

Spring 2003

In Memoriam: In Memory of Justice John P. Bourcier; In Memory of Senior Justice Victoria Lederberg

Frank J. Williams
Rhode Island Supreme Court

Follow this and additional works at: http://docs.rwu.edu/rwu_LR

Recommended Citation

Williams, Frank J. (2003) "In Memoriam: In Memory of Justice John P. Bourcier; In Memory of Senior Justice Victoria Lederberg," *Roger Williams University Law Review*: Vol. 8: Iss. 2, Article 1.
Available at: http://docs.rwu.edu/rwu_LR/vol8/iss2/1

This In Memoriam is brought to you for free and open access by the Journals at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

In Memoriam

In Memory of Justice John P. Bourcier*

Eulogy delivered at the Cathedral of Saints Peter and Paul for John P. Bourcier on August 19, 2002.

Frank J. Williams**

The Roman poet Ovid said, "All things change, nothing is extinguished. There is nothing in the whole world which is permanent. Everything flows onward; all things are brought into being with a changing nature; the ages themselves glide by in constant movement."

John Bourcier lived a remarkable life. Most know him as a judge. He was, as William Shakespeare described "an upright judge, a learned judge!" John was able to make the distinction between law and justice. Laws, after all, are rules written by the legislature. Justice is based on the relationship between people and the law. John knew that those who could not make this distinction should not be sitting on the bench. He knew that when there was justice there was a pleasurable sense to the emotions.

But above all, John Bourcier was a leader. While he could impose his will by force, more often, he did so by tact and patience.

He was neither a rebel nor a conservative, but a conserver. He was not only an artist in using language, and inspiring people, but also with oil paint and canvas. His life was an infinitely varied

* This memoriam was originally published in 51 R.I. B.J., Nov.-Dec. 2002, at 10. Reprinted with permission.

** Chief Justice, Rhode Island Supreme Court; Adjunct Professor of Law, Roger Williams University School of Law.

mixture of leading and following, conforming and defying. He contempORIZED, compromised and maneuvered. But he always held to his view and met with the exacting definition of an individual set down by French philosopher, George Bernanos: "A man who gives himself or refuses himself, but never lends himself." Above all, John was an individual in the special double sense that Americans attribute to the word – the common man who was yet uncommon. He loved his family and he considered the law and our judiciary as part of his family. His devotion to his beloved Norma makes one understand that high station in life is earned by the gallantry with which appalling experiences are survived with grace.

To the Bourcier family there are no better words of comfort than those of President Lincoln to young Fanny McCollough who had lost her dad in battle,

In this sad world of ours, sorrow comes to all; and to the young, it comes with bitterest agony, because it takes them unawares. The older have learned to ever expect it. I am anxious to afford some alleviation of your present distress. Perfect relief is not possible, except with time. You are sure to be happy again. The memory of your dear Father will yet be a sad sweet feeling in your heart of a purer and holier sort than you have known before.

. . . Your sincere friend, A. Lincoln.

John possessed many of Lincoln's characteristics. Hardworking, he came from modest surroundings, was bright, loved to be around people, liked to tell funny stories, and loved politics and the law. John Bourcier was a great storyteller. Here is one he told at our last Supreme Court conference:

Old Tim's faithful companion of 15 years dies and Tim goes to the priest.

"Father O'Brien, my dog Spot has died and I wonder if you would say a mass for him this week."

"Sorry Tim, but we don't have services for animals. However there is a church down the line and I'm not sure just what they are all about but they might have a service such as you are seeking."

"Thank you Father. Do you think \$5,000 is enough of an offering to give them?"

"Holy Jesus, Mother of God, Tim, why didn't you tell me Spot was Catholic!"

John also had his *Unfamiliar Quotations*. Here are some that I remember:

1. By the time he is thirty, a man should come to terms with his limitations, but the terms do not have to be unconditional surrender.
2. You cannot buy happiness, but a short-term lease can sometimes be arranged.
3. Reunions are not my favorite activity. I don't know which disturbs me more, those old friends who look terrible or the ones who look better than I do.
4. There are some people who, by their actions, virtually resign from the human race, and I believe that their resignation should be accepted.

Today's citizens can only wish for John Bourcier's qualities. He was politic without being unprincipled, patient without being resigned, flexible without being opportunistic, tough-minded without being brutal, determined without being fanatical, religious without being dogmatic, and devoted to people without worshiping them.

And how did John Bourcier say he would like to be remembered? Something of it is in the present occasion – in the atmosphere of this cathedral – in his life's work that we remember and honor.

Abraham Lincoln's beloved friend, Owen Lovejoy, had died in May in 1864 and friends wrote to Lincoln and he replied that the pressure of duties kept him from joining them in efforts for a marble monument to Lovejoy, the last sentence of Lincoln's letter saying: "Let him have the marble monument along with the well-assured and more enduring one in the hearts of those who love liberty, unselfishly, for all"

Today we may say, perhaps, that the well-assured and most enduring memorial to John Bourcier is invisibly there, today, tomorrow and for a long time yet to come. It is there in the hearts of all those who love liberty and all those things that stand for decency. It is there in the men and women who understand that wherever there is freedom, justice, and decency there have been those who fought, toiled, and sacrificed for it. No one could ask for a more enduring legacy. God speed, John.

In Memory of Senior Justice Victoria Lederberg*

Frank J. Williams**

Over the course of our lives, we are touched by the acquaintance of people whose legacies have shaped the course of history. In public and private ways, these people's choices have affected not only their own lives, but the lives of those around them. Senior Justice Victoria Lederberg was one such person.

As we honor Justice Lederberg, we recognize and remember her staunch commitment to family, the Supreme Court, justice, integrity, education, and her community. This is *her* legacy.

Coming from humble beginnings, she personified the American "right to rise," a quality attributed to Abraham Lincoln. She excelled in every endeavor that she attempted: spouse, mother, grandmother, legislator, teacher, lawyer, and jurist. As a result, she developed the noble instinct for giving the right touch of beauty to common and necessary things.

She knew, as William Faulkner once said, "The past is not dead. In fact, it's not even past." She knew that the public memories of the past are also the battlefields of the present and this is what made her such a good appellate judge, especially in the areas of education and the sciences.

Winston Churchill once said, "Courage is rightly esteemed the first of human qualities . . . because it is the quality which guarantees all others." During her successful careers, Justice Lederberg demonstrated her courage time and time again. Her welcome to me as Chief Justice in February 2001 could not have been more gracious and supportive even though she was a candidate for the office. Her contributions on and off the bench greatly enhanced the

* This memoriam was originally published in 51 R.I. B.J., Mar.-Apr. 2003, at 9. Reprinted with permission.

** Chief Justice, Rhode Island Supreme Court; Adjunct Professor of Law, Roger Williams University School of Law.

jurisprudence of the Rhode Island Supreme Court. And her collegiality made the arduous duties performed by the court much easier to endure.

Amelia Earhart could have been writing about Justice Lederberg's philosophy on life when she penned the following poem:

*Courage is the price that life exacts for granting peace.
The soul that knows it not knows no release from little things:
Knows not the livid loneliness of fear,
Nor mountain heights where bitter joy can hear
The sound of wings.
How can life grant us boon of living, compensate
For dull gray ugliness and pregnant hate
Unless we dare the soul's dominion?
Each time we make a choice, we pay
With courage to behold the restless day,
And count it fair.*

Justice Lederberg was a hopeful person, who knew that the world is never all good or all bad, but rather a complex mixture of excellence and the mediocrity. Her compassion and integrity shaped her interactions with this world and those who walk upon it and she tirelessly sought to tip the balance of life toward fairness. By her example, she taught us what it means to live a life of hope.

Shakespeare said, "The good [that] men do is often interred with their bones." Let it not be so with Justice Lederberg, as the good that she performed will last and be known to all for a long time yet to come.

In his wisdom, Abraham Lincoln advised, "Whatever you are, do it well." I believe that Justice Lederberg would have agreed and added, "Whatever you do, do it kindly."