

Memorandum



Subject	Date
Talking Points for Meeting With Lofton of Conservative Digest, Thursday, January 28, 10:00 a.m.	January 27, 1982

To The Attorney General From John Roberts *JA*

Mr. Lofton will doubtless arrive with many criticisms of the Department for not advancing conservative ideals. While we should certainly listen to his concerns, I also think we should use the opportunity to impress upon him not only your own personal conservative instincts but also the many areas in which those instincts have shaped Department policy.

His criticisms will probably include:

- o The Department's handling of the ERA appeal. His view is that the Department was prepared to adopt the NOW position and that only conservative group pressure dissuaded us. He will probably not be responsive to suggestions that we are obligated to defend Congress' action. He agrees with Judge Callister's decision and will criticize our suggestion that it be vacated. In response I would link our position to the general judicial restraint program.
- o Selection of Mary Lawton as Counsel for Intelligence Policy. Conservatives consider her for the Levi guidelines which hampered security efforts, and regard her appointment as a paradigm of placing "holdover" personnel in positions to thwart conservative policy. One response is to note that Richard Willard, who does have the confidence of conservative groups, strongly supports her.
- o General grievance that Carter "holdovers" are frustrating efforts to implement conservative policy.
- o Criticism of the Criminal Code effort. Many conservatives believe the Code will reduce sentences for violent and sex-related offenses while increasing them for business and regulatory offenses. A general response is that changes in sentences under the Code are deceptive, since parole will be abolished and the sentence set by the judge will actually be served.

Points we should emphasize:

- o Judicial restraint program. First serious effort to do something about what conservatives have been saying about the courts. Its already having an impact -- Rex Lee argued standing before the Supreme Court in Valley Forge and won.
- o Changes in civil rights remedies: Department no longer seeks busing or affirmative action quotas.
- o More reasonable approach to antitrust law, epitomized in the dropping of the IBM case.
- o Various criminal law efforts, including reform of the exclusionary rule, bail, habeas corpus, and so on. Also stress increased cooperation with state and local officials through law enforcement coordinating committees.
- o Firm handling of PATCO strike.