



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

July 2, 1980

MEMORANDUM TO THE VICE PRESIDENT

FROM: JIM DYKE

SUBJECT: SUPREME COURT/MINORITY SET ASIDE

The Supreme Court today upheld the constitutionality of the 10% minority set aside in the Local Public Works Act of 1977 (LPW). The Court ruling came in a 6-3 vote with the Chief Justice writing the opinion. Justices Stewart, Rehnquist and Stevens dissented.

The Court's decision is a strong reaffirmation of the use of affirmative action programs as tools to remedy past discrimination. Specifically, the provision under question was proposed by Parren Mitchell and called for 10% of the public works contracts under the LPW to go to minority firms. Presently over 15% of the contracts have gone to minority firms with Commerce forecasts that the figure could go as high as 17%. Thus far this has involved over \$600 million.

I am working with the President's people to get a Presidential statement on this released today. Hopefully, the President will use his NAACP speech as a forum to state our strong support for this decision and also set out our achievements and goals in the area of affirmative action in general and minority business in particular.

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H42  
4451

7452

May 1, 1980

The Honorable Harry H. MacLaughlin  
United States District Court for the  
District of Minnesota  
U.S. Court House  
Minneapolis, Minnesota 55401

Dear Marry:

Thanks much for your letter. I appreciate having the information you received about the nominees for the 8th Circuit vacancy.

I know there have been some discussions, but I don't think the issue has come to the President yet.

Give my best to Mary.

With warmest regards,

*Walter F. Mondale*

Sincerely,

Walter F. Mondale

WFM/meg

# TELEGRAM

FULL RATE

(STRAIGHT TELEGRAM) ☒

NIGHT LETTER ☐

MAILGRAM ☐

The White House  
Washington

To Sue  
2-29-80

ME 1  
4453

2/29/80

The Honorable Edward Devitt  
Chief Judge  
730 U.S. Court House  
316 North Robert Street  
St. Paul, MN 55101

Dear Judge Devitt:

I wish I could be with you to congratulate personally the two newest district court judges for the District of Minnesota, Diana<sup>X</sup>Murphy and Robert<sup>X</sup>Renner. This is a proud day for our judicial system and for our entire State.

History is being made today as the first woman judge in the history of the Minnesota District Court takes her oath of office. In addition, we celebrate the success of the merit system of judicial selection which, through the efforts of the Minnesota bench, bar and public, has given us two such outstanding new judges. I'm proud, as the Vice President and as a fellow Minnesotan, to join their families and friends in wishing the best to Judges Murphy and Renner, whose competence and good judgment will add even greater luster to one of the most distinguished judicial districts in the nation.

Sincerely,

Walter F. Mondale

*Spoke to Devitt's secretary  
about reading telegram  
at ceremony 6/12/75-5944*

APPROVED FOR DISPATCH



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

April 10, 1980

MEMORANDUM FOR HAMILTON JORDAN  
LLOYD CUTLER

FROM: RICHARD MOE

SUBJECT: DC JUDICIAL NOMINATING COMMISSION

Under current law, the President has one appointment to the seven-member DC Judicial Nominating Commission which submits three names to the President for each vacancy on the local court system. The President's appointment must by law be an attorney.

A local black attorney, Bill Borders, has expressed a strong interest in being the President's appointee to this commission. Borders is well known and respected among Washington's legal community, especially the black bar, and is President-elect of the National Bar Association, the black equivalent of the ABA. He is well known to the Attorney General, who spoke at the Howard Law Alumni dinner this week at Borders' request. Borders was also close to former Attorney General Bell. Moreover, Borders is very active in Carter/Mondale activities both nationally and here in the District. Local party officials, especially State Chairman Bob Washington, are very supportive of Borders for the position.

It is my understanding that we are presently considering the appointment of Stephen Pollack to the position. Pollack is a well respected white attorney who formerly was Assistant Attorney General for Civil Rights under Ramsey Clark. In addition, he is President-elect of the local Unified Bar, which includes all lawyers licensed to practice in the District.

MEMORANDUM FOR HAMILTON JORDAN  
LLOYD CUTLER

April 10, 1980

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While Pollack is certainly an outstanding attorney, I feel it would be a better choice to appoint Borders. Among the reasons are:

- o The Unified Bar of which Pollack is President-elect already has two appointees on the commission. Pollack would give the Bar three positions on the seven-member commission.
- o Borders has been very supportive of the President since the 1976 primary campaign and he really wants the position.
- o Borders was one of the few blacks who testified in support of Judge Bell during his confirmation hearing. In addition, he successfully persuaded the National Bar Association not to appear in opposition to Judge Bell.
- o Pollack's background certainly qualifies him to be considered for another Presidential appointment such as the Advisory Board for the National Institute of Justice.
- o Local party officials support Borders, who has been very helpful in working for the Carter/Mondale ticket in the upcoming May 6 District primary.
- o The President has publicly stated his support of legislation which would allow the Mayor to select local judges. Since Borders has strong local support and would be a strong candidate for the commission if the Mayor were making the appointment, his selection would be consistent with the President's policy of reflecting local concerns in his actions affecting the District.

cc: Arnie Miller



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