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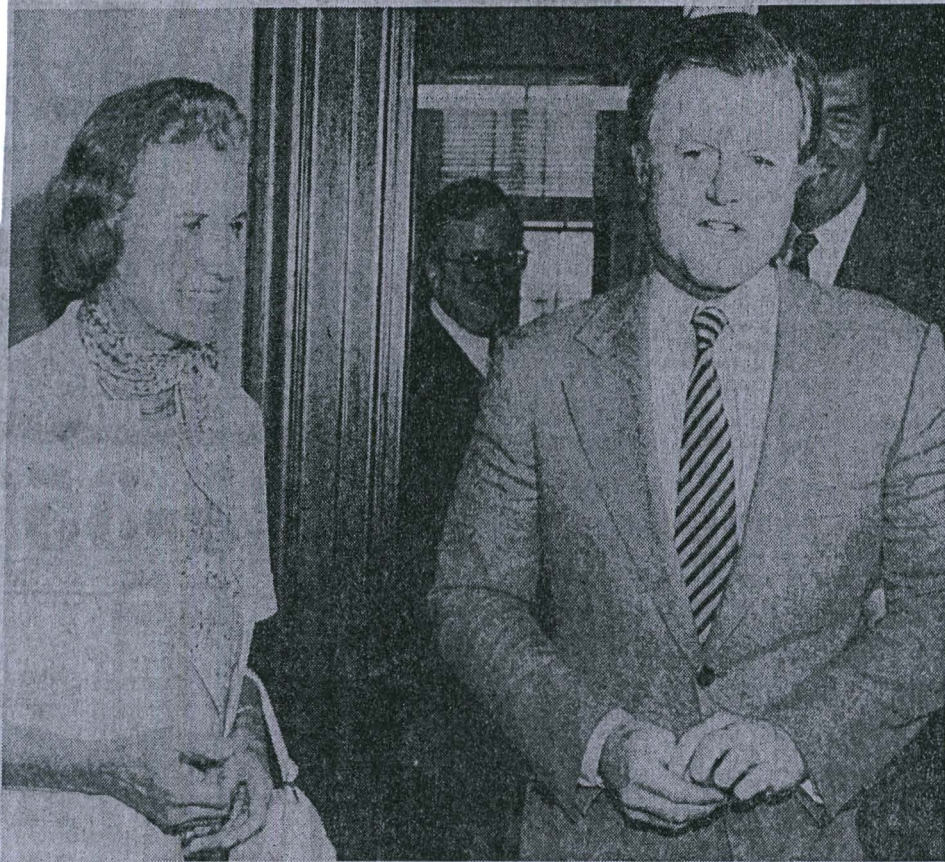
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The Washington Star
Saturday, July 18

THE WASHINGTON STAR Saturday, July 18, 1981

The Capital Report



United Press International

Judge Sandra O'Connor, making a final round of calls on Capitol Hill yesterday seeking confirmation as a Supreme Court justice, meets Sen. Edward Kennedy, D-Mass., who said he expects her to be confirmed overwhelmingly.

O'Connor Discusses Stand on Abortion

Nominee Says Views Similar to President's

Star Wire Services

Ending the first round of her campaign to win approval as the Supreme Court's first woman justice, Sandra O'Connor said yesterday her views on abortion are the same as President Reagan's.

The Arizona jurist met with staunch anti-abortion senators — John East, R-N.C., and Gordon Humphrey, R-N.H., who asked her if published reports that her abortion views are the same as Reagan's were true.

"She said, 'Yes,'" Humphrey told reporters.

Reagan has said he considers abortion "murder." As California governor he signed the nation's most liberal abortion law, but he later said abortion proponents found loopholes allowing abortions even

when the woman's life was not in danger.

O'Connor yesterday also called on the Senate's leading liberal, Edward Kennedy, D-Mass., who said, "I am convinced she will receive the confirmation — overwhelmingly, if not unanimously" and "she will make an outstanding justice."

Meanwhile, the Rev. Jerry Falwell said in Lynchburg, Va., he probably will wait until after confirmation hearings by the Senate Judiciary Committee before deciding whether to support or oppose O'Connor's nomination.

But Falwell, leader of the conservative lobbying group Moral Majority, said he still hopes for a Reagan-appointed court that will reverse the 1973 decision legalizing abortion.

Falwell had planned to decide his position after consulting Moral Majority ally Sen. Jesse Helms, R-N.C., who met with O'Connor Thursday evening.

However, Helms did not say whether he would support the nomination, saying one 40-minute meeting was not enough to make a decision.

Falwell said Helms gave O'Connor a number of written questions on issues that concern Moral Majority.

Humphrey said when he talked with O'Connor about the Supreme Court's landmark 1973 abortion decision, "she made it clear to me that the judiciary has a distinctly different role from the legislature and neither body should encroach" on the other.

East said abortion would not be "the only test or a litmus test," but one of a number of important issues to gauge her judicial philosophy.

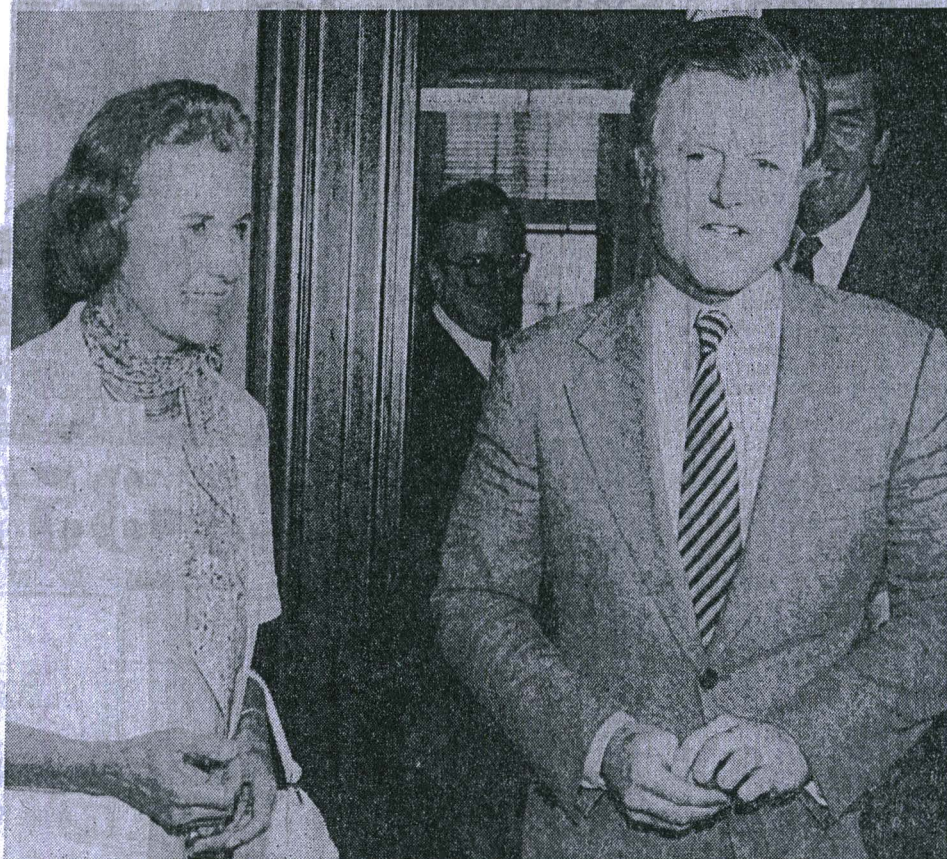
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He also said she would be asked questions on her attitude on race relations and affirmative action programs.

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In an unannounced meeting yesterday, O'Connor talked to members of the American Bar Association's judicial screening body that will pass judgment on her legal qualifications. Their rating — expected to be decided Tuesday — will be given to the Justice Department and made public at her Senate confirmation hearings.

O'Connor said the support of both Kennedy and Barry Goldwater, R-Ariz., is "a very encouraging feeling. I hope the [confirmation] process will resolve itself smoothly."

The White House has delayed formally sending her nomination to Capitol Hill pending completion of an FBI check. An FBI spokesman said he was not aware of anything negative in the investigation, now being reviewed at FBI headquarters before being relayed to the Justice Department and on to the White House.

Judiciary Committee members indicated her hearing probably will not open until September, with the Senate vote coming sometime before the court opens its new term Oct. 5.

Falwell said in Lynchburg he is "very impressed with Judge O'Connor's background and credentials as far as her capabilities are concerned."

"I personally feel a woman's appointment to the Supreme Court is long overdue," he added.

O'Connor, Helms Meet 40 Minutes

By Fred Barbash
Washington Post Staff Writer

Sen. Jesse Helms (R-N.C.) declined to commit himself yesterday on the Supreme Court nomination of Sandra D. O'Connor after a 40-minute meeting between the two.

Helms, the conservative senator with the greatest potential for disrupting a smooth confirmation process for O'Connor, would only say afterward that he intended to "follow this lady's career very closely." But would he help her career by supporting her confirmation? he was asked.

"Well, why should I do otherwise," he said with a grin. "She's a very fine lady."

He then shut his office door on a crowd of reporters, refusing to decode his comment.

The encounter with Helms continued a week of what appeared to be gamesmanship between Helms and the White House over the O'Connor nomination. The meeting was scheduled by the White House for 6:30 p.m. yesterday, the latest of O'Connor's sessions with members of Congress so far.

A White House spokesman denied this was done to avoid giving Helms exposure on the television network's nightly news programs.

Five minutes before O'Connor was scheduled to arrive, however, Helms disappeared from his office, saying he had to attend a Senate roll call. "What time did she say she was coming?" he asked an aide as he scurried down the hall.

Helms returned 10 minutes later for the session with O'Connor, who was waiting patiently in his office with her escorts from the White House and Justice Department.

The two posed briefly for pictures before they went inside. Will he support her nomination? a reporter asked Helms as the cameras clicked.

"I've known her for less than 10 seconds," he said. "I'm certain my respect will grow."

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"I've known her for less than 10 seconds," he said. "I'm certain my respect will grow."

"How did the meeting go and what do you think of the judge?" he was asked as the two emerged 40 minutes later. "We'll have many more meetings," he said. "And I look forward to following this lady's career with great interest."

In fact, O'Connor's reception on Capitol Hill in three days of politicking has been so favorable that Senate leaders say she faces no serious problem with confirmation, with or without Helms' support.

Her supporters range from her conservative Republican home-state senator, Barry Goldwater, to liberals like Sen. Howard M. Metzenbaum (D-Ohio), a Judiciary Committee member.

"She will be a welcome addition to the Supreme Court," Metzenbaum said after his meeting with O'Connor yesterday. "Her appointment will provide new approaches and new thrusts" to the court. "At this point, I intend to vote for her," Metzenbaum said.

However, he and others conceded during the past three days that the courtesy calls taught them very little about her views on major issues.

Asked if he had any way of telling what kind of justice O'Connor would be, Metzenbaum said: "Not really."

Today, O'Connor is to meet with another expected supporter: Sen. Edward M. Kennedy (D-Mass.).

"If Goldwater supports you and Kennedy supports you," Goldwater was heard to say to O'Connor the other day, "you can't lose."

THE WASHINGTON STAR Friday, July 17, 1981

National and Foreign Report



The Washington Star/Rosemary Martufi

O'Connor Continues "Courtesy Calls"

Supreme Court nominee Sandra Day O'Connor, continuing her "courtesy calls" on members of the Senate, talks with reporters late yesterday after meeting with Sen. Jesse Helms (left), R-N.C. The two had met earlier in Helms' office where they chatted privately. Supreme Court nominations require Senate confirmation.

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Comment

DAVID COHEN

Processing O'Connor Properly

The shouting and noise by "right-to-lifers" and ERA opponents to Arizona Judge Sandra O'Connor's nomination to the Supreme Court will be damaging only if it intimidates President Reagan into appointing single interest ideologues to the Supreme Court when future vacancies occur. With five justices over 72, President Reagan may yet appoint a majority of the Supreme Court by 1984. These appointees will influence American public law into the 21st century.

A majority of the current membership of the Senate has never voted on the confirmation of a Supreme Court justice. What the Senate has to decide is whether Judge O'Connor has the necessary qualities of fairness, independence, and judgment to sit on our highest court. She is neither qualified nor disqualified by being a woman, a conservative, a Republican or because she is opposed by certain single interest groups who are establishing their litmus test for future Supreme Court appointments.

Betting on an overwhelming confirmation vote favorable to Judge O'Connor is safe. Judge O'Connor is a person of high repute in her community, and her credentials appear to be in acceptable order. Senate Majority Leader Howard Baker, of Tennessee, Judiciary Committee Chairman Thurmond, R-S.C., and conservative elder statesman Sen. Barry Goldwater, R-Ariz, are all enthusiastic supporters. Liberals are relieved since they initially see O'Connor as a mainstream conservative who will likely be less venturesome than a Justice Rehnquist. (The liberal nightmare is a court composed of nine Justice Rehnquists.)

The pro-Reagan senators and the liberals present an unbeatable combination. But in their desire to isolate the rabid O'Connor opponents, they run the risk of neglecting and undermining their constitutional advise-and-consent duties which require that the confirmation process be thorough.

Nominees "Winked" Through

Not since Presidents Kennedy and Johnson filled vacancies to the Court have the president and the Senate been of the same political party. In the 1960s the Senate either "winked" appointees through or blocked one by filibustering it to death. Any filibuster on the O'Connor appointment would be something more than outrageous. There's no excuse for standing in the Senate's schoolyard door and preventing a vote. But the Senate has an equal responsibility to provide a high standard of confirmation review and not pass lifetime appointments onto the Supreme Court in perfunctory manner.

Senators should insist that three confirmation practices be followed:

(1.) Confirmation is a formal process. The attorney general should

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Senators should insist that three confirmation practices be followed:

(1.) Confirmation is a formal process. The attorney general should substantiate what in Judge O'Connor's record and career makes her distinctly qualified for this high appointment. As part of the formality of the confirmation process, all meetings between senators, their aides and Judge O'Connor should be in a public hearing setting. The independence, and appearance of independence, of the appointee must be preserved.

(2.) The vote should not be rushed. There should be ample time to examine the nominee's record carefully. An unhurried process will not prevent Judge O'Connor from sitting in the Court's fall term. Neither the Judiciary Committee nor the Senate should vote on the nomination until after the summer recess. By not rushing, the Senate emphasizes prudence: mistakes, once made, cannot be corrected.

(3.) The committee should issue a report to the full Senate. This should help define the key issues for each Senator. A report builds on the record established in the formal hearings. It enables the Senate to look at the nominee's overall record. Judge O'Connor should be approved or rejected on her total record, not on any one vote cast as a legislator or any one decision handed down as trial or appellate judge.

Special Place

Supreme Court appointments have a special place in our system of self-government. They fall outside of the daily din and clamor of ordinary politics. In a government with limited powers, government itself has a responsibility not to violate individual rights. The Constitution, because it is supreme, must prevail if it conflicts with other laws. Our Supreme Court sets legal standards for our shared American values, and therefore its justices must be impartial and fair.

The soundness of the confirmation procedures goes to the heart of attaining these lofty and practical principles. By meeting its advise-and-consent responsibilities, the Senate is putting the president on notice that the search for Supreme Court justices should be wide. A sound confirmation process will help keep the president free of single-interest pressures when he fills the next vacancy, and will aid the president in selecting conservatives who are independent and fair.

David Cohen is the immediate past president of Common Cause who currently is developing a report on the future directions of the public interest movement for the Dyson and Wallace-Murray Foundations.

Reagan Predicts Swift Approval of O'Connor

WASHINGTON, July 15 (UPI) — As President Reagan predicted her confirmation by the Senate, Judge Sandra Day O'Connor of Arizona met key senators today in a continuation of her effort to be approved as the first woman on the Supreme Court.

In a meeting at the White House, the President indicated he believed Mrs. O'Connor would win early confirmation.

"Mrs. O'Connor is here making courtesy calls on the Hill," he said during a picture-taking session in the Rose Garden. "We look forward to having her here permanently."

Mr. Reagan did not answer when asked whether he had discussed the issue of abortion with Mrs. O'Connor during a July 1 meeting a week before her selection was announced.

Judge O'Connor's schedule was less crowded today, to give her time for longer meetings with members of the Senate Judiciary Committee.

Both Senator Charles McC. Mathias Jr., Republican of Maryland, and Senator Orrin Hatch, Republican of Utah, said after meetings with Judge O'Connor that they thought she would be approved.

[According to The Associated Press, Senator Mathias, a moderate often at odds with conservatives on the committee, said he learned during his 40-minute meeting with Mrs. O'Connor that she believes Supreme Court justices should follow existing High Court rulings, including those on abortion.

"She made it clear she would apply the law," he said. "We were in total agreement."]

Just where Mrs. O'Connor stands on abortion has become a rallying point for those opposing her nomination to replace Justice Potter Stewart, who has retired. A "March for Life" demonstration greeted her today at Capitol Hill.

After a meeting yesterday, Senator Dennis DeConcini, Democrat of Arizona, said that she had assured him she opposed abortion.

But Cal Thomas, a vice president of Moral Majority, said that the conservative group was still concerned about Mrs. O'Connor's votes on the issue as an Arizona legislator. He denied assertions that the organization would fall into line behind the President's choice.

"Until the legitimate concerns of grass-roots Americans are answered, the personal credibility of Judge O'Connor and the confidence of the American people in the Supreme Court will be in jeopardy," he said.

Meantime, a spokesman for the Federal Bureau of Investigation indicated that the agency's Phoenix office had completed a background investigation of Mrs. O'Connor. The President will send the official nomination to the Senate once he receives the final bureau re-



The New York Times / George Tames

President Reagan escorting Judge Sandra Day O'Connor to the Rose Garden

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The Capital Report

O'Connor Gets High Marks in Meetings With Sena

Quick Confirmation Seen By President, Sen. Laxalt

By Allan Dodds Frank
Washington Star Staff Writer

Sandra D. O'Connor continued her march toward confirmation as the nation's first female Supreme Court justice as she visited senators again yesterday and received high marks from those who will be voting on her nomination.

She described her visits to Capitol Hill as being "very helpful to me to begin to identify the issues and areas of concern."

Most senators said they had confined their talks to general issues, such as the role of judges in upholding the law and the need to uphold the Constitution.

With two White House officials accompanying her, O'Connor visited seven senators yesterday and came away with pledges of support from Judiciary Committee members Charles McC. Mathias Jr., R-Md.; Orrin G. Hatch, R-Utah, and Alan K. Simpson, R-Wyo., as well as Sen. Rudy Boschwitz, Ind.-R-Minn. Sen. Nancy Kassebaum, R-Kan., made no public statement but is expected to support O'Connor, who is a friend of hers. Both Iowa senators met her but reserved endorsement of her nomination.

O'Connor also talked about her experiences as a legislator and her love for hiking and camping. Simpson discussed with the Arizona Appeals Court judge their mutual experiences as state legislative majority leaders.

Boschwitz asked O'Connor about preparations she, her three sons and her lawyer-husband are making for the move from Phoenix. She told him she was concentrating on her Senate visits and preparing for the hearings.

"She said they were doing one thing at a time," Boschwitz recalled, "and I told her it was likely she was going to be confirmed so she'd better start thinking" about moving to Washington.

The White House aides left almost all the talking to O'Connor, Boschwitz said. "I met a woman of great intellectual capacity. . . . She also gave me the impression of a person not easily reined in." The two Iowa senators, Republicans Charles E. Grassley and Roger W. Jepsen, said they were impressed by O'Connor's command of the law and her strict constructionist view of interpreting the Constitution.

Both Iowans suggested that O'Connor's position on abortion, which has been the subject of much dispute and speculation, was still of concern to them. Jepsen, one of the most avid anti-abortionists in the Senate, said O'Connor had not really discussed the issue with him but he expected it to come up at the confirmation hearings in September.

Jepsen added, "I do not expect her to do anything except reflect what the president of the

utive fires — if there are any — have pretty much quelled."

The diminution of potential opposition to O'Connor was, in effect, summarized by Hatch, who said he was "very happy" with the support the judge has received from the president and the man once known as "Mr. Conservative," Sen. Barry Goldwater, R-Ariz.

"We were in total agreement that the personal

views of judges are not as important as that the judges apply the law," Mathias certainly was impressed with her grasp of various aspects of the law ranging from crimes, civil rights, through to the criminal questions of conflicting jurisdiction and federal courts. She has a good grasp of issues that a justice of the Supreme Court confronted with."

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Boschwitz added, "I do not expect her to do anything except reflect what the president of the United States has said he stands for and what is the Republican platform." O'Connor began posing for photographers in the White House Garden with President Reagan, Vice President George Bush and Attorney General William French Smith.

O'Connor predicted that O'Connor will be confirmed quickly, a view seconded outside the White House by his close friend on the Senate Judiciary Committee.

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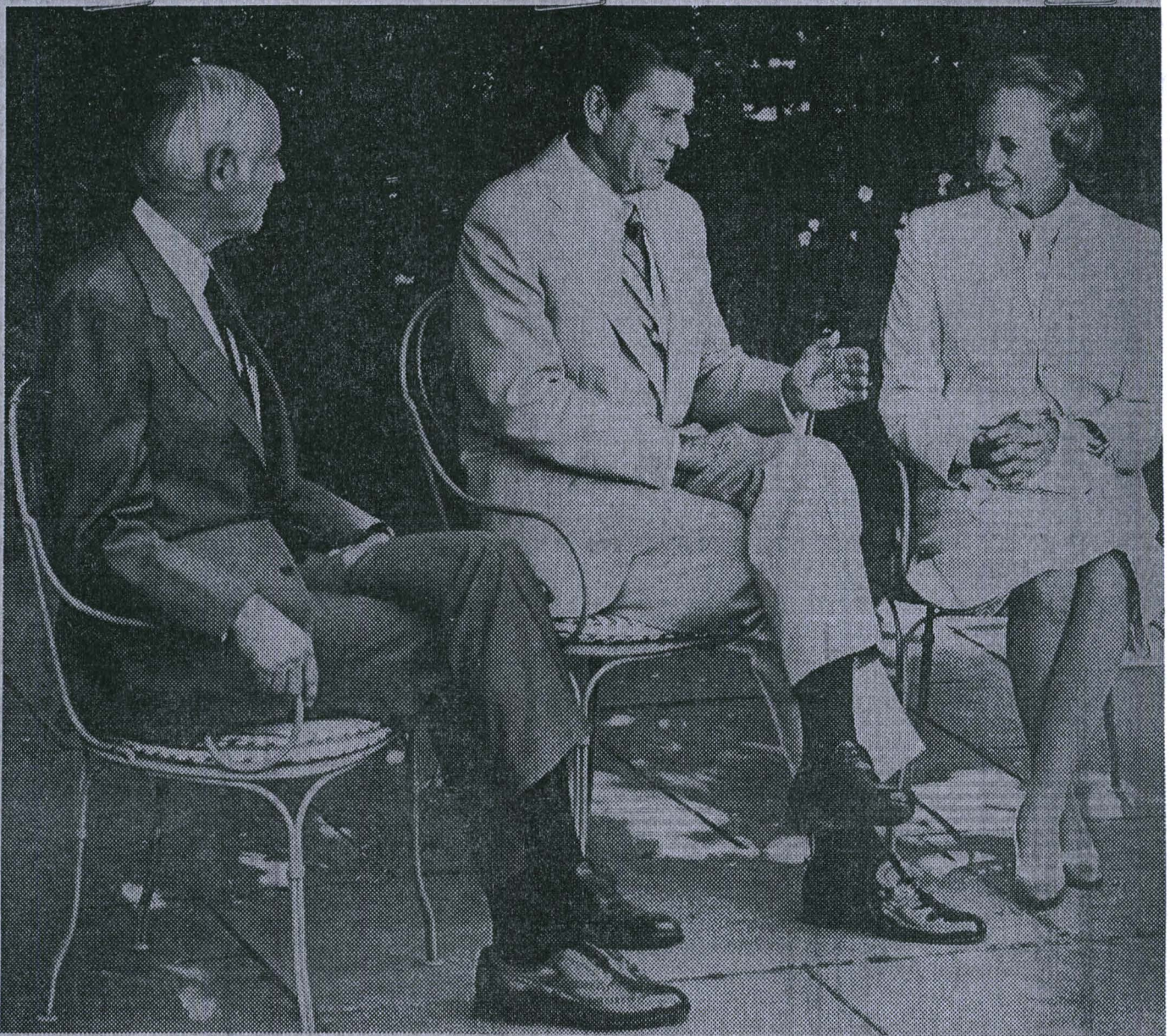
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The Washington Post

A-1

Thursday, July 16, 1981



By Margaret Thomas—The Washington Post

Supreme Court nominee Sandra D. O'Connor sits with President Reagan and Attorney General William French Smith under trees in the Rose Garden. Story on

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Reagan joined leaders of both parties in predicting confirmation without difficulty for the first woman Supreme Court nominee.

Meanwhile, the Moral Majority yesterday disputed press accounts indicating that the group is backing away from its early position that the nomination of O'Connor was a "mistake."

"Our position has not changed any," Moral Majority spokesman Cal Thomas said in a telegram.

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O'Connor Keeps Abortion Views To Herself

By Fred Barbash

Washington Post Staff Writer

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Thus, after two days of politicking on Capitol Hill, her views on the one issue that has stirred controversy about her nomination remained unknown outside of her comments Tuesday that she is personally opposed to abortion.

O'Connor told those who asked for more details that she felt it inappropriate to comment on any specific court decisions.

Her responses on all substantive issues were vague during the day. She told Sen. Charles McC. Mathias (R-Md.), a Judiciary Committee member, that the Constitution was a "wonderful document." She discussed camping in the Grand Teton mountains with Sen. Alan K. Simpson (R-Wyo.). And she remained tight-lipped with reporters, even when trapped for a moment with them in an elevator that refused to stop at the proper floor.

Sens. Roger W. Jepsen (R-Iowa) and Charles E. Grassley (R-Iowa), both staunch anti-abortionists, said they remained uncommitted on how to vote on her nomination after chatting with her yesterday. "She doesn't want to go onto the bench and be disqualified for giving her opinions ahead of time," Jepsen said.

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"Our position has not changed any," Moral Majority spokesman Cal Thomas said in a telegram he said he sent to the White House.

Tuesday, Thomas said the group was "working very hard to fall in line behind the president." He described the Moral Majority's early opposition by saying "we should have shut up and not said anything."

The one critical encounter so far missing from O'Connor's tour of Washington is one with Sen. Jesse Helms (R-N.C.), a conservative leader who reportedly hinted of a possible filibuster immediately after her nomination.

Justice Department officials said a meeting might be scheduled for today.

Among the senators, Mathias had the longest meeting yet, an hour, with O'Connor. He said he discussed a "wide variety" of issues, including civil rights, the rights of criminal defendants, jurisdiction of the courts, the rules of evidence, "the whole range of matters in which justices of the Supreme Court are involved."

But he indicated that the discussion was general. "We were in total agreement that the personal views of judges were not as important as the fact that the judges apply the law... She made it clear she would apply the law."

O'Connor also met with Sen. Orrin G. Hatch (R-Utah) and Sen. Nancy Landon Kassebaum (R-Kan.).

7/15/81

About Washington A-14

Smile, You're on Capital Camera

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, July 14 — Self-government seemed in danger of degenerating into one vast photo opportunity on Capitol Hill today as some of the longest-smiling politicians in the land crossed paths and camera lenses in a daylong scramble for attention.

President Reagan led the parade, seeking what was widely conceded to be free television news time to press for his tax cut bill on the eve of Senate debate. He visted the Senate's Republicans for lunch in the Mansfield Room, denouncing the rival Democratic tax cut plan. As the Senators chewed and stared, whispered and back-slapped, the President smiled through the massed whirr of camera shutters. He appeared as confident and pink-cheeked as the portrait of George Washington that watched over the gathering, a study in enigmatic curiosity left for the ages by Gilbert Stuart and Washington.

The newest smile in town belonged to Judge Sandra Day O'Connor, the Supreme Court nominee, who visited Congressional leaders and members of the Senate Judiciary Committee who will sit in judgement of her. She proved up to the rigorous task of never being caught unsmiling by a backpedaling horde of photographers and television camera crews that tracked her from office to office as she shared the lamplight and gave each seantor a photo opportunity of his own.

Judge O'Connor seemed the match of any elected professional in town, holding her smile until the last of scores of lenses was fully lowered after she posed with Senator Strom Thurmond, the chairman of the Judiciary Committee.

Elephants and Nuclear Missiles

"More cameras in Washington than anywhere," Mr. Thurmond, a South Carolina Republican, told Judge O'Connor as they smiled together near an office mantle bedecked with small models of elephants and nuclear missiles.

By far the most outsized photo opportunity, long anticipated by the camera corps, never quite happened as the House and Senate began the largest joint conference in the Congressional history — 72 senators, 160 representatives arrayed in 44 subconferences — but not all together in the same room.

"We don't know where we could do that," Senator Pete V. Domenici, the chairman of the conference, told disappointed photographers who had expected a vast bazaar of preening lawmakers in a scenario worthy of Fellini.

Instead, across a long table of green felt, the two houses offered their top 17 conferees, with the top four of those top 17 getting the first round of picture posing and with the others left to fend for themselves. Several of them did,

interrupting the New Mexico Republican after he had asked that there be no separate remarks, obviously working hard for a newsworthy quote or a photogenic gesture.

The Father of the Bride

Even by Capitol Hill standards, today was a remarkable binge of posing, with swarms of tourists popping their Polaroids and Instamatics as Judge O'Connor moved past on the arm of Senator Barry Goldwater, who smiled like the father of the bride. At one point as the lamplight let up between Judge O'Connor's "stations of opportunity," she squeezed his fingers as if for sustenance, and gave a grateful glance at Senator Goldwater, the Arizona Republican who is one of her leading advocates.

The only elected official who seemed not to want his picture taken today was Senator Harrison A. Williams Jr., who sat quietly and stoically amid 11 television monitors as the Select Committee on Ethics began his Senate trial, playing tapes of his conversations in the Abscam case for the public in a bedimmed hearing room.

The New Jersey Democrat, already convicted of corruption in the criminal courts, just stared ahead as the metallic voices and dim shades of the past were summoned onto the screens, preceded by an odd logo announcing: "A production of Futureview Inc., Washington, D.C."

Petitioners and Pickets Cleared

Mr. Williams's seat in the Senate — the source of all photo opportunities — was at stake, and he sat unsmiling, facing eight senators who wore headsets, watching them watch him on television.

On the steps of the Capitol, the Republic's usual assortment of petitioners and pickets had been cleared by the building guards in preparation for the visits of Mr. Reagan and Judge O'Connor. Tourists thus lost what on most other days is one of their favorite photo backdrops, the life-sized plastic statues of Jesus and a lamb stationed there by a quiet petitioner who obviously believes that the Capitol is too godless to suit her. Instead, visitors were offered the sight of live demigods leaving and entering limousines and Capitol offices.

At one point, the photo entourages within the Capitol created a corridor-traffic lock. A lawmaker hurrying to get to Senator Domenici's joint budget conference was stopped along with everyone else by bulding guards.

"You can't go past," a guard said. "Judge O'Connor is in the area and it's sealed off."

"But I've got to get past," the lawmaker insisted. Moments later, the judge passed in a cloud of light and the corridor reopened.

PRESERVATION COPY

The Washington Post
Wednesday, July
A-1



PRESERVATION COPY

By James K.W. Atherton — The Washington Post
Judge O'Connor, accompanied by Attorney General Smith, center, calls on Judiciary Committee Chairman Thurmond.

The Judge Gets Rave Reviews On the Hill

By Fred Barbash
Washington Post Staff Writer

Supreme Court nominee Sandra D. O'Connor went politicking on Capitol Hill yesterday, expressing her opposition to abortion and winning a prediction from the leadership that she will be confirmed without difficulty.

The Moral Majority also backed away from its earlier opposition, acknowledging that confirmation is inevitable. "We should have shut up and not said anything," said spokesman Cal Thomas. "We are working very hard to fall in line behind the president."

The Washington Post
Though other anti-abortion groups held fast, yesterday nev-

everything began to fall in place for the nomination. O'Connor, carefully briefed and accompanied by a flying wedge of Reagan administration officials, made her way from office to office for brief chats and photo sessions.

After each stop, a senator would generally emerge to say how impressed he was with O'Connor. Then, trailed by about 60 reporters, camera technicians, sound crews and police officers, she would go off to the next place. Publicly, she would only say that the day was going "wonderfully."

"I'm just going around to have a chance to say hello, face to face," she said. "I understand it's traditional."

Washington, D.C.
A-1



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See O'CONNOR, A6, Col. 1

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The Judge Goes Politicking Among Capitol Hill Voters

O'CONNOR, From A1

Privately, however, both O'Connor and the Reagan administration were moving fast to defuse the abortion issue. Sen. Dennis DeConcini (D-Ariz.), a Judiciary Committee member, said she discussed abortion with him and with Sen. Strom Thurmond (R-S.C.), Judiciary chairman.

"She reasserted what she had told me last week. She said she was opposed to abortion".

It was also learned yesterday that Reagan political aides were telling conservatives that she believes abortion regulation is a "legitimate subject" for legislation at the state level.

According to Young Americans for Freedom officials James V. Lacy and Bob Heckman, White House aide Lyn Nofziger, at a meeting last Wednesday, displayed a summary of the president's conversation with O'Connor to illustrate her position.

Heckman quoted the summary as saying O'Connor finds "that abortion regulation is a legitimate subject for legislation." Nofziger, who could not be reached for comment, reportedly added the word "state" in elaborating on the summary.

That is about as specific as the White House has been in describing her views. It is not necessarily inconsistent with the Supreme Court's 1973 abortion ruling, which allowed the states to regulate abortions after the first three months of pregnancy.

O'Connor's day began at the Justice Department, where she met with Attorney General William French Smith and his aides. O'Connor, Smith, aides and two White House lobbyists, Max L. Friedersdorf and Powell A. Moore, then met separate-

ly with Thurmond, Senate Majority Leader Howard H. Baker Jr. (R-Tenn.), Minority Leader Robert C. Byrd (D-W. Va.), House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.), Senate Judiciary Committee members DeConcini and Joseph R. Biden Jr. (D-Del.), House Minority Leader Robert H. Michel (R-Ill.) and other house Republicans, and her friend, Sen. Barry Goldwater (R-Ariz.).

The half-hour with Thurmond was probably the longest encounter of the day. "I would judge that she would be confirmed," Thurmond said afterward. "I've heard very little opposition to her around the Hill. She's a very impressive lady. She has excellent credentials. I expect to support her."

Thurmond and Baker said it would be difficult to hold confirmation hearings by the end of July, as the administration requested. Both said the process probably would begin after the August recess.

The Moral Majority's half-turn on the O'Connor nomination followed its confrontation last week with Goldwater, who said that "every good Christian should kick Jerry Falwell in the ass" for Falwell's opposition to the nomination.

"The PR fallout has been incredible," Falwell spokesman Thomas said yesterday. He said the group had been assured that "some of our friends in the Senate, conservative members, will be asking questions of Judge O'Connor that had concerned us We are working very hard to fall in behind the president."

The New York Times

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—NEW YORK, WEDNESDAY, JULY 15, 1981—



The New York Times / D. Gorton

UNACCUSTOMED AS THEY WERE: Judge Sandra Day O'Connor was certainly the first woman to pay courtesy calls in a quest for confirmation as a Supreme Court Justice. Senator Strom Thurmond certainly had

not had such a caller before. But the ritual seemed to work: "I think she'll be confirmed," the Senator said. "I expect to support her." And Attorney General William French Smith did, acting as guide. Page A19.

photographers and reporters, Judge O'Connor visited, among others, Strom Thurmond of South Carolina, chairman of the Senate Judiciary Committee; Senators Barry Goldwater and Dennis DeConcini from her native Arizona; Representative Thomas P. O'Neill Jr. of Massachusetts, the Speaker of the House, and Representative Robert H. Michel of Illinois, the House minority leader.

'It Could Be Unanimous'

Here is what they said:

Senator Thurmond, whose committee will hold hearings on her nomina-

and tight-lipped, Judge O'Connor gave clipped, controlled responses to even the most innocuous questions.

What had she and Mr. Smith discussed?

"We're planning my schedule for the week," she said evenly.

How does she feel about her trip to the Hill?

"It's a great pleasure to have the opportunity to meet with so many distinguished members of the Senate."

Does she feel a bit like a debutante, being introduced to all these people?

"No, I don't feel like a debutante."

PRESERVATION COPY

Judge O'Connor Makes Courtesy Call on Capitol

By LYNN ROSELLINI

Special to The New York Times

WASHINGTON, July 14 — Sandra Day O'Connor's path down between Senators Howard H. Baker Jr. and Robert C. Byrd this afternoon and immediately scored a political point.

"Senator Byrd," Judge O'Connor said, addressing the minority leader, a man who considers himself an authority on the Senate, "tell me a little about the history of this great institution."

Senator Baker, the majority leader, broke into laughter, saying, "Judge, you don't know what you've just asked!"

Senator Byrd just smiled. Then he congratulated Judge O'Connor, not on her nomination to the Supreme Court but on her confirmation by the Senate, "which I feel will be forthcoming."

The Courtesy Ritual

In her first afternoon on Capitol Hill, Judge O'Connor, who if confirmed would be the first woman to serve on the Supreme Court, proved herself particularly adept at a peculiar Washington ritual: the courtesy call.

This is the custom that requires nominees of the executive and judicial branches to travel to Capitol Hill to woo members of the legislative branch, particularly those who sit on pertinent committees. It is a time for smiles and handshakes, not for substantive discussions.

"It's going just fine, thank you," Judge O'Connor, of the Arizona Court of Appeals, said as she breezed down a Capitol hallway this afternoon, her heels clicking on the marble floor. On her right was William French Smith, the Attorney General. On her left was Senator Baker.

Also accompanied by a mob of photographers and reporters, Judge O'Connor visited, among others, Strom Thurmond of South Carolina, chairman of the Senate Judiciary Committee; Senators Barry Goldwater and Dennis DeConcini from her native Arizona; Representative Thomas P. O'Neill Jr. of Massachusetts, the Speaker of the House, and Representative Robert H. Michel of Illinois, the House minority leader.

'It Could Be Unanimous'

Here is what they said:

Senator Thurmond, whose committee will hold hearings on her nomination

by President Reagan: "I think she'll be confirmed. I expect to support her."

Senator Baker: "It could be unanimous."

Senator Byrd: "I intend to support her. I was much impressed."

Senator DeConcini: "She told me she was opposed to abortion, and that's enough to satisfy me."

Judge O'Connor herself was saying little in public about her nomination. She acknowledged, for example, that her position on abortion was a "very sensitive subject," but she declined to discuss anti-abortion groups' criticisms of votes she cast while a state Senator in Arizona.

Planning Strategy

On arrival yesterday from Phoenix, Judge O'Connor was driven directly to the White House for a meeting with the Attorney General and members of the President's Congressional liaison staff to plan strategy for the confirmation process.

At 9 A.M. today she was at the Justice Department for a meeting with Mr. Smith and others that lasted four hours. A spokesman said they discussed whom on the Hill she should call on, what she might be asked and what problems might come up.

While they were meeting, anti-abortion groups demonstrated against her nomination in front of the White House. Although she did not meet with any Senators today who have voiced concern about her nomination on the basis of this and other issues, she is expected to do so later in the week.

At one point this morning, Judge O'Connor and Mr. Smith emerged for a picture-taking session in a department conference room. Appearing nervous and tight-lipped, Judge O'Connor gave clipped, controlled responses to even the most innocuous questions.

What had she and Mr. Smith discussed?

"We're planning my schedule for the week," she said evenly.

How does she feel about her trip to the Hill?

"It's a great pleasure to have the opportunity to meet with so many distinguished members of the Senate."

Does she feel a bit like a debutante, being introduced to all these people?

"No, I don't feel like a debutante."

O'Connor Visits Capitol Hill

The Washington Star
Wednesday, July 15, 1981 A-1



The Washington Star/Ray Lustig

Supreme Court Justice-designate Sandra O'Connor yesterday tours Capitol Hill before the hearings on her nomination begin in the fall. At left is Senate Majority Leader Howard Baker; at center, Sen. Barry Goldwater, R-Ariz. (Story, A-5)

... judge that she would be confirmed." He said he was satisfied that O'Connor meets his most important standard, that she "stand by the Constitution."

Senate Majority Leader Howard Baker, R-Tenn., said, "Unless there are new developments, the Senate should confirm her smoothly and promptly. . . . It could be unanimous, not one senator has committed against her."

Cal Thomas, the spokesman for Moral Majority who last week termed the nomination "a mistake," said yesterday, "We think the potential is there for the Moral Majority to support Judge O'Connor pending further information. . . . Let's not rush to judgment. . . . We are still awaiting further information about her abortion position and, pending the reception of that information, we are withholding judgment."

PRESERVATION COPY

Court Nominee O'Connor Given Warm Welcome on Hill

By Allan Dodds Frank
Washington Star Staff Writer

After one short day of informal campaigning on Capitol Hill, Supreme Court nominee Sandra D. O'Connor appeared almost certain to be confirmed by the Senate without major controversy.

The 51-year-old Arizona Appeals Court judge received a friendly reception and effusive praise from Senate and House leaders who met her yesterday on her "courtesy call" tour of Capitol Hill.

More praise and publicity is expected today when O'Connor is introduced to the press by President Reagan at the White House before she resumes her rounds of calls on senators tomorrow and Friday.

After a half-hour meeting with the first woman ever nominated for the Supreme Court, Senate Judiciary Committee chairman Strom Thurmond, R-S.C., said, "She is a very impressive lady, a very intelligent lady."

Thurmond said he told her there "was some opposition," but added, "I would judge that she would be confirmed." He said he was satisfied that O'Connor meets his most important standard, that she "stand by the Constitution."

Senate Majority Leader Howard Baker, R-Tenn., said, "Unless there are new developments, the Senate should confirm her smoothly and promptly. . . . It could be unanimous, not one senator has committed against her."

Senate Minority Leader Robert Byrd, D-W.Va., said, "I congratulated her not so much on her nomination as on her confirmation."

The selection of O'Connor on July 7 triggered criticism from a conservative coalition of so-called New Right groups that vowed to fight her nomination as a result of her alleged support of abortion and the Equal Rights Amendment.

However, in the days that followed, Sen. Barry Goldwater, R-Ariz., and others condemned opposition to O'Connor, particularly that from Moral Majority.

Yesterday O'Connor told reporters she realized her position on abortion is a "very sensitive subject" and refused to discuss it further until her confirmation hearings.

Senate Judiciary Committee member Dennis DeConcini, D-Ariz., said, "She told me she was opposed to abortion and the record indicates that."

Said Baker: "I am convinced this is not an issue that should be significant in considering her confirmation."

Cal Thomas, the spokesman for Moral Majority who last week termed the nomination "a mistake," said yesterday, "We think the potential is there for the Moral Majority to support Judge O'Connor pending further information. . . . Let's not rush to judgment. . . . We are still awaiting further information about her abortion position and, pending the reception of that information, we are withholding judgment."

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THE WASHINGTON STAR Tuesday, July 14, 1981

The Capital Report

JACK W. GERMOND & JULES WITCOVER

O'Connor Foes Provide Lesson For President



Beyond the obvious significance to women of the nomination of Judge Sandra O'Connor to the Supreme Court, the move — and the reaction to it among conservatives — provides valuable instruction to President Reagan about the truly effective voices in his own Republican Party.

For all the guarded criticism from Mr. Republican of the New Right, Sen.

Jesse Helms, and the huffing and puffing of the professional ultraconservatives like Howard Phillips, it was the customarily bell-clear comment of yesteryear's Mr. Conservative, Sen. Barry Goldwater, that correctly reflected the political ramifications.

Speaking of the criticism by the Rev. Jerry Falwell, head of the Moral Majority, who questioned Mrs. O'Connor's views on abortion, Goldwater quoth, "I think every good Christian ought to kick Falwell right in the ass." And, he added, he simply didn't "buy that idea" that a true conservative could be defined on a single issue.

Neither, apparently, do many conservatives. Despite the noise, there is a clear consensus on Capitol Hill already that the O'Connor nomination will be confirmed easily, barring some unforeseen complication beyond her real or alleged views on abortion. And if so, the episode will provide another illustration of how little clout Helms and his associates really have on truly important matters.

It is a useful lesson for Reagan early in an administration that has more critical objectives than the emotional issues on which Helms has made a political living. Not only is the New Right's bark worse than its bite; it may be helpful to Reagan in the long run to have a vocal extremist element in his own party.

Helms himself brushes off suggestions he may be a paper tiger. "They haven't been talking to anybody that knows anything about it," he says. But that assessment is a common one these days.

"Jesse Helms," says one White House insider not unfriendly to the senior senator from North Carolina, "is like a guy who goes out onto the middle of the field at a football game with 80,000 people in the stands, pulls out a pistol and says, 'Give me your wallets.' That is, he doesn't

have the means politically to enforce his threats.

Helms, this same insider notes, has no real constituency in the Senate, and one prominent Republican senator observes: "Jesse doesn't win many. He makes a lot of noise. Anybody can put a hold on a nomination (as Helms did with several State Department nominees he didn't like). Not that many people in the Senate are as conservative as Jesse is. He puts a hold on a nomination, and the vote is 92-6. After he does that three or four times, he doesn't look too good."

Another Republican senator, also a conservative, says Helms can be a problem for the White House on the O'Connor nomination "because if he decides to go after her, he'll go after her." But he says at the same time that having Helms as a critical voice in the Senate can make Reagan seem all the more moderate. "I think every administration needs a cutting edge," is the way still another GOP senator puts it.

All this is not to say that Helms and the New Right are without leverage in the Reagan administration. White House advisers are aware of Helms' ability to raise money and tempers among conservatives, in the South particularly. And the president himself made a point of inviting Helms to the White House to discuss the nomination before it was announced. But Helms is being dealt with more as somebody to be massaged, and neutralized, than as a man with real, positive influence on policy.

"There's really nothing you can do about him," says another White House political aide. "The best way to deal with him is to leave him alone."

A measure of Helms' relative isolation in the Senate is the fact that two Republicans considered as conservative as he is, Strom Thurmond of South Carolina, chairman of the Senate Judiciary Committee, and Orrin Hatch of Utah, both have indicated they expect to support O'Connor, barring the unforeseen. Hatch echoed Goldwater in adding he has "real questions whether any single issue should be able" to keep someone off the Supreme Court.

Although some Helms allies in the anti-abortion lobby are talking boldly about retribution against those who go along with this Reagan "sell-out" of principle, others are facing reality. They say they are making noise this time around in the hope that the president will think twice when the next Supreme Court vacancy occurs.

But the fact is that this time around, Reagan holds all the high cards. Too many politically astute Republicans in the Senate recognize that he has scored a political ten-strike with the first appointment of a woman to the Court. They aren't about to let the abortion issue — or Jesse Helms — diminish the benefit to Reagan, and to the whole Republican Party.



The Washington Star/Will

Supreme Court Justice-designate Sandra Day O'Connor answers reporters' questions on her arrival yesterday at National Airport.

Court Nominee O'Connor To Visit Reagan, Senators

By Allan Dodds Frank
Washington Star Staff Writer

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The visit by O'Connor is designed by White House strategists to diminish the chances that she might be given a rocky reception at her nomination hearings before the Senate Judiciary Committee, perhaps in September.

As the first woman nominated to the Supreme Court, O'Connor is expected to face little serious opposition in the Senate despite an outcry by some New Right groups, including anti-abortionists and opponents of the Equal Rights Amendment.

The opposition to O'Connor, 51, is based largely on assertions that she favored abortion and the ERA while she was in the Arizona Senate from 1969-1974. She was elected to the Arizona Superior Court in November 1974, began serving there in January 1975 and was appointed to the Arizona Court of Appeals in 1979 by Gov. Bruce Babbitt.

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Officials said O'Connor's state senators, Goldwater and Democrat Dennis DeConcini, will accompany her from the Justice Department meetings to the Senate get-togethers with Senate Majority Leader Howard Baker, Senate Minority Leader Robert Byrd, D-W.Va., and Judiciary Committee Chairmen Strom Thurmond, R-S.C., and Senate Judiciary Committee members.

Tomorrow, O'Connor will be greeted by the president at the White House and introduced to the press.

PRESERVATION COPY

she was here
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THE WASHINGTON STAR Tuesday, July 14, 1981

The Capital Report

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The Washington Star/Willard Volz
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1981

Judicial Speculations

There is more fun than sense in the speculations about the future that new Supreme Court appointments seem to invite. Judge Sandra D. O'Connor's appointment is fated to be no exception.

The one bet about her — it has nothing to do with her gender, her personal views or her feminine charms — is that if confirmed she is young enough, at 51, to occupy a seat on the Court for a long time: long enough to see the concerns of this era fade and others, now unforeseeable, replace them.

In this respect she would be true to historic form. When Andrew Jackson appointed the supposedly pliable Roger B. Taney in 1837 no one foresaw the fierce critic of executive powers he became. Few who fretted about Hugo Black's past as a Ku Kluxer or his extreme partisanship anticipated the independent libertarian of later years. Similar surprises, before and after, awaited sponsors and critics of Felix Frankfurter, Oliver Wendell Holmes, William O. Douglas, Joseph Story and Earl Warren, just to name a few of the more prominent surprises.

On only one subject of strictly judicial interest has Mrs. O'Connor pronounced. In the current *William and Mary Law Review* (summer 1981) she comments "from the perspective of a state court judge" on the relationship between federal and state courts, reaching the not surprising conclusion that federal judges have no monopoly on skill, good judgment or zeal for the rights of litigants.

If you believe, as some always do, that there is something basically wrong with the way the Supreme Court is performing, you may hope that a new appointee will show the old boys the error of their ways. Thus columnist Joseph Kraft opines that the Court "has recently been marked by vacillation, narrow decisions, tie votes and a record number of plurality decisions without any majority view." So the Court, he suggests, needs an organizer of its center bloc, one who can "find a rationale for what often seems arbitrary and a tongue for ideas that remain mute." While hinting that Sandra O'Connor may be that or-

ganizer, Mr. Kraft seems a bit skeptical.

His skepticism is wise, for there is more than one misconception here, beginning with a misconception about the structure and working methods of the Court. It is said by the knowing to resemble a big law firm of independent partners more than a strictly collegial body. Moreover, the notion that justices disagree out of fundamental personal disharmony, or that their differences of emphasis somehow paralyze the Court's work, is fanciful.

Moreover, the present Court, more than most, has been a "cases and controversies" court, hewing to its basic constitutional mandate and sternly resisting the temptation to hand down stone tablets. This is not only a reality often dictated by the complexity of current cases, it is the present prospect; and those who find it unsatisfactory forget that small designs and not large patterns have marked most periods of Supreme Court history.

The present is by and large an era of consolidation, not innovation, in constitutional law. The challenges that might make for bolder directions are not yet visible. If there is, as some are bold to say, a "Reagan revolution" going on, forecasting a rollback of the past 40 years or so of growing Washington dominance, one might speculate that the Court will soon have a chance to rediscover, and articulate, the eclipsed genius of federalism. But even federalism, if it means anything, means variety, multiplicity and experiment, not uniformity.

It is true, as Mr. Kraft suggests, that the Court has been dominated in recent years by a floating and pragmatic "center." But if that "center" seems to wobble a bit in finding the path of eternal wisdom it is not far in that from the mind of the nation. In that center, to judge by her record, Mrs. O'Connor would probably find a place. But where the next real judicial excitement will come from, or what role if any she would have in it, is strictly guesswork. Nobody knows. Any speculation, while fun, is also idle.

PHOTOCOPY

The Washington Post
7-14-81-Tuesday
A-5

Was O'Connor No. 3? School Now Not Sure

STANFORD, Calif., July 13 (UPI) — Stanford University officials say that Sandra D. O'Connor, President Reagan's choice for the Supreme Court, may not have been No. 3 in her law school class after all.

When the name of the Arizona state appeals justice was first mentioned for the high court last week, The Washington Post reported she ranked third in the Stanford Law School class of 1952, the year Justice William H. Rehnquist ranked first.

[The Post's information came from Reagan administration sources who said they had talked to Rehnquist.]

The school issued a press release dated July 7 that reiterated this information — "a clear error in editorial judgment on our part" because the information was not checked, said Stanford News Service Director Robert Beyers.

When the office started to check, it found no documentation in the registrar's office or in school publications of the rankings of the 1952 law class. Although there were rankings in those days, there is wide disagreement on what they were, university officials said.

Law School Dean Charles Meyers said he has "no notion" of the individual rankings and that O'Connor told him she "never knew what her class standing was."

Beyers said all that is certain is that O'Connor was one of 10 from that class elected to the Order of the Coif, which comprises the top 10 percent of the class.

He said at least three people have claimed to have finished second in that class.

PRESS RELEASE COPY

The New York Times
Tuesday, July 14, 1981
A-19

High Court Nominee To Meet Key Senators

WASHINGTON, July 13 (AP) — The White House has arranged for Judge Sandra Day O'Connor to meet with several key senators in an effort to avert serious opposition to her Supreme Court nomination from conservatives,

In meetings here beginning tomorrow, the Arizona appeals court judge will meet with Senators including Jesse Helms, Republican of North Carolina, who is a leader of Republican conservatives; Strom Thurmond, Republican of South Carolina, who is chairman of the Senate Judiciary Committee; Howard H. Baker Jr., the majority leader, and other Senate leaders; and various members of the judiciary committee.

Sources said there was a tentative plan for Mrs. O'Connor to meet with the Steering Committee, a group of about 20 conservative Senators including Mr. Helms and Mr. Thurmond, in an effort to persuade them that her views on abortion and other social issues were in line with their own.

The Judiciary Committee must vote on Mrs. O'Connor's nomination before it goes before the full Senate, probably in September.

PREPENTATION COPY

The Washington Post
Monday, July 13, 1981
A-12

LY 13, 1981

LETTERS TO THE EDITOR

The Nomination of Sandra D. O'Connor

The nomination of Sandra D. O'Connor to the Supreme Court was a very wise decision. The president has chosen her first because of her credentials and ability to perform a first-rate public service. I quite frankly agree with Sen. Barry Goldwater's response to the anti-abortionists' opposition—specifically Jerry Falwell's—which was so graphically put. I believe that anyone who focuses solely on her personal social beliefs has an extremely narrow viewpoint. Her responsibility is not to legislate those beliefs or formulate opinions based on political loyalty, but, as a member of the Supreme Court, only to interpret the already existing laws in a precise, unbiased and fair manner. If there is a question about her previous judicial performance, then there is a need to express concern. Jerry Falwell deserves an awakening to the practical and primary requirements this position mandates.

SUSAN E. KILGORE

Annandale

Right on!—for the first Reagan action I've approved of: the nomination of Sandra D. O'Connor to the Supreme Court. It is a precedent that I hope to

see followed in the future as Americans are finally realizing the vital position women hold in our country. It does, however, give me the chance to air one of my pet peeves. The Moral Majority calls Judge O'Connor "pro-abortion." No one to my knowledge has ever been "pro-abortion." What we support is the "pro-choice" movement: that it is a personal decision between a woman, her doctor and her God to continue a pregnancy or not, within the legal trimesters of the pregnancy. Although I am, myself, anti-abortion, I feel it wrong to thrust my morals on other women.

CYNTHIA DROGULA

Washington

On July 7, when Judge Sandra Day O'Connor was nominated to the Supreme Court, a friend of mine was buried. Grace Eddy, 91, became a lawyer when very few women did. She graduated from George Washington University Law School in the 1920s and worked as a lawyer at the Interstate Commerce Commission for many years. She had to struggle because she was a woman, but she loved her work. Judge O'Connor can serve on the Su-

preme Court today because women like Grace Eddy dared to work hard to be what they wanted to be—lawyers—years ago.

ANN L. WILD

Chevy Chase

I was incensed by The Post's July 8 headline "Reagan Names Woman to Supreme Court." Mrs. O'Connor's nomination was certainly one of Mr. Reagan's wisest decisions thus far, as it indicates his recognition of intellect, ability, objectivity and ambition. The headline intimates that Mrs. O'Connor has been chosen as a token female, an issue Mr. Reagan has been trying to avoid and the public has denounced.

In fairness to Mrs. O'Connor's abilities as a justice, the headline might have read: "Reagan Names O'Connor to Supreme Court." After all, would a headline ever read "Reagan Names Man to Supreme Court"?

DEBRA L. WEINSTEIN

Rockville

I feel it is ludicrous that some conservatives are concerned about Mrs. O'Connor's possible future stands favoring abortion or the Equal Rights Amendment.

Many reasonable men and women support issues based on freedom of choice, such as abortion, although they, personally, may not chose to support those measures in their own lives. We have given past and present Supreme Court justices our trust and confidence in interpreting the law without regard for personal prejudices. We should give Mrs. O'Connor that same respect.

Those who balk at her nomination cannot possibly find fault with her past record or credentials. Could it perhaps be discrimination because of her sex?

CAROL A. ETTERS

Greenbelt

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Those who balk at her nomination cannot possibly find fault with her past record or credentials. Could it perhaps be discrimination because of her sex?

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The furor that has erupted from the Moral Majority and other anti-abortion groups over the nomination of Judge O'Connor is shocking and appalling.

Their apoplectic rantings on the subject seem to be directed equally at Judge O'Connor and President Reagan for an appointment in apparent violation of a plank in the platform of the Republican Party that was adopted in 1980. What president in the history of this country has ever adhered strictly to the platform his party adopted? None!

I am not of the same political persuasion as either Judge O'Connor or President Reagan. However, Judge O'Connor is a fine attorney, compassionate, understanding and, above all, has that most important quality for sitting on the bench—impartiality, the priceless ingredient of justice.

MAX COHEN

Rockville

PRESERVATION COPY

The Washington Post
Monday, July 13, 1981
A-13

ris Udall

Master Stroke'

Arizona Judge Sandra O'Connor, Nominated
Supreme Court, Will Be First Woman Justice,"
headlines say, and my phone rings a little more
often. "Who is she, what is she like, and what
does this mean for the court and for the political
climate of Ronald Reagan?"

try to shed some light.

a lawyer and a fellow Arizonan, and while
not a close friend of the nominee, we are ac-
quaintances. I know her through her reputation
for a very successful career in public service and
community leader.

in people as politically diverse as Barry

water, John Rhodes, Ted
dy and I can all support a
new Court nominee, it's
quite remarkable. But she
is not opposed. The New
Moral Majority and
Schlafly will go after her
vengeance that is their
political trademark.

Nevertheless, I expect Mrs.
O'Connor will, and ought to be,
respected.

understand some of what
she has to say, you must under-
stand some basic things about
the Arizona Republican Party.
My moderate Republican friend
told me in Tucson not
long ago that the party had split
into two camps: conservative
and very conservative. "The
conservative believe nothing
should be done for the first
time," he said, "and the conser-
vatives believe that a few things
should be done for the first
time but not now."

The point of this is that San-
dra O'Connor is a conservative
Republican, but she is a
moderate conservative, and in her
time in the Arizona Legislature
she is said to have had a vote or
two that could have been deemed
liberal. And she is said to
have supported the Equal Rights
Amendment early on.

She has a good judicial tem-
perament. She can be tough.
Clearly is a conservative,
but she has never placed parti-
san political values before jus-

Those who practice in her court describe her as
logical, conscientious, fair and open-minded.

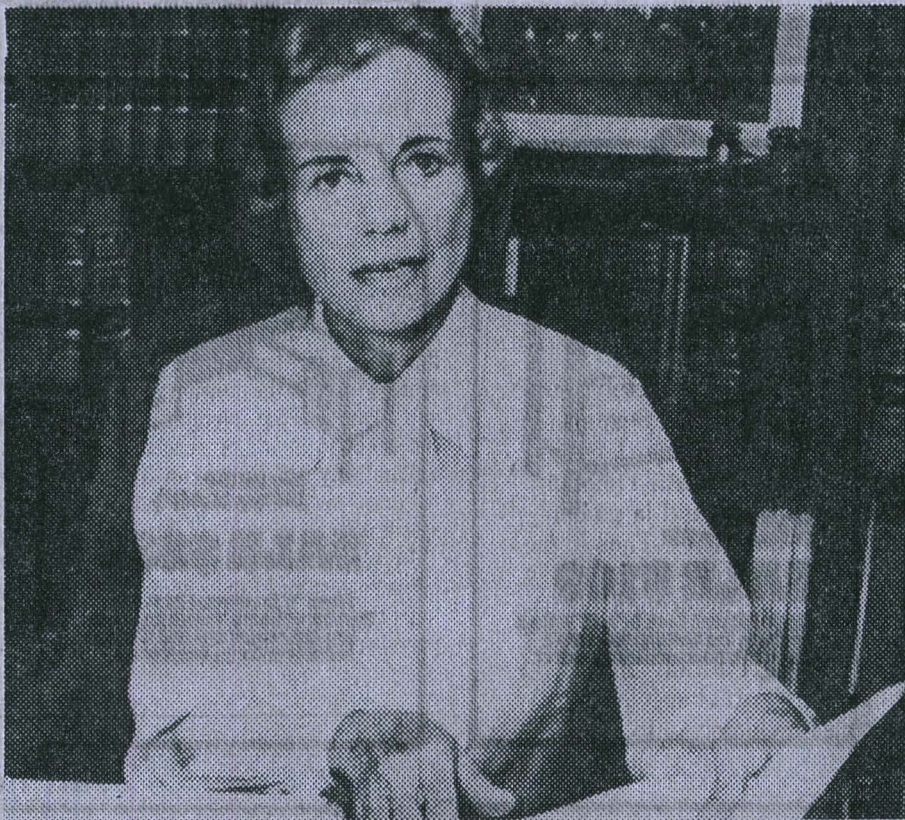
Justice Rehnquist, on the other hand, is one of
the brightest men I have ever met, but he is an
outgroup who brings a passionate point of view to
every case before him, and that point of view is
conservative. O'Connor has a reputation
for treating the law in a businesslike way. She
is a kind of balance-wheel when the "breth-
ren" lock the doors and begin to argue the dispo-
sition of important cases.

Arizona, a small state, has produced an amaz-
ing number of national candidates, congressional

leaders and national spokesmen. I think part of
the explanation is that Arizona always has en-
joyed a civilized kind of politics. Washington is
often confounded at the contrasts, but in Arizona,
it's taken for granted. The first woman chief jus-
tice of a state supreme court was Lorna Lockwood
of Arizona. Sandra O'Connor was the first woman
majority leader in a state legislature. Margaret
Hance, the mayor of Phoenix, was perhaps the
first female big city mayor in the country, or cer-
tainly one of the first.

Sandra O'Connor and the Arizona Republicans
in the conservative group are not Moral Majority

*"The appointment of Sandra O'Connor shows a
flexibility, a bigness, that the Ronald Reagan
stereotype doesn't recognize. It shows a political
savvy I had assumed was not there."*



types, but they are conservative when it comes to
social and economic issues.

My Democratic friends ought to be grateful for
this appointment. It's almost inconceivable to me
that they could do any better. Ronald Reagan isn't
going to appoint liberal Democrats. He's going to ap-
point people to the right of center wherever he can.

The appointment of O'Connor is a master
stroke, comparable to Richard Nixon's going to
China. It shows a flexibility, a bigness, that the
Ronald Reagan stereotype doesn't recognize. It
shows a political savvy on the part of the president
that I had assumed was not there. I'm certain that
women political activists also doubted it was there.

Lyndon Johnson had an opportunity to ap-
point a woman and didn't. Kennedy had the same
opportunity and passed it by. So did Nixon. So

did Ford. But Ronald Reagan said he would ap-
point a woman, and he did.

John East and Jerry Falwell will never say yes
to Sandra O'Connor. But that won't matter, be-
cause they'll make up with Reagan eventually
anyway. Where else would they go?

On the other hand, the president, in one stroke,
has deflected criticism from liberals and from
women, two of his principal antagonists. Their si-
lence won't last forever, but the edge has been
dulled.

Does the appointment of Sandra O'Connor
bother me? No, it doesn't. My liberal friends who

might be upset fail, I think, to
make a distinction between the
electoral process and the judi-
cial process. Electing someone
who is conservative is one
thing, but the process of decid-
ing the controversies that come
before the Supreme Court is
quite another. In the latter
case, it's the ability to under-
stand and apply the law that
counts. Sandra O'Connor's
competence in this respect is
not questioned.

Jerry Falwell and crew are
demanding some guarantee
that O'Connor will decide
cases to their liking, and that's
not what the system is all
about. Barry Goldwater was
right when he said, "I don't
buy this idea that a justice of
the Supreme Court has to
stand for this, that or the other
thing." Goldwater understands
the constitutional job of the
court. I wish Falwell could
grasp Barry's meaning.

You can tell a lot about peo-
ple and even draw a profile by
the company they keep and the
affiliations they make. Her
résumé has these kinds of en-
tries: prosecutor, legislator and
state senate leader, civilian em-
ployee with the U.S. Army in
Germany, juvenile judge, Re-
publican Party official, board of
Smithsonian Associates, Salva-
tion Army, Soroptimists Club,
Arizona Academy, Junior
League, board of Blue Cross-

Blue Shield, board of directors of the First National
Bank, elected Woman of the Year and recipient of
the annual award from the Phoenix Conference of
Christians and Jews. And there is much more.

It may be a cliché, but in the case of Sandra
O'Connor, she really is a pillar of the community.
A consistent, decent, hard-working lawmaker,
politician, mother, wife, lawyer, public servant
and judge.

When one looks at Sandra O'Connor, studies
her brand of Republicanism and knows the Re-
publican friends she keeps, it was little wonder
that someone in the White House called her "too
good to be true."

Like I said earlier, Washington may have been
a bit surprised, but out in Arizona, we take the
Sandra O'Connors for granted.

The writer is a Democratic representa-
tive from Arizona.

The Washington Star
July 13, 1981

A-8

THE WASHINGTON STAR Monday, July 13, 1981

TURN PAGE FOR EDITORIALS

LYLE DENNISTON

O'Connor May Tilt Scales In Favor of State Courts

For the moment, Judge Sandra Day O'Connor is no favorite of the New Right, but as a Supreme Court justice she could turn out to be.

Unless her perspective changes, she is likely to be strongly in favor of a major goal of neo-conservatives: restoring the power of state judges, at the expense of federal judges.

That is an ambition that apparently is tempting a shifting majority of the justices now on the court, and O'Connor could solidify that majority. She has made it appear that, out of her experience as a state judge, she has no fundamental doubts of the virtue of the effort.

What amounts to a manifesto by her on the subject appeared in this summer's issue of the William & Mary Law Review. The Arizona Appeals Court judge states the thesis plainly:

O'Connor's Plea

"If we are serious about strengthening our state courts and improving their capacity to deal with federal constitutional issues, then we will not allow a race to the courthouse to determine whether an action will be heard first in the federal or state court. We should allow the state courts to rule first on the constitutionality of state statutes."

In fact, O'Connor goes further: if a state court has given a "full and fair" review of a constitutional challenge to a state law, she would favor giving "finality" to the decision. In other words, there would then be no second-guessing by a federal court (other than, potentially, the Supreme Court itself as a last resort).

State judges can be trusted with that kind of power, this state judge insists. "I have seen remarkable examples of the exercise of courage and judicial independence by state court judges . . . State judges do in fact rise to the occasion when given the responsibility and opportunity to do so."

O'Connor's arguments put her in the middle of a controversy stirred by leaders of the New Right who oppose abortion and school busing and who support prayer in public schools. They want Congress to take away the jurisdiction of lower federal courts (but not the Supreme Court) to hear cases on those subjects.

That is a more far-reaching proposal than O'Connor has endorsed

Lyle Denniston covers the Supreme Court for The Washington Star.

expressly at this stage, but she has taken a position on the basic question of Congress' power to act.

"The federal court jurisdiction can be shaped or removed by Congress," she declares flatly, citing a phrase in the Constitution and a post-Civil War ruling by the Supreme Court that seem to say that.

O'Connor's article suggests that there is "merit" in two revisions of federal court jurisdiction that would fall short of ousting those courts from review of the constitutionality of state laws. She would accept either the "elimination or restriction" of federal court power to handle cases that are based on state law, but get into federal court only because the parties are from different states.

But, she goes further, also seeing merit in a proposal to require those who seek damages for violations of constitutional rights by state officials to take their cases first through the state courts.

That is a proposal that borders on the radical, considering how important those damage lawsuits have become since the "civil rights revolution" launched by the Warren Court.

For now, there is no requirement, in law or by Supreme Court ruling, that a trip through state court is necessary before going to the federal courthouse with a civil rights case. Congress could require that, however, and Judge O'Connor straightforwardly suggests that "one would think that congressional action might be taken."

'Welcome' Move

"Such a move would be welcomed by state courts, as well as state legislatures and executive officers," she says.

The present majority on the Court is favorable toward enhancing state power, although it has not yet embraced the O'Connor view in the civil rights field. In criminal law, however, it has begun to take something of the same approach: limiting federal court power to review convictions in state cases, so long as those have received a "full and fair" review in state court.

That effort began in the court's 1976 decision (in the case of *Stone v. Powell*), barring federal court review of search-and-seizure issues after they have been reviewed in state courts. The favorable tone that O'Connor's article uses in discussing that decision and the trend it represents hints that she would vote to broaden it.

PRESERVATION COPY

*The Washington Star
July 13, 1981*

A-8

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The Washington Star
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ROD MacLEISH

Gender and the Supreme Court

Along with a lot of other righties, Jerry Falwell is prancing around, emitting shrieks and pulling out clumps of his hair because President Reagan has appointed that lady to the Supreme Court.

Falwell said that every good Christian should be concerned about it. This means that if you didn't spend the weekend locked in the bathroom, being anxious about Sandra O'Connor and having the heaves, you might end up in Hell or Trenton, N.J. Jerry Falwell is particularly upset about Mrs. O'Connor because once she had an opinion he didn't agree with. That's horrible. Maybe even quasi-constitutional.

Randolph of Roanoke, a member of the First Congress, meant to insert a clause in the Bill of Rights saying that anybody could think anything they wanted in this country as long as Jerry Falwell didn't disagree with it. Everybody knows that John Randolph used to bring his hound dogs into the chamber of the U.S. House

of Representatives. While he was out taking them on a fire hydrant tour, the First Amendment was passed without the Jerry Falwell part.

I'm also worried about the Sandra O'Connor thing - but not because of the theological or constitutional questions it raises. I'm worried about the leering and the expense.

Mrs. O'Connor will be the first woman on the court. Not even John Marshall and Oliver Wendell Holmes, Jr. were women as far as anybody knows. What's likely to happen is that the business of the court goes into slow motion. The other eight justices will be leering at Mrs. O'Connor, digging each other in the ribs, whispering smart remarks and giggling. Mrs. O'Connor will be the only justice paying attention. When it comes to writing opinions, the others will have to rely on her. She might make the whole Supreme Court hand down an opinion that Jerry Falwell doesn't like. If that happened, the Moral Majority would

shriek and throw itself into a ravine.

Also, because she'd be the first woman, Mrs. O'Connor would have to have her own locker room. Building one would cost at least as much as a year's welfare payments to keep an unemployed family from starving. If the poor are going to do their bit by getting rickets and looking hollow-eyed, Sandra O'Connor can damned well change into her black robes in the parking lot.

Or, they could raise private money for her locker room by staging a public event. Barry Goldwater says that somebody ought to boot Jerry Falwell in the tail for raising so much hell about Mrs. O'Connor. If Sen. Goldwater is willing to do that personally, they could hire a stadium. As an added attraction, they could print up souvenir programs telling which one is the conservative and which one is the right-winger. Making that distinction would be a comfort as well as a tribute to our new Supreme Court Justice.

PRESERVATION COPY

Women Assail White House's Hiring

By HOWELL RAINES

Special to The New York Times

WASHINGTON, July 12 — President Reagan's announcement that he intends to nominate Judge Sandra Day O'Connor as the first woman to serve on the Supreme Court has focused renewed attention on the Administration's record in appointing women to high Government positions.

So far, 42 of more than 400 Presidential appointments requiring Senate confirmation have gone to women. One woman, Jeane J. Kirkpatrick, the chief United States delegate to the United Nations, has Cabinet rank.

Of the 52 senior positions on the White House staff, ranging upward from the level of Special Assistant to the President, six are filled by women, including Helene Vonn Damm, Mr. Reagan's personal secretary.

These numbers have become a point of political sensitivity for the White House and a cause for open complaint by influential Republicans, including Betty Heitman, co-chairman of the Republican National Committee. The White House, in turn, has taken pains to shift the blame away from Mr. Reagan.

"It's not the fault of the man in the White House," Maureen Reagan, the President's daughter, said last week. "It just seems to me that something's broken down somewhere." But a target of much complaint from women, E. Pendleton James, the White House personnel director, says the Administration's record is superior to that of former President Jimmy Carter.

"At the end of almost six months," Mr. James said, "we have 42 women appointed in the senior level, sub-Cabinet, full-time positions. At the end of the first 12 months of Jimmy Carter's term, he had 44.

"I'm not counting Anne Armstrong, who is chairman of the President's For-

eign Intelligence Advisory Board. I'm not counting Rita Ricardo Campbell, who is a member of the President's economic advisory board. I'm not counting two women ambassadors whose names I won't give because they haven't been announced.

"If you'll match my 42 to his 44, you'll find my 42 are in better jobs with the exception of the ones he had in the Cabinet. We can't match that. This thing really started when we didn't appoint a woman to the Cabinet."

Mrs. Heitman is among the Republican women who are not placated by Mr. James's statistics. There have been complaints by women that an "old boy network" exists among men loyal to Mr. Reagan, allowing them to be appointed to the high jobs before women's résumés get to the top of the stack.

Mrs. Heitman complained at a Republican National Committee meeting last month that much of her time was spent "talking with angry women who didn't get jobs with the Administration and trying to avoid talking to reporters who are asking why women are not getting jobs with the Administration."

Lyn Nofziger, the President's chief political adviser, said recently that Mr. Reagan had instructed the Cabinet to increase the number of women in patronage jobs. "I think there's an recognition," he said, "that not only women, but blacks, Hispanics and other minorities, ethnic Europeans, perhaps, have not been looked at as closely as they should. I think that's changing."

Another senior White House official said that the Administration had, in fact, done much better in appointing women and Hispanics than in appointing blacks.

One reason is that when Mr. Reagan's campaign polls showed he was weak among women registered to vote, he responded with a promise to appoint a woman to the Supreme Court and also

appointed 28 women who were prominent campaign supporters to an advisory board on women's issues. None of those 28 women has received an important Administration job.

Eleanor Smeal, president of the National Organization for Women, recently said, "The appointment level is so outrageous that even conservative females who have not championed women's rights are bitterly complaining about being passed over."

Generally, Mrs. Heitman and others have directed their criticism at Mr. James instead of the President, saying Mr. Reagan's inclination to hire more women has not been followed. In response, Mr. James says that Mr. Carter appointed only 266 women after four years.

"We found out that he used the boards and commissions to stack the minorities in," Mr. James said. "Of the 266, we counted only 54 of those comparable to what we would call senior sub-Cabinet appointments. Most of them were done in the last 18 months of the Administration. He really tried to get up the count to appeal to the constituencies."

James A. Baker 3d, the White House chief of staff, recently said: "I think we need to do a better job of selling our record on the appointment of women. The full extent of what we've done is not appreciated."

But Nancy Chotiner, a member of Mr. Reagan's women's advisory group, was quoted as having said in a recent interview that the Reagan White House had a "1970 mentality" that began changing only after the top jobs were gone.

"It isn't any different from the rest of the world," said a woman who received a White House staff job. "Women have to work twice as hard to prove themselves here. Secondly, I've seen women here who I think are talented who haven't been recognized. So what else is new?"

PRESERVATION COPY

The New York Times
Monday, July 12, 1981
E-20

What to Ask Judge O'Connor

Some of the objections to Sandra O'Connor are about as relevant to her fitness for the Supreme Court as abortions are relevant to stadiums.

The right-to-life movement seems to think that abortion is germane to everything, so it can't understand why Judge O'Connor, when she was the majority leader of the Arizona State Senate, opposed an anti-abortion rider to a football stadium bill because it seemed non-germane. We'd be troubled if she had seen a connection.

But zealotry is not the only basis for raising questions about nominees for the Supreme Court. Their long-run philosophical positions are generally wholly unpredictable. Yet a President's most lasting legacy may reside in the mind and manner of the Justices he appoints. The Senate has a duty to explore both responsibly.

At first glance, her record is appealing. But much more needs to be known about her and about the depth and nature of her conservatism. How Judge O'Connor handles herself under questioning also will tell much about the quality of the President's choice. The art of getting confirmed is openness where possible — and circumspection when the questions get too close to prejudging issues that may come before the Court.

Some questions arise from the uniqueness of the nomination; Judge O'Connor follows 101 male justices. Others arise from the simple fact that so little is known of her outside Arizona, where she gained

prominence as an assistant state attorney general, legislator, judge and civic leader.

What does she think will be the effect of a woman on the Court? Are there times when there is validly a woman's point of view in the law? Would she speak up for women's interests if her male colleagues seemed oblivious to them?

How has her personal experience with job bias influenced her view of laws against discrimination? After graduation with high honors from Stanford Law School, at least one law firm thought she was applying for a secretarial job. She had to overcome such obstacles before the women's movement and civil rights laws began to be effective. Is she indignant? Does she think others must climb the ladder the way she did, without much help from the law?

Does she see a special role for the Federal courts, including the Supreme Court, as a guardian of constitutional rights? Some people are inclined to fault her nomination because she lacks experience in the Federal courts. She has written that Federal judges should put more trust in state courts. Yet when there is a choice, many Americans prefer Federal courts, where judges are more independent, less tied to local politics. When is Federal judicial action necessary?

What in her public life demonstrates a commitment to helping people whom society has not always been eager to protect? Her own career testifies to her views about equal opportunity for women. It would be encouraging to learn that she is, in life as well as law, committed to equal justice for all.

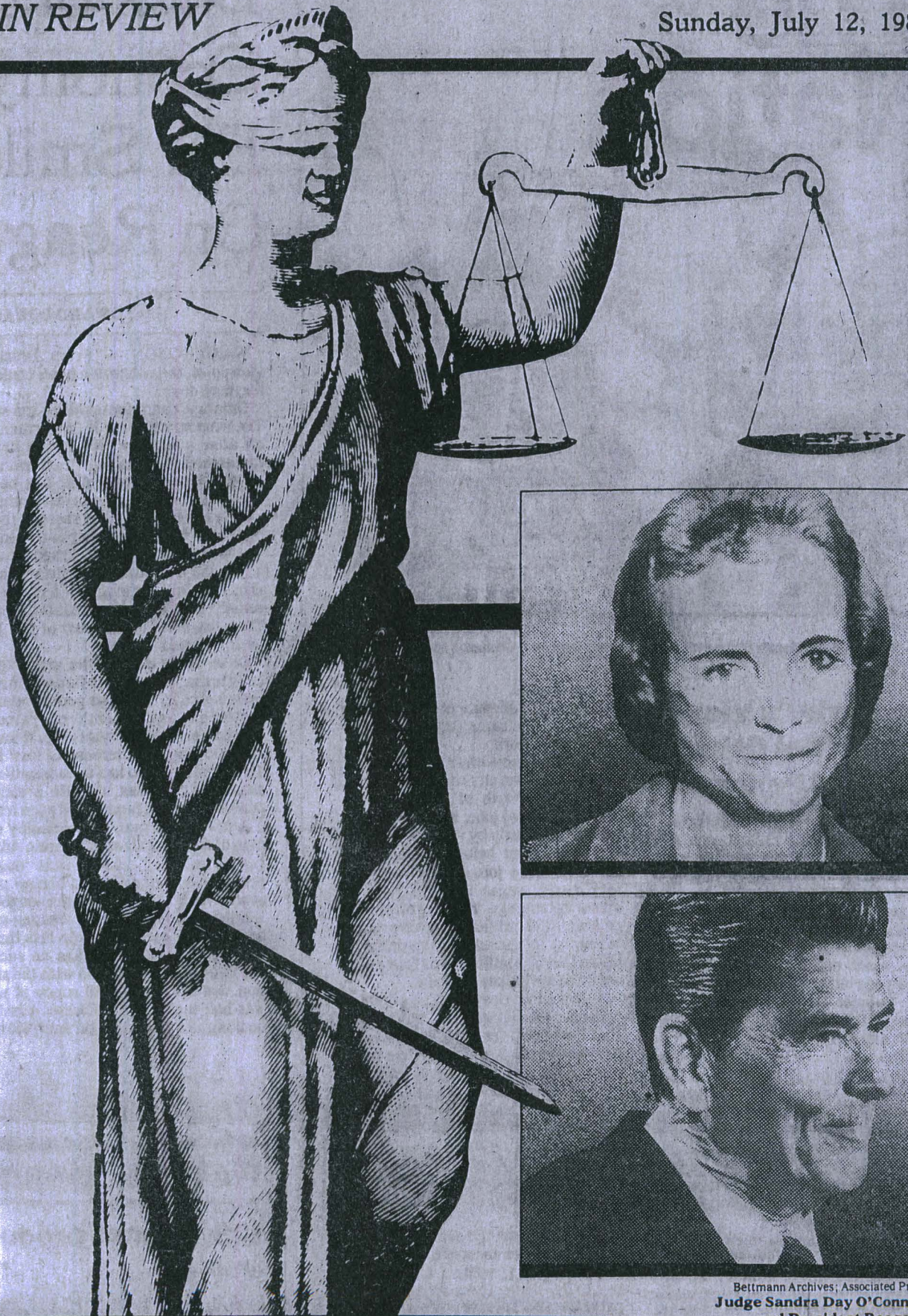
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New York Times

IN REVIEW

Section 4

Sunday, July 12, 1981



Bettmann Archives; Associated Press
Judge Sandra Day O'Connor
and President Reagan.

Reagan's Shift To the Center Raises Clamor

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These factors could force the White House to a go-for-broke decision on tactics. By having his allies introduce the Senate bill as a substitute measure on the House floor, Mr. Reagan could bypass the Democratic leaders and



Bettmann Archives; Associated Press
Judge Sandra Day O'Connor
and President Reagan.

Reagan's Shift To the Center Raises Clamor On the Right

By HOWELL RAINES

WASHINGTON
FOR seasoned watchers of President Reagan, his mid-week speech in Chicago was a familiar scene gone slightly, and tellingly, awry. His trusty index cards had given way to a teleprompter. The crisp cadences of his off-the-cuff orations were replaced by long and harshly partisan sentences that visibly wearied both Mr. Reagan and his audience. Despite the last-minute effort by aides to correct a "mistake" in the speech text, Mr. Reagan admitted that his appointment of Judge Sandra Day O'Connor to the United States Supreme Court culminated a "search for a highly qualified woman."

Thus, with a phrase, Mr. Reagan contradicted the official White House position that selection of the nation's first female justice had nothing to do with her sex. Mr. Reagan's slip was an uncanny admission of political reality, and in regard to such realities, this was a jolting week for the White House team. They face a short, hot July full of threats to Mr. Reagan's popularity, to his effort to tone down his reputation as an ideologue while holding on to his conservative base, and to the remarkable legislative gains made so far in his term.

The O'Connor appointment brought unaccustomed praise from liberals and women's groups, but it sparked an open revolt among some New Right and conservative Christian leaders. The White House gambled Mr. Reagan's prestige in a Mississippi Congressional race and lost. Meanwhile, despite Administration efforts to downplay the "social issues" on which Mr. Reagan capitalized as a candidate, opponents of busing, abortion, the equal rights amendment and the ban on school prayer are insisting that he turn back the clock on the liberalizing trends of two decades.

'Not Whether but How Much'

But by far the greatest threat to Mr. Reagan's political health is the Congressional resistance to his plan to cut income taxes by 25 percent in 33 months. Until now, Mr. Reagan has towered like a giant over opponents in the legislative battle. But with the approach of the August Congressional recess and Mr. Reagan's own California vacation, those early victories are threatened by the prospect of a reversal on the tax plan.

The sum of these factors is to focus attention on Mr. Reagan's performance in the President's political role. "A year ago, people were saying he couldn't get elected and if elected he couldn't govern," said David R. Gergen, the senior White House spokesman. "By every standard, I think he deserves high marks from a political standpoint. While we face an uphill battle in taxes, he has changed the focus of the debate on both cutting taxes and cutting spending. The question is not whether but how much."

The question of how much, of course, is central to the tax issue as a test of Mr. Reagan's political judgment and prestige. Last month, in passing his spending cuts, Mr. Reagan humbled Democratic leaders. In spirit at least, the Democrats have rebounded. House Speaker Thomas P. O'Neill Jr. asserted last week that a speedy vote in the House would bring passage of the more modest tax cut — 15 percent in two years — favored by the Democrats.

Even though Mr. Reagan chided Representative Dan Rostenkowski by name on the Congressman's home turf in Chicago, the House Ways and Means chairman did not appear pressured by the President's Aug. 1 deadline. Con-

vening the committee on Thursday, Mr. Rostenkowski said that tax legislation might be ready for floor action by, oh, July 29. Finally, in their most devilish move, the Democrats are trying to out-Reagan Mr. Reagan by offering businessmen and oil well owners tax breaks more generous than those in the Reagan bill already approved by the Senate Finance Committee. With such enticements, Mr. O'Neill and Mr. Rostenkowski hope to lure back the renegade "boll weevil" Democrats who tipped the earlier House budget votes to Mr. Reagan.

These factors could force the White House to a go-for-broke decision on tactics. By having his allies introduce the Senate bill as a substitute measure on the House floor, Mr. Reagan could bypass the Democratic leaders and score the greatest legislative victory of his term. But to lose this showdown on the floor would send Mr. Reagan off to his California ranch with a first defeat that could reinvigorate the staggering Democrats and seriously undermine the Reagan economic program.

Searching for an Ideological Balance

What does Mr. Reagan think about this? Indeed, whether he ponders such choices at all or simply, as his critics allege, follows the decisions of his staff is a great mystery. Mr. Reagan's advisers have drawn a veil across Presidential decision making. But White House officials admitted that their first political firestorm came when Mr. Reagan obeyed his economic advisers' demand that he approve Social Security cuts within a few hours of seeing their proposal. Last week's storm hit when Mr. Reagan made the O'Connor choice after talking to her — and no other candidates — for less than an hour and reading a Justice Department memo that conservative activists say misrepresents Mrs. O'Connor's record on abortion.

In any case, an appointment that sets off a public spat between Senator Barry Goldwater and the Reverend Jerry Falwell has to be taken seriously by a White House trying to find its ideological balance. Mr. Goldwater, the godfather of the old right, called on "every good Christian" to kick the back end of Mr. Falwell for questioning the choice. But the White House cannot so easily brush off conservative activists and Christian fundamentalists who believe Mrs. O'Connor is insufficiently opposed to abortion and women's rights.

The Administration was stung by their "quick negative response," since Mr. Reagan faces a bundle of litmus-test "social issues" on which the politico-religious right expects him to deliver. Such followers fear Mr. Reagan is following the historic pattern that finds chief executives softening their campaign ideology to govern as centrists. They also fear the growing influence of moderates such as Chief of Staff James A. Baker, 3d, who wants Mr. Reagan to ignore divisive "social issues" until the tax cut is passed. Even so, White House aides do not believe the activists will break with Mr. Reagan and they casually suggest that the New Right is complaining so "they'll have a better chance next time."

The White House has not noticed the chastening lesson pointed up by the re-emergence of former President Carter last week. Once elected, Mr. Carter quit worrying about his core constituency of Southerners and born-again Christians, and they turned on him. Even so, Reagan advisers are more concerned about softening Mr. Reagan's hard-line image than pleasing the conservative purists. The image-softeners received a boost from the Mississippi results in which Liles Williams, the Republican backed by the New Right, lost to Wayne Dowdy. Mr. Reagan's threats to revise the 1965 Voting Rights Act apparently drove enough blacks into the Dowdy column to beat Mr. Williams. Now, some White House aides are warning Mr. Reagan not to tamper with the voting law.

Such complicated cross-pressures clearly overburdened the public relations men around Mr. Reagan last week. For example, Larry Speakes, number two man in the press office, announced a White House "policy" of not commenting on Mrs. O'Connor's qualifications. The policy was scrapped within hours, as was a subsequent policy of suppressing the fact that negative O'Connor telegrams outnumbered the positive by 2,573 to 290. And on the flight to Chicago, Michael K. Deaver, the deputy chief of staff, tried to talk newsmen out of reporting a joking explanation of the speed with which Mrs. O'Connor was selected that, as the week went along, seemed quite plausible. It was, Mr. Deaver said, like shopping for a car, and the President simply liked the first one he saw.

Only Ultras Fight Mrs. O'Connor for The High Court

"Honored and happy," Sandra Day O'Connor was also silent and circumspect on questions of her judicial philosophy last week after President Reagan nominated her as an associate justice of the United States Supreme Court. The 51-year-old Arizona state judge would be the first woman on the Court.

Her interpretation of the Constitution, Judge O'Connor said, must await the Senate confirmation hearings now likely in September. This discreet silence, coupled with ambiguity in some aspects of her legislative and judicial biography, allowed for enough different interpretations to prompt qualified support from feminist groups while touching off conflict within the President's own conservative camp. Despite the dustup, however, early predictions had her taking former Justice Potter Stewart's seat on the Court by the October term.

A conservative Justice was what President Reagan wanted, particularly one who would exercise restraint and deference to the legislative branch in making law and shaping social policy. (*Justice Rehnquist, the Court's resident conservative, page 22.*)

"She's establishment Republican," said a leading Democratic politician, adding, however, that she was not "of the knee-jerk mold." An Arizona Assistant Attorney General from 1965 through 1968, Judge O'Connor joined the state Senate in 1969 and became the first woman to serve as majority leader. She compiled a record of mainstream, conservative Republicanism that helped her win election as a Superior Court judge in 1975 and she developed a reputation for open-mindedness that led a Democrat, Governor Bruce Babbitt, to elevate her to Arizona's Court of Appeals 18 months ago. On the bench, Judge O'Connor has been praised as a skilled technician whose reasoned opinions are grounded in precedent. Like her classmate at Stanford Law School, Justice William H. Rehnquist, she seems to favor judicial restraint.

The National Organization for Women called the O'Connor nomination a "victory for women's rights" and the National Women's Political Caucus said it showed that "women are breaking the barriers of nearly 200 years of exclusion from decision making in our nation."

The most heated opposition came, surprisingly, from conservatives of the Moral Majority stripe. To their charge that she favored the equal rights amendment, the White House

responded that she was "neither as enthusiastic as some proponents nor as alarmed by it as some opponents." Rebutting assertions that as a legislator she had voted for abortion rights, the White House quoted her as saying she had no recollection of having voted in such a manner, that she finds abortion "personally repugnant," and that in 1973 she sponsored legislation granting medical personnel in Arizona the right not to participate in abortions.

All this says little as to how Judge O'Connor would vote as a member of the Court. However, observers say that the addition of even a highly conservative member would bring no radical shift in the Court's decisions.

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TRAILBLAZER

Court Nominee Preserves Pioneer Tradition

By Fred Barbash and Ted Gup

Washington Post Staff Writers

PHOENIX, Ariz. — One hundred and one years ago, an adventurer came here from Kansas, staked out his land and began the uncertain life of a desert rancher.

His son, and after that, his son's son, would stay on the ranch, raising cattle. But a granddaughter, one who rode horses with the men in the roundup while two grades ahead of her age group at school, would leave the 150,000-acre spread, the coyotes and the sagebrush.

The grandfather was Henry Clay Day, pioneer. The granddaughter is Sandra Day O'Connor, also a pioneer: the first woman nominated to the Supreme Court.

Her brother says her heart remains on the Lazy B Ranch. Her husband says "part of her soul is there." But her mark, if all goes well during the coming weeks, will be made elsewhere.

No one has yet discovered a magic formula for becoming a Supreme Court justice. No one has identified the precise combination of brains, determination and luck involved.

In the case of Sandra O'Connor, those who know her in Arizona say it is a quintessentially American chemistry. Resentful over the opposition of anti-abortion forces to her nomination, friends portray her and her family as a cameo of Reagan Republicanism and the GOP platform — family, tradition, hard work, morality, service.

Sandra Day went from the ranch to Stanford University, finished near the top of her class in law school, married John J. O'Connor III, the son of a doctor, raised three children, practiced law and prospered in a prosperous town outside Phoenix called Paradise Valley.

There she took up civic causes, like the Salvation Army and the Junior League. That, and her hard work as a young lawyer in the state attorney general's office, won her an appointment as a state senator to fill a vacant seat in 1969. Her political acumen and hard work in the state Senate got her a judgeship.

O'Connor was achieving some national recognition as an Arizona Court of Appeals judge.

See O'CONNOR, A2, Col. 1



United Press International

Sandra Day, age about 10, rides 150,000-acre ranch.

PRESERVATION COPY

nor said, they go skiing "on the steepest hill we can find. There are moments like that," he said, "that are beyond power and awards."

The couple's relationship is thought to be so harmonious that they were once asked to put on a skit for a group of women bankers called "how to combine two successful careers and a successful marriage in 199 steps."

"You look at her resume," John O'Connor said in an interview, "and you think 'my God, she must be a machine.' But the amazing thing is she has always retained her priorities. The family always comes first."

In addition to being a state appellate judge, Sandra O'Connor was, in no particular order: president of the local Heard Museum, a board member of the local Salvation Army, a director of the Phoenix chapter of the National Conference of Christians and Jews, a director of the local YMCA, a national vice president of the Soroptimist Club, a former trustee of Stanford University, a board member of the Arizona State University Law School and a lay member of the national accrediting body for medical schools.

Though the financial disclosures she has made as a judge do not provide precise numbers, the family is clearly well off. They are part of an invest-

ment portfolio, and she has been championing complicated issues involving government spending and revising tax laws to equalize the finances of poor and rich counties.

Campaigns in the Paradise Valley area, the wealthiest district in Arizona, were relatively civilized, as everything in Paradise Valley should be.

Candidates campaigned at fairs, in parks and at shopping malls or at small gatherings sponsored by groups like the Cactus Wren Republican Women. During her first campaign for the state Senate in 1970, she had no opponent.

By 1972, after redistricting turned her district into the largest in the state (more than 90,000 voters), the campaigns expanded into mobile home parks, union halls and retirement communities that had moved in on the desert tranquility.

That year the Democrats also nominated a woman, thinking it would give them an edge in the still overwhelmingly Republican district. Rivko Knox, the opponent, remembers sharing a platform with O'Connor: "She had kind of a high-pitched voice, almost like a young girl's." O'Connor's style, Knox said, was calm and to the point.

And O'Connor won by 3 to 1. Knox says she still sees O'Connor occasionally, running on the track at the Phoenix YMCA. O'Connor smiles,

Judge O'Connor is often described as stern and demanding, even a nit-picker on the bench. But two stories about her show something different.

The first is told by her husband.

Two lawyers in a divorce case were feuding before O'Connor about how to divide 40 jointly owned greyhounds. The first witness went on for an hour with the life history of the first dog, in order to assess its value. Sensing the time being consumed, O'Connor called the two lawyers into her chambers.

She told one of them to prepare two lists of dogs, the lists to be of equal value. "When you finish," she said, "let the other attorney pick either one of the two lists for his client."

"In 15 minutes," John O'Connor recalled, "the litigation was over."

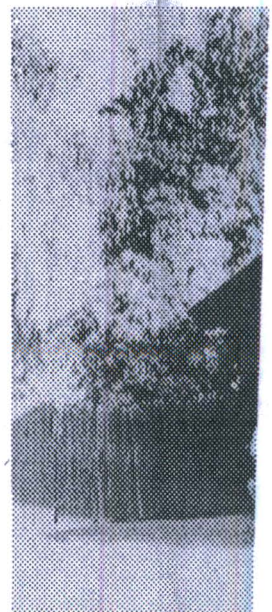
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Celebrating in judge's office



In driveway of O'Connor

which she would event months.

After the sentencing, a prosecutor found O'

Still Deeply Rooted in the Ranch, Pioneer's Kin Nears High Court

O'CONNOR, From A1

But friends say she never talked like someone who expected to fill a Supreme Court vacancy.

Peter Corpstein, a fellow politician from Paradise Valley, recalls commenting to her after President Reagan's election that "he wants a woman for the Supreme Court."

"Sandra," he said, "maybe you'll be it."

"Well, thank you for thinking that of me," Corpstein remembers her saying. "But that would just never happen."

The job wasn't something she or her family needed. They were already respected and well-heeled. They enjoyed what everyone, including her husband, an attorney with one of Phoenix's most prestigious corporate law firms, describes as a comfortable family life.

Every Christmas Day, John O'Connor said, they go skiing "on the steepest hill we can find. There are moments like that," he said, "that are beyond power and awards."

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five years at the state house, where she became the first woman majority leader of the Senate.

If she made enemies, Corpstein recalls, she made them "because she was so smart. They weren't used to a woman beating them at all the punches." That's one way of putting it.

Others say she made enemies because she was fact-crazy. The current House majority leader, Burt Barr, remembers her always taking it upon herself to correct what she saw as inaccuracies in bills submitted by other members. "She had her problems on that score," he said.

For O'Connor, he said, all bills "had to be absolutely correct. That irritates people who are not that perfect."

Though her votes on abortion issues have attracted the greatest publicity, the legislation in which she specialized reflected her technical prowess. She championed complicated bills limiting government spending and revising tax laws to equalize the finances of poor and rich counties.

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He, too, knew he faced a fight. "You remember that was the year of the woman," Perry said. "Every woman on the ballot in the state of Arizona won that year."

Gov. Bruce Babbitt appointed her to the Arizona Court of Appeals in 1979. The state house scuttlebutt was that Babbitt was trying to eliminate her as a potential opponent for the governorship.

Corpstein, Barr and everyone else friendly with the O'Connors in Arizona say they are upset with the anti-abortion groups' opposition to the nomination.

Corpstein, an ardent anti-abortionist, said they have all gotten together to write a letter to members of the U.S. Senate. They like her here.

"We were going to have lunch about a month ago to talk about her running for governor" in the next election, Corpstein said. But he never got around to making the arrangements.

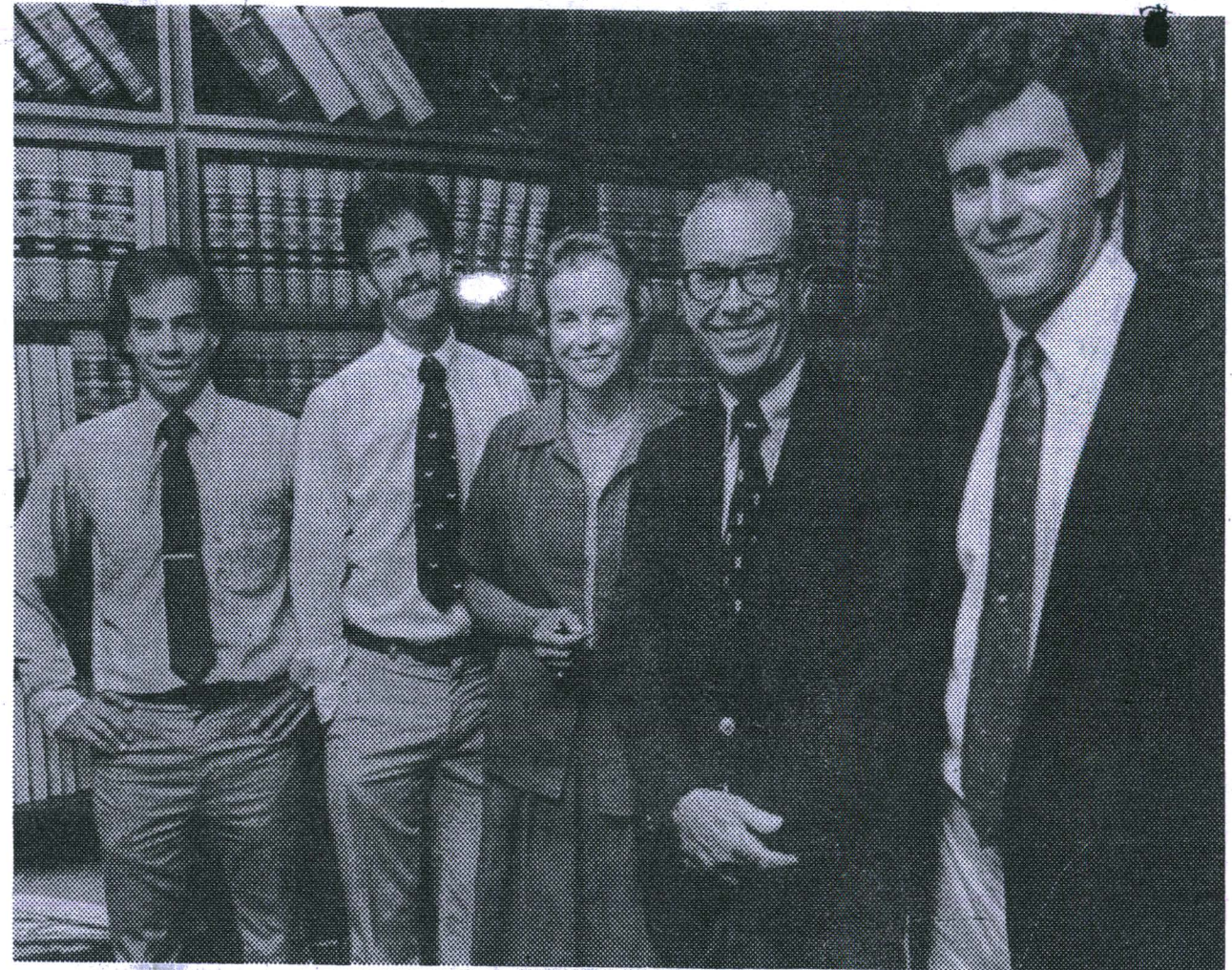
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Celebrating in judge's office on announcement of her appointment are, from left, sons Jay and Brian, husband John and son Scott. United Press International



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Though the financial disclosures she has made as a judge do not provide precise numbers, the family is clearly well off. They are part of an investment company that owns three shopping centers. Jointly and separately, they own stock in Eastman Kodak, Nalco Chemical, Southwest Forest Industries and Apple Computer Inc., among others, according to financial disclosure statements she filed.

They live in a large, custom-built adobe-style home with a value of more than \$235,000 on 1½ acres in Paradise Valley (about a mile from Sen. Barry Goldwater's home) with a swimming pool and a guest house.

And, of course, there's the ranch, 250 miles from Phoenix, which the O'Connors still visit regularly. It is a going business, breeding and selling calves, not a dude operation or resort. The property is 67 percent owned by the federal government, one of the reasons O'Connor's brother Alan, who manages it, calls himself part of the "Sagebrush Rebellion."

But Judge O'Connor clearly wasn't made just to be "comfortable."

Sandra O'Connor's political career began almost by chance in 1969 when state Sen. Isabel A. Burgess left Phoenix for Washington and an appointment to the National Transportation Safety Board. Arizona Gov. Jack Williams plucked O'Connor from the state attorney general's office, where she was a legislative lobbyist. Appointed and later elected, she spent

the state Senate in 1970, she had no opponent.

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And O'Connor won by 3 to 1. Knox says she still sees O'Connor occasionally, running on the track at the Phoenix YMCA. O'Connor smiles, Knox said, "but I doubt she remembers."

If O'Connor had a tough election race, it was in 1974 when she decided she wanted to be a judge on the Maricopa County Superior Court. "She had conquered almost everything that she could in the legislative field," Corpstein said. She set her sights on the judgeship held by another Republican, David J. Perry.

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She sentenced the woman to four concurrent 5-to-10-year terms, of



In driveway of O'Connors' \$235,000, Paradise Valley home north of Phoenix, "JUEZA" on license is Spanish feminine for "judge."

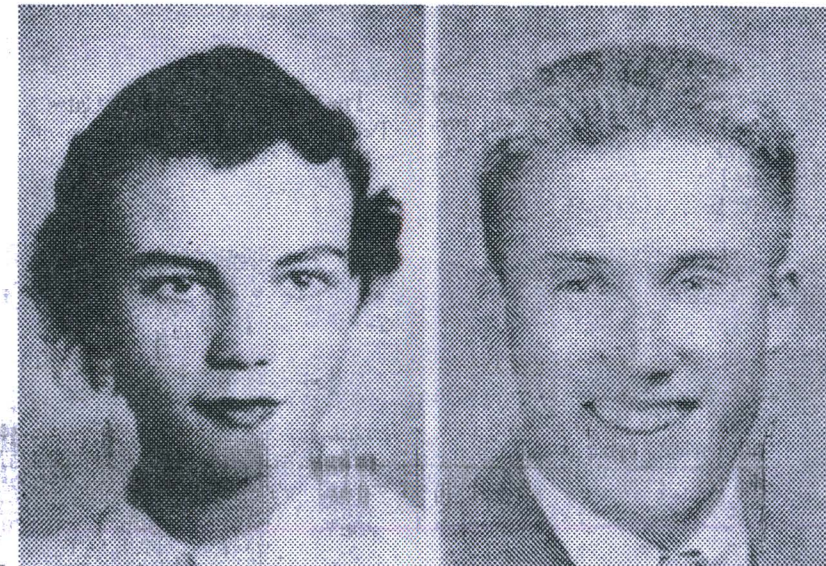
which she would eventually serve 18 months.

After the sentencing, a reporter and a prosecutor found O'Connor in her chambers, still in her black robes at her desk, weeping.

What made her material for the Supreme Court? She has made few political enemies and lots of friends. She's written careful opinions, which so far have offended few. She was in the right place at the right time.

Her brother likes to hint that it might have had something to do with Henry Clay Day and that ranch. "I want to really stress that this ranch is where the family really comes from," said O'Connor's brother and ranch manager, Alan Day. "The family center is really right here."

Staff writer Laura A. Kiernan contributed to this report.



From Stanford yearbooks, O'Connor and '52 law school classmate William Rehnquist.

Nominee for High Court: A Record Defying Labels

The following article is based on reporting by John M. Crewdson, Philip Taubman and Pamela G. Hollie and was written by Mr. Crewdson.

Special to The New York Times

PHOENIX, July 11—Like supporters and detractors of her Supreme Court nomination, Sandra Day O'Connor devoted the better part of this week to a review of the state legislation and judicial decisions that constitute the record of much of her public life.

With her office at the Arizona Court of Appeals here overflowing with congratulatory bouquets, her desk cluttered with papers and files, and her law clerk, husband and friends helping with the review, Judge O'Connor looked up at a brief break yesterday morning to sigh, "It's a nightmare."

"Fifty years is a long time," she said, "and it's hard to remember everything you did."

Differences of Temperament

The review is far from complete, but the woman, public and private, who has so far emerged from an examination of those records, and from conversations with friends, colleagues and adversaries, is by political instinct, judicial philosophy, economic standing and personal temperament both similar to and different from the constituency that elected Ronald Reagan President.

Judge O'Connor emerges as a sometime conservative with a moderate, even progressive streak, a determined woman but not a dogmatic one. She is wealthy but not rich, intellectually curious but not adventuresome, malleable and yet traditional.

President Reagan described Judge O'Connor as a "person for all seasons."

but she appears to be something less than the advocate that other supporters, including much of the feminist movement, have made her out to be. At the same time she is clearly more complex than her detractors, including Moral Majority and the anti-abortion lobby, have suggested.

In her six years on the bench Judge O'Connor has never had occasion to rule on the subject of abortion. But the record she compiled on that issue and on

the proposed Federal equal rights amendment in the previous six years, which she spent in the Arizona Senate, has generated dismay and even outrage among political conservatives and anti-abortion groups.

The Reagan Administration, seemingly surprised by the swiftness and severity of the criticism, has attempted to minimize the extent of Judge O'Connor's support for legislation allowing abortion in Arizona. But legislative records disclose several occasions on which she voted in favor of making abortions more widely available.

Vote in Committee

In 1970, the year after Mrs. O'Connor was appointed to fill a vacancy in the State Senate, she was a member of the Senate's Judiciary Committee, which considered a bill that would have repealed existing state statutes prohibiting abortions.

Committee votes were not recorded in the Arizona Senate in 1970, but The Phoenix Gazette reported on Feb. 26 that year that Mrs. O'Connor was among six of the nine committee members who voted to approve the bill, which later died in the Senate's Rules Committee.

On Wednesday the Administration made public a memorandum prepared by Kenneth W. Starr, a counsellor to Attorney General William French Smith, asserting that Judge O'Connor had "no recollection of how she voted" on the bill.

Agents of the Federal Bureau of Investigation, who this week began a standard background examination of Judge O'Connor, were said to have interviewed Dr. Carolyn Gerster, a Phoenix internist and past president of the National Right to Life organization, who has said she is "dismayed" by Judge O'Connor's nomination. Dr. Gerster said she had been asked about the nominee's views on abortion, but she declined to disclose the precise nature of the questions.

Continued on Page 22, Column 1

The New York Times
Sunday, July 12, 1981
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Nominee for Supreme Court: A Record and Temperament That Defy Labels

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Direction From White House

Judge O'Connor, according to a close friend, believes that the White House has oversimplified her position on abortion. In a brief conversation, Judge O'Connor said that while she badly wanted to clear up the confusion surrounding her voting record, she had been asked by the White House not to discuss abortion or other matters of substance until her appearance before the Senate Judiciary Committee.

In 1974 Mrs. O'Connor, then the Senate majority leader, voted against a measure to prohibit the use of public funds for abortion. The same year she opposed a bill prohibiting abortions at the University of Arizona hospital.

The Starr memorandum asserted that Mrs. O'Connor opposed the latter bill because it was attached as a rider to another measure permitting the university to issue bonds to expand sports facilities, and therefore a nongermane amendment that she believed violated the State Constitution. The memorandum says that "her reasons for so voting are nowhere stated on the record."

According to newspaper accounts, in 1974 Mrs. O'Connor also voted against a resolution asking Congress to amend the United States Constitution to legally recognize the "right-to-life" of the fetus. The year before, she was one of 10 senators who co-sponsored a bill requiring that all medically acceptable birth control methods be made available to anyone, regardless of age. She also voted that year for a bill permitting doctors and other hospital employees to refuse to perform abortions.

Can't Explain Protests

Some of those who served with her in the legislature dismiss the suggestion that Judge O'Connor supports abortion. "I don't know what they're upset about," said Donna C. West, a Republican Senator here who calls herself "a pro-life legislator."

"I have known her for 15 years, and I've never seen anything that would lead me to believe she's pro-abortion," Mrs. West said. "I have never considered her an anti-life person. Those votes that Sandra cast were a number of years ago. I know from personal conversations that she is personally opposed to abortion."

When the proposed equal rights amendment to the Federal Constitution came before the Arizona Senate for ratification in the early 1970's, Mrs. O'Connor voted for it twice, once in the Judiciary Committee and again on the Senate floor, where the measure failed by a single vote. In 1974, Mrs. O'Connor was coauthor of the Judiciary Committee, urging that the question of ratification be put to a popular vote.

Mrs. O'Connor also took the lead in revising several Arizona statutes that discriminated against women in such areas as the number of hours they were permitted to work, parental consent and child custody.

Less Than Ardent Feminist

It is those votes that have prompted conservative and fundamentalist religious groups to label Judge O'Connor a feminist, even a radical one, an idea that makes those who know her scoff. "She certainly believes that a woman ought to be educated and have equal opportunities, that a woman can make a fine lawyer or a doctor," said a Phoenix lawyer who is close friend.

But the lawyer, who asked that his name not be used, recalled that the Paradise Valley Country Club, to which she and her husband belong, had a men's grill where women were not permitted at lunch. Judge O'Connor, he said, "has often kidded about how foolish it is that some women get so provoked about how they can't sit down with the boys and have a beer and a hamburger."

Susan Freeman, another lawyer who knows Judge O'Connor, described her as "concerned about women and she is concerned about people generally, but she's certainly not a radical feminist."

Several of those who served with Mrs. O'Connor in the Senate praised her dedication to legislative process, suggesting at the same time that she might be better suited by temperament to the law and the bench. "Because she is so intense, she really does not suffer fools gladly," said one longtime observer of



Associated Press

Judge Sandra Day O'Connor in her chambers at Appeals Court in Phoenix

the legislature, "and in the Legislature, you have to suffer fools constantly."

Colleagues and friends characterize Judge O'Connor with the same words and phrases: smart but not brilliant, hard working, intense, meticulous, no-nonsense, demanding, dedicated and ambitious. The first woman to serve as majority leader of any state senate in the nation, Mrs. O'Connor won that job in 1972 because of what several former colleagues said was a general admiration for her intelligence and insistence on precision rather than her personal popularity — a case, as one put it, of "talent winning out."

Bill Jacquin, who was president of the Arizona Senate at the time, said he had backed Mrs. O'Connor against "fairly stiff competition" because "Sandra possessed all the attributes — she does her homework, she knows how to get the proper things out of her staff. She has a very precise and concise mind and was able to do that very well."

"She does not have the charisma, in the sense of stirring speeches, that kind of thing," said Mr. Jacquin, who now heads the Arizona Chamber of Commerce. "She does have the ability to make an articulate speech that is founded on fact, and that's what I was looking for."

Judge O'Connor was first elected to the Senate in 1970, four years after a group of young Republicans took control of the Legislature after decades of domination by rural Democrats. The Republicans, Mrs. O'Connor among them, passed a Medicaid bill, a no-fault divorce statute, a strong antipollution law and legislation requiring public bodies to conduct open meetings.

'Conservative to Moderate'

Despite her stance on such issues, however, Mr. Jacquin asserted that Mrs. O'Connor was "no more liberal than the man in the moon."

"She's conservative to moderate," Mr. Jacquin said. Another colleague called her "not liberal or conservative — she's just what she is."

Though active in Republican Party politics — Mrs. O'Connor was an alternate delegate to the 1972 Republican National Convention and co-chairman of the Arizona Committee to Re-Elect the President — one friend, a liberal Democrat, described her as "very decent in her dealings with people of different points of view."

Her record seems to show more atten-

tion to issues than to ideology. She voiced strong objections to an anti-pornography bill she considered too vague and too broad, for example, but also supported measures to limit state spending, to restore the death penalty and to ban compulsory school busing to achieve racial balance.

Not Many Clues in Record

Her record as a legislator does not provide many clues, however, to Mrs. O'Connor's positions on some of the most important questions likely to come before the Supreme Court. She has never been required to render judicial interpretations of the Federal civil rights laws. In Mrs. O'Connor's tenure on the state senate she opposed gun control and public aid to parochial and private schools, but the Legislature did not consider other important topics, such as tougher sentencing of criminals and school prayer.

Nor have her six years as a judge, first in State Superior Court and for the last 18 months on the Arizona Court of Appeals, where her opinions concerned such matters as workers' compensation, landlord-tenant disputes and criminal matters, given her much opportunity to confront decide questions that surround such larger social issues.

They have, however, earned her a nearly unanimous reputation among Phoenix lawyers as a thorough and well-prepared judge. "She frequently knew more about a case from having reviewed the file than the lawyers did," said Barry Silverman, a Maricopa County Commissioner and lawyer who has appeared often before Judge O'Connor.

Every other year the Arizona Bar Association asks its members to rate the judges before whom they practice, and despite the praise now being offered in her behalf Judge O'Connor has not scored high marks in those polls.

As a Superior Court judge in 1976 she received the same rating as two other judges, while the other three got higher ones. In 1978, Judge O'Connor received the lowest score of the eight judges rated. In 1980, her first year on the appellate bench, she placed eighth among the 10 judges rated.

One Phoenix lawyer called Judge O'Connor "a good lawyer, not a perfect lawyer, a good trial judge and a better appellate judge." Among other things, he said, she was one of the few Arizona

judges who insisted that all hearings in her courtroom be opened to the public, rather than conducted in chambers.

"She's pretty independent," said Paul Eckstein, an acquaintance who is also a lawyer. "Those people who are supporting her may be surprised by her, and those people who are opposing her may come to like her." Another lawyer who knows Judge O'Connor predicted that she "will not be a quick study, but she will be a thorough study."

Andy Hurwitz, an aide to Gov. Bruce Babbitt of Arizona and a former clerk to Potter Stewart, the Justice whose place on the High Court Judge O'Connor has been nominated to fill, noted that at the age of 51, she is younger than any of the eight sitting justices and would have "time to grow into the job."

'A Real Learning Curve'

"There's a real learning curve up there for anybody," Mr. Hurwitz said. He added that her lack of Federal judicial experience would not be a serious detriment because civil and criminal procedure in the Arizona were nearly identical with those in the Federal courts.

Judge O'Connor was born Sandra Day on March 28, 1930, in El Paso, Tex., but she spent her earliest years on her family's 162,000-acre ranch, the Lazy B, which her grandfather founded a century ago near Duncan in southeastern Arizona.

Because there were no schools in Duncan that suited her parents, Harry and Ada Mae Day, as a young girl Mrs. O'Connor was sent to live with her maternal grandmother in El Paso and to attend school there.

She did well, graduating from high school at the age of 16. She then entered Stanford University, with which she has maintained a lifelong affiliation, most recently as a trustee. At a time when most women at Stanford were majoring in education, she won a bachelor's degree in economics, awarded with great distinction, and a law degree, obtaining both in six years.

Her sophomore roommate, Marilyn Brown, remembered her as a "very shy" young woman who spoke with the soft accents of west Texas but who seemed more than equal to university life. "Even though she was younger than us, she always seemed to handle it," Mrs. Brown said. "She never got upset. She never went into a panic about anything. She was easy to get along with and she was fun."

After her graduation in 1952 from law school, where she ranked in the top 10 percent of her class, Sandra Day married a classmate, John Jay O'Connor 3d, now a successful corporate attorney here and, like his wife, heavily involved in civic affairs.

One close friend described the couple as "partygoers," especially Mrs. O'Connor, who also has a reputation as an excellent cook and a lover of fine wines. "Sandra likes to socialize, likes to see people," the friend said. Though Mrs. O'Connor's biography lists her as an Episcopalian, the friend said that nei-

ther she nor her husband were active churchgoers.

Despite her many charitable and civic activities, including the past presidency of the Phoenix Junior League, another friend, a local lawyer, described Judge O'Connor as "a very stiff, formal person." Other acquaintances said that her lack of conviviality and campaigning skills had probably cost her the Republican gubernatorial nomination three years ago.

Income, status and background — Mr. O'Connor is the son of a prominent San Francisco doctor — have limited the O'Connors' exposure to people much like themselves, the sort of upwardly mobile Arizonans who belong to the Paradise Valley Country Club, one of the most exclusive in town, where memberships sell for \$15,000.

The club has an open membership policy but no black members. Joe Brem, the general manager, said none had been proposed for membership in the club in the 11 years that he has been there. Mr. O'Connor also belongs to the even more exclusive Valley Field, Riding and Polo Club, a group of 100 people who meet for monthly dinner parties.

Mr. O'Connor's law firm, Fennemore, Craig, von Ammon & Udall, counts among its clients the Kennecott Copper Company, the Santa Fe Railroad and Mountain Bell. Lawyers who know Mr. O'Connor estimated that he earned at least \$300,000 a year but an individual familiar with the family's finances said the sum was substantially less, although still in six figures.

If Judge O'Connor is confirmed by the Senate she will become one of the wealthier justices on the Supreme Court. According to a source familiar with the family's finances, she and her husband have a net worth of at least \$500,000 and possibly more.

As a legislator and judge in Arizona, Mrs. O'Connor has filed annual financial disclosure statements that provide a limited but still illuminating view of the family's holdings and investments. A review of these statements, along with other public documents and interviews with those knowledgeable about the O'Connors' finances, suggests that they manage their money cautiously.

Their portfolio of investments is relatively small and conservative, with modest holdings in real estate, ranching, chemical and transportation companies and oil exploration ventures that apparently serve as tax shelters.

The O'Connors' largest asset is their home in Paradise Valley, the most exclusive suburb of Phoenix. Set on an acre-and-a-half lot off a cul-de-sac in the shadow of Camelback Mountain, the adobe house has an assessed value of \$201,000 and an unpaid mortgage of \$40,000. Realtors here said it might sell today for close to half a million dollars.

The O'Connors' next largest asset, the source said, is Mr. O'Connor's partnership share of his law firm, one of the largest and most successful in the Southwest. Friends said that if he left the firm, as he may decide to do should his wife be confirmed, the sale of his

partnership might bring him \$150,000.

Another major financial and sentimental holding is Judge O'Connor's share of her family's business, the Lazy B Cattle Company, which grazes perhaps 2,000 head of cattle on more than 160,000 acres near the Arizona-New Mexico border, most of it leased from the state or Federal Government. Harry Day, Mrs. O'Connor's 83-year-old father, is president of the company. Judge O'Connor is a director and H. Alan Day, her younger brother, manages the ranch.

Although its earnings are not made public, in recent years the Lazy B has become involved less in ranching and more in other activities. A decade ago, cattle accounted for nearly one-seventh of the company's reported assets of \$555,573. Last year, however, less than 5 percent of the company's \$746,016 in assets was cattle, according to reports filed with the Arizona Corporation Commission.

The O'Connors' stock holdings are limited, according to her most recent financial statement, which lists stock in only five publicly traded companies: Gorman Rupp, a manufacturer of water pumps, Eastman Kodak, Nalco Chemicals, Apple Computer and Southwest Forest Industries. Sources said that the O'Connors sold their holdings in Southwest Forest earlier this year.

The sources said that the O'Connors' stake in each of these companies ranged from \$5,000 to \$25,000.

Over the last two decades, the O'Connors have joined in limited partnership real estate development ventures, records show, including investments in 80 acres in west Phoenix and in an apartment complex, both of which were later sold.

Other O'Connor investments include interests in shopping centers here, two energy-exploration concerns that serve as tax shelters and a leasing company that operates jet helicopters to ferry technicians to and from offshore oil platforms in the Gulf of Mexico.

Mr. O'Connor told friends this week that, given the suddenness of his wife's nomination, he had not had time to consider what steps he might take to place his holdings in trust if Mrs. O'Connor is confirmed.

In her years as a State Senator, Mrs. O'Connor did not always recuse herself when legislation that might bear on her or her family's investments was presented for a vote. Though she did excuse herself from voting on one major banking bill in 1973, when she was a director of the First National Bank of Arizona, she voted in favor of at least four other bills that could have had an impact on her family's cattle business.

While her husband was serving as a director of two Phoenix automobile dealerships, Mrs. O'Connor voted in favor of legislation containing provisions that gave existing dealers the power to keep potential competitors out of their market areas.

Judge O'Connor, who is spending the weekend away from Phoenix, could not be reached for comment on those votes.

Joseph Kraft

He Said He Would

No Supreme Court Justice named in the past half-century even begins to rival in importance the president who made the appointment. So put aside as momentary over-excitement the spate of recent comment asserting that presidents chiefly make history by their selections for the court.

Even in that perspective, however, President Reagan's choice of Sandra Day O'Connor casts a long shadow. Not only does the president break a pattern of sex discrimination; he also delivers on a campaign promise in a way that fosters faith in the system. Finally, he shores up the court—or at least works against deterioration—by naming a judge with affinities to its shifting center as against its two extremes.

The honorific status of the court, whatever else may be in question, does not admit doubt. The Supreme Court is the most dignified of our institutions, the holy of holies in the American system, the "ark of the national covenant." Groups accustomed to viewing themselves as outsiders inevitably attach high importance to being included in. The nomination of Louis Brandeis was a milestone for American Jews, as was the designation of Thurgood Marshall for blacks. The just claim of women to a more equal role thus finds a fit cause for satisfaction in the nomination of O'Connor to the highest tribunal in the land.

President Reagan, of course, did not exactly promise that he would name a woman to the court. But he did commit himself in the campaign to fill "one of the first Supreme Court vacancies" by "the most qualified woman I can possibly find." Designation of a man at this time, however meritorious, would have looked like the first installment on a breach of trust.

But trust is perhaps the single most important bond between the leader and the led in modern society. The complexity of affairs has made it well nigh impossible for most of us to make confident judgments about the working of government. The best we can hope to achieve is a sense of rapport with an individual leader.

So when a leader goes back on what is perceived to be a pledge, the system as a whole suffers. When it is possible to deliver, as Reagan did deliver in naming O'Connor, we all benefit. Which is one reason why those seeking to fight the choice on the issue of abortion face such an uphill battle.

As to the court itself, it has recently been marked by vacillation, narrow decisions, tie votes and a record number of plurality decisions without any majority view. The dominant pattern of the past two years, largely unarticulated, has consisted of a ceding of authority once claimed by the court to the president, the Congress and the states.

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Behind the uncertainty and effacement lies a divided court. Two justices—William Brennan and Marshall—are liberals of the old school, partial to the rights of individuals and minorities, and determined to assert the claims of the federal government against such bodies as the states, law-enforcement agencies and the big corporations. Two others—Chief Justice Warren Burger and Justice William Rehnquist—are illiberals, coming down on the other side of those issues most of the time.

The floating center includes Justices Byron White, Harry Blackmun, Lewis Powell and John Paul Stevens. Potter Stewart, whose resignation opened the door to O'Connor's nomination, was a central member of the center. But the center, though a majority, backed and filled and chopped and changed, and set down no clear guidelines. A typical example is Stewart's famous—and to my mind wrongly praised—remark about pornography that "I know it when I see it."

Nobody can assess how new justices will interact with a sitting court. But everything known about O'Connor tilts her toward the center.

She is not identified with any ideological grouping. She has moved on the margin in such matters as abortion and the Equal Rights Amendment. Though a Republican, she was appointed to the Arizona Appeals Court by a Democratic governor, Bruce Babbitt. Earlier she had experience in the building of majorities and the art of compromise as a leader in the Arizona Senate.

Whether O'Connor will be able to galvanize the center of the court, find a rationale for what often seems arbitrary and a tongue for ideas that remain mute is very much in doubt. She lacks experience in the federal system. "Bright" and "crisp" are the words used about her by her friends—not "deep" or "thoughtful."

But the opportunity is there, and plenty of time for learning and reflection. At the very least, it is hard to see how Judge O'Connor can do harm to an institution that is precious in no small measure because it is revered.

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Survey Finds Senate Ready To Confirm Judge O'Connor

Associated Press

Barring major negative disclosures in the background of Sandra Day O'Connor, the Arizona judge appears headed for easy Senate confirmation as the first woman Supreme Court justice, according to an Associated Press survey.

Four days after her nomination was announced by President Reagan, 33 senators are committed to voting for O'Connor and an additional 20 are leaning toward supporting her when the nomination is considered, most likely in September.

The survey found no votes opposing her nomination. Forty-five senators indicated that they were undecided, saying they did not

know enough about her legal experience or constitutional views from initial reports about her career as a judge and state legislator.

A majority vote of the 100-member Senate is required for confirmation.

Strong support for the nomination spanned the political spectrum from liberal Alan Cranston (D-Calif.), the assistant minority leader, and Daniel Patrick Moynihan (D-N.Y.) to conservative Malcolm Wallop (R-Wyo.) and moderate Republican Bob Packwood (R-Ore.).

Republicans William Armstrong of Colorado and Larry Pressler of South Dakota did not participate in the survey.

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SENATE UNIT VOTES BAN ON ABORTIONS

Declares, 3-2, That Life Begins
at Conception — Bill Would
Allow Murder Charges

By BERNARD WEINRAUB

Special to The New York Times

WASHINGTON, July 9 — A Senate subcommittee today approved legislation that could allow the states to prosecute abortion as murder, a first Congressional step toward overturning the 1973 Supreme Court decision that a woman has the right to terminate her pregnancy.

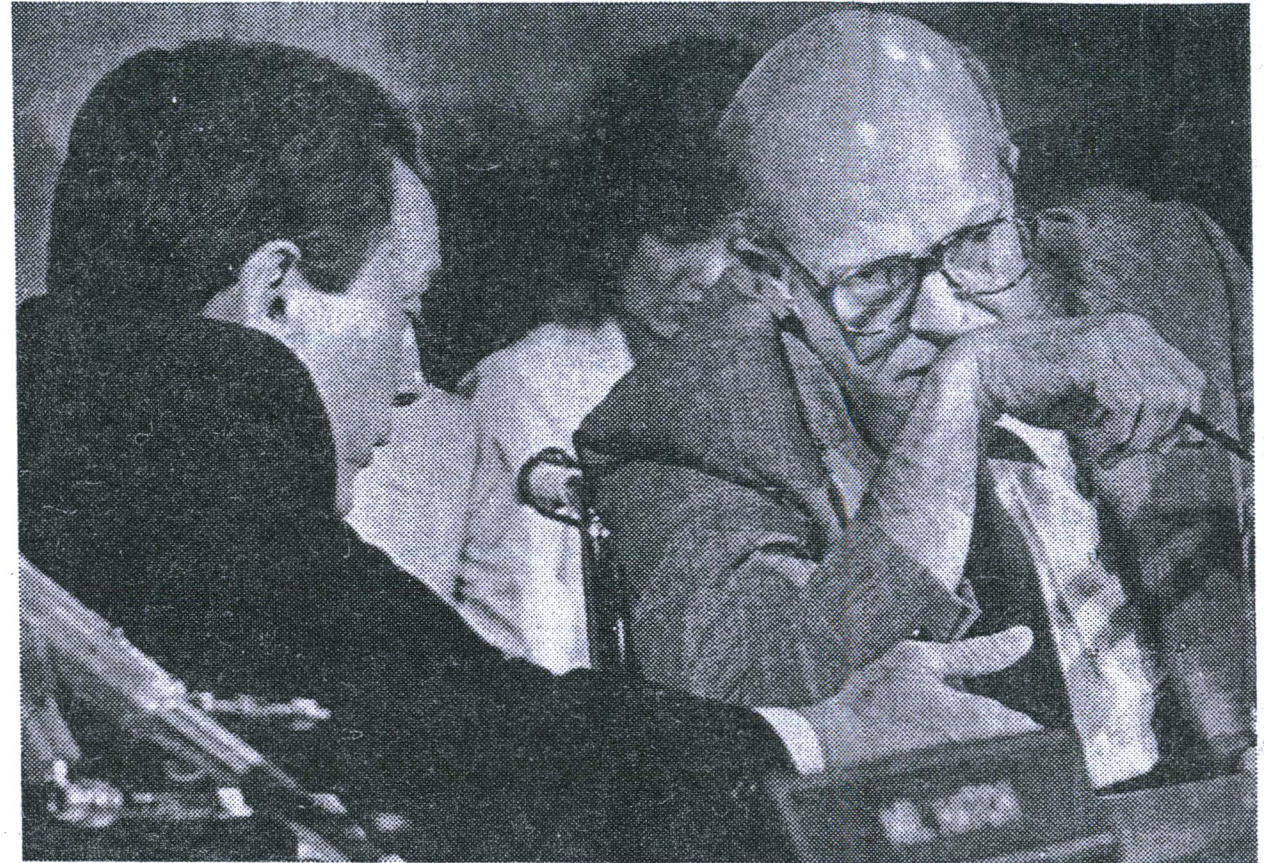
By a vote of 3 to 2, the Senate Judiciary's Subcommittee on the Separation of Powers approved a measure that said "the life of each human being starts of conception," thus giving fetuses rights under the Constitution.

Senator John P. East, Republican of North Carolina, who is the subcommittee chairman, said after the vote in a packed chamber that he was "extremely delighted" at the outcome. Joining Senator East in voting for the measure were two other Republican Senators, Orrin G. Hatch of Utah, who expressed reservations about the bill's constitutionality, and Jeremiah Denton of Alabama.

Opposing the measure were the committee's two Democrats, Max Baucus of Montana and Howell Heflin of Alabama. Mr. Heflin said that the measure was "an exercise in futility" because the Supreme Court would inevitably refuse to overrule its landmark *Roe v. Wade* decision legalizing abortions.

Curbing Contraceptive Measures

Mr. Baucus said that the bill would have the practical effect of barring such contraceptive measures as the intrauterine device and the birth control pill, which are believed to act after conception. He also contended that the bill



The New York Times/D. Gorton

Senator Orrin G. Hatch, left, conferring yesterday with Senator John P. East, chairman of the Senate Judiciary Subcommittee on the Separation of Powers, before the panel voted on banning abortion.

role of the states in our Federal system."

Although the vote was a triumph for the opponents of legalized abortion, the victory was tempered somewhat by Senator Hatch's obvious unhappiness with the bill and his prediction that the abortion issue would probably not reach the Senate floor until next year.

Mr. Hatch, an influential Senate conservative who is also chairman of the Subcommittee on the Constitution, said that his own panel would hold hearings in the fall on a constitutional amendment to ban abortions, thereby delaying a full Judiciary Committee vote on the issue. Mr. Hatch, an abortion foe, said said that he had "serious constitutional

would prefer that the collective wisdom of the entire Judiciary Committee, rather than only this subcommittee, be called into play."

Finding by Congress on Life

The bill, as voted today, was amended somewhat by Mr. East, and says, "The Congress finds that the life of each human being begins at conception." Previously, the measure said "present scientific evidence indicates a significant likelihood" that life starts at conception.

Essentially, the bill, which was shaped by Stephen H. Galebach, a lawyer with the Washington firm of Covington & Burling, seeks to extend to the un-

turned against conservatives on such issues as gun control.

Suellen Lowery, legislative director of the National Abortion Rights Action League, said this afternoon that, despite the vote, the organization remained somewhat optimistic about thwarting Congressional efforts to ban abortion.

"We have managed to push this bill onto the back burner, and it shows we have some real political strength," Miss Lowery said. She added that Senator East expected to "push this bill through but he hasn't."

Faye Wattleton, president of the Planned Parenthood Federation of America, said: "While we regret the

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The New York Times/D. Gorton

Senator Orrin G. Hatch, left, conferring yesterday with Senator John P. East, chairman of the Senate Judiciary Subcommittee on the Separation of Powers, before the panel voted on banning abortion.

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He supported the bill, he said, because, "on an issue of this magnitude, I

would prefer that the collective wisdom of the entire Judiciary Committee, rather than only this subcommittee, be called into play."

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Essentially, the bill, which was shaped by Stephen H. Galebach, a lawyer with the Washington firm of Covington & Burling, seeks to extend to the unborn the rights of due process guaranteed under the 14th Amendment.

The bill would also prohibit lower Federal courts from considering challenges to the anti-abortion legislation, a maneuver that Mr. Baucus said could be

turned against conservatives on such issues as gun control.

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Faye Wattleton, president of the Planned Parenthood Federation of America, said: "While we regret the Senate subcommittee vote of 3 to 2 to report the human life statute to the full Senate Judiciary Committee, we are encouraged that today's action effectively blocks immediate consideration by the full committee."

The Washington Post
Friday, July 10, 1981
A-23

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Rowland Evans
And Robert Novak

Why Did He Choose Her?

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

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

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

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

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

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

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

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

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

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

Based on Starr's memo, Smith reas-

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

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

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

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

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Tactics of O'Connor Foes Irritate Sen. Humphrey

By Fred Barbash and Lou Cannon
Washington Post Staff Writers

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

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

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

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

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

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

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

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

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

The anti-abortion group held its

the second flap for O'Connor's opponents.

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

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

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

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

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

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

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

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

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

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From Myra Bradwell to Sandra Day O'Connor . . .

It was just the other day that I was invoking the 19th-century shade of Myra Bradwell, but with the nomination of Sandra Day O'Connor to the Supreme Court, the old story takes on an especially poignant meaning. From Mrs. Bradwell to Mrs. O'Connor, it's been a long, uphill climb for ladies in the law.

Myra Bradwell, may she rest in peace, was a native of Vermont who moved to Chicago sometime in the mid-1850s. Not long after ratification of the Fourteenth Amendment in 1868, she did a most audacious, unfeminine thing: She applied for a license to practice law. Curiously, she did not rely upon the equal protection clause but rather upon the privileges and immunities clause, but in any event the Supreme Court of Illinois summarily turned her down. No women were to be allowed in court.

Mrs. Bradwell appealed. In April 1873, the U.S. Supreme Court also gave her the brush-off. It was within the police powers of Illinois to limit membership in the bar to males only. Only Chief Justice Salmon P. Chase dissented, and he didn't say why.

Justice Joseph P. Bradley was so shocked by the whole astonishing idea that he wrote a flaming concurring opinion in which two other justices joined. History, nature, the common law, and "the usages of Westminster Hall from time immemorial" argued against the proposition. Bradley felt impelled to expand upon the wide difference in the spheres and destinies of man and woman.

"Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and function of womanhood. . . . The paramount destiny and mission of woman are to fulfill the noble and benign office of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases."

Born Too Soon

It would be interesting to know what ever became of Myra Bradwell. She was born a century before her time, but the nomination of Sandra O'Connor to the high court vindicates her pioneering effort. The Senate Judiciary Committee expects to expedite confirmation hearings on the nominee, in an effort to complete action before the August recess.

Mrs. O'Connor will be welcome on the court. Members of our highest tribunal come to that bench

takes nothing from Thurgood Marshall's stature to observe that Lyndon Johnson wanted to name the first black to the court. By the same token, it is evident that Mrs. O'Connor has been chosen over males with much higher qualifications precisely because she is a woman.

Just as the court has benefited in times past from a Western viewpoint, or an academic or a black or a Jewish or a Catholic viewpoint, or the viewpoint of a lawyer in private practice, now we will have some benefit, however subtle, of a woman's viewpoint.

Excellent! In the term just ended, the court disposed of cases having to do with abortion, child custody, teen-aged sex, nude dancing, sex discrimination in employment, property settlements in divorce, and the registration of women (but not

men) for a potential draft. No one can say how Mrs. O'Connor might have voted in these cases if she had been sitting on the court. She might have voted just as the departing Potter Stewart voted. But she would have brought to the consideration of these cases a body of personal experience — a cast of mind, if you please — that has not been there before.

None of this, I know, is supposed to matter. Justices in theory approach each case without personal prejudice or bias. They function as carpenters, in one metaphor, who simply lay the boards of law against the square of the Constitution. The theory is specious. Justices are not disembodied spirits. They are mortals, and to this day they have all been mortal men. Now we are to have a mortal woman. Myra Bradwell would be pleased. And so am I.



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SANDRA DAY O'CONNOR

Associated Press

The Washington Star
Friday, July 10, 1981
A-4

Reagan Accused of Betraying Right

Coalition Blasts 'Coverup' Of Court Nominee's Record

By Phil Gailey
Washington Star Staff Writer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOLDWATER FAULTS O'CONNOR CRITICS

Anti-Abortion Groups Step Up
Their Attacks and Senator
Tells Them to 'Back Off'

WASHINGTON, July 9 (UPI) — Conservative groups today intensified their attack on Judge Sandra Day O'Connor, President Reagan's nominee for the Supreme Court, despite Republican predictions of victory and warnings from Senator Barry Goldwater that they should "back off."

The Senate Republican leader, Howard H. Baker Jr. of Tennessee, said Judge O'Connor would be "confirmed easily" but indicated that final approval might be delayed until September.

Mr. Baker said at a news conference that Senator Strom Thurmond of South Carolina, chairman of the Judiciary Committee, had assured Mr. Baker that he was "ready to move" as soon as the White House formally submitted the nomination.

Mr. Baker predicted that Judge O'Connor would be "confirmed easily" either before the recess, more likely shortly after we return" on Sept. 9.

Would Join Court in Fall

Judge O'Connor, 51 years old, a former Republican leader in the Arizona Legislature, serves on the Arizona Court of Appeals. If confirmed, she will replace Associate Justice Potter Stewart when the Court, now in summer recess, reconvenes on the first Monday of October.

Anti-abortion forces have denounced two votes that she cast in 1970 and 1974, while a member of the Arizona Senate, and to some extent her past support for the proposed equal rights amendment to the Federal Constitution.

Senator Goldwater, Mrs. O'Connor's leading supporter, declared in a Senate speech that "a lot of foolish claptrap" had been circulated about her position.

"Instead of jumping to conclusions about her views, on the basis of years' old positions that were taken in a different context and setting, why can't these people wait until the nomination hearings?" Mr. Goldwater asked. "The right-to-life groups are totally off base and should back off."

But a coalition of 21 conservative and anti-abortion groups charged that Mr. Reagan did not fully understand Judge O'Connor's voting record. The charge involved a Justice Department memorandum given to Mr. Reagan that said Judge O'Connor did not remember how

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"I think when he has all the facts — if they are true — he may change his mind," said Paul Weyrich, head of the Committee for the Survival of a Free Congress. "I think the decision was made without all the cards in the deck."

The White House said that Judge O'Connor was arranging to come to Washington next week to meet with members of the Judiciary Committee. But a survey of the panel revealed no outright opposition, with about half the members leaning in favor of the nomination and others withholding judgment pending confirmation hearings.

Senator Jesse Helms, Republican of North Carolina, a leading conservative who is a member of the Judiciary Committee, told reporters today that he would not comment before he talks with Mrs. O'Connor next week.

The New York Times
Thursday, July 9, 1981
A-16

White House Pressing Confirmation

Special to The New York Times

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

Man Accused of Rifling Files In Senator Hart's Office Is Ill

DENVER, July 7 (AP) — A man arrested on charges of rifling files and stealing about \$10 in change from the office of Senator Gary Hart of Colorado was hospitalized Tuesday in fair condition, officials said.

John W. Mack, who gave his address as Florissant, Mo., and said he was a diabetic, was jailed Saturday for investigation of second-degree burglary after the police said they found him going through filing drawers at Senator Hart's office near downtown Denver.

Lieut. Mike O'Neill said that officers alerted by a silent alarm went to Senator Hart's office early Saturday and found a man sitting at a desk going through drawers.

A spokesman said that Senator Hart had not received "any indication of political overtones" in the incident and that nothing was missing from the files. He added that police officers said the burglar "was going through the files so fast that he didn't seem to be interested

Supreme Court, until her confirmation hearings are completed.

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

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

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

Officials Optimistic

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

Yesterday, Mr. Reagan had Senator Jesse A. Helms, the Republican conservative from North Carolina, visit him at the White House to assuage his concerns about Judge O'Connor. The President also telephoned the Rev. Jerry Falwell, leader of Moral Majority, which has at

ready come out against her nomination, saying that Judge O'Connor has advocated legal abortions and the equal rights amendment.

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

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

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

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

**Washington Watch
Monday in Business Day
The New York Times**

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The New York Times
Thursday, July 9, 1981
A-17

THE NEW YORK TIMES, THURSDAY, JULY 9, 1981

A-17



Associated Press

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

Reagan's Court Choice: A Deft Political Maneuver

By HEDRICK SMITH

Special to The New York Times

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

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

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

The President has risked a new breach with the radical right wing of the Republican Party, which has provided his most zealous political support through the years and is now openly dismayed over Mr. Reagan's Court choice.

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

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

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

Udall Praises Selection

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

Mrs. Schlafly, a prominent Republican activist from Illinois, has spear-

headed the effort to block ratification of the proposed equal rights amendment to the Federal Constitution. Judge O'Connor is known for having supported the amendment, though White House officials said that more recently she had expressed "some reservations" about it.

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

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

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

But in the face of a volley of reproof from the National Right to Life Committee and other anti-abortion and far-right political action groups, the White House took a detached view, evidently convinced that the President had effectively isolated the far right on this selection.

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

Senate Believed Unlikely to Vote on Court Nominee Till September

By FRANCIS X. CLINES

Special to The New York Times

WASHINGTON, July 8 — The Senate's vote on the nomination of Judge Sandra Day O'Connor to the Supreme Court is not likely until September, Senate Republican leaders said today. They

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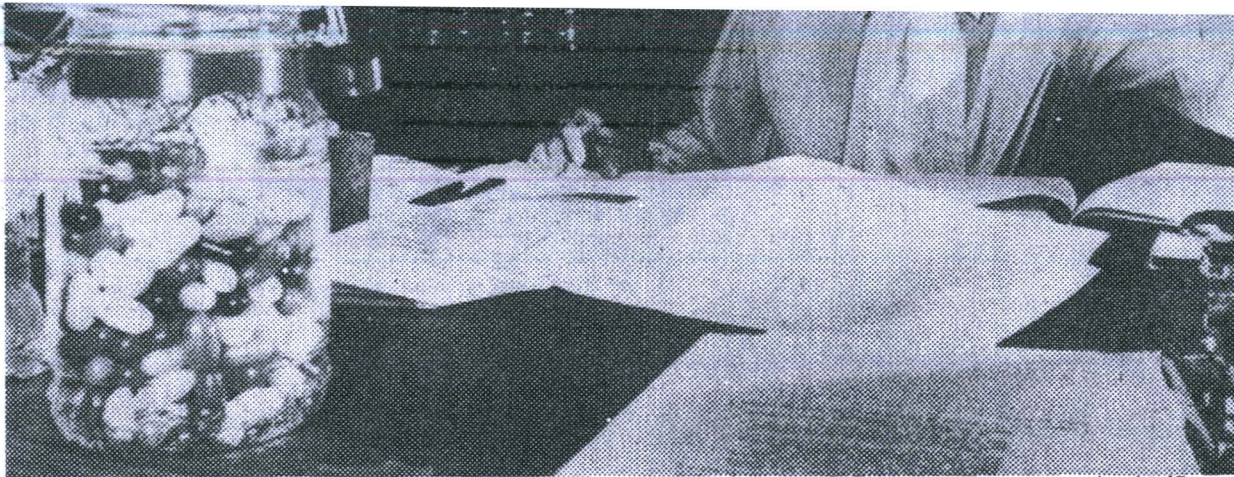
Anti-abortion groups met this afternoon to plan a common strategy, and thus far the Senator they look to as their leader, Jesse Helms of North Carolina, has remained a step back from the battle, saying he was still investigating dis-

needlessly gave the back of his hand to an important part of his coalition."

David R. Gergen, the senior White House spokesman, said that the President was trying to diffuse potential opposition to the appointment by meeting yesterday with Senator Helms and tele-

Supreme Court begins in October and Senator Baker has promised to expedite the nomination to meet that date.

Senator John East, the North Carolina Republican who is a member of the Judiciary Committee and is considered to be Senator Helms' protege in the anti-abortion movement, promised "a good



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

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

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

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

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

tive groups opposed to the appointment.

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

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

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

Reagan 'Misled' by Staff

Those groups have avoided blaming Mr. Reagan for their disappointment, taking the view expressed this morning on National Public Radio by Richard Viguerie, the conservative fund-raiser: "He's a busy man who relies heavily on his staff, who have misled him, and he

needlessly gave the back of his hand to an important part of his coalition."

David R. Gergen, the senior White House spokesman, said that the President was trying to diffuse potential opposition to the appointment by meeting yesterday with Senator Helms and telephoning the Rev. Jerry Falwell, president of Moral Majority, a religious and political lobbying organization, in the hope that they would "keep an open mind" about the appointment. A spokesman for Mr. Falwell said that he did not commit himself.

Floor Vote in September

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

"I'm going to try and help the President all I can," the Senator said this morning. "My plan is to support her unless something comes up at the hearing we don't know about."

A spokesman for Senator Howard H. Baker Jr. of Tennessee, the Senate majority leader, estimated that, at the earliest, the appointment might be dealt with by the Judiciary Committee just before the August recess, with a floor vote in early September. The timing is important because the fall term of the

Supreme Court begins in October and Senator Baker has promised to expedite the nomination to meet that date.

Senator John East, the North Carolina Republican who is a member of the Judiciary Committee and is considered to be Senator Helm's protege in the anti-abortion movement, promised "a good hard look" at Judge O'Connor's views on abortion, the equal rights amendment and busing to achieve racial balance in public schools.

He did not flatly announce his opposition to the appointment. But, in reference to the 1973 Supreme Court ruling that abortion was a constitutional right of women, he said: "Regardless of a nominee's views on abortion, I would be reluctant to support any appointee who thought *Roe v. Wade* reflected sound constitutional law."

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

Anti-abortion lobbyists promised to use the August recess to build considerable constituent pressure. Senator Goldwater was stirred to anger when informed of Mr. Falwell's opinion that a wide spectrum of Christian groups could be mobilized against Judge O'Connor.

"Every good Christian ought to kick Falwell in the posterior," the Senator responded.

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"There's a lot of that going around."

How to avoid "coming down with something," and what to do if you don't is only part of what Jane Brody's **Personal Health** column is all about. Most of all, it's about you. About how to stay healthier. And Happier. Catch it next time around.

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