

# SUPREME COURT OF THE UNITED STATES

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IN THE SUPREME COURT OF THE UNITED STATES

JUSTICE SANDRA DAY O'CONNOR MEMORIAL

MEMBERS OF THE SUPREME COURT BAR

Pages: 1 through 35

Place: Washington, D.C.

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SUPREME COURT OF THE UNITED STATES  
JUSTICE SANDRA DAY O'CONNOR MEMORIAL

MEMBERS OF THE SUPREME COURT BAR

1:47 p.m.

Thursday, March 19, 2026

Upper Great Hall  
Supreme Court of the United States  
Washington, D.C.

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P R O C E E D I N G S

(1:47 p.m.)

CALL TO ORDER

THE HONORABLE D. JOHN SAUER,

SOLICITOR GENERAL OF THE UNITED STATES

GENERAL SAUER: Members of the O'Connor family, members of the Court, and members of the Bar:

This meeting of the Bar of the Supreme Court of the United States has been called to honor the memory of Justice Sandra Day O'Connor, who served as an Associate Justice of the Supreme Court from 1981 until 2006.

In addition to her time on the Court, Justice O'Connor served with distinction in all three branches of government in her beloved home state of Arizona, as an Assistant Attorney General, Majority -- Majority Leader of the Arizona State Senate, and a judge on the Arizona Court of Appeals. She was a fearlessly independent jurist and an inspiring figure, who permanently expanded the boundaries of possibility for professional women.

I express my appreciation to Chief Justice Ruth McGregor and Chief Justice Scott Bales, who co-chaired the Arrangements Committee for this meeting, and to the members of that committee, Chief Judge Sri

1 Srinivasan, Judge Richard Taranto, Lisa Kern Griffin,  
2 and Deborah Jones Merritt.

3 I also express my gratitude to Judge William  
4 Nardini and Patricia Bellia, who co-chaired the  
5 Resolutions Committee, and to the members of that  
6 committee, Deborah Jones Merritt, Kent Syverud, Judge  
7 Adalberto Jordan, Eugene Volokh, Katherine Adams, Stuart  
8 Delery, Richard Bierschbach, Anup Malani, Judge Michelle  
9 Friedland, Cristina Rodriguez, Justin Driver, Kristen  
10 Eichensehr, and Eli Savit.

11 The meeting today will be chaired by Chief  
12 Justice McGregor, and Scott Harris will be the  
13 secretary. I now turn the podium and the meeting over  
14 to Chief Justice McGregor.

15 INTRODUCTION OF SPEAKERS

16 THE HONORABLE RUTH MCGREGOR,

17 CHIEF JUSTICE, ARIZONA SUPREME COURT (RETIRED),

18 CHAIR OF THE MEETING

19 CHIEF JUSTICE MCGREGOR: Good afternoon,  
20 Chief Justice, members of the Court, Mr. Solicitor  
21 General, members of the O'Connor family, and members of  
22 the Supreme Court Bar.

23 On July 7th, 1981, when President Reagan  
24 nominated then Arizona Judge O'Connor to become the  
25 first woman to serve on the United States Supreme Court,

1 the world changed for Sandra O'Connor and, it is no  
2 exaggeration to say, for women in general and women in  
3 law in particular.

4           The significance of the moment did not  
5 escape Justice O'Connor. She noted in a 2004  
6 commencement address that President Reagan's decision  
7 wasn't just about her; it was about women everywhere.  
8 It was about a nation that was on its way to bridging a  
9 chasm between genders that had divided us for too long.

10           That chasm, and the lost opportunities it  
11 represented for women, was much evident in  
12 Justice O'Connor's unique path to the Supreme Court.  
13 The legal profession, like most other professions, was  
14 not a meritocracy during the 20th century. It is  
15 important to remember how hard women, people of color,  
16 and others fought to make the workplace more democratic  
17 and inclusive. Justice O'Connor was a leader in that  
18 fight, through her personal life, her professional life,  
19 and her work on the Court itself.

20           From the viewpoint of many, Sandra Day  
21 O'Connor was an unlikely nominee. Her professional  
22 history was not typical for a Supreme Court justice.  
23 She had not been a partner in a well-known law firm, had  
24 not held a leadership position in any presidential  
25 administration, had not served on the federal bench or

1 as a law dean. Her lack of experience in those areas,  
2 of course, had nothing to do with her ability or  
3 ambition. The simple fact was that, for much of her  
4 career, entrance to those positions was guarded in all  
5 but a few rare and scattered instances by doors marked  
6 "males only."

7           These obstacles may have altered Sandra  
8 O'Connor's path, but as her quarter century on the Court  
9 would reveal, her nontraditional road to the Court  
10 helped her develop other skills that served her well.  
11 She was no stranger to being the first or only woman.

12           Looking back, it seems incredible that as  
13 late as 1973, she was the first woman ever to serve as  
14 majority leader in a state Senate. When she was elected  
15 to the trial court in 1974, she was one of just three  
16 women, two elected just that year. And when she was  
17 appointed to the Arizona Court of Appeals in 1979, again  
18 she was the only woman on the court.

19           Because of her own experience with  
20 discrimination and her battles against the feminine  
21 stereotype, she understood the challenges faced by  
22 others. In an early opinion, she wrote that "if the  
23 statutory objective is to exclude or protect members of  
24 one gender because they are presumed to suffer from an  
25 inherent handicap or be innately inferior, the objective

1 itself is illegitimate."

2 Her years in the Arizona State Senate also  
3 proved useful. She knew from personal experience how  
4 the political branches of government operate and how  
5 they can and should interact with the judicial branch.  
6 She understood the legislative process and the  
7 challenges of statutory interpretation in a way that few  
8 professors and judges can emulate. And she brought to  
9 the Court her unique experience as a state trial court  
10 judge, which allowed her to understand our justice  
11 system at its most basic level, where laws and court  
12 proceedings directly impacted the people in front of  
13 her.

14 And her various work experiences -- excuse  
15 me -- were not the only factors that underlay her  
16 success as the first woman on the Supreme Court. During  
17 her first term, our group of law clerks, Brian  
18 Cartwright, Debby Merritt, John Dwyer, and I, benefited  
19 not only from our front seat to history being made but  
20 from the opportunity to learn from the Justice in ways  
21 that applied far beyond the august walls of the Court.

22 Growing up on the remote Lazy B Ranch in  
23 Arizona -- as you know, she often referred to herself as  
24 a cowgirl from eastern Arizona -- indelibly shaped her  
25 approach to life and work. She credited growing up on

1 the ranch with developing a sense of independence and a  
2 work ethic evident throughout her life. No job was too  
3 hard to undertake, and no job was too small to do well.

4           And we received a master's course in using  
5 time wisely, as the Justice dealt during her first term  
6 not only with the work of the Court but also with  
7 unremitting public scrutiny; thousands of letters from  
8 members of the public, all of whom expected a response;  
9 daily, unscheduled visits to her chambers from those who  
10 knew her well and those who did not; and the expectation  
11 that she could be everywhere everything all at once. We  
12 saw the Justice manage a seemingly unmanageable schedule  
13 through her uncanny ability to focus on whatever was  
14 most important at the moment, to finish that job, and  
15 then move on. We saw the Justice always -- always --  
16 make time for her family and friends, no matter the  
17 other calls on her time.

18           You will hear more about the transformative  
19 experience of serving as a law clerk to  
20 Justice O'Connor. Allow me to close by saying that  
21 describing her work as a public servant as tireless  
22 relies upon a word both overused and too puny to capture  
23 the magnitude of her efforts to protect our justice  
24 system and to leave this world a bit better than she  
25 found it. We are all in her debt.

1           I turn now to comments from other O'Connor  
2 law clerks, the Honorable Sri Srinivasan, Chief Judge of  
3 the United States Court of Appeals for the District of  
4 Columbia Circuit; the Honorable Richard Taranto of the  
5 United States Court of Appeals for the Federal Circuit;  
6 Professor Lisa Kern Griffin of Duke University School of  
7 Law; and the Honorable Scott Bales, former Chief Justice  
8 of the Arizona Supreme Court. We represent the 112 law  
9 clerks who served with Justice O'Connor and will  
10 attempt, in a relatively short time, to provide some  
11 understanding of the extraordinary woman with whom we  
12 worked and the honor and joy we experienced from serving  
13 as her law clerks.

14           REMARKS BY THE HONORABLE SRI SRINIVASAN,  
15           CHIEF JUDGE, UNITED STATES COURT OF APPEALS  
16           FOR THE DISTRICT OF COLUMBIA CIRCUIT

17           CHIEF JUDGE SRINIVASAN: Thank you, Ruth,  
18 and good afternoon, everyone.

19           This gathering happens to take place in the  
20 middle of Women's History Month, and we pay tribute to a  
21 person who defines the category. By the time  
22 Justice O'Connor was appointed to the Court, 101 men had  
23 served as its justices. She then joined it, bringing  
24 with her half of humanity. About her own sense of the  
25 significance of her appointment, I'll only say this, and

1 I think we law clerks likely all share this impression:  
2 She recognized her profound place in history. How could  
3 she not? But she had zero sense of entitlement to  
4 occupy it. She was self-aware, even self-assured, but  
5 not at all self-impressed. She put her head down and  
6 simply did the work, and we got to bear witness.

7           When I came to the Court today, I sought to  
8 repeat what has become something of a ritual when I find  
9 myself in this building. What happens in the normal  
10 course is this: I walk down the hallway from the  
11 Maryland Avenue entrance and pause just before getting  
12 to the statue of Chief Justice Marshall, and turn to my  
13 left and look up at the portrait of Justice O'Connor.  
14 And then, I smile. It's an instinctive reaction, bound  
15 up in appreciation and in many reflections about being  
16 in her company. I'm pleased to share a couple of those  
17 experiences today.

18           As Ruth mentioned, Justice O'Connor grew up  
19 on the Lazy B Ranch in Arizona. It's a fun footnote of  
20 history that, of all people, Sandra Day O'Connor came of  
21 age in a place bearing the name Lazy.

22           (Laughter.)

23           CHIEF JUDGE SRINIVASAN: One would be  
24 hard-pressed to find a single word in the dictionary  
25 less suited to her. She was an irrepressible fount of

1 energy. This was a person of action, not merely of  
2 letters. What counted to her was doing something, not  
3 just saying something, and doing it with resolve and  
4 pace, and then moving on to do something else.

5 She poured her limitless reservoir of energy  
6 into her responsibilities and also into her  
7 relationships. She viewed those to be fundamentally  
8 interconnected. I'll relate a couple of stories to give  
9 a sense of how intently she cared for her relationships,  
10 and then a note about how she thought we should carry  
11 out our duties.

12 She was legendarily devoted to her family,  
13 and she made evident to her law clerks that she had a  
14 keen interest in learning about our families too. So,  
15 very early in my clerkship, I proudly showed her a  
16 recent magazine article that featured my youngest sister  
17 and the company where she worked, Yahoo. The piece  
18 turned out to pique the Justice's interest in an  
19 unanticipated way. Upon seeing a picture of my youngest  
20 sister in the article, Justice O'Connor looked up and  
21 then proclaimed she needs to meet Jay O'Connor --

22 (Laughter.)

23 CHIEF JUDGE SRINIVASAN: -- her youngest  
24 son, who was then single.

25 (Laughter.)

1 CHIEF JUDGE SRINIVASAN: And when Sandra Day  
2 O'Connor said something needed to happen, it usually  
3 did. Again, action, not just words. So they met for  
4 dinner, and they shared a good laugh about how it had  
5 come about. They had a very pleasant meal even if it  
6 didn't ripen in quite the way the Justice might have  
7 envisioned.

8 (Laughter.)

9 CHIEF JUDGE SRINIVASAN: Well, I also have  
10 another sister.

11 (Laughter.)

12 CHIEF JUDGE SRINIVASAN: No, that's not  
13 where this is going. This sister was married, and the  
14 Justice took an interest in her and her -- and my  
15 brother-in-law, her husband, in a different way. I  
16 learned, again very early in my clerkship, that the  
17 Justice was going to visit Washington University and  
18 St. Louis Law School to help dedicate its new facility,  
19 Anheuser-Busch Hall. I mentioned to her that my  
20 brother-in-law coincidentally had just begun his  
21 teaching career at that school and my sister was also in  
22 St. Louis with him looking for a job.

23 When the law school dean greeted  
24 Justice O'Connor upon her arrival, she rather quickly  
25 said to him, referring to my brother-in-law, I

1 understand Brad Joondeph is a professor here. I'd like  
2 to meet him. That was rather beneficial for Brad's  
3 standing at the law school --

4 (Laughter.)

5 CHIEF JUDGE SRINIVASAN: -- as a rookie  
6 professor. She enjoyed meeting Brad, so much so that  
7 she would eventually hire him as her law clerk. But she  
8 could also poke fun at his expense. She so relished a  
9 good laugh, in her case a distinctively punctuated one.

10 And when I informed her later in the year  
11 that Brad had been voted sexiest professor by the  
12 students -- I kid you not -- she responded, well, I'll  
13 bet there was a lot of competition for that award.

14 (Laughter.)

15 CHIEF JUDGE SRINIVASAN: In true  
16 Justice O'Connor form, she also met and promoted my  
17 sister during her St. Louis visit. At a banquet  
18 dedicating the new Anheuser-Busch Hall, she asked that  
19 my sister come to the head table to introduce herself.  
20 After meeting my sister, Justice O'Connor turned to her  
21 companion at the table, August Busch III, the CEO of  
22 Anheuser-Busch. And she said to him, Auggie, this is  
23 Srija, who just graduated at the top of her class at  
24 Stanford Business School. You need to hire her.

25 (Laughter.)

1 CHIEF JUDGE SRINIVASAN: Sure enough,  
2 Anheuser-Busch called my sister and invited her to come  
3 for an interview, which she did. She ultimately opted  
4 to work elsewhere, but Justice O'Connor, in her  
5 quintessential way, had made quite an imprint on my  
6 sister's and brother-in-law's start in St. Louis.

7 As I hope these stories convey, the Justice  
8 intently cared for her relationships. She also intently  
9 cared for her responsibilities. Throughout, she thought  
10 it vitally important to act in a particular way:  
11 Always, always, with civility and respect.

12 She said the following about carrying out  
13 one's duties as a lawyer: The whisper can be more  
14 dramatic and more compelling than the scream, and  
15 getting the job done should go hand in hand with  
16 courtesy. She rejected the idea that, as she put it,  
17 civility will somehow diminish zealous advocacy.

18 Her emphasis on civility and respect seemed  
19 to carry through to her jurisprudence as well. In her  
20 key opinions, addressing principles of federalism and  
21 the separation of powers, she viewed the relationships  
22 between the states and the federal government, and  
23 between the federal branches, as ones that should be  
24 marked by mutual respect and a lack of institutional  
25 overreach.

1           Finally, a word about the Justice's storied  
2 fortitude, her toughness. She certainly displayed it in  
3 confronting her own health challenges. And while she  
4 was a person of extraordinary warmth, she did not value  
5 drama. A lengthy Time magazine profile of her at the  
6 outset of her tenure wondered about her potential effect  
7 on the Court, and then it said this about her time in  
8 the Arizona Senate: As majority leader, she learned to  
9 use both tact and toughness to cajole her colleagues  
10 into achieving consensus on divisive issues.

11           A last anecdote captures that quality. At  
12 the end of the legislative session, then Majority Leader  
13 O'Connor wanted to pass a bilingual education bill. She  
14 met with resistance from the chairman of the House  
15 Appropriations Committee, with whom she had a bit of a  
16 testy relationship. This kind of interaction would have  
17 never happened in her tenure on the Court, but it  
18 exhibits her famed resolve, along with her quick  
19 wittedness.

20           The chairman's frustration boiled over at  
21 some point along the back and forth, and he exclaimed,  
22 if you were a man, I'd hit you in the nose. She  
23 replied, if you were a man, you could.

24           (Laughter.)

25           CHIEF JUDGE SRINIVASAN: The chairman later

1 relented, and the bill got through. The moral of the  
2 story? The chairman may have regarded himself as  
3 something of a tough SOB, but he ran into a tougher SOC.

4 (Laughter.)

5 CHIEF JUDGE SRINIVASAN: Sandra Day O'Connor  
6 was a most genuine American hero. Thank you, Justice,  
7 for the bright and warm light you shone on us all and  
8 the nation. Your light is an eternal flame, and your  
9 life an eternal blessing.

10 REMARKS BY THE HONORABLE RICHARD G. TARANTO,  
11 JUDGE, UNITED STATES COURT OF APPEALS  
12 FOR THE FEDERAL CIRCUIT

13 JUDGE TARANTO: I offer a personal  
14 perspective on what it was like seeing SOC. My remarks  
15 are not -- are about SOC as Justice, but not about  
16 individual cases and results. My perspective derives  
17 from, for me, the life-changing privilege of interacting  
18 with SOC in two ways, as one of her law clerks in her  
19 third term and later as a practitioner before the Court  
20 for most of her tenure.

21 I see SOC above all as an institutional  
22 standard bearer. She valued core standards of the  
23 institution, exemplified them for a quarter century, and  
24 passed them forward. Although, of course, various  
25 standards do and must guide the institution, the

1 prominent ones of SOC's practice were manifested in her  
2 authorial voice. That voice was rarely in the grand or  
3 instructional style. It was rather in the grand  
4 traditional of the lawyerly voice that embodies virtues  
5 internal to the integrity of law in our republic,  
6 including straightforward sober, concrete,  
7 substance-focused reasoning presented as much as  
8 possible in window-pane-like prose. Using that voice to  
9 speak in accordance with the important constraints of  
10 the institution, SOC, I think, was a lawyer's Justice  
11 the way an attorney can be a lawyer's lawyer.

12           When I was clerking for her, what this meant  
13 for our writing and our day-long Saturday group sessions  
14 to discuss the next week's 12 cases was this: Be  
15 concrete and tightly reasoned. Pay attention to the  
16 hierarchies and weight of authorities and the solidity  
17 of premises. Value correctness over simplicity, but  
18 work to make the complex clear. Try to state things to  
19 help guide future lawyer and judge readers. Keep an ear  
20 out for what might seem too passionate, too rhetorical  
21 or slogan-like, too arcane or philosophical or abstract,  
22 too reliant on shaky premises, too policy-driven. The  
23 idea was, even when pressing a strongly felt point,  
24 focus on giving reasons -- ones that will register with  
25 someone not already convinced and not wanting to feel

1 brow-beaten. Think of that exquisitely pitched letter  
2 SOC wrote to the San Mateo County DA in 1952 at the age  
3 of 22 and a half.

4 SO'C's voice in these respects also guided  
5 me when I was a practitioner writing briefs and  
6 preparing for oral arguments because SO'C's approach  
7 gave primacy to the types of rationales that matter to  
8 essentially all justices. For me, that was why she was  
9 the center of the Court. I would test possible  
10 formulations by imagining I was talking to her and  
11 envisaging whether her reaction, spoken or facial, would  
12 be what does that mean, or that's a stretch, isn't it,  
13 or worse.

14 Looking back, I have long viewed SO'C's  
15 approach to the justice job as aligning both with the  
16 circumstances of her arrival on the Court and with her  
17 own general outlook. Her appointment as the first woman  
18 to serve as a justice mattered distinctively because the  
19 institution she joined is prized.

20 That prizing has long rested heavily on the  
21 Court's tradition of excellence in lawyerly reasoning,  
22 which is expected by the public and fosters public  
23 respect over time if not by everyone every day.

24 The institution and our nation were  
25 therefore, I think, well-served by SO'C's dedication to

1    excelling at that approach.  Following the core of our  
2    syncretic interpretive tradition, SO'C focused in case  
3    after case on the challenges of arriving at and  
4    explaining concretely the most sensible resolution in  
5    light of precedents, text, and structure.  She did not,  
6    I think, devote special energy to the important projects  
7    of methodological reform that got underway and matured  
8    during her tenure.

9                    SO'C's approach to judging didn't just suit  
10   the institutional moment but seemed to come naturally to  
11   her.  Of course, she had big-picture views about how  
12   things should be, which included greatly valuing  
13   individual freedom and initiative.

14                   But, to me, her central outlook was one of  
15   realism, how things are, in a sense that contrasts with  
16   passionate or sharply judgmental idealism.  She saw  
17   clearly and did not flinch at the mix of the wonderful  
18   and the terrible in the world, whether from nature or  
19   humanity.  She shared an outlook of our Founders  
20   captured in the observation that they made a revolution  
21   of sober expectations.

22                   I saw her realism about life in her sense of  
23   humor, in her plain-spoken descriptions of people's  
24   behavior and different perspectives, and in how she lit  
25   up most any room she was in, making everyone feel that

1 this was the place to be just then.

2 I saw it too in her evident fortitude in  
3 making needed decisions even when uncertainties  
4 remained, a hard task made easier on the whole by the  
5 knowledge that she was not acting alone or for all time  
6 but within an ongoing institution.

7 Methodologically and substantively, an  
8 aspect of SO'C's sobriety of expectations was, I think,  
9 a pervasive recognition that resolutions of difficult  
10 issues in both nonjudicial and judicial decision-making  
11 are intrinsically experiments in finding what will  
12 suffice in a messy world.

13 I see this recognition not only in SO'C's  
14 voice but also in her emphasis on the importance of  
15 state-level decision-making; of maintenance of social  
16 order, including by effective criminal law enforcement  
17 through fair process; and of education in civics, her  
18 great last public project.

19 And I see it in how, in her opinions on many  
20 legal issues, SO'C regularly included qualifiers, safety  
21 valves, or other markers of tentativeness to lessen the  
22 preempting of the future. She knew that not all  
23 experiments succeed and that some will be modified or  
24 even ended by the inevitable reassessments.

25 In my experience, SO'C found ways on

1 occasion to nudge her clerks forward in post-clerkship  
2 life. As we made our own choices, she was capable too  
3 in the way of a loving parent or mentor of conveying  
4 disagreement if the need arose.

5           Here's my example: One day, after I had not  
6 seen SO'C for a period, my wife and I attended an event  
7 at which SO'C spoke, and after her talk, we approached  
8 her to say hello. SO'C looked at me, noticed my newly  
9 grown beard, turned to my wife and said to her: You let  
10 him do that? I can't reproduce the voice, but I hear it  
11 plainly in my head, as many here likely do as well.

12           My own debt to SO'C is beyond evaluation.  
13 So too for the public in a less personal and therefore  
14 more lasting way. Today, we recognize together what I  
15 and so many others have long recognized, that SO'C lived  
16 a grand public life, rendering the most honorable  
17 service to our Nation.

18           Through her commitment and practices, she  
19 conserved and burnished the traditions of this great  
20 institution. Her memory is a blessing.

21           REMARKS BY PROFESSOR LISA KERN GRIFFIN,

22           DUKE UNIVERSITY SCHOOL OF LAW

23           PROFESSOR GRIFFIN: Good afternoon, members  
24 of the O'Connor family, members of the Court, and  
25 members of the Bar. It is an honor to be here alongside

1 my co-clerks and to say a few words about Justice Sandra  
2 Day O'Connor's extraordinary personal characteristics  
3 and the unique experience of serving in her chambers.

4           When speaking about Justice O'Connor, it is  
5 tempting to begin by saying "once upon a time" because  
6 she was an icon who was universally admired and who held  
7 the trust and affection of her colleagues and the public  
8 despite navigating through polarizing issues.

9           Justice O'Connor was also a singular  
10 personality. Just to be in her presence meant learning  
11 some vital lessons about courage and composure, strength  
12 and perspective, generosity and collegiality.

13           Around Justice O'Connor you always felt a  
14 sense of momentum. She encouraged us to spend energy in  
15 one direction only: Forward. She held no grudges and  
16 harbored no grievances, felt no bitterness about  
17 disadvantages in her past, would not dwell on  
18 disappointments, and never extended differences from one  
19 case to the next.

20           As Justice Breyer once said of her, she knew  
21 how to restore good humor in the face of strong  
22 disagreement, and she lightened contentious situations  
23 by reminding her colleagues that tomorrow is a new day.

24           She was also a vivid example of how to focus  
25 on the present moment, pure mindfulness before there was

1 a word for that in popular culture. In every  
2 conversation, the person in front of her held her full  
3 attention. She made intense eye contact and generated  
4 electromagnetic energy with her steely blue gaze.

5           The same powerful focus applied to her work  
6 on the Court. When we as clerks submitted written  
7 drafts to Justice O'Connor, we actually raced back to  
8 our desks because we knew that she could process  
9 documents and provide piercing comments within minutes.

10           She often said that there was no substitute  
11 for doing the work. And there is a reason why we worked  
12 nights and weekends. Every corner was explored and  
13 every word examined. By the time of oral argument, she  
14 would have considered all of the parties' potential  
15 claims.

16           Justice O'Connor held herself to the highest  
17 standards, and she expected the same of us. She was not  
18 fond of excuses or prone to effusive praise about our  
19 work. In the clerks' office in her chambers, there was  
20 a faded piece of paper taped to the wall with a Xeroxed  
21 image of her hand and the message: For a pat on the  
22 back, lean here.

23           Yet she was also a devoted mentor. She  
24 showed that she cared by actually caring for us, just  
25 like she proved what could be done by actually doing it.

1           I think Justice O'Connor's defining virtue  
2 was her generosity. She was very quick to give other  
3 people both the credit and the benefit of the doubt. An  
4 example that is often cited is when she received the  
5 assignment to draft the Court's decision requiring the  
6 admission of women to the Virginia Military Institute.  
7 Justice O'Connor suggested that Justice Ginsburg write  
8 the landmark discrimination opinion instead. Her simple  
9 explanation was: This should be Ruth's. Justice Thomas  
10 has also said that she was the glue that once held the  
11 Justices together as people.

12           Her sense of fellow feeling extended not  
13 just to her Supreme Court colleagues but to everyone  
14 around her. The parting message she left for her own  
15 memorial service was that our purpose in life is to help  
16 others along the way.

17           Her concern for others ran so deep that  
18 sometimes she inserted herself in surprising places --  
19 playing matchmaker, supervising how much her clerks  
20 exercised, and offering strong opinions about  
21 professional goals.

22           She was generous in this way with the public  
23 as well. When we attended events with the Justice, we  
24 watched her touch everyone with her presence. You could  
25 see faces light up around the room like a spotlight was

1 following her because she knew how to make a memorable  
2 moment for everyone there.

3 She gave of herself in this way thousands of  
4 times no matter how grueling it was for her to  
5 circulate. She believed in showing up.

6 These personal traits surface in  
7 Justice O'Connor's jurisprudence as well, and her legacy  
8 may have more to do with how she approached decisions  
9 than with what was decided. Her commitments to  
10 engagement, fairness, and flexibility transcend any  
11 particular opinion.

12 We tend to refer to her as a trailblazer,  
13 but what she wanted to be was a bridge-builder.  
14 Constructive was probably Justice O'Connor's favorite  
15 word. She did not like breaking things and sought to  
16 build consensus.

17 In fact, she did not favor being called the  
18 swing vote because she did not think of decision-making  
19 as a contest. She aimed to bring people together. She  
20 stayed open to new information and perspectives and  
21 crafted standards that could accommodate changing facts  
22 and circumstances. She listened.

23 Although it is fair to say that  
24 Justice O'Connor may not have had a grand vision for the  
25 law itself, she did have such a vision for our republic.

1 She believed in the democratic process as an ongoing  
2 conversation. Like the framers of the Constitution, she  
3 pictured the branches of the government as a solar  
4 system through which power ebbed and flowed as the  
5 bodies orbited each other.

6 So Justice O'Connor resisted categorical  
7 judicial decisions and opposed heavy-handed moves by the  
8 other branches as well. She did not craft her published  
9 opinions with words that were meant to either sing or  
10 sting.

11 Across her 676 decisions, perhaps the best  
12 example of her turning even a mild phrase is a defense  
13 of this balance of power. In Hamdi versus Rumsfeld, she  
14 included the line that "a state of war is not a blank  
15 check for the president when it comes to the rights of  
16 the nation's citizens."

17 Justice O'Connor also thought a lot about  
18 citizenship itself, which she imagined as a continuing  
19 discussion that could ensure the government's  
20 accountability. When she withdrew from public life in  
21 2018, she circulated a farewell letter calling upon us  
22 to engage actively in civic discourse and to put country  
23 and the common good above party and self-interest. As  
24 Chief Justice Roberts said in one tribute to her, she  
25 was sounding an alarm about the growing lack of

1 appreciation of what it means to be a citizen.

2 Justice O'Connor's memory is a beacon of  
3 hope for us because we can unite in our shared  
4 admiration for an exceptional person, excellent judge,  
5 and extraordinary patriot. Although she was a  
6 clear-eyed pragmatist, she was also the most idealistic  
7 of Americans.

8 She cherished this country and embodied its  
9 sense of opportunity, and she left behind a roadmap for  
10 upholding democracy and the rule of law. We could all  
11 do more to honor her remarkable legacy of civility and  
12 citizenship.

13 MOTION TO ADOPT COMMITTEE RESOLUTIONS

14 THE HONORABLE SCOTT BALES,  
15 CHIEF JUSTICE, ARIZONA SUPREME COURT (RETIRED)

16 CHIEF JUSTICE BALES: Good afternoon. It's  
17 a great honor to join you at today's memorial.

18 Sandra Day O'Connor said that as a young  
19 cowgirl from Arizona, she never could have imagined that  
20 one day she would become the first woman justice on the  
21 United States Supreme Court. By the end of her some  
22 24-year tenure on the Court, she was widely regarded as  
23 the world's most influential woman lawyer. Her stature  
24 reflected both her casting key votes in the Court's most  
25 difficult decisions and her championing the rule of law

1 across the globe.

2 She stepped down from the Court to help care  
3 for her husband, John, an act reflecting her  
4 selflessness and her love for her family.

5 Justice O'Connor recognized that we don't  
6 accomplish anything in the world alone. Whatever  
7 happens, she said, is a result of the whole tapestry of  
8 one's life and it's all the weavings of individual  
9 threads from one to another that creates something.

10 From the time they met as law students on a  
11 cite-checking project for the Stanford Law Review,  
12 Sandra and John O'Connor were vibrant threads in each  
13 other's lives. Their close connection and mutual  
14 attraction was obvious to anyone who ever saw them  
15 dance, exchange jokes, or, as I once did, take turns  
16 donning a large Uncle Sam hat to greet Halloween  
17 trick-or-treaters at their Chevy Chase home.

18 They raised three sons of whom they were  
19 very proud, and they encouraged each other throughout  
20 their careers, including John steadfastly supporting  
21 Sandra after her 1981 nomination catapulted them from  
22 the Arizona desert to the center of public attention  
23 here in Washington, D.C.

24 After the Justice retired in 2006, John's  
25 dementia advanced quickly. The Justice spoke openly

1 about the ravaging effects of Alzheimer's disease,  
2 joined a national study group, and called for more  
3 research and support for affected families.

4           Retiring from the Court did not mean  
5 withdrawing from public life for Sandra O'Connor. Civic  
6 engagement, she believed, is the key to the success of  
7 our democracy. She recognized our many challenges. But  
8 she optimistically observed that, if we focus our  
9 energies on what is right with America, we can remedy  
10 what is wrong with it, we can make a difference and find  
11 solutions.

12           Justice O'Connor was proud of our nation.  
13 She thought that one of its defining qualities is the  
14 commitment to constitutional government under a rule of  
15 law. She also was eager to share the benefits of such a  
16 system with other nations.

17           Justice O'Connor participated in  
18 international judicial exchange programs sponsored by  
19 the State Department and, after 1990, efforts by the  
20 American Bar Association to support legal reform and  
21 constitutional government in emerging democracies, such  
22 as the former Communist countries in eastern Europe.  
23 After her retirement, she continued these efforts  
24 globally, participating in State Department-sponsored  
25 programs in Asia and the Middle East.

1           She also helped to explain to people  
2 throughout the world the importance of courts as  
3 independent branches of government, how they perform a  
4 critical role in upholding the rule of law. She  
5 well-understood the benefits of governing ourselves by  
6 rules determined in advance. But the rule of law, in  
7 her view, also includes applying the law fairly to  
8 minorities and requiring the government itself to follow  
9 the law.

10           In her retirement, she continued to defend  
11 judicial independence. She warned that it is undermined  
12 by those who threaten judges with reprisals for  
13 unpopular decisions, noting that an independent  
14 judiciary had been essential in protecting individual  
15 rights in cases like Brown versus Board of Education.

16           She also supported state-level reforms for  
17 selecting judges. Justice O'Connor thought that  
18 partisan judicial elections undermine fair and  
19 independent courts. She urged states to adopt merit  
20 selection systems for judges, like her home state,  
21 Arizona, had done in 1974. She worked to develop a  
22 model plan for such systems with the Institute for the  
23 Advancement of the American Legal System at the  
24 University of Denver.

25           Justice O'Connor came to view civic

1 education as our nation's greatest challenge. Our  
2 Constitution and democracy cannot be taken for granted,  
3 she thought. Preserving them requires public  
4 understanding and engagement. This will allow us, she  
5 said, to work collaboratively to solve problems, putting  
6 country and the common good above party and  
7 self-interest, and holding our key governmental  
8 institutions accountable. She noted, though, that the  
9 practice of democracy is not passed down through the  
10 gene pool. It must be taught and learned by each new  
11 generation.

12           Because, as she said, it's not enough to  
13 know, you've got to do something, Justice O'Connor in  
14 2009 formed iCivics. This nonprofit organization  
15 provides online learning lesson plans and games to teach  
16 young people the core principles of civics and to  
17 encourage them to become active citizens.

18           As her son, Jay O'Connor, has noted, at  
19 nearly age 80, the Justice launched a tech-based  
20 startup. It has been phenomenally successful. Today,  
21 iCivics provides free access to civic resources to some  
22 145,000 educators and more than 9 million students, more  
23 than half of our nation's middle and high school  
24 students, across all 50 states.

25           In 2018, 12 years after her retirement from

1 the Court, Justice O'Connor announced that she was  
2 withdrawing from public life because she had been  
3 diagnosed with dementia. The self-described cowgirl was  
4 an unforgettable thread in life's tapestry for all who  
5 knew and loved her. As the first woman justice, she was  
6 a uniquely important thread in the tapestry of our  
7 nation's history, and by her example, she taught us much  
8 about how we, as citizens, can preserve the tapestry of  
9 our constitutional democracy.

10 The Committee on Resolutions has prepared  
11 resolutions that memorialize and honor  
12 Justice O'Connor's immense contributions to our nation  
13 and its laws. Together with the Committee Chairs, Judge  
14 Bill Nardini and Professor Patricia Bellia, I have the  
15 honor of now moving their adoption.

16 CALL FOR SECOND AND CLOSING REMARKS

17 THE HONORABLE RUTH MCGREGOR,

18 CHAIR OF THE MEETING

19 CHIEF JUSTICE MCGREGOR: Thank you, Justice  
20 Bales.

21 We have a motion for adopting the  
22 resolution. Is there a second? Thank you.

23 The resolution is now before us for  
24 adoption. If adopted, it will be presented to the Court  
25 by the Solicitor General. I now put the resolution to a

1 vote.

2 All in favor of the resolution please  
3 signify by saying aye.

4 (Chorus of ayes.)

5 CHIEF JUSTICE MCGREGOR: Any opposed?

6 (No response.)

7 CHIEF JUSTICE MCGREGOR: Hearing no  
8 opposition, I declare the resolution adopted.

9 Before closing, I extend our thanks to those  
10 who made this Memorial session possible: To the  
11 Honorable Robert Dow, counselor to the Chief Justice; to  
12 Marshal Gail Curley; to Clerk Scott Harris; and to all  
13 the Court staff who worked so hard to bring this  
14 Memorial together.

15 As I stand here, I can't help but think how  
16 pleased Justice O'Connor would have been to observe the  
17 membership of this group. If she had taken part in a  
18 similar ceremony in 1981, the appearance and experiences  
19 of both the Court and the members of the Supreme Court  
20 Bar would have been very different.

21 So many of us owe her and other leaders a  
22 debt of gratitude for not only opening professional  
23 doors but for then leaving them propped open and then  
24 encouraging and, as needed, gently pushing others to  
25 follow them through those doors.

1 Thank you for remembering.

2 The Bar Memorial is now adjourned, and we  
3 will proceed to the special sitting of the Court. Thank  
4 you.

5 (Whereupon, at 2:36 p.m., the Bar Memorial  
6 in the above-entitled matter was adjourned.)

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<b>1</b>	<p><b>action</b> [2] 12:1 13:3  <b>active</b> [1] 32:17  <b>actively</b> [1] 27:22  <b>actually</b> [3] 24:7,24,25  <b>adalberto</b> [1] 5:7  <b>adams</b> [1] 5:7  <b>addition</b> [1] 4:13  <b>address</b> [1] 6:6  <b>addressing</b> [1] 15:20  <b>administration</b> [1] 6:25  <b>admiration</b> [1] 28:4  <b>admired</b> [1] 23:6  <b>admission</b> [1] 25:6  <b>adopt</b> [2] 28:13 31:19  <b>adopted</b> [2] 33:24 34:8  <b>adopting</b> [1] 33:21  <b>adoption</b> [2] 33:15,24  <b>advance</b> [1] 31:6  <b>advanced</b> [1] 29:25  <b>advancement</b> [1] 31:23  <b>advocacy</b> [1] 15:17  <b>affected</b> [1] 30:3  <b>affection</b> [1] 23:7  <b>after</b> [9] 14:20 20:3 22:5,7 29:21,24 30:19,23 32:25  <b>afternoon</b> [4] 5:19 10:18 22:23 28:16  <b>again</b> [3] 7:17 13:3,16  <b>against</b> [1] 7:20  <b>age</b> [3] 11:21 19:2 32:19  <b>aimed</b> [1] 26:19  <b>alarm</b> [1] 27:25  <b>aligning</b> [1] 19:15  <b>all</b> [20] 4:14 7:4 9:8,11,25 11:1,5,20 17:7,21 19:8 21:5,22 24:14 28:10 29:8 32:24 33:4 34:2,12  <b>allow</b> [2] 9:20 32:4  <b>allowed</b> [1] 8:10  <b>alone</b> [2] 21:5 29:6  <b>along</b> [3] 16:18,21 25:16  <b>alongside</b> [1] 22:25  <b>already</b> [1] 18:25  <b>also</b> [21] 5:3 8:2 9:6 12:6 13:9,21 14:8,16 15:8 19:4 21:14 23:9,24 24:23 25:10 27:17 28:6 30:15 31:1,7,16  <b>altered</b> [1] 7:7  <b>although</b> [3] 17:24 26:23 28:5  <b>always</b> [5] 9:15,15 15:11,11 23:13  <b>alzheimer's</b> [1] 30:1  <b>ambition</b> [1] 7:3  <b>america</b> [1] 30:9  <b>american</b> [3] 17:6 30:20 31:23  <b>americans</b> [1] 28:7  <b>an</b> [30] 4:10,16,19 6:21 7:22,24 11:14,25 12:18 13:14 15:3,5 17:8,9,21 18:11,19 20:19 21:6,7 22:6,25 23:6 25:3 27:1,25 28:4 29:3 31:13 33:4  <b>anecdote</b> [1] 16:11</p>	<p><b>anheuser-busch</b> [4] 13:19 14:18,22 15:2  <b>announced</b> [1] 33:1  <b>another</b> [2] 13:10 29:9  <b>anup</b> [1] 5:8  <b>any</b> [4] 6:24 20:25 26:10 34:5  <b>anyone</b> [1] 29:14  <b>anything</b> [1] 29:6  <b>appeals</b> [6] 4:18 7:17 10:3,5,15 17:11  <b>appearance</b> [1] 34:18  <b>applied</b> [2] 8:21 24:5  <b>applying</b> [1] 31:7  <b>appointed</b> [2] 7:17 10:22  <b>appointment</b> [2] 10:25 19:17  <b>appreciation</b> [3] 4:22 11:15 28:1  <b>approach</b> [5] 8:25 19:6,15 20:1,9  <b>approached</b> [2] 22:7 26:8  <b>appropriations</b> [1] 16:15  <b>arcane</b> [1] 18:21  <b>are</b> [6] 7:24 9:25 17:15,15 20:15 21:11  <b>areas</b> [1] 7:1  <b>argument</b> [1] 24:13  <b>arguments</b> [1] 19:6  <b>arizona</b> [16] 4:16,17,18 5:17,24 7:17 8:2,23,24 10:8 11:19 16:8 28:15,19 29:22 31:21  <b>arose</b> [1] 22:4  <b>around</b> [3] 23:13 25:14,25  <b>arrangements</b> [1] 4:24  <b>arrival</b> [2] 13:24 19:16  <b>arriving</b> [1] 20:3  <b>article</b> [2] 12:16,20  <b>as</b> [65] 4:10,16 7:1,8,12,13,13 8:9,16,23,23 9:5,19,21,21 10:13,23 11:18 14:5,7 15:7,13,16,19,23 16:8 17:2,15,18,19,21 18:7,7 19:15,17,18 22:2,11,11 23:20 24:6 25:11,23 26:7,12,19 27:1,3,4,8,18,23 28:18,22 29:10,15 30:22 31:2 32:1,12,18 33:5,8 34:15,24  <b>asia</b> [1] 30:25  <b>asked</b> [1] 14:18  <b>aspect</b> [1] 21:8  <b>assignment</b> [1] 25:5  <b>assistant</b> [1] 4:16  <b>associate</b> [1] 4:11  <b>association</b> [1] 30:20  <b>at</b> [25] 8:11 9:11,14 11:5,13 13:21 14:3,8,17,21,23,23 16:5,11,20 19:2 20:1,3,17 22:7,8 28:17 29:17 31:23 32:18  <b>attempt</b> [1] 10:10  <b>attended</b> [2] 22:6 25:23  <b>attention</b> [3] 18:15 24:3 29:22  <b>attorney</b> [2] 4:16 18:11  <b>attraction</b> [1] 29:14  <b>auggie</b> [1] 14:22  <b>august</b> [2] 8:21 14:21  <b>authorial</b> [1] 18:2</p>
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