

Tributes

For Eugene Rostow

Philip Chase Bobbitt[†]

The two-handed saw is a forester's instrument that two men use, one at each end, sawing in reciprocating rhythm. The blade of the best two-handed saws balances a sharpened stiffness with a shimmering flexion; its use requires individual strength and skill at cooperation. Because Gene Rostow too combined these opposing qualities—indeed had them in abundance—it is especially noteworthy that one day, using such a saw as a young man in New England, he severely injured his back, keeping him out of active service in World War II and causing recurrent difficulties throughout his gallant life.

Was he unyielding for just a moment when giving in would have spared him? Did the other man pull too hard, throwing Gene off balance despite his strength, or push to an extreme that was unnatural for Gene?

You see, it takes a certain unyieldingness to insist that Japanese Americans not be interned after the devastating military and psychological blow at Pearl Harbor.¹ Only someone with a strong frame could possibly resist the near-universal pull of public and governmental opinion. There was a certain fierce dignity in Gene's contempt for racism, not unlike that of the colleagues he recruited to Yale—Charles L. Black, Jr., of course,² but also Grant Gilmore, Boris Bittker, Myres McDougal, and the young Guido Calabresi—who made the Yale Law School a strong redoubt for civil rights.

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1. See Eugene V. Rostow, *The Japanese American Cases—A Disaster*, 54 YALE L.J. 489 (1945).

2. See Charles L. Black, Jr., *The Lawfulness of the Segregation Decisions*, 69 YALE L.J. 421 (1960).

Gene was seldom thrown off balance, however. He was not rigid, nor easily discomfited. There was a time, in the first Reagan term, when others in the Administration found Gene's views as Director of the Arms Control and Disarmament Agency a little too reasonable and his pursuit of an arms accord insufficiently ideological. He left office with a memorably debonair and inspiring speech to his colleagues.³

For extremes were uncongenial to Gene. Rational discussion, not superstition, was his preferred discourse. Though it is not widely known, it is hardly surprising that it was his suggestion that led to the Warren Commission, which ought to have allowed rational people long ago to discard the neurotic and masochistic fantasies of conspiracy theorists.

Even Gene's unwavering support for Israel's security⁴ was fashioned from the ancient grain of long-leafed law, a strong-timbered structure that, like the canopy of peace it supports, requires cooperation and consensus. Gene drew his arguments for Israel's position from the United Nations Charter and from customary international law.

But law also requires the reciprocal of consensus-seeking, which is dauntless courage. Who but Gene would have joined the Johnson State Department at the moment when so many right-thinking people at Ivy League universities—people whose esteem Gene coveted—mocked the idea that there was a moral compulsion to live up to America's treaty commitments and showered contempt on those leaders who tried to keep communists from overrunning Southeast Asia?

Gene was daring; perhaps he was the one who tried to saw too quickly through a harder wood than he knew. He was delightful in his pride, for he had that rare tensile strength that is the alloy of stubborn commitment to principle and tactical suppleness—a man as much sword as saw. We students at the Yale Law School were the beneficiaries of his ambition and the indomitable spirit he brought to the task of broadening and integrating the study of law with the humanities and correlative social sciences.

My senior year at the Law School, I spent six weeks in the Yale infirmary. Guido Calabresi brought me P.G. Wodehouse. Charles Black taught all my classes at the College, which saved my job. And Gene came by every week, wearing a tweed hat with a rakish feather, and a broad and reassuring smile. Like his brother Walt, he combined compassion and courage to an endearing degree. When I got down to 115 pounds, he conceded that I looked terrible; when I went for a shaky walk, he put his arm under my shoulder and braced me.

3. See Leslie H. Gelb, *Rostow, Not Exactly on the Inside Track, Gets Derailed*, N.Y. TIMES, Jan. 16, 1983, § 4, at 3.

4. See, e.g., Eugene V. Rostow, *Further Comment on United Nations Choices in the Middle East*, in *THE MIDDLE EAST: CRITICAL CHOICES FOR THE UNITED STATES* 177 (Eugene V. Rostow ed., 1976).

Immigrant strength, Yankee clear-headedness, Judaic principle, public school ambition—all these combined in Eugene Rostow. He was the right man for a two-handed saw, even if its use brings lifelong struggle, which must be endured, and overcome, and finally transcended.

Not long after Gene's death, Walt Rostow also died. Gene was the eldest of three brothers. Perhaps that's why he was always taking care of others and leading the way. In one of the last conversations I had with Walt, right after Gene had died, Walt talked about how generous his older brother was in always including him and taking him along. In some sense, Gene has taken him along now—taking care of him even in death.

May God give them rest and reunion.
