IN MEMORIAM: WILLIAM J. STUNTZ

The editors of the Harvard Law Review respectfully dedicate this issue to Professor William J. Stuntz.

Pamela S. Karlan

In October Term 1985, I met two extraordinary men who changed my life: Harry Blackmun (for whom I clerked) and Bill Stuntz (who was clerking for Justice Powell in the chambers next door). They were connected by the combination of a passion for justice, a profound impact on the law, a deep religious faith accompanied (probably not coincidentally) by an almost disquieting humility, and a rare gift for friendship and celebrating others’ good fortune. And now yet another connection: the Harvard Law Review has given me a chance to celebrate each of them.

There’s one more tie, hardly surprising in two men so interested in American history, statistics, and rules: they were great baseball fans. With Bill, it wasn’t just the games: the short walk over to the University of Virginia’s field (where we once saw a triple play and, much to Bill’s dismay, always heard the ping of the metal bats) or the long lazy drives to Lynchburg for Carolina League matchups (where we marked Bill’s birthday with a night in the emergency room after our colleague John Harrison was hit by a line drive); it was the conversations. As with criminal procedure and criminal law, Bill had an encyclopedic knowledge. I still remember the afternoon a group of us tried to come up with the career home runs leader for each letter of the alphabet.

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Back then, it was Hank Aaron, Ernie Banks... Carl Yastrzemski, Gus Zernial. Only Bill knew — indeed, had heard of — Zernial.

That was a more innocent time, and of course the effervescent Banks has been passed by the sullen Barry Bonds. Several years ago, when Bill’s back pain had flared up, I sent him a sympathetic email. I asked whether he remembered Bill James’s power/speed number, which is calculated by multiplying a player’s stolen bases by his home runs, doubling the product, and dividing it by the sum of stolen bases plus home runs.\(^3\) The number measures excellence and balance across several dimensions. It’s the generalized formula for things like the 30/30 club — which sounds more interesting than it is — whose most significant repeat players were the Bondses, father and son. I suggested to Bill that he had to be near the top of the law professor virtue/suffering number.

Bill replied with his characteristic good humor mixed with an edge: “I’m thrilled,” he wrote, “to be mentioned in the vicinity of Barry Bonds, though I would have thought the main thing we have in common is Schedule II controlled substances.”\(^4\)

But there are other baseball players with whom Bill had far more in common. At the Festschrift Harvard Law School held for Bill last spring, I surveyed the field, dismissing various possibilities — Sandy Koufax (strong religious principles but the wrong Testament); Mark Teixeira (also a notable Annapolis native, but a Yankee); and Mark Belanger (dark, skinny, and lacking discernible musculature, but famous for being defensive, which Bill never was).

Perhaps, though, I dismissed Cal Ripken too quickly. Ripken remade what it meant to be a shortstop. His arm was so strong that he could set up deeper in the field, which enabled him to make more plays. But precisely because he played so deep, he made it look easy: people sometimes didn’t appreciate Ripken’s fielding because he never had to dive to get to the ball. The same was true of Bill. He had one of the best arms in the legal academy. Those of us who came to constitutional criminal procedure or the political economy of criminal law after Bill may not recognize how much he remade the field, writing things that — once he said them — seemed self-evident, but that only a man with his gifts could have perceived at first.

\(^2\) See *Total Baseball* 2270 (John Thorn & Pete Palmer eds., 4th ed. 1995) (giving the overall career home run leaders); *id.* at 1404 (giving the statistics for Zernial). Inspired and too often bested in debates with Bill, I bought my own copy.


\(^4\) Email from Bill Stuntz to author (Feb. 15, 2004) (on file with the Harvard Law School Library).
But ultimately, I arrived at Pee Wee Reese, the great Brooklyn shortstop. Reese’s career has many impressive highlights, but he will be remembered — as will Bill — for the grace and human decency with which he handled the most vexing issue in our national history, the question of race. Reese was the Dodgers’ captain the year Jackie Robinson joined the team. There was nothing in Reese’s background to suggest a passion for equality; he once said that Robinson was the first black man with whom he had ever shaken hands. But when Robinson was being heckled by fans in Cincinnati during an early road trip, Reese went over to Robinson, engaged him in conversation, and put his arm around Robinson’s shoulder in a gesture of support that silenced the crowd. Like Reese, Bill had a gift for friendships with people very different from himself along nearly every dimension. And his passion for equality and justice shines through his great life’s work, the magisterial *The Collapse of American Criminal Justice.*

Bill used a passage from *The Merchant of Venice* as the epigraph to the final chapter of that final work:

> The quality of mercy is not strain’d,
> It droppeth as the gentle rain from heaven
> Upon the place beneath: It is twice blest;
> It blesseth him that gives and him that takes . . . .

Bill always acted as if *he* were the one who had been blessed. And in many, many ways he was: a devoted and loving family, faith that stayed with him through good times and bad, a wonderful career in which he transformed a core area of legal doctrine, a legion of admir ing students and colleagues, and even a set of World Championships — for the Orioles when he was a Baltimore fan and for the Red Sox when he moved his loyalties northwards. But actually, it is we who have been blessed to have a colleague and friend like him. Or as Jim Bouton put it: “You see, you spend a good piece of your life gripping a baseball and in the end it turns out that it was the other way around all the time.”

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6 *William Shakespeare, The Merchant of Venice* act IV, sc. 1, ll. 184–87 (1596).
7 *Jim Bouton, Ball Four* 398 (20th anniversary ed. 1990).