

A Tribute to Chief Judge J. Skelly Wright

By JUSTICE ARTHUR J. GOLDBERG*

It is fitting that the Hastings Constitutional Law Quarterly dedicate an issue in honor of Chief Judge J. Skelly Wright. Judge Wright believes, as I do, that we, as a nation, have risked our all in support of our Constitution; and that it will not fail us, provided we do not fail it.

Judge Wright was one of our most able district judges. He is an outstanding court of appeals judge, universally and justly recognized as a jurist of extraordinary competence. True, every judge is cast in his own mold; but there are, nonetheless, some similarities in judicial outlook among judges past and present. In the case of Skelly Wright, I am reminded of the statement by Lord Mansfield, who, long ago, expressed the credo of any judge worthy of the name and office:

"I will not do that which my conscience tells me is wrong to gain the huzzahs of thousands, or the daily praise of all the papers which come from the press. I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels, all that falsehood and malice can invent, or the credulity of a deluded populace can swallow Once for all let it be understood, that no endeavors of this kind will influence any man who at present sits here."¹ Chief Judge Wright lives by this belief.

Judge Wright's opinions reflect the wisdom and understanding that courts should and must decide cases and controversies properly coming before them, however difficult and controversial they may be, by doing what judges are appointed and sworn to do: "[F]aithfully and impartially [to] discharge and perform all the duties" of their office and to "administer justice . . . according to the best of [their] abilities and understanding, agreeably to the Constitution and laws of the United States."²

Judge Wright knows what history teaches: that judicial timidity is

* Former Associate Justice, United States Supreme Court and Distinguished Professor of Law, Hastings College of the Law, University of California.

1. Lord Mansfield *quoted in* A. GOLDBERG, EQUAL JUSTICE 61 (1971).
2. 28 U.S.C. § 452 (1976).

far more likely to be the undoing of the judiciary as an institution than the faithful exercise of judicial responsibility.

It is regrettable that all too often great judges of the Courts of Appeal are not elevated to the Supreme Court. Judge Learned Hand is an example. Skelly Wright is another. But, notwithstanding, Chief Judge Wright has made an enduring contribution to the attainment of the still unrealized goal of equal justice under law.