

Op-ed | A Trailblazing Justice and a Guardian of the Constitution

by Peter G. Verniero

An unfortunate byproduct of the 24/7 news cycle is that important news items are quickly displaced by other news, leaving us with a blur of people and events that just as quickly fade from memory.

Let's try to avoid that from happening to our memory of Sandra Day O'Connor, the first female justice to serve on the United States Supreme Court.

Nominated by President Ronald Reagan and unanimously confirmed by the Senate, O'Connor took her seat on the high court in 1981. She served until her retirement in 2006.

During much of her tenure, she was viewed as the court's jurisprudential center, striving to find common ground in highly-contested matters that continue to this day - affirmative action, abortion rights and a host of others. Increasingly she stepped into the role of "swing" justice - meaning she cast the deciding vote on the nine-member court and usually wrote or shaped the majority opinion on the most important cases before her.

That degree of influence would not have been predicted when she graduated from Stanford Law School near the top of her class in 1952. Back then, despite her obvious qualifications, O'Connor could find no position as an attorney at private law firms because of her gender. Undaunted by such odious barriers facing women, O'Connor put her brilliant legal mind to work in government service, beginning as a deputy county attorney in California.

She eventually settled in Arizona, winning a seat in the state senate. Her colleagues selected her as senate majority leader, the first woman to serve in that position in Arizona (or any other state). She continued her professional climb based on her legal acumen and unstinting work ethic. When

nominated by Reagan, O'Connor was a judge of the Arizona Court of Appeals.

Her rise from an intermediate state court to our nation's highest court is well documented in Evan Thomas's biography of O'Connor, aptly titled "First." It is a must-read book for anyone interested in an inspiring story of grit, grace and civic achievement.

I once heard O'Connor speak at Princeton University and immediately was struck by her quiet eloquence. She seemed modest in demeanor but keenly aware that her role on the Supreme Court was anything but modest.

In words and actions, O'Connor took her role as guardian of the constitution seriously. She tried to resolve each case before her on the basis of the law and facts, with fairness and justice as twin polestars. Is there anything more we should want from a judge?

Of the many fitting tributes offered by O'Connor's judicial colleagues, this one by Justice Elena Kagan put it so well: "What is striking to me now is how (O'Connor) used her influence — with extraordinary understanding of this Nation and its people; with appreciation of this Court's necessary role, but also of its necessary limits; and with a will to promote balance and mutual respect in this too-often divided country."

So in these intemperate times, we should remember this even-tempered jurist. Sandra Day O'Connor showed us how to disagree without being disagreeable, how to serve by example and how to do right as an ardent defender of the rule of law. It's up to us to carry that example forward.

Peter G. Verniero formerly served as a justice of the New Jersey Supreme Court and state attorney general.