

The CHAIRMAN. We will now ask the distinguished mayor of the city of Phoenix, the Honorable Margaret Hance, and a member of the Arizona Board of Regents, the Honorable Jim McNulty, to come forward.

On account of the constraints of time, we are going to have to stop the witness after 5 minutes. The blue light means your time has started; the yellow light means you have 1 minute left; the red light means your time is up and you have to stop. Our time is limited.

We thank you for coming. Would you hold up your right hands and be sworn?

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mayor HANCE. I do.

Mr. McNULTY. I do.

The CHAIRMAN. Have a seat. We would be glad to hear from you.

TESTIMONY OF HON. MARGARET HANCE, MAYOR OF THE CITY OF PHOENIX

Mayor HANCE. Thank you, Mr. Chairman, members of the committee.

Mine has been a close and friendly relationship with Judge O'Connor since we first met more than 20 years ago. I feel that I know her very 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 items 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, and I know her to be a good person.

Perhaps the most obvious and most important observation that I can make is, 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.

In a world in which it is so easy to be mean and so few are kind, I have never heard anyone reflect with one word 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 suspect that Judge O'Connor is a tough judge but also a fair one. 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 that is not enough. She has an affirmative desire to help, to be kind where she can be kind, and to be generous where generosity is possible.

I expect that this spirit of comfortable rather than overbearingly good citizenship comes from her comfortable family life. I know her

in her roles as wife and mother, and our community regards her as a model of both.

I think also 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 also happens to have a very lively sense of humor, a fine sense of proportion, and a total lack of ostentation. As we used to say in the schoolyard, she is not “stuck up.” I think her fellow judges will find her easy to get along with, and I think that is important, 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. In the cliché of the day, she is a quick study. I have seen her, on city affairs, time after time become involved in matters with which she could not have been acquainted earlier but when she is through, she knows her subject inside out. I suppose the legislative experience contributes to this but perhaps that is why she was a good legislator to begin with.

Federalism has been mentioned. 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—as Senator Laxalt knows from his Federalism Commission—I applaud and I really cheer the perspective of someone who favors problem solving at the local level of government, that jurisdiction which is closest to the people.

I would like to say one last and highly personal word about the special plus factor which gives me such extraordinary satisfaction. I happen to have the honor of being one of the few women mayors in the major cities of America. Women are making their mark in Congress and the State legislatures, and at the lower levels of the Federal court system, but everyone in this room knows that this is an epoch-making occasion, this nomination of the first woman Justice. 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 have a vivid illustration, to illustrate the universality of this feeling. On the morning that the White House called me to notify me of the nomination, I started to get on the phone to congratulate my old friend. I found that to be absolutely impossible. You could not even dial the last number. After 4 hours I gave up trying, so I decided to send her a telegram. As I was dictating it to this young operator, the first two words were, “I am ecstatic,” and the young woman interrupted me and said, “Oh, boy, so am I.”

Thank you.

The CHAIRMAN. Thank you very much. We are delighted to have you with us, Mayor Hance.

[Statement follows:]

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.