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United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Court of Appeals Mourns Passing of Judge Harry Pregerson

SAN FRANCISCO – Judges of the United States Court of Appeals for the Ninth Circuit are mourning the loss of a colorful and inspiring colleague, Senior Circuit Judge Harry Pregerson. Judge Pregerson, 94, died Saturday, November 25, 2017, after a brief illness. He passed surrounded by family at his home in Woodland Hills, California.

A decorated World War II veteran who attended law school on the G.I. Bill, Judge Pregerson's legal career spanned more than six decades. As a federal judge for nearly 48 years, he was responsible for many important and far reaching decisions at both the trial and appellate levels. He made no secret of letting his conscience guide his jurisprudence and was undeterred by higher court reversals.

Off the bench, Judge Pregerson worked tirelessly on behalf of the less fortunate in his native Los Angeles, particularly veterans in need. He helped to build homeless shelters, transitional housing, child care centers and job training facilities in some of the city's neediest areas.

“Judge Pregerson was a valued colleague and good friend who will be greatly missed by all of us,” said Ninth Circuit Chief Judge Sidney R. Thomas of Billings, Montana. “His efforts on behalf of those in need were remarkable and inspiring.”

Nominated by President Johnson to fill one of several new judgeships authorized for the newly-created U.S. District Court for the Central District of California, Judge Pregerson was confirmed by the Senate and received his judicial commission on December 7, 1967. As a federal trial judge for 12 years, he issued critical decisions addressing social upheavals and environmental damage.

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Judge Pregerson helped craft a consent decree for Los Angeles' massive Century Freeway project, providing affordable housing for thousands of displaced residents along with employment training for women and child care centers. In recognition, a public square, freeway interchange and child care center are named in his honor. Judge Pregerson also presided over litigation aimed at ending the discharge of inadequately treated Los Angeles sewage sludge into Santa Monica Bay. His orders led to modernization of a major sewage treatment plant, resulting in the revitalization of marine life in the bay.

In 1979, President Carter nominated Judge Pregerson to fill one of 10 new judgeships authorized to the Ninth Circuit Court of Appeals. He was confirmed by the Senate on October 31, 1979, and received his judicial commission on November 2, 1979. He served as an active judge for 36 years, assuming senior status on December 11, 2015. At the time of his death, he ranked sixth in years of service to the court.

Judge Pregerson's fellow Carter appointees spoke of him with admiration.

"Harry Pregerson was unique. There is not likely to be another judge like Harry again," said Ninth Circuit Judge Stephen R. Reinhardt of Los Angeles, who came onto the court in 1980.

"Harry believed that law was a vehicle by which to provide justice; that law was the means, justice the end. He always voted his conscience and he always voted for justice. Justice and the people of this nation suffered a great loss when Harry Pregerson died," Judge Reinhardt said.

"There was no more generous heart or indomitable spirit among us," said Chief Judge Emeritus Mary M. Schroeder of Phoenix, who came onto the court just two months prior to Judge Pregerson.

Senior Judge William C. Canby, Jr., also of Phoenix, who was appointed in 1980, called Judge Pregerson "a beacon of our court.

"He was a lifelong protector of those most in need of protection. His decisions reflected an abiding concern for the oppressed, and he was equally effective off-court, as exemplified by his moving heaven and earth to erect a homeless shelter. He is truly irreplaceable," he said.

Prior to coming onto the federal bench, Judge Pregerson had served as a judge of the Los Angeles County Superior Court, from 1966 to 1967, and Los Angeles Municipal Court, from 1965 to 1966. He had been private practice in Los Angeles and Van Nuys, California, from 1951 to 1965.

Born to Ukrainian immigrants, Judge Pregerson was raised in East Los Angeles, attending public schools there. During World War II, he enlisted in the Marines and underwent officer training. In 1945, his Marine company was among the U.S. forces to invade the Japanese island of Okinawa, the last great battle of World War II. He was seriously wounded in both legs, requiring a long recuperation. After the war, he resumed his education, earning a B.A. from the University of California, Los Angeles, in 1947, and his LL.B. from the University of California, Berkeley, Boalt Hall School of Law, in 1950.

Senior Circuit Judge Michael Daly Hawkins of Phoenix, a fellow Marine, remembers being warmly welcomed by Judge Pregerson when he came onto the court in 1994. He said Judge Pregerson epitomized the Marines' code of "semper fidelis."

"He was, at bottom, a Marine. Not just as a warrior, which he certainly was, in a conflict where human freedom was on the line, but also in his lifelong commitment to leave no one behind. He was a fearless champion of the downtrodden, who was unafraid to blunt the hard edges of the law," Judge Hawkins said.

Ninth Circuit Senior Judge Dorothy W. Nelson of Pasadena, also nominated by President Carter, quoted a proverb of her Bahà'í Faith to describe her late colleague:

"Be generous in prosperity, and thankful in adversity, be worthy of the trust of thy neighbor and look upon him with a bright and friendly face, be a treasure to the poor, an admonisher to rich, an answerer to the cry of the needy, be unjust to no man and show all meekness to all men, let integrity and uprightness distinguish all thine act."

"Harry Pregerson was such a man," she said.

Judge Pregerson is survived by his wife of 70 years, Bern; a son, Senior District Judge Dean D. Pregerson of the Central District of California, and his wife, Sharon; a daughter, Katie Rodan, and her husband, Amnon; three grandchildren, Bradley Pregerson, Elana Schuldt and Daniela Rodan; two great-grandchildren, Ella and Harlan Schuldt; a brother, Jim; and sister, Diane Glazer.

The service will be held Friday, December 1, 2017, at 1 p.m. at the Shrine Auditorium in Los Angeles. In lieu of flowers, the family suggest contributions to GrowGood, a non-profit urban farm in East Los Angeles that provides organic food to the Salvation Army's Bell Shelter in Bell, California. Donate online at <https://app.mobilecause.com/vf/growgood>.

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