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July 14, 1987

MEMORANDUM FOR CARL ANDERSON

FROM: MAX GREEN

SUBJECT: Specter

Chris Gersten has contacted Dick Fox in Philadelphia and Ivan Novick in Pittsburgh, both of the National Jewish Coalition. I will let you know what they are able to do.

I also have a call in to Murray Friedman of the American Jewish Committee in Philadelphia and a member of the Civil Rights Commission. He has a good relationship with moderate black leaders.

THE WHITE HOUSE

WASHINGTON

July 14, 1987

MEMORANDUM FOR CARL A. ANDERSON, ACTING DIRECTOR, THE OFFICE  
OF PUBLIC LIAISON

FROM: MARY M. SCHNEPPER, <sup>mn</sup>ASSOCIATE DIRECTOR, THE  
OFFICE OF PUBLIC LIAISON

SUBJECT: Judge Bork Nomination

The business community, while individually are very supportive of the Bork nomination, is hesitant to use the full force of their organizational structure to campaign openly for confirmation.

- ° Room 450 events -- It is the consensus of the business community that it is too early for this type of event. It would be useful just prior to the vote.
- ° Op-Ed pieces --  
  
CSE -- Is working through George Mason University, on an op-ed outlining the Judge's free market stand on economics.  
  
U.S. Chamber of Commerce -- Is just gearing up to run a series of articles in their magazine "Nation's Business" on the nomination.
- ° Mike McKevitt and George Webster, both partners in the law firm of Webster, Chamberlain, Bean and McKevitt, have expressed a willingness to encourage members of the business community to support the nomination. He has also indicated that he would be willing to write op-ed pieces, make media appearances, and engage in other activities. He would encourage others to do as well. McKevitt served in the Justice Department with Judge Bork and knows him well.
- ° Media --

U.S. Chamber is willing to feature White House Senior Staff and/or Department of Justice senior staff in discussions on the nomination on their BizNet and Ask Washington programs.



## THE WHITE HOUSE

WASHINGTON

July 14, 1987

MEMORANDUM FOR CARL ANDERSON

FROM: MAX GREEN

SUBJECT: Bork Nomination

I think that we should present Bork for what he is. He is not a conservative ideologue: we don't know where he stands on the issue of abortion, he has changed his mind about the 1964 Civil Rights Act and now supports it; so far as I know, he has not declared himself on prayer in the schools; he is not anti-organized labor and you can be assured the AFL-CIO would be in the forefront of the opposition to him as they were in the Haynesworth and Carlswel fights, etc. What he is, is a brilliant advocate of the judicial philosophy of judicial restraint, the main tenant of which is that unless clearly in violation of the Constitution, the elected representatives of the people, not the courts, should decide such questions. There is nothing inherently conservative or liberal about this. The strictly political consequences will be determined by the political composition of state legislatures and the Congress. Thus, for example, if the Supreme Court goes along with Bork's views that the Constitution does not include a right to privacy, then it will likely overturn Roe vs. Wade. But that won't decide the abortion issue; rather state legislatures will, and most likely that means that most states will continue to allow liberal access to abortion.

It follows that we should discourage our more idealogical supporters from assuming a high profile role in the debate over the nomination. That could backfire just as much as Teddy Kennedy's injudicious statement has hurt his side.

It also follows that we should actively cultivate those in the middle. In this regard it is significant that most Jewish organizations are yet to be heard from, that the AFL-CIO is not yet opposed; that the Washington Post and The New Republic are more critical of Bork's opposition than of us; that David Ifshin reports that many moderates and even some liberals (e.g. Tony Podesta) have not yet made up their minds. If we can hold the middle, then in the end the opposition will crumble because the Democrats won't want to be accused - as they successfully were in 1984 - of being the captives of narrow constituency groups.

Accordingly, I recommend that we allow some people to host meetings and dinners for him, people like David Ifshin and Rabbi

Haberman and Morris Abram perhaps. Our most potent weapon is Bork himself. He is a truly impressive nominee and it would be a mistake in my view to keep him locked up.

I also think that we should stimulate the writing of op-ed articles. Several good ones have already appeared in the Post and we can expect them from Lloyd Cutler and Walter Berns. I haven't called but I know I could get Linda Chavez and Norman Podhoretz, among others, to write. In fact, I hardly think it necessary that I call. One thing we might do is identify prestigious scholars and writers to do op-ed pieces for local papers, e.g. James Hitchcock for the St. Louis Post Dispatch. We had a lot of such types on the State Advisory Committees to the Civil Rights Commission and I would be happy to contact them. It would also be good to find a way to distribute all the pro-articles to the media in particular.

You were talking about key Senators today. How about somebody putting together a list of law school professors from their states who think Bork should be confirmed. Particular attention could also be paid to newspapers in those states.

In sum, I think what we have to do most of all is influence public opinion and I think we stand an excellent chance of doing this if we push the nomination in the correct way - that is by posing it as a fight between the left and the rest of America.



Grant file

THE WHITE HOUSE  
WASHINGTON

July 13, 1987

MEMORANDUM FOR SENATOR HOWARD BAKER, CHIEF OF STAFF

FROM: CARL ANDERSON ~~\_\_\_\_\_~~  
ACTING DIRECTOR FOR PUBLIC LIAISON

SUBJECT: Meeting with the Farm Bureau Regarding Bork  
Nomination

Approximately 50 State Farm Bureau Presidents (who have organizations in 2,500 counties in the U.S.), will be in town this Wednesday through Friday. Thursday morning they will break to visit members of the Senate and selected House members. They are interested in meeting with you on the Robert Bork nomination. On Wednesday morning between 10:30 a.m. and 12:00 noon during their Farm Income Report session they would be able to make 15 to 30 minutes available to you. After discussing this with A. B. Culvahouse and Will Ball, we recommend that you briefly address this meeting (15 minutes) tomorrow morning at the Capitol Hill Holiday Inn.

\_\_\_\_\_ Approve                      \_\_\_\_\_ Disapprove

cc: Kenneth M. Duberstein  
William L. Ball, III  
Arthur B. Culvahouse, Jr.  
T. Kenneth Cribb, Jr.

THE WHITE HOUSE  
WASHINGTON

DATE: July 9, 1987

TO: Carl Anderson

FROM: WILL BALL *WB*

SUBJECT: Judge Bork

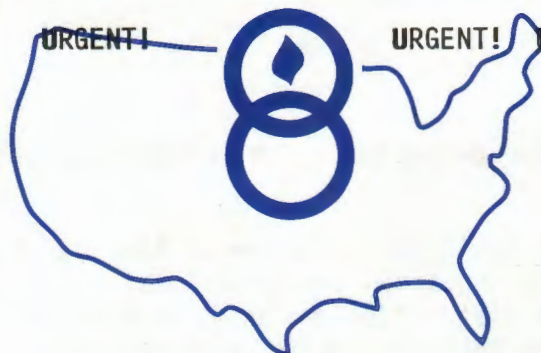
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Rabbi Joshua Haberman (469-7769) has some ideas regarding Judge Bork's nomination. I would suggest you and Max Green get in touch with him as soon as possible.

His idea of a small private meeting with Bork won't work at this stage since we can't have the Judge out campaigning with private groups. Nevertheless, Rabbi Haberman could certainly be helpful in other ways.

*Max,  
Pls follow-up and advise.  
Thanks  
-A*





## National Right to Life **LEGISLATIVE ALERT**

PUBLISHED BY THE LEGISLATIVE OFFICE OF THE NATIONAL RIGHT TO LIFE COMMITTEE  
419 7th Street, N.W., Suite 402, Washington, D.C. 20004 (202) 626-8820

July 8, 1987

Legislative Update Recording: (202) 393-LIFE

### **Pro-Abortion Groups Mount Assault On Supreme Court Nominee Robert Bork**

WASHINGTON-- The entire pro-abortion movement is throwing all of its resources into a multi-million dollar campaign to block Senate confirmation of President Reagan's nominee to the U.S. Supreme Court, Robert Bork. Pro-abortion groups fear that Bork will cast the deciding vote to overturn Roe v. Wade, the notorious 1973 decision which legalized abortion on demand. In 1981, Bork called Roe "an unconstitutional decision."

Pro-abortion senators are prepared to use obstructionist tactics, including a filibuster, in a no-holds-barred effort to keep Bork off of the Supreme Court. Under Senate rules, it requires 60 votes (out of 100 senators) to shut off a filibuster ("invoke cloture").

The Bork nomination will first be considered by the Senate Judiciary Committee. The chairman of the Judiciary Committee, Sen. Joseph Biden (D-De.), who is running for president, is expected to oppose Bork in order to curry favor with pro-abortion activists within the Democratic Party. Biden has already indicated that he will delay committee hearings on Bork until September!

Kate Michelman, executive director of the National Abortion Rights Action League (NARAL), said: "We're going to wage an all-out frontal assault" on Bork. Faye Wattleton, president of the Planned Parenthood Federation of America (PPFA), said: "Given Judge Bork's highly critical opinion of Roe v. Wade, we can anticipate that, if his nomination is confirmed, he will vote to reverse that most significant decision..."

The outcome of this confirmation battle cannot be predicted. It is crucially important that U.S. senators receive massive amounts of mail in support of Bork. An all-out grassroots mobilization should begin now, and continue until the Senate has taken final action on the nomination--which may not be until October or later! Use telephone trees, church bulletins, letters to newspaper editors, and so forth, to get the word out to like-minded citizens.

Write your two senators at: Senate Office Building, Washington, D.C. 20510.

PLEASE COPY AND DISTRIBUTE THIS PAGE!



Your letters to your senators should be in your own words. The following points may assist you in formulating your letters:

- **KEY POINT:** Robert Bork is extremely well qualified to serve on the Supreme Court. He is one of the nation's most distinguished constitutional scholars. Since 1981, he has served with distinction on the U.S. Court of Appeals for the District of Columbia-- the nation's second most powerful court. When nominated to the Court of Appeals, Bork received the highest possible rating from the American Bar Association-- "exceptionally well qualified." The Senate unanimously confirmed Bork to the Court of Appeals in 1982.
- Bork believes that Supreme Court justices abuse their power when they invent new "constitutional rights," not mentioned in the Constitution, in order to advance their policy preferences. Bork has described the Roe v. Wade decision as "unconstitutional" because there is no real basis in the Constitution for the Court's decision to deny states the power to restrict or prohibit abortion.
- The pro-abortion movement won legal abortion by Supreme Court decree. They recognize that if Roe v. Wade is overturned, our elected representatives will respond to public sentiment by curbing abortion on demand. Therefore, pro-abortion groups are expending a maximum effort to block confirmation of "any nominee who will shift the majority to oppose legalized abortion," in the words of National Organization for Women President Eleanor Smeal.

**THE OUTCOME OF THIS BATTLE IS IN DOUBT! PLEASE ACT TODAY!**

Please send copies of any responses which you receive from your senators, and any editorials or articles discussing the Bork nomination (or your senators' positions on Bork) to:

Douglas Johnson  
Legislative Director  
National Right to Life Committee  
419-Seventh Street, Northwest  
Suite 402  
Washington, D.C. 20004

A COMPLETE ROSTER OF U.S. SENATORS APPEARS ON PAGE 3. WRITE TO BOTH OF YOUR OWN SENATORS. IF YOU CAN DO MORE, SEND SIMILAR LETTERS TO THE THREE DEMOCRATIC SENATORS WHO ARE RUNNING FOR PRESIDENT:

**Senator Joseph Biden (D-Delaware):** The chairman of the Judiciary Committee, he will apparently lead opposition to Bork.

**Senator Paul Simon (D-Illinois):** A member of Judiciary Committee, he has already publicly opposed Bork.

**Senator Albert Gore, Jr. (D-Tenn.):** He has not yet taken a position on Bork.



# UNITED STATES SENATORS

## ALABAMA

\* Howell Heflin (D)  
Richard Shelby (D)

## ALASKA

Ted Stevens (R)  
Frank Murkowski (R)

## ARIZONA

\* Dennis DeConcini (D)  
John McCain (R)

## ARKANSAS

Dale Bumpers (D)  
David Pryor (D)

## CALIFORNIA

Alan Cranston (D)  
Pete Wilson (R)

## COLORADO

William Armstrong (R)  
Timothy Wirth (D)

## CONNECTICUT

Christopher Dodd (D)  
Lowell Weicker, Jr. (R)

## DELAWARE

\* Joseph Biden, Jr. (D)  
William Roth, Jr. (R)

## FLORIDA

Lawton Chiles (D)  
Bob Graham (D)

## GEORGIA

Wyche Fowler, Jr. (D)  
Sam Nunn (D)

## HAWAII

Daniel Inouye (D)  
Spark Matsunaga (D)

## IDAHO

James McClure (R)  
Steve Symms (R)

## ILLINOIS

Alan Dixon (D)  
\* Paul Simon (D)

## INDIANA

Richard Lugar (R)  
Dan Quayle (R)

## IOWA

\* Charles Grassley (R)  
Tom Harkin (D)

## KANSAS

Bob Dole (R)  
Nancy Kassebaum (R)

## KENTUCKY

Wendell Ford (D)  
Mitch McConnell (R)

## LOUISIANA

John Breaux (D)  
J. Bennett Johnston (D)

## MAINE

William Cohen (R)  
George Mitchell (D)

## MARYLAND

Barbara Mikulski (D)  
Paul Sarbanes (D)

## MASSACHUSETTS

John Kerry (D)  
\* Ted Kennedy (D)

## MICHIGAN

Carl Levin (D)  
Donald Riegle, Jr. (D)

## MINNESOTA

Rudy Boschwitz (R)  
David Durenberger (R)

## MISSISSIPPI

Thad Cochran (R)  
John Stennis (D)

## MISSOURI

Kit Bond (R)  
John Danforth (R)

## MONTANA

Max Baucus (D)  
John Melcher (D)

## NEBRASKA

J. James Exon (D)  
David Karnes (R)

## NEVADA

Chic Hecht (R)  
Harry Reid (D)

## NEW HAMPSHIRE

\* Gordon Humphrey (R)  
Warren Rudman (R)

## NEW JERSEY

Bill Bradley (D)  
Frank Lautenberg (D)

## NEW MEXICO

Jeff Bingaman (D)  
Pete Domenici (R)

## NEW YORK

Alfonse D'Amato (R)  
Daniel Moynihan (D)

## NORTH CAROLINA

Jesse Helms (R)  
Terry Sanford (D)

## NORTH DAKOTA

Kent Conrad (D)  
Quentin Burdick (D)

## OHIO

John Glenn (D)  
\* Howard Metzenbaum (D)

## OKLAHOMA

David Boren (D)  
Don Nickles (R)

## OREGON

Mark Hatfield (R)  
Bob Packwood (R)

## PENNSYLVANIA

John Heinz (R)  
\* Arlen Specter (R)

## RHODE ISLAND

John Chafee (R)  
Claiborne Pell (D)

## SOUTH CAROLINA

Ernest Hollings (D)  
\* Strom Thurmond (R)

## SOUTH DAKOTA

Thomas Daschle (D)  
Larry Pressler (R)

## TENNESSEE

Albert Gore, Jr. (D)  
Jim Sasser (D)

## TEXAS

Lloyd Bentsen (D)  
Phil Gramm (R)

## UTAH

Jake Garn (R)  
\* Orrin Hatch (R)

## VERMONT

\* Patrick Leahy (D)  
Robert Stafford (R)

## VIRGINIA

John Warner (R)  
Paul Trible (R)

## WASHINGTON

Brock Adams (D)  
Daniel Evans (R)

## WEST VIRGINIA

\* Robert Byrd (D)  
John Rockefeller, IV (D)

## WISCONSIN

Robert Kasten, Jr. (R)  
William Proxmire (D)

## WYOMING

\* Alan Simpson (R)  
Malcolm Wallop (R)

\* denotes members  
of Senate  
Judiciary Committee

ADDRESS FOR ALL SENATORS: Senator \_\_\_\_\_, Senate Office Building, Washington, D.C. 20510.



# Abortion, Bork and the '88 Campaign

By E. J. DIONNE Jr.

Special to The New York Times

WASHINGTON, July 7 — President Reagan's nomination of Robert H. Bork to the Supreme Court is pushing the abortion issue back to the center stage of American politics by threatening to unsettle what has been an uneasy truce on the question for the last decade.

The nomination could also substantially alter the course of the 1988 campaign, political strategists say.

The de facto truce on abortion resulted from a balance of political power between supporters and opponents of legalized abortion. Abortion foes have failed over many years to secure backing for a constitutional amendment to ban the practice; proponents of abortion rights have failed to obtain Federal financing of abortion for poor women.

Judge Bork's nomination, however, raises the prospect of sudden changes in the nation's law on the subject. He has made clear that he believes the Su-

ment, giving it renewed energy.

But Mr. Buckley added, "Conservatives would gladly hand over the momentum if it means an end to abortion." According to the Guttmacher Institute, a nonprofit research organization, 1,588,550 abortions were reported in the United States in 1985. Of those, 554 were federally financed.

Virtually all Federal financing for abortion was eliminated in 1977, although some states still pay for the operation. Former President Jimmy Carter, like many moderate Democrats, favored legal abortion but opposed Federal financing of abortions for poor women.

For its supporters, this stance had the virtue of keeping the Government out of the issue entirely. And they argue that the price of an abortion is within the reach of most women. The Guttmacher Institute said that abortions in the first three months of pregnancy cost about \$200 when hospitalization is not required.

## A Potentially Decisive Battle

Those on both sides of the abortion issue see the battle over Judge Bork as potentially decisive because he could be part of a new court majority that would return the abortion issue to states. The most likely result of this, they said, would be the patchwork pattern that applied before Roe v. Wade decision, when some states permitted abortion and others banned it.

Prof. James Hitchcock of St. Louis University said Judge Bork's nomination had largely vindicated the faith of one wing of the anti-abortion movement in political action and in the Reagan Administration.

"We're within striking distance of something that might have seemed impossible a few years ago," said Professor Hitchcock, a history teacher who has long been a foe of abortion.

"From time to time, there has been a frustration in the right-to-life movement with the Reagan Administration, a feeling that the President was unwilling to twist enough arms in Congress on the issue," Professor Hitchcock said. "But many people who had analyzed the situation carefully now appear to have been right in thinking that ultimately, this would be resolved through the judiciary."

## Key Role Seen in '88 Race

This, he said, was not surprising, since the advocates of abortion rights also won their major victories through the courts.

Kate Michelman, executive director of the National Abortion Rights Action League, said that the nomination had shifted the debate "back to the centrality of a woman's right to an abortion" after years in which the focus was more narrowly on the issue of Federal financing for abortions.

She said it now seemed inevitable that abortion would play a key role in the 1988 campaign. "The landscape has changed," Ms. Michelman said. "That's what these candidates are going to have to deal with now."

Ms. Lewis said the unanimous criticism of Judge Bork from the Democratic Presidential candidates suggested that many social issues — notably civil rights — that had once been litmus tests for candidates had become fundamental principles for the party.

But this has not been the case with the abortion issue, which is far more complicated politically and cuts across partisan lines. While all the Democratic Presidential candidates oppose a constitutional amendment to ban abortion, for example, several also oppose Federal financing for abortions, reflecting what Ms. Lewis called "a certain ambivalence" in public opinion on the question.

Moreover many Democrats, particularly liberal Catholics like Governor Cuomo of New York, have invoked the

## Power has been balanced between supporters and opponents of abortion rights.

Roe v. Wade decision to justify their support for abortion rights even though they declared themselves "personally opposed" to the practice.

## Careful Rationale Threatened

Governor Cuomo and others have said they feel bound to uphold the law as defined by the Supreme Court. By threatening to overturn the decision on which this argument is based, Judge Bork's nomination also threatens to upset this carefully developed political stance.

Some politicians see the political impact of the nomination as even broader, since the battle over Judge Bork will highlight important differences between Republicans and Democrats on issues ranging from separation of church and state to racial preferences in employment, as well as on abortion.

Democrats fear that this could be a boon to the Republicans, since such social issues have been a driving force behind the substantial defections to the Republicans since 1968. Democratic losses motivated at least in part by the social issues have been pronounced among blue-collar voters, poor Southern whites and Roman Catholics.

Up to now, the Democratic Presidential candidates have been largely successful in appearing moderate on such matters by speaking often in the language of "family" and "community," or by hardly talking about them at all. Instead, they have tried to focus attention on economic issues, education, child welfare and Mr. Reagan's performance on the job. These are all issues the Democrats regard as election-winners, and a shift of attention back to the social issues could imperil this strategy.

## New Attention on Social Issues

But the nomination could cut against the Republicans, too. Both Ms. Lewis and Mr. Buckley noted that a key reason for Mr. Reagan's success was his ability to win votes from those who shared his conservative views on economic matters but disagreed with him on the social issues.

This was especially true on abortion, where the lack of any change in the status quo in Mr. Reagan's first term



Ann F. Lewis, a prominent Democratic strategist, said that the nomination of Robert H. Bork to the United States Supreme Court has already galvanized the abortion rights movement.



The late Prof. Alexander M. Bickel, one of the nation's foremost constitutional scholars, was Judge Robert H. Bork's best friend at Yale University.

reassured many abortion rights supporters that there would be no change in Mr. Reagan's second term either. Polls in both 1980 and 1984 showed Mr. Reagan winning substantial support from voters, notably among the well-off and the young, who disagreed with him on abortion.

Now that Mr. Reagan has shown through his court appointments that he meant what he said all along on abortion and other social matters, Ms. Michelman predicted that many of these voters would have second thoughts about their Republican allegiances.

## His nomination raises the prospect of sudden legal changes.

preme Court erred in its 1973 Roe v. Wade decision striking down state laws against abortion.

## May Spur Rights Movement

Ann F. Lewis, a prominent Washington Democrat, said that the nomination has already galvanized the abortion rights movement.

"Reagan's nomination of Bork may succeed in doing what the pro-choice movement has been unable to do," said Ms. Lewis, who works closely with the groups favoring abortion rights. "That is, to convince the American people that the right to a safe, legal abortion can be put in jeopardy by the political process."

John Buckley, a veteran of conservative political campaigns who is press secretary to Representative Jack F. Kemp, the New York Republican, said that the Roe v. Wade decision had "turned the right-to-life movement into one of the driving forces in the Republican Party for 15 years."

A court decision narrowing or overturning Roe v. Wade, he said, could have a similar effect on the political power of the abortion rights move-



THE WHITE HOUSE

WASHINGTON

July 7, 1987

MEMORANDUM FOR CARL A. ANDERSON

FROM: DAN DANNER

SUBJECT: ROBERT H. BORK NOMINATION

Although there isn't much activity yet, a number of the business groups are looking at supporting Mr. Bork's economic background. Here's what I know of so far.

I. Citizens for a Sound Economy (CSE)

Are working behind the scenes with Senators to support Mr. Bork on the basis of his economic record.

They also anticipate a letter or Op-Ed piece from someone at George Mason Law School that outlines Mr. Bork's position on economic principles. They also anticipate some grass roots activity in key states.

II. Council for National Policy

Anticipate considerable individual activity from their members. They won't be doing anything as an organization because their tax designation prohibits lobbying.

III. Mike McKeivitt

Will be working individually to organize business support for Mr. Bork.

These are the only of our groups that I know are currently working in support of Mr. Bork's nomination. Others, including the U.S. Chamber, are considering action but it's unclear what they will do, if anything.

My guess is that most business organizations will not take an official position and support will remain on an individual basis.

Let me know if you have any questions.

THE WHITE HOUSE  
WASHINGTON



Date: July 7, 1987

TO: Carl Anderson

FROM: **Linda L. Arey**  
*Special Assistant to the President  
and  
Deputy Director for Public Liaison*

SUBJECT: Bork Nomination

The attached is for:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Review & Comment   |
| <input type="checkbox"/> Direct Response        | <input type="checkbox"/> Appropriate Action |
| <input type="checkbox"/> Draft Reply            | <input type="checkbox"/> Per Request        |
| <input type="checkbox"/> File                   | <input type="checkbox"/> Signature          |

Comments:

This information came into Barney's office. I picked it up at lunch. It is excellent in terms of helping us target our efforts appropriately. I wanted you to have it as soon as possible in case you had not seen it. If you would like, I will xerox it for everyone in OPL.



## SPECIAL ACTION MEMORANDUM

July 2, 1987

RECEIVED JUL 07 1987

Coalitions for America  
721 Second Street, NE  
Washington, D.C. 20002  
202-546-3003

To: The Coalitions  
From: Pat McGuigan, Chairman, 721 Group  
Re: The Bork Nomination

That for which we exist is upon us.

Immediate priority phone calls or letters must be written to members of the Senate Judiciary Committee. The listing which follows gives their names and phone numbers. Those marked with \* are key targets.

## Your themes:

1. Bork is the most qualified possible Supreme Court nominee. A member of the D.C. Circuit since 1982, the American Bar Association has rated him "exceptionally well qualified" for service as a federal judge. A respected conservative legal analyst, Bork has support from throughout the academic and legal community, even from those who do not share all of his views.
2. Why is the Committee delaying its hearings? The hearings should be held as soon as possible. While they should be thorough, they should not be used as another tactic for obstructionist delay of the President's qualified nominee.

Judiciary Committee members, phone numbers are 202-224-XXXX, mailing address is The Honorable \_\_\_\_\_, U.S. Senate, Washington, D.C. 20510

Joe Biden (D-DE) 224-5225	Strom Thurmond (R-SC) -5972
Edward M. Kennedy (D-MA) -4543	Orrin Hatch (R-UT) -5251
Robert C. Byrd (D-WV) -3954*	Alan K. Simpson (R-WY) -3424
Howard M. Metzenbaum (D-OH) -2315	Charles E. Grassley (R-IA) -3744
Dennis DeConcini (D-AZ) -4521*	Arlen Specter (R-PA) -4254*
Patrick J. Leahy (D-VT) -4242*	Gordon Humphrey (R-NH) -2841
Paul Simon (D-IL) -2152	
Howell Heflin (D-AL) -4124*	

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You will find enclosed a detailed analysis of the present Senate. This analysis is based upon the actual votes of these Senators on Reagan judicial nominees during the last (99th Congress). For new members in this 100th Congress, we have somewhat arbitrarily assigned them to a category based upon their general philosophy.

Group 1 are those Senators whose votes should be solid. Note, however, that we strongly encourage communication even to these Senators. Of particular concern, of course, are Senators Dan Evans (R-WA) and Bob Packwood (R-OR).

Group 2 are those Senators whose records indicate they should be helpful to the Bork nomination, but we cannot be certain.

Group 3 are those Senators normally against the President's nominees, but who in fact have a mixed record and have occasionally backed the President's nominees.

Group 4 are those Senators who have always voted wrong in the votes we have targeted. However, a handful of even these Senators are worth your attention if you have the time and resources to spare. These include: Max Baucus (D-MT), Robert Byrd (D-WV), Tom Daschle (D-SD), James Exon (D-NE), Wyche Fowler (D-GA), Albert Gore (D-TN), Pat Moynihan (D-NY), Harry Reid (D-NV) and Jim Sasser (D-TN).

Your themes with the Senators are straightforward:

1. The President has nominated an exceptionally well qualified man/ (Repeat from #1 above).
2. We hope you will encourage your colleagues on the Judiciary Committee to hold speedy hearings on this excellent nominee. There can be no justification for delay because the Supreme Court begins its work in October and needs the new justice.
3. We hope you will not support delaying tactics, but will vote to invoke cloture (end debate) on any obstructionist filibuster.
4. We are counting on you to support this outstanding nominee when the final vote is taken on his confirmation.

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As always, copies of letters (especially replies from the Senators) to me. Keep us informed in writing of how things are going. If you need advice or suggestions beyond this, call Dan Casey of the American Conservative Union (202-546-6555) or me, but keep in mind I will be hard to catch up with in the weeks ahead.

THIS IS THE ONE. LET'S GO TO WORK.



# Judiciary post to gauge Biden's presidential chances

By Larry Eichel  
Times Staff Writer

Sen. Joseph R. Biden Jr. (D., Del.) assembled his top aides in Wilmington on Friday to discuss how to handle a job he did not pursue, that of chairman of the Senate Judiciary Committee.

How he handles his new role is certain to influence his prospects for a job he is likely to pursue, that of president of the United States.

"On balance, I see it as a hell of an opportunity," Biden said in a telephone interview just before that staff meeting convened. "It's a chance to put to bed some of the notions floating around about Joe Biden, the questions you hear ...

"Can Biden keep his temper and his rhetoric intact or will he provide silver bullets for his presidential opponents? Does Biden really know how to legislate?

"I'm confident about the answer to the second question, and the first — well, we'll find out," said the senator, who received mixed reviews for several emotional performances on Capitol Hill this year, including a heated confrontation with Secretary of State George P. Shultz over U.S. policy toward South Africa. "I see it as a real good test, a chance not only to show that I do have a legislative record but that I know how to make things work."

Among political insiders, Biden, 43, already has become a man to be taken seriously in terms of the 1988 Democratic presidential nomination. As a would-be candidate, the three-term Delaware senator is given high marks for his visceral effectiveness as a campaigner, his attractiveness as a personality and his ability to attract a flock of top-flight political purveyors.

## Visible platform

The Judiciary chairmanship, one of the more visible platforms in Washington, gives him the chance both to establish himself with a broader audience and to counter the charge, voiced often by his detractors, that he is all sizzle and no substance, all talk and no work.

"You can assert moral purpose in Judiciary, and that is of great interest to the voters," said Paul Tully, a top Democratic strategist not yet aligned with any of the would-be candidates for 1988. "You can let people know what you're made of."

During the last year, the so-called "Great Mentions" — the politicking, consultants, pollsters and journalists who determine the pecking order among presidential hopefuls in the preliminary stages of a campaign — have been very kind to Joe Biden.

They have dubbed him their favored dark horse in the contest for the 1988 Democratic nomination. Somehow, through a process that amounts to little more than political gossip, he has become the man considered third most likely to be nominated, ranking behind only Gary Hart of Colorado and Gov. Mario M. Cuomo of New York.

This transformation of Joe Biden into a presidential hopeful who merits serious discussion — as opposed to one whose name appears only in sentences that begin, "Also expected to run are ..." — has happened even though the public-opinion polls still place him in single-digit territory along with Rep. Richard A. Gephardt of Missouri and Gov. Bruce Babbitt of Arizona.

## Mixed blessing

Even so, Biden was not supposed to be chairman of Judiciary in the newly elected Democratic Senate, that post had been expected to go to Sen. Edward M. Kennedy of Massachusetts. But Kennedy, who through seniority had the right to choose between the chairmanships of two subcommittees, opted for the Labor and Human Resources Committee, leaving Judiciary to the senator from Delaware.

For Biden, this is a mixed blessing. It has a very real downside.

The sheer volume of the work, for instance, may require him to spend more time than he would like in Washington and less time in places like Iowa and New Hampshire.

Obviously, if I decide to run, and so Supreme Court justices resign in November (1987), when I should be in Iowa campaigning for the caucuses, then I've got a real problem," he said. Otherwise, I have much more flexibility with timing as chairman than a ranking member. I don't mean to be facetious but, as chairman, the voting doesn't start until I show up."

And the issues that come before the Judiciary Committee tend to create a tension between a politician's need to cater to various constituencies and his desire to convey a statesmanlike image. Someone who does the former may do well in presidential primaries; someone who does the latter might be better positioned for general election.

Such tension is most likely to become a problem for Biden should a Supreme Court seat occupied by one of the aging liberal justices come vacant in the coming months — and would President Reagan submit a nominee with both an impressive resume and extremely conservative views.

## Tight in middle

Most of the interest groups allied with the Democratic Party would favor rejection of such a nominee considering that the new justice might tip the balance on such emotional issues as abortion. And yet the custom would call for con-



Joseph R. Biden Jr.  
Getting a chance to prove himself

Biden would be caught in the middle, faced with incurring either the wrath of the interest groups or the anger of a popular president. His inclination, he said, would be to vote for a distinguished conservative.

Kennedy's seat, he said, might be in more explicit such a nominee.

"Say the administration sends up [former Solicitor General Robert H.] Bork and, after our investigation, he looks a lot like another [Associate Justice Antonin] Scalia," Biden said, referring to the conservative jurist whom the Senate confirmed unanimously earlier this year. "I'd have to vote for him, and if the groups fear me apart, that's the medicine I'll have to take. I'm not Teddy Kennedy."

That kind of vote may turn out to be a liability for the presidential nomination process, but it would happen whether or not I was chairman," he added. "Whether or not I'm chairman, I would still be inclined to speak my mind, and I'd still have to vote on every judge."

Other than reviewing judicial nominees, Biden said his priority as Judiciary chairman would be the creation of a "drug czar," a cabinet-level officer to coordinate the nation's war on drugs. Proposals to create the position have been eliminated twice from major crime legislation in recent years at the urging of the White House.

He said the committee, which has been headed by Republican Strom Thurmond of South Carolina, also would provide more vigorous oversight in the fields of antitrust and civil rights. Specifically, he pledged to scrutinize enforcement of the new immigration law; opponents fear the wholesale violation of the civil rights of Hispanics.

Said one of Biden's political advisers, looking at how Joe Biden, Judiciary chairman, might affect the life of Joe Biden, presidential candidate: "I can't think of a much better position to be in than defending the Constitution against [Attorney General Ed] Meese, standing up against the excesses of the Moral Majority's social agenda, saying no to television evangelists who want the government peeking into the nation's bedrooms. The American people are with us on all those issues."

Biden said that, along with the demands of his new job, his ascension has caused him to push back his timetable for a final decision on whether to run. He had expected to

make that decision well before now, he says, he can afford to wait until late winter or early spring.

"I feel real good about the campaigning we did for other candidates this fall," said Biden, who traveled to 28 states during the year. "Quite frankly, if that were the only consideration, we'd go for it right now. If we run, we'll do as well or better as anyone in Iowa or New Hampshire

and the South. I got a lot of offers to support out there."

"I feel much less sense of urgency about getting started. Originally, I thought I had to be out of the box early to have any chance to establish credibility or to raise money. I don't think that's true anymore."

"Being seen as part of the first tier has given me some flexibility. I'm not Dick Gephardt."



# HOW THEY VOTED

Votes supporting the  
President's Position

SENATOR	A	B	C	D	E*	F*	G*	H	I	J	
ABDNOR (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
ANDREWS (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
ARMSTRONG (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
BAUCUS (D)	-	-	-	+	-	-	-	-	-	+	2 of 10
BENTSEN (D)	+	+	-	+	-	-	-	+	+	+	6 of 10
BIDEN (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
BINGAMAN (D)	-	+	-	-	-	-	-	+	-	+	3 of 10
BOREN (D)	+	?	-	+	-	-	-	+	+	+	5 of 9
BOSCHWITZ (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
BRADLEY (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
BUMPERS (D)	-	+	-	?	?	-	-	+	+	+	4 of 8
BURDICK (D)	+	+	-	-	-	-	-	-	-	+	3 of 10
BYRD (D)	-	-	-	-	-	+	-	-	-	+	2 of 10
CHAFEE (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
CHILES (D)	?	?	-	-	-	-	-	+	+	+	3 of 8
COCHRAN (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
COHEN (R)	+	+	-	+	+	+	+	+	+	+	9 of 10
CRANSTON (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
D'AMATO (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
DANFORTH (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
DECONCINI (D)	+	+	+	+	+	-	-	+	+	+	8 of 10
DENTON (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
DIXON (D)	-	+	+	-	-	-	-	-	+	+	4 of 10
DODD (D)	-	-	-	-	-	-	-	-	-	+	1 of 10
DOLE (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
DOMENICI (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
DURENBERGER (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
EAGLETON (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
EAST/ BROYHILL (R)	?	?	+	+	+	+					4 of 4
EVANS (R)	+	+	+	+	+	-	+	+	+	+	9 of 10
EXON (D)	+	+	-	-	-	-	-	-	-	+	3 of 10
FORD (D)	+	+	-	-	-	-	-	+	+	+	5 of 10
GARN (R)	?	+	+	+	+	+	+	?	?	?	6 of 6
GLENN (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
GOLDWATER (R)	?	+	-	+	+	+	+	+	?	?	6 of 7
GORE (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
GORTON (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
GRAMM (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
GRASSLEY (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HARKIN (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
HART (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
HATCH (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HATFIELD (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HAWKINS (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HECHT (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HEFLIN (D)	+	+	+	-	-	+	+	+	+	+	8 of 10
HEINZ (R)	+	+	?	+	-	+	+	+	+	+	8 of 9
HELMS (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
HOLLINGS (D)	+	+	-	+	-	-	-	+	+	+	6 of 10
HUMPHREY (R)	?	+	+	+	+	+	+	+	+	+	9 of 9
INOUE (D)	+	-	-	?	?	-	-	-	-	+	2 of 8
JOHNSTON (D)	+	+	-	+	-	-	-	-	+	+	5 of 10

SENATORS	A	B	C	D	E*	F*	G*	H	I	J	Votes supporting the President's position
KASSEBAUM (R)	+	+	+	+	+	-	-	+	+	+	8 of 10
KASTEN (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
KENNEDY (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
KERRY (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
LAUTENBERG (D)	-	-	-	-	-	-	-	-	-	+	1 of 10
LAXALT (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
LEAHY (D)	-	+	-	-	-	-	-	+	-	+	3 of 10
LEVIN (D)	-	-	-	-	-	-	-	-	-	+	1 of 10
LONG (D)	+	+	+	+	-	+	+	+	+	+	9 of 10
LUGAR (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
MATHIAS (R)	+	?	+	?	?	-	-	+	-	+	4 of 7
MATSUNAGA (D)	+	-	-	-	-	-	-	-	-	+	2 of 10
MATTINGLY (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
MCCLURE (R)	+	+	+	+	?	+	+	+	+	+	9 of 9
MCCONNELL (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
MELCHER (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
METZENBAUM (D)	-	-	-	-	-	-	-	-	-	+	1 of 10
MITCHELL (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
MOYNIHAN (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
MURKOWSKI (R)	+	?	+	+	+	+	+	+	+	+	9 of 9
NICKLES (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
NUNN (D)	-	+	-	-	-	-	-	+	+	+	4 of 10
PACKWOOD (R)	+	+	+	+	+	+	-	+	+	+	9 of 10
PELL (D)	+	+	-	+	+	-	-	+	-	+	6 of 10
PRESSLER (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
PROXMIRE (D)	-	-	-	-	-	-	-	+	+	+	3 of 10
PRYOR (D)	-	+	-	+	+	-	-	-	+	+	5 of 10
QUAYLE (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
RIEGLE (D)	-	-	-	-	-	-	-	-	-	+	1 of 10
ROCKEFELLER (D)	-	+	?	-	-	-	-	-	-	+	2 of 9
ROTH (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
RUDMAN (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
SARBANES (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
SASSER (D)	-	+	-	-	-	-	-	-	-	+	2 of 10
SIMON (D)	-	+	-	+	+	-	-	-	-	+	4 of 10
SIMPSON (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
SPECTER (R)	+	+	+	+	-	-	-	+	+	+	7 of 10
STAFFORD (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
STENNIS (D)	+	+	+	+	-	-	-	+	+	+	7 of 10
STEVENS (R)	?	+	+	+	+	+	+	+	+	+	9 of 9
SYMMS (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
THURMOND (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
TRIBLE (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
WALLOP (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
WARNER (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
WEICKER (R)	+	-	-	+	+	-	-	+	-	+	5 of 10
WILSON (R)	+	+	+	+	+	+	+	+	+	+	10 of 10
ZORINSKY (D)	+	+	?	+	-	-	-	+	+	+	6 of 9

Forty-five Republican Senators (out of 54) have consistently supported the President on every vote cast. In contrast, 30 Democratic Senators supported the President less than one third of the time.



Role call votes of the 99th Congress on Judicial Nominees  
and Attorney General appointment

- A -- Nomination of Edwin Meese as Attorney General.  
Confirmed (63-31) 2/23/85
  - B -- Nomination of James Buckley for D.C. Circuit Court.  
Confirmed (84-11) 12/17/85
  - C -- Nomination of Alex Kozinski for 9th Circuit Court.  
Confirmed (54-43) 11/7/85
  - D -- Cloture vote on Sidney Fitzwater Nomination to Northern  
District Court of Texas. Agreed (64-33) 3/18/86
  - E\*-- Nomination of Fitzwater (Final).  
Confirmed (52-42) 3/18/86
  - F\*-- Nomination of Daniel Manion to 7th Circuit Court.  
Confirmed (48-46) 6/26/86
  - G\*-- Reconsideration of Manion confirmation.  
Rejected (49-49) 7/23/86
  - H -- Cloture vote on Justice William Rehnquist nomination to  
Chief Justice. Agreed (68-31) 9/17/86
  - I -- Nomination of Rehnquist (Final).  
Confirmed (65-33) 9/17/86
- 
- J -- Nomination of Antonin Scalia to Supreme Court.  
Confirmed (98-0) 9/17/86

+ indicates a vote in favor of the President's nominee

- indicates a vote against the President's nominee

? indicates a missed vote

\* (live pairs included as + and - )

- Group 1 - 99% definite votes for Reagan nominee  
 Group 2 - usually supports Reagan nominee  
 Group 3 - can sometimes be counted on to support Reagan nominee  
 Group 4 - almost never votes right - can probably be written-off

GROUP 1	GROUP 2	GROUP 3	GROUP 4
Armstrong	Bentsen	Bingamen	Adams*
Bond*	Boren	Bumpers	-Baucus
Boschwitz	Breaux*	Chiles	Biden
Chafee	Deconcini	Dixon	Bradley
Cochran	Ford	Graham*	Burdick
Cohen	Heflin	Nunn	-Byrd
D'Amato	Hollings	Pell	Conrad*
Danforth	Johnston	Proxmire	Cranston
Dole	Kassebaum	Sanford*	-Daschle*
Domenici	Pryor	Weicker	Dodd
Durenberger	Shelby*		-Exon
Evans	Spector	10	-Fowler*
Garn	Stennis		Glenn
Gramm			Gore
Grassley	13		Harkin
Hatch			Inouye
Hatfield			Kennedy
Hecht			Kerry
Heinz			Lautenberg
Helms			Leahy
Humphrey			Levin
Karnes*			Matsunaga
Kasten			Melcher
Lugar			Metzenbaum
McCain			Mikulski
McClure			Mitchell
McConnell			-Moynihan
Murkowski			-Reid*
Nickels			Riegle
Packwood			Rockefeller
Pressler			Sarbanes
Quayle			-Sasser
Roth			Simon
Rudman			Wirth*
Simpson			
Stafford			
Stevens			
Symms			
Thurmond			
Trible			
Wallop			
Warner			
Wilson			

\* represents arbitrary assignment  
 of freshman



## POLITICS AND POLICY

# Senate Judiciary Panel Democrats Begin a Push To Toughen Standards for Selecting U.S. Judges

By STEPHEN WHELAN

WASHINGTON—Out of a small, private dinner last month in an obscure room in the Capitol has come an unusual effort by some Democratic senators to develop principles for assessing the quality of nominees for federal judgeships.

What makes this effort, organized by Sen. Joseph Biden of Delaware, so unusual is that two widely respected experts in constitutional law, from opposite ends of the political spectrum, have drafted a tough statement urging the Senate to look more carefully at the qualifications of nominees to the federal courts. "The nation has a right to expect more than minimum qualifications and probable fitness from its federal judges," the statement says.



Sen. Joseph Biden

Already this working paper has begun to have an impact on the Senate's review of judicial appointments. When the Senate Judiciary Committee last week rejected the nomination of Jefferson Sessions to be a federal judge in Alabama, several Democrats said they were uncertain the nominee would treat blacks fairly. It is the administration's "burden to prove they are qualified," Sen. Biden said, "not the burden of this committee" to prove them unqualified.

The Reagan administration says the Democrats are simply engaged in a partisan effort to block nominees who are conservative. The defeat of Mr. Sessions was

"an appalling surrender to the politics of ideology," Attorney General Edwin Meese asserted.

But the notion that a candidate for a judgeship must prove his qualifications didn't originate with the Democrats. It is just one of several ideas in the statement of Professor Philip Kurland of the University of Chicago, a prominent conservative legal scholar, and Professor Laurence Tribe of Harvard Law School, a leading liberal legal commentator.

The dilemma is how to assess the competence of judicial nominees without simply relying on ideology. How can standards be set for legal experience, intelligence and competence that transcend the increasingly bitter fighting between Democrats and Republicans over President Reagan's judicial appointments?

## 'Higher Standard' Sought

Observing that the Senate "has too often been confused and uncertain about its role in approving federal judicial nominees," the two professors urged senators to set a "higher standard" for judges than for other presidential appointees. "If it is not readily apparent that a candidate is truly distinguished, the burden should be on the president to demonstrate the merits of the nominee," the law professors wrote.

The statement, which doesn't refer to the nominees of any particular administration, says that while a president is free to pick qualified people who share his political views, the Senate needn't approve those whose ideology is their "most salient qualification." A nominee's legal views ought to be "within the broad bounds of acceptability in American public life and not on its lunatic fringes—whether left or right," the professors said.

Senators shouldn't block a nomination

because they would prefer someone from "a different part of the country, or someone of a different race, gender or ideology," they said. Nor, however, should they approve a nominee whose only selling point "is that he has spent some time in law or public life and is untainted by any major scandal."

The statement grew out of the Capitol dinner May 6 and a second meeting May 14. At the dinner, Democratic Sens. Biden and Edward Kennedy of Massachusetts, Howard Metzenbaum of Ohio and Paul Simon of Illinois met with Harvard's Prof. Tribe. Prof. Kurland was also to have been at the dinner, but was ill; he met later with Sens. Biden and Simon.

Sen. Biden wanted "to get the Senate to look in a very private way at what the Constitution really says about our responsibility," he said in an interview.

An American Bar Association committee already rates the qualifications of judicial nominees, but those ratings have become mired in the politics of the Senate Judiciary Committee. Moreover, the senators don't want to cede to the ABA the right—the law professors would say "responsibility"—to make their own independent judgment about nominees.

Two things sparked Sen. Biden's concern: First, some Democrats charge that the caliber of nominees the president has sent to the Senate since Mr. Meese became attorney general, particularly for the federal appeals courts, is lower than those proposed by his predecessor in the first Reagan administration, William French Smith. The second is the nomination of Daniel Manion, a South Bend, Ind., lawyer, to the federal appeals court in Chicago.

The highly conservative Mr. Manion ap-

peared in the 1970s on a radio and television talk show hosted by his father, Clarence Manion, a founder of the John Birch Society, once questioning the authority of the Supreme Court. More recently, he called for state legislation permitting the posting of the Ten Commandments in classrooms, although the Supreme Court had just struck down another state's similar law.

The Senate Judiciary Committee voted against Mr. Manion, but agreed to let the nomination go to the full Senate. A vote is possible this week or next. Democrats say their opposition isn't based on Mr. Manion's politics, but on his lack of experience. "It isn't ideology," says Sen. Biden, "it's a question of knowledge of the law, competence, ability."

## Kurland's View on Manion

Says Chicago's Professor Kurland, "This guy has indicated his unwillingness to accept Supreme Court decisions as controlling . . . If the Senate isn't going to do anything about that, how are they going to perform their duty?"

Conservative Republicans on the Senate Judiciary Committee aren't likely to embrace the statement drafted for the Democrats, but it may influence moderate GOP senators in particular cases. Sen. Charles Mathias of Maryland, for example, voted to kill the Sessions nomination last week.

But GOP Sen. Orrin Hatch of Utah says the Democrats are "really just fighting these people on ideological grounds." He says, "They're trying to do everything they can to prevent President Reagan from having a legacy of putting interpreters on the bench, not radical activists."

Sen. Hatch, who says Mr. Kurland isn't a "Reagan" conservative, says he would "give the benefit of the doubt" to a nominee. "These are very high-quality people, or they wouldn't be considered in the first place," he said.

Consensus, as Sen. Biden is quick to admit, is difficult to come by, and the Senate

vote on Mr. Manion will be a first test of just how tough a job it is. The standard, he says, "has to allow a Robert Bork," a con-

servative former Yale Law School professor now on the federal appeals court here, "but must keep a Manion off."

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nature and scope of our responsibility to review judicial nominees as well as personal views on the characteristics which distinguish a highly qualified judicial nominee.

As I see it, our function in reviewing the qualifications of a judicial nomination is somewhat different from our function in reviewing the qualifications of a nominee to an executive branch position. Personal views on matters of policy falling within the purview of an executive office are critically important in assessing a nominee's qualifications. ABNER MIKVA as a Member of Congress has spoken out on practically every public issue coming before the House of Representatives in the past decade. His views on those issues would be important if, for example, he were to be nominated to a Cabinet post where his job would be to implement his positions.

The necessary qualifications of a judicial nominee are somewhat different. Although a nominee's personal views on matters likely to come before him are relevant, they are not nearly as important as the more elusive qualities of demeanor and judicial temperament. The real issue with a judicial nominee is whether he is capable of performing the delicate role of objectively reviewing questions of law and fact. He must be able to put aside any personal prejudice he might have on the matters before him.

Therefore, I believe, what is properly before us here as we consider Congressman Mikva's nomination is not the views he has expressed on public issues as a Member of Congress, but rather the degree to which he possesses those attributes experience has shown to be desirable in a judge, particularly the ability to be objective on the bench. To apply any other standard would be to disqualify from the judiciary virtually any public person who has been willing to take positions on judicial issues. Specifically, I do not believe that elected officials should be disqualified for service on the Federal bench simply because during the course of their political careers they have advocated positions with which some people have disagreed.

We are all aware that Congressman Mikva has publicly and vigorously taken a position on gun control with which many people disagree. As a matter of fact, I am one of those who does disagree with him on this issue. Nevertheless, I think we must be clear that our responsibility here is not to express our personal views on gun control or any other issue on which Congressman Mikva has spoken out. Our business here is to inquire into the Congressman's qualifications to impartially interpret the law in the courtroom.

Issues, indeed, have their own importance. If we did not believe that, none of us would be here today. But the quality and the integrity of the Federal bench, and the personal, intellectual, and legal attributes of the judges who occupy it, have a unique importance of their own.

Among the witnesses at the nomination hearing who spoke in support of Congressman Mikva's nomination were some of our colleagues whose views I believe are particularly relevant to our de-

liberations today—both as a result of the tremendous respect we hold for their objectivity and as a result of their personal and professional association with Congressman Mikva. Those witnesses who expressed very strong support for Congressman Mikva's nomination included: Senators STEVENSON and PERCY, Congressmen TIP O'NEILL, PETER RODINO, and JOHN RHODES.

The strong bipartisan support for Congressman Mikva's nomination was most evident in the testimony of Congressmen ROBERT H. MICHEL and GUY VANDER JAGT. Mr. MICHEL frankly admitted that he and Mr. Mikva have been on "opposite" sides of the major issues for as long as they have been in Congress and that there are few matters on which they agree when it comes to political and economic approaches. Despite their strong philosophical differences, Mr. MICHEL testified that he has been impressed with Mr. Mikva's personal integrity and his essential character. He has the kind of temperament that seeks answers for questions, not scapegoats to blame. As Mikva's essential integrity transcends political and ideological lines and will help him to be a fair, impartial, and dedicated judge.

In the same vein, Congressman GUY VANDER JAGT who acknowledged a "philosophical gulf" between himself and Mr. Mikva, testified that he "knows of no other Member of the House who exemplifies a higher level of integrity and fairness and patriotism and ability to see all sides of the issue." In his view we will "never have a chance to confirm a nomination of a judge who will serve with greater integrity and fairness and intelligence." Congressman VANDER JAGT added that if he were indicted on a gun offense, he would "pray I was sent before a judge with the kind of fairness that I know Ab Mikva would exemplify."

The Judiciary Committee also received similarly strong expressions of support for Mr. Mikva's nomination from former President Gerald Ford, and former Attorney General Edward Levi. I ask unanimous consent to place their letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GERALD R. FORD,  
July 3, 1979.

HON. EDWARD M. KENNEDY,  
Chairman, Senate Judiciary Committee,  
U.S. Capitol,  
Washington, D.C.

DEAR MR. CHAIRMAN:

I was very pleased to learn that President Carter had nominated United States Representative Abner J. Mikva for a position on the United States Court of Appeals. I strongly endorse affirmative action on his nomination by the Senate Committee on the Judiciary and the United States Senate.

Representative Mikva and I served together in the House of Representatives for four years (January 1969 to January 1973). For two years (January 1975 to January 1977) he served in the House of Representatives while I was President. During these times I became well acquainted with Ab Mikva on both a personal and professional basis.

Even though Representative Mikva and I have some philosophical and partisan differences he is a person of great integrity, ability and dedication. He was a skillful and effective

legislator. I was impressed with his committee work and his actions on the floor of the House in the consideration of legislative matters.

I know first hand that he was highly respected by his colleagues in the House of Representatives, both Democrat and Republican, in spite of political party differences. Ab Mikva is an attractive, conscientious articulate individual.

During my Presidency I was most grateful for his assistance on many matters that involved the best interests of our nation. He was always willing to listen to the views of others and was responsive in an affirmative way on both domestic and foreign policy.

It is my best judgment that Abner J. Mikva is fully qualified to be a member of the United States Court of Appeals and I trust he will be confirmed.

Sincerely,

GERALD R. FORD.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., June 26, 1979.

HON. EDWARD KENNEDY,  
Chairman Judiciary Committee,  
Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR KENNEDY: I have known Congressman Abner Mikva since we debated the Medicare legislation on a Chicago TV station in 1965.

My colleague and I represent opposing philosophies—for the most part—and sit on opposite sides of the aisle.

For all of that, I have never known Congressman Mikva to ever be anything other than honest, sincere, and a man of considerable talent. He is, in short, a highly respected adversary and I consider him a personal friend as well.

As I know Congressman Mikva will appear before your Committee for his confirmation hearing. I wanted you to know my relationship with Congressman Mikva.

Cordially,

PHILIP M. CRANE,  
Member of Congress.

STATEMENT OF THE HONORABLE JOHN J. RHODES, MINORITY LEADER, U.S. HOUSE OF REPRESENTATIVES, BEFORE THE SENATE JUDICIARY COMMITTEE, JULY 12, 1979

Chairman Kennedy and distinguished Members of the Senate Judiciary Committee:

I am pleased to have this opportunity to testify on behalf of my colleague who has been appointed as a candidate for Circuit Court Judge in the District of Columbia.

Ab Mikva has served in the House for 10 years, and for six of those years has been a member of the Judiciary Committee. Currently he is engaged in a sizable challenge, working out a bipartisan approach to reforming the Nation's Criminal Code.

I have known Ab Mikva well during his tenure in the House, and although we do not often agree on issues, he has been willing to listen to opposing viewpoints and consider all sides of issues before the House. Impartial application of the law is, of course, a prerequisite to judicial service.

I know that Ab Mikva and I take opposing sides on the issue of control of handguns. However, there is not the slightest doubt in my mind that as a Circuit Court Judge, he would eschew partiality and make decisions based solely on the law, even if it disagrees with his personal viewpoint.

Certainly, his experience in the Congress, where laws are written, enhances his qualification to serve as a Judge of the courts where the law is applied.

Ab Mikva has a reputation, on both sides of the political aisle, for fair-mindedness and hard work. I believe he will make a competent Judge, and I urge this Committee to confirm his appointment.



From the desk of \_\_\_\_\_

**DONALD BALDWIN**

July 7, 1987

Carl:

Thanks for hosting our meeting in the White House for the initial kickoff on Bork.

As a followup to your meeting, I have sent the enclosed memo to the National Presidents and Executive Directors of the fifteen member organizations of the NLEC. Through these executive heads, the Council reaches some 300,000 to 400,000 law enforcement officers throughout the United States. A list of the members is included in the enclosed brochure.

I have also been on the telephone with several of the larger organizations. Some of them are going to have to take this to their executive boards which may take several weeks. I have stressed the need to act now.

In the meantime I'm working the phone.



# NATIONAL LAW ENFORCEMENT COUNCIL

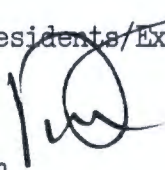
Suite 804  
1140 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Ordway P. Burden  
Chairman

Donald Baldwin  
Executive Director

Telephones: (202) 223-5598, 223-6850

July 7, 1987

**Memo to:** NLEC National Presidents/Executive Directors  
**From:** Donald Baldwin   
**Subject:** Bork confirmation

We have been asked by the White House and the Attorney General of the United States to alert our respective members to the importance of the confirmation of Judge Robert H. Bork to succeed Associate Justice Lewis Powell on the United States Supreme Court. The nomination of Judge Bork was officially announced by President Reagan at a specially called press conference at the White House July 1. A copy of the White House press announcement is enclosed for your information.

Our good friend Ed Meese has asked that I remind you of the strong record Judge Bork has made in his decisions while a member of the U.S. Court of Appeals during the past five years he has sat at a Circuit Court Judge. In addition to establishing an international reputation as a law professor at Yale where he was recognized as a most distinguished professor of constitutional law, he had a successful career in the private practice of law before becoming Solicitor General of the United States. Judge Bork's career in the law has demonstrated his support for law enforcement as a strong defender of the Constitution and our criminal justice system.

We have been called upon to lend our support towards Judge Bork's confirmation as the next Associate Justice of the U.S. Supreme Court.

Would you write me a letter indicating your willingness to support Judge Bork for the Supreme Court, and stating whether or not you wish to testify before the Senate Judiciary Committee when the hearings are announced? We would like to have your letter as soon as possible. As you know, the opposition to Judge Bork has already begun their campaign to discredit this distinguished jurist, supporter of law enforcement and the criminal justice system, and defender of the Constitution.

DB/mmg

THE WHITE HOUSE  
Office of the Press Secretary

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For Immediate Release

July 1, 1987

The President today announced his intention to nominate Judge Robert H. Bork to be Associate Justice of the United States Supreme Court. He would succeed Associate Justice Lewis Powell. Judge Bork has been sitting on the U.S. Court of Appeals for the District of Columbia Circuit since 1982, when he was named to that Court by President Reagan.

Prior to his appointment to the Court of Appeals, Judge Bork was a partner with the law firm of Kirkland & Ellis in Washington, D.C. From 1977 to 1985 and from 1962 to 1973, he taught at the Yale Law School where he was the Alexander M. Bickel Professor of Public Law and the Chancellor Kent Professor of Law. From 1973 to 1977, he was Solicitor General of the United States. From 1954 until 1962, Judge Bork practiced law in Chicago, Illinois with the firm of Kirkland, Ellis, Hodson, Chaffet & Masters, and in New York City with the firm of Willkie, Owen, Farr, Gallagher & Walton.

Judge Bork received his J.D. from the University of Chicago in 1953. He received his B.A. from the University of Chicago in 1948.

Judge Bork is married and has three children. He was born on March 1, 1927 in Pittsburgh, Pennsylvania.

# # #



# Bork: Judges atypical, so activism is improper

The following are excerpts from an interview with Judge Robert H. Bork of the U.S. Circuit Court of Appeals for the District of Columbia. Judge Bork was interviewed by Patrick B. McGuigan, director of The Institute for Government and Politics. The interview was conducted on Sept. 5, 1985, and published in part in Judicial Notice, the Institute's newsletter, in June 1986.

**Q: What is the proper role of judges in a democratic society?**

**A:** The quick answer is: To try to discern the intent of the people who wrote the law they are applying, whether it is constitutional law or statutory law or precedential law.

**Q:** In a speech three years ago to the Free Congress Foundation's Conference on Judicial Reform, you spoke of the difference between the "interpretivist" (or strict constructionist) school of constitutional and legal analysis and the "non-interpretivist" (or activist) school. Will you review that difference for our readers?

**A:** There has recently grown up, in the law schools in particular, a school of constitutional philosophy which holds that judges are not properly bound by the intent of the framers of the Constitution, but may, indeed should, make new constitutional law, create new rights. And it is suggested that they may do so either because moral philosophy suggests inhibitions on legislative powers not found in the Constitution or because judges think the legislative process is malfunctioning in some way that they themselves define.

Interpretivists believe the contrary. They think the job of a judge is to understand the principle that the framers were trying to protect and apply that principle in today's circumstances, which the framers could not have foreseen. But the idea is always to protect — and not some new freedom.

**Q:** In that 1982 speech, you maintained that if the notion that judges can draw their constitutional rulings from outside the Constitution "achieves entire intellectual hegemony in law schools, as it is on the brink of doing, the results will be disastrous for the constitutional law of this nation." Why would that be disastrous?

**A:** Because you would have a small group of unelected, unrepresentative judges making the basic law of the nation, quite irrespective of the desires of the electorate and quite irrespective of the meaning of the Constitution. That would bring minority tyranny in spades . . .

Judges are not representative of the population at large, either socially or economically or religiously or any other way. They tend to respond to the law school faculties, to clerks coming out of those law schools, to journalists, to members of the writing intellectual class. Those are groups with a point of view which does not run the full spectrum of American opinion. If judges simply enforced their own morality, you would get as constitutional law those moral views of a particular class and a morality that is not by any means generally shared in this country.

**Q:** In your speech on Dec. 6, 1984, to the session at the American Enterprise Institute in which you were presented the Francis Boyer Award . . . you said:

"Our constitutional liberties arose out of historical experience, and out of political, moral and religious sentiment. They do not rest upon any general theory. Attempts to frame a theory that removes from democratic control areas of life the framers intended to leave there can only succeed if abstractions are regarded as overriding the constitutional text and structure, judicial precedent and the history that gives our rights life, rootedness and meaning. It is no small matter to discredit the foundations upon which our constitutional freedoms have always been sustained, and substitute as a bulwark only abstractions of moral philosophy."

These are powerful words and it is a sentiment not necessarily shared in legal circles. Could you elaborate a little bit about what you were driving at there?

**A:** Yes. The effort to create individual rights out of a general, abstract, moral philosophy, I think, is doomed to failure from the beginning because I don't think there is any version of moral philosophy that can claim to be absolutely superior to all others. What I was saying in the passage you quote is that the rights we enjoy, which were handed down to us, arose out of particular circumstances and particular sentiments and religious beliefs. They are not connected by a general philosophy. And —

**Q:** In essence, were they a blending? A compromise, if you will?

**A:** Well, they are a compromise, but also they were quite specific. The framers had known certain kinds of abuses by government, and they wanted to make sure those abuses did not recur in our national government.

They didn't sit down and work out a utilitarian philosophy or a contractarian philosophy or something of that sort. If the framers intended to leave large areas of life to the democratic process, and we say, "No, the framers' intention doesn't count because we have a moral philosophy that says they shouldn't have," then that casts doubt upon the freedoms the framers did give us because they are not supported by that abstract moral philosophy.

I think that approach undercuts the legitimacy and the prestige of our historically rooted freedoms.

**Q:** What is the agenda and what are some of the specific steps required to restore respect for judicial restraint in our law schools?

**A:** When you say "an agenda", I don't know that I have an agenda. It seems to me that for the first time in quite a while there is a very sophisticated conservative intellectual movement taking place in law, economics, political science and elsewhere. That is good because it provides a needed competition in the intellectual marketplace.

The thing to do is encourage young people of that sort to go into academic life and to engage in intellectual debate. We must trust that eventually the power of superior ideas will prevail.

**Q:** Turning for a moment to a specific area of the law flowing from what we have been talking about, how would the contending schools of interpretation, the interpretivists and the non-interpretivists, approach the constitutional legitimacy of, say, the death penalty?

**A:** Well, I think for an interpretivist, the issue is almost concluded by the fact that the death penalty is specifically referred to, and assumed to be an available penalty, in the Constitution itself. In the Fifth Amendment and in the Fourteenth Amendment. It is a little hard to understand how a penalty that the framers explicitly assumed to be available can somehow become unavailable because of the very Constitution the framers wrote.

I suppose the non-interpretivists would proceed, as some of them have, by saying, "Well, the standard, for example, of what is a cruel and unusual punishment under the Eighth Amendment is an evolving standard. It moves with the society's new consensus about what is consistent with human dignity, what is too cruel, etc., etc."

And then they say that evolving standard has now reached the death penalty and eliminates it. But it is not made clear why the standard should evolve.



**Q: In the absence of a constitutional amendment?**

**A:** That's right. Furthermore, if we do look to what society's current standards are, it is quite clear from the statutes on the books that society's current consensus favors use of the death penalty.

I am not discussing whether the death penalty is a good or a bad idea but only the different constitutional approaches to it.

**Q:** Some analysts (political scientists and other) maintain that in essence the Equal Rights Amendment movement, the ERA movement, is dead . . . Ten years ago you observed, "The ERA represents less a revolution in sexual equality than it does a revolution in constitutional government." What did you mean by that?

**A:** I no longer feel free to comment about ERA since I'm now a judge. But I do feel free to explain what I meant 10 years ago, which was that the amendment didn't say that Congress shall have power to provide for sexual equality in all cases, or something of that sort. What it said was, "Judges shall have power to decide what sexual equality is in all cases."

Now the role that men and women should play in society is a highly complex business, and it changes as our culture changes. What I was saying then was that it was a shift in constitutional methods of government to have judges deciding all of those enormously sensitive, highly political, highly cultural issues. If they are to be decided by government, the usual course would be to have them decided by a democratic process in which those questions are argued out.

**Q:** What is the rule or method of constitutional interpretation that led to the so-called "privacy doctrine," which has given us (through judicial interpretation) abortion on demand, constitutional protection of homosexual rights and so forth?

**A:** Well, the so-called right of privacy was born in the case of *Griswold vs. Connecticut*. And again, but for the fact that I wrote this before I became a judge, I would be hesitant to say it, but I did write it before I became a judge.

I don't think there is a supportable method of constitutional reasoning underlying the *Griswold* decision. The majority opinion merely notes that there are a lot of guarantees in the Constitution which could be viewed as guarantees of aspects of privacy. As a matter of fact, that's a misnomer because a lot of them guarantee public action. But the opinion then says, since we have all these amendments which can be viewed as guaranteeing particular rights of privacy, we can generalize and create a general right of privacy.

Of course, that right of privacy strikes without warning. It has no intellectual structure to it, so you don't know in advance to what it applies.

**Q:** Well, my next question is, I think you have already answered it, is this a legitimate expression of the intent of the framers?

**A:** Well, as I said years ago, I thought the privacy notion had little to do with the intent of the framers.

**Q:** I am now going to ask you a couple of questions about areas where some conservatives disagree with you. Many of us have pushed for "withdrawal" or significant restriction of federal court jurisdiction over certain controversial social issues, including abortion and busing, school prayer and so forth. . . . You have maintained, eloquently, that this power does not reach as far as many conservatives believe. Will you elaborate your views for our readers?

**A:** In the first place, I am quite clear that the Congress has the power to remove jurisdiction as it likes from district courts and courts of appeals. Those are courts that Congress need not have created, and I think it could remove all jurisdiction and leave us all sitting there until we died off. That would be constitutional. The problem really arises only with respect to the Supreme Court, which is created by the Constitution and given appellate jurisdiction by the Constitution.

Now, as to Article III, Section 2, which you point out has the exceptions clause. It says the courts shall have appellate jurisdiction with such exceptions and regulations as the Congress may make. The question then becomes whether that enables the Congress to remove entire categories of jurisdiction from the Supreme Court because it dislikes what the Court is doing. And I must confess, although I have given an answer to that in the past, it seems to me the answer is not entirely clear for the following reason. I am clear that the exceptions clause was never designed for a use like this. If you should only use a clause for the purposes for which it was designed, then you shouldn't use it for this purpose.

**Q:** For what purpose was it designed?

**A:** I think it was designed for administrative detail and convenience and so forth. The reason we know it was not designed for the purpose we are discussing is that if the framers had been trying to create a check against a runaway Supreme Court, that's the last check they would have devised, because in the most important classes of cases you can't use it.

For example, if a challenge to an all-male draft or registration came up on constitutional grounds, you could hardly take away the Supreme Court's jurisdiction. If you did, jurisdiction would remain in all the state court systems; and, under the supremacy clause which requires state judges to apply the Constitution, I don't think you can remove jurisdiction from state courts.

The result is that with respect to any policy that requires national uniformity you can't use the exceptions clause. The framers would never have designed a check on the court that couldn't be used in very important cases.

The other reason is, if you were really devising a check to vindicate democracy against a runaway judiciary, you wouldn't devise a mechanism that puts the issue in a different set of judges. The framers would have devised a mechanism that put the issue back into Congress or state legislatures. But they didn't do that.

And that's what makes me think that they never intended the exceptions clause as a democratic check on the Supreme Court. They probably weren't even thinking about judicial review as a problem. In those days, nobody had ever seen judicial review. They didn't know what kind of problem it could become.

Having said that, on the other side, it must be said that Congress did not give the federal courts — and indeed the Supreme Court — certain kinds of jurisdiction for years and years and years after the Constitution was created. It's a little hard to say that Congress need not have given jurisdiction, but once having given it, may not take it away.

**Q:** What is your personal political philosophy, broadly defined?

**A:** Well, I suppose it is generally known so there is no harm in speaking about it. In matters of economics, I belong in general to the Free Market school. On the other hand, I am not a libertarian on social matters. Most people would probably say I am a conservative. But political outlook has little to do with judicial philosophy . . . There are conservatives who favor judicial activism, and I know political liberals who favor judicial restraint.



# NATIONAL LAW ENFORCEMENT COUNCIL

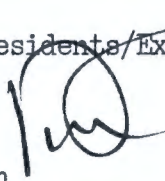
Suite 804  
1140 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Ordway P. Burden  
Chairman

Telephones: (202) 223-5598, 223-6850

Donald Baldwin  
Executive Director

July 7, 1987

**Memo to:** NLEC National Presidents/Executive Directors  
**From:** Donald Baldwin   
**Subject:** Bork confirmation

We have been asked by the White House and the Attorney General of the United States to alert our respective members to the importance of the confirmation of Judge Robert H. Bork to succeed Associate Justice Lewis Powell on the United States Supreme Court. The nomination of Judge Bork was officially announced by President Reagan at a specially called press conference at the White House July 1. A copy of the White House press announcement is enclosed for your information.

Our good friend Ed Meese has asked that I remind you of the strong record Judge Bork has made in his decisions while a member of the U.S. Court of Appeals during the past five years he has sat at a Circuit Court Judge. In addition to establishing an international reputation as a law professor at Yale where he was recognized as a most distinguished professor of constitutional law, he had a successful career in the private practice of law before becoming Solicitor General of the United States. Judge Bork's career in the law has demonstrated his support for law enforcement as a strong defender of the Constitution and our criminal justice system.

We have been called upon to lend our support towards Judge Bork's confirmation as the next Associate Justice of the U.S. Supreme Court.

Would you write me a letter indicating your willingness to support Judge Bork for the Supreme Court, and stating whether or not you wish to testify before the Senate Judiciary Committee when the hearings are announced? We would like to have your letter as soon as possible. As you know, the opposition to Judge Bork has already begun their campaign to discredit this distinguished jurist, supporter of law enforcement and the criminal justice system, and defender of the Constitution.

DB/mmg

50TH ANNIVERSARY  
1937-1987



OFFICE OF THE PRESIDENT  
ROBERT E. KERTIN

901 RASHFORD DRIVE  
PLACENTIA, CA 92670

July 15, 1987

Mr. Donald Baldwin  
Executive Director  
National Law Enforcement Council  
1140 Connecticut Avenue N.W. #804  
Washington, DC 20036

Dear Don:

I was most pleased when President Ronald Reagan nominated Judge Robert H. Bork to be an Associate Justice on the United States Supreme Court.

Judge Bork has a proven record in the law, both in the private and public sector. He has a distinguished career as a jurist and an objective defender of the law and the constitution. His strong stand in support of law enforcement is needed today in view of the efforts of some to dilute the effectiveness of our police agencies.

I am happy to have my name included with those that give unequivocal support to Judge Bork's nomination.

Sincerely,



Sheriff Don Omedt  
President  
Minneapolis, Minnesota

L. Cary Bittick  
Executive Director  
Alexandria, Virginia



# NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314  
Telephone Number 703-836-7827  
Telecopier Number 703-683-6541

July 14, 1987

Sheriff Dwight Radcliff  
1st Vice President  
Circleville, Ohio

Sheriff Henry Healey, Jr.  
2nd Vice President  
New Haven, Connecticut

Sheriff Lyle Swanson  
3rd Vice President  
Mitchell, South Dakota

Sheriff Bob Rice  
4th Vice President  
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6th Vice President  
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Sheriff Robert Turner  
7th Vice President  
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Sheriff Frank Policaro  
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Beaver, Pennsylvania

Sheriff E. W. Pellicer  
Secretary  
Palatka, Florida

Sheriff Richard J. Elrod  
Treasurer  
Chicago, Illinois

Sheriff Richard Germond  
Immediate Past President  
Adrian, Michigan

Sheriff Louis Gianoli  
Immediate Past President  
Wausau, Wisconsin

Courtney A. Evans  
General Counsel  
Washington, DC

The Honorable Edwin Meese III  
The Attorney General  
U.S. Department of Justice  
10th and Constitution Avenue, NW  
Washington, D.C. 20530

Sir:

I am pleased to inform you that the National Sheriffs' Association stands firmly behind the nomination of Judge Robert H. Bork to succeed Associate Justice Lewis Powell on the United States Supreme Court.

We recognize the sterling qualities Judge Bork has to recommend him for the position particularly his distinguished record as a defender of the constitution and our criminal justice system.

Very truly yours,

*L. Cary Bittick*  
L. Cary Bittick  
Executive Director

## BOARD OF DIRECTORS

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\*Member of the  
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4530 OCEANFRONT  
VIRGINIA BEACH, VA 23451

FRANK CARRINGTON  
ATTORNEY AND COUNSELLOR AT LAW  
CONSULTANT ON CRIMINAL JUSTICE MATTERS  
AND THE RIGHTS OF VICTIMS OF CRIME

OFFICE:  
(804) 422-2692  
HOME:  
(804) 428-1825

July 14, 1987

Hon. Donald Baldwin  
1140 Connecticut Av. NW  
Washington, DC 20036

Dear Don:

As Executive Director of the Victims Assistance Legal Organization (VALOR); as a member of the National Law Enforcement Council, and personally, I endorse the confirmation of Judge Robert Bork as Associate Justice of the Supreme Court of the United States.

With kind personal regards, I am,

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank', with a long, sweeping horizontal line extending to the right.

Frank Carrington  
Attorney & Counsellor at Law



4530 OCEANFRONT  
VIRGINIA BEACH, VA 23451

FRANK CARRINGTON  
ATTORNEY AND COUNSELLOR AT LAW  
CONSULTANT ON CRIMINAL JUSTICE MATTERS  
AND THE RIGHTS OF VICTIMS OF CRIME

OFFICE:  
(804) 422-2692  
HOME:  
(804) 428-1825

July 14, 1987

Hon. Griffin B. Bell  
King and Spaulding  
2500 Trust Company Tower  
Atlanta, GA 30303

Dear Judge Bell:

I have been "drafted" by a number of conservatives in Washington, DC to review the criminal justice opinions and writings of Judge Robert Bork, and to draft a memorandum on this topic urging his confirmation when (assuming Mr. Biden sees fit) hearings are held.

Since your knowledge in this area far exceeds mine, I wonder if I could presume on our friendship to ask you to review my draft memorandum and to join me in testifying in favor of Judge Bork's confirmation.

My draft memorandum will be prepared by late August, and it will not be lengthy. I plan to place the most emphasis on Judge Bork's principled opposition to the Exclusionary Rule, a matter on which I believe that we are of one mind.

With kind personal regards, I am,

Sincerely,

Frank Carrington  
Attorney & Counsellor at Law

cc: Hon. Donald Baldwin  
James McClellan, Esq.

THE WHITE HOUSE

WASHINGTON

July 7, 1987

MEMORANDUM FOR CARL ANDERSON

FROM: LINDA L. AREY

SUBJECT: JUDGE BORK

With regard to educating the public about the outstanding qualifications of Judge Bork, I propose to do the following:

1. Phyllis Schlafly is Chairman of the Defense and Foreign Policy Committee of the Daughters of the American Revolution. I am going to telephone her to see if there is some way we can get the DAR involved by tying Bork's respect for the intent of the drafters (strict constructionist) to the Bicentennial of the Constitution. This could, in my opinion, have appeal for that organization. Bork's respect for the intent of the framers could possibly be invoked with other patriotic civic groups who are attempting to honor the Bicentennial of the Constitution.
2. I will motivate my usual strong supporters suggesting where they target their efforts. As these groups are activists, I will suggest that we need to gear up for the biggest fight of the second term. As soon as we get talking points I will share them so they can get them out to their members. In view of the importance of seeing Judge Bork confirmed, I will ask if, on a one time only basis, they can encourage each activist member to prevail on 3 friends or family members who are non-activist who will agree to sign letters or make calls. Such groups are:

Renaissance Women  
National Federation of Republican Women  
Eagle Forum  
National Association of Pro America  
Concerned Women for America

3. I also want to try to get the National Council of Catholic Women involved, if possible. Their President is Toni Bischoff, a lovely woman with whom I have worked in the past. I have spoken to this group on



pornography. What do you think, since you work with the rest of the Roman Catholics?

4. I have a call into the President of the Virginia Women's Bar. She is a moderate Republican. I intend to ask if she is amenable to obtaining support for Justice Bork on the basis of his outstanding qualifications. I will point out the dangers posed by groups rallying around single issues for the selection or rejection of nominees and that I was certain women members of the legal profession would want to discourage the practice early on. If she is agreeable, I will try to obtain her assistance working with women's bars in other states. (FYI: This could be a long shot. I have never joined a women's bar because they are generally very liberal. However, I strongly feel that it is worth a try.)
5. I have talked with Gene Meyer at the Federalist Society. He is talking to the Press and saying that if you had done a poll prior to the nomination inquiring about the best legal mind in America, Judge Bork would probably have won. The Federalist society should be meeting in Washington the last Friday in July. I suggest we contact some members who can fire up the membership, as most are now supportive, but they haven't yet been mobilized. If this issue drags into the fall, we can urge them to fire up the student members who will have returned to school.

THE WHITE HOUSE  
WASHINGTON

July 7, 1987

MEMORANDUM FOR CARL ANDERSON

FROM: MAX GREEN *MG*  
SUBJECT: Bork nomination

1. I have a call in to Bayard Rustin.
2. The AFL-CIO is opposing.
3. The Anti-Defamation League and the American Jewish Committee are not opposing, but won't support either.
4. I talked to David Ifshin, a prominent, behind the scenes, moderate Democrat who predicts an all-out fight. He will give me a further report on Friday. At that time I will also talk to him about the possibility of Democrats like himself publicly endorsing Bork.
5. Hispanic: George Rodriguez, president of LULAC, says they will stay out of it for now and won't make any public comments. They may support at some point; this group supported Edwin Meese for Attorney General.
6. Asian: Asian American Voters Coalition, which represents Chinese, Indio-Americans, Koreans, and Vietnamese, will support the nomination.
7. Arab: NAAA - No feeling yet; Rudy is waiting for a call back.



THE WHITE HOUSE

WASHINGTON

July 7, 1987

MEMORANDUM FOR CARL ANDERSON

FROM:

MEL BRADLEY *mb*

SUBJECT:

Potential Support for Judicial Nominee

Per your request I have attached a list of persons who may be of help in a strategy to garner support for Judge Bork.

Attachment

Jay Parker  
Lincoln Institute for Research and Education  
1001 Connecticut Avenue, N.W., Suite 1135  
Washington, D.C. 20036  
202/347-0872

Robert Woodson  
President  
Council for A Black Economic Agenda  
1367 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
202/331-1103

William Keyes  
BLACK PAC  
P.O. Drawer 6865  
McLean, Virginia 22106  
703/522-4255

Jim Wade  
Syndicated Columnist  
Washington, D.C.

Glenn Lourie  
Professor  
Harvard University

Clarence Pendleton  
Chairman  
U.S. Civil Rights Commission  
1121 Vermont Avenue, N.W.  
Washington, D.C. 20425  
202/523-5571

Dr. Walter E. Williams  
Department of Economics  
George Mason University  
4400 University Drive  
Fairfax, Virginia 22030  
703/323-2631

Dr. Thomas Sowell  
Hoover Institution  
National Economic Advisory Group  
Stanford University  
Stanford, California 94305



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Curt Anderson  
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Patrick B. McGuigan  
Carroll Group  
Angela Grimm  
Jewish/Conservative Alliance  
Sam Kane  
Resistance Support Alliance  
Charles A. Moser

721 Second Street, NE  
Capitol Hill  
Washington, DC 20002  
(202) 546-3003

July 6, 1987

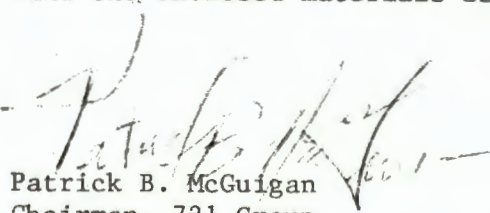
Dear Editor:

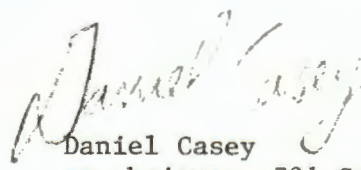
We assume you will be hearing from our philosophical opponents, so we have prepared this compilation of materials on the nomination of Circuit Court Judge Robert Bork to the Supreme Court vacancy recently created by the retirement of Justice Lewis Powell.

Robert Bork is the preeminent conservative legal scholar of our time. Even the American Bar Association has rated Judge Bork "exceptionally well qualified" for judicial service. He will bring dignity and intellectual capacity -- and a proper judicial temperament -- to his service on the bench. His nomination could serve as a prelude to the restoration of the rule of law in the American Republic.

As you consider the merits of the attacks on this excellent nominee, particularly those coming from Delaware Senator Joseph Biden, we hope you will find the enclosed materials useful and illuminating.

Sincerely,

  
Patrick B. McGuigan  
Chairman, 721 Group  
(anti-crime/pro-judicial  
reform coalition)

  
Daniel Casey  
co-chairman, 721 Group  
Executive Director,  
American Conservative  
Union  
202 546-6555

THE WHITE HOUSE  
WASHINGTON

Date:

July 6, 1987

TO:

Carl

FROM:

Linda L. Arey  
*Special Assistant to the President  
and  
Deputy Director for Public Liaison*

SUBJECT:

Justice Deingate (Bark)

The attached is for:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Review & Comment   |
| <input type="checkbox"/> Direct Response        | <input type="checkbox"/> Appropriate Action |
| <input type="checkbox"/> Draft Reply            | <input type="checkbox"/> Per Request        |
| <input type="checkbox"/> File                   | <input type="checkbox"/> Signature          |

Comments:

87 JUL 6 P 1 : 56

RECEIVED OPL-WW



## My Burden Is Light

"Come to me, all you who are weary and find life burdensome, and I will refresh you. Take my yoke upon your shoulders and learn from me, for I am gentle and humble of heart. Your souls will find rest, for my yoke is easy and my burden light."

These words from Matthew's gospel actually refer to the situation of religious law in Jesus' day. At that time there were 613 precepts of the Law of Moses which the religious experts — the scribes and Pharisees — taught the Jewish people to obey. Thus religion for the Jews was an experience of endless rules, which some people felt was a heavy burden on their lives. They spoke of themselves as being under "the yoke of the Law." And many people, because they were weak, unlearned, simple or poor, were unable to bear that yoke. These people were despised by the Pharisees for not keeping the Law perfectly and treated as religious outcasts. The Pharisees called them the "people of the land."

In Matthew Jesus says it is these latter people who really understood him. Jesus realized that the Pharisees had a problem. It was not their great knowledge, however, for that was surely commendable. Rather it was their religious pride which made them certain they knew all the answers — and thus they did not need to hear God speaking to them in Jesus. In contrast, the "people of the land" who struggled with the yoke of the Law in their lives, were humbly free to accept God's messenger. They were sincerely looking for God's help and perceived that Jesus had something important for them to hear.

While there are no longer real Pharisees or "people of the land" in our midst today, symbolically, of course, both may be present. It is still possible to focus on a multitude of laws and their observance, to demand others do the same, and to bolster ourselves with pride in being "religious". Yet such a stance will blind us to Jesus as it did the Pharisees. For Jesus can only be understood by those who, like the humble people of the land, are aware of their inadequacies and failings, those with an open attitude who welcome him into their lives. If our desire is to be truly a follower of the Lord we must become like those "merest of children" and yoke ourselves to the Lord. He promises our weariness will disappear, our burdens will be lightened. To each of us he says "Come to me."

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Phone: 554-7863



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Saturday Eve: 5:15 P.M. (Sunday Anticipated Mass)

Sundays: 8:00, 9:45, 12:15 and 5:15.

Holydays: Evening before: 5:30 P.M. (Anticipated Mass)

6:30, 7:30, 8:00, 8:30, 11:30, 12:00, 12:30 and 5:30 P.M.

Weekdays: 6:30, 7:30, 8:00, 8:30 and 12:10

### CONFESSIONS:

Weekdays: Before the 7:30 and 12:10 Masses.

Saturday: 4:45 to 5:15 PM

Sunday & Holy Days: Before all masses except 6:30 AM

**BAPTISMS:** Every Sunday at 2:00 P.M. Arrangements must be made in advance.

*Come to Me and I Will Refresh You*

JULY 5, 1987  
 14th Sunday in Ordinary Time

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As we listen to many people, it would seem that their yoke is not easy, nor is their burden light! Although they say they follow Christ, there appears to be little joy or enthusiasm in their Christian lives. There is a pervasive sadness that fills their hearts and makes the opening words of the first reading -- "Rejoice heartily, shout for joy" -- sound empty and ironic.

Paul puts his finger on the possible reason for the gloom: "If anyone does not have the Spirit of Christ, he does not belong to Christ." Many Catholics have clearly found a new happiness in their lives through a giving over of their lives to the Spirit of Christ. They surrender in love to God. Through the Spirit they put to death the evil deeds of the body, and start to live at last. "Your souls will find rest, for my yoke is easy and my burden light."

**The Fundraising Task Force** for the needed capital improvements at Saint Dominic's will hold its next meeting on Wednesday at 7 p.m. in the Parish Meeting Room. This is where the action is, so if you think you might contribute energy, time, or skills (publicity, graphics, recordkeeping, to name a few) please come - and bring a friend.

**The Parish Council** will meet on Monday in the Parish Meeting Room to hold a regular business session and to elect its officers for the coming year. The meeting will start promptly at 7 p.m. and is scheduled to adjourn at 8:30. All are welcome.

**St. Dominic's Southwest House Task Force** will meet on Tuesday at 7 p.m. to continue its planning and discussions on ways of supporting the House and its program of service to the poor of our neighborhood. Everyone is welcome. Mrs. Ethel Terry, President of SWCH Board of Directors will discuss its needs during its current financial crisis.

<b>Monday</b>	
7:30	Henry Schaefer
8:00	Raynold Escalante
8:30	Pro Defunctis
12:10	Charles Gosnell
<b>Tuesday</b>	
7:30	Cesare D'Amato
8:00	Kathryn Curry
8:30	Sister Mary Gertrude of the Blessed Sacrament
<b>Wednesday</b>	
7:30	In Honor of Our Lady Mary
8:00	Vincent Foberti
8:30	Mrs. Zahia Haddad
12:10	Rev. Mr. Eugene Taylor
<b>Thursday</b>	
7:30	Rev. John J. Hynes, S.J.
8:00	Henry Schaefer
8:30	Edward Ashner
12:10	John Cronin
<b>Friday</b>	
7:30	Henry Schaefer
8:00	Baz Moore
8:30	Catherine Mullaney
12:10	Rev. Mr. Eugene Taylor
<b>Saturday</b>	
8:30	Henry Schaefer
12:10	Dominic Cirando
<b>Saturday Eve. (Sunday Anticipated Mass)</b>	
5:15	Claire Jordan
<b>Sunday</b>	
8:00	Pro Populo
9:45	Henry Schaefer
12:15	Shrine Intentions
5:15	Edward A. O'Neill

Mass Intentions  
for July 6 -- 11th



**TAKE  
COMFORT  
IN THE  
LORD**

**Marian Year Series** - A four Sunday series on the Marian Year will begin September 6 at St. Dominic's, with Father Peter J. Cameron, O.P., to be the lecturer at 11:00 a.m. in the Priory Chapel. "The theater will be dark" during July and August according to the Chairman of the Education Committee, which sponsors the Sunday lecture series.

**The 6:30 Mass is suspended!** We are grateful to Fr. Leo Bilodeau (who will be moving back to Vermont after completing his studies) for celebrating this Mass during the past year.

**Good news and Bad News!** First the Bad news! The people who print the front and the back of the bulletin find that it isn't in their financial interest to continue with providing us with the bulletin. As you can see, we have very few advertisers. I believe I have three more week of bulletins, and unless our pastor, Father Haddad or our parish secretary, Mrs. Dorothy Hughes can work miracles, we will be without the efforts of this fine company. Many of you will sadly miss this little ole bulletin, I'm sure.

That's the bad news! The good news is that I shall try my best to put together another format. Father Haddad and others, I hope, will help me come up with a design. What you will see in the beginning will probably not be the final product. We ask you not to be too critical!

If you would like to buy a little square and put an ad in the bulletin, please call me at 425-2581 and ask for George Alexa. We might be able to accommodate you at a special rate for three or more months at a time. Of course, we hope that you will consider putting an ad or a complimentary something or another in for the year. Please call me. A check made out to St. Dominic's earmarked for the bulletin is a special way to help us at Saint Dominic's. Many thanks to all those who have contributed in getting the word out to others.

As you know, bulletins aren't supposed to take political positions, but I would like you to consider the following. One of the many jobs I perform is appraising real estate throughout the area. Today I had the privilege of appraising the home of the nominee for the Supreme Court. If you have been reading the Post, you are aware of his beliefs on many issues, including abortion. Though I didn't personally talk to Mr. Robert Bork, I spent about 45 minutes with his wife. In my conversation with her, she admitted what the Post said, namely, that he is against abortion. That pleased me very much. She said it probably would be a long hot summer and asked me for prayers that her husband gets the nomination. Why not say a prayer or a rosary for this fine gentleman and his wife. If you are a right to life person, you will find this gentleman most helpful in your quest to turn the tide against abortion. Perhaps you may want to remember them in Masses and novenas. You can do something! Thanks much.

I would like to remind you that Father McGovern, O.P. has classes for inactive, as well as non-Catholics who might be interested in the Catholic Church. They meet Tuesday evenings from 7:30-8:30 in the Priory. For more information, call 554-7863.

**Banns of Marriage** are announced for the *third* time between Kara Kellaher and Alexander Mikulich both of Saint Dominic's.

**Change of Address** - If you plan to have a change of address or have moved, kindly call the Church Secretary, Mrs. Dorothy Hughes at 554-7863. This will enable us to keep our files up to date.

**Vehicle Blessing Set For July 25th:** Bless your car and family for safe travel and godspeed at MIVA America's Annual Vehicle Blessing, 11:00 a.m. Saturday, July 25th, at the Holyland Franciscan Monastery, 1400 Quincy Street, NE, Washington, D.C. Vehicles will be blessed by Fr. Philip De Rea, MSC, national Director of MIVA America -- the Missionary Vehicle Association.

**The Marian Home of Prayer Sponsors:** A Day of Intercession featuring Dr. Kenneth McAll, M.D., the author of *Healing the Family Tree*. The day begins at 9:30 a.m. and concludes with a Concelebrated Mass at 4:00 p.m. at the Shrine of the Immaculate Conception. The fee for this special day is \$35.00 Lunch and beverages included in the fee.

**Foundation for Catholic Broadcasting** meets Thursday evening in the Parish Meeting Room. Yours truly, invites all those who are interested in getting a Catholic television station in the area. For the past several months many interested people are trying to build a television station that will have Catholic programming. If Jimmy Swaggert and Jim Bakker can do it, if Jerry Falwell and those of the 700 Club can do it, we here in the Nation's Capitol can do it! But we need a lot of hands. Why not come and meet us! Just maybe, who knows, you might be instrumental in helping us get off the ground floor!



THE WHITE HOUSE  
WASHINGTON

July 2, 1987

RECEIVED OPI-WW  
87 JUL 2 P5:06

MEMORANDUM FOR CARL ANDERSON

FROM: MILDRED WEBBER *upw*  
SUBJECT: Bork Nomination

I have contacted many of my constituents as to the Bork nomination. The following told me that they were already working hard for the President.

- \* Heritage economic analysts and senior management
- \* The Chamber of Commerce
- \* Citizens for a Sound Economy
- \* Americans for Tax Reform
- \* All participants of Kingston



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**Very Rev. Edward J. Slattery**  
President, Catholic Church  
Extension Society

July 2, 1987

Mr. Carl Anderson  
White House  
Washington, D.C. 20050

Dear Mr. Anderson:

You may be interested in reading the enclosed piece on "The Politics of Powell's Replacement."

Sincerely yours,

Virgil C. Blum, S.J.  
President

Enclosure

VCB:sms



THE POLITICS OF POWELL'S REPLACEMENT  
By Rev. Virgil C. Blum, S.J.

Justice Lewis Powell's resignation from the U.S. Supreme Court sent shock waves through the pro-abortion community. A consistent supporter of the "right" of a mother to kill her preborn child, Justice Powell frequently cast the key vote in a 5 to 4 divided Court. His replacement on the Court may reverse that balance. That is why his departure has created such turmoil in the offices of Planned Parenthood, the National Organization for Women and other pro-abortion groups.

Highly regarded constitutional authorities have repeatedly said that Roe v. Wade, which granted mothers the "right" to kill their preborn children, is not "constitutional law," but an exercise of "raw judicial power." Writing for the Court in the 1983 Akron case, Justice Powell said "We affirm Roe v. Wade."

Justice Powell adamantly opposed the fundamental right to life of preborn children. With similar force, he opposed the fundamental rights of parents to give their children a God-centered education. His record is clear. Again and again, he approved death for preborn children. Again and again he voted to impose heavy penalties on parents who exercise their First Amendment religious freedom rights in the education of their children.

In a long series of cases that struck down a fair share of tax funds for parents who sent their children to private schools, the Virginia-born justice provided the key vote. When Powell was a member of the Virginia State Board of Education, Congress passed the Elementary and Secondary Education Act of 1965 which provided remedial programs for educationally deprived children in both public and private schools.

Twenty years later, in the Felton case of 1985, Justice Powell provided the key vote to strike down these benefits for some 200,000 children in inner-city Catholic schools. He joined the Court in ruling that using public school teachers to teach children in Catholic schools how to read, write and add violates separation of church and state. They might indoctrinate the children in religious and moral values, said the Court.

In this light, Justice Powell's retirement raises a highly important question for the Democratic Party. Will the U.S. Senate Judiciary Committee -- controlled by the Democrats -- reject any Reagan nominee for Justice Powell's seat on the Court who is firmly committed to the right to life of preborn children and the right of parents to give their children a God-centered education?

It is a critical question for the Democratic Party, and, more particularly, for Senators Joseph Biden of Delaware and Paul Simon of Illinois, chairman and member, respectively, of the Judiciary Committee. Both senators are announced candidates for the Democratic Party's presidential nomination. Both strongly support the "right" of a mother to kill her preborn child, and both have repeatedly voted to penalize parents who exercise their First Amendment religious freedom rights in the education of their children.

If the Judiciary Committee -- controlled as it is by Senators Biden and Simon -- rejects an appointee because he or she respects the sanctity of human life and the religious freedom rights of parents in education, the Democratic Party will feel the impact of the rejection. The Democratic Party presidential nominee will be forced to run as the candidate of the "Pro-Abortion Party," and of the "Anti-Family Party."

How will that play in Peoria? A majority of Americans are opposed to the killing of preborn children on demand [See NORC General Social Surveys (1984)], and a large majority favor family choice in education.

Since the Democrats already have the reputation of being pro-abortion, against family rights in education, and against traditional moral values in politics, a rejection of a pro-life and pro-family-rights nominee for Justice Powell's seat on the Court by the Judiciary Committee might prove disastrous for the Democratic nominee in 1988.

Mark Shields, a former professor at Harvard who was Senator Ted Kennedy's campaign director, wrote alarmingly several years ago of this rejection of traditional moral values by the Democratic Party, which "harbors contempt for the values of the middle class and matters Christian," he said. "Democrats have



grown uncomfortable lately in the presence of traditional values [like] flag and family, [while] the Republicans have cornered the exclusive franchise to the issues of flag and family."

Threatened today, wrote Shields, "is the family, the community, and our sense of nationhood." Meanwhile the party of "compassion" -- the Democratic Party -- "has become skeptical about moral values" and "Christian" has become for the Democrats "a prefix for conservative and a synonym for mean-spirited."

At this point in history, should the Democratically-controlled Senate Judiciary Committee reject a nominee for the Court because he or she is pro-life and pro-family-rights in education, it would confirm the judgment of Mark Shields, a loyal Democrat who has struggled to bring his party's leaders back to espousing traditional moral values in Democratic politics.

##

---

Reverend Virgil C. Blum, S.J. is a Professor Emeritus of Political Science, Marquette University, and Founder and President of the Catholic League for Religious and Civil Rights.

SPECIAL ACTION MEMORANDUM

July 2, 1987

Coalitions for America  
721 Second Street, NE  
Washington, D.C. 20002  
202-546-3003

To: The Coalitions  
From: Pat McGuigan, Chairman, 721 Group  
Re: The Bork Nomination

That for which we exist is upon us.

Immediate priority phone calls or letters must be written to members of the Senate Judiciary Committee. The listing which follows gives their names and phone numbers. Those marked with \* are key targets.

Your themes:

1. Bork is the most qualified possible Supreme Court nominee. A member of the D.C. Circuit since 1982, the American Bar Association has rated him "exceptionally well qualified" for service as a federal judge. A respected conservative legal analyst, Bork has support from throughout the academic and legal community, even from those who do not share all of his views.
2. Why is the Committee delaying its hearings? The hearings should be held as soon as possible. While they should be thorough, they should not be used as another tactic for obstructionist delay of the President's qualified nominee.

Judiciary Committee members, phone numbers are 202-224-XXXX, mailing address is The Honorable \_\_\_\_\_, U.S. Senate, Washington, D.C. 20510

Joe Biden (D-DE) 224-5225	Strom Thurmond (R-SC) -5972
Edward M. Kennedy (D-MA) -4543	Orrin Hatch (R-UT) -5251
Robert C. Byrd (D-WV) -3954*	Alan K. Simpson (R-WY) -3424
Howard M. Metzenbaum (D-OH) -2315	Charles E. Grassley (R-IA) -3744
Dennis DeConcini (D-AZ) -4521*	Arlen Specter (R-PA) -4254*
Patrick J. Leahy (D-VT) -4242*	Gordon Humphrey (R-NH) -2841
Paul Simon (D-IL) -2152	
Howell Heflin (D-AL) -4124*	

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You will find enclosed a detailed analysis of the present Senate. This analysis is based upon the actual votes of these Senators on Reagan judicial nominees during the last (99th Congress). For new members in this 100th Congress, we have somewhat arbitrarily assigned them to a category based upon their general philosophy.

Group 1 is those Senators whose votes should be solid. Note, however, that we strongly encourage communication even to these Senators. Of particular concern, of course, are Senators Dan Evans (R-WA) and Bob Packwood (R-OR).

Group 2 is those Senators whose records indicate they should be helpful to the Bork nomination, but we cannot be certain.

Group 3 is those Senators normally against the President's nominees, but who in fact have a mixed record and have occasionally backed the President's nominees.

Group 4 are those Senators who have always voted wrong in the votes we have targeted. However, a handful of even these Senators are worth your attention if you have the time and resources to spare. These include: Max Baucus (D-MT), Robert Byrd (D-WV), Tom Daschle (D-SD), James Exon (D-NE), Wyche Fowler (D-GA), Albert Gore (D-TN), Pat Moynihan (D-NY), Harry Reid (D-NV) and Jim Sasser (D-TN).

Your themes with the Senators are straightforward:

1. The President has nominated an exceptionally well qualified man/ (Repeat from #1 above).
2. We hope you will encourage your colleagues on the Judiciary Committee to hold speedy hearings on this excellent nominee. There can be no justification for delay because the Supreme Court begins its work in October and needs the new justice.
3. We hope you will not support delaying tactics, but will vote to invoke cloture (end debate) on any obstructionist filibuster.
4. We are counting on you to support this outstanding nominee when the final vote is taken on his confirmation.

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As always, copies of letters (especially replies from the Senators) to me. Keep us informed in writing of how things are going. If you need advice or suggestions beyond this, call Dan Casey of the American Conservative Union (202-546-6555) or me, but keep in mind I will be hard to catch up with in the weeks ahead.

THIS IS THE ONE. LET'S GO TO WORK.





Suite 402, 419 7th Street, N.W.  
Washington D.C. 20004 -- (202) 626-8800

FOR IMMEDIATE RELEASE:  
July 1, 1987

FOR FURTHER INFORMATION:  
David N. O'Steen, Ph.D.  
(202) 626-8800

PRESIDENT FULFILLS PROMISE TO APPOINT "CONSTRUCTIONIST" JUSTICE;  
LIBERAL SENATORS PREPARE TO MOUNT IDEOLOGICAL ASSAULT

WASHINGTON-- In nominating Judge Robert Bork to the U.S. Supreme Court, President Reagan has fulfilled his 1984 campaign promise to appoint highly qualified Supreme Court justices who will interpret the Constitution according to its text and history.

The executive director of the National Abortion Rights Action League (NARAL), Kate Michelman, said yesterday, "We're going to wage an all-out frontal assault" if Bork is nominated.

"Apparently, the pro-abortion movement fears that Roe v. Wade will not survive an honest reading of the Constitution," commented National Right to Life Committee (NRLC) Executive Director David N. O'Steen, Ph.D.

It appears that Senate Judiciary Committee Chairman Sen. Joseph Biden (D-De.) may be positioning himself to oppose Bork's nomination on ideological grounds--even though Biden last year told the Philadelphia Inquirer: "Say the Administration sends up Bork and, after our investigation, he looks a lot like another Scalia. I'd have to vote for him, and if the groups tear me apart, that's the medicine I'll have to take. I'm not Teddy Kennedy."

Judiciary Committee member Sen. Paul Simon (D-Il.)--who is, like Biden, a presidential candidate--is also expected to oppose Bork's confirmation on purely ideological grounds.

"In recent years, we've heard pro-abortion senators and groups worry aloud that the Administration might have 'litmus tests' for judicial appointments," commented O'Steen. "Now we see that these senators and groups have their own ideological litmus test. They apparently intend to oppose any nominee who will not pledge allegiance to Roe v. Wade and abortion."

The National Right to Life Committee is the nation's major pro-life organization, representing about 2,500 local pro-life chapters.

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# CONNECTICUT STATE COUNCIL KNIGHTS OF COLUMBUS

INSTITUTED APRIL 26th, 1893



STATE CHAPLAIN  
Most Rev. Daniel P. Reilly  
Bishop of Norwich

STATE DEPUTY  
Peter L. Balestracci  
20 Hindley Street  
Mystic, Conn. 06355

STATE SECRETARY  
Rev. Donald M. Barry, S.J.  
Fairfield University  
Fairfield, Conn. 06430

STATE TREASURER  
Henry C. Ouellette  
13 Carley Avenue  
Jewett City, Conn. 06531

STATE ADVOCATE  
Donald L. Parker, Sr.  
15 Cherry Blossom Lane  
South Windsor, Conn. 06074

STATE WARDEN  
Thomas A. Joaquim  
35 Douglas Drive  
Enfield, Conn. 06082

June 29, 1987

Mr. Ronald Reagan  
President  
United States of America  
The White House  
Washington, D.C.

Dear Mr. President;

The resignation of Justice Lewis F. Powell provides a historic opportunity to reverse the Roe vs Wade abortion on demand decision of the Supreme Court through the appointment process.

The Knights of Columbus consider it very important that the person appointed embodies Pro-Life and Pro-Family values in his philosophy and certainly hope you would consider someone of this nature.

I represent over 29,000 members of the Knights of Columbus and their families in Connecticut and can assure you of our support in working for the confirmation of a Pro-Life nominee.

Sincerely;

Peter Balestracci  
State Deputy of Connecticut