

HONORARY DEGREE ACCEPTANCE REMARKS

Chief Justice William H. Rehnquist*

Thank you, President Likins and Dean Massaro. Listening to your remarks reminds me of something my late colleague Bill Brennan is reported to have said in similar circumstances: my father would have enjoyed what you have so generously said of me—and my mother would have believed it.

I am very pleased to receive the Honorary Alumnus Award from the University of Arizona Alumni Association. I thought I would say a few words this evening about how I ended up in Arizona and what my time here was like.

I grew up in Shorewood, a suburb of Milwaukee, Wisconsin. I enrolled as a freshman at Kenyon College in the fall of 1942—just nine months after the Japanese had attacked Pearl Harbor—and the college advisors urged students to enlist in some sort of military program, which would allow you to continue some sort of college education for a while. I signed up for a pre-meteorology program—an accelerated course in math and physics, which would be given at various small colleges across the country.

I was called up in March 1943, at a time when U.S. troops, which had landed in North Africa in November 1942, were about to drive the German troops out of North Africa. The movie *Casablanca* had just been released—it is surely the defining movie for my generation. Humphrey Bogart as the proprietor of Rick's Café in Casablanca, Ingrid Bergman, Claude Rains with his unforgettable line, "Round up the usual suspects"—it caught the spirit of the times.

My life in the Air Force Pre-Meteorology program was a good deal more mundane and less exciting than the story told in the movie. I was assigned to Denison University, another Ohio college, and double bunked in the basement of what had been a freshman dormitory. I had a good academic record in high school but had never gone beyond plane geometry and had no physics. As a result of these deficiencies, for a while I was hanging on by the skin of my teeth in this advanced program but finally pulled myself up into the middle ranks.

After about a year, someone high up in the Air Force brass realized that somewhere the people setting up the Pre-Meteorology programs had mistakenly added a zero to the number of weather forecasters that would be needed. The

* Chief Justice William H. Rehnquist of the United States Supreme Court delivered these remarks at the University of Arizona on February 10, 2004, when he received an Honorary Alumnus Award from the University of Arizona Alumni Association.

programs closed down in February 1944, and those in them were given the option of going to Communication OCS or remaining enlisted men and going to air bases. I had endured enough spit and polish for awhile and opted for the air bases. Along with several others whose last name began with "R," I was shipped to Will Rogers Field in Oklahoma City, where I received on-the-job training as a weather observer.

After three months at Will Rogers Field, I was shipped to Carlsbad, New Mexico, which was a totally different kind of terrain. I remember waking up on the train in the early morning and seeing very sparse vegetation with a range of bluish mountains in the distance. I thought to myself, "What godforsaken country." But after three months there, I had come to like it and determined that, if possible, someday I would come back and live in the southwest.

After serving at several different airfields in the Southwest, I was shipped in the summer of 1945 to North Africa, which proved to be a very interesting experience. The fighting was over there, and the Air Force was beginning to close down its operations. I was stationed successively in Cairo, Tripoli, Tunis, and ended up at Casablanca. This was a fascinating Cook's tour of North Africa, and it also made me realize that if you lived in the right place, you didn't have to shovel snow for several months every winter.

I was twenty-one years old when I was discharged in April 1946. An Army buddy of mine and I hitchhiked from Milwaukee out to Portland, Oregon, down to Los Angeles, and back to the Midwest. It was here I got my first glimpse of Stanford University, which I attended both as an undergraduate and as a law student, and of Arizona. My friend's aunt lived in Scottsdale, and, as you might imagine, that was quite a different place then than it is now. As I recall, there was a gas station and the Pink Pony bar, and that was about it. Going from Phoenix to Tucson, there were large areas of farmland between Phoenix and Tempe, and between Tempe and Mesa. We stopped in Tucson with the parents of an Army buddy, and that was my first glimpse of this city. Like most attractive places to live, it was much smaller and more manageable then than it is now.

I graduated from Stanford Law School in January 1952, and went to Washington to serve as a law clerk to Justice Robert H. Jackson of the Supreme Court of the United States for a year and a half. Just before I received the clerkship offer, I had tentatively accepted a job with a law firm in Phoenix, and the firm agreed to put the job on "hold" for me during my clerkship.

The pay for that job was at the rate of \$300 per month, then the current going rate in Phoenix, incredible as that may seem by today's standards. During the time I was a law clerk I did some interviewing with other firms in large cities, and discovered that not only did they pay recent law school graduates considerably more than Phoenix law firms, but they offered someone who had been a Supreme Court clerk more than someone who had just graduated from law school. I heard of then astronomical sums of \$600 and even \$700 being bandied about.

As my clerkship drew to a close, I received a nice letter from the Phoenix firm saying that they would still like to have me come to work for them at \$300 per month. So I wrote the firm explaining the lucrative offers that had been made

to me by other firms in San Francisco, Los Angeles, and Washington; screwing my courage to the sticking point, I asked if they could not pay me at least \$350 a month to start. The firm wrote back and said “nothing doing!” The letter said that while my experience as a Supreme Court law clerk might be of great value to me in a firm in a city like Washington, Los Angeles, or San Francisco, it would be of little or no use to me in Phoenix. Since I really didn’t want to live in Washington, Los Angeles, or San Francisco and I thought I would like to live in Phoenix, I swallowed my pride and accepted.

Thus in June 1953, I drove my 1941 Studebaker Champion Coupe from Washington to my parent’s home in Milwaukee, put together what few worldly belongings I had, and headed for Phoenix. My earlier visit there had been in May, when the weather was warm but pleasant, but that visit had not prepared me for what Phoenix was like on the first day of July. As I came out of the mountains to the northeast and descended into the Salt River Valley, I saw a thermometer on a bank which registered 110 degrees. Phoenix seemed like a furnace at that time of the year.

While living in Washington, I had become engaged to marry Natalie Cornell, whom I’d known at Stanford and who at that time was working for the Central Intelligence Agency in Washington. She went back home to San Diego to get ready for our wedding in late August, and I began getting acquainted with the other lawyers in the Evans firm and some of the Phoenix bar. I was the ninth lawyer in the Evans firm, which was then one of the two largest in the city. Nan and I were married in Chula Vista in August 1953, and I was given three days off for our honeymoon, which we spent in nearby Ensenada.

There were probably about four hundred lawyers practicing in Maricopa County, and the great majority of them had offices within three or four blocks of the state and federal courthouses. There were then nine superior court judges in Phoenix, and all motions in civil cases pending in any of the courts were heard before a “motions” judge on Friday morning. This was quite a wasteful practice since one was required to sit through other people’s arguments before getting to be heard in one’s own case, but it had substantial benefits for a newcomer like me. On each motion day there would be anywhere from twenty to thirty lawyers sitting around in the courtroom, and it was a very good opportunity to get to know them. This was particularly important for me since almost all the practicing lawyers had either grown up in Arizona or gone to the University of Arizona College of Law, and I had done neither. It was also a very interesting introduction to the varying styles of argument that one finds among lawyers.

I left the Evans firm after two years because I wanted more courtroom experience than I was getting with that firm. My friend Keith Ragan and I formed a partnership, which introduced us to the other side of the law. We took whatever clients came our way because that was the only business we had. I saw more of the inside of courtrooms in the next year or two than I really wanted to; it was a fascinating experience although not a very remunerative one.

The practice of law was far less efficient at that time than it seems to be today. Almost all of us went to the courthouse to file our complaints and get the clerk to issue our summonses, and only then did we employ a process server. If

there was a big trial going on in the superior court, we would look in on it for a few minutes. I also made a point of stopping in and chatting with the assignment clerk, whose role was crucial in deciding what cases would go to trial on a particular day and to what judge the case would be assigned. Since a great number of us did these things, we would run into one another on the way to or from the courthouse, and frequently we would settle a case over a cup of coffee at a local drug store or restaurant.

For nearly ten years after I began practicing in Arizona, we had only two federal judges—Judge Ling in Phoenix and Judge Walsh here in Tucson. Both were splendid trial judges, each in a different way. Judge Ling made no pretense of being a scholar, but made up in common sense what he may have lacked in legal lore. Judge Walsh, as most of you probably know, was very much a scholar. Like most other people in Tucson, he was a fan of the University of Arizona football team but he brought to the football games for reading during half-time the advance sheets of Ninth Circuit decisions.

Because of the dearth of paying clients when we hung out our own shingle, I volunteered to take assignments as a lawyer for criminal defendants in the federal court in Phoenix. Judge Ling assigned me two or three cases, in all of which I was unsuccessful. In fact I remember one of the Assistant U.S. Attorneys saying that I had an entire cellblock at Leavenworth named after me. Finally, coming down in the elevator with Judge Ling fairly late one evening after the jury had returned a verdict of guilty in one of my cases, I asked him when he was going to stop assigning such cases to me. He replied, “When you finally get one of them off.” This happy event occurred shortly afterwards, when he dismissed the indictment against my client for violating the Dyer Act for failure to lay venue in the State of Arizona. His co-defendant had pleaded guilty, and was brought back from Leavenworth to testify for the government.

Apparently he had made earlier statements implicating my client, but on the stand he resolutely insisted that he had gotten drunk shortly after the car in question had left Dallas, passed out, and remembered nothing until he sobered up in Phoenix a couple of days later. The U.S. Attorney began impeaching him—over my objections, which were invariably overruled by Judge Ling—and finally the witness replied, “They’ve already gotten me for this, I’ve been sentenced.” Whereupon Judge Ling looked down at him and said, “Well they haven’t gotten you for perjury yet, have they?” But, happily for my client, the witness remained adamant, and the judge reluctantly dismissed the indictment.

After a couple of years of taking pretty much anything that walked in the door, my practice settled down into a more orthodox sort of litigation practice, devoted principally to the trial of contested matters referred to me by other law firms. Large law firms were quite willing to refer a case to me for trial when they had a conflict, whereas they would not have been willing to refer it to another large firm offering a full line of legal services. But this brief period of scrambling left its mark on my professional career, and I was probably more willing thereafter than I should have been from a financial point of view to take on esoteric lawsuits. All in all, thinking back, and measuring by the standards of Arizona at that time, my

practice was a varied and interesting one, one in which I was rubbing shoulders with other people all the time.

One of the great by-products of the practice of law in those days was the enjoyment and opportunity, which the practice brought to participate in community affairs. Like many other young lawyers of my generation, I went through the various offices of the county bar association, was a member of several charitable boards, and was active in the governance of my church and in local and state politics.

I left Arizona after sixteen years very much the richer for this experience, but not having accumulated very much of the world's goods. I had provided my family of a wife and three children with a good living, and had found considerable time to spend with them—almost from the first year of my practice I managed to take a month's vacation every year, and most days, I was home by 6 o'clock in the evening.

During my years in Phoenix, I also developed a real affinity for Arizona. I have been fortunate to teach here at the law school for eleven years running. I appreciate being named an honorary alumnus of the University. Coming from the flagship university of my adopted state, it is something I will always cherish.

Thank you.