

# Halleck Loses Struggle to Keep D.C. Judgeship

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Judge Charles W. Halleck's career on the bench ended yesterday after 12 years at D.C. Superior Court, the last two spent fighting to retain his seat there.

President Jimmy Carter announced yesterday that he would not resubmit Halleck's name for Senate confirmation to a 15-year term on the court. The action ended a bitter two-year controversy over the renomination that had included court fights, secret proceedings by the local judicial tenure panel and a refusal by the Senate last year to vote on Halleck's reappointment when his name was submitted by President Ford.

Halleck, 47, who seemingly forsook his establishment background after becoming a judge, became well known here for his tart-tongued expression of liberal judicial philosophies on such issues as prostitution, homosexuality and marijuana.

Halleck said through his attorney yesterday that the President's decision "reflects his political judgment, and is, of course, his alone to make. I accept that decision without question." Halleck may continue on the court until his successor is named.

The judge added that he had found his years on the bench "personally satisfying" and said he looks forward to the future "expectantly." The attorney, John W. Karr, said yesterday that Halleck had no definite immediate plans for the future.

Halleck's career as a judge came to an end at a time when he was still involved in controversy over his judicial actions. The most recent incidents involved, as had many previous incidents, Halleck's alleged judicial intemperament.

Although White House officials involved in the decision not to renominate Halleck were unusually secretive about it, it is understood that the White House had been recently informed by the local judicial tenure commission that the panel had secretly criticized Halleck's conduct on the bench in the last year.

The nomination of Judge Halleck to a new, 15-year term on the bench was the first major issue to be confronted by the city's new judicial tenure commission in the fall of 1975.

Halleck had claimed the cards were stacked against him from the start because of what he said was a conspiracy between the commission and the U. S. Attorney's Office here to block his reappointment. An outspoken judge who often ruled against federal prosecutors in his courtroom, Halleck

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said he was being criticized because of his judicial philosophies.

His opponents claimed, however, that the issue was Halleck's judicial temperament, not his beliefs. They portrayed Halleck as a court judge whose courtroom lacked dignity and courtesy.

Halleck's supporters said, however, that he was an unusually scholarly judge whose opinions and ability to move cases were assets to the city's court system. Halleck himself conceded that he might often be abrupt, but attributed that to his frustration with the poor quality of legal work he saw in his courtroom and the large backlogs that develop in the judicial system.

Confronted with the conflicting views of the judge in the fall of 1975, the D.C. Commission on Judicial Disabilities and Tenure took the middle ground in its evaluation of the judge.

Instead of reaching a conclusion that would automatically reappoint Halleck or block his reappointment, the commission found him "qualified"—ruling that left the decision up to the President.

President Ford, who had ousted Halleck's father as House minority leader in the mid 1960s, submitted Halleck's name to the Senate District Committee. It stayed there several months before being reported out to the full Senate near the end of the session last year.

The Senate refused to vote after learning of the new pending disciplinary actions against Halleck, a supposedly confidential proceeding that was reported by The Washington Post.

Halleck then took his fight to the courts, claiming the judicial tenure commission had improperly handled his renomination process and had no right to proceed in its disciplinary action against him.

U.S. Senior District Judge Roszel C. Thomson ruled against Halleck in the suit, saying the commission had



CHARLES W. HALLECK

... "I accept that decision"

wide legal authority to judge the merits of D.C. Superior Court judges and had acted properly in its handling of the Halleck case.

Thomsen said the commission could proceed with its disciplinary action, but could not report on it publicly unless it either removed or exonerated Halleck. The panel reportedly reached neither conclusion, but—as allowed under the law—secretly provided its critical findings to the president.

The recent incidents involving Halleck that brought him before the tenure panel concerned statements he made on three occasions: once during a sentencing, another time when he told a U.S. marshal to return a document to a prosecutor and to tell him to "shove it . . .", and another instance where he allegedly verbally abused an

employee of St. Elizabeths Hospital during a telephone conversation.

Halleck maintained that he was a victim of a prosecutors' plot to monitor his actions and get him off the bench. The U.S. Attorney's Office said it was taking no official position on Halleck's reappointment, and its members both opposed and supported Halleck in individual letters to the panel.

However, the third highest ranking prosecutor here became the most vocal visible opponent of Halleck. Executive Assistant U.S. Attorney Henry F. Greene wrote a detailed criticism of Halleck to the judicial tenure panel, and testified at length before the Senate District Committee in an attempt to block Halleck's nomination. In each instance, Greene said he was acting as a private citizen, not a federal prosecutor.

Greene and other prosecutors said yesterday they would have no comment on Carter's decision in the Halleck matter.

In his 12 years on the bench, Halleck went from a crewcut conservative to a beard-wearing liberal. He was a former prosecutor himself, and came to the bench from the prestigious local firm of Hogan and Hartson.

The appointment of Halleck, a Republican, was greeted favorably after initial reform-minded actions on what was then the D.C. Court of General Sessions.

He attempted to upgrade the performance of defense lawyers in his courtroom, fought against informal plea-bargaining and gradually became known in some circles as a friend of the so-called "little man" who appeared in his courtroom.

His verbal broadsides from the bench often got him into trouble with the conservative D.C. Court of Appeals, which often reversed him and condemned his courtroom actions as well.

In an interview with Washington Post Staff Writer Eugene L. Meyer more than a year ago, Halleck said his

problem on the bench was that "I say what I think." He told the Senate committee also that his troubles were stemmed from a "press-created adverse image."

Halleck's attorney, John W. Karr, said his client was taking the President's decision "with dignity... a lot of dignity. He thinks the President had a fair shot. It's regrettable that everybody had a say, except the voters in the District."

### *Fickling Successor Appointed by Carter*

President Jimmy Carter yesterday nominated John Ferren to fill the vacancy on the D.C. Court of Appeals caused by the death of Judge Austin Fickling.

Ferren, 39, is a partner in the law firm of Hogan and Hartson. At that firm, Ferren directs the community services department that handles the firm's public interest litigation.

Ferren, who attended college and law school at Harvard, joined the firm in 1970. Prior to that time, he directed the Neighborhood Law Office program affiliated with Harvard law school.