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PRESENTATION COPY

The Washington Star
Thursday, July 9
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THURSDAY, JULY 9, 1981

The Washington Star

FOUNDED IN 1852

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Judge O'Connor

The appointment of Judge Sandra D. O'Connor of the Arizona court of appeals to the U.S. Supreme Court is a milestone in the process that began, many decades ago, with the suffragette movement. But if the nation is lucky it will be that only incidentally and, in judicial terms, far more.

Estimating juristic potential is a tricky business, but on paper Judge O'Connor looks promising — a law-review graduate of a distinguished law school, experienced in both the legislative and judicial arenas of state government, and by reputation a person of charm, gravity and judgment. Beyond that, only time will tell.

What can be said, with some confidence, is that if Judge O'Connor is the judge her supporters believe her to be she will *not* take as her mission the "symbolic" role which Mr. Reagan spoke of last October when he promised that "one of the first" of his Supreme Court appointees would be a woman.

No one in his right mind wants his cause judged by a "symbolic" jurist. And any judge who sits in behalf of a special interest, political or economic or sexual, should be impeached for gross misconception of office.

The same should be said of any judge who deems it his or her mission to promote, protect, or oppose, abortion as such; or women's rights as such; or men's rights as such; or any political cause as such. In the law there are only citizen's rights.

It is not, however, surprising that confusion should abound on this elementary point, or that Judge O'Connor's nomination should ignite a huge clamor — with Moral Majority, as usual, to the forefront — about the implications of her votes on ERA and abortion in the Arizona senate.

Between them, though perhaps without fell intent, Jimmy Carter and Ronald Reagan have done a great deal to confuse the public about the judge's role. They have advanced, to a new level of acceptance, the deplorable idea that the federal bench is a fit place for proportional representation of genders,

racess, interests and ethnic groups. Mr. Carter boasted in last fall's campaign of the unprecedented numbers of blacks, Hispanics and women made federal judges by him, when the only reputable test of these judges is how well and impartially they judge.

Mr. Reagan ill-advisedly chimed in with his promise that "one of the first" of his appointees would be female. The architects of the Republican platform had already contributed their share of confusion by advancing the misleading promise that no judge would be appointed unless he or she is sound on the family and "innocent human life," i.e., is anti-homosexual and anti-abortion.

It shouldn't be necessary to spell out, at this late date, the perilous implications of politicizing judicial preferment. By implication, it suggests that the role of the judge is to begin, not end, with a judgment in the most controversial cases — before the case is heard; and indeed in such cases begin with a judgment that assumes, as foreclosed, precisely what one or more plaintiffs is arguing for or against.

There are two acceptable standards for judges and, all the more, for justices of the Supreme Court: the law as it stands, including binding precedents, and the Constitution.

That Moral Majority and others purport to find in the Fourteenth Amendment an implication that an unborn fetus is, from conception, a legal "person" is neither here nor there. It is legally and philosophically a most disputable point — we emphasize, *disputable*.

What matters is that no one who believes otherwise, or whose interest or liberty rests on a contrary view, should fear that his or her case has been decided before a word of argument has been spoken or a single brief filed.

When the nation's courts, including the Supreme Court, become tribunals of prejudgment on this or any matter, justice will have been perverted and the liberties of all will be in jeopardy.

Conservatives Feud in Wake of O'Connor Choice

By Fred Barbash
Washington Post Staff Writer

Conservatives feuded yesterday over the nomination of Sandra D. O'Connor to the Supreme Court, while her White House and Capitol Hill supporters expressed confidence that she will be confirmed.

"I don't think there's any problem," said White House counselor Edwin Meese III.

"I intend to support her," said Senate Judiciary Committee Chairman Strom Thurmond (R-S.C.), "unless something comes up."

As they spoke, however, about 60 leaders of the New Right were holding an emergency meeting to mobilize opposition to the nominee because of their objections to her position on abortion.

And as they were meeting, conservative Sen. Barry Goldwater (R-Ariz.) was saying that one of their leaders, Jerry Falwell, deserves a "kick in the ass" for his opposition to O'Connor.

The furor stemmed from several votes O'Connor cast while serving in the Arizona Senate. In one instance, she voted against a football stadium bill that carried a rider prohibiting abortions at the University of Arizona Hospital.

Anti-abortionists opposing her nomination charged that she also supported the legalization of abortion in Arizona in 1970, before the Supreme Court legalized it for all the states in 1973. The 1970 action, however, came on an unrecorded voice vote, according to legislative officials.

Whatever its outcome, the controversy was an important event in Reagan's Washington, for it cleanly split the president from parts of the

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Conservatives Feud on O'Connor; Expect Confirmation

might then come in September, after the August recess.

Some Senate conservatives, ordinarily allies of the New Right organizations, yesterday said they will support the nomination unless something new comes up to dissuade them.

Sen. Orrin G. Hatch (R-Utah) said the president "has assured me personally that she offered her support for the Republican platform," including the sections on the sanctity of the American family. "I also have real questions whether any single issue should be able" to stand in the way of a Supreme Court appointment.

"When Barry Goldwater and Ronald Reagan say she's conservative," Hatch said, "that's hard to question."

Sen. John P. East (R-N.C.), another abortion opponent, said he would withhold judgment until the confirmation hearings. East and Hatch emphasized that O'Connor will be questioned closely about her views then.

Goldwater's comments about the opposition to his friend, O'Connor, were more colorful. "I am 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 is best for the court. If it is going to be a fight in the Senate, you are going to find Old Goldy fighting like hell."

Goldwater's comment about Falwell came when asked about an earlier comment from the Moral Majority leader that all good Christians should be concerned by the appointment.

"I think every good Christian ought to kick Falwell right in the ass," Goldwater said.

Meese said he did not think the opposition would hurt the nomination. "I think that a complete understanding of her record on these subjects and her personal viewpoints" will calm the opponents. "With her overall excellence and judicial approach to things ... I don't think there's any problem with her confirmation," he said.

The opposition could benefit the Reagan administration in some ways by separating it from the single-minded anti-abortion lobby and broadening the potential base of support to include many moderate Democrats offended by the right.

O'Connor's comments on state aid to private schools were reported in a profile that appeared in Phoenix magazine in 1970. It described her as "almost alone in the Arizona Senate in opposing publicly state aid to private schools" though she was a trustee of one, Phoenix Country Day School. "Clearly unconstitutional," the magazine quoted her as saying.

Staff writers Martha Barnette and Lou Cannon contributed to this report.

Court in Zurich Sentences E. German Man for Spying

ZURICH, July 8 (UPI) — A court today convicted an East German of spying and sentenced him to 18 months imprisonment to be followed by a 15-year ban on reentering Switzerland.

Adolf Dann, 39, arrived in Switzerland in March and began spying on other East Germans, the prosecution charged.

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Conservatives Feud on O'Connor; Supporters Expect Confirmation

O'CONNOR, From A1

coalition that helped elect him and, if only for a moment, gave him a new constituency of liberals who praised the nomination.

Most Capitol Hill observers agreed that confirmation is likely. But many also said it might entail O'Connor's going before the Senate Judiciary Committee and, as one put it, "announcing her conversion" on the abortion question.

Early comments by O'Connor on another controversial issue, state aid to private schools, also surfaced yesterday. In a 1970 interview for Phoenix magazine, O'Connor was quoted as saying that such aid was "clearly unconstitutional."

But yesterday's debate centered on abortion. "We feel we've really been challenged on this," said conservative direct-mail king Richard Viguerie. "The conservatives weren't consulted. They just said 'like it or lump it.' I haven't talked to a conservative yet who wasn't disturbed by this."

"The president is going to be suffering a degree of political influenza from which he will not easily recover," added Conservative Caucus Chairman Howard E. Phillips. "It will be a costly fight with people who have been his most faithful supporters."

Phillips said the action might cost Reagan support from conservatives on other issues, such as his economic proposals. "We're going to be redirecting our efforts somewhere else now," Phillips said.

Though the White House would like quick confirmation hearings and an early vote to avoid too much bloodletting, hearings probably won't begin until late July. Confirmation

might then come in September, after the August recess.

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Opposition to O'Connor Appears to Be Melting

By Lisa Myers

Washington Star Staff Writer

A low-key White House effort to defuse opposition to President Reagan's Supreme Court nominee appears to be working, increasing the likelihood that Sandra D. O'Connor will be confirmed by the Senate in September without a significant fight.

Despite outcries from the political and religious right, no Senate conservative as yet has been willing to step forward to lead a campaign against O'Connor.

Senate Judiciary Committee Chairman Strom Thurmond, R-S.C., who Tuesday was noncommittal about O'Connor's nomination, said yesterday that he will support the Arizona jurist. "I would say the Senate will confirm her unless something comes up that we don't know about," he added.

The White House continued to try to persuade Sen. Jesse Helms, R-N.C., that O'Connor's views on abortion are compatible with those of the president and with the Republican platform.

Helms, who expressed "skepticism" but not outright opposition to the appointment during a Tuesday meeting with Reagan, apparently remained unconvinced after a telephone conversation yesterday with White House chief of staff James A. Baker III.

Several of the president's senior aides have spent considerable time on the telephone since Tuesday's announcement, attempting to calm some of the president's longest and most devout supporters by explaining O'Connor's somewhat murky record on abortion.

White House political director

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of the Republican platform.

Thurmond said he hopes to begin confirmation hearings by late July,

telephone calls have been running "in the ratio of several to one" against O'Connor, he said.

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Pro-O'Connor Drive May Work

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Lyn Nofziger and his staff have talked to nearly all conservative groups - mostly, one aide says, "to allow them to vent their spleen." Also on the front line of the "public outreach" effort are senior White House officials Elizabeth Dole, Rich Williamson and Max Friedersdorf.

The president, too, has called at least a half dozen senators plus the Rev. Jerry Falwell, leader of the Moral Majority, according to David Gergen, assistant to the president for communications.

After Tuesday's call from Reagan, Falwell did not retract his condemnation of the nomination. He did, however, have a spokesman put out the word yesterday that he still thinks the president is "the greatest."

The religious right appears split on the issue. Texas evangelist James Robison, another influential preacher, said he supports the nomination on the basis of assurances received Tuesday from White House counselor Edwin Meese III that O'Connor finds abortion abhorrent and is in accord with the pro-family language of the Republican platform.

Thurmond said he hopes to begin confirmation hearings by late July,

assuming the FBI can complete its background check within two weeks. However, key administration and congressional officials doubt the confirmation process will get seriously under way until Congress returns from a month-long vacation in September.

Outmaneuvered Democrats continued to have nothing but nice words about Reagan's decision to put a woman on the Supreme Court. House Speaker Thomas P. O'Neill, who has charged that Reagan's economic policies will "destroy America," said the choice of O'Connor "is the best thing he has done since he was inaugurated."

"In fact, it's the first time he's turned the clock ahead during his administration," said the Massachusetts Democrat, not missing an opportunity to jab.

While describing reaction to the appointment as "overwhelmingly favorable," Gergen acknowledged that telegrams and telephone calls to the White House have not reflected that broad support for O'Connor on Capitol Hill. Telegrams have been evenly divided on the nomination, while telephone calls have been running "in the ratio of several to one" against O'Connor, he said.

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Reagan Choice for Court Decried by Conservatives But Acclaimed by Liberals

By Bill Peterson
Washington Post Staff Writer

The reaction yesterday to President Reagan's first nomination to the Supreme Court was an ironic one: he was condemned by conservatives who supported him all the way to the Oval Office, but praised by liberals and feminists who have found so little to like about him there.

The Rev. Jerry Falwell, head of Moral Majority, declared that the nomination of Sandra D. O'Connor to the high court was a "disaster." The National Right to Life Committee, a major anti-abortion group, pledged an all-out fight against her confirmation because of "her consistent support for legal abortion."

But Eleanor Smeal, president of the National Organization for Women, called the nomination "a major victory for women's rights." And prospects for a quick and relatively painless confirmation appeared good.

Among the first to jump aboard O'Connor's bandwagon were Sen. Edward M. Kennedy (D-Mass.) and Rep. Morris K. Udall (D-Ariz.), two of the most outspoken liberals in Congress.

"I'm really quite pleased," said Udall, who has known O'Connor as a lawyer, state senator and judge. "She's about as moderate a Republican you'll ever find being appointed by Reagan. If we're going to have to have Reagan appointees to the court, you couldn't do much better."

"President Reagan should be commended for naming a woman to the Supreme Court — the first such nominee in our nation's history and one that is very long overdue," said Kennedy.

His words were echoed by feminist leaders. "Justice O'Connor's nomination will be a major step in moving toward equal justice in every court in our land," said Iris Mitgang, chairman of the bipartisan National Women's Political Caucus.

Senate GOP leaders pledged to work for a swift confirmation. Majority Leader Howard H. Baker Jr. (Tenn.) said he was "delighted." Judiciary Committee Chairman Strom Thurmond (S.C.) said, "I will do everything I can to help the president."

The reaction from the New Right could hardly have been more different. Richard Viguerie, the conservative direct-mail expert, accused Reagan of rushing O'Connor's nomination because of growing opposition on the right to reports of her selection.

Others accused Reagan of betraying the Republican platform. In one of its

form pledge . . . This appointment is a grave disappointment to the pro-life public nationwide," said Dr. J.C. Willke, president of the National Right to Life Committee, which supported Reagan in the 1980 campaign.

The words from Falwell's Moral Majority were even harsher: "Either the president did not have sufficient information about Judge O'Connor's background in social issues or he chose to ignore that information . . . Judge O'Connor also has been active in feminist causes and is a supporter of the Equal Rights Amendment, which Moral Majority believes would be a disaster for men and women and would further undermine the traditional family."

Anti-abortion groups focused their opposition to O'Connor on votes she cast while a state senator and on the fact that she once spoke, as a judge, before an International Women's Year meeting.

In 1974, she voted against a rider to a football stadium bond issue that would have barred abortions at the University of Arizona hospital, according to NRLC. That same year she reportedly voted against a resolution calling on Congress to pass a Human Life Amendment in the state Senate Judiciary Committee and in the Senate Republican caucus.

In a 1970 party caucus, she also voted in favor of a bill to legalize abortion, and in 1973 was a prime sponsor of a family planning bill that would have made birth control information available to minors without the knowledge of their parents. That same year she voted for a bill giving doctors and nurses the right to refuse to participate in abortion operations.

Dr. Carolyn Gerster, former president of the NRLC, said she notified the White House Monday about the alleged pro-abortion votes, and mailed a package documenting her charges. Gerster, a Scottsdale, Ariz., physician, said, "It was common knowledge she was philosophically against us in the legislature. It is unforgivable that the White House could ignore this."

But O'Connor also has powerful Republican friends in her home state. The most important among them is Sen. Barry Goldwater, who called her nomination "a great step." After being notified of the nomination by Reagan, Goldwater said he doubted if the president "could ever find anyone more qualified to occupy a Supreme Court seat than Sandra O'Connor, whom I have known for years and greatly respect and admire."

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The reaction from the New Right could hardly have been more different. Richard Viguerie, the conservative direct-mail expert, accused Reagan of rushing O'Connor's nomination because of growing opposition on the right to reports of her selection.

Others accused Reagan of betraying the Republican platform. In one of its most controversial planks, the GOP platform pledged: "We support the appointment of judges to all levels of the judiciary who respect traditional family values and the sanctity of innocent human life."

"O'Connor's appointment represents a repudiation of the Republican plat-

form pledge This appointment is a grave disappointment to the pro-life public nationwide," said Dr. J.C. Wilke, president of the National Right to Life Committee, which supported Reagan in the 1980 campaign.

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Such words will weigh heavily even among hard-core Senate conservatives. "I assume that if she meets the satisfaction of the president of the United States and Barry Goldwater, she must have some basic philosophy I agree with," said Sen. Charles E. Grassley (R-Iowa).

The Washington Post

AN INDEPENDENT NEWSPAPER

The Nomination of Mrs. O'Connor

THE DECISION of President Reagan to nominate Sandra Day O'Connor of Arizona for a seat on the Supreme Court is far more than the fulfillment of a campaign commitment. It marks the end of a long road for all those women who have ever practiced or aspired to practice law. Just 109 years ago, the court on which Judge O'Connor will sit if the Senate confirms this nomination upheld the power of the states to prevent women from becoming lawyers.

The vestiges of the thinking that produced that now unthinkable discrimination linger on. But the ascension of Judge O'Connor to the nation's highest court would help eliminate more of them, regardless of how she votes on constitutional questions. The fact that a woman has, at long last, been selected for one of these seats of great power will make the continuance of sexual barriers in lesser jobs more difficult to justify.

In some ways, when you think of it, it is incredible that this should have to come as such a momentous event in 1981, that it should have this aspect of novelty and "breakthrough" to it. And we hasten to suggest that it will merely compound the grotesque thinking that has created such a situation if the great legal and political powers-that-be regard a seat on the court for one female as some kind of equity. Female justices should not be considered as some one-of-a-kind token or representative or quota-filler. Mr. Reagan has helped redeem the shame of his predecessors who wouldn't quite dare to do what he has done. He is to be congratulated for that. Now let us hope there will always be men *and* women on the court and that this will come to seem ordinary.

From her record in Arizona, it appears Judge

O'Connor has been a good politician, a quality lawyer and a far better than average trial and appellate judge. The kinds of cases she has handled on the state bench, naturally, bear little or no resemblance to those that routinely come before the Supreme Court. This means there are few, if any, clues in her judicial career as to how she will vote on broad constitutional questions. But that is not unusual. Rarely has the public record of any nominee laid bare his judicial philosophy, and sometimes the public record has been totally misleading as an indicator of judicial behavior.

Those who have known Judge O'Connor's work over the years describe her as a conservative but not reactionary Republican and believe she is more likely to end up closer to the philosophical position of Chief Justice Burger than to that of the other Arizonan on the court, Justice Rehnquist. If that is so, the change on the court from Justice Stewart to Justice O'Connor may not alter its direction substantially.

Rarely, if ever, has a president reached so far down into the state judiciary to find a Supreme Court justice. Most of them have come from higher ranks of the judicial system, from national political positions or from the nationally known law firms. That President Reagan has gone to the second tier of a state court structure in his search for a female nominee may be less a commentary on Judge O'Connor's qualifications than on a system that, until the quite recent past, kept almost all women lawyers from reaching high places in their chosen profession. The Senate, of course, must now subject Judge O'Connor's record to the same close scrutiny it has given other nominees. We don't know how this will turn out. Our first impression of her qualifications is that the Senate will find nothing to impede her confirmation.

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Nominee Has Avoided Ideological Extremes

By Fred Barbash
Washington Post Staff Writer

Her benchside manner is so stern, her stare so penetrating, that some young lawyers call her "laser eyes."

Her written opinions tick off the law, tick off the precedents and fit in the facts, all without rhetoric or asides. They are the work of a technician, not an ideologue.

In a state where ideological extremes flourish, Sandra D. O'Connor has shown a knack for avoiding them throughout her career as a lawyer, state senator and judge. As a politician, she has been on either side of the Equal Rights Amendment and the abortion issue. As a judge, she is described as a tough sentencer, capable of imposing the death penalty.

But as she demonstrated in a 1978 murder case, she is just as capable of wiping out her own sentence and ordering a new trial when she thinks something has gone wrong in the process of criminal justice.

For these reasons, her nomination was endorsed by virtually all those who know her in Arizona, from conservative Sen. Barry Goldwater to the head of the Arizona American Civil Liberties Union. At the same time, the state's lawyers

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...ing for a Supreme Court justice, and her term of service could carry her far beyond any of the current skirmishes and into territory as yet untouched by the high court or any other.

A recent law journal article she wrote suggests, however, that in her overall view of the role of the federal judiciary she is well in tune with the Burger Court's efforts to shift much judicial power back to the states.

"It is," she wrote, "a step in the right direction."

O'Connor for 18 months has been one of nine judges on the Arizona Court of Appeals, one step below the state's highest court, the state Supreme Court. She served as a Superior Court judge in Phoenix for five years before that, hearing ordinary criminal and civil cases.

She is one of the few court appointees in recent years to mix substantial political experience with the law. She was a Republican state senator representing a wealthy suburb of Phoenix, majority leader of the senate and was mentioned as a candidate for Arizona governor. In 1972, O'Connor was co-chairman of the Nixon campaign in her state.

O'Connor returned to Arizona, where her parents lived, after graduating third in a Stanford law class that included current Supreme Court Justice William H. Rehnquist. At Stanford, she was good enough to make the law review.

In Phoenix, she joined a general law practice with one other lawyer, Thomas H. Tobin, and left after about a year, Tobin recalls, to have her three children. She returned to law as an assistant attorney general for the state of Arizona in 1965.

WASHINGTON POST



By Margaret Thomas—The Washington Post
President Reagan enters White House press room to announce his choice for nomination to the Supreme Court.

Many Supreme Court critics say the current justices badly need a negotiator in their ranks. As majority leader, Arizona politicians say, O'Connor was good at that. "She was good at identifying what the issue was and articulating it to everyone," Corbert recalled. "She managed bills very sensitively and kept some things from becoming too controversial," said Alice Bendheim, state ACLU chairman.

"She was a very political animal," Bendheim said. "She started out as a moderate Republican and then, after about 1974, moved toward the right."

Women, although still vastly outnumbered by men judges, were represented relatively early at high levels in the Arizona judiciary. The country's first woman state chief justice served in that state in the early 1960s. So O'Connor's election in 1975 to the Superior Court of Maricopa County shocked no one.

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New Nominee Has Shunned Extremes

Arizonans Praise Record, Say Stands Hard to Predict

O'CONNOR, From A1

have given her consistently high marks in the bar association's ratings of judges in the state.

And for the same reasons, most lawyers said it would be risky to predict how she might vote on many of the controversial issues that will confront the Supreme Court.

At 51 she is young for a Supreme Court justice, and her term of service could carry her far beyond any of the current skirmishes and into territory as yet untouched by the high court or any other.

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O'Connor returned to Arizona, where her parents lived, after graduating third in a Stanford law class that included current Supreme Court Justice William H. Rehnquist. At Stanford, she was good enough to make the law review.

In Phoenix, she joined a general law practice with one other lawyer, Thomas H. Tobin, and left after about a year, Tobin recalls, to have her three children. She returned to law as an assistant attorney general for the state of Arizona in 1965.



By Margaret Thomas—The Washington Post

President Reagan enters White House press room to announce his choice for nomination to the Supreme Court.

Many Supreme Court critics say the current justices badly need a negotiator in their ranks. As majority leader, Arizona politicians say, O'Connor was good at that. "She was good at identifying what the issue was and articulating it to everyone," Corbert recalled. "She managed bills very sensitively and kept some things from becoming too controversial," said Alice Bendheim, state ACLU chairman.

"She was a very political animal," Bendheim said. "She started out as a moderate Republican and then, after about 1974, moved toward the right."

Women, although still vastly outnumbered by men judges, were represented relatively early at high levels in the Arizona judiciary. The country's first woman state chief justice served in that state in the early 1960s. So O'Connor's election in 1975 to the Superior Court of Maricopa County shocked no one.

Neither did her performance on the bench. Lawyers who practiced before her recalled no decisions departing from precedent. She excluded evidence when necessary, they say, yet dealt sternly with those convicted, particularly those convicted of second offenses.

"She would not bend over backwards to give any breaks to anyone who had previously been given a break," said David Derickson, a Superior Court judge who practiced before O'Connor as a lawyer.

"But she kept a tight rein on everybody. I remember a couple of incidents when I was a defense attorney where I suggested that the prosecutor ought not to be arguing such a baldly wrong position. I said I knew the judge could see through the smoke."

O'Connor cut him off, Derickson recalls. "I appreciate the compliment," she said. "But I'll decide



Sandra D. O'Connor, whose record has won praise but makes predictions of any future court stands difficult.

As a state senator, she sponsored and supported a wide variety of bills on social issues but followed no consistent ideological line.

She co-sponsored a bill opposed by anti-abortionists to establish a state family planning service. But she voted for a bill giving hospitals and doctors the "right to refuse" to perform abortions.

She voted for a resolution urging Congress to stop school busing to achieve racial balance, and for a resolution opposing federal gun controls.

But she favored legislation to provide workers' compensation for migrant farm workers, to encourage bilingual education in the state and to improve conditions for mental patients.

At first, she supported the Equal Rights Amendment. "I remember the day it passed out of Congress," said current Arizona Senate President Leo Corbert. "There were some of us that didn't know what it meant. All of the women, including Sen. O'Connor, said we should pass it before the state of Hawaii did. They wanted to be first.

"But then their ardor sort of cooled."

Corbert says that O'Connor turned her attention to more limited bills designed to equalize conditions for women. She helped push through, for example, a measure allowing women to buy and sell property.

Nominee of Sen. Percy Is Belatedly Appointed

By a Washington Post Staff Writer

CHICAGO, July 7 — President Reagan tonight announced appointment of Daniel K. Webb as U.S. attorney for Illinois.

Webb had been selected by Republican Sen. Charles H. Percy, but was delayed by the administration because Percy, chairman of the Senate Foreign Relations Committee, opposed appointment of Ernest K. Lefever as assistant secretary of state for human rights and humanitarian affairs.

After Lefever was rejected by Percy's committee and withdrew, the administration told Percy that the hold on Webb's appointment would be lifted. Illinois Gov. James R. Thompson had informed the White House that he also wanted to give clearance and did so.

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O'Connor cut him off, Derickson recalls. "I appreciate the compliment," she said. "But I'll decide what's smoke or what's not."

"She was very strict early in her career," said John Foreman, a former public defender and now a private criminal defense lawyer. "There were quite a few young attorneys who got their backsides roasted by her. She does not tolerate nonsense or people who don't know what they're doing."

Lawyers remembered only one occasion when she imposed the death penalty. The defendant had been convicted of a contract murder, said the defense lawyer, Tom Henze. Following the trial, O'Connor was informed that statements by a key witness that contradicted his trial testimony had been concealed from the defense. She then canceled the verdict and the death sentence and ordered a new trial.

O'Connor initially was appointed to the Court of Appeals to fill an unexpired term. Most of that court's cases involve dry matters like contracts. But she also occasionally dealt with more controversial issues.

In September, 1980, she ruled that making an indigent tenant put up large sums of money in order to sue a landlord unconstitutionally discriminated against poor people. In March, 1980, she ruled that a public college's trustees had violated the law by holding meetings in private.

Also in March, 1980, she ruled that workmen's compensation benefits received by a husband as a result of an on-the-job injury did not have to be shared with his divorced wife.

"She has done a good and competent job," said John P. Frank, a noted constitutional scholar who practices in Arizona and describes himself as a "yellow dog Democrat."

"But you can't draw much social significance from the kind of work that court does. In terms of general social outlook, I'd say she's conservative but not reactionary. I would say she would tend to have views more or less similar to Chief Justice Burger. But she won't be a right-wing ideologue like Rehnquist."

"Some of my more radical friends picture her as very very conservative," said ACLU Chairman Bendheim. "But if you put her on the spectrum of conservatives, especially in Arizona, I don't think she's that far over to the right. I don't think she would be an activist judge in any direction, for any cause."

The only recent statement of O'Connor's philosophy toward the federal courts came in the *William and Mary Law Review* this summer. In an article about the relationship between state and federal courts, O'Connor expressed the view that federal judges were exercising more authority than they should in constitutional matters, particularly in civil rights suits.

When a state judge becomes a federal judge, she said, "he or she does not become immediately better equipped intellectually to do the job . . . If we are serious about strengthening our state courts and improving their capacity to deal with federal constitutional issues . . . it is a step in the right direction to defer to the state courts and give finality to their judgments on federal questions where a full and fair adjudication has been given in the state court."

Contributing to this story was special correspondent Al Senia.

Weather

Today—Sunny, hot and humid, high 94-97, low tonight 70-76. There is little or no chance of rain through tonight. Thursday — Sunny, hot and humid, high 94-97. Yesterday — 3 p.m. AQI: 75; temp. range: 92-74. Details on Page B2.

The Washington Post

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WEDNESDAY, JULY 8, 1981

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Reagan Names Woman to Supreme Court

By Lou Cannon
Washington Post Staff Writer

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The nomination, in fulfillment of a campaign promise to name a woman to one of the first vacancies on the nation's highest court, was hailed by women's groups — unaccustomed praise from a sector that until now has found little to commend in the new administration. But it also drew immediate fire from some of the president's conservative allies, including the politically potent Moral Majority, who say that O'Connor has taken stands favoring abortion and the Equal Rights Amendment.

Calling O'Connor "a person for all seasons," Reagan brushed aside the criticisms of anti-abortion groups, some of which plan a campaign against her confirmation.

"I am completely satisfied with her," a smiling Reagan said as he announced her appointment in the White House press briefing room. Early reaction from the Senate indicated that her confirmation would be easy.

Referring to his campaign pledge to make one of his first Supreme Court appointments "the most qualified woman I could possibly find,"



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"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," Reagan said. "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."

In a news conference in Phoenix, O'Connor said she was "extremely happy and honored" to have been nominated, but she turned aside substantive questions — in deference, she said, to the confirmation process.

The administration began searching for a woman nominee soon after retiring Justice Potter Stewart privately told his friend Vice President Bush in mid-March that he wanted to leave the court. Attorney General William French Smith also was notified, although Reagan, who was wounded in an assassination attempt March 30, was not informed of Stewart's intention until April 21.

Nonetheless, the early tip from Stewart gave the administration three months to search quietly for a replacement without being subjected to political lobbying or press speculation.

From the outset, the administration was interested only in women candidates. White House deputy press secretary Larry Speakes confirmed yesterday that Reagan talked only to O'Connor, although Smith interviewed several candidates. Another White House official said all of those to whom Smith talked seriously were women.

By the time the Stewart resignation was made public on June 18, the search already had focused on the 51-year-old O'Connor, a member of the Arizona Court of Appeals. She seemed, said one aide who helped in the inquiry, "almost too good to be true."

O'Connor met the main presidential test of being a judicially qualified woman with a conservative record. In addition, her comparative youth promises to give her a long tenure on the court, and her political experience as a former majority leader of the Arizona state Senate is viewed as an added benefit on a high court that has sometimes



Associated Press

Sandra O'Connor: "A person for all seasons," the president said.

Washington Post

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The search was conducted by Smith and White House

See COURT, A6, Col. 3



Associated Press

Sandra O'Connor: "A person for all seasons," the president said.

Reagan Nominates Woman for Court

COURT, From A1

counselor Edwin Meese III. They also consulted with the most judicially experienced member of the Reagan team, Deputy Secretary of State William P. Clark, who had been a Reagan appointee to the California Supreme Court.

All three men had themselves been considered potential candidates for the appointment, and all took themselves out of the running. Their review of O'Connor's opinions plus an interview with her convinced the president that he had found the woman he was looking for.

Reagan met with O'Connor in the Oval Office on July 1 at a session also attended by Smith, Meese, White House chief of staff James A. Baker III and deputy chief of staff Michael K. Deaver.

Last Monday evening, Reagan telephoned O'Connor, who was back in Phoenix, and told her that the nomination was hers.

In an effort to head off any opposition from single-issue groups, particularly those who interpret the 1980 Republican Party platform as a mandate to name justices who are opposed to abortion, the White

House announced at the time it made Stewart's resignation public that no one issue would be used as a "litmus test."

Rather, White House officials said that Reagan would choose a justice who would interpret the law, rather than make new law from the bench. The opposition to O'Connor on the abortion issue is not based on any judicial decision but on her actions as an Arizona state legislator.

In one vote, she opposed a rider on an unrelated bill that would have prohibited free abortions at the University of Arizona hospital. She also reportedly opposed a constitutional amendment that sought to overturn the U.S. Supreme Court's decision liberalizing abortion.

Speakes said yesterday that O'Connor had told the president "she is personally opposed to abortion and that it was especially abhorrent to her. She also feels the subject of the regulation of abortion is a legitimate subject for the legislative area."

The White House had planned to announce O'Connor's nomination later this week. But after The Washington Post reported last week that she was a leading candidate for the nomination, an opposition campaign headed by "right-to-life"

groups began pressuring administration officials. And the decision was reached Monday to make the nomination public immediately.

In announcing his decision yesterday morning, the president said of O'Connor: "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 bipartisan confirmation so that, as soon as possible, she may take her seat on the court and her place in history."

Reagan was loudly applauded last night during a political fund-raising speech in Chicago when he departed from his text to say that his appointment of O'Connor had made it "a very happy day for me and, I hope, for our country."

"Judge O'Connor, in my view, will bring new luster and new strength to the Supreme Court," the president said. "I feel certain that her term upon the bench will be one of the proudest legacies of my presidency."

The New York Times
Wednesday, July 8, 1981
A-12

PRESERVATION COPY

A12

THE NEW YORK TIMES, WEDNESDAY, JULY 8, 1981

Transcript of Remarks by Reagan and Nominee to High Court

Following are transcripts of President Reagan's remarks and answers to questions yesterday in announcing his selection of Judge Sandra Day O'Connor to serve on the Supreme Court, as recorded by The New York Times, and of a news conference in Phoenix by Judge O'Connor, as recorded by The Associated Press:

Reagan Remarks

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 lifetime 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

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 Day 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 "brethren" who have preceded her.

I commend her to you and 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.

Her Position on Abortion

Q. Do you agree with her position on abortion, Mr. President? A. I said I'm going to turn over all questions to the Attorney General here and let him answer the questions.

Q. The right-to-life people may oppose it, sir, and we just wonder if...? A. All of those questions the Attorney General is prepared to answer.

Q. Mr. President, your's is a pro position on that; can you give us your feelings about that pro position? A. I am completely satisfied. Q. On her right-to-life position? A. Yes. Q. And did you interview her first personally? A. Yes.



to do as good a job as I can with each question as it arises.

A Philosophical Label

Q. Would you put a label on yourself — moderate or constructionist? A. No, I can't do that.

Q. You've been attacked by the right-to-life people for your stand on abortion. How would you characterize your position on that issue?

A. I'm sorry, I can't address myself to substantive questions pending the confirmation hearing.

Q. What were your thoughts when you first realized that you were being considered, you might be the first woman on the Supreme Court?

A. Well I was greatly honored by the suggestion but never thought it would be a reality.

Q. Do you consider lack of Federal court experience on the appeals or on the district court level a negative factor in your appointment? Is that going to be a difficulty you're going to have to overcome?

A. I can't see that. Certainly I've not had Federal experience and time will tell whether that means I have a lot more to learn than I otherwise would.

Rejection of Questions

Q. Why can you not address substantive questions? A. Pending the confirmation hearing I'm not able to do that. Q. You have been asked not to? I don't understand. Is it something you're just not allowed to do? By whom? A. Well I simply am not going to address myself to substantive issues pending the confirmation hearing.

Q. [unintelligible] because you're the first woman? A. Well, I hope not.

Q. Would you reflect on that aspect of it — being the first woman? What

HONORED BY POST, NOMINEE DECLARES

But Judge Declines to Answer 'Substantive Questions' at Brief News Conference

Special to The New York Times

PHOENIX, July 7 — The first woman to be nominated to the United States Supreme Court declared herself "extremely honored and happy" today but told reporters at a hastily called 15-minute news conference, "I can't address myself to substantive questions pending confirmation."

"If confirmed, I will do my best to serve the Court and this nation in a manner that will bring credit to the President, to my family and to all the people of this great nation," Judge Sandra Day O'Connor of the Arizona Court of Appeals said in a brief statement in the courtroom.

Judge O'Connor, who has a reputation for being cool and calm in the most difficult courtroom situation, appeared not only very happy but also a little nervous as she spoke to reporters.

She said the news of her appointment made today "a momentous day in my life and the life of my family." She was flanked by her husband, John Jay O'Connor 3d, a Phoenix lawyer; her three sons, Scott, Brian and Jay, and other members of the court.

Although Judge O'Connor spoke with President Reagan for about 15 minutes last week, the news of her appointment came as something of a surprise to her and to her family.

As late as Saturday, she told a group of friends that she thought the chance of her appointment was remote, partly be-

Reagan Remarks

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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.

Hints About a Woman

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

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Judge O'Connor Remarks

Good morning. This is a momentous day in my life and the life of my family and I'm extremely happy and honored to have been nominated by President Reagan for a position on the United States Supreme Court. If I am confirmed in the United States Senate I will do my best to serve the Court and this nation in a manner that will bring credit to the President, to my family and to all the people of this great nation.

Q. [Unintelligible.] A. We haven't even thought about questions like that pending the confirmation hearing.

Q. When did you find out President Reagan would nominate you? A. He called me yesterday afternoon, about 4 o'clock our time and spoke with me at that time.

Q. Had you considered you were a serious contender for the post? A. I assumed that I was because I was interviewed late last week in Washington.



The New York Times/Teresa Zabala

President Reagan announcing his nominee for the Supreme Court yesterday at a briefing in the White House press room.

Q. By the President? A. Yes.

Q. What kind of questions did the President ask? A. I'm not at liberty to disclose the contents of the conversation and you can check with the White House on that. Q. How long did the conversation last? A. Not very long. I'd say no longer than 15 minutes.

Q. Did you speak with Senator Goldwater, Senator DeConcini, Congressman Rhodes? Have they had the opportunity to speak to you this morning?

A. Not yet. Senator DeConcini's office got through, but my line has been very busy this morning. I think it's been hard for people to get through.

Position of Congressmen

Q. Has our state's Congressional delegation been unanimous in endorsing your nomination?

A. As far as I know they have. I've had, of course, calls from Senator Goldwater and from Representative John Rhodes previously, indicating support.

Q. Judge O'Connor, Mr. Reagan said this morning that you would have your chance, so to speak, to leave your tracks in the sands of time. When you assume your post, assuming that you do, what kind of changes do you think you might bring about to the Supreme Court? Do you have any thoughts on that at this point?

A. I don't think that's anything [unintelligible].

Q. How do you view yourself as a legal, as far as the law's concerned? Your legal approach? A. I simply try

to do that.

Q. You've been attacked by the right-to-life people for your stand on abortion. How would you characterize your position on that issue?

A. I'm sorry, I can't address myself to substantive questions pending the confirmation hearing.

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Q. [unintelligible] because you're the first woman? A. Well, I hope not.

Q. Would you reflect on that aspect of it — being the first woman? What that means to you. What you think it means to the judicial system.

A. I don't know that I can. In approaching the work on the bench, I can only say that I will approach it with care and effort and do the best job that I possibly can do and I've always tried to do that with any position that I've held.

Q. Does your experience in the state legislature have any impact on your thinking as a judge?

A. Undoubtedly it does. All of our experiences reflect in some way in what we are and I have an appreciation for the legislative process because I have been part of that process.

Q. Your husband has a very active law practice here in Phoenix. Have you thought about how you will [unintelligible]?

A. We haven't thought about all those questions pending a confirmation hearing. Thank you.

'Substantive Questions' Brief News Conference

Special to The New York Times

PHOENIX, July 7 — The first woman to be nominated to the United States Supreme Court declared herself "extremely honored and happy" today, told reporters at a hastily called minute news conference, "I can't address myself to substantive questions pending confirmation."

"If confirmed, I will do my best to serve the Court and this nation in a manner that will bring credit to the President, to my family and to all the people of this great nation," Judge Sandra O'Connor of the Arizona Court of Appeals said in a brief statement in courtroom.

Judge O'Connor, who has a reputation for being cool and calm in the most hectic courtroom situation, appeared only very happy but also a little nervous as she spoke to reporters.

She said the news of her appointment made today "a momentous day in my life and the life of my family." She was flanked by her husband, John Jay Connor 3d, a Phoenix lawyer; her two sons, Scott, Brian and Jay, and other members of the court.

Although Judge O'Connor spoke for about 15 minutes last week, the news of her appointment came as something of a surprise to her and to her family.

As late as Saturday, she told a group of friends that she thought the chance of her appointment was remote, partly because of the similarity between her background and that of Associate Justice William H. Rehnquist, an Arizona native. Judge O'Connor was graduated third in the Stanford University Law School class in which Justice Rehnquist was first.

But Judge O'Connor said at the news conference that the President called her about 4 P.M. yesterday and told her she would be announcing her appointment.

When a reporter asked her to reflect on the change that having a woman on the Court can make, Judge O'Connor replied: "I don't think I can. In approaching the work on the bench, I can only say that I will approach it with care and effort and do the best job that I can do, and I have always tried to do that."

After she had discussed family residence plans with her husband, who has a busy law practice, Judge O'Connor replied, "We haven't thought about those things pending a confirmation hearing."

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The New York Times
Wednesday, July 8, 1981
A-13

THE NEW YORK TIMES, WEDNESDAY, JULY 8, 1981

Rather an Unknown

Nominee's Effect on Court Is Difficult
To Determine From Her Past Rulings

By STUART TAYLOR Jr.

Special to The New York Times

WASHINGTON, July 7 — Sandra Day O'Connor's opinions in her 18 months as an Arizona appeals court judge display careful reasoning and use of precedent. But they shed little light on her attitude toward most of the controversial constitutional issues she will face if she is confirmed as an Associate Justice of the Supreme Court.

News
Analysis

Judge O'Connor, a former Republican majority leader of the Arizona State Senate, is widely regarded as conservative in her political outlook. Her legislative record has been attacked by anti-abortion groups that say she cast pro-abortion votes before she became a judge, but those assertions have been disputed by people who sat with her in the Arizona Legislature.

A review of Judge O'Connor's 29 published opinions for the Arizona Court of Appeals disclosed none dealing with abortion. Nor did any of the opinions disclose her views on most of the other controversial issues that the Supreme Court has ruled on, such as busing as a means of desegregating schools, prayer in schools, the death penalty, affirmative action and the constitutional rights of criminal defendants.

Thus, it appears to be far too early to determine whether the ideologically divided Court will become more conservative or more liberal if Judge O'Connor fills the vacancy created by the retirement of Justice Potter Stewart, who has been viewed as a moderate leaning to

port to the Attorney General's view.

The article, in the William and Mary Law Review, dealt with the relationship between state and Federal courts. Judge O'Connor cited with approval recent Supreme Court decisions requiring Federal judges to defer to some initial determinations by state court judges.

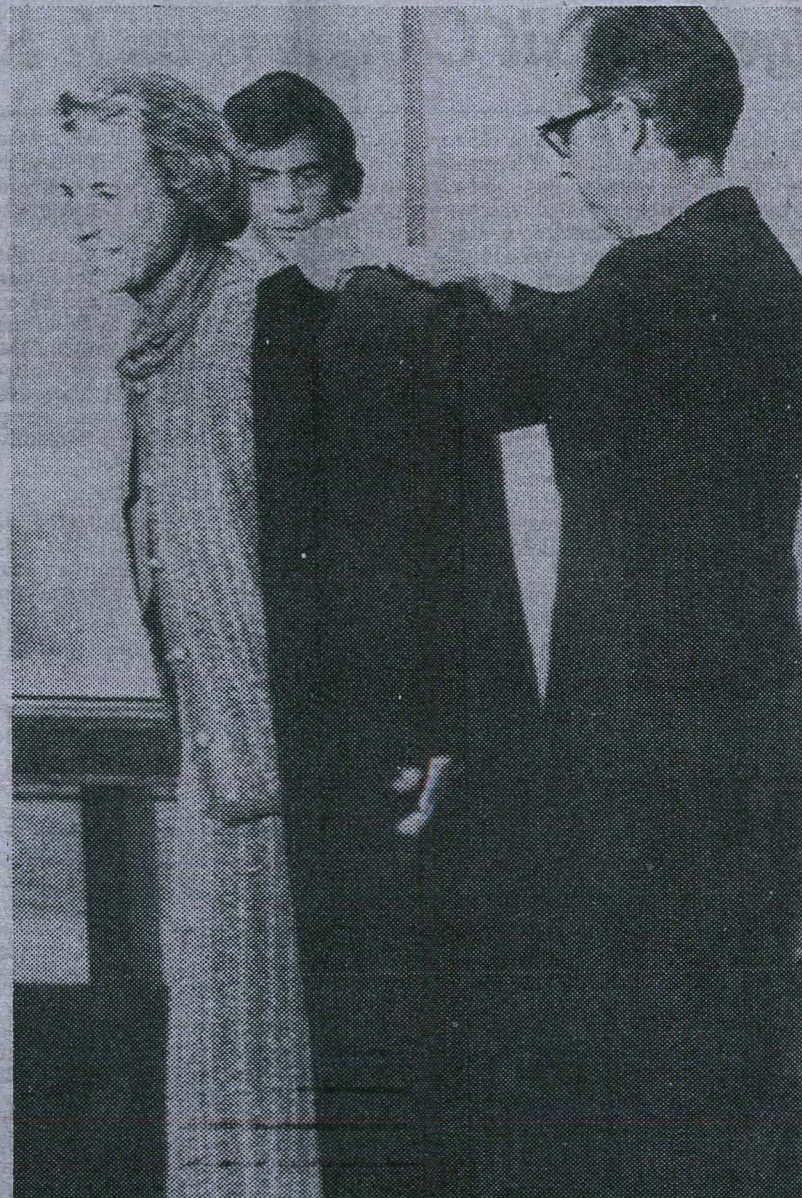
She singled out a recent decision by Associate Justice William H. Rehnquist, her former law school classmate, that held that when considering a constitutional challenge to a state criminal conviction, a Federal court should ordinarily presume that the state court's factual findings were correct.

View on Civil Rights Act

"There is no reason to assume," Judge O'Connor wrote, "that state court judges cannot and will not provide a hospitable forum in litigating Federal constitutional questions."

In the article, Judge O'Connor also suggested that in view of the increasing caseload of the Federal courts and "the expressed desire of the Reagan Administration to hold down the Federal budget," Congress should consider limiting the scope of the Civil Rights Act of 1871. That frequently used law, also known as Section 1983, allows individuals to sue state and local officials for violations of constitutional rights.

Congressional limits, she said, could be accomplished either "directly, or indirectly by limiting or disallowing recovery of attorneys' fees." Federal law now permits successful civil rights plaintiffs to be reimbursed for their at-



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Sharing Reagan's Philosophy

Attorney General William French Smith said today after President Reagan had announced Judge O'Connor as his choice to be the first woman to sit on the Supreme Court that she shared the President's "overall judicial philosophy" of "restraint" and deference to the legislative branch in making law.

A recently published law review article by Judge O'Connor lends some sup-

Shift in Readiness Command

WASHINGTON, July 7 (AP) — Gen. Donn A. Starry will take over command of the interservice Readiness Command from Gen. Volney Warner, who is retiring after losing a battle to keep the Rapid Deployment Force under his control, the Pentagon announced today. General Starry, 56 years old, now heads the Army Training and Doctrine Command at Fort Monroe, Va. He will be succeeded in that post by Lieut. Gen. Glenn K. Otis, currently deputy Army chief of staff for operations and plans.

ported state and Federal courts. Judge O'Connor cited with approval recent Supreme Court decisions requiring Federal judges to defer to some initial determinations by state court judges.

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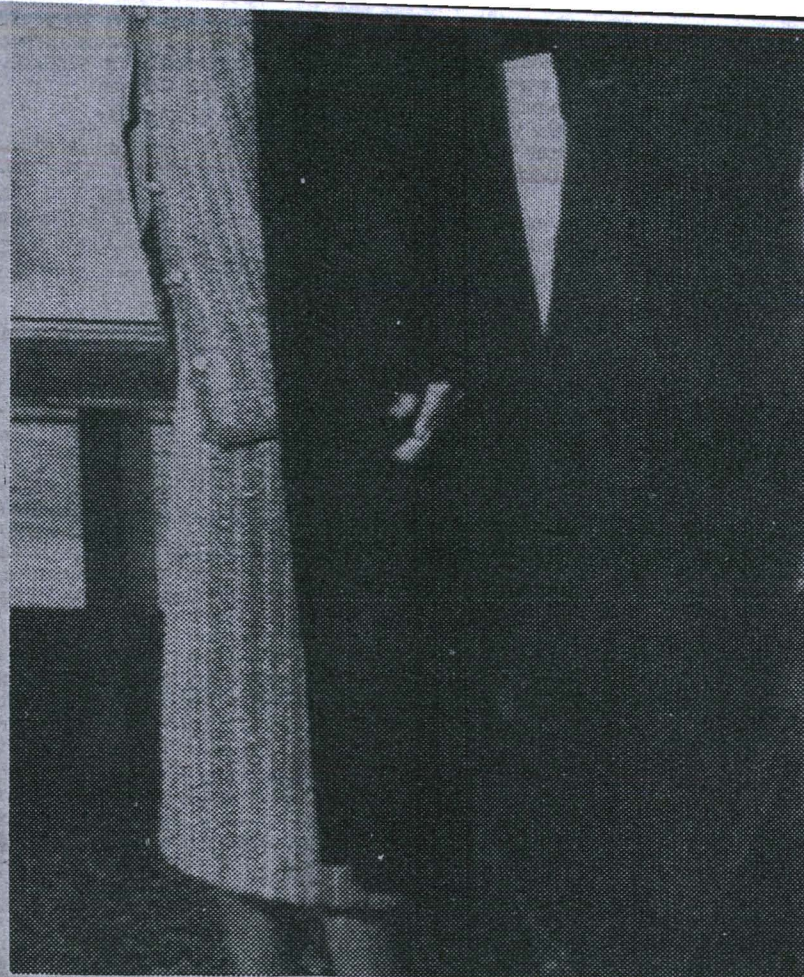
As a member of the Arizona State Senate from 1969 to 1974, Judge O'Connor compiled a record of mainstream, pragmatic Republicanism while rising to become the first woman to serve as majority leader.

Termed 'Conservative, But Fair'

"She's certainly a conservative in the conventional sense but beyond that she's extremely fair," said Alfredo Gutierrez, a Democratic state senator who succeeded Judge O'Connor as majority leader. "She is not an ideologue. She is a perfectionist rooted in the law."

Judge O'Connor left the state Senate when she was elected to be a state Superior Court judge in Phoenix in 1975. She was elevated to the Arizona Court of Appeals, the state's second highest court, 18 months ago by Gov. Bruce Babbitt, a Democrat.

While several of Judge O'Connor's 29 published opinions as an appeals court judge affirmed criminal convictions, one of them reversed two armed robbery convictions because the defendants' right to trial by a 12-person jury under state law had been violated. None of the opinions expressed strong views



Associated Press

John Jay O'Connor 3d assisting his wife, Sandra, with her robe after she was named as a state appeals court judge in Arizona in 1979.

on the issues of criminal and constitutional law that have divided the Supreme Court.

Striking Down Law on Rent

Another opinion struck down a state law that Judge O'Connor considered "arbitrary and irrational" discrimination against people appealing decisions by justices of the peace in landlord-tenant disputes over nonpayment of rent.

Judge O'Connor said that the state law, which required tenants appealing a justice of the peace's decision evicting them for nonpayment of rent to post a bond of double the annual rent, "is not reasonably tailored to achieve a legitimate state end and is not uniformly and nondiscriminatorily applied."

As a state court judge, Judge O'Connor has considered mostly cases raising

such state law issues as the liability of municipalities for negligence and the standards to be applied in awarding disability payments, rather than the issues of Federal constitutional and statutory law that occupy the Supreme Court.

This fact, together with the difficulty of predicting how a new Supreme Court Justice will react to the new and unique responsibilities, make it impossible to say what changes in judicial doctrine might come about if Judge O'Connor is confirmed.

But analysis of the Supreme Court's voting patterns in several controversial areas including abortion suggests that no radical shift in the Court's approach is likely even if Judge O'Connor votes with the Court's most conservative members more often than Justice Stewart has done.

'A Reputation for Excelling'

Sandra Day O'Connor

By B. DRUMMOND AYRES Jr.

Special to The New York Times

WASHINGTON, July 7— Judge Sandra Day O'Connor's place in history is already secure, based on today's announcement that she will be President Reagan's nominee as the first woman on the United States Supreme Court.

**Woman
in the
News**

But if her past is prologue, after confirmation by the Senate, Judge O'Connor might well go on to leave even larger "footprints in the sands of time," as Mr. Reagan described the mark of United States Justices. Thus far in her 51 years, she has compiled an impressive list of academic, civic, political and legal achievements.

"She's finished at the top in a lot of things," said Mary Ellen Simonson of Phoenix, who was a legislative aide when Mrs. O'Connor was majority leader of the Arizona State Senate, the

first woman in the nation to hold such a leadership position.

"She has a reputation for excelling," Mrs. Simonson continued. "As a result she's been one of the state's leading role models for women. Now she's a national role model."

Judge O'Connor, who currently sits on the Arizona Court of Appeals, the state's second highest court, refused this afternoon to discuss "substantive issues" when she met with reporters in Phoenix. And, because of her short, 18-month tenure on the appeals court and its somewhat limited docket, she has faced few of the nettlesome issues routinely taken up by the United States Supreme Court. Nevertheless, her past and her acquaintances provide some insights into her mind and personality.

She is said, by friend and foe alike, to be notably bright, extremely hard-working, meticulous, deliberate, cautious and, above all, a Republican conservative.

"But she has an open mind when it comes to her conservatism," said a longtime friend, Sharon Rockefeller, wife of Gov. John D. Rockefeller IV of West Virginia. "I can't conceive of her closing off her mind to anything."

A leading Democratic politician in

Continued on Page A13, Column 5

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Known for 'Excelling'

Continued From Page 1

Arizona agreed that Judge O'Connor was "not your far-out Republican."

"If you have to have a Republican on the court," he said privately, "well, she's about the best we could hope for, to be perfectly honest."

"She just might fool some people," he continued. "She's comfortable — establishment Republican, Junior League, blood bank, all the right things and respectable groups. She just might surprise some people because I don't think she's out of the knee-jerk mold."

Justice Jack D. H. Hays of the Arizona Supreme Court offered a somewhat similar observation about Judge O'Connor. "She's an excellent legal scholar," he said. "She tends to the conservative area. But she is sound legally and could surprise a lot of people."

Astonishment as a Senator

As a state Senator, Judge O'Connor caused some astonishment when she came out in support of the proposed Federal equal rights amendment and then cast several votes that were taken as "pro-abortion" by organizations that oppose abortion. Several of the groups have vowed to fight her nomination.

Judge O'Connor also attempted, unsuccessfully, to push through a Medicaid program for Arizona while serving as a legislator.

Her efforts for passage of the rights amendment also failed, but Judge O'Connor established herself as one of Arizona's outspoken advocates for women and did succeed in repealing an old Arizona law that limited women to working eight hours a day.

An Appeal for Involvement

"Women have lacked a certain amount of job opportunity and have failed to receive equal pay for equal work," Judge O'Connor asserted at one point in a debate on the rights amendment. "I feel strongly that qualified women should involve themselves more than they do now. They should be particularly anxious to seek appointments in government or seek out qualified women for political offices."

Certainly Judge O'Connor has attempted to live by those words.

She was born March 26, 1930, the daughter of Mr. and Mrs. Harry Day of Duncan, Ariz., where she grew up on a ranch. She graduated from Stanford University with a bachelor of arts degree in 1950 and with a law degree two years later, in both cases with high

Another classmate was William Rehnquist. He is now a Supreme Court Justice and, like Judge O'Connor, a Republican conservative. Justice Rehnquist graduated first in his law class. Judge O'Connor was third.

Judge O'Connor spent six years in private practice in Arizona, then served as Assistant Attorney General for the state from 1965 through 1968. When an opening occurred in the Arizona Senate in 1969, she was temporarily appointed to fill the slot. Subsequently, she won election to two full terms and, in 1973, was elected majority leader.

'A Super Floor Leader'

"She was a super floor leader," said William Jacquin, a former state Senator who now heads the Arizona Chamber of Commerce. "She was devoted to the law by the nature of her own professionalism," he added, "and was extraordinarily thorough in drafting legislation."

In 1972 she served as a state co-chairman of the committee to re-elect Richard M. Nixon as President.

Judge O'Connor left the Legislature in 1974 to run for Superior Court judge in Phoenix. She served on that court until she was appointed to the Arizona Court of Appeals in 1979 by Gov. Bruce Babbitt, a Democrat. At the time, Judge O'Connor was being mentioned as a possible political challenger to Mr. Babbitt.

Rating Judge O'Connor's performance on the appellate bench, 90 percent of the Arizona bar recommended last year that she be retained. Similarly, 85 percent of the bar had recommended that she be retained on the Superior Court bench.

While Judge O'Connor is most often described as a diligent, no-nonsense woman, always ready to move up the next notch of success, close friends say that in private she talks frankly of working hard to be both a successful public figure and a successful wife and mother. She relaxes over a game of tennis now and then and every so often lets slip some wry wit.

But, even while relaxing, it seems she cannot avoid the limelight. Over the weekend, while vacationing in the Arizona mountains, she was approached by fellow vacationers from nearby cabins on the morning of July 4 and asked to read them the Declaration of Independence. She readily agreed.

Navy Begins Major Exercise

SAN DIEGO, July 7 (AP) — Twenty-

REAGAN NOMINATING WOMAN, AN ARIZONA APPEALS JUDGE, TO SERVE ON SUPREME COURT



Associated Press

Judge Sandra Day O'Connor at news conference yesterday in Phoenix

REACTION IS MIXED

Senate Seems Favorable but Opposition Arises Over Some Views

By STEVEN R. WEISMAN

Special to The New York Times

WASHINGTON, July 7 — President Reagan announced today that he would nominate Sandra Day O'Connor, a 51-year-old judge on the Arizona Court of Appeals, to the United States Supreme Court. If confirmed, she would become the first woman in serve on the Court.

"She is truly a 'person for all seasons,'" Mr. Reagan said this morning, "possessing those unique qualities of temperament, fairness, intellectual

Remarks on Court post, page A12.

capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her."

White House and Justice Department officials expressed confidence that Judge O'Connor's views were compatible with those espoused over the years by Mr. Reagan, who has been highly critical of some past Supreme Court decisions on the rights of defendants, busing, abortion and other matters.

Some Quick Opposition

From the initial reaction in the Senate, it appeared her nomination would be approved. However, her record of favoring the proposed Federal equal rights amendment and having sided once against anti-abortion interests while she was a legislator provoked immediate opposition to her confirmation by the National Right to Life Committee, Moral Majority and other groups opposed to abortion.

At a brief news conference in Phoenix, Ariz., Judge O'Connor declined to explain her views, saying that she intended to leave such matters to her confirmation hearings before the Senate Ju-

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Mr. Reagan, himself an opponent of abortions, said in response to a question that he was "completely satisfied" with her position on that issue.

Served in Arizona Senate

An examination of the Supreme Court's voting patterns suggests no radical shift is likely even if Judge O'Connor does vote with the more conservative Justices. [News Analysis, Page 20.]

Judge O'Connor was appointed to Arizona's second-highest court in 1979 by Gov. Bruce Babbitt, a Democrat, after five years as an elected Superior Court judge in Maricopa County, Ariz. Before becoming a judge, she served in the Arizona State Senate for six years.

She earned both her undergraduate and law degrees at Stanford University, where she graduated in the same law school class as Associate Justice William H. Rehnquist.

With the selection, Mr. Reagan ful-

Continued on Page A12, Column 1

Reagan Selects Arizona Woman, A Judge, for Supreme Court Post

Continued From Page 1

filled a campaign promise last year to pick a woman for the Court at one of his earliest opportunities. Judge O'Connor was named today to fill a vacancy left by Associate Justice Potter Stewart, who announced his retirement last month after 23 years on the Court.

Swift Confirmation Urged

In a brief statement before television cameras at the White House, Mr. Reagan urged 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."

White House officials were hopeful that Judge O'Connor's appointment could be historic in another sense. They noted that Justice Stewart, whom she would replace, was often a swing vote between ideological camps on the Court, and Judge O'Connor's presence could shift the balance of the Court to the right.

It is the additional hope of Mr. Reagan's aides to make the Court even more conservative in the years ahead, when more vacancies are possible.

Reagan Administration officials had said earlier that Mr. Reagan placed a high priority on finding a woman with conservative views for the Court. It seemed likely, however, that Judge O'Connor's past positions on issues linked to feminists would serve as a focus for any confirmation battle.

While a member of the Arizona Senate, Judge O'Connor at first advocated passage of the equal rights proposal, then supported a different version that was regarded by some as less sweeping. She is also on record as opposing a measure that would have outlawed abortions in some state facilities.

White House officials asserted that Judge O'Connor had assured President Reagan personally in an Oval Office interview last Wednesday that she was personally opposed to abortions and that she opposed the antiabortion measure only because it was not germane to the legislation to which it was attached. But those officials also said that she felt the legality of abortions was a legitimate matter for the legislative branch to decide.

Position on Rights Proposal

As for the proposed equal rights amendment, a senior White House official maintained that Judge O'Connor's onetime support had lessened and that she now had "more problems" with the proposal. He pointed out that Mr. Reagan himself had once supported the proposal before changing his position. Feminist groups characterized Judge O'Connor as a supporter of the amendment, however.

The selection of Judge O'Connor brought to a conclusion a search that, by according to Mr. Reagan's aides, was one of the most exhaustive conducted by the Administration. An initial list of about 25 candidates was winnowed last week to a "short list" of only a few potential nominees.

Among the names on the shorter list, a

Reagan aide said, were Dallin H. Oaks, a Utah Supreme Court judge; J. Clifford Wallace, a California judge on the United States Court of Appeals for the Ninth Circuit; Robert Bork, a former Solicitor General and law professor at Yale; and Cornelia Kennedy, a Michigan judge on the United States Court of Appeals for the Sixth Circuit.

Interviews by Key Aides

Several potential choices were interviewed by Attorney General William French Smith and his aides. Judge O'Connor was interviewed June 30 by Mr. Smith and four White House officials — Fred F. Fielding, the counsel, and Mr. Reagan's three top advisers, Michael K. Deaver, Edwin Meese 3d and James A. Baker 3d.

Mr. Reagan spoke to Judge O'Connor himself the next day and made the decision to choose her yesterday, according to the White House. An Administration official said she was the only person who was interviewed by Mr. Reagan or White House officials.

Aides to the President said that he wanted an extensive check to be made into Judge O'Connor's record, since the White House was guided by two precedents in which judicial choices turned out to be different from what was expected.

The first precedent was President Eisenhower's selection in 1956 of Associate Justice William J. Brennan Jr., who turned out to be a liberal, to Mr. Eisenhower's surprise. The other was the choice by Mr. Reagan, then Governor of California, of Donald R. Wright, as Chief Justice of the California Supreme Court, who also voted frequently with liberals, to Mr. Reagan's dismay.

Fears Seen Misplaced

With these examples in mind, White House officials said a lengthy survey had been made of Judge O'Connor's views and that fears among conservatives about her record would be seen as being misplaced.

Judge O'Connor's confirmation prospects in the Senate were seen as significantly enhanced by the backing of the two conservative Senators from Arizona — Barry Goldwater, a Republican, and Dennis DeConcini, a Democrat.

Not until today did the White House ask the Federal Bureau of Investigation and the American Bar Association to conduct their examinations of Judge O'Connor. Mr. Smith said her name would be forwarded to the Senate formally, pending completion of the F.B.I. check.

"Mrs. O'Connor 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," Mr. Smith said.

Similarity of Philosophies

He said her record on the bench was "quite satisfactory," even though it contained opinions on few, if any, major constitutional issues. He said he was confident that her philosophy was, like President Reagan's, "that it is the responsibility of elected representatives of the people to enact laws and not that of the judiciary."

Feelings of Betrayal and Delight

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, July 7 — Anti-abortion groups today denounced President Reagan's decision to nominate Judge Sandra Day O'Connor to the Supreme Court, but initial reaction in the Senate, which will vote on confirmation, was favorable.

"I commend the President for the courage of his decision," said Howard H. Baker Jr., the Senate Republican majority leader. "I am delighted with his choice, and I pledge my full support for her confirmation by the full Senate."

The National Right to Life Committee, an amalgam of anti-abortion lobbying groups in the 50 states, said that it would mobilize its members to "prevail upon senators to oppose this nomination." The committee said that Judge O'Connor was "pro-abortion" as a member of the Arizona State Legislature, where she voted in 1974 against a proposal to prohibit the use of tax funds for abortions. She also voted that year against a proposed anti-abortion amendment to the Constitution.

"We feel betrayed by the President," said Paul Brown, chairman of the Life Amendment Political Action Committee, who contended that Mr. Reagan had violated a campaign pledge to support anti-abortion positions and appointees. "We've been sold out."

In contrast, the National Organization for Women called the nomination a "victory for women's rights." Eleanor C. Smeal, president of the organization, contended that increasing political pressure from women's groups and a drop in

Continued on Page A12, Column 3

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Abortion Foes Angry but Senate Seems Receptive

Continued From Page 1

ratings among women in public opinion polls had forced Mr. Reagan to the choice of Judge O'Connor. She rated the judge "sensitive to women's rights, a moderate on women's rights."

Any Senate opposition was thought likely to be led by Jesse Helms, Republican of North Carolina, a leader of conservative causes. The Senator was reported to have spent much of the day today at the White House, "seeking reassurances," as one anti-abortion lobbyist put it, but he offered no immediate comment.

The anti-abortion groups insisted that they would marshal Republicans and Democrats to fight the nomination in the Senate. But in some of their statements were acknowledgments that the nomination might be approved.

"I'm not sure we'll defeat her," said Peter Gemma, executive director of the National Pro-Life Political Action Committee. "But we want to send the President a clear signal at how much of an insult this is, and how his next court appointment had better be pro-life."

Senator Paul Laxalt of Nevada, a key Republican on the Judiciary Committee who is a confidant of the President, discussed the appointment with him this morning at the White House and later endorsed Judge O'Connor as "an excellent addition" to the court, emphasizing

Mr. Reagan's assurances that he is "fully satisfied with Mrs. O'Connor philosophically."

This same emphasis on assurances from Mr. Reagan that Mrs. O'Connor finds abortion "personally abhorrent" was cited by Senator Orrin G. Hatch, Republican of Utah, in his endorsement of "an excellent choice."

"I'm relying on the President of the United States," Senator Hatch said in describing the opposition of anti-abortion groups as premature and perhaps misinformed. "If it turns out serious opposition develops, that's another matter."

Kennedy Commends Choice

Democrats on the Judiciary Committee offered lengthier and warmer endorsements of Judge O'Connor. Senator Edward M. Kennedy of Massachusetts said: "Every American can take pride in the President's commitment to select such a woman for this critical office." The ranking Democrat on the committee, Joseph R. Biden of Delaware, said: "From all outward appearances Sandra D. O'Connor seems to eminently well qualified for this position, and I'm personally very glad that the President has named a woman to fill the vacancy."

As anti-abortion groups cited her legislative record to prove their contention that Judge O'Connor was "pro-abortion," Alfredo Gutierrez, a rival Democrat who succeeded her as majority leader of the State Senate in Arizona, denied this. "That's absolutely not

in the record," he said. "It just isn't there. I'm surprised at the choice: she's conservative in a conventional way, but no ideologue. She's a terrific lady and they ought to put her on the court quick."

The issue of naming the first woman to the Supreme Court, while a major feminist goal in recent years, has stirred little general public interest, according to the latest New York Times/CBS News News Poll. The poll, conducted last month, showed that 72 percent of the public believed that it made no difference whether a man or a woman was appointed. Fifteen percent preferred a woman, 12 percent wanted a man named and 1 percent had no opinion. Women were no more eager than men to see a woman on the Court.

The National Women's Political Caucus celebrated the nomination as proof that "women are breaking the barriers of nearly 200 years of exclusion from decision making in our nation." Iris Mitgang, chairman of the group, said it "will be a major step in moving toward equal justice in every court in our land."

But Gloria Steinem, the magazine editor and writer of the women's movement, said this was still an open question, dependent on Judge O'Connor's own philosophy and rulings as a judge.

"It's ironic, and a clear tribute to the growing political strength of women," she added, "that the first female Supreme Court nominee should have been appointed by the most anti-equality President in American history."

Great Weekends begin Friday morning in The New York Times

Start with the Weekender Guide, a listing and description of special things going on all over the metropolitan area all weekend long. Find out what time the movie starts in the tristate Movie Clock. See what's special on TV. Have fun!

Weekend FRIDAY IN **The New York Times**

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THE NEW YORK TIMES
Wednesday, July 8, 1981
page 1

First Woman Chosen

Sandra O'Connor, Arizona Judge, Nominated for the Supreme Court

WASHINGTON — President Reagan picked Arizona Court of Appeals Judge Sandra Day O'Connor for the Supreme Court, a selection that may bring about more of a symbolic than a philosophical change on the court.

If, as seems likely, she is confirmed as the 102nd Justice in the 191-year history of the Supreme Court Mrs. O'Connor will become its first woman member.

While her nomination holds a symbolic importance for women, the philosophical im-

This article was prepared by Stephen Wermiel, Robert E. Taylor and Monica Langley.

pact is less certain and it may be several years before the effect is fully realized. The 51-year-old Phoenix Republican is described by Arizona lawyers as moderate to conservative with much of the independence and judicial restraint that marked her predecessor on the high court.

"It's going to be Potter Stewart all over again," says John Frank, a Phoenix attorney and longtime Supreme Court watcher.

Those who know her say she is less fixed in ideology than Justice William Rehnquist, the court's most hard-and-fast conservative, who was a classmate at Stanford University Law School and with whom she has remained in contact.



tion, saying that as an Arizona state senator she had backed the Equal Rights Amendment and on several occasions opposed curbs on abortion.

Dr. J. C. Willke, president of the National Right-to-Life Committee, called the nomination "a direct contradiction of the Republican platform," which calls for the appointment of judges who "respect traditional family values and the sanctity of innocent human life."

But at the White House, Deputy Press Secretary Larry Speakes said her votes as a state legislator were being misrepresented. He said that Mrs. O'Connor had assured President Reagan last week that she finds abortion "abhorrent" and believes its use can be restricted by law.

Although conservative senators, such as Sen. Jesse Helms (R., N.C.), may rally some votes against her and delay confirmation by a simple majority, it seems unlikely that they can defeat Mrs. O'Connor's appointment.

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She is married to a Phoenix lawyer, John O'Connor, and they have three children.

In making the first nomination to the high court since 1975, President Reagan and top aides said they were looking for a "strict constructionist" who would interpret federal laws and the constitution rather than make new laws or substitute the court's judgment for the legislature's.

They think they have found just that in Mrs. O'Connor. "She has a strong sense of judicial restraint," says Kenneth Starr, counselor to Attorney General William French Smith. "She tends in her opinions not to attempt to substitute her view for the trial judge below . . . or for the state legislature or state agencies." Mr. Starr said one of Mrs. O'Connor's "most commendable qualities" was her legislative experience.

Among specific views that appealed to the White House was Mrs. O'Connor's belief in narrowing access to federal courts. In a January speech to a conference on state and federal courts in Williamsburg, Va., Judge O'Connor said state courts should be given more opportunity to consider federal constitutional issues. She said it would be a "step in the right direction to defer" to state courts on federal issues. She also called for curbing the use of federal courts to sue state and local officials for violating a person's civil rights. Such suits, under an 1871 federal civil rights law, should be filed only after all state court channels are pursued, she said.

In the criminal justice area, Mrs. O'Connor's opinions show "she doesn't reach to strike down police conduct," Mr. Starr said. She shows a strong "presumption of validity" toward police behavior, he added.

In such criminal justice matters and in narrowing access to federal courts, liberals may find her less acceptable than they

Judge O'Connor will be confirmed and in place before the Supreme Court returns to the bench Oct. 5.

However, a quick start on the confirma-

tion process may be delayed. As of yesterday, checks of Mrs. O'Connor's background by the Federal Bureau of Investigation hadn't begun, an FBI spokesman said.

First Woman Chosen

Sandra O'Connor, Arizona Judge, Nominated for the Supreme Court

WASHINGTON — President Reagan picked Arizona Court of Appeals Judge Sandra Day O'Connor for the Supreme Court, a selection that may bring about more of a symbolic than a philosophical change on the court.

If, as seems likely, she is confirmed as the 102nd Justice in the 191-year history of the Supreme Court Mrs. O'Connor will become its first woman member.

While her nomination holds a symbolic importance for women, the philosophical im-

This article was prepared by Stephen Werniel, Robert E. Taylor and Monica Langley.

port is less certain and it may be several years before the effect is fully realized. The 51-year-old Phoenix Republican is described by Arizona lawyers as moderate to conservative with much of the independence and judicial restraint that marked her predecessor on the high court.

"It's going to be Potter Stewart all over again," says John Frank, a Phoenix attorney and longtime Supreme Court watcher.

Those who know her say she is less fixed in ideology than Justice William Rehnquist, the court's most hard-and-fast conservative, who was a classmate at Stanford University Law School and with whom she has remained in contact. Charles Ares, a University of Arizona law professor, says she isn't "a right-wing ideologue. I guess that means she'll be in the middle."

On some specific issues, her views appear to be consistent with the President's, according to administration aides and others. As a state senator, she helped draft death penalty legislation and as a trial judge she imposed the death sentence. She also favors increased use of state courts and limited access to federal courts, according to a recent speech she made. She has been reluctant to exclude police evidence on the ground that it was obtained through unconstitutional means.

Questions concerning Mrs. O'Connor's degree of commitment to some conservative issues may present the major obstacle to her confirmation. The Moral Majority and the National Right-to-Life Committee quickly announced opposition to her nomina-

tion, saying that as an Arizona state senator she had backed the Equal Rights Amendment and on several occasions opposed curbs on abortion.

Dr. J. C. Willke, president of the National Right-to-Life Committee, called the nomination "a direct contradiction of the Republican platform," which calls for the appointment of judges who "respect traditional family values and the sanctity of innocent human life."

But at the White House, Deputy Press Secretary Larry Speakes said her votes as a state legislator were being misrepresented. He said that Mrs. O'Connor had assured President Reagan last week that she finds abortion "abhorrent" and believes its use can be restricted by law.

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In choosing Mrs. O'Connor, President Reagan fulfilled a campaign pledge to put the first woman on the high court. The choice came at a time when women's groups have been unhappy with the Reagan administration on providing jobs for women.

Mrs. O'Connor was born to a prominent ranching family. She practiced law for a very short time in Arizona after returning from Stanford, where she was an editor of the law review. After four years as an assistant state attorney general, she was elected to the state senate in 1969. She served until 1974, becoming Arizona's first woman majority leader. She was elected a superior court trial judge in Phoenix in 1974 and held that position until 1979, when she was nominated to the state appeals court by Gov. Bruce Babbitt, a Democrat.

She has long been active in Arizona Republican politics. In 1972, she was organizer of the state Committee to Reelect President Nixon. In 1978, she was urged to run for Governor but chose to remain a judge. As recently as last month, her name was again being mentioned as a candidate for governor.

Mrs. O'Connor has also had Arizona busi-

ness connections. She was on the board of First National Bank of Arizona in Phoenix from 1971 to 1974 and was on the board of Blue Cross-Blue Shield of Arizona from 1975 to 1979.

She is married to a Phoenix lawyer, John O'Connor, and they have three children.

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In the criminal justice area, Mrs. O'Connor's opinions show "she doesn't reach to strike down police conduct," Mr. Starr said. She shows a strong "presumption of validity" toward police behavior, he added.

In such criminal justice matters and in narrowing access to federal courts, liberals may find her less acceptable than they found 66-year-old Justice Stewart.

But the Reagan administration's expectations notwithstanding, observers say it is difficult to predict how any nominee will vote once on the high court. Moreover, as a judge Mrs. O'Connor hasn't had much exposure to most of the issues that will confront her on the Supreme Court.

If her "moderate to conservative" reputation holds true, her voting may make few material changes in the court's decisions. President Reagan may have to wait to see if he gets another chance to fill a Supreme Court vacancy before he can make a strong philosophical imprint on the high court. Five justices are 72 or older, although none has indicated any plan to retire.

Lawyers who know Judge O'Connor say she won't have any trouble getting along at the high court or holding her own with her new colleagues. They universally praise her intellect and say she is a friendly, open and congenial person who frequently sports a big smile.

Women's groups were largely pleased with the choice. Although she hasn't been an ardent feminist, she has supported the ERA. And she developed model legislation to let women manage property that they own in common with their husbands. The legislation was passed in Arizona and several other states.

The Senate Judiciary Committee will hold hearings on the nomination but hasn't set a firm date. The White House hopes

Judge O'Connor's place before the bench. However



Sandra O'Connor

The Washington Star
Wednesday, July 8, 1981
A-6

Male Bastion Set For 1st Woman

By a Washington Star Staff Writer

John Shaw is the last remnant of the Supreme Court's 191-year history as a male-only institution.

Shaw is the court's barber. There is no beauty parlor and no beautician.

But, asked yesterday if he could cut future Justice Sandra O'Connor's hair, he replied "Yes, sir."

If she wants her hair done more elaborately, however, she will have to go elsewhere. "I don't do permanents," Shaw said.

The most important indicator of maleness at the court was put to an end at 3 p.m. last Nov. 14. That was when the court decided, after a secret discussion, to drop all references in opinions and other official orders to "Mr. Justice."

The public first became aware of the change on the following Monday, when the court issued an opinion in the case of *Dennis v. Sparks*, written by "Justice White."

The change reportedly was adopted in anticipation that, someday, a woman would be joining the Brethren.

Although the court has a gymnasium, it has not been segregated by sex. Women employees of the court have been holding an exercise class there, and they have access to the showers.

The bathrooms in the individual justices' chambers are designed for use by either sex.

— Lyle Denniston

PRESERVATION COPY

The Washington Star
Wednesday, July 8, 1981
A-3

JACK W. GERMOND & JULES WITCOVER

Reagan Choice For High Court Good Politics



The selection of Sandra D. O'Connor for the Supreme Court is a vintage example of the pragmatic political style of Ronald Reagan.



Neither the president nor any of his political advisers have any illusions about his ability to win broad or lasting support among women's movement activists. His own attitude on abortion and the Equal

Rights Amendment makes that an impossibility.

But by using his first opportunity to fulfill his promise to choose a woman for the court, Reagan has disarmed the most vocal of his critics and put them on the defensive with the great majority of those voters for whom women's issues are not central concerns.

As a practical matter, everyone knowledgeable about government and politics understands that the appointment of a woman to the court, in itself, isn't going to improve the position of women in general in achieving equality under the law. That would be true even if Sandra O'Connor were a flaming zealot on women's issues, which is something she most decidedly is not. So-called "women's issues" make up only a tiny fraction of those that reach the court, after all.

But to those millions of voters for whom those issues aren't emotional imperatives, the president now can be presented as a leader who not only kept his promise but was willing to do something so many of his liberal predecessors never managed to accomplish, for all their high-blown talk about equality for women.

The fact that O'Connor's record in support of abortion and ERA already has inspired a backlash among Reagan's most conservative backers is, in a sense, an added political benefit for the president. It makes it easy for the White House to depict him as a man following a reasonable middle course unsatisfying to the extremists on either end of the ideological spectrum.

And if there has been a single message in the opinion surveys of the last few years, it has been a reaction against political extremism. We

have an electorate that is determinedly middle class and middle road — and, more to the point, one impatient with arguments over political theology at the expense of practical effectiveness in dealing with national problems.

In making this decision, as in his campaign against Jimmy Carter last year, Ronald Reagan has aimed directly at that great center and, in the bargain, found a jurist whose opinions apparently coincide with his own desire for what Richard Nixon used to call "strict constructionists" on the court.

The short-term benefit of the president's decision is obvious. The choice of O'Connor at the first opportunity is certain to make Reagan's life easier when other vacancies occur on the court over the next few years. There could be as many as four or five other openings, and the president now will be free to fill them without a lot of nagging from the press and the women's movement about keeping commitments.

There may come a time, of course, when the cry will go up for women to enjoy equality of representation on the Supreme Court, which is clearly a reasonable enough expectation. But it is likely to be some years before that kind of demand has serious political credibility with the public at large.

Over the long term, the choice of Sandra O'Connor is not likely to mean much politically, assuming that her confirmation by the Senate is achieved without serious incident. Supreme Court appointments get a lot of attention at the moment they are made, and a president can do himself considerable damage with a choice that goes sour. Richard Nixon's nomination of G. Harrold Carswell, for example, was not something he was anxious to boast about in later years.

But the fact is that voters who make decisions on presidents on the basis of their appointments to the court are clearly the exception rather than the rule. Political and legal professionals may make judgments about the quality of judicial appointments, but the Supreme Court is too far removed from the lives of most people to influence their verdicts.

On the other hand, voters do form judgments about how well a president is doing on the basis of how much controversy he evokes — and from what quarters he is subject to criticism.

And what Ronald Reagan has done in this case is make a safety play by keeping both his promise to appoint a woman and his commitment to choose someone with conservative views on the function of the judiciary.

That may not satisfy the extremists of left or right, but it is winning politics in anyone's book.

PRESERVATION COPY

Pro-Lifers Oppose President's Choice

By Lyle Denniston
Washington Star Staff Writer

President Reagan yesterday broke two centuries of national habit and chose a woman - Sandra Day O'Connor of Arizona - for the Supreme Court.

In picking O'Connor, 51, a judge on the Arizona Court of Appeals, the president also stirred up a sizable but perhaps passing political storm over her views on women's rights.

Those views have not been spelled out fully in public, but some of the president's own political followers immediately denounced her as too liberal, particularly on abortion.

Conservative religious groups, anti-abortion leaders and New Right Republicans vowed to fight her nomination in the Senate.

It appeared that Senate liberals and moderates, along with feminist organizations critical of Reagan since his election, would support her.

The nomination will be reviewed at hearings of the Senate Judiciary Committee, starting perhaps later this month. One committee aide said he doubted that final Senate action would come before September.

The president called for "swift bipartisan confirmation," but the prompt outbreak of controversy made it seem that it could be several weeks before O'Connor's name is put to a vote on the Senate floor.

The court is in summer recess and is not due to return to the bench un-

See DEBATE, A-6

PRESERVATION COPY

Offers Opposite Stirring Over Record Of O'Connor

Continued From A-1

til Oct. 5. The court now has only eight members — Justice Potter Stewart retired last Friday — but it could operate without O'Connor if there is a delay.

If confirmed, O'Connor would become the 102nd justice to sit on the court and the first woman in its 191-year history.

On the bench, she would be seated next to another Arizonan, Justice William H. Rehnquist — the court's most conservative member.

O'Connor's decisions as a member of Arizona's mid-level appeals court suggest she is cautious in the use of judicial power, but the rulings do not offer a clear portrayal of her views on major social controversies.

The opposition that arose immediately to her was centered on claims that she is in favor of abortion and the proposed Equal Rights Amendment to the Constitution. Those claims were based on her record as a senator in the Arizona legislature.

Peter Gemma, executive director of the National Pro-Life Political Action Committee, an anti-abortion group, said: "She's not even ambivalent on the issue. She is a hard-core pro-abortion proponent."

He warned all 100 senators in a mailgram that his group will consider "a vote for O'Connor to be a vote for abortion."

The Rev. Jerry Falwell, head of the Moral Majority, said O'Connor "is opposed to attempts to curb the biological holocaust that has taken the lives of more than 10 million innocent babies" since the Supreme Court's 1973 decision recognizing a right to an abortion.

The president, however, said he was "completely satisfied on her right-to-life position."

Later, Deputy White House Press Secretary Larry Speakes said that O'Connor had told the president that "she is personally opposed to abortion and that it was especially abhorrent to her. She also feels that the subject of the regulation of abortion is a legitimate subject for the legislative area."

Reagan acted quickly to fill the vacancy created less than three weeks ago by the public announcement of Stewart's retirement. Some anti-abortion leaders were claiming yesterday that the president acted hastily to head off their opposition.

The search for Stewart's replacement had been continuing privately since April, shortly after he told Vice President Bush and Attorney General William French Smith of his plan to retire.

On Monday evening, the president personally telephoned O'Connor at her home in Phoenix and offered her the nomination. She accepted.

The president personally disclosed his choice in the White House press room in late morning, calling O'Connor "truly a 'person for all seasons'" and implying that she fit his demand for "the most qualified woman I could possibly find."

He insisted that she had not been picked merely because she was a female. "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."

She was chosen, Reagan said, because she "meets the very high stan-

most conservative member.

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Attorney General Smith told reporters that the choice of O'Connor was not "a single-issue determination" but rather was based on "her overall qualifications and background."

He said her views "fell generally within the president's overall philosophy."

In Phoenix, O'Connor issued a brief statement saying she was "extremely happy and honored" and vowing that, if confirmed, "I will do my best to serve the court and this nation in a manner that will bring credit to the president, to my family and to all people of this great nation."

Court Nominee Is Called Brainy Judicial Perfectionist

Continued From A-1

law-and-order rhetoric. The results seldom move ahead of what the Supreme Court has said.

She has had no occasion as a judge to deal with the big controversy that already surrounds her nomination: abortion. She has a record on that in the Arizona state senate, not in court. She has also taken no judicial position on such heated issues as school desegregation or prayers in public schools.

On women's rights in general, she has had only limited judicial opportunity to express herself. She did write an opinion last year that cut both ways on an issue that is basic to feminists and traditionalists alike: a divorced wife's right to share equally the property that belonged to the couple while married.

The ruling declared that if a workmen's compensation award is paid during marriage, it should be split at the time of divorce. If it is paid after divorce, it belongs only to the spouse who was hurt.

O'Connor possesses an unusually quick mind and sometimes vents her wit from the bench, where she is said by observers to grasp arguments more quickly than the lawyers are able to make them.

University of Michigan law professor Sallyanne Payton said O'Connor "has that knack that you frequently find in very, very good professional politicians whom you trust, which is showing a serious intensity and sincerity of interest in conversations, particularly in private conversations. There is a quality of insight and of acumen that sometimes manifests itself in wit." John Kolbe, the political editor of The Phoenix Gazette who has watched O'Connor for years, says, "her image is that of a moderate. She is very thoughtful. She is extremely bright and has a razor-sharp mind that makes her come off as somewhat abrupt. She suffers fools not too gladly."

The Arizona Bar Association ratings of Arizona judges listed O'Connor near the top, with a combined excellent-good rating of 81 percent in 1980 for her written opinions. Attorneys taking part in the association survey gave her high marks in nearly every category, with her lowest score of 53 per cent coming in the category of "courteousness to litigants and lawyers."

O'Connor first became a judge on the state Superior Court in January, 1975; she moved to the Court of Appeals in 1979. She has received high marks all three times the Arizona Bar Association has rated the courts.

Judge O'Connor's six years in the state Senate are expected to be the main target of opposition to her nomination.

Her record on abortion there includes votes against a request that Congress overrule the Supreme Court's 1973 decision by adopting a constitutional amendment, and against a proposed ban on free abortions at the state university hospital.

While being interviewed this week during the final judicial screening process, she told a Justice Department official that she voted against the abortion-funding bill because that was a "rider" to a football

In addition, she sponsored a bill to provide for merit selection of judges, a practice that has now become law in Arizona, where judges once stood for election.

On the Supreme Court, she will join an old friend, William H. Rehnquist. Both were academic leaders in the 1952 class at the Stanford University Law School and were editors of the Stanford Law Review.

The O'Connors and the Rehnquists remained friendly while practicing law in Phoenix and frequently visited each other. The Rehnquists once took Sandra O'Connor's mother, then in her 60s, on a pack trip through the Gila wilderness in southeastern Arizona.

Judge O'Connor is acquainted with, and close to, most of the state's political leaders. Republican Sen. Barry Goldwater has been one of her strongest boosters. He said yesterday that he has consulted her from time to time for advice about constitutional issues.

She got to know Sen. Dennis DeConcini, D-Ariz., in the mid-1960s when she worked as an assistant attorney general and DeConcini was an aide to the governor.

She has spent 20 years in Republican politics as a member of her precinct committee, legislative district chairman, Republican senate majority leader, and co-chair in 1972 of the state campaign to re-elect President Nixon.

Her husband, John J., is a partner in one of Phoenix's largest firms. In an interview, he described her as one who "loves to work and works hard and well."

He and his wife and their three sons enjoy skiing, tennis, golf and hiking. They often relax by retreating to a cabin in the Arizona mountains near Prescott.

Judge O'Connor's personal style grew out of her childhood on the Day family's ranch with 2,000 cattle, the Lazy B, which runs along the Gila River drainage straddling the southern portion of the Arizona-New Mexico border.

When O'Connor was born, "she arrived in El Paso," her mother, Ada Mae Day, told The Star. Mrs. Day explained that the 253-square-mile ranch was so far from any hospital that she visited her mother in El Paso for several months while bearing each child in order to use hospital facilities in Texas.

Mrs. Day said that Sandra attended elementary school and high school in El Paso before departing at 17 for Stanford University, where she received honors for completing her undergraduate degree in economics in three years and for law school work.

"Sandra was a very good student," Mrs. Day said. "She did well in every subject." The vast distance from the ranch to any metropolitan center also meant it was difficult for Harry and Ada Mae Day to take their three children to church.

"We have a good moral life," Mrs. Day said. "We raised our three children that way."

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In 1970, before the Supreme Court ruling, a Senate committee on which she served approved a bill to repeal the state's law making abortion a crime. She told the Justice Department she does not remember how she voted on that.

She voted for a "freedom of conscience" bill to permit medical personnel to refuse to perform abortions in violation of their personal beliefs; that measure became law.

She sponsored a bill, which was not enacted, to permit state agencies to take part in birth control activities.

In conversations this week with the Justice Department, she said she had not been "a leader or outspoken advocate on behalf of either pro-life or abortion-rights organizations."

As a senator, she supported a bill to rewrite state laws to assure equal legal rights for women, and she once supported ratification of ERA by Arizona - something that has never occurred. She also has supported a voter referendum on ERA, which was not adopted.

While serving on the board of trustees of Stanford University, O'Connor had a role in another issue affecting the rights of the sexes. Sororities had been barred from the campus and, fellow trustee Sharon Percy Rockefeller said, O'Connor agreed with her that Stanford had been a better place without sororities. Even so, O'Connor ultimately voted to allow their return because fraternities were allowed, and she wanted to give female students equal opportunity.

Her friends also say that she personally has a strongly "pro-family" philosophy. They cite a homily she gave at the wedding of two people whom she had introduced, in which she said that "marriage is the single most important event in the lives of two people in love. . . . Marriage is the foundation of the family, mankind's basic unit of society, the hope of the world, and the strength of our country."

In the state senate, she has been identified with a number of "good government" issues - sponsoring bills to make it more difficult to commit persons to mental institutions, to use gasoline tax funds to pay for bike paths, to broaden the state's open meetings law, to codify state anti-trust law into a uniform code, to adopt a no-fault divorce law, to restrict child labor, and to oppose residency requirements for welfare.

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Alan Day, Judge O'Connor's brother and now the Lazy B manager, told The Star yesterday that she and his two sisters frequently were sent by their parents to visit family friends in El Paso, Los Angeles, Phoenix and other cities for a month or more to gain exposure to life away from the ranch.

Day said that the children attended whatever church the family friends visited. He said there was no particular denominational focus, but that more often than not the churches were Episcopal.

"We always had friends from all walks of life."

Mr. O'Connor declined to comment about his family's religious practices. He is Catholic, however, and the three O'Connor boys attended a Catholic prep school in Phoenix before going to college.

With her brother, sister and parents, the judge owns the 101-year-old Lazy B, a vast agglomeration of federal and state land leases in the high desert built around waterholes. She handles the legal work for the ranch, her sister Ann helps with the bookkeeping and Alan is the head cowboy and manager.

Her family came to Arizona from Kansas and Vermont, and obtained land around waterholes from homesteaders and from Apache Indians. The ranch covers an area four and a half times the size of the District of Columbia, and once was roamed by Geronimo and Cochise.

Alan Day said that O'Connor visits the ranch "three or four times a year. She likes to come over when we're rounding up and ride with us for a day."

Mr. O'Connor said that he and his wife do not ride horses for recreation frequently. He explained that "when you're on a ranch, you ride a horse to do something, not for fun."

O'Connor's Stance Provokes a Debate

Goldwater Vows Fight for Nominee

By Roberta Hornig
and Allan Dodds Frank
Washington Star Staff Writers

President Reagan's choice of Sandra O'Connor to fill a Supreme Court vacancy was given a cool reception by some conservatives in the Senate yesterday, but Barry Goldwater — who claims to be the chamber's most conservative member — vowed to battle any opposition to the nomination.

Liberals and moderates generally praised the selection of the judge from Goldwater's home state of Arizona.

Goldwater, in an interview, excoriated the right-to-life movement and Equal Rights Amendment opponents as "non-conservatives" who have been obstructing the work of Congress. He said they should have no say in the consideration of O'Connor's nomination.

The Arizona senator reserved his sharpest words for Moral Majority leader Jerry Falwell, who yesterday condemned Reagan's choice of O'Connor. "I think that every good Christian ought to kick Falwell right in the ass," Goldwater said.

At an earlier press conference, Goldwater said, "If it's going to take a fight, they're going to find old Goldy fighting like hell. . . . I don't like to get kicked around by people who call themselves conservatives on a non-conservative matter."

Predicting no problems in the Senate confirmation of O'Connor, Goldwater said, "Abortion is not a conservative issue. ERA is not a conservative issue."

Goldwater also accused single-issue groups of wasting the time of Congress.

"This abortion issue has gotten to be the biggest humbug issue in the United States. We have had over 40 votes on this matter without ever having a bill heard before a committee in this Congress. . . . The country is going to rot economically, militarily and every other way and we spend all our time talking about busing and abortions."

Calling O'Connor "the most conservative Republican I know," Goldwater said, "I don't buy this idea that a justice of the Supreme Court has to stand for this, that or the other thing."



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... VIEWS & DEBATE

Goldwater Vows Fight for Nominee

By Roberta Hornig
and Allan Dodds Frank
Washington Star Staff Writers

President Reagan's choice of Sandra O'Connor to fill a Supreme Court vacancy was given a cool reception by some conservatives in the Senate yesterday, but Barry Goldwater — who claims to be the chamber's most conservative member — vowed to battle any opposition to the nomination.

Liberals and moderates generally praised the selection of the judge from Goldwater's home state of Arizona.

Goldwater, in an interview, excoriated the right-to-life movement and Equal Rights Amendment opponents as "non-conservatives" who have been obstructing the work of Congress. He said they should have no say in the consideration of O'Connor's nomination.

The Arizona senator reserved his sharpest words for Moral Majority leader Jerry Falwell, who yesterday condemned Reagan's choice of O'Connor. "I think that every good Christian ought to kick Falwell right in the ass," Goldwater said.

At an earlier press conference, Goldwater said, "If it's going to take a fight, they're going to find old Goldy fighting like hell. . . . I don't like to get kicked around by people who call themselves conservatives on a non-conservative matter."

Predicting no problems in the Senate confirmation of O'Connor, Goldwater said, "Abortion is not a conservative issue. ERA is not a conservative issue."

Goldwater also accused single-issue groups of wasting the time of Congress.

"This abortion issue has gotten to be the biggest humbug issue in the United States. We have had over 40 votes on this matter without ever having a bill heard before a committee in this Congress. . . . The country is going to pot economically, militarily and every other way and we spend all our time talking about busing and abortions."

Calling O'Connor "the most conservative Republican I know," Goldwater said, "I don't buy this idea that a justice of the Supreme Court has to stand for this, that or the other thing."

In contrast, another leading Senate conservative Sen. Jesse Helms, said that he is "skeptical" of the nomination, adding that his viewpoint is shared by "at least five or six others."

Helms, R-N.C., was asked if he believed he and other conservatives could block the nomination. He acknowledged that he didn't know but

See GOLDWATER, A-6

THE WASHINGTON STAR Wednesday, July 8, 1981

The Capital Report



United Press International

Arizona Appeals Court Judge Sandra Day O'Connor is all smiles after the White House announced her selection as the next Supreme Court justice.

Goldwater Sees Quick OK; Helms Hints at Filibuster

Continued From A-1

added that he thinks some votes would be garnered "if the senators think the president has been misled."

And, he said, "I could see a filibuster" on the nomination.

Helms said he made his skepticism known to Reagan when the two talked yesterday morning — at the president's initiative — shortly before the nomination was made public.

"He put on a selling job," Helms said, adding that Reagan had

The North Carolina senator said Arizona Pro-Life groups were dispatching information to him purporting to show that O'Connor indeed had voted several times against abortion.

"I'm not going to assist the lady or prejudge the lady until we get that information," he said.

But, he added: "I'm skeptical because people who contacted me never misrepresented the facts on any other matter."

The O'Connor nomination also received a lukewarm response from

Goldwater Sees Quick OK, Helms Hints at Filibuster

Continued From A-1

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"He put on a selling job," Helms said, adding that Reagan had stressed O'Connor's position favoring capital punishment and law-and-order policies.

But Helms reported that he countered that "people I'm hearing from are people who have been down in the trenches for you since day one," referring to long-time Reagan supporters.

"I raised the question about her voting record with regard to abortion, ERA (the Equal Rights Amendment) and so forth," Helms said. He added that Reagan had tried to convince him that those O'Connor votes in the Arizona Legislature were merely procedural.

Helms also raised the specter of the president having been "misled" about O'Connor's background "either by his own people or the lady herself."

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"I'm not going to assist the lady or prejudge the lady until we get that information," he said.

But, he added: "I'm skeptical because people who contacted me never misrepresented the facts on any other matter."

The O'Connor nomination also received a lukewarm response from Senate Judiciary Committee Chairman Strom Thurmond, R-S.C.

Thurmond, whose committee will shepherd the nomination through the Senate, was one of the few legislators in town refusing to speak to reporters or issuing a statement on the nomination yesterday.

Instead, a staff member on his committee reported that "the senator has said he's very pleased the president has made his choice and he will help the president in whatever way he can."

The staffer insisted that the statement was not meant to reveal "whether he's for or against" the nomination.

Helms, however, reported that he had met with Thurmond and said "He feels pretty much as I do."

Another cautious reaction came from another Republican member of the committee, Charles Grassley of Iowa. "I'm keeping an open mind. I would want to know what her basic philosophy is," said Grassley.

Despite the coolness of those conservatives, an aid to Howard Baker said the majority leader believes O'Connor will win Senate approval.

In a statement, Baker said he personally is "delighted with ... (the president's) choice and I pledge my full support for her confirmation in the Senate."

A judiciary committee moderate, Sen. Alan Simpson, R-Wyo., said "I don't think there are enough horses to deny this nomination in any way."

O'Connor's appointment received positive, if hedged, comments from two of the most liberal Democrats in the Senate - Edward Kennedy of Massachusetts and Minority Whip Alan Cranston of California.

"Every American can take pride in the president's commitment to select such a woman for this critical office. I am heartened by the president's actions and I look forward to ... the hearings," said Kennedy.

Cranston called O'Connor "a substantial leading scholar with training in the legislative branch and added "It's great that a woman has been finally appointed to the Supreme Court. That's a major step."

Cranston predicted that Democrats as a group would endorse the nomination and that "the only opposition will come from Republicans."

Another key Senate Republican, who asked not to be identified, predicted that O'Connor's confirmation hearings "won't be a cakewalk" because of conservatives' opposition.

O'Connors also drew praise from the other senator from Arizona, Democrat Dennis DeCobceni, who said he has known and respected O'Connor since 1965. He called her "tough, competent and conservative but not in a reactionary sense."

"She is respected," he said.

Woman Named to High Court



Associated Press

Arizona Judge Sandra D. O'Connor, picked by President Reagan yesterday to sit on the Supreme Court bench, talks to newsmen in Phoenix. With her (from left) are sons Brian, Scott and Jay, and husband, John J. O'Connor.

Reagan's political advisers expect the appointment to give Reagan considerable mileage among political moderate men as well as women who might be troubled by the president's opposition to the ERA and by the

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Selection Process
Steeped in Politics

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A Brainy Perfectionist Who 'Loves to Work'

Selection Process Steeped in Politics

By Lisa Myers
Washington Star Staff Writer

On Monday afternoon, President Reagan had a few lingering questions about Arizona Judge Sandra O'Connor, his first choice for the Supreme Court. He tracked down O'Connor's longtime acquaintance and avid supporter, Sen. Barry Goldwater, who was vacationing in Newport Beach, Calif.

Reagan asked the Arizona Republican what he knew about O'Connor's positions on abortion and the Equal Rights Amendment. Goldwater said he didn't know much about her thinking on abortion but that she favors the ERA.

"I heard she opposed me in 1976," Goldwater recalls the president saying.

"No," Goldwater replied, "she gave me hell for coming out for (President) Ford."

"Well," Reagan laughed, "that makes her real good."

A couple of hours later, Reagan called the 51-year-old O'Connor in Phoenix with the precedent-shattering invitation to become the first woman on the Supreme Court.

The 10-minute telephone call culminated a three-month selection process that was shrouded in secrecy and steeped in politics. Reagan's senior advisers, adamant that their

See SELECTION, A-6

and submitted to Justice on June 18. Not long after Stewart's public an-

Selection of Woman Justice Was Steeped in Politics

Continued From A-1

boss not be upstaged, arranged for candidates to be interviewed in a secret location. The official FBI background check wasn't ordered until yesterday, after Reagan strode into the White House press room to make the historic announcement.

"He deserved to have this moment," argues a senior White House official in defense of the extraordinary secrecy. "A lot of Democrats talk about equality for women, but this president had the guts to put one on the Supreme Court."

While suddenly eager to talk about "equality for women," Reagan's senior advisers also acknowledge that political factors played an important role in the selection process. The highly symbolic selection of a woman for the first Supreme Court vacancy, some admit, was hardly an act of political courage.

"Political brilliance would be a more accurate characterization," quips one Reaganite. "O'Connor is as close to perfect as anyone would have dreamed. She is well-qualified, a life-long Republican and basically conservative."

Reagan's political advisers expect the appointment to give Reagan considerable mileage among politically moderate men as well as women who might be troubled by the president's opposition to the ERA and by the

dearth of women in senior administration positions.

The appointment also would tend to muffle charges of the more ardent feminist groups and many Democrats that Reagan is against equality for women. "How can they make that stick when he was the first one to appoint a woman to the court," chuckles a senior White House official. "It certainly weakens the Democrats."

Some officials also believe that appointing a jurist whom senior adviser Michael K. Deaver went out of his way to describe as "moderate" increases the likelihood that the president will get additional Supreme Court vacancies to fill.

"The current members of the court were watching very closely, particularly those five who are over 70 and might be thinking of retirement," says an official. "O'Connor is likely to set very well with them. We know she is quite acceptable to (Chief Justice Warren) Burger and (Justice William) Rehnquist."

The White House did not seem particularly distressed over the fierce opposition of anti-abortion groups and the wrath of Sen. Jesse Helms, R-N.C., who stormed down to see Reagan yesterday in a fury over the appointment.

"I don't see any lasting breach," says one political adviser, who believes that right-wing opposition will redound to Reagan's benefit elsewhere on the political spectrum.

Nevertheless, Reagan called Rev. Jerry Falwell, head of the Moral Majority, to assure the Lynchburg, Va., Baptist that O'Connor opposes abortion, according to a Moral Majority spokesman. Falwell earlier denounced the appointment.

The search for a nominee began informally in late March after Attorney General William French Smith met privately with retiring Justice Potter Stewart. Without disclosing Stewart's plans to retire, Smith ordered a handful of his top aides to begin reading legal opinions and scholarly journals in search of candidates.

Before Smith could inform the president, the March 30 assassination attempt took place. Not until April 21 — 12 days after Reagan left the hospital — did he learn of the impending vacancy, which was to remain secret until Stewart's announcement on June 18.

Although the White House publicly insisted that Reagan was looking for the "best qualified candidate" regardless of sex, senior advisers say he made his "strong preference" for a woman clear from the outset. In fact, when Reagan first asked Smith and senior White House aides to compile a list, he admonished: "Remember that I've got a commitment to appoint a woman," Deaver recalls.

The Justice Department looked at more than 50 names in May, but the number had been winnowed to between 20 and 25 when Smith met alone with Reagan in early June to discuss potential candidates. O'Connor was on that list as being on a separate White House list of equal size compiled by counsel Fred Fielding and submitted to Justice on June 18.

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Not long after Stewart's public announcement, Smith and his aides began interviewing a number of candidates at a still undisclosed location that was chosen to avoid being spotted by reporters. Senior White House advisers Edwin Meese III, James A. Baker III, Deaver, Smith and Fielding interviewed O'Connor at the secret location on June 30. The following day, O'Connor was interviewed by Reagan at the White House.

Senior White House advisers disagree as to whether there was ever a "short list." But one well-placed source said that by the beginning of last week, the serious contenders had been narrowed to O'Connor; J. Clifford Wallace, a California U.S. Court of Appeals judge; and Cornelia Kennedy, a member of the U.S. Court of Appeals for the sixth circuit of Michigan.

But only O'Connor was interviewed by Reagan and his closest White House advisers. And, according to Deaver, it was O'Connor's impressive performance during the one-hour White House session that cinched her nomination.

O'Connor underwent extensive checks, in part because Reagan had been burned by a California judicial appointment, Donald R. Wright, who then-Gov. Reagan appointed as chief of the California Supreme Court, turned out to vote with court liberals on a number of key issues, to Reagan's irritation and dismay.

On the basis of their scrutiny of O'Connor's record, White House officials maintain that opposition to her nomination by anti-abortionists is ill-founded.

After letters and telegrams against O'Connor began pouring in on Friday, the White House checked out the specific allegations against her. On Monday, O'Connor was interviewed again by telephone by a Justice Department official and by senior members of Reagan's staff.

Fielding said he double-checked the record with O'Connor again Tuesday morning, shortly before the formal announcement.

Throughout the process, the White House was inundated by letters, telegrams and other devices promoting some serious as well as not-so-serious candidates.

A week and a half ago, Fielding said, a stack of cables and letters suddenly poured in promoting Phyllis Schlafly, leader of anti-ERA forces, for the court. "She was never on anyone's list," assured another White House official.

Washington Star Staff Writer Allan Dodds Frank also contributed to this report.

The Washington Star
Tuesday, July 7
1981

A - 1

Potential Court Nominee Opposed by Conservatives

By Lisa Myers
and Lyle Denniston

Washington Star Staff Writers

The White House has come under extreme pressure from anti-abortion groups to drop Arizona Judge Sandra D. O'Connor as a potential Supreme Court nominee.

Since Friday, scores of letters and telegrams have poured in from various conservative groups denouncing O'Connor as being both for abortion and for the Equal Rights Amendment, according to a senior White House official.

"There's quite a controversy brewing," said a source. "We're hearing from a lot of people on this."

Although President Reagan has said a nominee to replace retired Justice Potter Stewart need not agree with him on every issue, many

of those opposing O'Connor are trying to hold Reagan to the letter of last year's Republican platform. The platform calls for appointment of judges who "respect traditional family values and the sanctity of human life."

In conservative code, that means judges who oppose the ERA and abortion.

Dr. Carolyn Gerster of Phoenix, former president of the National Right to Life Committee, said a study of O'Connor's record in the Arizona state senate shows that she is in favor of abortion. A package of material that Gerster claims spells out that record was sent to the White House last night.

Legislative records in Arizona indicated that O'Connor, as a senator, once voted against a football stadium.

See POTENTIAL, A-6

based on her support of the ERA.

Records indicated that O'Connor was a member of a Senate committee that introduced a pro-ERA bill that never emerged from the panel, and that she was a personal co-sponsor of a proposal to submit the question of ratifying ERA to the voters of Arizona for their advice.

That bill, which died in a commit-

tee, "but just barely. She does not have a public image as being a drum-beater for ERA or abortion."

Kolbe said the bills she had introduced in the state senate showed she was primarily in favor of "good government" reform legislation. In his view, he said, her record was of a "moderate Republican, very thoughtful, very civic-minded."

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The Washington Star
Tuesday, July 7
1981

A - 1

Potential Court Choice Rapped By Opponents of ERA, Abortion

Continued From A-1

um bond issue that included a rider that would have barred free abortions at the University of Arizona Hospital.

That vote was in 1974. Gerster reported last night that there was another vote in 1974 in the state senate, on a bill to ask Congress to propose a constitutional amendment to overturn the Supreme Court decision in favor of the right to abortion.

Gerster said that, when the measure got to the floor of the state senate, it had to have a majority among Republican senators, who were in the majority in that chamber. The measure obtained only a 9-9 tie, according to Gerster. O'Connor was one of those voting against the proposal, she said.

Robert W. Tobin Jr., administrative assistant of the Ad Hoc Committee in Defense of Life, said the campaign against O'Connor also was based on her support of the ERA.

Records indicated that O'Connor was a member of a Senate committee that introduced a pro-ERA bill that never emerged from the panel, and that she was a personal co-sponsor of a proposal to submit the question of ratifying ERA to the voters of Arizona for their advice.

That bill, which died in a commit-

tee, was viewed as a pro-ERA maneuver because the proposed constitutional amendment often fares better with voters at large than with their elected representatives.

Arizona's legislature has not ratified the ERA.

Paul Steiner, publicity director of the Planned Parenthood group in Phoenix, said yesterday that O'Connor "was not involved" in the abortion controversy in Arizona. He said she had left the legislature by the time abortion and public financing of abortions became major issues.

Steiner said it was his impression that O'Connor also was not an active supporter of the ERA.

John Kolbe, political editor of the Phoenix Gazette, said that "in my mind, she certainly doesn't have that image" of being pro-abortion or pro-ERA.

He said his study of O'Connor's record in the legislature showed she may have taken a position on those issues, "but just barely. She does not have a public image as being a drummer for ERA or abortion."

Kolbe said the bills she had introduced in the state senate showed she was primarily in favor of "good government" reform legislation. In his view, he said, her record was of a "moderate Republican, very thoughtful, very civic-minded."

Q Dave, if it is possible, I would just like to ask. Cardinal Krol, of Philidelphia, was here this morning. Did he, in conversation with the President, did he oppose Judge O'Connor's nomination, did he say that he was not opposed to it, or did his failure to mention it mean that he leaves it to the Reverend Jerry Falwell and John Lofton?

MR. GERGEN: Let me ask this question.

MORE

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closed.' We congratulate him for his enlightenment...The law has gone far toward enfranchising the previously deprived, but there is still a piece to go. Most crude electoral abuses are gone, but racial gerrymandering and other sophisticated violations of the 15th Amendment continue, sad to say."

(Chicago Sun Times, 8/9)

CLEAN AIR

Mr. Reagan's Clean Air Hedge -- "Everyone can, and will put his own gloss on President Reagan's vague principles for revising the Clean Air Act. And that is all to the good. The Clean Air Act needs remodeling but by sympathetic and judicious hands."

(The New York Times, 8/12)

Take Care on Clean Air Act -- "The Reagan administration is well aware that there's widespread support for the Clean Air Act among the public and in Congress. So it has cloaked in positive terms its "broad proposals" to change the law. But beware. The words are reassuring but vague: 'the air will continue to improve under the broad principles that we have adopted.'...Red tape can and should be cut. And other shortcomings, such as needless delays, can be removed. But the act is basically sound. Extend it until next year when there can be full debate. Then fine-tune it, don't gut it."

(Chicago Sun Times, 8/9)

FCC

So Near And Yet So Far -- "Mark Fowler, the new chairman of the Federal Communications Commission, is showing remarkable signs of independence and rather frequent flashes of good sense. It can be frustrating to read his remarks, however, because he comes so close to being utterly sensible while landing just a tad wide off the mark. One might hope that it would be otherwise, but the Reagan regime hasn't repealed politics or the desire for bureaucratic survival. Perhaps we must resign ourselves to the kind of quiet frustration engendered by statements like Mr. Fowler's, which come so close to good sense yet flutter away from dealing with core truths."

(The Register, 8/6)

DEMOCRATS

Democrats Must Do More To Oppose Reagan -- "If Ronald Reagan's economics somehow succeed in restoring the economy, or if people believe it is succeeding, probably no program that the Democrats concoct will cause him trouble. Whether he fails or succeeds, however, Democrats need to do more than they have to oppose him. They need to puncture his myths with reminders of reality, and they need to propose an alternative vision. This bad day for liberals is a good day to get started."

(Morton M. Kondracke, The Wall Street Journal, 8/13)

O'CONNOR

Reagan's Run-In With the Right-To-Lifers -- "While the President's letter ('to an impassioned letter from Marie Craven of Chicago, an Irish Catholic mother of five and a Reagan Democrat in 1980') detailed Judge O'Connor's reasons for voting against an amendment to a football stadium bill to outlaw abortions in Arizona university hospitals -- she said it was non-germane, therefore unconstitutional -- it did not mention the three O'Connor Senate votes that have caused the Right-to-Lifers the greatest anguish....1) a vote 'that would remove all legal sanctions against abortions performed by licensed physicians,' 2) the Family Planning Act; and 3) her vote against...a Human Life Amendment.... According to Mrs. Craven, the President's failure to mention these raises the question as to whether he is fully informed on the O'Connor record."

(Patrick Buchanan, New York Daily News, 8/11)

Did the good Cardinal come here to talk with the press?

THE PRESS: Yes.

MR. GERGEN: Did you have an opportunity to ask that question?

Q We forgot to ask that question.

MR. GERGEN: Well, shucks. (Laughter.) Lester, where have you been?

Q He has a serious question.

MR. GERGEN: Seriously, I was not in the meeting. I will see if we can get an answer to the meeting -- the purpose of that meeting, obviously, was not to talk about --

Q Yes, it was food as I understand. But the question is --

Q You don't live by bread alone.

MR. GERGEN: Yes. I -- (laughter) --

Q He has strong views, I can tell you, on abortion.

MR. GERGEN: I appreciate that.

Q But if he didn't speak about Judge O'Connor, I think that's very significant, too.

Q When does her nomination go up?

MR. GERGEN: We're anticipating that her nomination will go up before the recess. The FBI check has been completed.

Q Did they find anything?

MR. GERGEN: And materials are now being reviewed at Justice.

Q Was it favorable?

MR. GERGEN: Her nomination would only be going forward on that basis, would it not?

Q I don't know. You fight for things that --

Q What do you mean before the recess?

MR. GERGEN: Before the recess.

Q David, Silvio Conte was here yesterday with the President. Will he be one of the floor leaders for this tax -- tomorrow on the House side --

MR. GERGEN: I don't know what Mr. Conte's views are going to be on the tax bill.

Q David, can I go back to Mr. Krol for one second?

Poland

What is Happening in Poland? -- "The Soviet Union is in a peculiar position: Short of instigating a bloodbath it can do nothing. Most likely the Soviet leaders will resort to the oldest Russian political wisdom, that time and intrigue will sooner or later bring results. But these events demonstrate for the first time that the Soviet empire must reform or perish. What happened to communism in Poland must have a crucial impact on the fate of Marxist ideas in the contemporary world. For the first time in Poland's turbulent history in which heroic, if unsuccessful, violence was considered a supreme value, the Poles have resorted to argument and ideology as explosives and ammunition."
(Leopold Tyrmand, Wall Street Journal, 7/14)

Reagan's View on Poland Wrong? -- "The Reagan Administration sees the reform movement in Poland as a long-smouldering revolution, the Polish people finally rising to throw off the chains of a Communist system they have suffered too long. Rep. Edward Derwinski of Illinois, just returned from a trade mission to Poland, thinks that's wrong. 'What's happening in Poland...is being called the death of communism in Europe,' he said in an interview upon his return. 'But Reagan is wrong. Poland is a country where communism never took hold. It's different from the rest of Eastern Europe. It's one country where the Commies haven't been able to play their game of divide and conquer.'
(Michael Kilian, Chicago Tribune, 7/14)

O'Connor Nomination

Ronald Reagan Solves His Woman Problem -- "So what we have here on the way to confirmation hearings is this person, Sandra Day O'Connor, as much as a conservative as you can find in a qualified woman, and as much of a feminist as you can find in a conservative. By gum and by grudging, Reagan's done it again."
(Ellen Goodman, Baltimore Sun, 7/14)

...and Gives Himself Room for Maneuver -- "If Mr. Bork has been nominated this time, his confirmation hearings would have been complicated by a number of things. As the first Reagan appointee, he would have attracted special attention. Mr. Reagan's campaign promise to appoint a woman would have led to charges of betrayal. These considerations would have been added to the Water-gate problem, leading to a divided Senate committee. Mr. Reagan finessed all these problems. The woman issue would have come up at every nomination until he finally named one. At one stroke, he has removed this distraction from all his future appointments. The Senate will back Mrs. O'Connor heavily, if not unanimously."
(Garry Wills, Baltimore Sun, 7/14)

Wealth and Poverty

Gilder's Accomplishments Beyond Academia's Pale -- "George Gilder, author of Wealth and Poverty -- which in due course will be known as the Emancipation Proclamation of 1981 -- continues in the news...The economic thesis -- that high marginal tax rates create poverty -- should be carefully studied by congressmen whose reliance on old shibboleths leads them to believe such antiquarian stuff as that high taxes are a vote for the poor. This position is held by men who can't be spoken of as ignorant (John Kenneth Galbraith is other things) but who are nevertheless, though they fancy themselves social philanthropists, impediments to the revitalization of America."
(William F. Buckley Jr., Washington Star, 7/14)

POLICY CHANGE ON LOANS CALLED ILLEGAL

The chairman of the congressional Joint Economic Committee Tuesday accused the Administration of "immoral and illegal" action in deciding to reverse a U.S. policy of opposing loans by international development banks to four S. American military regimes. "The Administration has played fast and loose with the law," Rep. Reuss told Myer Rashish. Reuss contended the decision to support loans for Argentina, Chile, Uruguay and Paraguay violated a 1977 law barring U.S. backing for such loans to countries engaged in systematic violations of human rights. (John M. Goshko, Washington Post, 7/15, A14)

WILDLIFE GROUP URGES PRESIDENT TO DISMISS WATT

Secretary Watt's six-month running battle with environmentalists took another turn for the worse Tuesday when the National Wildlife Federation called on President Reagan to fire him. The organization's leaders accused him of working to undermine basic environmental protection laws and contended that conversations with key WH aides indicated Presidential support for Watt was "waning." The NWF attack on Watt is significant because the group is one of the most conservative of the environmental organizations and one Watt had counted most supportive of him. A poll of its membership, which produced overwhelming opposition to Watt's policies, indicated they voted by more than 2-to-1 for Reagan last November. Watt's reaction reportedly was amusement. He said the paid officials of the NWF had opposed Reagan's election and his confirmation. (James Naughtie, Washington Post, 7/15, A1)

THE JUDGE GETS RAVE REVIEWS ON THE HILL

Supreme Court nominee Sandra D. O'Connor went politicking on Capitol Hill Tuesday expressing her opposition to abortion and winning a prediction from the leadership she will be confirmed without difficulty. The Moral Majority also backed away from its earlier opposition, acknowledging confirmation is inevitable. "We should have shut up and not said anything," said spokesman Cal Thomas. "We are working very hard to fall in line behind the President." (Fred Barbash, Washington Post, 7/15, A1)

THIRD OF NATION'S S&Ls IN DANGER, BANK BOARD CHIEF SAYS

In the grimmest assessment to date of the troubled savings and loan industry by a government official, Federal Home Loan Bank Board Chairman Richard Pratt acknowledged Tuesday one-third of the nation's 4,700 S&Ls are "not viable under today's conditions" of high, volatile interest rates. In Capitol Hill testimony, Pratt confirmed reluctantly that he gave these figures to a closed housing policy meeting last week. The figures he cited then and confirmed Tuesday point to deeper industry trouble than federal financial regulators have hitherto acknowledged. If nothing happens to help the industry and interest rates continue at the near-record levels of the last eight months, Pratt predicted to the commission one savings institution every day will be reduced to a zero net worth, the point at which all financial reserves set aside to cover losses are used up. (Nancy L. Ross, Washington Post, 7/15, A1)

NETWORK NEWS SUMMARYTuesday, July 14, 1981

HUGEL--The CIA's Deputy Director for Operations Max Hugel resigned amid reports that he had engaged in questionable stock market practices prior to joining the Government. Networks report Hugel resigned shortly after the Washington Post published a story stating two of Hugel's former business associates, Thomas McNeil and his brother Samuel, had participated with Hugel in a series of business practices intended to deceive investors during the mid-1970s. Hugel was shown at his residence saying he has never made a penny of unlawful profit. NBC's Roger Mudd reported Thomas McNeil had contacted the Presidential Personnel Office to warn the WH about Hugel, but the WH said it had no record of McNeil ever attempting to contact it. Mudd added McNeil then went to the Post with the story. NBC's John Palmer reported the WH moved quickly to put distance between Hugel and the President by emphasizing Hugel's appointment was not prompted by the President. All networks also reported that a few months after William Casey became Director of the CIA, a federal judge had ruled Casey had knowingly misled some investors on a business deal that occurred before Casey was appointed Chairman of the Securities and Exchange Comm. (CBS,ABC,NBC-lead)

REAGAN--President Reagan went to Capitol Hill to attend a luncheon with Senate Republicans while the House Ways and Means Committee approved the Democratic alternative to the Administration's tax cut bill. All networks showed the President saying the Democratic bill is "a wolf in sheep's clothing" and their plan for a 2-year, 15 percent tax cut wouldn't put any money in the pockets of the American people. All networks noted the President made a point to visit Senate Minority Leader Robert Byrd (D-WV). CBS reported Congressional sources saying the Administration is now talking about dropping the proposal to eliminate the Social Security \$122 minimum monthly benefit. (CBS-4,NBC-2,ABC-6)

✓ O'CONNOR--Supreme Court nominee Sandra O'Connor met with Attorney General William French Smith for over four hours Tuesday and then went to Capitol Hill to pay courtesy calls to numerous senators and the House leadership. ABC reported O'Connor will meet later this week with Sen. Jesse Helms and that a spokesman for the Moral Majority said the organization could consider supporting her if Helms is satisfied with her views on abortion. NBC reported Sen. Orrin Hatch said O'Connor would have to do something really bad not to get confirmed. (ABC-2,NBC-3)

POLAND--The Polish Communist Party Congress opened in Warsaw. Networks note the opening ceremonies began with an unconventional playing of the Polish national anthem. Party leader Stanislaw Kania told the delegates Poland's ties with Moscow and Socialism cannot be broken. Soviet delegates accused the U.S. of trying to weaken the Soviet-Polish link. (ABC-3,NBC-9,CBS-12)

ISRAEL--CBS reported Israel had secretly airlifted over \$10M worth of arms to Iran. All networks reported Israeli warplanes shot down a Syrian fighter over Lebanon. (CBS-2,NBC-8,ABC-10)

HOUSE APPROVES \$136-BILLION DEFENSE BILL

A lonely little band of House liberals tried to apply President Reagan's "waste, fraud and abuse" slogan to the Pentagon budget Thursday. But the House, which has spent most of the year fashioning radical cuts in welfare, education and other social programs, turned a deaf ear. By a vote of 354 to 63, it cheerfully passed a \$136B authorization for weapons, military operations and maintenance and salaries--the largest amount ever and a \$26B imcrease over FY 1981.

(Margot Hornblower, Washington Post, 7/17, A4)

NOMINATION OF MRS. O'CONNOR DRAWS SUPPORT, POLL SAYS

Ronald Reagan's nomination of Sandra D. O'Connor to be the first woman on the U.S. Supreme Court draws overwhelming approval from the American public. The latest AP-NBC News Poll said support for the nomination of the Arizona appeals judge comes from just about every major group: liberals and conservatives, those who voted for Reagan last year and those who voted for Carter, men and women. Her support from Democrats and conservatives was not quite as strong as from the public as a whole. Sixty-five percent of those questioned said they approved of Reagan's choice of Mrs. O'Connor. Only 6 percent said they opposed the nomination. Twenty-nine percent of the 1,599 adults interviewed nationwide by telephone Monday and Tuesday were not sure.

(Evans Witt, AP, 1:13)

O'CONNOR SEES SENATE'S CHIEF ABORTION FOE

Supreme Court nominee Sandra O'Connor, praised for her "feistiness" by a leading Senate liberal, kept up her busy pace Thursday on Capitol Hill, including a meeting with the Senate's chief abortion foe Sen. Helms. Helms has said he will not pre-judge O'Connor's qualifications for the high court, despite objections raised by Moral Majority and other anti-abortion groups suspicious of her record as a state legislator. O'Connor's journeys through the corridors of the Capitol were unprecedented in their scope and prompted predictions she will easily be confirmed as the first woman on the high court.

(Ira R. Allen, Washington Post, 7/17, A2)

REAGAN OFFERS NEW POLICY TO CUT A-WEAPON SPREAD

President Reagan said Thursday the U.S. would try to prevent the spread of nuclear weapons by becoming a more reliable supplier of nuclear fuel and technology for peaceful purposes to countries that share the goals of nonproliferation while reducing the motivation of other nations to acquire atomic weapons. Administration officials repeatedly declined to answer questions on how the U.S. would deal with countries such as Pakistan, which is suspected of building nuclear weapons. These officials also billed the policy as marking an important shift in emphasis from the Carter administration in terms of both restoring America as a reliable supplier and in the focus on regional stability as the way to stunt atomic weapons ambitions. Despite its vagueness, Thursday's pronouncement may also do the President some good in the sense it comes on the heels of a major address on arms control policy by Secretary Haig and provides some grounds to counter critics who charge the Administration has no foreign policy.

(Michael Getler, Washington Post, 7/17, A7)

These measures should be voluntary under current conditions, but the government should endorse them as important parts of overall U.S. policy."

(Franklin A. Thomas, Washington Post, 7/15)

Cyrus Vance

The Mud Is Deep -- "Remember Cyrus Vance...Turns out he's a dupe of the Communists. It was in the papers, straight from the Reagan high command. Not for attribution, of course; that's not how mud is slung in this town. But in leaks, with an altogether authentic ring, it was said that even the President was shocked by the way Vance provided grist for Soviet propaganda mills by questioning (in a recent interview on 'Meet the Press') the Administration's sincerity on arms controls, as well as the way it handled the new arms-sales-to-China policy...The point is not the mud (Cyrus Vance's faithful public service speaks for itself), but the mudslinging. It says quite a lot about the continuing incapacity of this Administration, six months into its first term, to deal with the natural vicissitudes -- the occupational hazards -- of managing almost every aspect of foreign policy." (Philip Geyelin, Washington Post, 7/15)

India

India, and Reagan's Tilt Toward Pakistan -- "What makes the present crisis far more ominous than any past periods of tension in the India-U.S. relations is that the Administration has fundamentally altered the rationale for military assistance to Pakistan. Administration officials do not seek to justify arms aid solely or even primarily in terms of the threat posed by Soviet forces in Afghanistan. They frankly acknowledge that Pakistan wants help mainly to build up its military posture vis-a-vis India, and they have pointedly refused to give public or private assurances to New Delhi that Washington would not permit American weaponry to be used in an India-Pakistani conflict."

(Selig S. Harrison, New York Times, 7/15)

O'Connor

Optimistic About O'Connor -- "A conservative is a conservative -- most of the time. That's one way of saying that President Reagan's nomination of Sandra Day O'Connor to the Supreme Court was not a lapse by the conservative President. I suspect that too many of the country's liberal spokesmen are judging O'Connor by the yardstick of resentment expressed against her nomination by the Moral Majority, the National Right to Life Committee, and the vociferous opponents of the National Organization for Women (NOW). The truth is that on today's Supreme Court, there is only one appointee by a liberal Democratic President who has consistently voted as a liberal. Justice Marshall, who was appointed by President Lyndon Johnson in 1967. Yes, indeed, the O'Connor appointment could be worse. Maybe we should be thankful for small favors, especially if she is capable of casting a liberal vote even now and then."

(Vernon Jarrett, Chicago Tribune, 7/15)

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THE NOMINATION OF JUDGE O'CONNOREDITORIALS:A Landmark For The Court

"The highest court in the land has been an all-male bastion for much too long, and we're happy to see Reagan breach the wall. Let's hope the Senate will act on the nomination as speedily as possible - in fairness to Judge O'Connor and to the court, which ought to be at full strength when it reconvenes in the fall."
(The New York Daily News, 7/8)

The Retiring Judiciary

"There is going to be continuing pressure in the future to deimperialize the Judicial Branch. But maybe along the way it would be well to remember that insofar as the disenchantment with the overreaching judges was more than a partisan complaint, it was not an end in itself...That, and not a simple passivity, is the kind of restraint we're going to be looking for from Mrs. O'Connor's opinions and from Mr. Reagan's future appointments."
(The Wall Street Journal, 7/8)

A Person For The Court

"President Reagan has chosen a woman for the Supreme Court - and more. Other Presidents have had the will, or the opportunity, but never both. The very presence of a woman in the cloister will have a healthy effect on justice."
(The New York Times, 7/8)

More Than A Woman

"It is as a woman that Mrs. O'Connor's nomination is most newsworthy, but it is as a judge on the court of last resort that her nomination will be and should be appraised. And if she does join the court, in the long run it is as a jurist, not a woman, that she will leave her footprints in the sands of time."
(The Baltimore Sun, 7/8)

The Nomination of Mrs. O'Connor

"That President Reagan has gone to the second tier of a state court structure in his search for a female nominee may be less a commentary on Judge O'Connor's qualifications than on a system that, until the quite recent past, kept almost all women lawyers from reaching high places in their chosen profession. Our first impression of her qualifications is that the Senate will find nothing to impede her confirmation."
(The Washington Post, 7/8)

A Woman to the Court

"If Liberals and ERA supporters want to carp about technicalities, they should think again. After all, Judge O'Connor is a conservative, but she is not as far right as some women conservatives President Reagan might have picked."
(The Richmond News Leader, 7/8)

New Ground, New Directions

"It was important as a symbol of the nation's new sensitivity toward equal rights that a woman be appointed to the U.S. Supreme Court for the first time in its 191-year history. It was important that the nominee possess the necessary qualifications... and from the evidence at hand, O'Connor is well qualified."
(The Los Angeles Times, 7/8)

A Landmark Appointment to the Supreme Court

"The choice of Sandra Day O'Connor is also a commendably prompt redemption of Reagan's campaign pledge to fill 'one of the first Supreme Court vacancies in my administration' with the 'most qualified woman I can find.' It's all the more commendable because political compatibility with all of the President's single-issue constituencies is not among O'Connor's qualifications."
(Newsday, 7/8)

A Justice First, A Woman Second

"By every indication, the Senate will confirm Mrs. O'Connor quickly and easily. And she will then have a chance to make history in an even more significant way than she has already made it - to make history regardless of her sex rather than because of it."
(The Chicago Tribune, 7/11)

The Conscience of a Conservative

"Sen. Barry Goldwater has wisely called for moderation in taking on the right-wing groups fighting Sandra Day O'Connor's nomination to the Supreme Court. 'I'm getting a little tired of people in this country raising hell because they don't happen to subscribe to every thought that person has,' he explained. 'Instead of jumping to conclusions about her views, on the basis of years-old positions that were taken in a different context and setting, why can't these people wait until the nomination hearings?' This perspective represents a sensible view of conservatism that O'Connor's critics have clearly forgotten."
(The Boston Globe, 7/11)

O'Connor Appointment: A Reagan Badge of Honor

"Judge O'Connor, however, is not simply a woman, or a female lawyer, or a female judge. She has qualities, and quite possibly failings, which will be better known after the Judiciary Committee hearings. The most important judgments must await the record she makes as a Supreme Court justice, which, since she is a youthful 51, may be a generation or more in the making."
(The Philadelphia Inquirer, 7/9)

All-Male Court Lasted Too Long

"President Reagan's nomination of Arizona Judge Sandra D. O'Connor to become the first woman justice of the U.S. Supreme Court was a decision the nation needs to respect. What is important is that her views of the Constitution and the role of the court as a check on the other two branches of the government be respected and in the highest traditions of the nation."
(The Oregonian, 7/8)

Reagan Keeps His Promise

"Sandra O'Connor is being asked to take a long leap as a woman and as a jurist. All that can be said with certainty at this point is that, at long last, another barrier to public service by woman has crumbled."

(The Des Moines Register, 7/8)

Reagan's Woman Nominee

"A quick reading of her record indicates O'Connor can be a capable justice, a thoughtful legal technician who will not be bound by any strict political philosophy. Those opposing her based strictly on a response over singular, deeply emotional issues do her an injustice." (The Cleveland Plain Dealer, 7/8)

Justice-Designate O'Connor

"The appointment of a woman to the U.S. Supreme Court was long overdue. President Reagan was right to disregard the call for a one-issue candidate in favor of a jurists who upon first glance - promises to bring to the Supreme Court competence, fairness, integrity, and intelligence."

(The Bergen, New Jersey, Record, 7/8)

The High Court's First Woman

"We hope the nomination of Judge O'Connor proves to be a good, sound step for more constitutional strict constructionism on the Supreme Court. This is the first of perhaps as many as half a dozen top court nominations Mr. Reagan may make. Every one will be extremely important in terms of the Constitution and the American way of life."

(The Chattanooga News-Free Press, 7/8)

Judge O'Connor

"We don't like the idea that a group like the moral majority would attempt to whipsaw Mr. Reagan into not making this or that appointment because of some objection they have to the prospective nominee. We're glad to see that Mr. Reagan is turning a deaf ear to their attempts. In other words, the fact that Judge O'Connor has supported abortion legislation while being personally against abortion is not very hard to understand. Except apparently, by the Moral Majority."

(WRC News/Talk 98, Washington, D.C., 7/9)

Sandra O'Connor

Nothing has surfaced to interfere with Senate confirmation of her appointment. Judge O'Connor is destined to take her place in history as the first woman on the U.S. Supreme Court. After 191 years, it's about time."

(WMTV, Madison, Wisc., 7/9)

O'Connor Appointment

"Sandra O'Connor seems to be reasonably well qualified for the post in several ways, at least from the administration's perspective. It is worth noting however, that appointing justices to the high court does not always mean that a president gets what he expected."

(The Santa Ana Register, 7/10)

How Reagan is Shaping His New Judiciary

"Although the news spotlight is on President Reagan's Supreme Court choice, Sandra D. O'Connor, some two dozen other judicial appointments also due to be made public this summer may tell the country far more about how the President views the courts. The choices could be critical, for in the long run Reagan's success in reducing Washington's importance in the day-to-day lives of most companies and individuals will depend in large part on how the lower courts interpret congressional acts and weigh them against old and new federal regulations."
(Business Week, 7/20)

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COLUMNISTS:

Why Did He Choose Her?

"... the plausible explanation is that Reagan shares the view of Jim Baker and his other aides that the Moral Majority is not vital to his political coalition. He has given that signal by ignoring its sensibilities in selecting Sandra O'Connor."
(Rowland Evans and Robert Novak, Washington Post, 7/10)

Reagan, O'Connor and the Power of Political Paradox

"One of the subtle, great and altogether admirable strengths of the American political system is the ability of its leaders - within limits - to go against their own constituencies. Meanwhile, Reagan has the approval of the vast majority of women and most men, who concede that placing a woman on the court is long overdue. And in one stroke he disarms the liberal opposition to a conservative nominee."
(Beth Fallon, The New York Daily News, 7/10)

The Court Steps in where Congress fears to tread

"The Supreme Court has been attacked in recent years for "making laws" and not just interpreting laws. The issue is revived again with President Reagan's nomination of Arizona state judge Sandra O'Connor to the high court, the first woman in history. Once again the question will rise, whether the court pushes its role as a policy-maker, or whether it simply steps in when Congress and the President leave major gaps that have to be filled."
(Richard L. Strout, The Christian Science Monitor, 7/10)

Moral Majority Will Never Understand

"The anti-abortion folks - those people who want to get government off our backs and into our wombs - have finally lost a round. Ronald Reagan has nominated a person for the Supreme Court who, as a state legislator, once cast a couple of votes that were considered pro-abortion."
(Roger Simon, Syndicated Columnist, Chicago)

O'Connor a Solid Nominee

"In naming Judge Sandra D. O'Connor to the U.S. Supreme Court, President Reagan shunned the big-time legal establishment and incurred the wrath of one of his most important constituencies, the anti-feminist, anti-abortion movement. What the President is getting for this potential political trouble is an even-tempered, scholarly Republican team player who, in keeping with Reagan's philosophy, is not going to make any waves on the nine-man high court."

(Lars-Erik Nelson, The Santa Ana Register, 7/10)

He Said He Would

"When it is possible to deliver, as Reagan did deliver in naming O'Connor, we all benefit. Which is one reason why those seeking to fight the choice on the issue of abortion face such an uphill battle."

(Joseph Kraft, Washington Post, 7/12)

Reagan Choice For High Court Good Politics

"And what Ronald Reagan has done in this case is make a safety play by keeping both his promise to appoint a woman and his commitment to choose someone with conservative views on the functions of the judiciary. That may not satisfy the extremists of left or right, but it is winning politics in anyone's book."

(Jack W. Germond & Jules Witcover, The Washington Star, 7/8)

. . . With No Apologies to Aristophanes

"The lady from Arizona may be more conservative than a lot of Americans would wish, but my male intuition says that President Reagan has made a choice that is good for the nation."

(Carl T. Rowan, The Washington Star, 7/10)

Justices and Justice: Good news

"Justices are not disembodied spirits. They are mortals, and to this day they have all been mortal men. Now we are to have a mortal woman. Myra Bradwell would be pleased. And so am I."

(James J. Kilpatrick, The Boston Globe, 7/11)

Reagan's Historic Court Choice

"Actually it would seem, on the basis of her resume and record, that President Reagan has done very well with this first Supreme Court appointment."
(Raymond Coffey, The Chicago Tribune, 7/10)

Reagan Has Betrayed His Right-To-Life Friends

"The White House boys have just made the most basic mistake you can make in politics: They have compromised the vital interests of the President's most ardent followers, to score brownie points with their political enemies. A frivolous campaign promise has been kept, and a solemn written commitment violated. Political adultery."
(Patrick J. Buchanan, Philadelphia Inquirer, 7/13)

Or Is He Playing An Old Political Game?

"Reagan's foes this time are his confused supporters of the righteous right...Reagan knows a great deal about the political complexities of legislating birth and the control many women are determined to exercise over their own bodies and lives. In 1967, as governor of California, he signed a liberalized state abortion law -- at that time the most liberal law in the country."
(Richard Reeves, Philadelphia Inquirer, 7/13)

O'Connor May Tilt Scales in Favor of State Courts

"Unless her perspective changes, she is likely to be strongly in favor of a major goal of neoconservatives: restoring the power of state judges, at the expense of federal judges. That is an ambition that apparently is tempting a shifting majority. She has made it appear that, out of her experience as a state judge, she has no fundamental doubts of the virtue of the effort. O'Connor's arguments put her into the middle of a controversy stirred by leaders of the New Right who oppose abortion and school busing and who support prayer in public schools. They want Congress to take away the jurisdiction of lower federal courts (but not the Supreme Court) to hear cases on those subjects."
(Lyle Denniston, Washington Star, 7/13)

Sex Irrelevant on the High Court

"Judge O'Connor's sex should be irrelevant on the high court and in the confirmation proceedings. But it isn't for millions of women who still need role model help in this age of transition."
(Joan Beck, The Chicago Tribune, 7/11)

7/12/81

AGRONSKY & COMPANY

Martin Agronsky, Moderator
Hugh Sidey
George Will
James J. Kilpatrick
Carl Rowan

The program opened and was almost entirely dedicated to a discussion of President Reagan's nomination of a woman to the Supreme Court. Agronsky, Sidey, and Rowan were thoroughly satisfied with the nomination of Sandra O'Connor while Kilpatrick and Will criticized the process by which she received the nomination. Kilpatrick noted that while he doesn't oppose her and believes her past opinions are straight "nuts and bolts," she was nevertheless nominated because she was a woman. Kilpatrick added that she has no federal experience and that her previous experience on a state appeals bench has not afforded her experience in dealing with federal statutes. Will charged that the President's action in nominating her clearly reflects that he was operating within the constraints he inflicted upon himself during the campaign. He criticized the notion that anyone should be selected for the Court simply because they represent a certain group in society. "I do not think the President's method of selecting her enhanced either her or the Court...I do think that the idea of a woman's view of the 14th Amendment, for example, is as absurd as a woman's view of euclidean geometry," said Will. Rowan, Sidey and Agronsky disagreed with Will charging that the Court in the past has represented certain groups and that the politics cannot be removed from the selection process. Sidey went on to say that the conduct displayed by the Moral Majority and other conservative groups this past week has been reprehensible and applauded Sen. Goldwater's remarks about the Rev. Jerry Falwell.

Regarding the violence in Great Britain, Sidey observed that the English are entering a period similar to that of the U.S. in the early 1960's. Rowan commented that the violence occurring there may be a signal of what may be soon happening here. Rowan added that if President Reagan's program doesn't work, there could be more trouble in this society than ever before.

The program ended with a discussion of Democrat Wayne Dowdy's victory in winning the special election for Mississippi's 4th Congressional District seat. Will said Dowdy went out of his way not to campaign against the President while Sidey noted that the Administration's policies inevitably entered into the election. Rowan ended the discussion adding that the conservative Southern Democrats had better take notice.

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7-12-81

WASHINGTON WEEK IN REVIEW

B-4

Paul Duke, Moderator
Albert Hunt, Wall Street Journal
Linda Greenhouse, New York Times
Hobart Rowen, Washington Post
Chalres McDowell, Richmond Times-Dispatch

Albert Hunt opened stating that the appointment of Sandra O'Connor lends prestige to the President and added that the praise came from Kennedy to Goldwater. Hunt dismissed the criticism from the Moral Majority and other conservative groups stating that President Reagan cannot be successfully attacked from the right and that the critics are similar to baseball managers yelling at the umpire -- they know the decision won't be changed but they hope to pressure the President to be more supportive of them next time. Hunt said the White House's strategy was to go ahead and appoint a woman this time because the pressure to do so next time would be overwhelming. He added that O'Connor's nomination helps to overshadow the Administration's record for appointing women to positions in the Administration. Hunt felt that although the Moral Majority had threatened to withdraw its support for the Administration's economic program, the difficulty coming from the far right would not create problems for his program on the Hill. Hunt ended his remarks noting that the election in Mississippi indicates the President doesn't have that many coattails and that some Southern Democrats may interpret it as a sign that it's safe to oppose parts of the Administration's program.

Linda Greenhouse commented on the type of justice Sandra O'Connor would be. She noted that although there were few clues to go by, O'Connor had written a piece about relations between state and federal courts that put her squarely in the conservative block. Greenhouse explained that O'Connor's article advocated a view that state courts are adequate to protect the Constitutional rights of defendants which, Greenhouse added, translates into decreased access to federal courts.

Hobart Rowan addressed the problems the Savings and Loan industry is having and specifically, the portion of the Administration's tax cut bill known as the "All Savers Act." Rowen noted its erroneous to call it the "All Savers Act" because only those in the \$40,000 and up income bracket will benefit from it. He stated that Treasury Secretary Regan has admitted it's designed almost exclusively to benefit the rich. Rowan predicted Congress will nevertheless approve it because of the urgent need to pump money into S&L's. Rowen concluded that it is a questionable assumption that revenue from the sale of these special certificates would really help the housing industry. He believed that bringing interest rates down would be a far better solution in the long run.

Charles McDowell observed that Interior Secretary Watt's policy of stopping the acquisition of new park land and using acquisition funds to improve existing parks has placed him against a formidable constituency of conservationists. McDowell explained that the conservationists would rather the government continue to acquire new park land as a means of preserving a limit resource. McDowell added that the Congress will probably give Interior additional funding to revamp the present park system, but that at least 1/2 of the acquisition funds would still be used for land acquisition. The Administration has been damaged since Watt submitted a plan that was rejected and helped the conservationist develop their strength.

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