

Memo for en banc petition files HW 1/25/85

If nothing else happens the cost and effort have already been justified and rewarded.

And it was marked by <sup>thunder &</sup>lightening, no less, at the very moment, after dark, with snow falling at dark. There really was a thunderstorm tonight. Late January!

In sending copies of the petitions I wrote some personal letters. They were not the same and where I'd met those I addressed, I addressed each as I considered appropriate. Several of the reporters are lawyers. One of these is Carl Stern, who has in the past expressed appreciation of my efforts.

In writing him I pointed out that while the GOPs had assailed FDR for attempting to "pack" the courts, Reagan had already accomplished this even if he were not to be able to appoint additional Supreme Court Justices. He has done it by his appointments to the federal courts, particularly appeals.

This is precisely what Stern's segment on tonight's NBC Evening News said and went into. And he also included my comment that in perhaps 999 cases out of 1000 the appeals court is the de facto Supreme Court

Additionally appropriate because today Reagan and his associates proclaimed that he had already changed the country forever. Also on the same newscast.

No suggestion that this reporting will have any consequences. Merely that it is the first of which I am aware for popular consumption and information. The lawyers have been aware. And silent. Terrified.