

Judicial Remembrance

HON. M. JAMES LORENZ

Hon. Howard B. Turrentine Senior U.S. District Judge, Southern District of California

"...AND WHEN I retire, as all judges retire one way or another, I just trust that the lawyers will say that to practice in his court was a pleasant experience, that he was a fair and impartial judge, he was a good judge."

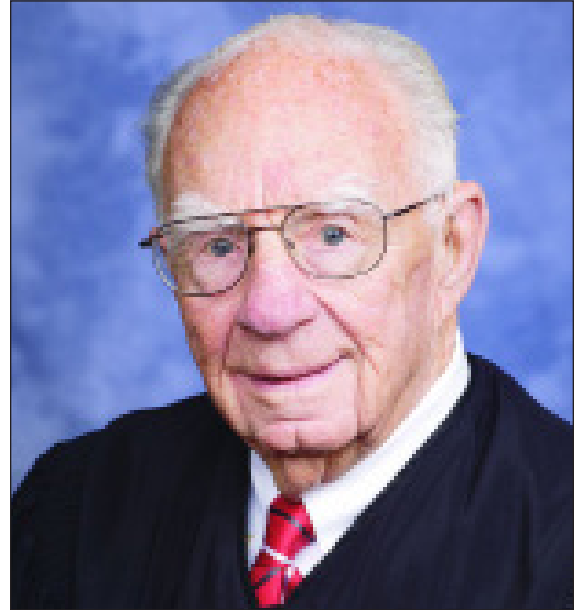
– Hon. Howard B. Turrentine, Feb. 21, 1968, after being sworn in as a superior court judge.

Editor's note: Judge Howard B. Turrentine died on Aug. 20, 2010, at age 96, just as this issue went to press.

U.S. District Judge Howard B. Turrentine is not only an icon in the Southern District of California with a distinguished career as an attorney, and a state and federal district court judge, but also a distinguished member of what Tom Brokaw calls "the greatest generation." Little known are Judge Turrentine's World War II combat experiences. Like most veterans of World War II, Judge Turrentine has never discussed these events publicly and not enough is known about his naval exploits. Only recently did he finally tell me about his intelligence work associated with two major battles in the Philippines. To understand Judge Turrentine's impeccable reputation as a district judge, I believe it is important to understand what helped to develop his character, discipline, and demeanor, and the fuller dimensions of this fine man's character.

Howard Turrentine was called to active duty in the U.S. Navy on May 28, 1941. He was sent to intelligence school, where he learned the capabilities and types of ships as well as the information that was necessary to aid his ship commanders in combat operations. He was cleared to obtain information from the top secret ULTRA program, in which the United States broke the Japanese "code." This enabled him to brief his ship commander about the current status of enemy activity.

Lt. Turrentine was then ordered to join the staff of Rear Adm. Russell R. Berkey, the commander of CRU Division 15 and Task Force 76, in December 1943 to serve on the admiral's flagship, a cruiser, the U.S.S. *Phoenix* CL 46. The *Phoenix* became a part of what was called "General MacArthur's Navy." Aboard the



Phoenix, Turrentine served as the intelligence officer to Adm. Berkey, developing intelligence gathered about the Japanese fleet. In February 1944, General MacArthur chose the *Phoenix* as his flagship for the invasion by the U.S. Army of the Admiralty Islands that took place on March 1, 1944. In his capacity as intelligence officer, Judge Turrentine briefed Gen. MacArthur on the capabilities of the Japanese forces as learned through his sources including the secret ULTRA program. He provided the general with graphs and diagrams of information developed for his briefings. Interestingly, Judge Turrentine remembers Gen. MacArthur as a man who was always cordial, respectful, and friendly in his dealings—even on those occasions when he was detailed to awaken the general for important updates.

Subsequent to the Admiralty Islands invasion, the *Phoenix* was involved in one of the most decisive naval engagements of the Pacific theater: the invasion of Leyte and the Battle of Surigao Strait. First, the *Phoenix* was part of the task force that used naval gunfire to support the Army forces landing at Leyte. The *Phoenix* next participated in the largest naval battle in the Philippines campaign: the Battle of Surigao Strait. One Japanese battle group consisted of five battleships, 12 cruisers, and 15 destroyers; a second southern group involved two battleships, one cruiser, and four destroyers. The Japanese flo-

tilla moved into the strait not knowing that through intelligence gathering, the Americans had learned of their existence and had assembled three major task forces to intercept the Japanese. The *Phoenix* was part of the American task force that intercepted the Japanese battle groups.

The American armada was assembled to block the Surigao Strait, which allowed the tactical implementation of “crossing the T.” This tactic allowed the full broadsides of a row of American battleships to bring to bear all available weaponry against the approaching Japanese line.

The battle took place at night. Because his job was over after his pre-battle briefing, he was on deck and got a firsthand view of the demolition of the Japanese fleet that was like Fourth of July fireworks. The Battle of Surigao Strait was over in about 15 minutes, and the Japanese battleships and cruisers that had not sunk withdrew. This was the last battle that battleships have ever fought against each other on the high seas.

In April 1945, Judge Turrentine was assigned to the Office of Naval Intelligence in Washington, D.C., and was discharged from the Navy in December 1945. He was awarded the Commendation Medal by Vice Adm. T.C. Kincade and Rear Adm. Russell R. Berkey for intelligence work during the Philippines Campaign and in preparation for the Oct. 26–27, 1944, Battle of Surigao Strait. In addition, he received the Philippine Liberation Medal with two stars, the Asian Pacific Medal with one star, the American Campaign Medal, and the American Defense Medal.

Of course, Judge Turrentine’s war record was the foundation for an amazing career in the law. Prior to being called to active duty, he graduated from San Diego State University and the University of Southern California Law School, where he served as one of the editors of the *Law Review*. After admission to the California bar in 1939, he was appointed to serve as a public attorney under the DeWitt Mitchell Trust in 1940. In September 1940, he was appointed assistant city prosecutor and served in that position until called to active duty in May 1941.

Upon his discharge from active duty in December 1945, Judge Turrentine returned to San Diego and opened his own law practice. He was elected president of the San Diego Bar Association in 1948 and later served on the Draft Appeal Board in 1966. On Feb. 7, 1968, he began his illustrious career as a judge when then Gov. Ronald Reagan appointed him to the California Superior Court. Judge Turrentine was well-known during that time for working in conjunction with future federal judge Lee Nielsen for organizing the state criminal court to make it become prompt and effective.

On April 27, 1970, President Richard Nixon appointed Judge Turrentine to the federal bench. He served as chief judge of the U.S. District Court for the Southern District of California from 1982 to



Top photo—The *USS Phoenix*; Bottom photo—A map of the Suriago Strait outlining American tactical movements.



1984, when he took senior status. Even as a senior judge, however, he carried an active calendar until May 2007.

The court celebrated Judge Turrentine’s 40 years on the federal bench in May of this year. His record is difficult to conceive: he has spent 15,255 hours on the federal court bench; has handled 5,053 criminal cases, including immigration cases; and was assigned 3,849 civil cases, terminating 3,665 of them. Could anyone have surpassed these statistics?

Judge Turrentine also tried cases in eight different districts—including American Samoa, Guam, Saipan, Houston, Tampa, Chattanooga, Manhattan, and Brooklyn—and sat on the Ninth Circuit Court of Appeals and the U.S. Military Justice Court of

Appeals. He is quite proud of four major cases he handled, in which his decision was reversed by the Ninth Circuit Court of Appeals but upheld by the U.S. Supreme Court: *United States v. Imperial Irrigation District*, 447 U.S. 352 (1980) (distribution of water in the Imperial Valley); *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975) (constitutionality of extended border search); *Catholic Action of Hawai'i/Peace Ed. Project v. Brown*, 454 U.S. 139 (1981) (interpretation of the Atomic Energy Act); and *United States v. Ruiz*, 536 U.S. 622 (2002) (admissibility of evidence).

Off the bench, Judge Turrentine has been a life-long avid hunter, fisherman, and world traveler. Throughout the years, he hunted for deer and elk in Utah and Wyoming; shot grouse in Montana and pheasant in South Dakota; and ducks, white wing doves, and quail in Mexico. He continued to enjoy salmon and halibut fishing in Alaska into his 90s. In addition to Europe, Asia, and Africa, his travels included two trips to Antarctica.

Judge Turrentine has a place in the hearts of his former law clerks and the many attorneys who have appeared before him over the years. His law clerks, who are scattered throughout the United States, have

honored him by setting up a fund in his name at the Gould School of Law at the University of Southern California. The first project was the funding and construction of the Hon. Howard B. Turrentine Video Center, located in the USC Law School library, which provides technology to assist law students in improving their courtroom skills. The fund also provides tuition support for students who hail from, or completed their undergraduate education in, San Diego.

Defense attorneys in San Diego held a roast in 2009, chronicling the many trials and stories that demonstrated Judge Turrentine's sense of humor and warmth, and reflecting the attorneys' respect for him garnered, not only as a judge but also as a wonderful human being.

This is but a very brief history of a man, a member of the greatest generation, needing to be told of a career unequaled and a life that was well lived. Judge Turrentine will be greatly missed. **TFL**

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