

## REVIEW

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Justice O'Connor  
with Justice  
Antonin Scalia,  
May 1992.

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# Sandra Day O'Connor's Lessons in Leadership

In her 25 years on the Supreme Court, the justice demonstrated the power of civility and determination

BY EVAN THOMAS

**B**efore voting on cases in their weekly conference, the nine justices of the Supreme Court shake hands. At her first conference, in October 1981, Sandra Day O'Connor, the first woman appointed to the Court, offered her hand to Justice Byron "Whizzer"

**Give a little.** O'Connor was intensely pragmatic. She always wanted to know what the practical effect of the Court's decision would be. To win five votes, she knew how to cobble together a decision from different, even sometimes competing or contradictory, ideas. The majority opinion might not look elegant, but it got the job done. Scalia liked to complain that O'Connor was a "politician in judge's robes."

**Decide and be firm.** "An un-feminist feminist" is how one O'Connor law clerk described her. O'Connor wasn't an overt activist on the model of Ruth Bader Ginsburg. But as a justice, she forcefully stuck up for woman's rights. When one of her law clerks argued against having the Court accept a case involving job discrimination against women lawyers, O'Connor exclaimed that of course the Court should take the case: "It affects thousands of women lawyers trying to make partner." "It's good to be first," O'Connor liked to say, "but you don't want to be the last."

She knew she was a role model for thou-

offered her hand to Justice Byron "Whizzer" White. The former All-Pro halfback squeezed it so hard that tears "squirted" from her eyes, she later recalled. But O'Connor was never intimidated by White. She knew that her fellow justice, easily bored and hypercompetitive, liked to putt golf balls on the rug in his chambers, so when she wanted to win his vote, she would wander down the hall to challenge him to a putting contest.

In her nearly 25 years as a justice (1981 to 2006), O'Connor was the most important vote on the U.S. Supreme Court. She didn't like the term "swing vote," because it implied fickleness, but she was well aware that she held the balance of power. Instinctively attuned to the popular mood, she was seldom in the minority. By the 1990s, legal experts were talking about "the O'Connor Court."

How she accomplished this offers important lessons for anyone, male or female, who wants to lead. In an age when people often try to get the upper hand through boasting or belligerence, O'Connor showed there is a better way. Here are five rules she lived by.

**Listen.** O'Connor's law clerks and her friends noticed something about her body language. She took time to listen, and as she listened, she would become almost unnaturally still. Her bright, penetrating hazel eyes would focus intently. She conveyed that her whole being was paying attention, because it was. On Saturdays, O'Connor would make lunch—usually a hearty Mexican dish—for her four law clerks and then engage them to debate the cases coming before the Court that week. She absorbed the give and take, rarely tipping her own hand.

Her colleague, Justice Antonin Scalia, was also known for enjoying spirited debate, but there was a critical difference between Scalia and O'Connor. Scalia seemed to feel the need to show he was super smart, lecturing the other justices on everything from grammar to constitutional theory. In his very first session sitting on the Court, Scalia held forth so much that Justice Lewis F. Powell whispered to Justice Thurgood Marshall, "Do you think he knows the rest of us are here?" O'Connor knew when and how to listen. As a result, she had more impact on the Court's rulings than did Scalia, who was far more often in the minority.

O'Connor was a "politician in judge's robes," but she understood that compromise was sometimes necessary to balance the scales of justice.

O'Connor tried not to take herself too seriously, to be disarming in moments of high dudgeon. Once, in the Court's private weekly conference, when Justice Scalia was demanding to know how anyone could justify racial or gender prefer-

In 1981, O'Connor was sworn in as a Supreme Court justice by Chief Justice Warren Burger (left), on Bibles held by her husband John O'Connor (center).



ence, she looked at him and said, deadpan, "Why Nino, how do you think I got my job?"

**Walk away from stupid fights.** O'Connor liked to laugh at ribald jokes and to dance, and she wasn't afraid to shed tears—but never over a personal slight. As a woman in the Arizona state legislature in the late 1960s and early '70s, she needed a thick skin. "Sexual harassment was the order of the day," recalled one lobbyist. But she handled leering lawmakers with aplomb, occasionally freezing them with what her friends called "the look," a no-nonsense, don't-mess-with-me flashing of the eyes and tightening of the mouth.

When O'Connor was elected majority leader of the state senate—the first female ever, in any state legislature—the hazing just increased. She once confronted a bully named Tom Goodwin, the chairman of the House Appropriations Committee, for being a drunk. He said to her, "If you were a man, I'd punch you in the nose." She replied, "If you were a man, you could."

She knew she was a role model for thousands of women, including the women who were later appointed to the Court. On Justice Sonia Sotomayor's first day on the Supreme Court, O'Connor came to her chambers and advised her, "The worst thing you can do is be indecisive. Make a decision, right or wrong. If you're known as indecisive, you'll never belong."

**Be grateful and show it.** O'Connor had no place for bitterness or resentment. She liked to tell the story of how, when she graduated

near the top of her class at Stanford Law School in 1952, she couldn't find a single private law firm in California willing even to interview a woman for a job. But she was grateful, she said, because this initial setback caused her to look for work in the public sector. She wound up in public service for the rest of her life.

The mean-spirited partisanship and gross incivility of recent times troubled her. After she left the Supreme Court in 2006—to care for her beloved husband John, who had Alzheimer's—she turned her considerable energy to crusading for the rule of law and promoting civic understanding through iCivics, online games for teachers and school children on the workings of government, and the Sandra Day O'Connor Institute in Phoenix. Traveling the world, she would say that what matters in a democracy isn't just the letter of the law but the spirit of civility—the comity and forbearance essential to getting anything accomplished.

As O'Connor herself began to succumb to early dementia, she never lost her feisty practicality. When Antonin Scalia died in 2016, a reporter asked her what she thought of the refusal of Senate Republican leaders to allow even a vote on the new justice nominated by President Barack Obama. "I

don't agree with it," she said. "I think we need somebody there now to do the job, and let's get on with it."

Mr. Thomas's new book, "First: Sandra Day O'Connor," will be published by Penguin Random House on March 19.

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