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File?


Red said that
we should not send
these memos. Due
to Elizabeth's position
there is some
awkwardness in
this situation

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 2, 1981

To: Elizabeth H. Dole
From: Morton C. Blackwell 
Re: Potential Appointment of Sandra O'Connor
to the Supreme Court

Our pro-family allies are up in arms about the potential appointment of Sandra O'Connor.

They hear a rumor that the decision will be made today. They are scrambling for documentation. In the meantime, this is what is being circulated:

1. She cast a deciding pro-abortion vote in the Arizona legislature against the memorialization of the Congress on the Human Life Amendment in 1974.
2. She is pro-E.R.A.
3. She was the featured speaker at the International Women's year convention set up in Arizona by Bella Abzug's commission. (This is a hot item to tens of thousands who were brought into political activity against President Carter because of the abuses in Ms. Abzug's operation in 1977.)
4. She is "anti-church." They say she raised a militant atheist son.
5. She would be a swing vote, not a reliable conservative vote on issues before the court.
6. She is a Republican socialite with no philosophical underpinnings.

From the standpoint of most conservative groups, these charges, if true, would cause a deep split in the winning coalition which elected the President and so many new Republicans to the Congress in the past few years.

Please, let us not be caught in a lemming stampede to win a smile from the National Organization for Women. Surely there is a pro-family judge who could be appointed. Let's not placate our foes for a day and alienate many of those who fought hardest for the President. We will need our friends again and again. N.O.W. will only be emboldened to fight all the harder against the President if they get a "libber" now.

July 2, 1980

TO:

VIA: ELIZABETH DOLE

FROM: MORTON BLACKWELL

RE: POTENTIAL APPOINTMENT OF SANDRA O'CONNOR TO THE SUPREME COURT

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 2, 1980

TO: LYN NOFZIGER

VIA: ELIZABETH DOLE

FROM: MORTON BLACKWELL

RE: POTENTIAL APPOINTMENT OF SANDRA O'CONNOR TO THE SUPREME COURT

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 2, 1980

TO: MIKE DEEVER

VIA: ELIZABETH DOLE

FROM: MORTON BLACKWELL

RE: POTENTIAL APPOINTMENT OF SANDRA O'CONNOR TO THE SUPREME COURT

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TO: JIM BAKER

VIA: ELIZABETH DOLE

FROM: MORTON BLACKWELL

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VIA: ELIZABETH DOLE

FROM: MORTON BLACKWELL

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Diana
FYI
S. H. S.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 7, 1981

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

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

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

In 1974, Judge O'Connor was elected to the Superior Court for Maricopa County, Arizona. She served on that court until she was appointed to the Arizona Court of Appeals in 1979.

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

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*File
Supreme
Court*

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THE WHITE HOUSE

WASHINGTON

July 6, 1981

*Potential
Supreme
Court
Nominee*

MEMORANDUM

FROM: DANA ROHRBACHER *DR*
SUBJECT: Dinner for Bernard Siegan

This Thursday night (July 9) at 7:30 p.m. a small dinner gathering will honor Bernard Siegan. The dinner will be held in a private room at Mel Kruppin's Restaurant, 1120 Connecticut Avenue (across from the Mayflower Hotel).

Everyone will pay for his or her own meal and may order anything on the menu. Please RSVP to my office (ext. 7951) no later than Wednesday afternoon.

Bernard Siegan is the author of several books; his newest is Economic Liberties and the Constitution. Siegan is being prominently mentioned as a possible court nominee somewhere down the line. He is a close friend of many members of the senior staff and a fine legal scholar.



The Register

"Failure is, in a sense, the highway to success, inasmuch as every discovery of what is false leads us to seek earnestly after what is true, and every fresh experience points out some form of error which we shall afterward carefully avoid."

—John Keats

An opportunity for progress

It is often argued, with some justice, that the most lasting impact that American presidents can make on the course of government is through their appointments to the Supreme Court. An administration may serve for four or eight years, but a Supreme Court justice serves for life, except under very unusual circumstances. One may dispute the wisdom of the Supreme court's entrance into various controversies, but whether its role is approved or not, its influence is pervasive. A Supreme Court justice can have an enormous impact on the future course of governance in the United States, and the appointment of a new justice is correctly considered a matter of great moment.

As President Reagan considers the appointment of a new justice, he cannot help but be aware of the opportunities presented to him to begin an historic shift in the direction of the Court. The Supreme Court was considered activist and controversial during the stormy tenure of Earl Warren as chief justice. Under Chief Justice Burger its character has been more elusive. The next justice appointed could set important trends in motion.


As he ponders this decision, President Reagan might do well to read *Economic Liberties and the Constitution* by Bernard Siegan, distinguished professor of law at the University of San Diego. In the book Professor Siegan, who is that rare combination of complete scholar and fearless, seminal thinker, cuts through a great deal of the controversy that has surrounded the Supreme Court in recent years to deliver an incisive analysis of the proper role of the Court as envisioned by the framers of the Constitution, and a penetrating critique of how the Court has wandered away from that role in recent years.

According to Professor Siegan, much of the controversy over whether the Court is too "activist" or too "passive" is superficial. As he said in an interview printed in our March 8 Focus section, "The mis-

sion of the court is to protect the individual against arbitrary and unreasonable or capricious government. It is inconceivable to me to say that a court fulfilling that mission is activist: it is simply doing what the Constitution is telling it to do. If it goes further than that, if it not only protects the individual, but tells the legislature what it has to do, and begins to do things that belong to the legislature and the executive, then you might call it activist if you want. Probably a more appropriate term is that it is abusing its responsibility."

Siegan carefully develops the case that the framers intended the Court to protect the economic and property rights of individuals from arbitrary regulation by the legislative branch, and that when the Court adhered to this responsibility the nation prospered. In recent years the Court has abdicated the responsibility to review laws that infringe on economic liberties while going far afield to mandate programs like busing, which should be a legislative or executive decision.

A Supreme Court that moved in the directions prescribed by Professor Siegan would be a welcome change from the drift and confusion of recent years. Siegan's book, though published only recently, has already begun a small revolution in the thinking of scholars about the proper role of the Supreme Court, for it goes to the heart of many issues that have confused observers, explaining them in a clear, informed and principled manner.

No one appointment to any position is of such importance that the fate of the Republic can be said to hinge upon it. The fate of nations is more influenced by the ideas that motivate people than by the actions of any particular individual. We hope that President Reagan will nominate somebody who is familiar with Professor Siegan's important and groundbreaking work, and has the vision to begin to implement his ideas in future Supreme Court decisions. 

Supreme Court

Have issued statements in favor of O'Connor (some of them hedging slightly to the effect that their support could be changed if something unforeseen turns up in the hearings):

Abdnor	Baker	Chafee
Cochran	Domenici	Durenberger
Garn	Goldwater	Grassley
Hatch	Hayakawa	Heinz
Hatfield	Hawkins	Laxalt
Lugar	Mattingly	Packwood
Percy	Quayle	Simpson
Stafford	Tower	Wallop
BOSCHWITZ		

Have issued negative statements:

Helms	Jepsen
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Have issued statements refusing to take a position one way or the other:

Kasten	McClure	Symms
EAST		

Have chosen not to issue any statement of any kind so far, and have not indicated to staff how they view the nomination (in some cases, the Senator is away and unavailable):

Thurmond	Andrews	Armstrong
Cohen	D'Amato	Danforth
Dole	East	Humphrey
Nickles	Pressler	Roth
Rudman	DENTON	

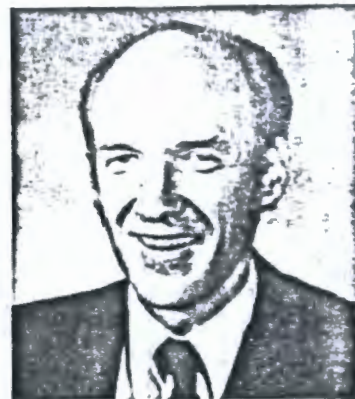
Could not reach anyone who would comment on it, or else said they would call back and hand't done so as of 3:30 p.m.

Boschwitz	Denton	Gorton
Kassebaum	Mathias	Murkowski
Schmitt	Specter	Stevens
Warner	Weicker	

NEWS
FROM
SENATOR

ALAN K. SIMPSON

(R) Wyoming



FOR IMMEDIATE RELEASE
July 7, 1981

Contact Don Hardy 202-224-3424 6205 Dirksen Washington, D.C. 20510

STATEMENT BY SENATOR ALAN SIMPSON FOLLOWING THE NOMINATION OF SANDRA O'CONNOR TO THE U.S. SUPREME COURT

"I was most pleased to see Sandra O'Connor nominated for the Supreme Court. She has excellent credentials -- she has served in the legislature. She was majority leader -- elected to that office in the legislature by her peers. She was a director of a major bank and has been active in her community and in her professional pursuits.

"She was elected as a judge, and then she was appointed to the Court of Appeals in Arizona by a Democratic governor.

"She has a fine and varied background and I think that is just exactly what is needed on the Supreme Court. She just seems to be an outstanding selection."

STATEMENT BY SENATOR PAUL LAXALT

I discussed Mrs. O'Connor's appointment with the President this morning.

The President indicated that he is fully satisfied with Mrs. O'Connor philosophically and in terms of legal competence. Knowing this was a most important appointment and that the President considered a number of prospects, I'm satisfied she will make an excellent addition to the Court.

7/7/81

United States Senate

THE REPUBLICAN CONFERENCE

WASHINGTON, D.C. 20510

MEMORANDUM

July 8, 1981

TO: Margo, Dick

FROM: Mark Berry

SUBJECT: ACTUALITIES - SUPREME COURT NOMINATION OF SANDRA O'CONNOR

Here are the transcripts of the actualities Conference held yesterday. There were six senators commenting on the issue--Sens. Domenici, Hayakawa, Abdnor, Heinz, Grassley, and Hatch.

Abdnor- "I intend to vote to confirm President Reagan's choice of Sandra O'Connor as the next Supreme Court justice. I think the President made a wise decision in naming a highly qualified woman like Mrs. O'Connor to the Court. Naturally I would have preferred the appointment of Sylvia Bacon, a native South Dakotan, who is reported to be under consideration. But I am certain that Judge O'Connor will do justice to her nomination. This is a truly historic nomination by President Reagan and I'm certain it will be a successful one."

Domenici- "I want to congratulate the President for moving as quickly as he has to select a nominee for the Supreme Court vacancy created by the resignation of Justice Potter Stewart, and to praise him for the selection of the first woman in history to be nominated to the Supreme Court.

From what we know of her qualifications, she'll make an excellent justice. However, the Senate has a real responsibility to carefully consider those qualifications and each senator has an individual responsibility to weigh her experience before voting on this important appointment.

However, at this time I am pleased with the appointment and look forward to meeting Judge O'Connor."

Grassley- "I think with the appointment of Judge O'Connor

to the Supreme Court the President has proven he's a man of his word. He promised to appoint a woman to the Supreme Court and he's now kept that word. As a member of the Judiciary Committee I'm especially concerned that we appoint judges who will interpret the law and not make it. If Judge O'Connor is that sort of person of basic philosophy, that she feels the Supreme Court should interpret law, and not actually make law, and if she has respect for strict construction of the Constitution, then I think she'll be approved."

Hatch- "I think it's a tremendous thing that a President of the United States like President Reagan is trying to live up to his campaign promises by appointing a woman to the United States Supreme Court. I think that's long overdue. With regard to the question of the Equal Rights Amendment, I've long been an advocate, as has President Reagan, that those questions of Equal Rights should be determined according to the thirty plus statutes that grant equal rights to women and by judicial decree. So, I find nothing reprehensible in putting a woman on the Court who believes in equal rights. With regard to abortion, President Reagan has told me personally that she is fine on abortion, that she is anti-abortion, and she supports the Republican Plank and Republican Platform, and that he feels that she will be fine. I think that everybody ought to wait till the hearings on this matter before they pre-judge this woman."

Heinz- "President Reagan has appeared to have made an outstanding selection in Sandra O'Connor. She has an excellent academic and judicial background. She graduated third in her class from Stanford University Law School. She has done an excellent job by all accounts on the Superior Court in Arizona. It's especially pleasing that the President has nominated a woman, the first ever in the history of the Supreme Court, for this first appointment during his term as President. I believe the President's announcement truly represents a new chapter in the history, both for the Court, the country, and for American women."

Hayakawa- "I'm pleased and delighted that this country has finally progressed to the point that a woman has been named to the Supreme Court. For over two hundred years, we, as men, have not given women credit for their ability and intelligence to serve in positions of great responsibility. This appointment is long past due and I'm proud of President Reagan for being wise enough to choose a well-qualified woman to sit on the Supreme Court of our land. Judge Sandra Day O'Connor's qualifications and outstanding judicial record are in keeping with the high standards required of Supreme Court Judges."

7/7/81

statement-- On Supreme Court Appointment. By Senator Roger Jepsen

Justice O'Connor reportedly does not share President Reagan's views on pro-life issues. The President has consistently stated his strong support for the rights of the unborn, both in his active involvement in drafting the Republican Platform

and his most recent support for the Hyde language in the Continuing Appropriations Resolution. Therefore, I am puzzled by the nomination of a person who apparently does not reflect that commitment. I will reserve judgement, however, until I have had a chance to discuss the matter at length with the White House.

Reminder-- please refer press inquiries to the Washington office for any reading of this statement. At this time, it has not been released to the wires.

Kasten News

July 7, 1981

U.S. Senator Robert W. Kasten Jr. Senate Office Bldg. Washington, D.C. 20510

For Policy Committee:

"Mrs. O'Connor has a solid reputation on the bench and a strong background in the law. I look forward to following her confirmation hearings and will render my final judgement after their completion."

STATEMENT
by
U.S. Senator Dan Quayle
on the
Nomination of
Judge Sandra O'Conner
to be
Justice of the United States
Supreme Court

I join with many of my colleagues in the Senate in welcoming the nomination of Judge Sandra O'Conner to be a Justice on the U.S. Supreme Court.

She apparently is held in extremely high regard by her colleagues in Arizona and throughout the Judicial system by those with whom she has worked.

I applaud President Reagan for moving in such a positive manner to appoint not just a woman, but a woman whose qualifications are of a superior quality which clearly justify this nomination.

I am looking forward to following the confirmation hearings in the Senate Judiciary Committee and participating in the debate on the Senate floor dealing with Judge O'Conner's nomination.

5107 DIRKSEN
WASHINGTON, D.C. 20510

CONTACT: Jerry Woodruff (202) 224-3154

FOR IMMEDIATE RELEASE

WASHINGTON, D.C. July 8 -- Sen. John East, R-N.C., chairman of the Senate Judiciary's separation of powers subcommittee today vowed to "take a good, hard look" at the nomination of Sandra D. O'Connor to replace retiring Supreme Court Justice Potter Stewart.

"I have the utmost respect for President Reagan and his judgment, but it is my constitutional obligation to review the qualifications and judicial philosophy of any nominee to the Supreme Court, and this is no exception. A nominee's views on abortion, ERA, forced busing, and other serious issues ought to be taken into account insofar as they reflect a nominee's judicial philosophy. Regardless of a nominee's views on abortion, I would be reluctant to support any appointee who thought Roe v. Wade reflected sound constitutional law," East said.

"I think it would be prudent to withhold judgment of Sandra O'Connor until the confirmation hearings."

30

Dick Lugar News



UNITED STATES SENATOR FOR INDIANA

LUGAR LAUDS COURT NOMINATION

July 7, 1981

for release:

WASHINGTON -- Senator Dick Lugar (R-Ind.) today praised President Reagan for his nomination of Sandra O'Connor to the United States Supreme Court.

"I praise the President for making this historic choice, nominating the first woman to the Supreme Court. Sandra O'Connor is truly an outstanding judge. I have known her since she served in the Arizona legislature and have enormous regard for her abilities," Lugar said.

Lugar met Judge O'Connor at a conference of state and local officials when he was mayor of Indianapolis.

##

Contact: Mark Helmke

senator Charles H.

PERCY

ILLINOIS

FOR IMMEDIATE RELEASE

CONTACT: Kathleen Lydon

TUESDAY, JULY 7, 1981

202/224-2152

STATEMENT BY SENATOR CHARLES H. PERCY
ON APPOINTMENT OF SANDRA D. O'CONNOR TO
TO BE SUPREME COURT JUSTICE

I am pleased to hear that the President has nominated Sandra D. O'Connor to fill the Supreme Court vacancy created by Justice Potter Stewart's retirement. From what I have heard of her background in the Arizona courts and Legislature, she appears to be a very good choice.

###

SANDRA O'CONNOR

Selected votes as member of the Arizona State Senate, 1970-1975:

PRO-ABORTION RECORD:

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FATHER CHARLES FIORE
4521 FOX BLUFF LN
MIDDLETON WI 53562

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MORTON BLACKWELL OFFICE OF PUBLIC LIAISON
WHITE HOUSE
WASHINGTON DC 20500

ORIGINAL COPY OF THIS MESSAGE WAS SENT TO:

PRESIDENT RONALD REAGAN
WHITE HOUSE
WASHINGTON DC 20500

NATIONAL PRO-LIFE POLITICAL ACTION COMMITTEE IS MOST DISAPPOINTED IN
YOUR NOMINATION TODAY OF JUDGE O'CONNOR TO THE SUPREME COURT.

WE CANNOT SUPPORT HER CONFIRMATION ON THE BASIS OF HER RECORD IN THE
ARIZONA LEGISLATURE.

"PERSONAL OPPOSITION" TO ABORTION IS COMMENDABLE, BUT UNLESS IT IS
TRANSLATED INTO PUBLIC POLICY AT EVERY LEVEL IT WILL NOT STOP THE
DEATH OF MILLIONS OF INNOCENT BABIES WHOSE BLOOD CAUSE GOD'S JUDGMENT
ON OUR NATION, ITS LEADERS AND ITS PEOPLE.

PRO-LIFERS FEEL BETRAYED TONIGHT.

THE BURDEN OF PROOF CONCERNING JUDGE O'CONNOR'S CREDENTIALS FALLS ON
HER AND ON THE WHITE HOUSE.

FATHER CHARLES FIORE, O.P., CHAIRMAN NATIONAL PRO-LIFE, PAC, FALLS
CHURCH VIRGINIA

23:27 EST

MGMCOMP

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THE WHITE HOUSE
WASHINGTON

The Union of Orthodox Rabbis of the U.S. and Canada are or have released a statement expressing extreme disappointment with President Reagan's nominee to the Supreme Court. If this is not presently on a wire service it will be shortly. One of the Pro-Life groups was called by the Executive Director, Hersch Ginsberg of this group.

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Rights Plan to Abolish Human Rights Office

came clear he would not be confirmed by the full Senate.

White House officials indicated after Lefever's withdrawal that abolition of the rights bureau was a possibility, but yesterday's statement was the first public acknowledgment that doing away with it is under consideration.

The Bureau of Human Rights and Humanitarian Affairs, established by Congress in 1977, made human rights a central focus of the Carter administration's foreign policy. That focus was sharply criticized by Ronald Reagan during the 1980 campaign as unfair to nations friendly to the United States and counterproductive to U.S. strategic interests.

The Reagan administration has veered sharply from the human rights policy of its predecessor, advocating "quiet diplomacy" to halt rights violations by regimes friendly to the United States while publicly criticizing such violations by totalitarian regimes, such as the Soviet Union.

Although the 21-man Bureau of Human Rights continues to operate, it has no assistant secretary at its head. A State Department official said yesterday he knows of no active search to find a replacement for Lefever.

Human rights activists yesterday predicted that any attempt to abolish the bureau, which must be approved by Congress, would create a "hornets' nest" of reaction. "Given the trouble they ran into on the Lefever nomination," one said, "I doubt if they'd be able to get this approved."

The State Department official said the argument for abolishing the bureau is based on the belief that everyone in the administration should be concerned with rights violations and that therefore there is no need

show the current status of each of the two measures.

W. Star 7/7/81 The Washington Star

Potential Court Nominee Opposed by Conservatives

O'Connor View Cited On Abortion, ERA

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 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 an 18-10 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 committee, 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."

Aide to Carter Says U.S., Cuba Talked Secretly

A former high Carter administration official disclosed last night that the United States and Cuba maintained a secret negotiating channel set up on Fidel Castro's request without the knowledge of the Soviet Union.

A series of top-level talks were held during a period less than two years but foundered on the issue of Cuban support for revolutionary activity in Latin America and Africa, the former official said.

"They didn't go anywhere because the Cubans were not willing to address improving their behavior," he said.

Former Carter aides expressed concern that disclosure of that information now could damage U.S. credibility in future negotiations.

According to the former official, Castro sent word to the U.S. government in early March 1978 that he wanted to set up a secret negotiating channel to work toward improved ties. The Cuban president sent his message through the machinery of law enforcement agencies that had been set up to deal with airplane hijackings.

In February 1977, President Jimmy Carter had spoken of possible improved ties with Cuba, but stated concern about Castro's human rights and political prisoner policy and Cuban behavior in Latin America and Africa.

Castro did release some political prisoners, and Carter lifted a ban on American travel to Cuba.

"The message from the Cubans in early March (1978) was they were prepared to discuss movement toward normalization consistent with

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FALLS CHURCH, VA 22043

AS A MEMBER OF THE SOCIAL ISSUES SUBCOMMITTEE OF THE 1980 REPUBLICAN PLATFORM COMMITTEE I STRONGLY OPPOSE THE APPOINTMENT OF SANDRA O'CONNOR TO THE UNITED STATES SUPREME COURT. HER RECORD ON ISSUES SUCH AS ERA ABORTION ON DEMAND, GOVERNMENT FUNDING FOR ABORTION, AND OTHERS DOES NOT LIVE UP TO THE PLATFORM. I AM DEEPLY CONCERNED ABOUT THIS MATTER.

FRAN CHILES REPUBLICAN NATL COMMITTEE WOMEN FOR TEXAS

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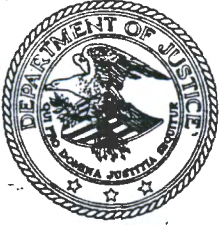
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*Supreme Court
Nominee
File*

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

July 7, 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

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

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

- As a trial and appellate judge, she has not had occasion to rule on any issue relating to abortion.
- Contrary to media reports, she has never attended or spoken at a women's rights conference on abortion.
- She was involved in the following legislative initiatives as a State Senator in Arizona:
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 - In 1973, she was a co-sponsor (along with 10 other Senators) of a bill that would permit state agencies to participate in "family planning" activities and to disseminate information with

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

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

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

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

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

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