

# Gilliam nominated for federal judge

"Wonderful. I am excited." Willie Brown and former U.S. Superior Court Supervising Judge Earl B. Gilliam when asked about his reaction to his nomination by President Carter to be a federal judge in San Diego.

Gilliam, 48, a San Diego resident since he was 10 years old, is the first Black in the county to be nominated to such a position.

Gilliam said that while the job may not be that great salarywise, it is a prestigious and challenging job.

"I'm sure, there will be more work for me," he told the **Voice & Viewpoint**.

According to Gilliam, President Carter has done a good job appointing minorities and women to the bench. "How, I wish, however, that there were more," he added.

Congress has created seven new federal judgeships in the state and President Carter appointed two Blacks, two Chicanos and two women to the positions.

A native of Clovis, N.M., Gilliam came to San Diego in 1941 where he helped his parents turn a small fish business into a successful enterprise.

A graduate of San Diego High School, he attended San Diego State University and went to Hastings College of Law at the University of California in Berkeley.

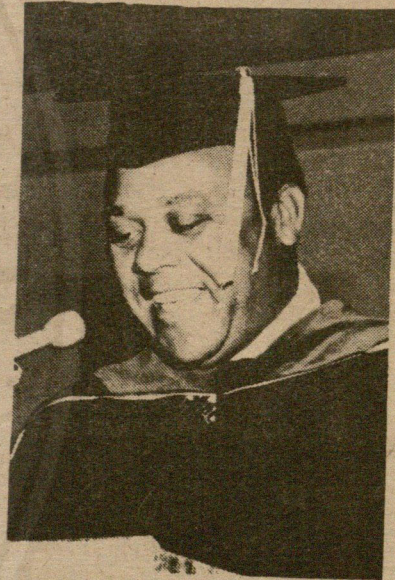
Among his classmates at Hastings were the late San Francisco Mayor George Moscone, Assemblyman

Rep. Yvonne Brathwaite Burke, now a Los Angeles supervisor.

Gilliam will fill one of two new federal judgeships in the county. The U.S. Senate must approve his nomination after hearings expected to take place next month.

The judge said he expects to take over the position in March after the confirmation hearings.

He said right now, he makes \$54,000 as supervising judge in the county Superior Court system.



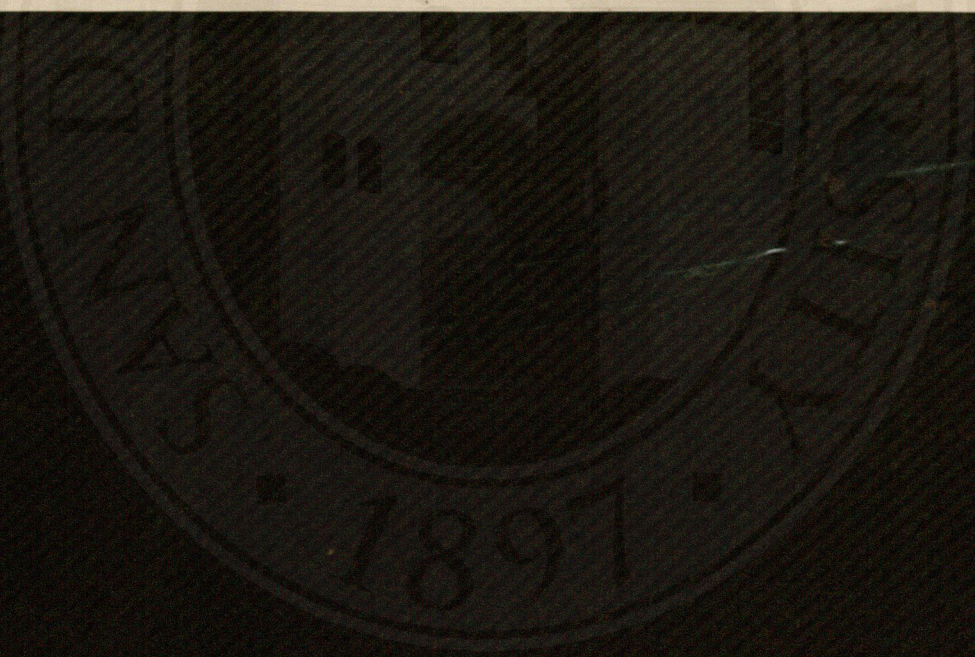
**JUDGE GILLIAM**

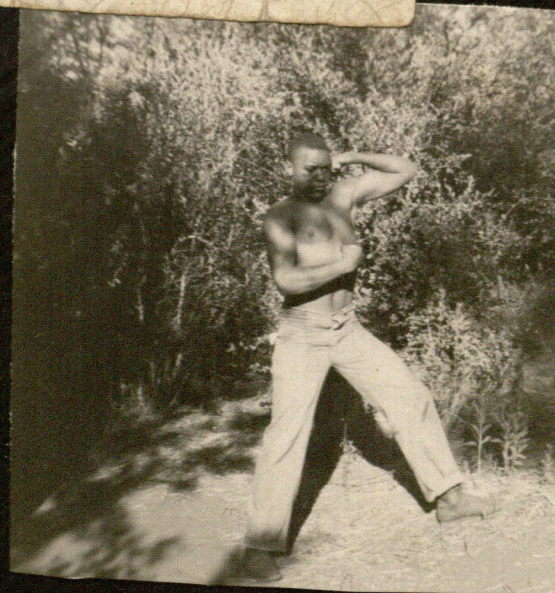
Addressing a law school graduation class

Friends, relatives and colleagues welcomed Gilliam's appointment. Chief U.S. District Court Judge Edward J. Schwartz said he hopes Gilliam's appointment will be "speedy so we can have

(Please turn to A - 3)

OPEN







DAILY TRANSCRIPT - Aug. 20, 1980

# Gilliam Is Confirmed As Federal Judge in Surprise Voice Vote

By ROY SCHNEIDER  
SAN DIEGO DAILY TRANSCRIPT Staff Writer

After being stalled in the Senate Judiciary Committee for 14 months, the nomination to the federal bench of Superior Court Judge Earl Gilliam was confirmed yesterday by a surprise voice vote of the full U.S. Senate.

"I'm just happy and thrilled, both for myself and the people of San Diego," said an elated Gilliam, who first heard the news from a reporter before getting official word from Washington.

The approved nomination makes Gilliam the first black U.S. District Judge in San Diego's history and follows by just one week the swearing in of San Diego's first female federal judge, Judith Keep.

Gilliam's nomination caused a storm of controversy after it stalled in the 17-member judiciary committee. The committee's Republican members delayed the nomination for months, saying "serious allegations" against Gilliam had come to light during outline FBI and committee checks of his background. No specifics of those allegations were ever released.

Gilliam, a Democrat, scoffed at the sudden allegations, which he said he knew nothing about, saying it was just a political ploy. He remained at least publicly confident of final approval by the Senate.

Local black leaders took the delay action more seriously, accusing the Republicans of racism. Several Democrats charged that the nomination was being delayed as Republicans waited for a possible

Republican administration to enter the White House in January.

Apparently, the first person in San Diego to learn of Gilliam's confirmation was Duncan Hunter, the Republican challenging Rep. Lionel Van Deerlin for the 42nd Congressional District seat.

Van Deerlin was one of those  
(Continued on Page 12A)



## Judge —

(Continued from Page 1A)

charging Republicans with racism, but Hunter, a local attorney, says his quiet support did more to break the committee's deadlock.

Hunter says he enlisted support for Gilliam, Hunter's former law school professor, from House minority leader John Rhodes at a recent campaign luncheon. Rhodes in turn contacted Senate minority leader Howard Baker, who promised his support for the nomination, according to Hunter.

At noon yesterday Rhodes called Hunter and said the nomination had been approved.

Gilliam, 49, was nominated for the



JUDGE GILLIAM

judgeship by Sen. Alan Cranston, who also recommended then-Municipal Court Judge Judith Keep for the federal judgeship she now holds.

He was appointed to the Municipal Court in 1963 by then-Gov. Edmund G. (Pat) Brown. Gilliam also broke new ground then as San Diego County's first black judge. He was elevated to the Superior Court in 1975 by the current governor.

Gilliam contends that he is unperturbed by the long delay, saying, "It's a lifetime appointment, so I could afford to wait."

Enjoying the fun at Klee W  
fest Saturday night at Circle Ar  
from left, David Kindig (dressed

## Functions Of Court Will Be Explained

The San Diego Legal Secretaries Association has invited San Diego County high school seniors interested in different phases of law careers to attend the association's annual Day in Court Wednesday.

The event will begin at 8 a.m. with registration at the San Diego Hotel. At 9 a.m. guests will attend opening ceremonies conducted by the Hon. Joseph A. Kilgarif, presiding judge of the Superior Court, and Hon. Earl B. Gilliam, presiding judge of the Municipal Court, in their respective courtrooms.

Appearing in the



# Gilliam nominated for federal judge

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### Voice & Viewpoint.

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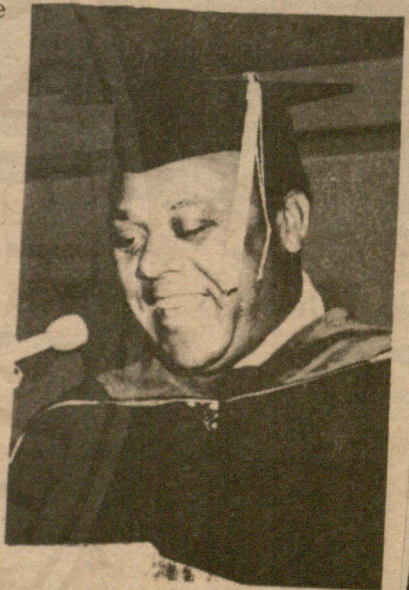
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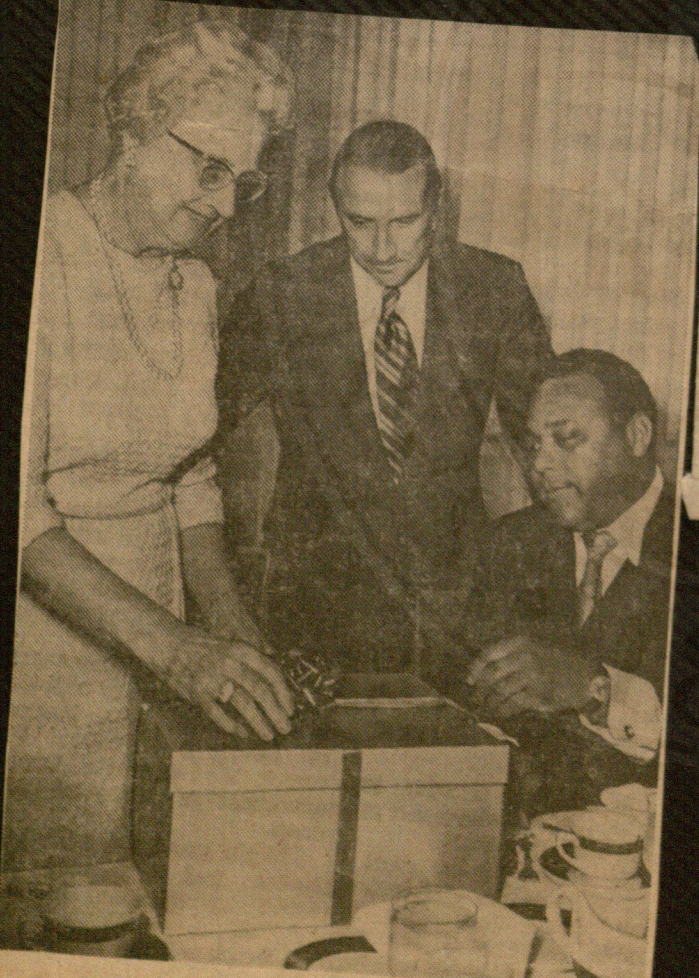


JUDGE GILLIAM

## Judge Asks Mental Test For Killer, 19

A 19-year-old El Cajon man who was to be sentenced on a second degree murder charge was committed to Community Mental Health Center yesterday after an outburst in Superior Court.

Judge Earl B. Gilliam ordered the commitment to determine the present sanity of Dana C. Lalley after he began shouting wildly while



Retiring Municipal Judge Madge Bradley opens gift given her at monthly judges' meeting. Judge T. Bruce Iredale, center, and Judge Earl B. Gilliam watch.

—Staff Photo

# Man sentenced for tax shelter fraud

A federal judge has sentenced a private tax consultant to 60 days in custody for selling non-existent solar panels as tax shelters and falsifying clients' tax returns.

U.S. District Judge Earl Gilliam also placed Horace Tremelling, 62, of Spring Valley, on five years' probation for his role in a solar panel tax fraud scheme that involved now-

bankrupt Major Dynamics Inc.

Tremelling's sentence was the last of six to be given to individuals connected with the scheme that defrauded 1,200 investors out of \$8.3 million in cash and \$33 million in promissory notes. The sentences ranged from five years in federal prison to 60 days.

Tremelling pleaded guilty to aid-

ing in the preparation of a false tax return, a felony. Prosecutors said he falsified tax returns for about 20 investors by backdating their tax shelter documents.

In imposing the sentence on Tremelling, Gilliam noted that Tremelling had no previous record, suffered from a heart condition and had cooperated with the government.

# 2 get heavy sentences in tax fraud scheme

A Laguna Niguel attorney and an Irvine accountant have been sentenced to prison in a scheme to obtain income tax refunds by filing fictional tax returns.

U.S. District Judge Earl B. Gilliam imposed the heaviest penalty, of four years, on attorney Thomas Lee Cooper. The accountant, Lawrence Craig Shaw, was sentenced to three years in custody. Both had pleaded guilty earlier to one count of mail fraud.

Each of the men could have received a maximum sentence of five years in prison and a \$10,000 fine, but Gilliam took into account their intention to make approximately \$40,000 in restitution for the refunds they obtained by Fraud.

Cooper was arrested by Internal Revenue Service agents outside a private

post office box rental service on Miramar Road, where he had picked up three refund checks. Assistant U.S. Attorney Eve D. Birmingham said the IRS and California Franchise Tax Board uncovered privately rented mail boxes and more than 30 different identities that were created

to ask for refunds.

If the scheme had not been uncovered, refunds would have totaled around \$500,000, she said. False returns also were filed with the states of Colorado, Georgia, Maine, Minnesota and Nebraska.

## DUNCAN HUNTER REMOVED ROAD-BL FROM JUDGE EARL GILLIAM'S CONFIRMATION

When the appointment to federal judgeship for Earl Gilliam was before the U.S. Senate, Duncan Hunter asked House Minority Leader James Rhodes to expedite it. Rhodes called Senator Howard Baker. The second time Congress re-convened, the Republican caucus approved the confirmation.

Wednesday

# The San Diego Union

## Gilliam Wins OK As U.S. Judge Here

Duncan Hunter, Republican candidate for the 42nd Congressional District seat held by Democratic Rep. Lionel Van Deerlin, had spoken to House Republican Leader John L. Rhodes of Arizona, during a Hunter fund-raiser in San Diego, about urging Senate Republicans to approve Gilliam.

Coincidental with yesterday

afternoon's vote, House Minority Leader Rhodes had met in the morning with Baker to discuss GOP positions on legislation. Rhodes, as he had promised Hunter of San Diego, took the opportunity to mention the Gilliam nomination to Baker.

Hunter said Rhodes had telephoned him in San Diego after the conversation with Baker and had told him Gilliam would be confirmed.

"Judge Gilliam was my favorite professor at Western State University. I later

practiced law. I consider him a qualified judge," Hunter said.

Gilliam met with him the morning after he had been named to the judgeship.

"He said he had been practicing law for 20 years and had been a judge for 10 years."

"Then I got a letter from Hunter saying he had won the caucus and would be a senator. I voted for him in the nomination."

POST RECENTLY CREATED

THE SAN DIEGO UNION

Friday, December 7, 1979

# Gilliam Named U.S. Judge

Earl B. Gilliam, the first black judge in San Diego County, was selected by President Carter yesterday for a federal judgeship here.

Mr. Carter announced the nomination of Gilliam, 48, now the supervising judge of the criminal division of Superior Court. Gilliam was named to the Superior Court in 1975 after serving on the municipal bench starting in 1963.

Gilliam was born in Clovis, N.M., and came to San Diego in 1941 with his parents. For many years he helped his father turn a small fish business into a successful enterprise. His father died in 1974.

After being graduated from San Diego High School, Gilliam attended San Diego State University and went to Hastings College of Law at the University of California at Berkeley.

His law school classmates included a number of persons who became noted in California government and politics: George Moscone, the late mayor of San Francisco; Assemblyman Willie Brown and former U.S. Rep.

Yvonne Brathwaite Burke, now a Los Angeles supervisor.

Gilliam, who could not be reached yesterday, will fill one of two new federal judgeships created here by Congress. The U.S. Senate must approve his nomination after hearings expected to take place next month.

Chief U.S. District Court Judge Edward J. Schwartz, when advised of the nomination, said: "Oh, good . . . I feel sure he will be approved by the Senate and I hope the approval will be speedy so we can have the benefit of his services as soon as possible."

Judge Howard B. Turrentine, who has had long service on the federal bench, commented: "We're very happy. He'll make a fine judge and we're looking forward to a pleasant association."

U.S. Attorney Michael H. Walsh, the chief federal prosecutor here, said, "I've always thought the world of Earl Gilliam. I think he'll be a fine and extremely fair judge to everyone who appears before him."



**EARL B. GILLIAM**  
... first black on S.D. bench







File Photo

Judge Earl B. Gilliam

## Judge Gilliam Stricken During Idaho Vacation

By BILL OTT

Staff Writer, The San Diego Union

Federal Judge Earl B. Gilliam was stricken early yesterday with a severe aneurysm, a massive enlargement of the weakened wall of an artery, while vacationing in Idaho.

Gilliam, 49, was stricken while at a motel in Idaho Falls and admitted himself to the city's Riverview Hospital after suffering severe pain.

Aides there said he was awake and alert. Last night, he was flown by air ambulance to the LDS Hospital in Salt Lake City for possible surgery.

## GILLIAM: Judge Stricken, Has Surgery

### Continued from First Page

Tuesday to repair the enlarged wall of the main artery that carries oxygen-rich blood from the heart.

Following surgery, Gilliam was taken to the thoracic intensive care unit where he is expected to remain for at least three more days, the hospital spokesman said.

Repairing an enlarged artery where the wall has ballooned but not broken usually requires grafting a healthy part of the artery onto the damaged portion of the vessel.

An aortic aneurysm is considered a significant problem brought on by

arteriosclerosis, or hardening of the arteries, aging of the arteries and high blood pressure.

A spokesman at Riverview Hospital said Gilliam apparently had a large aneurysm and that his blood pressure was high.

Gilliam had not been expected to return to the federal bench until Aug. 3, a courthouse spokesman said.

He was taking a short vacation and was scheduled to attend an antitrust seminar at the University of Michigan in late July.

Gilliam was nominated to the

federal bench in 1979 by former President Jimmy Carter. He was confirmed for the position by the U.S. Senate nine months after the nomination in the wake of what was described as a political delay.

Gilliam became the first black federal judge in San Diego County.

Gilliam, who in 1963 became the first black named to the San Diego Municipal Court and in 1975 was elevated to the Superior Court bench by Gov. Edmund G. Brown Jr., has lived in San Diego since he was 10.

## Judge Gilliam Stricken

(Continued from B-1)

The hospital said Gilliam was undergoing examination.

Kathryn Younghusband, the judge's secretary, said he had been on vacation following his participation in the 9th Circuit Judicial Conference at Jackson Hole, Wyo. She said he was driving alone and had planned to do some fishing en route to San Diego, where he was scheduled to resume his duties on the bench next week.

Younghusband said the judge's

mother, Lula May, and one of his sons, Earl Kenneth, had left here by plane to join him at LDS Hospital.

Aides at Riverview Hospital in Idaho Falls said the aneurysm extended from Gilliam's heart area to his kidney area. They indicated that his blood pressure also was extremely high.

Gilliam, a former Superior Court judge, was appointed to the federal bench by then President Jimmy Carter on Dec. 6, 1979.

# U.S. District Judge Gilliam Stricken, Undergoes Surgery

By MARK FORSTER, *Times Staff Writer*

U.S. District Judge Earl B. Gilliam was listed in critical condition Tuesday following 5½ hours of surgery at a Salt Lake City hospital to repair an aortic aneurysm that seriously weakened the wall of a major artery, a spokesman at the Utah hospital said.

Gilliam, 49, was stricken with severe chest pains Monday morning in Idaho Falls, Ida., while returning alone by car to San Diego from a judicial conference in Jackson Hole, Wyo.

He checked into Riverview Hospital in Idaho Falls early Monday and was flown later that night to LDS Hospital in Salt Lake City, the hospital spokesman said.

Dr. Hal Little, a Salt Lake City thoracic surgeon, began operating on Gilliam at 7 a.m.

Please see GILLIAM, Page 5



JOHN McDONOUGH / Los Angeles Times

Judge Earl B. Gilliam became San Diego's first black federal judge in 1980.

## 5½-HOUR OPERATION

# Judge Gilliam's Vital Signs 'Stable' Following Surgery

Federal Judge Earl B. Gilliam was reported in critical condition in the intensive care unit of LDS Hospital in Salt Lake City late yesterday after heart surgery.

Hospital aides said, however, that the 49-year-old San Diego judge's "vital signs are stable and he is resting." They said the term "critical" is normally applied to any patient who has undergone heart surgery for at least 24 hours. Gilliam entered the operating room about 7 a.m. yesterday and was in surgery for 5½ hours.

He was taken Monday evening from the Riverview hospital in Idaho Falls, Idaho, to LDS Hospital. Gilliam had driven from Jackson Hole, Wyo., to Idaho Falls after participating in the 9th Circuit Judicial Conference at the Jackson Hole Inn. He had planned to do some fishing on his way back to San Diego.

He was stricken with a severe aneurysm, an enlargement of the weakened wall of an artery, while at a motel in Idaho Falls early Monday and admitted himself into the city's Riverview hospital after suffering chest pains.

A spokesman at LDS Hospital said the surgery involved repair of the aneurysm, describing it as an "open heart procedure."

Gilliam's mother, Lula May, and one of his sons, Earl Kenneth, were at LDS Hospital yesterday, but indicated they did not want any immediate contact with the news media.

Gilliam had been scheduled to resume his duties on the bench here next week. Chief Federal Judge Edward J. Schwartz said other judges will temporarily pick up Gilliam's cases.

# Judge Gilliam Off Critical List

Federal Judge Earl B. Gilliam was reported in stable condition and "resting very well" yesterday at LDS Hospital in Salt Lake City, Utah, where he underwent open-heart surgery Tuesday.

A hospital spokesman said Gilliam, 49, has been taken off the critical list but is expected to remain in intensive care for the next three or four days. The surgery,

according to the spokesman, resulted in "no complications."

Gilliam was stricken with a severe aneurysm — enlargement of the weakened wall of an artery — while in Idaho Falls, Idaho, early Monday. Suffering severe chest pains, he admitted himself to Riverview Hospital there, then was flown to LDS Hospital by air ambulance for surgery.

He had driven to Idaho from Jackson Hole, Wyo., where he attended the 9th Circuit Judicial Conference and had planned to do some fishing on his way back to San Diego.

Park Activities Get \$9,185

4 EVENING TRIBUNE

San Diego, Tuesday, July 14, 1981



**RECOVERING** — Federal Judge Earl Gilliam is visited by his mother, Lula May Gilliam, at a Salt Lake City hospital, where he

is recovering from an aneurysm. He said he hopes to return to San Diego next week and to the bench in August. — AP photo

SAN DIEGO, CALIFORNIA, TUESDAY MORNING, JULY 14, 1981

The San Diego Union



The Associated Press

Federal Judge Earl B. Gilliam is recovering from heart surgery in Salt Lake City.

## Gilliam Cheerful, Planning Return

By BILL OTT

Staff Writer, The San Diego Union

Federal Judge Earl B. Gilliam said from his hospital bed in Salt Lake City yesterday that he hopes to return to San Diego sometime next week.

Gilliam, sounding cheerful but still weak from heart surgery, said in a telephone interview from LDS Hospital that, "As far as he (Dr. Edward Liddle who performed the surgery) is concerned I should be OK."

The judge's mother, Lula May, and his son, Earl Kenneth, were in the hospital room as he spoke briefly on the phone. He is no longer in the intensive care section.

Gilliam, 49, was stricken with a severe aneurysm — enlargement of the weakened wall of an artery — while in Idaho Falls, Idaho, early July 5. Suffering severe chest pains, he admitted himself to Riverview Hospital there, then was flown to LDS Hospital by air ambulance for surgery.

He had driven to Idaho from Jackson Hole, Wyo., where he attended the 9th Circuit Judicial Conference, and had planned to do some fishing while en route back to San Diego.

The judge, in good spirits, quipped: "My aorta kinda blew up."

As of yesterday, it was unclear when Gilliam would return to the bench here, but he said he hoped it would be sometime early in August.

### AFTER SURGERY

## Gilliam Back On Job

Federal Judge Earl B. Gilliam, who was stricken with a severe aneurysm on July 6 and underwent open-heart surgery, was back on the job yesterday, much trimmer and "feeling fine."

Gilliam spent a half-day at the federal courthouse, devoting his time to paper work in chambers in preparation for going back on the bench Sept. 8.

He said he is still on a recovery program, walking at least 2 miles a day and swimming for exercise.

Gilliam grinned as he noted he turned 50 on Aug. 17. On his birthday, his court staff rented a Rolls-Royce, picked him up at the home of his mother, Lula May, in Southeast San

Diego, and chauffeured him to lunch at San Diego harbor.

Gilliam was stricken with the aneurysm, an enlargement of the weakened wall of an artery, while in Idaho Falls, Idaho. He admitted himself to Riverview Hospital there, then was flown by air ambulance to LDS Hospital in Salt Lake City for surgery.

The judge had driven to Idaho from Jackson Hole, Wyo., where he attended the 9th Circuit Judicial Conference. He had planned to do some fishing en route back to San Diego.

He said yesterday that he had returned to LDS Hospital on Aug. 19-20 and had been cleared to return to the bench on Sept. 8.



**FEDERAL JUDGE EARL GILLIAM**, who was hospitalized in July with a heart ailment, was on hand last weekend to attend the United Negro College Fund telethon fundraiser. He is being interviewed by Robin Robinson of KGTV, Channel 10 which aired the event.

Photo by Herb Coleman

12-1-71

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# Salutes . . .

## HON. EARL B. GILLIAM

PRESIDING JUDGE, MUNICIPAL COURT



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Four judges were sworn in to the San Diego Superior Court Monday, February 9, during services held downtown. From left, are judges: Norbert Ehrenfreund, Edward T. Butler, Earl B. Gilliam, and Wesley B. But-

termore Jr. Seated at bench is Presiding Superior Court Judge Eli Levenson. The new judges were sworn in by San Diego County Sheriff John Duffy (in foreground).

— Photo by Skeete



