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THE WHITE HOUSE  
WASHINGTON

*Miscellaneous*

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 22, 1981

TO: MAX FRIEDERSDORF  
POWELL MOORE

FROM: SHERRIE M. COOKSEY *SMC*

SUBJECT: Brief Analysis of Roe v. Wade 410 U.S. 113 (1973)

As you know Roe v. Wade is the landmark Supreme Court abortion decision. The validity, scope, and meaning of this decision will be a major topic of discussion in the O'Connor briefings and confirmation proceedings. Accordingly I have prepared, as background information for you, an outline of the facts, holding, and rationale of the Court in Roe v. Wade.

Facts:

A Texas statute making it a crime to procure or attempt to procure an abortion, except on medical advice to save the life of the mother, had been found unconstitutional under the 14th and 9th amendments by the lower federal court. The Texas statute made no reference to the stage of a pregnancy in which abortion was impermissible, but made all abortions criminal, except those necessary to save the life of the mother. The decision of the lower federal court was appealed to the Supreme Court.

Held:

State criminal abortion laws, like the Texas statute, that except from criminality only abortions which are necessary to preserve the life of the mother without regard to the stage of her pregnancy or other interests violate the Due Process clause of the 14th amendment.

Although the 14th Amendment protects the right to privacy, including a woman's qualified right to terminate her pregnancy, against State action, the State does have legitimate interests in protecting both the pregnant woman's health and the potentiality of human life. The State may regulate to protect these interests at various stages of the pregnancy in the following manner:

- (a) for the stage prior to the first trimester an abortion is permissible upon medical advice;
- (b) after the first trimester the State, in protecting its interest in the health of a mother, may regulate abortion procedures in ways that are reasonably related to maternal health;
- (c) for the stage subsequent to "viability" the State, in promoting its interest in the potentiality of human life, may regulate and even proscribe abortion except where necessary to preserve the life of the mother. (The definition of viability was not part of the Court's holding.)

Rationale:

The Court determined that the constitutional right of privacy is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. (This conclusion was based on previous right to privacy decisions, particularly those dealing with family life and contraception. However it was reached with little explanation.) Under the Due Process clause of the 14th Amendment this right of privacy is protected unless there is a compelling State interest in regulating it.

The Court found that the State does have a compelling interest in protecting both the pregnant woman's health and the potentiality of human life at various stages of pregnancy. Thus the Court identified those stages where the State does have a legitimate interest in regulating abortions. (See parts 'b' and 'c' above.) In its discussion of these stages of pregnancy in which the State could regulate abortions the term "viability" was defined as the point at which the fetus presumably has the capability of meaningful life outside the womb. Additionally, the Court did state that the word "person" as used in the 14th Amendment does not include the "unborn"; thereby precluding fetuses from protection under the 14th Amendment other than that protection offered them by the State's interest in protecting the potentiality of human life.

The opinion of the Court was by a 7-2 vote with Blackman, Douglas, Brennan, Stewart, Marshall, Powell, and Chief Justice Burger in the majority and Justices White and Rehnquist dissenting. Concurring opinions were filed.

THE WHITE HOUSE

Office of the Press Secretary

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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.

# # #

✓ - Judie Otto

Abdnor		Kasten	
Andrews		Laxalt	RR
Armstrong	PM	Lugar	PT
Baker		Mathias	PM
Boschwitz	BT	Mattingly	
Chafee	PT	McClure	DS
Cochran	PM	Murkowski	
Cohen	BT	Nickles	
D'Amato		Packwood	PT
Danforth	BT	Percy	PT
Denton	PM	Pressler	SA
Dole	PT	Quayle	
Domenici	DS	Roth	PT
Durenberger	BT	Rudman	
East	PM	Schmitt	SA.
Garn	PT	Simpson	DS
Goldwater	PM	Specter	DS
Gorton		Stafford	DS
Grassley	DS	Stevens	DS
Hatch	PM	Symms	
Hatfield	DS	Thurmond	RR
Hawkins		Tower	PT
Hayakawa	SA.	Wallop	DS
Heinz	BT	Warner	PM
Helms	RR	Weicker	SA
Humphrey	PM		
Jepsen	DS		
Kassebaum	SA		

(Printed by the Secretary for the Majority)

YEAS		NAYS
	Baucus	PT
	Bentsen	PT
	Biden	PT
	Boren	PM
	Bradley	
	Bumpers	
	Burdick	
	Harry F. Byrd, Jr.	DS
	Robert C. Byrd	PM
	Cannon	
	Chiles	
	Cranston	PT
	DeConcini	PT
	Dixon	
	Dodd	
	Eagleton	
	Exon	
	Ford	
	Glenn	
	Hart	
	Heflin	PM
	Hollings	PM
	Huddleston	
<del>Edwards</del>	Inouye	DS
	Jackson	
	Johnston	DS
	Kennedy	PM
	Leahy	PM
	Levin	
	Long	PM
	Matsunaga	
	Melcher	
✓	Metzenbaum	⊗
	Mitchell	
	Moynihan	
	Nunn	PM
	Pell	
	Proxmire	
	Pryor	
	Randolph	
	Riegle	
	Sarbanes	
	Sasser	
	Stennis	PM
	Tsongas	
	Williams	
	Zorinsky	

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DS Call Bob Thompson.

Danforth  
 Neill  
 Durenberger  
 Proschwitz  
 Cohen

42424

Susan Reger

POSSIBLE POINTS OF CONTENTION RE JUDGE O'CONNOR

OVERVIEW OF TOPICS:

Abortion  
Equal Rights Amendment  
Capital Punishment  
Feminist  
Pornography  
Youth Drinking  
Conflicts of Interest  
Federalism Views  
Exclusionary Rule  
Poor Judicial Ratings

I. ABORTION

1970: Was member of the Arizona Senate Judiciary Committee considering a bill that would have repealed existing state statues prohibiting abortions. (Bill characterized by some as for "abortion on demand.") Phoenix Gazette reports that she was among 6 of 9 members who voted to approve.

-Starr memo reports she has no recollection of how she voted.

-Bill died in Rules Committee.

1973: Cosponsored a measure that would make "all medically acceptable family planning methods and information" available to anyone requesting it. Critics state that "methods" could include abortions.

1974: In Senate Judiciary Committee vote she opposed a resolution requesting Congress to support a "Human Life Amendment" that called upon Congress to extend constitutional protection to unborn babies, except where the life of a mother was endangered.

1974: Voted against a rider on the University of Arizona <sup>stadium</sup> bond issue that banned state abortion funding to the University hospital.

II. EQUAL RIGHTS AMENDMENT

-Introduced ERA ratification resolution in 1972

-Favored passage of ERA by Arizona state legislature in 1972; voting for it twice; ~~one~~ in Committee, once on Senate floor where it lost by one vote.

-1974, attempted to put ERA before the voters in a referendum (some say she sponsored referendum)



III. CAPITAL PUNISHMENT

- Soft on death penalty
- Opposes mandatory capital punishment (according to "Conservative coalition")
- Challenged several provisions of death penalty bill in 1973 in Senate Judiciary Committee

IV. FEMINIST

- She led fights to remove sex based references from state laws and to eliminate job restrictions on the basis of sex
- Friend of Mary Crisp who broke with GOP last summer over ERA
- Served as keynote speaker, upon request of Bella Abzug, at the Arizona state convention of United Nation's International Women's Year
- Praised by an article in Women Today which is reputedly a feminist mouthpiece

V. PORNOGRAPHY

- "Drastically amended" a bill that would have banned adult bookstores within a 1 mile radius of schools and parks. (altered the restriction to 4000 feet)

VI. YOUTH DRINKING

- 1972, she challenged a Democratic Senator who sought to remove the right to drink alcoholic beverages from a bill granting 18 years olds adult rights. Apparent reason: amendment was too vague to be enforced.

VII. CONFLICTS OF INTEREST

- Voted in favor of at least 4 bills that would impact on her family cattle business
- Voted in favor of legislation containing provisions beneficial to existing auto dealerships while her husband was serving on the board of 2 auto dealerships

VIII. FEDERALISM

- Stated in recent law review article that she favors curtailing a Federal law that permits citizens to sue state officials in Federal courts for alleged civil rights violations
- Would allow the state courts to rule first on the constitutionality of state law and if state court gave a "full and fair review" to constitutional challenge, she would favor giving "finality" to the decision. (Comment states that this position could put her in middle of controversy over federal court jurisdiction to hear challenges to abortion, busing, and school prayer statutes.)

IX. EXCLUSIONARY RULE

Wall Street Journal states that she has been reluctant to exclude police evidence on grounds that it was obtained through unconstitutional means.

X. JUDICIAL RATINGS

-1976, as Superior Court Judge, was rated in bottom 3 of 5  
-1980, as Appellate Court Judge, was rated 8th of 10

97th Congress -- 1st Session  
(Lawyers)

ALABAMA

Heflin -- lawyer; Chief Justice, Alabama Supreme Court (71-77)  
Denton -- no

ALASKA

Stevens -- lawyer; U.S. Attorney, Fairbanks (53-56)  
Murkowski -- no

ARIZONA

Goldwater -- no  
DeConcini -- lawyer

ARKANSAS

Bumpers -- lawyer  
Pryor -- lawyer

CALIFORNIA

Cranston -- no  
Hayakawa -- no

COLORADO

Hart -- lawyer  
Armstrong -- no

CONNECTICUT

Weicker -- lawyer  
Dodd -- lawyer

DELAWARE

Roth -- lawyer  
Biden -- lawyer

FLORIDA

Chiles -- lawyer  
Hawkins -- no

GEORGIA

Nunn -- lawyer  
Mattingly -- no

HAWAII

Inouye -- lawyer  
Matsunaga -- lawyer; assistant public prosecutor, Honolulu (52-54)

IDAHO

McClure -- lawyer; prosecuting attorney, Payette County  
Symms -- no

ILLINOIS

Percy -- lawyer  
Dixon -- lawyer

INDIANA

Lugar -- no  
Quayle -- lawyer

IOWA

Jepsen -- no  
Grassley -- no

KANSAS

Dole -- lawyer; 4 terms Russell County attorney  
Kassebaum -- no

KENTUCKY

Huddleston -- (honorary doctor of laws degrees)  
Ford -- no

LOUISIANA

Long -- lawyer  
Johnston -- lawyer

MAINE

Cohen -- lawyer  
Mitchell -- lawyer; U.S. Attorney for Maine (77-79)

MARYLAND

Mathias -- lawyer; Assistant Attorney General (53-54) for Maryland  
Sarbanes -- lawyer

MASSACHUSETTS

Kennedy -- lawyer  
Tsongas -- lawyer; deputy assistant attorney general (?)

MICHIGAN

Riegle -- no  
Levin -- lawyer; assistant attorney general and general counsel  
for Michigan Civil Rights Commission

MINNESOTA

Durenberger -- lawyer  
Boschwitz -- lawyer

MISSISSIPPI

Stennis -- lawyer; district prosecuting attorney (31,35); circuit  
judge (37)  
Cochran -- lawyer

MISSOURI

Eagleton -- lawyer; Attorney General of Missouri (1960)  
Danforth -- lawyer

MONTANA

Melcher -- no  
Baucus -- lawyer

NEBRASKA

Zorinsky -- no  
Exon -- no

NEVADA

Cannon -- lawyer  
Laxalt -- lawyer

NEW HAMPSHIRE

Humphrey -- no  
Rudman -- lawyer; attorney general (70-76)

NEW JERSEY

Williams -- lawyer  
Bradley -- no

NEW MEXICO

Domenici -- lawyer  
Schmitt -- no

NEW YORK

Moynihan -- lawyer  
D'Amato -- lawyer

NORTH CAROLINA

Helms -- no  
East -- lawyer

NORTH DAKOTA

Burdick -- lawyer  
Andrews -- no

OHIO

Glenn -- no  
Metzenbaum -- lawyer

OKLAHOMA

Boren -- lawyer  
Nickles -- no

OREGON

Hatfield -- no  
Packwood -- lawyer

PENNSYLVANIA

Heinz -- no  
Specter -- lawyer; two terms as district attorney of Philadelphia

RHODE ISLAND

Pell -- no  
Chafee -- lawyer

SOUTH CAROLINA

Thurmond -- lawyer  
Hollings -- lawyer

SOUTH DAKOTA

Pressler -- lawyer  
Abdnor -- (honorary doctor of law degree from Dakota Wesleyan  
University)

TENNESSEE

Baker -- lawyer  
Sasser -- lawyer

TEXAS

Tower -- no  
Bentsen -- lawyer; county judge of Hidalgo County, Texas (1945)  
for one term

UTAH

Garn -- no  
Hatch -- lawyer

VERMONT

Stafford -- lawyer; deputy attorney general (53-55); attorney general (55-57)

VIRGINIA

Byrd, H. -- no

Warner -- lawyer; assistant U.S. attorney (56-60)

WASHINGTON

Jackson -- lawyer; elected prosecuting attorney of Snohomish County (1938)

Gorton -- lawyer; Washington State attorney General (elected 68, 72, 76)

WEST VIRGINIA

Randolph -- honorary doctorate degree - law

Byrd, R. -- lawyer

WISCONSIN

Proxmire -- no

Kasten -- no

WYOMING

Wallop -- no

Simpson -- Lawyer; assistant attorney general of Wyoming (58-59)

## Floor Consideration

~~Such~~ Such decisions as <sup>the</sup> length of time that will be allowed for writing a committee report have not been ~~the~~ ~~made~~ made making ~~the~~ ~~prediction~~ prediction about when floor consideration will ~~to~~ occur speculation.

However, it ~~is~~ ~~not~~ ~~clear~~ ~~that~~ ~~the~~ floor debate beginning on Monday, September 21 seems to be a ~~good~~ reasonable prediction

as any. ~~With~~ ~~the~~ ~~deliberations~~ ~~there~~ will

be ample time between the ~~beginning~~ ~~of~~ ~~the~~ ~~debate~~ ~~and~~ ~~preparation~~ preparation.

have in



Nomination of Sandra O'Connor

"Sandra O'Connor is an extremely competent lawyer, she is a very fine judge, she has a political background, she is extremely well liked in Arizona. Judge O'Connor has done far more for the community than most women or most men and I just think she is a very fine appointment to the Supreme Court and will prove to be an outstanding justice. She is one of the most outstanding Constitutional lawyers in the West.

"I have no quarrel with this so called Moral Majority. But, when they start sticking their noses into the everyday operation of government, I think they are going too far. Now, I happen to be a believer in the right to life, in fact, I've backed these bills that have been on the floor. If they are going to get into this action, they are going to lose a backer. I don't like these central issue things. I don't want to see my government being run by groups whose only instinct or only care is what they are particularly interested in at the time. I'm interested in the well being of the United States and this involves the appointment of a Supreme Court Justice. Now, whether or not she voted or didn't vote for ammendments that had something to do with abortion is beside the point. So, I hope these people don't start some trouble because I'm going to have to start some myself.

"Sandra O'Connor graduated third in her class at Stanford. She is one of the best Constitutional lawyers in the West and that is why I supported her. I don't buy this idea that a justice of the Supreme Court has to stand for this, that, or the other thing and I'm getting a little tired of people in this country raising hell because they don't happen to subscribe to every thought that that particular person has. You could offer the Lord's name for some of these positions and you'd find some of these outfits objecting even to Him being appointed to anything.

"This is not a conservative issue. Abortion is not a conservative issue. ERA is not a conservative position. A conservative believes in applying the best values of the past to the problems of today and the future. And, they never come up as an earthshaking subject in the history of this country.

"I don't think that any right thinking person can oppose any person appointed to the Supreme Court because they believe the Chicago Cubs are the best baseball team, or that ERA is a good or a bad thing, or that abortion is a good or a bad thing. What we want is a person in the Supreme Court that can made good judicial decisions based on the Constitution and that is all it takes.

"If it is gonna take a fight in the Senate, they're gonna find old Goldy fighting like hell. I'm probably one of the most conservative members of Congress and I don't like to get kicked around by people who call themselves conservatives on a non-conservative matter. It is a question of who's best for the court."

JUDGE SANDRA O'CONNOR

COURTESY CALLS

Week of July 13, 1981

Senator Goldwater  
Senator DeConcini  
Senator Thurmond  
Senator Baker  
Senator R. Byrd  
Senator Biden  
Senator Mathias  
Senator Hatch  
Senator Simpson  
Senator Grassley  
Senator Stennis  
Senator Metzenbaum  
Senator McClure  
Senator Specter  
Senator Helms  
Senator Hawkins  
Senator Humphrey  
Senator Kennedy  
Senator Leahy  
Senator Weicker  
Senator East  
Senator Baucus  
Senator Denton  
Senator Packwood  
Senator Laxalt  
Senator Heflin  
Senator Abdnor  
Senator Boschwitz  
Senator Chafee  
Senator Levin  
Senator Garn  
Senator Jepsen  
Senator Kassebaum  
Senator Matsunaga  
Senator Pryor  
Senator Schmitt  
Senator Stevens  
Senator Tower  
Senator Warner

Congressman Tip O'Neill  
Congressman Bob Michel  
Congressman Eldon Rudd  
Congressman John Rhodes  
Congressman Bob Stump  
Congressman Morris Udall

JUDGE SANDRA O'CONNOR

COURTESY CALLS

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Senator Stennis  
Senator Metzenbaum  
Senator McClure  
Senator Specter  
Senator Helms  
Senator Hawkins  
Senator Humphrey  
Senator Kennedy  
Senator Leahy  
Senator Weicker  
Senator East  
Senator Baucus  
Senator Denton  
Senator Packwood  
Senator Laxalt  
Senator Heflin  
Senator Abdnor  
Senator Boschwitz  
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Senator Levin  
Senator Garn  
Senator Jepsen  
Senator Kassebaum  
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Senator Pryor  
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Senator Stevens  
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Senator Warner

Congressman Tip O'Neill  
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JUDGE SANDRA O'CONNOR

COURTESY CALLS

Week of July 13, 1981

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Senator Simpson  
Senator Grassley  
Senator Stennis  
Senator Metzenbaum  
Senator McClure  
Senator Specter  
Senator Helms  
Senator Hawkins  
Senator Humphrey  
Senator Kennedy  
Senator Leahy  
Senator Weicker  
Senator East  
Senator Baucus  
Senator Denton  
Senator Packwood  
Senator Laxalt  
Senator Heflin  
Senator Abdnor  
Senator Boschwitz  
Senator Chafee  
Senator Levin  
Senator Garn  
Senator Jepsen  
Senator Kassebaum  
Senator Matsunaga  
Senator Pryor  
Senator Schmitt  
Senator Stevens  
Senator Tower  
Senator Warner

Congressman Tip O'Neill  
Congressman Bob Michel  
Congressman Eldon Rudd  
Congressman John Rhodes  
Congressman Bob Stump  
Congressman Morris Udall

THE WHITE HOUSE

WASHINGTON

July 18, 1981

Dear Sandra:

Attached are some draft letters with lists of Senators for your consideration. I have also attached a roster that contains their full names, in case you need it. In addition, Ken Duberstein has provided me with a list of House members with whom you visited.

As you know, handwritten notes are preferable, but time consuming. If you need some typing assistance, I will arrange for it through the Justice Department. I feel assured the U.S. Attorney's office or the F.B.I. office in Phoenix could provide you with clerical support.

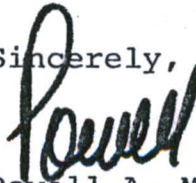
I did not include drafts for Susan and Dennis DeConcini and Barry Goldwater, since I feel assured you want to make their letters very personal ones. The same may be true for Bob Stump, Mo Udall, John Rhodes, and Eldon Rudd.

Here are some additional thoughts for your letters:

- (a) For Domenici, refer to the death of his mother last Wednesday evening in New Mexico and to your New Mexico connection;
- (b) For Schmitt, refer to your New Mexico connection;
- (c) For Warner, refer to our unsuccessful attempt to follow-up our brief hallway encounter with a more detailed meeting on Friday;
- (d) For Tower and Bentsen, refer to your El Paso roots;
- (e) For Leahy and Stafford, refer to your Vermont ancestors; and
- (f) For Simpson, refer to the Colorado College connection.

With cordial regards,

Sincerely,



Powell A. Moore  
Deputy Assistant to the President  
for Legislative Affairs (Senate)

Judge Sandra Day O'Connor  
Arizona Court of Appeals  
State Capitol  
Phoenix, Arizona 85007

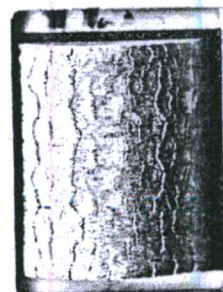
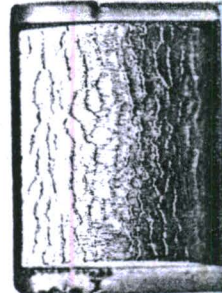
THE WHITE HOUSE  
WASHINGTON

Dear Senator :

I had hoped for the privilege of meeting with you while I was in Washington last week. Unfortunately for me, my schedule was more than full, and it could not be arranged. Perhaps an opportunity to visit with you in the near future will develop.

With cordial regards,

Sincerely,



Date: .....

Issue: .....

YEAS		NAYS	YEAS		NAYS	YEAS		NAYS
✓	Abdnor		✓	Glenn		✓	Moynihan	
✓	Andrews			Goldwater		✓	Murkowski	
	Armstrong		✓	Gorton		✓	Nickles	
	Baker			Grassley		✓	Nunn	
	Baucus		✓	Hart			Packwood	
✓	Bentsen		✓	Hatch		✓	Pell	
✓	Biden		✓	Hatfield		✓	Percy	
✓	Boren		✓	Hawkins		✓	Pressler	
✓	Boschwitz		✓	Hayakawa		✓	Proxmire	
✓	Bradley			Heflin			Pryor	
✓	Bumpers		✓	Heinz		✓	Quayle	
✓	Burdick			Helms		✓	Randolph	
✓	Byrd, Harry F.		✓	Hollings		✓	Riegle	
✓	Byrd, Robert C.		✓	Huddleston		✓	Roth	
✓	Cannon		✓	Humphrey		✓	Rudman	
✓	Chafee		✓	Inouye		✓	Sarbanes	
✓	Chiles		✓	Jackson		✓	Sasser	
✓	Cochran			Jepsen			Schmitt	
✓	Cohen		✓	Johnston			Simpson	
✓	Cranston		✓	Kassebaum			Specter	
✓	D'Amato		✓	Kasten		✓	Stafford	
✓	Danforth			Kennedy			Stennis	
✓	DeConcini			Laxalt			Stevens	
✓	Denton			Leahy		✓	Symms	
✓	Dixon		✓	Levin			Thurmond	
✓	Dodd		✓	Long			Tower	
✓	Dole		✓	Lugar		✓	Tsongas	
✓	Domenici			Mathias		✓	Wallop	
✓	Durenberger		✓	Matsunaga			Warner	
✓	Eagleton		✓	Mattingly			Weicker	
✓	East			McClure		✓	Williams	
✓	Exon		✓	Melcher		✓	Zorinsky	
✓	Ford			Metzenbaum				
✓	Garn		✓	Mitchell				

THE WHITE HOUSE  
WASHINGTON

Dear Senator :

Thank you for allowing me to visit with you last week while I was in Washington. It was a privilege to get acquainted with you after having heard so much about you. Our meeting was productive for me, and I look forward to seeing you again when I return to Washington for the hearing of the Senate Judiciary Committee.

With cordial regards,

Sincerely,



Date: \_\_\_\_\_

Issue: \_\_\_\_\_

YEAS		NAYS	YEAS		NAYS	YEAS		NAYS
	Abdnor			Glenn			Moynihan	
	Andrews		✓	Goldwater			Murkowski	
	Armstrong			Gorton			Nickles	
✓	Baker		✓	Grassley		✓	Nunn	
	Baucus			Hart			Packwood	
✓	Bentsen		✓	Hatch			Pell	
	Biden			Hatfield			Percy	
✓	Boren		✓	Hawkins			Pressler	
	Boschwitz			Hayakawa			Proxmire	
	Bradley			Heflin			Pryor	
	Bumpers			Heinz			Quayle	
	Burdick		✓	Helms			Randolph	
✓	Byrd, Harry F.			Hollings			Riegle	
	Byrd, Robert C.			Huddleston			Roth	
	Cannon		✓	Humphrey			Rudman	
	Chafee			Inouye			Sarbanes	
	Chiles			Jackson			Sasser	
	Cochran		✓	Jepsen			Schmitt	
	Cohen			Johnston		✓	Simpson	
	Cranston		✓	Kassebaum		✓	Specter	
	D'Amato			Kasten			Stafford	
	Danforth		✓	Kennedy		✓	Stennis	
✓	DeConcini		✓	Laxalt		✓	Stevens	
✓	Denton		✓	Leahy			Symms	
	Dixon			Levin			Thurmond	
	Dodd			Long		✓	Tower	
✓	Dole		✓	Lugar			Tsongas	
	Domenici			Mathias			Wallop	
	Durenberger			Matsunaga			Warner	
✓	Eagleton		✓	Mattingly		✓	Weicker	
	East		✓	McClure			Williams	
	Exon			Melcher			Zorinsky	
	Ford		✓	Metzenbaum				
✓	Garn			Mitchell				

THE WHITE HOUSE  
WASHINGTON

Dear Senator :

Although our encounter was brief,  
it was a privilege for me to meet you  
while I was in Washington last week.

I look forward to seeing you again when  
I return to Washington for the hearing  
of the Senate Judiciary Committee.

With cordial regards,

Sincerely,

Date: .....

Issue: .....

YEAS		NAYS	YEAS		NAYS	YEAS		NAYS
✓	Abdnor			Glenn			Moynihan	
	Andrews			Goldwater			Murkowski	
	Armstrong			Gorton			Nickles	
	Baker			Grassley			Nunn	
	Baucus			Hart			Packwood	
	Bentsen			Hatch			Pell	
	Biden			Hatfield			Percy	
	Boren			Hawkins			Pressler	
	Boschwitz			Hayakawa			Proxmire	
	Bradley			Heflin		✓	Pryor	
	Bumpers			Heinz			Quayle	
	Burdick			Helms			Randolph	
	Byrd, Harry F			Hollings			Riegle	
	Byrd, Robert C			Huddleston			Roth	
	Cannon			Humphrey			Rudman	
✓	Chafee			Inouye			Sarbanes	
	Chiles			Jackson			Sasser	
	Cochran			Jepsen		✓	Schmitt	
	Cohen			Johnston			Simpson	
	Cranston			Kassebaum			Specter	
	D'Amato			Kasten			Stafford	
	Danforth			Kennedy			Stennis	
	DeConcini			Laxalt			Stevens	
	Denton			Leahy			Symms	
	Dixon		✓	Levin			Thurmond	
	Dodd			Long			Tower	
	Dole			Lugar			Tsongas	
	Domenici			Mathias			Wallop	
	Durenberger		✓	Matsunaga		✓	Warner	
	Eagleton			Mattingly			Weicker	
	East			McClure			Williams	
	Exon			Melcher			Zorinsky	
	Ford			Metzenbaum				
	Garn			Mitchell				

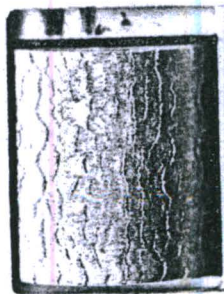
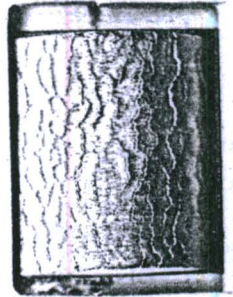
THE WHITE HOUSE  
WASHINGTON

Dear Howell:

Thank you for joining me for breakfast last Friday. The advice and counsel of an old friend is always useful, and I appreciate your kindness and encouragement. I look forward to seeing you when I return to Washington for the hearing of the Senate Judiciary Committee.

With cordial regards,

Sincerely,



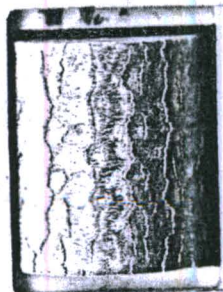
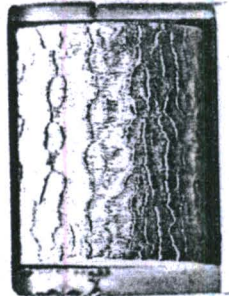
THE WHITE HOUSE  
WASHINGTON

Dear Mr. Chairman:

Many, many thanks for your kindness and courtesy to me while I was in Washington last week. It is reassuring to know that you will be guiding the proceedings as the President's nomination of me is considered in the Senate, and I look forward to your advice and counsel in the weeks ahead.

With respect and good wishes,

Sincerely,



THE WHITE HOUSE  
WASHINGTON

Dear Senator Dole:

I regret that I did not have the privilege of visiting with you while I was in Washington last week, but I know nothing could be placed ahead of your duties as Chairman of the Senate Finance Committee while the tax bill was being debated on the Senate floor. I did, however, have the privilege of visiting briefly with your lovely wife, and I look forward to seeing both of you when I return to Washington for the hearing of the Senate Judiciary Committee.

With cordial regards,

Sincerely,

THE WHITE HOUSE

WASHINGTON

Thomas P. O'Neill, Jr.	Speaker of the House
Jim Wright	Majority Leader of the House
Thomas S. Foley	Majority Whip
Peter Rodino, Jr.	Chairman, House Judiciary Committee
James R. Jones	Chairman, House Budget Committee
Robert H. Michel	Republican Leader
Trent Lott	Republican Whip
Eldon Rudd	Member, House of Representatives (Arizona)
John J. Rhodes	Member, House of Representatives (Arizona)
Robert McClory	Ranking Republican, Judicial Committee

# The United States Senate

NINETY-SEVENTH CONGRESS, FIRST SESSION

GEORGE H. W. BUSH, VICE PRESIDENT  
STROM THURMOND, PRESIDENT PRO TEMPORE

WILLIAM F. HILDENBRAND, SECRETARY  
HOWARD S. LIEBENGOOD, SERGEANT AT ARMS  
WILLIAM A. RIDGELY, ASSISTANT SECRETARY

HOWARD O. GREENE, JR., SECRETARY FOR THE MAJORITY  
WALTER J. STEWART, SECRETARY FOR THE MINORITY  
CHAPLAIN

NAME	RESIDENCE	SERVICE FROM	TERM EXPIRES	NAME	RESIDENCE	SERVICE FROM	TERM EXPIRES
<i>James Abdnor</i>	Kennebec, S. Dak	Jan. 3, 1981	Jan. 2, 1987	Henry M. Jackson	Everett, Wash.	Jan. 3, 1953	Jan. 2, 1983
<i>Mark Andrews</i>	Mapleton, N. Dak.	Jan. 3, 1981	Jan. 2, 1987	<i>Roger W. Jepsen</i>	Davenport, Iowa	Jan. 3, 1979	Jan. 2, 1985
<i>William L. Armstrong</i>	Aurora, Colo.	Jan. 3, 1979	Jan. 2, 1985	J. Bennett Johnston	Shreveport, La.	Nov. 14, 1972	Jan. 2, 1985
<i>Howard H. Baker, Jr.</i>	Huntsville, Tenn.	Jan. 3, 1967	Jan. 2, 1985	<i>Nancy Landon Kassebaum</i>	Wichita, Kans.	Dec. 23, 1978	Jan. 2, 1985
Max Baucus	Missoula, Mont.	Dec. 15, 1978	Jan. 2, 1985	<i>Robert W. Kasten, Jr.</i>	Milwaukee, Wis.	Jan. 3, 1981	Jan. 2, 1987
Lloyd Bentsen	Brazoria, Tex.	Jan. 3, 1971	Jan. 2, 1983	Edward M. Kennedy	Boston, Mass.	Nov. 7, 1962	Jan. 2, 1983
Joseph R. Biden, Jr.	Hockessin, Del.	Jan. 3, 1973	Jan. 2, 1985	<i>Paul Lazall</i>	Carson City, Nev.	Dec. 18, 1974	Jan. 2, 1987
David L. Boren	Oklahoma City, Okla.	Jan. 3, 1979	Jan. 2, 1985	Patrick J. Leahy	Burlington, Vt.	Jan. 3, 1975	Jan. 2, 1987
<i>Rudy Boschwitz</i>	Minneapolis, Minn.	Dec. 30, 1978	Jan. 2, 1985	Carl Levin	Detroit, Mich.	Jan. 3, 1979	Jan. 2, 1985
Bill Bradley	Denville, N.J.	Jan. 3, 1979	Jan. 2, 1985	Russell B. Long	Baton Rouge, La.	Dec. 31, 1948	Jan. 2, 1987
Dale Bumpers	Charleston, Ark.	Jan. 3, 1975	Jan. 2, 1987	<i>Richard G. Lugar</i>	Indianapolis, Ind.	Jan. 3, 1977	Jan. 2, 1983
Quentin N. Burdick	Fargo, N. Dak.	Aug. 8, 1960	Jan. 2, 1983	<i>Charles McC. Mathias, Jr.</i>	Frederick, Md.	Jan. 3, 1969	Jan. 2, 1987
HARRY F. BYRD, Jr. †	Winchester, Va.	Nov. 12, 1965	Jan. 2, 1983	Spark M. Matsunaga	Honolulu, Hawaii	Jan. 3, 1977	Jan. 2, 1983
Robert C. Byrd	Sophia, W. Va.	Jan. 3, 1959	Jan. 2, 1983	<i>Mack Mattingly</i>	Brunswick, Ga.	Jan. 3, 1981	Jan. 2, 1987
Howard W. Cannon	Las Vegas, Nev.	Jan. 3, 1959	Jan. 2, 1983	<i>James A. McClure</i>	Payette, Idaho	Jan. 3, 1973	Jan. 2, 1985
<i>John H. Chafee</i>	Warwick, R.I.	Dec. 29, 1976	Jan. 2, 1983	John Melcher	Forsyth, Mont.	Jan. 3, 1977	Jan. 2, 1983
Lawton Chiles	Lakeland, Fla.	Jan. 3, 1971	Jan. 2, 1983	Howard M. Metzenbaum	Shaker Heights, Ohio	Dec. 29, 1976	Jan. 2, 1983
<i>Thad Cochran</i>	Jackson, Miss.	Dec. 27, 1978	Jan. 2, 1985	George J. Mitchell †	South Portland, Maine	May 19, 1980	Jan. 2, 1983
<i>William S. Cohen</i>	Bangor, Maine	Jan. 3, 1979	Jan. 2, 1985	Daniel Patrick Moynihan	Oneonta, N.Y.	Jan. 3, 1977	Jan. 2, 1983
Alan Cranston	Los Angeles, Calif.	Jan. 3, 1969	Jan. 2, 1987	<i>Frank T. Murkowski</i>	Fairbanks, Alaska	Jan. 3, 1981	Jan. 2, 1987
<i>Alfonse M. D'Amato</i>	Island Park, N.Y.	Jan. 3, 1981	Jan. 2, 1987	<i>Don Nickles</i>	Ponca City, Okla.	Jan. 3, 1981	Jan. 2, 1987
<i>John C. Danforth</i>	Newburg, Mo.	Dec. 27, 1976	Jan. 2, 1983	Sam Nunn	Perry, Ga.	Nov. 8, 1972	Jan. 2, 1985
Dennis DeConcini	Tucson, Ariz.	Jan. 3, 1977	Jan. 2, 1983	<i>Bob Packwood</i>	Portland, Oreg.	Jan. 3, 1969	Jan. 2, 1987
<i>Jeremiah Denton</i>	Mobile, Ala.	Jan. 3, 1981	Jan. 2, 1987	Claiborne Pell	Newport, R.I.	Jan. 3, 1961	Jan. 2, 1985
Alan J. Dixon	Belleville, Ill.	Jan. 3, 1981	Jan. 2, 1987	<i>Charles H. Percy</i>	Wilmette, Ill.	Jan. 3, 1967	Jan. 2, 1985
Christopher J. Dodd	Norwich, Conn.	Jan. 3, 1981	Jan. 2, 1987	<i>Larry Pressler</i>	Humboldt, S. Dak.	Jan. 3, 1979	Jan. 2, 1985
<i>Robert Dole</i>	Russell, Kans.	Jan. 3, 1969	Jan. 2, 1987	William Proxmire	Madison, Wis.	Aug. 28, 1957	Jan. 2, 1983
<i>Pete V. Domenici</i>	Albuquerque, N. Mex.	Jan. 3, 1973	Jan. 2, 1985	David Pryor	Camden, Ark.	Jan. 3, 1979	Jan. 2, 1985
<i>David Durenberger</i>	Minneapolis, Minn.	Nov. 8, 1978	Jan. 2, 1983	<i>Dan Quayle</i>	Huntington, Ind.	Jan. 3, 1981	Jan. 2, 1987
Thomas F. Eagleton	St. Louis, Mo.	Dec. 28, 1968	Jan. 2, 1987	Jennings Randolph	Elkins, W. Va.	Nov. 5, 1958	Jan. 2, 1985
<i>John P. East</i>	Greenville, N.C.	Jan. 3, 1981	Jan. 2, 1987	Donald W. Riegle, Jr.	Flint, Mich.	Dec. 30, 1976	Jan. 2, 1983
J. James Exon	Lincoln, Nebr.	Jan. 3, 1979	Jan. 2, 1985	<i>William V. Roth, Jr.</i>	Wilmington, Del.	Jan. 1, 1971	Jan. 2, 1983
Wendell H. Ford	Owensboro, Ky.	Dec. 28, 1974	Jan. 2, 1987	<i>Warren Rudman</i>	Nashua, N.H.	Dec. 20, 1980	Jan. 2, 1987
<i>Jake Garn</i>	Salt Lake City, Utah	Dec. 21, 1974	Jan. 2, 1987	Paul S. Sarbanes	Baltimore, Md.	Jan. 3, 1977	Jan. 2, 1983
John Glenn	Columbus, Ohio	Dec. 24, 1974	Jan. 2, 1987	Jim Sasser	Nashville, Tenn.	Jan. 3, 1977	Jan. 2, 1983
<i>Barry Goldwater</i>	Scottsdale, Ariz.	Jan. 3, 1969	Jan. 2, 1987	<i>Harrison H. Schmitt</i>	Silver City, N. Mex.	Jan. 3, 1977	Jan. 2, 1983
<i>Slade Gorton</i>	Olympia, Wash.	Jan. 3, 1981	Jan. 2, 1987	<i>Alan K. Simpson</i>	Cody, Wyo.	Jan. 1, 1979	Jan. 2, 1985
<i>Charles E. Grassley</i>	New Hartford, Iowa	Jan. 3, 1981	Jan. 2, 1987	<i>Arlen Specter</i>	Philadelphia, Pa.	Jan. 3, 1981	Jan. 2, 1987
Gary Hart	Denver, Colo.	Jan. 3, 1975	Jan. 2, 1987	<i>Robert T. Stafford</i>	Rutland, Vt.	Sept. 16, 1971	Jan. 2, 1983
<i>Orrin G. Hatch</i>	Salt Lake City, Utah	Jan. 3, 1977	Jan. 2, 1983	John C. Stennis	De Kalb, Miss.	Nov. 5, 1947	Jan. 2, 1983
<i>Mark O. Hatfield</i>	Salem, Oreg.	Jan. 10, 1967	Jan. 2, 1985	<i>Ted Stevens</i>	Anchorage, Alaska	Dec. 24, 1968	Jan. 2, 1985
<i>Paula Hawkins</i>	Altamonte Springs, Fla.	Jan. 1, 1981	Jan. 2, 1987	<i>Steven D. Symms</i>	Caldwell, Idaho	Jan. 3, 1981	Jan. 2, 1987
<i>S. I. Hayakawa</i>	Mill Valley, Calif.	Jan. 2, 1977	Jan. 2, 1983	<i>Strom Thurmond</i>	Aiken, S.C.	Nov. 7, 1956	Jan. 2, 1985
Howell Heflin	Tuscumbia, Ala.	Jan. 3, 1979	Jan. 2, 1985	<i>John Tower</i>	Wichita Falls, Tex.	June 15, 1961	Jan. 2, 1985
<i>John Heinz</i>	Pittsburgh, Pa.	Jan. 3, 1977	Jan. 2, 1983	Paul E. Tsongas	Lowell, Mass.	Jan. 3, 1979	Jan. 2, 1985
<i>Jesse Helms</i>	Raleigh, N.C.	Jan. 3, 1973	Jan. 2, 1985	<i>Malcolm Wallop</i>	Big Horn, Wyo.	Jan. 3, 1977	Jan. 2, 1983
Ernest F. Hollings	Charleston, S.C.	Nov. 9, 1966	Jan. 2, 1987	<i>John W. Warner</i>	Middleburg, Va.	Jan. 2, 1979	Jan. 2, 1985
Walter D. Huddleston	Elizabethtown, Ky.	Jan. 3, 1973	Jan. 2, 1985	<i>Lowell P. Weicker, Jr.</i>	Greenwich, Conn.	Jan. 3, 1971	Jan. 2, 1983
<i>Gordon J. Humphrey</i>	Sunapee, N.H.	Jan. 3, 1979	Jan. 2, 1985	Harrison A. Williams, Jr.	Bedminster, N.J.	Jan. 3, 1959	Jan. 2, 1983
Daniel K. Inouye	Honolulu, Hawaii	Jan. 3, 1963	Jan. 2, 1987	Edward Zorinsky	Omaha, Nebr.	Dec. 23, 1976	Jan. 2, 1983

See other side for footnotes.

†Independent-Democrat.

Democrats in roman—Republicans in italics.

January 5, 1981



Dear Senator:

Although our encounter was brief, it was a privilege for me to meet you while I was in Washington last week. I look forward to seeing you again when I return to Washington for the hearing of the Senate Judiciary Committee.

With cordial regards,

Sincerely,

Dear Senator Baker:

Thank you for allowing me to visit with you last week while I was in Washington. It was a privilege to get acquainted with you after having heard so much about you. Our meeting was productive for me and I look forward to seeing you again when I return to Washington for the hearing of the Senate Judiciary Committee.

With cordial regards,

Sincerely,

Dear Senator:

I had hoped for the privilege of meeting with you while I was in Washington last week. Unfortunately for me, my schedule was overfilled and it could not be arranged. Perhaps an opportunity to visit with you in the near future will develop.

With cordial regards,

Sincerely,

Dear Mr. Chairman:

Many, many thanks for your kindness and courtesy to me while I was in Washington last week. It is reassuring to know that you will be guiding the proceedings as the President's nomination of me is considered in the Senate, and I look forward to your advice and counsel in the weeks ahead.

With respect and good wishes,

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Dear Senator Dole:

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With cordial regards,

Sincerely,

Shemie:

Here are some outside groups  
that can be enlisted in our cause:

Farm Bureau  
Salvation Army  
National Conference of Christians & Jews  
Optimist  
Junior League  
Rotary Club (John)  
A.A.W.  
League of Women Voters  
Indian Tribe

Keep these on file

SENATE SUPPORT - ACTUAL CONTACT

FOR	LEANING FOR	UNCOMMITTED	LEANING AGAINST	AGAINST
BAKER	HATCH PT	GRASSLEY		
STEVENS	HAYAKAWA BMC			
GOLDWATER	THURMOND PM			
DECONCINI	BIDEN BMC			
WEICKER SC	SPECTER PM			
TOWER PT	<del>KEATING</del>			
HATFIELD DS	<del>Warner</del> PT			
SIMPSON DS				
METZENBAUM DS				
HEFLIN PM				
GORTON PT				
WALLOP PT				
PERCY SMC				
WARNER SMC				



Requests as of 8/5/81

O'Connor  
Lita

Governor Babbitt - Arizona

National Women's Political Caucus -  
Susan Ness

Federation of Women Lawyers -  
Judicial Screening Panel  
Lynn Schaffrin, New York

National Right to Life - Dr. Withers  
Rev. Jerry Falwell

Dr. Carl McIntire - New Jersey

Americans United for Life

United Families of America

ABA

10 - 12:30

2:30 - 5:00 P.M.

Tower Mail

30<sup>-45</sup> days.

Cum. # over 2 to 1 favor  
225 to 93

started out neg. trends  
past cards - not dominant  
new pt.

Big surge → pro forces.

~~Over last~~ <sup>now.</sup> ~~to~~ nothing  
Atty - favor

Mass mailing back

Mike Augustine in Pine Top, Arizona

- 1- NA of Women Judges  
Judge Klein. b. woman  
file
- 2- Leo Corbett, Pres. of Ariz State Senate.
- 3- Mayor of Phoenix - asst. Sec.
- 4- Stan Turley - Mormon Bishop -  
Current Senator - Republican.
- 5- John Frank - Sheriff
- 6- Jim Mc Nulty - Active Dem  
in Senate of Arizona
- 7- Alfredo  
Senate minority leader.

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Trudi Campin > Opposed  
Carolyn Hunter

Connor

Bishop Joseph Hart

Episcopal Bishop.

President of Episcopal Right-to-Life

McConnell

- ① Paul Stevens - 2 days - 7:15 + 1
- ② Lewis Powell 1 day 4:20 + 2
- ③ Rehnquist 4 days - 2 days overlapped.  
2 days 6:10 to 7:10.

O'Connor  
Able

④ Blakemore 1 day - 3:05

⑤ Conwell 1 day - 4:30 + 2

⑥ Haynsworth ~~1 day~~ 3 days 8:30 + 5

⑦ Burger - 1 day for 1:45