

SDOC - Alan Day INT.mp3

Kaely Monahan [00:00:05] The ranch girl from Duncan, Arizona, who grew up to be the first woman to sit on the U.S. Supreme Court, passed away on December 1st, 2023, on December 18th. She entered the highest court in the land one last time. Hundreds of Americans came to pay their last respects on Tuesday, December 19th. Her funeral was held at the National Cathedral in Washington, D.C.. Their president, Joe Biden and Chief Justice John Roberts eulogized O'Connor.

President Joe Biden [00:00:44] More than 40 years ago. On a Wednesday in September 1981, the Senate Judiciary Committee came to order. I was the ranking member of that committee, and the day's business was momentous. The nomination of Sandra Day O'Connor to become the first woman in American history to serve as a Supreme Court justice and the United States Supreme Court.

Chief Justice John Roberts [00:01:17] She and I were discussing a case in chambers, and I think she grew tired of my on the one hand, and on the other hand, she simply got up and said, you just have to decide. There was impatience in her voice, but I don't think it was entirely due to me. She had made her own decision about the future and announced her retirement six months earlier. I think she was anxious to get it done.

Kaely Monahan [00:01:45] According to those who knew her, That get it done attitude was ingrained deeply in the woman who grew up to be self-reliant on a cattle ranch. Welcome to the final episode of The Gaggle's mini series on Sandra Day O'Connor. I'm producer Kaely Monahan. This week, we've heard from many voices of those who knew O'Connor in one way or another. Today, we'll hear from her younger brother, Alan Day. Although ten years, her junior Alan still has vivid memories of a youthful Sandra Day learning to take charge of her life on the family ranch. National politics reporter and gaggle host Ron Hansen connected with Alan Day remotely in the spring of 2022.

Ron Hansen [00:02:30] We all know Sandra Day O'Connor is this person of historic importance. And you know her as your older sister. And you wrote an entire book with her about life on the Lazy B Ranch. Give our listeners a sense of what the ranch was like and what stood out to you about your sister in that period.

Alan Day [00:02:55] So living on the ranch is a world of its own. When I was growing up, we went to town once a week to get the mail and get groceries. And other than that. Your world was right at the headquarters and then scattered out on the ranch. And again, that's what we knew. You know, I mean, we didn't have other experience to say this is different because when, you know, I was born, that's where I was born and all that. But one time Sandra sent a couple of journalists from Japan that we're doing a feature story on her, and they wanted to see where she was raised. And so to start with, they called. They were very polite and they said, we want to see where she was raised. And I said, okay. And they said, Well, we only want to use an hour of your time. I said, No, that's not okay. I can't show you even 10% of it in an hour. So you've got to at least spend the night and stay a day. And they couldn't quite understand it, but it got them out there and took them to a spot. And I said, everything you can see near distance, far distance is part of Lazy B and there's a big vista out there, you know, And it was all part of the ranch. And they stood there and I learned more than they did, but they stood there and they said, We're right in the middle of this and you're telling us this and we can't comprehend. It doesn't sink in because each one of them was raised in a 500 square foot house in Tokyo. And the idea of that kind of space just didn't they didn't comprehend. I mean, they standing there and

they can't acknowledge it. So I think I learned more than they did, because to me, I knew every foot of it, you know, and then horseback over all of it and had flat tires on all the roads and, you know, knew where everything was. And so it wasn't unusual for me, but it was really interesting to see where they went with that. So that's what Sandra and I both grew up to. So it wasn't unusual for us. The big thing, I guess I'd been sitting here trying to think what might be interesting for a listener to hear and what you learn out there is you're really on your own. And if there's a problem, you need to identify what the problem is and then you need to figure out how to fix it because you can't call Roto-Rooter, okay? You can't call the local handyman. We were the local handyman and we had about 35 windmills. I ended up being the head windmill guy. I've been up on the head of all of them up there, 50 feet above the ground, hanging by my toenails and working on them. And it was just part of the job. It wasn't like it was dangerous or it wasn't like it was unusual. 35 windmills. They need to pump water. That's what's important. So fix it. And so those are those are the kind of things that we learn now, not sitting here telling you that Sandra climbed Glen Mills. But, you know, the ranch is a big job in every description. And so she entered a lot of it and willingly, I mean, she was always happy to learn and happy to be a part and just did it with style and grace.

Ron Hansen [00:06:05] So if she didn't hang off the windmills, she did do other things that are not typical for girls in terms of their duties and such. Talk a bit about what her life was like on the ranch.

Alan Day [00:06:19] Well, of course, she was a superstar in school, so her time at home, the part I knew, you know, when I was ten years old, she was 20. So when I was five, she was 15. So us together, a five year old and a 15 year old don't have a lot of things in common. You know, the five year old is shooting his cap-load, but I had my own horse by that point in time. So I was riding the horse. But Sandra would participate in just all the ranch activities, you know, when a well would break down or she'd go out to help fix that. And when we had to round up cattle, well, she was always anxious to she'd tell the Cowboys cut a horse for me and she'd be there ready, and we'd all saddle up and go out and gather the cattle. So just life in general, she very much fit into it. But even in those early days, she was a superstar. I mean, everything she tried, she did it well. I'm not trying to say she was a real good horseback or she was just average sitting on a horse. But just how she grasped the life and the lifestyle and what the problem. I'm and what the good things were. She could just get her hand right on that and and I think she enjoyed life maybe more than than other people because everything was new and and she just enjoyed the learning and and the becoming good at it And she was all of those things.

Ron Hansen [00:07:46] I've heard an anecdote about your sister delivering food to your father and into the hands and having a flat tire, I believe it was. Tell us about that incident, if you remember.

Alan Day [00:08:00] Well, that's only been repeated about a hundred times. I think it was in one of the books, so I wasn't going to repeat it. But I will if you'd like. We were rounding up no telling where, but our old roundup cook was an old alcoholic and he was a really good cook, but only when he was there. And he'd go to town to get a haircut or some other excuse. And then it'd be two or three days before he got back because he'd. He'd be drunk and even used to laugh and say he had his own cell there at the local jail and they just left it unlocked for him. So when he got drunk he'd just go get, get it is sale. But anyway, so he was not cooking one day and Sandra was there. And so she said, Well, I'll take the lunch. So the lunch was maybe six or seven miles from the headquarters. So she loaded up the pickup with all the food and the coffee and everything and headed out and got a flat tire.

And of course we had a spare and we had jack because we had flats every day. It was the most common occurrence on the ranch. I mean, first thing you did every morning is check all the tires because probably one or more would have gone flat overnight. So we did a lot of that. So anyway, she had a flat and nobody to help her. She was all alone. So she had watched the Cowboys change tires plenty of times. I doubt that she had ever done it herself, but anyway, she had to do it this time, so she figured it out. But it probably took her an hour to change that tire and get going because everything was new. Then I was along on the round up and by the way, the Cowboys expect the cook to be there with food before they ever get inside. You know that That's a comfort and comfort for the cowboys as the cooks waiting, we're not going to starve. So she wasn't there and we got in and normally would eat and then we'd start to work the cattle. But Cook wasn't there, so we went ahead and start working the cattle. And when she finally drove up with a little bit of a sheepish look, she told my dad said, Well, I had a flat and it took a while to change. And she said, Well, why didn't you start earlier in the story? But she was proud of herself. Rabbit changed the tire and he just thought, Well, if it made you late, then you didn't do it right.

Ron Hansen [00:10:15] A lot of people have theorized about how the ranch experience shaped her judicial outlook. And you've kind of referenced already that one lesson of the ranch was that you had to sort of take care of things yourself. You didn't call somebody else to come in and help. How much do you think that upbringing defined the person that she became?

Alan Day [00:10:38] I think a very large part of her thought process was formed by that. One thing was really interesting because when something would happen on the ranch and something bad happened, you know, flat tires an easy thing, but a windmill would stop or a gal would get sick or a flood would happen and wash the road out or a pipeline would break. I mean, those are everyday things with the ranch. But when you're part of that, you see it happening. If you're nearby and you figure out what it is that happened and then you don't just call daddy or call, you know, the repairman, you think, okay, where do we have spare materials? Where do we have the things to fix it? What's it going to take to fix it? And how are we going to make it maybe even better than it was? And then you go and do it. A lot of people in life don't have that opportunity to identify problems and then figure out how to fix things and then do it. So I'm sure that a lot of her taking an independent look at a problem on the court and saying, okay, let me put myself out where the problem is and mentally be there. And, you know, how would that be? What would I need to do to make it right? Or what do we need to do to make it right? And I'm sure that her ranch background had a pretty big effect on that.

Ron Hansen [00:11:58] She made her mark in Washington and at the Arizona legislature, and she was impressive at Stanford. When did the family recognize something special about Sandra.

Alan Day [00:12:10] Age to maybe before she was bright, She was inquisitive. She had early conversational skills. She had problem solving. She was just born with it. And my folks, I wasn't even born, Nancy. I was born she was ten years old when I was born. So I'm not there to tell you what she was like as of. But she always was just the head of the class, if you want to call it that. And we didn't have class. But just in terms of understanding a problem and what to do about it, just that was her nature. That's what she did. But she didn't boss anybody around and say, well, you know, you did it wrong. We've got to fix it. She was more about what's the fix?

Ron Hansen [00:12:50] What did she say about her historic role as the first woman on the Supreme Court? Was that something that she ever discussed? Was it something that she talked about? Only if asked. How did she handle that around family?

Alan Day [00:13:04] She never, ever bragged about that or talked about it. As a matter of fact, the president was considering her for some time and had sent for her back in Washington to interview her when he had promised that the president that promised to put a woman on the court and so went back to interview her. And so she did talk about that little she said she walked in and President Reagan said, well, I understand you come from a ranch and family. And she said, yes. And the whole interview was about ranching. They didn't talk about the law. And she and they just have this long, good conversation about horses and cattle and ranching. And she basically said what? She walked out of there. She had the job in her pocket. I don't think she used those words, but that's exactly what she meant. And he was so fond of her while he was president. Any time they had a state event where a foreign dignitary was at the White House or, you know, the Queen of England or whatever, just example when they had a state dinner or event. She was number one on the list. She went to more of those than anybody ever had, and she'd sit right on the left side of Reagan at that dinner because she was always his favorite. And that continued all the way through his presidency.

Ron Hansen [00:14:25] Yeah. Would she talk about that subject if she was asked about it? Was it something that she would engage in for people who asked about it, who were not members of the media, or if she wasn't in some official function, would she just talk about it conversationally, her historic role.

Alan Day [00:14:43] A little bit, but she never aggrandized her own role in anything. Not to the press, not to her friends or anything else. If you ask her what happened here, what did she tell you? But she didn't aggrandize her own her own job or solutions or anything.

Ron Hansen [00:15:02] You're ten years younger than your sister. You said that you grew closer to her as you got older and in particular when you all were working on the book. What did you learn about her that you didn't know as a child growing up?

Alan Day [00:15:18] Well, most of what I knew as a child was just what my dad would repeat or what we'd get. Letters from Sandra from Stanford and the family would just be avid waiting for a letter from Sandra, you know. And when one arrived, it was almost a celebration. And so my mother would read it out loud to all of us, and we would just hang on every word. I remember I asked her what the climate was like in Palo Alto because it was near the ocean and it was Northern California. And so she described the climate a little, and I couldn't quite get my arms around the time. I thought, that's just a strange place to live. How could you like it? It couldn't be as good as this ridge. But I remember we talked when I was a little kid about what life was like in Palo Alto. And then that kind of leads to a story. My mother was a really good cook. And one of the things that she did, she made it look easy. People would come. We didn't have a phone, so we didn't know if people were coming or not. People would drive up and they'd be friends and she'd say, Oh, I'm so glad you're here. We're about to have lunch. Not true. We were going to have lunch, but not necessarily lunch for eight. And she would disappear for about 10 minutes and this really nice lunch would appear. And I just thought that's the way everybody did it. You know, that's all I ever knew, all I ever saw. And she did it. She taught that to Sandra, too. And Sandra's a good cook. And Sandra would have the same thing. She'd say, Well, let's have lunch. And she disappear for about 10 minutes. And here would be this really nice lunch. And so Sandra learned that from my mother. And a lot of it was being a cook,

but a lot of it was just how gracious she was to, you know, to do that and be that. And she never made you think, oh, my goodness, she's I've laid something on her and she's got other things on her mind. And that just wasn't the way it worked. So she learned that from my mother. And my mother was really good at that.

Ron Hansen [00:17:25] To a lot of people. She came across as this sort of hardscrabble pragmatist who could tackle any problem you threw at her. But she also made comments privately that indicated a measure of self-doubt as well, that she said she did not want to flop as the first woman on the Supreme Court. She was cognizant of the fact that a lot of people were following her in this groundbreaking role. Did you see that part of her? Any of this doubt that she had expressed to others?

Alan Day [00:17:59] I won't say she wasn't telling the truth, but she may have expressed the words that she had doubt. But she also times too, had the confidence that she had the ability to take care of whatever came up. So maybe she might have said she had doubt and she might have had doubts, but then she had the tools to fix it. So the self-doubt got trumped by her ability and self-confidence. I never heard it worded just quite that way, but that's a pretty good description.

Ron Hansen [00:18:32] She was part of several historic rulings in the course of her career, from abortion to the 2000 presidential contest. Did she ever talk about any of the opinions in the cases that came before her? And what, if anything, did she say about them?

Alan Day [00:18:49] She did talk to me about abortion a couple of times, and each time it was like a broken record. She said the same thing and she said, well, her least favorite topic, the thing that she hated to have to face. And she faced it again and again and again and again was abortion. And it would come up every session of the the court and it would come up in a different fashion, you know, this part of it or that part of it. And, you know, it never came up. Is abortion a great big subject? It would be this part of abortion. And so she said that it would come up in some fashion every year and that there was never a time where there was a big majority. Either way. It was always very contentious and very difficult to try to make any kind of decision that would even make half the people happy. She wasn't a justice who try to make people happy, but they're just what she expressed again and again was there was no happy solution. To that, it would come up. And no matter where you landed, you'd make people angry, and then it would happen again. And then again. And she just really didn't like that role in having to tell people what to do with their lives and in that world.

Ron Hansen [00:20:12] How about the Bush v Gore case? Did she ever speak about that? That seemed to cause her a lot of grief.

Alan Day [00:20:20] Yeah, she did speak on that. And she said she said she resented being put in the in the limelight and basically having the court split evenly and that coming to her, too, if you want to call it that. And for her to elect a president, you know it. She didn't like being in that role. And yet there came an interesting little side story as I had it, But I think there were 17 of us. If my friends had gone back to Washington to sightsee and I guess we weren't thinking about voting or the election or anything because we were in Washington the night of the election. So we went to bed with one winner and we woke up the next morning with another winner and we were all standing around scratching our heads. And Washington was desert, you know, for election time. Everybody's shaking hands and, you know, campaigning and what what all they do. So we were in a ghost

town. But anyway, we were all having breakfast and just one little piece of lucidity hit my brain and I said, Wow, this is a mess. And I'm going to tell you how it's going to happen. It's going to go back and forth in the courts and it's going to be finger pointing and it's going to be this and that, and it's going to work its way up to the next highest court and the next highest court and the next highest court, and it'll finally come to Sandra and then she'll be the deciding vote. And I hate that. And I said that the next morning, and it was six weeks later, you know, before that actually occurred or even after that. But it just I don't know, I was there and I could just see it so clearly that that's the way. And I'm not alone. I mean, probably half the country saw it that way, too. I'm not saying that. But I remember thinking, Oh, boy, that's a runaway train and Sandra's going to slow it down and stop it. And she didn't want to do that. And I don't blame her.

Ron Hansen [00:22:12] So who did she blame for putting that case in front of her, as it were? Did she blame the Gore camp? Did she blame the Bush camp?

Alan Day [00:22:22] No, neither one. It's just our system. You know, the day after the election, the Republicans hired 100 lawyers and then the Democrats hired 200, and then the Republicans had hired another hundred. So you put on each side 200 lawyers. Well, where are you going to get you're going to get a miss. That's what you're going to get. And that's what we did get.

Ron Hansen [00:22:41] What do you think is Justice O'Connor's legacy?

Alan Day [00:22:46] Well, kind of an obvious question. I mean, first woman, everybody knows that she kind of set. Her way of dealing with people when she was back in the state Senate many years before. And so she got into the Senate, not by hook or crook, but didn't really want to be a senator. But she got to be a senator and quickly discovered that politics was the same in Arizona as it was in Washington or what she'd later find out as it was in Washington. And you have people finger pointing and, you know, both sides and shouting at each other and all that. And Senator would just focus on the issues and try to find common ground here and there. And then more often than not, when it was a really, really tight issue. She'd have a dinner party there at her house, and she would invite Democrats and Republicans both, and they'd all eat Mexican food and drink beer. And by the time the party was over, they'd have a solution. So with her kind of in a smile, kind of gently guiding one way or another. But she didn't run. She didn't do power politics. That that isn't how her life was. Not not at the state level, not at the national level. She just would think it through and come to in her mind the most. Pragmatic solution that the. Should be should happen. And then she would very gently guide at that direction. And more often than not, that's where it would go. But, you know, she won in the state Senate too long. But by the time she left the state Senate, it was like the court knew. And by the time she left the court, it was called the O'Connor Court. Well, the state Senate could have been the O'Connor Senate, you know, because she had her finger in on all the big issues. And, you know, it was pretty well ran the show there.

Ron Hansen [00:24:41] What do you think most people don't know about your sister? But they should.

Alan Day [00:24:49] That's kind of a hard question because, you know, number one, when people meet me, they and they find out I'm her brother and they want to say good things because, you know, that's what you do. And so. Well, no, I'm serious. Just be polite. Oh, your sister. She was a great woman. Oh, yeah. Okay, I'll try. You know, so I get a skewed answer, but time again. I had this happen yesterday twice. Gee, I wish we had her back.

She was comfort food for our country twice yesterday. I don't know. Is that an answer? I'm not sure that is the answer, but, you know, that's pretty much it.

Ron Hansen [00:25:29] And I'll take that answer. I like that answer, actually. What did she mean to you?

Alan Day [00:25:37] Well, you know, my dad was this really smart and very dominating person. And so you got a big flavor of hard nosed ranching and hard nosed rancher when you got put in that arena. But Sandra, on the other hand. Was a death. She wasn't as hard nosed as my dad. She was at least as smart as he was or smarter. But she guided things with a much softer hand and got very good outcomes again and again and again without playing the power politics game. So I admired her for that. But when you ask specifically, what did I get out of Sandra? I was and is so proud of her. I can't even put it into words. I was so proud of her. And I always thought. I don't ever want to do something that will shed any amount of bad light on her. So it gave me a set of rules that only I knew. But the general drift of those was, Don't you ever say or do anything that would shed that light on her because it just didn't going to happen. And so that was very forming for me as to what I might have done or did do or whatever. It was always within those rules. I probably pushed it on the edge a little bit.

Ron Hansen [00:27:04] Is there anything else you want to say or think people should know about your sister? Do you have a favorite anecdote you haven't shared that you just think people ought to hear?

Alan Day [00:27:15] Well, again. Again and again. And again. And again and again. People say, gosh, we wish we had her back, you know, And so, so many people say that. But hold on just a second. Okay. Here's here's one. When Sander was always ahead in school, you know, she skipped a couple of grades. And so she was in Stanford when she was 16, I think. But the year that she got into Stanford was also the same year that all the returning World War two vets came back from Europe. And that very same year, all the colleges all across the country said to the vets, if you want to go to college, you apply. We'll take you. You know, because that was a nice payback for that for having served the country. So, so many of the vets went to college. Stanford, These figures are probably a little inaccurate, but they're not too far off. Stanford was a little college well known, but a little college, maybe 5000 students. The year after all of this came, it was 10,000 students. So that impact on Stanford was just mind boggling. You know, that many students and a lot of them were 20, 22, 24 years old. They'd been over in Europe several years and marching and marched all the way to Berlin and got shot at and shot at people. And, you know, they'd had they'd seen a lot of Europe and had a lot of life experience. And they came back and they wanted to get a good education at Stanford. And they were real serious about a lot of them. Some of them wanted to party, but most of them were very serious about it. So anyway, that was Sandra's freshman year, so she hooked up with the only other woman there that had a French background. Diane Cooley. Her parents had a ranch at Watsonville, California. And so they were the two ranch girls in Stanford. Period. And so they both. And then Diane's right and Sandra's right. So they kind of put their heads together and said, Boy, all these dedicated guys are here and they're older than us. And all the women who we're competing against all had classic educations at Eastern Prep schools and all this and that, and we're just ranch girls. They said, Well, we better study real hard if we can keep up with this. At the end of the first year, they were rated number one and number two in their class. True story. Wow. Yeah. Wow.

Ron Hansen [00:29:50] And very honored.

Alan Day [00:29:52] You know. That's right. That's not what you wouldn't expect from Sandra. But she never had a flag and carried it saying I'm number one. It just happened. How's that for a good story?

Kaely Monahan [00:30:18] That was Alan Day, Sandra Day O'Connor's brother, speaking with our host, Ron Hansen. This interview was originally recorded in April 2022. The interview was produced by Amanda Luberto Berto, and it was edited by me, Kaely Monahan. News Direction is provided by Kathy Tulumello. Our music comes from Universal Music Production. Next week:.

Sasha Hupka [00:30:47] They said well in advance that on January 1st of this year, the water would stop and they stuck to that. It stopped.

[00:30:57] The Gaggle looks back at 2023 with reporters from the Arizona Republic. You'll hear the highlights and lowlights and how this year will influence the next. Make sure you don't miss it by subscribing to The Gaggle on your favorite podcasting app. If you enjoyed today's episode, make sure to share it with a friend. You can also leave us a review and read us five stars. Follow The Gaggle on social media at A-Z-C Podcasts. Thanks again for listening to this special series on Sandra Day O'Connor. We'll see you next Wednesday.