



To the Bag



Cosmopolitan Justices

To the *Bag*:

The “Geography of Justices” item in the Autumn 2004 *Ex Ante* [8 Green Bag 2d 2] seems overly technical. True, each Supreme Court nominee is formally identified to the Senate as “of” only one State, and I’m sure that’s the basis of the *Green Bag’s* map showing 19 States from which no one has become a Justice. But the reality of “of” in our mobile lives is that many of us have at least a couple of them. For example:

- ◇ President Franklin Roosevelt appointed Justice William O. Douglas “of” Connecticut (in the sense that his pre-New Deal Washington private life was teaching at Yale Law School), but many people – certainly including the folks at the Yakima Valley Museum (yakimavalleymuseum.org), which includes a replica of WOD’s Supreme Court chambers – think of Douglas as from the State of Washington, which is where he grew up (after birth in Minnesota), went to college and, as a Justice, returned each summer for his famous mountain sojourns.

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- ◇ President Ford appointed Justice John Paul Stevens “of” Illinois, but isn’t Justice Stevens now a Floridian, more or less?
- ◇ President Nixon appointed Justice William H. Rehnquist “of” Arizona, but don’t try to tell the people “of” my native Wisconsin that he is not one of them; they know that the Chief Justice went west to college and again for law school and that he spent his private law practice years in Arizona, but all of that just makes him, from the Cheesehead perspective, a Wisconsinite who became a snowbird before his time.

That redefinition, if you accept it, shades in three of the 19 white states on the *Green Bag* map, and I’m sure that others also deserve more ink under this approach – there must have been a Justice or more who had serious ties to Vermont (if only in summers) ...

And then there’s the District of Columbia. It doesn’t make the map of States, of course, but in this geography contest it probably deserves first place with an asterisk – weren’t more people (including Douglas, Rehnquist, Robert Jackson, etc.) really “of” D.C. than any other place at the times they became Justices?

The interesting question then is which States truly have *no* claim on any Justice ever? (Can it really be that no Justice ever lived in Delaware?)

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To the Bag:

Bill Douglas’s ghost must have been deeply distressed to read the claim that the State of Washington had never been represented by a Justice on the Supreme Court (*The Geography of Justices*, 8 GREEN BAG 2D, pp. 2–3). It is true that William O. Douglas was born in Minnesota and that his commission as a Justice said he was “of Connecticut”; he had been