

U.S. Supreme Court Justice Sandra Day O'Connor, the first woman appointed to the nation's highest court and a crucial swing vote on issues such as abortion and the death penalty, announced July 1 that she is retiring. She was appointed by President Ronald Reagan and has consistently stood at the center of many controversial issues that have come before the court. O'Connor said she will leave the court before the start of its next term in October, or when the U.S. Senate confirms her successor.

Gay rights activists were quick to comment on the resignation. Matt Foreman, executive director of the National Gay and Lesbian Task Force, said in a statement: "This is a sad day for the Supreme Court and for America. Justice O'Connor has frequently been an essential vote and voice of reason in crucial decisions involving basic constitutional rights. We call upon President Bush not to capitulate to the demands of extremists, and nominate a successor who will—like Justice O'Connor—be driven by the law, not reactionary ideology."

Foreman called upon Bush to honor the advise-and-consent role the Constitution gives the Senate in the nomination and confirmation of Supreme Court nominees. He mentioned in particular the meaningful bipartisan consultation and deliberate and thorough review of any nominee's record.

Paula Ettelbrick, executive director of the International Gay and Lesbian Human Rights Commission, was similarly concerned. In a grave and foreboding statement, she said: "I am shocked and deeply, deeply fearful about the direct impact Justice O'Connor's retirement will have on

'A SAD DAY FOR AMERICA'

Queer activists agree: O'Connor was moderately bad, but whoever comes next will probably be worse

by Sarah Dougher

each of our lives. Despite her very conservative philosophy, she has been a powerful swing vote on critical reproductive, women's and LGBT issues.... If we do not block Bush from swinging the court forever to the right, and rolling back all that we have worked so hard on for over 50 years, the result of today will be felt around the world."



Sandra Day O'Connor sits with President Ronald Reagan, who appointed her to the bench in 1981.

Human Rights Campaign president Joe Solmonese also chimed in grimly: "Justice O'Connor's retirement is a clarion call to every American that our rights are in grave danger. The loss of Justice O'Connor's moderate voice is a serious threat to gay, lesbian, bisexual and transgender rights, to women's rights and to protections for racial, ethnic and religious minorities. We must all come together to fight for a replacement who follows in the justice's tradition."

Calling her a "mainstream and fair-minded justice," Solmonese called for a moderate nominee. He called on Bush to abandon partisanship and seek consensus on a nominee who is "fair-minded."

He hoped Bush would select a nominee with a moderate and thoughtful voice, mirroring the qualities he admired in O'Connor.

In the 2003 Texas sodomy case that recognized the basic equality of queer people under the Constitution, O'Connor sided with the majority in affirming these protections. In its decision, the court ruled that states cannot make laws about the private sex acts between adults and called the ban on gay sex an "unconstitutional violation of privacy."

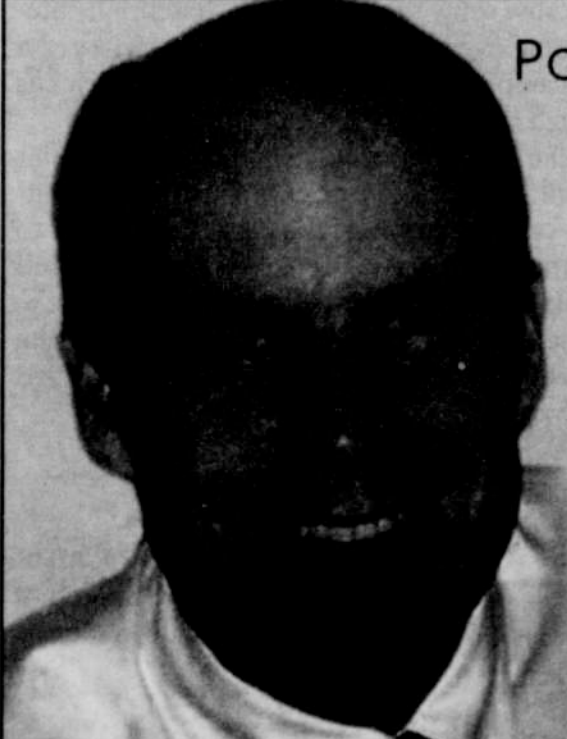
In church-state issues, O'Connor consistently sided to keep a strong barrier between these

entities; in addition, she was a strong advocate in affirming women's reproductive rights.

Even the Log Cabin Republicans called on Bush to act moderately in his selection of a nominee. In a statement, president Patrick Guerriero said: "Log Cabin recognizes Justice O'Connor for her tremendous record of accomplishment on the bench and for her commitment to safeguarding individual liberty. In particular, Justice O'Connor will be remembered for her principled decision in the Lawrence vs. Texas case, which confirmed that the principle of individual liberty extended to gay and lesbian families. We call on President Bush to nominate, and for the Senate to confirm, a jurist who, like Justice O'Connor, recognizes the constitutional safeguards of individual liberty for all citizens."

Closer to home, Basic Rights Oregon executive director Roey Thorpe said: "Justice O'Connor's resignation is a shock and creates a pivotal moment for civil rights history. The justices have the ability to affect our constitutional rights for a generation. It is really important to stay up to date and respond to calls for action. This is a critical time. People can call their federal representatives—their senators and the president—and urge them not to select an extreme candidate and use any means possible to block the nomination of a candidate with a far-right political agenda. There is a substantial historical precedent for Republican presidents to nominate people who are fair and moderate in their views. It is my hope that President Bush follows suit." ■

To reach Oregon's senators to tell them what you think, call Republican Gordon Smith at 202-224-3753 and Democrat Ron Wyden at 202-224-5244.



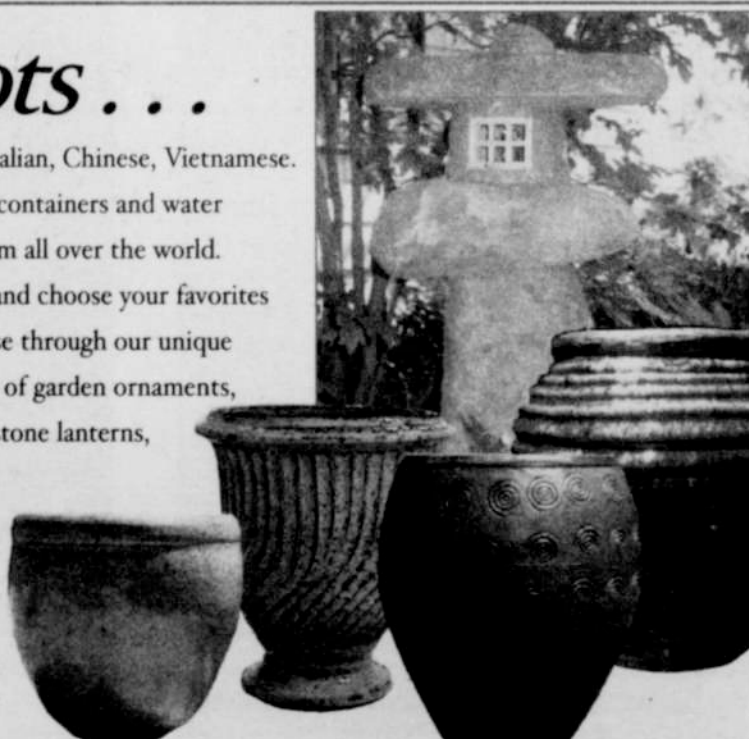
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