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The United States Senate

Report of Proceedings

Hearing held before

Subcommittee of the Committee on the Judiciary

NOMINATION OF CONSTANCE BAKER MOTLEY
TO BE UNITED STATES DISTRICT JUDGE
FOR THE SOUTHERN DISTRICT, NEW YORK

Monday, April 4, 1966

Washington, D. C.

WARD & PAUL

OFFICIAL REPORTERS

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NOMINATION OF CONSTANCE BAKER MOTLEY
TO BE UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT, NEW YORK

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Monday, April 4, 1966

United States Senate,
Subcommittee of the Committee on the Judiciary,
Washington, D. C.

The Subcommittee composed of Senators Burdick, Hart and Javits met, pursuant to notice, at 10:36 a. m., in Room 2228, New Senate Office Building, Senator Quentin N. Burdick presiding.

Present: Senator Burdick and Senator Javits.

Also present: Francis Rosenberg, Professional Staff Member.

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Senator Burdick. The hearing this morning has been scheduled for the purpose of considering the nomination of Constance Baker Motley, of New York, to be United States District Judge, Southern District of New York, Vice Archie O. Dawson, deceased.

Notice of the hearing was published in the Congressional Record, March 15, 1966.

Senator Javits, by formal notification, approves the nomination.

Senator Robert Kennedy, by formal notification, approves the nomination.

By letter dated March 16, 1966, the Standing Committee on

Federal Judiciary, of the American Bar Association, states its members are unanimously of the opinion that the nominee is "qualified" for the appointment.

Senator Javits?

Senator Javits. Mr. Chairman, I am a member of the Subcommittee but I took the liberty with the Chair's permission on behalf of myself and Senator Kennedy of introducing the designees of the President, Mrs. Constance Baker Motley, to the Committee.

Senator Kennedy has filed a statement with respect to the nomination as he is unable to be here this morning, and I ask unanimous consent that it may be made part of the record.

Senator Burdick. Without objection, it will be received.

(The statement referred to follows:)

OFFICE OF ORIGIN
 NEW YORK CITY
 SYRACUSE

**STATEMENT OF SENATOR ROBERT F. KENNEDY
BEFORE
SUBCOMMITTEE OF THE SENATE JUDICIARY**

MONDAY, APRIL 4, 1966

Mr. Chairman:

It was an honor and a pleasure to be able to recommend to the President the nomination of Mrs. Constance Baker Motley as United States District Judge for the Southern District of New York, and it is a further honor and pleasure to recommend to this subcommittee that they act favorably on her nomination. Although

Although young in years, Mrs. Motley has had a long and distinguished record as a lawyer and as a public official.

Since her admission to the bar in 1948, she has been counsel in a substantial number of significant cases and has successfully argued many important appeals before the Supreme Court of the United States.

Some of her more important cases have been in the field of Civil Rights, and her representation of her clients in those cases has been outstanding.

In addition to her distinguished record as a lawyer, Mrs. Motley has served in the legislature of the State of New York as a state senator, and she has also served her state as a member of the State Advisory Council on Employment and Unemployment Insurance

Since February 1965 she has been the President of the Borough of Manhattan.

She was most worthy of the President's nomination, and she is most worthy of the favorable action of this Subcommittee.

CC:

- NEW YORK CITY
- WASHINGTON
- SYRACUSE

SENATOR ROBERT F. KENNEDY

Senator Javits. Mr. Chairman, it is, I feel, a unique opportunity for the United States to get a really fine judge in this appointment. It is an appointment which I might say to the Chairman has been sought for some time as so many of us have been convinced that Mrs. Motley could grace the Federal bench of New York, probably the busiest in the country, and be a really important addition to it.

I will not go over her record which is an outstanding one. Though still a relatively young woman, she has had enormous experience both at the bar and the trial of cases. She informs me that she has argued ten cases before the United States Supreme Court and, of course, I have always known of her connection with Brown against the Board of Education, the great 1954 landmark case, in which she was on the brief.

She has been a State Senator. She has been an official of the State of New York, that is, State Senator of New York, an official of the State of New York, a members of its various committees and other activities in the State, and she has been since February 1965 President of the Borough of Manhattan which is a large scale administrative job, having a great deal to do with the conduct of the Borough of Manhattan which in round figures represents a constituency of about two million.

Mrs. Motley's reputation has always been excellent in New York, both as a lawyer and as a public official, and the one sterling impression, Mr. Chairman, that I have of Mrs. Motley is

an impression of objectivity and steadiness, of a devoted student of public affairs, and especially of how to administer public affairs.

In addition, she is a woman, with great humanitarian instinct, but I have never seen it to disturb her judgment objectively and on questions of law.

I really think she will make an outstanding judge and I think New York should be very proud to offer her for confirmation to the Senate.

Senator Kennedy and I are in full agreement in the matter and I hope very much that Mrs. Motley may accordingly be confirmed and lend her enormous aid to the great labors which characterize the District Court bench in New York.

Thank you, Mr. Chairman.

Senator Burdick. At this place in the record without objection I include a document, a copy of the biographical sketch of Mrs. Motley.

(The document referred to follows:)

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Constance Baker MOTLEY

Born: September 14, 1921 New Haven, Conn.

Education: 1941--1942 Pisk University, Nashville, Tenn.
1942--1943 New York University - A.B. degree
1944--1946 Columbia University - LL.B. degree

Bar: 1948 New York

Experience: 1945--1965 Research Student to Associate Counsel of NAACP, Legal Defense & Education Fund, Inc.
1949--1952 Pearlman, Motley & Bronheim, N.Y. City
Law Partner
1964--1965 N.Y. State Senator
1959--1964 Consultant to Christian Social Relations
Advisory Council, United Church Women
1958--1964 Member of N.Y. State Advisory Council on
Employment & Unemployment Insurance
since Feb. 1965 President of the Borough of Manhattan

Marital: Married 1 son

Office: New York City

Home: 675 West End Ave., New York City

To be United States District Judge for the Southern District of New York

Senator Burdick. Mrs. Motley, do you have any statement to make before the Committee this morning?

STATEMENT OF CONSTANCE BAKER MOTLEY,
NOMINEE TO BE UNITED STATES DISTRICT
JUDGE, SOUTHERN DISTRICT OF NEW YORK

Mr. Motley. I would just like to say, Mr. Chairman, that I am very pleased and honored that the President of the United States has nominated me to serve as a United States District Judge.

I feel competent to serve in this capacity because I have had the rare opportunity to try many cases in Federal District Courts throughout the United States and to argue many appeals in my capacity as the Associate Counsel of the NAACP, Legal Defense and Education Fund.

I submit my qualifications to the Committee and thank you very much.

Senator Burdick. Senator Javits, any questions?

Senator Javits. Thank you very much.

Senator Burdick. I have looked at your resume, and based upon the fine recommendation you have had this morning from the two Senators of New York and from the American Bar Association, based upon the experience that you have had in both the District and Appellate Courts, I have no further questions to ask.

Is there anyone here who would like to be heard in this case, for or against?

STATEMENT OF WILLIAM HIGGS,

WASHINGTON, D. C.

Mr. Higgs. If I could, Senator, I have been associated with Mrs. Motley a long time.

Senator Burdick. Would you state your name and address.

Mr. Higgs. If I might. My name is William Higgs and I am attorney here in Washington, and I have known Mrs. Motley a long time and I have admired her as a lawyer, for her judicial temperament in court, her ability where many of us might panic in very difficult circumstances, not only of tension in terms of the court but great physical danger.

Mrs Motley has always stood calm, and given reasoned decisions. In fact, I have seen her before so many judges that lacked the temperament that she had as a lawyer and, of course, her ability I think is absolutely outstanding, and it is very moving to me to see such a nomination be made because I think it is so eminently proper.

Senator Burdick. Are you a practicing lawyer?

Mr. Higgs. Yes. Well, I don't practice too much law. I do more consulting work in terms of civil rights.

Senator Javits. We have the name of your firm and the address in Washington?

Mr. Higgs. Yes. I don't practice law as such, as I say, but I am with the Washington Human Rights Projects which is a civil rights consulting group here in the city.

Senator Burdick. Are you a lawyer?

Mr. Higgs. Yes. I am a lawyer. A graduate of Harvard Law School.

Senator Javits. Admitted in D. C.?

Mr. Higgs. No. Not in D. C. I am a member of the Bar of the Supreme Court. You see, I was a member of the Mississippi Bar but I am no longer a member of that Bar.

Senator Burdick. Then you are just a member of the Bar of the Supreme Court.

Mr. Higgs. Yes.

Senator Burdick. Did you resign?

Mr. Higgs. No. I was disbarred in Mississippi. I was very active in a number of cases.

Senator Javits. In Mississippi?

Mr. Higgs. Yes.

Senator Javits. What city?

Mr. Higgs. Jackson.

Senator Burdick. Are you a member of any other State Bar?

Mr. Higgs. No, I am not.

Senator Burdick. If that is all -- are there any other witnesses?

The hearing is adjourned.

(Whereupon, at 10:40 o'clock a. m., the hearing was adjourned.)