

Stewart Interviews O'Connor
Part 2

JON STEWART:

Welcome back. We are here with former Supreme Court Justice Sandra Day O'Connor. Justice O'Connor, you were known in your days as a moderate justice, one that was not ideological. So clearly you would not be able to be on the Court today. [laughter]

SANDRA DAY O'CONNOR:

I don't know, I was just a cowgirl, and they don't have too many of those around these days.

JON STEWART:

And you were the first woman on the Court.

SANDRA DAY O'CONNOR:

The first cowgirl! [laughter]

JON STEWART:

Were they welcoming?

SANDRA DAY O'CONNOR:

Actually they were, because there were eight of them there, and they were splitting four to four on cases. And they needed a ninth justice, male or female. So they welcomed me; it was fine. And the very first case that we discussed, the nine of us, around a table, my most electric moment...

JON STEWART:

So it really is, you sit around a table?

SANDRA DAY O'CONNOR:

Nine around a rectangular table. And they start with the chief justice, and then the most senior associate around down to the junior justice – that was me, for about six years. And the very first case came to me four to four.

JON STEWART:

Wow.

SANDRA DAY O'CONNOR:

Wow. And that happened often. [laughter]

JON STEWART:

As the swing justice, were you like Ohio in an election?

SANDRA DAY O'CONNOR:

We don't use that word, swing. I mean, come on. [laughter]

JON STEWART:

No, that's not the right word, is it? [1:19]

SANDRA DAY O'CONNOR:

No, no.

JON STEWART:

As the most principled justice... [laughter]

SANDRA DAY O'CONNOR:

There you go. Much better. Much better.

JON STEWART:

Thank you.

SANDRA DAY O'CONNOR:

He's a fast learner. [laughter]

JON STEWART:

Would they – thank you! Not really. I've been on this thing for ten years. Not at all.
[applause, cheering] Would they curry your favor? Would people, would Scalia come by
and be like, do you need help with that?

SANDRA DAY O'CONNOR:

No, no.

JON STEWART:

You know, or anything like, may I help you with your groceries? Nothing?

SANDRA DAY O'CONNOR:

No.

JON STEWART:

How do you maintain – you know, the Supreme Court is famous for maintaining its
collegial atmosphere, even amongst incredible partisan divides, incredible ideological
divides. How is that accomplished?

SANDRA DAY O'CONNOR:

Well, let me tell you, one of the things you have to start learning in law school is how to disagree agreeably. Because when you're on a court like that, a collegial court with an odd number of members, which they all are, you have to learn to disagree agreeably, because you're going to be there together a long time. Many years, sometimes.

JON STEWART:

And there's no, like, you're a jerk? None of that? [laughter]

SANDRA DAY O'CONNOR:

None of that. None of that. Thankfully. [2:22]

JON STEWAR:

Bush v. Gore was obviously a very politically charged case. Do you feel that pressure as well? When a case like that comes up, do you all talk about the political implications?

SANDRA DAY O'CONNOR:

Well, everyone – of course everyone was conscious of that. In fact, some of the television stations had big, you know, arms, like you'd see in construction sites, with a camera right outside the windows of justices. And they were parked outside the Court. It was very intense. So you weren't going to miss the fact that news media was interested.

JON STEWART:

In a situation like that, do you feel like – when it's over, do you all sit around in a room and be like, ah, we probably should have gone 5-4 the other way? You know, it should have been 7-2. I don't know what we were thinking. [laughter]

SANDRA DAY O'CONNOR:

No.

JON STEWART:

Nothing, huh?

SANDRA DAY O'CONNOR:

You do your best and live with it.

JON STEWART:

And then you live with it. And that's that sense of, you know what, then you move on to the next day.

SANDRA DAY O'CONNOR:

Exactly, yes.

JON STEWART:

Do you miss that at all, do you miss the pace of it? Are you glad that you left when you did?

SANDRA DAY O'CONNOR:

Well, I was there – it was the 26th year when I stepped down, and I've been very busy since, so I haven't looked back. It's okay.

JON STEWART:

Do you ever just, in your regular life, just judge something? Just to... [laughter]
Something's coming in, and you'd be like... [3:35]

SANDRA DAY O'CONNOR:

Yeah, like my children and grandchildren. I'm always willing to judge how they're doing and let them know. [laughter]

JON STEWART:

They get in a little dispute and you go, it will be your bicycle, sir! [laughter]

SANDRA DAY O'CONNOR:

Yeah.

JON STEWART:

I can't tell you what an honor it is to have you on the show, and we're great admirers of your work, and thank you so much for being here.

SANDRA DAY O'CONNOR:

Thank you.

JON STEWART:

You were really delightful. And good luck with the website. [applause, cheering] The website is www.ourcourts.org. Justice Sandra Day O'Connor.