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Brennan helped shape U.S. justice

David J. Garrow
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William J. Brennan Jr., the retired U.S. Supreme Court justice who died last week at age 91, influenced our daily lives as much as any American of the post-World War II era.

Brennan's name recognition doesn't approach that of the Rev. Martin Luther King Jr., or Lyndon B. Johnson, or even Earl Warren, the first chief justice with whom Brennan served, but Brennan's impact on American life exceeds that of Warren or any other 20th-century jurist. Indeed, the legacy of his 34 years on the Supreme Court (1956-1990) is so influential that Brennan would rank not far below King and Franklin D. Roosevelt on a list of this century's most important Americans.

The Brennan opinions that affect us the most aren't necessarily famous or sexy. Brennan wasn't yet on the court when Warren wrote the landmark 1954 school desegregation ruling in *Brown v. Board of Education*, and Harry A. Blackmun, not Brennan, was the author of the equally momentous abortion decision *Roe v. Wade* in 1973. But Brennan's most important writings --- such as the *Baker v. Carr* redistricting case in 1962 and the *Goldberg v. Kelly* welfare suit in 1970 ---were just as consequential, and they continue to affect all our lives on a daily basis.

Brennan's opinions in cases such as *Goldberg*, which guaranteed fairness for public-assistance recipients, as well as his rulings on cases in which citizens protested government misconduct, revolutionized American citizens' rights of appeal and redress. Because of Brennan, opportunities to protest and win damages are radically greater than they were 30 years ago.

Brennan's greatest legacy is the doctrine of "one person, one vote." Before the *Baker* case, not only were many state legislatures so malapportioned that rural voters had far more representation than city residents, but also citizen lawsuits challenging such discrimination could not even be heard in federal courts. Brennan's opinion in *Baker* ushered in the greatest political change of this century. Georgia's infamously undemocratic "county unit" system ---a formula that gave small counties wildly disproportionate influence ---was an early casualty. Big-city voters in Atlanta and elsewhere finally attained equal representation because of Brennan's success.

Brennan's leading role on the high court didn't fade when Warren Burger and William Rehnquist succeeded Earl Warren as chief justice. The civil rights and civil liberties advances of the 1960s weren't rolled back, and legal historians increasingly speak of the "Brennan court" rather than the "Warren court" or the "Burger court." Not only does Brennan's judicial legacy loom far larger than contemporaries such as Hugo Black, William O. Douglas and Felix Frankfurter, but also a strong argument can be made that Brennan has been the second most influential judge in American history, trailing only early 19th-century Chief Justice John Marshall.

Brennan always stressed that law must be "responsive to the needs of the people," but even his judicial adversaries, such as present Chief Justice Rehnquist, affectionately attest to how Brennan's "legendary warmth and charm" magnified his role within the court. Brennan's successor, David H. Souter, a devoted runner, memorably expresses the justices' esteem for William J. Brennan Jr. They see him "the way joggers see marathoners."

David J. Garrow, presidential distinguished professor at Emory Law School, is a contributing author of "Reason and Passion: Justice Brennan's Enduring Influence (Norton 1997).