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Memorial Dedication to Justice William J. Brennan, Jr.

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*Gerald T. McLaughlin**

My name is Gerry McLaughlin, and I am the dean of Loyola Law School. It is my pleasure to welcome you all to today's program that honors the memory of Justice William Brennan. I wish to give a special welcome to four individuals who are with us today. First, there is Mrs. Mary Brennan, wife of Justice Brennan, who came from Washington, D.C., to be with us today. On behalf of the entire Loyola Law School community, I wish to say how honored we are to have you with us. I also wish to single out for special mention two of our panelists—Justice Stanley Mosk of the California Supreme Court, and Judge Stephen Reinhardt of the Ninth Circuit Court of Appeals. Both Justice Mosk and Judge Reinhardt add great luster to our program. Finally, I wish to thank Mike Lightfoot, of the law firm of Talbot, Lightfoot, Vandavelde and Sadowsky. Mike has worked hard bringing together several key parts of today's program, and I wish to thank him publicly for his help.

It is a daunting task to eulogize the memory of one so important to our nation as Mr. Justice Brennan. There is always the danger that in trying to capture his spirit and his vision we can get it wrong. Let me give you an example of what I mean. A story is told that at Hugo Black's funeral the minister who was chosen to deliver the eulogy had gone to Black's library and looked for passages in books that the Justice had underlined. Selecting several of these passages, the minister read them as part of the eulogy. Justice Brennan nudged his colleague, Potter Stewart, who was sitting next to him. "Hugo would turn over in his grave if he heard this eulogy," Brennan whispered. It seemed that Justice Black always underlined passages that he particularly *disliked*.

Academics, like many of us here today, may choose to lionize particular opinions of Justice Brennan, but perhaps—just perhaps—we may get it all wrong. We may not make the same choices Justice Brennan would. So, it is today that we bring together some of those who knew him for a long time and some who knew him in a special way. We bring together Justice Mosk, Judge Reinhardt, and four of his former clerks—Marsha Berzon, Robert Post, Michael Rubin, and

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Fred Woocher. Their reminiscences will give us new insights on the opinions and the accomplishments of which Justice Brennan himself was most proud.

I have talked for too long. Let me conclude, however, with one final thought. I was once told that in a tribal culture in Papua, New Guinea, whenever a leader died, the people would retire from their language the word or phrase that best described the deceased leader. If we followed this custom, I wonder what word or phrase we would retire to honor Justice Brennan. Would it be "intelligent"? Would it be the word "patient"? Would it be the word "inspiring"? Would it be the words "consensus builder"? I never met Justice Brennan, so I am at a disadvantage in choosing the right word, but let me try anyway. When you read Justice Brennan's opinions, one quality clearly shines forth—that quality is his humanity. In my view, the strength that Justice Brennan imparted to the Constitution is less the work of Brennan the convinced liberal than it is the work of Brennan the man. Thus, if I lived in that primitive culture, it is the word "humanity" that I would retire from the language to honor Mr. Justice Brennan.

But now I really do intend to stop. Thank you.