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# Tributes

## The Steady Hand of Justice Blackmun

William Jefferson Clinton<sup>†</sup>

It is my duty and my honor on behalf of the people of the United States to thank Justice Blackmun for his lifetime of service to our nation.

Justice Blackmun, in stepping down from the Supreme Court, steps up into our history. During his twenty-four years on our highest court, he has become part of the rich and evolving story of American justice and constitutional law—with majesty and reason, with scholarship and grace. He is a good man who has earned the respect and the gratitude of every American.

When President Nixon nominated Harry Blackmun for service on the Court, his candidacy naturally occasioned much speculation about what kind of Justice he would be. Some labeled him a strict constructionist. But he rejected such attempts to tag him with a label, saying, “I’ve been called liberal and conservative. Labels are deceiving. I call them as I see them.” Twenty-four years later, we can say that he did exactly what he said he would.

It was President Woodrow Wilson who called our judiciary “the balance-wheel of our entire system; it is meant to maintain [the] nice adjustment between individual rights and governmental powers which constitutes political liberty.”<sup>1</sup> Harry Blackmun has been a steady and strong hand on that balance wheel.

In cases argued before him, he found the human dimension and struck the right balance—in the struggle over how we might overcome our legacy of

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<sup>†</sup> Forty-second President of the United States. This Tribute is adapted from the President’s remarks upon the announcement of the retirement of Justice Blackmun, April 6, 1994

1. WOODROW WILSON, CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES 142–43 (1908)

racism;<sup>2</sup> in protecting the reproductive rights of women;<sup>3</sup> in providing poor people and sick people access to the lowest-priced prescription drugs;<sup>4</sup> in opening the courthouse doors to the mentally ill;<sup>5</sup> in upholding tough sentencing guidelines to keep hardened criminals confined in prison;<sup>6</sup> in averting a constitutional crisis by voting with a united Court to tell the President who appointed him to obey the law.<sup>7</sup>

Those of us who have studied the law can at times be lost in its abstractions. The habits, the procedures, the language of the law can separate lawyers from the people who look to the Bar for justice. Justice Blackmun identified firmly and decisively with the concerns of the ordinary people of this country. And he gave voice to his humanity not only in majority opinions, but also in his dissents.

When he stood apart from the Court and aligned himself with an abused son against a violent parent and an indifferent child welfare agency, he appealed to the Court: "What is required of us is moral ambition. . . . Poor Joshua! . . . It is a sad commentary upon American life, and constitutional principles . . . [that] Joshua and his mother . . . are denied by this Court" the opportunity to have their rights protected.<sup>8</sup> As he promised, his opinions defied labels. Only the word "justice" applies. Justice has not only been his title, it has been his guiding light.

The family man. The lawyer. The resident counsel at the Mayo Clinic. The teacher. The loyal member of the Bar. The gifted and scholarly judge. All that Harry Blackmun was, when he came to the Court, foreshadowed what Associate Justice Blackmun would be: a compassionate centrist, an independent thinker, a pragmatic student of each case in all its aspects, a steady hand.

Consider the history of which he has been a part. His tenure on the Court of Appeals for the Eighth Circuit and the Supreme Court extended through the terms of nine Presidents. Fewer than 110 Americans have served on the Supreme Court, and Justice Blackmun served with seventeen of them. Of the Judiciary Committee members who unanimously approved his nomination—giants like John McClellan, Sam Ervin, Phil Hart, Hugh Scott, Mac Matthias—just Senators Kennedy, Byrd, and Thurmond remain. He has

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2. *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 402 (1978) (separate opinion of Blackmun, J.); *see also* *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642, 661 (1989) (Blackmun, J., dissenting).

3. *Roe v. Wade*, 410 U.S. 113 (1973); *see also* *Planned Parenthood v. Casey*, 112 S. Ct. 2791, 2843 (1992) (Blackmun, J., concurring and dissenting); *Webster v. Reproductive Health Servs.*, 492 U.S. 490, 537 (1989) (Blackmun, J., concurring and dissenting).

4. *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976).

5. *Zinermon v. Burch*, 494 U.S. 113 (1990).

6. *Mistretta v. United States*, 488 U.S. 361 (1989).

7. *United States v. Nixon*, 418 U.S. 683 (1974).

8. *DeShaney v. Winnebago County Dep't of Social Servs.*, 489 U.S. 189, 213 (1989) (Blackmun, J., dissenting).

been part of a very lively, long, and vital period in American history. And he has served us well.

I can only say that every one of us who serves in any capacity in public life would do very well by the people of the United States if we could bring to our work half the integrity, the passion, and the love for this country that Justice Blackmun has given us on the United States Supreme Court for twenty-four years.

Thank you, Justice Blackmun.

