

EXECUTIVE ORDER NO. 389

WHEREAS, Justice David Hackett Souter was born on September 17, 1939, in Melrose, Massachusetts; and

WHEREAS, Justice Souter earned a Bachelor of Arts degree in philosophy from Harvard University in 1961; and

WHEREAS, in 1963, Justice Souter received a Master of Arts degree in jurisprudence from Magdalen College, Oxford University, where he studied as a Rhodes Scholar; and

WHEREAS, Justice Souter earned a law degree from Harvard Law School in 1966; and

WHEREAS, after a short period in private practice, Justice Souter began a long and illustrious career of public service when he joined the New Hampshire Attorney General's Office in 1968; and

WHEREAS, Justice Souter eventually was selected to serve as the Attorney General of New Hampshire, a position he held from 1976 to 1978; and

WHEREAS, Justice Souter served as an Associate Justice of the New Hampshire Superior Court from 1978 to 1983, as an Associate Justice of the New Hampshire Supreme Court from 1983 to 1990, and as a Circuit Judge on the United States Court of Appeals for the First Circuit in 1990; and

WHEREAS, in 1990 President George H.W. Bush nominated Justice Souter to serve as an Associate Justice of the United States Supreme Court; and

WHEREAS, the Senate confirmed Justice Souter's nomination by an overwhelming margin on October 2, 1990, with Justice Souter drawing enthusiastic bipartisan support; and

WHEREAS, Justice Souter left a profound and enduring imprint on American jurisprudence, including in the areas of reproductive rights, separation of church and state, freedom of speech, and civil procedure; and

WHEREAS, in 1992 Justice Souter helped preserve reproductive freedom for a generation by co-authoring the plurality opinion in *Planned Parenthood v. Casey*, which reaffirmed *Roe v. Wade*'s essential holding regarding abortion rights; and

WHEREAS, Justice Souter vigorously defended both the free exercise of religion and the separation of church and state that the Founders held dear; and

WHEREAS, throughout his tenure on the United States Supreme Court, Justice Souter displayed a rare combination of wisdom, civility, and fair-mindedness; and

WHEREAS, Justice Souter earned a reputation as a fiercely independent jurist with a deep commitment to the rule of law, often voting with justices nominated by Democratic Presidents despite having been nominated by a Republican President; and

WHEREAS, Justice Souter retired from active service on the Supreme Court on June 29, 2009, at the age of 69; and

WHEREAS, after trading the white marble of the Supreme Court for the White Mountains of his home in New Hampshire, Justice Souter continued to serve the law, sitting by designation on panels of the First Circuit Court of Appeals and supporting civics education; and

WHEREAS, Justice Souter was known for his kindness and humility, his quiet dignity, his collegiality, his deep love of literature, and his appreciation of life's simple blessings; and

WHEREAS, on May 8, 2025, Justice Souter died at the age of 85; and

WHEREAS, Justice Souter will be deeply missed by all who had the good fortune to know him, and by the people of this country whom he served so faithfully; and

WHEREAS, it is with great sorrow that we mourn the passing of Justice Souter; and

WHEREAS, it is appropriate to honor the exemplary service, character, and memory of Justice Souter, and to signify his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, May 16, 2025, in recognition and mourning of an extraordinary legal mind and a distinguished member of the United States Supreme Court, Justice David Souter.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
15th day of May,
Two Thousand and Twenty-Five,
and of the Independence of
the United States, the Two
Hundred and Forty-Ninth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor