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Roberts Resisted Women's Rights

1982-86 Memos Detail Skepticism

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By Amy Goldstein, R. Jeffrey Smith and Jo Becker
Washington Post Staff Writers
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Supreme Court nominee John G. Roberts Jr. consistently opposed legal and legislative attempts to strengthen women's rights during his years as a legal adviser in the Reagan White House, disparaging what he called "the purported gender gap" and, at one point, questioning "whether encouraging homemakers to become lawyers contributes to the common good."

In internal memos, Roberts urged President Ronald Reagan to refrain from embracing any form of the proposed Equal Rights Amendment pending in Congress; he concluded that some state initiatives to curb workplace discrimination against women relied on legal tools that were "highly objectionable"; and he said that a controversial legal theory then in vogue -- of directing employers to pay women the same as men for jobs of "comparable worth" -- was "staggeringly pernicious" and "anti-capitalist."

Roberts's thoughts on what he called "perceived problems" of gender bias are contained in a vast batch of documents, released yesterday, that provide the clearest, most detailed mosaic so far of his political views on dozens of social and legal issues. Senators have said they plan to mine his past views on such topics, which could come before the high court, when his confirmation hearings begin the day after Labor Day.

Covering a period from 1982 to 1986 -- during his tenure as associate counsel to Reagan -- the memos, letters and other writings show that Roberts endorsed a speech attacking "four decades of misguided" Supreme Court decisions on the role of religion in public life, urged the president to hold off saying AIDS could not be transmitted through casual contact until more research was done, and argued that promotions and firings in the workplace should be based entirely on merit, not affirmative action programs.

In October 1983, Roberts said that he favored the creation of a national identity card to prove American citizenship, even though the White House counsel's office was officially opposed to the idea. He wrote that such measures were needed in response to the "real threat to our social fabric posed by uncontrolled immigration."

He also, the documents illustrate, played a bit role in the Reagan administration's



Boxes containing pages of records from the files of Supreme Court nominee John G. Roberts Jr. are taken to the Senate Judiciary Committee. (By Larry Downing -- Reuters)

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efforts in Nicaragua to funnel assistance to CIA-supported "contras" who were trying overthrow the Marxist Sandinista government.

In one instance, Roberts had a direct disagreement with the senator who now wields great influence over his confirmation prospects, Senate Judiciary Committee Chairman Arlen Specter (R-Pa.). In a 1983 memo, Roberts was dismissive of a "white paper" on violent crime that had been drafted by one of Specter's aides. Noting that the paper proposed new expenditures of \$8 billion to \$10 billion a year, Roberts wrote: "The proposals are the epitome of the 'throw the money at the problem' approach repeatedly rejected by Administration spokesmen."

President Bush nominated Roberts, now a judge on the U.S. Court of Appeals for the District of Columbia Circuit, four weeks ago.

Yesterday's deluge of more than 38,000 pages of documents has particular political significance -- because of their content and their timing. The papers, held in the Ronald Reagan Presidential Library in California, are likely to be the last major set of written material from Roberts's past to become public before his confirmation hearings.

Senate Democrats have been pressing the Bush administration to release Roberts's files from the highest-ranking position he has held in the executive branch, as the Justice Department's deputy solicitor general from 1989 to 1993 under President George H.W. Bush. But administration officials have asserted that those records should remain private on the grounds of attorney-client privilege.

Previously released documents, from slightly earlier in the Reagan era, when Roberts was a special assistant to Attorney General William French Smith, have established that the young lawyer was immersed in the civil rights issues of the time, including school desegregation, voting rights and bias in hiring and housing. The new batch provides the most extensive insight into Roberts's views of efforts to expand opportunity for women in the workplace and in higher education.

His remark on whether homemakers should become lawyers came in 1985 in reply to a suggestion from Linda Chavez, then the White House's director of public liaison. Chavez had proposed entering her deputy, Linda Arey, in a contest sponsored by the Clairol shampoo company to honor women who had changed their lives after age 30. Arey had been a schoolteacher who decided to change careers and went to law school.

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