

REACTION

"The fair analysis of Sandra Day O'Connor was she was a great appointee ... Down the line, I think she did a good job, but in recent years I think she has lost her bearings on some issues."



**JIM LACY, DANA POINT COUNCILMAN, CO-FOUNDER OF THE UNITED STATES JUSTICE FOUNDATION, WHICH SEEKS CONSERVATIVE COURTS**

"We were not happy with the resignation because we felt Sandra Day O'Connor is a true conservative. By that I mean she understood government and knew that true conservatives don't go into people's houses and bedrooms. We're kind of worried as to what could come after this."



**FRANK RICCHIAZZI, LAGUNA BEACH, LOG CABIN REPUBLICANS**

"As the first woman to serve on the Supreme Court, Justice Sandra Day O'Connor is a true pioneer. She has served this nation with distinction and provided a voice of moderation on a deeply divided court. She leaves very large shoes to be filled."



**SEN. DIANNE FEINSTEIN, D-CALIF., WHO SERVES ON THE SENATE JUDICIARY COMMITTEE**

"It was a watershed for all women when O'Connor was appointed, and a real symbol of how far women had come. O'Connor forged a path for us to be taken seriously in our profession."



**JENNIFER L. KELLER, O.C. DEFENSE ATTORNEY**

"Justice O'Connor played an indispensable and pivotal role in preserving our civil liberties and constitutional rights, including a woman's right to choose."



**HOUSE DEMOCRATIC LEADER NANCY PELOSI OF SAN FRANCISCO**

"The court, the law and my life have been immeasurably enriched by her dedicated service. She has taught us all."



**JUSTICE STEPHEN G. BREYER**

Compiled by Register reporters Rachanee Srisavasdi, Larry Welborn and Peggy Lowe in Santa Ana, and Tim Elfrink and Angela Stephens in Washington, D.C.

# 24 years at the center

As Supreme Court justice, O'Connor played a pivotal role in the court's decisions on issues including affirmative action, religion, federalism, redistricting, abortion and constitutional due process.

## THE O'CONNOR COURT

By **LINDA GREENHOUSE**  
THE NEW YORK TIMES

### WASHINGTON

The O'Connor Court. The phrase has been used so many times over so many years to describe the Supreme Court that it is nearly a cliché. Yet the simple words capture an equally simple truth: to find out where the court is on almost any given issue, look for Justice Sandra Day O'Connor.

If you are a lawyer with a case at the court, pitch your arguments to her. If your issue is affirmative action, or religion, or federalism, or redistricting, or abortion, or constitutional due process in any of its many manifestations, you can assume that the fate of that issue is in her hands. Don't bother with doctrinaire assertions and bright-line rules. Be meticulously prepared on the facts, and be ready to show how the law relates to those facts and how, together, they make sense.

And it is because O'Connor has played such a pivotal role on the court for much of her 24-year tenure that her unexpected retirement is such a galvanizing event. Much more than the widely antici-

pated retirement of Chief Justice William H. Rehnquist, her departure creates an opportunity for President George W. Bush to shape the court.

Just two years ago, she wrote the opinion for the 5-4 majority that upheld affirmative action in university admissions. Earlier, in a series of decisions interpreting the Constitution's guarantee of equal protection, she led or joined 5-4 majorities that viewed with great suspicion government policies that took account of race in federal contracting, employment and electoral redistricting. Her view was that the government should not be in the business of counting by race.

Until the pair of Ten Commandments decisions this week, which found her in dissent from the ruling that upheld a Ten Commandments monument on the grounds of the Texas Capitol, she had occupied a central position on the role of religion in public life.

In her approach, as she put it in a concurring opinion in 1984, instead of applying the court's three-part inquiry for evaluating whether a government policy amounted to an unconstitutional "establishment" of religion, she asked

whether the challenged policy conveyed a message of "endorsement" that conveyed to non-adherents the message that they were "outsiders, not full members of the political community."

This led her to vote to prohibit public prayer at high school graduations and football games, but to insist on equal access for student religious publications and clubs. In 2002, she voted with the 5-4 majority that upheld the use of publicly financed tuition vouchers at religious schools. In her opinion this week concurring with the 5-4 majority that declared framed copies of the Ten Commandments hanging in Kentucky court-houses to be unconstitutional, she said the Constitution's religion clauses "protect adherents of all religions, as well as those who believe in no religion at all."

On the other most intensely fought issue of the day, O'Connor's successor will not be in a position to move the court from its support of the right to abortion, now at 6-3. In the court's last major abortion ruling, O'Connor provided the crucial fifth vote to strike down Nebraska's ban on what foes called "partial birth" abortions.

## BENCHMARKS

### Major decisions in which O'Connor played key role

Case and date decided	Issue in question	Decision	Vote	O'Connor's vote
<b>Mississippi University for Women v. Hogan</b> July 1, 1982	Should a rule blocking men from attending Mississippi University for Women's nursing school be struck down?	⊕ YES	5-4	⊕ YES
<b>Lynch v. Donnelly</b> March 5, 1984	Does the Pawtucket, R.I., government violate the separation of church and state by sponsoring a Christmas display in a shopping district?	⊖ NO	5-4	⊖ NO
<b>Hazelwood School District v. Kuhlmeier</b> Jan. 13, 1988	Do schools have the right to block students from publishing anything they deem inappropriate?	⊕ YES	5-3	⊕ YES
<b>Texas v. Johnson</b> June 21, 1989	Is burning the American flag a protected form of speech?	⊕ YES	5-4	⊖ NO
<b>Planned Parenthood v. Casey</b> June 29, 1992	Should a Pennsylvania law requiring a 24-hour waiting period before abortions and that minors get the permission of at least one parent before getting abortions be upheld?	⊕ YES	5-4	⊕ YES
<b>Richmond v. J.A. Croson Co.</b> Jan. 23, 1989	Should a Richmond, Va., law mandating that construction companies working with the city subcontract work to minority-run businesses be upheld?	⊖ NO	6-3	⊖ NO
<b>Bush v. Gore</b> Dec. 12, 2000	Is President George W. Bush's argument that Florida's recount method in the 2000 presidential election was unconstitutional because the procedure was inconsistent across the state correct?	⊕ YES	5-4	⊕ YES
<b>Grutter v. Bollinger</b> June 23, 2003	Does the University of Michigan Law School violate any laws by using race as a factor in admission to that school?	⊖ NO	5-4	⊖ NO
<b>Lawrence and Garner v. Texas</b> June 26, 2003	Should the Texas law that made sodomy illegal be upheld?	⊖ NO	6-3	⊖ NO
<b>Rasul v. Bush</b> June 28, 2004	Can detainees held at the U.S. military base at Guantanamo Bay, Cuba, appeal their detentions?	⊕ YES	6-3	⊕ YES
<b>Roper v. Simmons</b> March 1, 2005	Can the death penalty be applied to cases where the accused was a minor when the crime was committed?	⊖ NO	5-4	⊕ YES

### Cases with local impact

<b>Boyle v. United Technologies Corp.</b> June 27, 1988	Should protection be extended to government contractors from lawsuits arising from defects in their products? (The decision affected six local lawsuits arising from 30 deaths and four crashes of helicopters from the Tustin Marine Corps Air Station.)	⊕ YES	5-4	⊕ YES
<b>California v. Acevedo</b> May 1991	Did police have authority to search a bag inside the car of Santa Ana resident Charles Acevedo without a warrant?	⊕ YES	6-3	⊕ YES
<b>Medina v. California</b> June 1992	Were the rights of defendant Teofilo Medina Jr., sentenced to die for killing three men during robberies of a Santa Ana gas station and a Garden Grove dairy store, violated by requiring him to prove he was incompetent to stand trial?	⊖ NO	7-2	⊖ NO
<b>Nordlinger v. Hahn</b> June 18, 1992	Should California's so-called Proposition 13, a property-tax system that required new homeowners and businesses to pay taxes that were often considerably higher than those paid by longtime property owners, be upheld?	⊕ YES	8-1	⊕ YES
<b>Calderon v. Thompson</b> April 1998	After being convicted of rape and murder in Laguna Beach and sentenced to death in 1983, Thomas M. Thompson had his death sentence twice reversed after questions regarding the rape special circumstance, the last coming two days before a scheduled August 1997 execution. Was the 9th Circuit Court of Appeals correct in overturning Thompson's death sentence?	⊖ NO	5-4	⊖ NO
<b>California v. Greenwood</b> May 1998	Laguna Beach police arrested Billy Greenwood after finding evidence of drug trafficking in his trash and obtaining a search warrant. Was the Orange County Superior Court correct in dropping charges against Greenwood, saying that people have a right to privacy over their trash?	⊖ NO	5-4	⊖ NO

## HER LIFE AND CAREER

### PERSONAL

**Born** in El Paso, Texas, March 26, 1930.

**Raised** on her family's cattle ranch, the Lazy B, in southeastern Arizona.

**Married** John Jay O'Connor III, a law school classmate, in 1952.

**Took five years off** (1960-65) to raise their three sons: Scott, Brian and Jay.

**Underwent surgery** for breast cancer, 1988.

### EDUCATION

**B.A.** in economics, Stanford University, 1950, graduating magna cum laude.  
**LL.B.** from Stanford Law School, 1952. She graduated in only two years and third in her class.



**DEBUT:** O'Connor waves after her unanimous confirmation to the Supreme Court on Sept. 21, 1981. With her are Attorney General William Smith, left, Sen. Barry Goldwater, Sen. Dennis DeConcini, Vice President George Bush, and Sen. Strom Thurmond.

### CAREER

**Deputy county attorney** of San Mateo County, 1952-53.  
**Civilian attorney**, Quartermaster's Market Center, Frankfurt, Germany, 1954-57.  
**Started** and ran her own law firm in Maryvale, Ariz., 1958-60.  
**Assistant attorney general**, Arizona, 1965-69.  
**Appointed** to Arizona state Senate, re-elected twice, serving 1969-74. First woman to serve as

a state Senate majority leader. **Elected** to Maricopa County Superior Court, serving 1975-79.  
**Appointed** to Arizona Court of Appeals, serving 1979-81.  
**Appointed** an associate justice, and the first woman to serve, on the U.S. Supreme Court by President Reagan, 1981.

Sources: Associated Press, FindLaw

Compiled by Register researcher Colleen Robledo

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The Register

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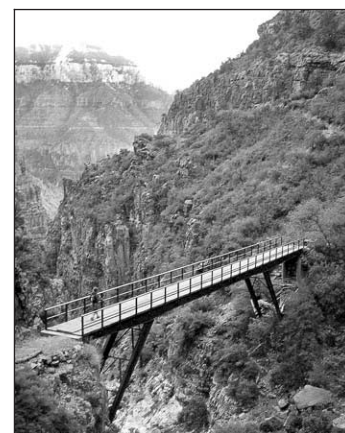
## CORRECTIONS & CLARIFICATIONS

- Dave Vanderveen helped organize a charity concert for Laguna Beach landslide victims. Because of a reporting error, his first name was incorrect in a story in the Local section of the July 1 edition of the Register.
- Bernardo Antonio Yorba is the namesake of the city of Yorba Linda. The 62,500-acre land grant from Spain was divided between Jose Antonio Yorba and his nephew, Juan Pablo Peralta. Because of a reporting error, Jose Antonio

Yorba was misidentified as the city's namesake and as the sole recipient of the land grant in the Local section of the June 26 edition of the Register.

It is The Orange County Register's policy to correct promptly all errors of substance. To report an error or clarify a news story, please direct your letter to the attention of the publisher at Box 11626, Santa Ana, CA 92711-1626.

## TOMORROW



**Travel:** Temperature extremes and steep switchbacks make this Grand Canyon trek tough - but the sights you'll see are worth it.

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