

SEP 11 1981  
MAR JON

# Mrs. O'Connor outlines her views

By The Associated Press

WASHINGTON — Supreme Court nominee Sandra Day O'Connor is sending out the word: she shares the views of many conservatives.

But the Senate Judiciary Committee has yet to find out — even though most of its members appear eager to know — whether she would be a truly conservative Supreme Court justice.

As her confirmation proceedings entered, what's scheduled to be their final hours today, that question did not seem to matter.

Ten of the committee's 18 members have gone on the record as supporting Mrs. O'Connor's nomination, and confirmation by the full Senate appears assured.

In more than five hours of testimony yesterday, the first woman ever nominated to the nation's highest court divulged these personal views:

- She abhors abortion.
- She thinks it "inappropriate" for women to participate in combat during war.
- She opposes forced busing to achieve school desegregation.
- She favors the death penalty for certain crimes.

— She believes a 67-year-old legal doctrine that bars the use of evidence seized illegally by police may be adding to the nation's crime rate and perhaps is being applied too stringently.

— She favors a limited role for the nation's courts.

But, as she has since the Capitol Hill hearings began Wednesday, Mrs. O'Connor emphasized that her "personal views and philosophies" would not affect her Supreme Court votes.

And she disavowed any hint that she will be President Reagan's conservative envoy to the court.

"I was not asked to make any commitments about what I would do or how I would resolve any issue to come before the court," she said about her pre-nomination conversations with Reagan.

About abortion, the issue generating the most committee questions during the hearings, Mrs. O'Connor said yesterday, "It is simply offensive to me. It's something that's repugnant to me and something in which I would not engage."

But she told conservative Sen. Jeremiah Denton, R-Ala., that "we are obligated to recognize that others have different views" and that the Supreme Court's landmark 1973 decision legalized abortion.

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## Arizona Officials Voice Support

# O'Connor Grilled on Abortion

WASHINGTON (AP) — Supreme Court nominee Sandra Day O'Connor said today she thinks teen-age girls should consult with their parents before seeking abortions, but refused to endorse mandatory parental consent.

"It is my personal view that I would want the child to consult the parents," Mrs. O'Connor said as she completed her part in the confirmation hearings.

Asked by reporters as she left the hearing room for her assessment of the proceedings and her confirmation chances, Mrs. O'Connor replied, "I hope OK."

Her comment on parental consent came during a tense and prolonged question-and-answer session with conservative Sen. Jeremiah Denton, R-Ala., who previously had pressed Mrs. O'Connor for her personal and legal views on abortion.

Denton was cut short by Senate Judiciary Committee Chairman Strom Thurmond, R-S.C., when Denton tried to quiz Mrs. O'Connor about what President Reagan knew about her abortion views before selecting her as the first woman on the court.

"The subject we are considering here is her fitness for the position for which the president selected her," Thurmond told Denton. How she was selected, he said, "is his business, not ours."

Denton originally was allotted 15 minutes to pose his questions, but was given an additional 45 minutes by Thurmond. They apparently did not help.

Saying he felt frustrated because he could not determine "where you're coming from philosophically" on abortion, Denton said, "I feel quite frustrated that these matters have not been fully developed."

The Supreme Court has ruled that in most instances, states cannot force doctors to get the consent

of a teen-ager's parents before performing a requested abortion.

Mrs. O'Connor also parried, without providing a substantive answer, Denton's solicitation for her views on the legality of discriminating against homosexuals.

Arizona Gov. Bruce Babbitt, who appointed Mrs. O'Connor to her current judicial post, endorsed her nomination. He told the committee she is a "splendid" example of "a new generation of state and local leaders."

Representatives from women's rights groups and the American Bar Association, as well as Phoenix Mayor Margaret Hume, also were called to the witness table to urge approval of Mrs. O'Connor's nomination.

But two physician witnesses, Carolyn Gerster of Phoenix and J.C. Wilkie of New York City, voiced their opposition based on the abortion issue.

"I wish with all my heart that I could support the nomination of this fellow Arizonan," said Dr. Gerster, a vice president of the National Right to Life Committee. But she said that Mrs. O'Connor's record as a member of the Arizona Senate is one "consistently supportive of legalized abortion."

In more than five hours of testimony Thursday, the first woman ever nominated to the nation's highest court divulged these personal views:

- She thinks it "inappropriate" for women to participate in combat during times of war.
- She believes a 67-year-old legal doctrine that bars the use of evidence seized illegally by police may be adding to the nation's crime rate and perhaps is being applied too stringently.

TEMPE DAILY NEWS

TEMPE, ARIZ.

SEP 13 1981

MAR JON

# O'Connor hearings bland in 'lack of controversy'

By ANDREW MOLLISON  
Cox News Service

WASHINGTON — In the end, the hearings were so bland that even the presence of television cameras couldn't keep the U.S. Senators in the room.

And the lack of controversy surrounding Sandra Day O'Connor should continue through Tuesday, when the Arizona judge is expected to have her Supreme Court nomination confirmed by the Senate Judiciary Committee.

Like all current justices except William Rehnquist — her fellow Arizonan and old Stanford Law School classmate who received 26 negative votes a decade ago — O'Connor can anticipate opposition by fewer than a dozen of the 100 senators. She received enthusiastic support at the hear-

ings from women's groups, the customary bipartisan home-state delegation and most of the committee's senators.

O'Connor's strongest opponents, the anti-abortion activists, were split by President Reagan's hardball politics. In a letter widely circulated in Right to Life circles last month, he charged that Carolyn F. Gerster, a co-founder of Arizona Right to Life, had "a record of vindictiveness."

That attack on a potentially dangerous witness dampened the enthusiasm of some other anti-abortion leaders, who argued either that Reagan was too valuable an ally to irritate in a peripheral fight, or that failure to defeat O'Connor after an all-out effort would be politically debilitating.

Gerster, who described herself as a social friend

and political opponent of O'Connor, might have raised squarely the issue of O'Connor's integrity. Instead, the physician's testimony — aimed at establishing whether there were "misinterpretations, evasion and distortion of fact" committed by O'Connor or Justice Department officials before the nomination — was discounted in advance.

Judiciary Chairman Strom Thurmond, R-S.C., also helped throttle that line of inquiry when he ruled that "the method by which the president went about making the selection . . . was his business, not ours."

Abortion was raised indirectly, through queries about her "personal feelings and beliefs." O'Connor said those influences would be "set aside in resolving the cases to come before the court."

YUMA DAILY SUN  
YUMA, ARIZ.

SEP 13 1981

# O'Connor reveals few hints about how she'll vote

## A news analysis

By RICHARD CARELLI

Associated Press Writer

WASHINGTON (AP) — Sandra Day O'Connor remains largely a legal puzzle despite three days of Capitol Hill scrutiny.

No one, including the Senate Judiciary Committee's 18 members who are expected to vote Tuesday to approve her nomination to the Supreme Court, can predict with certainty how she will vote as a justice.

But last week's confirmation hearings provided some hints.

Mrs. O'Connor, a 51-year-old Arizona appeals court judge who labored in relative obscurity until picked by President Reagan to replace retired Justice Potter Stewart and become the first woman ever on the nation's highest court, shares the personal views of many conservatives.

She finds abortion "repugnant," thinks it "inappropriate" for women to participate in combat during war time, opposes busing for school integration, favors the death penalty for certain crimes, and believes the courts in some instances may be too soft on criminals.

But Mrs. O'Connor repeatedly warned her Senate interrogators about reading too much into her personal views, saying they do not control her judicial votes.

For example, when asked about busing to desegregate schools, Mrs. O'Connor voiced general opposition. Busing "can be a very disruptive part of any child's education," she said.

But at another point, Mrs. O'Connor said federal judges sometimes are justified in ordering drastic steps to remedy "intentional constitutional violations" — the stated basis for such broad desegregation orders.

Only on the subject of capital punishment does it appear safe to guess that Mrs. O'Connor would join six of her eight brethren who consistently have found the death penalty to be a constitutional fate for convicted murderers. Only Justices William J. Brennan and

Thurgood Marshall are opposed to capital punishment under all circumstances.

Would a Justice O'Connor find the death penalty a proper sentence for espionage or kidnapping?

Her Senate testimony gives no clue to any future Supreme Court vote in such as-yet-unexplored constitutional matters.

Her oft-stated, fundamental opinion that courts are meant to play only a limited role in the national destiny is the prevailing view among the eight men she hopes to join.

It is ironic, therefore, that a substantial portion of the questions posed to Mrs. O'Connor focused on perceived Supreme Court usurpation of powers many conservatives believe must be left to the legislative and executive branches.

The examples cited, with the exception of the 1973 decision that legalized abortion, were rulings of the 1960s under the "activist" leadership of the late Chief Justice Earl Warren.

A major trend of the current Supreme Court, as manifested in numerous decisions of recent years, is the grant of greater deference to the prerogatives of Congress, the president and the states.

Mrs. O'Connor, in public office as an assistant state attorney general, legislator and judge since 1965, told the Senate she was "the product of state government," but skepticism as to how that background might affect her judicial thinking can be excused.

Earl Warren, a former California governor and attorney general when appointed by President Dwight D. Eisenhower in 1953, also was a product of state government.

Adding to the difficulty of assessing Mrs. O'Connor's impact if she is a justice when the Supreme Court begins its new term Oct. 5 is what sometimes is called the "collegiality factor."

To a large degree, the justices' impact is measured not only by the eloquence and logic of their written word but by their success in attracting, through conference-room lobbying, votes to their legal and social views.

TEMPE DAILY NEWS

TEMPE, ARIZ.

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PRESCOTT COURIER

PRESCOTT, ARIZ.

SEP 14 1981

MAR JON

## Confirmation Expected

# O'Connor poised at panel questioning

WASHINGTON (AP) — From her first moment in the congressional spotlight to her final day of testimony, Sandra Day O'Connor quickly disarmed her conservative opposition and set the stage for this week's Senate vote on her Supreme Court nomination.

As a result, Mrs. O'Connor, chosen by President Reagan to become the first woman on the high court, is likely to be confirmed with barely a ripple of opposition.

Admittedly, a strong feeling in Congress that it is time to end 191 years of all-male domination of the high court is giving Mrs. O'Connor's nomination an added boost.

Support for the nomination also has crossed party lines.

"I have finally found an issue on which I can agree with Sen. (Barry) Goldwater," said Sen. Edward M. Kennedy, D-Mass., a member of the Judiciary Committee. Goldwater, R-Ariz., is an avid supporter of Mrs. O'Connor, an Arizona appeals court judge.

A vote is scheduled Tuesday in the Senate Judiciary Committee with confirmation in the full Senate likely the next day.

Congress also was expected this week to receive President Reagan's latest rounds of budget cuts, including a proposal to cut \$13 billion from the defense budget.

The Senate planned to vote on a new attempt to break a liberal-led filibuster against a ban on school busing, while the House was scheduled to consider legislation that would increase military pay scales.

The strongest challenges to Mrs. O'Connor's nomination came almost exclusively from the increasingly-

powerful organizations — including the fundamentalist Moral Majority — that favor reversal of the 1973 Supreme Court decision that legalized abortions.

And it was their supporters on the committee who tried hardest to break Mrs. O'Connor's sustained, if polite, refusal to indicate how she might rule on any issue to come before court, especially abortion.

"Our questioning must be tough and direct," said Sen. Charles Grassley, R-Iowa, as the hearings began Wednesday.

Such organizations as the Right-to-Life Committee say legalized abortion signals the breakdown of family life in America.

So, even before answering questions, Mrs. O'Connor, an Arizona appeals court judge, proudly introduced her own "close" family: John, her husband of 29 years, and three sons — two in law school and the third in business.

Then, reading from a vow she wrote to use in marriage ceremonies, Mrs. O'Connor expressed her belief that marriage "is the foundation of the family, it is mankind's basic unity of society, the hope of the world and the strength of our country."

Her nomination brought her own family closer together, she said.

Having established herself as deeply-rooted in her own family life, Mrs. O'Connor turned to questions put by committee members who represent as diverse a range of political opinion as exists in Congress.

To liberal and conservative members alike, she gave impressively detailed and knowledgeable histories of Supreme Court case law on dozens of issues.

# Mrs. O'Connor gets Senate panel's OK

WASHINGTON (AP) — Sandra Day O'Connor today won overwhelming approval from the Senate Judiciary Committee for her nomination to become the first woman on the Supreme Court. The vote was 17-0, with one member voting present.

Sixteen senators voted to approve the nomination before Sens. Jeremiah Denton and John East withheld their votes while they made statements. East, R-N.C., then voted yes. Denton voted "present."

Denton, an Alabama Republican who had questioned Mrs. O'Connor at length about her views on abortion, has said he felt frustrated because he could not determine where

Mrs. O'Connor was "coming from philosophically" on abortion.

Prior to today's committee vote and action scheduled for tomorrow by the full Senate, court officials scheduled Mrs. O'Connor's swearing-in ceremony for Sept. 25. The high court begins its fall session 10 days later, the first Monday in October.

If confirmed, Mrs. O'Connor would replace Justice Potter Stewart, who retired in July.

Mrs. O'Connor, a 51-year-old Arizona appeals court judge, quickly dispelled most conservative opposi-

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TUCSON DAILY  
CITIZEN TUCSON

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# Mrs. O'Connor gets Senate panel's OK

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tion to her nomination during three days of confirmation hearings last week.

She told the hearings that she abhors abortion, but she refused to say how she might vote on an abortion case should one come before the court. She also declined to comment on her views of the 1973 Supreme Court ruling that legalized abortion.

Mrs. O'Connor said a child should consult with her parents before she has an abortion, but she told the senators that parental permission should not be mandatory.

Espousing the views of many conservatives, Mrs. O'Connor said she opposes forced busing to achieve school desegregation, favors the death penalty and thinks it is "inappropriate" for women to participate in combat.

And she said the "exclusionary rule," a 67-year-old legal doctrine

that bars the use in trials of evidence that was illegally seized, may be adding to the nation's crime rate and may be applied too stringently.

She promised the committee that, if confirmed as the 102nd member in the high court's 191-year history, her job will be "one of interpreting and applying the law, not making it."

Her nomination has been endorsed by an American Bar Association committee, which found that she "has demonstrated the necessary qualities of professional competence, judicial temperament and integrity."

But the ABA committee stopped short of giving her its highest rating, saying her "professional experience to date has not been as extensive or challenging as that of some other persons who might be available for appointment."

Mrs. O'Connor served as a state trial judge in Arizona from 1975-79, when she was appointed to the state appeals court.

MESA TRIBUNE

MESA, ARIZ.

SEP 13 1981

MAR JON

# O'Connor selects clerk

WASHINGTON (AP) — Arizona Appeals Court Judge Sandra O'Connor reportedly has selected one of her four law clerks for the U.S. Supreme Court.

With O'Connor's confirmation virtually certain within the next two weeks as the nation's first female Supreme Court justice, there were reports Saturday that she has selected Ruth V. McGregor of Phoenix, an Arizona State University law school

graduate, to be her clerk.

A spokesman for the Phoenix law firm of Fennemore, Craig, von Ammon & Udall confirmed that McGregor, 38, left the firm last week to take the clerk's position with O'Connor.

McGregor was ASU's top law school graduate in the May 1974 class.

The Senate is expected to confirm O'Connor's nomination next week.