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PRESS BRIEFING
BY
DAVID GERGEN

The Briefing Room
July 8, 1981

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THE WHITE HOUSE

Office of the Press Secretary

PRESS BRIEFING
BY
DAVID GERGEN

The Briefing Room
July 8, 1981

12:35 P.M. EDT

MR. GERGEN: Good afternoon. We have a couple of brief little announcements. One of them of a logistical nature. Robin, you want to take care of this?

MR. GRAY: (Applause.) We have a notice to the press here regarding the President's trip to Quantico this afternoon. If I sound nervous it's because I am. (Laughter.)

Due to an event later today on the South Lawn the President will travel via motorcade to the Reflecting Pool to board Marine One enroute Quantico. The White House travel pool will form in the Lower Press Office at 1:15 p.m. and will be escorted out to the press vehicles at 1:20 p.m. The President will depart the South Lawn enroute the Reflecting Pool at 1:30. Coverage of the motorcade is travel pool. Coverage of the departure at the Reflecting Pool is open press coverage.

The President is scheduled to return to the White House at approximately 4:00 p.m., therefore the White House travel pool should form in the Lower Press Office at approximately 3:15 p.m. for escort to the press vehicles.

The travel pool will then be taken to the Reflecting Pool for coverage of the arrival, which again will be open. The travel pool will then accompany the President back to the White House.

The White House Press Office advises that the members of the travel pool should contact the Press Office for any changes in this time schedule. But I think that that will probably hold pretty firmly. Any questions?

Q Good job, Robin. (Applause.)

MR. GERGEN: We believe in spreading the wealth around. I hope he'll have a chance to come back -- when we have a heavy day again, I'm going to ask Robin to come back up here.

Q What was that for? I mean, was that because you want to give him some experience or because you felt that announcement was beneath you?

MR. GERGEN: Come now, Sam. I think exposure -- he does a good job here and I think he deserves a chance to --

Q Will the President be available for comment at the Reflecting Pool?

MR. GERGEN: Not expecting it. I'm sure comment will be sought.

There are some personnel announcements and I gather the paper is coming your way -- there are some ambassadorial appointments that are being announced today. Let me just read these off briefly for

the record.

Marshall Bremont, Ambassador to Iceland; David Zweifel, Ambassador to the Yemen Arab Republic; David Anderson, Ambassador to Yugoslavia; Kenneth Adelman, the Deputy Representative of the U.S. to the U.N.; and Guy Fiske to be Under Secretary of Energy.

I gather there's also a notice coming around to you about a meeting on Friday, July 10th, at 10:00 in the morning with regard to a meeting concerning telephone line service in Room 450 of the OEOB and the adjacent areas. That has to do, I think, Larry -- I figure this meeting on July 10 has to do with the move that's coming.

MR. SPEAKES: Yes. The telephones to the EOB.

Q This is just for television?

MR. GERGEN: This is for telephone line service for all interested representatives of the television media. Will there be a subsequent meeting for the newspapers?

MR. SPEAKES: No I think this is just video lines for television. If the meeting is desired, we'll arrange that.

MR. GERGEN: It has to do with the lines -- the television people needed special lines, obviously.

I gather, on the President's schedule, most of you know about this. At 1:30 he is leaving for Quantico to go horseback riding this afternoon with Bill Clark. He's expected to return and there will be open press coverage -- expected return at 4:30 with open press coverage.

Q Four p.m. is what Robin said.

MR. GERGEN: It's changed to 4:00, sorry. And at 5:30 there is the Mostly Mozart concert on the South Lawn with open press coverage.

Now, I draw your attention to one other item that should be in this packet of material that's coming around or it's in the bin. The President is announcing today the establishment of a military manpower task force to be chaired by the Secretary of Defense. There's a 1:00 embargo on that announcement. I believe the Defense Department will be having a briefing early in the afternoon concerning this.

Q We've already had it.

MR. GERGEN: You've already had it, all right. You will recall the President mentioned the formation of this task force in his speech at West Point and I should point out to you that it will be this task force that will be sending forth recommendations with regard to a subject many of you have asked about before and that is the draft registration.

Q Is that right?

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MR. GERGEN: It'd be one of the subjects that'd be under review by that task force.

It will be a continuing task force. It's basically in-house, chaired by the Secretary of Defense. It'll be considering a wide range of issues relating to military manpower and one of them is draft registration.

Q Is there any deadline on this report or is it another open-ended one?

MR. GERGEN: Obviously the review of the draft registration will need to be completed prior to the end of this year. The task force will continue in existence. It's contemplated it will be a continuing review of military manpower issues that will stretch beyond that set of recommendations.

Q How about the draft per se, the whole --

MR. GERGEN: They're taking a look at the draft. That is one of the issues as to the recruitment of manpower for the military and then, obviously, questions about the draft arise in that context, but a lot of the focus of this group, for your guidance, is going to be on issues that relate to people who are already in the military, the readiness of our armed services.

Q Will it deal with women in combat?

MR. GERGEN: Issues relating to women will be considered by the group.

Q And, also, at the service academies?

MR. GERGEN: I can't comment on that specifically. I just don't know the answer to that. It is supposed to take a comprehensive look so, presumably, it would include that kind of issue, but I can't say that's specifically in it's charter.

I know that a number of you have continuing interest in the questions relating to the Court and the Court nomination the President announced yesterday.

The President said this morning that the reaction to Judge O'Connor's nomination has, "generally been very positive," and he is pleased by it.

Q Where did he say this?

MR. GERGEN: He said this in a meeting with his staff this morning. It was a meeting he had about --

Q Did he say anything else?

MR. GERGEN: Well, to tell you the truth, ICA was in here this morning to do part of a filming with regard to a film that they're making and the meeting was held in Mike Deaver's office.

Q Did he say anything else about her?

MR. GERGEN: Yes, he added that in view of her outstanding qualifications, he was "confident that she would be confirmed by the Senate."

Q He foresees no problems?

MR. GERGEN: Well, clearly, there are some senators who are

going to want to raise questions about her, but he believes that there will be strong support for her and he is confident of her confirmation. And he knows that support will be bipartisan.

Q What's the accurate story about Jesse Helm's visit here? There's one version that he stormed in without an appointment, demanding to see the President or, at least, demanded to be heard. What is the story?

MR. GERGEN: That's the inaccurate version.

Q What happened?

MR. GERGEN: The President called the Senator yesterday morning. I believe he called him prior to the announcement. That's my understanding that he called him prior to the announcement. He invited him in for a meeting. The senator was here, I think, for a meeting of about a half an hour in length.

Q What time?

MR. GERGEN: He was here around noon yesterday.

Q Why was he the only Senator he called and invited to see personally?

MR. GERGEN: Well, the President has over the last 24 hours called several people, including some senators. I think it's publicly known that he, also, called Jerry Falwell. I cannot say specifically why he asked Senator Helms here, but he did want to have a chance to sit down and talk to him about it.

Q Yesterday when we asked whether the President had talked to Senator Goldwater, it was specifically stated here that he had not, but it appears now that he did. Is that correct? Did he?

MR. GERGEN: I don't have a list and, frankly, we're not going to publish a list of everybody he talked to yesterday.

Q I'm talking about Monday.

MR. GERGEN: On Monday?

MR. SPEAKES: Goldwater he talked to in Phoenix on Monday night.

Q Goldwater's office maintains that the President talked to him in Newport Beach on Monday afternoon.

MR. SPEAKES: Well, the President talked to him Monday afternoon. It was my understanding it was Phoenix, but if it was Newport Beach, it was Newport Beach.

Q Well, Goldwater was --

MR. SPEAKES: Wherever he was, he talked to him there.

Q How about telling us more about the Helms meetings? Did Helms leave satisfied or dissatisfied or threatening to filibuster?

MR. GERGEN: Obviously we don't go into great detail about the President's private meetings. I can tell you that the Senator reported to the President that he did not know Mrs. O'Connor personally and he wanted to have an opportunity to learn more about her views.

He left here in, I would say, a noncommittal posture saying that he wanted to know more about what she believed. I think you saw his various -- there were interviews with him. I saw at least one network last night.

Q David, is it safe to presume that the President in his meeting with Judge O'Connor discussed such questions as abortion and how you determine the day of conception?

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MR. GERGEN: I think it's safe to say -- once again, there is obviously some hesitancy here to go into great detail about exactly what was discussed. I think that the purpose of the meeting was generally to get the chance to know her. It was a get-together, an initial meeting of that sort.

Q But you wouldn't rule out the fact -- knowing that this is a very, very controversial subject, which he did, he must have discussed it.

MR. GERGEN: We said yesterday here, Les, that they did discuss the issue --

Q Oh, they did?

MR. GERGEN: Yes, they did.

Q Has he ever determined just how you can go about determining the day of conception?

MR. GERGEN: Has the President done that?

Q Yes. (Laughter.)

MR. GERGEN: He did not enter that in his conversation with her yesterday.

Q Oh. What I want to know, David, has he ever determined how you can determine the day of conception? It's a very important question.

MR. GERGEN: No.

MR. GERGEN: There have been various hearings on that. I think that the President addressed that subject in the press conference he held --

Q No, no, no, no. David, with all due respect, he addressed the subject and evaded the question. He never did tell us how --

MR. GERGEN: No, I think he made a public statement on that issue.

Q -- you can determine when conception day takes place.

Q I'll lend you my World Book Encyclopedia. (Laughter.)

Q David -- he's never answered the question.

Q Why did the President call Falwell and what occurred?

MR. GERGEN: I think he just wanted to have an opportunity to discuss his views and what his understanding of Mrs. O'Connor's views and also to tell him that based upon the information that he had received about her court decisions and based on her legislative record and based upon her other activities, as well as her personal conversation with him, he was fully satisfied.

Q Is this after he said it was a disaster or before?

MR. GERGEN: The conversation took place during

the day, but I can't tell you when Reverend Falwell made that statement.

Q The President didn't call Falwell or Helms until after Mrs. O'Connor had been chosen, correct?

MR. GERGEN: He called Senator Helms yesterday morning. The decision had been made the previous evening. I cannot tell you whether he, in fact, may have talked to him prior to yesterday morning. I can report to you that he did call him yesterday morning.

Q Senator Hatch is quoting President Reagan as having told him, Senator Hatch, that Mrs. O'Connor said she was not only personally opposed to abortion, but politically opposed, and would oppose abortion as a Supreme Court justice. Can you confirm that President Reagan told Senator Hatch that?

MR. GERGEN: No, I cannot. I can tell you that as a general proposition that the conversations with her were with regard to her judicial philosophy. There has never been an attempt by anyone here or in the Justice Department to extract from her any commitment with regard to future cases that might come before the court. Frankly, it is viewed here that to do so would be both inappropriate and injudicious.

Q Does he think that for a second there won't be an attempt during the hearings to extract such questions, David?

MR. GERGEN: No, tradition in this case, as I think all of you well know, is to explore the general views of someone. But I think it's long been regarded as appropriate not to ask -- in fact, I think there's some question -- well, I'm wandering -- I think it's long been regarded as inappropriate to ask anyone to say in advance of sitting on the court, "If this case comes to you or that case comes to you, how are you going to vote?"

Q But they could ask, "How do you stand? Do you believe that a human life begins at the instant of conception?" Isn't that true, David? I should think a lot of Senators are concerned about that.

MR. GERGEN: I think that we said here yesterday -- Larry explained here yesterday that she expressed her personal opposition to abortion.

Q May I ask about that conversation with the President? One official yesterday said it lasted an hour. Another here at the White House said it lasted about 45 minutes.

MR. GERGEN: That's correct.

Q Now, that would suggest that the President did some extensive exploring of her philosophy. Mrs. O'Connor says it lasted 15 minutes, which might suggest that the President really didn't do a lot. What's the fact the log would show?

MR. GERGEN: We've been trying to check that, Sam, and we haven't been able to identify precisely how long the meeting lasted. In the memories of most people here, the meeting lasted about 40 minutes. But frankly, we don't have a time check on that, Larry, and I haven't yet seen a log which -- we'll double check it for you --

Q It seems like a small thing, but --

MR. GERGEN: I understand.

Q -- it really bears on how personally the President became involved in knowing really what this lady thought.

Q Did she spend some time alone with the President at the outset of the meeting and then they --

MR. GERGEN: It's my understanding they were in group session the entire time.

Q Why did he feel he had to clear a nomination with Falwell?

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Is that his usual process that everyone he wants to appoint in government that he would go through the Moral Majority?

MR. GERGEN: No, I think, Helen, -- the implication of your question was that he called him prior to the time he made the decision and John just asked the question did he not call him after he made the decision? That fact was he called him yesterday. He made the decision the day before he announced it.

It's my understanding he called him after the announcement.

Q So what was he trying to do?

MR. GERGEN: I think he wanted to have an opportunity to express himself and to tell Reverend Falwell that he had personally reviewed this matter and he felt fully satisfied with her views and with her judicial philosophy and that is a philosophy of judicial restraint.

Q What does she mean by "personal opposition to abortion", David? That phrase, "personal opposition to abortion." Nobody I know enjoys having abortions. You can be opposed to having an abortion, but, on the other hand, you'd be in favor of it if it was a choice between bearing the progeny of rape or an ectopic pregnancy, or all manner of things. What does this specifically mean? She's voted to support legislation, I understand, that would -- and she was opposed to a constitutional amendment on this. What does this mean, David?

MR. GERGEN: Well, I think if you'll examine the transcript from yesterday, it pointed out that there were two points that she made: That she was personally opposed and, also, she believed that this was an appropriate area for regulation by states.

I think that was pointed out yesterday.

Q Sir, I wondered if the President has telephoned the Archbishop of Washington, Archbishop Hickey, or if he telephoned the Protestant Episcopalian Bishop Walter or any other high-ranking clergy?

MR. GERGEN: I'll have to take that question. I don't know the answer to that question.

Q With all respect, I would imagine that the Roman Catholics and others of Protestant faith would consider that they had as valid views as Reverend Falwell.

Q What's the answer to that?

Q That's a good question.

MR. GERGEN: I simply don't know whether -- can I come back to Sam's question because I think it was a fair one.

The time of the meeting, according to the White House logs, Sam, it began at 10:05 and was concluded at 10:53. And that was on the day of July 1, as I recall. Didn't we say it was on Wednesday?

Q It raises a rather specious question then of whether -- if that's accurate, and I have no reason to doubt it now it's in the logs, here is a woman going in the court who doesn't know the difference between 15 minutes and 50 minutes. (Laughter.)

MR. GERGEN: Oh Sam, I'm sure that if you went in for an interview with the President, Sam and -- (Laughter.)

Q Can you tell us about telegrams, calls and so forth on this issue ever since the story broke last week and then since the announcement yesterday?

MR. GERGEN: Yes. As you remember, a person I recall -- it was a very, very distinguished reporter -- I called him last week and we interchanged a very distinguished -- the Post broke a story last week saying that she was high on the list. And after that story broke and through the time of the announcement yesterday, we don't have a precise count, but there were a few thousand calls, letters and telegrams that were received here at the White House.

Q Of what character?

MR. GERGEN: Mostly negative.

Q Yes, but would you assume that was an organized effort to dissuade the President once the name was floated?

MR. GERGEN: We don't have any definitive conclusion on that. It could have been.

Q Were they mostly negative because of the abortion question or did some relate to --

MR. GERGEN: Yes.

Q The question is, since the announcement has been made?

MR. GERGEN: Since the announcement has been made.

Q Mostly on abortion, is that what you said?

MR. GERGEN: That's correct. No, that was part of the announcement. There are two timeframes we're dealing with. One was the timeframe from the time that the story first broke until the time the nomination where the President appeared here in the Press Room yesterday. Since the announcement -- we don't have an exact number -- we have had a moderate number of telegrams and letters in the hundreds.

The telegrams have been running about even. The calls have been weighted toward the negative side.

Q You say "weighted in the negative side." You mean, 10-1, 20-1?

MR. GERGEN: I don't have --

Q Can you post those numbers, David?

MR. GERGEN: No, we will not post those numbers.

Q Why?

Q You said "a moderate number of telegrams and letters." Did you mean to say --

Q You're happy to post numbers when they're favorable.

MR. GERGEN: Let me clarify that.

Larry and I haven't had a chance to discuss that. If we have, in fact, been posting numbers on other occasions, I have no objection.

Q You have. You have been stating them here. You haven't been posting them.

MR. GERGEN: Okay. Fine. Listen, we're not going to play games like that. If we've been stating them in the past on other things, we'll state them on this one. We'll have to get them first, okay?

MR. SPEAKES: We traditionally post, as a result, the presidential speeches, and so forth. We haven't on the case of issues and so forth.

Q He made a speech right here yesterday. Everyone carried him live.

Q It was stated from this podium that these would be posted as a routine matter, good or bad.

Q We did get some exact numbers on Social Security, you recall, Larry.

Q Can you give us a better number on the negative? You said it's been running --

MR. GERGEN: It's a ratio of several to one, but I can't give you the exact number. Frankly, the numbers were not available. As you know, we have had -- listen, on this thing, I want to check the precedent on this. We'll play it straight down the middle. If we've been announcing these in the past, we'll announce them this time. If we have not been announcing them in the past, I see no reason why we should announce them this time.

Q You have been. We can assure you.

MR. GERGEN: Okay. But let me just go on to this so you understand the background.

On some of these issues, as we've gone down, Sam, on the response to some of his television speeches and so forth, one of the problems we've had in the count is that we get a backlog of mail. A piece of mail comes in on a Monday and it doesn't necessarily get opened on a Monday. It takes a while to get through all this. So, I'm not sure, even we posted something this afternoon, I could say with absolute authority, "That's the number." These things -- we're not equipped to deal -- I think we can give you rough ratios and give you rough numbers, all right -- if that's consistent. Let me talk to Larry about it.

Q Beyond the presidential calls to the Senators, what is the administration doing to enhance the prospect of her confirmation?

MR. GERGEN: In what sense?

Q Are you contacting women's groups? Are you lobbying in any other way?

MR. GERGEN: No, we're not in the process of doing that. There have been some calls -- some calls have been made by members of the staff to others outside acquainting them with some of her views and her background.

Q Who are the others?

MR. GERGEN: That's been handled within -- of course, there have been incoming calls and for that reason the people on the staff from what we traditionally call the outreach group, namely Lyn Nofziger, Elizabeth Dole, Rich Williamson, and of course, Max Friedersdorf, have --

Q Who will head the effort?

MR. GERGEN: Let's distinguish between two kinds of efforts.

Q The confirmation effort.

MR. GERGEN: Oh, okay. Let me handle this one first.

Q Fine.

MR. GERGEN: This has simply been a matter of providing them with information so that they, as they had incoming calls, they could respond to them. And in some cases, they're going to be calling out and talking to people who have been allies in the past, who have concerns, who may be on any side of the issue. But those who worked mainly with their views yesterday --

Q Is it a major lobbying effort at this point?

MR. GERGEN: No, I would not characterize it as a major lobbying effort. No, it's simply --

Q Will it be?

MR. GERGEN: No. I think, frankly, we're not that far down the line now. I would not anticipate a major lobbying effort. I think that there is a strong view here that her qualifications are sufficiently distinguished that she's going to carry forward with her own momentum very, very well. And as I stated today earlier, the President is confident about her confirmation.

Now, let's go back to the confirmation question that you raised, Sam.

Q Who's going to head that and who's going to be on the --

MR. GERGEN: Sam, right now, it's anticipated and all the details haven't been worked out on this. It's anticipated it will be a team effort with the White House and the Justice Department working with her. That's traditionally been the case for Supreme Court nominees. That would mean Max Friedersdorf's shop would be involved with the legislative side and the Justice would be involved working with her in preparation.

Q Here at the White House, who's going to be the person that oversees it?

MR. GERGEN: I think Max will take the lead on the legislative side. I'm sure that others -- you can name them as well as I can -- will be involved. Now, let me just say, in terms of the timing on this, that it's our expectation -- I think the Attorney General indicated yesterday that he was hopeful that the FBI process could be expedited. And it is our hope that the FBI process can be completed within the next two weeks. At that time then, the nomination could go forward formally.

We do not have any time set, of course, for the hearings. I'm informed by the Justice Department, which I think was helpful to me because I wasn't really fully aware of this -- maybe it will be helpful to you on this confirmation process -- that there is a seven-day period between --

Q -- submission --

MR. GERGEN: Yes, there's a seven-day notice provision that applies in the confirmation hearing process. In other words, you have to give them seven days so they can prepare themselves for the hearing process.

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Q After the formal nomination?

MR. GERGEN: After the formal nomination goes forward. So, you can judge for yourselves what kind of timeframe we're dealing with in terms of -- we simply cannot say whether the hearings might begin before or after the recess. But that will be worked out with Senator Thurmond and with the Senate Judiciary staff.

Q Getting back, if we might, I don't think you answered the telegrams and telephone calls. Does the White House feel this was an organized effort, these negative calls?

MR. GERGEN: We have no way of knowing. And frankly, it's simply inappropriate for us to say without knowing more than we do. There is a possibility of that.

Q Was there similar wording, for instance, in the telegrams?

MR. GERGEN: I haven't seen the telegrams. When you have 50 postcards and they all say the same thing, obviously if it walks like a duck --

Q Why do you say there's a possibility of that? Were there 50 postcards that all said the same thing?

MR. GERGEN: Not to my knowledge, but I think -- the letters and telegrams have been coming from around the country and you can judge for yourselves how many people might know precisely enough about her to be able to comment and send a letter in. I mean, there is that possibility. But we're not making a judgment on it one way or the other.

Q David, in saying last night that he is satisfied that Mrs. O'Connor's views are fully consistent with the statements of the Republican platform last year, the President was apparently making reference to the family life provisions in the platform.

Can you spell out for us what the White House understands the platform to say and to mean in those respects?

MR. GERGEN: I think it would be inappropriate to engage in an exegesis of what exactly is in that platform. I think it stands on its own two feet.

Q Apparently it was left open to a lot of interpretation based on --

MR. GERGEN: No, I'm not going to get into that kind of -- does it mean la, lb or lc in terms of what the means are of various words in that platform. I don't think that's appropriate.

Q Do you think the President is equally vague about his understanding of what it means?

MR. GERGEN: No, we don't think the platform is vague, frankly.

Q You just said you don't know what it says.

MR. GERGEN: No, I didn't say that. I said I wasn't going to engage in a long, detailed interpretation of every phrase in the platform. I think there was a lot of time spent by people at the Republican National Convention hammering out the words of that platform. It would be unfair for me to sit here -- presumptuous

for me to sit here and tell you what every one of those words meant.

Q Without getting overly precise then, could you be a little more specific than the President was last night?

MR. GERGEN: I think what we have said about her view that she is personally opposed to abortion and finds it personally abhorrent, and what she has said about legislation and what her record is -- formed the basis of the President's conclusion that in his view he was fully satisfied.

Now, Karna Small has sent up a very helpful clarification on something I said because I was a little imprecise on this one point. I gather, Karna, from this note that in terms of -- what Larry said yesterday needs to be clarified. So, it's consistent with what he said yesterday, so you understand this. He said that Judge O'Connor believes abortion is a legitimate subject for regulation by legislation.

I gather what you're saying, he did not add the word "by states"? Is that your clarification?

Q Did not say that yesterday.

MR. GERGEN: He said regulation by --

Q -- by legislation.

MR. GERGEN: Legislation? All right. Let's leave it there. That would include, obviously, you think that's a broader statement --

Q Let me pick up on that. Since that information that Larry had come from you, is it your understanding that she specifically mentioned state laws as well as federal legislation as being a fit vehicle for dealing with this issue?

MR. GERGEN: I do not have a precise understanding of that sort, but I think it's clear from her record that the Justice Department has been saying yesterday in its briefings for people that she has been a strong believer in state legislation and a variety of areas. But I think that that's really frankly a subject that's more appropriate for her confirmation hearings and I'm not going to wander in --

Q What can you tell us in regard to the constitutional amendment and abortion since the amendment would also have to pass through state legislative processes?

MR. GERGEN: To my knowledge she has not made a public statement with regard to the constitutional amendment. I think that's really something that's best left to her confirmation hearing.

Q David, in the President's feeling that her position in no way violates the Republican platforms in reference to respect to human life, he doesn't believe that he, himself, disrespected human life when he was Governor of California and signed a bill allowing abortions in cases of rape, incest or grave threat to the mother's life, does he, David?

MR. GERGEN: I think the President has expressed himself on that statute before.

Q He's changed his mind, is that it?

MR. GERGEN: No, let's be fair to him about this. I think what he has said on public record is that the subsequent experience with that statute made it clear that it was carried far beyond the original intent at the time he signed it.

Q Does he believe that Tom Braden's daughter --

MR. GERGEN: He has expressed himself many times on this issue. I think it is well known.

Q David, aside from your having said that you are confident that she is going to win confirmation, how concerned is the White House about all this opposition with the effort that the right-winger's and the right-to-life folks say they are going to launch?

MR. GERGEN: In conversation this morning, the President said that he hopes those who have expressed concerns about Judge O'Connor's views will "keep an open mind" on the subject until they have a chance to hear her express her own views in her confirmation hearings.

Q Until what, David?

MR. GERGEN: Until they have a chance to hear her express her views in the confirmation -- and "keep an open mind," is the quote. That he hopes that those who express concerns will "keep an open mind until they have a chance to hear her express her views and they have had a chance, a full opportunity to examine her record".

He also believes, this is not a quote, but a statement from here I suppose, that when the nominee's views are more fully known, many of the initial reservations that have been expressed by some will disappear. Now I would re-emphasise his view that, generally, the reaction to her nomination has been extremely positive.

Q I would like to return to this question of personal opposition to abortion. Teddy Kennedy, of course, is personally opposed to abortion, yet he has voted for every pro-abortion legislation that's ever come up and against every anti-abortion legislation. Are you aware of any information about Mrs. O'Connor which indicates that she, in any way, thinks abortion ought to be restricted by law, or that there ought to be any kind of legal protection for the unborn at any stage of their development?

MR. GERGEN: I think that she -- with all due respect the point that she made about this being an area, regulation of abortion was an appropriate area for legislative activity. I really do think that --

Q What does she think ought to be done?

MR. GERGEN: I don't think she has presented a legislative agenda of exactly what she thinks ought to be done. I think the conversations with her explored her judicial philosophy --

Q Assuming that the administration rejects the charge that picking Mrs. O'Connor, the President has repudiated the platform.

MR. GERGEN: Assuming -- who said that?

Q The people who are making the charge that the President has repudiated the platform by picking Mrs. O'Connor, cite her co-sponsoring a bill to legalize abortion, being against a legislative effort in Arizona to memorialize Congress to give

legal protection to the unborn, and favoring family planning legislation for minors without parental consent. Now assuming that the White House rejects the charges that the President betrayed the platform, what evidence is there that you can cite that Judge O'Connor respects traditional family values and the sanctity of innocent human life?

Q Three sons and a husband.

MR. GERGEN: Yes, let's see. Larry has --

Q This is the time the pool is departing?

MR. GERGEN: Yes.

I think her views on abortion we have stated. The reassurances and statements she made to the President I think form a sum of that. If you check some of the stories I've been reading today about some of her statements that she has made in Arizona in regard to her strong respect for family, her very strong respect for traditional values, traditional family values, her voting record and record on the bench are all supportive, in the President's view, are strong evidence and based upon that he came to his own personal conviction on this matter.

Q How does the President feel about this strong reaction to the nomination based on a single issue? Is this distressing?

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MR. GERGEN: I think that judged upon the letters and telephone calls and other things that came in here before the nomination was announced, it was not to be unexpected.

Q I'm not saying that it's unexpected, but does the President think that the public debate is not where it should be?

MR. GERGEN: Well, let's be very clear about this now, public debate. The overwhelming number of people who have responded to this so far in various public statements on the Hill and elsewhere, have been very supportive of this nomination. It's not as if the nation is sharply divided in that respect. There are people who have expressed concerns. The President is sensitive to their concerns. He has tried to address it. He has come to his own conclusions and he believes as other people have a chance to hear her out and examine her more closely, that many of their concerns will, also, be allayed.

Q David, it now appears that it will be after Labor Day before these confirmation hearings can get under way.

MR. GERGEN: That's a possibility we don't discount and we would like to move along.

Q Well, given the likelihood of that happening, the probability, and the fact that Mrs. O'Connor would not have an opportunity to fully spell out her views until such time as the hearings begin, is there any thought being given to making her available to members of the Senate on a one-on-one or small-group basis or others outside the Congress to try to alleviate some of these concerns that you say will disappear once people understand her views.

MR. GERGEN: I just want to come back to this. I hope you'll keep these concerns in context. I think that's terribly important to keep that in context. Within that, there has been no firm decision made on that. I think we'll have to see how we move along in the process and where we're going to be. There is no hard thinking on that.

Q Dave, well, you keep emphasizing that these are the minority who are speaking out against her. You'll have to concede it is a very, very noisy minority and will continue to be.

MR. GERGEN: I don't want to characterize this as a noisy minority.

Q The Atlanta Constitution says the President's made up his mind to expel the Cuban refugees, the alien immigrants. It doesn't say whether they're going to expel them, but it goes on and lists several other things they're going to do including stop all immigration from Cuba, etc., I mean, the most favored treatment and so forth. Is there any validity to this story?

MR. GERGEN: Well, I think that, Helen, it's a fair question. Let me just say, as you know, there have been discussions, extensive discussions about those who are still in Fort Chaffee. And I think that the Attorney General said last night that we're working diligently toward trying to resolve this issue in having these folks leave Fort Chaffee in the near future. There have been conversations with the governor of that state toward that effect. I think the governor of that state has indicated on more than one occasion that he's had conversations with Secretary Schweiker and the Vice President on that issue. But I want to emphasize that, as a matter of how this is going to be resolved, how this problem is going to be solved, that those discussions are continuing. I hope we will have something on that in the relatively near future, but I don't want to be pinned down to a timetable, like, I cannot say, for guidance, it will be this week.

Q All we've heard now for days is that there is a problem. There, also, has to be a solution. If you're going to go along with removing them from Fort Chaffee, they have to go somewhere.

MR. GERGEN: That's right.

Q And the solution is in this country at another facility? Is that the --

MR. GERGEN: Well, there are a variety of options that have been discussed with the President as you know. I think I already mentioned or indicated yesterday that it was discussed with the President yesterday and it is an extremely thorny problem. There are a variety of legal issues that are involved here. There are a variety of other issues that are involved.

Q But, you don't intend to deport them?

MR. GERGEN: We just haven't made any firm decision. I'd rather not get into the options until we -- I think the Attorney General made it clear last night and other statements in the past have indicated that it is the intention of the administration to not set up Fort Chaffee as a long-term home for them.

Q Is one of the problems convincing political leaders in other states to accept these people?

MR. GERGEN: No, I hesitate to use in this room again the threshold question. I think one of the initial questions that you have to resolve is what other facilities are available. You have to go through the physical surveillance of facilities and that process is underway. And, of course, you're going to have to consult with people in the area where they may be. I don't think there's any question about that.

Q Do you think this will be tough to sell?

MR. GERGEN: In what sense? I don't think it will be tough to sell in Arkansas, no.

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Q Acceptability. This is what we're saying. Won't every community reject it in the same way?

MR. GERGEN: Naturally, I think that there is going to be some resistance in the states, but I think there are a lot of fair-minded people who -- we haven't taken a view on that. But there are many fair-minded people. The people of Arkansas have been very fair-minded about this --

Q David, what is wrong with Guantanamo, then? Certainly it is an area that they are used to, and certainly we are not about to try to defend Guantanamo with that skeleton force. What's wrong with Guantanamo, other than an apparently false report?

MR. GERGEN: I think the question of a false report went to the question of transferring Guantanamo to the Cubans, and I think that is the reason -- there are a variety of locations that are under consideration, and I don't want to go into which ones are high on the list.

Q I want to just rephrase the question. What would be wrong with putting them in Guantanamo even if we weren't going to give Guantanamo to Mr. Castro.

MR. GERGEN: That has been suggested by a number of people and we have had that suggestion from the press.

Q Are you contemplating that?

MR. GERGEN: No, I just said that -- I'm not trying to say whether Guantanamo is in or out as a possibility. I'm just saying that there are a variety of possibilities. We are addressing the issue and I hope we'll have something in the not to distant future.

Q Are you saying that Guantanamo is one of the possible locations for the refugees to be sent?

MR. GERGEN: No, I'm not saying that. I'm saying specifically that I'm not going to discuss which ones are possibilities.

Q But you have not ruled it out?

MR. GERGEN: I am saying that that suggestion has been made by others.

Q David, will Congressional action be needed on this move as far as approving a site?

MR. GERGEN: I don't think so. It may be down the road, that you have to look at -- as you know, there are legal challenges to their retention. I think there is a habeas corpus proceeding in Georgia with regard to some of the folks who are in Atlanta. There may be another one in Arkansas. This does have a legal -- there are legal questions surrounding their status. We have gone through this once before. As you know, it is complicated, but they are what is called "excluded aliens", and they insist that they have rights under the Constitution, and the Justice Department, as we've explained here before, has taken the view that they do not have rights as excluded aliens under the Constitution.

Q But didn't Senator Tower raise questions about whether or not Congress would have to approve if you wanted to move them?

MR. GERGEN: I don't have a precise enough understanding to be able to respond to that.

Q Is it correct that you have not ruled out deportation?

MR. GERGEN: Deportation in the formal sense?

You have to deport them back to Cuba, right?

Q Or a third country.

MR. GERGEN: Only you don't have to deport them to Guantanamo, that is not Cuban territory. I think, to put it fairly, that the options that are being considered are where they could be moved. But I don't exclude the possibility, I don't want to say that there is no -- under no circumstances that they would be deported. There have been talks between representatives of the U.S. Government, I think in the last administration, about sending some of these folks back to Cuba, and there was very strong resistance of that. It is very difficult to deport people, obviously, if there is no place to deport them to.

Q You are saying if we sent them back to Guantanamo that would not be deportation?

MR. GERGEN: That's my understanding. That's a legal judgement. Guantanamo is not Cuban territory. You deport someone to another country.

Q Are those talks continuing, David?

MR. GERGEN: Not to my knowledge.

Q Since the beginning of this administration, have there been any talks with the Cubans about this?

MR. GERGEN: I would refer that question to State right now because I don't know the answer to that question.

Q David, who was it that suggested Guantanamo? Can you tell us that?

MR. GERGEN: I think this is a matter of internal discussion. Frankly, I've heard it in this press room.

Q Is it inconceivable that Guantanamo is large enough, so that if we transfer them down there and put them in one of the outer sections of Guantanamo and suddenly said, "We're ceding this to Cuba. There they are." Then what?

MR. GERGEN: Again, I think that it is a question of you have to look at the size of the base. I'm not quite sure if Guantanamo is as large as you describe it.

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Q I want to clarify a fact. People who are in Georgia are people who are said to be criminals or have some criminal record. There are other Cubans who are in Chaffee. They are not criminals. They have no record. The problem has been a problem of resettlement. What I want you to be aware of is that those people left out in that facility, 80 percent of those people are black Cubans and that has been the problem of the resettlement. The Catholic Church that has been resettle more than 100,000 of them left about 6,000 of these people who they 80 percent are black Cubans. And I raised this issue about three or four months ago that they are asking \$2,000 for resettlement. Why they were able to resettle more than 120 and not these 6,000 who the majority are black Cubans? That's what I want to know.

MR. GERGEN: I can't respond to that question because I wasn't aware of the numbers you are citing, but let me say it's a fair question and we'll take a look at it.

I want to come back to the point we made earlier, Miguel, in this. I think when we were talking about the numbers, we said that there were some 120,000 who came in and those who now remain in Fort Chaffee and in Georgia are less than 3,000. And I think it's fair to characterize the effort that has been made as being highly successful in it's extent that less than three percent now remain -- people who were excluded aliens when they came in. In other words, over 97 percent have been resettled, whether they be black Cubans or whatever. And I think a lot has been done. I think that's a fair response.

But as to who is remaining, I think we went into the point that, frankly, the information that we've had here has not said anything one way or the other about the pigment of their skins. That has not been an issue. The question has been -- they've been tested and, as you know, they have mental problems, they have social problems of a very high order, and there have been extraordinarily difficult resettlement problems.

I think as to whether the Catholic groups and others that have, frankly, done what appears to be a very fine job, as to how they responded to this particular group, I really think that's better addressed to them than to this podium. But I'd be happy to find out, in fact, whether those facts are correct.

Q In this immediate problem, you take Georgia as well as Fort Chaffee?

MR. GERGEN: Yes, those facts -- I don't remember the numbers in Atlanta. I think it was less than 1,000 who were in Fort Chaffee --

Q But it does apply to Georgia?

MR. GERGEN: What we are now examining is Fort Chaffee -- what is now moving through the administration with a fair degree of consideration and was discussed at the Cabinet meeting --

Q How many people are there now?

MR. GERGEN: I think Larry said yesterday that there were less than 1,000. Is that correct, Larry?

MR. SPEAKES: Nine hundred and fifty in Chaffee and around 200 in Atlanta.

MR. GERGEN: I think it's higher than that in Atlanta.

Q You said 950 in Fort Chaffee?

MR. GERGEN: Nine hundred and fifty. The Atlanta numbers I think we'll have to check. I thought it was higher than that. But we are not now looking at the rest of it.

THE PRESS: Thank you.

END

1:40 P.M. EDT

THE WHITE HOUSE
Office of the Press Secretary

PRESS BRIEFING
BY
DAVID GERGEN

The Briefing Room
July 10, 1981

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Q How did the black caucus meeting come about?

MR. GERGEN: I'm not sure. Let me check the background briefing paper on that.

Q Did Mr. Mitchell ask to come out or have you asked him or did he --

MR. GERGEN: I just don't know the answer to that. According to the briefing paper, "this meeting is at the request of Clarence Mitchell." As you know, he's a State Senator of Maryland and he's also the President of the caucus. The National Black Caucus of State Legislators has 327 members from 43 states. They coordinate with the National Conference of State Legislatures.

Q How many states, please, David?

MR. GERGEN: 43 states. 327 members from 43 states. I think the purpose of the meeting is to open lines of communication with the black state legislators.

Now, two more quick items on the schedule:

There's a presentation of diplomatic credentials, as you know, this afternoon at 3:00.

And at 4:45, the President will depart for Camp David with open press coverage on the South Lawn. And the President and Mrs. Reagan will return to the White House on Sunday afternoon.

I have one other announcement to make and then I'd be happy to take questions. John, if that's all right. Unless there's a question with regard to the departure.

It's been changed to 4:00. The departure has been changed to 4:00.

We wanted to report to you today that Judge O'Connor will be visiting Washington next week to pay courtesy calls on members of the Senate.

Q What day?

MR. GERGEN: It is anticipated that she will arrive on Monday and she will remain in Washington for the balance of the week. We expect her to visit the President while she is here. We do not have a firm time on that yet. We'll be letting you know on that.

Q Did the White House suggest that this would be helpful?

MR. GERGEN: She is coming at the recommendation of the Legislative Affairs staff of the White House and her visit is being coordinated by Powell Moore.

Q Just courtesy calls or will there be conversations of substance or do you know?

MR. GERGEN: Well, they are basically courtesy calls and get-acquainted sessions. The Senators will have an opportunity to talk with her about her views, talk with her about her judicial philosophy, but we do not expect intensive explorations in these kinds of conversations because that, basically, is what the purpose of a confirmation hearing is.

Q She won't be under oath or anything?

MR. GERGEN: No, it'll be closed meetings. It'll be informal sessions, but they, basically, are courtesy calls. It is anticipated that the courtesy calls will be paid on members of the Senate Judiciary Committee and on the leadership. She is also available to any other Senator, for courtesy calls, who wishes to see her while she is here.

Q Democrats, too?

MR. GERGEN: Sure.

Q What is the response to the stories in the paper this morning, one of them a news story and one of them a column, in which it was alleged that the President was misinformed about Ms. O'Connor's record as a result of this Ken Starr memo? Have you made any effort, since that memo arrived to check out the assertions by Ms. O'Connor to see if what she told Ken Starr, if those things were actually correct?

MR. GERGEN: Well, Larry and I had an opportunity to talk with the President this morning about this issue and he feels fully satisfied about her views and that he was well-informed about her views. I would also point out to you with regard to the Starr memorandum, which is a hot item apparently around the city now, that that memorandum was written on July 7th and, I think if you check the dates -- since everyone seems to have it -- that the President made his decision on July 6th.

Q Does that mean that up until the Starr memorandum the President had no information about what her views were on the pro-family or --

MR. GERGEN: No, it does not mean that. That memorandum was simply an informational item within the Justice Department. It was not intended to be a decisional memorandum. There were a number of other materials prepared that the President had an opportunity to look at.

Q What precisely was the memorandum for, then, if the decision had been made?.

MR. GERGEN: It was an

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informational memorandum requested by the Attorney General, I believe, from his counselor, Mr. Starr.

Just for informational, to summarize in one area, some of the views that questions had arisen in.

Q Was it expected that this matter would come up in the public, and this was a memorandum designed to rebut --

MR. GERGEN: It was not anticipated by the writer that it would be made public, no.

Q On July 6, with the information that the President had then, was it his understanding that Judge O'Connor, as of July 6th, could not remember how she voted on that 1970 bill that legalized abortion on demand in Arizona?

MR. GERGEN: It was his understanding that she had -- that some abortion issues had come before her. I don't want to speak with precision about exactly how he understood how she voted every issue. He did understand that there were a number -- there were several votes that came up in the state legislature with regard to abortion while she was there. In some instances, the records in that state did not reveal how anyone voted. And she does not recall in every instance how she voted. She was in the legislature, after all, for a number of years, and she didn't recall precisely how she voted on a couple of those issues.

I think the record does show that she did initiate legislation with regard to doctors and nurses in the hospitals there not being forced to perform abortions. The records, I think, also show with regard to this question of the --

Q Can you go back over that again? She initiated what?

MR. GERGEN: She initiated legislation and helped to secure passage of legislation which freed doctors and nurses who objected to performing abortions, which freed them of any obligation to do so. The President was aware of that action on her part.

The record also showed that there was a vote with regard to the expansion of sports facilities in Arizona, the university sports facilities, I think. We have covered some of this ground, but if you want, we can cover it again.

She was in the State Senate, as you recall. There was a bill that originated in the State Senate to expand sports facilities at the university. That bill then went to the House for action in the legislature. While it was in the House, an anti-abortion rider was attached to the bill. The bill then came back to the Senate, and she voted against it. Now there are those who believe that that represents a vote -- that that vote was a vote against abortion. Her view, as she has stated it, and as we have stated it --

Q For abortion.

MR. GERGEN: For abortion, I'm sorry. Her view, as we have stated it and as she has stated it to people in the Justice Department and others, was that she regarded that as essentially a procedural vote the second time -- that the Arizona constitution had a provision forbidding non-germane amendments.

And she voted accordingly on that bill. That bill did pass.

She did not regard that, her vote, as a vote with regard to abortion. She regarded it essentially as a procedural vote.

Now there are a couple of other votes, as we have discussed before, that she has indicated that she does not remember, does not have a clear memory of how she voted. But the President based his information, his decision, and came to the conclusion that he was fully satisfied about her views, on the basis on what the Justice Department brought back about her State legislative record, with regard to what the Justice Department found with regard to her judicial record, and based upon his own conversations with her, and we've indicated that there were two conversations. One on Wednesday, July 1st, and one on Monday evening, at the time that he asked her to accept the nomination.

Q Dave, one question on the chronology which seems important. When the President asked the Attorney General to check out some of these allegations about her abortion, pro-family so-called record. At the time that the memo was requested, had the President already made the decision to pick her, or did he wait for this information?

MR. GERGEN: I think it is fair to say that when he called her on Monday night, he had obviously heard -- what happened was the analysis went forward in the Justice Department --

Q July 6th?

MR. GERGEN: The analysis had gone forward in the Justice Department prior to July 6th. There were a variety of documents, both on analyzing her legislative record, her judicial record, and analysis of her judicial philosophy, that he had an opportunity to look at, as well as have his conversations. He then talked to her on that Wednesday. There were questions that arose over the weekend, there were allegations that were made, there were various statements that came up. He had an opportunity to talk to her again on Monday night. He called her around six.

He reassured himself once again with regard to her views. Continued to believe that he was fully satisfied, or came to the conclusion that he was fully satisfied, and offered the nomination.

Q He was already offering her the nomination in that phone call.

MR. GERGEN: He had an opportunity to talk with her again about her views --

Q Wrong, we were told he made a decision before he called her.

MR. GERGEN: He called her. He wanted an opportunity to -- he called her and did reassure himself about her views and offered her the nomination.

Q Were these only her views on abortion?

MR. GERGEN: I can't say. When we have an opportunity to explore it --

Q You mean he made the decision to offer her the nomination, he called her, but if she had blurted out, "I'm for abortion," he would have withdrawn the offer or what?

MR. GERGEN: I can't say that I know his mind that well. He felt reasonably satisfied, I think -- I don't know what the degree of satisfaction was, but clearly after talking to her on that Wednesday he felt very comfortable with her.

There were questions that arose subsequent to that Wednesday meeting, and he did have an opportunity to talk with her further that Monday night.

Q You are rewriting the record here. Let's just be clear about it.

MR. GERGEN: I'm sorry, I'm not trying to rewrite the record.

Q No, but we want the facts and it now appears that the President called her, perhaps hoping that he would find that her views were satisfactory and be able to offer the nomination, but when he placed the call he wasn't quite certain, but having "reassured himself", to use your words, during that phone call, he then offered her the nomination. Now, that's what now seems to be the fact.

MR. GERGEN: I think that he had had a variety of reassurances of one sort or another throughout the process and he did want one further reassurance and he had that and I don't know how close he was, how firm in his own mind he was before he made the phone call. I'm reporting to you as accurately as I can what happened.

Q But you said the decision had been made the day before.

MR. GERGEN: No. It was made that Monday night. The decision was made that Monday. I can't tell you at 4:03 or 4:05 or 6:01 precisely when he made the decision in his own mind. I can't speak for his mental processes.

Q It happened before the memo, though, is that right?

MR. GERGEN: Yes, but it's clear that the decision was made and the post was offered prior to the writing of the Starr memo. That is correct.

Q In other words, after he told her that she was his choice --

MR. GERGEN: That is correct.

Q -- he then got this information about her abortion record and asked the Justice Department to check it out and, "Let me know what's true on this"?

MR. GERGEN: No, wait a minute. That is not what we're saying. I'm not saying that.

Q What was the purpose of the memo, then?

MR. GERGEN: Let me be clear. I said that the Justice Department had made an exhaustive analysis of her record and of her views prior to the time that he first met her and he had an opportunity to review that. He had an opportunity, then, to talk with her on that Wednesday.

Q How exhaustive could it have been if he's going back and asking for this Starr memo which was hurriedly put together?

MR. GERGEN: I didn't say that he asked for the Starr memo. I said that the Attorney General asked his counsellor to prepare a memo on these specific subjects, on this limited area.

Q The President asked the Attorney General to check out these charges, didn't he? That's the way it's being reported.

MR. GERGEN: Wait a minute. I don't know for certain how that precisely happened. But they did have an analysis. There were further discussions over the succeeding days between Wednesday and Monday, internally here. I have no idea how many conversations were held with her. I know the President did not talk to her again. There may have been others who talked to her. I simply don't know for a fact.

The Starr memo was not related to the decision. That's what is in error. There is no relationship between the decision and the Starr memo.

Q The memo came after the decision?

MR. GERGEN: That's correct.

Q Then why was it ordered?

MR. GERGEN: It was simply that we have on frequent occasions opportunity to ask each other for informational documents to summarize items. I find it incredulous anybody would even wonder why he wrote a memo.

Q If, as the Attorney General says, there was no single-issue litmus test on this decision, what difference does it make how she voted on abortion? Why all this?

MR. GERGEN: I think it's clear it's a sensitive issue and I think it's clear that that's an issue of concern to a lot of Americans and the President wanted to address it. He felt he could.

Q Was he aware, though, that it was a sensitive issue before he made the decision?

MR. GERGEN: Oh, sure. Come on, now. Sure.

Q David, during her week here will she be seeing any non-senators? Will she be available, as the White House suggested, that she might see others besides members of the Senate?

MR. GERGEN: It is not anticipated at this time that she will see others. The primary purpose of her visit is to meet with and pay courtesy calls on members of the Senate because the advise and consent power rests with those members.

Q Why would the White House recommend or not recommend specifically that she see --

MR. GERGEN: It is not anticipated at this time. The White House has not recommended that she other people. It is not anticipated in this visit that she will see others.

Q Could you clear up one of the loose ends here? Can you say whether or not Mr. Starr had verbally communicated, either with the Attorney General or the President the results of his two conversations with

Mrs. O'Connor on the 6th prior to the President's decision-making or phone call to her?

MR. GERGEN: I feel virtually certain that he had extensive conversations with the Attorney General. He was one of the people who was involved in the effort to analyze opinions, her state legislative record and her judicial philosophy.

Q And he also would have spoken with the President?

MR. GERGEN: That's right. The allegation that has surfaced is somehow that there was a memorandum written by Mr. Starr upon which the President made a decision. And we're simply trying to correct that record.

Q I'd like to follow up. In the absence of the piece of paper, however, was not the same information communicated to the President on the 6th before he made his decision or at least before he spoke with Mrs. O'Connor?

MR. GERGEN: I'm sure there was some correspondence between the information, sure. I mean, his memo was a summary of some of the things that he had.

Q When the President was calling various conservatives to calm their fears about this nomination on July 7th, was he referring to the Starr memorandum when he was making those phone calls?

MR. GERGEN: Not to my knowledge.

Q Was he referring to the memo -- the informational memo with the same information --

MR. GERGEN: I think he was referring to the conclusions that he had reached in his own mind based upon an analysis of all these sheets of paper.

Q That memo was written on one day, wasn't it?

MR. GERGEN: It is dated the 7th. It has the date of the 7th on it.

Q When were the conversations with Mrs. O'Connor -- those two conversations? What were the dates?

MR. GERGEN: Whose two conversations?

Q Ken Starr's two conversations with Mrs. O'Connor.

MR. GERGEN: I do not know the dates.

Q On what did the President want to be assured Monday night in this conversation before he actually offered her the position?

MR. GERGEN: I can't tell you about the full range of what he may have explored with her. I do know that over those four or five days, there were a variety of allegations that she was an activist in the pro-abortion movement and there have been various representations and a lot of evidence to the contrary.

Q David, the recommendation that she come to visit Washington next week, does that reflect some new concern on the part of the White House about her nomination?

MR. GERGEN: No, I would underline that this is a normal process, that during the transition every member of the Reagan Cabinet paid courtesy calls on members of the Senate, and this is very traditional here in Washington. This is an opportunity to pay such courtesy calls.

Q Is it a tradition for Supreme Court nominees as well?

MR. GERGEN: I believe it is. Yes, it's always been done, sure.

Q If the White House had determined she were pro-choice in her votes, would they have been reluctant to name her?

MR. GERGEN: The Attorney General has said from the beginning that there was "no litmus test on a single issue." I think that, on the other hand, there was also a view that it was important to understand the judicial philosophy of the nominee and the President's made it clear right from the beginning that he was looking for someone who believed in judicial restraint.-

I would underline, to come back to this -- her visit -- we're reporting it to you because it is a fact, but it is also very traditional to have such visits.

Q Does the President want the U.S. Government to have a consulting role in any way in the future use of U.S.-supplied military equipment by the State of Israel in combat operations, and if so, has that view been transmitted to the State of Israel in any way? And if the President does not want a consulting role, why not?

MR. GERGEN: It's a good question that I think initially should be addressed to the State Department. I'd be happy to take the question because I want to provide a precise answer on that.

Q Well, I want a precise answer to what I've tried to carefully frame as a question apart from the question of whether Secretary Haig actually sent a note and whether the note was pejorative, et cetera.

MR. GERGEN: Right.

Q I now open that up to my colleagues on that score, if they choose.

Q Well, you're going to get an answer on that?

MR. GERGEN: Let me take the question.

Q At the same time, if you're taking the question, does the President have a plan to move the American troops in Germany to the eastern border of Germany?

MR. GERGEN: I have no comment on that.

Q Does that mean it's true?

MR. GERGEN: No, it simply means that I don't have enough information to provide accurate information.

Q Can you tell us on the fruit fly business who in the White House has been talking to Governor Brown and what the subject of that discussion was?

THE WHITE HOUSE

Office of the Press Secretary

PRESS BRIEFING
BY
LARRY SPEAKES

The Briefing Room
July 8, 1981

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among individuals?

MR. SPEAKES: It's distributed as evenly as we can make it and we want it for all the American people, not some of the American people.

Q That doesn't quite answer his question, Larry. You could still make a change in the distribution formula and have an across-the-board tax cut that would be for all people.

MR. SPEAKES: Well, as it stands right now, we do not want to do that.

Q But, you're not ruling it out. Is that what you're saying?

MR. SPEAKES: I'm trying to send a very strong message on no compromise. I think that's the story.

Q Who did this message come from?

MR. SPEAKES: It came from the highest levels. It came from the President.

Q As I understand what you said today, does he stand fast to this across-the-board at 25 percent --

MR. SPEAKES: Right.

Q You have not applied that to the other tax matters, all the other peripheral parts of the tax cuts that have been talked about. Is that correct?

MR. SPEAKES: Right.

Q Business tax.

MR. SPEAKES: Well, what I'm saying is not compromise on basic principles. We want to stick by the bill. That's our intention.

Q When you're mentioning "basic principles", you're talking about the individual tax cuts, not the business?

MR. SPEAKES: Three years across-the-board. Right.

Q Are you sending a signal to Dole and Baker?

MR. SPEAKES: I wouldn't call it a signal.

Q A press conference was just completed with about 25 organizations, to enumerate, the anti-abortion and right-to-life people, they released a copy of a Justice Department memo, apparently a rundown on what Mrs. O'Connor has told the White House and the Justice Department about her votes and her stands in the past and, apparently, it's been used by the President and other members of the staff in talking to possible opponents and assuaging their fears. There seems to be some glaring discrepancies between what she told the Attorney General's office and what the truth is and what, apparently, her stands have been. I'm wondering what kind of information the President had, did he have any more information than is contained in that memorandum from Mr. Starr? Is he going to go get some more information?

MR. SPEAKES: I hesitate --

to address that not having seen it -- and also, you say at variance with the truth."

Q She's at variance. No, I say there's a discrepancy between what she said to Mr. Starr and what is in his memo and what apparently some of the facts are and what other people who served with her in the legislature said.

MR. SPEAKES: I really don't have any comment. The President met with her and is fully satisfied with her views and that's where we stand. She'll testify and I'm sure these pros and cons and questions will come out and we'll --

Q Did the President agree with Senator Goldwater that Reverend Falwell deserves a kick in the ass?

MR. SPEAKES: The President spoke with the Reverend Falwell, but I don't think he told him that.

Q Then he disagrees with Senator Goldwater's suggestion that all good Christians go and kick Jerry Falwell in the arse? Is that correct?

MR. SPEAKES: My goodness, Lester.

Q Well, I mean, I just want to know. He disagrees with this, doesn't he, Larry?

MR. SPEAKES: I'm just not going to address it.

Q Larry, the Judge's maiden name has not been written up at all. Some way or another it's been eliminated. Is there any way for us to find out what her maiden name was and whether she was born in Arizona or where she was born? I would like to know what her maiden name is, if possible.

Q Day, isn't it Day?

MR. SPEAKES: Day. Now you know.

Q You seriously have not read the Ken Starr memo? You must be the only person who hasn't.

MR. SPEAKES: I haven't read the material handed out at the press conference yet.

Q Have you read the Ken Starr memo?

MR. SPEAKES: No, I have not.

Q Well, what I wanted to ask you about was three questions that were taken here in the briefing two days ago about the O'Connor nomination about which it was said, "Answers will be provided."

The first one on page three was from Sam. He asked about the exact circumstances under which the President made the decision to choose O'Connor. You said you'd take that question and get an answer.

The second question, Gergen was asked how she felt about ERA. Page 18, he said, "We'll get you an answer to that question."

The third question, Gergen said, "We'll find out" about her position on Rowe vs. Wade that that is "a legitimate

question," page 21. Have you posted answers to those three questions or is this taking questions just a tactic to not answer questions?

MR. SPEAKES: No.

Q When do we get the answers, Larry?

Q He may have them. Let's hear him.

MR. SPEAKES: The first one was the exact circumstances. I think we've generally addressed that.

Q No, the question drives to the fact that you said "earlier than 6:11 when he called Mrs. O'Connor." He obviously made the decision. I want to know with whom, was it in consultation with his aides, was it alone and he called them and said, "I -- " -- in other words, exactly how and when did he reach the decision?

MR. SPEAKES: I really haven't asked anybody that. Maybe I can ask him about --

Q Can you take that question?

MR. SPEAKES: Yes --

Q If I could make a helpful suggestion --

MR. SPEAKES: All right. Good.

Q -- the State Department, when it takes questions, posts written answers to the taken questions.

Q Sometimes.

Q A helluva lot more times than here.

MR. SPEAKES: We had one yesterday.

Q Larry, maybe everyone else knows this, but what is O'Connor's religion? It used to be one of those things that was relevant -- Protestant or Catholic?

MR. SPEAKES: I don't know.

Q What about the answer to my question? Are you going to provide answers to these three questions? You took them -- you and Gergen -- and said, "They're good questions. We'll answer them."

MR. SPEAKES: I tell you what we'll do, John. We'll either come up with an answer to them or we'll post that we aren't going to answer them -- one or the other.

Q You already said that you would answer them.

MR. SPEAKES: You can answer with a "no comment," and if we intend to do that, we will.

Q You mean you take a question and then three days later when pressed, you answer, "No comment"? Are you serious, Larry?

MR. SPEAKES: Yes.

Q Larry, is the White House going to have a response to the charges that were made this morning at this conference that Saul spoke of? Are you going to have any kind of comment?

MR. SPEAKES: I would really like to look at it. It's apparently just occurred in the last couple of hours. I would really like to look at it --

Q Can I get you a copy?

MR. SPEAKES: Yes, furnish a copy for the record and I'll dwell on it.

Q Has Senator Helms assured the President that he is going to support Mrs. O'Connor?

MR. SPEAKES: He actually brought a football coach in today. No, I don't think that came up.

Q Has the White House set a meeting up for next week with Senator Helms and with Judge O'Connor and several other Senators who have some questions about her nomination?

MR. SPEAKES: I think there will be an opportunity for the Senator to pay courtesy calls on, particularly, the members of the Judiciary Committee as is --

Q You mean the Judge?

MR. SPEAKES: The Judge, yes.

Q All members of the Judiciary Committee?

MR. SPEAKES: Those who wish to see her and I think she's certainly willing to see them and probably anybody else who has questions.

Q What day will that be?

MR. SPEAKES: I don't think there's been any schedule. It's probably being developed by Congressional Liaison.

Q Speaking of meetings,

Falwell suggested it yesterday. He had suggested to the President that the President might convene a meeting between Judge O'Connor and members of the pro-life coalition. The President has alleged to have replied, "That's a good idea. I guess the ball is in my court."

MR. SPEAKES: That's the latest on it.

Q Is that what he said?

MR. SPEAKES: I don't know. I would have to --

Q Does this have to do with whether he plans -- or is he thinking of convening such a meeting?

MR. SPEAKES: I would surely be glad to ask him on that. As far as I know that's where it stands -- in the good idea stage.

Q Larry, if he does this -- as you say, it's a good idea -- if he does this will he exclude all of the people who are in favor of pro-choice, like he did at the time they wanted to meet, at the time of his inauguration, on the -- he let the pro-life people -- he invited them to come to the White House, but he excluded the other people, Larry. Is he going to exclude the pro-choice people from such a meeting?

MR. SPEAKES: Let's wait and see if such a meeting is held.

Q When is she coming to meet with the President?

MR. SPEAKES: We really don't have anything firm on this. It's just not that far along, but I do know that we have been back and forth on the phone with the Judge about her availability here, particularly to meet with the members of the Judiciary Committee.

Q Larry, Senator Hatch was quoted in the Post this morning as saying that President Reagan told him that Judge O'Connor endorses the Republican platform. Is that an accurate report? Did Mrs. O'Connor tell the President that?

MR. SPEAKES: I don't know. Not having been in on the conversations with her -- we have made a general statement about her views, particularly on abortion, and I think we're just going to have to stay with that until she testifies.

Q Senator Hatch says that the President told him personally that Mrs. O'Connor endorses the Republican platform.

MR. SPEAKES: John, it could well be, but not sitting at the President's elbow when he made all these phone calls, I don't know what he told him.

Q Well, a substitute might be to look in the Post to see something that's being alleged as what the President said and then trying to find out if he said it, since he said it to a Senator.

MR. SPEAKES: That's true.

Q Larry, it sounds as if the White House doesn't have much confidence about her nomination if they are planning meetings like this and such.

MR. SPEAKES: Susan, as long as I've been in Washington, every nominee, almost for every job, pays courtesy calls on the Committee and I would --

Q But not usually to the right-to-life groups.

MR. SPEAKES: Now, wait a minute. Somebody threw that up here as a possibility from out in left field and --

Q Right field. (Laughter.)

MR. SPEAKES: That one takes the prize for the best on of the day.

I don't agree with your conclusion.

Q You said that she would be meeting with members of the Judiciary Committee on courtesy calls and "anybody else who has a question." Were you limiting that to members of the Senate?

MR. SPEAKES: You know, Bill, these haven't gotten that far along. I judge it will be generally limited to members of the Senate, but I don't know what her schedule is.

Q Larry, why is it fair to turn her over to a group of right-to-lifers and not turn her over to questions from other people, with other positions, Larry? There's a lot of Americans that don't agree with right-to-life.

Can you explain to us why he's anticipating one and not the other?

MR. SPEAKES: Don't shout, Les. Don't shout so loud.

I never answered your question the first time. You've jumped about three leap frogs ahead of me on that.

Q All right. I'm waiting. I'm eager and anxious to know why the President --

MR. SPEAKES: Lester, let's wait and see if such a meeting ever were held and then we'll talk about the attendance list and that kind of stuff.

Q Are you suggesting that the President will allow both? If he invites one, he will invite --

MR. SPEAKES: I'm not suggesting anything. I'm suggesting nothing.

MORE

#125-7/9

THE WHITE HOUSE
Office of the Press Secretary

PRESS BRIEFING
BY
LARRY SPEAKES

The Briefing Room
July 13, 1981

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MR. SPEAKES: Lester, I have not heard of the report, or the alleged suppression of it.

Q It was in the Washington Post over the weekend, Larry, that this report by Dr. Cates, formulated at taxpayer's expense, was ordered not to be included in testimony on the Hill. I just wondered, is this an example of Reagan policy of being open and being above-board with the public?

MR. SPEAKES: Les, I don't know anything about it.
The President --

Q Would you take that question, Larry? And where are you going to post these taken questions?

MR. SPEAKES: I'll post them in the back yard at midnight.

Q While you're at it, what was the President's reaction to your barring all TV from Presidential pools, so that you have to be restrained by Federal Court Judge Evans?

MR. SPEAKES: No comments and no postings since that's a matter of legal --

Q Larry, there's a lot of exclusion going on in the White House. Now we find that women are excluded from the gym, we had a hundred Boy Scouts excluded from Congressman Downey's district, we had the White House press corps excluded from the lawn on the 4th of July where they've always been invited by the past two presidents. And now you exclude TV from the White House pool. Who is doing all this, Larry? Is it Deaver or Baker?

Q Davis.

Q Larry, can you give us some explanation? Why is all this exclusion going on, Larry? Every time it happens, it gets reported, and the White House looks silly.

MR. SPEAKES: What was the question?

Q I just wondered, who was responsible for all -- certainly is isn't all your fault, Larry.

MR. SPEAKES: I'll take the blame, Lester. (Laughter.)

Q Larry, why is the President going up on the Hill with Judge O'Connor tomorrow?

MR. SPEAKES: He's not going up to the Hill with her. He's going up -- there's a possibility he's going up to have lunch with Republican Senators tomorrow to discuss the tax bill.

Q What is Mrs. O'Connor's schedule this week, Larry, starting with today?

MR. SPEAKES: She's in late this afternoon, and will probably meet with some members of the White House staff and maybe the Attorney General tomorrow. And tomorrow afternoon, she'll start her appointments with members of the Senate Judiciary Committee and any on Wednesday.

Q I have a follow-up question. It was reported in the press that after the President chose Judge O'Connor, that he talked with Senator Helms about her, and the Rev. Falwell, and that several top Presidential aides were calling around and talking to other

people about Mrs. O'Connor. To your knowledge, prior to his decision to pick her, did the President talk with Senator Helms, Rev. Falwell, or any conservative leaders?

MR. SPEAKES: To my knowledge, he did not. And it is reasonably certain that he did not.

Q Why should he speak to one particular group of people about a woman he's going to name to the Supreme Court? Did he speak to liberal leaders, Larry? Why should there be an expectation that he would pick out one little group to speak with? Why should there be an insinuation that the President should have to?

Q Does she plan to meet with other groups this week, like Falwell's group, or the Moral Majority, or the Silent Majority, or anybody?

MR. SPEAKES: There are no plans right now, other than the Senators.

Q Will she use the gym while she's here? (Laughter.)

Q What about the second half of Sam's question? Deaver and the Ottawa planning?

MR. SPEAKES: Oh, yes, we never got back to that. This is Monday's story, Monday's Schram story. When was Marty over here?

Q He comes in the middle of the night, Larry, to get the postings.

Q Being a man, he got into the gym. (Laughter.)

MR. SPEAKES: The story about Deaver taking over the Ottawa summitt planning from the Vice President. The perspective is -- it is out of perspective, sadly.

Q Sadly?

MR. SPEAKES: Sadly out of perspective. A couple of months ago, the Vice President had been designated to coordinate the interdepartmental planning for the Ottawa summit. He did that, working with Treasury and Defense and Special Trade Representative in the White House and so forth. Gathering together the briefing materials, it was invisioned at the time that this was completed, which was last week, that the material would then be submitted and coordinated through Mike Deaver, who would work on arranging the specific briefings of the President and the logistics of the trip and so forth.

MORE

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Q I was hoping this would be general enough that --

Q Larry, why was the ABA not consulted in advance on the selection of Mrs. O'Connor?

MR. SPEAKES: John, it has been done in different ways in different administrations and I don't know when the last consultation with the ABA was, but it was our decision that the President would make the choice and the ABA could have its input to the Judiciary Committee, which I think the last couple of administrations have done it that way.

Q Can you tell me, did Senator Percy have anything to do with recommending Judge O'Connor?

MR. SPEAKES: I don't know of it if he did.

Q Has the President asked the Attorney General or Mr. Fielding to study the question of pardons for the remaining Watergate felons?

MR. SPEAKES: No.

Q Is the President considering pardoning them?

Q Excuse me, Lester, I would like to ask another question as a follow-up to the question I asked before. With your reticence and discretion on matters of security, are you at all upset with the rather massive publicity of the details of the security arrangements that the Canadian government has been giving out to the press there? Have you expressed any concern?

MR. SPEAKES: No.

Q What did she say, Larry? Did she say that the Canadian government was giving something out but that we --

Q A lot of information about security.

Q Yes, they have been making a lot of logistical details available to the press, and I am just wondering if the White House is at all upset about that because it seems to create -- considering what happened on his last trip to Canada, it seems to create a pretty big security threat.

Q Larry, is it routine now to nominate -- or to leak a nominee to the press and then make the FBI investigation after it?

MR. SPEAKES: Normally we -- this was one that the President wanted to announce. We do not make FBI checks on people who are not going to be nominees. In many cases, the name is withheld until the check is made, but in this case the President made the decision to go ahead.

Q Isn't it true, Larry, that most every big nomination that you have made since you have been in power, that you have made the nomination and sent it to the Senate and then you have had the FBI check and we have had to wait about three months for it to be made?

MR. SPEAKES: I think it is true that we have announced some prior to the completion of an FBI check. We did that in the case of the Cabinet officers. But I don't think that they were sent to the Senate until the FBI checks were completed.

7/15

Q And he has made his determination regarding Casey on the basis of news reports regarding the court decision?

MR. SPEAKES: That is correct.

Q You don't have the May 19th court decision in hand yet?

MR. SPEAKES: Not in hand. We are getting it today. It is a long way to New York.

Q Do the Hugel and Casey matters affect the performance of the Agency in the estimation of the administration?

MR. SPEAKES: No, it does not in any way.

Q How are the black-bag operations going, all right?

MR. SPEAKES: As far as I know.

Q How is the O'Connor -- what was it about the meeting, anything that you can tell us?

MR. SPEAKES: No, you saw it. They went back in the Oval Office and talked for a while. The reports from the Hill are very optimistic and we are very confident that she will be confirmed by the Senate and take her place on the Court.

Q What about the F-16s?

MR. SPEAKES: Nothing for you on that today.

Q Did the President question her any further about her views on abortion or --

MR. SPEAKES: I don't think that came up.

Q Let's follow up on Bill's question. Is it clear that there is going to be a decision made and announced on the F-16s before Friday?

MR. SPEAKES: I am not certain before Friday, Sam, but --

Q Well, including Friday, if you will.

MR. SPEAKES: -- before this delivery goes forward.

Q Yes, but the 17th is the delivery date for six, is it not?

MR. SPEAKES: Yes.

Q And you have already said they are going.

Q But you are already on record as saying there will be a decision before the delivery date.

MR. ALLIN: We said, "we anticipate, we hope."

Q Well, why waffle on it? I am just trying to see if there has been a change.

MR. ALLIN: There is no change.

Q Larry, getting back to the President's apparently exquis-

ite ability on the phone with Speaker O'Neill in three minutes to bring about this. There is another report that a spokesman from Moral Majority has said that they were very wrong to have opposed Judge O'Connor. This, too, is an astonishing turn-around, doesn't the White House think, or what? The President certainly apparently had a terribly persuasive power over the Reverend Jerry Falwell, didn't he? Could you tell us about that? Was that three minutes, Larry?

Q He just kicked him in the back side.

MR. SPEAKES: I don't know how that came about, Lester, but I have heard the statement and we note it with interest.

Q Do you feel, in view of the fact that you have had such an effective triumph with the Speaker and with Falwell, that you might be able to somehow tone down the John Lofton write-up?

MR. SPEAKES: You are not making any connection between points a, b, or c, Lester.

THE PRESS: Thank you.

END

11:45 A.M. EDT