A life in the stream of history

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"Liberal Opinions: My Life in the Stream of History" (Quid Pro Books 2016)

The recently published memoir of William A. Norris, "Liberal Opinions: My Life in the Stream of History," is a beautifully written account of a man who rose to the top of the legal world and was an integral part of some of the most important issues of the last half century. Most of all, it is a powerful reminder of how much one person can accomplish. In this regard, it is a book I want my students, all law students, to read. Bill Norris is truly a role model for all of us.

A word of disclosure: My wife, Catherine Fisk, was a law clerk for Norris during his time as a judge on the 9th U.S. Circuit Court of Appeals. When Catherine and I got married, it was Judge Norris who performed the ceremony. After he left the bench, I turned to him in my role as chair of the Elected Los Angeles Charter Reform Commission to try and negotiate an agreement on the controversial issue of neighborhood councils. He did a masterful job of finding consensus among constituencies that agreed on virtually nothing. The system of neighborhood councils that now exists in Los Angeles reflects his considerable talents as a mediator.

Knowing Bill made reading his memoir even more enjoyable. He describes himself as the boy from Turtle Creek, Pennsylvania. He grew up in a working class family, the fifth of six children. He was the first in his family to go to college. I found particularly compelling the account of how a couple of high school teachers noticed his intelligence and guided him. None of us get to where we are by ourselves. Norris describes the achievements (valedictorian of his high school and Phi Beta Kappa in college), the coincidences, and the good fortune that helped to steer him to Princeton (not even realizing it was in New Jersey) and Stanford Law School.

I found particularly interesting the story of his clerking for Supreme Court Justice William O. Douglas. I have heard and read horror stories from others who clerked for Justice Douglas. But that was not Norris's experience. Norris writes: "I think he really liked me and I liked him. I also liked the way he treated me. He was tough, he was respectful, he was fair and in an entirely unsentimental way, he was surprisingly gentle with me." Norris clerked the year after the Supreme Court decided Brown v. Board of Education and talks about its continuing reverberations within the closed world of the Supreme Court.
Norris describes his time in private practice, his service on the State Board of Education, and his unsuccessful race for attorney general of California. I had not known until I read his memoir that he had been appointed by the U.S. Supreme Court to argue a companion case to *Miranda v. Arizona*, the landmark decision which held that police must give warnings before interrogating a suspect in police custody. He also spends a chapter telling of his long-term involvement and hard work for the Los Angeles Museum of Contemporary Art.

My favorite part of the book, though, are the chapters about his time as a judge on the 9th Circuit. I also had not known that Norris was likely the first person to suggest Anthony Kennedy to the Reagan administration as a possible successor to Lewis Powell after Robert Bork’s nomination was rejected by the Senate.

Norris devotes a chapter to *Watkins v. United States Army*, one of the landmark decisions in the progress towards legal protection for gays and lesbians. The Army sought to discharge Perry Watkins and deny his reenlistment because he was gay. The 9th Circuit, in 1988, in a 2-1 decision, found that the Army’s action denied Watkins equal protection. Judge Norris wrote the opinion for the court and said that sexual orientation was a suspect classification in light of the history of discrimination against gays and lesbians and because sexual orientation is an immutable characteristic. History, of course, has vindicated Norris, though it took far too long to end the exclusion of gays and lesbians from the military. And the Supreme Court still has not followed Norris’ lead and found that discrimination based on sexual orientation must meet strict scrutiny.

Norris resigned from the bench in 1997. He told me at the time, and writes in the book, that he missed being involved in politics and being an advocate. I also had the sense that being an appellate judge was a bit too isolated and lonely for one as gregarious as Bill Norris. After leaving the bench, he actively practiced law, including creating an appellate department at the prestigious firm of Akin, Gump.

I found “Liberal Opinions: My Life in the Stream of History” a great read and an inspiring story. It is clear that Bill Norris loved every stage of his life and used his prodigious talents to make our society and its law better.