[FR-0494.009.003.012]

WILLIAM H. KENNEDY
ASST. DISTRICT ATTORNEY
RICHARD D. HUFFMAN
CHIEF DEPUTY DISTRICT ATTORNEY
WAYNE A. BURGESS
CHIEF INVESTIGATOR

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
EDWIN L. MILLER, JR.
DISTRICT ATTORNEY

COUNTY COURTHOUSE
SAN DIEGO, CALIFORNIA 92101
(714) 236-2329

July 9, 1980

Honorable Edward M. Kennedy
Chairman, Committee on Judiciary
United States Senate
Washington, D.C. 20510

Attn: Burt Wides, General Counsel

Dear Senator Kennedy:

The name of Earl B. Gilliam is before your committee for confirmation as a judge of the United States District Court for the Southern District of California. Based upon my long professional relationship with Judge Gilliam and because of the high regard in which he is held in the legal and law enforcement communities in San Diego, I take this opportunity to offer my unqualified support of his appointment.

I have been District Attorney of San Diego County since 1971 and have observed Earl Gilliam's performance on the Municipal Court bench and the Superior Court bench virtually on a daily basis since that time. In those years I have seen him demonstrate the intellect, the resolve, the insight, the enthusiasm and the integrity that makes a superior judge. Earl Gilliam is a talented and honest man who over the past 16 years on the bench has earned the respect of prosecutors, of the defense bar and of law enforcement. I believe he would be a credit to the federal judiciary.

Since his elevation from the Municipal Court to the Superior Court in 1975, Judge Gilliam has handled a broad range of criminal litigation, much of it of an extremely complex nature. In every instance he has been fair, thorough and diligent, earning the satisfaction and the respect of both sides.

During his tenure on the Superior Court, Judge Gilliam has served at various times as the judge in the Readiness Department, a most sensitive assignment encompassing the court in which most criminal dispositions are made, and as the Presiding Judge of the Criminal Division. He handled both

important positions efficiently in his characteristically practical and straightforward fashion. Although I am in no position to speak for the defense bar, I am sure attorneys representing criminal defendants are well satisfied that they received equitable treatment from Judge Gilliam. I know that my office has been most satisfied with his fundamental fairness, his wisdom and the depth of his legal knowledge.

Judge Gilliam has also distinguished himself with a rare insight which enables him to discern whether a particular criminal defendant is merely a person who needs a boost from a compassionate judge in order to start rebuilding his life or is a jaded and serious offender who requires stern treatment. Judge Gilliam does not make such determinations arbitrarily or capriciously; rather, he makes them wisely and effectively. This judicious ability to see past rhetoric and procedure and to grasp the essence of a criminal case, a criminal defendant and a victim is a character trait sorely needed on the federal bench.

Before becoming the District Attorney of San Diego County, I had the pleasure of serving as the first United States Attorney for this district and I am thus familiar with federal law and the operation of the federal courts. It is in this context that I offer what I hope will be accepted as an expert opinion that Earl B. Gilliam would make an exemplary federal judge.

In my experience as the state prosecutor in San Diego County, I have encountered judges of all degrees of competence, honesty and earnest dedication. In every respect, Earl Gilliam stands among the best. I have always been satisfied to know that my deputies are presenting cases before him in state court. Under a cross designation program established between this office and the United States Attorney in this district, select members of my staff are designated as Special Assistant United States Attorneys and present criminal cases in the federal courts. I would have no hesitancy in having those cases heard by Judge Gilliam, for regardless of whether his forum be state or federal, I know Earl Gilliam to be a jurist of the utmost integrity and skill.

I know that my regard for Judge Gilliam is shared by a wide range of persons in San Diego. Among his many honors was the selection some years ago as the San Diego Chamber of Commerce's Young Man of the Year. An indication both of his legal scholarship and his dedication to his profession is his decade-long service as a law school professor, in which capacity he has earned the admiration of literally thousands of his students. Among police officers his reputation is that of a no-nonsense, extremely

bright judge who ultimately may rule for or against you but will treat you fairly, honestly and with respect.

In short, I believe you have before you an outstanding candidate for the federal bench and I urge your committee's confirmation of the appointment of Earl Gilliam. His service as a federal judge will make both you and this community proud.

I appreciate the opportunity to offer this endorsement, and I would be most pleased to answer fully any question you committee or any of its members may have about the professional skills, integrity and dedication of Earl B. Gilliam.

Sincerely,

Edwin L. Miller Jr.

EDWIN L. MILLER, JR.
District Attorney

ELM:sf