

## THE CHIEF AS TEACHER

James E. Ryan\*

I interviewed for a clerkship with the Chief during the summer after I graduated from law school in 1992, and by that time I was pretty sure I wanted to become a law professor. I was still a bit shy about saying so, not because I thought it a bad job, but because I wasn't sure I was good enough for the job. The Chief asked me during the interview what I wanted to do with my life, and I told him, ready to supplement my response with caveats about not being certain I would get hired or would be any good at it. But as soon as I said I wanted to be a law professor, he asked, with a clear look of puzzlement on his face: "Why?" I was a little taken aback, as no one had asked me that before, or I should say no one had implied, by asking, that teaching law might not be a great choice.

In response I said something fatuous about loving law school and being intrigued by legal puzzles, which did nothing to alter the Chief's puzzled expression. I then said that I hoped some day to have a family and wanted to have a career that would allow me to spend time with them. An academic schedule, it seemed to me, would be flexible enough to afford me time with my children during their waking hours. At this, his face brightened, and he began nodding to signal that I had finally started making sense to him.

I have thought often about this exchange, because it captured a great deal about the Chief, as I later learned. As his skepticism about my career plans suggested, the Chief did not have much interest in or patience for grand academic theorizing. He admired lawyers who represented real clients and worked on real cases. His own opinions were typically short, to the point, and without pretense or repeated citations to law review articles. He clearly did not write for an academic audience, and his opinions were occasionally criticized by scholars for lacking a cogent theoretical base. Readers knew who won and knew the rule being established, but they would not always be sure exactly why or be able to explain why certain precedents were distinguished rather than followed.

Because the Chief never really played to the academic crowd, one of his most prominent features, to those who knew him, has often been missed or

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\* William L. Matheson and Robert M. Morgenthau Distinguished Professor, University of Virginia School of Law; Law Clerk for Chief Justice William Rehnquist, October Term, 1993. Thanks to Steve Gillon, Liz Magill, and Katie Ryan for comments.

downplayed: his remarkable intelligence. The Chief was one of the quickest, smartest, and most knowledgeable men I've ever met. He had a photographic memory, and the pictures never faded. When we were discussing a case once, he suggested that I refer to a decision from ten years earlier and proceeded to direct me to the volume and page number in the U.S. Reports where the decision was published. I first thought this was some sort of parlor trick, until he did it two other times, and my co-clerks confirmed that he had done the same thing with them as well. Not only did he know the volume and page number, but for cases decided while he was on the bench, he knew which clerk worked on the case. That was how he remembered a case, he told me, and it's entirely possible that he remembered every single one decided during his tenure.

To his intellectual prowess the Chief married an unquenchable and endearing intellectual curiosity. From his time in a weather station in World War II, the Chief retained an unusually keen interest in meteorology. Talking about the weather was not a casual conversation, as I learned when we spoke on the phone soon after I started my clerkship. He was in Sweden at the time, receiving the Swedish-American of the Year Award—an award he finally accepted, he told me, so that they would stop offering it to him. He asked about the weather in Washington, D.C., and when I said it was fine, he responded: “Really? The paper here indicates that the temperature and humidity are above average for this time of year and there is a chance of thunderstorms tomorrow. But you say it's fine?”

He also knew a stunning amount about geography and U.S. history. Dates, names of rivers, famous events, mountain ranges, most populous cities: you could ask him about any of these things, and he would know the answer. I know because he greatly enjoyed trivia contests, or, I should say, because he enjoyed beating my co-clerks and me in trivia contests. I also know because I once told him that my in-laws lived near the north shore of Boston, slightly inland, and thus roughly twenty miles northwest of Boston. He responded, with a slight stammer and a look of disbelief: “North, north, *northwest!*?! Everyone knows that the coast of Massachusetts curves eastward north of Boston, so your in-laws, unless they live very far inland, must be *northeast* of Boston.” He then took out a map to prove the point.

Some very smart people know they are smarter than most others and take some pleasure in that fact. I don't think the Chief realized that he operated on a different level than most, which explains his near-constant disappointment at my ignorance or that of my co-clerks. He seemed genuinely surprised at my inability to identify a poem he quoted or to name and explain a key battle that took place in New Jersey, my home state, during the Revolutionary War. Once, when my co-clerks and I were having lunch with him, Justice Scalia walked by our table and the Chief asked him to name the composer of the piece of classical music being played on the restaurant's sound system. Feigning exasperation, Justice Scalia said he didn't know. The Chief again expressed

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genuine bewilderment. Of course, I can't remember the name of the composer. Were the Chief alive, there's a very good chance he would remember that lunch and that composer. Those who didn't know him might think I'm exaggerating; those who did know I'm not.

The Chief also loved sports, especially college football, and music, especially Gilbert and Sullivan. He loved tennis, which we played weekly, and he loved to swim, which he did nearly every day. He loved to make small wagers, usually a dollar each time, on everything from sporting events to the amount of snow that would fall when a storm was predicted. He painted. He wrote books. And he had a terrific, wry sense of humor.

All of which is to say that the Chief loved life. He was intensely devoted to his job as Chief Justice, both the substantive and administrative aspects. But his boundless curiosity and his endless interests and hobbies gave him a remarkably healthy and balanced perspective on his job. Before I began clerking for the Chief, I expected to learn a lot about the law, which I did; I didn't expect to learn so much about life.

What struck me most about working with the Chief was just this sense of perspective and balance. Despite the nature and obvious importance of his position, he never lost sight of the fact that his job was just one part of his life. He clearly relished his work, but he also cherished his life outside of his job, including, most importantly, his family, to whom he was deeply devoted. He never let his work overwhelm him, nor did he become obsessed with it, either of which would have been completely understandable. I've often thought of the Chief when trying to balance my own commitments to my job and to my family, and his example has helped remind me that, regardless of what I might think about the importance of my own work, it is just one part of my life.

I also learned something else, which came from working for someone with whom I did not always agree. It is too easy to demonize those with whom you disagree, especially those who are in positions of power. Spending time with the Chief made me—and anyone else who was fortunate to spend time with him—appreciate who he was as a person: incredibly smart and knowledgeable, funny, kind, devoted to his family, and gracious. He was, in short, the best boss I have ever had or expect to have.

Those who disagreed with the Chief's legal views and did not know him occasionally described him, casually and with the benefit of ignorance, as essentially a bad person. I think the tendency to assume that those with whom we disagree are malicious, or somehow intellectually or emotionally deficient, is rampant. My year with the Chief cured me of that tendency and helped me and my co-clerks understand that it is possible to have deep personal affection and admiration for someone with whom you disagree.

The Chief's professional legacy will be dissected and debated for years to come, and I do not know whether consensus will emerge and, if so, what that consensus will be. It is too early to tell, really. What I do know is that the Chief's presence in the lives of those he knew will be missed greatly, though

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his example of how to live life, I hope and trust, will not soon be forgotten. Although I ultimately came to understand and appreciate the Chief's misgivings about my own academic career, I've often thought it ironic because, after my parents, the Chief was the most influential teacher I've ever had.