

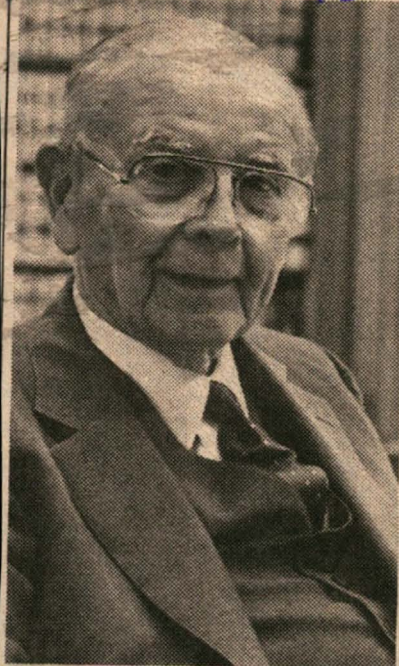
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**Brennan, Key Liberal Quits Supreme Court; Battle for Seat Likely
(New York Times)**

Linda Greenhouse

BRENNAN, KEY LIBERAL, QUITS SUPREME COURT; BATTLE FOR SEAT LIKELY

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The New York Times, 1986
Justice William J. Brennan Jr.,
who announced his retirement.

BUSH OPPORTUNITY

Abortion Is Likely to Be
a Critical Issue When
Nominee Is Chosen

By LINDA GREENHOUSE

Special to The New York Times

WASHINGTON, July 20 — Justice William J. Brennan Jr., the Supreme Court's senior member, submitted a letter of resignation to President Bush tonight, saying he could no longer handle the "strenuous demands" of his work on the Court at the age of 84.

The resignation of the leading liberal Justice, which is effective immediately, is virtually certain to lead to a major political battle between the White House and the Democratic-controlled Senate over the future direction of the Court.

Although conservative Justices now dominate the Court, Justice Brennan's vote made the crucial difference in a series of liberal victories in the term that ended last week, on subjects ranging from affirmative action to political patronage.

Abortion Issue as Battleground

The battleground over the choice of his successor may well be on the abortion issue, since Justice Brennan is a strong supporter of the Court's abortion rights precedents, for which the margin among the Justices is now razor thin.

The choice of his successor presents Mr. Bush with a delicate political problem, because the Justice he chooses, if confirmed by the Senate, could well reverse course in many areas of the law and provide the margin for overturning *Roe v. Wade*, the 1973 Supreme Court decision recognizing a constitu-

Brennan Steps Down From Supreme Court

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most senior among the Court's nine Justices.

Senator Edward M. Kennedy, a Massachusetts Democrat, hailed Justice Brennan tonight, saying he had "earned an extraordinary place in American history and American constitutional law" and ranks "with Marshall, Holmes and Brandeis as the greatest Justices the country has ever had."

Senator Kennedy, one of the leaders in the successful fight to deny a conservative judge, Robert H. Bork, a seat on the High Court in the waning days of the Reagan Administration, also served notice of the potential political fight to come. "Justice Brennan's America is the kinder, gentler nation of which President Bush has eloquently spoken," the Senator said. "I urge the President to nominate a successor worthy of that vision."

Mr. Bush is likely to encounter enormous political pressures as he chooses a nominee to replace Justice Brennan. In several dozen appointments he has made to the Federal bench so far, Mr. Bush has generally followed President Ronald Reagan's approach in seeking judges who construe laws narrowly, favor police in criminal matters and defer to Congress and state legislatures.

In choosing people with such an outlook, he has been largely praised by those who wish to reshape the nation's Federal courts in a more conservative direction.

Some Possible Nominees

Among those who have been mentioned as possible nominees are Kenneth W. Starr, the Solicitor General; Judge Ralph K. Winter of New Haven, who sits on the United States Court of Appeals for the Second Circuit; Abraham D. Sofaer, a former Federal judge who until recently served as State Department counselor, and Judge Laurence H. Silberman of the Court of Appeals for the District of Columbia.

Other people who have been thought of as possible nominees include Judge Patrick E. Higginbotham of Dallas, who sits on the United States Court of Appeals for the Fourth Circuit; Judge Roger Miner of Albany, who is on the Second Circuit; William W. Wilkins Jr. of Greenville, S.C., of the Court of Appeals for the Fourth Circuit; J. Clifford Wallace of San Diego, who sits on the Ninth Circuit, and Cynthia H. Hall of Pasadena, Calif., also of the Ninth Circuit.

In 1956, at the age of 50, Mr. Brennan, a Democrat who had never been active in party politics, was named to the Supreme Court by President Eisenhower upon recommendations by leading Republicans. Only rarely thereafter, however, did he support the conservative position in cases susceptible to such ideological analysis.

Justice Brennan declined to accept the axiom, "The Supreme Court follows the election returns," reflecting fluctuations in public sentiment. He wrote in 1963: "The function of the Supreme Court is not to counter constituents; it is to interpret a fundamental charter which imposes restraints on constituents. Independence and integrity, not popularity, must be its standards."

William Brennan was born April 25, 1906, in Newark. He attended the Newark public schools and graduated with a bachelor's degree, cum laude, in economics from The Wharton School of Finance and Commerce of the University of Pennsylvania in 1928. Shortly before his graduation, he married Marjorie Leonard of Belfast, N.Y.

Mr. Brennan then won a scholarship to Harvard Law School, where one of his professors was Felix Frankfurter, later a colleague on the Court. He graduated in 1931 among the top 10 students in the class.

Mr. Brennan became a trial lawyer specializing in labor cases. After World

Bush will choose a Justice, and a new direction.

War II service in the Army, he worked there in private practice for four more years.

By 1949, heavy private practice had begun to threaten his health, and when Gov. Alfred E. Driscoll, a Republican, offered him a seat on the New Jersey Superior Court, he gratefully accepted.

Two years later, he was elevated to the Appellate Division of that court, and in 1952 Governor Driscoll named him as Associate Justice of the New Jersey Supreme Court.

Judge Brennan's elevation to the Supreme Court in 1956 came as an almost complete surprise to the bench, to the bar and to Mr. Brennan. President Eisenhower named him to succeed Associate Justice Sherman Minton, who was about to retire because of poor health.

President Eisenhower wrote later in his memoirs that he had been heavily influenced by praise of the appointee by Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court.

An interim appointee, Justice Brennan required Senate confirmation in 1957, and he survived cross-examination by Senator Joseph R. McCarthy, Republican of Wisconsin, then in his declining years. The new Associate Justice agreed that international communism was a conspiracy and was later confirmed by the Senate, with only Senator McCarthy voting against him.