

IN MEMORIAM

*Hannah Mullen**

Grandpa lived a long and full life. At 99 years old, he still enjoyed morning swims in the Atlantic Ocean. He played bridge and read about the history of housing segregation. He traveled to Portugal. And yet, my grief is intense. He was supposed to live forever.

When I was growing up, Grandpa was the greatest Grandpa a little girl could want. He was unafraid of being silly. My mother once walked into the living room and discovered him in costume jewelry—necklaces, bracelets, rings, clip-on earrings, and a sparkly crown—as he indulged my sister and me in a game of “Pretty Pretty Princess.” He ate apple pie for breakfast, read us fairy tales, and cheered loudly during every baseball game he watched. In Florida, when other adults would have preferred to lounge quietly in their beach chairs, he built sandcastles with us and splashed in the waves. He celebrated his grandchildren’s accomplishments, listening with enthusiasm as we described our latest report card or athletic achievement. “Well, isn’t that something!” Grandpa would exclaim, and our hearts swelled. Around Grandpa, we felt special.

Grandpa adored spending time with his family. Our typical Sunday routine revolved around his favorite form of affection: trying to beat us in competitive pursuits. He began the day by playing tennis with my mother. When, somewhere around his ninetieth birthday, tennis was no longer an option, Grandpa pivoted to ping-pong matches instead. After the match, Grandpa arrived at our home for brunch and board games. Grandpa and I spent years locked in a fierce backgammon rivalry. We both hated losing and, inevitably, would play several rematches as the stakes grew higher—best of three, best of five, best of seven, until my mother cut us off. Despite our seven-decade age gap, Grandpa never went easy on me. If I wanted to win, I had to beat him, fair and square. When it was time for Grandpa to leave, we would solemnly shake hands and congratulate each other on a tournament well played.

As a child I knew, in a distant way, that the broader world considered Grandpa exceptional. I was excited to discover a picture of him in my fifth-

* Granddaughter of Justice John Paul Stevens. Thanks to Sue Mullen and Haley Mullen for sharing their memories and to Nathan Kohrman for his invaluable insights.

grade history book and sometimes saw his decisions featured on the nightly news. But Grandpa's day job made little difference to me, and Grandpa was never interested in drawing attention to his high-profile work when he was off the bench. We spent countless hours together throughout my childhood, but I have only one memory featuring the Supreme Court: when my rambunctious third-grade class visited Grandpa's chambers, we were enchanted not by the marble or the high ceilings, but by a contraption that spat golf balls onto the carpet. Grandpa took his golf game so seriously that he practiced putting at work.

His role as a Justice came into focus when I began law school. There, Grandpa's influence loomed large. One professor introduced her class to dueling methodologies of statutory interpretation: "Scalian Textualism" and "Stevensian Purposivism." Debates about *Chevron*¹ dominated my administrative law studies. Classmates spoke admiringly about Grandpa's greatest hits: his dissents in *Bush v. Gore*,² *Citizens United*,³ and *Heller*⁴ were fan favorites. I also recognized the Grandpa I loved in his writing. Evidence of his wry sense of humor, sympathy for underdogs, and plainspoken pragmatism is scattered throughout the U.S. Reports. I felt proud to watch my classmates get to know him, and in a sense, I was getting to know him too.

Grandpa relished every opportunity to pepper me with questions about my classes. I learned to review my notes before our discussions. It was not uncommon for him—retired from the bench and casually drinking his coffee at the breakfast table—to remember a case in more detail than I did, even when I had studied the case only a few weeks before. Despite his vast knowledge and expertise, Grandpa was interested in my perspective. He scribbled notes in the margins of law review articles and then gave them to me, curious about my impressions of the arguments. He asked what I thought and listened, even though I knew so little. He was the most brilliant person I ever met, and yet he could make the people around him feel brighter, rather than dimmer, in his presence.

He encouraged his grandchildren to pursue their academic passions, trading stories with my sister about their experiences as college newspaper editors-in-chief and helping my cousin study for her medical school exams. Grandpa's apartment was full of history books, biographies, and novels. Every bookshelf and flat surface overflowed with reading material. He read

¹ *Chevron, U.S.A., Inc. v. Nat. Resources Def. Council, Inc.*, 467 U.S. 837 (1984).

² 531 U.S. 98, 123–29 (2000) (Stevens, J., dissenting).

³ *Citizens United v. FEC*, 558 U.S. 310, 393–99 (2010) (Stevens, J., concurring in part and dissenting in part).

⁴ *District of Columbia v. Heller*, 554 U.S. 570, 636–80 (2008) (Stevens, J., dissenting).

constantly and without any identifiable pattern, leaving half-consumed books open on coffee tables while he devoured others.

I think of Grandpa often as I take my first unsteady steps into a legal career. I miss his patience and kindness; his competitive spirit; the excitement with which he approached every question of law. There are so many conversations I want to have with him—whenever I read an engaging book or compelling dissent, I want to ask him what he thinks. And, of course, I wish we could play another game (or several) of backgammon.

When we talked, Grandpa and I agreed on most things. But one of his core beliefs confused me: Grandpa was relentlessly optimistic about the law. His faith in the judiciary was puzzling. Shouldn't a Justice who wrote scores of separate opinions be more skeptical about judges' ability to reach the right answer? If I spent decades writing dissents on the most consequential issues of the day, I might be inclined to frustration.

I realize now that Grandpa dissented with hope—hope that his colleagues would be persuaded, hope that readers would be moved, hope that future generations would change the law for the better. He believed that, with enough time and consideration, reasonable people would reach a just result. And, even more than faith in the courts, Grandpa's optimism rested on a faith in *us*. He trusted citizens to pick up where the Court left off. He trusted us to speak our minds, without forgetting that our voice is one of many. He trusted us to find the compassion to protect those in harm's way and the conviction to stand up to power. He trusted us to remain graceful in victory and undaunted in defeat—brave enough to dissent and, if no one will join us, brave enough to dissent alone.

I hope we make him proud.

