EDITOR’S NOTE: Harry Pregerson served as a United States Circuit Judge of the United States Court of Appeals for the Ninth Circuit and assumed senior status on December 11, 2015. Before that, he served on the U.S. District Court for the Central District of California. In 1988, Judge Pregerson helped found the Salvation Army Bell Shelter, a shelter for homeless people in southeast Los Angeles County. He died on November 25, 2017 at the age of 94.

When I was eight years old, my grandfather gave me a stone with the inscription “Never, never, ever, quit.” Being eight, I didn’t have anything to quit from.

When I was ten, my grandfather bought me the book, How to Win Friends and Influence People, by Dale Carnegie. Win friends? Influence people? I was focused on trying to be like Michael Jordan.

As I got older, my grandfather continued to buy me books: biographies of Abraham Lincoln; speeches of Winston Churchill; and William Strunk’s Elements of Style, a book that he would constantly remind me was the classic manual on the principles of English language. One summer, we went through Strunk cover to cover. He would call me on Sunday mornings and say, without any introduction, “Turn to page 57.” During one weekend session, that I will never forget because it was a particularly beautiful summer day, I asked him if we could skip that day’s session. “Grandpa, it’s a beautiful day; I want to go outside and have fun like the other kids,” I said. He responded, “Brad, let me tell you something, fun is bullshit.” Fun is bullshit. What? That was ironic coming from a person who loved to make people laugh.

But even at 12-years old, I knew what he really meant: don’t waste time; every day work toward bettering yourself; always strive to be better.

You might be thinking he tortured me. Yes, maybe a little. But to tell the truth, I loved those Sunday morning sessions and I cherish every book he gave me, including the boring ones. Grandpa Harry was a scholar and believed that in order to make sense of the world, a person must have a deep understanding of history. I am grateful that he taught this important lesson to me.

It was wonderful he cared so much, but it might sound like he put a lot of pressure on me. This wasn’t the case. He was the best listener and always so understanding. All he cared about was effort. “Just try your best,” he would say, “everything will turn out ok.” School never came easy for me, and he told me it was hard for him too. He used to remind me that it wasn’t until he got into law school that he learned that the word “obtuse” meant slow to understand rather than near-sightedness. “Grandma was the brains,” he would always say, “you and I just have to march through the mud.”

Often people who are so dedicated to their work and the community leave their families feeling left behind — not Grandpa Harry. I know all the grandchildren agree that he made us feel loved and that we were the most important people in his life.

I loved watching him interact with strangers. In his later years, I went with him to many dinners and charity events. He would be seated at a table and a stranger inevitably would approach and introduce himself. Grandpa would slowly extend his hand. They would

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But the curtailment of constitutional rights and mental defenses was a mistake because it obstructed truth finding. In every criminal case the question is: what happened here?

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One Last Thing

Why is my name on this case? One Saturday morning, 50 criminal defense lawyers gathered from all over the state for a meeting of the board of directors of the California Attorneys for Criminal Justice. They are heroic, feisty lawyers, contrarian, and outspoken people who devote their professional lives to keeping the justice system honest. It has always been hard for me to imagine our democracy without them. We, as a group, signed up to be plaintiffs to stop Prop. 8. “Oh, I did that,” my friend Ephraim answered when I asked him why I was listed as the lead plaintiff. On August 24, 2017, in Briggs v. Edmund G. Brown, the court cited Brosnahan v. Eu and upheld Prop. 66, which expedites judicial review of death penalty cases. Be careful what you sign. Your name may end up supporting things you strongly disagree with.

Brosnahan v. Eu

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ENDNOTES

1. § 28, subd. (a).
2. Subds. (a), (c).
3. Subd. (d).
4. Subd. (e).
5. Subd. (f).
6. § 4 [adding § 25, subd. (a)].
7. § 5 [adding § 667, subd. (a)].
8. § 6 [adding §§ 1191.1, 3043].
9. § 7 [adding § 1192.7].
10. § 9 [adding § 6331].
13. 31 Cal.3d at pp. 4–5.
15. 32 Cal.3d at p. 299.
16. (2017) 3 Cal. 5th 808.

This applies with equal force to judges’ grandchildren.) So, the stranger would answer the phone and Grandpa would say: “I need your help on something,” or “I just spoke to so-and-so and you need to call him.” “But it’s late,” the stranger would reply. “No, he is expecting your call,” Grandpa would reply. The stranger now had marching orders and was suddenly and permanently swept up into the good fight.

I like what John Quincy Adams said about leadership: “If your actions inspire others to do more, to learn more, to dream more or become more, you are a leader.” I think this sums up what my grandfather was about. And the truth is that all the good deeds he was able to accomplish were not the result of his efforts alone; no, there was an army of people who stood and fought with him, who began as strangers, who were brought in with a Kung fu grip, and soon became life-long friends. But Grandpa certainly wasn’t afraid to take bold action, inspiring others to join him and they did, because all knew he was fighting the good fight, he was a good man, and he would never, never ever quit.

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