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The Presentation of the Candidate for the Degree of Doctor of Laws, 20 J. Marshall L. Rev. 851 (1987)

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THE PRESENTATION OF THE CANDIDATE FOR THE DEGREE OF DOCTOR OF LAWS, OCTOBER 25, 1986.

WILLIAM T. FINLEY, JR., A.B., L.L.B. PIERSON, SEMMES AND FINLEY,
WASHINGTON, D.C.; LAW CLERK TO JUSTICE BRENNAN, 1964 TERM.

Dean Schragger, Mr. Maragos, members of the faculty of The John Marshall Law School, distinguished guests and friends:

We are summoned together to honor and celebrate an extraordinary man and jurist.

With his family's roots still firmly embedded in County Roscommon, Ireland, William Joseph Brennan, Jr., was born in Newark, New Jersey, some eighty years ago, the second of eight children. After growing up in Newark and attending the university, Justice Brennan's long legal career was launched in the midst of the Great Depression. Graduating from law school in 1931, he returned to Newark to begin the practice of law. With the exception of wartime service, he was fully and most successfully engaged in private practice from 1931 until 1949, when he was first appointed to the Bench.

That appointment was to the New Jersey Superior Court, a trial court of general jurisdiction. His able service as a jurist was rapidly recognized and quickly rewarded with appointments in 1950 to the Appellate Division of the New Jersey Superior Court and in 1952 to the New Jersey Supreme Court. His judicial career in New Jersey was marked not only by a notable display of the competence of a man most learned in the law, but by an avid concern for proper judicial administration. With singular success, he devoted his substantial energies to the task of reducing court backlogs and streamlining the judicial process. Judicial administration, as has been observed before and as many in this room know, is not a race for the short-winded. Justice Brennan's devotion to the cause of judicial administration signalled his appreciation that there is truth to the adage that "justice delayed is justice denied," and that the application of the law is not an intellectual exercise that takes place solely in the minds of jurists and in the pages of reported cases but, instead, is a real exercise that directly affects real people in vital ways.

Thirty years ago this month, Justice Brennan came to The Supreme Court of the United States. His service on that exalted tribunal has been characterized by a host of valuable contributions to the

law. None stands out more than his contribution to the fundamental precepts of individual liberty, freedom of speech, freedom of the press, freedom of religion, the right to a fair trial, the political rights of the individual. The hallmark cases are familiar to all legal scholars, and to many who have only a passing acquaintance with the law: *Fay v. Noia*, *New York Times v. Sullivan*, *Baker v. Carr*, *Dombrowski v. Pfister*, *Katzenbach v. Morgan*, and so on. The list is long.

Justice Brennan's influence on the court, and on America, whether writing for the Court or in dissent, exceeds by dramatic bounds his vote on that body, which has been but one of nine. This may be due not only to a happy confluence of intellect and legal learning, but also to a friendly and buoyant spirit that reinforces the former attributes. The combination of these characteristics frequently has enabled him to forge a consensus for his position from what were initially disparate and even opposite viewpoints. Perhaps only Court insiders can appreciate fully this influence, as only they can witness, for example, a Brennan draft dissent pick up a second vote, then a third, and finally wind up as the majority opinion.

That he can have such an influence upon the Court is also the result of an intellect that can think of legal problems in human terms, and then persuasively and persistently advance a position that gives recognition to the principle that our Constitution and laws are meant to be applied to human beings and not in the abstract. This quality as a devoted humanist gives a force to his legal reasoning that is difficult to deny and makes Justice Brennan a consummate applicator of "those wise restraints that make men free."

Dean Schrage, your candidate is obviously exceedingly well qualified for the honor you are about to bestow upon him.