

SYMPOSIUM

LOOKING BACKWARD, LOOKING FORWARD: THE LEGACY OF CHIEF JUSTICE REHNQUIST AND JUSTICE O'CONNOR

INTRODUCTION

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The 2006 *Stanford Law Review* Symposium, “Looking Backward, Looking Forward: The Legacy of Chief Justice Rehnquist and Justice O’Connor,” explores the ways in which two of the *Law Review*’s most distinguished alumni left their mark on the Supreme Court and considers how the Court might continue to evolve in the coming years. By focusing on three general themes—judicial philosophy,¹ federalism,² and individual rights³—we endeavored to provide a forum for one of the first substantive discussions on the jurisprudence of Chief Justice William H. Rehnquist and Justice Sandra Day O’Connor after their departures from the Court. In addition, we wanted to recognize the

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1. See Jay S. Bybee & Tuan N. Samahon, *William Rehnquist, the Separation of Powers, and the Riddle of the Sphinx*, 58 STAN. L. REV. 1735 (2006); Cass R. Sunstein, *Problems with Minimalism*, 58 STAN. L. REV. 1899 (2006); J. Harvie Wilkinson III, *The Rehnquist Court at Twilight: The Lures and Perils of Split-the-Difference Jurisprudence*, 58 STAN. L. REV. 1969 (2006).

2. See Erwin Chemerinsky, *The Assumptions of Federalism*, 58 STAN. L. REV. 1763 (2006); Richard A. Epstein, *The Federalism Decisions of Justices Rehnquist and O’Connor: Is Half a Loaf Enough?*, 58 STAN. L. REV. 1793 (2006).

3. See Douglas W. Kmiec, *A Young Mr. Rehnquist’s Theory of Moral Rights—Mostly Observed*, 58 STAN. L. REV. 1827 (2006); Reva B. Siegel, *You’ve Come a Long Way, Baby: Rehnquist’s New Approach to Pregnancy Discrimination in Hibbs*, 58 STAN. L. REV. 1871 (2006); Eugene Volokh, *Freedom of Expressive Association and Government Subsidies*, 58 STAN. L. REV. 1919 (2006).

Justices' exceptional personal qualities by publishing tributes from former Rehnquist and O'Connor clerks.⁴

The live event accompanying the following articles took place on the Stanford campus on March 17 and 18, 2006. In addition to many of the authors published in this Issue, Judge Marsha Berzon, Professor Charles Fried, Marcia Greenberger, Judge Karen Nelson Moore, and Professor Mark Tushnet provided their perspectives on the past and future of the Court during three panel discussions, moderated by the law school's own Jane Schacter, Pamela Karlan, and Dean Larry Kramer. Former Stanford Law School Dean Kathleen Sullivan closed the Symposium by offering her recollections of the two Justices, with whom she worked closely during her tenure as dean. Lastly, we were fortunate to have both Justice O'Connor and Justice Anthony M. Kennedy at the event; the remarks they delivered at the keynote are also published in this Issue.⁵

In addition to the Justices' keynote remarks, the law clerk tributes, and the substantive articles, Chief Justice Rehnquist's previously unpublished master's thesis—entitled “Contemporary Theories of Rights” and submitted to the Stanford Political Science Department in August 1948—is printed in this Issue with permission from and thanks to the Rehnquist family and the Stanford University Library and Archives.⁶

As in past years, the Symposium's success is owed in large part to financial support from several generous donors, including patrons Day Casebeer, Davis Polk and Wardwell, and Paul Hastings. It would not have been possible without the tireless efforts of the Editorial Board of the *Stanford Law Review* and the members of the Symposium Committee: Kevin Clune, Aron Goetzl, Heather Mitchell, Megan Nelson, and Lisa Saltzburg. I would also like to personally thank Jillian Del Pozo and Christina Stembel for going far beyond the scope of their ordinary law school responsibilities to assist with the live event, and Aparna Sridhar for her invaluable advice and constant support.

4. Tributes to Chief Justice Rehnquist include: Robert J. Giuffra, Jr., *A Tribute to Chief Justice William H. Rehnquist*, 58 STAN. L. REV. 1675 (2006); Brian Morris, *For the Chief*, 58 STAN. L. REV. 1683 (2006); James E. Ryan, *The Chief as Teacher*, 58 STAN. L. REV. 1687 (2006); Ronald J. Tenpas, *Learning Life's Lessons*, 58 STAN. L. REV. 1691 (2006); Barton H. Thompson, Jr., *Chief Justice William H. Rehnquist: Prizing People, Place, and History*, 58 STAN. L. REV. 1695 (2006).

Tributes to Justice O'Connor include: Scott Bales, *Justice Sandra Day O'Connor: No Insurmountable Hurdles*, 58 STAN. L. REV. 1705 (2006); Stuart Banner, *Speeding Up To Smell the Roses*, 58 STAN. L. REV. 1713 (2006); Michelle T. Friedland, *A Wise Justice, and a Great Boss*, 58 STAN. L. REV. 1717 (2006); John K. Setear, *In-Version*, 58 STAN. L. REV. 1721 (2006); Kent D. Syverud, *Lessons from Working for Sandra Day O'Connor*, 58 STAN. L. REV. 1731 (2006).

5. See Anthony M. Kennedy, *William Rehnquist and Sandra Day O'Connor: An Expression of Appreciation*, 58 STAN. L. REV. 1663 (2006); Sandra Day O'Connor, *Response*, 58 STAN. L. REV. 1673 (2006).

6. See William Hubbs Rehnquist, *Contemporary Theories of Rights*, 58 STAN. L. REV. 1997 (2006) (1948).