



Gazette Photo

Justice Sandra Day O'Connor wrote her first opinion for the Supreme Court Thursday in a case involving a man seeking enrollment at a Mississippi nursing school.

## O'Connor signs court opinion on sexual bias

By Kevin Costelloe  
The Associated Press

WASHINGTON — The Supreme Court, with Justice Sandra Day O'Connor choosing the subject of unconstitutional sex bias to write her first opinion, says state-supported nursing schools cannot bar men from enrolling.

Thursday's 5-4 decision is a victory for Joe Hogan, who broke a 97-year tradition by becoming the first man to enroll at the Mississippi University for Women.

Justice O'Connor, the court's only female member, wrote for the majority that Hogan's exclusion from the university's nursing school violated the Constitution's guarantee of "equal protection" of the laws.

"Rather than compensate for discriminatory barriers faced by women, MUW's policy of excluding males from admission to the school of nursing tends to perpetuate the stereotyped view of nursing as an exclusively woman's job," Justice O'Connor said.

"By assuring that Mississippi allots more openings in its state-supported nursing schools to women than it does to men," she wrote, "MUW's admissions policy lends credibility to the old view that women, not men, should become nurses, and makes the assumption that nursing is a field for women a self-fulfilling prophecy."

The university, located in Columbus, Miss., is the nation's only state-supported university for women.

Hogan, a hospital nurse who lives with his wife in Columbus, wanted to attend the local university to obtain a bachelor's degree in nursing. His application to the university was rejected because he is a man.

Mississippi Attorney General Bill Allain then took the university's appeal to the Supreme Court after Hogan was admitted to the nursing school last year on a ruling by the 5th U.S. Court of Appeals.

"This decision means all this discussion and debate is over and I get to go to school without a lot of hassle," Hogan said Thursday when he was contacted at a Columbus hospital where he is a surgical nurse.

He said he was not attending the school this summer but planned to enroll for classes this fall.

Joining Justice O'Connor in the majority opinion were Justices William J. Brennan, Byron R. White, Thurgood Marshall and John Paul Stevens.

Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell and William H. Rehnquist dissented.

In other action Thursday, the nation's highest court:

- Made it easier to use the Constitution to overturn entrenched election systems that blunt the political clout of black voters.

- Unanimously ruled that the government of Puerto Rico can sue 32 Virginia apple growers on behalf of workers from the island who allegedly were victims of illegal job discrimination.

- Said by a 9-0 vote in a California case that states may allow liquor distillers to decide which wholesalers may bring each distiller's brands into the state.

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Associate Supreme Court Justice Sandra Day O'Connor

## O'Connor solid member of the conservative wing

By Kevin Costelloe  
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WASHINGTON — Sandra O'Connor, after her first term as a Supreme Court justice, is a solid member of the court's conservative wing.

In the session that ended Friday, O'Connor voted to:

- Give local school boards unlimited power to remove books they find offensive from high school and junior high libraries. Her side lost.

- Let Washington state voters bar a school busing plan voluntarily adopted by the city of Seattle to achieve racial balance. Again, she was on the losing end.

- Allow states to execute "non-triggerman" criminals whose crimes resulted in a death even though they did not intend to take part in a killing. Another minority view.

O'Connor's overall voting record indicates just how much she has joined the court's conservative side since she was sworn in last September.

In the 31 cases decided by 5-4 votes — rulings that generally indicate the thorniest disputes between liberals and conservatives — O'Connor sided with ultra-conservative Justice William Rehnquist 27 times.

She sided only four times in 5-4 decisions with Justice William Brennan, leader of the court's liberals.

Only once were the three justices on the same side in a 5-4 ruling, a relatively minor case.

In other key cases during the just-completed term, the 52-year-old O'Connor voted to:

- Bar all lawsuits seeking monetary damages from U.S. presidents for misconduct in office. Her side prevailed.

- Deny illegal alien children a free public school education. A minority view.

- Expand the power of police to search automobiles without a warrant. Her side won.

The former Arizona appeals court judge thus showed herself to be far more conservative than her middle-of-the-road predecessor, Justice Potter Stewart.

In fact, one justice said privately that O'Connor has moved to the "far right" and that she was "throwing her weight around" more than most rookie members of the high court.

O'Connor still has not had to face abortion, the single most controversial issue that arose during her Senate confirmation hearings. Some conservatives claimed she favored abortion during her days as an Arizona legislator.

The Supreme Court has agreed to decide a sweeping set of abortion issues, but a final ruling is not expected until next year.

In her only signed majority opinion dealing with the constitutional issue of sex bias, O'Connor

wrote that state-supported nursing schools cannot bar men from enrolling.

During the term that formally began last October, she also became a fervent champion of the notion that the federal government has taken over too many powers from the states.

In dissenting from a decision upholding a major federal energy law, O'Connor wrote:

"Each state is sovereign within its own domain, governing its citizens and providing for their general welfare. While the Constitution and federal statutes define the boundaries of that domain, they do not harness state power for national purposes."

She also authored a majority opinion trimming back the power of federal courts to override criminal convictions obtained in state courts in certain instances.

"Federal intrusions into state criminal trials frustrate both the states' sovereign power to punish offenders and their good-faith attempts to honor constitutional rights," she wrote.

O'Connor also joined Justice Lewis Powell's dissent from a ruling that all boating accidents — including those involving pleasure craft — can be brought to federal court rather than state courts.

There were some surprises in her voting patterns, too.

In a highly emotional issue, O'Connor said states cannot automatically bar the press and public from attending criminal trials when young victims of sex crimes are testifying.

She also agreed that under existing federal law victims of alleged civil rights violations do not have to exhaust all state administrative procedures before suing in federal court.

The justices do all their deliberations behind closed doors, generally with only occasional flashes of bitter disagreement creeping into their written opinions.

In O'Connor's case, though, the sophisticated name-calling was noticeably harsher than usual.

Justice Harry Blackmun wrote that she had attacked his opinion in the federal energy case with "apocalyptic observations" that were "overstated and patently inaccurate."

Writing for the majority in an employment discrimination case, O'Connor accused Blackmun of hurling an "ad hominem" argument at her in his dissent. The term "ad hominem" is used to describe a contention against an opponent rather than against his or her arguments.

In the case that trimmed some federal court oversight of state criminal actions, Brennan attacked O'Connor's majority opinion at length. He said O'Connor had employed "sentiments in reasons' clothing."

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The Associated Press

## Two Arizonans

Before leaving Washington for Arizona, Michelle Hancock of Lakeside had a chance to visit today with Supreme Court Associate Justice Sandra O'Connor in the justice's offices. Michelle competed in the 55th National Spelling Bee earlier in the week.

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## Justice O'Connor votes to end bias

Knight-Ridder

WASHINGTON — Sandra O'Connor, the first woman on the Supreme Court, issued her first majority opinion on sex discrimination Thursday. It allows men to attend an all-female state university.

The court vote was 5-4, with Justice O'Connor playing the pivotal role.

When Joe Hogan, a 26-year-old nursing student at the 98-year-old Mississippi University for Women, heard that he had won a constitutional right to break the school's sex barrier, he shouted, "Whoopie!" and his excited lawyer went out to drink champagne.

Hogan has been the only male student among 2,000 women at the "W," as the university in Columbus is known, since the U.S.

Court of Appeals ruled last year that the existence of a publicly supported single-sex institution "cannot be squared with the Constitution." The school reluctantly admitted Hogan, then appealed to the Supreme Court.

Justice O'Connor's opinion applies only to state colleges that admit students of one sex. Colom said Mississippi appears to have the only such school. But he said the ruling "might have an effect on private single-sex schools getting federal money."

There was sharp disagreement among the court's dissenters — Chief Justice Warren Burger, Harry Blackmun, Lewis Powell and William Rehnquist — about the scope of the decision.

Burger said he understands it to apply to all women nursing schools so that a state can run a women-only business school or liberal-arts program.

Blackmun said the implications are wider, affecting any state-supported educational institution that "confines its student body in any area to members of one sex."

Powell and Rehnquist said the court had left the impact of its decision in doubt. Consequently, they advised officials at the university to refuse to admit men to the non-nursing parts of the university "without fear of personal liability."



Sandra O'Connor

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# O'Connor's first term places her in conservatives' corner

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