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By Ami Dodson

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Retired Supreme Court Justice Sandra Day O'Connor urged American and Chinese scholars to learn more about each other's property rights laws to bolster international understanding at a conference today in Beijing sponsored by the William & Mary Law School. O'Connor appeared via video at the Eighth Annual Brigham-Kanner Property Rights Conference, held in cooperation with Tsinghua University School of Law, to accept the 2011 Brigham-Kanner Property Rights Prize.

In her remarks, O'Connor invoked the storied history of property rights in U.S. law. From Thomas Jefferson and other founders influenced by the philosophy of John Locke to modern American society today, the United States has held a special solicitude for property rights. That tradition, explained O'Connor, is more than about property—it is about people. And it embodies notions of equality and citizenship that define Americans as Americans.

"In the United States, rights in property do not belong just to large corporations and developers," O'Connor reflected. "They belong to all the people. From a widow with a small home to farmers, ranchers, small businessmen and urban apartment dwellers, our Constitution is equal in its respect for their rights." Property rights in the United States are egalitarian.

Property rights also help define the relationship between the citizen and the state. The Fifth Amendment, she said, "has created a certainty in expectations, a foundation upon which the affairs of individuals and businesses can be solidly built, and a way of defining the boundary between government and its citizens." It circumscribes the government's ability to take private property for the benefit of another private party. This longstanding respect for property rights, said O'Connor, "puts the flesh and blood on the infrastructure of our government."

O'Connor also recognized the growing protection of property rights in China, noting a 2004 provision in China's Constitution that requires compensation for governmental takings of private property. The implementation of this new constitutional provision, she argued, has helped spur and stabilize China's economic system.



In concluding, O'Connor asked both countries to continue their respective conversations about property rights and to share their insights with each other. "I hope the people of both the United States and China will benefit by learning and understanding more of our respective property rights laws and that we will continue to develop ways for preserving rights in property for the benefit of all our citizens," she said. "Most of all, I hope that the mutual understanding begun today at this conference will continue to thrive for many years to come."

Sandra Day O'Connor served as an associate justice of the Supreme Court from 1981 to 2006. She was the first woman to serve on the Court. She became Chancellor of the College of William & Mary following her retirement from the judiciary. In May 2010, the William & Mary Law School faculty awarded her its highest honor, the Marshall-Wythe Medallion, in recognition of her exceptional accomplishments and leadership.

Justice O'Connor was born in El Paso, Texas, on March 26, 1930. She earned a B.A. in economics (*magna cum laude*) from Stanford University, and went on to receive an LL.B. from Stanford Law School, where she graduated third in her class. Her classmate, the late Chief Justice William H. Rehnquist, graduated first in the class.

She served as Deputy County Attorney of San Mateo County, California, from 1952 to 1953, and as a civilian attorney for the Quartermaster Market Center, Frankfurt, Germany, from 1954 to 1957. From 1958 to 1960, she practiced law in Maryvale, Arizona, and served as Assistant Attorney General of Arizona from 1965 to 1969. She was appointed to the Arizona State Senate in 1969, and was subsequently reelected to two two-year terms.

In 1975, she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals.

President Ronald Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. She was married to the late John Jay O'Connor III, and has three sons: Scott, Brian and Jay.

The annual Brigham-Kanner Property Rights Conference is named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights. Now in its eighth year, the conference is designed to bring together members of the bench, bar and academia to explore recent developments in takings



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law and other areas of the law affecting property rights. During the conference, the Project presents the Brigham-Kanner Prize to an outstanding figure in the field. This is the Conference's inaugural year abroad.