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Introduction for the Brennan Center for Justice and Thomas Jorde Living Constitution: A Symposium on the Legacy of Justice William J. Brennan, Jr.

Michael Waldman†

In partnership with the Brennan Center for Justice at New York University, each year the *California Law Review* publishes the proceedings of the annual Brennan Center Jorde Symposium Lectures, sponsored by the Brennan Center and endowed by Professor Thomas Jorde. The *California Law Review* would like to thank the Brennan Center and Professor Jorde for their support in bringing this year's symposium to our pages. Michael Waldman, the Executive Director of the Brennan Center, contributed the following introduction for the 2006 symposium issue.

2006 marked a significant year for the Brennan Center for Justice. It was our tenth anniversary, the 50th anniversary of Justice Brennan's appointment to the Supreme Court bench, and the 100th year since the Justice's birth. To celebrate this trifecta, the Brennan Center held a special event – “*The Living Constitution: A Symposium on the Legacy of Justice William J. Brennan, Jr.*” We brought together some of the most important legal thinkers of our time, including Supreme Court Justice Ruth Bader Ginsburg, to pay tribute to the Justice. We are honored to have the *California Law Review* publish essays written by those who presented at the symposium. In addition to Justice Ginsburg, who shared her personal reflections on Justice Brennan's legacy, the symposium featured the Honorable Michael McConnell and Professor Robert Post discussing freedom of religion, and the Honorable Abraham Sofaer and Professor Geoffrey Stone exploring the relationship between liberty and national security. Professor Burt Neuborne, the Center's legal director, offered a touching introduction of his friend, Justice Ginsburg, which is included as well.

Justice Brennan's beliefs in democracy and justice are the core values upon which the Brennan Center works. A decade in, the Center is proud to be a

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leading progressive, non-partisan public policy and law institute focusing on these fundamental issues. We are part think tank, part public interest law firm and advocacy group, combining scholarship, legislative and legal advocacy, and communications to achieve meaningful, measurable change in the public sector. As Professor Neuborne has said, we are an organization that does not look at problems, point them out, and say “no.” We look at problems and find a way to say “yes,” with bold innovative solutions, policy initiatives, and proposals. And we are inspired always by the Justice’s vision of the Living Constitution. “The genius of the Constitution,” Brennan said, “rests not in any static meaning it may have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and present needs.”

These days we are working on issues from voting rights and elections to access to justice for poor people. We serve as counsel to the living wage movement, helping people get increases in the minimum wage, and are working to make sure that the necessary struggle against terrorism does not undermine constitutional values. How we do that, how we live up to the notion of the Living Constitution is a great challenge. There are many views on how to do it, and you will hear differing opinions in the pages that follow.

This volume, and those that have preceded it, would not have been possible without the vision and initiative of many people. Ten years ago Justice Brennan’s law clerks, who worked for him and with him, and contributed to his legacy in so many ways, founded the Brennan Center. Joshua Rosenkranz was the Center’s founding executive director and led us for eight years. Our Board member, Thomas Jorde, was there at the beginning and has generously supported our Jorde Symposium series and our anniversary event, through which the Center promotes ongoing dialogue between the academy—the world of ideas—and practice—where those ideas become policy and law. As we think about all that the Center has accomplished over the past decade, we are especially thankful to them, to all of the Justice’s clerks, and to the Brennan family for creating this living monument to Justice Brennan and his ideals.