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OUR JUDICIAL FEDERALISM*

Justice Sandra Day O'Connor**

IN PREPARING for today's talk I knew you might like to hear how I set about deciding cases, just what really goes on inside the Court, and how I feel personally about my colleagues on the bench, and so on. But one of the qualities desirable for a Justice is to be judicious and, therefore, those subjects are best avoided. It is not

day, since, as Alexis de Tocqueville noted, almost every issue in American life is likely, sooner or later, to end up before the courts. When a Justice expresses an opinion on war or peace, on religion or politics, or even on science or literature, she always risks having her words embarrassingly quoted back at her in a brief or oral argu-

points—some would say the excruciatingly fine points—of our

law is in fact developed and interpreted by all fifty state court systems as well as by the federal court system.

These basic facts about our judicial federalism indicate the need for some means to assure a consistent and uniform body of federal law among the state and federal courts. The goal of national uniformity rests on a fundamental principle: that a single sovereign's laws should be applied equally to all—a principle expressed by the phrase. "Equal Justice Under Law." inscribed over the great doors

dural rule constitutes an adequate and independent state ground for the state courts' rejection of the claim. The prisoner can overcome the bar to federal habeas consideration of his claim only by demon-

restrictive waiver rules, once again, is federal respect for "the state's interest in the integrity of its rules and proceedings and the finality of its judgments." 38