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THE WHITE HOUSE

WASHINGTON

July 6, 1981

MEMORANDUM FOR:

JAMES A. BAKER III

FROM:

FRED F. FIELDING

SUBJECT:

Supreme Court Nomination -- Game Plan

The announcement should be made as soon as possible.

- Avoids risk of further leaks, which deprive President of "announcement" momentum.
- Initial leakage has probably surfaced all potential problems (pro-lifers, etc.).
- Permits us to commence FBI immediately = earlier possible date for confirmation hearing (optimum would be before recess).
- Downside; if confirmation held over, opponents can muster forces; however, if name leaks out, this will occur in any event.

President should personally make the announcement.

- Historic event.
- Most important appointee of Administration.

Announcement plan.

- President in briefing room.
- Brief statement.
- No questions.
- Appointee should not be present - too difficult to get to Washington unnoticed.
- White House press aide should be present with appointee.

Prior notification.

- Appointee should be called by President - advised of selection (if not already done).
- Appointee should be called by staff - advised of announcement time; arrival of press aide; requested to complete all requisite forms (if not already done).

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Prior notification: 30 minutes before announcement.

- Chief Justice.
- ABA President or Chairman of Standing Committee on Federal Judiciary.
- Chairman, Senate Judiciary Committee.

Materials to be prepared.

- Brief Presidential announcement.
- Press Office release and biography.

Pre-announcement press plan.

- Meeting with White House and Justice participants and press spokesmen to insure consistent responses (for a change).

Rationale for not seeking prior evaluation of ABA:

- No legal requirement; practice has varied with Administrations.
- Need to end speculation.
- Administration has carefully reviewed candidate's qualifications and is satisfied.
- We have invited ABA to provide its advisory views to Senate Judiciary Committee; we would expect this will be done in this instance as in the past; we encourage the views of all interested groups.

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STATEMENT BY THE PRESIDENT

As President of the United States, I have the honor and privilege to make thousands of appointments to positions in the Federal government. Each is important and deserves a great deal of care, for each individual is called upon to make his or her contribution, often at personal sacrifice, to shaping the policy of this Administration. Thus, each has an obligation to you and in varying degrees has an impact on your life.

In addition, as President I have the privilege to make a certain number of nominations which have a more lasting influence on our lives, for they are the life-time appointments of those men and women called upon to serve on the Judiciary in our Federal district courts and courts of appeals. These individuals dispense justice and provide for us those most cherished guarantees of protection of our criminal and civil laws.

But, without doubt the most awesome appointment a President can make is to the United States Supreme Court. Those who sit on the Supreme Court interpret the laws of our land and truly do leave their footprints on the sands of time, long after the policies of Presidents, Senators and Congressmen of a given era may have passed from the public memory.

After very careful review and consideration I have made a decision as to my nominee to fill the vacancy on the United States Supreme Court created by the resignation of Justice Stewart. Since I am aware of the great amount of speculation about this appointment, I want to share this very important decision with you as soon as possible.

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Needless to say most of the speculation has centered on the question of whether I would consider a woman to fill this first vacancy. As the press has accurately pointed out, during my campaign for the Presidency, I made a commitment that one of my first appointments to a Supreme Court vacancy would be the most qualified woman I could possibly find. That is not to say I would appoint a woman merely to do so. That would not be fair to women, nor to future generations of all Americans whose lives are so deeply affected by the decisions of the Court. Rather, I pledged to appoint a woman who meets the very high standards I demand of all court appointees.

I have identified such a person.

So, today, I am pleased to announce that upon completion of all necessary checks by the Federal Bureau of Investigation, I will send to the Senate the nomination of Judge Sandra J. O'Connor of the Arizona Court of Appeals for confirmation as an Associate Justice of the United States Supreme Court.

She is truly a "person for all seasons", possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 "Brethern" who have preceded her.

I commend her to you and urge the Senate's swift bi-partisan confirmation so that, as soon as possible, she may take her seat on the Court and her place in history.

FFF

TELEPHONE CALLS

July 6, 1981

10:55 a.m.

HR ✓ Susan King (887-7715)

11:05 a.m.

David Waller and Peter Rusthoven
(X2674) (X6500)

11:14 a.m.

Paul Abenante - American Baker's Assn.
Wants to review a couple of things with
you regarding your trip to the Homestead
296-5800

11:15 a.m.

VIA Steve Wiseman - New York Times
862-0366

Reagan Presidential Library

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