

National Public Radio

Sandra Day O'Connor Interview – March 5, 2013

Copyright ©2013 NPR. For personal, noncommercial use only. See Terms of Use. For other uses, prior permission required.

TERRY GROSS, HOST

\*\*\*\*

GROSS: Your book is about Supreme Court history. You're such an important part of Supreme Court history as the first woman to serve in the court. Did you have any idea that you would be asked to serve? I mean when you - first of all, who made the call? How did you find out? Was it the president himself, President Reagan?

O'CONNOR: I was working in my office on the Arizona Court of Appeals. I was at the court, in my chambers, when the telephone rang. And it was the White House calling - for me. And I was told that the president was waiting to speak to me. That was quite a shock, but I accepted the phone call, and it was President Reagan.

And he said, Sandra? Yes, Mr. President. Sandra, I'd like to announce your nomination to the U.S. Supreme Court tomorrow. Is that all right with you? Well, now, that's kind of a shock, wouldn't you say?

(LAUGHTER)

GROSS: Yeah, I'd say.

O'CONNOR: Yes, and it was for me.

GROSS: Did you feel prepared for that, or did you have the sense of, like, insecurity, like oh, can I do that, you know, am I capable?

O'CONNOR: I was aware that - I was aware that some consideration was being made of me. Justice Potter Stewart had announced his retirement, and the president was obviously going to have to make an appointment, and I knew that my name had surfaced. But I really did not have any idea of how high up on the list that would be, and I had no reason to think I would be high on the list.

It wasn't as though I had had some relationship with President Reagan in some capacity. I didn't. And so it was quite a surprise, really.

\*\*\*

GROSS: When you got to the Supreme Court, after your confirmation hearings, when you were confirmed and started to serve, was there a decent women's restroom?

O'CONNOR: Well, no, they had to find some means of doing it. In the early days of when I got to the court, there wasn't a restroom I could use that was anywhere near the courtroom. And my chambers was a long way down the hallway. So it wouldn't have been convenient. And we had to find

something in the way of a restroom that was near the courtroom that I would be able to use when we were back there or in the room where we discussed cases.

And I think I borrowed a restroom in the nearest chambers there at the court. I think I just borrowed one there that kind of became the one that I could use.

GROSS: That really says a lot, doesn't it?

O'CONNOR: Well, they just didn't have a woman justice. So that's what you'd expect under those circumstances.

GROSS: Has that situation been remedied?

O'CONNOR: Well, of course it has. And it was remedied while I was there and I think has continued in my absence, now that we have three women up there. That's great.

\*\*\*

So as the first woman Supreme Court justice, did you feel a special responsibility in dealing with cases that had to do with women's rights?

O'CONNOR: I felt a special responsibility on every issue, including that, because as the first woman, I could either do an adequate job so that it would be possible for other women to be appointed without saying, oh, see, a woman can't do it. So it became very important that I perform in a way that wouldn't provide some reason or cause not to have more women in the future. That was very important to me.

GROSS: In one of the decisions that you wrote about pertaining to abortion, you explain why you would not agree to overturn Roe v. Wade. And you wrote: The mother who carries a child to full term is subject to anxieties, to physical constraints, to a point that only she must bear. That these sacrifices have from the beginning of the human race been endured by woman with a pride that ennobles her in the eyes of others and gives to the infant a bond of love cannot alone be grounds for the state to insist she make the sacrifice. Her suffering is too intimate and personal for the state to insist upon its own vision of the woman's role, however dominant that vision has been in the course of our history and culture. The destiny of the woman must be shaped to a large extent on her own conception of her spiritual imperative and her place in society.

Did being a woman and being a mother inform how you wrote that?

O'CONNOR: Well, I'm sure it would have.

GROSS: Can you elaborate on that?

O'CONNOR: Well, no, just I'm female. I am a mother. I've gone through all of that. And I'm sure in something as sensitive as the issues that we were considering with abortion rulings and so forth, that my own personal background would've had some affect on my decisions. It couldn't help but have.

\*\*\*

GROSS: If you're just joining us, my guest is Justice Sandra Day O'Connor. She has a new book called "Out Of Order: Stories from the History of the Supreme Court."

So I want to ask you some more about, you know, not only being the first woman to serve on the Supreme Court, but being a woman in the legal profession at a time when there weren't many women. What year did you graduate from Stanford Law School?

O'CONNOR: 1952, I think it was.

GROSS: And what did you face trying to get a position at a law firm?

O'CONNOR: Well, I needed a job. My husband and I had decided - John O'Connor and I decided to get married and he was a year behind me and so I was out of law school. And we both liked to eat so that meant one of us was going to have to work and that was me. I needed a job and I wanted to work as a lawyer. I had graduated high in my class and I thought I could probably get a job. We had notices on our placement bulletin board at Stanford Law School from law firms all over California saying, Stanford Law graduates, call us if you want to get an interview for employment. We'd be happy to talk to you. I called at least 40 of those firms asking for an interview and not one of them would give me an interview. I was a woman and they said we don't hire women.

GROSS: They actually said that you?

O'CONNOR: And that was a shock to me. It was a total shock. It shouldn't have been. I should've known better. I should've followed what was going on but I hadn't and it just came as a real shock because I had done well in law school and it never entered my mind that I couldn't even get an interview.

GROSS: Did it shock you that not only were they thinking we don't hire women, but they actually felt comfortable saying to you we don't hire women, and there was nothing legally to prevent them from saying that yet?

O'CONNOR: That's right. That's right. That's the way it was in those days. And I was quite downhearted by what I experienced. I finally heard that the district attorney in San Mateo County, California, had once had a woman lawyer on his staff so I contacted him for an interview, which he gave me and he was very nice. In California, they elect their district attorneys and when you are elected you're always a glad-hander, so he was glad to see me. And he said well, I did have a woman here and she did a good job. I'd be happy to have another and you have a fine record here. But, he said, I don't have any money left. I've used all my available money that the county supervisors had given me to hire people and I have no cushion left to hire somebody else. I'm so sorry. And so I was sorry too because I wanted a job badly.

So I'll tell you what I did. I said well, I'll tell you what Mr. County Attorney, I will work for you for nothing if you will put me on. And I'll stay there until such time as the county supervisors give you a little more money so you can pay me something. It doesn't matter what. And he said well, I don't have an office vacant to put another deputy. And I said well, I know that because you walked me around the office, but I'll put my desk in with the secretary, if she doesn't object. I met your secretary and she seems very nice. And if it's all right with her, I'll put my desk in with her office. And that was my first job as a lawyer. I worked for no pay and I put my desk in with the secretary. But I loved my job. It was great.

GROSS: And do you think that, you know, as the first woman justice, do you think your experiences having been turned down for even just an interview by 40 law firms, and then having to work for free and have your desk next to the secretary's and then, you know, to balance raising three children with having a job - do you think that when you became the first Supreme Court justice, that those personal experiences helped inform your decisions?

O'CONNOR: I can't answer that. That's the kind of thing you're going to have to do.

(LAUGHTER)

O'CONNOR: I can't see how it would've effected my decision one way or another. I don't know that.

GROSS: OK.

\*\*\*