

[From the Washington Post, July 13, 1981]

### A MASTER STROKE

"Arizona Judge Sandra O'Connor, Nominated for Supreme Court, Will Be First Woman Justice," the headlines say, and my phone rings a little more these days. "Who is she, what is she like, and what does this mean for the court and for the political future of Ronald Reagan?"

I'll try to shed some light.

I'm a lawyer and a fellow Arizonan, and while I'm not a close friend of the nominee, we are acquaintances. I know her through her reputation and her very successful career in public service and as a community leader.

When people as politically diverse as Barry Goldwater, John Rhodes, Ted Kennedy and I can all support a Supreme Court nominee, it's got to be remarkable. But she will be opposed. The New Right, the Moral Majority and Phyllis Schlafly will go after her with a vengeance that is their particular trademark.

Nevertheless, I expect Mrs. O'Connor will, and ought to be, confirmed.

To understand some of what I have to say, you must understand some basic things about the Arizona Republican Party. A moderate Republican friend of mine told me in Tucson not long ago that the party had split into two camps: conservative and very conservative. "The very conservative believe nothing should be done for the first time," he said, "and the conservatives believe that a few things should be done for the first time, but not now."

The point of this is that Sandra O'Connor is a conservative Arizona Republican, but she is a sensible conservative, and in her career in the Arizona Legislature she is said to have had a vote or two that could have been deemed pro-abortion. And she is said to have supported the Equal Rights Amendment early on.

She has a good judicial temperament. She can be tough. She clearly is a conservative, but she has never placed partisan political values before justice. Those who practice in her court describe her as practical, conscientious, fair and open-minded.

Justice Rehnquist, on the other hand, is one of the brightest men I have ever met, but he is an ideologue who brings a passionate point of view to every case before him, and that point of view is always conservative. O'Connor has a reputation for treating the law in a businesslike way. She may be a kind of balance-wheel when the "brethren" lock the doors and begin to argue the disposition of important cases.

Arizona, a small state, has produced an amazing number of national candidates, congressional leaders and national spokesmen. I think part of the explanation is that Arizona always has enjoyed a civilized kind of politics. Washington is often confounded at the contrasts, but in Arizona, it's taken for granted. The first woman chief justice of a state supreme court was Lorna Lockwood of Arizona. Sandra O'Connor was the first woman majority leader in a state legislature. Margaret Hance, the mayor of Phoenix, was perhaps the first female big city mayor in the country, or certainly one of the first.

Sandra O'Connor and the Arizona Republicans in the conservative group are not Moral Majority types, but they are conservative when it comes to social and economic issues.

My Democratic friends ought to be grateful for this appointment. It's almost inconceivable to me that they could do any better. Ronald Reagan isn't going to appoint liberal Democrats. He's going to appoint people to the right of center wherever he can.

The appointment of O'Connor is a master stroke, comparable to Richard Nixon's going to China. It shows a flexibility, a bigness, that the Ronald Reagan stereotype doesn't recognize. It shows a political savvy on the part of the president that I had assumed was not there. I'm certain that women political activists also doubted it was there.

Lyndon Johnson had an opportunity to appoint a woman and didn't. Kennedy had the same opportunity and passed it by. So did Nixon. So did Ford. But Ronald Reagan said he would appoint a woman, and he did.

John East and Jerry Falwell will never say yes to Sandra O'Connor. But that won't matter, because they'll make up with Reagan eventually anyway. Where else would they go?

On the other hand, the president, in one stroke, has deflected criticism from liberals and from women, two of his principal antagonists. Their silence won't last forever, but the edge has been dulled.

Does the appointment of Sandra O'Connor bother me? No, it doesn't. My liberal friends who might be upset fail, I think, to make a distinction between the electoral process and the judicial process. Electing someone who is conservative is one thing, but the process of deciding the controversies that come before the Supreme Court is

quite another. In the latter case, it's the ability to understand and apply the law that counts. Sandra O'Connor's competence in this respect is not questioned.

Jerry Falwell and crew are demanding some guarantee that O'Connor will decide cases to their liking, and that's not what the system is all about. Barry Goldwater was right when he said, "I don't buy this idea that a justice of the Supreme Court has to stand for this, that or the other thing." Goldwater understands the constitutional job of the court. I wish Falwell could grasp Barry's meaning.

You can tell a lot about people and even draw a profile by the company they keep and the affiliations they make. Her résumé has these kinds of entries: prosecutor, legislator and state senate leader, civilian employee with the U.S. Army in Germany, juvenile judge, Republican Party official, board of Smithsonian Associates, Salvation Army, Soroptomists Club, Arizona Academy, Junior League, board of Blue Cross-Blue Shield, board of directors of the First National Bank, elected Woman of the Year and recipient of the annual award from the Phoenix Conference of Christians and Jews. And there is much more.

It may be a cliché, but in the case of Sandra O'Connor, she really is a pillar of the community. A consistent, decent, hard-working lawmaker, politician, mother, wife, lawyer, public servant and judge.

When one looks at Sandra O'Connor, studies her brand of Republicanism and knows the Republican friends she keeps, it was little wonder that someone in the White House called her "too good to be true."

Like I said earlier, Washington may have been a bit surprised, but out in Arizona, we take the Sandra O'Connors for granted.

The CHAIRMAN. Congressman Rudd of Arizona.

#### STATEMENT OF HON. ELDON D. RUDD, A MEMBER OF CONGRESS FROM THE STATE OF ARIZONA

Congressman RUDD. Thank you, Mr. Chairman.

Mr. Chairman, distinguished members of the committee, I am very pleased to have this opportunity to appear before this committee today, and also pleased to see you in that seat, Mr. Chairman.

I am glad to express my wholehearted support for the nomination of my constituent, Sandra O'Connor, to be Associate Justice of the Supreme Court of the United States of America. I have known Judge O'Connor for a number of years, as a political campaigner, as a distinguished legislator in the State of Arizona, and as a distinguished jurist in the Arizona court system. I have supported her in her actions in all of these positions.

She has excelled in every task that she has undertaken: as assistant State attorney general, as leader of the State legislature, and as an outstanding jurist in the court of appeals. In all of these positions she has shown devotion to the constitutional processes which govern this Nation, and I am certain that Judge O'Connor will bring the same integrity and the same wisdom to the high court that she did to all branches of the State government of Arizona.

Judge O'Connor is a serious student of the law and her record gives evidence of her strict interpretation of the role of the judiciary. Her varied experiences in government have given depth to her views, and I believe this makes her especially well-qualified for the position. Her nomination is indeed a testimonial to President Reagan's commitment to a stable and responsive government. I urge her confirmation as Associate Justice of the U.S. Supreme Court.

The CHAIRMAN. The Judiciary Committee has received a number of resolutions from various groups, and without objection, they will be placed in the record. Among those are a few I hold in my hand at this time: One by the board of governors of the State Bar of Arizona; one by the board of directors of the Maricopa County Bar