

Judge O'Connor plans to travel to Washington to meet key senators

By Marilyn Taylor
Republic Staff

Supreme Court nominee Sandra O'Connor will meet with members of the Senate Judiciary Committee in Washington on Monday, a White House spokesman confirmed Friday.

Judge O'Connor's "first priority" will be to meet with the senators who will conduct her confirmation hearing later this month, said Peter Roussel, deputy press secretary for the White House.

Judge O'Connor, who serves on the Arizona Court of Appeals, probably will meet with Sen. Jesse Helms, R-N.C., a Moral Majority supporter who has expressed opposition to her appointment, Roussel said.

Roussel, who came to Phoenix to assist Judge O'Connor when she met with the press Tuesday, said the trip was suggested by the White House. He said Judge O'Connor would meet with President Reagan, too.

The trip was suggested to show opponents that the judge "is not only a gracious lady but highly qualified," Roussel said.

No one in Judge O'Connor's office in Phoenix would discuss the trip. Moreover, Judge O'Connor will not speak with reporters about any matters until after confirmation hearings, according to her youngest son, Jay, 19.

In a Senate speech Thursday, Sen. Barry Goldwater, R-Ariz., praised Judge O'Connor

as a "brilliant technician and strict constructionist."

A Goldwater spokesman reported that Jerry Falwell, leader of the Moral Majority, seemed to "back off" in his opposition to Judge O'Connor in a telegram he sent to the senator Thursday.

Angered by a comment Falwell reportedly made Tuesday urging Christians to oppose the nomination, Goldwater had been battling with Falwell through the press.

In the lengthy telegram, Falwell denied making the statement and "backed off considerably," said Terry Emerson, Goldwater's legislative aide.

Emerson refused to make a copy of the telegram available to reporters, saying it was

"private correspondence between two men."

Remarks Goldwater made about Falwell and the Moral Majority earlier this week were meant to shock opponents into realizing "they are being too extreme," Emerson said.

"And they (the moralists) are losing friends — people who have shared their concerns had principles in common with them," Emerson said.

In his Thursday speech, Goldwater told colleagues he had read all 29 opinions written by the nominee during her 18 months as a state appellate judge.

Seven opinions were cited by the senator in his floor speech.

"In a high number of cases, she ruled with little people fighting against big institutions,

such as cases involving small citizen defending themselves against large corporations or governmental agencies," he said.

Goldwater also said Arizona's congressional delegation was "embarrassed and surprised" by women who had gone to Washington to oppose Judge O'Connor nomination.

"We've got a lot of women back here (in Washington) doing themselves and Arizona great injustice by voicing opposition to the Sandra O'Connor appointment," Goldwater said, referring to anti-abortion advocates. "The right-to-life groups are totally off-base and mistaken in opposing Judge O'Connor nomination."

"They can only do harm to their own credibility and should back off."

Lobbyist against gun control praises choice for high court

United Press International

WASHINGTON — A lobbyist Friday commended Arizona Court of Appeals Judge Sandra O'Connor, President Reagan's choice for the Supreme Court, for what he said was an anti-gun-control record.

Judge O'Connor is strongly opposed by the Moral Majority and anti-abortion groups. They believe her record favors abortion rights and the Equal Rights Amendment.

But John M. Snyder, chief lobbyist for the Citizens Committee for the Right to Keep and Bear Arms, said Judge O'Connor "so far looks pretty good."

"As a state senator," Snyder said, "she signed a resolution opposing more federal gun control, and she also voted for a measure to make it easier for Arizona residents to obtain concealed-weapons permits."

"This could be very important because there may be a case involving the Morton Grove, Ill., ban on handgun possession coming before the court within the next couple of years," he said.

Snyder referred to a Morton Grove City Council vote June 8 to make handgun possession and sales a misdemeanor punishable by a \$500 fine and six months in jail.

The evangelical group said it "wholeheartedly" supports Reagan's appointment of a woman. But it said it has "deep misgivings about Judge O'Connor's views on abortion."

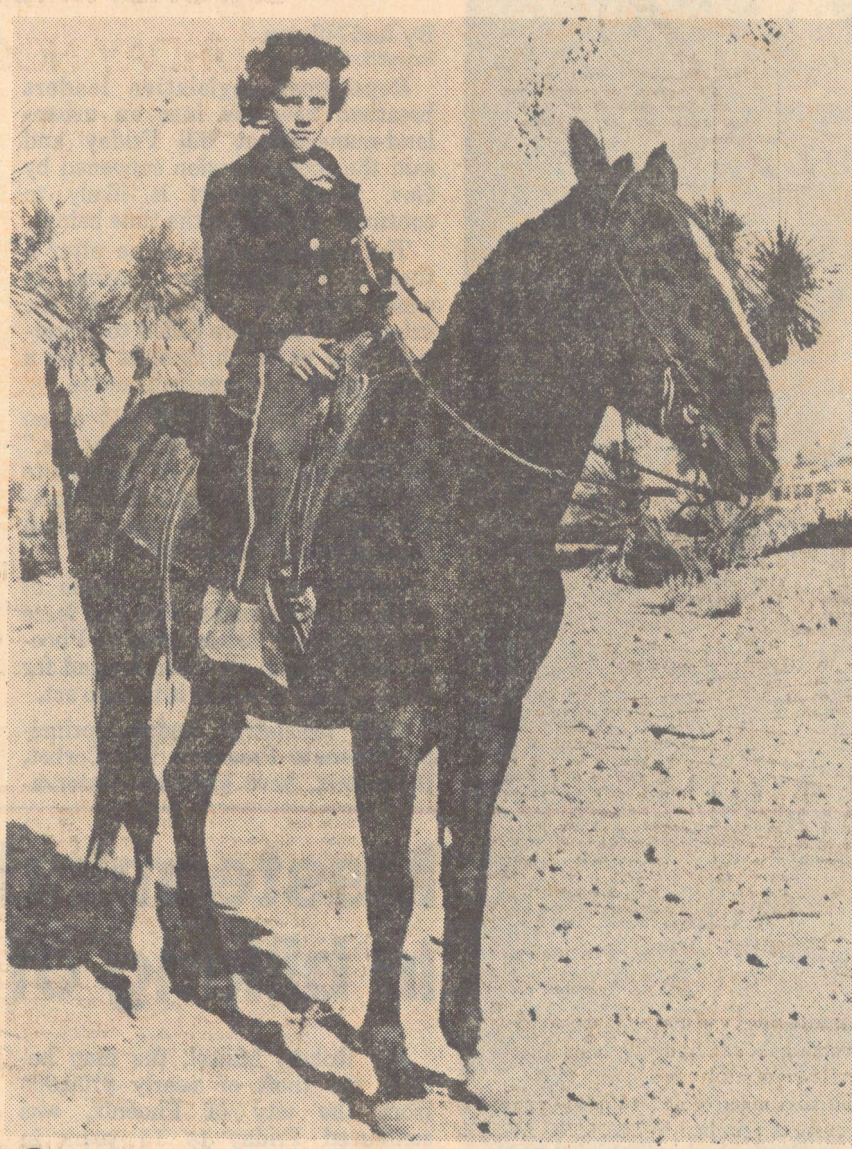
In the AP survey, strong support for the nomination spanned the political spectrum from liberal Californian Alan Cranston, the assistant Democratic leader; to Daniel Patrick Moynihan, D-N.Y.; to conservative Malcolm Wallop, R-Wyo.; to moderate Republican Bob Packwood of Oregon.

Among conservatives, Orrin Hatch, R-Utah, said he expects to support Reagan on the nomination, but an aide said Hatch will ask a lot of "tough questions" about Judge O'Connor's views on abortion and other issues.

Sen. Harrison Schmitt, R-N.M., said that from what he has read about Judge O'Connor, he expects to support the nomination.

But he cautioned that during Senate Judiciary Committee hearings yet to come, "history shows those hearings bring out the worst in some and the best in others."

Whatever opposition arises will likely come from such ultraconservative senators as Republicans Jesse Helms and John East of North Carolina and Jeremiah Denton of Alabama. All three said they were undecided on how to vote.



Good horse sense

Sandra O'Connor, the Arizona judge nominated by President Reagan to the U.S. Supreme Court, had a rough-and-tumble childhood on a ranch in southeastern Arizona and New Mexico. Her youth was not all play and no study: As far back as the fifth grade, "Sandra was always talking about the law," her former governess, Rosa Rodriguez, said.

Nominee's article suggests restricting civil-rights suits

Associated Press

WASHINGTON — Sandra O'Connor, chosen by President Reagan for a Supreme Court seat, is suggesting that Congress act to restrict the number of federal civil-rights suits against states and municipalities.

In an article in the Summer 1981 issue of the *William and Mary Law Review*, Judge O'Connor suggested that federal courts should defer to state courts in some cases on constitutional questions.

She also noted "acute confrontations" between state and federal courts in some school-busing cases and said tensions between the two judicial systems could increase in some areas.

The judge wrote the article before the announcement of her nomination.

Judge O'Connor's statements in the article reflect a conservative theme shared by the president: the move to give states more freedom from the federal government.

"It is a step in the right direction to defer to the state courts and give finality to their judgments on federal constitutional questions where a full and fair adjudication has been given in the state court," Judge O'Connor wrote in the article, titled "Trends in the Relationship Between the Federal and State Courts from the Perspective of a State Court Judge."

She said thousands of lawsuits against state and municipal officials are being filed in federal court under an 1871 federal civil-rights law.

"In view of the great case-load increase in the federal courts and the expressed desire of the Reagan administration to hold down the federal budget, one would think the congressional action might be taken to limit the use of (the law)," she wrote.

"It could be accomplished either directly or indirectly by limiting or disallowing recovery of attorneys' fees," she continued. "Such a move would be welcomed by state courts as well as state legislatures and executive officers."

Judge O'Connor also suggested the possibility of requiring victims of civil-rights violations to first present their claims to a state court or agency before proceeding to the federal court.

Several legal scholars also have proposed that the suits be curbed.

"We have seen recently examples of acute confrontations between federal district courts and state court in school-busing and school-desegregation cases," Judge O'Connor wrote. She did not cite any examples, however.

And she predicted that federal courts may be unwilling to apply new state rules mandating pretrial reviews and settlement attempts, particularly in the area of medical malpractice.

If that happens, she wrote, "We can anticipate more confusion and confrontation with federal courts of whether the state procedures must be followed" in cases where a person from one state sues a person from another state in federal court.

Poll

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no recollection of how she voted" on an abortion bill. Opponents charged that her votes on abortion are well-known.

Gergen said Judge O'Connor supported passage of a bill in the Arizona Senate that permitted doctors and nurses opposed to abortion not to participate in such operations. He also noted that she voted against a bill for a new stadium because it carried a rider opposing abortion.

He said the memo was an internal document and "was not intended to be a decisional memorandum."

"The president feels fully satisfied about her views and he is well-informed about her views," Gergen said. "The president said he is fully satisfied regarding her views and judicial record."

Reagan had a variety of sources check her record, Gergen said.

As the White House sought to defend the nomination, the National Association of Evangelicals said Friday it has reservations about her position on abortion. The association echoed the concern expressed earlier by Roman Catholic officials over Judge O'Connor's views on abortion.

Conservative Arizona lawmaker backs Judge O'Connor

Rep. Donna Carlson West, R-Mesa, an ardent opponent of the Equal Rights Amendment and a pro-life advocate, threw her support Friday behind Judge Sandra O'Connor, a U.S. Supreme Court nominee.

In a letter to Senate Majority Leader Howard Baker, R-Tenn., Rep. Carlson West said she was deeply distressed by opposition to the Arizona Court of Appeals judge's historic nomination.

"I have known Sandra for many years, as a member of the Legislature and a member of the

judiciary," Mrs. Carlson West said, "and I am convinced that there is nothing in her record in either capacity that warrants the many unfounded, untrue charges that are being raised in opposition to her nomination as the first woman justice of the Supreme Court."

She conceded that Mrs. O'Connor and two other conservative women legislators had introduced a resolution to ratify the ERA in Arizona. But many legislators and states have changed their minds on ERA since Congress passed it in 1972, Rep.

Carlson West said.

On the abortion issue, Judge O'Connor cast a couple of votes as a legislator with which Rep. Carlson West said she disagreed, "but I do know that she is personally opposed to abortion."

Rep. Carlson West, immediate past chairman of the American Legislative Exchange Council, a national organization of conservative legislators, labeled as "untrue" allegations that Judge O'Connor is "pro-gun control, anti-religion and anti-capital punishment."