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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	LETTER	JOHN ROBERTS TO JUDGE HENRY FRIENDLY (OPEN IN WHOLE)	1	11/18/1983	B6	1242
2	LETTER	ROBERTS TO FRIENDLY (ORIGINAL OF ITEM #1) (OPEN IN WHOLE)	1	11/18/1983	B6	1243

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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THE WHITE HOUSE

WASHINGTON

November 18, 1983

Dear Judge:

I know the last thing you need is additional reading material, but I thought the enclosed may be of interest since it contains the Administration's long-awaited statement of a position on the Intercircuit Tribunal proposal. The position bears the muddled marks of compromise, but came out considerably better than I had reason to expect. Basically, the Administration opposes the Tribunal unless it is accompanied by reforms directed to the underlying causes of the caseload problem throughout the federal judiciary. Such reform would include abolition of Supreme Court mandatory appellate jurisdiction, repeal of diversity jurisdiction, and restrictions on prisoner petitions (§ 1983 as well as habeas corpus). In other words, we will only support the proposal if other reforms are enacted that render it unnecessary -- admittedly an odd position logically, but at least on the right side of the question.

There will be peace in Lebanon before Congress repeals diversity jurisdiction or restricts prisoner petitions, so I think our position is fairly fixed. The copy of your letter to Representative Kastenmeier provided valuable ammunition for the internal deliberations on this question, for which I am grateful.

Warmest personal regards for the holiday season.

Sincerely,



John Roberts

The Honorable Henry J. Friendly
United States Court of Appeals
Second Circuit
U.S. Courthouse
New York, NY 10007

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