

1-1-1986

In Memory of Justice Potter Stewart

George Bush

Follow this and additional works at: https://repository.uchastings.edu/hastings_constitutional_law_quarterly



Part of the [Constitutional Law Commons](#)

Recommended Citation

George Bush, *In Memory of Justice Potter Stewart*, 13 HASTINGS CONST. L.Q. 171 (1986).
Available at: https://repository.uchastings.edu/hastings_constitutional_law_quarterly/vol13/iss2/1

This Comment is brought to you for free and open access by the Law Journals at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Constitutional Law Quarterly by an authorized editor of UC Hastings Scholarship Repository. For more information, please contact wangangela@uchastings.edu.

DEDICATION

In Memory of Justice Potter Stewart

By GEORGE BUSH*

Potter Stewart belonged to the famous Class of '37, a class that was an outstanding part of a generation that did a lot of this century's heavy lifting. Potter did more than his share. It was in his blood.

The Stewart family was New England moved to Ohio—anti-slavery and pro-Union. Potter's great grandfather was a steamboat pilot on the Mississippi. His grandfather volunteered for the Union Army. His father was an eminent trial lawyer who took it on himself to act as a public defender for the poor. Potter's mother campaigned for United States membership in the League of Nations.

Thus, a long river of history and idealism flowed through Potter's veins. He inherited a very personal sense of patriotism and moral purpose. Potter spent World War II on a Navy tanker that sailed in mostly silent waters. But it carried 100 octane gasoline. Potter described his feelings: "mostly boredom mixed with occasional terror." He spent the lonely hours of the midnight watch thinking about his future, and he decided on public service.

It was a life well lived. Potter knew professional success early. When he was appointed to the Sixth Circuit Court of Appeals, he was the youngest federal judge in the country. He became a Supreme Court Justice at the young age of forty-three. Upon his appointment, when asked about his philosophy, he replied, "I'd like to be thought of as a lawyer." And typical of his modesty, when he retired he asked only that he be remembered "as a lawyer who did his best." And he did.

Potter thought it important not to succumb to ideological labels. "It is important for a judge not to think of himself . . . as some great, big philosopher-king—to justify his own ideology. . . . Your boss is only the Constitution and the law. But they can be—and should be—very, very strict bosses." The mark of a good judge is one "whose opinion you can read and . . . have no idea if the judge was a man or woman, Republican

* Vice President, United States of America.

or Democrat, a Christian or Jew You just know he or she was a good judge.”

Potter was more than a good judge. We were friends for many years, the Bushes and the Stewarts. When I was appointed ambassador to the United Nations, liaison officer to China, and director of the Central Intelligence Agency, Potter swore me in. He swore me in twice as Vice President. I was always flattered that it was Potter holding the Bible and leading me through the oath, just as I am honored to remember him today through this dedication.

When Potter left the Court in 1981, when he walked away from the bench he had graced with rigorous intellectual honesty for 23 years, he said a very sane thing. He said he wanted to spend more time with his family—hardly a shocking desire, but one that was surprising, nonetheless, because it was so well balanced. In Washington, in our times, public men and women, most of whom get more than their share of attention and honors and most of whom are important and celebrated, often find it difficult to keep their eye on the most important things, the enduring things that really count. One can find oneself being a public hero and a private failure. But the Stewart family is an example of the success of love. Their children and grandchildren brought Potter and his wife Andy joy and the knowledge that the river of personal history would continue.

A combination of personal compassion and deep moral purpose was Potter’s driving spirit in both his family life and his public life. One who has long watched the highest court of our nation said simply, “He was one of the great ones.” And that is one opinion from which there will be no dissent, ever.