

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. McCAIN. Mr. President, today we have learned that one of our Nation's finest jurists will step down from our highest court. Despite her departure from the Supreme Court, Justice Sandra Day O'Connor will leave a lasting mark on American jurisprudence characterized by fairness, balance, and integrity.

Justice O'Connor's career and service to our Nation have been truly remarkable. This country will miss her presence on the Supreme Court dearly.

Some have said that no other individual in our Nation's history has come to the Supreme Court under greater expectations. Not only did Justice O'Connor meet these expectations, she far exceeded them. When President Reagan nominated and the Senate unanimously confirmed Justice O'Connor in 1981, she became the first woman to sit on the Supreme Court and, over time, she grew to be one of the crucial swing votes on the court—her decisions driven both by her conservative sensibilities and also by her practical nature.

Justice O'Connor grew up on the Lazy-B Cattle Ranch in southeastern Arizona. She learned to drive at age 7 and could fire rifles and ride horses by the time she turned 8. Perhaps it was her Arizona roots that fueled both her pragmatism and her desire to succeed.

Mr. President, after high school, Justice O'Connor attended Stanford University where she majored in economics and graduated with high honors. A legal dispute over her family's ranch, however, inspired her interest in law and her decision to enroll at Stanford Law School. Justice O'Connor completed law school in only two years, but she still managed to serve on the Stanford Law Review and receive highest honors. O'Connor graduated third out of a class of 102. First in the class was fellow Arizonan William H. Rehnquist. I suggest that maybe we should turn to Arizona once again for a Supreme Court nominee, considering the track records of Justices O'Connor and Rehnquist.

In law school, Justice O'Connor also met her future husband, John Jay O'Connor, a fine man and husband.

Mr. President, Justice O'Connor faced a difficult job market after leaving Stanford. No law firm in California wanted to hire her and only one offered her a position as a legal secretary. Later, in Arizona, she again found it difficult to obtain a position with any law firm, so she started her own firm. It is truly remarkable to realize just how far Justice O'Connor has risen during her life despite the adversity she has faced.

After she gave birth to her second son, Justice O'Connor withdrew from

her professional life to care for her children. Nevertheless, she became involved in many volunteer activities during this time. She also began an involvement with the Arizona Republican Party. After five years as a full-time mother, Justice O'Connor returned to work as an assistant State Attorney General in Arizona. Arizona Governor Jack Williams later appointed her to occupy a vacant seat in the Arizona Senate. O'Connor successfully defended her Senate position for two more terms and eventually became the majority leader. By rising to the position of majority leader, Justice O'Connor achieved another first for American women.

In 1974, Justice O'Connor ran and won a judgeship on the Maricopa County Superior Court, which resulted in her service in all three branches of Arizona government. A year later, she was nominated to serve on to the Arizona Court of Appeals. Almost two years after that, President Reagan nominated her to the Supreme Court to replace the retiring Justice Potter Stewart. The Senate rightly confirmed O'Connor's nomination unanimously and the Court soon abandoned its use of "Mr. Justice" as the form of address. Justice O'Connor herself described the significance of her nomination in the following way. She said, "A woman had never held a position at that level of our government. And it was a signal that it was all right that women could be in such positions. That they could do well in such positions."

Mr. President, Justice O'Connor brought to her position on the Supreme Court her remarkable life history characterized by independence, perseverance, and achievement. Early in her tenure on the Court, observers identified her as part of the Court's conservative faction. The public often associated her with Justice Rehnquist because of their shared roots and values. Over time, though, Justice O'Connor combined her conservative sensibilities with a desire to find pragmatic solutions based on sound legal interpretation. She approached each case thoughtfully.

It will be difficult to fill the void that Justice O'Connor's resignation has created, nor can anyone assume a similar place in American history. There can be only one first, and Sandra Day O'Connor was it.

Mr. President, very rarely do I presume to speak on behalf of all of the citizens of my State of Arizona. But I know, with confidence, that I do so now when from the bottom of our hearts we thank Justice O'Connor for her magnificent service to her State and to her Nation. She and her magnificent husband John will be in our thoughts and prayers as they enter the struggle ahead. We are confident that with her traditional courage, she will face this new challenge and emerge victorious. We thank her for her service. We thank her for her family. We are, most of all, confident that Americans

and Arizonans will remember her with great pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BEST WISHES TO JUSTICE O'CONNOR

Mr. KENNEDY. Mr. President, I join my friend and colleague, the Senator from Arizona, Mr. McCAIN, in extending my best wishes to Justice O'Connor and thank her for her long and dedicated service to the Nation. She was a cheerful and thoughtful and highly respected member of the Court, a wise judge who served the Nation and the Constitution well.

Justice O'Connor was a mainstream conservative and was confirmed unanimously by the Senate. I hope the President will select someone who meets the high standards that she set and can bring the Nation together, as she did.

Our Senate debates in recent weeks have included extensive discussions on the need for consultation by the President with the Senate on potential Supreme Court nominations. But such consultation was not mentioned by the majority leader in his address on judges earlier this week, and the omission is glaring, since consultation is the heart of the "advice" requirement in the constitutional requirement that the President appoint judges with the "advice and consent" of the Senate.

Under the Constitution and the Senate rules, every Senator's hands are on the oars of this vessel. If a substantial number of us are rowing in the opposite direction from the majority leader, we will not make much progress. But if there is a consensus as to where we want to go, we can get there directly and quickly.

The 14 Senators who reached the landmark bipartisan compromise in the nuclear option debate made a pledge to one another and a plea to the President that the advice function must not be given short shrift, and that serious consultation with the Senate in the nomination process is the key to a successful confirmation process.

Separate and independent assessments of nominations by each Senator are precisely what the Framers wanted us to do. They wanted Senators to be a check on the Executive's proposed judicial selections as a safety net for the Nation if the President overreaches by making excessively partisan or ideological nominations.

Mr. President, all one has to do is read the debates of the Constitutional Convention. Our Founding Fathers considered where to locate the authority and the power for the naming of the judges on four different occasions. On three occasions, they gave it unanimously to the Senate—to nominate and to approve. And only in the last 8 days of the Constitutional Convention did they change that to make it a balance between the Executive and the Senate of the United States.