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In Memoriam

HONORABLE WILEY W. MANUEL

Judge of the Superior Court of Alameda County, 1976-1977;
Associate Justice of the Supreme Court of the State of California, 1977-1981.

The Supreme Court of California met in its courtroom, State Building, San Francisco, California, January 28, 1981.

Present: Chief Justice Bird, presiding; Associate Justices Tobriner, Mosk, Richardson, Newman and Clark. Gill, Clerk; Williams and Rodgers, Bailiffs.

CHIEF JUSTICE BIRD: We meet this afternoon to pay tribute to the memory of Justice Wiley W. Manuel, who served with distinction as an associate justice of our court from March 24, 1977, to January 5, 1981. On behalf of the court, I welcome Justice Manuel's widow and his family here today.

In order to give the speakers as much time as possible for their remarks, I will simply spread upon the record today, by way of reference, the comments I made on behalf of the court at Justice Manuel's funeral.* Justice Stanley Mosk will be our first speaker this afternoon. Justice Mosk.

Justice Mosk:

Chief Justice Bird, my colleagues, members of the family and friends of Wiley Manuel.

It would be easy to become emotional or maudlin about our departed colleague, Justice Wiley Manuel. I will resist that temptation and be brief: he was a kind, gentle, warm human being whom every one of us on this court loved like our own brother.

And having lost one whom we deemed a dear member of our family, we shall always feel a void that can never be filled. He will be missed. He will never be forgotten.

*Chief Justice Bird's comments on behalf of the court at Justice Manuel's funeral are contained in the addendum at the end of these minutes.

Unfortunately fate decreed he would not be with us long enough to achieve a major impact on the pattern of California law. But those opinions he authored displayed the mark of a fine mind, persistent scholarship, consistency and a devotion to both the judicial process and our traditional orderly governmental structure.

In his last published opinion he wrote warmly of the "State's interest in the stability of its political system." And, he added, "the Constitution does not require the State to choose ineffectual means to achieve its aims. To conclude otherwise might sacrifice the political stability of the system of the State, with profound consequences for the entire citizenry."

Justice Wiley Manuel was not only a colleague of mine on the Supreme Court and a long-time personal friend, he had been a valued associate during my years as Attorney General of California. Thus I knew him longer, and perhaps better, than most members of the state judiciary.

As Attorney General, I had the opportunity to elevate Wiley Manuel to chief of the administrative law section of the office. He knew administrative law better than any lawyer in California, and constantly put his knowledge and experience to good use in defending the complex of state agencies. Whatever he may have thought of their actions, however he may have inwardly rejected their policies, programs, or disciplinary proceedings, Wiley Manuel gave those agencies the most vigorous and intelligent representation they could possibly have had—often better than they deserved. He truly believed in the traditional concept that the duty of a lawyer is to present his client's point of view in the best possible light.

I shall never forget how his perseverance occasionally exasperated other members of my staff. One day in my second term, my chief deputy attorney general told me he was thinking of buying a plaque for Wiley Manuel's desk. It would read, he suggested, "Government Agencies are Always Right."

That same devotion to duty guided Wiley Manuel as a justice of the Supreme Court. He supported the Constitution and the law as written, not as he might have preferred them to be. And when he gave them his support, he did so without equivocation.

I suggest that today a plaque to Justice Wiley Manuel might appropriately read: "The People of California—their Constitution and their laws—are always right."

We pay tribute to a great lawyer, a splendid judge, a singularly fine human being.

CHIEF JUSTICE BIRD: Thank you, Justice Mosk.

Our next speaker will be Mr. Charles Barrett, a long-time colleague of Justice Manuel in the Attorney General's Office. Mr. Barrett.

Mr. Barrett:

Chief Justice Bird, Members of the California Supreme Court, Eleanor, all the family members of Wiley Manuel, and all friends of Wiley Manuel.

It goes without saying that all of us who were privileged to know and work with Wiley loved him for the personal characteristics of warmth, friendliness, kindness and gentleness of spirit. I am honored to have this opportunity to say a few words about some of the aspects of his professional life.

I speak as a personal friend and as a representative of all of us who were his colleagues during his 23 years in the office of the California Attorney General, an office he loved so well. Wiley was a brilliant legal student at Hastings College. He was Order of the Coif, first in his class in the first two years and during his last year, he was number two, despite his taking on the added burden of being editor-in-chief of the Hastings Law Journal. It was in this role that he developed his intense love and desire for excellence in legal writing.

He was hired as a student legal assistant in the San Francisco office of the California Attorney General by then Attorney General, Edmund G. "Pat" Brown, Sr., in the summer of 1953 and was appointed a deputy attorney general when he passed the state bar examination that same year. He had been recruited under a program where the office sought the top law students in the state.

One of the primary assignments of a new deputy in the San Francisco office in those days was to edit and review the final drafts of

opinions prior to their being presented to the Attorney General for approval. Not only did Wiley scrutinize the drafts for accuracy in citations and clarity of thought as required, but he also consulted with the authors of the opinions to point out areas where the opinions could be strengthened, modified or even changed. Frankly, some of the senior deputies were somewhat taken back by the attempts of this young lawyer to improve upon opinions which they felt had reached the stage of perfection at the time they had completed their drafting. However, in their discussions with him, they quickly recognized merit in the suggestions and even criticisms which he proposed in his calm and well-reasoned analyses. All of us in the San Francisco office soon recognized Wiley as a special person; someone who had those extra special qualities that destined him for greatness.

Wiley's special qualities were recognized by all the Attorneys General under whom he worked. Under "Pat" Brown he progressed as a litigating lawyer, advisor of state departments and a prolific writer of opinions through the successive grades of deputy attorney general 1, 2 and 3.

In 1959, then Attorney General Stanley Mosk promoted him to the grade IV position, a coveted senior legal deputy status in the office and the head of the administrative law section. During his years as a deputy, Wiley was a very special person to the many state officers and agencies that he advised and represented in extensive critical and complex litigation. His legal capabilities were accompanied by a very zealous, persistent and successful advocacy.

He adopted a vigorous role as an advocate on behalf of his state clients. It was his belief that the responsibility of the Attorney General representing a state department did not include the setting of policy but of advocating to the hilt the departmental position or policy which was being attacked. He encouraged this strong advocacy role to all of the deputies who later came under his leadership as an assistant and chief assistant attorney general.

The directors of the various departments and the departmental lawyers who were his clients admired his effective advocacy and often made special requests that he be assigned to represent them in their most difficult and complex legal problems.

On May 19, 1970, Attorney General Thomas Lynch promoted Wiley to assistant attorney general and he embarked on a somewhat new role as a managing executive lawyer burdened with some of the more mundane administrative matters such as budgeting, hiring, disciplining and managing the deputies and employees in the public administrative law section throughout the state.

Wiley was more than equal to these new responsibilities and shortly after becoming Attorney General, Evelle J. Younger, also recognizing Wiley's special qualities promoted him to chief assistant attorney general in charge of the civil division and made him head of the San Francisco Office. In that capacity, Wiley had the managing responsibility for approximately 180 lawyers throughout the State of California.

This new position kept Wiley from individually participating in trial and appellate proceedings which he had enjoyed so immensely. However, his new role gave him the authority and responsibility of directing, supervising and approving the appellate briefs and many formal and informal civil law opinions issued by the California Attorney General. More than anything, this gave him the opportunity to instill in all of the deputies assigned to his division his tremendous desire for a high level of professionalism in all legal work done by them, especially in the opinions and appellate briefs which were prepared under his direction.

All of the deputies soon felt the impact of his insistence upon the highest level of craftsmanship. He set high demands upon himself and high demands on the people who worked for him. He insisted upon a careful analysis and a detailed recognition of the practical elements surrounding the problem which was presented in each opinion request. He demanded excellent quality in all the appellate briefs written in the civil law field. He arranged with the chiefs of the divisions of special operations and criminal law to mutually review the opinions written in each of the divisions in order that there be a uniformity and excellence of product.

Adhering to his principles and insisting upon the quality he demanded was not always a simple and pleasant task. He debated and reasoned with Attorney General Evelle Younger, who in his insistence upon efficiency of operation attempted to achieve a 60-day limit on the issuance of all opinions. Wiley was in sympathy with that goal and attempted to meet the deadline but he was also successful in pointing out to Attorney General Younger that in some instances the need for quality required that the time limit be exceeded.

Wiley's special qualities were also recognized by Governor Edmund G. "Jerry" Brown, Jr., who appointed him to the Alameda County Superior Court in February of 1976. All of us in the legal profession began to hear favorable comments from our colleagues in the East Bay area who were appearing before Judge Manuel in his role as a superior court judge. Comments like, "Well prepared," "Competent," and "We get a full and a fair hearing before him" were expressed by those who appeared in his courtroom.

All of use were elated when the Governor appointed him to the Supreme Court on February 12, 1977. One of the inside stories about his appointment was that when Wiley was being considered, the Governor asked to review some of the opinions which Wiley had authored while in the office of the Attorney General. Wiley's efforts for excellence and professionalism in writing served him well in that review and he received the appointment to the Supreme Court.

His stay on this court was all too short. To all practicing attorneys he was an ideal justice. He was recognized as a judge who was not tagged or categorized as wedded to any particular preconceived philosophy, be it liberal or conservative. He was a judge who weighed the facts and law in the case before him and with a fresh look at the problem, and seasoned by the dignity of judicial precedent, he rendered his decisions with courage and firmness. He was his own person, guided by his sense of justice and equity. Chief Justice Bird is quoted as describing him as, "a sweet and gentle man who was a friend to all." Those of use who personally worked with him agree with those sentiments and would add that he should also be remembered for his brilliance as a legal scholar, his competence and zeal as an advocate and his sagaciousness as a judge of the superior court and justice of this court.

Law professors and older lawyers often warn young law students that the law is a jealous mistress. In Wiley, *she never had a more ardent admirer*. However, he tempered his dedication to the law so that it did not interfere with his devotion to his family, his church and his responsibilities as a citizen to the community and the state in which he lived. His devotion to his lovely wife, Eleanor, his son, Gary, his daughter,

Yvonne, and his two grandchildren was a shining example to all of us who were his friends. Despite his heavy schedule as a lawyer and a judge, Wiley served as president of the Charles H. Houston Law Club, a Grand Knight of the Berkeley Council of the Knights of Columbus, a lector of St. Pascal's Roman Catholic Church in Oakland and a member of many other organizations including the National Association for the Advancement of Colored People.

Wiley was indeed a very special person, not only to all of us who knew him personally and loved him dearly but to everyone with whom he had contact.

The sentiments about Wiley, felt by so many of his friends have been captured in this poem by Florence T. Snyder of the Sacramento office of the California Attorney General.

"Thoughts of Wiley"

Thoughts of Wiley . . . bring sweetly to mind
The images of gentle . . . warm . . . and kind . . .
Traits so clearly, describing him best . . .
Surely accompanying him now, in eternal rest.

For he was the soul, and he was the man
Filled with the spirit, that said, "I can!"
To all of the dreams . . . of impoverished youth
Which carried him to, an inevitable truth.

That one day, he, would have special meaning
To many who otherwise, might only be dreaming
That success and honor, could come to all
Who prepared, then answered, life's battle call.

Wiley met his challenge, bearing the swords
Of respect and dignity, those just rewards
Belonging to him, because he would not swerve
From the cause of justice, he'd chosen to serve.

So, remember him now . . . with the dawning light
That casts out shadows, making darkness bright
For friend, for stranger, and all that he saw
Through the love he practiced, in his court of law.

Chief Justice: Thank you, Mr. Barrett. We next will hear from Judge Richard Bancroft of the Superior Court of Alameda County, a long-time friend of Justice Manuel's. Judge Bancroft.

Judge Bancroft:

Chief Justice Bird, Justices of the Supreme Court, Eleanor, family members, colleagues and friends of Wiley Manuel. I've been asked to read some poetry. The first poem was presented to me this morning. It's been written by Audrey T. Hughes, Wiley's sister-in-law. It's entitled "Wiley Manuel, My Beloved Brother-in-Law".

He did unto others as he wanted them to do unto him,
It was an overall duty, not just a whim
A sincere glance when he looked at you,
His attributes were many to name a few:
Honesty, compassion, kindness, the list is long,
Fair and square, he couldn't uphold any wrong.
He paid strict attention in his formative years,
Toward a steady upward climb during his careers.
Chief Assistant Attorney General to Attorney General
Younger,
With each promotion his ambition grew stronger.
He applied himself in every sense of the word,
No venomous remarks have ever been heard.
He married my sister at age nineteen,
A better husband and father I've never seen.
I feel there must have been a halo around his head,
Because into temptation he couldn't be led.
I am proud to have had him in my family,
He's high in my esteem as you can see.
I hope he has joined his parents in the hereafter,
I hope they are re-united with love and laughter.
My praise goes on like a steady stream,
His mission is accomplished,
He has full-filled his dream.
Dear Father in heaven, thy will be done,
You made only one Wiley Manuel, Just one.

I have another poem entitled "In Memory" by John Greenleaf Whittier.

As a guest who may not stay
Long and sad farewells to say
Glides with smiling face away,

Of the sweetness and the zest
Of thy happy life possessed
Thou hast left us at thy best.

Warm of heart and clear of brain,
Of thy sun-bright spirit's wane
Thou has spared us all the pain.

Now that thou hast gone away,
What is left of one to say
Who was open as the day?

What is there to gloss or shun?
Save with kindly voices none
Speak thy name beneath the sun.

Safe thou art on every side,
Friendship nothing finds to hide,
Love's demand is satisfied.

Over manly strength and worth,
At thy desk of toil, or hearth,
Played the lambent light of mirth.

Mirth that lit, but never burned;
All thy blame to pity turned;
Hatred thou hadst never learned.

Every harsh and vexing thing
At thy home-fire lost its sting;
Where thou wast was always spring.

And thy perfect trust in good,
Faith in man and womanhood,
Chance and change and time withstood.

Small respect for cant and whine,
Bigot's zeal and hate malign,
Had that sunny soul of thine.

But to thee was duty's claim
Sacred, and thy lips became
Reverent with one Holy Name.

Therefore, on thy unknown way,
Go in God's peace! We who stay
But a little while delay.

Keep for us, O friend, where'er
Thou art waiting, all that here
Made thy earthly presence dear;

Something of thy pleasant past
On a ground of wonder cast,
In the stiller waters glassed!

Keep the human heart of thee;
Let the mortal only be
Clothed in immortality.

And when fall our feet as fell
Thine upon the asphodel,
Let thy old smile greet us well;

Proving in a world of bliss
What we fondly dream in this,—
Love is one with holiness!

CHIEF JUSTICE BIRD: Thank you, Judge Bancroft. We next will hear from Judge Allen Broussard of the Superior Court of Alameda County, who knew Justice Manuel for many years and who served with him in the Charles Houston Bar Association. Judge Broussard.

Judge Broussard:

Chief Justice Bird, Justices of the Supreme Court, Eleanor, family, friends and colleagues of Justice Wiley Manuel.

It is an honor to be asked to speak on this occasion to pay tribute to the memory of Justice Wiley W. Manuel and to place on the record of this court the high esteem and deep affection of his many friends and of all those who knew him. Others here have already spoken and still others will speak more specifically to the various aspects of Justice Manuel's remarkable life. I wish to speak somewhat more generally and as a friend of many years.

I did not have the pleasure of knowing Wiley Manuel as he grew up in the City of Berkeley. In retrospect, it would have been a pleasure to have watched this young man, the child of Curtis and Gradella Manuel, as he worked his way through the Berkeley public schools and to the University of California as a freshman. But, I did not have that opportunity. It was at the University of California that I first met Wiley, and from that acquaintance in 1948 grew a friendship that lasted some 33 years.

Wiley and I were not only friends. We were contemporaries. We not only studied together at Cal, but we entered law school in the same year—he entered Hastings and I entered Boalt. As you know, he was an outstanding student at Hastings. As Mr. Barrett has already indicated to you, in the first two years at Hastings he was number one in his class, and during his third year, while he was serving as editor-in-chief of the Hastings Law Journal, he “slipped” to second place. He was also a member of the Thurston Honor Society and Order of the Coif. In the early years of our careers Wiley and I worked together in NAACP and in the Boy Scouts. Later we worked together in the Charles Houston Bar Association, an organization to which he was very deeply committed, and in the California Association of Black Lawyers and the Judicial Council of the National Bar Association. We were brothers in Sigma Pi Phi Fraternity; and before his elevation to this court, we served together as judges on the Alameda County Superior Court. To each of these endeavors Wiley brought an indomitable spirit and a willingness to work, which earned him everyone's respect and affection.

This is my rather personal view of Wiley Manuel. But Wiley was a man for *all* the people. He was at once a truly gentle man—and yet, at the same time, he was a truly great man. To know him was to like him; to know him well was to respect him. He was admired and respected by all who knew him for his outstanding human qualities; for his devotion to Eleanor, his beloved wife of more than 32 years, and to his family—

his son, Gary, his daughter, Yvonne, and her husband, Leslie Temple, his two beautiful grandchildren, Kristyne and Allison, and to his many relatives, colleagues and friends.

All who knew him also respected and admired him for his unmatched capacity to love, to care, and to give service; for his deep and profound ability to discern, to understand and to resolve problems; for his tremendous intellect and his keen wit—and above all, for his genuine humility. He was admired too for his unconquerable determination to overcome all obstacles, to continuously improve himself, and to achieve. Born to parents of limited education and modest means, he was still highly motivated to achieve. He refused to allow himself to be victimized by race, poverty, or any other adversity. And throughout his magnificent career—in the Attorney General's office, as a superior court judge and as a justice of the Supreme Court, he persistently refused to participate in or to tolerate the victimization of any other person for any reason.

As an associate justice on this Supreme Court, Wiley was a man of wisdom and vision, of prudence and reason, of fairness and justice, of compassion and humility. His opinions showed knowledge of the law, understanding of human events, and a compassion for fairness, justice and equality under law. To every activity in which he participated he contributed immensely. His passing, especially as unexpected as it was, is a great loss to all of us. His life was a grand gift to us. We were fortunate to have had him among us for awhile, and we were fortunate, too, to have known him and to have shared in some part of his life. Our memory of him—of his life, his work and his contributions will long endure. The world is a better place because he was here. And after so full and good a life, it is my profound belief and my fervent hope that he is now in his rightful place, at peace, and at rest and with his Maker.

CHIEF JUSTICE BIRD: Thank you, Judge Broussard. Mr. William Dunbar, an attorney in Alameda County and a family friend of Justice Manuel's, will speak next. Mr. Dunbar.

Mr. Dunbar:

Honorable Chief Justice, Honorable Associate Justices, Eleanor, and all the Honorable Friends of Wiley Manuel.

He was, as Judge Broussard said, indeed a man for all of us.

Since Wiley's death stunned us, many words have been suggested to capsule his personality, his spirit, his life. Humble, warm, caring, sensitive, wise, generous, comfortable, temperate. Certainly these are descriptive.

So are Beatitudes with which the New Testament describes the blessed.

From the oppressed and knowing persecution,
Peacemaker,
Hungering and thirsting for justice,
Gentle,
Merciful,
Pure in heart.

Words, though, seem to be only triggers for our memories.

I first knew Wiley as an opposing lawyer. He was from the Attorney General's office and representing a public agency. Perhaps, there was at least one exception to Justice Mosk's recollection that Wiley thought public agencies were always right. Wiley represented the Department of Motor Vehicles in our first case, and at least with that agency Wiley believed advocacy was more than a statistical game of wins and losses. It was reaching a just solution no matter which lawyer or which client was credited with the win.

Next, I knew him as a neighbor. I was his some time paper boy, substituting for my son Michael who had the route. Wiley never complained that his paper was late or wet.

Wiley and I shared a lay ministry in our parish church of St. Pascal Baylon in Oakland. Often after Mass we had time to review the past week's legal cases. Of course, we stepped outside the building to separate church and state. Usually, Municipal Court Judge Bill Levins was there with us, so we had a lower court opinion to review.

Perhaps, Wiley could move so easily from religious liturgy to civil law because religious principles, church canons, civil codes, and court precedents all are directions for the human affairs of real people and people were his first concern.

I am sure Wiley chose to know me, as he did all of you, because he really believed we are of equal human dignity. Of different talents and colors and shapes, each of us has something to contribute. Wiley really liked us.

Soon after Wiley was appointed to the superior court in Alameda County, he was assigned family law cases. He had no background in divorce practice or any private law office experience for that matter. He knew what the books said, but he wanted a practical view of how two households could live on one income. So, he looked to the experience of others.

He had several of us from different parts of the county meet with him to share our experience on such things as whether a man netting \$900 a month should be ordered to pay half of it to support his wife and two children—and what fee on top of the support the husband should be ordered to pay his wife's lawyer. I am not sure he ever found out how to make \$2 out of \$1, but he gave it his best.

One of my last contacts with Wiley was shortly before his surgery. We went sailing on the Bay. Had we known how little time we had left, the day might not have gone as well. But, we were immortal that sunny Fall Sunday. Those of you who know or can imagine visiting for four hours in a small sailboat cockpit—especially when the wind drops and the current and tide run against you—and still wanting to go again, as he said he did—know comradeship.

It may be that happy simple outing—more than my professional contacts with Wiley—which will stay longest in my memory. But Wiley has surely touched me, as well as influencing all of us through his court decisions and votes. So long as I live and practice law, a measure of Wiley's influence will continue . . . not as well as he would have done it himself—but as well as I can. I am sure you expect the same in your lives.

He was indeed a man for all of us.

CHIEF JUSTICE BIRD: Thank you, Mr. Dunbar. Mr. Carl Metoyer, who is also a lawyer in Oakland and was a close personal friend of Justice Manuel's, will speak next. Mr. Metoyer.

Mr. Metoyer:

Chief Justice Bird, Associate Justices of the Supreme Court, Eleanor, friends and family of Wiley.

I was privileged to be Mr. Manuel's friend for more than 30 years. We were both born in Oakland and came from modest means. We were reared in the East Bay, received our primary education in the public schools of Berkeley and Oakland, pursued our undergraduate studies at the University of California at Berkeley and attended law school at Hastings College of the Law. In our adult lives we were neighbors, members of the same church, fraternity and bar associations. We shared in the joy of attending our sons' high school commencement exercises and became proud grandfathers at approximately the same time. In more ways than I have time to detail Wiley and I shared many of life's pleasures, trials and tribulations.

From these shared experiences, our personal interaction, I came to love and trust him for the truly remarkable person he was. In reflecting upon my memories of Wiley, the many qualities which made him a special person, I concluded that one of his most endearing and outstanding characteristics was his ability to lead and motivate others by his example.

As I knew Wiley, and perhaps his children would say something to the contrary, he was not given to lecturing and sermonizing but rather he believed that you lived your daily life in accordance with principles which give testimony to your beliefs and convictions. In October of last year I attended the annual Image Award Banquet of the Oakland Boys' Club. Justice Manuel was named recipient of the club's Image Award, which is presented annually to an outstanding professional who serves as a role model to those of all races, creeds and colors and who has demonstrated a genuine concern for the community, the society in general. Wiley accepted this award with his normal modesty. After the formal program, it was heartwarming to observe this great man and jurist surrounded by the young and the not-so-young, listening to the recitals of golden ambitions, responding with words of encouragement and advice.

Justice Manuel knew the value and importance of role models, having benefited as a youth by encouragement and counsel which he derived

from two of his role models—Lynn Richardson, a neighbor who is a successful black attorney, and Walter Gordon, Sr., a prominent Berkeley black attorney who went on to become Chairman of the California Adult Authority, Governor of the United States Virgin Islands, and a United States Federal District Court Judge.

Justice Manuel was a person to be emulated and one from whose example we all have learned and benefited. As a student he demonstrated to all an individual who could achieve scholastic excellence, notwithstanding the fact that he belonged to a suppressed racial minority and came from less than an affluent economic background. His ability to overcome substantial obstacles in the pursuit of his academic goals served as a model to all who sought academic objectives, the attainment of which were hampered by race, religion, sex, physical disability or economic condition. As a lawyer in the Attorney General's office Wiley influenced the lives of many persons. By virtue of his hard work and demonstrated superior legal ability he rose steadily through the ranks in the Attorney General's office. When he left that office to go on to the bench he was the chief assistant attorney general in charge of the civil division. During his tenure in the Attorney General's office he won the respect and admiration of his peers, superiors and subordinates.

His success served to illustrate to the other employees in the office that professional ability and dedication to one's work tasks are traits that are both attributes which are prized and rewarded by our society. Wiley, by his conduct, attitude and personal achievement demonstrated to all with whom he came in contact, both professionally and socially, that race was merely an accident of birth; that an individual's inherent worth and ability were in no way connected with or related to his race. I believe that by his example he taught many people with whom he had contact to reexamine the racial stereotype to which they subscribed and reject them as being totally inconsistent with what they experienced and learned from interacting with Justice Manuel.

I am certain that Justice Manuel's judicial temperament, dedication to the pursuit of justice and the excellent manner in which he discharged his judicial duties have served to inspire other judges and justices of this state to higher levels of judicial performance. In addition to being an outstanding attorney and jurist, Wiley was a devoted son, husband, father, church member, and community worker. Somehow he always found the time to do those things, including going sailing on a

Sunday, which were important and beneficial to those whom he loved and served. Knowing Wiley has enriched all of our lives. We will remember and follow his good example.

CHIEF JUSTICE BIRD: Thank you, Mr. Metoyer. In conclusion I will once again call upon Judge Bancroft. Judge Bancroft.

Judge Bancroft:

I already addressed myself to you. I shan't do so again. I have a poem to read and I shall do so in a moment; however, having heard the remarks I've heard, if you'll forgive me, I'd like to say a word or two of my own about Wiley Manuel, and his family, and particularly Eleanor.

Unfortunately, I was not born and raised on the West Coast, and particularly not in Northern California, or I might have been blessed with having known Wiley at a much earlier age. I came West from Albany, New York, to secure a master's degree in law at Boalt Hall in 1951, and there I wrote an article on workers' compensation. It was that article, together with my permanent residency thereafter on the West Coast, which brought me very, very close to Wiley. I've known him and loved him and respected him since that date.

I pay tribute here today to his memory, to his family, to Eleanor, into whose home I was welcomed early on when I felt like a fish out of water here on the West Coast, and with the open arms that encircled me, I feel, and have felt every since, an appropriate resident of California. Wiley was a very unique and very special man. His kind or type will not often pass our way, and we should mark his passing with the realization that to know him was to have an opportunity to know a rare, rare person. Great maturity of *unusual wisdom* and sagacity and a love for humankind—and for him I read this poem, and for Eleanor, and family and friends. It's called "Knowledge Shall Vanish Away," by Dr. Howard Thurman.

"Whether there be knowledge, it shall vanish away"

A ceaseless search like the ebb and flow of oceans
Marks all men's days:
For him no rest, no rest;
The fever in the blood
Is answer to the temper of the mind.

When time was young, just learning how to walk,
 It placed its stamp on the single cell
 Which gave a slant to all that lives
 Today or yesterday, no matter when.
 A ceaseless search like the ebb and flow of oceans
 Marks all man's days.

Is there some point, some place of rest
 To bring an end to all man's quest?
 Something that does not fail?
 Something that lasts beyond all things that pass
 When shadows thicken and the lights grow dim?
 Some worldly hope that gives retreat
 From all the winds that beat upon the world?
 Some sure attachment to another's life

That stands secure against all change of mind or heart?
 Some private dream where only dwells
 The purest secrets of desire?
 All these must fade,
 All these must fade.

There is a sense of wholeness at the core of man
 That must abound in all he does;
 That marks with reverence his ev'ry step;
 That has its sway when all else fails;
 That wearies out all evil things;
 That warms the depth of frozen fears
 Making friend of foe,
 Making love of hate,
 And lasts beyond the living and the dead,
 Beyond the goals of peace, the ends of war!
 This man seeks through all his years:
 To be complete and of one piece, within, without.

Chief Justice: Thank you, Judge Bancroft.

I would like to thank all of the speakers who came here today for their touching remarks about our colleague, Justice Manuel. In accordance with our custom, it is ordered that this memorial be spread in full upon the minutes of the court and published in our Official Reports, and that a copy of these proceedings be sent to Mrs. Manuel, and with that I will adjourn our court in memory of our colleague, Justice Wiley Manuel. Thank you.