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## The Jesse Carter Collection

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# THE GREAT DISSENTS OF THE "LONE DISSENTER"

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*Justice Jesse W. Carter's Twenty Tumultuous  
Years on the California Supreme Court*

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Jessica L. Beeler • Michele Benedetto Neitz  
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## APPENDIX 2

### The Jesse Carter Collection

*By Janet Fischer, MLIS\**

Jesse W. Carter is among the most distinguished graduates of Golden Gate University School of Law (then Golden Gate Law College). After graduating in 1913, he served as District Attorney of Shasta County and City Attorney for the City of Redding before his appointment in 1939 to the California Supreme Court, where he served until his death in 1959.

During an age of war followed by McCarthyism, Justice Carter had the courage to dissent from many of the court's decisions, earning for himself the title, "The Lone Dissenter." The faculty at Golden Gate University School of Law has collaborated on this book, commenting on a number of Justice Carter's most important dissents. In support of this project, the law library has created a web site that hosts a list of his opinions and dissents, includes digitized copies of over 20 speeches given during his career, photographs, and other materials. This web site may be viewed at [ggu.edu/lawlibrary/jesseccarter](http://ggu.edu/lawlibrary/jesseccarter). The law library also houses a collection of primary material relating to Justice Carter.

While Justice Carter's legal opinions may be found in any collection of California case law, our collection is unique in possessing copies of many of the addresses he gave to various groups over the course of his career. Carter's speeches, such as *Speech on the Nature of Law, Given to New Members of the Bar*, often quote poetry while promulgating his legal philosophy. In addition to the speeches, such as the one in which Justice Carter outlines his philosophy on *The Right to Dissent* in an address delivered at the Westside Jewish Community Center in 1954, our collection also includes a transcript of a telephone interview given during a reception, relative to the loyalty oath statute.

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\* Collection Development Librarian, Golden Gate University School of Law Library

The law library also holds two case files that pertain to Justice Carter's personal legal troubles. The case of *Carter v. Kern* (Superior Court, Co. of Marin) is represented in a file two-inches thick containing letters, filings, and testimony. The case began with the request of a neighbor for Carter to pay \$350, Carter's share of the repairs to their common residential road in San Anselmo.

The second case file, *People v. Carter*, contains documents pertaining to the infamous incident of "Carter's Dam." Carter owned the Double J Ranch, his home on rural property near what is now Sleepy Hollow Open Space Preserve in San Anselmo, California. He built a dam on the property to provide water for his cattle and to stock with game fish. During March, 1958, the dam was weakened from winter storms and Carter's private reservoir overflowed, damaging homes downstream. Those homeowners and county government officials wanted Carter to drain his reservoir to mitigate further damage. Carter refused. The ensuing legal battles are documented in the case file as well as in our collection of newspaper clippings from the time. Carter vociferously defended his property rights, threatening to shoot any county officials who would trespass on his property to drain the reservoir,<sup>1</sup> and to call out the National Guard if necessary.<sup>2</sup> The editors of the *San Francisco Chronicle*, the *Daily Independent* of San Rafael and other local papers appeared to have a lot of fun with such headlines as, "If it Drips, A Dam Drop May Follow"; "Carter Gets Even Split in Dam Ruling"; and "Outside Judge to Hear Carter's Dam Case." Justice Carter even made it into Herb Caen's famous column in the *San Francisco Chronicle*.<sup>3</sup>

Fortunately, Justice Carter was as tireless in defending the rights of individuals as he was his own. At a testimonial dinner in honor of Judge Stanley Mosk, Carter said,

... [U]nder the American system for the administration of justice, the courts are bound to recognize and apply the safeguards contained in the Bill of Rights, and that before it can be said that a person is guilty of a crime, the prosecution must have accorded to the defendant each and every one of those safeguards in attempting to prove him guilty of a public offense. And it is my judicial philosophy, as a member of the Supreme Court of California in reviewing the criminal cases

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1. "Justice Carter Vows to Shoot to Save His Dam," *SAN FRANCISCO CHRONICLE*, March 26, 1958, at 1.

2. "Carter Says He'll Ask For Troops," *SAN FRANCISCO CHRONICLE*, March 30, 1958, at 1.

3. Herb Caen, *SAN FRANCISCO CHRONICLE*, April 1, 1958, at 15.

which are presented to that court, that we must first ascertain whether or not the defendant has been accorded all of his fundamental rights ...<sup>4</sup>

It was this dedication to the rule of law that makes Justice Carter's opinions and dissents still valuable to us today.

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4. Address Delivered at the Testimonial Dinner in Honor of Judge Stanley Mosk, Statler Hotel, Los Angeles, California. *The Administration of Justice*, August 19, 1958. Golden Gate University School of Law Library Special Collection.