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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 21, 1981

STATEMENT BY THE PRESIDENT

I want to express my gratitude to the Senate for unanimously approving today the nomination of Judge Sandra Day O'Connor as an Associate Justice of the United States Supreme Court.

Judge O'Connor is, as I have come to know personally, a very warm and brilliant woman who has had an outstanding career in Arizona. I know the Court and the Nation will benefit both from her lifetime of work, service and experience in the legal profession, and from her solid grasp of our Constitution, which she reveres. This truly is a happy and historic day for America.

Judge O'Connor's judicial philosophy is one of restraint. She believes, as she said in her Senate testimony, that a judge is on the bench to interpret the law, not to make it. This philosophy of judicial restraint needs representation in our courtrooms and especially on the highest court in our land.

Let me also say that Judge O'Connor's confirmation symbolizes the richness of opportunity that still abides in America -- opportunity that permits persons of any sex, age or race, from every section and every walk of life to aspire and achieve in a manner never before even dreamed about in human history.

#



Office of the Attorney General
Washington, D.C.

July 22, 1981

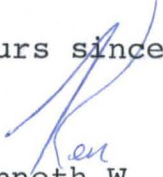
Mr. Max L. Friedersdorf
Assistant to the President
for Legislative Affairs
The White House
Washington, D.C. 20500

Dear Max:

As discussed in your telephone conversation this afternoon with the Attorney General, I am enclosing a photocopy of the ABA's letter with respect to Judge O'Connor.

Kindest regards.

Yours sincerely,


Kenneth W. Starr
Counselor to the
Attorney General



AMERICAN BAR ASSOCIATION

STANDING
COMMITTEE ON
FEDERAL
JUDICIARY

1155 EAST 60TH ST., CHICAGO, ILLINOIS 60637 TELEPHONE (312) 947-4000

July 22, 1981

BY HAND

CONFIDENTIAL

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
JUL 22 1981

The Honorable William French Smith
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Re: Sandra D. O'Connor
Supreme Court of the United States

Dear Mr. Attorney General:

As you requested in your letter to me of July 7, 1981, the Standing Committee on Federal Judiciary of the American Bar Association has evaluated Judge Sandra D. O'Connor's qualifications for appointment as Associate Justice of the Supreme Court of the United States. The Committee has unanimously adopted the following evaluation of Judge O'Connor's qualifications.

Judge Sandra D. O'Connor meets the highest standards of judicial temperament and integrity. Her professional experience to date has not been as extensive or challenging as that of some other persons who might be available for appointment to the Supreme Court of the United States. Nevertheless, after considering her outstanding academic record, her demonstrated intelligence, and her service as a legislator, a lawyer, and a trial and appellate judge, the Committee is of the opinion that she is qualified from the standpoint of professional competence for appointment to the Supreme Court of the United States.

Sincerely yours,

Brooksley E. Landau
Brooksley E. Landau
Chairperson

BEL:djr

cc: Committee Members and
Certain Former Chairmen

CHAIRPERSON
and Member-at-Large
Brooksley E. Landau
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036

John M. Harrington, Jr.
225 Franklin Street
Boston, MA 02110

Leon Silverman
One New York Plaza
New York, NY 10004

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44 E. Camperdown Way
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Atlanta, GA 30303

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Dallas, TX 75250

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777 E. Wisconsin Avenue
Milwaukee, WI 53202

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COPY

JOHN HENRY NORTON
54 MILLER ST
FAIRFIELD CT 06430

*Map: All my instincts tell me the
O'Connor appointment could be a
dewastating blow to the Reagan presidency
by tearing apart
his friends.* *Regards,
John Norton*

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2032551034 MGM TDMT FAIRFIELD CT 732 07-08 0832P EST
ZIP

PRESIDENT RONALD REAGAN
WHITE HOUSE
WASHINGTON DC 20500

I SEE A PROBLEM DEVELOPING THAT COULD BE AN IMMENSE OBSTACLE TO YOUR
SUCCESS AS PRESIDENT. THE O'CONNOR APPOINTMENT COULD BE A DEATH BLOW
TO YOUR HOPES FOR SUCCESS.

WHETHER WE LIKE IT OR NOT, THE RIGHT TO LIFE AND THE MORAL MAJORITY
PEOPLE REPRESENT VERY COHESIVE AND STRONG INFLUENCES IN WASHINGTON.
THEIR DEDICATION IS SPARKED BY DEEP RELIGIOUS CONVICTIONS. THERE IS
NO GREATER MOTIVATION THAN THAT. THEIR CONVICTIONS MAKE THEM ZEALOUS
AND TIRELESS WORKERS. WE CANNOT DENY THEY ARE EFFECTIVE. I BELIEVE
THEIR INFLUENCE IS UNDERRATED BY MANY POLITICAL OBSERVERS. I THINK
THEIR INFLUENCE IS GOING TO GET MUCH STRONGER AS TIME PASSES. IT
WOULD BE UNREALISTIC NOT TO RECOGNIZE THIS.

WHY ARE THESE PEOPLE SO UPSET? WHEN GOVERNOR CONNALLY EQUIVOCATED ON
THE RIGHT TO LIFE ISSUE IN THE 1980 CAMPAIGN, HE LOST THE TRUST AND
RESPECT OF THIS GROUP. YOU CAME OUT FORTHRIGHTLY FOR RIGHT TO LIFE.
THEY BELIEVED YOU AND WERE WILLING TO FORGET WHAT THEY REFER TO AS
YOUR MISTAKE IN CALIFORNIA ON THIS ISSUE. THEY SUPPORTED YOU
WHOLEHEARTEDLY AND THEY WERE VERY EFFECTIVE.

RIGHTLY OR WRONGLY, THE APPOINTMENT OF ANY PERSON WHO REMOTELY
SUPPORTS ABORTION WILL BE THE BEGINNING OF VERY, VERY, SERIOUS
EROSION OF YOUR PRESIDENCY. IRREPARABLE HARM WILL BE DONE. THE
EMOTIONAL INTENSITY OF THIS ISSUE IS IMMENSE. THE SPILL-OVER EFFECTS,
ON OTHER UNRELATED ISSUES WILL BE CONSIDERABLE. THAT IS HUMAN NATURE.
THEY CANNOT HELP IT. THESE PEOPLE WILL FIND IT DIFFICULT TO SUPPORT
YOU IN THE FUTURE ON MOST OF YOUR PROGRAMS. THEIR EMOTIONS ON THIS
ISSUE WON'T LET THEM FORGET. THIS IS NOT THE KIND OF ISSUE WHERE YOU
CAN SAY WE WON THAT BATTLE AND LET'S GO ON TO THE NEXT. IT IS THE
EXACT TYPE OF SITUATION WHERE YOU MAY WIN THE BATTLE AND LOSE THE
WAR. IN VIEW OF YOUR PERSONAL CONVICTIONS ON THE RIGHT TO LIFE, THIS
IS NOT THE BATTLEGROUND FOR AN ALL-OUT FIGHT. YOU MAY LOSE THE
MOMENTUM FOR THE SUCCESS OF YOUR ECONOMIC PACKAGE.

MR PRESIDENT, NOBODY WANTS YOU TO SUCCEED MORE THAN I. I'VE WORKED QUIETLY AND HARD FOR YOU SINCE 1968. I WANT NO JOB AND NO HONORS. I JUST LOVE OUR COUNTRY AND I THINK YOU CAN HELP IT. YOU'RE A GREAT COMMUNICATOR AND WE NEED THAT, BUT THIS IS NOT THE TYPE OF POLITICAL PROBLEM WHICH CAN BE DISPOSED OF IN A TELEVISION SPEECH OR A PRESS CONFERENCE. IT WILL HANG OVER YOUR ADMINISTRATION UNTIL YOUR FINAL DAY IN OFFICE. IT'S JUST TOO EXPLOSIVE.

I'M NOT ONLY CONCERNED ABOUT THIS ISSUE BUT ALL OF THOSE TO FOLLOW. THIS ISSUE IS AN OVERPOWERING, FUNDAMENTAL, BASIC ISSUE. I CAN THINK OF NO ISSUE WHICH CAN DO MORE DAMAGE TO YOUR PRESIDENCY. YOUR ENEMIES ARE GLEEFUL OVER THIS DIVISION OF YOUR SUPPORT. IT WILL ACCOMPLISH WHAT THEY NEVER COULD DO IN A FRONTAL ATTACK ON YOUR ECONOMIC PROGRAMS. JUST LOOK AT THE COMPOSITION OF THE DEMOCRATIC OPPOSITION VOCIPELOUSLY SUPPORTING THIS NOMINATION. LOOK AT SOME OF THE STRANGE SUPPORTERS YOU HAVE ON THIS NOMINATION. DO YOU THINK THEY SUPPORT ~~IT~~ BECAUSE THEY ARE PERVENT REAGAN OR O'CONNOR SUPPORTERS? IT IS MORE LIKELY THEY SEE A GIGANTIC OPPORTUNITY TO HIT YOU WITH A DEVASTATING BLOW. THEY KNOW THE KEY TO YOUR SUCCESS NOW AND IN HISTORY WILL BE A VIBRANT AMERICAN ECONOMY. THEY WILL KILL THE CHANCES FOR THAT SUCCESS BY CREATING FIGHTS WITHIN YOUR OWN RANKS.

FOR THE SAKE OF OUR COUNTRY I HOPE THIS NOMINATION IS WITHDRAWN BEFORE MORE DAMAGE IS DONE TO YOUR OVERALL PROGRAM. I WANT TO SEE YOU AS THE MOST SUCCESSFUL PRESIDENT OF THIS CENTURY. THE LONGER THE WAIT, THE GREATER THE DAMAGE WILL BE. PEOPLE WILL UNDERSTAND AND CONTINUE TO TRUST YOU IF THEY BELIEVE YOU WERE NOT FULLY AWARE OF THE NOMINEE'S DEEDS AS A STATE LEGISLATOR. GOOD INTENTIONS, PROMISES AND WORDS OF THE NOMINEE WILL NOT SATISFY THESE SUPPORTERS. THE DEEDS OF THE NOMINEE HAVE MADE AN EMOTIONAL IMPRESSION THEY WILL NOT FORGET.

I AM A FRIEND, MR PRESIDENT. I SPEAK AS CLEARLY AND AS SINCERELY AS I CAN. I WANT ONLY THE BEST FOR YOU AND YOUR PRESIDENCY. I PRAY THIS WILL WORK OUT IN YOUR BEST INTERESTS AND IN THE BEST INTERESTS OF OUR COUNTRY. I THINK IT WILL WORK OUT WELL. GOD HAS BEEN WATCHING OVER YOU PRETTY GOOD. SINCERELY

JOHN HENRY NORTON
54 MILLER ST
FAIRFIELD CT 06430

JH Norton
July 8, 1981

20133 EST

MGMCOMP

THE WHITE HOUSE
WASHINGTON

Date: July 10

NOTE FOR: MAX FRIEDERSDORF

The President has

seen XX

acted upon _____

the attached; and it is forwarded
to you for your information.

Richard G. Darman
Deputy Assistant to the President
and Staff Secretary
(X2702)

cc:

THE WHITE HOUSE

WASHINGTON

July 8, 1981

MEMORANDUM FOR THE PRESIDENT

FROM: Max L. Friedersdorf *m.l.f.*

*OK
m*

SUBJECT: Supreme Court

Senator Helms called today to invite Mrs. O'Connor to appear next week before the Senate Republican Steering Committee, the conservative Senate organization which Senator Helms chairs.

The invitation will have to be carefully considered, but other Helms comments in connection with the proposal reflect a softening of his opposition.

He said that he believes such a meeting would allay the fears of conservative Senators.

Helms went on to say that he thinks the President "is right" about the nomination, and that the nomination "will be alright," and the goal should be to "get 100 Senators to vote for her."

Helms said he expects to receive "flak from the other Senators," if he supports the nomination, but gave the impression that he is now leaning that way.

Apparently Senator Goldwater has worked on Helms, because he mentioned that Barry had requested Helms help with the nomination.

As you know, Senator Helms can be changeable at times, but he sounds positive today.

THE WHITE HOUSE
WASHINGTON

Date: 7/10/81

NOTE FOR: MAX FRIEDERSDORF

The President has

seen XX

acted upon _____

the attached; and it is forwarded
to you for your information.

Richard G. Darman
Deputy Assistant to the President
and Staff Secretary
(X2702)

cc:

The President has seen _____

THE WHITE HOUSE

WASHINGTON

July 7, 1981

OK
MR

MEMORANDUM FOR THE PRESIDENT

FROM: Max L. Friedersdorf *M.L.F.*

SUBJECT: Attached letter from Senator Thurmond

The attached letter was hand delivered to the White House from Senator Thurmond, and I thought you would be interested in seeing the letter and the attachment.

STROM THURMOND, S.C., CHAIRMAN

CHARLES McC. MATHIAS, JR., MD.
PAUL LAXALT, NEV.
ORRIN G. HATCH, UTAH
ROBERT DOLE, KANS.
ALAN K. SIMPSON, WYO.
JOHN EAST, N.C.
CHARLES E. GRASSLEY, IOWA
JEREMIAH DENTON, ALA.
ARLEN SPECTER, PA.

JOSEPH R. BIDEN, JR., DEL.
EDWARD M. KENNEDY, MASS.
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HOWARD M. METZENBAUM, OHIO
DENNIS DECONCINI, ARIZ.
PATRICK J. LEAHY, VT.
MAX BAUCUS, MONT.
HOWELL HEFLIN, ALA.

VINTON DEVANE LIDE, CHIEF COUNSEL
QUENTIN CROMMELIN, JR., STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

July 7, 1981

PERSONAL AND CONFIDENTIAL

The President
The White House
Washington, D.C. 20500

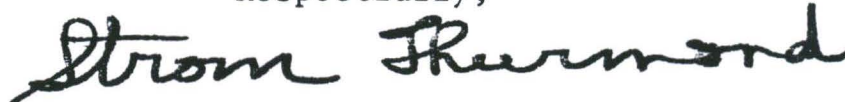
Dear Mr. President:

I am attaching a list of objections to the nomination of Sandra O'Connor that were sent to me by various people.

I felt that you should have this list for your use in such discussions as you may have with Senators and interested citizens.

With best personal regards,

Respectfully,



Strom Thurmond
Chairman

ST:jep

Enclosure

SANDRA O'CONNOR

1. During 1970 she supported an abortion on demand bill in the Committee on the Judiciary of the Arizona Senate and in the Arizona Senate Republican Caucus.
2. In 1972 she introduced in the Arizona Senate the Equal Rights Amendment ratification resolution.
3. In 1973 she was the prime sponsor in the Arizona Senate of S. 1190, a bill to allow abortion information to be sent to minors without parental consent.
4. In 1974 she voted in the Arizona Senate against a resolution petitioning the United States Congress for passage of the Human Life Amendment.
5. In 1977, at the request of Bella Abzug, she served as keynote speaker at the Arizona state convention of the United Nations' International Women's Year.
6. The July 2, 1981 issue of the Phoenix Gazette stated
"In 1974, O'Conner sponsored a measure to submit the Equal Rights Amendment to an advisory referendum but it died in committee. That same year she was one of 9 Senators to oppose a bill which would have outlawed abortions in Tuscons University Hospital unless the mother's life was in danger."
7. Women Today, which publishes a directory of feminist organizations, lauded her in a feature article.
8. She is reported to be an intimate friend of Mary Crisp and other Republicans generally identified with the liberal wing of the Republican Party.
9. She is believed to have gone on record against tuition tax relief.
10. She may have publicly espoused stringent gun control.
11. As a judge of an inferior court of a state bench she is viewed by many as inadequately experienced for the position of Justice of the United States Supreme Court.



U.S. Department of Justice

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL:

Judge O'Connor's basic position with respect to abortion is as follows:

She finds abortion abhorrent and morally repugnant. She considers it and always has considered it to be an inappropriate method of dealing with an unwanted pregnancy. She also believes that the area of abortion is an appropriate one for state regulation. She cannot, however, properly opine on the correctness of Roe v. Wade, on the wisdom or need for a constitutional amendment with respect to abortion, or on the proposed legislation defining when life begins.

She did cast certain votes as a State Senator on the subject. She will be prepared to describe those votes and her reasons with respect to each vote at the appropriate time in the confirmation process. Her votes are in no manner inconsistent with her personal views as set forth above.

She must refrain, as a sitting judge and a nominee, from making any pronouncements as to the legality or constitutionality of any proposed measure that Congress might consider or as to the wisdom or need for a constitutional amendment. To do so would call into question her independence as a judge.

Q. What is your view as a private citizen on the wisdom and need for a constitutional amendment to permit state legislation in the abortion area (to the extent not permitted by Roe v. Wade)?

A. Senator, that is a peculiarly difficult issue for me to address. As a sitting judge, and as the President's nominee for the Court, I do not think it is appropriate or seemly for me to comment on a proposed constitutional amendment that is now under discussion. Judges should not be in the business of advising Congress as to how it can or should carry out its duties in drafting and recommending constitutional amendments. Judges interpret the Constitution. They should not be offering armchair opinions outside the judicial process as to whether constitutional amendments are either needed or wise. But there is another reason as well in this particular situation. The proposed amendments you are referring to would, if adopted, have the effect of overruling one or more prior Supreme Court decisions. I think it is particularly inappropriate to comment on a specific Supreme Court case or to indicate how I would have voted on it then or how I would vote on it now. If I were to comment on the proposed amendments now under review, I would be doing exactly that. These issues may come before the Court again, and I cannot and should not prejudge them.

(I will say again that I should and will make every effort to set aside my own personal predelictions or views when interpreting the Constitution or statutes. But I don't think any members of the Senate would want to put me in a position of having to comment or take a position on a particular Supreme Court case, as opposed to expressing my personal views on a specific subject matter.)

Q. What about the bill introduced by Senator East and reported to the full Judiciary Committee providing that life begins at conception?

A. I hope you will understand, Senator, that the limitations of this process prevent me, as a sitting judge and as the President's nominee to the Supreme Court, from commenting on a particular piece of proposed legislation now under consideration by the Congress. It could well be that this legislation could eventually come before the courts for review, and I should say nothing to indicate that I am prejudging that case.

Q. I certainly understand that, Judge, but all I want to know -- and I think the people of this country are entitled to know -- is when in your own opinion -- as a private citizen -- does life begin?

A. Again, Senator, to comment on this particular issue would necessarily mean that I would be commenting on a legal issue that is now being addressed by the Congress -- namely what is the definition of a "person" within the Fourteenth Amendment? That very issue would come before the courts if the legislation is enacted and subsequently challenged. To formulate and set forth my own ideas on the subject would, in the minds of many people, be in effect a prejudging of the issues that could very well come before me as a judge.

- Q. But how is that any different than any other piece of legislation? You've already told us that you are against gun control, yet those statutes may come before you for review.
- A. Well, Senator, I have tried to describe my record as a State Senator with respect to certain specific areas, including gun control, but I have carefully avoided addressing any specific statute or bill now under review by the Congress in any area. In any event, this particular bill is unique, because, as I have said, to formulate a position and to announce it on that bill would reasonably be viewed as announcing my view as a judge on the legal meaning of the term, "person." That I simply am not able to do in good conscience.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/14/81 ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: Letter re Judge O'Connor

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input type="checkbox"/>	NOFZIGER	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAMSON	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
ALLEN	<input type="checkbox"/>	<input type="checkbox"/>	CANZERI	<input type="checkbox"/>	<input type="checkbox"/>
ANDERSON	<input type="checkbox"/>	<input type="checkbox"/>	FULLER <i>(For Cabinet)</i>	<input type="checkbox"/>	<input type="checkbox"/>
BRADY <i>SPEAKES</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input type="checkbox"/>
DOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HODSOLL	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	MC COY	<input type="checkbox"/>	<input type="checkbox"/>
<u>FRIEDERSDORF</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
GARRICK	<input type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	USTR	<input type="checkbox"/>	<input type="checkbox"/>
HARPER	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Elizabeth, please prepare appropriate response.

Thank you.

ORIGINAL TO DOLE

Richard G. Darman
Deputy Assistant to the President
and Staff Secretary
(x-2702)

July 10, 1981

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

We are writing to express our deep appreciation to you for nominating Judge Sandra D. O'Connor to the Supreme Court of the United States.

This is a genuinely historic step, which is all the more significant for having been available to your predecessors for decades, all of whom declined the opportunity. The symbolic importance of this nomination to all of the women and young girls of the nation can hardly be overstated.

As Republican women, who represent the views of countless women members of our Party, we want you to know that if there is any way in which you believe we can be helpful in support of Judge O'Connor's appointment, we are prepared and available.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Member, Federal Election Commission

Elizabeth E. Bailey

Elizabeth E. Bailey
Member, Civil Aeronautics Board

Patricia P. Bailey

Patricia P. Bailey
Commissioner, Federal Trade Commission

Catherine Bedell

Catherine Bedell
Commissioner, International Trade
Commission

Patricia A. Goldman

Patricia A. Goldman
Member, National Transportation
Safety Board

Anne P. Jones

Anne P. Jones
Commissioner, Federal Communications
Commission

Ersa H. Poston

Ersa H. Poston
Vice Chair, Merit Systems
Protection Board

Jill Ruckelshaus

Jill S. Ruckelshaus
Commissioner, Civil Rights
Commission

Georgiana H. Sheldon

Georgiana H. Sheldon
Acting Chairman, Federal Energy
Regulatory Commission

Janet Steiger

Janet Steiger
Commissioner, Postal Rate
Commission

Mimi Weyforth Dawson

Mimi Weyforth Dawson
Commissioner, Federal Communications
Commission



Office of the Attorney General
Washington, D. C. 20530

July 7, 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

KENNETH W. STARR *KWS*
COUNSELOR TO THE ATTORNEY GENERAL

On Monday, July 6, 1981, I spoke by phone on two occasions with Judge O'Connor. She provided the following information with respect to her public record on family-related issues:

- As a trial and appellate judge, she has not had occasion to rule on any issue relating to abortion.
- Contrary to media reports, she has never attended or spoken at a women's rights conference on abortion.
- She was involved in the following legislative initiatives as a State Senator in Arizona:

--- In 1973, she requested the preparation of a bill, which was subsequently enacted, which gave the right to hospitals, physicians and medical personnel not to participate in abortions if the institution or individual chose not to do so. The measure, Senate Bill 1133, was passed in 1973.

--- In 1973, she was a co-sponsor (along with 10 other Senators) of a bill that would permit state agencies to participate in "family planning" activities and to disseminate information with

respect to family planning. The bill made no express mention of abortion and was not viewed by then Senator O'Connor as an abortion measure. The bill died in Committee. She recalls no controversy with respect to the bill and is unaware of any hearings on the proposed measure.

--- In 1974, Senate Bill 1245 was passed by the Senate. Supported by Senator O'Connor, the bill as passed would have permitted the University of Arizona to issue bonds to expand existing sports facilities. In the House, an amendment was added providing that no abortions could be performed at any educational facility under the jurisdiction of the Arizona Board of Regents. Upon the measure's return from the House, Senator O'Connor voted against the bill as amended, on the ground that the Arizona Constitution forbade enactment of legislation treating unrelated subject matters. In her view, the anti-abortion rider was unrelated to the primary purpose of the bill, namely empowering the University to issue bonds to expand sports facilities. Her reasons for so voting are nowhere stated on the record.

--- In 1970, House Bill 20 was considered by the Senate Committee on which Senator O'Connor then served. As passed by the House, the bill would have repealed

Arizona's then extant criminal prohibitions against abortion. The Committee majority voted in favor of this pre-Roe v. Wade measure; a minority on the Committee voted against it. There is no record of how Senator O'Connor voted, and she indicated that she has no recollection of how she voted. (One Senator voting against the measure did have his vote recorded.)

Judge O'Connor further indicated, in response to my questions, that she had never been a leader or outspoken advocate on behalf of either pro-life or abortion-rights organizations. She knows well the Arizona leader of the right-to-life movement, a prominent female physician in Phoenix, and has never had any disputes or controversies with her.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 7, 1981

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 protections 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.

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 indentified 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 Day O'Connor of the Arizona Court of Appeals for confirmation as an Associate Justice of the United States Supreme Court.

MORE

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 "Brethren" 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.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 7, 1981

REMARKS OF THE PRESIDENT
UPON ANNOUNCEMENT OF
SUPREME COURT NOMINEE

The Briefing Room

10:46 A.M. EDT

THE PRESIDENT: Ladies and gentlemen, I have a statement to make and then following that statement, if there are any questions you might have, I shall refer you to the Attorney General.

As President of the United States, I have the honor and the privilege to pick thousands of appointees for positions in federal government. Each is important and deserves a great deal of care for each individual called upon to make his or her contribution, often a personal sacrifice, to shaping the policy of the nation. 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 lifetime appointments of those men and women called upon to serve in the Judiciary in our federal district courts and courts of appeals. These individuals dispense justice and provide for us these most cherished guarantees of protections of our criminal and civil laws. But, without a doubt, the most awesome appointment is a guarantee to us of so many things because it is a president -- as a president, I can make an appointment to the United States Supreme Court.

Those who sit in 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 and senators and congressmen of any given era may have passed from public memory, they'll be remembered.

After very careful review and consideration, I have made the 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. 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 the Supreme Court vacancy would be the most qualified woman that I could possibly find.

MORE

Now, this is not to say that 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 decisions of the Court. Rather I pledged to appoint a woman who meets the very high standards that I demand of all court appointees. I have identified such a person.

So today I am pleased to announce that upon completion of all the necessary checks by the Federal Bureau of Investigation, I will send to the Senate the nomination of Judge Sandra Day O'Connor of Arizona Court of Appeals for confirmation as 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 brethren who have preceded her.

I commend her to you and I urge the Senate's swift bipartisan confirmation so that as soon as possible she may take her seat on the court and her place in history.

Q Do you agree with her position on abortion, Mr. President?

THE PRESIDENT: I said that I was going to turn over all questions to the Attorney General here and let him answer the questions.

Q But the right-to-life people object. We just wonder if --

THE PRESIDENT: All those questions the Attorney General is prepared to answer.

Q Mr. President, you have such a firm position on that. Can you give us your feelings on her position?

THE PRESIDENT: I am completely satisfied.

Q On her right-to-life position?

THE PRESIDENT: Yes.

Q And did you interview her personally?

THE PRESIDENT: Yes.

END

10:50 EDT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 7, 1981

BRIEFING

BY

ATTORNEY GENERAL WILLIAM FRENCH SMITH
FOLLOWING ANNOUNCEMENT BY THE PRESIDENT
ON SUPREME COURT NOMINATION

The Briefing Room

10:50 A.M. EDT

Q The FBI checks have not been completed, is that correct, Mr. Attorney General?

ATTORNEY GENERAL SMITH: That's correct.

Q Do you think it was sound to make a nomination public before final FBI checks had gone into the background so thoroughly that you knew there wasn't any problem there?

ATTORNEY GENERAL SMITH: We have gone into her background quite thoroughly. We are well aware of the fact that there have been times in the past when the FBI check has been concluded before the nomination has been sent up. In this case, the President has announced his intention to nominate, of course, subject to the FBI check, and once that's completed, then the nomination will be sent up.

Q What about opposition of the right-to-life groups? There's been a great deal of that since Mrs. O'Connor's name has surfaced.

ATTORNEY GENERAL SMITH: Well, as the President has stated, he is satisfied with her position and her record with respect to the right-to-life issue and her record in that respect is for all to see and I'm sure that that may be one of the aspects that will be considered during her confirmation hearing. But I want to emphasize the fact that there has not been a single-issue determination made in connection with this selection.

MORE

Mrs. O'Conner has been considered with respect to her overall qualifications and background and there has not been any effort to focus in on any one issue and judge her on that basis.

Q Well, you handpicked her because she is a conservative, have you not? I mean, you have a general tendency of what her feelings are and where she stands on the issues.

ATTORNEY GENERAL SMITH: She has been chosen because of her overall qualifications and background.

Q That has nothing to do with her political leanings?

ATTORNEY GENERAL SMITH: The only, if you want to call it "political leanings", that were taken into consideration was whether or not she fell generally within the President's overall judicial philosophy.

Q Tell us about the process of selection now? Exactly when was the decision made? Was it last night?

ATTORNEY GENERAL SMITH: The decision was made yesterday, but of course the process has been an extended one. It commenced really when we first learned of Justice Potter Stewart's determination to resign -- that was late last March. We had the intervening problem, of course, of the shooting incident which delayed matters a bit.

We also respected Judge Stewart's request that his resignation not be made public until June 18. Despite that fact, however, we did what was necessary within that constraint to develop candidates that we would present to the President for his consideration and that process was --

Q How many were there?

ATTORNEY GENERAL SMITH: It's a little hard to say at any one time. We had a rather extensive list of very highly qualified people. It's a little hard to put a number on it. I would say that during my first presentation to the President there may have been 20 or 25 names on the list.

Q When was that, sir?

ATTORNEY GENERAL SMITH: That would have been sometime, I believe, in early June.

Q You mentioned her overall qualifications. What are they? Can you be more specific about that?

ATTORNEY GENERAL SMITH: She has an outstanding academic record. She graduated from Stanford with highest honors when she was 20. She graduated from Stanford University Law School when she was 22, also with highest honors. She was Order of the Coif in her second year, and since that time, of course, she's had wide ranging experience both in the legislative branch in Arizona and also on the judicial branch.

Q What about her judicial record?

ATTORNEY GENERAL SMITH: Judicial record? We found it to be quite satisfactory. We naturally read all of her opinions. We have discussed her qualifications, her outlook, her judicial philosophy

with a large number of people and we have heard nothing but good.

Q If I may follow up, what is her judicial philosophy?

Q We want to know about Helen Thomas' question here.

MR. SPEAKES: He'll be here for a few minutes, so let's go one at a time.

Q Yes, but let's just go back to Helen Thomas' question that it's the President's desire that he appoint someone who would interpret the law and not make it. Are you satisfied and will you expand on your answer as to whether this nominee fits that category?

ATTORNEY GENERAL SMITH: We think she definitely does.

Q Why?

ATTORNEY GENERAL SMITH: In other words, we're satisfied that she looks upon the judicial function as being one which is intended to interpret and apply the law and not to make it. We're satisfied, the President is satisfied that she recognizes that it is the elected representatives of the people who should be enacting the laws, and that it is the function of the judiciary to interpret and apply those laws -- and in reviewing her opinions alone, in addition to the responses that we've had from numerous inquiries, we're satisfied that that is what she has done.

Q When did she first become a candidate?

ATTORNEY GENERAL SMITH: She was on the original list which would go back two or three months.

Q You mentioned her judicial philosophy a minute ago. What did you mean by that?

ATTORNEY GENERAL SMITH: Just what I just said. In other words, we're satisfied that she views the function of the judiciary to be to interpret and apply the law, not to make it. And of course, that accords with the President's judicial philosophy, which saying it another way is that it is the responsibility of the elected representatives of the people to enact laws and not that of the judicial --

Q Was she the best qualified woman candidate or the best qualified candidate?

ATTORNEY GENERAL SMITH: We were fortunate to have on the list a large number of very qualified people and she was one of those.

MORE

Q Is this the last woman that we're going to see this President nominate to the Supreme Court now that he has fulfilled that campaign commitment?

ATTORNEY GENERAL SMITH: I'm sure that in the future the President will do what he did this time. He will look at the overall list of candidates and from that list he will make a selection, and that could be a male or a female.

Q Would you like to be the next nominee? Your name has come up frequently.

ATTORNEY GENERAL SMITH: Thank you, no.

Q Do you have any idea on what the President meant by saying he was satisfied with her views on abortion? Has she expressed them specifically to him and has she modified them in any way in recent times? Do you know what her views are?

ATTORNEY GENERAL SMITH: As far as we know, she has not modified her views. We have been satisfied that they have been consistent and that her record in this respect is satisfactory to the President.

Q When did she see the President? How long did the interview take place, and who else in the administration interviewed her, please?

ATTORNEY GENERAL SMITH: I don't want to get into the specifics as far as who was interviewed and how long. But I can say that the President did interview her and he --

Q Well, how long and when?

ATTORNEY GENERAL SMITH: Well, it would have been on July 1st, when he had an extended discussion with her.

Q You say you have read her opinions on legalized abortion?

ATTORNEY GENERAL SMITH: I didn't say that she had any judicial opinions dealing with that subject. I said that she had a certain record in the Arizona legislature with respect to that, and that's open for all to see.

Q How long did the President meet with her, and where?

ATTORNEY GENERAL SMITH: Well, he met with her, of course, in the Oval office. I can't tell you off-hand how long it was, but it was certainly sufficient for him to accomplish what was intended to be accomplished in such an interview.

Q Did you interview her, sir?

ATTORNEY GENERAL SMITH: Oh yes. On various occasions.

Q One of the votes in the legislature, I understand, was to legalize abortion under certain conditions in Arizona, a vote she cast in 1970. How does that square with the President's philosophy?

ATTORNEY GENERAL SMITH: As a matter of fact I don't think you can -- I think what you've said is not necessarily an accurate representation of what happened there.

Q She did not cast her vote in favor of abortion?

ATTORNEY GENERAL SMITH: I don't think that there is any point in my trying to dissect what happened on the floor of

the legislature in Arizona. That is a matter of public record, and it is, as I say, open for all to see and will undoubtedly be a subject of discussion later on.

Q Perhaps the fact that the FBI checks have not been completed and this is sort of a rushed announcement this morning, there are going to be many who are going to feel that she was named today because opposition has been mounting, particularly from right-to-life groups?

ATTORNEY GENERAL SMITH: This has not been a rushed procedure in any sense. It has been a very thoughtful procedure. It has commenced --

Q The announcement was rushed.

ATTORNEY GENERAL SMITH: The announcement was an announcement which was made when the announcement was intended to be made. If you can call that rushed I supposed that's rushed. Actually the whole process has been a very efficient, effective, orderly process. We're very satisfied with both the timing and the occasion.

Q Were outside groups consulted, like the ABA? Was Burger consulted, was Stewart?

ATTORNEY GENERAL SMITH: With respect to all of the candidates, there was a great in-depth review and discussion analysis, research, opinion reading. Everything that was done that was required, not only with respect to this candidate, but with respect to other candidates, to determine basic qualifications and talent, background and so on.

Q Were you consulted?

ATTORNEY GENERAL SMITH: Yes, certainly.

Q If the process was so orderly, Mr. Attorney General, why then were the FBI checks not made prior to this announcement this morning?

ATTORNEY GENERAL SMITH: Well, we're quite satisfied from our own investigation of the background and the factual basis of this situation. And we are content that -- to announce an intent to nominate, subject to the FBI check. If something should develop there that we are not aware of then we will react to that situation. But we don't consider that to be a particularly unusual circumstance.

Q What specific opinions of her's manifested the philosophy that you were seeking?

ATTORNEY GENERAL SMITH: Well I don't think I can get into the specifics here. The opinions did indicate that as an appellate judge, for example, she did not attempt to substitute her judgement for that of the trial court, but she reacted in accordance with the appropriate appellate restraint. There are specific examples of that and certainly enough to satisfy us that overall that, together with other factors, that she fits within the President's judicial philosophy.

Q Did you inquire into her feelings on the exclusionary rule?

ATTORNEY GENERAL SMITH: Well, during this process we've discussed a whole category of issues, and once again, no single position, no single issue was in any way determinative. It was a matter of looking at the whole spectrum of her activities, background, viewpoints.

Q Who were the people in Washington who recommended her to you?

ATTORNEY GENERAL SMITH: Well, I don't think it would be appropriate for me to discuss that aspect of it.

Q What effect do you think the opposition of these right-to-life groups and other groups would have on her confirmation?

ATTORNEY GENERAL SMITH: Well, having gotten into her background to a substantial degree, we're satisfied that she will have no problem as far as confirmation is concerned. We're also satisfied that no single issue will dominate or determine as far as the confirmation process is concerned.

Q Why are you so certain of that?

ATTORNEY GENERAL SMITH: Well, insofar as any Congressional hearing is concerned, I suppose one shouldn't be too certain about anything, but that certainly is our evaluation and conclusion at this point.

Q Were there other candidates interviewed by the President?

ATTORNEY GENERAL SMITH: Well, I think it would not be appropriate for me, again, to get into the process as far as specifics are concerned.

Q It's a simple question, though. Did he meet with others?

ATTORNEY GENERAL SMITH: It's a simple question, but I don't think it's appropriate to respond because I think that it would do a disservice to other candidates for me to try to become specific as to who was interviewed, who was not interviewed, how many were interviewed.

Q We're just asking "whether", not "who" or "how many".

ATTORNEY GENERAL SMITH: Well, as I say, I don't think it would be appropriate for me to get into that.

Q When do you expect the formal nomination to be ready to be sent to the Senate?

ATTORNEY GENERAL SMITH: Just as soon as possible and certainly would be at the conclusion of the FBI check and we would hope shorter than that. We would hope, for example, to expedite the FBI check.

Q When will hearings be scheduled, sir? Do you have any idea? Is it going to be the fall, after the August recess?

ATTORNEY GENERAL SMITH: Well, we would hope to have hearings scheduled just as soon as possible. We haven't had the occasion to discuss that with Chairman Thurmond yet and haven't determined upon a specific date, but, certainly we would hope to have it as soon as possible so that, if it is at all likely, we could have the nominee confirmed in time for the opening of the fall term of the Court.

Q When was Senator Thurmond informed of your choice?

ATTORNEY GENERAL SMITH: Well, Senator Thurmond has been aware of various candidates. He was informed of the President's decision shortly after he made it. Which would have been, I believe, this morning.

Q Sir, now that you've examined her record, could you tell us what percentage of her opinions have subsequently been upheld or overturned by the Supreme Court?

ATTORNEY GENERAL SMITH: By the Arizona Supreme Court? No, I'm afraid I couldn't.

THE PRESS: Thank you.

END

11:15 A.M. EDT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 7, 1981

The President today announced his intention to nominate Judge Sandra Day O'Connor to be an Associate Justice of the Supreme Court of the United States, filling the vacancy created by the resignation of Justice Potter Stewart. Judge O'Connor presently serves on the Arizona Court of Appeals. The President will forward to the Senate his nomination of Judge O'Connor upon completion of the required background check by the Federal Bureau of Investigation.

Judge O'Connor, age 51, earned both her undergraduate and law degrees at Stanford University. She received her B.A. magna cum laude in 1950, and her LL.B. with high honors in 1952. She was a member of the Board of Editors of the Stanford Law Review and a member of the Order of the Coif. Judge O'Connor was admitted to the Bar of the State of California in the year of her graduation and to the Bar of the State of Arizona in 1957.

Judge O'Connor practiced law in Phoenix, Arizona, for a number of years. She served as Assistant Attorney General of Arizona from 1965 to 1969 and served in the Arizona State Senate from 1969 to 1975.

In 1975, Judge O'Connor was elected to the Superior Court for Maricopa County, Arizona. She served on that court until she was appointed to the Arizona Court of Appeals in 1979.

Judge O'Connor is married to John Hay O'Connor III. They have three children.

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