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Judge Wilkey's Biography and Significant Judicial Opinions

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Judge Wilkey's Biography and Significant Judicial Opinions

I. BIOGRAPHY

Education

A.B., 1940, Harvard University, magna cum laude, Phi Beta Kappa, Delta Sigma Rho; J.D., 1948, Harvard University; Phi Delta Phi (Honorary) 1979.

Military Service

Lieutenant Colonel in United States Army; Field Artillery and Military Intelligence: Mississippi, April 1941-January 1942; Texas, January 1942-March 1944; Europe, March 1944-August 1945. Five European Campaigns.

Public Office

United States Attorney, Houston, Texas, 1954-58. Assistant Attorney General of the United States, Washington, D.C., 1958-61. United States Delegate to the United Nations Conference on Judicial Remedies Against Abuse of Administrative Authority (Judicial Review), Buenos Aires, Argentina, August-September 1959. Delegate (Alternate) to Republican National Convention 1960. Circuit Judge, United States Court of Appeals for the District of Columbia Circuit, 1970-85. United States Ambassador to Uruguay, 1985 to present.

Law Practice

Admitted to Bars of Texas, 1948; New York, 1963; U.S. Supreme Court, 1952; Courts of Appeals of D.C., Second, Fifth, and Ninth Circuits. Partner and Associate, Butler, Binion, Rice & Cook, Houston, Texas, 1948-54, 1961-63; United States Attorney for Southern District of Texas, 1954-58; Assistant Attorney General of the United States, 1958-61; General Counsel, Secretary, and Associate General Counsel of Kennecott Copper Corporation, New York, 1963-70.

Professional Affiliations

American Law Institute (Advisory Comm. on Restatement of Foreign Relations Law of U.S.); Fellow of the American Bar Foundation; American Bar Association Commission on a National Institute of Justice (Chairman, Drafting Committee, 1972-80); Association of the Bar of the City of New York; Judicial Conference of the United States Committee on Rules for Admission to Practice in the Federal Courts, 1976-79; Lecturer on Constitutional and Administrative Law, City of London Polytechnic, July-August 1979, 1980; Board of Visitors, J. Reuben Clark Law School, Brigham Young University, 1981-83; Lecturer on Law and American History, Tulane University's Summer Law Program, Grenoble, France, 1981 and 1983; Lecturer on International Law, San Diego Summer Program, Magdalen College, Oxford, 1983; Lecturer on Law and American History, Brigham Young University, Summer 1984.

II. PUBLISHED WORKS

The Deep Ocean: Its Potential Mineral Resources and Problems, 3 INT'L LAW. 31 (1968).

The Role of Private Industry in the Deep Ocean, in PRIVATE INVESTORS ABROAD—PROBLEMS AND SOLUTIONS IN INTERNATIONAL BUSINESS IN 1969, at 55.

Proposal for a "United States Bar," 58 A.B.A. J. 355 (1972).

Juridical Background and Decision-Making, JURIDISKA FÖRENINGEN I FINLAND, reprinted in 51 DEUTSCH RICHTERZEITUNG 293 (1973).

A Bar Examination for Federal Courts, 61 A.B.A. J. 1091 (1975).

Why Suppress Valid Evidence?, Wall St. J., Oct. 7, 1977, at 12, col. 4.

The exclusionary rule: why suppress valid evidence?, 62 JUDICATURE 214 (1978).

A call for alternatives to the exclusionary rule: let Congress and the trial courts speak, 62 JUDICATURE 351 (1979).

What Role for the Law School in American Legal Education? Purposefully Restructuring the Law School Curriculum, 1981 B.Y.U. L. REV. 1.

The Constant Objective and the Changing Structure of Legal Education, 50 B. EXAM., Nov. 1981, at 4.

The Exclusionary Rule: Costs and Viable Alternatives, 1 CRIM. JUST. ETHICS — (Summer/Fall 1982).

- Enforcing the Fourth Amendment by Alternatives to the Exclusionary Rule (National Legal Center for the Public Interest Mar. 1982), *reprinted in* 95 F.R.D. 211 (1982).
- Constitutional Alternatives to the Exclusionary Rule*, 23 S. TEX. L.J. 531 (1982).
- Emergency Motions in the Federal Courts (Federal Civil Practice Institute Sept. 1983).
- Activism By the Branch of Last Resort: Of the Seizure of Abandoned Swords and Purses (National Legal Center for the Public Interest Jan. 1984).

III. SIGNIFICANT JUDICIAL DECISIONS OUT OF 460 OPINIONS

- Kline v. 1500 Massachusetts Avenue Apartment Corp., 439 F.2d 477 (D.C. Cir. 1970) (landlord liability for criminal act).
- Tatum v. Laird, 444 F.2d 947 (D.C. Cir. 1971), *rev'd*, 408 U.S. 1 (1972) (Army surveillance of civilian political activity).
- United States v. Washington Post Co., 446 F.2d 1327 (D.C. Cir.) (dissent), *aff'd sub nom. New York Times Co. v. United States*, 403 U.S. 713 (1971) (Pentagon Papers publication).
- Radlinska v. Secretary of Health, Education and Welfare, 454 F.2d 1043 (D.C. Cir. 1971) (social security benefit to foreign mother).
- United States v. Ash, 461 F.2d 92 (D.C. Cir. 1972) (dissent), *rev'd*, 413 U.S. 300 (1973) (identification admissibility).
- Mayers v. Ridley, 465 F.2d 630 (D.C. Cir. 1972) (en banc) (concurrency) (invalidity of racial restrictive covenants).
- United States v. Robinson, 471 F.2d 1082 (D.C. Cir. 1972) (en banc) (dissent), *rev'd*, 414 U.S. 218 (1973) (search and seizure).
- Nixon v. Sirica, 487 F.2d 700 (D.C. Cir. 1973) (en banc) (dissent) (White House tapes).
- Mobil Oil Corp v. Federal Power Commission, 483 F.2d 1238 (D.C. Cir. 1973) (pipeline rates—substantial evidence on whole record).
- United States v. Brewster, 506 F.2d 62 (D.C. Cir. 1974) (bribery of senator).
- Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974) (Freedom of Information Act—procedure for indexing).
- Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975) (*Vaughn II*).
- United States v. Barker, 514 F.2d 208 (D.C. Cir. 1975) (en banc) (dissent) (Watergate burglary).

- Ethyl Corp. v. EPA, 541 F.2d 1 (D.C. Cir. 1976) (en banc) (dissent) (lead additive restrictions).
- United States v. Ehrlichman, 546 F.2d 910 (D.C. Cir. 1976) (burglary of Dr. Fielding for Ellsberg's medical records).
- United States v. Barker, 546 F.2d 940 (D.C. Cir. 1976) (Dr. Fielding burglary).
- Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976) (Freedom of Information Act—time allowed for compliance or denial).
- McSurely v. McClellan, 553 F.2d 1277 (D.C. Cir. 1976) (en banc) (dissent) (use in a congressional investigation of documents obtained through illegal search and seizure by state agents).
- Harrington v. Bush, 553 F.2d 190 (D.C. Cir. 1977) (Freedom of Information Act—standing).
- United States v. Montgomery, 561 F.2d 875 (D.C. Cir. 1977) (dissent) (search and seizure).
- Briggs v. Goodwin, 569 F.2d 10 (D.C. Cir. 1977) (dissent) (immunity of prosecutor/witness).
- Cole v. Harris, 571 F.2d 590 (D.C. Cir. 1977) (dissent), *rev'd sub nom. Alexander v. United States Department of Housing and Urban Development*, 441 U.S. 39 (1979) (federal housing).
- Hecht v. Pro-Football, Inc., 570 F.2d 982 (D.C. Cir. 1977) (anti-trust—football franchise, stadium lease).
- Bilingual Cultural Coalition on Mass Media, Inc. v. FCC, 595 F.2d 621 (D.C. Cir. 1978) (en banc) (broadcast license—minority affirmative action).
- Goland v. CIA, 607 F.2d 339 (D.C. Cir. 1978) (Freedom of Information Act—congressional documents).
- United States v. Bailey, 585 F.2d 1087 (D.C. Cir. 1978) (dissent), *rev'd*, 444 U.S. 394 (1980) (jail escape).
- Central Florida Enterprises v. FCC, 598 F.2d 37 (D.C. Cir. 1978), *cert. dismissed*, 441 U.S. 957 (1979) (TV licensing).
- Jordan v. United States Department of Justice, 591 F.2d 753 (D.C. Cir. 1978) (en banc) (Freedom of Information Act—government manuals).
- Smith v. Pro-Football, Inc., 593 F.2d 1173 (D.C. Cir. 1978) (anti-trust—player contract).
- Copeland v. Marshall, 641 F.2d 880 (D.C. Cir. 1980) (en banc) (dissent) (attorneys' fees when government is defendant).
- Hayden v. National Security Agency/Central Security Service,

- 608 F.2d 1381 (D.C. Cir. 1979), *cert. denied*, 446 U.S. 937 (1980) (Freedom of Information Act—intercepts).
- Aeronautical Radio, Inc. v. FCC*, 642 F.2d 1221 (D.C. Cir. 1980) (dissent), *cert. denied*, 451 U.S. 920 (1981) (cost of utility service—long-run incremental or fully distributed).
- Halperin v. CIA*, 629 F.2d 144 (D.C. Cir. 1980) (Freedom of Information Act—disclosure of details of CIA expenditures).
- Mullins v. Kaiser Steel Corp.*, 642 F.2d 1302 (D.C. Cir. 1980) (dissent), *rev'd*, 455 U.S. 72 (1982) (antitrust and labor law).
- Common Cause v. Schmitt*, 512 F. Supp. 489 (D.D.C. 1980) (three-judge district court), *aff'd by equally divided Court*, 455 U.S. 129 (1982) (election law interpretation).
- North Slope Borough v. Andrus*, 642 F.2d 589 (D.C. Cir. 1980) (environmental—offshore leasing by Interior Department).
- Democratic Senatorial Campaign Committee v. Federal Election Commission*, 660 F.2d 773 (D.C. Cir. 1980) (dissent), *rev'd*, 454 U.S. 27 (1981) (campaign fund restrictions).
- United States v. Frady*, 636 F.2d 506 (D.C. Cir. 1980) (dissenting statement on rehearing en banc), *rev'd*, 456 U.S. 152 (1982) (release of murderer sixteen years later).
- FTC v. Compagnie De Saint-Gobain-Pont-A-Mousson*, 636 F.2d 1300 (D.C. Cir. 1980) (service of FTC process abroad).
- Natural Resources Defense Council, Inc. v. Nuclear Regulatory Commission*, 647 F.2d 1345 (D.C. Cir. 1981) (international environmental law aspects of export of nuclear reactor to Philippines).
- United States v. Ross*, 655 F.2d 1159 (D.C. Cir. 1981) (en banc) (dissent), *rev'd*, 456 U.S. 791 (1982) (automobile search and seizure).
- Consumer Energy Council of America v. Federal Energy Regulatory Commission*, 673 F.2d 425 (D.C. Cir. 1982), *aff'd*, 463 US. 1216 (1983) (challenge of constitutionality of one-house veto provision of Natural Gas Policy Act of 1978).
- People Against Nuclear Energy v. United States Nuclear Regulatory Commission*, 678 F.2d 222 (D.C. Cir. 1982) (dissent), *rev'd sub nom. Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766 (1983) (NEPA and NRA as applied to Three Mile Island restart; psychological impact of nuclear accident).
- Natural Resources Defense Council, Inc. v. United States Nuclear Regulatory Commission*, 685 F.2d 459 (D.C. Cir. 1982) (dissent), *rev'd sub nom. Baltimore Gas & Electric Co. v.*

Natural Resources Defense Council, 462 U.S. 87 (1983) (Vermont Yankee III—impact of uranium fuel cycle under NEPA).

Village of Kaktovik v. Watt, 689 F.2d 222 (D.C. Cir. 1982) (attorney's fees under environmental statutes).

Consumers Union of the United States v. FTC, 691 F.2d 575 (D.C. Cir. 1982) (en banc) (per curiam), *aff'd*, 463 U.S. 1216 (1983) (two-house veto of FTC used-car regulation).

United States v. Belfield, 692 F.2d 141 (D.C. Cir. 1982) (Foreign Intelligence Surveillance Act).

Medina-Hincapie v. Department of State, 700 F.2d 737 (D.C. Cir. 1983) (denial of visa application information).

Nalls v. Rolls-Royce Ltd., 702 F.2d 255 (D.C. Cir. 1983) (air crash in India—forum non conveniens).

Collins v. Weinberger, 707 F.2d 1518 (D.C. Cir. 1983) (employment of citizens of U.S. or host country by U.S. Armed Forces overseas).

Ramirez de Arellano v. Weinberger, 745 F.2d 1500 (D.C. Cir. 1984) (en banc), *vacated and remanded for reconsideration in light of subsequent legislation*, 105 S. Ct. 2353 (1985) (wrongful occupation of U.S. citizen's property in Honduras by U.S. troops).

Laker Airways Ltd. v. Sabena, Belgian World Airlines, 731 F.2d 909 (D.C. Cir. 1984) (conflict in national jurisdictions, antisuit injunctions).