

TESTIMONY OF MAYOR MARGARET HANCE  
BEFORE THE SENATE JUDICIARY COMMITTEE HEARINGS  
SEPTEMBER 9-11, 1981

MY NAME IS MARGARET HANCE. I HAVE BEEN THE MAYOR OF THE CITY OF PHOENIX SINCE 1976. PRIOR TO THAT TIME I WAS A MEMBER OF THE CITY COUNCIL. I HAVE BEEN ACTIVE IN CIVIC AFFAIRS AS A VOLUNTEER FOR MORE YEARS THAN I CARE TO REMEMBER.

MINE HAS BEEN A CLOSE AND FRIENDLY RELATIONSHIP WITH JUDGE O'CONNOR SINCE WE FIRST MET MORE THAN TWENTY YEARS AGO. I FEEL THAT I KNOW HER WELL. WE HAVE BEEN ACTIVE TOGETHER IN MANY PROJECTS, AND SHE HAS BEEN A REPRESENTATIVE IN VARIOUS COMMUNITY ACTIVITIES CONCERNING THE GOVERNMENT AND WELFARE OF THE PEOPLE OF PHOENIX.

THESE THINGS GIVE ME THE NECESSARY SHOWING OF FORMAL CONNECTION, BUT THAT IS NOT REALLY WHY I AM HERE. JUDGE O'CONNOR AND I HAVE BEEN FRIENDS FOR MANY YEARS. I LIKE HER. I RESPECT HER. I KNOW HER TO BE A GOOD PERSON.

LET ME BEGIN WITH THE MOST OBVIOUS BUT I THINK THE MOST USEFUL OBSERVATION I CAN MAKE: FOR THE GREAT OFFICE TO WHICH THE PRESIDENT HAS CALLED HER, ANY APPOINTEE MUST HAVE UNIMPEACHABLY GOOD CHARACTER. JUDGE O'CONNOR HAS UNIMPEACHABLY

GOOD CHARACTER. I HAVE NEVER IN A WORLD IN WHICH IT IS SO EASY TO BE MEAN AND TOO FEW PEOPLE ARE KIND, HEARD ANYONE SAY A WORD REFLECTING ON JUDGE O'CONNOR'S INTEGRITY. IF THE FIRST QUALITY FOR PUBLIC SERVICE IS CHARACTER, THEN YOU HAVE A FIRST QUALITY PERSON HERE.

THE SECOND MAJOR QUALITY IS ABILITY. I AM NOT TECHNICALLY COMPETENT TO APPRAISE JUDGE O'CONNOR'S WORK AS A LAWYER, AND I LEAVE THAT TO OTHERS. I AM, HOWEVER, COMPETENT TO OBSERVE THAT IN THE MANY ACTIVITIES IN WHICH WE HAVE WORKED TOGETHER, SHE HAS BEEN SUPERBLY EFFECTIVE. SHE ORGANIZES THE JOB. SHE DOES NOT WASTE TIME. SHE EFFECTIVELY ENLISTS THE HELP OF OTHERS. SHE GETS THE JOB DONE. I HAVE NEVER KNOWN JUDGE O'CONNOR TO LAY DOWN A TASK UNFINISHED.

I SUSPECT THAT JUDGE O'CONNOR IS A TOUGH JUDGE THOUGH A FAIR ONE. AT THE SAME TIME, I AM SURE THAT SHE BRINGS TO THE TASK OF JUDGING THE QUALITY OF HUMAN SYMPATHY AND COMPASSION FOR OTHERS. THERE IS NOT A MEAN STREAK IN HER, BUT THIS IS NOT ENOUGH. SHE HAS AN AFFIRMATIVE DESIRE TO HELP, TO BE KIND WHERE SHE CAN BE KIND, TO BE GENEROUS WHERE GENEROSITY IS POSSIBLE. SHE HAS AN INCREDIBLE RECORD, STRETCHING OVER ALMOST A QUARTER OF A CENTURY, OF CONCERN

FOR PEOPLE WHO NEED HELP AND OF FINDING WAYS TO PROVIDE THAT HELP.

I EXPECT THAT THIS SPIRIT OF COMFORTABLE RATHER THAN OVERBEARING GOOD CITIZENSHIP COMES FROM A COMFORTABLE FAMILY LIFE. I KNOW JUDGE O'CONNOR IN HER ROLES AS WIFE AND MOTHER. OUR COMMUNITY REGARDS HER AS A MODEL OF BOTH. THE CHILDREN ARE FINE YOUNG PEOPLE BECAUSE THEY COME FROM A LOVING HOME.

IN THE ZEAL OF HER FRIENDS TO PORTRAY JUDGE O'CONNOR FOR WHAT SHE IS, A VERY SPLENDID CHOICE FOR THIS HIGH OFFICE, WE MAY OVERLOOK A VERY HUMAN QUALITY. JUDGE O'CONNOR BRINGS TO LIVING A LIVELY SENSE OF HUMOR, A SENSE OF PROPORTION, AND A TOTAL LACK OF OSTENTATION. AS WE USED TO SAY IN THE SCHOOL YARDS, SHE IS NOT "STUCK UP." HER FELLOW JUDGES WILL FIND HER EASY TO GET ALONG WITH AND THIS, I SUSPECT, IS A VALUABLE QUALITY IN A COURT OF NINE.

ONE LAST OBSERVATION. JUDGE O'CONNOR HAS REPEATEDLY SHOWN THAT SHE CAN TAKE ON MATTERS WHICH ARE NEW TO HER AND QUICKLY MASTER THEM. IF I MAY USE THE CLICHE OF THE DAY, SHE IS A QUICK STUDY. I HAVE SEEN HER ON OUR CITY AFFAIRS TIME AFTER TIME BECOME INVOLVED IN MATTERS WITH WHICH SHE COULD

NOT HAVE BEEN ACQUAINTED EARLIER, BUT WHEN SHE IS DONE, SHE KNOWS HER SUBJECT INSIDE OUT. I SUPPOSE THE LEGISLATIVE EXPERIENCE CONTRIBUTES TO THIS, BUT PERHAPS THIS IS WHY SHE WAS A GOOD LEGISLATOR TO BEGIN WITH. I WOULD ALSO LIKE TO ADD THAT, WHEN SHE WAS IN THE LEGISLATURE, JUDGE O'CONNOR WAS EXTREMELY HELPFUL IN PROVIDING LOCAL GOVERNMENT WITH THE TOOLS WE NEED TO HELP OUR CITIZENS. I APPLAUD THE PERSPECTIVE OF SOMEONE WHO FAVORS PROBLEM-SOLVING AT THE LOCAL LEVEL OF GOVERNMENT--THAT JURISDICTION WHICH IS CLOSEST TO THE PEOPLE.

LET ME SAY ONE LAST AND HIGHLY PERSONAL WORD. THERE IS A SPECIAL PLUS FACTOR WHICH GIVES ME EXTRAORDINARY SATISFACTION. I HAVE THE HONOR OF BEING ONE OF THE FEW WOMEN MAYORS IN THE MAJOR CITIES OF AMERICA. WOMEN ARE MAKING THEIR MARK IN CONGRESS, IN THE STATE LEGISLATURES, AND AT THE LOWER LEVELS OF THE FEDERAL COURT SYSTEM.

YET EVERYONE IN THIS ROOM KNOWS THAT THIS IS AN EPOCH-MAKING OCCASION FOR THIS IS THE NOMINATION OF THE FIRST WOMAN JUSTICE IN THE HISTORY OF THE UNITED STATES. AS A WOMAN IN PUBLIC SERVICE AND ON BEHALF OF WOMEN EVERYWHERE, I EXPRESS GREAT PRIDE AND HONOR IN BEING INVITED TO TESTIFY ON THIS VERY GREAT OCCASION.

I HAD A VIVID ILLUSTRATION OF THE UNIVERSALITY OF THIS HAPPY SENSE WHEN THE WHITE HOUSE CALLED ME TO TELL ME OF THE APPOINTMENT. I IMMEDIATELY TRIED TO REACH MY OLD FRIEND ON THE PHONE TO CONGRATULATE HER, BUT THE CAUSE WAS HOPELESS; EVERYONE ELSE WAS DOING THE SAME THING. FOUR HOURS LATER I DECIDED TO SEND HER A TELEGRAM WHICH I BEGAN DICTATING TO AN OPERATOR. MY MESSAGE STARTED, "I AM ECSTATIC . . ." AND THE YOUNG WOMAN INTERRUPTED TO SAY, "OH BOY, SO AM I!"

The CHAIRMAN. We will now hear from Mr. McNulty.

**TESTIMONY OF JAMES McNULTY, MEMBER, ARIZONA BOARD OF REGENTS**

Mr. McNULTY. Mr. Chairman, members of the committee, may it please the committee, I am James McNulty, a real country lawyer in a community that seems to have an extraordinary number of like claimants. I am a private citizen, here at my own expense, from a copper mining camp in Arizona on the mountains of the Mexican border, Bisbee, my home for the last 31 years.

Not long ago I had the opportunity of serving in the Arizona State Senate for three terms, terms that overlapped the service of Judge O'Connor in the same body. My testimony is based on that service, on the very close relationships in such a small group, only 30 persons, and relationships built up in the close and sometimes fierce atmosphere of legislative activities.

I want to address an area important to me and one unaddressed by the publicity I have seen thus far touching upon this important nomination.

In 1972, Judge O'Connor led a successful legislative effort to move the noncriminal problems of alcoholism out of the criminal justice system. It was a progressive and thoughtful bill aimed at America's principle drug problem, alcohol.

It freed highly trained officers and expensive equipment and massive blocks of judicial time from the pathetically monotonous chores of booking, fingerprinting, photographing, arraigning, and sentencing public drunks. It put these unfortunates into a program where they are exposed to expert remedial help, and where some began better lives and began feeling better about themselves.

Today in Arizona there is no crime of being drunk in public, but there is a speedy trip to a so-called local alcoholism reception