ID # 037828

FG051

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

M Lutting
01 SEP 1981

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81/08/28

Name of Correspondent: David R. Brink

☑ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Encloses report with recommendations opposing legislative curtailment of the jurisdiction of the Supreme Court of the U.S. & the inferior federal courts for the purpose of effecting changes in constitutional law.

ROUTE TO: Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
✓ CU Fiel	ORIGINATOR	81/08/31	FF	A	81/09/11 DD
CU AT 07	Referral Note: D	81/09/01		C	81/09/11 DD
	Referral Note:	/ /			/ /
	Referral Note:	/ /			/ /
	Referral Note:	/ /			/ /
	Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
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SEP 4 1981

Comments: Return to Central Files

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5/81

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Prime Subject Code: FG 051-__ Secondary Subject Codes: JL 007-__ RS ___-__
LE ___-__ __ ___-__
FE 002-__ __ ___-__

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C __ __	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

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- H - Handcarried
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- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

September 11, 1981

Dear Mr. ~~Brink~~ David:

I was asked to respond to your letter of August 24 to the President, apprising him of the House of Delegates resolution in opposition to efforts to statutorily restrict the jurisdiction of the federal courts. I appreciate very much your taking the time to forward your legal and policy evaluations of the proposals. As both your letter and the Report of the Special Committee to the House of Delegates note, the various proposals are provocative and the question of their constitutionality is a difficult one. The Administration likely will be obliged at some point to take a legal, if not policy, position on one or more of the proposed restrictions. The greater the number of informed judgements that we have at that juncture, of course, the better are we able to respond.

Again, thank you for your letter. You have my assurance that your personal assessment and that of the American Bar Association as a whole will be channeled to the appropriate persons within the Administration.

Sincerely,

Fred F. Fielding
Counsel to the President

David R. Brink, Esq.
President
American Bar Association
1800 M Street, N.W.
Washington, D.C. 20036

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 11, 1981

FOR: FRED F. FIELDING

FROM: J. MICHAEL LUTTIG J.M.L.

SUBJECT: Response to American Bar Association President

David R. Brink, President of the American Bar Association, wrote the President to apprise him of the House of Delegates resolution in opposition to efforts to restrict the jurisdiction of the federal courts and to express his personal judgement on the issue. In offering his personal, legal judgement he neither acknowledges that a number of proposals are pending, nor that some of them clearly are within the authority of Congress. In short, he paints only with broad strokes. His letter seems to merit only a letter of acknowledgement. Attached for your review and signature is such a letter.

Attachment

1/31

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
DAVID R. BRINK
AMERICAN BAR CENTER
CHICAGO, ILLINOIS 60637
TELEPHONE: 312 / 947-4042

PLEASE REPLY TO:
1800 M STREET. N.W.
WASHINGTON, D. C. 20036

August 24, 1981

F. Fielding

037828

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

Dear Mr. President:

On August 11, the House of Delegates of the American Bar Association overwhelmingly approved a resolution opposing congressional curtailment of the jurisdiction of the Supreme Court or the inferior Federal courts for the purpose of effecting changes in constitutional law. This resolution was brought to the House of Delegates because of the many bills which are pending in Congress to strip the Federal courts of jurisdiction to hear cases on controversial subjects such as busing, school prayer and abortion. A copy of the resolution, and a copy of the report which accompanied it before the House of Delegates are enclosed.

At best the pending legislation is of questionable constitutionality, but in any event it is, in my judgment, expressive of an extremely poor policy with serious, adverse implications for the future. If lawmakers, or others, believe our Constitution, as interpreted by the branch of government to which its interpretation was entrusted is wrong, the answer lies either in the appellate judicial process itself or in the amendment of the Constitution by the means provided in that Constitution. Anything else represents a change in our basic system of government that might please some persons today and be used tomorrow to destroy things in our system that the same persons hold dear.

Although the Secretary of the Association will formally advise you of the action taken by our House of Delegates, because of the grave importance of the subject, the fact that it will again be before the Senate immediately upon the reconvening of the Congress, and my strong support for the action of the House of Delegates, I personally call it to your attention and urge your assistance in defeating any such legislation.

Sincerely,

David R. Brink

David R. Brink

DRB:eg

Enclosures.

REPORT WITH RECOMMENDATION

AMERICAN BAR ASSOCIATION
REPORT TO THE
HOUSE OF DELEGATES

SPECIAL COMMITTEE ON COORDINATION OF
FEDERAL JUDICIAL IMPROVEMENTS

RECOMMENDATION

BE IT RESOLVED, that the American Bar Association opposes the legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior federal courts for the purpose of effecting changes in constitutional law.

REPORT

Before the 97th Congress are more than a score of bills which would strip from the original jurisdiction of the lower federal courts certain subject areas involving controversial decisions of the Supreme Court of the United States, notably abortion, school prayers, and busing. Enactment of such legislation would require persons claiming rights under one or another of these decisions to bring suit in state courts. Moreover, several of these bills would deny the Supreme Court appellate jurisdiction to review the decisions of the state courts with respect to those issues that could be brought only in the state courts.

Sponsors of these bills clearly avow that their purpose is to bring about an altering of the constitutional interpretations that now prevail. The belief is apparently that state courts, if given exclusive power to decide such suits without fear of Supreme Court review, will not follow the precedents established in these areas by the Nation's highest Court.

The Committee recommends to the Association the adoption of this resolution because of one overriding conviction: the necessity to protect the integrity of the courts of this Nation, federal and state, from misdirected legislative efforts to achieve something that can be done only through constitutional amendment. The issue is not abortion; it is not busing; it is not prayer in the public schools; it is not any of a number of things that may occasion dissatisfaction with particular decisions. We are sure that the Members of the Association have many various positions on these substantive questions, as we do. But the real issue, the only issue, is whether, as a matter of policy and of constitutional permissibility, this Nation is going to adopt a device whereby each time a decision of the Supreme Court or a lower federal court offends a majority of both Houses of Congress the jurisdiction of the federal courts to hear that issue will be stripped away. We do not believe that is a system the Framers intended nor one that we should strive to institute.

Supreme Court decisions interpreting the Constitution establish binding precedents which are subject to alteration by the people through the process of constitutional amendment. The Framers provided in Article V a means of changing the Constitution and deliberately made it difficult to achieve. The "leaden-footed process of constitutional amendment," as Justice Frankfurter called it, with the requirement of extraordinary majorities in Congress and among the States, was designed to make sure that transient majorities could not easily change our fundamental law. Are we to believe that after constructing this formidable barrier to easy change, the Framers intentionally or inadvertently also put in place a system in which simple majorities could bring about a rewriting of constitutional law?

The American Bar Association has long opposed efforts, from whatever spectrum of the political scene, to alter constitutional interpretation through means other than constitutional amendment. We stood in opposition to the "Court-packing" plan of the late 1930's, which would have altered prevailing law by stacking the Court's membership. More than thirty years ago we called for the adoption of assurance that jurisdictional manipulation would not and could not be used to work substantive changes in the Constitution. In 1958, the Association opposed bills pending in Congress that would have denied the Supreme Court review of decisions involving alleged subversives in various fields. That policy is Association policy today and the Committee calls on the House to reaffirm it and extend it.

Central to this position is recognition of the great power which Congress possesses under the Constitution to structure and to allocate the jurisdiction of the Supreme Court to hear appeals and the jurisdiction of the lower federal courts - and of the limits on that power. Article III stipulates that the High Court has appellate jurisdiction over practically the entire range of federal judicial matters, subject to such "exceptions and regulations" as Congress provides. Clearly, then, Congress may regulate how cases come to the Court and could deny the Court appellate jurisdiction over some classes of cases altogether, as in fact it has historically done. It could, for example, make a lower federal court's decisions with respect to interpretation of the tax laws or admiralty issues final.

Even greater is Congress' power with respect to the lower federal courts. The compromise at the Constitutional Convention was to create "one Supreme Court" and to leave in legislative discretion whether and when to create and to do away with any "inferior" federal courts. Some of the Framers wanted constitutional assurance of lower courts, but the prevailing number thought that Congress should be able to leave to state court adjudication matters of national interest, subject to Supreme Court review. And to safeguard the national interest and the integrity of constitutional rights, the Framers wrote in Article VI, the "Supremacy Clause," the guarantee that the Constitution, federal laws, and treaties would be the "supreme law of the land" and that "the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Moreover, the same Article requires state judges, as well as all other state officers, to be bound by oath or affirmation to support the Constitution of the United States.

Necessarily, it follows that if the Constitution empowers Congress to provide or not to provide for lower federal courts, it empowers Congress to vest in such lower federal courts that it creates all or only some of the jurisdiction it could give and thus to allocate between state and federal courts the judicial power of the Nation in such ways as it deems to serve the best interests of the States and the Nation. That has been the understanding from the beginning on which Congress has acted and the decisions of the United States Supreme Court are consistent in affirming the correctness of that understanding.

It is thus not with any reservations with respect to congressional power generally that the Committee recommends this resolution. Rather, we are actuated by specific constitutional reservations, more substantial as to Supreme Court appellate jurisdiction than as to lower federal court jurisdiction, and by what we believe to be compelling policy considerations against the propriety and desirability of the bills now pending before Congress.

Even were the constitutional considerations compellingly clear in favor of the validity of these bills, as they are not, we would urge opposition.

First, if it is likely, as we by no means concede it is, that the meaning ascribed to a constitutional provision can be changed by the simple device of divesting jurisdiction from one set of courts and giving it to another, then indeed we have a Constitution writ on sand and the integrity of our amending process is eroded. It is central to our fundamental Charter that ordinary legislation can be changed through ordinary legislation and the Constitution only through amendment. We should resoundingly reject the counsel of those who tell us there is another way. Down that route lie barely-hidden hazards to constitutional governance.

Second, to accept the explicit judgment of the sponsors of these bills that shifting jurisdiction will result in substantive change requires us to dishonor the thousands of state judges who by oath and conscience are bound to adhere to established precedent enunciated by the Supreme Court. We do not doubt that the great majority of state judges will do their duty. Nonetheless, this legislation is pernicious in concept even if it does not achieve its purpose.

It is bad because it suggests state judges will depart from their oaths. It is bad because it constitutes a congressional invitation to them to depart from their oaths; it says to state judges that Congress believes some decisions are so wrong they ought to be changed and those judges should do it. It is wrong because hundreds or thousands of state judges who are subject to periodic elections will be put in peril. The same interest groups that extract from an elected Congress jurisdictional alterations will demand from elected state judiciaries that they accept the congressional invitation to change. Federal judges are insulated from this and other pressures; the Framers deliberately provided for independence to prevent just these pressures. Congress should not subject state judges to often hard choices between oath and career.

Finally, if most state judges honor their oaths, the status of the objected-to constitutional decisions will be frozen in place. The Supreme Court cannot hear such cases and perhaps overrule them or alter them in any way. And as new fact situations arise, state court interpretations will begin to create somewhat different rules which will vary from State to State.

Third, either because of disagreement with the substance of these decisions or because of electoral pressures, some state judges may indeed accept the invitation of Congress and refuse to follow Supreme Court precedent. Because there would be no Supreme Court review, in those States federal constitutional law would change and the Constitution would mean something different from State to State. This result would be pernicious because fundamental liberties - whether the ones which are the subjects

of these bills or others in the future if these succeed - will have been altered in some States and depreciated in all because of the demonstration that, contrary to what we have always believed, constitutional rights are subject to evanescent majority opinion. While the constitutional rights at peril today may not be valued by some, those at peril tomorrow may be freedom of speech, or just compensation for property taken for public use, or the guarantee against impairment of the obligation of contracts.

Even were Congress to adopt an approach, which is found in a few of the pending bills, of depriving the lower federal courts of jurisdiction and continuing Supreme Court review of state court decisions in those areas, we believe that should be opposed as well. Basic to that effect would be a conclusion that alteration of substantive law could still be achieved which contains the same insult to state judges and the same possible injury to them. Supreme Court review could always alleviate some of the problem should some state judges depart from precedent, but the High Court's caseload is such that it could insure adherence to precedent only by taking an inordinate number of state cases in these areas to the neglect of its many other functions in interpreting national law.

Certainly, in the absence of Supreme Court review, the command of the Supremacy Clause that the Constitution be the "supreme law of the land" could become a nullity. Since the adoption of the Judiciary Act of 1789, a constant feature of the history of federal court jurisdiction in this country, upon which the Nation continues to depend, has been the review by the United States Supreme Court of state court interpretations on questions of federal constitutional law. If, as Justice Holmes reminded us, a page of history is worth a volume of logic, that singular fact stands as a practically unanswerable argument against jurisdictional legislation that would remove Supreme Court review of state court interpretation of the Constitution.

With regard to the constitutional validity of these bills, the Committee doubts that, with respect to the Supreme Court's appellate jurisdiction, they can be sustained as proper "exceptions and regulations" and we have reservations about the bills' divestitures of lower federal court jurisdiction as well. Numerous arguments have been addressed to the question, some based on theories of the "essential functions" of the federal courts, some on equal protection concepts governing the decision to restrict jurisdiction over certain disfavored issues, but we believe the correct analysis to be grounded upon what limits the Constitution itself places upon congressional exercise

of any of its granted powers. The Constitution explicitly authorizes Congress to make exceptions to the Supreme Court's appellate jurisdiction and implicitly to determine what, if any, jurisdiction the lower federal courts are to have. Proponents of these bills read these authorizations not only as if they are plenary powers but as if they are completely unrestrained. But this cannot be so. The Constitution authorizes Congress to regulate interstate commerce, to tax, to spend money, to create a postal system. None of these powers is conferred in language that then says, "but you cannot regulate commerce to deny the right to transport political literature across state lines," or "but you cannot bar from the mails newspapers that oppose the position of the majority in Congress." Rather, these powers are conferred in the manner in which Chief Justice Marshall described the commerce power in Gibbons v. Ogden. "This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution."

Just so is the power to structure jurisdiction. It is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution. And what is prescribed in the Constitution? The First Amendment, the Fourth Amendment, and the Fifth Amendment, and all the other limitations upon the powers conferred on Congress in other parts of the Constitution obviously are those limitations. They restrain the power of Congress to legislate with respect to other constitutional provisions under granting clauses which would appear on their face to be unlimited. To construe the congressional power to structure jurisdiction the way the proponents would construe it would be to make it the only power conferred on Congress that is beyond the constraints of other provisions of the Constitution. Obviously, this cannot be so.

Important to this issue is the fact that while the authorization to Congress to structure the jurisdiction of the courts is contained in the body of the Constitution adopted in 1789, the relevant limitations are in the Bill of Rights, proposed and adopted in 1791, which are operative as to all of Congress' powers conferred in the Constitution itself. Thus, even if the Framers in the Convention did not conceive of the jurisdictional powers being limited, although it is likely they did, adoption of the Bill of Rights did so limit them. Madison, we must remember, stated in the House of Representatives on June 8, 1789, that the amendments he proposed would not be "parchment barriers" to federal action, because "independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights."

No Supreme Court precedent stands in the way of this reading. The McCardle case (1869) is of limited value, not only because it arose in the context of post-Civil War radicalism, but because, as the Court plainly stated, it did not bar all access to the Supreme Court but only one avenue of appellate review. Within three years of McCardle, the Court in the Klein case (1872) held unconstitutional an attempted exer-

cise of congressional power over its jurisdiction for the purpose of nullifying the President's pardoning power. Certainly, McCardle lends support to the proponents of these bills but far less support than they pretend.

The only complexity that enters into the argument is that when Congress removes from the jurisdiction of the federal courts an issue it does not by that act alone violate one of the constitutional constraints. That is to say, when it denies to the lower federal courts and to the Supreme Court authority to hear a suit arising out of the institution of a prayer in the public schools, it does not establish a religion. The establishment clause is violated when some state or local authority imposes a prayer requirement and a state court refuses to follow Supreme Court precedent and to strike down the imposition. But just as Congress could not itself violate the establishment clause it cannot authorize the States to violate the establishment clause. The authorization when acted on in the jurisdictional context would violate the establishment clause and could not validly prevent exercise of the Supreme Court's appellate jurisdiction to give a remedy for the violation. The congressional jurisdiction provision would be void.

We think it plain that the Constitution thus bars a manipulation of the Supreme Court's appellate jurisdiction for the purpose of effecting substantive changes in constitutional law. More difficult is resolution of the issue when what Congress enacts takes from the federal and gives to the state courts jurisdiction to entertain such suits subject to Supreme Court review. Theoretically, High Court review should prevent effectuation of the forbidden constitutional change and save the statute. But it may be that the practical difficulties of Supreme Court review do not allow for adequate protection of constitutional rights under the circumstances. It may be that state legislatures would restrict state court jurisdiction and powers to afford adequate relief or to process cases that can be taken to the Supreme Court with sufficient promptness to protect rights. It may be that other unforeseen situations arise. In that eventuality, can it be doubted that serious constitutional questions would arise?

Because the policy considerations are so substantial and because the constitutional propriety of these bills is open to such serious reservations, we urge the House to adopt as the position of the Association a simple, forthright policy: to oppose the curtailment of the jurisdiction of the federal courts for the purpose of effecting constitutional change that is properly the province only of the amending process. Irrespective of the subject involved and regardless of our individual beliefs with respect to any of them, the overriding consideration is that we support the integrity and independence of federal courts, whether we agree with particular decisions or not, and that we support the integrity and inviolability of the amending process.

We ask reaffirmation of the principle that Elihu Root, leader of the American bar, enunciated in 1912. "If the people of our country yield to the impatience which would destroy the system that alone makes effective

these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming, we shall not be making progress, but shall be exhibiting... the lack of that self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they have struck the impulse of the moment."

In Number 78 of The Federalist, Alexander Hamilton explained that federal judges had been given the maximum degree of independence and protection possible because they had a critical function to perform. They must assure, he said, that the limitations on legislative authority are enforced. "Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing."

We do not believe the great rights set out in the First, Fourth, Fifth, and other provisions of the Constitution "amount to nothing." We deem it critical to their continued meaningfulness that these bills under consideration and others like them be defeated.

Respectfully submitted

Richard R. Bostwick
W. Gibson Harris
Elaine R. Jones
Johnny H. Killian
Hon. Harry Phillips
Hon. H. Barefoot Sanders
Irving R. Segal
Benjamin L. Zelenko
Edward I. Cutler, Chairman

August 1981

Dg

ID # 037865
FG051

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81/08/28

Name of Correspondent: Ed Fredricks

☑ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Writes concerning the appointment of Judge Sandra O'Connor to the Supreme Court.

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION Type of Response	Code	Completion Date YY/MM/DD
✓ IA Pearce	ORIGINATOR	81/08/31	WHS	S	81/09/05 CH
✓ CORR Higgins	Referral Note:				
	R CH	81/09/08		_	/ /
Lyn Nofziger	Referral Note:				
	_	/ /		_	/ /
	Referral Note:				
	_	/ /		_	/ /
	Referral Note:				
	_	/ /		_	/ /
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Prime Subject Code: FG 051-__ Secondary Subject Codes: WE 003-__ __ ____-__

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PRESIDENTIAL REPLY

Code	Date	Comment	Form

C __ __ _____ Time: _____ P- _____

DSP _____ Time: _____ Media: ____

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- n - 0 - Unknown
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- n - 6 - Ronald
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- n - 1 - Nancy Reagan
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- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

September 27, 1981

The Honorable Ed Fredericks
State Capitol
Lansing, MI 48909

Dear Ed:

We appreciate your August 25th letter to the President.

As you know, Mrs. O'Connor is now Justice O'Connor. I have talked to her personally, and I find that she certainly is a long way from being a liberal. I would hope that all of you who have been opposed to her would give her a chance. There are a couple of things that I wish to remind my friends of:

1. That you never know what kind of a Supreme Court Justice someone will be until they have begun making decisions, and

2. Regardless of how strongly you feel about the right to life issue, there are many good conservatives who just don't feel that strongly about it, and who don't like to be written out of the Party or written off on that issue.

Thank you for taking the time to write.

Sincerely,

Lyn Nofziger

37
Judy Pierce

ED FREDRICKS
23RD DISTRICT
STATE CAPITOL
LANSING, MICHIGAN 48909
517—373-6920
616—392-8418
616—399-2810

THE SENATE
LANSING, MICHIGAN

COMMITTEES ON:
STATE AND VETERANS' AFFAIRS
HEALTH AND SOCIAL SERVICES
UPPER PENINSULA INDUSTRIAL
AND ECONOMIC AFFAIRS,
VICE-CHAIRMAN

August 25, 1980

037865

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing about your appointment of Judge Sandra O'Connor to the Supreme Court.

Senator Jack Welborn and I were the only two elected officials with constituencies over 200,000 that I know who openly supported you in the May, 1980 primary. I worked hard for your cause in our area. Enclosed is a copy of an advertisement in our local paper for which I wrote the text. Your support in the greater Holland area went from about 13% in 1976 to 41% in 1980, while your statewide totals were dropping from 34% to 32%.

Your election to the presidency was, in my mind, the most significant presidential election in our century. Your performance in office has been exemplary. It is almost unbelievable that a person of your caliber, who has taken so many controversial positions, can be elected president. So that, of course, tempers my letter.

The life issue should not be considered just another issue, however, any more than slavery was just another issue during the 1800's. Millions of lives have been lost, more than the entire population of Michigan. I emphasised to the people of our area in the enclosed advertisement that the president alone appoints members of the Supreme Court. I twinge a little to think I may have misled those people as to whom you would appoint to the Supreme Court. Apparently Mrs. O'Connor assured you she is personally opposed to abortion. Former President Carter is, and it is virtually impossible to find anyone personally in favor of it. But it still continues. I hope you are appointing enough conservative, committed people within the departments to assure that your policy directions will not flag.

I am enclosing a copy of our July, 12 church bulletin which expresses

concern. I hope Judge O'Connor's commitment to the life position will be as true as you believe it is and more true than her record seems to signal. I hope the life issue will be a major factor in the selection of future justices.

Kindest personal regards.

Sincerely,

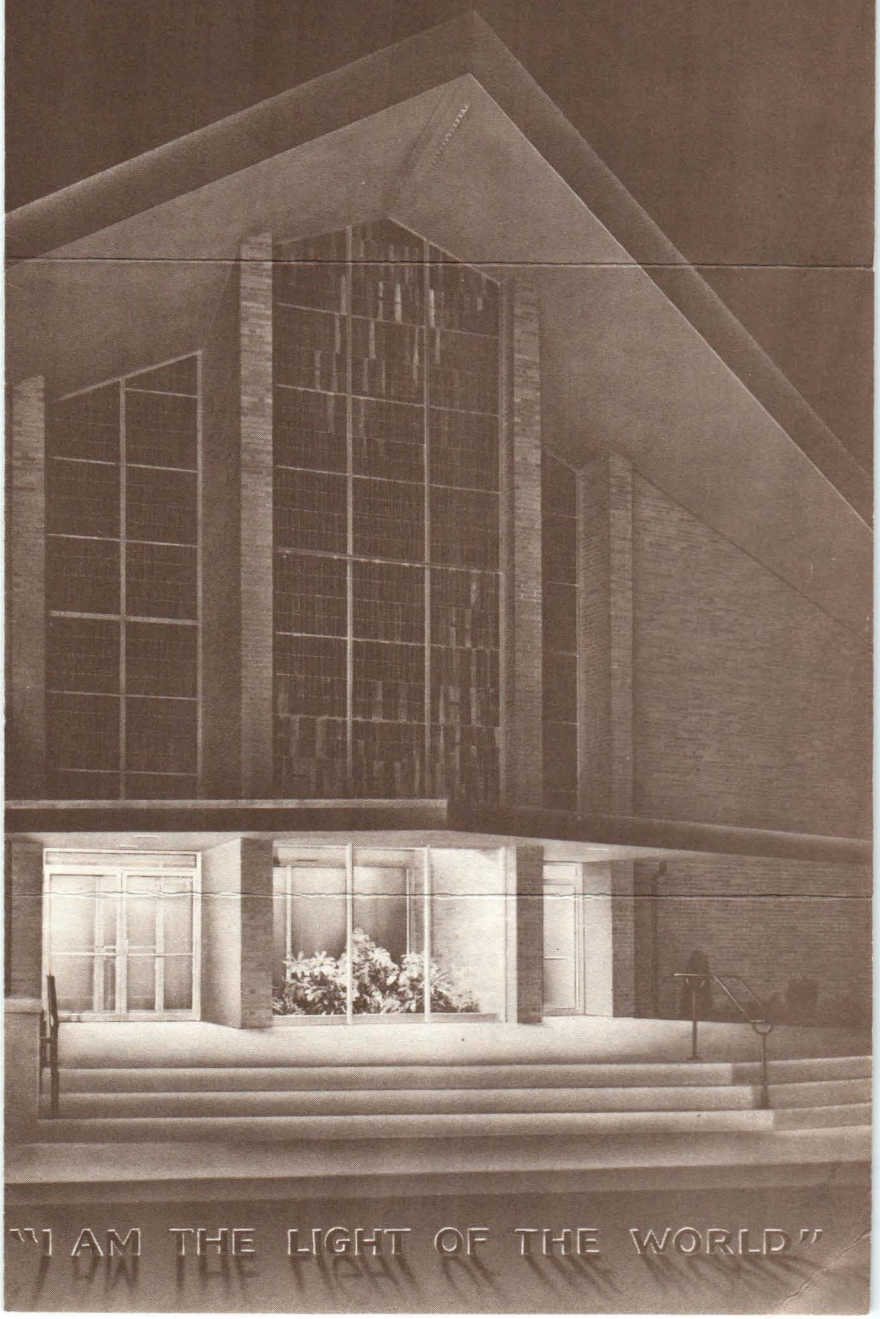
Ed Fredricks
State Senator

This is not a presidential record. This marker is used as an administrative marker by the Ronald W. Reagan Presidential Library Staff. This marker identifies that there was an object in this folder that could not be scanned due to its size.

WELCOME TO THE

FAITH CHRISTIAN REFORMED CHURCH

85 WEST 26TH STREET, HOLLAND, MICHIGAN



"I AM THE LIGHT OF THE WORLD"

July 12, 1981
The Twenty Eighth Lord's Day of 1981
The Fifth Sunday after Pentecost
Liturgical Color: Green
Life, Growth and Eternity

MORNING WORSHIP - 9:30 A.M.

APPROACH TO GOD
The Organ Prelude
The Call to Worship
The Prayer
The Organ Response
*The Song of Praise - #302
"Praise Ye the Lord, for It Is Good"
*The Lord's Greeting

SERVICE OF RECONCILIATION
The Requirement of the Law
The Song of Confession - #152
"Remember Not, O God"
The Assurance of Pardon
The Reading of the Law
*The Song of Praise - #212
"Praise the Lord, for He Is Good"

SERVICE OF INTERCESSION
The Prayer of the Congregation

SERVICE OF THE WORD
The Scripture Reading - Psalm 137
The Sermon - "COPING WITH CHANGE"
The Applicatory Prayer

SERVICE OF GRATITUDE
The Offering - Building Fund
The Organ Offertory
The Offertory Prayer
*The Song of Dedication - #407
"Guide Me, O Thou Great Jehovah"
*The Lord's Blessing
*The Doxology - #321:4
New graces ever gaining
From this our day of rest,
We reach the rest remaining
To spirits of the blest.
To Holy Ghost be praises,
To Father, and to Son;
The Church her voice upraises
To Thee, blest Three in One.
The Organ Response
The Organ Postlude

Dr. John H. Primus, Guest Minister
Mr. Kenneth Bos, Guest Organist

CHURCH CALENDAR

TODAY:	9:30 A.M.	Nursery & Children's Church
	6:30 P.M.	Nursery
WEDNESDAY:	6:30 A.M.	Early Risers
	9:30 A.M.	Ladies Prayer Group
	7:30 P.M.	Softball - Faith vs Christ Memorial B at Graafschap

FAITH 20 IS BACK ON THE AIR IN OUR AREA. Beginning this Sunday, the Back to God Hour's half-hour television program will resume airing at 12 noon every week over WZZM-TV, channel 13. We're grateful the Lord has again provided for the release of our program over this important outlet. Invite your friends to watch!

The Holland Deacons Conference Foster Care Home is now taking applications for adult developmentally disabled individuals. This is the foster care home undertaken by your church as undertaken by your deacons. We invite you to write us at 112 W. 10th or call Arlen and Ann Rau at 396-6270, for applications or further information. Please keep in mind a open house sometime in August or stop by any time.

Our church captain Karl Brink, reports June receipts of $781.00 for a total of $13,228.70 or 75% toward our goal of $17,500. To be on target $15,225.00 or 87% should have been received. We are therefore $1,996.30 behind. With only two months remaining, the total SMP program is $30,000 behind with receipts of $183,100 instead of $203,00 (87%) toward this year's goal of $232,500. Sunday, July 26, has been designated as SMP loyalty day to emphasize the importance of the SMP program. All boxholders are encouraged to give a special gift of $25.00 to help solve the problem. Your generous support is also needed.

Right-to-Life of Holland urges everyone to be much in prayer concerning President Reagan's appointment of Justice Sandra O'Connor to the U.S. Supreme Court. Her legislative record in Arizona was not favorable to the pro-life position. We urge that everyone make his view on her appointment known to those who will be responsible for confirming it.

Marriage Enrichment week is the emphasis at the Chr. Ref. Conference Grounds this week. Rev. Bob and Donna Walter will work as a team to develop the theme "Growth in Marriage" with the objective to strengthen marriage by studying God's Word and applying it personally. Friday evening concert, 8 p.m.: Given by the Lamont Village Singers, a group of six people whose desire it is that others may experience the love of God through them. Sat. evening, 7:30: Fourth and final of the LaHaye film series, which also corresponds with our Marriage Enrichment week. Film title is "Keys to Marital Happiness." Other entertainment for children.

Welcome to the services of Faith Church. Let us worship God in spirit and in truth. Have a blessed Sunday and a good week.

We welcome to our pulpit today Dr. John H. Primus, Calvin College Faculty, Grand Rapids, Michigan. May God bless his ministry in our church. Our pastor is on vacation.

Mr. Ken Bos from the Reformed Bible College in Grand Rapids is the organist at our morning worship service. Mr. Tom Folkert, choir director of the Christ Memorial Church, will sing for us at this evening's worship service. We welcome them and thank them for their ministry to us today.

Everyone is invited to a fellowship coffee outside after the morning service. In case of rain it will be served in the basement.

"OUR CHURCH FAMILY"

Mr. Jack Dykstra remains in Butterworth Hospital. Mrs. James Langeland has been transfered to the Meadowbrook Care Center. Mrs. Geraldine Schrovenwever is in good condition following surgery in Holland Hospital. May the Lord bless those who are ill.

A heartfelt thank you to all for the expressions of Christian sympathy of cards and prayers in the loss of a dear son-in-law, Dale Kempkers. God works in mysterious ways His wonders to perform.

Mrs. Tena Bolt

Offerings last Sunday were: General Fund Env.: $3,233.08; Building Fund Env.: $429.71; Mission Fund Env.: $429.71; Mission Fund Plate: $204.55; Education Fund Plate: $186.55; Faith Promise: $2,174.95.

POST HIGHS! YOUNG ADULTS! SINGLES! Come and hear Rev. Darrel Franken describe his challenges and needs as a young adult. His topic is "My Single Pilgrimage Until Age Twenty-Eight". The meeting will be held on Sunday evening, August 2, at 8:00 o'clock. If interest is sufficient, this will be the first of many more to come. Come for Challenge, Fellowship, and Refreshment.

Please contact Geneva Vander Vliet, 392-3004 for a brochure and bus information if you wish to attend the Third Regional Conference of the WHBL Women's Division of Michigan. Two identical inspirational and exciting conferences are planned.

CHURCH CALENDAR

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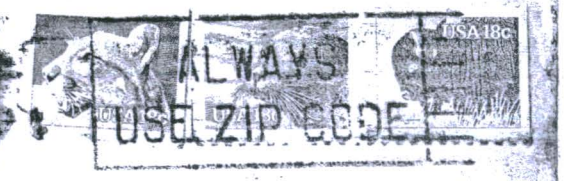
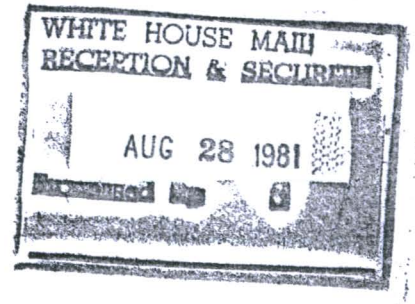
THE SENATE
LANSING, MICHIGAN

ED FREDRICKS
23RD DISTRICT
STATE CAPITOL
LANSING, MICHIGAN 48909

LANSING, MI
PM 1
26 AUG
1981



The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500



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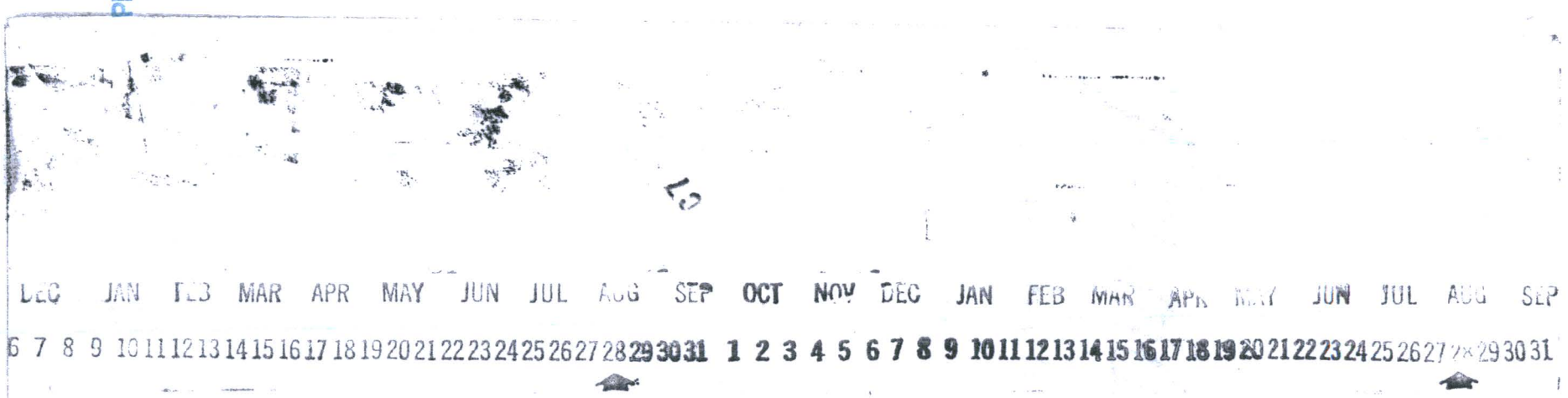

Dq
Fred Fielding

ID # 037871.

FG051

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

11 SEP 1981

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81/09/28

Name of Correspondent: Theodore M. Hesburgh

☑ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Recommends John T. Noonan, Jr. of Berkeley, California, be considered for the possible opening on the Supreme Court.

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
PP	Jane	ORIGINATOR DD	81/09/31		C	81/09/22 DD
W Holland		Referral Note: D	81/09/22		C	81/09/22 DD
WFIEL		Referral Note: S	81/09/22	FF	A	81/09/22
		Referral Note:	/ /			/ /
		Referral Note:	/ /			/ /
		Referral Note:				

ACTION CODES:
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C - Comment/Recommendation
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S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: Dq Central Files

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5/81

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents:_____ Media: L Individual Codes: 4500 4610 _____

Prime Subject Code: FG 051-__ Secondary Subject Codes: BM 031-__ __ ____-__

__ ____-__ __ ____-__

__ ____-__ __ ____-__

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C __ __	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
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- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

September 22, 1981

Dear Father Hesburgh:

Your letter of August 24, 1981 to the President has been referred to me for response. Please be assured that your strong words of endorsement for John T. Noonan, Jr. are greatly appreciated and will receive every consideration should the President again be faced with selecting a candidate for the Supreme Court of the United States. Thank you for sharing your thoughts with us.

With my warmest personal regards and those of the President, I am

Sincerely,

Fred F. Fielding
Counsel to the President

(Rev.) Theodore M. Hesburgh, C.S.C.
President
University of Notre Dame
Notre Dame, Indiana 46556

37

University of Notre Dame
Notre Dame, Indiana 46556

Office of the President

Cable Address "Dulac"

August 24, 1981

P.J.

037871

Honorable Ronald Reagan
The White House
Washington, D. C.

Dear President Reagan:

Sooner or later with the passing of Justice William Brennan, there will arise the question of appointing a Catholic to the Supreme Court. I am sending you the name of a candidate who might be considered unusual, but who I think would be completely consistent with your philosophy and would be open to very little political disagreement from your followers. His name is John T. Noonan, Jr. and he is currently Professor of Law at the University of California Law School, Berkeley (from 1966 to the present).

John graduated from Harvard College, summa cum laude, studied English Literature at Cambridge University, earlier received a Doctorate in Philosophy from The Catholic University of America, and finally in 1954, received his law degree, magna cum laude, from Harvard Law School. He has had an extremely rich career in academic life and in public service of all kinds to Church and State. He is also a prolific author and a fine legal expert who can be counted upon to give an intelligent and strict interpretation to our Constitution.

The only negative point I can think of is that he has not been a Judge. However, it seems to me that for a Judge on the Supreme Court, there is only one central and most serious task, unlike that of other positions as Judge, namely to interpret the Constitution of the United States. Some of our finest Justices of the Supreme Court have come to the Court without being Judges, but with high intelligence, broad legal knowledge, and a sensitivity to the problems of their times.

For all of these reasons, I highly recommend John Noonan as a candidate to keep in mind for a possible opening on the Supreme Court.

All best wishes.

Cordially yours,

Father Ted Hesburgh

(Rev.) Theodore M. Hesburgh, C.S.C.
President

P.S.: I write the above with great personal knowledge of John Noonan since he was a member of our Law faculty at Notre Dame from 1961 to 1966. He is also, of course, a good personal friend.

ID # 038100

FG051

DG

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81/09/01

Name of Correspondent: Timothy A. Mitchell

☑ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Calls upon the President to defend the appointment of Mrs. Sandra O'Connor to the Supreme Court

ROUTE TO: / **ACTION** / **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CO Lyn (file)	ORIGINATOR CH	81/09/02	NAN	C	81/09/02
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

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B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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5/81

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: M Individual Codes: 4500 4800 ___.____

Prime Subject Code: FG 051.__ Secondary Subject Codes: BM 031.__ __ ____.__
HU 016.__ __ ____.__
__ ____.__ __ ____.__

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C __ __	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

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- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

TIMOTHY A MITCHELL
63 EAST 9TH ST
NEW YORK NY 10003

western union Mailgram®

UNITED STATES POSTAL SERVICE
U.S.MAIL

31 1-000561S242 08/30/81 ICS IPMBNGZ CSP WSHA
2126737447 MGM TDBN NEW YORK NY 68 08-30 0206A EST

nd.

038100

PRESIDENT RONALD REAGAN
WHITE HOUSE
WASHINGTON DC 20500

AT THE 126 ANNUAL CONVENTION OF THE CATHOLIC CENTRAL UNION OF AMERICA AND THE 65TH ANNUAL CONVENTION OF THE NATIONAL CATHOLIC WOMEN'S UNION THE DELEGATES AGREED TO CALL UPON YOU TO DEFEND THE APPOINTMENT OF MRS SANDRA O'CONNOR TO THE SUPREME COURT. CONVENTIONS WERE HELD IN ST. CHARLES MISSOURI.
DR TIMOTHY A MITCHELL NATIONAL PRESIDENT CATHOLIC CENTRAL UNION OF AMERICA

02:07 EST

MGMCOMP

ID # 038224

FG051

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Joan Solmes

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: List of other women considered for Supreme Court

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CW Halland		ORIGINATOR DD	81/09/01		C	81/09/11 DD
		Referral Note:	Holding file - Supreme Court wk			
CW AT 07		D DD	81/09/01		C	81/09/11 DD
		Referral Note:				
CW FIEL		S	81/09/11	ER FF	A	81/09/11 DD
		Referral Note:				
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		Referral Note:				
			/ /			/ /
		Referral Note:				

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SEP 4 1981

Comments: _____

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents:_____ Media: L Individual Codes: 4800 ____ ____

Prime Subject Code: FG 051 ___ Secondary Subject Codes: HU 016 ___ ____ ____
FR 012 ___ ____ ____
WE 003 ___ ____ ____

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C ___	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

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THE WHITE HOUSE

WASHINGTON

September 11, 1981

Dear Ms. Solms:

I was asked to respond to your letter of August 7, 1981 to the President in which you request, on behalf of the Family Life League, the names of women from among whom the President selected Judge Sandra O'Connor to be his nominee to the Supreme Court. Please accept my apologies for the oversight of your initial letter.

For reasons which I trust you will appreciate, the list of names submitted to the President and the process by which he narrowed that list in deciding upon his nominee are matters confidential to the President and his immediate advisors, until such time as the President should choose to publicly disclose them. Thus, I am not at liberty to provide the names requested. I assure you that the President carefully considered a number of women and men for the position before deciding that Judge O'Connor was preeminently qualified by intellect and by temperament to serve on the Supreme Court.

I regret that I could not provide the specific information requested, but if I can be of help with further questions, please do not hesitate to contact me.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Joan Solms
Director
Family Life League
Post Office Box 293
River Forest, Illinois 60305

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 9, 1981

FOR: FRED F. FIELDING

FROM: J. MICHAEL LUTTIG J. Mol.

SUBJECT: Women Considered for Supreme Court Vacancy

Ms. Joan Solms, Director, Family Life League, requests that the President provide her with the names of the other women considered for the recent Supreme Court vacancy. Apparently, this is her second request for the names.

Attached for your review and signature is a response to Ms. Solms, denying the request.

Attachment

ac...

Con O'Connor + request ...

Assign H. Luttig

FAMILY LIFE LEAGUE
P. O. BOX 293 RIVER FOREST, ILLINOIS 60305

Rpt Jones
Fred Fielding

August 7, 1981

038224

President Ronald Reagan
The White House
Pennsylvania Avenue
Washington, D.C. 20050

Dear Mr. Reagan:

Since we have not received a reply to our original request, we are once again writing to ask you to supply us with the names of the other women who were being considered for the position of Supreme Court Justice. We have recently heard that there was a list of five women from which you finally selected Sandra D. O'Connor as your nominee for this position. We feel that this information would be very educational for us and would help us to possibly understand your point of view when you selected Mrs. O'Connor.

Sincerely,

Joan Solms

Joan Solms
Director

JS: mk

cc: Representative Henry J. Hyde
Senator Jesse Helms

038498

ID # _____

FE051

Dg

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81 10 9 10 3

Name of Correspondent: Penny Pullen

☑ **MI Mail Report** **User Codes:** (A) _____ (B) _____ (C) _____

Subject: Objects to the nomination of Sandra O'Connor to the US Supreme Court.

ROUTE TO:		ACTION		DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
✓ IA	Cass	ORIGINATOR	81 10 9 10 4 LD		C	81 10 9 10 5 CH
		Referral Note:				
✓ CORR	Hogg	A CH	81 10 9 10 8	CR3A	A	81 10 9 30 CH
		Referral Note:				
Lyn Nofziger		A CH	81 10 9 27	LN	A	81 10 9 27 CH
		Referral Note:				
			/ /			/ /
		Referral Note:				
			/ /			/ /
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Completion Date = Date of Outgoing

Comments: SEE ALSO 0334713S

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5/81

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 2.200 _.____ _.____

Prime Subject Code: FG 051-__ Secondary Subject Codes: WE 003-__ __ ____-__

__ ____-__ __ ____-__

__ ____-__ __ ____-__

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C __ __ _____ Time: _____ P- _____

DSP _____ Time: _____ Media: _____

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- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

Sept 30, 81

Dear Penny:

I know that Lyn Nofziger has written to you, but I want you to know that I have received your letter of August 24 and appreciate very much your giving me the chance to comment on this situation. Let me first, however, thank you very much for all the help you have given me on the campaign and for your support since 1964.

I understand your concern about the Court appointment, but, please, I ask you to believe that I feel as deeply as you do about the issue of abortion. I have not weakened in my belief that interrupting a pregnancy means the taking of a human life. Indeed, the recent hearings in the Congress to establish, if possible, when life actually begins did nothing but reaffirm my conviction. If experts of every persuasion were unable, in those lengthy hearings, to determine just when life begins, then it seems to me they strengthened our case. If there is that much question, then simple humanity suggests that we opt for life until someone can definitely prove that life does not exist.

I think perhaps you have the wrong impression of the people surrounding me. I am convinced that the Cabinet we have put together, my senior staff members, etc., are of a caliber we haven't seen in government for some time. Almost without exception, they made unbelievable sacrifices in order to serve. I gave a great deal of study before appointing Judge O'Connor, and I am confident I made the right decision.

I appreciate very much your saying that in spite of our disagreement on this you would continue to support me. I hope you will have no reason to regret this.

Again, thanks and best regards.

Sincerely,

Ron A

The Honorable Penny Pullen
22 Main Street
Park Ridge, Illinois 60068

810930

THE WHITE HOUSE

WASHINGTON

DRAFT

Dear Penny:

I have received your letter of August 24 and appreciate very much your giving me the chance to comment on this situation. Let me first, however, thank you very much for all the help you have given me on the campaign and for your support since 1964.

I understand your concern about the Court appointment, but, please, I ask you to believe that I feel as deeply as you do about the issue of abortion. I have not weakened in my belief that interrupting a pregnancy means the taking of a human life. Indeed, the recent hearings in the Congress to establish, if possible, when life actually begins did nothing but reaffirm my conviction. If experts of every persuasion were unable, in those lengthy hearings, to determine just when life begins, then it seems to me they strengthened our case. If there is that much question, then simple humanity suggests that we opt for life until someone can definitely prove that life does not exist.

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I appreciate very much your saying that in spite of our disagreement on this you would continue to support me. I hope you will have no reason to regret this.

Again, thanks and best regards.

Sincerely,

The Honorable Penny Pullen
22 Main Street
Park Ridge, Illinois 60068

9/9/81

Dear Representative Pullen:

I have received your letter of August 24 and appreciate very much your giving me the chance to comment on this situation.

Let me first, however, thank you very much for all the help you have given me on the campaign and for your support since 1964. I understand your concern about the Court's appointment, but, please, I ask you to believe that I feel as deeply as you do about the issue of abortion. I have not weakened in my belief that interrupting a pregnancy means the taking of a human life. Indeed, the recent hearings in the Congress to establish, if possible, when life actually begins did nothing but ~~sanction~~ strengthen my conviction ~~regarding this taking of a human life~~. If experts of every persuasion were unable, in those lengthy hearings, to determine just when life ~~began~~ begins, then it seems to me they ~~strengthened~~ underscored our case. If there is that much question, then simple humanity suggests that we opt for life until someone can definitely prove that life does not exist. ~~If there has been a mistake made in this appointment, then the mistake would be mine.~~

I think perhaps you have the wrong impression of the people surrounding me. I am convinced that the Cabinet we have put together, ~~the~~ my senior staff members, etc., are of a caliber we haven't seen in government for some time. Almost without exception, they made unbelievable sacrifices in order to serve. I gave a great deal of study before appointing Judge O'Connor, and I am confident I made the right decision. ~~As I said before, if I should be proven wrong, then the mistake is mine.~~

Feeling as strongly as I do on the issue of abortion, does it seem likely that I would have been careless about this appointment?

I appreciate very much your saying that in spite of (our disagreement on this) you would continue to support me. I hope you will have no reason to regret this.

Again, thanks and best regards.

Sincerely

RR

Complainant

Name	Date
Anne Hessens	10/15/89

DATE: 9-29-81

TO: Sara Emery

Here's this letter back undated, Dick mentioned clearing w/ Map - Shis a State rep so might mean Rich Williamson.

FROM: Anne

ANNE V. HIGGINS
Director of Presidential
Correspondence
Room 94
Extension 7610

THE WHITE HOUSE
WASHINGTON

Date: 9/28/81

FOR: ANNE HIGGINS

FROM: RICHARD G. DARMAN

FYI ( )

Comment: Please note Items (1) and (2). Thanks.

THE WHITE HOUSE

WASHINGTON

September 27, 1981

The Honorable Penny Pullen
1 H Stratton Office Building
Springfield, IL 62706

Dear Penny:

Your letter to the President was sent along to me to answer.

I really don't believe I have much to say, because I know how strongly you feel about the subject. I would like to say why not give Mrs. O'Connor a chance? I think that's the sporting thing to do and see how she votes. And let me remind you, that it takes more than one issue to make a conservative.

Best regards,

Lyn Nofziger

THE WHITE HOUSE

WASHINGTON

September 22, 1981

Penny

Dear Representative Pullen:

I have received your letter of August 24 and appreciate very much your giving me the chance to comment on this situation. Let me first, however, thank you very much for all the help you have given me on the campaign and for your support since 1964.

I understand your concern about the Court appointment, but, please, I ask you to believe that I feel as deeply as you do about the issue of abortion. I have not weakened in my belief that interrupting a pregnancy means the taking of a human life. Indeed, the recent hearings in the Congress to establish, if possible, when life actually begins did nothing but reaffirm my conviction. If experts of every persuasion were unable, in those lengthy hearings, to determine just when life begins, then it seems to me they strengthened our case. If there is that much question, then simple humanity suggests that we opt for life until someone can definitely prove that life does not exist.

I think perhaps you have the wrong impression of the people surrounding me. I am convinced that the Cabinet we have put together, my senior staff members, etc., are of a caliber we haven't seen in government for some time. Almost without exception, they made unbelievable sacrifices in order to serve. I gave a great deal of study before appointing Judge O'Connor, and I am confident I made the right decision.

I appreciate very much your saying that in spite of our disagreement on this you would continue to support me. I hope you will have no reason to regret this.

Again, thanks and best regards.

Sincerely,

The Honorable Penny Pullen
22 Main Street
Park Ridge, Illinois 60068

(1) DON'T DATE TIL SIGNED

(2) see FORMAT Book

(3) Clear with Max F.

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Judy Peaches

Penny Pullen

Republican State
Representative,
4th District

Chairman
House Executive Committee

Second Vice Chairman
American Legislative
Exchange Council

District Office:
22 Main Street
Park Ridge, Ill. 60068
(312) 823-2023
Hours: 9:00 to 4:00
Monday through Thursday

Springfield Office:
1 H Stratton Office Bldg.
Springfield, Ill. 62706
(217) 782-7325

038498

August 24, 1981

The President
The White House
Washington, D.C. 20501

Dear President Reagan:

It's not easy for me to write this letter, because it concerns matters in conflict about which I feel deeply, including you, and because I so deeply desire not to offend. To receive a reply from you like the one you (or your office- I hope it wasn't you) sent to Marie Craven would be crushing. Being convinced you won't ever personally read this would be almost comforting if it weren't so disturbing.

In 1980, I left my own campaign to give three months of full-time-plus to your campaign. Ever since 1964 I have believed in you as a committed conservative. I was grateful for what you did in the Goldwater campaign, and since that campaign, I have dedicated myself to the conservative movement. [There now, whichever Bushite staffer is reading this, is your opportunity to label this letter "just one of those right-wingers."] I believed in 1980 that my own re-election would mean nothing if you were not elected President, not just because America literally could not survive another four years of Jimmy Carter but also because Ronald Reagan would mean a real change, a real new beginning for America, a turning back to common sense and common decency.

I was proud to work in your campaign in 1980, and I've been proud of your comgressional victories, your economic program, your inauguration, your reaction to the attempt on your life, your speech at CPAC, your appointment of Dick Schweiber and Jim Watt and Dave Stockman and Everett Koop.

But Sandra O'Connor? How disappointing! How disturbing! How unnecessary!

How could you let your palace pragmatists put her over on you that way?

"Personally opposed to abortion" indeed! So's Birch Bayh, he says. "By their fruits ye shall know them." Sandra O'Connor's legislative record is feminist. The only "pro-life" position she ever took was on medical personnel conscience legislation; that's the bill most pro-abortionists vote for in order to throw a bone to pro-lifers. Even Adlai Stevenson once voted for such a bill!

She voted for and cosponsored a "family planning" bill acknowledged by the Arizona Republic to be intended to widen abortion; in any case, there's no question it was to break down parental authority, voted against a resolution memorializing Congress to adopt the Human Life Amendment, for a pre-1973-decision bill to legalize abortion on demand, for no-fault divorce, for lowering the drinking age. This is not the record of one who meets the standards of the Republican convention, of the candidate who pledged to stand by the platform, or of the millions of voters, Republicans and Democrats, who endorsed that platform by voting for that candidate.

Millions of Americans voted for you, Mr. President, only because they had confidence you would, at your earliest and every opportunity, change the Supreme Court, particularly in defense of the unborn. They now feel betrayed, cynically used.

I can't blame them, though I just can't believe you did it intentionally. I still believe you have a philosophical commitment, not just passionate ambition. I believe you are surrounded by people who have placed themselves around you for power, not for the principle. And now they are grinning at demonstrating their power even over you in having sabotaged you. And they're even burying this letter and all the thousands like it. I hope they're keeping an accurate count. [Categorize this: "right-winger against O'Connor; still supports RR."]

Please, Mr. President, withdraw the O'Connor nomination-or make it clear to the senators that you expect them to vote their consciences, free them to do you the favor of rejecting the nomination so you'll have the chance to konk some heads and be Ronald Reagan in filling Justice Stewart's vacancy.

Such a grand opportunity to bring a new beginning to America, wasted, subverted, betrayed.

Sincerely,

Penny Pullen

PLP/rs

ID # 038873

FG051

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☑ I - INCOMING
Date Correspondence Received (YY/MM/DD) 81/09/08

Name of Correspondent: Joe T. Nichaus

☑ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: Requests the President reconsider the appointment of Sandra O'Connor as Supreme Court Justice.

ROUTE TO: Office/Agency (Staff Name)	ACTION Action Code	Tracking Date YY/MM/DD	DISPOSITION Type of Response	Code	Completion Date YY/MM/DD
IA Peac	ORIGINATOR	81/09/09		C	81/09/21 CH
	Referral Note:				
CoRR Hegg	A	81/09/23			/ /
	Referral Note: CH				
file		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 2.200 _.____ _.____

Prime Subject Code: FG 051-__ Secondary Subject Codes: ST 023-__ __ ____-__

__ ____-__ __ ____-__

__ ____-__ __ ____-__

PRESIDENTIAL REPLY

Code	Date	Comment	Form

C __ __ _____ Time: _____ P- _____

DSP _____ Time: _____ Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:
- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

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Joe T. Niehaus
District 16A
Stearns County
Committees:
Health and Welfare
Education
Labor/Management Relations
Local and Urban Affairs

Minnesota House of Representatives

Judy Peacha

Sauk Centre
9/4/81

038873

Hon. Ronald Reagan
President of U. S.
Washington D. C.

Dear Mr. Reagan,

I kindly ask you to reconsider the appointment of Sandra O'Connor as Supreme Court justice.

Her past record certainly speaks very poorly for her from a pro life standpoint.

We better not forget what the Republican platform stands for & what has elected so many Republicans in 1980

With best wishes
Sincerely,
Joe T. Niehaus

Reply to: ☐ 319 State Office Building, St. Paul, Minnesota 55155 (612) 296-4379
☐ Route 3, Sauk Centre, Minnesota 56378 (612) 352-3241