

## Who is or was your favorite Supreme Court justice and why?

The following responses are available on AALLNET only. For the responses published in the June 2009 issue of *AALL Spectrum*, please see the issue in its entirety.

“Justice William O. Douglas was my favorite Supreme Court justice, largely because he championed environmental causes. One such cause was opposing a dam in the Red River Gorge in Daniel Boone National Forest in eastern Kentucky. Legend has it that the Kentucky Chapter of the Sierra Club, in an attempt to draw local and national attention to the fight against the proposed dam, sent a postcard to Justice Douglas inviting him to participate in a Dam Protest Hike in November 1967. The thought was that a postcard was more likely to grab the attention of Justice Douglas or his staff than a formal letter would. And the plan worked. Justice Douglas and his wife Cathy participated along with about 400 other dam opponents in the protest hike. And his opposition to the dam was widely credited with raising awareness and ultimately defeating the project.”

- **Stephanie Midkiff**, reference librarian at University of Oregon John E. Jaqua Law Library in Eugene (formerly of Kentucky)

“I always remember the words of Justice Robert Houghwout Jackson: ‘Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.’ (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642, 1943). His words continue to have significance to this day and age, and are a reflection of the evolution of human dignity and human rights. He is most remembered as the United States chief prosecutor at the Nuremberg Trial following World War II.”

- **Roy Balleste**, director of the law library and assistant professor of law at the University of the District of Columbia David A. Clarke School of Law in Washington, D.C.

“Hands down, Justice Lewis Powell—the Virginia gentleman. When I worked as head of the research department in the U.S. Supreme Court Library in the early 1980s, he was unfailingly courteous and thoughtful. He often wrote thank you notes for work I had done for him.

“One time I had the privilege of walking with him for a couple of blocks to a Federal Bar meeting where he was going to speak. As we approached our exit from the Supreme Court building, I stepped ahead to open the huge brass doors for him. He immediately chastised me (in a gentle way) for opening the door for him. Opening the door for a woman was *his* job, so he took my place and ushered me to the outside.”

- **Penny A. Hazelton**, associate dean for library and computing services at the University of Washington School of Law in Seattle

“Thurgood Marshall is my favorite Supreme Court justice because of his tireless effort to even the playing field of American society through a consistent record of championing civil rights. Most people know of his famous civil rights case, *Brown v. Board of Education*. In my opinion, his most significant civil rights case was his first win as an attorney, *Murray v. Pearson* (Md.169 478, 1936), in which he successfully sued University of Maryland School of Law and its segregationist policy of denying qualified minority candidates (i.e., Donald Gaines Murray) admission to the University; Marshall himself was denied entry in 1926. The school informed Mr. Murray that he had to attend a Historically Black College or University (HBCU) in or out of state. Marshall argued neither the HBCUs in Maryland or out of state schools equaled University of Maryland because Maryland offered a law school while other institutions to which blacks could be admitted did not.”

- **William Glover**, student at Morgan State University in Baltimore.

## member to member

“Benjamin Nathan Cardozo without a doubt. Not only was he modest, but he was also a great jurist and legal philosopher possessed with a noble and vivid—and I might add, an easily readable and understandable—writing style. For example, as a jurist he authored *Macpherson v. Buick Motor Co.* (217 N.Y. 382, 111 N.E. 1050, 1916), a seminal tort case holding Buick liable for the negligent construction of a defective wheel that injured a purchaser who had purchased the car from an automobile dealer. In *Palsgraf v. Long Island Railroad* (248 N.Y. 339, 162 N.E. 99, 1928), a classic case known to all law students, he analyzed the theory of proximate cause, authoring the majority opinion holding an individual can only be liable for injury or harm that is foreseeable and not for every injury that follows from the negligence. And *Nixon v. Condon* (286 U.S. 73, 52 S.Ct. 484, 76 L.Ed.984, 1932), he wrote the majority opinion holding that a resolution by a state party executive committee excluding blacks from primary elections under purported authority of a state statute violated the Equal Protection Clause of the 14th Amendment.

“As a legal philosopher, he wrote a number of books defining how the legal system could most effectively function and the difficult empirical issues faced by judges in deciding cases. Examples include: *The Nature of the Judicial Process* (1921), a series of lectures on the decision-making process that he delivered at Yale Law School and Columbia University, which is still widely used as a textbook for first-year law students. He also wrote *The Growth of the Law* (1924), *The Paradox of Legal Science* (1928), and *Law and Literature* (1931).”

- **James M. Murray**, assistant/satellite librarian at the U.S. Courts Library in Spokane

“My favorite Justice is Justice Holmes. See my book, *Justice Holmes Ex Cathedra*. My play—*Mrs. Oliver Wendell Holmes*—had a reading on April 13 in Brookline, MA. He was a reader, a book man, a punster, and, like me, a Bostonian.”

- **Edward J. Bander**, retired and living in Brookline, Massachusetts

“(H)e defeated segregation where it really counts—in court. Devising a legal strategy based on the Constitution, he forced rights to be extended equally to even the poorest and most disadvantaged citizens.”

“(He)...won a Supreme Court ruling outlawing segregation on buses...(his argument of) *Brown v. Board of Education* before the Supreme Court, (ended legally sanctioned) segregation in public schools.” (Excerpt from Juan Williams’ January 1990 *Washington Post Magazine* cover story.)

“As an attorney, this man repeatedly risked his life trying difficult cases all over the South. As solicitor general, he upheld the best practices of the legal profession. Finally, during his more than twenty years as a Supreme Court justice, he continually reminded America of its obligation to live up to its Constitution.

“To whom are these accolades attributed? Justice Thurgood Marshall.”

- **Maxine Young Asmah**, head of public services and director of the Texas Tech University School of Law Library in Lubbock

“Earl Warren! Eisenhower called his appointment, ‘the biggest damned-fool mistake I ever made,’ but he crafted some of the most instrumental rulings that support civil rights, most notably *Brown v. Board of Education*. I obtained even greater respect for him on a recent visit to the Supreme Court. While all the portraits of Supreme Court chief justices are pretty dour, Warren shows a kindly smile in his.

“Second place goes to Justice William O. Douglas, in part for saving the C & O Canal towpath from becoming a parkway by hiking down its 185-mile length from Cumberland, Maryland, to Washington, D.C., in eight days at age 55. D.C. hikers, bikers, and runners are eternally grateful.”

- **John Cannan**, legal reference librarian at the Law Library of Congress Public Services Division Directorate of Law Library Services in Washington, D.C.