

Sandra Day O'Connor

“My time as a state legislator was a wonderful experience.”

A former two-term Arizona state senator, Sandra Day O'Connor was nominated to the U.S. Supreme Court by President Ronald Reagan in 1981 and was confirmed unanimously by the U.S. Senate. She became the first woman Supreme Court Justice and one of the most influential members of the court who was often the swing vote. She retired from the Court in 2006 and turned her energy to writing and civic education. Today, she is the author of five books, including *Out of Order: Stories from the History of the Supreme Court*, published this year. President Obama honored her with the Presidential Medal of Freedom in 2009.

State Legislatures: What do you think the average reader will be most surprised to learn from your new book, *Out of Order: Stories from the History of the Supreme Court*?

Justice O'Connor: I think people generally don't know that for a long time in the Court's history, the justices had to ride the circuit. They had to go around the country and sit on cases. And they weren't sitting in Washington, D.C., all the time as they are now. That was extremely challenging for the justices. None of them liked it, and it was very burdensome.

SL: When you were doing the research for your book, did you wonder how the Court survived with all the things that went on?

Justice O'Connor: It had to survive. We had to have a Supreme Court. But the challenges in those days were so substantial that it made it difficult to get justices and a work pattern that doesn't just kill you. And that one almost did.

SL: In a culture that seems to demand instant accountability from everyone in public life, how confident are you that we can pull judges out of politics?

Justice O'Connor: For heaven's sakes, the justices have no interest in being political figures. They don't want it. But for members of the public, it is hard for them to think of any high official in government as not being some kind of a political figure.

SL: Is the current Supreme Court viewed as politicians

with black robes?

Justice O'Connor: That's hard to say. You'd have to take a nationwide poll to have the answer to that. I'm sure there are citizens who still think that way. We hope that through education over the years that a majority, perhaps, understand that is not the case.

SL: Would better civics education contribute to a better view of the judiciary and more informed public?

Justice O'Connor: It isn't inherited through the gene pool and it isn't taught effectively in enough of the schools. So this becomes a very important task that we have as adults in this country to try to educate young people about how the government is structured, how it works and how every citizen is part of it.

SL: How did your tenure as a state legislator shape your view from the bench?

Justice O'Connor: My time as a state legislator was a wonderful experience for me. I learned to deal with the other agencies of state government and to work with them to see what we could do to make the state function more effectively.

SL: Do you believe permitting cameras in the Court or allowing live transmission of the decisions would make the Court more transparent?

Justice O'Connor: I really don't think so because the Supreme Court issues written opinions saying everything they are saying that affects the cases they decide. Now you can't have more clarity than that. Tell me what other branch of government puts in writing everything that it does and says. There isn't one. You don't see the president writing a full explanation of everything he does and why. You don't see the Congress doing that. You just see laws they pass. And so it is hard to be more open than the Supreme Court is—it is certainly the most open of the three branches. The only thing that the court has not done is to allow cameras in the courtroom, and I can't see that. That makes the least bit of difference in understanding what the court is doing.

SL: During your tenure on the court, you were described in media as a centrist, a moderate centrist, a classic conservative and even as a moderate establishment progres-



sive. Were any of those labels right?

Justice O'Connor: No, for heaven's sakes. It is the job of the press to try to describe for the public what the press thinks it sees in the nine justices. I don't think it is very helpful because the Supreme Court is the only agency of the government, as I said before, that explains everything it does in written form and every justice is out there explaining in full the justices' thinking on these issues. And that's impressive.

SL: You were described in your time on the Court as the most powerful woman in America. Did you feel that way?

Justice O'Connor: No. Certainly not. But every member of the Supreme Court has a certain ability to express one's self in writing about the merits of the issues we're deciding. That's special, that's unique, and everybody does that on the court. I don't think that the members of high courts in other nations do the same thing. They don't explain themselves in written opinions as we do. So I think we have quite a special system in the United States.

Editor's note: This interview is part of a series of conversations with opinion leaders. It has been edited for length and clarity. The opinions expressed are of those interviewed, and not necessarily NCSL's.

A photograph of a sign for 'AMERICA'S Optometrists'. The sign is white with black text and is mounted on a black frame. Below the main sign is a smaller sign that says 'WE'RE OPEN to treating more eyes in the country than anyone.' The background shows a building with red siding and some greenery.

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The logo for Americas Eye Doctors, featuring a stylized eye shape composed of blue and orange curved lines.

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