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INSIDER WASHINGTON



BY NILES LATHEM

STORM OVER WHAT REAGAN WASN'T TOLD ABOUT SANDRA

THE controversy surrounding the nomination of Arizona Judge Sandra O'Connor to the Supreme Court has raised disturbing questions about how well-informed President Reagan is kept by his staff.

Conservatives in the Senate and even in the White House believe Reagan had no idea that her voting record on abortion would cause such a storm of criticism.

Nor, they say, did the President know that the storm had erupted once she was appointed.

Reagan, like all modern Presidents before him, does not read newspapers. Instead he is given what aides call "news summaries."

But the right wing of the White House staff charged that the "Jerry Ford axis" in the White House — led by chief of staff James Baker — deliberately withheld details of the "Sandra storm" so Reagan would have no ambivalent feelings about having made



SANDRA O'CONNOR
Reagan had no idea.

the historic nomination.

Baker, of course, controls all press and communications at the White House.

Insiders noted that the issue over Reagan's political briefings was raised once before — during the transition, when Reagan was kept in the dark about criticism from conservative groups about the appointment of Donald Regan as Treasury Secretary.

Reagan had no idea that his appointee was giving cocktail parties for Democratic candidates during the 1980 campaign, they said.

"This appears to be a normal course of events around the White House these days," said an insider.

★ ★ ★

O'Connor an Enigma

High Court Nominee Disturbs Conservatives

President Reagan's choice of Arizona Appeals Court Judge Sandra Day O'Connor to fill the vacancy on the Supreme Court has astonished and dismayed a great number of conservatives, many of whom keep wondering how in the world he arrived at this particular selection for this most critical of judicial positions.

From a wide variety of viewpoints it seems wrong-headed. The President undoubtedly feels good about fulfilling his campaign pledge to name a woman at an early opportunity to the High Court and thus "dish the liberals," as his political advisers keep gloating about, but did it have to be this woman? is what conservatives keep asking themselves.

Her current views on abortion and the Equal Rights Amendment are clearly suspect because of her previous legislative record in the Arizona state senate, but so are her views on a wide range of other important matters, including quotas, aid to private schools and criminal law. In her 18 months on the Appeals Court, she has not ruled on the major kinds of issues she will have to face as a Supreme Court Justice. "We're buying a pig in a poke," said one conservative critic. "The Administration is asking us to accept her on faith, but why should this be the case for such a crucial appointment? Surely they could have done better."

And take a look at O'Connor's cheering section. Democratic Senators Teddy Kennedy (Mass.), Howard Metzenbaum (Ohio) and Alan Cranston (Calif.), three champion musketeers of the liberal-left, couldn't have been more enthusiastic about her nomination. Rep. Morris Udall (D.-Ariz.), who may, if possible, tilt even further to port, waxed joyous. "I'm really quite pleased," said Udall, "... If we're going to have Reagan appointees to the Court, you couldn't do much better." Americans for Democratic Action spokesman Stina Santiestevan said she was "thrilled" at the choice, while Arizona's ACLU Chairman Alice Bendheim thinks she's going to work out just fine. Speaker Tip O'Neill believes this is the best thing that the President has done since he's been in office.

Eleanor Smeal, the head of the ex-



Because Judge Sandra O'Connor's (above) political philosophy remains nebulous, conservatives could only greet her nomination to the Supreme Court with uncertainty and dim enthusiasm.

tremist National Organization for Women, was equally delighted, as was Iris Mitgang, chairperson of the National Women's Political Caucus.

What these and other feminist groups like them are fighting for, of course, is not just the placement of women in important positions in society, but women who favor ERA, abortion-on-demand, women in combat and all the other "rights" associated with the extreme feminist cause. And Judge O'Connor, it transpires, has actively backed many of their fights, and has failed to repudiate her past actions, so far as we can tell.

And what about her conservative supporters? Save for Sen. Barry Goldwater (R.-Ariz.), who has all but tuned out of relevant conservative politics for many years now, there aren't many rushing to her defense in any substantive way. Goldwater, who savaged Ronald Reagan in 1976 when he was running against Gerald Ford, says O'Connor is a great conservative, and that "I think that every good Christian ought to kick Jerry Falwell right in the ass" for opposing her—as if a minister had no right to address the subject of abortion or oppose for public office those who favor a surgical process that great numbers of respected

doctors and theologians believe results in the actual taking of a human life. "This abortion issue has gotten to be the biggest humbug issue in the United States," said Goldwater, adding: "Abortion is not a conservative issue. ERA is not a conservative issue."

But lots of conservative politicians other than the Arizonan are depressed, disappointed or wary about the O'Connor nomination, and not just because of her record on feminist issues. Sen. Strom Thurmond (R.-S.C.), chairman of the Judiciary Committee, has agreed to support the selection, as will most of the Senate, but privately, according to well-placed sources, Thurmond has been critical of the choice.

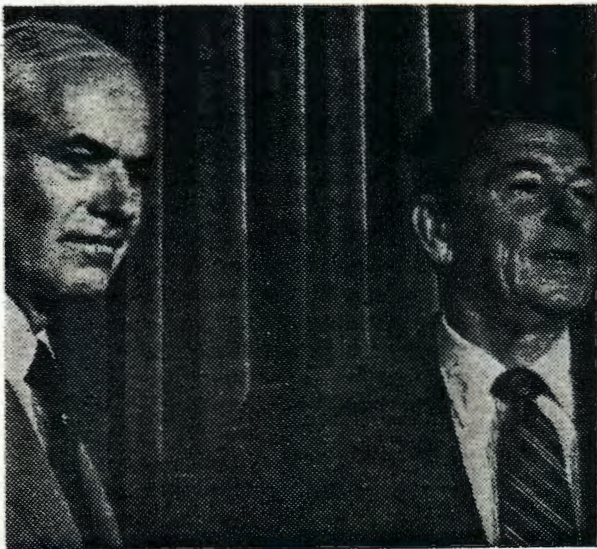
Sen. Jesse Helms (R.-N.C.) suggested that the President may have been misled about O'Connor's background "either by his own people or the lady herself," since a memorandum to the attorney general from counselor Kenneth Starr glosses over her pro-abortion and pro-ERA stands (see story, page 5).

Sen. John East (R.-N.C.) has expressed a certain concern about the appointment, as has Sen. Roger Jepsen.

(Continued on page 8)

Continued from page 1

(R.-Iowa), who told us: "The President has consistently stated his strong support for the rights of the unborn, both in his active involvement in drafting the Republican platform and his most recent support for the Hyde language in the continuing appropriations resolution. Therefore, I am puzzled by the nomination of a person who apparently



Attorney General Smith (left) and President Reagan.

does not reflect that commitment." And while the politicians have hedged their opposition, virtually all of the right-to-life groups that so vigorously worked for the President's election have flatly opposed the O'Connor pick.

The President has assured us that Mrs. O'Connor is personally opposed to abortion, that she finds it "abhorrent," but that hardly tells us where she will line up judicially on the subject, since even most of the ardent pro-abortion advocates insist they are "personally" opposed to abortion as well.

But her views on abortion, others will insist (even many conservatives, we acknowledge), should not be the "litmus" test as to whether she should be selected. But surely, if keeping promises is the goal of the Reagan Administration, a nominee's views on abortion should be as seriously weighed as the nominee's gender, since the Republican party platform bluntly says: "We will work for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life," and the President strongly defended that section of the platform in his Sept. 21, 1980, debate with John Anderson. And who has a better right to have their wishes embraced by the Administration—the Gloria Steinem crew or the right-to-life forces who tirelessly worked for Ronald Reagan?

But abortion and ERA are not the only areas which concern conservatives. The judicial record is hardly reassuring.

Her 29 published opinions on the Appeals Court don't deal with some of the major issues that conservatives feel strongly about, such as the death penalty, busing, the constitutional rights of criminal defendants, labor law, deregulation, tuition tax credits, etc. As a state court judge, she has ruled on cases dealing mostly with such state legal issues as the liability of municipalities for negligence and the standards to be applied in awarding disability payments.

"Thus," as a critique in the *New York Times* put

it, "it appears far too early to determine whether the ideologically divided Court will become more conservative or more liberal if Judge O'Connor fills the vacancy created by the retirement of Justice Potter Stewart."

Indeed, virtually all accounts describe her as "pragmatic" and "non-ideological," and she herself, in her Phoenix news conference following her selection, did not even have the courage—or conviction—to describe her judicial philosophy. "Would you put a label on yourself—moderate or constructionist?" she was asked. "No, I can't do that," said the philosophically unanchored Mrs. O'Connor.

Though obviously bright and energetic, the 51-year-old O'Connor, especially when she served in the Arizona senate in the early 1970s, was not considered a conservative. She appeared "trendy," promoting bilingual education, abortion, ERA and no-fault divorce. She was also absolutely dead-set against any state aid to parochial schools. Legal experts in the state believe she is fundamentally sound in the criminal law field—and will be better than Potter Stewart when it comes to such matters as the "exclusionary rule"—but even here the record is not totally clear. Though she supposedly favors capital punishment, for instance, she argued against the imposition of the mandatory death penalty in such a way as to suggest she was opposed to capital punishment at any time.

Not all is bad about Mrs. O'Connor. She does have a fairly decent record so far as meting out punishment to convicted criminals is concerned. She did lead a tax-limitation battle in the state. She recently wrote an article for the *William and Mary Law Review* which argued against usurpation of state court powers by the federal courts. And she is good friends with the Supreme Court's most conservative member, William Rehnquist (they were in the same class at Stanford Law School; he was No. 1, she No. 3), with Rehnquist having given her a hearty recommendation.

But, still, this is pretty thin gruel. President Reagan, for all his and his aides' assurances, is asking conservatives to rally behind a highly uncertain trumpet. Mrs. O'Connor, of course, may turn out to be just what the doctor ordered. President Reagan, we concede, hasn't been a bad judge of character, as the metamorphoses of Richard Schweiker and Terrel Bell attest. Yet Schweiker and Bell and other Cabinet appointments can be fired if they don't follow presidential orders. But once Mrs. O'Connor slips on that black robe, she cannot be budged from the bench.

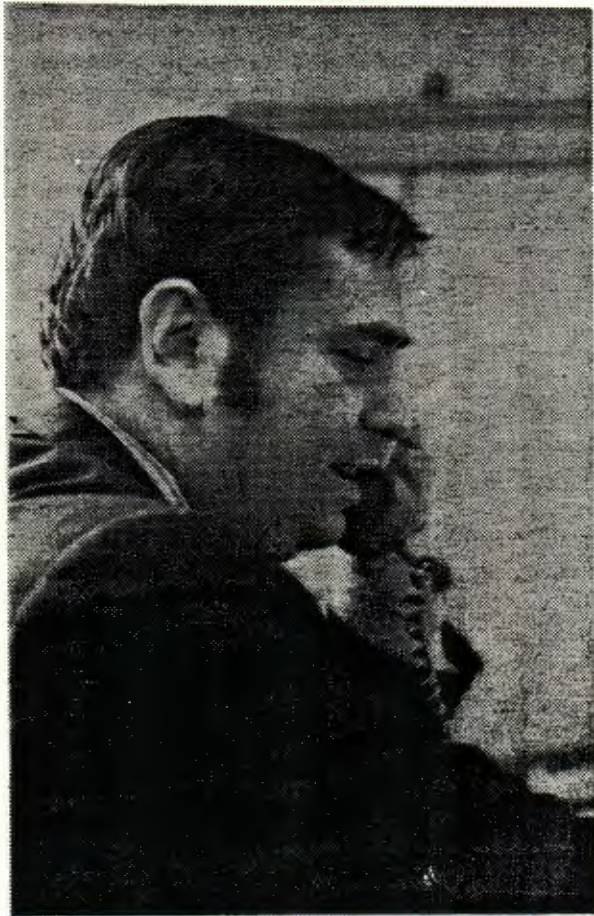
Hence, if nothing else, the Judiciary members, especially the conservatives, owe it to their constituencies to thoroughly scrutinize Mrs. O'Connor's record and philosophy, assuming she'll finally admit she has a philosophy. What is so difficult to comprehend, however, is why the Administration, in making this weightiest of all appointments, selected a nominee of such murky ideological moorings.

Under a Reagan presidency we expected to see a major transformation in the High Court, a sea-change shift to the right. But that kind of alteration is not likely to come about with O'Connor-type appointments. Conservatives—no, the country—have a right to expect better.

Justice Memo Raises Questions on O'Connor

Conservative groups are angry with the Administration's selection of Sandra O'Connor for reasons other than her past views on abortion and the Equal Rights Amendment (see cover). Many believe, for instance, that the Administration actually tried to deceive them on the nomination and about the real record of O'Connor.

A HUMAN EVENTS reporter was told that he could at least see a summary of O'Connor's decisions from the Arizona Appellate Court, but, after



PHILLIPS

the pledge, the key Administration official who made the promise failed to deliver. Other reporters, not just conservatives, received similar treatment. "They seemed to be stonewalling a lot of us," said *Conservative Digest* Editor John Lofton.

Word initially came out of the White House that the President had spent some 50 minutes with O'Connor to satisfy himself that she was now well-grounded philosophically, even if she may not have been much of a conservative in the early '70s. But when Mrs. O'Connor held her Phoenix press conference, she said she spent only 15 minutes with the President.

Even more serious, so far as conservatives are concerned, was the July 7, 1981, memo for the attorney general from counselor Kenneth W. Starr.

The memo states that Starr talked to O'Connor by phone on two occasions on July 6, and that she "provided the following information with respect to her public record on family-related issues."

But if O'Connor provided the record, it was far from complete. For instance, the memo refers to House Bill 20 which virtually eliminated restrictions as to when a doctor could perform an abortion. "There is no record of how Sen. O'Connor voted," says the Starr memo, "and she indicated that she has no recollection of how she voted."

Yet Dr. Carolyn Gerster, the leader of the right-to-life movement in Arizona, has since forwarded to the attorney general a copy of an April 30, 1970, article in the *Arizona Republic* which boldly states that O'Connor voted in favor of the legislation.

The Justice Department memo also completely omits from the O'Connor record her April 23, 1974, vote in the Senate Judiciary Committee against a resolution urging Congress to support a human life amendment to the Constitution. Why, right-to-lifers are asking, wasn't this important vote in the memo? Did Mrs. O'Connor's memory fail her, or did the Justice Department fail to include it?

Equally disturbing to skeptics is this line in the memo: "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." But that is just plain false.

Dr. Gerster, who heads the Arizona right-to-life movement, informed us that she has frequently been at odds with Mrs. O'Connor on the abortion issue. When we were talking with her last week, Dr. Gerster was in the midst of preparing a letter for the attorney general which took sharp issue with the wording of the Starr memo which Dr. Gerster said made it seem as if she and Mrs. O'Connor shared the same views on abortion.

In truth, Dr. Gerster informed the Justice Department's chief, William French Smith, she had been in an "adversary relationship" with Mrs. O'Connor on the abortion issue during 1973 and 1974 because of her own pro-life activities. And Dr. Gerster couldn't understand why no one at Justice—especially Starr—had called her to get her side of the story.

Because of such episodes as this, a coalition of conservative and anti-abortion groups last week, with Conservative Caucus Chairman Howard Phillips as the chief spokesman, suggested there had been a "cover-up" of Mrs. O'Connor's real record.

Kathleen Teague, executive director of the American Legislative Exchange Council, said: "The information we have on her abortion record, when compared with the information contained in the memorandum...shows an apparent prima facie cover-up 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."

Whether or not it was deliberate or just sloppy staff work, the Administration has clearly bobbled

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WHITEHOUSE

WASHINGTON DC 20500

DEAR MORTON, YOUR FULL AND BEST EFFORTS TO ARRANGE A MEETING WITH THE
PRESIDENT REGARDING THE O'CONNOR NOMINATION WILL BE DEEPLY, DEEPLY
APPRECIATED. SUGGEST THE FOLLOWING PEOPLE BE INVITED TO ATTEND, ED
MCATEER, DOCTOR JAMES KENNEDY, DOCTOR CHARLES STANLEY, DOCTOR JERRY
FALWELL, EVANGELIST JAMES ROBISON, DOCTOR ADRIAN ROGERS, DOCTOR
MILDRED JEFFERSON, DOCTOR CAROLYN GERSTER, MRS BELLIE GRAY

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For Reagan and the New Right, the Honeymoon Is Over

By Bill Peterson
Washington Post Staff Writer

Every president has a honeymoon, and Ronald Reagan's has been longer than most. Congress, the press, opinion leaders and even many Democrats are still treating him like a new bridegroom.

But for one important group of Reagan supporters — the New Right conservatives — the honeymoon is over. They flexed their muscle over the nomination of Sandra D. O'Connor to the Supreme Court, and lost.

For some of the most vocal leaders of the New Right movement, the nomination was the latest in a series of slights and insults they have suffered from Reagan advisers which raise questions in their minds about whether the president is really their kind of conservative.

"The White House slapped us in the face," says Richard A. Viguerie, the conservative direct-mail expert. "The White House is saying you don't have a constituency we're concerned about. We don't care about you."

"There's been a challenge issued," explains Viguerie. "It is something we can't ignore. We either fight this one, or we aren't leaders."

Viguerie and his cohorts on the New Right have done just that. They have fumed and fussed. They've launched a series of pointed attacks on O'Connor in their publications and in thousands of letters and telegrams sent to their supporters around the country.

But after two weeks, they have yet to persuade a single senator to come out against O'Connor, the first woman ever appointed to the Supreme Court. They plan to continue what they now see as an all but hopeless fight if only to make it possible to fight and win similar battles in the future.

"In terms of having any real influence with the Reagan administration, we just haven't had any," says Howard Phillips, head of the Conservative Caucus. "All they've done is throw us a few bones to keep the dogs from biting their heels."

The fight is full of irony and goes well beyond the merits of the O'Connor nomination.

It is part self-esteem, part coalition politics, part a sense of class conflict between the ideologues of the New Right and the political pragmatists who make up the White House staff.

The roots of the conflict go back to the 1980 campaign, the choice of George Bush as Reagan's running mate, and the emergence of moderates, such as White House chief of staff James Baker III, as key presidential advisers. "We won the election, but lost the White House," many conservatives complained.

Reagan's relations with the New Right have been strained ever since. In this light, the nomination of O'Connor, who on occasion voted with pro-abortion forces as an Arizona state senator, didn't surprise some of the most militant voices on the New Right.

A little background about the New Right and the Old Right is helpful in understanding the conflict. The Old Right comprised traditional economic conservatives, firm believers in the free enterprise system and a strong national defense. It is epitomized by Sen. Barry Goldwater (R-Ariz.), the 1964 Republican presidential nominee.

The New Right accepts the basic philosophy of the Old Right, but has tried to broaden the conservative base to include disillusioned Democrats and nonvoters.

To do this, it devised sophisticated campaign techniques, particu-

larly direct-mail fund raising, and formed a fragile coalition with so-called "social conservatives" — people opposed to legalized abortion, sex education, the Equal Rights Amendment, "humanism," general permissiveness, gun control, and a host of other religious and social issues.

In numbers, the coalition is relatively small — Viguerie, one of the movement's founders, estimates it can mobilize no more than 5 to 7½ percent of the electorate. But, like the liberal wing of the Democratic Party, it is noisy and rigid philosophically.

Reagan, in his campaign, played to the basic goals of the New Right coalition with his litany of "family, work, neighborhood, freedom, peace." He endorsed a constitutional amendment banning abortion. Anti-abortion groups flocked to his banner, although leaders of the New Right like Viguerie joined his bandwagon only after other candidates fell by the wayside.

But as president, Reagan has a different agenda, and his administration has distanced itself from the New Right. "On issues like abortion, school prayer and some of these, my personal view is that they're somewhat peripheral to some of the things that national government should be concentrating on," one top White House adviser said during a recent luncheon at The Washington Post.

New Right and anti-abortion spokesmen blame this on a betrayal of confidence and a failure to understand their coalition. There is a strong element of class and cultural conflict to this.

"From the very outset, the administration has been staffed by country-club conservatives who have contempt for social conservatives. The White House has a tendency to treat us as a sort of minority group," says Phillips of the Conservative Caucus. "We aren't the Skull and Bones crowd."

"The White House doesn't understand our coalition," adds Viguerie. "The social conservative isn't someone they'd invite to their home, or country club. The whole social conservative thing isn't their cup of tea."

Kevin Phillips, a conservative theorist, offered another analysis in a recent issue of his American Political Report newsletter. Candidates used New Right and anti-abortion themes in 1978 and 1980 elections because voters agreed with their general critique of moral decay and permissiveness in the country, Phillips noted.

"The neo-Puritan minority was able to mobilize its issue activists with little backlash," he wrote. "That equation is changing now with Reagan in the White House. General public sympathy for a further move to the right on moral issues is less, and more attention is focusing on less popular specific proposals."

No other single issue is as important to the New Right coalition as abortion. It is the glue that holds much of the coalition together, that attracted northern blue-collar Catholics and southern evangelicals, most of whom are traditional Democrats, to the New Right and its candidates.

Anti-abortion activists view abortion as the great civil-rights issue of the era, the litmus by which to judge all officeholders. O'Connor, because of some seemingly pro-abortion votes in the Arizona Senate, failed the test.



SANDRA D. O'CONNOR
... last straw for the New Right

PRESERVATION COPY

They viewed her nomination as a direct assault. To preserve the coalition, other New Right groups had little choice but to rally to the defense. In coalition politics, an attack on one is an attack on all.

Within two days of the nomination, about 20 conservative groups, most loosely affiliated with the New Right, came out against O'Connor. Among the best known of them was the Moral Majority. The symbolism was confusing. Judge O'Connor, after all, was supported by the nation's two best known conservatives, Reagan and Goldwater, her Arizona neighbor.

What was going on?

An unusual coincidence of personalities had a great deal to do with the response. The key figure was Dr. Carolyn Gerster, a woman remark-



RICHARD A. VIGUERIE

... "White House slapped us in the face"

ably similar in background to Judge O'Connor. Like O'Connor, she is an aggressive, attractive and publicly spirited individual, a trail-blazer of sorts who launched a professional career at a time when few women did so. And like O'Connor, she lives in the Phoenix suburbs.

In the 1970s, she was an anti-abortion lobbyist who considered then state senator O'Connor a pro-abortion adversary. By 1980, physician Gerster had become president of the National Right to Life Committee, the nation's largest anti-abortion group, and she had a one-on-one meeting with Reagan in early January. During that meeting, she claims Reagan pledged he would never appoint a supporter of legalized abortion to the Supreme Court.

Gerster and her allies did a quick research job on O'Connor's legislative record over the July 4th weekend when the possibility of her nomination first leaked out. After finding four instances where O'Connor allegedly cast votes supporting legalized abortion, Gerster fired off a telegram to Washington July 6 requesting the White House not make a decision on the nomination until a package detailing information about the votes reached Washington the next day.

Meanwhile, she contacted other anti-abortion leaders who mounted

an anti-O'Connor campaign. But Reagan announced O'Connor's nomination before the packet arrived in Washington. Gerster was shocked. She and other anti-abortion leaders, who had supported Reagan during the presidential campaign, felt the president had betrayed promises he had made to them and the Republican platform.

They felt they had a stake in Reagan's presidency. "We induced millions of Democratic voters to cross over for Mr. Reagan and other pro-life senators," declared Dr. J.C. Willke, president of the National Right to Life Committee.

Human Events, a conservative newspaper normally friendly to Reagan, said conservatives around the country were "astonished and dismayed" by the nomination of anyone with "such murky ideological moorings."

More militant voices threatened reprisals against Republican congressional candidates in 1982. "I don't mind holding a grudge and carrying out a vendetta," said Paul Brown of the American Life Lobby. "The loose-knit coalition we have with the White House may be destroyed. I'm not at all adverse to making up a hit list for 1982 made up entirely of Republicans."

But others see hope of making peace with the Reagan White House. "If the White House shows it views the pro-family movement as an important part of its coalition, then the situation is salvageable," says Paul Weyrich, a leading New Right strategist. "But if they wall themselves up and take the position that any opposition means you're not part of the Reagan team then we may be in trouble."

Few on the New Right see any realistic hope of blocking O'Connor's confirmation in the Senate. But most agree they have made a point.

"No matter how many votes we get in the Senate, the administration won't make the same mistake next time," says Phillips of the Conservative Caucus.

CONSERVATION COPY

High Court: How low did

Let's face it: A man with Sandra O'Connor's qualifications would never have gotten the Presidential nod.

By Kevin Phillips

Back to Sandra O'Connor. A number of my fellow conservatives remain unhappy about the lady's Supreme Court nomination. They claim she's soft on abortion and the equal rights amendment.

I'm not going to belabor those issues. If I had been in the Arizona legislature when she was, I might have tried to duck the abortion question, too. And as for the equal rights amendment, it doesn't seem to be going anywhere, so why get too upset?

What strikes me about the O'Connor nomination is the new male-female double standard that has been applied in the selection process.

Double standard

The old male-female double standard is that a woman couldn't be nominated for the U.S. Supreme Court. That's gone, of course. The new double standard is that when a woman is nominated, she doesn't have to meet the same standards of prior experience or undergo the same clearance procedures that a man would.

O'Connor has been chosen for the court under circumstances, and with a lack of American Bar Association scrutiny, that would have been precarious to a male nominee. Let me be specific. For the first time since 1952, a President of the United States failed to ask the American Bar Association for an evaluation of a nominee before making the announcement.

Upsurging opposition

In part, that was almost certainly because O'Connor, while qualified, was clearly not the most qualified candidate available. She was picked because she was a woman. And there is some reason to think that the nomination was made quickly and without Bar Association consultation to head off upsurging opposition on two counts: First, right-to-life indignation, and second, the mild annoyance of those who think Reagan should have selected a judge experienced in handling the sort of subject matter one faces on the high court.

Judge O'Connor, it turns out, has

Legislator loses job over O'Connor opposition

An Arizona state representative, Republican Jim Skelly, has resigned his \$18,700-a-year customer relations job with the Greyhound Corp. because of a conflict with management about his opposition to the nomination of Arizona Judge Sandra O'Connor to the U.S. Supreme Court.

Rep. Skelly, a sponsor of anti-abortion legislation in the Arizona house, said that Mrs. O'Connor cast a pro-abortion vote on legislation when she was a member of the Arizona Senate.

He was called into the office of Gerald Trautman, chairman of the Greyhound board, and asked to tone down his criticism of Mrs. O'Connor. Skelly then stated that Mrs. O'Connor's voting record was

pro-abortion and subsequently resigned.

According to Greyhound, Skelly was requested to moderate his remarks because of a public perception that was he was speaking for Greyhound, not as a private citizen, when criticizing Mrs. O'Connor, an Arizona Appeals Court judge.

But Skelly said that when he was commenting about Mrs. O'Connor he was not identified as a representative of Greyhound or as speaking from corporate headquarters or otherwise officially linked with the company.

He said in a resignation letter, "The welfare of the innocent unborn is far more important to me than Judge O'Connor's nomination.



SANDRA DAY O'CONNOR, 51 (above), was nominated by President Reagan to the Supreme Court.

a total of six years of judicial experience. First, she was GOP state legislator. Then, for some four years, she was a Superior Court judge. Then, in 1980, she moved up to the Arizona Court of Appeals, the state's second highest court. According to the record, she dealt mainly with routine matters, such as workmen's compensation and divorce.

I myself am not at all inclined to buy the argument that we need a court composed of the greatest and most experienced judicial minds in the country; we might well do better with grassroots common sense. But for those who marinate themselves in the spirit of Oliver Wendell Holmes, Learned Hand et al., the rule is that Presidents should not nominate obscure judges from obscure courts.

Just imagine what would have happened if President Reagan had reached into a middle-ranking Sun Belt state court to pick a former male Republican politician who happened to be a staunch conservative on the abortion and ERA issues. And just

Out: How low did he go?

**A man
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would
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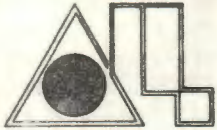
Just imagine what would have happened if President Reagan had reached into a middle-ranking Sun Belt state court to pick a former male Republican politician who happened to be a staunch conservative on the abortion and ERA issues. And just

suppose he had picked such a man without clearing the nomination through the American Bar Association! The ruckus would have been enormous; the various bar associations and the press would have screamed bloody murder. Any conceivable conflict of interest, however petty, would have been trumped up and fed into the mass media's machine gun belt.

Gusher of praise

Judge O'Connor, instead, is getting a gusher of praise and oohing-and-aahing about how qualified she is and what a nice person she is. If she was a New Right sympathizer, of course, the tenor would be noticeably different. But most of all, Sandra O'Connor is getting special preference because she's a woman. Bias is always in vogue; it's only the direction and intensity that varies. I hope all the sexual-equality zealots in the women's movement understand that.

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AMERICAN LIFE LOBBY INC.

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FOR IMMEDIATE RELEASE: 13 AUGUST 1981

CONTACT: (Mrs.) Judie Brown
(202) 546-5550

AMERICAN LIFE LOBBY'S PRESIDENT IS "APPALLED" BY REAGAN ATTACK ON PRO-LIFE LEADER!

(Mrs.) Judie Brown, President of the American Life Lobby, stated today that she was "...appalled by President Reagan's attack on Carolyn Gerster for her opposition to the Supreme Court nomination of Sandra O'Connor."

In a letter from the President to one Marie Craven of Chicago, Illinois, which was revealed in a nationally-syndicated newspaper column, Reagan claimed that the opposition to the O'Connor nomination was being stirred up "...principally by one person." The letter further stated that "...this person has something of a record of being vindictive."

Mrs. Brown said "...not only is the tone of the letter far beneath the dignity of the President of the United States, but the letter is factually incorrect! In the first place, Gerster is far from alone in her opposition to the O'Connor nomination. The American Life Lobby, the largest grass-roots pro-life and pro-family organization in the United States, has been fully involved in opposing this nomination even before it was made. A.L.L. has made thousands of phone calls and mailed over 800,000 letters to pro-life activists across the country to galvanize the movement against this nomination."

"In the second place," Mrs. Brown continued, "Carolyn Gerster is probably the most beloved leader within the movement. The statement that she is 'vindictive' is simply, flatly and completely false!" Brown noted that Gerster did not initiate her involvement in the O'Connor 'tussle,' but was dragged into it by the Justice Department. A Justice Department memo sent to the White House had erroneously reported that Gerster and O'Connor were 'friendly.'

A.L.L. ".....for God, for Life, for the Family, for the Nation"

over---

A.L.L. APPALLED BY REAGAN'S ATTACK!

Page #2

"When the dust has cleared," Mrs. Brown asserted, "I am convinced we will find that the Justice Department, riddled with Carter Administration 'hold-overs,' is at the bottom of this whole nomination fiasco. They made Carolyn Gerster the victim, and now they are trying to discredit her."

Mrs. Brown concluded that "I pray that this letter does not reflect the President's real feelings, but was an error committed by a member of his staff. If this really is the President's position, then it is obvious he is being misled and sold-out by those trusted aides closest to him."

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Conservative Digest

August 1981

Volume 7 Number 8

\$1.50

Sandra Day O'Connor:



President Reagan's First Broken Promise

The New Right report

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By Patrick J. Buchanan

The nomination breaks the hearts of the President's most faithful supporters—and so unnecessarily.

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By Don Harris

It was shut up about O'Connor's record, or get out.

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Pro-Life O'Connor Critics "Fascists"—Goldwater

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By Sen. Jake Garn (R-Utah)

Somehow we approved a plan that could make our allies dependent on Soviet gas supplies.

United Welfare Fraud Council Battling To Stop The Ripoff Of Billions In Tax Dollars

By Dorothy M. Forney

Cheaters rob the truly needy as well as taxpayers.

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The President speaks out against complex, burdensome campaign laws.

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NRR gives the very best of the conservative vs. liberal debate within the Republican Party. Signs of a conservative resurgence in the Democratic party.

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Dear Senator:

I strongly urge you not to support the Supreme Court nomination of Sandra O'Connor.

It is clear from her record in the Arizona senate that she is a supporter of legalized abortion. Her choice is a violation of the 1980 Republican platform which pledged the appointment of judges "who respect traditional family values and the sanctity of innocent human life."

Sincerely,

Name

Address

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report

THE MAGAZINE FOR
THE NEW MAJORITY

Conservative Digest

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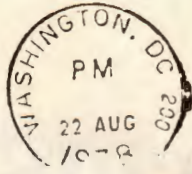
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Letters

O'Connor Infuriates

The nomination of Sandra O'Connor is more than puzzling to me. It is infuriating and provocative. My guess is that Reagan wanted to show the liberals that he was not a hard-line conservative.

James McHugh
Bala Cynwyd, Pa.

Schlafly Son Recovering

I want to thank *Conservative Digest* for its help and support on the issue of preserving our traditional exemption of women from the military draft. For years, I have believed that this issue was of prime importance to the American culture, to family and moral integrity, and to the combat-effectiveness of the U.S. Armed Forces. We simply could not allow a strident little group of feminists to use the armed services for a social experiment instead of for the defense of our country. Now that we have laid that issue to rest, we can move forward to rebuild the military strength of our country.

Phyllis Schlafly, President
Eagle Forum

P.S. Thanks to the outpouring of prayers for our son, John, he will have a total recovery from his spectacular automobile accident. He was rear-ended on I-55 by an irresponsible 23-year-old man whom witnesses described as driving at "100 miles an hour." John's car turned end-over-end three times.

Phillips, 'Friends' Disagree

I am sure you like to be accurate when you can. In the *Digest* for April 1981, an article by Howard Phillips refers to "federally funded organizations such as..." and it goes

on to name the American Friends Service Committee, among others.

Taking the year 1980, the American Friends Service Committee had total income in dollars and kind of \$16,637,959. The portion of that coming from fees and grants from government agencies totaled \$596,062. That represents one twenty-eighth of the total, or less than 4 percent. Only a strict constructionist could thus call AFSC "federally funded." It is, rather, funded by voluntary contributions for the most part and some foundation grants.

John A. Sullivan
Associate Executive Secretary,
Information and Interpretation
American Friends Service
Committee

Howard Phillips replies:

"If you don't think the \$596,062 which you received last year in fees and grants from government agencies qualifies you to be called 'federally funded,' please send me the money. I know where it can be put to good use."

Afghanistan Attention Appreciated

Congratulations for dealing with the phantom subject of the forgotten—or ignored—war in Afghanistan. It is imperative that fine journals such as yours air this issue of Soviet imperialism and the campaign of genocide and scorched earth being carried out against the valiant Afghans. Not only the struggle for freedom by a proud people, but our own national security interests are at stake in Afghanistan. Afghanistan is a window of opportunity, such as we have not had since World War II, to not only stop

Soviet imperialism but to start turning it back. Our national interests and our national sense of honor and decency demand that we support the Afghans in their struggle for freedom.

Karen McKay, Executive Director
Committee for a Free Afghanistan
721 Second St., N.E.
Washington, D.C. 20002

TV Junked

I agree with everything said in your April 1981 issue regarding filthy and degrading TV shows. To me, the answer was simple. Two years ago I became so incensed at the programming that I junked my TV set. Life has been beautiful ever since.

Hayes Ganiard
Clarklake, Mich.

Tip's Tirade

I am amazed by the demagoguery of Tip O'Neill and his fellow liberal cronies. His characterization of President Reagan's tax reduction program as "welfare for the rich" represents demagoguery at its worst. Since when is it a windfall for the rich when the government lets people keep more of what they have earned? I am not one of them, but people in the upper-income brackets already pay a disproportionately higher percentage of income tax than everyone else. So how can it be considered a windfall for them if they are given the same percentage tax reduction as everyone else? O'Neill's blustering tirade against President Reagan's economic policies is symptomatic of a sickness that liberals have had for some time: Tax the hell out of those who work and give the proceeds to those who will not work; tax the hell out of those who produce and redistribute it to those who sponge off of productive citizens.

Larry E. Rice
South Vienna, Ohio

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Photo by James Weber

ON THE DAY he announced his choice of Sandra O'Connor as a Supreme Court justice, President Reagan—in Chicago for a speech—was greeted by 70 members of the Pro-Life Action League. When the Reagan party returned by helicopter to the U.S. military base at O'Hare Airport, the demonstrators held up their signs and chanted pro-life slogans.

O'Connor Choice Breaks Reagan Promise, Made In Haste And Harms His Coalition

In our February issue, in an open letter to President Reagan on our cover, we made the point that his mandate for change was in danger of being subverted because not enough Reaganites were being appointed to key administration posts.

Observing that there would be "no Reaganism without Reaganites," we said at the time:

"The success of your presidency depends directly on the views of those who hold the top jobs in your administration. People make policy. And if the key individuals in your government are not dedicated, demonstrated, energetic advocates of your positions on the issues, your views will not prevail."

In our judgment, the naming of Sandra Day O'Connor to a seat on the Supreme Court is the Reaganite appointments problem writ large. In our view, the Reagan mandate extends to the nation's

high court.

In the next several pages, the case is made, persuasively we think, that the President broke a promise in nominating Mrs. O'Connor, that the President was not fully informed about her record prior to choosing her and that the O'Connor choice has seriously fractured the President's electoral coalition.

In his acceptance speech last July at the GOP convention in Detroit, candidate Reagan declared:

"I ask you not simply to 'Trust me,' but to trust your values—our values—and to hold me responsible for living up to them."

This is precisely what those conservatives are doing who are in opposition to the O'Connor nomination.—John Lofton Jr., editor, *Conservative Digest*.

Candidate Reagan Told Pro-Life Leader He'd Pick Pro-Life High Court Judges

There is much evidence—both explicit and implicit—which argues that conservatives had every right to expect a Supreme Court nominee who, at the very least, is pro-life and favors legal protection for the unborn. For example:

The Gerster Meeting

Dr. Carolyn Gerster is a Phoenix, Ariz., MD, a veteran pro-life activist, and the ex-president of the National Right To Life Committee. On January 17, 1980, as president of the NRTL, she met in Rye, N.Y., for about 40 minutes with candidate Ronald Reagan—at his request. As Dr. Gerster tells it:

"During the course of our conversation, the President initiated the subject of the United States Supreme Court. He told me that there would be possibly three, probably two, and certainly one vacancy during the next four years. He emphasized the importance of the election of a President who would appoint justices to that court who respected the sanctity of innocent human life *before*, as well as after, birth, and he stated that this was his intent [emphasis ours]."

Dr. Gerster says that on January 19, after she informed the 51-member board of directors of the NRTL Political Action Committee of her meeting with Reagan, the board voted to endorse his candidacy.

A Personal Note

Also in January 1980, the Family Life League of River Forest, Ill., sent a questionnaire to candidate Ronald Reagan. One of the questions read: "If elected President, will you appoint a proportionate number of qualified pro-life and pro-family citizens to serve in positions of lead-

ership?" In a handwritten note to Joan Solms, director of the League, Reagan replied, in part:

"I would as President seek people of the philosophy and belief of those associated with the Family Life League for such appointments as I could make. I am greatly concerned about the erosion that has taken place in the importance of the family unit in recent years and believe government has a responsibility to reverse this trend."

In a statement on July 7, the Family Life League denounced the appointment of Sandra O'Connor to the Supreme Court as "a betrayal of the thousands of pro-life people, particularly the Democrats who worked for Ronald Reagan's election...."

The GOP Platform

The 1980 Republican Party platform promises: "We will work for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life."

On September 21, 1980, in a debate with John B. Anderson, when he was challenged on this "litmus test for the selection of judges," as Anderson put it, candidate Reagan replied: "Now, I don't think that's a bad idea. I think all of us should have a respect for innocent life."

On November 5, 1980, in his first press conference as President-elect, Reagan was asked if he still felt "totally wedded" to the GOP platform. He said:

"I am—I ran on the platform; the people voted for me on the platform. I do believe in that platform, and I think it would be very cynical and callous of me now to suggest that I am going to turn away from it. Evidently, those people who voted for me of the other party or of independents [sic] must have agreed with the platform also."

Abortion

On January 31, 1980, candidate Reagan declared, in a policy statement: "The January 22, 1973, Supreme Court decision which overruled the historic role of the states in legislating in the areas concerning abortion took away virtually every protection previously accorded the unborn. Later decisions have intruded into the family structure through their denial of the parents' obligations and right to guide their minor children. I support enactment of a constitutional amendment to restore protection of the unborn's right to life."

Comment: On July 15, 1981, Judge O'Connor met for 40 minutes with Sen. Charles Mathias (R-Md.). Paraphrasing what Senator Mathias says O'Connor said, an Associated Press story reports "that whatever her personal views, she believes Supreme Court justices should follow existing high court rulings—including one that legalized abortion [emphasis ours]."

Furthermore, as regards parental rights, in 1973, Mrs. O'Connor, as a state legislator, cosponsored a so-called family planning bill which would have allowed, among other things, abortions for minors without the consent of their parents or guardians.

Family

On October 1, 1980, candidate Reagan announced the formation of the Family Policy Advisory Board. He declared: "In the last few years we have witnessed an extremely disturbing decline in the strength of families and the values traditionally associated with families....We also need to address the issue of protection of life and the rights of the born and unborn....The next President must reverse the trend established and provide leadership in support of those who are working to strengthen the family and our neighborhoods."

Join The Rally For Life

Uniting all citizens who believe that it is vital that President Reagan appoint pro-life supreme court justices.

While serving in the Arizona State Senate, Judge Sandra O'Connor voted four times for pro-abortion legislation.

Voice your concern to President Reagan that he should keep his election promise to appoint judges who respect the sanctity of human life.

The Religious Roundtable

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Mr. Paul Weyrich—Executive Director, The Committee for the Survival of a Free Congress
Dr. Mildred Jefferson—President, Right To Life Crusades
Mrs. Phyllis Schlafly—President, Eagle Forum
Dr. Tim LaHaye—President, Family Life Seminars
Father Charles Fiore—Chairman, National Pro-Life Political Action Committee
Dr. E. V. Hill—Pastor, Mt. Zion Baptist Church, Watts, CA.
Dr. J. C. Willke—President, National Right To Life Committee
Dr. Carolyn Gerster—Past President, National Right To Life Committee

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The Sandra O'Connor Record

Attorney General Smith: As far as we know, she has not modified her views. We have been satisfied that they have been consistent and that her record in this respect is satisfactory to the President.—Attorney General William French Smith in a news conference at the White House, July 7, 1981.

The record of Sandra Day O'Connor when she was a state senator in the Arizona legislature in the early 1970s is relevant for the reason stated here by the Attorney General—that is, because her views since then have not been modified. They have not been repudiated.

The following information is from news accounts, sources *CD* considers reliable and research conducted by Bill Billings, executive director of the National Christian Action Coalition, who spent several days in Arizona.

1970—For Abortion-On-Demand

On April 29, 1970, Mrs. O'Connor voted in the Senate Judiciary Committee to report an abortion-on-demand bill (H.B. 20) for Senate consideration. On April 30, 1970, Mrs. O'Connor, as a member of the Republican Majority Caucus, voted to send this bill to the Senate floor. In a minority report, Republican Sen. Dan Halacy strongly opposed H.B. 20, declaring that it would "increase the amount of abortions in this state, many of which will be acts of murder and most of which will not even be therapeutic with respect to the mother." H.B. 20 died in the Senate Rules Committee.

1970—Against Tuition Tax Credits

In a 1970 profile piece in *Phoenix* magazine, Mrs. O'Connor is described as "almost alone in the Arizona Senate in opposing publicly state aid to private schools." Such aid would be "clearly unconstitutional," she is quoted as saying.

1972—For ERA

The March 24, 1972, *Phoenix Gazette* reports that "Arizona joined other states taking prompt action on the proposed Equal Rights Amendment to the U.S. Constitution yesterday when Sen. Sandra O'Connor rose unexpectedly in the upper chamber and urged colleagues to pick up a dawdling pace and approve the measure." The *Gazette* says that Mrs. O'Connor called the ERA "an historic step in a tradition of women's liberation that commenced in the 19th century." The paper adds that she "lightly anticipated a day five years hence when U.S. women would sit around a bridge table complaining about alimony they had to pay their husbands."

1973—For Abortion For Minors Without Parental Consent

Mrs. O'Connor cosponsored S.B. 1190, introduced on February 8, 1973, which states that it is "desirable" for persons needing "family planning information and methods" to have access to these things "without inhibitions or restrictions." S.B. 1190 further states that "all medically acceptable" family planning methods and information shall be available to "any person" in the state who requests such service or information, regardless of, among other things, that person's "age."

S.B. 1190 says that a physician may furnish family planning services to a minor who in the judgment of the physician is "in special need of and requests such services," and "the consent of the parent, parents or legal guardian of the minor is not necessary to authorize such family planning service."

In February of 1973—the month following the Supreme Court's legalization of abortion on demand—abortion was a "medically acceptable" family planning method. On March 5, 1973, in a lead editorial, the *Arizona Republic* said of S.B. 1190:

"Why indeed, is this bill proposed? The bill appears gratuitous—unless energetic state promotion of abortion is the eventual goal."

S.B. 1190 died in the Senate Rules Committee.

1973—In Favor Of No-Fault Divorce

In 1973, Mrs. O'Connor supported H.B. 1107, a bill providing for "no-fault" divorce. State Senator John Roeder said of this bill: "This is a soft solution apparently produced by a soft society. It does not make people take into account the overcoming of hard obstacles that leads to a strong social fabric, and it is a strong social fabric that has built this country."

1974—Against Human Life Constitutional Amendment

On April 23, 1974, Mrs. O'Connor voted against a House-approved right-to-life memorial which called on the U.S. Congress to extend constitutional protection to the life of the unborn by prohibiting abortion. The bill, HCM 2002, allowed an exception when a pregnancy resulted from rape, incest or other criminal action.

1974—Against Abortion Prohibition At State University Hospital

In May of 1974, Mrs. O'Connor voted against an appropriations bill empowering the University of Arizona to issue bonds to expand existing sports facilities. She opposed this measure because an amendment had been added to it prohibiting the performing of abortions at any educational facility under the jurisdiction of the Arizona Board of Regents. In Mrs. O'Connor's view, this anti-abortion rider was not germane to the main bill, and thus unconstitutional under Arizona law.

The appropriations bill, as amended, passed the Arizona legislature, was signed into law and was upheld by the Arizona Supreme Court.

1974—For Gutting Anti-Crime Bill

In 1974, the State Senate considered a bill, H.B. 2026, which would "require that every person convicted of armed burglary, armed robbery, or armed grand theft must serve the minimum sentence imposed on him in prison without eligibility for suspension or commutation of sentence, probation, pardon, or parole." Mrs. O'Connor introduced an amendment to strike the words "in prison," thus, in effect, gutting the bill.

The O'Connor Record At A Glance

•1970: Voted twice for an abortion-on-demand bill.

•1970: Said tuition tax credits are "clearly unconstitutional."

•1972: Pressed for Senate action on the Equal Rights Amendment.

•1973: Cosponsored so-called family planning bill which would have allowed abortions for minors without consent of parents or guardian.

•1973: Supported "no-fault" divorce bill.

•1974: Voted against measure urging Congress to constitutionally protect life of the unborn.

•1974: Voted against prohibiting abortions at a state university hospital.

•1974: Voted to gut a tough anticrime bill.

•1974: Sponsored a bill calling for statewide referendum on the Equal Rights Amendment.

The Liberals Praise O'Connor —

Kennedy

"Every American can take pride in the President's commitment to select such a woman for this critical office."—**Sen. Edward Kennedy (D-Mass.)**, quoted in *Time* magazine, July 20, 1981.

ADA

Americans for Democratic Action spokesman Stina Santiestevan said she was "thrilled" at the choice [of O'Connor].... —Quoted in *Human Events*, July 18, 1981.

Smeal

"Judge Sandra Day O'Connor's appointment to the Supreme Court is a victory for the women's movement because of the unceasing pressure placed on the President for women's rights and particularly the Equal Rights Amendment."—**Statement by Eleanor Smeal**, president, National Organization for Women, July 7, 1981.

Tip O'Neill

House Speaker Thomas P. O'Neill Jr. (D-Mass), 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 [Reagan] done since he was inaugurated."—Quoted in the *New York Times*, July 9, 1981.

Metzenbaum

"At this point, it looks like a good appointment."—**Liberal Sen. Howard Metzenbaum (D-Ohio)**, ABC World News Tonight, July 7, 1981.

Udall

"My Democratic friends ought to be grateful for this appointment. It's almost inconceivable to me that they could do any better."—**Rep. Morris Udall (D-Ariz.)**, in the *Washington Post*, July 13, 1981.



Sen. Kennedy



Eleanor Smeal

NOW

"I'm surprised by President Reagan's pick, because O'Connor is not as rightwing as I would have anticipated. Yes, in my judgment, O'Connor is a feminist. In 1972, she was an active and vocal supporter of ERA.

Newspapers here report that she was one of the strongest backers of ERA. And I assume she still supports it." —**Kate McGee of Phoenix, Ariz.**, national board member of the National Organization for Women, representing the Southwest region, in CD interview, July 7, 1981. McGee says she knows "lots" about Judge O'Connor and has researched her record for the national NOW group.

Moynihan

"Judge O'Connor is a superb choice."—**Sen. Daniel Moynihan**, the pro-abortion liberal Democrat from New York, *Congressional Record*, July 16, 1981.

ACLU

"From the standpoint of her not being a doctrinaire conservative, the President made a good selection."—**Louis Rhodes**, director of the American Civil Liberties Union, quoted in the *Philadelphia Inquirer*, July 8, 1981.

Kamisar

"Give the devil his due; it was a pretty good appointment."—**Michigan law professor Yale Kamisar**, "a judicial liberal," quoted in *Time* magazine, July 20, 1981.

Rowan

"...My male intuition says that President Reagan has made a choice that is good for the nation."—**Veteran anti-Reaganite and superliberal columnist Carl Rowan**, in the *Washington Star*, July 10, 1981.

'Yellow Dog' Democrat

"She won't be a rightwing ideologue like Rehnquist."—**Self-described "yellow dog Democrat" and Arizona lawyer John Frank**, quoted in the *Washington Post*, July 8, 1981.

Conservatives Criticize Choice

Dr. Willke

"I am shocked beyond belief at President Reagan's surprise nomination of pro-abortionist Sandra Day O'Connor to the United States Supreme Court. I'm sure you are too. Her ascension to the high court would be the most devastating blow to the pro-life movement since the Supreme Court legalized abortion on demand in 1973....Mrs. O'Connor also claims to be 'personally opposed to abortion.' But you and I have heard those same words from politicians like Birch Bayh and Teddy Kennedy. Did their 'personal opposition' ever cause them to cast a pro-life vote? No."—**Jack Willke, MD, president of the National Right to Life Committee, in a July 15, 1981, Action-Gram to Friends of the Unborn.**

Sen. Helms

"The information that he [the President] has about the lady and the information that I have about the lady are not consistent, one to the other. He told me that she had not, to his knowledge, participated in the ERA issue, that she was strongly opposed, personally, to abortion."—**Sen. Jesse Helms (R-N.C.), on the CBS Evening News, after a meeting with President Reagan, July 7, 1981.**

Rev. Falwell

"President Reagan's nomination of Judge Sandra O'Connor of Arizona to the Supreme Court is a mistake. Judge O'Connor's record indicates she is not an opponent of abortion on demand and is opposed to attempts to curb this biological holocaust that has taken the lives of more than 10 million innocent babies since the 1973 Roe vs. Wade decision by the Supreme Court that legalized abortion."—**The Rev. Jerry Falwell, head of the Moral Majority, quoted in the New York Daily News, July 8, 1981.**

Conservative Digest August 1981

Schlafly

"Some of the people who are praising President Reagan's appointment of this judge are people who would never vote for him, who would never back his economic program and who are not his friends. And I hope he won't end up the way Jimmy Carter did—which is to find that he tried to curry favor with his enemies, but he lost out all the way around."—**Phyllis Schlafly, interviewed on the CBS Evening News, July 8, 1981.**



Sen. Helms

Dr. Gerster

"It was common knowledge she was phisosophically against us in the legislature. It is unforgivable that the White House could ignore this."—**Dr. Carolyn Gerster, MD, of Phoenix, Ariz., former head of the National Right To Life Committee, quoted in the Washington Post, July 8, 1981.**

Nellie Gray

"Please understand clearly that your proposed nomination of Judge Sandra D. O'Connor to fill the vacant seat on the Supreme Court brings

deep disappointment and anguish to all pro-life Americans....Please do not nominate a candidate for the Supreme Court whose public voting record indicates that the new justice would cast a vote on the high bench to continue the slaughter of innocent preborn human beings. P.S.: Pro-lifers find it offensive that we must picket the White House to bring your attention to this matter. We worked in the 1980 primary and general elections so that the innocent preborn children would be protected by your administration."—**Nellie Gray, president of March for Life, in a letter to President Reagan, July 14, 1981.**

Human Events

"President Reagan, for all his and his aides' assurances, is asking conservatives to rally behind a highly uncertain trumpet....What is so difficult to comprehend, however, is why the administration, in making this weightiest of all appointments, selected a nominee of such murky ideological moorings. Under a Reagan presidency, we expected to see a major transformation in the high court, a sea-change shift to the right. But that kind of alteration is not likely to come about with O'Connor-type appointments. Conservatives—no, the country—have a right to expect better."—**Human Events, July 18, 1981.**

Dr. Jefferson

"This appointment is appalling."—**Dr. Mildred Jefferson, president, Right To Life Crusade.**

Karen Mills

"We're going to fight the appointment all the way."—**Karen Mills, past president of Arizonans for Life, quoted in the National Catholic Register, July 19, 1981.**

(Continued on next page)

Conservatives Criticize O'Connor

Robison

"Any report concerning the appointment of Sandra O'Connor which appears to imply that I have endorsed her is a gross misrepresentation....All evidence indicates that she stood for pro-abortion and that she was pro-ERA. This gave our organization and all pro-family interests cause for grave concern....I have total confidence in the pro-family interest groups. If they are convinced that Sandra O'Connor would not be the best choice, then I would certainly stand with those people who have a consistent record of concern for the family."—**Excerpt from a clarification statement by James Robison, James Robison Evangelistic Association.**

Rabbi Ginsberg

"Because of Judge O'Connor's pro-abortion record, it would be a tragedy for the cause of human rights for unborn children to have this appointment confirmed."—**Rabbi Hersch M. Ginsberg, director, Union of Orthodox Rabbis of the U.S. and Canada.**

Moral Majority

"The President has made a truly major mistake and we intend to point this out with all the means at our disposal. We consider it [the O'Connor appointment] the single most disappointing act since this administration came into office."—**Dr. Ron Godwin, vice president and chief operating officer of the Moral Majority, quoted in the Baltimore Sun, July 8, 1981.**

Phillips

"The nomination of a pro-abortion feminist to the court is a major blow to the political alliance of social and economic conservatives which began to emerge in 1977 and which contributed significantly to Ronald Rea-

gan's 1980 primary victories as well as legislative turnovers in 1978 and 1980. Right-to-life supporters are not partisan Republicans. For them, protecting innocent unborn children is the overriding issue.

—**Howard Phillips, national director, The Conservative Caucus, July 9, 1981.**

Fran Watson

"When Ronald Reagan understands that he *will* lose the support [in 1984], then maybe the next judges he appoints will respect the right to life of the unborn child. But to accomplish this, the leaders of the Right-to-Life movement must seriously consider establishing an independent political base of support. As long as a pragmatic politician like Ronald Reagan believes we have nowhere else to go, he will continue to give right-to-life rhetoric and pro-abortionists actions."—**Fran Watson, state committeewoman, New York Right-to-Life Party.**

Paul Brown

"Shock and outrage would be a timid expression of our reaction to the O'Connor nomination. We consider this a total and complete sellout of the Republican platform."—**Paul Brown, director, Life Amendment Political Action Committee, quoted in the Baltimore Sun, July 9, 1981.**

Fr. Fiore

"Apparently, Reagan has forgotten that it was the disaffected Democrats and independent ethnic, blue-collar Catholic and evangelical-fundamentalist Protestants who helped build what appeared to be the beginning of a new majority in the 1980 elections....It is this very constituency that is now outraged at the O'Connor nomination."—**Father Charles Fiore, president, National Pro-Life Political Action Committee, quoted in the Wanderer newspaper, July 16, 1981.**

Judie Brown

"We are appalled at the obvious fact that President Reagan was extremely ill-advised by members of his own staff in the final selection of Sandra Day O'Connor as his choice for next justice of the Supreme Court....We are prepared to do all within our power to see to it that this nomination is stopped, because we firmly believe that her record as a state senator will ultimately be reflected in her opinions on the issue of abortion once she is seated on the court."—**Mrs. Judie Brown, president, American Life Lobby, July 9, 1981.**

Fran Chiles

"As a member of the social issues subcommittee of the 1980 Republican platform committee, I strongly oppose the appointment of Sandra O'Connor to the U.S. Supreme Court. Her record on issues such as ERA, abortion on demand and others does not live up to the platform. I am deeply concerned about this matter."—**Fran Chiles, Republican national committeewoman from Texas.**

Randy Engel

"The U.S. Supreme Court doesn't need another antilife millstone around its neck in the form of Sandra O'Connor, especially with two of abortion's handmaidens—infanticide and euthanasia—knocking at America's judicial door."—**Randy Engel, national director, U.S. Coalition for Life.**

Weyrich

"Perhaps most disturbing to those of us who have been in the conservative trenches for many years has been the attitude of some of the President's closest advisers. On the evening news the day of the O'Connor

Nomination To Supreme Court

nomination, a 'high White House official' was reported as saying the nomination would give the President a chance to separate himself from the 'rightwing nuts.' The organizations now being undermined by some of Reagan's aides were working their hearts out for Reagan in 1976 and 1980 when some of the President's current aides were working against him. Many of the grass-roots conservatives so blithely dismissed by White House aides supported Ronald Reagan when he was being called a 'rightwing nut.'

"The handling of the O'Connor nomination has harmed the conservative coalition which elected Ronald Reagan and a Republican Senate in 1980. And *that* political reality has implications for the 1982 congressional elections."—**Paul Weyrich, director, Committee for the Survival of a Free Congress, writing in *The Review of the News*, July 29, 1981.**

Billings

"Based on information we have received to date, we will oppose the nomination of Judge O'Connor. We believe that President Reagan has been misled concerning her activism on social issues such as abortion and the proposed Equal Rights Amendment."—**William Billings, acting president, National Christian Action Coalition, July 9, 1981.**

Pro-Life PAC

Peter B. Gemma Jr., executive director of the National Pro-Life Political Action Committee, said today that the nomination of Sandra O'Connor to the Supreme Court is a "slap in the face to all pro-lifers." He says: "Every senator should be aware of the fact that our future support will be tempered by this confirmation vote. We want to send a message to the Senate and to the White House that Right-to-Life support cannot be taken for granted."—**Press release, July 8, 1981.**

Evangelicals

Robert Dugan, director of public affairs for the National Association of Evangelicals, applauded Reagan's appointment of a woman to the court....But he expressed "deep misgivings about Judge O'Connor's views on abortion."—***The Washington Post*, July 17, 1981.**

Trueman

"I regret that because of Judge O'Connor's apparent position on the issue of abortion, which seems similar to Justice Potter Stewart's whom she replaces, we cannot expect a positive change from the high court on life-related matters. However, I hope and believe that the political furor raised by Right-to-Life as a result of this unfortunate appointment will influence the President to be more sensitive to the abortion issue so that he will, in the future, appoint judges who respect innocent human life to the Supreme Court and throughout the federal system."—**Patrick Trueman, general counsel/executive director, Americans United for Life.**

Sen. Jepsen

"The President has consistently stated his strong support for the rights of the unborn, both in his active involvement in drafting the Republican platform and his most recent support for the Hyde language in the continuing appropriations resolution. Therefore, I am puzzled by the nomination of a person who apparently does not reflect that commitment."—**Sen. Roger Jepsen (Iowa), quoted in *Human Events*, July 18, 1981.**

Christian Voice

"We are extremely concerned over the nomination of Judge O'Connor. Her past positions on the abortion issue indicate that she does not meet the requirements of the Republican Party platform or the campaign

promises of President Reagan to appoint a pro-life justice....We are sick and tired of hearing from people who say they are personally opposed to abortion but continue to act to the contrary. Judge O'Connor must make it crystal clear that as a Supreme Court justice, she would make every possible effort to protect the life of the unborn."—**Rev. Robert Grant, chairman, Christian Voice, July 15, 1981.**

Connie Marshner

"I hope Sandra O'Connor is not what she appears to be right now. If this nomination is what it appears to be, then by nominating her, the administration has said to the pro-family movement: 'Goodbye. We don't need you. We don't care about you.' In the campaign last fall, millions of lifelong Democrats voted for Reagan because he offered a clear alternative on the abortion issue. If Sandra O'Connor supports the Roe vs. Wade decision, Reagan will have turned his back on his most enthusiastic supporters."—**Connie Marshner, chairman, National Pro-Family Coalition, legislative director, CSFC, Inc., and editor, *Family Protection Report*.**

Prof. Witherspoon

"All persons who are genuinely committed to restoring legal protection for the lives of unborn children under our Constitution should vigorously oppose the nomination of Judge Sandra Day O'Connor."—**University of Texas law professor Joseph Witherspoon, writing in the *National Right To Life News*.**

"I don't think there's any problem."—**Presidential counselor Edwin Meese III, quoted in the *Washington Post*, July 9, 1981.**

The Kenneth Starr Memorandum---

According to White House press spokesman David Gergen, the information in the following memo was asked for and received after President Reagan decided to nominate Judge O'Connor and after he told her of his choice. Question: If the President was fully informed about Judge O'Connor's record, why was this information being requested after the fact of her being chosen?



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

July 7, 1981

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: KENNETH W. STARR
COUNSELOR TO THE ATTORNEY GENERAL

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

- As a trial and appellate judge, she has not had occasion to rule on any issue relating to abortion.
- Contrary to media reports, she has never attended or spoken at a women's rights conference on abortion.

- She was involved in the following legislative initiatives as a state senator in Arizona:

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

- In 1973, she was a cosponsor (along with 10 other senators) of a bill that would permit state agencies to participate in "family planning" activities and to disseminate information with respect to family planning. The bill made no express mention of abortion and was not viewed by then-Senator O'Connor as an abortion measure. The bill died in committee. She recalls no controversy with respect 1 to the bill and is unaware of any hearings on the proposed measure.

- In 1974, Senate Bill 1245 was passed by the Senate. Supported by Senator O'Connor, the bill as passed would have permitted the University of Arizona to issue bonds to expand existing sports facilities. In the House, an amendment was added providing that no abortions could be performed at any educational facility under the jurisdiction of the Arizona Board of Regents. Upon the measure's return from the House, Senator O'Connor voted against the bill as amended, on the ground that the Arizona Constitution forbade enactment of legislation treating unrelated subject matters. In her view, 2 the anti-abortion rider was unrelated to the primary purpose of the bill, namely empowering the university to issue bonds to expand sports facilities. Her reasons for so voting are nowhere stated on the record.

- In 1970, House Bill 20 was considered by the Senate committee on which Senator O'Connor then served. As passed by the House, the bill would have repealed Arizona's then-extant criminal prohibitions against abortion. The committee majority voted in favor of this pre-Roe vs. Wade measure; a minority on the committee voted against it. There is no record of how Senator O'Connor voted, and 3 she indicated that she has no recollection of how she voted. (One senator voting against the measure did have his vote recorded.)

- Judge O'Connor further indicated, in response to my questions, that she had never been a leader or outspoken advocate on behalf of either pro-life or abortion-rights organizations. She knows well the Arizona leader of the Right-to-Life movement, a prominent female physician in Phoenix, and has never 4 had any disputes or controversies with her.

And The Important Data It Omitted

Point One: The bill in question does not make any "express mention" of abortion. It also does not expressly forbid abortions.

As regards Mrs. O'Connor's view that the bill was not an abortion measure, her recollection that it was not controversial and her lack of awareness of any hearings, the record indicates otherwise.

As we point out on page 6, the so-called "family planning" bill in question does seem to include abortion as a "medically acceptable" family planning method. Certainly there were those who thought it *did* and this is why the bill was viewed as controversial.

On March 5, 1973, in a lead editorial in the *Arizona Republic* (Mrs. O'Connor's hometown paper)—headlined "Dangers of Vague Bill"—the paper noted that the "most important question" about the legislation had been raised by State Senator John Roeder, who feared that the vague reference to "all medically acceptable family planning methods" could positively put the state into the business of encouraging abortions.

Roeder's fears are particularly interesting because in 1970 he sponsored a bill which would have legalized abortion-on-demand in Arizona. Mrs. O'Connor voted for this bill twice, according to news accounts.

The *Republic* editorial pointed out that rather than inhibit abortion, as some "unwise" supporters of the family planning bill contended, the bill "might make it more widespread." The paper's editorial concluded:

"Why, indeed, is this bill proposed? The state certainly has no policy of discouraging contraception. The bill appears gratuitous—unless energetic state promotion of abortion is the eventual goal."

Furthermore, hearings were held on the family planning bill. The minutes of one such meeting report a Senator Runyan as having "a moral problem" with the bill because it "was one more step in breaking down the family unit and he could not see taking control of minors away from the parents."

Mrs. O'Connor's amnesia on this specific piece of legislation seems a little too convenient—especially for a person described by *Time* magazine as having a "legendary" devotion to detail. *Time* says Mrs. O'Connor once offered an amendment to a bill "merely to insert a missing, but important, comma."

In an interview with *CD*, when asked about Mrs. O'Connor's co-sponsorship of the family planning bill, presidential counselor Edwin Meese stated flatly that this legislation "had nothing to do with abortion." Had he read the bill? "No," said Meese, "but that's my understanding." Why wasn't the bill read? "We didn't have it," Meese says.

Point Two: This may indeed have been Mrs. O'Connor's view. But, if so, it was distinctly in the minority. The legislation, as amended, passed the legislature, was signed into law and was upheld by the Arizona Supreme Court. It is difficult to believe that all of these things would have occurred if the anti-abortion rider had been unconstitutional.

Point Three: Not true. In an article by Howard E. Boice Jr., in the April 30, 1970, *Arizona Republic*, Sandra O'Connor is reported to be one of six Judiciary Committee members to

vote for H.B. 20—described as a bill which "would remove all legal sanctions against abortions performed by licensed physicians."

Point Four: Again, not true. The individual mentioned here is Dr. Carolyn Gerster, the ex-president of the National Right To Life Committee. She says, of her relationship with Mrs. O'Connor: "Quite apart from our social contact, we were in an adversary position during 1973 and 1974 due to Senator O'Connor's position on abortion-related legislation while she served as majority leader."

In an interview with *CD*, Kenneth Starr says "no," he did not make any attempt to check with Dr. Gerster as regards her dealings with Mrs. O'Connor. Starr refuses to comment on why he made no such check, saying only that he is "glad to have the benefit of the observation" that the two women were at odds over abortion.

Point Five: The Starr memo makes no mention at all of Mrs. O'Connor's April 23, 1974, vote against a House-approved right-to-life memorial which called on the U.S. Congress to constitutionally protect the lives of the unborn.

A Continuing Mystery About Mrs. O'Connor Is: Who First Suggested Her As Nominee?

One of the continuing mysteries about the nomination of Judge O'Connor to the Supreme Court is: Who first suggested her as a possible justice?

On July 7, at a White House news briefing, Attorney General William French Smith declared: "Well, I don't think it would be appropriate for me to discuss that aspect of it."

On the same day, at the daily White House briefing, presidential spokesman Larry Speakes said: "I do not know."

The July 9 *Washington Star* quotes Attorney General Smith as saying: "I can't even remember who first recommended her last March, but Mrs. O'Connor's name was on the original list and it kept turning up over and over again throughout the whole process."

On July 10, in an article in the *Baltimore Sun*, reporter Curt Matthews wrote: "No one can now remember who first suggested she be included" [on the long list of potential nominees].

And in its news columns, on July 20, *Newsweek* magazine said: "Exactly how she got there [on the list of nominees] is not clear...."

The following column appeared in the *Washington Post* of July 10, 1981.

By Rowland Evans And Robert Novak

Why Did He Choose Her?

Friday, July 10, 1981

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"—

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

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 reassured 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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Petition to Your United States Senators

WHEREAS we strongly agree with the Republican platform which states that we will work to appoint judges "at all levels of the judiciary who respect traditional family values and the sanctity of innocent life;"

WHEREAS Judge Sandra O'Connor is on record as voting four times in favor of legislation providing for abortion-on-demand while serving in the Arizona legislature;

WHEREAS Judge Sandra O'Connor has said that she will "apply existing precedent" on abortion matters, which would mean upholding the Roe vs. Wade decision, which in effect legalized abortion;

NOW THEREFORE we, the undersigned, residing in your home state, are relying on your consistent support for the "sanctity of innocent human life" and urge you to use your influence to defeat the nomination of Judge Sandra O'Connor.

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Please forward petitions to your senators that are listed below. This petition should be duplicated and distributed to your friends and others concerned with the O'Connor nomination.

Also, please complete the postcards at the front of the magazine and mail them to your senators today.

Alabama
 Howell Heflin
 Jeremiah Denton

Alaska
 Ted Stevens
 Frank Murkowski

Arizona
 Barry Goldwater
 Dennis DeConcini

Arkansas
 Dale Bumpers
 David Pryor

California
 Alan Cranston
 S.I. Hayakawa

Colorado
 William Armstrong
 Gary Hart

Connecticut
 Lowell Weicker
 Christopher Dodd

Delaware
 William Roth
 Joseph Biden

Florida
 Lawton Chiles
 Paula Hawkins

Georgia
 Sam Nunn
 Mack Mattingly

Hawaii
 Daniel Inouye
 Spark Matsunaga

Idaho
 James McClure
 Steven Symms

Illinois
 Charles Percy
 Alan Dixon

Indiana
 Richard Lugar
 Dan Quayle

Iowa
 Roger Jepsen
 Charles Grassley

Kansas
 Robert Dole
 Nancy Kassebaum

Kentucky
 Walter Huddleston
 Wendell Ford

Louisiana
 Russell Long
 Bennett Johnston

Maine
 William Cohen
 George Mitchell

Maryland
 Charles Mathias
 Paul Sarbanes

Massachusetts
 Edward Kennedy
 Paul Tsongas

Michigan
 Donald Riegle
 Carl Levin

Minnesota
 David Durenberger
 Rudy Boschwitz

Mississippi
 John Stennis
 Thad Cochran

Missouri
 Thomas Eagleton
 John Danforth

Montana
 John Melcher
 Max Baucus

Nebraska
 Edward Zorinsky
 James Exon

Nevada
 Howard Cannon
 Paul Laxalt

New Hampshire
 Gordon Humphrey
 Warren Rudman

New Jersey
 Harrison Williams
 Bill Bradley

New Mexico
 Pete Domenici
 Harrison Schmitt

New York
 Daniel Patrick Moynihan
 Alfonse D'Amato

North Carolina
 Jesse Helms
 John East

North Dakota
 Quentin Burdick
 Mark Andrews

Ohio
 John Glenn
 Howard Metzenbaum

Oklahoma
 David Boren
 Don Nickles

Oregon
 Mark Hatfield
 Bob Packwood

Pennsylvania
 John Heinz
 Arlen Specter

Rhode Island
 Claiborne Pell
 John Chafee

South Carolina
 Strom Thurmond
 Ernest Hollings

South Dakota
 Larry Pressler
 James Abdnor

Tennessee
 Howard Baker
 Jim Sasser

Texas
 John Tower
 Lloyd Bentsen

Utah
 Jake Garn
 Orrin Hatch

Vermont
 Robert Stafford
 Patrick Leahy

Virginia
 Harry Byrd
 John Warner

Washington
 Henry Jackson
 Slade Gorton

West Virginia
 Jennings Randolph
 Robert Byrd

Wisconsin
 William Proxmire
 Robert Kasten

Wyoming
 Malcolm Wallop
 Alan Simpson

Interviews With Meese, Others Make Clear President Uninformed On O'Connor Record

Another Senior Aide Says Human Life Amendment One Of Many Subjects Nominee Not Asked About

In a speech in Chicago the day he announced his intention to nominate Sandra Day O'Connor to the Supreme Court, President Reagan said that he had done this after "examining her whole record in public life." But, there is compelling evidence that there is important information about Mrs. O'Connor which the President did not know. The following data was revealed in CD interviews with: presidential counselor Edwin Meese; a senior presidential aide who requested anonymity; counselor to the Attorney General Kenneth Starr; and Tom DeCair, director of public information for the Justice Department.

•Meese says the text of the 1970 abortion-on-demand bill voted for by Mrs. O'Connor was "not seen" by the President. This bill appears to have been, he says, "a therapeutic abortion act and a lot of legislators, even Ronald Reagan as governor, did that at the time without it being apparent what problem it was."

This is not correct. The bill Mrs. O'Connor supported was a radical departure from the restrictive abortion laws in effect in most states in 1970.

•Meese says the 1973 family planning bill supported by Mrs. O'Connor "had nothing to do with abortion." He says "no," he never saw this bill and it wasn't read "because we didn't have it."

•Meese says "yeah," Mrs. O'Connor was asked her views on the Supreme Court's 1973 *Roe vs. Wade* decision legalizing abortion on demand. Did she say it was good or bad law? Meese: "Uh, I don't think she was asked in those terms." White House press spokesman David Gergen says Mrs. O'Connor was not asked about *Roe vs. Wade*.

•Prior to her being chosen, or after, was Mrs. O'Connor asked if she favored any kind of legal protection for the unborn? Meese: "I think

there was a hesitation to ask how she would rule on a particular case. I'm not sure she was asked in the form you put this question."

Later in this interview, Meese says, when asked if he feels it is improper or injudicious to ask Mrs. O'Connor

Reagan Pollster Says President Must Keep His Promises

If President Reagan's nominee to the Supreme Court, Sandra O'Connor, is perceived as being pro-abortion, will this hurt Mr. Reagan with the coalition that elected him in 1980?

When he is asked this question, the President's longtime friend and personal pollster, Richard Wirthlin, smiles. Leaving the clear implication that such a perception would indeed damage the President with an important element of his constituency, Wirthlin says:

"Ronald Reagan must be consistent more than any other candidate I have ever worked with."

Wirthlin adds that he's told Republican candidates that they cannot win on just economics alone. Among the other things he says must be addressed are the "social issues"—such things as abortion, forced busing and voluntary prayer in the schools.

about her own past rulings or past rulings of the Supreme Court, "not particularly, no. I don't."

•Meese says Mrs. O'Connor's views on abortion, the family and other social issues were "generally known" but they didn't affect the

President's decision "because of her basic personal attitudes."

•An anonymous senior aide says that it is "entirely possible" that the only negative information received about Mrs. O'Connor's record supporting legalized abortion was "sent in by the people concerned about these votes."

•Like Meese, this senior aide was unsure about what the 1973 family planning bill allowed, saying that some people thought it authorized only the distribution of sex education information. Did you see the text of this bill? Senior aide: "Oh no, we didn't. We didn't go back and dig up the actual piece of legislation. The President didn't choose to do this. He could have but didn't."

•Regarding Mrs. O'Connor's acknowledgement that in 1974 she voted against urging Congress to constitutionally protect the lives of the unborn, the question is asked: And this didn't bother the President? Senior aide: "Well, I suppose not, because they discussed it."

•Has Mrs. O'Connor said anything indicating she favors any kind of legal protection for the unborn? Senior aide: "Not that I'm aware of."

•Was Mrs. O'Connor asked if she shares the President's view that there should be a Human Life Amendment to the Constitution? Senior aide: "No, she wasn't asked about specific issues at all on a whole range of subjects." (!)

•Counselor to the Attorney General Kenneth Starr says he made no effort to check out Mrs. O'Connor's statement that she never had any disputes or controversies with national pro-life leader Dr. Carolyn Gerster, who lives in Arizona. Why did he make no such effort? He refuses to say. In fact, Dr. Gerster and Mrs. O'Connor had several disagreements about abortion.

•Starr says the record is "not all

Conservative Coalition Opposes O'Connor



Sandra LeClare

TWO DAYS AFTER PRESIDENT REAGAN announced his intention to nominate Sandra Day O'Connor, a coalition of grassroots conservative activists held a Capitol Hill press conference to express their concerns about this appointment. Endorsing this statement of concern were the following organizations: The Viguerie Company, The Conservative Caucus, National Pro-Family Coalition, National Association of Evangelicals, Concerned Women for America, National Christian Action Coalition, National Pro-Life PAC, The Religious Roundtable, Moral Majority, Concerned Women for America-Maryland, The Wanderer, Eagle Forum, American Life Lobby, Inc., Life Amendment PAC, United Families of America, Family Protection Lobby, National Association of Pro-America, Christian Family Renewal, United Families of Maryland, Committee for the Survival of a Free Congress.

that clear" and "a bit murkier than some are suggesting" as regards Mrs. O'Connor's 1970 vote for an abortion-on-demand law. False. The April 30, 1970, *Arizona Republic* reports that Mrs. O'Connor voted for this bill.

•Would you say Mrs. O'Connor is anti-abortion and pro-life in the way the President and the 1980 GOP platform are? Long pause. Starr: "I don't know if I can deal with that question on those terms." Starr declines to use "shorthand" to describe her views, saying that he thinks such phraseology "impedes and doesn't advance the inquiry."

•Doesn't it feel strange to have people like NOW's Eleanor Smeal and Sen. Howard Metzenbaum gush-

ing over your Supreme Court nominee? Starr: "I think it's to be expected that the head of NOW would gush over a woman." You think she would have gushed if the nominee had been Phyllis Schlafly? Starr: "I don't know. Maybe not as effusively."

•Justice Department public information director Tom DeCair says "no," all of the information in the July 7 Starr memo was not "entirely" known about prior to the President's choice of Mrs. O'Connor.

•DeCair says, regarding Mrs. O'Connor's positions on family-related issues, that "no," information on "all of these things" hadn't been developed because there are "no records" on how she voted in sub-

committees and caucuses. Talks with her colleagues and her political opponents and the reading of newspapers would, of course, have developed this information.

At the daily White House news briefing on July 7, 1981, presidential press spokesman Larry Speakes told reporters:

"What we're saying is that we would encourage you to look very, very thoroughly into her votes in the state legislature....I would encourage you to look very closely at the record of the votes in the Arizona legislature."

Good advice. Too bad the President's men didn't follow it when they checked out Mrs. O'Connor.

That Sound You Hear Is The Cracking Apart Of Reagan's Great Electoral Coalition

By Patrick J. Buchanan

That sound you hear, beneath the loud reveling at the President's precedent-shattering nomination of a woman to the Supreme Court, is the cracking apart of Ronald Reagan's Great Coalition.

The White House boys have just made the most basic mistake you can make in politics: They have compromised the vital interests of the President's most ardent followers to score brownie points with their political enemies. A frivolous campaign promise has been kept and a solemn written commitment violated. Political adultery.

Eighteen months ago, in the Iowa caucuses, the Right to Life movement saved Ronald Reagan from a carefully prepared ambush by his now-Vice-President—a defeat which could have made Ronald Reagan a footnote in the history books. A month later, in New Hampshire, the Right to Lifers provided a significant share of that astonishing margin of victory which gave candidate Reagan irresistible momentum through the early, conclusive primaries.

What the movement asked in return was surprisingly small: only that Reagan support their Human Life Amendment and its progeny; that his Supreme Court nominees—be they black, white, yellow, brown or red, male or female—share the President's internalized belief that the unborn child has the God-given right to live. As politics goes, this was a simple, inexpensive bargain. The candidate would get the volunteer labors of thousands, the allegiance of millions, in return for remaining true to his stated convictions.

The Right to Lifers more than kept the bargain. When the White House asked that they place their agenda at the end of the line while the President's vast economic vessel transited the Congress, they acceded.

Their reward: to be ridiculed as a pack of "extremists" by some chowderhead editorial writer on the *New York Times*—bulletin board of the Abzugian wing of the feminist party—which is chortling in print over the President's nomination to the high court of an Arizona cosponsor of legislation to legalize abortion on demand.

Why? What will the White House receive that is tangible and enduring to compensate for breaking the hearts of the President's most faithful followers?

This is not to demean Sandra Day O'Connor, the President's nominee. Her academic, political and judicial



records are at least cum laude; even her critics in Arizona admit her brilliance. Had she been elevated to the Cabinet, she might have gone unopposed.

But this is the U.S. Supreme Court—the court that will decide, when the new medical evidence is reviewed, whether it made a historic blunder in *Roe vs. Wade*; the court which will pass on all congressional restrictions upon its jurisdiction; the court which will have final word on legislation moving through Congress that sets the moment when, constitutionally, life begins, the unborn child becomes a "person" and his or her right to life must be protected by the state.

O'Connor Also On Carter's List

"Judge O'Connor's credentials are, in fact, so compelling that the Carter White House included her in a list of potential federal judges."—Columnist Mary McGrory, in the *Washington Star*, July 9, 1981.

In nominating Mrs. O'Connor, the White House has left the Right to Life movement no choice but to oppose her with all its resources; no choice but to depart, temporarily and perhaps permanently, from the President's coalition; no choice but to put the heat on senators like Orrin Hatch—up for reelection in 1982.

"We feel betrayed by the President," said Paul Brown of the Life Amendment Political Action Committee. "We've been sold out."

That kind of politics is so alien to what is known of Ronald Reagan that the question must be raised: Was the President misled about O'Connor's record? Misled by the Department of Justice, by the White House staff or by Judge O'Connor herself?

According to the acting press secretary, Larry Speakes, O'Connor told the President she was "personally opposed" to abortion, found it "personally abhorrent." Yet, according to the Right to Life movement, she not only cosponsored and supported legislation legalizing abortion; she opposed a resolution urging Congress to support a constitutional amendment to overturn the abortion decision.

(What would we say of an individual who said he found racial segregation "personally abhorrent," then voted to overturn the Civil Rights Act of 1964?)

The abortion issue is not just a social issue; it is the overriding social issue that split the FDR coalition and sent millions of Southern evangelical Christians and Northern Catholics into the camp of a Republican President with whom they may disagree on a dozen other issues. Their demoralization is a political tragedy of the first order—and so damned unnecessary.

Jim Skelly 'Outraged' And Says So

Pro-Life Lawmaker Resigns; Rejects Greyhound Attempt To Muzzle Him On O'Connor

By Don Harris

Arizona State Rep. Jim Skelly (R-Scottsdale) has disclosed that he has quit his job at the Greyhound Corp. over his outspoken opposition to Judge Sandra O'Connor's nomination to the U.S. Supreme Court.

Skelly, 47, a strong, anti-abortionist, said he decided to leave the firm after Gerald Trautman, Greyhound board chairman, asked him to tone down his criticism of Judge O'Connor.

Skelly's opposition to the O'Connor nomination stems from her votes on abortion when she was a state senator.

The nominee, a judge on the Arizona Court of Appeals, has said she personally is opposed to abortion but would follow existing high court rulings, including one that legalized abortion.

President Reagan nominated Judge O'Connor to the Supreme Court. Conservative groups oppose her because of votes involving abortion that she cast in the Arizona Senate in the early 1970s.

In a July 15 letter which Skelly said he hand-delivered to the Greyhound corporate headquarters in Phoenix, the lawmaker wrote, "I'm sorry that my 'personal beliefs are inconsistent with the interests of Greyhound.' However, I would not be true to the responsibilities of my office as a state representative, nor honest with myself, if I were to tone down what you feel are my intemperate remarks about Judge Sandra O'Connor."

Trautman could not be reached for comment, but Dorothy Lorant, vice president of public relations for Greyhound, issued the following statement:

"We at Greyhound feel that Judge O'Connor is one of the most level-headed, intelligent justices, male or

female, ever to serve on the bench and that her appointment to the U.S. Supreme Court would enhance that body.

"Jim Skelly is a fine man and a conscientious legislator, and yet he feels quite differently on the matter of Mrs. O'Connor. We have to respect the sincerity of his feelings about Mrs. O'Connor without in any way sharing them, and it became necessary to ask Mr. Skelly to be a little more temperate in his remarks because the public had begun to believe that his opposition to Mrs.



Jim Skelly

O'Connor was in his capacity as a Greyhound representative rather than in his capacity as a private citizen."

Skelly, the only pro-life advocate in the legislature who has refused to endorse Judge O'Connor's nomination, said he was summoned to Trautman's office July 15 after his views on Judge O'Connor appeared July 14 in an *Arizona Republic* column by Tom Fitzpatrick.

A copy of Fitzpatrick's column was on Trautman's desk when Skelly entered the office, the legislator said.

"He said that some of my remarks

were intemperate," Skelly said. "When I asked him to be specific, he pointed to a sentence that said I was outraged by the nomination.

"I pointed out that the word outraged was not in quotes, but that didn't change anything because I really am outraged."

Skelly's decision to quit his \$18,700-a-year job in Greyhound's customer relations department was almost instantaneous. He said Trautman tried to talk him out of resigning and suggested that he think it over for a week or so.

"My decision would be the same in a week, a month or a year," Skelly wrote to Trautman. "The welfare of the innocent unborn is far more important to me than Judge O'Connor's nomination, and, if I were to tone down my remarks, as you suggested, I would be compromising my beliefs—which I won't do."

At Greyhound, Skelly worked in customer relations for 3½ years handling customer complaints, answering phones and taking care of fare adjustments. He joined Greyhound 5½ years ago and was allowed to take time off from that job to tend to his legislative duties.

Skelly said this was the first time that anyone at Greyhound had attempted to influence his role as a legislator.

In his letter to Trautman, he wrote, "To your credit, you have never asked me or even hinted that I vote a particular way during the 5½ years I have been employed with Greyhound. Although Judge O'Connor's confirmation is extremely important to you, as you indicated, I obviously do not share your sentiments."

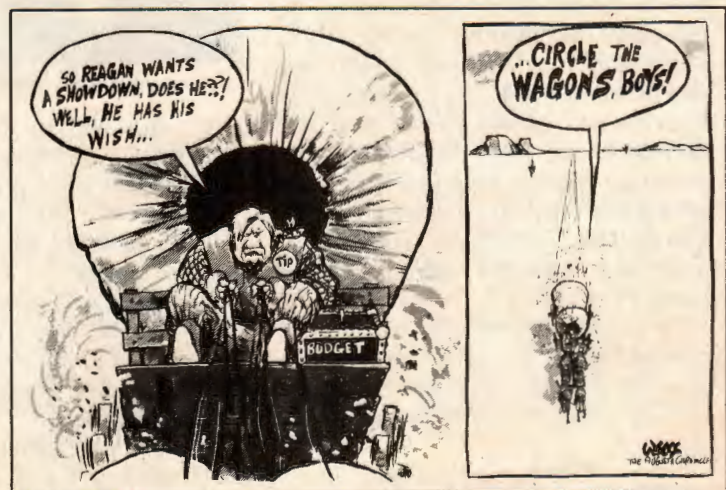
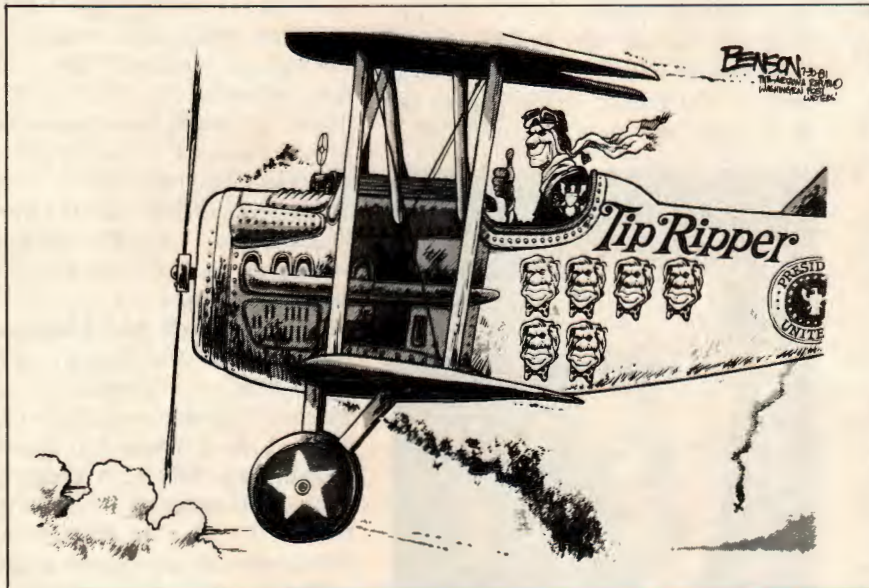
While employed by Greyhound, Skelly consistently excused himself from voting on bills that might have benefited the firm.

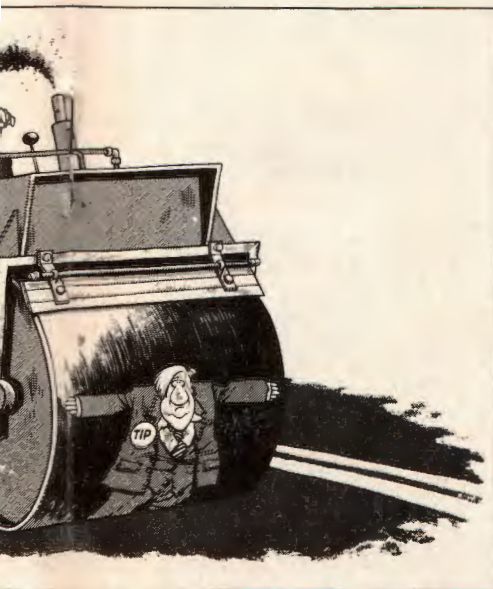
Skelly said Trautman told him he had received several telephone calls from people complaining about Skelly's criticism of Judge O'Connor.

Reprinted from the *Arizona Republic* (July 17, 1981), 120 East Van Buren St., Phoenix, Ariz. 85004.

ACTION: Write, wire or telephone the Chairman of the Greyhound Corporation, Mr. G. H. Trautman, and protest the shabby treatment of Jim Skelly. The Greyhound address is: Greyhound Tower, Phoenix, Ariz. 85077. The phone number is: (602) 248-4000. Let us know about any response you get.

Cartoons





Media Alert



By Rev. Donald E. Wildmon, founder,
National Federation For Decency

Profits Are Dirty If At The Expense Of Social Good

I sat down the other night to watch a movie on ABC entitled "White Line Fever." It is not the type of program I would normally choose to watch. But I decided to view it for two reasons: to have a better knowledge of the kinds of programs on television and to see which companies thought it the kind of program they desired to help sponsor.

Not far into the movie was a scene where an honest, hardworking young man seeking work as a truck driver was pulled over by a law officer. While questioning the young man, a call came over the officer's radio. The officer proceeded to handcuff the truck driver to the truck and drive off. A few moments later two hit men drove up and proceeded to work him over while he was handcuffed to the truck. It was a set-up on the part of the officer.

My ten-year-old had walked in and witnessed the scene. "Are there people like that?" he asked. "Yes, not many. But a few," I replied. Not desiring for my child to be exposed to that kind of senselessness, I changed the channels.

About 30 minutes later I switched back to the ABC program. Mark had gone out of the room. This time another character in the movie was driving down the road with his good-time girl when his car was hemmed in by three 18-wheelers. The drivers proceeded to get out, pull the man from his car, work him

over. Then they led him out to the middle of the road, left him standing, dazed. Coming down the road at about 70 miles per hour was another 18-wheeler. Only the man's hat was shown in the next shot, blowing on the highway. "Daddy!" my son cried out. I turned it off.

Art? Ask the networks or Hollywood and they will be quick to tell you it was art. It made you feel, for sure. I am not sure, however, it made all people feel the same. For me it was a sick feeling.

I can remember as a kid growing up, the first man I saw who had been in a knife fight. He was bleeding all over. I can remember the feeling. It was the same sick feeling.

I can remember seeing a mob gang around a man, laughing and enjoying themselves while the man was being beaten to his knees and unconsciousness. His crime? He had accidentally bumped into a white woman and he was black. I can remember my feeling. It was the same sick feeling.

Television is quick to defend itself. "We are only giving the people what they want," is the stock reply. That is a cop out. What the networks really are doing is making a profit in the easiest, most irresponsible manner they can.

The people responsible for such programs, and their effect upon our society, quote high principles to defend a shallow argument. No one questions their right to continually program such low quality. But the responsibility involved, or the lack thereof, is another matter.

Profit isn't a dirty word. It is a grand word. It makes possible hospitals, schools, roads, airports, etc. But profit at the expense of social good is dirty—filthy dirty.

"White Line Fever" was shown because ABC could make a profit on the program. That was the sole reason it was shown. Not that it was a work of art, that it had any constructive contribution to make toward improving society. No, it could be bought by ABC cheap and sold at a handsome markup to the advertisers. The long-range effect of "White Line Fever" and similar programs is no major concern to ABC. I didn't say it wasn't a concern. I said it was no major concern.

Did "White Line Fever" have an effect on us? Did it teach us? Indeed it did. All television is educational. We need to remember that. All television teaches. This year there will be \$5 billion spent with the networks, money which proves absolutely that television sells. The great tragedy, considering the content of many current programs, is that it sells more than products. It sells values, ideas, concepts, morals.

Mr. Owen Butler, chairman of the board of Procter & Gamble, the largest advertiser on television, recently made a speech to some television executives. In concluding his speech he said: "We may have the best society that mankind has created, but we certainly don't yet have the best society of which mankind is capable. Certainly some part of everything we do ought to be pointed at that objective." Mr. Butler's speech was entitled: "Television Can Show and Tell but Can It Listen?" Can it listen to a concerned public?

I hope it can. For your sake and mine. And for all those who come after us.

* * *

Take the wife of a congressman caught in the Abscam affair who made love to her husband on the steps of the U.S. Capitol and who later posed nude for *Playboy* magazine, and develop it into a special made-for-TV movie and you have a winner!

At least that is what ABC thinks. And that is what they are doing. The movie, entitled "The Rita Jentette Story," will be based on the exploits of the wife of the congressman.

You would think that ABC could find some positive stories for their movies. But rarely is that the case. I guess the message to our public is: If you want to get rich quick, shoot a public figure, be a mass murderer, make love on the steps of the U.S. Capitol, ask to be electrocuted for committing crimes, or do anything which is weird. Then write a book about it or ask one of the networks to make a movie about it.

If you have an opinion on the latest ABC decision, write Leonard Goldenson, ABC-TV, 1330 Avenue of the Americas, New York, N.Y. 10019.

Senator Smears Falwell, Moral Majority

O'Connor Critics 'Fascists' - Goldwater

Of all the attacks on the critics of Judge Sandra O'Connor, Sen. Barry Goldwater's has been the most vicious.

On a late-night local TV talk show in Washington, D.C. on July 9, Goldwater was asked about the opposition to O'Connor by the Rev. Jerry Falwell and the Moral Majority because of her support for abortion in the early 1970s. Goldwater replied:

"I think they're making a big mistake...My basic worry has always been the concentration of power in the hands of a few...I don't think they're actually—I don't think they can call themselves conservatives when they're really taking more of a

fascist line than a conservative line."

(This charge is patently absurd. Fascism is a form of government that involves total state control of political, economic, cultural, religious and social activities. To equate the opposition to abortion with fascism is ridiculous.)

Goldwater's smear of the Right-to-Life movement is particularly ironic in view of the fact that he was the victim of similar rhetorical recklessness when he ran for President in 1964. In fact, that very year, when Goldwater delivered his speech accepting the GOP nomination, California governor Pat Brown said that it had about it

"the stench of fascism."

The day before he made his outrageous remarks about the anti-abortionists, the *Washington Star* quoted Goldwater as saying that the abortion issue is "the biggest humbug issue in the United States."

ACTION: If you would like to let Senator Goldwater know how you feel about what he has said, his address is: Room 337, Russell Senate Office Building, Washington, D.C. 20510. His phone number is: 202/224-2235. We are interested in receiving a copy of any correspondence you receive in response from the senator.

Social Issues Sway Voters Everywhere

For many voters, these questions [the issues of abortion and equal rights for women] have a symbolic meaning that goes far beyond the specific issues of whether the proposed Equal Rights Amendment is passed or whether women should be allowed to have abortions. Underlying the debate are concerns about the values that Americans want to see enshrined in their laws, embodied in their children's textbooks and broadcast on television....

The national polls, taken at face value, would suggest that Mr. Reagan could only be hurt by his stands on the most widely discussed of these issues, the ERA and abortion....

But Mr. Reagan's positions may be helping him as much as hurting him. The reason: Social conservatives seem more likely to cast ballots solely on these issues than do many of those who take a liberal stance on the same issues.



The social issues, particularly abortion and the ERA, have the power to affect voter choices in all parts of the nation....

Mr. Reagan's support for a constitutional amendment to ban abortion, which Mr. Carter opposed, has won sympathy for the former governor of California from voters whose fingers have long been allergic to the Republican lever.—Excerpt from article in the *New York Times*, October 3, 1980.

Conservatives In White House Were Shut Out On O'Connor

Conservative dismay over President Reagan's selection of Judge Sandra O'Connor extended to the White House staff, including one aide with senior staff status.

That O'Connor's selection came as a total and unpleasant surprise to White House conservatives showed the rising strength of James A. Baker III, the President's chief of staff. Baker conducted the selection process, keeping it secret from rightwing staffers who might have caused trouble.

Not even political aide Lyn Nofziger, who is supposed to give political clearance to top-level appointments, was given advance notice. Although Nofziger is a good soldier who says he is thoroughly happy about O'Connor, conservative lobbyists who know him well describe the veteran Reagan adviser as shaken.—Columnists Rowland Evans and Robert Novak, in the *New York Post*, July 11, 1981.



Weyrich from Washington

By Paul Weyrich, director,
Committee for the Survival
of a Free Congress

Democrats And Independents Shift To GOP

Recently, Art Finkelstein, the campaign consultant and pollster who helped bring us Jesse Helms and Al D'Amato, among others, spoke to a Chamber of Commerce gathering in Boston in which I also participated.

Finkelstein's fast-moving sense of humor was somewhat lost on the audience, but a most interesting theory about what is currently happening in American politics framed the discussion for the rest of the day. Unfortunately this column doesn't permit me to use a blackboard, and Art's hour-long presentation will have to be reduced to a few paragraphs for discussion. I hope I do it justice.

Finkelstein is finding in his polls a remarkable shift into the Republican column at the expense of both Democrats and independents. While some national pollsters dispute this claim, Ronald Reagan's pollster, Dick Wirthlin, has made similar findings, and I am persuaded by what I have seen that the phenomenon is real, if only temporary. Finkelstein's theory of why this is happening would have made Kevin Phillips smile at least 10 years ago.

Art contends that when you factor in the leanings of the independents, we have really had six-and-a-half political parties in this country. The Republicans consisted of two major parties in pre-

Goldwater days—a conservative party and a liberal party. The conservative party has steadily grown in size, and the liberal Republicans have largely defected to the Democrats, leaving the conservative wing of the GOP in a dominant position.

The Democratic Party has consisted of four-and-a-half parties, according to Finkelstein. First, there are the blacks, next the white liberals, then the foreign policy conservatives (symbolized by Jeane Kirkpatrick before her conversion), who rate only a half-party status, then the economic conservatives (of which Rep. Phil Gramm is the current symbol) and finally the social-issue conservatives, once symbolized by George Wallace and now perhaps by a widely known Christian Right figure.



Paul Richer

Finkelstein contends that through the personification of Ronald Reagan, the foreign policy conservatives to a certain extent and the economic and social conservatives to a great extent have been leaving their respective Democratic parties and joining up with the conservative wing of the GOP in a loose and somewhat unstable federation.

The result of this influx, says Finkelstein, has been profound for both sets of parties. It has left the white liberals as the dominant force among the Democratic parties and has all but done in the remaining liberals within the GOP. He insists that no other figure but Ronald Reagan on the contemporary scene would have made this possible. "The irony is that by narrowing the base of the party, its appeal

has been broadened," Finkelstein said, taking a verbal swipe at the Republican National Committee's most sacred doctrine.

Unless there is a depression or some other unforeseen event, Finkelstein sees the new GOP coalition holding together as long as Ronald Reagan is on the scene. If that is for another five years or so, the drain on the economic and social - conservative Democratic parties will be complete, he says, leaving the white liberals in charge of a Democratic Party which will be as irrelevant as the Republicans were during the Kennedy-Johnson years.

Once the drain is complete, and once conservatives who united to fight liberals have seen many of their major targets defeated, the majority conservative coalition will break down into three areas consisting of the social issues, the economic issues and the defense and foreign policy issues. The major tension, as Finkelstein sees it, will be between the social-issue conservatives and the economic conservatives. He said that the social-issue conservatives will be "setting the agenda for the decade ahead," and the economic conservatives will be in some measure trying to prevent that agenda from being adopted. Social-issue conservatives will be most aggressive, he said, because they have lacked expression in either political party for so long.

I think Finkelstein is largely on target. It is, of course, just a theory. So was Kevin Phillips's "Emerging Republican Majority" in 1969; yet history has proved that Phillips was largely correct (only, Richard Nixon and Watergate interrupted things for a time).

When my turn came to speak, I suggested to the businessmen that the warfare between economic and social conservatives which Finkelstein predicts need not take place if there is tolerance on both sides.

The social-issue conservatives, I am confident, will be supportive of proposals by economic conservatives as long as they improve things. It is true that many social-issue conservatives tend to be populist in their orientation, but if it can be shown that economic conservatism actually helps their lot, they will be

open to the message. I have observed this at various Religious Roundtable meetings, where Ed McAteer usually sees to it that, in addition to discussing the social issues and national defense, a bit of economics is offered to his audiences as well. They have an open mind.

A bigger problem may be getting some of the economic conservatives, largely from the business community, to tolerate the agenda of the social-issue conservatives. Note that I said "tolerate," rather than "accept." There were many different and rather diverse elements in the successful Roosevelt coalition. They didn't agree with each other on everything, but they were tolerant enough to permit the coalition to function, and on certain issues each part of the coalition in the Congress went its own way. That will be true, for example, of the abortion issue as long as members of Congress are voting on it.

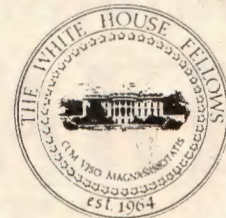
But businessmen need to be more aware that, to many people, matters

like prayer in schools are deeply held issues. To dismiss such issues as irrelevant and worthy of the back burner is to make an important part of the coalition into second-class citizens. They don't appreciate it and may offer similar treatment when an issue dear to the heart of the business community comes along.

Yet with a little bit of tolerance and understanding, which I see happening at the present time, the majority party coalition can move from this current, very tentative, stage to a more stable structure capable of governing America.

I asked a recent meeting of businessmen if they would rather have Roger Jepsen, who is very interested in prayer and abortion and the Family Protection Act, in Congress, or Dick Clark, who had no interest in any of these matters except to oppose them. Since Jepsen is very sound on business issues, the vote was unanimous for Jepsen, and that is precisely my point.

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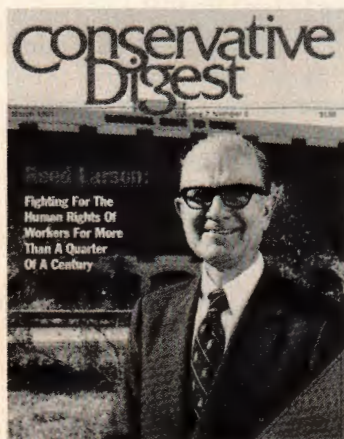
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A1-06-81

U.S. Technology Should Not Be Used To Develop Soviet Energy Sources

By Sen. Jake Garn (R-Utah)

Can a pipeline pose a "clear and present danger" to Western security?

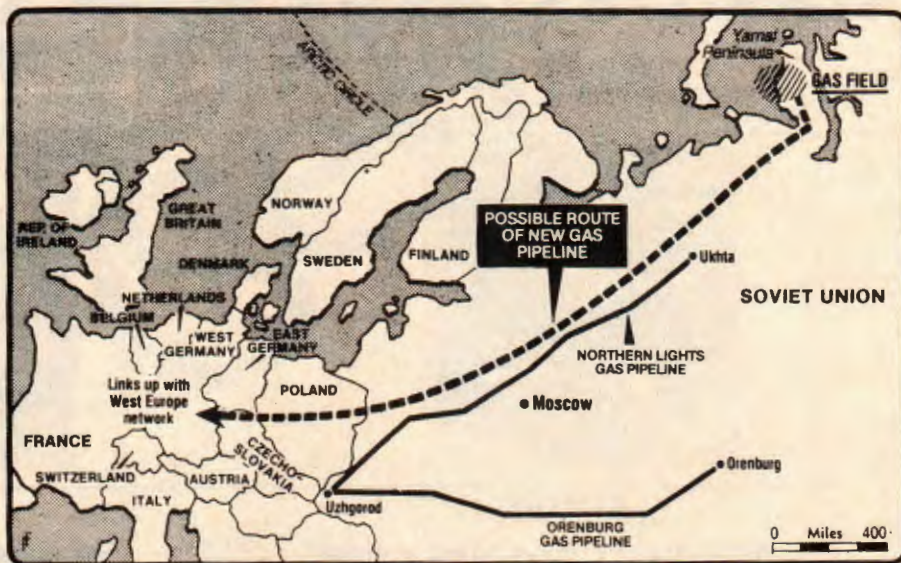
Yes, when it extends from the Soviet Union to Western Europe and carries not only natural gas but also the potential for European energy dependence on Moscow and for "Finlandization," 1990-style.

As one of its final foreign policy decisions, the Carter administration approved major U.S. participation in the proposed Soviet Yamal natural gas pipeline project. The pipeline, as planned, would be completed between 1985 and 1987 at a cost many experts believe could exceed \$30 billion. It would extend 3,000 miles, from the rich gas fields of northwestern Siberia's Yamal Peninsula across Eastern Europe to the Federal Republic of Germany, where it would be linked to an existing pipeline for distribution. Approximately 1,500 billion cubic feet of Soviet gas would course into Europe's energy veins each year, creating an addiction with international security implications.

The Carter administration's actions apparently were prompted by Europe's understandable desire to free itself from less-than-reliable Middle Eastern energy sources, and by tremendous U.S. industry pressure to reap a financial bonanza from the project. The administration made a cursory review of the project and quickly issued a license to Caterpillar, Inc., to sell sophisticated pipe-laying equipment to the Soviets.

However, a number of us in the Senate and the House wrote a letter to President Reagan, asking him to rescind the previous administration's decision and proposing an alternative program for providing Europe with energy.

The Yamal controversy raises another fundamental question: Should the United States seek to promote the growth and development of Soviet energy? It is the opinion of



many experts, and I concur, that the United States should not supply its advanced technology to promote the development of Soviet energy resources. Rather, the United States should cooperate with its allies in the formulation of an alternative Western security program and force the Soviets to make the hard policy decisions with regard to the allocation of their limited resources, so as to hinder their military procurement.

Without sophisticated Western technology and, more importantly, Western financing, the Soviets will not be able to develop their own resources as rapidly. Fears that an oil-deficient Moscow would soak up much of the available world crude are mitigated by the Kremlin's massive shortage of hard currency.

The U.S.S.R. currently supplies oil to its satellites on concessionary terms in order to help maintain bloc reliance on Moscow—and thereby bloc cohesiveness. Reduced Soviet energy deliveries to the Communist bloc countries would serve to thwart the Soviet bloc goal of economic integration, while promoting independent Eastern European policies.

The argument that helping the Soviets develop their own energy would reduce their inclination to invade the Persian Gulf region also is largely without merit. The U.S.S.R. already has a strong incentive to apply pressure to this region because of its strategic importance to the West and the Kremlin's historic interest in gaining access to warm-water ports. Furthermore, it is folly to believe that the United States can convince the Soviets to adopt a moderate posture in the Middle East by selling energy equipment and technology. The Soviet Union, time and again, has pursued its overall global objectives, regardless of U.S. or Western conciliatory actions.

The administration should make it clear to our NATO allies that while the Soviet Union may appear to be a reliable supplier today—particularly when compared to the volatile Middle East—this situation is not likely to continue. Once Europe is addicted to its energy supplies, Moscow may attempt to further its foreign policy objectives with the threat of an embargo—emulating OPEC's tactics. Furthermore, it should be pointed out that not only will U.S. allies be de-

pendent on the Soviets for gas deliveries; the West will also have to rely on Moscow to repay the massive debt it will owe Western banks in order to build the pipeline. It is an unsavory prospect, no matter how one looks at it.

The United States—with its billions of tons of recoverable coal and its developing synfuels industry—can offer a viable alternative package, including expanded U.S. coal exports, greater European participation in the synthetic fuels industry, U.S. reentry into the nuclear reactor-services market in Western Europe, accelerated development of Norwegian hydrocarbon supplies and other steps.

The gains for the United States and Western Europe would be tremendous. Western Europe would be assured of reliable energy supplies while Americans are put back to work in providing more energy. And the security of all Western nations would be strengthened—something which too often is overlooked in our haste to make a sale.

Action: Write, wire or phone President Reagan and your congressman and senators and urge them to oppose the previous administration's decision on the U.S.S.R.-Western Europe natural gas pipeline. We are interested in receiving copies of any correspondence you receive back.

Run That One By Us Again

"What I wish to underscore is that whilst we in Botswana continue to strive to hold the torch of sanity in the darkness of insane developments in this region, we have to reckon with the reality that perhaps it would be folly to be sane where lunacy was bliss."—Botswana's Minister of Public Service and Information Daniel Kwelagobe lamenting the fact that militarism remains the ultimate rule of international relations, but not apologizing for the fact that Botswana now has an army; quoted in the *Botswana Newsletter*, Sept. 8-Oct. 15, 1980.

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United Welfare Fraud Council Battling To Stop The Ripoff Of Billions In Tax Dollars

**By Dorothy M. Forney
Executive Director
United Council on Welfare Fraud**

A mother of two children who earned \$2,226 in the month of February 1981 in Anoka County, Minn., was found eligible for a cash grant from welfare of \$57 per month, plus medical care for all three.

Impossible? No, the case is legitimate and actually exists. She is a welfare mother who went to work and became subject to the \$30 and one-third "work incentive" and other offsets from her monthly earnings (including income taxes, health insurance, transportation, child care, certain meals, etc.) totaling \$1,894. Her net pay, for welfare purposes, then became \$332. Because the cash grant for a three-person household in Minnesota is \$389 per month, the family qualified for the cash grant. Ironically, they did not qualify for food stamps—they were over the limit.

A woman in St. Louis, Mo., claimed to be indigent—no income, no resources—when in fact she owned a four-family flat and drove a luxurious Cadillac that cost her more than \$10,000. In addition to a welfare check, she also received unemployment compensation. When apprehended, she was placed on probation and required to make restitution. Instead, she fled to California.

In New Jersey, a woman who claimed not to know the whereabouts of the father of her children was discovered to have been married and living with him for the past 13 years. Rough estimate of fraud: \$100,000.

A young lady, also from New Jersey, submitted year-old earnings stubs in order to continue receiving welfare checks when, in fact, she had received substantial raises during the year which would have made her ineligible.

Striking teachers who apply for food stamps, unborn children who receive full single-person grants, college students who receive cash grants and go to Florida instead, child-swapping to get a larger cash grant, "absent" parents who are actually in the household, the paramour who beds and boards in the home (many times having fathered the chil-



Dorothy Forney

dren in the home) but who is not required to pay anything toward support because he is not the "legally responsible" relative, and the Supreme Court's striking down of the residency law—all of these, and many more abuses, are part of the welfare system that exists today in the states and at the federal level. Is it any wonder that governments are run-

ning out of money?

In addition, the inception of the SSI (Supplemental Security Income) system also bred its share of misapplication of taxpayer dollars. Under this program, numerous ills were accepted as life-long disability, placing persons on doles instead of payrolls.

This is not to say that the large majority of those on the AFDC (Aid to Families with Dependent Children) and SSI do not deserve to be there. As a matter of fact, most women on AFDC are single heads of households and are unable to work because of their responsibilities for their children. Many persons on SSI are unable to work and deserve to be helped. But there is a significant cadre of persons on both rolls who have learned how to beat the system and live off the working people.

Government at both federal and state levels has provided the poor with legal help to prevent unfair eviction from properties, fair treatment in the assistance office and a host of other legitimate activities. However, that same body of legal crusaders has harassed property owners who rent to persons on welfare, accepted fee-generating cases which should not be handled by them and indefinitely delayed justified action for individuals seeking *their* rights against welfare recipients.

The volume of evils in the welfare system grew over the years, and it became evident that fraud figures supplied by the federal government were a fraud in themselves. The Department of Health and Human Services has insisted for more than 12 years that there is only 1 percent fraud in the welfare system, and the U.S. Department of Agriculture (USDA) agrees that there is only 1 percent fraud in the food stamp program. At the same time, both agencies admit they do not know the true extent of fraud in their programs—an admission expressed in a General Accounting Office report and other reports. And, in an interview with *U.S. News and World Report* in 1978, former Secretary of HEW Joseph Califano stated that there was at least 10 percent fraud, waste and abuse in welfare programs.

As the clamor grew to clamp down on fraud in both the cash assistance and food stamp programs as well as the Medicaid program, a small group of persons working within the several systems banded together in

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The Social Security system is on the verge of bankruptcy. Newspaper headlines regularly announce pension fund problems. Insurance policies, savings accounts, stocks, real estate and other investments are ravaged by inflation and taxes.

If you're depending on any of these sources to provide you with a retirement income, you're in for the shock of your life. Prudent, reasonable people who made what they thought were ample preparations for their retirement years are now barely managing to stay afloat. *And it's going to get a lot worse!*

This is what we call The Great Retirement Hoax: telling people that Social Security or dollar-denominated investments will guarantee their financial security in the years ahead.

The truth isn't always pleasant to hear. But you're better off knowing the facts. That way, you can take action to protect yourself while there's still time.

2 ■ ANNOUNCING "The Swiss Franc Retirement Plan."

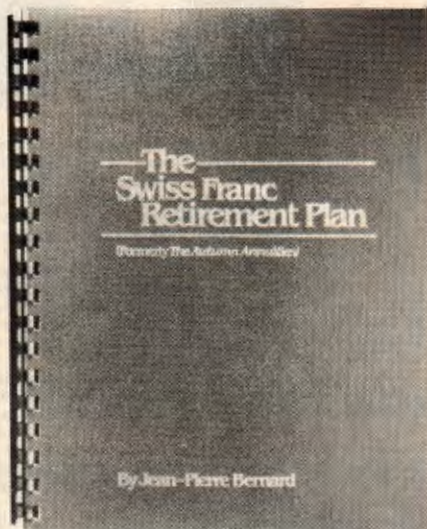
Fortunately, *there is a solution: Swiss franc annuities.* A life income guaranteed you by a Swiss insurance company—and paid to you not in depreciating American dollars but in strong, stable Swiss francs.

In the Spring of 1970, two men retired. Both began receiving life incomes of \$1,000 a month. Today, one man's monthly income is still \$1,000—but it's worth only \$647 in purchasing power. Meanwhile, the other man's monthly income has *more than doubled*—to \$2,150. And his purchasing power is correspondingly greater.

Why the difference? The second man bought a Swiss annuity policy. His life income is paid in Swiss francs—which he converts to dollars as each payment is made.

Here are some of the advantages of The Swiss Franc Retirement Plan:

- The Swiss franc is the world's strongest currency.
- Swiss franc annuities keep you well ahead of inflation.
- Their dividends alone can raise your life income by 10 to 15 percent.
- Of all Swiss franc investments, annuities offer the *highest safe yield*.
- The policy you purchase can begin paying immediately—or payments can be deferred until you retire.



- If you wish, you may select a policy that covers your beneficiary as well.
- You are exempt from all Swiss taxes.
- There is no U.S. financial reporting requirements for annuities or insurance contracts.
- You *diversify* a portion of your assets *internationally*—an important hedge in these uncertain times.
- No medical exam is required.
- *And the income is guaranteed as long as you live—in Swiss francs!*

3 ■ The stability of Switzerland is behind you.

Switzerland's reputation for financial stability and integrity spans more than two centuries. Many Swiss insurance companies have been in business for more than 100 years—and *not one has ever failed.* They are all governed by the world's strictest insurance regulations and the same privacy and confidentiality laws that apply to Swiss bank accounts.

But is the Swiss Franc Retirement Plan *legal*? Absolutely! There are no U.S. laws whatsoever that prohibit Americans from investing their funds in a Swiss annuity. And neither is there anything "unpatriotic" about protecting yourself and your family from the destruction our government has wrought upon the dollar. Self-defense is more than your *right*—it's your *obligation*.

4 ■ The next step.

Will your insurance broker help you set up a Swiss Franc Retirement Plan? Not likely. He probably knows little or nothing about the subject.

But now there's an authoritative book that tells you everything you need to know. It's called *The*

Swiss Franc Retirement Plan.

Simply, clearly, in step-by-step "how-to" language, *The Swiss Franc Retirement Plan* spells out:

- Exactly what Swiss franc annuities are and how they work.
- The kinds of annuities available.
- How to obtain a policy tailored specifically for your needs.
- How to receive payments.
- Names and addresses of Swiss insurance companies.
- Forms you can tear out and mail to receive information and quotations from each company.
- Valuable charts and tables.
- A sample policy and application.
- And much more.

In short, *The Swiss Franc Retirement Plan* is the complete, comprehensive guide to Swiss franc annuities. It was researched and written by Jean-Pierre Bernard, a Swiss financial writer with many years' experience in this area.

5 ■ Unconditional money-back guarantee.

Here's what *Harry Browne*, best-selling financial writer and advisor, says about Swiss franc annuities in his classic *Complete Guide to Swiss Banks*:

"If there's runaway inflation in the U.S., all life insurance contracts and annuities would become nearly worthless. Since the Swiss franc is independent of the dollar, it isn't likely that hyper-inflation in the U.S. would spread to Switzerland. The Swiss contracts would hold their value."

To order your copy of *The Swiss Franc Retirement Plan*, just send a check or money order for \$19.95 to Kephart Communications, Inc., Dept. G140, 901 N. Washington St., Alexandria, VA 22314. The price includes postage and is tax-deductible. If you're dissatisfied with the book for any reason, simply return it within three weeks for a full and prompt refund.

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President Reagan Opposed To Limits On Political Action Committees

In early June, in a letter to Paul Weyrich, head of Coalitions for America, President Reagan came out strongly in opposition to legislation restricting PACs—political action committees.

The following is the entire text of the President's letter to Weyrich:

"Dear Paul:

"Thank you for your comments regarding bills which seek to limit the scope and effectiveness of political action committees.

"In my view, the growth of political action committees has enabled many thousands of people to increase their participation in the political process. One hallmark of such groups is that all contributions to them are, by law, entirely voluntary. This is a healthy situation. The freedom of all Americans to organize themselves voluntarily to affect the course of their government is a precious right.

"In the last Congress, almost all Republicans united in vigorous opposition to the Obey-Railsback bill, which would have placed new, rigid

limits on the right of citizens to contribute to political candidates through political action committees. The Senate did not pass this bill, which narrowly passed the House without any committee hearings and with severely limited debate.

"Because many of the supporters of this type of bill were not returned to the Congress, there seems little chance that either House would pass such legislation now.

"Our federal election law is so complex and burdensome currently that virtually every participant could be at the mercy of a selective enforcement process. It would be easy for enforcement officials to cite almost any candidate or committee for some technical infraction. That most certainly is not a healthy situation.

"Our election laws need to be simplified rather than made more burdensome. Citizen participation should be encouraged rather than limited. I would surely oppose any bill similar to the Obey-Railsback proposal."

False Predictions Of Marxism

Marxism claims to be a science, but this claim is ridiculous in light of the evidence. The validity of a science can be judged by the accuracy of the predictions to which that science leads. Consider some of Marx's predictions:

1. The industrialization of a country would inevitably lead to the impoverishment of the majority of its people and would create a revolution which, with possible rare exceptions, must be violent.
2. Workers in industrial plants would certainly become revolutionaries determined to overthrow the capitalist system.
3. The length of the working day in industries would inevitably increase.
4. War between socialist countries would be unthinkable, since capitalism is the cause of war.
5. Once the capitalist system had been overthrown, the temporary dictatorship necessary for the period of transition from capitalism to socialism would commence to wither away.
6. Once capitalism had been eliminated and replaced by socialism, human nature would start to lose its selfishness and to regenerate.

Since all these predictions are obviously wrong, Marxism is discredited as a science.—From the Christian Anti-Communism Crusade newsletter, July 1, 1980.

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D-8

Rep. Jim Collins' Amendment Seeks To End The Disaster Known As Forced Busing

By Rep. James M. Collins (R-Tex.)

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another...

Section 407, Civil Rights Act of 1964

Contradictory to what the landmark Civil Rights Act provided, U.S. federal courts have interpreted the law by consistently forcing cities all across the nation into desegregation plans based on busing.

The courts' self-appointed power of judicial intervention has caused an incessant uproar in our educational system. Through it, Dr. David Armour's problematic theory of "white flight" has become a reality. Furthermore, it has been a major factor in the loss of the tax base in cities such as Cleveland, New York and St. Louis.

In 1966, sociologist Dr. James S. Coleman of the University of Chicago authored a report for the U.S. Office of Education which then served as the main academic proof of the value of busing as a means to achieve school desegregation. His theory was based on findings that children from disadvantaged backgrounds performed somewhat better when they attended school with youngsters from more affluent homes. However, in 1975 new research and statistics compelled him to renounce his own theory. A new study he had conducted convinced him that desegregation had led to white flight and brought about the re-segregation of black youngsters.

In essence, busing was only a theory right from the start—a theory that the courts have treated as a constitutional right. As noted by former U.S. solicitor general Robert Bork,

"not a scintilla of evidence supports the argument that the framers and the ratifiers of the various amendments intended the judiciary to develop new individual rights, which correspondingly create new disabilities for democratic government.... Courts must



Rep. Collins

accept any value choice the legislature makes unless it clearly runs contrary to a choice made in the framing of the Constitution... a court that makes rather than implements value choices cannot be squared with the presuppositions of a democratic society."

Unfortunately, examples of the federal courts' overstepping their boundaries do not end with the busing controversy. Other examples include the overturning of the death penalty by several states and the expansion of the exclusionary rule in criminal cases. During the past 25 years, federal courts have enlarged the exclusionary rule by ordering that convicted killers be freed in instances where the police officer involved violated a new judicial standard which was not even known to the officer at the time of his action.

Raoul Berger's book *Government*

by *Judiciary* provides further evidence of how the courts are both making and implementing laws. Berger's thesis demonstrates the flaw in our form of government—the absence of a check or balance against incorrect actions by the judiciary.

As Congress's first attempt to end the negative effects of inconclusive judicial decisions, the Collins anti-busing amendment precludes the Department of Justice from using any appropriation to fund busing suits. The amendment is clearly constitutional for a number of reasons. It will prevent the Justice Department from going to court and asking for involuntary busing. It does not prevent them from seeking other remedies, such as magnet schools. Also, the amendment does not affect federal court jurisdiction in any way. And finally, a balance between the branches of government is preserved by the Collins amendment.

It is crucial that the Collins amendment be held constitutional for two reasons. First, Congress must somehow stop federal court judges' continued efforts to legislate in order to implement the changes they want to make. Second, this is a method of undoing previous legislative action by the federal courts without weakening the institution of the federal judiciary.

As the first major attempt by Congress to challenge the tyranny of the courts, the Collins amendment would be an effective means of putting the power vested in Congress back where it belongs—in its own hands. The outcome of this legislation is crucial.

ACTION: Write, wire or telephone your congressman and senators now and urge them to support the Collins amendment to stop forced busing.

Despite what is frequently alleged, the opposition to forced busing is not based primarily on racism. A recent Gallup poll taken for *Newsweek* magazine showed that half of the black population in America believes that forced busing "has caused more difficulties than it is worth."

We are interested in copies of any correspondence you receive back from your congressional representatives. Thank you.

Don't Be Fuelish - Stop Forced Busing

During the debate on the Senate floor in mid-June, I disclosed statistics showing the enormous cost of forced busing. Ordinarily, I do not include a great many statistics in this report, but in this case, I think you may want to study them and perhaps retain them for your files.



Sen. Helms

The information in each instance compared the school year 1969-70 with the latest available statistics in each county.

Here are the comparisons:

Charlotte-Mecklenburg County

In 1960-70, 267 school buses traveled 1,908,842 miles.

In 1980-81, 623 school buses traveled 6,660,762 miles.

In 1969-70, these school buses consumed 478,343 gallons of gasoline, costing \$47,448.

In 1980-81, these school buses consumed 1,312,071 gallons of gasoline, costing \$1,438,456.

Raleigh-Wake County

In 1969-70, 254 school buses traveled 1,676,925 miles.

In 1980-81, 587 school buses traveled 6,027,951 miles.

In 1969-70, these school buses consumed 332,855 gallons of gasoline, costing \$43,079.

In 1980-81, these school buses consumed 1,219,206

gallons of gasoline, costing \$1,264,849.

Greensboro-High Point-Guilford County

In 1969-70, 107 school buses traveled 593,176 miles.

In 1979-80 (figures for 1980-81 will not be available until mid-August), 610 school buses traveled 4,499,482 miles.

In 1969-70, these school buses consumed 131,817 gallons of gasoline, costing \$20,596.

In 1979-80, these school buses consumed 888,911 gallons of gasoline, costing \$711,002.

Winston-Salem-Forsyth County

In 1969-70, 208 school buses traveled 1,239,300 miles.

In 1980-81, 408 school buses traveled 4,651,800 miles.

In 1969-70, these school buses consumed 305,307 gallons of gasoline, costing \$37,089.

In 1980-81, these school buses consumed 895,630 gallons of gasoline, costing \$913,371.

Such a waste! And for what good purpose? None. In fact, as Senator Ervin and others have pointed out, forced busing has denied to hundreds of thousands of children their civil rights to attend the schools nearest their homes.

Finally, bear in mind that I have stated the statistics for only four metropolitan areas in North Carolina. If you project those figures to include all school districts in all 50 states, you can imagine the enormity of the waste of money, time and gasoline.

—Excerpt from a report to his constituents by Sen. Jesse Helms (R-N.C.).

Percy Hails Pro-Life Planned Parenthood

The George Orwell, Call Your Office Department: Earlier this year, the Alan Guttmacher Institute's *Washington Memo* reported on an appearance by Agency for International Development administrator **M. Peter McPherson** before the Western Hemisphere affiliates of the International Planned Parenthood Federation (IPPF). McPherson is quoted as telling this meeting that the U.S. government is "proud of what we have been able to contribute" (an increase in "population assistance" from \$190 million to \$253.3 million). At this same get-together, **Sen. Charles Percy (R-Ill.)** is reported to have praised the IPPF affiliates for being on the "cutting edge" (no pun intended, we're sure) of efforts to "ad-

vance family planning." The senator declared that the "population movement stems from a profound respect [are you seated?] for human life." **Randy Engel**, executive director of the U.S. Coalition for Life, asks us: "Can you believe this!" Our answer: No, we can't.

Tower Backs Platform

In response to those who have written him regarding **Sen. Howard Baker's** repudiation of the 1980 GOP platform (*CD*, May 1981), **Sen. John Tower** says, in a form letter: "I was also chairman of the committee which drafted the Republican platform last year, and I can assure you of my continuing desire to see its provisions implemented through legislation in the Congress and direc-

tives by the Reagan administration. I feel certain that Senator Baker agrees with me in this, and I am forwarding these cards on to him for his information."

Sen. Jepsen Backs Right-To-Work

Senator **Roger Jepsen (R-Iowa)** has introduced two bills to prohibit **compulsory unionism** for full-time students and for employees of the railroad and airline industries throughout the country.

Jepsen introduced the two measures on the 34th anniversary of the passage of the Taft-Hartley Act, which established compulsory unionism as a condition of employment unless such agreements are prohibited by state law.

Rev. Falwell 'Reasonable' Man, Says New NBC President; And Feds Continue Race Count

According to *TV Guide*, NBC's new chairman **Grant Tinker** is expected to depart sharply from some of the practices of his ousted predecessor, Fred Silverman. And at least one such sharp departure appears to be the abandonment of the smear campaign against those who believe TV can be improved. *TVG* quotes Tinker as saying: "I think that if TV were to clean up its act in terms of the programs it represents, to do a better job of programming, all the Reverend Falwells would go away."

Refusing to regard Moral Majority leader Falwell as a "censorious ogre," as *TVG* puts it, Tinker observes: "Maybe it's my Pollyanna nature, but I see in Falwell a kind of mild-mannered, friendly guy. Obviously, he has some goals that I don't exactly agree with. I see him as kind of reasonable."

Well, we see Mr. Tinker as kind of reasonable, too. And we applaud his open-mindedness. If you would like to share our applause, and let Mr. Tinker hear it—and we would urge you to do this—write him at: NBC, 30 Rockefeller Center, New York, N.Y. 10021. We'd be interested in seeing any correspondence you get in return.

'Color-Blind' Administration Counting Race Of Federal Employees

Despite President Reagan's vow that his administration would be "color-blind," the *Washington Post's* "Federal Diary" columnist, Mike Causey, reports that the U.S. government is in the midst of "one of the most ambitious racial/ethnic labeling exercises in history"—the purpose of which is to figure out the race or national origin of each of the nation's 2.8 million bureaucrats "without offending them."

The idea behind all this, says

Causey, is to help government better develop equal employment opportunity data, and to conform with Commerce Department race/ethnic guidelines. But, all has not gone swimmingly in the past. As Causey tells it:

"In the 1960s, the government shifted from an 'eyeballing' system, under which supervisors listed the race and ethnicity of employees,



Rev. Falwell

to a self-designation system. The results were embarrassing in a couple of places. Hundreds of State Department employees, who wouldn't know a peace pipe from a piece of pipe, said they were American Indians. It made State look awfully good in its affirmative action program, but did not do much to give an accurate picture of the makeup of the department."

Oh well, who cares? Just so nobody is offended, right?

Top Reagan Aide Is Pro-ERA, Pro-Abortion

The *Washington Post* has profiled President Reagan's new press spokesman, **David Gergen**, about whom we worried last issue because he is an other non-Reaganite Ford-Bush retread who has been elevated to an important administration posi-

tion. Says the *Post*: "He is also a former Southern Democrat and civil rights activist who supports Reagan's economic plan but also supports, much more quietly, the Equal Rights Amendment and 'personal choice' in the abortion debate." Gergen himself is quoted as saying that he voted for Hubert Humphrey in 1968, not Nixon. Gergen's wife reportedly voted for McGovern in 1972. The *Post* says of Gergen: "He is hardly a favorite of hard-line party conservatives." Heck, we don't even believe he would be a favorite of soft-line party conservatives.

Most Cops Against Gun Control

Despite the support of a few prominent police administrators, the vast majority of our nation's law enforcement officers oppose stricter **gun control**, according to a new monograph from the Second Amendment Foundation (SAF). The report, entitled *The Experts Speak Out: The Police View of Gun Control*, concludes that the police "want punishment for criminals, not meaningless laws against guns which would be obeyed only by innocent citizens." Written by law enforcement expert **Massad F. Ayoob**, the report includes interviews, opinion polls and personal anecdotes to show the perspective of the street cop, whom the report calls the "real expert on crime." Ayoob, who worked as a police officer for eight years before devoting himself exclusively to law enforcement research, is a nationally known writer and instructor on police work and firearms.

How About A Vegetable Liberation Movement?

The *U.S. News Washington Letter* reports that a new consumer fight is brewing, and it has to do with "animal rights." A number of vegetarians, Humane Society members and food-safety advocates, we are told, have banded together to push better treatment for slaughter-bound animals. These "pro-animal activists" claim the profit motive has a "nightmarish impact," causing operators—looking to hype sales—to use unfit ways to increase production.

Invertebrate Diplomacy

The other day, the premier of the Free Chinese government on Taiwan gave an interview to a correspondent of the *Washington Post*. The premier, Y.S. Sun, said, among other things, that he believed relations between Taiwan and the United States would improve now that the Reagan administration was in office. Did the Reagan administration send Mr. Sun a note of appreciation? Nope. The State Department hinted that Taiwan ought to keep its mouth shut, and the *Washington Post* blasted the Taiwanese for trying to cause trouble between the United States and Red China.

This is a bad business. What the liberals are doing toward Taiwan now is every bit as shortsighted as John Foster Dulles's refusal to shake hands with Chou En-lai. It also lacks backbone. Our recollection is that the Republicans wrote an actual campaign plank on this point, saying they "deplore" the way the Carter administration treated Taiwan. Presumably this meant that, if the Republicans got elected, they intended to improve relations with Free China.

Indeed, American policy toward Taiwan became during the course of the campaign a kind of symbol for how a Republican administration might treat other small, beleaguered states that had stood with us over the years. Washington would not be pushed around by the whims of Peking or Moscow and wouldn't seek to curry favor with the powerful by turning against its friends. We recognize the State Department itself never subscribed to this. But Mr. Reagan did, and it looks as if on Taiwan we've yet to find out who's the boss.

No one is calling for President Reagan to reverse the strides America has made in improving relations with the Red Chinese, nor are the Free Chinese seeking the reestablishment of an "official" tie with Washington of the sort that existed before January 1, 1979. The Taiwanese—to their great credit—are making out better without official ties than most nations manage to do with official ties. But there are some small steps the United States could take to improve relations with Taiwan, entirely within the framework of the Taiwan Relations Act.

One example is allowing Taiwan to open an "unofficial" consulate in Boston, one of the U.S. cities where it appears such an office would be helpful. The United States could also stop cringing, as it did the other day, every time Peking throws a tantrum. (Peking erupted when Larry Speakes, the White House press spokesman, used the phrase "Taiwan government" in a sentence saying the United States doesn't have a governmental relationship with it.)

These might sound like minor symbols. But it's important for the Reagan administration to help Taiwan on the small points now so that it will have an easier time helping Taiwan on the more important areas allowed under the Taiwan Relations Act, such as the sale of arms. It strikes us, too, that if the administration makes certain it has done everything it can for Taiwan, it will be able to proceed more confidently in its new and expanding relationship with the Communist Chinese government in Peking.

—Editorial in the *Wall Street Journal*, July 10, 1981.

The publication forecasts that the next step to be taken by these animal welfare groups will be to get a bill introduced in Congress "that would establish a committee to look into alleged abuses of pigs and chickens." But, we wonder, what about the rights of carrots and bean sprouts? And what's next? Federally funded shelters for battered pigs and abused chickens?

No Cancer Increase From Love Canal

The words "Love Canal" have become synonymous with corporate irresponsibility and ecological catastrophe. But a study by the New York State Health Department has found that the toxic wastes dumped into the Love Canal in Niagara Falls, N.Y., by the Hooker Chemical Company do not appear to have caused unusually high rates of cancer among the residents of the area. Dr. Dwight Janerich, director of the de-

partment's cancer control bureau, who led the study of reported cancers in all of New York from 1955 to 1977, says: "There isn't any evidence of an increased cancer rate associated with residents of Love Canal." He calls the Love Canal study "the most comprehensive data we have at this time."

Pot Is The Major Drug Problem

The retiring head of the Drug Enforcement Administration, Peter Bensinger, says that **marijuana** is the major drug problem in the United States and the last three administrations have ducked the issue. Says Bensinger, in an interview with the *Washington Star*: "Its effect on teenagers is alarming. I think it creates disrespect for law, greater dropouts from school, lower test scores, more accidents on the highways and other locations. The health issues and the criminal-associated costs just have

not captured the attention of principal policymakers."

Cheer Up, You Could Be The S.F. Coroner

And finally, if you think you have a tough job, consider the plight of **San Francisco coroner Boyd Stephens**. The *S.F. Chronicle* reports: "Faced with an alarming increase in injuries and deaths from **Sado-masochistic sex**, the San Francisco coroner is holding workshops in the gay community on 'S&M safety'—how to avoid serious bodily harm or death while engaging in pain-and-bondage type sex." Coroner Stephens says: "It's a very delicate matter, but we decided that instead of making value judgments or ignoring the problem, we should try to save lives." Stephens says that 10 percent of the city's homicides are S&M related. Presumably, the other 90 percent are caused by the failure of somebody somewhere to make a value judgment.

The Federal Rathole

Another Reaganite appointments problem: several Carter Administration retreads have been rehired For their old inspector general posts- and one Official predicts no big scandals will be found



By Don Lambro

The appointment of Carter administration retreads to the influential posts of inspectors general continues to elicit festering criticism from hardnosed government investigators.

The chief criticism leveled against most of them is that they did not distinguish themselves in the previous administration in the battle against waste and mismanagement.

Seemingly paralyzed by the wave of program abuses and outright thievery engulfing numerous agencies, Congress responded in 1978 by adding yet another layer of bureaucracy with the enactment of the Inspector General Act.

Inspectors general were placed in charge of audits and investigations in each of the Cabinet-level departments and some major agencies, along with additional staff investigators and assistant auditors.

How have the IGs performed since then? The answer is clouded at best, but the available evidence suggests they have not significantly curtailed abuses or made programs riddled with mismanagement work any better.

"None of them is extremely effective," said a veteran government investigator. "Most returns [to the taxpayer] come from good audit operations and not from investigations."

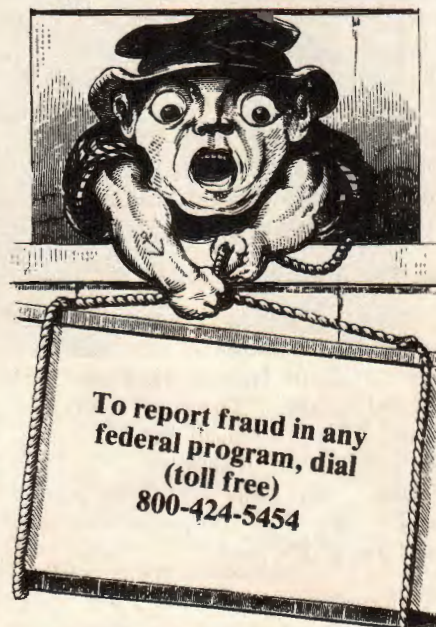
"Unfortunately," said one chief auditor, "even with the best IGs, many audits are not being followed up aggressively."

Shortly after taking office, President Reagan asked for the resignations of all IGs, suggesting that their performances would be reviewed and some might be rehired.

It was no secret that presidential

political adviser Lyn Nofziger vociferously argued against their retention, urging Reagan—elected on a promise of cleansing the bureaucracy of fraud and abuse—to pick his own team of IGs.

But Ed Harper, deputy director of



the Office of Management and Budget and head of the administration's antifraud coordinating council, successfully pushed for reinstating the IGs. Harper argued that they knew their turf and should be retained where possible because they were meant to be independent investigators within the bureaucracy.

How well these IGs know their turf is arguable. However, many of them are politically well-connected. Indeed, Harper complained that he was lobbied heavily by Democrats in Congress to keep the IGs in their present posts or shift them to other departments.

Believing he was making an investment in political harmony on Capitol Hill, Harper retained six Carter IGs and filled other IG ranks with lower-level Carter appointees.

The result is a front-line team of chief investigators whose political roots run deeply into the Carter administration. Few, if any, hold a deep sympathy for the programs and policies of the Reagan administration.

"The mistake," said one administration official, "was that when we fired these people, we hired them back."

Said another administration official who is critical of Harper's handling of Reagan's antifraud and abuse program:

"Are we not fooling ourselves that these [IGs] are not just regular political appointees? Carter picked people who are not known for their aggressiveness or independence. And we put them back in. I don't think any big scandals will be uncovered anywhere."

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Conservative Digest August 1981

Publisher

Continued from page 40

responsible manner. The White House sent a clear message to the pro-life, pro-family elements in Reagan's coalition. The nomination of Sandra O'Connor told us, in effect, that he is not concerned about the issues that persuaded people to vote for him. That's a strange way to build a political organization.

The President has been poorly served by members of his staff responsible for the appointment. The best way to describe the mistake is that it was unnecessary. There was no legitimate reason for the White House to alienate so many of his supporters, especially since the President will try to enlist those same people in getting his economic program enacted and in electing more Republicans in 1982 and 1984.

As an enthusiastic supporter of 90 percent of Reagan's actions, I will continue to back his programs while at the same time strongly opposing his nomination of Judge O'Connor. But I am afraid that there are millions of conservative Democrats, independents and very recently converted Republicans who might take the attitude, "Why should I help Ronald Reagan pass his agenda when he is not interested in my agenda?"

It grieves conservatives to criticize Reagan. His record so far has been brilliant. He cannot, by any stretch of the imagination, be accused of "betraying" his fellow conservatives. In appointing Judge O'Connor, he was keeping his campaign promise to name a woman to the court. But he should not have kept that promise by violating a more fundamental one. He could have

appointed another qualified woman with a solid anti-abortion record, someone like Rep. Marjorie S. Holt (R-Md.), who has eight years of judicial experience.

The nomination of Judge O'Connor was a rash act based on insufficient information. It is needlessly offensive to the President's strongest supporters. We may be mistaken. We would be pleased if the White House could prove that the President had access to better information than we have. But, unless there is evidence that Judge O'Connor has changed her mind on abortion and ERA, we must respectfully ask the President to withdraw her nomination.

Richard A. Viguerie

Richard A. Viguerie

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From the Publisher



President's Choice Of O'Connor Could Be Politically Damaging To New Republican Coalition

The following column appeared originally in the Los Angeles Times.

Conservative leaders are deeply concerned about President Reagan's first Supreme Court appointment, for the choice of Sandra Day O'Connor not only runs counter to the Republican Party platform but offends the ideals of many of the President's supporters and could in the end prove politically devastating for all Republicans.

The 1980 platform committed the Republican Party to "work for the appointment of judges at all levels of the judiciary who respect traditional family values and the sanctity of innocent human life."

Everyone understood what that meant: A Republican President was expected to use his appointing power to undo the Supreme Court's disastrous 1973 ruling in *Roe vs. Wade*, which virtually imposed "abortion on demand" on all 50 states.

Yet, in 1970, as an Arizona state senator, Reagan's justice-designate supported a bill providing for "abortion on demand" in her state. In 1973, she cosponsored a family-planning act that made contraceptives and abortions available to minors without parental consent. In 1974, she voted against an amendment to prohibit the performance of abortions at a tax-supported hospital. The same year, she voted against a resolution urging Congress to protect the unborn by extending constitutional rights to them.

So Mrs. O'Connor's record on abortion is unequivocal: She has actively favored it.

Whether she would still favor abortion on demand in 1981 is, of course, another question. People do change their minds, and we would welcome evidence that she has changed hers.

But in view of the gravity of the issue, the burden of proof remains on Judge O'Connor. Too many politicians have evaded the real issue by telling the public that they "personally oppose" abortion, then have voted to make destruction of the unborn easy and cheap. But at least politicians can be removed by the voters. Supreme Court justices cannot.

In the past, it has proved very hard for the justices to refrain from using their power to impose their personal views; after they are confirmed, there is very little to hold them back. We would welcome a very clear commitment by Judge O'Connor to the principle of judicial restraint, with special reference to the abortion issue.

Conservatives are also disturbed by Mrs. O'Connor's active support of the Equal Rights Amendment. Although most of us believe in the principle of "equality of rights under the law," we worry that "equality" has become a code word for imposing a liberal agenda on American public policy under the guise of "judicial interpretation." After all, many Americans have seen "equality" become so vague a concept that it now covers reverse discrimination.

Mrs. O'Connor's support of ERA suggests that she might follow the path of judicial activism set by the Warren court.

To be sure, conservatives are no more single-issue voters than anyone else. But, like the civil-rights workers and antiwar demonstrators of the 1960s, we recognize the moral priorities of certain issues. Abortion and ERA are especially pertinent litmus tests for candidates for our nation's highest court.

Politically, this nomination is devastating. The Republican Party has been trying to assemble an electoral majority at every level of gov-

ernment for the last 50 years. But only in the 1978 and 1980 elections did the Republicans begin to succeed. Well-entrenched liberal Democratic incumbents have begun to fall like autumn leaves in a windstorm. One of the reasons the Republicans captured control of the Senate, significantly increased their numbers in the House and elected a President last year was because a coalition had been put together under the leadership of the New Right.

Usually Republicans have tried to win elections by appealing to people on typically Republican economic issues—the balanced budget, tax incentives for businesses and reduced government regulation. On the average, only 45 percent of the electorate supported that platform.

But, in the mid-1970s, a new conservative leadership came onto the political scene to change the Republican Party.

These conservatives put together a coalition that included traditional Republicans plus Democrats, independents and nonvoters who were attracted not only by the Republican economic program but also by GOP positions on busing, abortion and pro-family issues. This coalition made the difference in 1978 Senate races such as those won by Gordon J. Humphrey (R-N.H.) and Roger W. Jepsen (R-Iowa), and in so many 1980 races that they cannot be listed.

It has been a concern to many New Right conservatives that Reagan has surrounded himself with aides who are either unaware of the coalition or uninterested in protecting and strengthening this conservative support.

Ours is a new and somewhat fragile coalition, and we have now seen it treated in a casual and ir-

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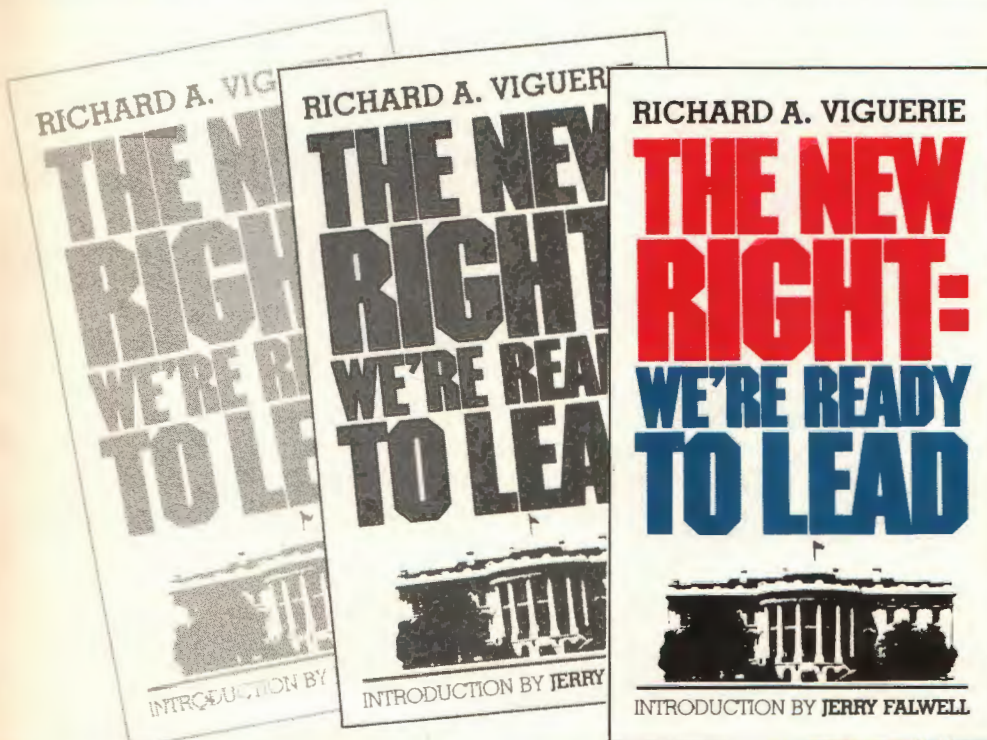
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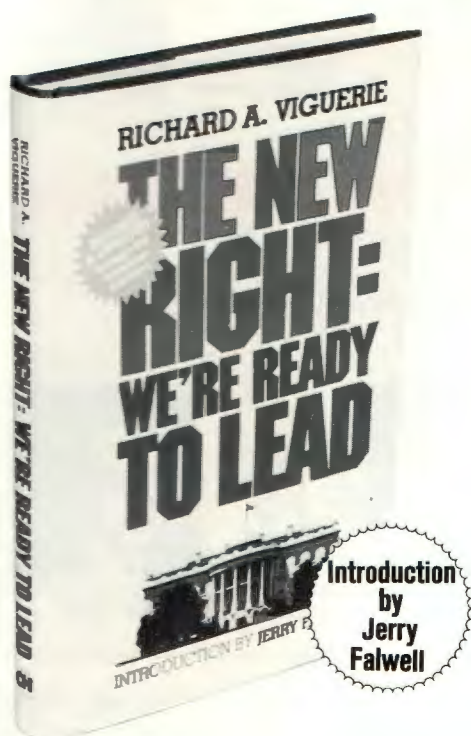
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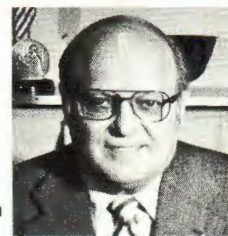
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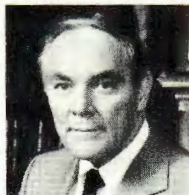
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USN (Ret.) Former Chairman
of the Joint Chiefs of Staff

Senator Jeremiah Denton, (R-Ala.)
Admiral USN (Ret.)

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Vol V, No. 3

Fall 1981

\$1.25

Hosea 4:6 "My people are destroyed for a lack of knowledge"



WHY SANDRA DAY O'CONNER?

... page 3

Why? Sandra O'Conner?

PRESERVATION COPY

DALLAS, September 3... 8 A.M. Overcast skies and reports of thunderstorms moving into the area with temperatures in the humid 90s set the stage. Yet, by 1:30 P.M. the sun had broken through the clouds and bathed the city in clear, crisp light as over 6,000 people gathered at the Dallas Convention Center for a Rally for Life. During the more than 9 hours of workshops and speeches about family, marriage, children and abortion, the call went out for a thorough examination of the record of Sandra Day O'Conner, nominee to the U.S. Supreme Court. (Editor's Note: As we go to press, hearings have been held in the Senate Judiciary Committee and unfortunately, the information made available to the Dallas Rally for Life audience seems to be omitted, and the nominee treated with kid gloves.)

Just prior to the rally, the various speakers and leaders from several states met together. Nellie Grey of the *National March for Life* made the comment as she surveyed the room that this was the putting together of all the pieces of a big puzzle. Together in that room were black and white, Catholic, Jew and Protestant, young and old, Democrat and Republican, immigrant and country-club member, laborer and millionaire. "We are a movement!" she concluded.

The reason for the gathering went back to a muggy July day during the final days of the struggle for President Reagan's budget cuts. Americans were awakened with the news that a woman, Sandra Day O'Conner, would be appointed to the U.S. Supreme Court. Almost immediately, various aspects of American political life from Senator Goldwater, Mrs. O'Conner's Senator, to Senator Howard Metzenbaum lent their support. And yet, a small voice of concern and caution was heard. Sandra Day O'Conner, possible Justice of the U.S. Supreme Court was not all she appeared to be. Cognizant of the awesomeness of appointing someone who could, like Justice William O. Douglas affect American life for 40 years and sit through as many as 7 Presidents, a coalition of pro-family groups called for a careful look at Mrs. O'Conner's record. This small group of men and women grew stronger in their cries of concern as her record unfolded. One of the group, Bill Bill-

ings of National Christian Action went to Arizona and for five days thoroughly researched Mrs. O'Conner's record (The administration, prior to this, had spent no more than 2 hours looking at her State Senate record.). The record showed that Mrs. O'Conner had voted 4 times for abortion — 4-29-70, 2-8-73, 4-23-74 and 5-74, once for ERA — 4-1-74 and twice to weaken pornography laws — 4-21 and 1-28 of 1971. Also in 1971 she co-sponsored a bill to establish state-run kindergartens and voted to weaken a crime control bill. In 1972 O'Conner introduced legislation creating more bureaucracy. In addition, there were areas of possible conflict-of-interest and ethical considerations—votes on banking bills, medicaid, automobile dealers (her husband at this time was a director of two auto dealers) and air pollution when her husband's firm represented one of the prime contributors to Arizona's air pollution problems. Mrs. O'Conner has listed her wealth which exceeds a million, most of which is from extensive land ownings in the southwest corner of the state.

With the majority of the Senate seemingly going along with the nomination, what hope was there that a thorough and careful examination would be made and what seemed to be a costly mistake, rectified? (There was strong evidence that Reagan had not been told everything). Out of the coalition emerged Eddie McAteer, National Director of the Roundtable. With little more than 4 weeks before the confirmation hearings, he started to work. Getting commitments from the rest of the coalition that they would join with him in a show for concern, McAteer called for a rally of concerned Americans to meet in Dallas on September 3. Little was reported in the major news media so it was by word of mouth that people showed up at the Dallas Convention Center that hot and humid day to hear what Mrs. O'Conner was all about and to learn more about the issues facing the survival of the family.

Paul Weyrich, President of the Committee for the Survival of a Free Congress noted in his presentation that, "As usual, the people are ahead of the politicians." Television evangelist, James Robinson challenged the audience with, "It is not enough to come cheer your convictions—you must do something!" He then charged that, as



Dr. Mildred Jefferson, Pro-Life leader.



Connie Marshner and Paul Weyrich at Dallas Rally for Life.



regards the problems in America today, "silent pulpits are the cause. The time has come to stop this liberal tendency which is strangling this nation."

Connie Marshner, Editor of the *Family Protection Report* noted that the margin of victory in 1980 for many U.S. Senators and Congressmen and the President himself was provided by the 5 million newly registered Christian voters and the cross-over of Democrats who voted for Reagan for the first time because of his concern for the family.

Dr. Carolyn Gerster, former head of the *National Right to Life Committee* and resident of Arizona questioned Sandra O'Conners' truthfulness in response to questions by the administration. (O'Conner had said she was on a friendly basis with Gerster when in fact they were adversaries). Also raised at the rally was Sandra O'Conners sponsorship of a resolution to place women in COMBAT (Not just the draft, but COMBAT.). This recommendation was made when she was serving on an advisory committee for women in the armed forces.

With all the disturbing questions raised at the rally, participants were encouraged to contact their senators and the Senate Judiciary Committee asking for a full investigation.

Meanwhile, all across Missouri press conferences were being held asking many of the same questions. A coalition of many different groups joined together to express their concerns. Brought out in the St. Louis news conference held at the Bel-Air Hilton was an article pertaining to Mrs. O'Conner's record as a judge. In a vote reflecting judicial competency taken in 1978 by the Arizona Bar, Mrs. O'Conner placed last, and in 1980 she finished next to last. Elaine Middendorf, Chairman of *Eagle Forum* called upon the Judiciary Committee to treat Mrs. O'Conner just like it would a male nominee and to not play games with such an important and far reaching appointment. (Editor's Note: Immediate action is needed—let your two senators—Eagleton and Danforth c/o Senate Office Building, Washington, D.C. 20515 know of your concern.)



St. Louis News Conference with Coalition opposing nomination.

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

September 1, 1981

MEMORANDUM

TO: Lyn
FROM: Joanie

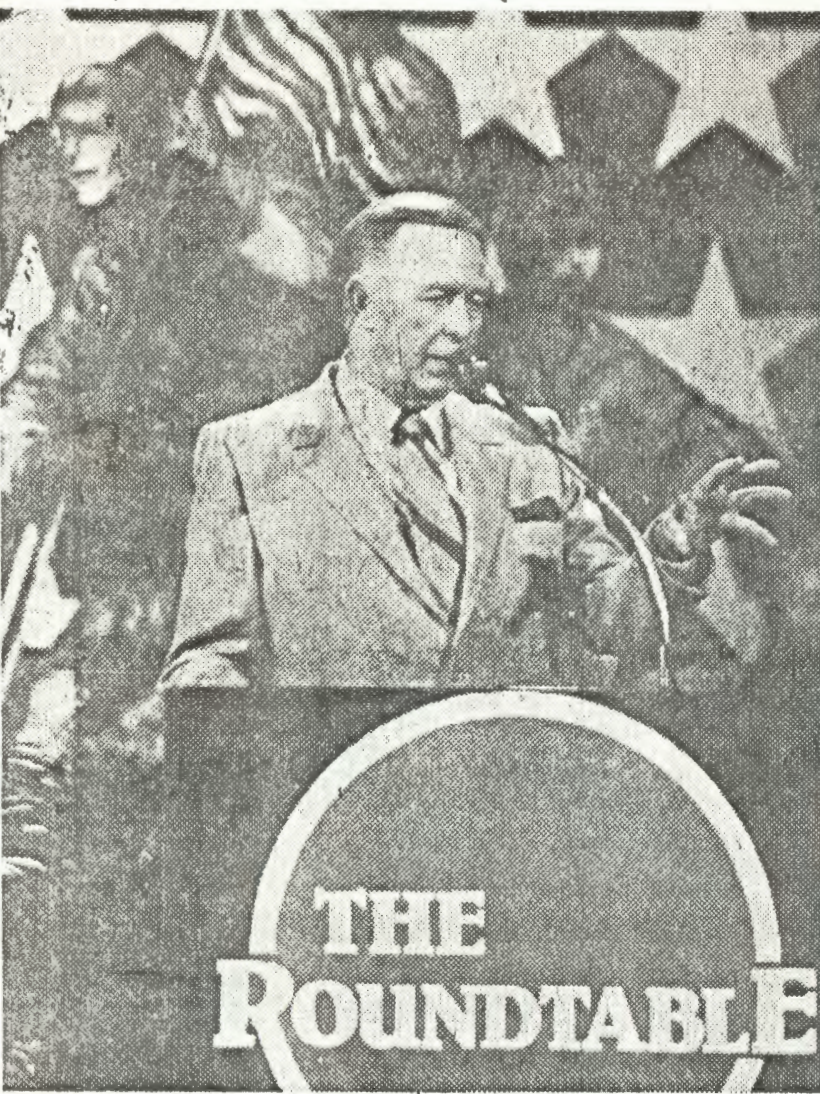
Father Fiore called re the O'Conner nomination. He says he honestly feels that either the President has been misled on O'Conner or the pro-life people are getting bad information. He feels a meeting between the pro-life people and the President would help to clear things up. He can be reached at:

608-233-2599 or

608-271-2681

Supreme Court

*Morton Blackwell
your baby
P*



Edward E. McAteer, president of the Religious Roundtable, addressing the Rally for Life yesterday in Dallas. Participants attacked the nomination of Sandra Day O'Connor to the High Court because of her record on abortion.

Nomination of Judge O'Connor Is Protested at Anti-Abortion Rally

By ADAM CLYMER
Special to The New York Times

DALLAS, Sept. 3 — While other anti-abortion leaders and representatives of broadly based conservative organizations attacked the nomination of Sandra Day O'Connor to the Supreme Court, Jerry Falwell, president of Moral Majority, insisted today that it was too early to take a stand.

Speakers at a daylong "Rally for Life," who had hoped for an evening audience of more than 10,000, abandoned plans to avoid direct attacks on the nominee an Arizona Appeals Court judge, after it became clear that some featured participants would not hedge their comments.

Edward E. McAteer, president of the sponsoring Religious Roundtable, began the proceedings by attacking Judge O'Connor at a news conference. He insisted that her "public record is one of consistent and unequivocal support of abortion."

Mr. McAteer, whose diplomatic talents have sometimes bridged gaps between other religious groups loosely allied to the so-called new right, suggested that Judge O'Connor had tried to conceal her pro-abortion voting record in the Arizona Legislature in her dealings with the Reagan Administration.

Broken Promises Charged

Howard W. Phillips, national director of the Conservative Caucus, said the nomination suggested that President Reagan had broken his promises to appoint judges who opposed abortion.

"It appears," he said, "that the solemn vows have been violated."

Several speakers from specifically anti-abortion organizations joined in the attacks.

Then Mr. Falwell arrived and began a

news conference by saying that the rally "is not, as far as I'm concerned, and I think I am speaking for everyone else, a meeting convened for the purpose of opposing Judge O'Connor—or in any way taking a position for or against her confirmation."

He said he would take no stand until the Senate hearings on her nomination, scheduled to begin next Wednesday in Washington, were completed.

Questions on Judge's Record

The Rev. James Robison, another prominent evangelist, stopped short of opposing Judge O'Connor outright. But he said her record raised very serious

questions. "We need an answer," he said, adding that the appointment "could prove to be one of the most damaging" Mr. Reagan had made.

The approaches here reflect differing political judgments within the conservative camp. Leaders of some organizations have said privately that they do not want to make an all-out stand against the nomination because they expect it to be approved without much difficulty and they do not want to appear weak.

But others, such as Peter Gemma Jr., executive director of the National Pro-Life Action Committee, have taken the nomination of someone with less than an

absolute record of opposition to abortion as an affront.

"We're made to look like fools," Mr. Gemma said. "That's why we're so angry. Reagan bends over backwards to please those who have something against him."

Judge O'Connor has said she is personally opposed to abortion but has declined to discuss her votes on abortion.

Mr. Gemma told the final seminar sessions that opponents of abortion, in view of the Supreme Court nomination, should be asking: "If Ronald Reagan let us down when we needed him most, why should we be there when he calls on us again?"

Little Impact Is Found From Abortion Curb

Continued From Page A1

women had abortions paid for by state Medicaid funds and 29 percent used other sources of financing, including private finances, clinic subsidies and philanthropic donations.

14,000 Births Among Group

About 5 percent of the women who might have sought abortions before the Hyde Amendment went into effect continued their pregnancies to term, resulting in an estimated 14,000 births, and only 1 percent resorted to illegal or self-induced abortions, Dr. Cates found.

In the states that continued Medicaid financing for abortions, nearly 98 percent of the women who sought an abortion obtained one, according to the study. Only 2 percent had their babies

and less than 1 percent had an illegal abortion, the report said. These states accounted for 85 percent of the Medicaid-financed abortions. They include New York and California, where half of the nation's Medicaid abortions are performed.

According to Richard Lincoln, vice president of the Alan Guttmacher Institute, a nonprofit family planning research agency, "the Hyde Amendment has been a source of great frustration to the Right-to-Life movement because it hasn't affected the number of abortions much at all. It's just made it much more difficult for women most in need of abortions to get them and made it impossible for some."

However, Dr. John C. Willke, president of the National Right-to-Life Committee, a major force behind the Hyde Amendment, said: "The prime purpose

of the Hyde Amendment was to take the Government out of the business of paying for the killing of unborn babies. Government funding legitimizes this killing in the minds of many people. We realized that many women would find other means of financing abortions."

In the fiscal year 1977, before the Hyde Amendment took effect, 1.3 million abortions were performed in the United States. Of those abortions, 295,000, or about one-fourth, were obtained by low-income women and paid for by a combination of state and Federal Medicaid funds.

The amendment, sponsored by Representative Henry J. Hyde, Republican of Illinois, restricted Federal funds to those abortions done to save the woman's life, to prevent "severe and long-lasting physical health damage" to the woman and to terminate pregnancies resulting from rape or incest.

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