

# Activists set for justice nominee fight: Sandra Day O'Connor announces retirement

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The surprise was palpable in the nation's capital when Justice Sandra Day O'Connor, a crucial swing vote in many of the Supreme Court's most controversial decisions of the past 24 years, announced on July 1 that she would retire to care for her husband.

But political aides on the right and left were already postponing summer vacations, according to published reports. The Washington workhorses had anticipated that the ailing Chief Justice William Rehnquist would be announcing his retirement.

The surprise meant that President Bush will not be nominating a conservative to replace a conservative, but will have the opportunity to shift the ideological balance of a closely divided, nine-member bench. A strongly conservative justice replacing the famously moderate O'Connor could shift the court's rulings to the right for decades to come.

But Bush will face a strong battle from those who oppose his views on a host of issues, such as the proper relationship between church and state, abortion rights, affirmative action and the rights of gay and lesbian people.

In a three-sentence letter to Bush, released to the media by Supreme Court officials, O'Connor said she would retire "effective upon the nomination and confirmation of my successor." She continued, "It has been a great privilege, indeed, to have served as a member of the court for 24 terms. I will leave it with enormous respect for the integrity of the court and its role under our constitutional structure."

O'Connor, 75, has been rumored for at least a year to be considering retirement. Her husband, John, has Alzheimer's disease.

"Throughout her tenure, she has been a discerning and conscientious judge and a public servant of great integrity," said Bush in brief comments the same day. But in

a foreshadowing of the rancor that may attend the confirmation of a successor, Bush urged members of the U.S. Senate—and the multitude of special-interest groups set for lobbying forays—to show dignity and fairness in the process.

Signs of a fervent Senate confirmation battle were evident. Fundamentalist Baptist Jerry Falwell was circulating a petition urging that an antiabortion conservative be nominated, while an interfaith coalition was asking Bush for bipartisan consultation.

In an e-mail sent July 4, Falwell asked his supporters to sign a petition calling on Bush to nominate a “true conservative” who opposes abortion rights and gay marriage.

Meanwhile, the Washington-based Religious Action Center of Reform Judaism circulated a letter dated July 1 imploring that the process “be free of the divisive and dangerous practice of using senators’ and nominees’ faiths as a wedge.” At least 29 religious groups signed the letter.

O’Connor’s announcement came only five days after she delivered a stirring endorsement of religious freedom as the court handed down two decisions on governmental displays of the Ten Commandments.

In an opinion concurring with the five-person majority that said Decalogue displays in two Kentucky courthouses violated the First Amendment, O’Connor drew a line against government endorsements of religious texts. “Our Founders conceived of a republic receptive to voluntary religious expression, and provided for the possibility of judicial intervention when government action threatens or impedes such expression.”

Public opinion is not the benchmark, she said. “It is true that many Americans find the Commandments in accord with their personal beliefs. But we do not count heads before enforcing the First Amendment.” *–Associated Baptist Press, Religion News Service*