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In Senate hearing

O'Connor defends abortion vote

WASHINGTON (AP) — Supreme Court nominee Sandra Day O'Connor said today she is opposed to abortion but that her personal views would not control her votes on the nation's highest court.

"My own view in the area of abortion is that I'm opposed to it," O'Connor told the Senate Judiciary Committee. But she emphasized her belief that judges should not let personal feelings dictate their decisions on constitutional issues.

O'Connor, the first woman ever nominated to the Supreme Court, sought to explain and defend votes she cast while a member of the Arizona Senate from 1969 to 1975 which have been interpreted by political conservatives as "pro-abortion."

She portrayed those votes as not true reflections on abortion, itself, but on tangential legislative concerns.

In response to other committee questions, O'Connor attempted to enhance her image as a judicial conservative.

"I do well understand the difference between legislating and judging. . . . As a judge, it is not my function to develop social policy by means of making the law," she said.

O'Connor has been a state appeals court judge in Arizona since 1979, and was a state trial judge the previous four years.

"I do not believe it is the function of the judiciary to step in and change the law because the times or social mores have changed," she said.

O'Connor promised the senators 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."

Keeping her poise as senators pressed the sensitive abortion question and inquired about her legislative career, O'Connor said, "I have learned two things in my public life; to have a short memory and a tough skin."

Such attributes could prove helpful as the prospect of more tough and pointed questions on ex-

plosive social issues from conservative senators appeared likely.

In their respective opening statements in the first of three scheduled days of confirmation hearings, several of the committee's 18 members indicated they would pose such questions — and said they expected substantive answers.

Sen. Jeremiah Denton, R-Ala., made reference to a disputed July 7 memorandum which, according to some conservative groups opposing the nomination, may have distorted O'Connor's past views on abortion and the proposed Equal Rights Amendment to the Constitution.

He said the dispute raised concern about "your attitudes on such issues (and) . . . your credibility."

In her opening statement, however, O'Connor told the committee she would not divulge how she would vote on any issue.

"I do not believe that, as a nominee, I can tell you how I might vote on a particular issue which may come before the court; or endorse or criticize specific Supreme Court decisions presenting issues which may well come before the court again," she said.

In an apparent effort to soften the opposition to her perceived "pro-abortion" votes, O'Connor voiced support for the American family.

In her opening statement, she quoted from a marriage ceremony she has prepared for use when she performs civil weddings.

"Marriage is far more than an exchange of vows. It is the foundation of the family; mankind's basic unit of society; the hope of the world; and the strength of our country. It is the relationship between ourselves and generations to follow," she said.

The 51-year-old judge made clear that the ceremony's words reflect her views.

"That statement represents not only advice I give to the couples who have stood before me but my view of all families and the importance of families in our lives and in our country," O'Connor said.



AP Laserphoto
SUPREME COURT nominee Sandra Day O'Connor is pictured alongside Sen. Dennis DeConcini, D-Ariz., prior to the opening of her

confirmation hearings this morning on Capitol Hill before the Senate Judiciary Committee.

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No strings, O'Connor says of appointment

WASHINGTON (AP) — Sandra Day O'Connor, in the second round of Senate committee questioning on her Supreme Court nomination, said today she personally opposes mandatory school busing and favors the death penalty.

In a tense exchange with Sen. Charles E. Grassley, R-Iowa, she also asserted that President Reagan had not asked for any commitments in exchange for the nomination.

"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 told the Senate Judiciary Committee.

The conservative Grassley twice

asked her to say that she had not been asked for any commitments.

O'Connor said she feels school busing to achieve integration can be "disruptive" to children, citing her own long treks to school when she was a child.

"I just think that isn't a system that often is terribly beneficial to the child," she said of school busing.

She also noted that during her tenure in the Arizona state Senate she voted for a resolution urging action "at the federal level" that would "terminate the use of forced busing in desegregation cases."

O'Connor also said that while in the Arizona state Senate she had voted in favor of a death penalty bill.

"I felt that it was an appropriate vote then, and I have not changed my views," she told Sen. Arlen Specter, R-Pa. She helped draft the bill to respond to the Supreme Court decision striking down the death penalty laws in many states.

The 51-year-old Arizona appeals court judge also strongly defended her refusal to answer substantive questions during her confirmation hearings.

"The nominees have felt reluctant to answer questions on issues that may come before the court," O'Connor said of past nominees to the high court.

On the sensitive issue of abortion, she told Sen. Jeremiah Denton, R-

Ala.:

"For myself it is simply offensive to me. It's something that's repugnant to me and something in which I would not engage."

However, in her exchange with the conservative lawmaker, she emphasized:

"We are obligated to recognize that others have different views."

"I'm over the hill. I'm not going to be pregnant anymore," she said, indicating that that may influence her views.

"Would I personally object to drawing the line at saving the life of the mother? No, I would not. Are there other areas? Possibly," O'Connor said.

opinion

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Anti-O'Connor mail heavy

An organized mail campaign is being conducted against Sandra O'Connor, who has been nominated by President Ronald Reagan for a seat on the U.S. Supreme Court. It is easy to spot because letters use the same phrases and often are mimeographed.

Such campaigns are common, and this one is no different than others. It contains the usual mudslinging, distortion of facts, innuendoes and character assassination. Fortunately, O'Connor has been in the political arena for a long time, and she probably is paying little attention to the misguided and misinformed attacks.

Having known O'Connor for many years, and having worked with her on civic and political projects, we are amused that attacks are coming from the far right. Her record shows that she is a member of Arizona's con-

servative establishment, and she definitely is not a liberal.

The worst smearing and distorting is coming from anti-abortionists. The truth is that she is not an advocate of abortion and took a middle ground as a state senator.

It is probable that the nomination will be approved without serious opposition. In the process, members of the Senate should recognize that it is not judicially appropriate for a prospective justice to give opinions on issues which the court will have to decide. If O'Connor is forced to do this, she may have a conflict of interest when related cases come up.

Narrow issues do not determine judicial fitness. Rather, the Senate must weigh O'Connor's knowledge of law, understanding of the Constitution and reputation for integrity and hard work. In all these areas she qualifies, and we hope her confirmation is speedy.