

DEATH OF JUSTICE BLACKMUN

SUPREME COURT OF THE UNITED STATES

MONDAY, MARCH 8, 1999

Present: CHIEF JUSTICE REHNQUIST, JUSTICE O'CONNOR, JUSTICE KENNEDY, JUSTICE SOUTER, JUSTICE THOMAS, JUSTICE GINSBURG, and JUSTICE BREYER.

THE CHIEF JUSTICE said:

As we open this morning, I announce with sadness that our friend and colleague Harry A. Blackmun, a former Justice of this Court, died on Thursday morning, March 4, 1999, at Arlington Hospital, in Arlington, Virginia.

Justice Blackmun was born in Nashville, Illinois, in 1908, and grew up in St. Paul, Minnesota. He received a scholarship to Harvard where he majored in mathematics and graduated *summa cum laude*. He received his law degree from Harvard Law School in 1932.

Justice Blackmun began his legal career serving as a law clerk to Judge John Sanborn on the United States Court of Appeals for the Eighth Circuit. After his clerkship, he spent 16 years in private practice, specializing in taxation, litigation, wills, and estate planning. He then became the first resident counsel at the Mayo Clinic in Rochester, Minnesota, where he combined his love for law and medicine. In 1959, President Eisenhower nominated him to serve on the United States Court of Appeals for the Eighth Circuit, filling the vacant seat of Judge Sanborn for whom he had clerked 26 years earlier. After serving nine years on the Eighth Circuit, he was appointed by President Nixon to a seat on the Supreme Court in June 1970.

Justice Blackmun was the 98th Justice to serve on the Court and served for nearly a quarter of a century. He spoke for the Court in more than 350 opinions. The publicity that the *Roe v. Wade* opinion received may have obscured many other important decisions he authored. Those include *Mistretta v. United States*, in which the Sentencing Guidelines were held to be constitutional; *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, concerning the admissibility of scientific evidence in federal courts; and *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, which opened new horizons on First Amendment protection of commercial speech, to name just three. He was a worthy successor to the predecessors in the seat which he occupied—Joseph Story, Oliver Wendell Holmes, Benjamin Cardozo, and Felix Frankfurter. He will be missed by his friends throughout the judiciary and the country.

I speak for the members of this Court in expressing our profound sympathy to Mrs. Blackmun, and his daughters Nancy, Sally, and Susan, and to his grandchildren. The recess this Court takes today will be in his memory. At an appropriate time, the traditional memorial observance of the Court and the Bar of the Court will be held in this Courtroom.