE FOLDER

Restricted document has been removed. See document entry number 7 on Document Withdrawal Record (GSA Form 7279) or NARS Withdrawal Sheet (GSA Form 7122), located in the front of this folder, for a description of the item and an explanation for its removal.

3. Bryce Harlow to do most. (with Keogh)
 WOULD NEED RECORDS - FILES - ETC.

D. How President to contact candidate?
 Have #s through Sunday.

A/G NOT Recommendation: That there be individual, direct
 like. Based contacts with 4 or 5 of the top Senators
 on RN in this area on Sat. & Sun. Take documentation.
 decision NOT Visit with each one. Ask that this be kept
 to consult absolutely confidential until release time on Monday.
 ABA. ALSO - Take financial statement & background paper.

NO TIME TO
DO ANYTHING
EVER IF
CONSULTED

Harlow to provide list.

- Scott
- GRIFFIN
- HRUSKA

Point: To ask for their (esp.
 GRIFFIN) help in reviewing
 the files.

A/G. Recommendations.

- MONDAY AFTERNOON RELEASE.
- NO NOTIFICATION UNTIL JUST BEFORE.
- IF MIN. OK, will go to FBI/IRS on Monday.

To wit:

Pro

Con

Liberal
media.

Southern
media

Soft southern accent

- 21 men in Law school class.

- CRights -

A. 1964 Act, - Barber Shops,

Based on Interstate Com. - Hud to cut hair,
Dist. Ct. case.

B. Bus Co. case,

C. 4 school cases,

- Reverchon,

- Parana City,

- Dairenville,

- Bay County case,

Note: Decided non-integration cases. Upheld
by 5th circuit.

D. Baldwin County case,

E. Judge expects CRights groups to
oppose WAY he administered integration
cases.

"least sympathetic of Fla. judges."
Wh. Bl.

G. FSU - Fla. A & M. cases.

- upheld the university.

- ISS: D/P in ~~losing~~ firing of teacher?

LABOR Field -

A. 883 cases.

B. No runaway plant cases

C. One

I ① Proposed judge's tax statement checked.
Nothing of consequence.

② Timing?

a. F.B.I.

b. I.R.S.

Do
Fri.
afternoon

③ Do we want

- 99% sure story would go out.

-

④ Monday & Tuesday

II Ask Council Report

BUREAU'S in Justice

III Law Enforcement Training Center.

- matter of BASICS. - OK at center.

- But specialties of each Bureau.
BORDER PATROL & BNDD.

of the employees in denying the latter's motion to dismiss. When he decided the merits of the case, he ruled against the union on its complaint and against the employer on its counterclaim (Local Union Number 1055 I. B. E. W. AFL-CIO v. Gulf Power Company, 175 Fed. Supp. 315; 182 Fed. Supp. 950, 1959). As a District Judge, Judge Carswell participated in 8 cases involving the National Labor Relations Act while sitting ~~by design~~ on Court of Appeals for the 5th Circuit. In five he voted to sustain the employee's position, and in three he voted to sustain the Union's position. In such of these cases as he wrote opinions, he made a conscientious effort to decide the case under the established law.

the law. He has repeatedly enforced the constitutional and statutory rights of Negroes. For example, in one case (Pinkney v. Meloy 241 Fed. Supp. 943, 1965) he held that a hotel barber shop was subject to the civil Rights Act of 1964. In another case (Brooks v. the City of Tallahassee 202 Fed. Supp. 56) an examination of Supreme Court decisions convinced him that an airport restaurant had denied the constitutional rights of several Negroes by refusing to serve them.

Two of his school desegregation cases are illustrative of his judicial philosophy. In the first, decided in 1960 (Augustus v. Bd. of Public Instruction 185 Fed. Supp 450, 1960) Judge Carsell did not believe that existing Supreme Court decisions allowed consideration of the plaintiff's request to desegregate the faculty of a school system. This decision was later reversed by the Court of Appeals, 5th Circuit, and the Supreme Court has since held that such plaintiffs do have that right. However, in a later case in 1964 (Youngblood v. Board of Public Instruction 23 Fed. Supp. 74) 1964, he did not hesitate to reject an attempt of the school board to avoid submitting a realistic school desegregation plan. He found that the school board had administered intelligence and aptitude tests in such a way as to circumvent the constitutional rights of negroes under existing Supreme Court decisions to attend an integrated school. Judge Carswell's approach in labor cases is similarly even-handed. In litigation between the electrical workers union and Gulf Power Company, for example, he overruled five preliminary legal objections

Three important areas of concern in the administration of justice are the criminal law, civil rights and labor law. While a Federal District Judge is not usually in a position to make law on his own, Judge Carswell's record for these areas is that of a competent judge following the authority laid down by higher courts when there was such authority; when the question was an open one, his judicial philosophy is that of balanced conservatism.

In the field of criminal law, Judge Carswell has indicated his concern that the right of society to convict and punish the guilty should not be lost sight of in an effort to protect the rights of the accused defendant. He decided that a defendant's claim of double jeopardy was unfounded (U.S. v Levy 232 Fed. Supp. 661, 1964); and while sitting as a Circuit Judge in the District Court, he held that where a criminal defendant employs his own lawyer, the claimed incompetence of the lawyer was not attributable to the state so as to amount to a violation of the defendant's right to counsel (Hayes v. Wainwright 302 Fed. Supp. 716). On the other hand, he decided that the refusal of a state court to allow an indigent criminal defendant a free copy of the reporter's transcript of the closing argument to the jury was a violation of that defendant's right to the equal protection of the laws secured by the 14th Amendment. (Bell v. Wainwright 299 Fed. Supp. 521).

In his civil rights decisions, Judge Carswell has demonstrated his understanding of the role that a Federal District Judge should play in interpreting

Sup. Ct. Nominee.

Ron Zeigler.

1 25 WORDS ON NARCOTICS. After he asks
Congress to enact the Σ.

2 Set list of decision: Lehmanist.

3. civil rights:

I am not in a position to
characterize the judges judicial decisions.

We feel he is eminently qualified
for the ~~court~~ position to

NIXON PRESIDENTIAL MATERIALS PROJECT
DOCUMENT CONTROL RECORD

ITEM REMOVED FROM THIS FILE FOLDER

Restricted document has been removed. See document entry number 8 on Document Withdrawal Record (GSA Form 7279) or NARS Withdrawal Sheet (GSA Form 7122), located in the front of this folder, for a description of the item and an explanation for its removal.

Attended USNR Midshipman School at Notre Dame and Columbia Universities August 9-- December 2, 1942.

Commissioned as Ensign, USNR, December 2, 1942.

Served with the Third and Fifth Fleets aboard USS Baltimore (CA 68).

Last few months of war was assigned to postgraduate school, United States Naval Academy, Annapolis, and completed service at St. Simons Naval Air Station, St. Simons, Georgia, with the rank of Lieutenant, USNR, Serial Number 185235.

7. List each college and law school you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.

Duke University, Durham, North Carolina, 1937-1941.
Awarded Bachelor of Arts degree June 1941.

Attended University of Georgia Law School, Athens, Georgia, 1941-1942. Discontinued Law School to enter active military service with the United States Naval Reserve.

Attended Walter F. George School of Law, Mercer University, Macon, Georgia, January 1946--June 1948. Awarded Bachelor of Laws degree June 1948.

(Attended the following universities as part of Naval Officer training during World War II: Notre Dame, Columbia, New York University, American University, and United States Naval Academy, Annapolis.)

8. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

Admitted to practice before all the courts of the State of Georgia 1948.

Admitted to practice before all the courts of the State of Florida 1949.

(cont'd.)

Admitted to practice, United States District Courts of Florida and the United States Court of Appeals, Fifth Circuit, 1949.

Admitted to practice before the United States Supreme Court on motion of then Attorney General Brownell, 1953.

9. Are you actively engaged in the practice of law at the present time? If you are connected with a firm, please state its name and indicate the nature and duration of your relationship.

Since taking office as United States Attorney on July 11, 1953, I have not engaged in the practice of law in a private capacity at all.

10. If in the past you have practiced in other localities or have been connected with other firms, please give the particulars, including the locations, the names of the firms and your relationships thereto, and the relevant dates. Indicate also any period in the past during which you practiced alone.

Following graduation from Mercer Law School in 1948, for a period of approximately 4 months I did practice law on a very limited basis, largely representing myself in the organization of a small rural telephone company, i.e., Wilkinson Telephone Company, Irwinton, Georgia. After securing the franchise and getting rates approved, this business was sold outright upon my moving from Georgia to Florida in late 1948.

Practiced law as an associate in the law firm of Ausley, Collins & Truett, Washington Square Building, Tallahassee, 1949-1951.

Organized the law firm of Carswell, Cotten & Shivers and engaged in the private practice of law in partnership with John H. Cotten and Douglass B. Shivers from 1951 until 1953 when I was appointed United States Attorney for the Northern District of Florida.

Served as United States Attorney from July 11, 1953 to April 17, 1958 when resignation was then effective in order to take the oath of office the following day as United States District Judge for the Northern District of Florida by President Eisenhower's appointment.

11. What is the general character of your practice? Indicate the character of your typical clients and mention any legal specialities which you possess. If the nature of your practice has been substantially different at any time in the past, give the details, including the character of such and the periods involved.

a) Private Practice (1949--1953)

While engaged in the private practice of law, practically all of my experience was on the civil side of the docket. My very first experience, however, before any court of record was argument before the Supreme Court of Florida for an appellant convicted of murder in the second degree. The result was a disappointing affirmance, although we got one learned dissent which said it should have been manslaughter.

As an associate in the law firm of Ausley, Collins & Truett, I participated in many trials under the supervision of senior members of the firm, especially LeRoy Collins, later Governor of Florida and United States Undersecretary of Commerce. These cases involved largely tort actions for both plaintiff and defendant in all sections of the state, contract actions involving the telephone company and the Seaboard Railroad, a local savings and loan association and the Capital City National Bank.

The firm of Carswell, Cotten & Shivers was primarily engaged in civil practice, and I did all of the trial work for the firm. A very substantial portion of our legal work involved real estate transactions especially title examinations of large woodland tracts. During this period I also represented a number of clients in dispute with unions before the National Labor Relations Board.

During this period I was appointed by both state and federal courts to represent indigent defendants in criminal cases. Among these, a murder charge was ultimately dismissed, and a number of postal theft charges resulted in conviction.

b) United States Attorney (1953--1958)

The nature of the work here is, of course, rather obvious. I did actually try, either alone or with the help of Assistants, about half of all the cases coming before the court, both civil and criminal, and supervised the others in the four Divisions of this District.

The nature of the criminal work involved, of course, virtually all actions falling under the jurisdiction of the federal court as crimes on Government reservations, ranging from illegal taking of alligators and game birds to child torture and murder. Also the usual run of federal crimes: bank robbery, embezzlement, Dyer Act, obstruction of justice, assault on federal officers, Selective Service violations, income tax evasion, murder on the high seas, escape from federal institutions, narcotics.

During that period the Government civil litigation was rather loaded with old Lands Division cases which required much detailed work in preparation and a number of trials for compensation. These were inherited from the World War II era. Additionally, of course, were the usual Government claims to be prosecuted, and defended under the Federal Tort Claims Act, numerous foreclosures and a number of interpleader actions where the Government was intervening plaintiff for insurance proceeds arising out of wartime leases.

Two cases come to mind as being probably significant and certainly interesting and provocative at the time:

- (1) United States v. Winston Reynolds, 225 F. 2d 123 (5th Cir. 1955); 288 F. 2d 78 (5th Cir. 1961); cert. denied 350 U. S. 914 (1955); cert. denied 368 U. S. 883 (1961); 213 F. Supp. 917 (N.D. Fla. 1963).

This was a prosecution for evasion of the federal gambling tax under 47 U.S.C.605. This legislation, it will be recalled, resulted from the Kefauver investigation of racketeering a few years earlier and was the

6.

first prosecution of felony charges under these statutes. The defendant was charged with the operation of a large gambling (bolita or "Cuba") operation throughout Georgia, Florida and Alabama, with direct ties to Phenix City, Alabama, then under occupation by the National Guard. With the coordinated activities of the Internal Revenue Service, Federal Bureau of Investigation, Secret Service, and the assistance of the neophyte Racketeering Division in the Department of Justice, conviction was obtained after two lengthy trials. The conviction was affirmed by the Court of Appeals and certiorari denied by the Supreme Court. The defendant served a ten year sentence.

- (2) Seaboard Machinery Corp. v. United States, Intervenor-Plaintiff, 149 F. Supp. 362 (N.D. Fla. 1957); 256 F. 2d 166 (5th Cir. 1958).

Seaboard and the United States were adversary claimants in this interpleader action to some \$850,000 insurance proceeds. The General Services Administration had leased the Wainwright Shipyard, Panama City, Florida, to Seaboard for the use of that facility to manufacture hatch covers for maritime vessels. Following a fire which destroyed virtually all of the improved properties dispute arose between General Services Administration, as lessor, and Seaboard, as lessee, as to who was to get how much of the insurance coverage. This simple statement of the facts omits the numerous changes made in the several contracts between parties respecting insurance and the ultimate resolution of the matter involved protracted discovery. My predecessor, District Judge DeVane, ruled in favor of Seaboard. The Court of Appeals, Fifth Circuit, however, reversed and remanded for the entry of judgment in favor of the United States for the entire amount.

c) United States District Judge (1958--Present)

The work of the Court does not fall neatly under this particular category but some comment on the nature of some of the more significant trials is placed here with the thought that it might be pertinent and perhaps more appropriate than under some other heading.

All types of cases mentioned above with respect to office of United States Attorney have been tried by me as judge plus a large volume of private civil litigation. The most protracted action in the last category involved claims in excess of 39 million dollars, i.e., Crummer v. duPont, Northern District of Florida, Tallahassee Civil Action No. 313.

This case had been previously tried for several months by my predecessor. After the jury was unable to agree in that trial the Court directed a verdict which was reversed by the Court of Appeals and remanded for re-trial. See Crummer v. duPont, 255 F. 2d 425. When the case fell my lot it then had been pending in active litigation longer than any case in the history of the State of Florida in either state or federal courts. It grew out of controversy as long ago as the "boom" days of Florida in the 1920s and was the subject matter of inquiries and investigations of municipal bond business in the State by the Florida legislature, several Governors, the United States Securities and Exchange Commission, and two separate full scale investigations by the House and by the Senate of the United States. Some 40 attorneys appeared of record, including, perhaps interestingly, former United States District Judge and former United States Attorney General McGrannery, and, subsequently, Governor and United States Senator Donald Russell of South Carolina. The jury trial lasted about 10 weeks with some of the more crucial witnesses testifying for several days each, including United States Senators and the former Chairman of the United States Securities and Exchange Commission. Witnesses wept, and some expressed fear for their lives, and from the bench it seemed that just about everything that could happen, did. An alternate

juror fell out of his chair and broke his arm. Another had an emergency appendectomy.

With the assistance of very able counsel on both sides and fortified with a short pre-trial order fortuitously consented to by all parties, a jury verdict was obtained shortly after submission. Appeal was never taken from the judgment entered on that verdict.

Since Tallahassee is the capital of the state, a disproportionate number of three judge District Court cases have arisen here, invariably involving Constitutional questions. Most of these have actually been resolved on preliminary motions without the necessity of drawing in the other two judges. Some resulted in trials of which a few examples are given by citation under question 25.

Since 1958, of course, virtually the full range of Civil Rights actions have been litigated in this court, involving, among others, four county school board cases still pending and under continuous review. Additionally, to mention a few: the first barber shop case under the Civil Rights Act of 1964, cases involving integration of theaters, restaurants, motels, alleged illegal assembly, public transportation, restroom facilities, student demonstrations, and countless dozens of alleged denial of Civil Rights inherent in habeas corpus petitions from both state and federal prisoners.

12. a) Do you regularly appear in court?

Not pertinent.

b) What percentage of your appearances in the last five years was in

- 1) federal courts?
- 2) state courts of record?
- 3) other courts?

Not pertinent.

c) What percentage of your litigation in the last five years was

- 1) civil?
- 2) criminal?

Not pertinent.

d) What percentage of your trials in the last five years was

- 1) jury?
- 2) non-jury?

Not pertinent.

e) State the number of cases you have tried to conclusion in courts of record during each of the past five years, indicating whether you were sole, associate, or chief counsel.

Not pertinent.

f) Describe ten of the more significant litigated matters which you have handled and give the citations if the cases were reported.

13. Summarize your experience in court prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same data which was requested in Question 12.

Inapplicable, in view of previous answers.

14. Have you ever been engaged in any occupation, business, or profession other than the practice of law? If so, please give the details, including dates.

Wingman (Was the owner and editor of a small weekly newspaper during my law school days at Mercer University, 1946--1948, i.e., the Irwinton (Georgia) Bulletin.)

Taught English Composition to Freshmen at Mercer University on a part time basis while attending law school.

Following release from active military service was employed for several months on a part time basis as reporter for the Macon (Georgia) Telegraph covering courthouse activities and educational events.

Organized the Wilkinson County Telephone Company at Irwinton, Georgia, 1947--1949; secured franchise from the Public Service Commission, State of Georgia and sold the entire business in late 1948 upon moving to Florida.

Land Have had general supervision and overall responsibility (without compensation) for the management of 1300 acre rural property in Wilkinson County, Georgia, in which I have a 1/4 interest along with other members of my family, largely in the sale of timber and negotiating some mining leases. Have had this responsibility since the death of an older brother in 1961. This has required no more than an hour a month.

15. If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprise, please give details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If it is not your intention to resign such positions and give up any other participation in the management of any of the foregoing enterprises, please so state, giving reasons.

I am not an officer or director of any business organization or otherwise engaged in the management of any business enterprise beyond the general supervision of family unimproved real estate covered in detail in 14, supra.

16. Have you ever held judicial office, or have you ever been a candidate for such an office? If so, give the details, including the courts involved, whether elected or appointed, and the periods of service.

Chief Judge, United States District Court, Northern District of Florida, from April 18, 1958 to date.

17. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, give the details, including the offices involved, whether elected or appointed, and the length of your service.
- a) United States Attorney by appointment of President Eisenhower, July 11, 1953-- April 17, 1958.
- b) Was candidate for State Representative, Wilkinson County, Georgia, 1948. Fortunately, lost the election (narrowly) and moved to Florida.
18. Have you ever been arrested, charged, or held by federal, state, or other law-enforcement authorities for violation of any federal law, state law, county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violations for which a fine of \$25.00 or less was imposed.
- No.
19. Are you currently under Federal, State or local investigation for a possible violation of a criminal statute?
- No.
20. Has a tax lien or other collection procedure ever been instituted against you by Federal, State or local authorities? If so, please give details.
- No.
21. Have you ever been sued by a client? If so, please give particulars.
- No.
22. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or a co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

I have not been involved in legal proceedings as a party in interest or as a material witness. Nor have I been named as a co-conspirator or a co-respondent.

I have not figured as a subject in any grand jury investigation, nor have I appeared as a witness in any grand jury investigation.

23. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, please give the particulars.

No.

24. a) What is the present state of your health?

Excellent.

- b) If you have ever been hospitalized or prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days, please give the particulars, including the causes, the dates, the places of confinement, and the present status of the conditions which caused the confinement or incapacitation.

No.

- c) Do you suffer from any impairment of eyesight or hearing or any other physical handicap? If so, please give details.

Need to wear glasses for reading but defect is minor and thoroughly corrected with the wearing of glasses. I have no hearing problem or any other physical handicap.

25. Have you published any legal books or articles? If so, please list them, giving the citations and dates.

No, except opinions for United States Court of Appeals, Fifth Circuit, and memorandum-decisions published in Federal Supplement.

Within the time allowable, my Law Clerk and I have compiled a list of a number of opinions published over the years. These are set forth with citations below and does not purport to be fully complete nor is it selective, merely quickly documented. This, of course, does not include innumerable routine opinions filed in the District Court which were not sent to West Publishing Company for publication, including, for example, one 19 page opinion reviewing cost bill in an anti-trust action.

- a) Opinions for Court of Appeals, Fifth Circuit, in Federal Reporter, Second.

Since 1961 I have sat by invitation with the Court of Appeals, Fifth Circuit, usually for at least a week each year. A hurried compilation of the written opinions is set forth below which we believe to be complete. This does not include approximately 100 more opinions in which I participated but did not write, nor does it include a number of per curiams which I did write.

287 F. 2d 261
Associated Beverage Co.
vs. P. Ballentine & Sons

287 F. 2d 252
Gaitor vs. Peninsular & Occ. SS Co.

287 F. 2d 623
Levine vs. Johnson

293 F. 2d 97
New Orleans & Northeastern
RR Co. vs. Anderson

293 F. 2d 100
Johnson vs. United States

293 F. 2d 625
Luse vs. Valley Steel Products Co.

298 F. 2d 496
Weaver vs. United States

298 F. 2d 873
U. S. Pipe & Foundry Co.
vs. N.L.R.B. Dissent -
opinion by Judge Rives.

299 F. 2d 37
Opelika Royal Crown Bottling
Co. vs. Goldberg Dissent -
opinion by Judge Rives.

301 F. 2d 94
Walker vs. United States

302 F. 2d 289
Patterson vs. Belcher

302 F. 2d 559
Allman vs. Hanley

304 F. 2d 577
Landers vs. United States

311 F. 2d 291
N.L.R.B. vs. Duval Engineering
& Construction Co.

311 F. 2d 429
Rodriguez vs. Pan American
Life Ins. Co.

311 F. 2d 437
Menendez v. Aetna Ins. Co.

311 F. 2d 438
Jorge vs. Standard Cigar Co.

313 F. 2d 187
Grissette vs. United States

313 F. 2d 303
Yeloushan vs. United States

314 F. 2d 174
Rossano vs. Blue Plate
Foods, Inc.

314 F. 2d 852
Commissioner of Internal
Revenue vs. Killian

317 F. 2d 295
American Cyanamid Co.
vs. McGhee

329 F. 2d 823
Gaines vs. Daugherty County
Board of Education
Dissent

345 F. 2d 294
United States vs. Shively

350 F. 2d 606
First National Bank of Brunswick
vs. United States

b) Memorandum-decisions for the Northern District of
Florida in Federal Supplement.

162 F. Supp. 654 (1958)
Shoaf vs. World Insurance Co.

165 F. Supp. 381 (1958)
Cooney vs. Panama City

166 F. Supp. 199 (1958)
Boynnton & Son vs. Aetna Insurance Co.

166 F. Supp. 413 (1958)
Hurte vs. Lane

168 F. Supp. 684 (1958)
DeLaureal & Moses v. Pensacola Hotel Co.

168 F. Supp. 689 (1958)
Mitchell vs. Blanchard

173 F. Supp. 282 (1959)
Bowman vs. Atlanta Baggage & Cab Co.

174 F. Supp. 260 (1959)
United States vs. Wyatt

175 F. Supp. 315 (1959)
Local Union No. 1055, IBEW
vs. Gulf Power Co.

175 F. Supp. 213 (1959)
Shaw vs. Armour & Co.

176 F. Supp. 575 (1959)
Bowman vs. Atlanta Baggage & Cab Co.

181 F. Supp. 496 (1960)
Morgan vs. Badger Mutual Ins. Co.

182 F. Supp. 385 (1960)
Culver vs. Tucker

182 F. Supp. 473 (1960)
Holahan vs. Lewis

185 F. Supp. 450 (1960)
Augustus vs. Board of Public
Instruction, Escambia County

185 F. Supp. 44 (1960)
United States vs. One 1959 Mercury

186 F. Supp. 271 (1960)
Abrams vs. Goodwyn

187 F. Supp. 625 (1960)
Allen vs. United States

187 F. Supp. 646 (1960)
Hunter vs. J. C. Turner Lumber Co.

187 F. Supp. 816 (1960)
Kunkler vs. United States

188 F. Supp. 384 (1960)
Burke v. Byrd

192 F. Supp. 249 (1961)
Morgan vs. Badger Mutual Ins. Co.

193 F. Supp. 692 (1961)
Brown vs. United States

196 F. Supp. 35 (1961)
Odum vs. Gulf Tire & Supply Co.

196 F. Supp. 414 (1961)
Sparks vs. Graham

199 F. Supp. 939 (1961)
United States vs. F. D. Rich Co.

200 F. Supp. 103 (1961)
Everett vs. Ribicoff

202 F. Supp. 53 (1962)
Bonnell vs. Seaboard Airline RR Co.

202 F. Supp. 56 (1961)
Brooks vs. City of Tallahassee

202 F. Supp. 497 (1962)
Motor Fuel Carriers vs. United States

204 F. Supp. 361 (1962)
Jenkins vs. Fawcett Publications

205 F. Supp. 724 (1962)
Centraal Stikstof Verkoopkantoor,
N.V. vs. Pensacola Port Authority

207 F. Supp. 5 (1962)
Miller vs. United States

207 F. Supp. 323 (1962)
United States vs. 452.13 Acres of Land

208 F. Supp. 899 (1962)
Polar Ice Cream vs. Andrews

209 F. Supp. 702 (1962)
United States vs. One 1958 Chrysler

211 F. Supp. 876 (1962)
McKenzie Tank Lines vs. United States

213 F. Supp. 574 (1963)
Shirly vs. L&N RR Co.

230 F. Supp. 757 (1963)
Lefkowitz vs. McQuagge

230 F. Supp. 74 (1964)
Youngblood vs. Board of Public
Instruction, Bay County

231 F. Supp. 740 (1964)
McCullough vs. United States

232 F. Supp. 748 (1964)
Albert Reed & Co. vs.
M/S Thackeray

232 F. Supp. 661 (1964)
United States vs. Levy

233 F. Supp. 396 (1963)
Due vs. Florida A. & M.

233 F. Supp. 310 (1964)
Fair vs. Adams

238 F. Supp. 494 (1965)
Beufve vs. United States

240 F. Supp. 189 (1965)
United States vs. Smith Engineering

242 F. Supp. 461 (1965)
United States vs. Ammons

242 F. Supp. 25 (1965)
Macey's Jewelry Corp.
vs. United States

244 F. Supp. 380 (1965)
Motor Fuel Carriers, Inc.
vs. United States

249 F. Supp. 366 (1966)
Dove Sheet Metal, Inc.
vs. Hayes Heating & Plumbing Co.

253 F. Supp. 624 (1966)
Peacock vs. American Ins. Co.

254 F. Supp. 907 (1966)
Meadows vs. F. W. Woolworth Co.

255 F. Supp. 752 (1966)
Nix vs. O'Keeffe

259 F. Supp. 670 (1966)
Lee vs. M/S Insko Jem

263 F. Supp. 1008 (1967)
Canton Poultry, Inc. v. Conner

265 F. Supp. 960 (1967)
United States vs. Florida Pine
& Cypress Co.

269 F. Supp. 755 (1967)
Malone v. United States

270 F. Supp. 953 (1967)
Sparks vs. Porter

272 F. Supp. 558 (1967)
Lazonby vs. Tomlinson

274 F. Supp. 449 (1967)
First National Bank in Plant
City, Florida vs. Dickinson

274 F. Supp. 305 (1967)
First National Bank of Fort Walton
Beach vs. United States Fidelity
& Guaranty Co.

277 F. Supp. 242 (1967)
Atlanta & St. Andrews Bay Rwy Co.
vs. Chilean Nitrate Sales Corp.

277 F. Supp. 222 (1967)
Fidelity & Casualty Co. of New York
vs. Copeland

278 F. Supp. 822 (1968)
Canton Poultry Co. v. Conner

279 F. Supp. 933 (1968)
Fleming vs. Colonial Stores, Inc.

281 F. Supp. 115 (1968)
Baxter vs. Parker

281 F. Supp. 887 (1968)
Union Trust Natl. Bank of St.
Petersburg vs. Reidel

282 F. Supp. 380 (1968)
United States v. Walker

285 F. Supp. 772 (1968)
Dawkins vs. Green

287 F. Supp. 813 (1968)
Brannon vs. United States

287 F. Supp. 749 (1968)
Employers Fire Ins. Co.
vs. Pioneer Underwriters, Inc.

287 F. Supp. 721 (1968)
Heath vs. Gardner

290 F. Supp. 638 (1968)
Resnikoff vs. Gardner

291 F. Supp. 855 (1968)
First National Bank of Homestead,
Florida vs. Dickinson

Baxter v. Florida
___ F. Supp. ___ (Feb. 11, 1969)

Sabine Towing & Transportation
Co., Inc. vs. Manson
___ F. Supp. ___ (Nov. 15, 1968)

26. List any honors, prizes, awards, or other forms of recognition which you have received.

Voted into honorary membership, Phi Alpha Delta, John Marshall Chapter, University of Florida, Law School, Gainesville, Florida, 1968.

Distinguished Citizen Award presented by Stetson University, College of Law, 1961.

Elected District Judge Representative to the Judicial Conference of the United States, by all District and Circuit Judges of the Fifth Circuit, in April 1968 for three year term.

27. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List also chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).

American Bar Association
Georgia Bar Association
Florida Bar Association
Tallahassee Bar Association
Federal Bar Association
American Judicature Society

28. State any other information which you regard as pertinent.

For about 10 years served on the Judicial Statistics Committee of the Judicial Conference by appointment of Chief Justice Warren under the Chairmanship of Chief Judge Harvey Johnsen of the Eighth Circuit. This involved detailed analysis of the whole range of statistics compiled by the Administrative Office for each of the 93 district courts and all of the circuit courts with resulting recommendations to the Judicial Conference for approval or disapproval of requests for additional judgeships throughout the nation. Meetings of the 7 man

Committee were held twice yearly for 2 or 3 days each with the technical staff and Director of the Administrative Office in attendance. The Chief Justice also attended several of these meetings.

Earlier this year this Committee was re-constituted, along with all others, and I am now a member of the Committee on Supporting Personnel under the Chairmanship of Judge Ed Gignoux of Maine.

In February 1968 was assigned with 4 other District Judges to study certain "Omnibus Hearing" Projects in criminal cases in the Southern District of California, San Diego, being conducted by Judge James Carter, and to report on the possible applicability of the experiment to broader national use through the Federal Judicial Center under Justice Tom Clark's directorship.

Have participated regularly in activities of the Florida State University School of Law at Tallahassee by holding moot court for the students and acting in an advisory capacity with the Dean of the Law School and the President of the University. To a lesser extent have done the same thing at the Law School of the University of Florida, Gainesville, Florida.

Even with the assistance of expert Probation Officers and full written reports, the task of passing sentence upon defendants in criminal cases remains the most awesome aspect of a trial judge's work. Through the years this responsibility has had to be accepted concerning at least 2,300 defendants.

Three important areas of concern in the administration of justice are the criminal law, civil rights and labor law. While a Federal District Judge is not usually in a position to make law on his own, Judge Carswell's record for these areas is that of a competent judge following the authority laid down by higher courts when there was such authority; when the question was an open one, his judicial philosophy is that of balanced conservatism.

In the field of criminal law, Judge Carswell has indicated his concern that the right of society to convict and punish the guilty should not be lost sight of in an effort to protect the rights of the accused defendant. He decided that a defendant's claim of double jeopardy was unfounded (U.S. v Levy 232 Fed. Supp. 661, 1964); and while sitting as a Circuit Judge in the District Court, he held that where a criminal defendant employs his own lawyer, the claimed incompetence of the lawyer was not attributable to the state so as to amount to a violation of the defendant's right to counsel (Hayes v. Wainwright 302 Fed. Supp. 716). On the other hand, he decided that the refusal of a state court to allow an indigent criminal defendant a free copy of the reporter's transcript of the closing argument to the jury was a violation of that defendant's right to the equal protection of the laws secured by the 14th Amendment. (Bell v. Wainwright 299 Fed. Supp. 521).

In his civil rights decisions, Judge Carswell has demonstrated his understanding of the role that a Federal District Judge should play in interpreting

the law. He has repeatedly enforced the constitutional and statutory rights of Negroes. For example, in one case (Pinkney v. Meloy 241 Fed. Supp. 943, 1965) he held that a hotel barber shop was subject to the civil Rights Act of 1964. In another case (Brooks v. the City of Tallahassee 202 Fed. Supp. 56) an examination of Supreme Court decisions convinced him that an airport restaurant had denied the constitutional rights of several negroes by refusing to serve them.

Two of his school desegregation cases are illustrative of his judicial philosophy. In the first, decided in 1960 (Augustus v. Bd. of Public Instruction 185 Fed. Supp 450, 1960) Judge Carswell did not believe that existing Supreme Court decisions allowed consideration of the plaintiff's request to desegregate the faculty of a school system. This decision was later reversed by the Court of Appeals, 5th Circuit, and the Supreme Court has since held that such plaintiffs do have that right. However, in a later case in 1964 (Youngblood v. Board of Public Instruction 23 Fed. Supp. 74) 1964, he did not hesitate to reject an attempt of the school board to avoid submitting a realistic school desegregation plan. He found that the school board had administered intelligence and aptitude tests in such a way as to circumvent the constitutional rights of negroes under existing Supreme Court decisions to attend an integrated school. Judge Carswell's approach in labor cases is similarly even-handed. In litigation between the electrical workers union and Gulf Power Company, for example, he overruled five preliminary legal objections

of the employees in denying the latter's motion to dismiss. When he decided the merits of the case, he ruled against the union on its complaint and against the employer on its counterclaim (Local Union Number 1055 I. B. E. W. AFL-CIO v. Gulf Power Company, 175 Fed. Supp. 315; 182 Fed. Supp. 950, 1959). As a District Judge, Judge Carswell participated in 8 cases involving the National Labor Relations Act while sitting ~~by design~~ on Court of Appeals for the 5th Circuit. In five he voted to sustain the employee's position, and in three he voted to sustain the Union's position. In such of these cases as he wrote opinions, he made a conscientious effort to decide the case under the established law.

Three important areas of concern in the administration of justice are the criminal law, civil rights and labor law. While a Federal District Judge is not usually in a position to make law on his own, Judge Carswell's record for these areas is that of a competent judge following the authority laid down by higher courts when there was such authority; when the question was an open one, his judicial philosophy is that of balanced conservatism.

In the field of criminal law, Judge Carswell has indicated his concern that the right of society to convict and punish the guilty should not be lost sight of in an effort to protect the rights of the accused defendants. He decided that a defendant's claim of double jeopardy was unfounded (U.S. v. Levy 232 Fed. Supp. 661, 1964); and while sitting as a Circuit Judge in the District Court, he held that where a criminal defendant employs his own lawyer, the claimed incompetence of the lawyer was not attributable to the state so as to amount to a violation of the defendant's right to counsel (Hayes v. Wainwright 302 Fed. Supp. 716). On the other hand, he decided that the refusal of a state court to allow an indigent criminal defendant a free copy of the reporter's transcript of the closing argument to the jury was a violation of that defendant's right to the equal protection of the laws secured by the 14th Amendment. (Bell v. Wainwright 299 Fed. Supp. 521).

In his civil rights decisions, Judge Carswell has demonstrated his understanding of the role that a Federal District Judge should play in interpreting

the law. He has repeatedly enforced the constitutional and statutory rights of negroes. For example, in one case (Pinkney v. Meloy 241 Fed. Supp. 943, 1965) he held that a hotel barber shop was subject to the Civil Rights Act of 1964. In another case (Brooks v. The City of Tallahassee 202 Fed. Supp. 56) an examination of Supreme Court decisions convinced him that an airport restaurant had denied the constitutional rights of several negroes by refusing to serve them.

Two of his school desegregation cases are illustrative of his judicial philosophy. In the first, decided in 1960 (Augustus v. Board of Public Instruction 185 Fed. Supp. 450) Judge Carswell did not believe that existing Supreme Court decisions allowed consideration of the plaintiff's request to desegregate the faculty of a school system. This decision was later reversed by the Court of Appeals, Fifth Circuit, and the Supreme Court has since held that such plaintiffs do have that right. However, in a later case in 1964 (Youngblood v. Board of Public Instruction 23 Fed. Supp. 74) 1964, he did not hesitate to reject an attempt of the school board to avoid submitting a realistic school desegregation plan. He found that the school board had administered intelligence and aptitude tests in such a way as to circumvent the constitutional rights of negroes under existing Supreme Court decisions to attend an integrated school. Judge Carswell's approach in labor cases is similarly even-handed. In litigation between the electrical workers' union and Gulf Power Company, for example, he overruled five preliminary legal objections of the employees in denying the latter's motion to dismiss.

When he decided the merits of the case, he ruled against the union on its complaint and against the employer on its counterclaim (Local Union No. 1055 I. B. E. W. AFL-CIO v. Gulf Power Company 175 Fed. Supp. 315; 182 Fed. Supp. 950, 1959). As a District Judge, Judge Carswell participated in 8 cases involving the National Labor Relations Act while sitting on Court of Appeals for the Fifth Circuit. In five he voted to sustain the employee's position, and in three he voted to sustain the Union's position. In such of these cases as he wrote opinions, he made a conscientious effort to decide the case under the established law.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

Tuesday 1/6/70
evening

For Ken Cole

From Checker Finn *CF*

This reminder is probably unnecessary. But having just had dinner with Dick Blumenthal I am even more aware of how uneasy he is about anyone knowing of the Rumsfeld offer. He does want the job, however, and is worried about the A.G.'s reaction (as yet unknown). So if you feel in a position to do anything, by all means do, but please don't let on to Dick or Don, until one of them tells you himself.

Thanks a lot.

Keogh — let's help Dick out of this situation.