
EARL WARREN

AND THE COLLEGE AT UCSD



To remember Earl Warren is to honor his creed, which was a noble and straightforward one:

Where there is injustice, we should correct it; where there is poverty, we should eliminate it; where there is corruption, we should stamp it out; where there is violence, we should punish it; where there is neglect, we should provide care; where there is war, we should restore peace; and wherever corrections are achieved, we should add them permanently to our storehouse of treasures.

If any institution in American society was uniquely suited in his view to serve as the guardian of "treasures" the late chief justice sought, it was the University of California. For he consistently believed throughout his career that accessibility to a first-rate education for people of all walks of life was a critical element in the vision of a democratic society. A chance to learn—a chance to excel—a chance to study in a place where the frontiers of knowledge were explored: these opportunities were at the root of his affection for the University of California.

The enduring place that Earl Warren earned in the history of this nation comes, of course, principally from his brilliant years as chief justice of the United States. But he never lost touch with California society or with the university. Born to a family with very limited means, and growing up in Bakersfield, Warren early learned the meaning of hard work. He received both his bachelor's and law degrees at UC Berkeley. After military duty in World War I, he entered a political and legal career that over the next two decades—when he served as district attorney of Alameda County and as state attorney general—made him doubtless the best known state law-enforcement official in the nation. Warren's success led to Sacramento when in 1942 he was elected governor.

A Republican and a wartime governor, he became an eloquent (though not always wholly successful) proponent of public health programs, educational and research programs, highways, housing, and other measures that were progressive both for his political party in that day and for state government in general. Indicative of the role he would later play in reshaping the nation's law while on the Supreme Court, he repeatedly urged the legislature to confront the problem of how to provide meaningful political and economic equality for minority citizens. On the darker side, he gave support to the tragic internment of Japanese-Americans during the war. The record was one overall, however, of a dynamic and hard-driving governorship—with dedication to "liberalism of deed rather than word," as one observer wrote when Warren became the first three-term governor of California on his reelection in 1950. In the interim he had campaigned unsuccessfully as the Republican party's candidate for vice president in 1948.

The full maturing of Earl Warren's profound commitment to human dignity, to equality, and to democratic government was given its chance when he became chief justice of the United States in 1953. During his long tenure on the Supreme Court (1953-69), the Court assumed a remarkably active and far-reaching role in effecting basic change in American law and society. As Justice Arthur Goldberg would later write, the Court "provided the moral leadership, and clarified values and ideals for a country that had shown itself to be sorely in need of such guidance." The "guidance" the Court offered took the form of fundamental legal and constitutional reform, beginning with the famous school desegregation decision of 1954. With the chief justice giving eloquent voice to many of the leading opinions, the Court moved on to expand significantly the constitutional rights of defendants in the process of criminal justice, to give enlarged meaning to freedom of expression, and to prop up the foundations of representative government through both its decisions on reapportionment and its rulings in the field of civil rights.

Most scholars and lawyers would agree fully with the judgment of Dean Jesse Choper of Boalt Hall, that along with John Marshall, Earl Warren was "one of the two great chief justices in the Court's history." Moreover, Warren was perhaps the most influential individual in public life, as measured by his impact on law and civic affairs, in this country during the 1950s and 1960s.

Chief Justice Warren believed unequivocally that the Fourteenth Amendment, when it was adopted in 1868, "wrote into our basic charter of government a solemn commitment by the American people to the goal of equality before the law." He had proven himself a master politician in the California arena; and so he knew well that if the court had moved slowly—to "ration freedoms" gradually and cautiously, as he wrote—it would have disarmed criticism and protected itself from political attacks. But when it came to principle—to "the plain words of the Constitution"—Warren contended that no compromise or holding back could be proper. It was this spirit that led him to become, as Dean John Hart Ely of Stanford University has said, "one of the greatest single forces for right the nation has ever known."

It is also important to say that the late chief justice is remembered personally for his graciousness and his genuine respect for people of all backgrounds and walks of life. He brought true compassion to personal relationships, not only to the law and to public life.

Given his affectionate interest in students and the extensive travel that engaged him, after his retirement from the Court, for appearances on university and college campuses, one likes to think that the entry of successive new classes of students into Earl Warren College at UCSD is a tribute to his name that he would have particularly appreciated. To honor him fully, however, places an obligation on the students of this place to keep in plain sight, at the front of the educational enterprise, Earl Warren's belief that "when the rights of any individual or group are chipped away, the freedom of all erodes"—that it is the essence of our system that "the freedom and dignity of the individual" should be respected.

This note on the late chief justice was written by Harry N. Scheiber, professor of law at UC Berkeley (Boalt Hall) and an honorary faculty member of Earl Warren College.



