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# Roberts Disparaged States' Sex-Bias Fight



By DAVID ESPO, AP Special Correspondent

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WASHINGTON - Supreme Court nominee John Roberts disparaged state efforts to combat discrimination against women in Reagan-era documents made public Thursday, and wondered whether "encouraging homemakers to become lawyers contributes to the common good."

A young White House lawyer at the time, Roberts also criticized a crime-fighting proposal by Sen. Arlen Specter ([news](#), [bio](#), [voting record](#)) as "the epitome of the 'throw money at the problem'" approach.

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Specter, R-Pa., then a first-term senator, is now chairman of the Judiciary Committee and will preside at Roberts' confirmation hearings, scheduled to begin Sept. 6.

The documents, released simultaneously in Washington and at the Reagan Library in California, show Roberts held a robust view of presidential powers under the Constitution. "I am institutionally disposed against adopting a limited reading of a statute conferring power on the president," he wrote in 1985.

The materials made public completed the disclosure of more than 50,000 pages that cover Roberts' tenure as a lawyer in the White House counsel's office from 1982-86.

Nearly 2,000 more pages from the same period have been withheld on national security or privacy grounds.

Additionally, over the persistent protests of Senate Democrats, the White House has refused to make available any of the records covering Roberts' later tenure as principal deputy solicitor general during the administration of President George H.W. Bush.

Taken as a whole, the material released Thursday did little or nothing to alter the well-established image of Roberts as a young lawyer whose views on abortion, affirmative action, school prayer and more were in harmony with the conservative president he served.

Democrats say they will question Roberts closely on those subjects and others at his hearings. And despite the apparently long odds against them, civil rights and women's groups are beginning to mount an attempt to defeat his nomination.

Emily's List drew attention during the day to a recent speech by Sen. Barbara Boxer ([news](#), [bio](#), [voting record](#)), D-Calif., in which Boxer raised the possibility of a filibuster if Roberts doesn't elaborate on his views on abortion and privacy rights at his hearings.

"I have the ultimate step," Boxer said. "I can use all the parliamentary rules I have as a senator to stand up and fight for you."

The documents released Thursday recalled the battles of the Reagan era, and underscored the breadth of the issues that crossed the desk of a young man in the White House.

He advised senior officials not to try and circumvent the will of Congress when it established a nationwide 55 mph speed limit, for example.

AP Photo: Supreme Court nominee, John Roberts, flashes a smile while waiting to meet with Sen. Orrin...

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upon speed limit, for example.

At one point, Roberts drafted a graceful letter to the actor James Stewart for Reagan's signature. "I would normally be delighted to serve on any group chaired by you," it began, then went on to explain why White House lawyers didn't want the president to join a school advisory council.

On a more weighty issue, he struggled to define the line that Reagan and other officials should not cross in encouraging private help to the forces opposing the leftist Sandinista government of Nicaragua.

On Jan. 21, 1986, he wrote there was no legal problem with Reagan holding a White House briefing for two groups trying to raise funds. Then, a month later, Roberts warned against getting too close to such groups, toning down letters of commendation drafted for Reagan's signature.

In a memo drafted Jan. 17, 1983, Roberts reviewed a report that summarized state efforts to combat discrimination against women. "Many of the reported proposals and efforts are themselves highly objectionable," he wrote to White House Counsel Fred Fielding.

As an example, he said a California program "points to passage of a law requiring the order of layoffs to reflect affirmative action programs and not merely seniority" — a position at odds with administration policy.

He referred to a "staggeringly pernicious law codifying the anti-capitalist notion of 'comparable worth,' (as opposed to market value) pay scales."

Advocates of comparable worth argued that women were victims of discrimination because they were paid less than men working in other jobs that the state had decided were worth the same.

In yet a third case, Roberts said a Florida section "cites a (presumably unconstitutional) proposal to charge women less tuition at state schools, because they have less earning potential."

His remark about homemakers and lawyers seemed almost a throwaway line in a one-page memo about the Clairol Rising Star Awards and Scholarship Program. The program was designed to honor women who made changes in their lives after age 30 and had made contributions in their new fields.

An administration official nominated an aide who had been a teacher but then became a lawyer. Roberts signed off on the nomination, then wrote: "Some might question whether encouraging homemakers to become lawyers contributes to the common good, but I suppose that is for the judges to decide."

More than a decade later, Roberts married an attorney.

Specter's office declined comment on Roberts' criticism of the senator's long-ago anti-crime proposal. It called for spending \$8 billion over five to 10 years, according to Roberts' memo.

Associated Press writers Michael R. Blood and Jeff Wilson contributed to this report from Simi Valley, Calif., and Jesse J. Holland and Hope Yen contributed from Washington.

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