

In her decisions she is guided by logic and fact. Her concern for people often makes those decisions painful. In one case she heard as a superior court judge the decision was made to incarcerate the criminal, a mother who pled not to be separated from her family. Knowing that justice must be served, Judge O'Connor sentenced the woman to jail, knowing the pain the woman would suffer being separated from her children. Sandra O'Connor retired to her chamber and wept. She did what had to be done, but she showed a deep compassion. These qualities will make her a noteworthy, historic Supreme Court Justice.

I urge you to unanimously recommend the confirmation of President Reagan's nominee, Judge Sandra Day O'Connor, to the U.S. Supreme Court; and I thank you very much for giving me the opportunity to appear before you and express my views.

The CHAIRMAN. Thank you.

The Honorable Art Hamilton, a member of the Arizona House of Representatives.

#### TESTIMONY OF HON. ART HAMILTON, ARIZONA HOUSE OF REPRESENTATIVES

Mr. HAMILTON. Chairman Thurmond and members of the committee, thank you very much. I wish to thank you for this opportunity to address you regarding the nomination of Sandra O'Connor to be an Associate Justice of the Supreme Court. I consider this not only an honor but a tremendous responsibility.

The Supreme Court is for most Americans the last refuge of appeal when we believe our rights have been violated or ignored. This is particularly true of minorities who have reached out to the Court in an effort to see their liberties guaranteed. So I feel peculiarly sensitive to the kind of individual who should hold this awesome power over our lives, and this is in part why I am here.

Sandra O'Connor was an outstanding legislator with whom I served, but that is not why I support her nomination. She is as well an outstanding member of the bench in Arizona, but that is not why I support her nomination.

As I know you now understand, she is clearly an exceptional legal scholar, but that is also not the reason I am here.

I have come to Washington to state my support for Judge O'Connor because I believe that she is totally and resolutely committed to the ideal of equal justice under law.

In my years of dealing with Judge O'Connor I have never failed to be impressed by her intuitive sensitivity to the rights, hopes, and desires of the "have nots" as well as the "haves" of our society.

I do not know and cannot say how Judge O'Connor will vote on specific issues that come before the Court. I am confident that some of those decisions I am not going to agree with.

What I am sure of, and what I believe you can be assured of, is Judge O'Connor's fidelity to the Constitution and her impartiality in guaranteeing the rights of all Americans. She will, as they say, call them as she believes the Constitution calls her to see them. Of this much I am totally confident.

What I believe speaks best from my perspective is that when all else is said what remains is that Sandra O'Connor is a good and

decent person of compassion, intellect, and good will. She loves this country and will seek to preserve, protect, and improve it.

I believe she deserves the support of this committee, the support of the U.S. Senate, and having gained those she will earn the support and respect of the people of these United States.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Grassley, do you have any questions of this panel?

#### PRO-LIFE STAND

Senator GRASSLEY. Yes, Mr. Chairman.

First of all, I appreciate your comments about what you believe to be her pro-life stand. As a person who has had some concern about her lack of being explicit, which I can understand, I would like to ask each whether or not you would expect her to be supportive of pro-life positions in the Supreme Court, as you know her today? I would like to have each of the three of you answer that.

Mr. HAMILTON. Senator Grassley, I do not know, sir; and I would not even attempt to speculate. I have a strong pro-life record, and I am very proud of that.

I think Sandra O'Connor is a good and decent person who will seek to do what she believes the Constitution calls for her to do.

I have faith that her position with regard to being pro-life is an evolving one. That is why I am here and in part why I am supportive, but I would not want to speculate what she is going to do. I tried that a couple of times when she was in the Senate, and I have not guessed right yet.

She has the best instincts of any person I have ever dealt with. I sincerely believe she cares about the rights of the unborn, and I believe she will seek to protect them.

Senator GRASSLEY. Mrs. West?

Mrs. WEST. Mr. Chairman and Senator Grassley, I would not want to speculate on how she might decide a case that dealt with the abortion issue. I think that she will weigh the facts of the case, consider the laws involved in that particular case, and make her decision based on her interpretation of those factors. I think that is a quality that we look for in a judge.

I have had private conversations with her on the issues of abortion and the Equal Rights Amendment and was satisfied with her views. I am convinced she is a woman of integrity. I am also convinced, though, that she will deal with each individual case based on the facts and the law; and I do not think we can ask any more of her.

Senator GRASSLEY. Mr. Hamilton?

Mrs. WEST. Mr. Chairman and Senator, I would not be sitting here making the testimony that I just gave if I thought for a moment that Judge O'Connor would come down for the continuation of the murder of the innocent unborn.

It is my personal judgment that she has gone through this conversion process. I think she has said in open hearing, under oath, that if she had to do it again she doubts if she would vote the same way she voted in 1970 and maybe on some of the other issues. God