

Ralph S. Brown

Boris I. Bittker[†]

At the end of Ralph's suggested list of speakers for this memorial, he said, "Admonish them to be brief." That caveat, of course, mirrored Ralph's abiding modesty. It surely also reflected a weariness induced by his faithful attendance at half a century of meetings that, however worthy and even essential they may have been, were needlessly protracted. And Ralph's courtesy led him to refer to us, the speakers, as "them," using a collective pronoun rather than specifying those in particular need of his advice. We are thus enabled to proceed in the spirit that animated a British cabinet on addressing Queen Victoria, when they amended their introductory disclaimer—"conscious as we are of our failings"—to "conscious as we are of each other's failings."

Other speakers at this memorial will talk about Ralph's professional career as a teacher and scholar, his role in administrating the Yale Law School, and his participation in the work of the American Association of University Professors. My subject is Ralph's contributions to a broad spectrum of public affairs and civic organizations and his ever-present love of nature and the world around us.

Let me begin by noting that law was actually a second-best choice for Ralph. He had come to Yale College—a poor country boy, by his own description—in 1931, and he wanted, on graduating in 1935 from Yale College, to pursue the career of a historian. But he was unable to get a fellowship in those difficult times and he therefore took a job as an editor of the Horace Walpole Correspondence in Sterling Memorial Library, hoping to save enough from his modest salary to enter graduate school and then move into his chosen occupation. This was in the mid-1930s, however, and his Yale College friends who had entered the Yale Law School were fired with excitement in the school's classrooms and corridors over the great forensic battles between President Roosevelt and the Supreme Court over the constitutionality of the New Deal legislation. Their enthusiasm was contagious, and Ralph shifted his sights from history to law. The Law School was more generous with financial aid; but even so, he had to work

[†] Sterling Professor of Law Emeritus, Yale Law School.

part-time in the Library's Walpole Project to make both ends meet. He earned his LL.B. in 1939 and worked briefly with a Wall Street law firm and then with the wartime Office of Price Administration in Washington. His next port of call was the Navy, where he served for four years, much of the time in hazardous Pacific waters. Ralph then joined the Yale Law School faculty. Yale was his professional base for the rest of his life.

As I look around this splendid space, which is suitable in so many ways for this gathering, I see witnesses to many, perhaps even most, of Ralph's panoramic range of enthusiasms and endeavors. There are, of course, representatives from the Yale Law School and from the Yale University Press; that goes without saying. Others are from Guilford, whose town and neighborhoods reflect Ralph's manifold civic responsibilities as a member of the Guilford Board of Selectmen, the Board of Zoning and Planning, and the town's Charter Revision Commission. We also include hikers from the Keyart Klamberers, with whom Ralph in his later years devoted his Wednesdays to exploring the woodland trails of Connecticut. But who other than Ralph would have persuaded what he fondly called the "Old Men's Club" to add a hike on the streets of lower Manhattan to its customary itinerary of hiking up hill and down dale in rural Connecticut?

There are also a few survivors here from Ralph's service as Executive Director of the Walter E. Meyer Research Institute of Law, which years ago sponsored scores, perhaps as many as a hundred, studies of the links between law and actual life. In supervising the Institute's grants, Ralph was characteristically encouraging to younger scholars, one of whom—now a senior citizen in the world of legal scholarship—called me a few days ago to urge me to mention this evidence of Ralph's foresight.

Ralph also served on the Board of the Guilford Savings Bank. I don't know if any in today's audience are depositors in that organization, but if not, Ralph would surely have entreated you to be more thrifty.

Some of us are also veterans, with Ralph, of the American Civil Liberties Union, but none of us could match him in dedication and wise counsel at its state and especially at its national level. Moreover, I suspect that very few of us would have participated so willingly, even avidly, in so much laudable but relentless high-mindedness. I also spot a few here who labored with Ralph on the Yale Committee on Investor Responsibility, a group that reaped some praise for its efforts, along with a sprinkling of skepticism and even hostility.

Still another of Ralph's enthusiasms, as a few here can testify, was Barn House, a kind of adult summer camp on Martha's Vineyard, whose tradition encompassed wide-ranging conversation in spartan living accommodations. When I first visited Barn House, I was taken aside by one of the elder stateswomen of the association, who explained that by invincible tradition everyone, members and guests alike, participates in

cooperative chores after each meal. I was advised by her to pick a conspicuous task if I wanted to gain the group's approbation. I therefore took to sweeping the main living area where others were reading their newspapers or talking with friends, hoping by interrupting their peace to ensure that my thoroughness would be noticed. By contrast, I need hardly say, Ralph invariably sought out the most arduous chores, which he did uncomplainingly, usually out of sight and hence without the gold stars that he richly merited.

Ralph was also a member of the Society of Law Teachers, a group that stirred up the legal academy by pushing beyond where members of Ralph's generation were normally prepared to go in promoting social and economic equality. This did not deter Ralph, however much it may have inhibited others, from joining what, at least at the outset, seemed like a band of dangerous young Turks.

Ralph was also an avid concertgoer, and he served on the Board of the Chestnut Hill Concerts. I should add that Ralph and I both count a professional musician among our children. Only mine, however, found it necessary to bestow on me a book entitled *How To Bluff at Music*.

Ralph also served twice as Librarian of the Yale Law School Library. He was especially well-suited to this responsibility because of his love of books and his broad literary taste, but it was also characteristic of him to accept this post when the need presented itself, indeed twice, even though it had been no part of his intended professional career. And, of course, Ralph was a major figure for decades in the American Association of University Professors, of which you will hear more in a moment.

For most, perhaps even all of us, passive membership in such an array of organizations would be an achievement of which one could be proud. But for Ralph, the normal link with a cause to which he was devoted was not the writing of a check or attendance at an annual meeting, but the dedication of hours, sometimes weeks and months, of time, imagination, attention, debate, committee work, and actual administration. When differences arose—they were common and often exacerbated in some of the organizations close to his heart—he pressed his views with vigor, wit, and civility. He eschewed *ad hominem* attacks, except for someone who had earned an overtly hostile response with a show of hypocrisy; and even when provoked, Ralph's distaste was more often expressed privately than in public.

Along with his professional, civic, and communal activities, Ralph found time to indulge his passion for the world of nature. He was an avid sailor, and he hiked regularly. He lured me into two glorious white water trips—one on the Colorado River, the other on the rightly famed Middle Fork of the Salmon. Each trip whetted our appetite for the next level of tumultuous excitement, but, thanks to a dose of lawyerly prudence, we

rested on our laurels after the second. In later years, as many of you know, Ralph pursued the more gentle pastime of walks and day trips in the English countryside.

The most memorable joint venture in the world of nature that Ralph and I embarked on together took place in winter, fifteen or twenty years ago, when Ralph called to tell me excitedly that his daughter Lauren had just noticed that parts of Long Island Sound seemed fit for ice skating, a passion that Ralph and I shared. The possibility of skating on the Sound required a combination of a sudden and severe drop in temperature, several days without wind, and an absence of snow, a concatenation of conditions that we had not experienced in fifty years of ice skating in these parts. We rushed to meet at Short Beach, where the conditions were just as Lauren had reported, and we were soon far out on the Sound, looking back at the cottages along the shore as though they were dollhouses in a panoramic postal card. We finally forced ourselves to turn back, and then we discovered something that Ralph, as a former naval person, should have remembered—that time and tide stop for no man. The enormous ice floe on which we had been skating so merrily had drifted appreciably to the south, separating us from the sandy shore by a daunting expanse of icy water. But Ralph, with his characteristic quick assessment of circumstances and skill in finding solutions, made for a pier that jutted far enough into the Sound so that there was still some ice around its foundations. Ralph managed to leap from the ice to a stanchion and pulled himself onto the pier; but I was less adept and jumped, hip deep, into the water. Ralph managed to extricate me.

The exhilaration of this episode from start to finish was not to be readily forgotten. Even now, I can see Ralph as though etched on three gleaming chunks of Steuben glass, skating with grace and verve on the Sound, getting back to terra firma, and then returning to Old Quarry and to his beloved Betty, whose work in architectural history gave him so much pride and whose discerning guide book to New Haven is an unobtrusive but significant contribution to the harmony of town and gown. I also see Ralph thinking, back at home, about the daughters of whom he used to talk so lovingly: Lauren, with her devotion to environmental causes; Valerie, a member of that impressive first class of young women to bring Yale College into a modern era; and Lila, who arranged the musical part of this program.