

Mrs. Jeanette Hermes
2920 Fulton Street
Berkeley, California 94705

Dear Mike:

I just heard the news that you lost your appointment as clerk to Justice Brennan. Needless to say I was very shocked and upset when I heard this. As you may know almost everyone here who has heard of this wants to do something to protest. However, before deciding what is the best thing to do, it was felt that we should know from you exactly what happened and why.

It is my understanding that pressure was put on Justice Brennan by several members of Congress who felt that your past political activities had made you unfit to be a clerk of the United States Supreme Court. However, I am uncertain as to whether it was your mere participation in these activities (such as SLATE or the Helsinki festival) or whether you were also criticized for your political views -- e.g. as evidenced by your brief against the War in Vietnam.

Furthermore I am not clear on whether the pressure was made public as to the Congressmen, or whether it was applied only behind the scenes but as a result of articles such as the one by Fulton Lewis III (?).

I had thought that those of us who were upset by this event could write letters to Justice Brennan and/or other members of the Court expressing our feelings about your firing. However, I am not sure how such letters should be worded, nor am I sure that protests should be limited to such letters. I also do not know whether or not letters should be written to friends of friends who are professors and who share a feeling for civil liberties, asking them to write in protest.

Part of the hesitation is tactical and part, of course, is everyone's feeling that we do not want to jeopardize your future by our protest actions. However, because some of us see this as a sign of things to come, we do feel that some action is appropriate.

You are probably deluged with mail, but should you be able to answer my questions, I would appreciate it. Also, do you have any prognostications about what this action of Brennan's means both for the Court and for the tenor of the country in general?

Page two

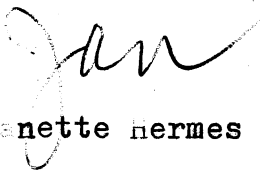
Have you decided yet what your next step will be? Will you accept a position in Washington? Have you had any teaching offers? If there is anything that we here in Berkeley can do to help you, please let us know.

Ken Cloke told me that he wrote you concerning possible Guild action in response to your firing. Since this is one of the avenues of protest that I had planned to use, I shall await your reply to both of us in this regard. Ken said there was also much student feeling for protest at Boalt on your behalf.

If you have time for a reply, I would much appreciate it. I shall await your answer (as long as possible) before initiating any type of protest.

Good Luck from all of us here in Berkeley and best regards to your wife and children.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Jeanette", written in dark ink.

Jeanette Hermes