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Tribute to Mr. Justice Brennan

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TRIBUTES

TRIBUTE TO MR. JUSTICE BRENNAN

As a very recently appointed circuit judge, it would ill become me to attempt to comment on the substantive achievements of a Supreme Court Justice, who may soon be asked to affirm or reverse my decisions; any praise I offered would appear to be an attempt to curry favor with one of my superiors in the federal judicial hierarchy. What is more important, any praise from me would be superfluous in the extreme; Justice Brennan's position as one of the most influential Justices in history of the Supreme Court is secure and requires no words from me to confirm.

I can, however, I hope without being thought obsequious or redundant, speak to the personal qualities of the Justice for whom I clerked in the 1962 Term of Court. An intimate working relationship of the kind that a law clerk has with a judge creates an angle of observation different from that of the usual observer of a judge and his work. Although it has been said that no man is a hero to his valet, I can testify that no law clerk emerges from his year with Justice Brennan without the greatest enthusiasm for the Justice's human qualities. Certainly that was my reaction. Justice Brennan's complete freedom from the self-importance that high office induces in so many of its holders, his many personal kindnesses not only to me but to my family, his modesty and warmth, and his unassuming friendliness provide a model of democratic decency in public office.

It has been almost twenty years since I clerked for Justice Brennan. While the Justice remains a beacon of liberal judicial thought, my own view of law and policy has become, as the Justice is well aware, distinctly conservative. I have occasionally criticized in print positions with which Justice Brennan is closely identified—even opinions that he has written. Yet his kindness toward me has been unaffected by the divergence in our thinking on matters of fundamental importance to both of us; the notes he wrote me on the occasion of my nomination and then confirmation as a circuit judge are among my most treasured possessions. In his generosity toward an acolyte turned critic he has displayed a rare magnanimity which deserves to be remembered no less than the public accomplishments that have made him one of the most important Supreme Court Justices in our history.

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