LOUIS H. POLLAK

JACK GREENBERG †

It is impossible to write about Louis Pollak without embarrassing him. His goodness is alloyed only with modesty and to praise the first offends the latter. But the demands of this scholarly journal may not be denied.

I can't recall exactly when I first met him, but I think it was in the early 1950's, as lawyers of the NAACP Legal Defense and Educational Fund were working on the School Segregation Cases. It could have been even earlier. Ever since, during his brief period in private practice, another brief stint as a labor union lawyer, and a long career as distinguished law professor and dean of two great law schools, he has been an intimate collaborator in LDF's work.

As one might expect, Louis Pollak wrote briefs, made arguments, gave advice hundreds and hundreds of times on issues of the highest level of constitutional sophistication. Innumerable LDF briefs presented concepts that he formulated. For example, the suggestion in our amicus brief in the *DeFunis* case, that the Court avoid deciding the issue because it was moot, was written by him. He made some of the most persuasive arguments that have been heard in the Supreme Court, with learning and charm that could not be exceeded. He helped me—and others—prepare many an argument of our own and words mouthed by some of us sometimes really were his. When in 1976, the Court heard *United Jewish Organizations of Williamsburgh v. Carey,* we asked Louis Pollak to argue for LDF because the complexity and importance of the issues called for his masterful presentation. And, we could not have been unaware that his stature would lend significance to our cause.

We always asked Lou because he never said no. He always insisted on being involved in the details of a problem, no matter how humble or tedious they might be. In the early fifties I asked him to help with the brief on one of my Supreme Court cases involving a coerced confession, *Fikes v. Alabama* I think. He went over the manuscript with me line by line, word by word, many times until it was as nearly perfect as could be. And so it was with a variety of other cases. The most tedious, least glamorous, most modest task elicited his caring attention, as did the most elevated abstract philosophical notions. When in one case, a petition for

† Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.; A.B. 1945, LL.B. 1948, Columbia University.

writ of certiorari that he helped prepare was denied, he did not quit. Instead he mustered public support to secure clemency for the condemned defendant—successfully. He flew with me to Montgomery for the trial in *Abernathy v. Alabama,* one of the Freedom Ride cases, put up with the grimy Jim Crow treatment civil rights lawyers endured, and suffered the unpleasantness of Birmingham, Alabama during the great demonstrations led by Martin Luther King. He gave legal advice, but also met with friends made, I think, in his law teaching career, in an effort to help secure a settlement. Later he argued *Abernathy* in the Supreme Court and worked on the Supreme Court aspects of the Birmingham demonstrations.

At the Legal Defense Fund he served as Vice President of the Board of Directors and on the Executive Committee for many years before going on the bench. There was no Board member more faithful in attendance, more willing to assume the petty, necessary duties of making an organization work: drafting resolutions, raising funds, attending and addressing meetings, serving on committees and subcommittees, regularly commuting from New Haven or Philadelphia. He rarely missed a meeting and went for long stretches, sometimes years, not remembering to secure reimbursement of his expenses. By the time he remembered he managed to short change himself considerably.

Usually when a lawyer ascends to the bench he is enhanced in his occupation, function, and image. In Louis Pollak's case it is the other way around. The bench is ennobled by his presence. It will be a far better place. Justice will be served more effectively and all of us will be more comfortable spiritually because he will be inspiring the administration of the law and justice.