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...now the current status of each of the two measures.

W. Steiner 7/7/81

# 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.

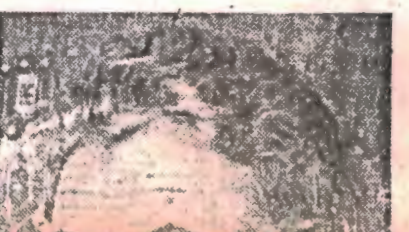
Legislative records in Arizona indicated that O'Connor, as a senator, once voted against a football stadium bond issue that included a rider that would have barred free abortions at the University of Arizona Hospital.

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 of 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 the president's public statements."

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## Plans to Abolish Human Rights Office

Writer

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1979, when then President Jimmy Carter sought to buy television time for a documentary to go along with his formal announcement of candidacy, it was too early. But, Sharp notes, the networks were already covering other presidential candidates.

"This thing feeds on itself," he says, and he asks whether this latest ruling might "in fact create a disincentive for the networks to come in" and cover a campaign. That is, he is suggesting that the networks might decide they'd better not start covering campaigns so early, lest they give the FCC added grounds for declaring a campaign has started, and thus make themselves more vulnerable to candidates' demands for air time.

But one leading network executive, William Small, president of NBC News, dismisses such a notion out of hand. "You cover news by what's in the news," Small says. "If some major figure, a Jerry Brown or a Ted Kennedy, announces tomorrow (for 1984), he's going to be covered."

That is no doubt true. For all the complaints about how the news media builds up campaigns by covering them too soon and too extensively, the fact is that the timing is up to the candidates. What this latest court ruling does is give them an additional incentive for stretching out the campaign, at a time the public is already satiated, to the point of apathy.

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 acknowledgement 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 for a specialist on the subject.

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# Reagan Choice for Court Decried by Conservatives But Acclaimed by Liberals

By Bill Peterson  
Washington Post Staff Writer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESERVATION COPY



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July 7, 1981

Memo to: All interested parties

From: Kathleen Teague, Executive Director

Re: Supreme Court nominee O'Connor state legislative record

From our members and associates in the Arizona State Capitol, we have gathered the attached documented information on Judge Sandra O'Connor. If you have any questions regarding the information, please feel free to contact me.

SANDRA DAY O'CONNOR

Home: 3651 East Denton Lane  
Paradise Valley, Arizona 85253

Office: 125 West Washington Street  
Phoenix, Arizona 85003

Born March 26, 1930 in El Paso, Texas; B.A. Stanford, 1952; LL.B., 1952; admitted to Calif. bar, 1952; to Arizona Bar in 1957. Individual practice, Maryvale, Ariz., 1959-60; Assistant Attorney General of Arizona, 1965-69; Member, Arizona State Senate, 1969-74; Judge, Superior Court, Maricopa County, Arizona, 1974-79; Court of Appeals 1980 to present; Judge, Superior Court, Maricopa County, Arizona, 1974 to present; Director, First Nat'l. Bank of Arizona; Member, Arizona State Personnel Commission, 1967-69; Trustee, Stanford University, 1976 to present; Board of Directors, Arizona Academy; Trustee, Heard Museum, 1968-74, 76-present. Member, Arizona State Bar, American Bar Association.

THE RECORD

ABORTION

"The Senate Judiciary Committee reported out a House-approved Right to Life Memorial after hearing comments from both sides. The final vote was 4 to 2 with Republican Senators Sandra O'Connor of Paradise Valley and John Roeder of Scottsdale voting against the memorial. The memorial calls on Congress to extend constitutional protections to unborn babies by prohibiting abortions. An exception also would be made where the mother's life was in peril." -- Phoenix Gazette, April 23, 1974

On February 26, 1970, she co-sponsored Senator John Roeder's bill providing for abortion-on-demand in Arizona. On April 29, 1970 she voted "yes" on a 6 to 3 vote in Senate Judiciary Committee to report the bill for Senate consideration. On April 30, she voted "yes" on a 10 to 6 vote in the Republican Majority Caucus to send the bill to the Senate floor. The rule required a 2/3 affirmative vote, so the bill was stopped by the caucus despite O'Connor's support.

On February 8, 1973, she co-sponsored the Family Planning Act (S.B. 1190) that provides that "All medically acceptable family planning methods and information shall be readily and practicably available to any person in this state who requests such service or information, regardless of sex, race, age, income, number of children, marital status, citizenship or motive. . . A physician may furnish family planning services to a minor who in the judgment of the physician is in special need of and requests such service. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such family planning services. . . For the purpose of providing services pursuant to subsection A, the Department (State Department of Health) may contract with physicians, or organizations, public or private, engaged in providing family planning methods and information." The full text of the bill is attached.

In May, 1974, she voted "no" on Rep. Jim Skelly's amendment to prohibit the performance of abortions at the taxpayer-supported University of Arizona Hospital.

EQUAL RIGHTS AMENDMENT

"State Senator Sandra O'Connor said yesterday she expects it will be 'several years' until three-fourths of the states approve the constitutional amendment passed yesterday by the (U.S.) House of Representatives giving equal rights to women under the law. 'Maybe this is a step in the right direction in the cause of securing equal rights for women,' said Senator O'Connor. 'I would certainly support the measure for approval by the State of Arizona.'"

Arizona Republic, August 1, 1970

"Arizona joined other states taking prompt action on the proposed Equal Rights Amendment to the U.S. Constitution yesterday when Senator Sandra O'Connor (R) Paradise Valley, rose unexpectedly in the upper chamber and urged colleagues to pick up a dawdling legislative pace and approve the measure.

Prepared with copies of the Citizens Advisory Council on the Status of Women's memorandum on ERA, Senator O'Connor said the amendment 'stands in the tradition of other great amendments to the U.S. Constitution.' The new freedoms, she added, also will impose new responsibilities.

Describing the ERA as an historic step in a tradition of women's liberation that commenced in the 19th century, she lightly anticipated a day five years hence when U.S. women would sit around a bridge table complaining about alimony they had to pay exhusbands."

Phoenix Gazette, March 24, 1972

On March 5, 1973, the Arizona Senate Judiciary Committee killed the ERA ratification resolution and then Senator O'Connor sponsored a bill to hold an advisory referendum on ERA.

Arizona Republic, March 6, 1973

"It remains to be seen how this (Senator O'Connor becoming majority leader) will affect some of the women's measures she has sponsored in the past and was expected to sponsor again this year, including the Equal Rights Amendment."

"At the Capitol" by Ginger Hutton  
Arizona Republic, November 16, 1972

PORNOGRAPHY

Regarding H.B. 301 and 302 companion anti-pornograph bills which would have banned the public display of "explicit sexual material" whether on newsstands or outdoor movie theater screens. Senator O'Connor succeeded in "drastically amending" the bill to ban adult bookstores within 4,000 feet of a school or park. The original version of the bill banned such stores within a one mile radius of schools and parks.

During discussion of the anti-pornography legislation Senator O'Connor cautioned: "Legislators must be reasonably confident that the laws they pass

will be sustained by the courts."

"Senator Sandra O'Connor (R) Paradise Valley questioned the wisdom of turning the Arts and Humanities Commission into a censoring body to decide between 'hardcore and just nudity.'"

Arizona Republic, April 15, 1971

#### THE DEATH PENALTY

"Imposition of a mandatory death penalty for first degree murder would be a step backward, Attorney General Gary K. Nelson said yesterday. Testifying before the Senate Judiciary Committee on a bill to restore the death penalty in Arizona, Nelson urged the committee to 'keep the quality of mercy' in any legislation that imposes death.

Nelson acknowledged, in response to a question by Senator O'Connor, that there was no evidence to show that the death penalty was a deterrent, but said any statistical data would be meaningless because of outside factors.

Senator O'Connor noted that Georgia had the highest homicide rate in the nation and the highest rate of executions. Five of the eight states with the lowest homicide rate have abolished capital punishment, she said.

'In my opinion, swift and sure punishment is the best deterrent," Senator O'Connor said. 'I fear we may go too far and get fewer and fewer convictions and more people would be walking the streets who should be locked up.' she added. Nelson agreed, saying that this is one reason he opposes mandatory death."

Arizona Republic, January 16, 1973

#### ALCOHOLIC BEVERAGES FOR 18 YEAR OLDS

A Democrat led the fight yesterday in removing the right to drink alcoholic beverages from a bill to grant 18 year-olds all the rights of adulthood. Senator James F. McNulty, Jr., was joined by another Democrat and three Republicans in stripping the drinking provision from the measure, Senate Bill 1018, in a Senate Judiciary Committee meeting.

Senator Sandra O'Connor, R, Paradise Valley, opposed the majority. 'I really think that's (Mc Nulty's remarks) paint<sup>ing</sup> the picture with too broad a brush,' Mrs. O'Connor said."

Arizona Republic, January 20, 1972

ELECTION VERSUS APPOINTMENT OF JUDGES

Prior to 1974, judges in Arizona were elected by the voters in a non-partisan election. In 1974 Senate Majority Leader Sandra O'Connor urged citizens to sign the initiative petitions being circulated by the League of Women Voters, the State Bar of Arizona and the Arizona Judges Association to allow a referendum to change the judicial selection process to a "merit" system that would allow the Governor to appoint the judges and give the voters an opportunity to vote only whether or not they should be retained.

In urging support for the judicial selection process change, Senator O'Connor said:

"Merit selection simply alters the voting mechanism since it provides for periodic elections when a judge must run against his own record."

"It is, overall, the best opportunity to insure high quality judges, according to the experiences of other states, such as Colorado, with such a system," Senator O'Connor said.

The June 5, 1974 Phoenix Gazette story goes on to say that Senator O'Connor recently announced her retirement from the Senate in order to run for Maricopa County Superior Court judge, Division 31 in November.

Phoenix Gazette, June 5, 1974



STATE OF ARIZONA  
31st LEGISLATURE  
1st REGULAR SESSION

SENATE

S. B. 1190  
INTRODUCED  
February 8, 1973

REFERENCE TITLE: Family Planning

Referred to	Date	Reported Out
Rules		
Pub. Health & Welfare		

Committee of Whole \_\_\_\_\_  
3rd Reading \_\_\_\_\_ Aye \_\_\_\_\_ No \_\_\_\_\_ Absent \_\_\_\_\_  
House Action \_\_\_\_\_  
Sent to Governor \_\_\_\_\_ Action \_\_\_\_\_

Introduced by Senators Holsclaw, Alexander, Baldwin, Corbet,  
O'Connor, Giss, Felix, Ulm, Awalt, Hardt

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FAMILY PLANNING METHODS, AND AMENDING  
TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Legislative declaration

3 The legislature finds and declares that it is desirable for the  
4 health, welfare and economy of this state that persons desiring and  
5 needing family planning information and methods shall have access  
6 thereto without inhibitions or restrictions.

7 Sec. 2. Title 36, chapter 6, Arizona Revised Statutes, is  
8 amended by adding article 4.1, sections 36-681 through 36-687, to  
9 read:

10 ARTICLE 4.1. FAMILY PLANNING

11 36-681. Definitions

12 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "COMMISSIONER" MEANS THE COMMISSIONER OF THE DEPARTMENT  
14 OF PUBLIC HEALTH.

15 2. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HEALTH.

16 3. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE OR DOCTOR OF OSTEO-  
17 PATHY LICENSED TO PRACTICE IN THIS STATE.

18 36-682. Policy; authority and prohibitions

19 A. ALL MEDICALLY ACCEPTABLE FAMILY PLANNING METHODS AND INFOR-  
20 MATION SHALL BE READILY AND PRACTICABLY AVAILABLE TO ANY PERSON IN THE

1 STATE WHO REQUESTS SUCH SERVICE OR INFORMATION, REGARDLESS OF SEX, RACE,  
2 AGE, INCOME, NUMBER OF CHILDREN, MARITAL STATUS, CITIZENSHIP OR MOTIVE.

3 B. A HOSPITAL, CLINIC, MEDICAL CENTER, PHARMACY, AGENCY, INSTI-  
4 TUTION OR ANY UNIT OF LOCAL GOVERNMENT SHALL NOT HAVE ANY POLICY WHICH  
5 INTERFERES WITH EITHER THE PHYSICIAN-PATIENT RELATIONSHIP OR ANY PHY-  
6 SICIAN OR PATIENT DESIRING TO USE MEDICALLY ACCEPTABLE FAMILY PLANNING  
7 PROCEDURES, SUPPLIES OR INFORMATION.

8 C. DISSEMINATION OF MEDICALLY ACCEPTABLE FAMILY PLANNING INFORMA-  
9 TION IN STATE AND COUNTY HEALTH DEPARTMENTS, STATE AND LOCAL WELFARE  
10 OFFICES AND AT OTHER AGENCIES AND INSTRUMENTALITIES OF THE STATE IS  
11 CONSISTENT WITH PUBLIC POLICY.

12 D. THIS ARTICLE DOES NOT PROHIBIT A PHYSICIAN FROM REFUSING TO  
13 PROVIDE FAMILY PLANNING METHODS OR INFORMATION FOR MEDICAL REASONS.

14 E. A PRIVATE INSTITUTION OR PHYSICIAN OR ANY AGENT OR EMPLOYEE  
15 OF SUCH INSTITUTION OR PHYSICIAN MAY REFUSE TO PROVIDE FAMILY PLANNING  
16 METHODS AND INFORMATION AND NO SUCH INSTITUTION, EMPLOYEE, AGENT OR  
17 PHYSICIAN SHALL BE HELD LIABLE FOR SUCH REFUSAL.

18 36-683. Furnishing services to minor

19 A PHYSICIAN MAY FURNISH FAMILY PLANNING SERVICES TO A MINOR WHO  
20 IN THE JUDGMENT OF THE PHYSICIAN IS IN SPECIAL NEED OF AND REQUESTS  
21 SUCH SERVICES. THE CONSENT OF THE PARENT, PARENTS OR LEGAL GUARDIAN  
22 OF THE MINOR IS NOT NECESSARY TO AUTHORIZE SUCH FAMILY PLANNING SERVICE

23 36-684. Performing surgery

24 A PHYSICIAN MAY PERFORM APPROPRIATE SURGICAL PROCEDURES FOR THE  
25 PREVENTION OF CONCEPTION UPON ANY ADULT WHO REQUESTS SUCH PROCEDURE IN  
26 WRITING.

27 36-685. Duties, powers of department

28 A. IN ORDER THAT FAMILY PLANNING SERVICES SHALL BE AVAILABLE TO  
29 PERSONS, THE DEPARTMENT MAY RECEIVE AND DISBURSE SUCH FUNDS AS MAY BEC  
30 AVAILABLE TO IT FOR FAMILY PLANNING PROGRAMS.

31 B. FOR THE PURPOSE OF PROVIDING SERVICES PURSUANT TO SUBSECTION  
32 A, THE DEPARTMENT MAY CONTRACT WITH PHYSICIANS OR ORGANIZATIONS, PUBLIC  
33 OR PRIVATE, ENGAGED IN PROVIDING FAMILY PLANNING METHODS AND INFORMATION

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1           36-686. Acceptance of funds  
2           THE DEPARTMENT MAY ACCEPT PUBLIC OR PRIVATE FUNDS, GRANTS OR  
3           DONATIONS IN AID OF ANY PROGRAM AUTHORIZED BY THIS ARTICLE.  
4           36-687. Rules, regulations  
5           THE COMMISSIONER MAY ADOPT AND ISSUE RULES AND REGULATIONS NECE  
6           SARY TO ENABLE THE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS ART

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1979, when then President Jimmy Carter sought to buy television time for a documentary to go along with his formal announcement of candidacy, it was too early. But, Sharp notes, the networks were already covering other presidential candidates.

"This thing feeds on itself," he says, and he asks whether this latest ruling might "in fact create a disincentive for the networks to come in" and cover a campaign. That is, he is suggesting that the networks might decide they'd better not start covering campaigns so early, lest they give the FCC added grounds for declaring a campaign has started, and thus make themselves more vulnerable to candidates' demands for air time.

But one leading network executive, William Small, president of NBC News, dismisses such a notion out of hand. "You cover news by what's in the news," Small says. "If some major figure, a Jerry Brown or a Ted Kennedy, announces tomorrow (for 1984), he's going to be covered."

That is no doubt true. For all the complaints about how the news media builds up campaigns by covering them too soon and too extensively, the fact is that the timing is up to the candidates. What this latest court ruling does is give them an additional incentive for stretching out the campaign, at a time the public is already satiated, to the point of apathy.

ing grants 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. Tebin 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 of 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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## Plans 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 acknowledgement that doing away with it is under consideration.

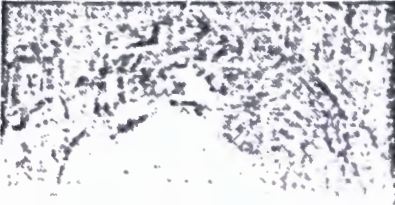
The Bureau of Human Rights and Humanitarian Affairs, established by Congress in 1977, made human rights a central focus of the Carter administration's foreign policy. That focus was sharply criticized by Ronald Reagan during the 1980 campaign as unfair to nations friendly to the United States and counterproductive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



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# The Viguerie Company

A Direct Mail Advertising Agency

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MEMORANDUM FROM RICHARD A. VIGUERIE

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the belief in the decentralization of the federal government and efforts to return decisionmaking power to state and local elected officials.

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Elsewhere in this platform, we have pledged for the sake of individual freedom and economic growth to cut personal income tax rates for all. Republicans believe that these tax rate reductions should be complemented by firm limitations on the growth of federal spending as provided by the Roth-Kemp Bill. The Republican Party, therefore, pledges to place limits on federal spending as a percent of the Gross National Product. It is now over 21 percent. We pledge to reduce it. If federal spending is reduced as tax cuts are phased in, there will be sufficient budget surpluses to fund the tax cuts, and allow for reasonable growth in necessary program spending.

By increasing economic growth, tax rate reduction will reduce the need for government spending on unemployment, welfare, and public jobs programs. However, the Republican Party will also halt excessive government spending by eliminating waste, fraud, and duplication.

We believe that the Congressional budget process has failed to control federal spending. Indeed, because of its big spending bias, the budget process has actually contributed to higher levels of social spending, has prevented necessary growth in defense spending, and has been used to frustrate every Republican attempt to lower tax rates to promote economic growth.

The immediate burden of reducing federal spending rests on the shoulders of the President and the Congress. We believe a Republican President and a Republican Congress can balance the budget and reduce spending through legislative actions, eliminating the necessity for a Constitutional amendment to compel it. However, if necessary, the Republican Party will seek to adopt a Constitutional amendment to limit federal spending and balance the budget, except in time of national emergency as determined by a two-thirds vote of Congress.

#### *Government lending*

Not only has the Democratic Congress failed to control spending, but in the last 10 years federal credit assistance programs have soared out of control.

Many federal loan guarantees and related credit programs are off-budget. As a result, no one knows the nature and extent of our obligations or the effect such practices have on our economy. The best estimate is that outstanding federal credit is now close to \$600 billion.

Runaway government lending can be just as dangerous as runaway federal spending.

The Republican Party will establish a workable federal credit policy that will bring order to the reckless lending practices of the past.

#### *Inflation*

We consider inflation and its impact on jobs to be the greatest domestic threat facing our nation today. Mr. Carter must go! For what he has done to the dollar; for what he has done to the life savings of millions of Americans; for what he has done to retirees seeking a secure old age; for what he has done to young families aspiring to a home, an education for their children, and a rising living standard, Mr. Carter must not have another four years in office.

In his three and one-half years in office, Mr. Carter has presented and supported policies which carried inflation from 4.8 percent in 1976 to a peak of 18 percent during 1980.

He has fostered a 50 percent increase in federal spending, an increase of more than \$200 billion, boosting spending in an era of scarce resources, and driving up prices.

He has through both inaction and deliberate policy permitted or forced tax increases of more than 70 percent, more than \$250 billion, directly increasing the cost of living and the costs of hiring and producing. This has crippled living standards, productivity, and our ability to compete in the world. It has led to reduced output, scarcity, and higher prices.

He has imposed burdensome regulations and controls on production which have reduced the availability of domestic goods and energy resources, increased our dependence on imports, particularly in the energy area, driven down the value of the dollar, and driven up prices.

He has permitted continuing federal budget deficits and increased federal borrowing, forcing higher interest rates and inflationary money creation, increasing prices.

The inflation policies of the Carter Administration have been inconsistent, counterproductive, and tragically inept. Mr. Carter has blamed everyone from OPEC to the American people themselves for this crisis of inflation—everyone, that is, but his own Administration and its policies which have been the true cause of inflation.

Inflation is too much money chasing too few goods. Much can be done to increase the growth of real output. But ultimately price stability requires a non-inflationary rate of growth of the money supply in line with the real growth of the economy. If the supply of dollars rapidly outstrips the quantity of goods, year in, year out, inflation is inevitable.

Ultimately, inflation is a decline in the value of the dollar, the monetary standard, in terms of the goods it can buy. Until the decade of the 1970s, monetary policy was automatically linked to the overriding objective of maintaining a stable dollar value. The

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July 8, 1981  
MEMORANDUM  
RE: The Justice Department

The O'Connor nomination is the seventh in a series of major substantive betrayals of conservatives by the Justice Department.

Sources within the administration emphasize the central role of the Attorney General and Deputy Attorney General in the selection process. Beyond that, when conservatives raised objections to O'Connor, it was the Attorney General who rallied to her defense with a three-page memo full of incomplete or misleading information. A copy is attached.

The memo states that O'Connor "has never had any disputes or controversies with (Arizona pro-life leader Dr. Carolyn Gerster)." In fact, Gerster has been adamantly opposed to the O'Connor nomination, stating: "I'm simply stunned. I still trust the president. I think he must have gotten some extremely bad counsel."

The memo goes on to state that O'Connor has no recollection of her position of a bill to legalize abortions in Arizona, and that "(t)here is no record of how Senator O'Connor voted." In fact, there is such a record. The Judiciary Committee reported the bill by a vote of 6 to 3, with O'Connor voting "yes." The Republican Majority Caucus voted 10 to 6 to send the bill to the floor, with O'Connor voting "yes."

With respect to a 1973 family planning measure which would have allowed "surgical procedures" (obviously abortions) on pregnant teenagers without parental consent, O'Connor states that she did not view it as "an abortion measure," and that she "recalls no controversy with respect to the bill."

Obviously, O'Connor made some misleading statements in order to secure her nomination. Equally obviously, the Justice Department, which had either done a very sloppy job of background investigation or had considered O'Connor's positions on key social issues inconsequential, did its best to cover up for its earlier inadequacies. It did this by forwarding the attached memo to the President without checking into the accuracy of the statements made therein.

From everything O'Connor's friends in Arizona have told the press, she is a "moderate" or "non-ideologue." We can expect her to be part of the five centrist judges -- perhaps being even more liberal than Stewart on issues such as the question of whether sex is a suspect classification ("no" by a 5-4 vote), the issue of whether the Hyde amendment is constitutional ("yes" by a 6-3 vote), and the problem of whether it is constitutional to create a unisex draft ("yes" by a 6-3 vote).

This is only one of a series of disastrous results ensuing from the Justice Department.

The first major questionable action was an opinion prepared by the Office of Legal Counsel declaring the legislative veto to be unconstitutional. That opinion quoted from a similar opinion issued by the Carter Justice Department.



Second, the Justice Department opined that an anti-affirmative action amendment in the House was unlawful because it constituted legislation on an appropriations bill.

Third, the Department has held that the Helms amendment to divest the Justice Department of authority to enforce school busing is unconstitutional. Robert McConnell, Assistant Attorney General for Legislative Affairs, had to be prohibited from actively lobbying against the amendment by the White House. Suffice it to say that, if the Helms amendment is unconstitutional, most appropriations riders seeking to withhold money for "constitutional rights" would be unconstitutional as well.

Fourth, Ted Olson, the Legal Counsel, has prepared an opinion holding that Congress cannot constitutionally divest the courts of jurisdiction over busing, prayer, and abortion under Article III. This would render unconstitutional a substantial number of conservative bills which seek to remedy court decisions in these areas short of constitutional amendment.

Fifth, the Justice Department is about to release its omnibus recodification of the criminal code. This bill, substantially the same disastrous text which conservatives rejected last year, is being prepared by Carter holdovers in the Office of Law and Policy.

Sixth, the Justice Department has forced Washington Legal Foundation and sixteen conservative senators out of a suit by liberal representatives challenging U.S. aid to El Salvador.

In addition, another cabinet secretary has charged that the Justice Department had to be forced to back off from active prosecution of busing cases.

These positions are not aberrations, but rather a sample of what we can expect for the next four years, given the composition of Reagan appointees to the Department.

With regard to Smith himself, at least one conservative senator has suggested that Smith has no ideology, and has allowed a liberal bureaucracy to continue business as usual.

Deputy Attorney General Schmultz has reportedly stated that he doesn't want "ideologues" (read "conservatives") in policy-making spots within the Department.

An assistant to AAG Dinkins has stated that she has no positions with respect to a majority of the controversial environmental issues with which she deals.

AAG Rose was, according to very reliable sources within the Department, fired by Levi from the job he now fills on the grounds of incompetence, and placed in a slot where his only function was speechmaking.

AAG-nominee William Reynolds, who has no experience with the race relations issues he will preside over in the Department, has publicly endorsed virtually all of the controversial Department decisions outlined above.

Antitrust AAG Baxter is, at best, a relatively recent conservative convert, as many of his earlier liberal articles attest.

With the exception of Rex Lee, no nominee to the Department has an identifiable conservative background.

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MR MARTIN BLACKWELL SPECIAL ASSISTANT TO THE  
PRESIDENT  
WHITE HOUSE DC 20500

THE APPOINTMENT OF JUDGE O'CONNOR HAS TRIGGERED A BARRAGE OF CALLS FROM THE PRESS, PASTORS, KEY REAGAN SUPPORTERS AND ROUND TABLE FIELD WORKERS WHICH VERY FRANKLY HAVE LEFT ME "HANGING OUT ON A LEDGE". WHY? BECAUSE UNLIKE OTHER KEY PEOPLE IN THE MOVEMENT, NO ATTEMPT HAS BEEN MADE TO UPDATE ME ON THIS MATTER.

AS YOU KNOW THE ROUND TABLE WILL SOON HAVE ALL 50 STATES EFFECTIVELY, WELL ORGANIZED WITH KEY COMMITTEES AND A GOOD NUMBER OF OUR GOAL OF 300 CHAPTERS ESTABLISHED. IN THE OPINION OF MANY PEOPLE, NO BETTER FIELD ORGANIZATION IS BEING PUT TOGETHER IN THE COUNTRY.

TRUST YOU WILL NOT THINK I AM ON A SUPER EGO TRIP. JUST FEEL THAT COMMON SENSE WOULD DICTATE THAT THIS MATTER BE GIVEN SERIOUS CONSIDERATION.

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THE WHITE HOUSE  
WASHINGTON

July 8, 1981

TO: ELIZABETH H. DOLE

FROM: MORTON BLACKWELL *MB*

RE: Conservative organization reaction to Sandra O'Connor nomination

I attended a joint meeting of Kingston and Library Court groups this afternoon at 3PM at Paul Weyrich's office. The meeting was chaired by Connie Marshner and Dick Dingman, the respective chairs of Library Court and Kingston. Also present were Paul Weyrich, Richard Viguerie, Howard Phillips, and about 50 other leaders of conservative and pro-family organizations, almost all of them national organizations. All groups present affirmed that they were in opposition to the nomination of Judge O'Connor.

Among the themes which were repeated at the meeting were:

1. The Reagan administration (or the Republican party) has lost its opportunity to build a winning coalition.
2. The New Right must vigorously oppose the nomination or it will lose the opportunity to continue building a winning coalition for conservative candidates across the country.
3. Judge O'Connor must be subjected to as intensive an investigation and interrogation as were Abe Fortas, Clement Haynesworth, and William Rehnquist.
4. Many groups indicated their intention to attempt to convince members of the House and Senate to oppose the Reagan tax cut package, feeling that only a defeat of the tax package will force the Administration to take social issues seriously.
5. There was virtually total agreement that the efforts of these groups against Judge O'Connor would severely limit or eliminate any efforts from them in behalf of the President's tax package. One said, "The tax bill is dead unless we save it."
6. There is among these groups a growing consensus that the President and his senior advisors "don't think this coalition contributed significantly to his election."
7. Although there was general agreement that many conservative Democrats who supported the budget cuts are not primarily motivated by social issues, most agreed with the statement one made that, "only we can hold the wavering Boll Weevils in line because only we can put grass roots heat on them."

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

Page 2

Distributed at the meeting were the following items, attached:

- A. A memo mailed by Richard Viguerie yesterday to 1800 conservative organization leaders throughout the country suggesting specific actions they should take against the O'Connor nomination. On the reverse of A. is the fact sheet that Viguerie included in the mailing.
- B. The page from the 1980 Republican platform relating to judicial appointments and the abortion issue.
- C. A fact sheet on Sandra O'Connor primarily consisting of quotations from Arizona newspapers.
- D. A detailed memo listing seven "Major substantial betrayals of conservatives by the Justice Department."

Howard Phillips completed arrangements for a press conference at 11 AM on Thursday, July 9 at which conservative leaders would outline more of their objections to this nomination.

Several participants expressed the view that the nomination will be confirmed regardless of what action is taken by conservatives. Others predicted that the nomination could be withdrawn. I raised the question, "What if Judge O'Connor publically states that Roe v. Wade ( the 1973 Supreme Court case which legalized abortion) is bad law"? Most agreed that this would provide a victory for the pro-family forces and still give the President his nominee.

Much was made of a point in the Justice Department memo by Kenneth W. Starr that O'Connor "knows well the Arizona leader of the Right to Life movement, a prominent female physician in Phoenix, and has never had any disputes and controversies with her." In a discussion this week with a conservative reporter, Starr affirmed that the physician referred to in his memo was Dr. Carolyn Gerstler, former President of the National Right to Life Committee. Starr told this reporter that O'Connor told him that Gerstler was the physician in question. Gerstler has been repeatedly quoted in the national media as being intensely opposed to the O'Connor nomination. This was likened to Judge Harold Carswell's failure to reveal his past segregationist views, which failure to disclose was the point on which the Carswell nomination fell.

I expressed the view that increased communication between these conservative leaders and the President's senior staff was desirable and I would be happy to try to arrange appropriate meetings.

# The Viguerie Company

A Direct Mail Advertising Agency

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Elsewhere in this platform, we have pledged for the sake of individual freedom and economic growth to cut personal income tax rates for all. Republicans believe that these tax rate reductions should be complemented by firm limitations on the growth of federal spending as provided by the Roth-Kemp Bill. The Republican Party, therefore, pledges to place limits on federal spending as a percent of the Gross National Product. It is now over 21 percent. We pledge to reduce it. If federal spending is reduced as tax cuts are phased in, there will be sufficient budget surpluses to fund the tax cuts, and allow for reasonable growth in necessary program spending.

By increasing economic growth, tax rate reduction will reduce the need for government spending on unemployment, welfare, and public jobs programs. However, the Republican Party will also halt excessive government spending by eliminating waste, fraud, and duplication.

We believe that the Congressional budget process has failed to control federal spending. Indeed, because of its big spending bias, the budget process has actually contributed to higher levels of social spending, has prevented necessary growth in defense spending, and has been used to frustrate every Republican attempt to lower tax rates to promote economic growth.

The immediate burden of reducing federal spending rests on the shoulders of the President and the Congress. We believe a Republican President and a Republican Congress can balance the budget and reduce spending through legislative actions, eliminating the necessity for a Constitutional amendment to compel it. However, if necessary, the Republican Party will seek to adopt a Constitutional amendment to limit federal spending and balance the budget, except in time of national emergency as determined by a two-thirds vote of Congress.

#### *Government lending*

Not only has the Democratic Congress failed to control spending, but in the last 10 years federal credit assistance programs have soared out of control.

Many federal loan guarantees and related credit programs are off-budget. As a result, no one knows the nature and extent of our obligations or the effect such practices have on our economy. The best estimate is that outstanding federal credit is now close to \$600 billion.

Runaway government lending can be just as dangerous as runaway federal spending.

The Republican Party will establish a workable federal credit policy that will bring order to the reckless lending practices of the past.

#### *Inflation*

We consider inflation and its impact on jobs to be the greatest domestic threat facing our nation today. Mr. Carter must go! For what he has done to the dollar; for what he has done to the life savings of millions of Americans; for what he has done to retirees seeking a secure old age; for what he has done to young families aspiring to a home, an education for their children, and a rising living standard, Mr. Carter must not have another four years in office.

In his three and one-half years in office, Mr. Carter has presented and supported policies which carried inflation from 4.8 percent in 1976 to a peak of 18 percent during 1980.

He has fostered a 50 percent increase in federal spending, an increase of more than \$200 billion, boosting spending in an era of scarce resources, and driving up prices.

He has through both inaction and deliberate policy permitted or forced tax increases of more than 70 percent, more than \$250 billion, directly increasing the cost of living and the costs of hiring and producing. This has crippled living standards, productivity, and our ability to compete in the world. It has led to reduced output, scarcity, and higher prices.

He has imposed burdensome regulations and controls on production which have reduced the availability of domestic goods and energy resources, increased our dependence on imports, particularly in the energy area, driven down the value of the dollar, and driven up prices.

He has permitted continuing federal budget deficits and increased federal borrowing, forcing higher interest rates and inflationary money creation, increasing prices.

The inflation policies of the Carter Administration have been inconsistent, counterproductive, and tragically inept. Mr. Carter has blamed everyone from OPEC to the American people themselves for this crisis of inflation—everyone, that is, but his own Administration and its policies which have been the true cause of inflation.

Inflation is too much money chasing too few goods. Much can be done to increase the growth of real output. But ultimately price stability requires a non-inflationary rate of growth of the money supply in line with the real growth of the economy. If the supply of dollars rapidly outstrips the quantity of goods, year in, year out, inflation is inevitable.

Ultimately, inflation is a decline in the value of the dollar, the monetary standard, in terms of the goods it can buy. Until the decade of the 1970s, monetary policy was automatically linked to the overriding objective of maintaining a stable dollar value. The

# ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

418 C Street, N.E.  
Washington, D.C. 20002  
(202) 547-4646

July 7, 1981

Memo to: All interested parties

From: Kathleen Teague, Executive Director

Re: Supreme Court nominee O'Connor state legislative record

From our members and associates in the Arizona State Capitol, we have gathered the attached documented information on Judge Sandra O'Connor. If you have any questions regarding the information, please feel free to contact me.

SANDRA DAY O'CONNOR

Home: 3651 East Denton Lane  
Paradise Valley, Arizona 85253

Office: 125 West Washington Street  
Phoenix, Arizona 85003

Born March 26, 1930 in El Paso, Texas; B.A. Stanford, 1952; LL.B., 1952; admitted to Calif. bar, 1952; to Arizona Bar in 1957. Individual practice, Maryvale, Ariz., 1959-60; Assistant Attorney General of Arizona, 1965-69; Member, Arizona State Senate, 1969-74; Judge, Superior Court, Maricopa County, Arizona, 1974-79; Court of Appeals 1980 to present; Judge, Superior Court, Maricopa County, Arizona, 1974 to present; Director, First Nat'l. Bank of Arizona; Member, Arizona State Personnel Commission, 1967-69; Trustee, Stanford University, 1976 to present; Board of Directors, Arizona Academy; Trustee, Heard Museum, 1968-74, 76-present. Member, Arizona State Bar, American Bar Association.

THE RECORD

ABORTION

"The Senate Judiciary Committee reported out a House-approved Right to Life Memorial after hearing comments from both sides. The final vote was 4 to 2 with Republican Senators Sandra O'Connor of Paradise Valley and John Roeder of Scottsdale voting against the memorial. The memorial calls on Congress to extend constitutional protections to unborn babies by prohibiting abortions. An exception also would be made where the mother's life was in peril."  
-- Phoenix Gazette, April 23, 1974

On February 26, 1970, she co-sponsored Senator John Roeder's bill providing for abortion-on-demand in Arizona. On April 29, 1970 she voted "yes" on a 6 to 3 vote in Senate Judiciary Committee to report the bill for Senate consideration. On April 30, she voted "yes" on a 10 to 6 vote in the Republican Majority Caucus to send the bill to the Senate floor. The rule required a 2/3 affirmative vote, so the bill was stopped by the caucus despite O'Connor's support.

On February 8, 1973, she co-sponsored the Family Planning Act (S.B. 1190) that provides that "All medically acceptable family planning methods and information shall be readily and practicably available to any person in this state who requests such service or information, regardless of sex, race, age, income, number of children, marital status, citizenship or motive. . . A physician may furnish family planning services to a minor who in the judgment of the physician is in special need of and requests such service. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such family planning services. . . For the purpose of providing services pursuant to subsection A, the Department (State Department of Health) may contract with physicians, or organizations, public or private, engaged in providing family planning methods and information." The full text of the bill is attached.

In May, 1974, she voted "no" on Rep. Jim Skelly's amendment to prohibit the performance of abortions at the taxpayer-supported University of Arizona Hospital.

EQUAL RIGHTS AMENDMENT

"State Senator Sandra O'Connor said yesterday she expects it will be 'several years' until three-fourths of the states approve the constitutional amendment passed yesterday by the (U.S.) House of Representatives giving equal rights to women under the law. 'Maybe this is a step in the right direction in the cause of securing equal rights for women,' said Senator O'Connor. 'I would certainly support the measure for approval by the State of Arizona.'"

Arizona Republic, August 1, 1970

"Arizona joined other states taking prompt action on the proposed Equal Rights Amendment to the U.S. Constitution yesterday when Senator Sandra O'Connor (R) Paradise Valley, rose unexpectedly in the upper chamber and urged colleagues to pick up a dawdling legislative pace and approve the measure.

Prepared with copies of the Citizens Advisory Council on the Status of Women's memorandum on ERA, Senator O'Connor said the amendment 'stands in the tradition of other great amendments to the U.S. Constitution.' The new freedoms, she added, also will impose new responsibilities.

Describing the ERA as an historic step in a tradition of women's liberation that commenced in the 19th century, she lightly anticipated a day five years hence when U.S. women would sit around a bridge table complaining about alimony they had to pay exhusbands."

Phoenix Gazette, March 24, 1972

On March 5, 1973, the Arizona Senate Judiciary Committee killed the ERA ratification resolution and then Senator O'Connor sponsored a bill to hold an advisory referendum on ERA.

Arizona Republic, March 6, 1973

"It remains to be seen how this (Senator O'Connor becoming majority leader) will affect some of the women's measures she has sponsored in the past and was expected to sponsor again this year, including the Equal Rights Amendment."

"At the Capitol" by Ginger Hutton  
Arizona Republic, November 16, 1972

PORNOGRAPHY

Regarding H.B. 301 and 302 companion anti-pornograph bills which would have banned the public display of "explicit sexual material" whether on newsstands or outdoor movie theater screens. Senator O'Connor succeeded in "drastically amending" the bill to ban adult bookstores within 4,000 feet of a school or park. The original version of the bill banned such stores within a one mile radius of schools and parks.

During discussion of the anti-pornography legislation Senator O'Connor cautioned: "Legislators must be reasonably confident that the laws they pass

will be sustained by the courts."

"Senator Sandra O'Connor (R) Paradise Valley questioned the wisdom of turning the Arts and Humanities Commission into a censoring body to decide between 'hardcore and just nudity.'"

Arizona Republic, April 15, 1971

#### THE DEATH PENALTY

"Imposition of a mandatory death penalty for first degree murder would be a step backward, Attorney General Gary K. Nelson said yesterday. Testifying before the Senate Judiciary Committee on a bill to restore the death penalty in Arizona, Nelson urged the committee to 'keep the quality of mercy' in any legislation that imposes death.

Nelson acknowledged, in response to a question by Senator O'Connor, that there was no evidence to show that the death penalty was a deterrent, but said any statistical data would be meaningless because of outside factors.

Senator O'Connor noted that Georgia had the highest homicide rate in the nation and the highest rate of executions. Five of the eight states with the lowest homicide rate have abolished capital punishment, she said.

'In my opinion, swift and sure punishment is the best deterrent,' Senator O'Connor said. 'I fear we may go too far and get fewer and fewer convictions and more people would be walking the streets who should be locked up.' she added. Nelson agreed, saying that this is one reason he opposes mandatory death."

Arizona Republic, January 16, 1973

#### ALCOHOLIC BEVERAGES FOR 18 YEAR OLDS

A Democrat led the fight yesterday in removing the right to drink alcoholic beverages from a bill to grant 18 year-olds all the rights of adulthood. Senator James F. McNulty, Jr., was joined by another Democrat and three Republicans in stripping the drinking provision from the measure, Senate Bill 1018, in a Senate Judiciary Committee meeting.

Senator Sandra O'Connor, R, Paradise Valley, opposed the majority. 'I really think that's (Mc Nulty's remarks) paint<sup>ing</sup> the picture with too broad a brush,' Mrs. O'Connor said."

Arizona Republic, January 20, 1972

ELECTION VERSUS APPOINTMENT OF JUDGES

Prior to 1974, judges in Arizona were elected by the voters in a non-partisan election. In 1974 Senate Majority Leader Sandra O'Connor urged citizens to sign the initiative petitions being circulated by the League of Women Voters, the State Bar of Arizona and the Arizona Judges Association to allow a referendum to change the judicial selection process to a "merit" system that would allow the Governor to appoint the judges and give the voters an opportunity to vote only whether or not they should be retained.

In urging support for the judicial selection process change, Senator O'Connor said:

"Merit selection simply alters the voting mechanism since it provides for periodic elections when a judge must run against his own record."

"It is, overall, the best opportunity to insure high quality judges, according to the experiences of other states, such as Colorado, with such a system," Senator O'Connor said.

The June 5, 1974 Phoenix Gazette story goes on to say that Senator O'Connor recently announced her retirement from the Senate in order to run for Maricopa County Superior Court judge, Division 31 in November.

Phoenix Gazette, June 5, 1974

STATE OF ARIZONA  
31st LEGISLATURE  
1st REGULAR SESSION

SENATE

S. B. 1190  
INTRODUCED  
February 8, 1973

REFERENCE TITLE: Family Planning

Referred to	Date	Referred Out
Rules		
Pub. Health & Welfare		

Committee of Whole \_\_\_\_\_

3rd Reading \_\_\_\_\_ Aye \_\_\_\_\_ No \_\_\_\_\_ Absent \_\_\_\_\_

House Action \_\_\_\_\_

Sent to Governor \_\_\_\_\_ Action \_\_\_\_\_

Introduced by Senators Holsclaw, Alexander, Baldwin, Corbet,  
O'Connor, Giss, Felix, Ulm, Awalt, Hardt

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FAMILY PLANNING METHODS, AND AMENDING  
TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Legislative declaration

3 The legislature finds and declares that it is desirable for the  
4 health, welfare and economy of this state that persons desiring and  
5 needing family planning information and methods shall have access  
6 thereto without inhibitions or restrictions.

7 Sec. 2. Title 36, chapter 6, Arizona Revised Statutes, is  
8 amended by adding article 4.1, sections 35-681 through 35-687, to  
9 read:

10 ARTICLE 4.1. FAMILY PLANNING

11 35-681. Definitions

12 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "COMMISSIONER" MEANS THE COMMISSIONER OF THE DEPARTMENT  
14 OF PUBLIC HEALTH.

15 2. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HEALTH.

16 3. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE OR DOCTOR OF OSTEO-  
17 PATHY LICENSED TO PRACTICE IN THIS STATE.

18 35-682. Policy; authority and prohibitions

19 A. ALL MEDICALLY ACCEPTABLE FAMILY PLANNING METHODS AND INFOR-  
20 MATION SHALL BE READILY AND PRACTICABLY AVAILABLE TO ANY PERSON IN THE

1 STATE WHO REQUESTS SUCH SERVICE OR INFORMATION, REGARDLESS OF SEX, RACE  
2 AGE, INCOME, NUMBER OF CHILDREN, MARITAL STATUS, CITIZENSHIP OR MOTIVE  
3 B. A HOSPITAL, CLINIC, MEDICAL CENTER, PHARMACY, AGENCY, INSTI-  
4 TUTION OR ANY UNIT OF LOCAL GOVERNMENT SHALL NOT HAVE ANY POLICY WHICH  
5 INTERFERES WITH EITHER THE PHYSICIAN-PATIENT RELATIONSHIP OR ANY PHY-  
6 SICIAN OR PATIENT DESIRING TO USE MEDICALLY ACCEPTABLE FAMILY PLANNING  
7 PROCEDURES, SUPPLIES OR INFORMATION.

8 C. DISSEMINATION OF MEDICALLY ACCEPTABLE FAMILY PLANNING INFORMATI-  
9 ON IN STATE AND COUNTY HEALTH DEPARTMENTS, STATE AND LOCAL WELFARE  
10 OFFICES AND AT OTHER AGENCIES AND INSTRUMENTALITIES OF THE STATE IS  
11 CONSISTENT WITH PUBLIC POLICY.

12 D. THIS ARTICLE DOES NOT PROHIBIT A PHYSICIAN FROM REFUSING TO  
13 PROVIDE FAMILY PLANNING METHODS OR INFORMATION FOR MEDICAL REASONS.

14 E. A PRIVATE INSTITUTION OR PHYSICIAN OR ANY AGENT OR EMPLOYEE  
15 OF SUCH INSTITUTION OR PHYSICIAN MAY REFUSE TO PROVIDE FAMILY PLANNING  
16 METHODS AND INFORMATION AND NO SUCH INSTITUTION, EMPLOYEE, AGENT OR  
17 PHYSICIAN SHALL BE HELD LIABLE FOR SUCH REFUSAL.

18 36-683. Furnishing services to minor

19 A PHYSICIAN MAY FURNISH FAMILY PLANNING SERVICES TO A MINOR WHO  
20 IN THE JUDGMENT OF THE PHYSICIAN IS IN SPECIAL NEED OF AND REQUESTS  
21 SUCH SERVICES. THE CONSENT OF THE PARENT, PARENTS OR LEGAL GUARDIAN  
22 OF THE MINOR IS NOT NECESSARY TO AUTHORIZE SUCH FAMILY PLANNING SERVICE

23 36-684. Performing surgery

24 A PHYSICIAN MAY PERFORM APPROPRIATE SURGICAL PROCEDURES FOR THE  
25 PREVENTION OF CONCEPTION UPON ANY ADULT WHO REQUESTS SUCH PROCEDURE IN  
26 WRITING.

27 36-685. Duties, powers of department

28 A. IN ORDER THAT FAMILY PLANNING SERVICES SHALL BE AVAILABLE TO  
29 PERSONS, THE DEPARTMENT MAY RECEIVE AND DISBURSE SUCH FUNDS AS MAY BE  
30 AVAILABLE TO IT FOR FAMILY PLANNING PROGRAMS.

31 B. FOR THE PURPOSE OF PROVIDING SERVICES PURSUANT TO SUBSECTION  
32 A, THE DEPARTMENT MAY CONTRACT WITH PHYSICIANS OR ORGANIZATIONS, PUBLIC  
33 OR PRIVATE, ENGAGED IN PROVIDING FAMILY PLANNING METHODS AND INFORMATION.



1  
2  
3  
4  
5  
6

36-686. Acceptance of funds

THE DEPARTMENT MAY ACCEPT PUBLIC OR PRIVATE FUNDS, GRANTS OR DONATIONS IN AID OF ANY PROGRAM AUTHORIZED BY THIS ARTICLE.

36-687. Rules, regulations

THE COMMISSIONER MAY ADOPT AND ISSUE RULES AND REGULATIONS NECESSARY TO ENABLE THE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

(1)

July 8, 1981  
MEMORANDUM  
RE: The Justice Department

The O'Connor nomination is the seventh in a series of major substantive betrayals of conservatives by the Justice Department.

Sources within the administration emphasize the central role of the Attorney General and Deputy Attorney General in the selection process. Beyond that, when conservatives raised objections to O'Connor, it was the Attorney General who rallied to her defense with a three-page memo full of incomplete or misleading information. A copy is attached.

The memo states that O'Connor "has never had any disputes or controversies with (Arizona pro-life leader Dr. Carolyn Gerster)." In fact, Gerster has been adamantly opposed to the O'Connor nomination, stating: "I'm simply stunned. I still trust the president. I think he must have gotten some extremely bad counsel."

The memo goes on to state that O'Connor has no recollection of her position of a bill to legalize abortions in Arizona, and that "(t)here is no record of how Senator O'Connor voted." In fact, there is such a record. The Judiciary Committee reported the bill by a vote of 6 to 3, with O'Connor voting "yes." The Republican Majority Caucus voted 10 to 6 to send the bill to the floor, with O'Connor voting "yes."

With respect to a 1973 family planning measure which would have allowed "surgical procedures" (obviously abortions) on pregnant teenagers without parental consent, O'Connor states that she did not view it as "an abortion measure," and that she "recalls no controversy with respect to the bill."

Obviously, O'Connor made some misleading statements in order to secure her nomination. Equally obviously, the Justice Department, which had either done a very sloppy job of background investigation or had considered O'Connor's positions on key social issues inconsequential, did its best to cover up for its earlier inadequacies. It did this by forwarding the attached memo to the President without checking into the accuracy of the statements made therein.

From everything O'Connor's friends in Arizona have told the press, she is a "moderate" or "non-ideologue." We can expect her to be part of the five centrist judges -- perhaps being even more liberal than Stewart on issues such as the question of whether sex is a suspect classification ("no" by a 5-4 vote), the issue of whether the Hyde amendment is constitutional ("yes" by a 6-3 vote), and the problem of whether it is constitutional to create a unisex draft ("yes" by a 6-3 vote);

This is only one of a series of disastrous results ensuing from the Justice Department.

The first major questionable action was an opinion prepared by the Office of Legal Counsel declaring the legislative veto to be unconstitutional. That opinion quoted from a similar opinion issued

Second, the Justice Department opined that an anti-affirmative action amendment in the House was unlawful because it constituted legislation on an appropriations bill.

Third, the Department has held that the Helms amendment to divest the Justice Department of authority to enforce school busing is unconstitutional. Robert McConnell, Assistant Attorney General for Legislative Affairs, had to be prohibited from actively lobbying against the amendment by the White House. Suffice it to say that, if the Helms amendment is unconstitutional, most appropriations riders seeking to withhold money for "constitutional rights" would be unconstitutional as well.

Fourth, Ted Olson, the Legal Counsel, has prepared an opinion holding that Congress cannot constitutionally divest the courts of jurisdiction over busing, prayer, and abortion under Article III. This would render unconstitutional a substantial number of conservative bills which seek to remedy court decisions in these areas short of constitutional amendment.

Fifth, the Justice Department is about to release its omnibus recodification of the criminal code. This bill, substantially the same disastrous text which conservatives rejected last year, is being prepared by Carter holdovers in the Office of Law and Policy.

Sixth, the Justice Department has forced Washington Legal Foundation and sixteen conservative senators out of a suit by liberal representatives challenging U.S. aid to El Salvador.

In addition, another cabinet secretary has charged that the Justice Department had to be forced to back off from active prosecution of busing cases.

These positions are not aberrations, but rather a sample of what we can expect for the next four years, given the composition of Reagan appointees to the Department.

With regard to Smith himself, at least one conservative senator has suggested that Smith has no ideology, and has allowed a liberal bureaucracy to continue business as usual.

Deputy Attorney General Schmultz has reportedly stated that he doesn't want "ideologues" (read "conservatives") in policy-making spots within the Department.

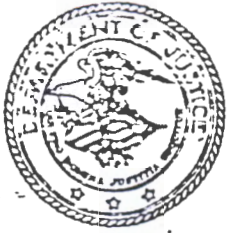
An assistant to AAG Dinkins has stated that she has no positions with respect to a majority of the controversial environmental issues with which she deals.

AAG Rose was, according to very reliable sources within the Department, fired by Levi from the job he now fills on the grounds of incompetence, and placed in a slot where his only function was speechmaking.

AAG-nominee William Reynolds, who has no experience with the race relations issues he will preside over in the Department, has publicly endorsed virtually all of the controversial Department decisions outlined above.

Antitrust AAG Baxter is, at best, a relatively recent conservative convert, as many of his earlier liberal articles attest.

With the exception of Rex Lee, no nominee to the Department has an identifiable conservative background.



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

July 7, 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

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

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

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

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

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

*1974 no record vote, can't remember*  
*can't remember 1970 bill to repeal Mar. case*

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.

Sandra  
O'Connor  
articles



Bill Day  
The Philadelphia Bulletin

## September Vote on Nominee Forecast

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, July 8 — The Senate's vote on the nomination of Judge Sandra Day O'Connor to the Supreme Court is not likely until September, Senate Republican leaders said today. They also reported no significant opposition developing as yet despite threats from conservative, anti-abortion lobbyists.

"If they're going to start a fight, they're going to find Old Goldie fighting them like hell," said Senator Barry Goldwater of Arizona, Judge O'Connor's chief sponsor, warning Moral Majority and other social-issue groups against "sticking their noses into the everyday operations of government."

That remark from the Republican once admired by some as "Mr. Conservative" underlined the tactical difficulty opponents were likely to have in trying to make a broadly based conservative issue of the appointment.

Some anti-abortion lobbyists conceded as much but said that the two months before a full Senate vote, necessitated by inquiries in the Senate and the Federal Bureau of Investigation and the legislative recess next month, gave them a chance to build constituent pressure against Judge O'Connor.

### Key Elements Are Missing

"It takes certain elements to create a battle, and so far they're not there," said Paul M. Weyrich, director of the Committee for the Survival of a Free Congress, one of a number of conservative groups opposed to the appointment.

Anti-abortion groups met this afternoon to plan a common strategy. The

Senator they look to as their leader, Jesse Helms of North Carolina, has thus far remained a step back from the battle, saying he was still investigating discrepancies between his and President Reagan's views of Judge O'Connor's legislative record on the abortion issue.

"I'm not going to prejudge the lady," said Senator Helms, who led a successful fight at the Republican National Convention last July for an anti-abortion plank that some critics contend Mr. Reagan "betrayed" with his nomination yesterday of Judge O'Connor of the Arizona Court of Appeals. If confirmed, the 51-year-old judge would become the first woman to serve on the Supreme Court.

As a state legislator in Arizona, Mrs. O'Connor at different times endorsed the proposed Federal equal rights amendment and voted against anti-abortion interests. But some Arizonans in both parties contend that, in the larger context of her legislative career, she was not "pro-abortion," as she is now characterized by some lobbying groups here.

### Reagan 'Misled' by Staff

Those groups have avoided blaming Mr. Reagan for their disappointment, taking the view expressed this morning on National Public Radio by Richard Vi-guerie, the conservative fund-raiser: "He's a busy man who relies heavily on his staff, who have misled him, and he needlessly gave the back of his hand to an important part of his coalition."

David R. Gergen, the senior White House spokesman, said that the President was trying to diffuse potential opposition to the appointment by meeting

yesterday with Senator Helms and telephoning the Rev. Jerry Falwell, president of Moral Majority, a religious and political lobbying organization, in the hope that they would "keep an open mind" about the appointment. A spokesman for Mr. Falwell said that he did not commit himself.

Senator Strom Thurmond, the South Carolina Republican who is chairman of the Judiciary Committee, said he believed that the F.B.I. background check on Judge O'Connor might require two weeks for completion, to be followed by a week's notice for the committee hearing. His current impression, he said, was that Judge O'Connor would eventually be confirmed.

A spokesman for Senator Howard H. Baker Jr. of Tennessee, the Senate majority leader, estimated that, at the earliest, the appointment might be dealt with by the Judiciary Committee just before the August recess, with a floor vote in early September. The timing is important because the fall term of the Supreme Court begins in October and Senator Baker has promised to expedite the nomination to meet that date.

If the opposition is to make headway, it must convince such key Judiciary Committee members as Senator Orrin G. Hatch, a Utah Republican who is usually quite sympathetic to the anti-abortion bloc. "I intend to support the President," the Senator said today, "But she has to answer certain questions."

GIVE SUMMER TO A CHILD:  
GIVE TO THE FRESH AIR FUND



## Reagan's Court Choice: A Deft Political Maneuver

By HEDRICK SMITH  
Special to The New York Times

WASHINGTON, July 8 — With his nomination of Sandra Day O'Connor for the Supreme Court vacancy, President Reagan has won admiring applause from rival politicians for a masterly political stroke as well as a strong judicial choice.

This city still recalls that a little over a decade ago President Richard M. Nixon had to face political humiliation when the Senate rejected two of his Court nominees, Clement F. Haynsworth Jr. and G. Harold Carswell.

Now, Mr. Reagan is being credited with an astute Court selection that immediately won the endorsement of a broad spectrum, from conservatives like Senator Barry Goldwater, Republican of Arizona, to liberals like Senator Edward M. Kennedy, Democrat of Massachusetts.

The President has risked a new breach with the radical right wing of the Republican Party, which has provided his most zealous political support through the years and is now openly dis-

mayed over Mr. Reagan's Court choice.

But in the process, several members of Congress commented, the President has blunted the right-wing stereotype that Democrats were beginning to use against him in the increasingly partisan battle over economic issues.

House Speaker Thomas P. O'Neill Jr., Democrat of Massachusetts, who has been in a toe-to-toe battle with Mr. Reagan on the budget and taxes, called a truce long enough to hail Judge O'Connor's nomination as "the best thing he's done since he was inaugurated." Meanwhile, right-wing leaders were accusing the President of betraying the Republican platform's conditions on Court appointments.

To others, the pragmatic symbolism of Judge O'Connor's selection followed the pattern of some of Mr. Reagan's early Cabinet appointments, which plased mainstream Republicans, irritated hard-line conservatives and enabled the President to broaden his political appeal as his tenure began. Now, they said, Mr. Reagan is once again courting the political center at the expense of the radical right.

"This is incredibly smart politics," said Representative Morris K. Udall, a liberal Arizona Democrat. "It's a real strike. You take all the groups in America, and there has been none more distrustful of Reagan than the women's movement. This just cuts the ground out from under them. It will be doubly delicious to the leaders of the women's movement because people like Phyllis Schlafly will be trying to take Reagan's head off."

### Udall Praises Selection

Mrs. Schlafly, a prominent Republican activist from Illinois, has spearheaded the effort to block ratification of the proposed equal rights amendment to the Federal Constitution. Judge O'Connor is known for having supported the amendment, though White House officials said that more recently she had expressed "some reservations" about it.

"With Ronald Reagan as President, the fact that you can get a woman appointed to the Court is remarkable," Mr. Udall asserted. "The fact that you can get someone as moderate, and as close to the center of the Republican Party as she is, is really stunning. It erases the stereotype opposition to Reagan."

Some Senate conservatives, such as Paul Laxalt, Republican of Nevada, took comfort, though gingerly, in the fact that President Reagan had pronounced himself "fully satisfied" with Mrs. O'Connor "philosophically."

Other members of Congress cited Mrs. O'Connor's conservative reputation, suggesting that initially perhaps both liberals and conservatives were overinterpreting her flexibility on such issues as abortion. As a member of the Arizona Senate in 1974, Mrs. O'Connor voted against a ban on abortions at Arizona University Hospital.

But in the face of a volley of reproof from the National Right to Life Committee and other anti-abortion and far-right

political action groups, the White House took a detached view, evidently convinced that the President had effectively isolated the far right on this selection.

"There's going to be a lot of sound and fury," said one Reagan aide, "but it will wind up signifying little or nothing when it's all over."

Senator Goldwater, who had urged the choice on the President by telling him that Judge O'Connor had chastised him in 1976 for backing President Ford, said he was ready to battle the hard right. "I don't like to get kicked around by people who call themselves conservatives on a nonconservative matter," he said. "If it's going to take a fight, they're going to find old Goldy fighting like hell."

Over the last six months, Senator Jesse Helms, Republican of North Carolina, has led the right wing's battle against some Reagan appointments by delay and outright opposition in committee or on the Senate floor. But the White House has stood firm and eventually prevailed.

### No Comment From Senator Helms

So far, the North Carolina conservative has refrained from any comment on Judge O'Connor's nomination, suggesting that he may be tactically reluctant to oppose her publicly.

But if past experience is any guide, the Reagan White House may now compensate the vocal Republican right with some less visible appointments, policy proposals or ideological rhetoric on social issues.

So far the Reagan team has pursued a careful political balance in its appointments, often appealing first to mainstream Republicans, then appeasing the vocal right.

Similarly, the White House has remained aloof from the busing controversy in the Senate between liberals such as Lowell P. Weicker Jr., Republican of Connecticut, and conservatives led by Mr. Helms. But once the President's economic package is out of the way, the conservatives hope the President will once again assert his sharply conservative views on social issues.

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Associated Press

Judge Sandra Day O'Connor in her chambers in Phoenix. Jar of jellybeans was a gift from an anonymous sender.

# White House Rebutts Charge That Nominee Has Voted for Abortions

By STEVEN R. WEISMAN

Special to The New York Times

WASHINGTON, July 8 — President Reagan was reported today to be urging some of his conservative allies to "keep an open mind" on the qualifications of Judge Sandra Day O'Connor, his newly announced choice for the United States Supreme Court, until her confirmation hearings are completed.

Faced with the possibility of a vigorous campaign by anti-abortion groups against Judge O'Connor, meanwhile, the White House attempted a counterattack by directly rebutting the charge that she had voted on several occasions in favor of abortions.

White House spokesmen asserted further that Judge O'Connor had never been an activist on any issues related to feminism. David R. Gergen, the senior White House spokesman, quoted the Arizona judge on the subject of the proposed equal rights amendment to the Constitution as being "neither as enthusiastic as some proponents nor as alarmed by it as some opponents."

Judge O'Connor, who has been described by the White House as personally opposed to abortions, has said that she will not discuss her views until her confirmation hearings. White House officials acknowledge that the judge regards abortion as a legitimate matter for regulation by the legislative branch.

By the end of the day, Administration officials said that they were encouraged by the prospects for confirmation of Judge O'Connor in the Senate.

Yesterday, Mr. Reagan had Senator

Jesse Helms, the conservative Republican from North Carolina, visit him at the White House to assuage his concerns about Judge O'Connor. The President also telephoned the Rev. Jerry Falwell, leader of Moral Majority, which has already come out against her nomination, saying that Judge O'Connor has advocated legal abortions and the equal rights amendment.

At the White House, Mr. Gergen quoted Mr. Reagan as saying that the reaction to the selection of Judge O'Connor had "generally been very positive."

But this evening, the White House press office released information showing that telephone calls and mail had been running heavily negative ever since the judge's possible nomination was reported in the press last week. Telegrams and mail had been 2,573 against, and 290 in favor, while telephone calls were 1,554 against and 263 in favor.

Mr. Gergen said he had no way of knowing whether there had been an organized telegram or telephone campaign by the anti-abortion movement.

## Annoyance at White House

White House officials reacted with some annoyance that someone whom they regarded as a conservative was being attacked by conservative groups on the abortion issue. But they professed not to be surprised and were ready today with a point-by-point rebuttal. At issue appear to be positions taken by Mrs. O'Connor on five separate occa-

sions when she was a State Senator in Arizona.

The Administration view was detailed in an internal memorandum prepared by Kenneth W. Starr, counselor to Attorney General William French Smith, based on two telephone conversations between Mr. Starr and Judge O'Connor on Monday. These are the five cases:

¶In 1970, according to the National Right to Life Committee, Judge O'Connor "voted pro-abortion" on a Senate Judiciary Committee measure. But the Starr memorandum said "there is no record of how Senator O'Connor voted, and she indicated that she has no recollection of how she voted" on this measure, which was aimed at repealing Arizona's criminal prohibitions against abortion. The measure was under consideration before the Supreme Court upheld the right to abortion under some circumstances.

¶In 1973, the National Right to Life Committee said, Judge O'Connor was "prime sponsor" of a bill providing family planning information to minors, with the definition of "family planning" described as "broad enough to encompass abortion." The Starr memorandum maintained that the bill "made no express mention of abortion and was not viewed by then Senator O'Connor as an abortion measure."

¶In 1974, Judge O'Connor was said to have voted against a State Senate resolution calling on Congress to pass an anti-abortion amendment to the Constitution, according to the Right to Life group. Mr. Gergen said today that there

was no public record of this vote, and that "it appears to have been a caucus vote." He said she could not remember opposing the measure.

¶In 1974, the Right to Life group said, Judge O'Connor opposed a bill forbidding abortions at the University of Arizona at Tucson. The Starr memorandum said that the abortion provision was a rider attached to a bill expanding certain sports facilities, and that Judge O'Connor was simply following a provision in the Arizona Constitution forbidding nongermane amendments to legislation.

¶In 1977, the Right to Life group said, Judge O'Connor was a keynote speaker at "the pro-abortion International Women's Year state meeting" in Arizona. The Starr memorandum said she had "never attended or spoken at a women's rights conference on abortion."

White House officials also said that Judge O'Connor, who is an Episcopalian, had long found abortions to be "personally repugnant" and that in 1973 she sponsored a bill granting to hospitals, physicians and medical personnel the right not to participate in abortions.

They said that at no time in her interviews, however, was she ever asked her opinion of the Supreme Court decision, *Roe v. Wade*, upholding the constitutional right to abortions. To ask her such a specific question, Mr. Gergen said, would have been "inappropriate and injudicious."

105TH YEAR: THE FRESH AIR FUND

W. Post 7/9/81

## Conservatives Feud in Wake of O'Connor Choice

By Fred Barbash  
Washington Post Staff Writer

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

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

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

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

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

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

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

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

See O'CONNOR, A5, Col. 1

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# Conservatives Feud on O'Connor; Supporters Expect Confirmation

## O'CONNOR, From A1

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

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

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

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

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

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

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

might then come in September, after the August recess.

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

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

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

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

Goldwater's comments about the opposition to his friend, O'Connor, were more colorful. "I am probably one of the most conservative members of Congress, and I don't like to get kicked around by people who call themselves conservatives on a non-conservative matter. It is a question of who is best for the court. If it is going to be a fight in the Senate, you are going to find Old Goldy fighting like hell."

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

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

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

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

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

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

## Court in Zurich Sentences E. German Man for Spying

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

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

STATEMENT BY:

Robert P. Dugan, Jr., Director  
Office of Public Affairs  
National Association of Evangelicals

PRESS CONFERENCE:

Re: Supreme Court Nomination

Capitol Building  
Room S-206  
July 9, 1981

We wholeheartedly support the President in nominating a woman to the Supreme Court. That historic step was overdue.

While we are delighted at President Reagan's appointment of a judge who apparently has a strict constructionist approach to the law, we also are concerned about certain aspects of the nominee's record as an Arizona legislator. We have deep misgivings about Judge O'Connor's views on abortion, and thus we oppose any attempt to rush the confirmation through the Senate without full opportunity to examine her record thoroughly and to clarify her views on important social issues.

We reject the contention that a Supreme Court nominee's position on the issue of abortion is irrelevant to the confirmation process. I submit that if an appointee to the High Court were discovered to hold private, segregationist views, that nominee quite properly would be rejected - on the basis of that single, moral issue. Exactly that happened in 1970.

To millions of evangelicals, politically conservative and politically liberal, abortion is a transcendent moral issue.

Rowland Evans

And Robert Novak

# Why Did He Choose Her?

A hurriedly prepared, error-filled memo by a young Justice Department lawyer convinced President Reagan to go through with nominating Judge Sandra O'Connor to the Supreme Court, even at grave political risk.

The memo softened O'Connor's pro-abortion record that has stunned Moral Majority elements in Reagan's coalition. That the president accepted it at face value broadened suspicions that his narrow flow of information subjects him to staff manipulation.

Even so, if the president took seriously the Moral Majority and its issues, he would have found it difficult to pick O'Connor. Thus, fundamentalists who turned on Jimmy Carter after they felt deceived by him may feel the same way about Ronald Reagan.

O'Connor surely will be confirmed. But important conservative Republicans in Congress, while keeping mum publicly, grumble privately that the president has lost control of his own administration to moderate forces in general and chief of staff James Baker III in particular.

The remarkable fact is that Reagan was unaware that the right-to-life movement found O'Connor totally unacceptable until her probable nomination leaked out just before the Fourth of July weekend. The resulting avalanche of opposition then gave the president serious pause.

For example, Trudy Camping, one of O'Connor's former state Senate colleagues, sent the White House a decade-old stack of clippings about O'Connor. They revealed a moderate social liberal supporting the Equal Rights Amendment for women, advocating free choice on abortion and urging caution in restricting pornography.

On Monday, July 6, the president telephoned Attorney General William French Smith, who had given Reagan the Justice Department's O'Connor recommendation. Reagan wanted a quick check on this abortion business. Smith turned the task over to his young counselor, Kenneth W. Starr, who telephoned O'Connor herself.

The next day, Starr handed Smith a two and one-half page memo giving O'Connor a clean bill of health on abortion by using legal gymnastics to explain her Arizona legislative record. While Starr's memo said O'Connor "has no recollection" of how she voted on a 1970 bill to legalize abortion, in fact she was a co-sponsor of the measure and voted for it as it was defeated 6-to-3 in committee.

"Judge O'Connor further indicated, in response to my questions," Starr concluded his memo, "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."

Starr did not bother to check with that "prominent female physician"—Dr. Carolyn Gerster, a national anti-abortion activist. If he had, the attorney general's man would have gotten an earful. Gerster told us "I had an adversary position with Sandra O'Connor" in the 1970s when the Supreme Court nominee was "one of the most powerful pro-abortionists in the [Arizona] Senate." Gerster still harbors an 11-year-old grievance, claiming Senate Majority Leader O'Connor broke her word by burying an anti-abortion proposal in caucus.

Based on Starr's memo, Smith reas-

*"The more plausible reason is that Reagan shares the view that the Moral Majority is not vital to his political coalition."*

ured Reagan that O'Connor offered no problems. Baker, David Gergen and other senior presidential aides said the same thing, contending only right-wing kooks were making a fuss. Reagan agreed, telephoning prominent anti-abortion Republicans to reassure them that "she's all right."

Eager to announce the nomination before opposition could build, nobody at the White House bothered to probe O'Connor's record. But right-wingers will bother, not in realistic hope of blocking her nomination, but to deter Reagan from similar choices for future court vacancies.

No matter how pure future Reagan justices are, however, innocence has departed for right-to-life activists. Dr. Gerster cannot forget a 45-minute meeting with Reagan in Rye, N.Y., on Jan. 17, 1980, in which candidate Reagan promised her that his first appointment to the court would share their anti-abortion views. She chooses to believe that the president has been misled by advisers.

But the more plausible explanation is that Reagan shares the view of Jim Baker and his other aides that the Moral Majority is not vital to his political coalition. He has given that signal by ignoring its sensibilities in selecting Sandra O'Connor.

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# Tactics of O'Connor Foes Irritate Sen. Humphrey

By Fred Barbash and Lou Cannon  
Washington Post Staff Writers

The New Right escalated its battle against the Supreme Court nomination of Sandra D. O'Connor yesterday with charges that either the Justice Department or O'Connor herself had tried to "cover up" her position on abortion. In the process, however, the conservative group angered another one of its traditional Senate allies, Sen. Gordon J. Humphrey (R-N.H.).

Humphrey said he had taken no position on the nomination but objected to the "hip-shooting of O'Connor's opponents . . . They shouldn't categorize or stereotype someone without waiting for full hearings. I don't think they've done themselves any favors."

Sen. Jesse Helms (R-N.C.) said yesterday that O'Connor would come here next week for a meeting with members of the Judiciary Committee, an unusual step to allow questioning by senators about her views on abortion.

Meanwhile, sources said the controversy was beginning to trouble the White House, which began an effort to prepare O'Connor for the confirmation fight ahead. The White House assigned its highly regarded chief lobbyist, Max L. Friedersdorf, to the case.

Day three of the battle began with a dispute about an internal Justice Department memorandum distributed by Conservative Caucus Chairman Howard Phillips and other anti-abortion activists at a morning news conference.

The memo describes O'Connor's responses on the day before her nomination to questions on her record as an Arizona state senator. Kenneth W. Starr, a top Justice Department official, reported that O'Connor indicated "that she had never been a leader or outspoken advocate on behalf of either pro-life or abortion-rights organizations." But Starr also reported that she "has no recollection" of how she voted on a 1970 Arizona bill to decriminalize abortion.

Kathleen Teague, one of the anti-abortion speakers at the news conference, said the memo showed a "cover-up" by the Justice Department or O'Connor because, among other things, O'Connor co-sponsored the bill in question and voted for it.

That was when events began backfiring on the anti-abortionists. Legislative records in Arizona contradicted Teague's claim that O'Connor co-sponsored the bill, according to the keeper of the records, Greg Jernigan. Consulting the records, Jernigan said the only abortion bill O'Connor sponsored was one giving doctors and hospitals the right to refuse abortions.

Newspaper accounts, however, confirmed Teague's statement that O'Connor voted for the decriminalization proposal in committee.

The anti-abortion group held its news conference in a room reserved in the Capitol by one of Humphrey's Senate staff members. That caused

the second flap for O'Connor's opponents.

Humphrey, generally a staunch New Right supporter, had not been informed of the purposes of the news conference. When he found out, a press aide began calling reporters to disassociate the senator from the whole enterprise. Humphrey later said he was "quite upset" by the incident.

Humphrey said he has taken no position on the nomination and did not want to be identified with one. Beyond that, he said he objected to the "hip-shooting" of the opponents. "They're objecting to most of her votes as a senator," he said. "I know full well that votes can be misconstrued."

Humphrey's reaction illustrated what appears to be a delicate but clear shift in alliances on the right with implications beyond the O'Connor dispute. Many conservative politicians, including President Reagan, seem anxious to use this opportunity to publicly separate themselves from the far-right organizations that helped elect them and to identify themselves with a more moderate conservatism.

At this point, however, Reagan and the anti-abortion forces are avoiding direct confrontations. Phillips and his allies at yesterday's news conference took pains to place the blame for the nomination on aides to Reagan, who they say misinformed the president.

White House officials have, in turn, decided not to respond to the criticism themselves. Instead, that task has been left to the Justice Department and Starr.

Yesterday, Starr dismissed the "cover-up" allegation. He said the memorandum he wrote "accurately memorialized my conversations" with O'Connor.

The memorandum does suggest that the administration might have been caught off guard by the abortion controversy. The telephone call to discuss her voting record came after officials had already spent hours talking to O'Connor and after Reagan had made the decision to nominate her.

Starr's inquiry appeared to be a last-minute response to pre-announcement indications of trouble on the abortion question.

The next round of the fight is expected to revolve around the timing of the confirmation hearings. The anti-abortionists urged the Judiciary Committee to postpone any hearings until late September. The Reagan administration is pushing for hearings by late July.

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Wash Star July 10, 1981

# Reagan Accused of Betraying Right

## Coalition Blasts 'Coverup' Of Court Nominee's Record

By Phil Gailey

Washington Star Staff Writer

A coalition of conservative and anti-abortion groups, complaining that Ronald Reagan has ignored them in his administration, yesterday accused the president of political betrayal in his nomination of Sandra D. O'Connor to the U.S. Supreme Court.

The coalition warned that the nomination will cost the president conservative grassroots support for his economic program and will create new political difficulties for Republican senators who vote to confirm O'Connor over the protest of pro-life activists.

But Senate Majority Leader Howard Baker dismissed conservative criticism of O'Connor, saying it is "not likely to be a serious obstacle to her confirmation." He predicted that she "will be confirmed easily by the U.S. Senate."

Sen. Barry Goldwater, R-Ariz., called the coalition's warnings "a lot of foolish claptrap" and said conservative groups were risking their credibility by their attacks on O'Connor.

The White House believes its effort to defuse right-wing opposition to the nomination is working, but opponents vowed not to give up the fight.

## Black Reagan Backers Criticize the NAACP

By Jeremiah O'Leary

Washington Star Staff Writer

A group of black Reagan supporters praised the president yesterday and criticized leaders of the National Association for the Advancement of Colored People for their treatment of him.

Spokesman W.O. Walker told Reagan in a meeting in the Cabinet Room that the NAACP leadership, before and after the Denver convention at which Reagan received a chilly reception, had caused his solutions to be ignored or distorted.

He said the NAACP leaders had "poisoned the minds of people" about the president's "sane and practical solutions."

"I wish you'd all been in Denver" Reagan joked. Walker, publisher of the Call & Post newspaper of Cleveland, told Reagan that after reading the NAACP speech, "I am sure that you possess the courage called for in this hour of the nation's great need."

The group of 34 blacks who had supported Reagan's candidacy was thanked by the president. He said it must have required courage for them to support him and added, "There must have been some times when you were a little lonely." Reagan said the leaders were the new hope for a dynamic black leadership.

Walker told Reagan that the White House lacked an effective public relations program for the black media and that this allows Reagan's opponents to have a field day. He said, "The black press is not against you. Your administration is just not using it."

Earlier yesterday, Reagan met with Dr. James Cheek, president of Howard University. They discussed what Reagan called the rich tradition of black universities and colleges.

Reagan told Cheek that the first lady is accepting his invitation to tour the Howard campus and said, "I envy her."

Representatives of 21 "New Right" organizations held a news conference yesterday in a Senate conference room to launch a broadside attack against the O'Connor nomination, with the announced intention of making her the Ernest Lefever of the abortion issue.

"Just as liberals were active against Ernest Lefever because of his symbolism, we believe there is important symbolism in this nomination," said Howard Phillips, the national director of the Conservative Caucus.

Lefever's nomination to be the administration's top human rights official at the State Department was strongly opposed by liberals and moderates of both parties, and he withdrew his name after the Senate Foreign Relations Committee overwhelmingly rejected his selection.

Phillips and other conservatives charged that Justice Department officials had misled the president about O'Connor's record on abortion and social issues and suggested that a "coverup" of her record is still going on inside the administration.

"Clearly," said Phillips, "Ronald Reagan and Eleanor Smeal (head of the National Organization for Women) both can't be right. I'm afraid Eleanor Smeal has the facts better than the president."

The "coverup" charge came in response to a Justice Department memo prepared by Kenneth W. Starr, counselor to Attorney General William French Smith. In the memo, Starr said he had interviewed the nominee and "she indicated she had no recollection of how she voted" on a bill to end criminal prohibitions against abortion.

But Kathleen Teague, executive director of the American Legislative Exchange Council, told reporters: "The information we have on her abortion record, when compared with the information contained in the memorandum, shows an apparent *prima facie* coverup either on the part of Mrs. O'Connor or on the part of the attorney general's office, or both, of her voting record on abortion."

Trudy Camping, who served in the Arizona State Senate with O'Connor, said O'Connor, the first woman ever nominated to the Supreme Court, had supported pro-abortion legislation "throughout her term in office" despite Reagan's claim that her views on abortion are compatible with his own and the position of the Republican Party platform.

"Those of us in Arizona who have worked long and hard in the trenches to elect our president are shocked by the hurried manner in which this nomination has been handled without careful scrutiny of her record," she said.

Another part of O'Connor's pro-abortion record cited at the news conference was her sponsorship of a family planning act which her critics contend would have allowed minors to get abortions without the consent of their parents.

The coalition said its bill of particulars against O'Connor also includes her opposition to mandatory capital punishment, her support for the Equal Rights Amendment, and her vote against restrictions on the sale of pornographic materials.

Meanwhile, Sen. Gordon Humphrey, R-N.H., was embarrassed and angry after it was disclosed that he had arranged for the conservative groups to use a Senate meeting room in the Capitol for the news conference.

An aide said the senator made the room available at the request of the Conservative Caucus, but did not know it was to be used as a setting for the conservative attack on O'Connor.

Humphrey is uncommitted on the nomination and, according to the aide, was "very upset" when he learned about his name being linked to the news conference.

"In the future he will see to it that the Conservative Caucus gets no help from this office in getting a Senate room," said the aide.

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July 10, 1981

*File*  
*3up*

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

Dear Mr. President:

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

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

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

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Member, Federal Election Commission

*Elizabeth E. Bailey*

Elizabeth E. Bailey  
Member, Civil Aeronautics Board

*Patricia P. Bailey*

Patricia P. Bailey  
Commissioner, Federal Trade Commission

*Catherine Bedell*

Catherine Bedell  
Commissioner, International Trade  
Commission

*Patricia A. Goldman*

Patricia A. Goldman  
Member, National Transportation  
Safety Board

*Anne P. Jones*

Anne P. Jones  
Commissioner, Federal Communications  
Commission

*Ersa H. Poston*

Ersa H. Poston  
Vice Chair, Merit Systems  
Protection Board

*Jill Ruckelshaus*

Jill S. Ruckelshaus  
Commissioner, Civil Rights  
Commission

*Georgiana H. Sheldon*

Georgiana H. Sheldon  
Acting Chairman, Federal Energy  
Regulatory Commission

*Janet Steiger*

Janet Steiger  
Commissioner, Postal Rate  
Commission

*Mimi Weyforth Dawson*

Mimi Weyforth Dawson  
Commissioner, Federal Communications  
Commission



# Washington Inquirer

Vol. I, No. 27

July 10, 1981

Twenty-five Cents

## O'Connor Appointment Shocks Conservatives

### NOW Claims Credit for Pressuring Reagan to Choose ERA Advocate

Judge Sandra O'Connor of the Arizona State Court of Appeals, President Reagan's nominee for the Supreme Court post vacated by Justice Potter Stewart, has been hit by strong criticism from the pro-life and STOP ERA movements.

Anti-ERA and pro-life activists in Arizona are reported to be "absolutely livid" over reports that Judge O'Connor is being given serious consideration for the Supreme Court seat by President Reagan. They know her as an ERA advocate who had taken pro-abortion positions when she was majority leader in the Arizona Senate.

Kathleen Sullivan, co-ordinator for STOP ERA and Eagle Forum in Illinois, described the O'Connor appointment as "Utterly appalling." Sullivan, who was on Reagan's family policy board during the campaign, said a strong effort would be made to defeat Senate confirmation of O'Connor. She said the President was apparently insulated from grassroots sentiment. Eleanor Smeal of the National Organization for Women (NOW) hailed the appointment as a "great triumph" for the women's movement. She said it reflected the pressure NOW has been putting on Reagan and said that pressure would continue.

The *Washington Post* on July 2 described O'Connor as "a prominent Arizona jurist with Republican political credentials . . . and conservative views." The STOP ERA forces dispute the claim that O'Connor is a conservative. Arizona State Representative Donna Carlson West, an ERA opponent, says O'Connor is "neither a liberal nor conservative." She added that when O'Connor was in the Arizona State Senate "she played it straight down the middle."

Mrs. West told *The Inquirer*, "Sandra O'Connor  
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## Appointment Shocks Conservatives

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was one of three women senators who introduced ERA in 1973 in Arizona. Two of them have since become very strong opponents of the amendment." She added that O'Connor has not to her knowledge taken any public position on the ERA since she became a judge. O'Connor was elected to the Superior Court of Maricopa County, Arizona in 1974 and was appointed to the State Court of Appeals in December 1979.

Catherine Crandall, chairman of Arizonans for Life, told *The Inquirer* that so far she has found two newspaper stories regarding O'Connor's position on abortion. Both indicate support for the pro-abortion position, she said. She supported legislation to provide "family planning" information to high schoolers, including information on surgical means of birth control, i.e., sterilization and abortion. On another occasion, O'Connor reportedly cast the deciding vote to kill a measure that would have put Arizona on record as opposing abortion. Mrs. Crandall said that vote was in contradiction to a statement on the subject that O'Connor had made the previous day.

"I don't care how 'moderate' she is," Mrs. Cran-

dall said. "Her past record has shown her to be in favor of abortion, and that's what we have to go on."

Judge O'Connor received her law degree from Stanford University, ranking third in the class in which Justice William Rehnquist ranked first. Rehnquist also hails from Arizona. Judge O'Connor's secretary could think of only one article the judge had published in the past six year and no speeches. The article is in the William and Mary Law Review, Summer 1981. It deals with the relations between federal and state judges.

O'Connor enjoys the support of both Arizona Senators, Dennis DeConcini (D) and Barry Goldwater (R), along with former House Republican leader John Rhodes, also of Arizona. Goldwater was vacationing in California and was not available for comment on the objections being raised by the pro-life and STOP ERA leaders.

The 1980 Republican platform included a plank saying that only judges opposed to abortion should be appointed to the federal bench. The National Right to Life organization has reminded President Reagan of this plank.