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**Remarks for Justice John Paul Stevens' Funeral  
July 23, 2019**

**In the last week of his life, Justice Stevens attended a conference in Lisbon. As the next eldest in attendance, I had the good fortune to ride with him on the sometimes long drives between our meeting place and museums, vineyard, and castles. His mind remained vibrant; en route, he spoke of court cases, even footnotes in opinions, his military service, ball games he**

attended. His conversation was engaging, his memory, amazing.

At the Lisbon conference, characteristically, as at oral arguments in the Supreme Court, Justice Stevens did not speak often, but whenever he did speak, his wise, witty, admirably concise words drew everyone's attention. Perhaps he knew that at age 99, distant travel was a risk, but he wanted to experience fully the joys of being alive, and he did just that almost to the end. As we were leaving the U.S. Ambassador's residence our last evening in Lisbon, I said to John: "My dream is to

remain on the Court as long as you did.” His immediate response: “Stay longer!”

A main theme in Justice Stevens’ writings, “the concept of equal justice under law requires the State to govern impartially.” He viewed impartial governance as the most fundamental obligation of all public officers.

As to judges, particularly, he cautioned against decisions based on “habit rather than analysis or reflection.” The essence of the judicial craft, he said, was to “exercis[e] careful, reasoned judgment.” He

**exemplified impartiality by his own readiness to listen and his respectful attention to opposing views.**

**In a Capital City with no shortage of self-promoters, Justice Stevens set a different tone. Quick and incisive as his mind was, Justice Stevens remained a genuinely genial, unpretentious, modest man. No jurist with whom I have served was more open to what he called “learning on the job,” more sensitive to the wellbeing of the communities law exists (or should exist) to serve. He was a model of independence, nonpartisan comity, graciousness, and good humor.**

**Justice Stevens had great affection for Justice Souter, who often dined with John and Maryan, enjoying Maryan's skill in the culinary arts. So I asked Justice Souter to tell me some of his remembrances. Justice Souter spoke less about Justice Stevens' pathmarking or prescient opinions, more about what fun it was to be in his company. Justice Stevens relinquished piloting small planes in his senior years, but he remained an avid golfer, swimmer, bridge, tennis, and nimble ping-pong player nearly all the days of his life. Justice Souter recalled encountering Justice**

**Stevens, then age 98, just returning from 9 holes of golf.**

**Stevens acknowledged that, energizing as the game**

**was, his drive just wasn't as good as it used to be. Or**

**another time when John and Justice Souter pulled into**

**the Court's garage at the same time, around 9:00 a.m.**

**John was still in the tennis clothes he wore for a 7:00**

**a.m. match. David asked about the match. John, who**

**had just completed a fatiguing course of radiation for**

**prostate cancer, literally jumped up and down and**

**exclaimed with glee, "I beat the pants off of him."**

**In a letter applauding Justice Stevens on the 30<sup>th</sup> anniversary of his appointment to the Court, President Gerald Ford commented that Supreme Court nominations are seldom considered when historians assess Presidencies. “Let that not be the case with my Presidency,” Ford continued, “[f]or I am prepared to allow history’s judgment to rest (if necessary, exclusively) on my nomination . . . of Justice John Paul Stevens to the U.S. Supreme Court.” I am among legions of lawyers and judges who would concur heartily in President Ford’s praise for the “dignity, intellect[,] and**

**[absence of] partisan political concerns” that marked Justice Stevens’ service on the Court, and to the country.**

**Justice Stevens much appreciated the writings of the literary genius known by the name William Shakespeare, so I will end with a line from the bard fitting the prince of a man Justice Stevens was. “Take him for all in all, [we] shall not look upon his like again.”**