

# J. W. Carter Justice, Dies at 70

## *Pneumonia Attack Fatal*

Jesse W. Carter, Associate Justice of the California Supreme Court, died in San Rafael General Hospital yesterday morning.

The 70 year old jurist, stricken with a heart attack Feb. 11, had seemed to be on the road to recovery until he developed virus pneumonia Thursday.

His condition became critical early Saturday when a blood clot formed in a main artery to his right lung, causing additional strain on his already weakened heart.

Five specialists were called and a tracheotomy was performed to assist his breathing. Doctors said he died in his sleep about 7:15 a.m.

### *For Individualism*

A vigorous champion of individual rights, Judge Carter often found himself in the minority during his 19 years on the State Supreme Court bench.

Time after time he was the lone dissenter, issuing stinging opinions which not only argued the legal points at stake, but frequently denounced fellow justices who disagreed with him.

"I welcome dissents," he said at one time. "They test the soundness of my own opinions. If I am right, the dissent makes the soundness of my position even clearer.

"If I am wrong, the dissent should point the way for the correction of the error by this or some future court. A Supreme Court decision which cannot stand the test of a vigorous dissent should never stand as a decision of the court."

### *Lone Dissenter*

He was the only Justice, for example, who attacked the loyalty oath for State employes as unconstitutional and a violation of the Fifth Amendment.

In 1957, the State Supreme Court held that it was legal to take a blood sample from an unconscious drunk driving

(See CARTER, Page 4, Col. 3)



JUSTICE CARTER  
... victim of pneumonia