

To the Bag

- ◇ President Ford appointed Justice John Paul Stevens “of” Illinois, but isn’t Justice Stevens now a Floridian, more or less?
- ◇ President Nixon appointed Justice William H. Rehnquist “of” Arizona, but don’t try to tell the people “of” my native Wisconsin that he is not one of them; they know that the Chief Justice went west to college and again for law school and that he spent his private law practice years in Arizona, but all of that just makes him, from the Cheesehead perspective, a Wisconsinite who became a snowbird before his time.

That redefinition, if you accept it, shades in three of the 19 white states on the *Green Bag* map, and I’m sure that others also deserve more ink under this approach – there must have been a Justice or more who had serious ties to Vermont (if only in summers) ...

And then there’s the District of Columbia. It doesn’t make the map of States, of course, but in this geography contest it probably deserves first place with an asterisk – weren’t more people (including Douglas, Rehnquist, Robert Jackson, etc.) really “of” D.C. than any other place at the times they became Justices?

The interesting question then is which States truly have *no* claim on any Justice ever? (Can it really be that no Justice ever lived in Delaware?)

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Bill Douglas’s ghost must have been deeply distressed to read the claim that the State of Washington had never been represented by a Justice on the Supreme Court (*The Geography of Justices*, 8 GREEN BAG 2D, pp. 2–3). It is true that William O. Douglas was born in Minnesota and that his commission as a Justice said he was “of Connecticut”; he had been

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teaching at Yale before being lured to Washington, DC. But he grew up, under rather arduous circumstances, in Washington State's Yakima; he was a graduate of Whitman College located at Walla Walla, Washington; throughout his adult life, and especially during his many years on the Court, he spent much of his leisure time in the State of Washington. Contemporary assessments of the distribution of members of the Court always regarded Douglas as a Westerner; in the allotment of Justices, for nearly his entire record-breaking tenure his Circuit was the Ninth. Like so many other classifications, geography can be a tricky business.

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To the *Bag*:

I was surprised to see Washington listed among the states that not yet had someone appointed to the Supreme Court (*The Geography of Justices*, 8 GREEN BAG 2D, p. 3), for I have always considered William O. Douglas to be one of ours. Sure, he attended law school at Columbia, practiced in New York, and taught at Yale, but he grew up in Yakima, formed his love of wilderness (and developed his stamina) hiking in the Cascades, and went to college in Walla Walla. As a Justice, he kept a summer home in Goose Prairie, a small town in what is now the William O. Douglas Wilderness.

In fact, I was reminded of Justice Douglas's Washington roots when I recently read the Introduction to volume I of *In Chambers Opinions*, published by – as you know – Green Bag Press. One of the “in chambers” opinions was not from chambers at all, but was left on a tree stump near Douglas's summer home (p. vii). Douglas also held arguments in Yakima (p. viii).

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