



NEWS RELEASE

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Ninth Circuit Court of Appeals Mourns Passing of Judge Stephen Reinhardt

SAN FRANCISCO — Judges and staff of the United States Court of Appeals for the Ninth Circuit are mourning the loss of a distinguished jurist, Judge Stephen Reinhardt, who died Thursday (March 29, 2018) after suffering a heart attack. He was 87.

Judge Reinhardt, who lived and maintained chambers in Los Angeles, served as an active judge of the court for more than 37 years.

“Judge Reinhardt is rightly considered to be one of the giants of the law. He earned his reputation by virtue of a brilliant legal mind, an unmatched work ethic and deeply held principles. He resolutely pursued justice as he saw it,” Ninth Circuit Chief Judge Sidney R. Thomas said.

Chief Judge Emeritus J. Clifford Wallace said of Judge Reinhardt, “His life was focused on the law and with his brilliant mind, he became one of the most effective contributors to our judicial system.”

“Steve battled his entire career for civil rights and civil liberties. In countless cases he was able to help the little person come out on top by the sheer force of his intellect. His death is a staggering loss” said Chief Judge Emeritus Mary M. Schroeder.

Judge Richard Paez made a similar observation.

“Judge Reinhardt was inspiring in the how he cared about the less fortunate, about individuals charged with crimes or incarcerated. His concern that they be treated fairly and humanely was just an inspiration to me,” Judge Paez, adding that his late colleague’s contributions to Ninth Circuit law and American jurisprudence “were significant and will be long lasting.”

Often referred to as the “liberal lion,” Judge Reinhardt did not set aside his principles when he came onto the bench.

“His strength was his creativity; he was always searching for new ways and new places in which to apply his liberal principles within the bounds of the law,” said Judge A. Wallace Tashima.

Judge Reinhardt never shirked from a task, frequently working late into the night and often through the weekend, colleagues said.

“Steve was a truly great judge. He passionately believed in justice and, at an age when most of his colleagues had taken senior status or had retired, he worked tirelessly to achieve it. I loved and admired him,” said Judge William Fletcher.

Judge Reinhardt was involved in many high-profile cases, including sitting on the 2002 panel that found the Pledge of Allegiance unconstitutional because it included the words “under God.” His noteworthy opinions and dissents include:

Compassion in Dying v. State of Washington, 79 F.3d 790 (9th Cir. 1996), in which Judge Reinhardt authored the en banc opinion affirming the district court’s decision that the Washington state’s law prohibiting physician-assisted suicide illegal violated due process and an individual’s constitutionally-protected liberty interest to determine the time and manner of one’s own death. The Supreme Court later reversed the decision in Washington v. Glucksberg, 521 U.S. 702.

Planned Parenthood Fed’n of Am., Inc. v. Gonzales, 435 F.3d 1163 (9th Cir. 2006), in which Judge Reinhardt authored the opinion affirming the district court’s decision that the Partial-Birth Abortion Ban Act of 2003 was unconstitutional, finding that the Act lacked the constitutionally required health exception, imposed an undue burden on a woman’s ability to obtain pre-viability abortions, and is unconstitutionally vague. The Partial-Birth Abortion Ban Act subjects a physician who knowingly performs a partial-abortion to civil and criminal penalties. The Supreme Court ultimately reversed the Ninth Circuit’s decision in Gonzales v. Carhart, 550 U.S. 124 (2007).

Newdow v. Rio Linda Union School Dist., 597 F.3d 1007 (9th Cir. 2010), in which Judge Reinhardt, dissenting, found that the recitation of “under God” in the Pledge of Allegiance” violated the Establishment Clause. The case involved parents and their children who attended public schools with a policy to recite the Pledge of Allegiance, alleging that it violated the Establishment Clause. A Ninth Circuit panel by a 2-1 majority found that the Pledge of Allegiance was constitutional.

Perry v. Brown, 671 F.3d 1052 (9th Cir. 2012), in which Judge Reinhardt authored the opinion affirming the district court’s decision that Proposition 8 (2008), which amended the California Constitution to only legally recognize marriages of opposite-sex couples, was unconstitutional. The State of California refused to appeal the district court’s decision, and a same-sex marriage proponent intervened as the defendant. The Supreme Court ultimately vacated the Ninth Circuit’s decision in Perry v Hollingsworth, 570 U.S. 693 (2013), finding that the defendant-intervenors lacked Article III standing to appeal the district court’s decision.

Judge N. Randy Smith, who also sat on the Perry panel and dissented in the decision, said Judge Reinhardt’s passing was “an overwhelming loss to the country, to the Ninth Circuit and to me personally.

“I didn’t always agree with him, but one of my life’s highest honors has been to serve with this legal giant,” Judge Smith added.

Judge Reinhardt never lost faith in the rule of law, said Judge Marsha Berzon.

“Steve could be cynical and caustic at times, when his hopes for a better future for us all briefly flagged in the face of events. But, to the day he died, he retained his never-give-up conviction that the law could and would, in the long run, improve our lives,” she observed.

Judge Reinhardt was born in New York City and came west for his undergraduate studies, receiving his B.A. in 1951 from Pomona College. He attended Yale Law School, earning his LL.B. in 1954. After serving in the Air Force for two years, he law clerked for Judge Luther W. Youngdahl of the U.S. District Court for the District of Columbia. He then moved west permanently to enter into private practice in Los Angeles.

President Carter nominated Judge Reinhardt to the Ninth Circuit in 1979 and he was confirmed and received his judicial commission in 1980. At the time of his death, he was one of the five Carter appointees still serving on the court.

“Stephen was one of the greatest jurists in our country; his loss will be felt nationwide, and most of all by his colleagues and friends. His footprints may be followed, but his shoes will never be filled,” said Judge Kim Wardlaw.

Over the years, Judge Reinhardt has received numerous honors over the years. In 2015, the University of California, Irvine, School of Law, established the "Judge Stephen Reinhardt and Ramona Ripston Lecture on Civil Rights and Liberties." The lecture honors the contributions of Judge Reinhardt, and his wife, Ramona Ripston, a retired executive director of the American Civil Liberties Union of Southern California, who both have advocated to preserve and protect civil rights and liberties for decades.

Judge Reinhardt is survived by his wife, three adult children, Mark Reinhardt, a professor of political science at Williams College; Justin Reinhardt, a musician; and Dana Reinhardt, 47, a novelist; and seven grandchildren.

The family asked that in lieu of flowers, donations in Reinhardt's memory be made to the ACLU.

The Ninth Circuit Court will convene a special session to honor Judge Reinhardt at a later date.

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