

**[1/19/78-Not Submitted] [CF, O/A 548]**

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THE WHITE HOUSE

WASHINGTON

January 19, 1978

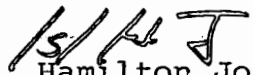
Dear Juanita:

The President has asked me to respond to your letter of January 13th concerning the appointment of a circuit judge for the 4th Circuit Court of Appeals in North Carolina, and particularly your support for Kenneth Pye.

As you might be aware, we have established a procedure concerning appointments for the Court of Appeals in which a Nominating Panel is formed and the Panel then recommends 5 candidates to the Attorney General, who in turn forwards recommendations to the President. I note you have made your support for Mr. Pye known to Senator Morgan, and to Judge Bell, and we will keep your letter at hand for the time when the recommendations of the Nominating Panel and the Attorney General are made to the President.

With best wishes,

Sincerely,



Hamilton Jordan  
Assistant to the President

The Honorable Juanita M. Kreps  
The Secretary of Commerce  
Washington, D. C. 20230

Dead

X

ID 780205

THE WHITE HOUSE  
WASHINGTON

DATE: JAN 17 78

FOR ACTION: HAMILTON JORDAN - *attached to response* BOB LIPSHUTZ

FRANK MOORE (LES FRANCIS) - *sounds good, but should get pol. input in addition to Sen Morgan, ie Charlie Rose*

*no need to go to Page 1*

INFO ONLY: JIM GAMMILL

FROM: RICK HUTCHESON WHITE HOUSE STAFF SECRETARY PHONE 456-7052

SUBJECT KREPS LETTER DATED 1/13/78 RE KEN PYE FOR CIRCUIT JUDGE FOR  
4TH CIRCUIT COURT OF APPEALS IN NORTH CAROLINA

RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY

BY 1200 PM THURSDAY JAN 19 78

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD; DO NOT FORWARD.

PLEASE NOTE OTHER COMMENTS BELOW:

28.

encl.

RL

THE SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

JAN 13 1978

Dear Mr. President:

Recently I talked with Griffin Bell regarding the appointment of a circuit judge for the 4th Circuit Court of Appeals in North Carolina. Griffin suggested that because of my strong support of Kenneth Pye, I might talk with Senator Morgan and also write a letter of endorsement to you.

Ken Pye is an outstanding legal scholar who served for years as Dean of the Law School at Duke; he is now Chancellor of the University.

As Griffin will verify, he has true stature in the legal profession and is a widely recognized liberal with extraordinarily good judgment. He has had vast administrative experience and has learned to deal with a wide range of different legal issues, as well as broader educational and economic questions.

I strongly support Ken's candidacy because of his breadth of knowledge and experience and because of his sheer brilliance in legal affairs. Senator Morgan has assured me that he would vote for Ken's confirmation.

With my warm wishes,

Respectfully,

  
Juanita M. Kreps

Enclosure

The President  
The White House  
Washington, D.C.  
20500

A. KENNETH PYE

Born: 1931, New York, New York

Marital Status: Married 1965, to the former Judith Hope King;  
one child, Henry Williams Pye, born 1969.

Education: Primary and secondary schools: Richmond Virginia; Charleston,  
South Carolina; Buffalo, New York.

B.A. (summa cum laude) 1951, University of Buffalo; J.D, 1953,  
LL.M., 1955, Georgetown University.

Present Position: Chancellor, Duke University  
Professor of Law, Duke University Law School

Previous Professional Experience:

Member, Government Appellate Division, Office of the Judge Advocate-  
General of the Army, prosecuting appeals from general courts-martial  
(1953-55)

Professor of Law, Georgetown University (1955-66); Director, Legal  
Internship Program (1960-61); Associate Dean (1961-66)

Of counsel, Chase and McChesney, Washington, D. C. (1956-59);  
General litigation work.

Visiting Professor, Johann Wolfgang Goethe University, Frankfurt,  
am Main, Germany - summer of 1959; Duke University - spring, 1966;  
Banaras Hindu University - 1966-67; University of North Carolina -  
spring 1967; Loyola University (Los Angeles) - summer 1972;  
Monash University, Melbourne, Australia - 1974.

Associate Director, American Association of Law Schools Orientation  
Program in American Law (1965); Director (1968)

Program Specialist in Legal Education, The Ford Foundation, India  
(1966-67).

Dean, Duke University School of Law, 1968-70; 1973-76.

Chancellor, Duke University, 1970-71.

University Counsel, Duke University, 1971-74.

Civic and Professional Activities

Chairman, Committee to Supervise Rules Governing Appointment of  
Counsel in Criminal Cases, District of Columbia Court of General  
Sessions, 1961-64.

Chairman, Judicial Conference of the District of Columbia Circuit,  
Committee on Federal Rules of Criminal Procedure, 1963-66.

President, Board of Trustees, District of Columbia Bar Foundation, 1962-63, 1963-64.

Member, Board of Trustees, The Legal Aid Agency for the District of Columbia, 1963-66.

Chairman, Policy Committee of District of Columbia Bail Project, 1965-66.

Chairman, Board of Directors, District of Columbia Neighborhood Legal Services Project, 1964-66.

Chairman, District of Columbia Young Citizens for Johnson-Humphrey, 1964.

Chairman, Policy Board, Georgetown University Institute of Criminal Law and Procedure, 1965-66.

Member, Advisory Committee, American Law Institute, Model Code of Prearrestment Procedure, 1965-75.

Member, Board of Trustees, Law School Admission Test Council, 1968-70.

Member, Board of Directors, National Legal Aid and Defender Association, 1968-72.

Chairman, Task Force on Apprehension and Suppression, Governor's Committee on Law and Order, North Carolina, 1969-71.

Co-Director, American Bar Association Commission on Campus Government and Student Dissent, 1969-70.

Member, North Carolina Criminal Code Revision Commission. 1970-75.

Member, North Carolina Council on State Goals and Policies, 1972.

Chairman, A.B.A. Section on Criminal Law, Committee on Criminal Law Problems in Civil Disorders, 1971-72, 1974-75.

A.B.A. Commission on National Institute of Justice, 1972-77.

Chairman, AALS Committee on Participation in Judicial Selection 1972; Member, Board of Directors, Council on Law Related Studies, 1970-75.

Advisory Committee, National College of the State Judiciary, 1972-73.

Member, Executive Committee, Association of American Law Schools, 1971-73.

Member, Advisory Committee on Legal Services, California State Office of Economic Opportunity, 1972.

Member, Board of Editors, Law and Education Journal, 1971-73.

Member, Board of Editors, Law and Contemporary Problems, 1969--.

Member, Advisory Committee, Southwestern Law Journal, 1971-74.

Member, Advisory Committee for Contemporary Legal Education Series, The Bobbs-Merrill Company, 1970--.

Member, Council on Criminal Justice, American Bar Association, 1975-76.

Chairman, ABA Section on Criminal Justice, Committee on Exclusionary Rule, 1974-75.

Member, ABA Section on Legal Education and Admission to the Bar, Accreditation Committee, 1974-75.

Chairman, Association of American Law Schools, Committee on Resources of Legal Education, 1973-75.

Member, Task Force on Terrorism and Civil Disorders, LEAA, 1975.

President, Association of American Law Schools, 1977-78.

Member, Commission to Study the West Point Honor System, 1976.

Memberships:

American Law Institute

Phi Beta Kappa

Phi Delta Phi

American Bar Association

North Carolina Bar Association

Past Consultantships:

Office of Economic Opportunity; Department of Health, Education and Welfare; National Science Foundation; National Advisory Commission on Civil Disorders; National Council of Juvenile Court Judges; Law Enforcement Assistance Administration.

REC'D JAN 07 1966

PUBLICATIONS

A. KENNETH PYE

Book:

STATUS OF FORCES AGREEMENTS AND CRIMINAL JURISDICTION (1957)  
(with J. M. Snee).

Monographs:

REPORT OF THE ACTUAL OPERATION OF ARTICLE VII OF THE NATO STATUS  
OF FORCES AGREEMENT (1956) (with J. M. Snee).

A PRELIMINARY SURVEY OF THE FEDERAL PROBATION SYSTEM (1962) (with  
J. M. Snee and G. W. Shadoan).

REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CAMPUS  
GOVERNMENT AND STUDENT DISSENT (1970) (Co-Director with W. W.  
ALSTYNE).

MEETING THE NEEDS FOR LEGAL EDUCATION IN THE SOUTH (Southern Regional  
Education Board, 1973, 1975)

Articles (1956-1975)

The Legal Status of the Korean Hostilities, 45 Geo. L. J. 45 (1956).

Due Process in Criminal Procedure: A Comparison of Two Systems, 21  
Ohio S L J 467 (1960) (with J. M. Snee).

Lawyer Intern Program Planned at Georgetown, 18 Brief Case 131 (1960)

Legal Internships: Georgetown's Experiment in Legal Education, 49  
A.B.A. J 554 (1963).

The Defendant's Case for More Liberal Discovery, 33 F.R.D. 82 (1963).

Effects of Foreign Criminal Judgments In The United States, 32 U.M.K.C. L.  
Rev. 114 (1964), published simultaneously in 1964 Revue Internationale de  
Droit Penal.

Television, Press and the Courts, A Symposium (with M. L. Wulf, W. E.  
Monroe, Jr.), 16 Res Ipsa Loquitur 10 (1964).

Ten Leading Cases, 15 Juv. Ct. Judge's J. 5 (1964).



Reflections on Proposals for Reforms in Federal Criminal Procedure, 52 Geo. L.J. 675 (1964).

Law School Training in Criminal Law - A Teacher's Viewpoint, 3 Am. Crim. L. Q. 173 (1965).

The Role of Legal Services in the Antipoverty Program, 31 Law and Contemporary Problems 1 (1966).

The Involvement of the Bar in the War Against Poverty, 41 N. D. Law 860 (1966) (with R. F. Garraty, Jr.)

Legal Needs of the Poor: The Administration of Criminal Justice, 66 Colum. L. Rev. 286 (1966).

Charles Fahy and the Criminal Law, 54 Geo. L. J. 1055 (1966).

Interrogation of Criminal Defendants - Some Views on Miranda v. Arizona, 35 Ford. L. Rev. 969 (1966).

The Supreme Court and the Police: Fact and Fiction, 57 J. Crim. L. C. & P.S. 404 (1966).

The Role of the Judiciary and The Bar in the Modern Democratic State, 3 Banaras L. J. 81 (1967).

American Criminal Procedure From A Comparative Viewpoint, 1966-67 Indian Yearbook of International Affairs 300.

Criminal Justice 1968: Developments and Directions, 17 Cath. U. L. Rev. 428 (1968), Published in slightly different form SREB, Report No. 7, ADMINISTRATION OF JUSTICE, Reforming the System 107 (1968).

The Warren Court and Criminal Procedure, 67 Mich. L. Rev. 249 (1968).

Legal Aid - A Proposal, 47 N. C. L. Rev. 528 (1969) (with G. C. Cochran).

Fundamentals of the Attorney - Client Privilege, 15 Prac. Law. 15 (1969).

Roundtable on Foreign Exchanges, 22 J. Legal Ed. 277 (1970) (with Ehrlich, Stevens, Willcox, and Ghai).

Clinical Education in the Law Schools, 39 Bar Exam. 8 (1970).

Presumptions and Assumptions in the Criminal Law: Another View, 1970, Duke L. J. 919 (with G. C. Christie).

Mass Production Justice and the Constitutional Ideal, in book of same name, C. H. Whitebread II, Editor (1970).

Campus Unrest and the Law, 37 Pop. Govt. 1 (1970).

The Lawyer's Role in the Twentieth Century - A Reassessment of Legal Aid in South Africa (1974).

Legal Aid in America, Australian Legal Service Bulletin, Vol. 1, No. 5, (1974).

Criminal Procedure Act of 1974, N. C. Bar Association (1974).

Law and the Liberal Arts, Learning and the Law 100 (Fall, 1974).

Law, Lawyer, and Social Work, Australian Legal Services Bulletin, Vol. 1, No. 6 (1975).

Criminal Process in Civil Disorders, 1975 Duke L. J. 581 (with Cym H. Lowell); Part II, 1975 Duke L. J. 1021 (1976).

#### Book Reviews

Everett, MILITARY JUSTICE IN THE ARMED FORCES OF THE UNITED STATES, 9 J. Legal Ed. 135 (1956).

Sowle, POLICE POWER AND INDIVIDUAL FREEDOM, 9 How. L.J. 06 (1963).

Rosenberg and Weinstein, ELEMENTS OF CIVIL PROCEDURE, 16 J. Legal Ed. 358 (1964).

THE RATIONING OF JUSTICE: CONSTITUTIONAL RIGHTS AND THE CRIMINAL PROCESS, 14 Amer. U. L. Rev. 245 (1965).

NEW DIRECTIONS IN LEGAL EDUCATION, Duke L. J. 899 (1973).

#### Class Materials

Softback materials in lithograph form in Common-law Pleading, Civil Procedure, Criminal Procedure, Criminal Law, Domestic Relations, Evidence